



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

City of Homer Agenda

**City Council Regular Meeting
Monday, September 13, 2021 at 6:00 PM
City Hall Cowles Council Chambers**

Webinar ID: 205 093 973 Passcode: 610853

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

CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

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

- a. Homer City Council Unapproved Special Meeting Minutes for August 2, 2021, August 23, 2021 and August 30, 2021 and Regular Meeting Minutes for August 23, 2021. City Clerk. Recommend adoption.
- b. Memorandum 21-151 from Mayor re: Student Representative Appointments to the Library Advisory Board; Parks, Art Recreation & Culture Advisory Commission and the Port & Harbor Advisory Commission. Recommend approval.
- c. Ordinance 21-52, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating \$147,900 from the Port and Harbor Reserves for the Purpose of Float Repair. City Manager/Port Director. Introduction September 13, 2021 Public Hearing and Second Reading September 27, 2021

Memorandum 21-154 from Port Director as backup.
- d. Ordinance 21-53, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 10.04, General Port and Harbor Provisions to Add Section 10.04.105, Use of Port and Harbor Dumpsters, Amending Homer City Code 1.16.040, Fine Schedule,

and Funding Relevant Signage. Aderhold. Introduction September 13, 2021 Public Hearing and Second Reading September 27, 2021.

Memorandum 21-155 from City Manager as backup.

- [e.](#) Ordinance 21-54, An Ordinance of the City Council of Homer, Alaska, Amending the 2022 Budget by Appropriating Funds in the Amount of \$60,000 from the General Fund Fund Balance for the Purpose of Supporting COVID-19 Mitigation and Response. City Manager. Introduction September 13, 2021 Public Hearing and Second Reading September 27, 2021

Memorandum 21-156 from City Manager as backup

- [f.](#) Ordinance 21-55, An Ordinance of the City Council of Homer, Alaska Amending Accepting American Rescue Plan Act (ARPA) Funds to the General Fund as Revenue Replacement. City Manager/Finance Director. Introduction September 13, 2021 Public Hearing and Second Reading September 27, 2021

Memorandum 21-157 from Finance Director as backup

- [g.](#) Ordinance 21-56, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a New Legislative Grant for the Approved Re-Appropriation of Remaining Funds from Previous Grant #15-DC-061 in the Amount of \$35,234.19 for the Purpose of Harbor Fire Cart Replacement and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction September 13, 2021 Public Hearing and Second Reading September 27, 2021

- [h.](#) Ordinance 21-57, An Ordinance of the City Council of Homer, Alaska, Authorizing the Conveyance of 601 Square Feet of City Property, Kenai Peninsula Borough Parcel ID# 17302201, for an Easement to the Alaska Department of Transportation and Public Facility AKDOT/PF to Support Sterling Highway Improvements and Accepting \$1,000 as Just Compensation for Acquisition of the Easement. City Manager/Public Works Director. Introduction September 13, 2021 Public Hearing and Second Reading September 27, 2021

Memorandum 21-158 from Public Works Director as backup

- [i.](#) Resolution 21-058, A Resolution of the City council of Homer, Alaska, Amending the City fee Schedule under Camping, City Clerk's, Homer Police Department, Planning and Zoning and Public Works Fees. City Clerk. Recommend approval.

Memorandum 21- 160 from Deputy City Clerk II as backup.

- [j.](#) Resolution 21-060, A Resolution of the City Council of Homer, Alaska, Awarding Pier One Theatre a 5 year Lease with No Options for Renewal, a Portion of Tract 1-A, Fishing Hole Sub. No. 2, with an Annual Base rent of \$1.00 and Authorizing the City

Manager to Move Forward with Lease Negotiations and Execute the Appropriate Documents. City Manager. Recommend approval.

Memorandum 21-162 from Port Director as backup

- [k.](#) Resolution 21-061, A Resolution of City Council of Homer, Alaska Approving Amendment One to the Employment Agreement between Robert J Dumouchel II and the City of Homer and Authorizing the Mayor and Personnel Director to Execute the Appropriate Documents. Mayor/City Council. Recommend approval.

VISITORS

- a. COVID-19 Agency Update (10 Minutes)
- [b.](#) Kenai Peninsula Economic Development District (KPEDD) Update - Tim Dillon, Executive Director

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

- a. Committee of the Whole Report
- b. Mayor's Report
- c. Borough Report
- d. Library Advisory Board
- e. Planning Commission

Homer Planning Commission Report for September 1, 2021

- [i.](#) Commission Report for Regular Meeting of September 1, 2021

- f. Port and Harbor Advisory Commission

- [i.](#) Commission Report for Regular Meeting of August 25, 2021

PUBLIC HEARING(S)

- [a.](#) Ordinance 21-50, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 2.58 Boards and Commissions Regarding Teleconferencing, Attendance, Vacancies, Recording Clerk, Staff Reports and Recommendations, and Rules of Order. City Clerk. Introduction August 23, 2021 Public Hearing and Second Reading September 13, 2021

Memorandum 21-145 from City Clerk as backup

Ordinance 21-50(S), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 2.58 Boards and Commissions Regarding Teleconferencing, Attendance, Vacancies, Recording Clerk, Staff Reports and Recommendations, and

Rules of Order **and 2.72.040 Planning Commission Terms of Commission Members.**
City Clerk.

Memorandum 21-163 from Deputy City Clerk as backup.

- [b.](#) Ordinance 21-51, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapters 6.16 Fee for Police Protection Services, 8.08 Itinerant Merchant, 8.11 Mobile Food Vendors, 11.20 Streets, Sidewalks, Driveway Construction, 13.12 Earthwork, 18.28 Tidelands, 19.08 Campgrounds, and 19.12 Excavation of Homer Spit Beach to Remove Fees and Replace with Reference to the City of Homer Fee Schedule, and Strike Outdated Language. City Clerk. Introduction August 23, 2021 Public Hearing and Second Reading September 13, 2021

Memorandum 21-146 from City Clerk as backup

ORDINANCE(S)

- [a.](#) Ordinance 21-58, An Ordinance of the City Council of Homer, Alaska, Amending the FY2022 Capital budget by Appropriating \$75,000 from the HERC CARMA Fund for Professional Services for a Public Process and Feasibility Study of a New Multi-Use Center. City Manager. Introduction September 13, 2021 Public Hearing and Second Reading September 27, 2021

Memorandum 21-159 from City Manager as backup

CITY MANAGER'S REPORT

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

PENDING BUSINESS

NEW BUSINESS

- [a.](#) Memorandum 21-152 from Councilmember Aderhold re: Letter to the Community regarding COVID 19 Mitigation Measures
- [b.](#) Memorandum 21-153 from City Clerk re: Motions Filed by Appellant Frank Griswold related to othe Appeal of CUP20-15 and Zoning Permit 1020-782

RESOLUTIONS

- [a.](#) Resolution 21-59, A Resolution of the Homer City Council Adopting the 2022-2027 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2023. Mayor/City Council.

Memorandum 21-161 from Special Projects and Communications Coordinator as backup

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, September 27, 2021 at 6:00 p.m. A Worksession is scheduled at 4:00 p.m. and Committee of the Whole at 5:00 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar.

Session 21-18 a Special Meeting of the Homer City Council sitting as Board of Adjustment was called to order on August 2, 2021 by Mayor Ken Castner at 4:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBER ADERHOLD, HANSEN-CAVASOS, LORD, SMITH, VENUTI¹

STAFF: CITY CLERK JACOBSEN
ATTORNEY BRANDT-ERICHSEN
CITY PLANNER ABBOUD

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

LORD/ADERHOLD MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

- a. Appeal to the Board of Adjustment Re: Appeal of the Planning Commission Decision on appeal of Zoning Permit 1020-782 issued for the property located at 541 Bonanza Avenue, Homer, Alaska.

Mayor Castner identified the matter before the Board of Adjustment (BOA), an appeal to the Board of Adjustment of the Planning Commission Decision on Appeal of Zoning Permit 1020-782 issued for the property located at 541 Bonanza Avenue, Homer, Alaska. He advised that opening briefs and reply briefs were filed by the Appellant Frank Griswold and by Jermain Dunnagan & Owens, LLC on behalf of the City. He provided an overview of the process for the hearing, and asked the Clerk to identify the parties and attendees present.

City Clerk Jacobsen announced in addition to Mayor Castner and the City Council sitting as BOA that Attorney Scott Brandt-Erickson, Attorney Max Holmquist, IT Manager Nick Poolos, and property owners Scott and Stacy Lowry were attending by Zoom, and Frank Griswold, City Planner Abboud, and two audience members were in attendance in person.

Mayor Castner opened the floor to address preliminary matters. The first matter is the motion submitted by the appellant that Board member Venuti be excused from the hearings and the appellant and appellee each have three minutes to comment on the matter.

¹ Board Member Venuti was excused and left meeting at 4:16

Frank Griswold commented he submitted the motion will all his concerns. He added that party isn't well defined but it seems a judge in a preceding below would be at least in the same category as a party to the case, and Homer City Code (HCC) provides that a party should not be involved in adjudicating the matter. He stressed that in the past Councils and Boards have abdicated their responsibility by asking the person if they feel they can make an impartial decision. A lot of people think they can lean against their prejudice but it's not humanly possible, and that's why we have the rules.

Attorney Holmquist commented that the City takes no position on the issue, however the BOA should follow procedures in HCC 1.18.048 to determine how to proceed.

LORD/ADERHOLD MOVED TO APPROVE THE APPELLANTS MOTION FOR THE EXCUSAL OF BOARD MEMBER CAROLINE VENUTI AND THAT SHE BE EXCUSED FROM THESE PROCEEDINGS.

Board Member Venuti commented that she has no agenda on this issue, and the appellant's accusation that she has a conflict of interest in this matter is a fabrication designed to cloud the issue at hand. She acknowledged her husband serves on the Planning Commission and she on Council. They both have their individual responsibilities and duties and in their mutual household they have a private office where they each participate in their meetings so all business is conducted privately. The appellant has no concrete information on how they function as a household. She doesn't agree the appellant has the right to eliminate her from participating in this matter.

There were comments from the Board acknowledging Board Member Venuti's comments, noting that she was excused from the last BOA hearing for similar reasons, and it would be appropriate to follow suit regarding this matter as well.

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

Motion carried.

Board Member Venuti left the meeting at 4:16 p.m.

Mayor Castner opened the floor for discloser of conflict of interest. No disclosures were made.

Mayor Castner opened the floor for disclosure of ex-parte communications. No disclosures were made.

Mayor Castner opened the floor to the matter of the motion to supplement the record by the appellant.

Mr. Griswold noted in the City Attorneys reply brief they objected to the supplement to his reply brief and they thought it was new evidence, but it was an attachment to his exhibit that was included in the record at page 126, so there should be no objection to it, and it's not part of the Clerk's recent supplement. He believes there's a key piece of evidence not in the record and that's a copy of a draft stipulation for procedures that was to be signed by him and City Planner Abboud, showing agreement to the stipulations which was assumed that he agreed to but he never signed. He thinks it may deserve exception to the new evidence rule in that it may be critical to contesting someone's testimony.

Attorney Holmquist noted the motion to strike the supplement to the record that was filed back in June that he assumes will be taken up shortly, but the City isn't going to take any position on the motion of July 27th.

LORD/ADERHOLD MOVED TO APPROVE THE APPELLANTS MOTION TO SUPPLEMENT THE RECORD.

There was brief comment in support of creating a full record.

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

Motion carried.

Mayor Castner asked if there are other matters.

Attorney Holmquist requested the matter of the City's motion to strike the supplement that was filed in June, and Mayor Castner opened the floor to the parties.

Attorney Holmquist explained this motion was filed in response to the City Clerk's notice that the record had been supplemented at Mr. Griswold's request, pages 1 through 20. The City is asking those be stricken because provisions for zoning appeals do not allow for additional evidence to be considered in a BOA appeal unless meets specific exception. These materials were not part of the record that was considered by the Planning Commission and the City argues it would be inappropriate to include them. He cited HCC 21.93.510(a) which prohibits the BOA from considering new evidence.

Mr. Griswold questioned what's being addressed. There was brief discussion clarifying this is related to the supplement noticed by the City Clerk on July 20th paginated as Supplement Page#1 through 20. There's a series of emails and a partial copy of minutes.

Boardmember Smith noted what's in this supplemental isn't any revelatory type of information and asked if Mr. Griswold could clarify why he thinks it's necessary.

Mayor Castner noted its Attorney Holmquist's motion and gave him further opportunity to speak.

Attorney Holmquist reiterated HCC is specific about when new evidence can be considered, and that in general it can't as this is a closed record appeal under HCC. It's the City's position that the BOA should follow the code and not supplement the record with materials that weren't before the Planning Commission, because it's the Commission's decision that's being decided on in this appeal. He doesn't believe the emails they're seeing between the City Clerk and Mr. Griswold were never presented to or considered by the Commission.

Councilmember Lord asked for input from the Boards counsel.

Attorney Brandt-Erichsen referenced HCC 21.93.510 is narrow in that it allows new evidence only if it's necessary for determining standing or the initial disqualification of a member of the BOA. He hasn't heard this new evidence is provided for one of those purposes and there hasn't been suggestion that this information had been provided to the Planning Commission for consideration.

Boardmember Lord shared her understanding this information isn't provided for the purpose of determining standing or disqualification of a boardmember, nor was it provided to the Commission to consider.

LORD/ADERHOLD MOVED TO STRIKE THE SUPPLEMENT TO THE RECORD.

Boardmember Smith shared he feels conflicted as some of the emails refer to process is probably relevant and some of the material is already public record.

Boardmember Aderhold expressed support to striking because it's not for the two reasons allowable for new evidence. Some of this is already in the record, so striking these page doesn't affect those. If we're supposed to considering the information the Planning Commission used to make their decision, than that's what we need to stick to.

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

Motion carried.

Mr. Griswold requested to discuss duration of presentation before moving on to oral arguments.

There was brief discussion about the order of process and then Mayor Castner opened the floor to Mr. Griswold who requested 45 minutes to present oral argument. Attorney Holmquist had no objection to allowing 45 minutes.

ADERHOLD/LORD MOVED TO ALLOW 45 MINUTES FOR ORAL ARGUMENTS FOR EACH SIDE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Castner asked if there were any other questions concerning standing or jurisdictional matters.

Mr. Griswold expressed concern regarding the standing of City Planner Abboud to be a party to this appeal such that he has the City Attorney to represent the Commission when in fact he should be representing the BOA. It prejudices him because the Commission relied heavily on his advice because they had no attorney to provide advice.

Mayor Castner commented briefly regarding the attorneys roles, then reviewed the process for oral arguments and opened the floor to Mr. Griswold.

Mr. Griswold noted the city's archaic briefing process and explained he'll use this opportunity to respond to the City's reply brief. He explained he's relying on the arguments in his own briefs regarding Planning Technician Brown's lack of authority to grant zoning permit 1020-782, the violation of HCC 21.70.010 (b), the bias of Chair Smith, and the improper notice to property owners.

Mr. Griswold argued points 1 through 6 of the City's reply brief citing Homer City Code related to definitions of an accessory building and accessory use, nuisance standards, and the role of the City's Attorney. He referenced the record regarding the Planning Commission action related to CUP 20-14 related to water and sewer connections following subdivision of the property, and to support his argument that a converted connex is not incidental the mobile home or an accessory structure to the mobile home. He referenced the record regarding Commissioner Barnwell's perceived partiality as expressed in the March 15, 2021 meeting minutes. He referenced memos from City Clerk Jacobsen to justify his arguments related to establishing a hearing process and that witnesses should have been compelled to be questioned by him.

Mayor Castner confirmed Mr. Griswold has 19 minutes remaining for rebuttal and opened the floor to Attorney Holmquist.

Attorney Holmquist noted there's been a significant amount of written briefing in the appeal relative to the complexity of the appeal and the City will primarily rely on its written briefing and take the opportunity to highlight some of the issues for the BOA consideration.

He cited HCC and referenced the record to support the City's argument that Homer City Planning's granting of permit 1020-782 was appropriate in all respects, that the central business district allows the construction of an accessory dwelling unit with an existing family dwelling, that there are no limitations who can live in an accessory dwelling, the authorization of Planning Technician Brown to issue the permit, to remedy the circumstance of building prior to receiving a zoning permit, establish the unit doesn't meet the criteria of a nuisance, the validity of the driveway permits, and the appropriateness of public notice provided. He noted that the Commission made factual findings based on evidence in the record and that Mr. Griswold's appeal is factually and legally meritless. Attorney Holmquist also addressed the City's efforts to reasonably resolve due process issues by proposing a set of hearing procedures, which was ultimately left to the Commission to establish hearing procedures, the situation of witness's unwillingness to be questioned, and briefing limitations in appeals to the Planning Commission.

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

Mr. Griswold responded that Attorney Holmquist is very clever at reframing things in a light that suits him and rebutted the points addressed in Attorney Holmquist's oral argument.

Mayor Castner opened the floor to questions from the Board members. No questions were raised and Mayor Castner began to pose three questions to Attorney Holmquist when Mr. Griswold objected. His basis was that typically an adjudicatory body asks questions during oral arguments, he thinks this is improper and an unfair advantage is being given to Attorney Holmquist. Mayor Castner asked Attorney Brandt-Erichsen for advice on this matter. Attorney Brandt-Erichsen responded it wasn't specified that questions could only be asked during oral arguments and suggested it is allowable for the Board to ask questions of both parties.

Mayor Castner asked Attorney Holmquist if the City is asserting that accessory means anything as long as it's smaller, if the appellant was given the opportunity for the best cross examination, and clarification regarding HCC 21.18.030 (j) and the City's position of whether two single family dwellings on a lot would require a CUP.

Attorney Holmquist cited HCC 21.18.030 (j) that requires a CUP for more than on principal permitted use on a lot. He clarified the position that an accessory dwelling unit would not be considered a principal single family home, and 21.18.020 (ii) would permit it outright and would require a zoning permit. Regarding size of an accessory dwelling unit he believes the language is subsequent or incidental to. It doesn't necessarily mean smaller, but in practice they typically are. Regarding the appellant's opportunity for cross examination, he

commented that Mr. Griswold was unable to secure voluntary witnesses and had the opportunity to cross examine City Planner Abboud and Planning Technician Brown. He recalled Mr. Griswold was allowed 10 minutes to cross examine and had additional time reserved from his oral argument and believes he had about 20 minutes for cross examination. He noted a footnote from the City's brief that the imposition of reasonable time limits doesn't violate an individual's due process. He addressed the cross examination process and noted Mr. Griswold began addressing issues that were not relevant to the case and bordered on badgering the witnesses.

Mr. Griswold requested to rebut. Mayor Castner provided for a three minute rebuttal.

Mr. Griswold rebutted the HCC doesn't mention the word smaller or subsequent regarding accessory dwelling units, but the City Planner used the words repeatedly during the hearing. He reviewed the procedures outlined for the Planning Commission hearing process and the time limits allotted to him. He commented regarding reference to irrelevance and witness badgering, and that he wasn't allowed to directly examine them in the first place. He argued it's highly prejudicial that all the city employees to circle their wagons and answer the City's leading questions but refuse to answer his. He reiterated that his due process rights were clearly violated.

COMMENTS OF THE AUDIENCE (3 minute time limit)

There were no audience comments.

LORD/ADERHOLD MOVED THAT THE BOARD OF ADJUSTMENT RECESS INTO EXECUTIVE SESSION FOR THE PURPOSE OF DELIBERATING THE PENDING APPEAL AND TO INVITE ATTORNEY SCOTT BRANDT-ERICHSEN WHO IS ADVISING THE BOARD ON PROCEDURAL MATTERS TO ATTEND THE EXECUTIVE SESSION.

There was no discussion.

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

Motion carried.

The BOA recessed into executive session.

Mayor Castner called the meeting back to order. Boardmember Lord reported the BOA met in executive session to deliberate this matter and provide input to the Board's Council. A written decision will be prepared and issued to the parties at a later date after deliberations are completed. Copies of the written decision of the Board will be mailed to the appellant and all of the parties who entered an appearance in the appeal pursuant to HCC 21.93.110(c). Once a

final decision has been entered by the board an appeal from that decision may be taken directly to the Superior Court by a party who actively and substantively participated in the proceedings before the board of adjustment or by the city manager or city planner or any government official agency or unit. That appeal must be filed within 30 days of the date of distribution of the final decision, HCC 2191.130(a) and (b).

Mayor Castner announced by BOA will reconvene at a time and date to be announced after they receive the written recommendations from their counsel.

ADJOURN

There being no further business to come before the BOA Mayor Castner adjourned the meeting at 7:46 p.m. Next Regular Meeting of the Homer City Council is Monday, August 9, 2021, at 6:00 p.m. Committee of the Whole at 5:00 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved: _____

Session 21-20 a Special Meeting of the Homer City Council was called to order on August 23, 2021 by Mayor Ken Castner at 3:30 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS ADERHOLD, DAVIS, HANSEN-CAVASOS, LORD, SMITH, VENUTI

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
PORT DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR KEISER
CITY ATTORNEY GATTI (arrived at 4:07 p.m.)

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

LORD/ADERHOLD MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA (3 minute time limit)

Larry Slone, city resident, highly recommended Francie Roberts, she's very knowledgeable, intelligent, and does her homework but is only willing to be here for a few months and not the long-term Council position. Unless Council feels the really need her based on her vast institutional knowledge, it might be a good idea to consider Jason Davis and give him the experience of serving and gain knowledge of process.

PENDING BUSINESS

- a. Memorandum 21-141 from City Clerk Re: Executive Session to Deliberate as Board of Adjustment the Appeal to the Board of Adjustment of the Planning Commission Decision on appeal of Zoning Permit 1020-782 issued for the property located at 541 Bonanza Avenue, Homer, Alaska. (*Reconvene no later than 3:55*)

Mayor Castner noted for the record Councilmember Venuti is excused from deliberating and she was moved into the Zoom waiting room.

LORD/ADERHOLD MOVED THAT THE CITY COUNCIL RECESS INTO EXECUTIVE SESSION AS BOARD OF ADJUSTMENT TO DELIBERATE THE APPEAL TO THE BOARD OF ADJUSTMENT OF THE PLANNING COMMISSION DECISION ON APPEAL OF ZONING PERMIT 1020-782 ISSUED FOR THE PROPERTY LOCATED AT 541 BONANZA AVENUE, HOMER, ALASKA.

It was confirmed that Attorney Brandt-Erichsen is not in attendance.

VOTE: YES: SMITH, ADERHOLD, LORD, HANSEN-CAVASOS.

Motion carried.

Council recessed into executive session at 3:43 p.m. and reconvened at 3:53 p.m.

Mayor Pro Tem Lord reported the Board of Adjustment supports the draft decision with to typographical corrections and will work with the Clerk to get it distributed.

Mayor Castner noted for the record that Councilmember Venuti returned to the meeting.

NEW BUSINESS

- a. City Council Applicants- Introduction/Presentation
(Applicants are invited to introduce themselves and make a brief presentation, and Councilmembers may ask one question to be answered by each applicant.)

- Francie Roberts
- Jason Davis

Councilmember Smith requested to be excused base on the fact that one of applicants is running on the ballot opposing him. With no objections voiced by Councilmembers, Mayor Castner excused Councilmember Smith from participating, and Councilmember Smith left the room.

Francie Roberts shared that she's been a city resident for about 40 years. She was a math teacher for 22 years at Homer High School, prior to that she worked almost 20 year for the National Weather Service, and homesteaded a sheep and cattle ranch on Ohlson Mountain. She served 3 terms on the City Council, was a member of the Transportation Advisory Committee, the Library Advisory Board, and many others. She's served on the State's Professional Teaching Practices Commission for a number of years, and is active with local groups like the Garden Club, Bridge Club, SPARC, and Kachemak Bay National Estuarine Reserve Committee. She applied because she feels she has a lot of knowledge about what's going on and understands the challenge of choosing an applicant so close to an election. She does not intend to serve past this appointment, but is here to help out if Council needs her.

In response to questions she commented she thinks the most important issue the Council will have before them this year is the Capital Improvement Plan list because it's an important thing to look at for long term planning. What she appreciates about Homer is its diversity and opportunity to explore who they are. What she finds frustrating, noting her time on Council, is trying to get people to come together and cooperate together. Sometimes we have a difficult time because of the very reason she likes Homer, they sort of go together in her mind. She

confirmed she's read tonight's packet and those for prior meetings as well, and is prepared to participate tonight if appointed.

Jason Davis shared that he's a small business owner and former member of the Homer Planning Commission. He moved to Homer with his family just over four years ago but he grew up on the Kenai Peninsula in Kasilof and Soldotna, where he graduated from high school. He managed to visit Homer almost every summer during the 30 years he served overseas with the US Diplomatic Service. Since coming back he often listens to Council meetings on KBB1 and feels work done on the Planning Commission often comes to Council. He's been considering running for Council for a while now, and believes his background is relevant to the job because when running a small embassy, there is a lot of opportunity to participate in meetings about budgets, long term planning, and other types of issues the City Council deals with. He feels like his work at the Meadery brings him into contact with many people from different walks of life. When he heard about the appointment, he felt it would be a good opportunity to see if serving would be a good fit before committing to a full three year term. Since this appointment is only six weeks, he explained he also filed to run for the one year term.

In response to questions he commented the most important issue the Council will have before them this year will likely have to do with our COVID mitigation strategies as it's such an overwhelming part of what we do. He understands other towns of Kachemak Bay the kids are masking based on actions by their Councils on requiring masks. At the elementary schools here kids aren't wearing masks because it's just a suggestion. What he appreciates about Homer is the beautiful mix between people of different political factions. Having lived in other places, it's unsatisfying to live in a place where everyone you meet is of the same political persuasion and where there's very little thinking about how other people in other places might see things. A frustration he has is that our town could be more pedestrian friendly. He commented about Talkeetna and other towns and their pedestrian amenities. He confirmed he's reviewed the meeting packet and is prepared to participate tonight if appointed

- b. Memorandum 21-142 from City Clerk Re: Selection/Appointment of Councilmember to Fill Vacancy

There was discussion confirming that four yes votes are required to make the appointments.

LORD/VENUTI MOVED TO APPOINT JASON DAVIS TO SERVE AS COUNCILMEMBER UNTIL A SUCCESSOR QUALIFIES AFTER THE OCTOBER 5TH REGULAR ELECTION.

There was no discussion.

VOTE: YES: ADERHOLD, HANSEN-CAVASOS, LORD, VENUTI

Motion carried.

Councilmember Smith returned to the table.

City Clerk Jacobsen administered the oath of office to Councilmember Davis.

- c. Memorandum 21-149 from Special Projects and Communications Coordinator Re: 2022-2027 CIP Recommendations and Establishing FY23 Legislative Priorities (*if time allows*)

Special Projects and Communications Coordinator Carroll reviewed Memo 21-149 and the draft Capital Improvement Plan process. There was brief discussion regarding removal of the Storm Water Master Plan project from the CIP and that is expected to be replaced by a revised project to be provided by Public Works Director Keiser. City Manager Dumouchel noted the Public Works Director will be available at the Committee of the Whole to answer questions.

COMMENTS OF THE AUDIENCE

ADJOURN

There being no further business to come before Council Mayor Castner adjourned the meeting at 4:50 p.m. The next Regular Meeting is Monday, September 13, 2021 at 6:00 p.m., Worksession 4:00 p.m. Committee of the Whole at 5:00 p.m. a Special meeting August 30, 2021 at 4:00 p.m. a Worksession September 9, 2021 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved: _____

Session 21-22 a Special Meeting of the Homer City Council was called to order on August 30, 2021 by Mayor Ken Castner at 4:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS ADERHOLD, DAVIS, HANSEN-CAVASOS, LORD, SMITH, VENUTI

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN

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

The agenda was approved by consensus of the Council.

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA (3 minute time limit)

PENDING BUSINESS

NEW BUSINESS

- a. Lobbyist Update with Christine Hess and Reggie Joule

Lobbyists Christine Hess and Reggie Joule reported today they visited the harbor and the ice house, the HERC building, and Kachemak Drive. It's helped them get a better understanding of the projects they're advocating for on behalf of the City. They noted the report provided in the packet that provides an overview of their advocacy for the City of Homer and noted one thing that was accomplished in the Capital is that the port expansion project has a lot more visibility and understanding from a broader base of representatives. They targeted high profile people as listed in their report. They leaned more on the senate than the house since the senate has more senior staff, and Homer's Senator is in good position as Senate Rules Chair.

In response to questions they shared thoughts regarding future funding for the port expansion and community center, noting funding for larger projects generally take longer and come in parts. When they spoke to Senators Murkowski and Sullivan, the Senators were aware of the port project and it was good to have discussion about where we are with it currently. As noted in their update they're cautiously hopeful for funding for the ACOE GIS Study. Most of their advocacy has been toward the port, but they did bring up the community building. They'll need to push harder for the community building in the coming year for the design funds, and the City will need to have a more complete idea of how they want that building to look and what it's going to do. If the trillion dollar package passes, that will be the window to address it. They expressed their appreciation to City Manager Dumouchel, Port Director Hawkins, and Special Projects and Communications Coordinator Carroll for all their assistance with requests this year and helping them with getting things turned in quickly.

They don't have anything to report regarding the Coast Guard presence in Homer. The Commandant had scheduled a trip to Homer, but that was postponed, so they'll keep pushing for that so the Coast Guard and the City can have that dialogue. They also addressed challenges in the current legislature and with decisions regarding the dividend.

- b. Memorandum 21-150 from City Clerk Re: Request for Executive Session Pursuant to AS 44.62.310 (A-C)(2) Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion (City Manager Dumouchel Annual Performance Evaluation)

LORD/ADERHOLD MOVED THAT THE CITY COUNCIL RECESS INTO EXECUTIVE SESSION PURSUANT TO AS 44.62.310 (A-C)(2) SUBJECTS THAT TEND TO PREJUDICE THE REPUTATION AND CHARACTER OF ANY PERSON, PROVIDED THE PERSON MAY REQUEST A PUBLIC DISCUSSION FOR CITY MANAGER DUMOUCHEL ANNUAL PERFORMANCE EVALUATION.

There was no discussion.

VOTE: YES; VENUTI, SMITH, ADERHOLD, LORD, DAVIS, HANSEN-CAVASOS

Motion carried.

Council recessed into executive session at 4:30 p.m. and reconvened the meeting at 5:32 p.m.

Mayor Pro Tem Lord reported Council met in executive session to conduct the City Manager's evaluation.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti was not in attendance.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel thanked Council for their discussion.

COMMENTS OF THE MAYOR

Mayor Castner commented he was impressed with the lobbyists report and thinks they've done a good job. He was concerned initially because he wasn't sure how getting grouped in with other clients would work for the City but they did a good job keeping us apprised of what was happening. He wished Councilmember Lord a happy birthday.

COMMENTS OF THE CITY COUNCIL

Councilmember Lord expressed her appreciation for being able to participate remotely, despite the technological challenges.

Councilmember Venuti also appreciates being able participate by Zoom and everyone there was masked. She said she's interested in having quarterly reports from the lobbyists at their meetings, and wished Councilmember Lord a happy birthday.

Councilmember Hansen-Cavasos had no comments.

Councilmember Smith had no comments.

Councilmember Aderhold noted it's interesting that half of Council has August birthdays. She wished Councilmember Lord a happy birthday.

Councilmember Davis wished Councilmember Lord a happy birthday.

ADJOURN

There being no further business to come before Council Mayor Castner adjourned the meeting at 5:41 p.m. Next Regular Meeting is Monday, September 13, 2021 at 6:00 p.m., Worksession 4:00 p.m. Committee of the Whole at 5:00 p.m. and a Worksession September 9, 2021 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved: _____

Session 21-21 a Regular Meeting of the Homer City Council was called to order on August 23, 2021 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS ADERHOLD, DAVIS, HANSEN-CAVASOS, LORD, SMITH, VENUTI

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
PORT DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR KEISER
CITY ATTORNEY GATTI

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

Mayor Castner noted the supplemental packet item

ANNOUNCEMENTS/REPORTS/PRESENTATIONS a written report from the Planning Commission.

LORD/ADERHOLD 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

Larry Slone, city resident, commented on his own behalf, not in his role as task force, member, regarding the Public Works Campus Task Force report, to inform the public of elements he's not sure people are clear about. He referenced regarding what the task force was not tasked with related to broad tsunami response, and determining likelihood of risk. He reviewed the criteria the task force used to review actual risk and shared his view of those criteria.

Chris Logan expressed her support of Resolution 21-057(S).

RECONSIDERATION

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

- a. Homer City Council Unapproved Regular Meeting Minutes of August 9, 2021. City Clerk. Recommend adoption.

- b. Memorandum 21-143 from Mayor Castner Re: Reappointment of Syverine Betz to the Planning Commission and Appointment of Christine Thorsrud to the ADA Compliance Committee. Recommend approval.
- c. Memorandum 21-144 from City Manager Re: Donation of Former Council Dais to the City of Seldovia. Recommend approval.
- d. Ordinance 21-50, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 2.58 Boards and Commissions Regarding Teleconferencing, Attendance, Vacancies, Recording Clerk, Staff Reports and Recommendations, and Rules of Order. City Clerk. Recommended dates Introduction August 23, 2021 Public Hearing and Second Reading September 13, 2021

Memorandum 21-145 from City Clerk as backup

- e. Ordinance 21-51, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapters 6.16 Fee for Police Protection Services, 8.08 Itinerant Merchant, 8.11 Mobile Food Vendors, 11.20 Streets, Sidewalks, Driveway Construction, 13.12 Earthwork, 18.28 Tidelands, 19.08 Campgrounds, and 19.12 Excavation of Homer Spit Beach to Remove Fees and Replace with Reference to the City of Homer Fee Schedule, and Strike Outdated Language. City Clerk. Recommended dates Introduction August 23, 2021 Public Hearing and Second Reading September 13, 2021

Memorandum 21-146 from City Clerk as backup

City Clerk Jacobsen read the consent agenda with its recommendations.

LORD/ADERHOLD MOVED TO ADOPT THE CONSENT AGENDA AS READ.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- a. COVID-19 Agency Update Derotha Ferraro, South Peninsula Hospital Director of Public Relations & Marketing and Lorne Carroll, State of Alaska Public Health Nurse III (10 minutes)

Lorne Carroll, State of Alaska Public Health Nurse III, reported on the recent full FDA approval of the COVID-19 Pfizer vaccine and reviewed current COVID risk status on the COVID-19 Statewide Dashboard. He addressed the statewide the alert level is that is high with greater than 100 cases per 100,000, and other COVID statistics to date. He also reported on the

Capstone Testing that happened last week where 959 people were tested and 97 resulted positive. A copy of his power point was provided for the record.

Derotha Ferraro, South Peninsula Hospital (SPH) Director of Public Relations & Marketing, reported SPH gave 45 vaccines over the weekend and at SPH 69% of patient care employees and 66% of all employees are fully vaccinated. She explained vaccines aren't required to receive care for patients at the organization and is not currently required for employees. It's being discussed based on President Biden's announcement that all nursing homes will be required to require all their workers to be vaccinated against COVID-19 as a condition of participating in Medicare/Medicade program. No guidelines have been develop regarding the requirement and SPH is still learning about the details. She reviewed case counts over the last 14 days and information available on the hospital website. A copy of her power point was provided for the record.

- b. Alaska Municipal League (AML) Conference of Young Alaskans Report - Owen Meyer, Project Technician (5 minutes)

Owen Meyer, Public Works Project Technician, reported on his participation at the Conference of Young Alaskans (COYA) in Fairbanks during the AML Summer Conference. COYA brings together Alaskan's between the ages of 16 and 25 to brainstorm how to improve local government and draft policies to brighten the quality of life for all Alaskans. At the conference they met in small groups, each group was given an issue pertinent to local government to consider, and then drafted a resolution to present to the Mayor. He selected the group that worked on infrastructure and public utilities. The event helped to build civic engagement with the younger generation, helped build cross generational professional connections, and brainstorming events, like COYA, helps break cycles of political discourse by bringing an influx of fresh ideas.

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

- a. Committee of the Whole Report

City Manager Dumouchel reported on the 3:30 p.m. Special Meeting where Council, as Board of Adjustment, review an appeal of Planning Commission decision on Zoning Permit 1020-782. They supported a draft decision that will be distributed by the City Clerk. They also conducted interviews with two applicants for the seat vacated by former Councilmember Evensen and appointed Jason Davis. He was sworn in and will serve until the election in October. The remainder of the time was spent discussing the 2022-2027 draft Capital Improvement Plan (CIP) and FY 23 Legislative Priorities.

Councilmember Lord reported on the Committee of the Whole where Council discussed Ordinance 21-50 regarding boards and commissions, Resolutions 21-057 and 057(S) regarding

the Bunnell Avenue/Charles Way Water and Sewer Special Assessment District, and continued discussion on the CIP and on the Storm Water Masterplan Project.

b. Mayor's Report

Mayor Castner reported the Alaska Conference of Mayors met and discussed where they stood on the permanent fund and its future. He thinks they've sided in the middle in that there needs to be some resolution to assurance of the permanent fund. Regarding the tsunami discussion, KBBI had planned to have a coffee table, but NOAA is in the midst of an internal review of the last event.

c. Borough Report

Kenai Peninsula Borough Assembly Member Lane Chesley reported the Assembly passed an ordinance accepting \$11,403,341 from the US Department of Treasury Coronavirus State and Local Fiscal Recovery Funds established by the American Rescue Plan Act of 2021. They are allocating \$2 million to revenue replacement to educational services, \$3.4 million in critical infrastructure projects, and \$6 million toward their solid waste leachate system rehabilitation project. Assembly Members Dunn and Bjorkman introduced a resolution encouraging all qualified residents to participate fully in the 2021 Kenai Peninsula Borough Elections, the full text is available on the Borough website.

d. Planning Commission

A written report was provided in the supplemental packet.

e. Economic Development Advisory Commission

Economic Development Advisory Commissioner Adele Person reported at their last meeting the Commission had a report from Peter Briggs of Corvus Design, the contractor for the Wayfinding and Streetscape Plan. The full report is in the EDC packet. It provides good information about what Wayfinding is and she encouraged listeners to look at it. Mr. Briggs presented some preliminary proposals and they discussed costs, durability, components that already exist in the community, lighting, and snow coverage. She noted there will be public comment opportunities at the upcoming meetings of the Port and Harbor Advisory Commission and Parks Art Recreation and Culture Advisory Commission, and at the Economic Development Advisory Commission worksession. She noted the public can also make comments through the City website. The Commission received an update from the Public Works Director on funding, Commissioner George Hall presented regarding seasonal housing and beginning conversation on ways we might solve that problem, and they made their recommendations regarding the CIP.

f. Parks Art Recreation and Culture Advisory Commission

Parks Art Recreation and Culture Advisory Commissioner Ingrid Harrald thanked Council for passing Ordinance 21-26(S) about wake zones, Resolution 21-053 and the beach policy, and for funding the part time recreation assistant in the budget. At their last meeting Deputy City Planner Engebretsen presented on the Wayfinding and Streetscape project and they had great discussion on it. They had a Community Recreation update with statistics and news that an internal Community Center/HERC working group has started. Regarding parks, camping has been variable this year with a lot of instate visitors, pay kiosks are in at Karen Hornaday and Mariner campgrounds, and the RV dumping stations and Fishing Hole, the Gary Thomas Memorial Bench is at WKFL Park and more benches going in at Bishop's Beach, End of the Road Park and the Fishing Hole, and the halfpipes are here and ready to be installed at the Skate Park. They had a presentation on the budget and are still hopeful on finding funding for restrooms and picnic tables. The Commission had a discussion about leashing pets on beaches and incentivizing positive behavior by having leashes available at the beaches. They're also working on revising their gift and donation policy, and there's an opening for a student representative on the Commission.

g. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported the Committee received some valuable training relative to taking ADA measurements on playground equipment and parks in general. Members and city staff are working on taking measurements at parks and trails around town.

h. Public Works Campus Task Force Final Report (10 minutes)

Deputy City Planner Julie Engebretsen and Task Force Member Charles Barnwell reported on the Task Force conclusions that there is risk to the Public Works campus under the worst case scenario in the event of an inundating tsunami, and that the campus is suffering from obsolescence due to growth and technological changes triggering the need for facilities planning and subsequent implementation. The Task Force recommends using a phased approach to address short term safety and long term space needs and that the Long Term Incremental Plan be adopted as best suited to address the final report findings and serve the needs of Homer.

PUBLIC HEARING(S)

- a. Ordinance 21-48, An Ordinance of the City Council of Homer, Alaska, Amending the FY22 Capital Budget by Appropriating Funds in the Amount of \$16,000 from the Port Reserves Fund for the Purpose of Installing Cost Saving Heating Upgrades for the Old Ferry Terminal and City Water Tank Storage Building Located at 4667 Homer Spit Road. City Manager/Port Director. Introduction August 9, 2021, Public Hearing and Second Reading August 23, 2021.

Memorandum 21-135 from Port Director as backup

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

LORD/ADERHOLD MOVED TO ADOPT ORDINANCE 21-48 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Ordinance 21-49, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget and Authorizing the Expenditure of an Additional \$139,502 for a Total Project Cost of \$392,695 from the Homer Accelerated Water and Sewer Program (HAWSP) to Complete the Alder Lane Water Improvement Project. City Manager/Public Works Director. Introduction August 9, 2021, Public Hearing and Second Reading August 23, 2021

Memorandum 21-147 from Public Works Director as backup
Memorandum 21-136 from Public Works Director as backup

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

LORD/ADERHOLD MOVED TO ADOPT ORDINANCE 21-49 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Upon request of the Council, Public Works Director Keiser commented regarding the recommendation to vote the ordinance down to allow time to do some value engineering and then rebidding it the fall.

There were comments in support of the Public Works Director's recommendation.

VOTE: NO: LORD, ADERHOLD, DAVIS, HANSEN-CAVASOS, SMITH, VENUTI

Motion failed.

Mayor Castner called for a 10 minute recess at 7:31 p.m. and reconvened the meeting at 7:39 p.m.

ORDINANCE(S)

CITY MANAGER'S REPORT

a. City Manager's Report

City Manager Dumouchel reported that a group of internal stakeholders from administration, finance, public works, and the harbor are meeting to review and update finance policies and procedures. He'll provide updates as the team progresses. He explained staff did a facility safety training for City Hall with Sergeant Perry from the Police Department and he plans to conduct it at the other city buildings. He added he has staff working to put together information to do a worksession on the HERC in September. Lastly he reported on tightened COVID mitigation measures within City facilities, that the risk assessment tool has been updated and is included in his report, and he met with SPH Leadership on how we can best collaborate on future operations outside of a declared emergency.

Councilmember Venuti suggested the meeting with the Lobbyists be held by Zoom due to the high case counts and them traveling from Juneau. She also suggested a letter to the school district in support of masking for students and staff.

Councilmember Lord shared her appreciation for the implementation of increased COVID mitigation for the City staff and facilities. She requested a copy of the City Attorney's memo regarding health powers. City Attorney Gatti commented briefly but deferred commenting until he could refresh his memory on the contents of the opinion provided last year. Council continued discussion related to masking, and challenges for businesses and school.

In response to a question about existing assessments City Manager Dumouchel said he hopes to have a report for Council by the last meeting in September.

PENDING BUSINESS

- a. Resolution 21-057, A Resolution of the City Council of Homer, Alaska Adopting the Recommendations of the Public Works Department Related to the Proposed Bunnell Avenue/Charles Way Special Assessment District. City Manager/Public Works Director.

Resolution 21-057(S), A Resolution of the City Council of Homer, Alaska Acknowledging the Sufficiency of the Bunnell Avenue/Charles Way Water and Sewer Improvement Special Assessment District and Approving the Improvement Plan, Estimated Cost of Improvement and Assessment Methodology. City Manager/Public Works Director

Memorandum 21-148 from Public Works Director as backup
Memorandum 21-140 from Public Works Director as backup

LORD/ADERHOLD MOVED TO ADOPT RESOLUTION 21-057 BY READING OF TITLE ONLY.

LORD/ADERHOLD MOVED TO SUBSTITUTE RESOLUTION 21-057(S) for 21-057.

There was no discussion on the motion to substitute.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Aderhold asked if property owners had been notified of the change in assessment methodology since some of the assessments have increased with the benefitted area methodology.

There was discussion that notice hasn't been mailed from the City to the property owners with the revised assessments. There isn't language in code that addresses notifying property owners or timelines to respond, but that it seems reasonable to do so. It was clarified that postponing to allow for notice wouldn't hold up build out as the district wouldn't be built out this year.

LORD/ADERHOLD MOVED TO POSTPONE TO THE SECOND MEETING IN OCTOBER.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

RESOLUTIONS

COMMENTS OF THE AUDIENCE

Larry Slone, city resident, commented in support of the letter asking the FAA and Department of Transportation to incorporate a noise impact study for negative of aircraft utilizing the airport and Beluga Lake. He hopes they continue to pursue it. He also suggested having a clock and timer for the public to see and a bigger screen behind the Council dais.

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti reiterated his comments from the last meeting regarding special assessments and that property benefitted, be it present or future benefit, is typically included in the assessment district.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen commented that September 5th is the deadline to register to vote for the October 5th election. Voter registration is available on the State of Alaska website, the City Clerk's Office, and the Library. Applications are also available for voters who would like to vote by mail. She also announce advisory body openings.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel had no comments.

COMMENTS OF THE MAYOR

Mayor Castner encouraged high school students to apply to serve on one of the Commissions. It looks good on a resume and college applications, and it's an opportunity to learn about the processes that are employed in running a government.

COMMENTS OF THE CITY COUNCIL

Councilmember Hansen-Cavasos had no comment.

Councilmember Venuti thanked Francie Roberts for offering to serve on the Council until the election, and welcomed Jason. She heard that an EMT from Homer was on their way to Haiti where help is desperately needed, it made her feel Homer proud. Classes are starting at the Kachemak Bay Campus and can be done in person, using Zoom, and through distance education. Classes started today and masks are required on campus. She took a drive down Lake Street it's going to look nice.

Councilmember Davis commented in appreciation of being appointed and he looks forward to serving for the next six weeks.

Councilmember Lord welcomed Jason, and agreed it was great to see Francie. She did a tremendous job serving on Council for a lot of years. School started last week and she wished the kids, teachers, staff, and homeschooler good luck this school year. In addition to school questions and masking concerns, she continues to receive concerned calls regarding traffic, speeding, and dangerous driving in neighborhoods and she continues to look toward administration to see what we can do in terms of traffic monitoring and getting a better handle on where problem spots are. She encouraged drivers to slow down in residential neighborhoods.

Councilmember Smith shared that it always amazes him that as small as Homer is there's a number of people who feel the need to be in a hurry to get almost next door. He welcomed Jason and thanked Francie for stepping forward. He acknowledged Peter Alfiche who's retiring from the City's Ice Plant, he's grateful for his service and of other's who are leaving the City. He

commented about the trooper who was shot earlier today and that the suspect is still at large and considered armed and dangerous.

Councilmember Aderhold said it's great to have six councilmembers again, she welcomed Councilmember Davis and thanked Francie for applying. She commented COVID and the delta variant has been hitting close to home. She recalled a memory from 25 years ago of a woman who was buried in an small avalanche and she was found in a seated position. If she'd done anything, like tried to swim, reached out or anything, she would have fallen out of the avalanche. It's a reminder we all have measures we can take for our own health and safety. She encouraged that at this point in time, with our hospital full and caregivers stretched to the max, that we take measures that work so get vaccinated, wear a mask, wash our hands, and social distance.

ADJOURNMENT

There being no further business to come before Council Mayor Castner adjourned the meeting at 8:37 p.m. The next Regular Meeting is Monday, September 13, 2021 at 6:00 p.m., Worksession 4:00 p.m. Committee of the Whole at 5:00 p.m. a Special meeting August 30, 2021 at 4:00 p.m. a Worksession September 9, 2021 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 21-151

TO: HOMER CITY COUNCIL

FROM: MAYOR CASTNER

DATE: SEPTEMBER 13, 2021

SUBJECT: STUDENT REPRESENTATIVE APPOINTMENTS TO THE LIBRARY
ADVISORY BOARD, PARKS, ART, RECREATION & CULTURE ADVISORY
COMMISSION AND THE PORT & HARBOR ADVISORY COMMISSION

Sidney Flora is appointed to the Parks Art Recreation & Culture Advisory Commission as Student Representative. The term expires with graduation from High School.

Bristol Johnson is appointed to the Library Advisory Board as Student Representative. The term expires May 2022.

Hannah Stonorov is appointed to the Port & Harbor Advisory Commission as Student Representative. The term expires with graduation from High School.

Recommendation

Confirm the appointment of Bristol Johnson to the Library Advisory Board, the appointment of Sidney Flora to the Parks Art Recreation & Culture Advisory Commission and the appointment of Hannah Stonorov to the Port & Harbor Advisory Commission as Student Representatives.

Published on *City of Homer Alaska Official Website* (<https://www.cityofhomer-ak.gov>)

[Home](#) > [Application for Appointment to an Advisory Body](#) > [Webform results](#) > Application for Appointment to an Advisory Body

Submission information

Form: [Application for Appointment to an Advisory Body](#) ^[1]

Submitted by Visitor (not verified)

Tue, 08/31/2021 - 7:05pm

209.193.46.128

Applicant Information

Full Name

Sidney Flora

Physical Address Where you Claim Residency

[REDACTED] Homer AK

Mailing Address

[REDACTED] Homer AK

Phone Number(s)

[REDACTED]

Email

[REDACTED]

Advisory Bodies

Parks, Art, Recreation & Culture Advisory Commission – Held on the third Thursday February through June and August through November at 5:30 p.m.

Residency

Are you a City Resident? No

How long have you been a resident of the South Peninsula Area? 16 years

Background Information

Have you ever served on a similar advisory body?

If so please list when, where, and how long: n/a

Other memberships

Please list any current memberships or organizations you belong to related to your

selection(s): n/a

Special Training & Education

Please list any special training, education, or background you may have which is related to your selection(s): n/a

Why are you interested in serving on the selected Advisory Body?

Please briefly state why you are interested in serving on the advisory body selected. This may include information on future goals or projects you wish to see accomplished or any additional information that may assist the Mayor in the decision making process. I am interested on serving on the parks, art, recreation, and culture advisory commission because it would be a great experience in being involved in the community. I love the outdoors and think Homer has many more opportunities to improve on its parks. I am also very interested in government and the ways it works, this would allow an insight on how it functions to improve the community.

Source URL: <https://www.cityofhomer-ak.gov/node/9051/submission/47760>

Links

[1] <https://www.cityofhomer-ak.gov/cityclerk/application-appointment-advisory-body>



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

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

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

Name: Bristol Johnson Date: 8/23/21

Physical Address: [Redacted] Homer, AK 99603

Mailing Address: [Redacted] Fritz Creek, AK 99603

Phone #: [Redacted] Cell #: _____ Work #: _____

Email Address: [Redacted]

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

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

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

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

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

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

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

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

OTHER - PLEASE INDICATE

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

I have been a resident of the city for 0 years. I have been a resident of the area for 16 years.

I am presently employed at Salmon Sisters

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

As a highschool student, I have always opted to challenge myself with the most advanced classes available, which I believe shows my commitment and work ethic. Also, as someone born and raised in Homer, I have indulged in the town's library as well as parks and cultural institutions my whole life. I understand their importance and believe my background will make me suited for the position.

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

NO, I have not.

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

For the library board, my interest in literature and it's accessibility makes me want to play a role in one of my town's most important institutions. I believe the access to resources available at the library can make such a powerful yet understated impact. As for parks and recreation the cultivation of local cultures is incredibly important to local youths and I would love to represent them.

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

I recently dropped off a volunteer application at the Homer Library and hope to become familiar with it's system and impact on the community.

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

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

Yes No What is your primary use? Commercial Recreational

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

While I have never lived in city limits, I feel as affected by the decisions of my local government as any city resident.
My first preference would be the library advisory board due to my plans to volunteer there in the near future.

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

Published on *City of Homer Alaska Official Website* (<https://www.cityofhomer-ak.gov>)

[Home](#) > [Application for Appointment to an Advisory Body](#) > [Webform results](#) > Application for Appointment to an Advisory Body

Submission information

Form: [Application for Appointment to an Advisory Body](#) ^[1]

Submitted by Visitor (not verified)

Sun, 08/22/2021 - 5:07pm

107.77.211.136

Applicant Information

Full Name

Hannah Elizabeth Stonorov

Physical Address Where you Claim Residency

[REDACTED] Homer AK 99603

Mailing Address

[REDACTED] Homer AK 99603

Phone Number(s)

[REDACTED]

Email

[REDACTED]

Advisory Bodies

- Library Advisory Board – Held on the first Tuesday of the following months: February, March, April, May, August, September, October, November, and December at 5:30 p.m.
- Other: Please indicate

Other - Please Describe

Student representative

Residency

Are you a City Resident? No

How long have you been a resident of the South Peninsula Area? 16 years

Background Information

Have you ever served on a similar advisory body?

If so please list when, where, and how long: No I have not.

Other memberships

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

Special Training & Education

Please list any special training, education, or background you may have which is related to your selection(s):

At the Homer High school I serve on the Student Council and am a part of the Honor Society, I am looking to become apart of a board outside of the school.

Why are you interested in serving on the selected Advisory Body?

Please briefly state why you are interested in serving on the advisory body selected. This may include information on future goals or projects you wish to see accomplished or any additional information that may assist the Mayor in the decision making process.

I am a Junior at Homer High school and am looking to become more involved in my local community. Becoming a student representative on the Library Advisory Board would give me this opportunity. As a student a goal of mine is to utilize the public library more, and help other students recognize the tools available at the library. I am also interested in completing my community service project before graduation. If given the opportunity to participate I would give input from a student perspective, and help inform the youth of Homer on the resources available at the Homer Library.

Source URL: <https://www.cityofhomer-ak.gov/node/9051/submission/47642>

Links

[1] <https://www.cityofhomer-ak.gov/cityclerk/application-appointment-advisory-body>

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

3 City Manager/
4 Port Director

5 **ORDINANCE 21-52**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE FY 2022 CAPITAL BUDGET BY APPROPRIATING
9 \$147,900 FROM THE PORT AND HARBOR RESERVES FOR THE
10 PURPOSE OF FLOAT REPAIR.

11
12 WHEREAS, The “K” thru “Q” floats located in the Homer Harbor, built in 1986, are now
13 currently 5 years past their engineered life expectancy; and

14
15 WHEREAS, While most of the length of the finger floats are still in usable shape, the
16 endcaps have racked and twisted over time to a point that they are no longer safe for use and
17 will need to be condemned if not repaired; and

18
19 WHEREAS, Condemning and removing the unsafe float portions would lead to a
20 revenue loss of \$64,000 per annum for each year beyond 2022; and

21
22 WHEREAS, The last float end caps lasted for 30+ years and generated revenue from
23 these areas will outweigh the cost of repair in approximately 2 and a half years, making repair
24 the economic decision; and

25
26 WHEREAS, The City reached out to Bellingham Marine, who was responsible for the
27 design and construction of the floats in 1986 and who still hold our original engineering plans;
28 and

29
30 WHEREAS, Bellingham Marine has detailed and extensive knowledge of how they are
31 engineered, how best to tie the repairs into the existing structure and they are uniquely
32 qualified to have the materials milled and treated to exact specifications; and

33
34 WHEREAS, The City has received a quote for the repair from Bellingham Marine in the
35 amount of \$123,250 for materials and construction of the floats, and \$176,500 for labor and
36 installation of the repairs; and

37
38 WHEREAS, The City chooses to accept the \$123,250 portion of the bid for the materials
39 and onsite technical representative support for the re-construction of floats with an added
40 20% contingency for a total cost of \$147,900, and to reject the bid portion for the installation
41 cost of \$176,500 and instead use Port Maintenance staff for in house installation; and
42

43 WHEREAS, The Port and Harbor Advisory Commission reviewed the proposed float
44 repair plan at their August 25, 2021 meeting and made a motion supporting the repair of floats
45 “K” thru “Q” and recommending that City Council approve the appropriation of funds from the
46 port reserves for the materials and construction of the replacement float portions through
47 Bellingham Marine.

48
49 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

50
51 Section 1: The FY 2022 Capital budget is hereby amended by appropriating funds in the
52 amount of \$147,900.00 from the Port & Harbor Reserve Fund for the purpose of float repair, as
53 follows:

54

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
55 600-0380	56 Float repair for end caps K thru Q	57 \$ 147,900

58 Section 2: This is a budget amendment ordinance, is not permanent in nature, and shall
59 not be codified.

60
61 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of September, 2021.

62
63 CITY OF HOMER

64
65 _____
66 KEN CASTNER, MAYOR

67 ATTEST:

68
69 _____
70 MELISSA JACOBSEN, MMC, CITY CLERK

71
72 YES:

73 NO:

74 ABSTAIN:

75 ABSENT:

76
77 First Reading:

78 Public Hearing:

79 Second Reading:

80 Effective Date:

81



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

Memorandum 21-154

TO: HOMER CITY COUNCIL

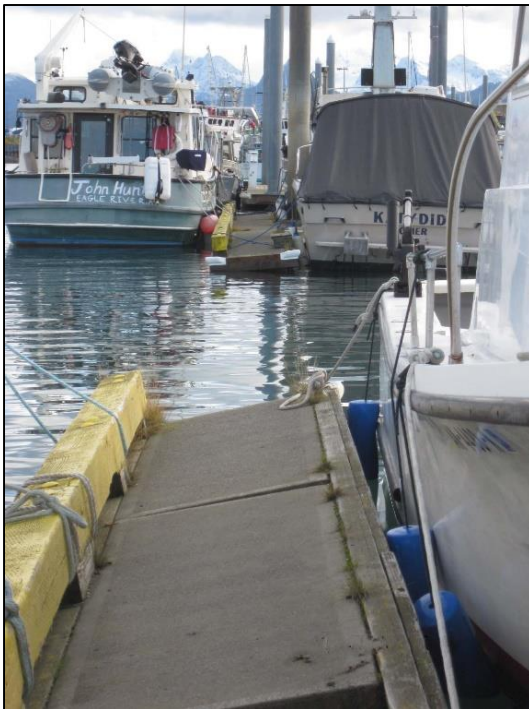
THRU: ROB DUMOUCHEL, CITY MANAGER

FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER

DATE: AUGUST 30, 2021

SUBJECT: FLOAT REPAIRS FOR "K" THRU "Q" ENDCAPS

The end caps of finger floats "K" through "Q" were built in 1986 and are currently 5 years past their engineered life expectancy. Remarkably, most of the length of the floats are still in usable shape even at this age. But the end caps, over time, have racked to a level of permanent twist and damage that will shortly take it beyond safe limits and will force the harbor to close access to those sections and condemn them. Causes for the twisting damage of the end caps down the middle fairway come from several factors, the age of the floats themselves, the strain caused by rafting multiple vessels out on the transient bullrail, and the high wake events caused by fast incoming vessels traveling to the Load and Launch Ramp have all added greater force loads to the floats than they were engineered for. Those forces over time add up.



The end caps of these finger floats are designated as transient moorage that provided mooring space for 3,276 vessel night stays in the year of 2020. The number of vessel nights is broken out by finger float and listed below:

“K” – 542 nights	“L” – 462 nights	“M” – 572 nights
“N” – 539 nights	“P” – 602 nights	“Q” – 559 nights

You may notice that the number of vessel night stays for 2020 on these endcaps, in all cases, is above the 365 nights in a given year, this is because this is highly utilized space and boats are often rafted 2 or more abreast in the summertime. If these endcaps aren’t repaired, the Port has to condemn the space and we will lose the ability to accommodate the transient vessel fleet in those areas. Those 3,276 vessel night stays will either have to be shifted to other areas as far as possible, putting even more strain on the remaining usable floats, or boats will have to be turned away. We will also lose the 12 reserved stalls currently leased to tenants that are part of those end caps. Lost revenue for the reserved stalls will average \$24,000 annually for each year we are unable to repair the floats. Transient moorage, due to its flexible nature and rate structure is a bit harder to pin down, but a conservative estimate, looking at use statistics, would be around \$40,016 annually. It holds the physical and rate structure potential to be triple that.

Bellingham Marine is the provider and builder of the Homer Harbor’s “K”-“Q” floats from 1986. Luckily, they are still in business, and they have our original plans, so a seamless repair and rebuild of the endcaps is possible without having to replace the whole finger floats. A quote from the company for this proposed job was received on August 4th. The quote is broken down into two main portions:

End Caps on Floats

- \$123,250.00 (material supplies) + Supervisor for 2 weeks (10 days)
- \$176,500.00 (installation) includes 4 man crew from Bellingham Marine for 6 weeks
- TOTAL: \$299,750.00

Per the Bid, the Port would be responsible for providing all equipment for offloading and handling of materials, a small work barge and or boat for material storage and handling, a crane to lift the triangle frame with pile hoop over any pile, and other lay down yard/restroom facilities as needed. The Port has its own team of knowledgeable maintenance personnel that have the capability to assist in the rehabilitation effort. It would mean dedicating staff time to this large project until completion, and shifting other tasks, but the cost savings of using our own personnel would be significant. We are proposing to accept ONLY the \$123,250.00 portion of the quote for materials, supplies, and the fabrication/shipping of the replacement float end caps. Further, on a project like this we would usually add a contingency of 20% to plan for fluctuations in build material costs, shipping changes, and other yet unknown factors. A 20% contingency would make the total amount allocated for this project \$147,900.

The Port and Harbor Advisory Commission reviewed this proposed project at their August 25th meeting and made a motion to support the repair of floats “K” thru “Q” and recommended that City Council approve the appropriation of funds from the port reserves for the materials and construction of the replacement float portions through Bellingham Marine.

Sole source justifications

Bellingham Marine is the company responsible for the original design and construction of the floats. They have detailed and extensive knowledge of how they’re engineered and how best to tie the repairs into the existing structure. They are uniquely qualified to have the materials milled and treated to exact specifications. Additionally, they have developed special techniques and tools over the years to do this kind of rehab.

It’s important to keep in mind that the bulk of the cost in the quote portion that the Port went with is in materials. I know of no other contractor that could perform this kind of repair without themselves going to Bellingham Marine for the materials and assistance with the construction portion of the float replacements. This means that the only portion of the quote that holds the possibility of being put out to bid would be the labor and installation, but this is also the area that, as mentioned above, the Port can achieve significant savings by calling on the knowledge and experience of our own skilled maintenance staff which would be our preferred cost saving option.

Condemning vs. Repair

Condemning the floats would lose revenue continually for every future year after 2022. The choice to repair the floats, even using the lowest revenue numbers that can be generated from this space at \$64,000 per annum, would mean that it would take about 2 and a half years to reimburse the repair. Given that the last float endcaps lasted for 30+ years before needed replacement, we anticipate being able to continue to use and collect revenue from the repaired endcaps for well past the next 2 and a half years. Repairing, instead of condemning and thereby losing these endcap floats seems to be the economic choice.

RECOMMENDATION

Support of repairing Floats “K” thru “Q” and recommended City Council approval of the appropriation of funds from the Port Reserves for the materials and construction of the replacement float portions through Bellingham Marine.

Attached: Bellingham Marine Unifloat Supply Proposal
Ordinance to Appropriate Funds for Float Repairs



Bellingham Marine Industries, Inc.

5500 Nordic Way
Ferndale, WA 98248

(360) 380-2142
FAX (360) 384-8134
www.bellingham-marine.com

Unifloat® Supply Proposal

August 4, 2021

Attention: Aaron Glidden
Port Maintenance Supervisor
City of Homer

Re: T head repairs

Thank you for the opportunity to present our quotation for the T Head repairs for docks P,Q,M,N,K, and L. The purpose of this written proposal is to present our offer to perform the work identified in this proposal.

Summary of work includes supply of materials with optional installation. Materials consist of wood walers, triangle frames, connection rods, cleats, and bull rail bolts. Owner support for offloading and handling of materials, staging areas, facilities, work barge and boat required. Technical representative included for two weeks for supply only option.

FOB Homer Alaska – Freight is good Homer Alaska for owner offloading.

Leadtime – Current lead time for materials is up to 16 weeks. BMI to coordinate with owner on delivery and installation dates.

Prices quoted herein are contingent upon BMI's receipt and review of all published plans, specifications, addenda, and/or other reports issued in reference to the Project.

Our quoted price for material supply is One Hundred Twenty-Three Thousand Two Hundred Fifty Dollars **(\$123,250.00) exclusive** of **sales/use** tax.

Our quoted price for material installation is One Hundred Seventy-Six Thousand Five Hundred Dollars **(\$176,500.00) exclusive** of **sales/use** tax.

EXTENDED TOTAL FOR SUPPLY AND INSTALLATION = \$299,750.00

Prices quoted herein are contingent upon Seller's receipt and review of all published plans, specifications and addenda issued in reference to the project.

1. The following items are included in our supply proposal:

- 1.1 2 each 4" x 12" walers on the outside of each 70' T head dock fabricated prior to treatment
- 1.2 1 each 3.125" x 7.5" glu lam waler on the inside of each 30' T head finger fabricated prior to treatment
- 1.3 3 each 12" heavy duty cleats and attachment hardware per 30' finger
- 1.4 2 each galvanized steel triangle frames per T head

Initials _____ / _____
Buyer BMI

- 1.5 Rub board on outside and inside walers
 - 1.6 New galvanized thru rods to match existing quantities and locations on each 30' T head finger as well as through the walkway at the triangle frame locations
 - 1.7 New galvanized economy bolts for bull rail to match existing quantities and locations
 - 1.8 New end boards on each 30' T head finger
 - 1.9 Additional AC clips at the end of the main walk and finger connection to help strengthen the connection.
 - 1.10 Reuse of inserts/embedded bolts at the end of the walkway
 - 1.11 All material to be fabricated according to original BMI shop drawings, owner to verify all fabrication and quantities prior to procurement.
 - 1.12 2 weeks (10 days) onsite technical support to aid owners' installation crew
 - 1.13 Shop Drawings
 - 1.14 **LOADING AND SECURING ON OUR TRUCKS WITH FREIGHT ALLOWANCE TO Homer Alaska. ALL PARTS SHIPPED LOOSE; CONTRACTOR MUST COMPLETE ASSEMBLY.** In the event actual shipping destination exceed this allowance, such additional costs will be charged to the Buyer. All materials will be inspected by the Buyer's representative upon delivery and representative will be required to certify that materials are complete and free of defects. Claims for material defects, loss or shortages discovered after inspection shall be for the Buyer's account. Buyer's failure to inspect materials upon delivery shall constitute a waiver of claims for material defects, loss or shortages.
2. All items and quantities not specifically included in Section 1 above are specifically excluded from this proposal. Excluded items include, but are not limited to, the following:
- 2.1 **ELECTRICAL** – BMI will coordinate and provide any required chase ways through float system, all electrical equipment, transformers, pedestals, wiring, fasteners etc. to be supplied by others
 - 2.2 **MECHANICAL** –no provisions for mechanical system, all J hangers, sewer hydrant, pipe, pump out system, pedestals, all material supplied by others
 - 2.3 **UTILITY VERIFICATION** – Owner to verify all utility chase way and install locations
 - 2.4 **ANY UPLAND WORK**
 - 2.5 **OFFLOADING, HANDLING, INSTALLATION, OR ANY OTHER ONSITE LABOR.** Owner will be responsible for all float-to-float connections, finger to walkway connections, utilities, etc.
 - 2.6 **PEDESTRIAN GANGWAY RAMPS OR PIERS.**
 - 2.7 **BULL RAILS.**
 - 2.8 **LIGHT POLES OR FIXTURES**
 - 2.9 **LOCKER BOXES.**
 - 2.10 **SALES TAX.**
 - 2.11 **PERMITS AND LICENSES.**
 - 2.12 **UTILITY HANGERS AND RISERS**
 - 2.13 **SOILS TESTING OR ENGINEERING.**
 - 2.14 **PILE DESIGN AND PILE SUPPLY**
 - 2.15 **PROJECT ENGINEERING**
 - 2.16 **ALL TIMBER** to be west coast Douglas fir #1 and better fabricated prior to treatment and treated to .6ACZA
 - 2.17 **ALL HARDWARE** to be A307 hot dip galvanized

Initials _____ / _____
 Buyer BMI

2.18 ANY AND ALL OUTSIDE TESTING (BMI is a Precast/Prestressed Concrete Institute (PCI) Certified Supplier and performs all Quality Control Testing In-House)

3. OPTIONAL INSTALLATION CLARIFICATIONS

- 3.1 BMI will provide a 4-man crew and a supervisor to perform the installation of the supplied materials. BMI believes the installation crew will be onsite for 6 weeks.
- 3.2 Owner to provide all equipment for offloading and handling of materials, small work barge and or boat for material storage and handling. Crane or device to lift triangle frame wit pile hoop over pile. Lay down yard and restroom facilities. Boats must be out of slips.
- 3.3 Owner to provide all material disposal
- 3.4 BMI to level the docks as much as possible prior to final tightening
- 3.5 Owner to provide any replacement bull rail
- 3.6 BMI will include builders' risk and USL&H insurance
- 3.7 BMI to pay local prevailing wage rates as applicable

4. Other provisions:

- 4.1 DESIGN CRITERIA: Bellingham Marine ("BMI" or "Seller") has based its proposal upon design criteria furnished by Buyer, which includes site conditions relative to wind and wave exposure. If this design criteria is incorrect, BMI will be entitled to an adjustment in the contract amount, time for completion, or both. Unless otherwise provided herein, the Unifloat® system described above will be for a maximum one-foot wave environment.
- 4.2 CONCEALED OR UNKNOWN CONDITIONS: In preparing this proposal, BMI has assumed there are no concealed conditions (subsurface or otherwise) or unknown physical conditions which will adversely impact BMI's performance of the work. If such conditions are encountered, BMI will be entitled to an adjustment in the contract amount, time for completion, or both.
- 4.3 SHIPMENT: Will occur at a mutually agreed upon schedule after receipt of approved shop drawings, based on our current production schedule. Production cannot commence prior to receipt of approved shop drawings. In the event of any project delay caused by Buyer which is greater than thirty (30) days, Buyer shall pay BMI for all work completed and stored. Storage fees will accrue at the rate of 1.5% of the price quoted above, per month, commencing on the 31st day of delay.
- 4.4 PRICE VALIDITY: Prices are valid for firm orders placed within a period of thirty (30) days after quotation and are subject to reconfirmation thereafter.
- 4.5 PAYMENT TERMS: 20% Deposit. Net cash ten (10) days from receipt of invoice. Method of payment to be approved by BMI's credit department prior to start of production. Interest will be charged on past due accounts at 18% per annum, or at the highest non-usurious commercial rate allowable by state law or provided by state statute, whichever is less. If BMI is required to employ an attorney to collect any amount due as a result of the default of Buyer, the Buyer shall pay all costs of collection, including reasonable attorney's fees and court costs.

Payment is not subject to retention.

Prior to commencement of project, Buyer shall provide evidence of financing satisfactory to BMI. It is BMI's standard credit policy to send our customers notices compliant with state or federal laws about rights to lien property or bonds in the event of non-payment. This is a routine notice and is not a reflection on your credit worthiness.

Initials _____ / _____
Buyer BMI

- 4.6 ASSESSMENTS & ADJUSTMENTS. Any present or future taxes or any other government charges now or hereafter imposed by existing or future laws in connection with the transfer, use, ownership, or possession of any of the facility which BMI is required to collect and/or pay are in addition to the Contract Sum and will be charged to the Client accordingly.
- 4.7 ENGINEERING/CODES/RESPONSIBILITY: BMI does not warrant any components to meet specific local building ordinances or codes. It is the responsibility of the Buyer to secure necessary governmental approvals. Buyer hereby indemnifies BMI against any and all loss, damage, liability, claims, demands or causes of action arising out of or connected in any way with any act or omission on the part of the Buyer, or with inadequate, improper or erroneous design, plans, specifications, engineering, or information furnished BMI by Buyer including, without limitation, liability for patent or trade secret infringement claims.
- 4.8 BACK CHARGES: Back charges for corrective work performed by Buyer or its representative will not be honored without BMI's prior written acceptance. BMI at all times retains the right to perform corrective work on its own behalf.
- 4.9 WARRANTY: Contractor warrants that the individual aluminum modules will be free of defects in materials and workmanship for a period of five (5) years from date of shipment, and that all other dock components (including, but not limited to, walers, weldments, filler slabs, hardware, and fiberglass components) will be free of defects in materials and workmanship for a period of one (1) year from the date of shipment. If within the warranty period the materials are found to be defective, the Owner must provide written notice of such defects within ten (10) days from the date the defects are discovered. Owner's sole and exclusive remedy for defective materials and workmanship is limited to the repair or replacement of the defective item by Contractor. Contractor is not liable for consequential or incidental damages resulting from such defects. Contractor hereby disclaims any and all implied warranties, including but not limited to warranties of merchantability or fitness for a particular purpose.

The Unifloat® system is intended to be free-floating and located in protected installations such as those that exist behind a permanent fixed breakwater or floating concrete wave attenuator furnished by BMI. Specifically excluded from this warranty is disrepair, loss, liability, deterioration, or other damage to the Unifloat® system or its component parts and equipment as a result of any of the following: (i) conditions exceeding the Design Criteria; (ii) an anchoring system which fails to meet the minimum design working load capacity requirements identified in BMI's shop drawings; (iii) piles that are out of plumb; (iv) the expansion and contraction of surrounding ice; (v) contact with moving ice and other floating debris; (vi) abuse, misuse, accident, neglect, grounding, or improper or insufficient maintenance (including failure to keep pile free of ice); (vii) damage to the Unifloat® system or its component parts during installation when not installed by BMI; or (viii) repair or alteration by any person not authorized by BMI.

In the event any bonds are provided for this project, the bonded duration of this warranty shall be one (1) year.

- 4.10 INDEMNIFICATION: The Buyer shall assume all liability, including but not limited to liability for injury to person or property, economic loss, and business interruption, for claims arising from the actual use of any equipment, products, or materials furnished by BMI, and agrees to indemnify and hold harmless BMI from any and all claims, demands, actions, or suits arising from the use of such products, materials, or equipment, including reasonable attorney's fees and costs.

Initials _____ / _____
Buyer BMI

Notwithstanding anything herein to the contrary, BMI's cumulative liability to Buyer will under no circumstances exceed the total amount paid to BMI. In any case BMI WILL NOT BE RESPONSIBLE FOR ANY SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES OF ANY KIND INCLUDING, BUT NOT LIMITED TO, LOSS OF USE, LOST RENTS, AND RENTAL OF REPLACEMENT OR TEMPORARY FACILITIES, OR FOR LOSS, DAMAGES, OR EXPENSE DIRECTLY, OR INDIRECTLY, ARISING FROM THE USE OF ANY PRODUCTS OR ANY INABILITY TO USE THEM, EITHER SEPARATELY OR IN COMBINATION WITH ANY OTHER EQUIPMENT OR MATERIAL OR FROM ANY OTHER CAUSE.

- 4.11 CAUTION: Float systems are unstable when placed in water prior to assembly in their final intended configuration. Modules or subassemblies should be handled with care during installation and should never be stood or walked upon prior to finished assembly.
- 4.12 POWER CENTERS: Power centers and pedestals included in this proposal contain twist lock and/or pin and sleeve outlets designed for shore power only and are only to be used in conjunction with a "UL-Marine" listed shore power cord.
- 4.13 WARNING: BMI has been notified by its wood preservers that the chemicals used in the wood treatment process are known to cause cancer.
- 4.14 CLAIMS Definition: A claim is a demand or assertion by one of the parties seeking, as a matter of right, adjustment or interpretation of contract terms, payment or money, extension of time or other relief with respect to the terms of the contract. The term "Claim" also includes other disputes and matters in question between the Buyer and Seller arising out of or relating to the contract including, but not limited to, Claims against officers, directors, employees or consultants of a party for matters arising out of or relating to the Work under the contract. Claims must be made by written notice. The responsibility to substantiate a Claim shall rest with the party making the Claim.

Time Limits on Claims. Claims by either party must be made within twenty-one (21) days after occurrence of the event giving rise to such Claim or within twenty-one (21) days after the claimant first recognizes the condition giving rise to the Claim, whichever is later. Claims must be made by written notice. An additional Claim made after the initial Claim has been resolved by Change Order will not be considered unless submitted in a timely manner.

4.15 DISPUTES

Arbitration. Controversies, disputes or claims in an amount up to and including \$250,000 arising out of, in connection with, or in relation to the interpretation, performance or breach of this Proposal, including any claim based on contract, tort, or statute shall be referred to final and binding arbitration administered by and in accordance with the then existing Construction Industry Arbitration Rules of the American Arbitration Association, and judgment upon any arbitration award may be entered by any state or federal court having jurisdiction thereof. The prevailing party in any such arbitration shall be entitled to an award of reasonable attorney's fees and costs. Arbitration shall be heard and determined by a single arbitrator, the location of the arbitration hearings shall be San Francisco, California, USA.

In the event a dispute between the parties is referred to arbitration, as soon as practical after selection of the arbitrator, the arbitrator or his/her designated representative shall determine a reasonable estimate of anticipated fees and costs of the arbitrator and render a statement to each party setting forth that party's pro rata share of said fees and costs. Thereafter, each shall, within ten (10) days of receipt of said statement, deposit said sum with the arbitrator. Failure of any party to make such a deposit shall result in the forfeiture by the non-depositing party of the right to prosecute or defend the claim which is the subject of the arbitration, which shall not otherwise serve to abate, stay or suspend the arbitration proceedings.

Unless otherwise agreed in writing or otherwise provided herein, the Seller shall carry on the Work and maintain its progress during any dispute resolution proceedings, and the Buyer shall continue to make payments to the Seller in accordance with the contract documents.

Initials _____ / _____
Buyer BMI

Litigation. Controversies, disputes, or claims in excess of \$250,000 arising out of, in connection with, or in relation to the interpretation, performance or breach of this Proposal, including any claim based on contract, tort, or statute shall be resolved in a court of competent jurisdiction in the venue agreed to herein. The presiding judge shall determine which is the prevailing party and shall include in the award that party's reasonable attorneys' fees and costs. The laws and venue of proceedings shall be the place of the Project.

Mediation. In the case of either arbitration or litigation, the parties agree that mediation shall be a condition precedent to any arbitration hearings or trial. The parties hereby stipulate that the arbitrator or judge shall include in any scheduling order deadlines for: (a) the appointment of a mediator; and (b) the mediation. In the event the parties are unable to agree on a mediator by the required deadline, the arbitrator or judge shall appoint a mediator. The arbitrator or judge may, at their discretion, ask for input from the parties with respect to the appointment of a mediator. The location of the mediation shall be established by the mediator.

4.16 Notwithstanding any other provision of this Proposal, the Seller and the Buyer waive consequential damages for claims, disputes or other matters in question arising out of or relating to this Proposal. This mutual waiver is applicable, without limitation, to all consequential damages due to either party's termination in accordance with this Proposal and/or to any claims or disputes arising out of or related to this Proposal.

4.17 ENTIRE CONTRACT: When accepted by Buyer, this Proposal shall constitute the entire agreement between the parties. Its terms shall be controlling in the event same are inconsistent with any plans, specifications, bid invitation, purchase order, subcontract, or other instrument furnished by Buyer.

Acceptance of any offer made by BMI is expressly limited to the exact terms contained in this proposal and any attempt to alter or omit any of such terms shall be deemed an acceptance of the offer, except that any altered or omitted terms shall not be binding on BMI unless BMI has specifically agreed to such altered terms in writing.

We hope this proposal contains sufficient detail to permit your fullest evaluation. Please feel free to contact us at any time for further information.

Sincerely,

Bellingham Marine Industries, Inc.

____:____

Approved: _____

Project Address:

Project Owner Information:

Initials _____ / _____
Buyer BMI

Address

Legal Name of Owner

Address

Address

City, State, Zip

City, State, Zip

Delay in BMI's receipt of the above information may delay the product delivery schedule.

A signed copy of this quotation will serve as acceptance and agreement by the Buyer to purchase the materials and/or services described herein.

Dated: _____ By: _____

(printed name and title)

Initials _____ / _____
Buyer BMI

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

ORDINANCE 21-53

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE CHAPTER 10.04 GENERAL PORT AND HARBOR PROVISIONS TO ADD SECTION 10.04.105 USE OF PORT & HARBOR DUMPSTERS, AMENDING HOMER CITY CODE 1.16.040 FINE SCHEDULE, AND FUNDING RELEVANT SIGNAGE.

WHEREAS, The Port & Harbor Enterprise provides dumpsters for use by vessels moored in the Port & Harbor; and

WHEREAS, The dumpsters provided by the Enterprise are frequently misused by those disposing of household, business, and camping waste; and

WHEREAS, The dumping of solid waste not related to moored vessels in the Port & Harbor creates additional costs which are borne by the Enterprise despite providing no benefit to the Enterprise; and

WHEREAS, This amendment to Homer City Code will make it clear that non-Port & Harbor-related dumping is not allowed in Port & Harbor dumpsters; and

WHEREAS, Noncompliance with the amendment to Homer City Code will be paired with a mechanism for enforcement via fines; and

WHEREAS, Appropriate signage will help communicate the amendment to Homer City Code.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 10.04 General Port and Harbor Provisions shall be amended to add section 10.04.105 as follows:

Chapter 10.04
GENERAL PORT AND HARBOR PROVISIONS¹

Sections:

- 10.04.010 Short title.
- 10.04.020 Scope – Administrative powers.
- 10.04.030 Definitions.
- 10.04.035 Homer port and harbor tariff.

- 43 10.04.040 Harbormaster – Powers and duties.
- 44 10.04.050 Rule and regulation establishment authority.
- 45 10.04.055 Fees.
- 46 10.04.060 Revenues – Use of.
- 47 10.04.080 City docks – Other closure.
- 48 10.04.085 Use of load and launch ramp.
- 49 10.04.090 Underway requirement.
- 50 10.04.100 Vehicles and other wheeled conveyances.
- 51 **10.04.105 Use of port and harbor dumpsters.**
- 52 10.04.110 Violation – Penalty.
- 53 10.04.115 Appeal from port and harbor citation issued pursuant to HCC Titles 7 and 10.
- 54 10.04.120 Impounded vessel procedure.
- 55 10.04.130 Nuisances declared – Removal.
- 56 10.04.132 Nuisances – Abatement procedure.
- 57 10.04.134 Nuisances – Post-removal hearing.
- 58 10.04.135 Nuisances – Form of demand for hearing – Hearing officer.
- 59 10.04.138 Interference with impoundment prohibited.
- 60 10.04.139 Lien on impounded or nuisance vessel.
- 61 10.04.140 Annual review required.
- 62 10.04.150 Required equipment.

63
64 10.04.010 Short title.
65 This title shall constitute the Port and Harbor Code of the City and may be cited as such.

66
67 10.04.020 Scope – Administrative powers.
68 This title and the Homer port and harbor tariff shall be deemed an exercise of the powers of
69 the City for the protection, safeguarding, and orderly moorage and control of boats, and for
70 the protection and general welfare of the public and all of its provisions shall be liberally
71 construed for the accomplishment of the purpose. The City, through its properly appointed
72 representatives, shall have the authority to board any vessel utilizing the harbor or port
73 facilities for the purpose of enforcing this title and the Homer port and harbor tariff.

74
75 10.04.030 Definitions.
76 Unless otherwise provided in this title or required by the context, definitions set forth in the
77 Homer port and harbor tariff shall apply to this title.

78
79 10.04.035 Homer port and harbor tariff.
80 The rates, charges, rules and regulations for wharfage, terminal storage, demurrage and other
81 terminal services and privileges are set forth in the Homer port and harbor tariff and as filed
82 with the Federal Maritime Commission. Subject to the requirements of HCC 10.04.055, the
83 Homer port and harbor tariff may be amended from time to time by resolution of the City
84 Council.

85 10.04.040 Harbormaster – Powers and duties.

86 A Harbormaster, who shall have police powers, shall be appointed in the same manner as other
87 City employees. The Harbormaster shall be assigned to enforce the provisions of this title and
88 the Homer port and harbor tariff, maintain an accurate log of the registration data of all boats
89 using Homer harbor facilities, showing the date of occupancy of berthing facilities, issue
90 citations and impound vehicles, vessels, gear or equipment for violations of this title, and
91 collect or arrange for the collection of the established fees. The Harbormaster is granted the
92 power and authority from time to time, as circumstances require, but without any obligation
93 to do so, and without any obligation or liability on his part, or that of the City for his failure to
94 do so, to replace defective mooring lines, to pump vessels which are in a dangerous condition
95 for lack thereof, and to move any boat for the purpose of protecting such boat from fire or from
96 other hazard or for the protection of other vessels or property therefrom. Whenever the
97 Harbormaster shall perform or cause to be performed any of the actions authorized in this title
98 or other emergency actions, after having given notice of the immediate need therefor, or
99 having attempted to give such notice within the time limits prescribed by the exigencies of the
100 situation, a fee as prescribed in the Homer port and harbor tariff shall be assessed the vessel
101 owner or operator. [Ord. 95-18(S), 1995; Ord. 88-2,
102 1988].

103
104 10.04.050 Rule and regulation establishment authority.

105 The City Manager is empowered and authorized to establish additional rules and regulations
106 governing the use of the Homer harbor, assignment of stalls, and the general conduct in,
107 around and on harbor facilities and parking areas. Such rules and regulations shall become
108 effective upon approval by the City Council. The Council may provide for a different effective
109 date. The City Manager shall print and make available to the public copies of regulations
110 adopted pursuant to this section. [Ord. 95-18(S), 1995; Ord. 88-2, 1988].

111
112 10.04.055 Fees.

113 a. Fees for the approved use of Homer harbor facilities and services as set forth in the Homer
114 port and harbor tariff may be changed by City Council resolution; provided, that a public
115 hearing is held prior to approval of the resolution; and provided further, that any such change
116 is effective only after the change is filed with the Federal Maritime Commission as an
117 amendment to the Homer port and harbor tariff.

118
119 b. The Harbormaster may negotiate special fees and charges with a vessel owner or operator
120 where the owner or operator requires an exceptional volume of, or unique or unusual, services
121 or facilities, and it is in the best interest of the City to enter into special arrangements. In such
122 event, the Harbormaster shall inform the City Manager of such special, negotiated
123 arrangements. [Ord. 95-18(S), 1995; Ord. 91-13(S) § 1, 1991; Ord. 88-2, 1988].

124
125 10.04.060 Revenues – Use of.

126 All revenues from the Homer harbor shall be expended for the maintenance, operation and
127 improvement of the Homer harbor in accordance with generally accepted accounting
128 principles. Revenues from the Homer boat harbor shall be expended solely for the furtherance
129 of financial stability and self-sufficiency of the Homer harbor. [Ord. 95-18(S), 1995; Ord. 92-22,
130 1992; Ord. 88-2, 1988].

131

132 10.04.080 City docks – Other closure.

133 The City, through its City Manager or other duly constituted agent, may prohibit the use of any
134 wharves and docking facilities owned or controlled by the City at any time when closing the
135 facilities is required to protect and preserve the public welfare and safety. [Ord. 95-18(S), 1995;
136 Ord. 88-2, 1988].

137

138 10.04.085 Use of load and launch ramp.

139 a. Terms and conditions for use of the small boat harbor load and launch ramp are provided in
140 the Homer port and harbor tariff as amended from time to time.

141

142 b. No person who is obligated to pay a fee for using the small boat harbor load and launch
143 ramp may use the small boat harbor load and launch ramp without first paying the fee
144 prescribed for its use.

145

146 c. A person who is obligated to pay a fee for using the small boat harbor load and launch ramp
147 must make the ticket verifying payment available upon request, or display the seasonal permit
148 on the port side of the permit holder’s vessel. [Ord. 16-11 § 2, 2016].

149

150 10.04.090 Underway requirement.

151 On at least two days in each calendar year, separated by at least 60 days, a vessel moored in
152 the Homer harbor shall depart under its own power from the Homer harbor and travel beyond
153 the one-quarter-mile turning basin of the Pioneer and Deep Water Docks before returning
154 under the vessel’s own power to the Homer harbor. The moorage charge for a vessel that fails
155 to comply with this requirement shall be increased by 50 percent commencing at the time the
156 vessel fails to comply and continuing during the period of noncompliance.

157

158 10.04.100 Vehicles and other wheeled conveyances.

159 a. No person other than an employee of the City or other person acting on City business shall
160 drive a vehicle upon trails in the harbor area that are designated for pedestrian or bicycle use
161 except in case of emergency. Parking or leaving boats, trailers and/or other vehicles and
162 equipment related thereto by the public shall be limited to specific areas designated for such
163 use.

164

165 b. Hauling out boats on skids is prohibited unless approved in advance by the Harbormaster.

166

167 **10.04.105 Use of Port & Harbor dumpsters**

168 **a. Dumpsters provided at Port & Harbor facilities are for Port & Harbor related use only.**

169
170 **b. The dumping of non-Port & Harbor related waste, such as household waste or**
171 **construction waste, in Port & Harbor dumpsters is prohibited.**

172
173 10.04.110 Violation – Penalty.
174 Except as provided in HCC 1.16.040 and 7.04.030, any violation of the provisions contained in
175 this title or regulations adopted pursuant to this title shall be unlawful and punishable as
176 provided in HCC 1.16.010.

177
178 10.04.115 Appeal from port and harbor citation issued pursuant to HCC Titles 7 and 10.
179 a. A person who has been issued a citation for a violation of HCC Title 7 or 10 by the City of
180 Homer Harbormaster, or their designee, may appeal that action to the hearing officer
181 designated by the City Manager by completing an administrative hearing request form and
182 delivering the form to the Homer City Clerk’s office no later than 30 days after the issuance of
183 the citation.

184
185 b. The hearing officer shall schedule an appeal hearing for the next available hearing date after
186 the date of delivery of the administrative hearing request form to the City Clerk’s office.

187
188 c. The appeal hearing shall be conducted informally and may be governed by such rules and
189 procedures as the hearing officer may establish, except that:

- 190 1. Each party has the right to be represented by counsel.
191 2. Each party may present witnesses and evidence.
192 3. Each party and witnesses may appear in person or by telephone.
193 4. Each party may confront and question witnesses.
194 5. The individual receiving the citation may testify in their own defense.
195 6. Each party may subpoena witnesses.
196 7. The hearing shall be open to the public.
197 8. An electronic recording shall be made of the hearing.

198
199 d. The hearing officer may exercise independent judgment as to the weight of evidence
200 supporting or refuting the notice of violation or impoundment, and may exercise independent
201 judgment on legal issues raised by the parties.

202
203 e. No later than 30 days following the hearing the hearing officer shall issue a written decision
204 including findings of fact and conclusions of law. Such findings must be reasonably specific so
205 as to provide interested persons and, where appropriate, reviewing authorities, a clear and
206 precise understanding of the reasons for the decision entered. The decision, findings of fact,
207 and conclusions of law shall be forwarded to all parties to the appeal. A final appealable
208 decision must indicate that it is a final order and that a party disputing the decision has 30 days
209 to appeal.

210 f. A final decision issued under subsection (e) of this section may be appealed to the Superior
211 Court within 30 days after the date the decision was issued. For the purposes of this section the
212 date of issuance is the date upon which the decision was mailed or delivered to the parties.

213

214 10.04.120 Impounded vessel procedure.

215 a. At least 10 days prior to impounding any vessel, the City shall cause to be posted on the
216 vessel, in the Harbormaster's office, the City Clerk's office and on the bulletin board at the
217 entrance of the United States Post Office notice of such action to be taken by the City. A copy
218 of the notice shall be mailed by certified mail, return receipt requested, to the owner or
219 operator of the vessel at his last known address, which address shall be the same as that
220 furnished in accordance with the regulations of this tariff. The notice shall contain the name
221 and/or number of the vessel, the name and address, if known, of the owner or operator and
222 the location of the vessel.

223

224 b. As to any vessel proposed for impoundment, an owner or operator of the vessel has the right
225 to a pre-impoundment administrative hearing to determine whether there is probable cause
226 to impound the vessel if such person files a written demand, on forms so provided for such a
227 hearing, with the City within 10 days after such person has learned such vessel will be
228 impounded or within 10 days after the return of mail receipt of the notice required by
229 subsection (a) of this section, whichever occurs first.

230

231 c. A hearing shall be conducted before a hearing officer designated by the City Manager within
232 48 hours of receipt of written demand therefor from the person seeking the hearing unless the
233 person waives the right to a speedy hearing. Saturdays, Sundays and City holidays are to be
234 excluded from the calculation of the 48-hour period. The hearing officer shall be someone
235 other than the persons who will direct the impounding and storage of the vessel. The sole issue
236 before the hearing officer shall be whether there is probable cause to impound the vessel in
237 question. "Probable cause to impound" shall mean such a state of facts as would lead a person
238 of ordinary care and prudence to believe that there was a breach of Federal, local or municipal
239 law or regulations, or any agreement entered into pursuant thereto, rendering the vessel
240 subject to impoundment. The hearing officer shall conduct the hearing in an informal manner
241 and shall not be bound by technical rules of evidence. The person demanding the hearing shall
242 carry the burden of establishing that such person has the right to possession of the vessel. The
243 Harbormaster shall carry the burden of establishing that there is probable cause to impound
244 the vessel in question. At the conclusion of the hearing, the hearing officer shall prepare a
245 written decision. A copy of such decision and reasons therefor shall be provided to the person
246 demanding the hearing and the owner of the vessel if such owner is not the person requesting
247 the hearing. The hearing officer's decision in no way affects any criminal proceeding
248 connection with the impound in question and any criminal charges involved in such
249 proceeding may only be challenged in the appropriate court. The decision of the hearing officer
250 is final and may only be appealed to the Superior Court. Failure of the owner or operator to

251 request or attend a scheduled pre-impoundment hearing shall be deemed a waiver of the right
252 of such hearing.

253
254 d. The hearing officer shall only determine that as to the vessel in question either that there is
255 probable cause to impound the vessel or that there is no such probable cause. In the event that
256 the hearing officer determines that there is no probable cause, the hearing officer shall prepare
257 and date a certificate of no probable cause, copies of which shall be given to the owner or
258 operator and to the Harbormaster. Upon receipt of such certificate of probable cause, the
259 Harbormaster may proceed with impoundment and disposition of the vessel by removal, sale
260 or destruction as authorized by this title.

261
262 e. Any vessel impounded shall be held by the City for a period of not less than 30 days during
263 which the City shall publish in a newspaper of general circulation in the City a notice describing
264 the vessel in general terms, the name and/or number, if any, the name and address of the
265 owner, or operator, if known, or if not known shall so state the location of the vessel and the
266 intention of the City to sell the same at public auction, on a day and at a place and time certain,
267 not less than 10 days prior to the sale, for cash to the highest and best bidder. At any time prior
268 to the auction, the owner or operator may redeem the vessel by cash payment of all City
269 charges against the vessel.

270
271 f. The minimum acceptable bid shall be a sum equal to the City's charges against the vessel.
272 The proceeds of the sale shall be first applied to the cost of sale, then to accrued stall license
273 fees and charges, service fees, storage charges, attorney fees and costs, and other expenses
274 provided for in this title, and the balance, if any, shall be held in trust by the City for the owner
275 of the vessel to claim; and if not claimed within one year, the balance shall be deposited into
276 the small boat harbor facilities fund. Upon the sale being made, the City shall make and deliver
277 its bill of sale, without warranty, conveying the vessel to the buyer.

278 g. If at the public sale there are no bidders for the vessel, the City may destroy, sell at private
279 sale or otherwise dispose of the vessel. The disposition is to be made without liability of the
280 City, its employees or agents to the owner, master or any lien holder of the vessel.

281
282 10.04.130 Nuisances declared – Removal.

283 a. For the purposes of this title and in the interest of the greatest use of the facilities of the
284 Homer harbor and the municipal waters by the general public, vessels in the Homer harbor
285 and elsewhere on the municipal waters that are illegally moored, cause an obstruction to
286 navigation, or that are abandoned or derelicts or unfit or unseaworthy or which are maintained
287 in such manner as to make them liable to sinking for lack of being pumped or other
288 maintenance, or which are unsafe or which are maintained in a manner as to constitute a fire
289 hazard, and sunken vessels and vessels in imminent danger of sinking, are declared to be
290 nuisances and subject to abatement and removal from the Homer harbor or other municipal
291 waters by the City or its agents, without liability of the City for any damage done by virtue of
292 the removal or for any of its consequences.

Strike-out is deleted language, **bold underline** is new language

293 b. Refuse of all kinds or any other obstructions or debris are declared to be public nuisances,
294 and it shall be unlawful for any person to place, or cause to be placed, any public nuisance in
295 the Homer harbor or in the municipal waters, or on the shores thereof. Nets, gear, and other
296 material left on any float or dock for more than 12 hours are hereby declared a public nuisance.
297 Any person causing or permitting the nuisances to be placed as aforesaid shall remove the
298 same and upon his failure to do so, the same may be removed or caused to be removed by the
299 Harbormaster. When the Harbormaster has authorized such nuisances to be removed or
300 stored commercially, all costs of such commercial removal or storage shall be paid by and
301 recoverable from the person creating the nuisances and shall not excuse the person
302 responsible therefor from prosecution hereunder. Any nuisance under this subsection may be
303 impounded, disposed of by destruction, private or public sale, or by any other means deemed
304 reasonable by the Harbormaster. Such disposition is to be made without liability of the City,
305 its employees or agents to the owner, master or any lien holder of the nuisance.

306
307 c. Upon the Harbormaster's written determination that a nuisance described in subsection (a)
308 of this section exists that constitutes a clear and present danger to the public health, safety or
309 general welfare, the nuisance may be summarily abated by the Harbormaster according to
310 HCC 10.04.132 without prior notice.

311 d. Vessels declared a nuisance under subsection (a) of this section that do not constitute a clear
312 and present danger to the public health, safety and general welfare may be moved,
313 impounded, or disposed of according to the procedure provided in HCC 10.04.120.

314
315 10.04.132 Nuisances – Abatement procedure.

316 a. Unless otherwise provided, the procedure set forth in this section shall apply whenever a
317 vessel has been impounded or removed or a nuisance vessel abated pursuant to HCC
318 10.04.130(a) or otherwise, and the pre-impoundment administrative hearing procedures of
319 HCC 10.04.120 were not followed.

320
321 b. An impoundment is effective when a written order of impoundment is placed on a vessel. An
322 order of impoundment shall identify the vessel, state the reasons for impoundment, and be
323 dated and signed by the Harbormaster or his authorized designee. An impounded vessel may
324 be immediately towed or otherwise removed upon the order of the Harbormaster. Nothing in
325 this subsection shall be construed to prevent the City from using alternatives to impoundment,
326 including without limitation removal or other means to abate a nuisance.

327
328 c. When action is taken to impound, remove, or otherwise abate a nuisance vessel, notice of
329 such action shall be placed on the vessel if possible, and within six hours a copy of the notice
330 shall be personally delivered or placed in the U.S. mail addressed to the owner of the vessel.
331 The notice shall include the following substantive provisions:

332

333 ATTENTION: The vessel _____ has been impounded/removed/abated by the City of
334 Homer harbormaster as a public nuisance for the following reasons:
335 _____

336 As the owner of the vessel you have the following options (those that apply are checked):

337 ___ The vessel has been impounded and you may recover possession of the vessel by paying
338 to the person having custody of the vessel the towing, storage, and other charges that may
339 have accrued. The vessel is at the following location:

340 _____
341 ___ The vessel has been removed and you may recover possession of the vessel at the
342 following _____ location:
343 _____

344 ___ The vessel has been destroyed. You may direct any inquiries to the City of Homer
345 harbormaster.

346 ___ The following action has been taken, and any option you may have is described below:
347 _____

348 If you believe the vessel was improperly impounded, removed, or otherwise abated, you may:
349 (i) In the case of an impoundment, recover possession of the vessel by paying any towing,
350 storage, or other charges that have accrued, and you may claim a refund or reimbursement by
351 filing a demand (on a form provided by the city) for an administrative hearing before a hearing
352 officer as to whether the harbormaster had a sufficient factual and legal basis to impound the
353 vessel; or

354 (ii) In the case of an impoundment, you may demand return of the vessel without paying the
355 towing, storage, or other charges by filing a demand (on a form provided by the city) for an
356 administrative hearing before a hearing officer as to whether the harbormaster had a sufficient
357 factual and legal basis to impound the vessel; or

358 (iii) You may in any other case file a demand (on a form provided by the city) for an
359 administrative hearing before a hearing officer as to whether the harbormaster had a sufficient
360 factual and legal basis to impound, remove, or abate the vessel.

361 To be entitled to such a hearing, your written demand must be filed with the City Clerk (a)
362 within 5 workdays after you learned that your vessel was impounded, removed, or otherwise
363 abated or (b) within 15 workdays after the City mailed notice to the vessel owner of the action
364 taken, whichever is earlier. If you fail to make a timely request for a hearing you will lose all
365 right to challenge the sufficiency of the basis for the action taken.

366 If timely requested, the hearing must be held within 48 hours after the filing of your written
367 demand, not including, Saturdays, Sundays, and city holidays, unless you waive your right to
368 a speedy hearing. A determination that there was an insufficient factual or legal basis for the
369 action taken will require the release of the vessel to the owner without payment of the towing,
370 storage, or other accrued charges, or it will entitle the owner to a refund or reimbursement if
371 the charges were already paid.

372 A hearing may be demanded by filing the appropriate form with the City Clerk at Homer City
373 Hall between 8:00 a.m. and 5:00 p.m. on any day other than Saturday, Sunday and city
374 holidays.

- 375 10.04.134 Nuisances – Post-removal hearing.
376 a. If demand is timely made, the owner or person entitled to possession of the vessel is entitled
377 to an administrative hearing to determine whether there was a sufficient factual and legal
378 basis for the action to impound, remove, or otherwise abate the vessel. To be entitled to such
379 a hearing, a written demand must be filed with the City Clerk (1) within five workdays after the
380 owner or other person entitled to possession learned that the vessel was impounded,
381 removed, or otherwise abated, or (2) within 15 workdays after the City mailed the notice
382 required by HCC 10.04.132(c) to the vessel owner, whichever is earlier. If no timely request for
383 a hearing is made, the factual and legal basis for the action taken will be conclusively deemed
384 sufficient for all purposes.
385
386 b. The hearing will be held within 48 hours after the filing of a written demand, not including
387 Saturdays, Sundays and City holidays, unless the person demanding the hearing waives a
388 speedy hearing.
389
390 c. The hearing officer shall not be bound by formal rules of evidence. A copy of the
391 Harbormaster’s written determination that a public nuisance exists will constitute prima facie
392 proof of a sufficient factual and legal basis for the action. The burden will be on the vessel
393 owner to prove by a preponderance of the evidence that there was not sufficient factual or
394 legal basis for impounding, removing, or otherwise abating the vessel.
395
396 d. At the conclusion of the hearing, the hearing officer shall prepare a written decision,
397 including the reasons for the decision. A copy of such decision shall be provided to the person
398 demanding the hearing and the owner of the vessel. The hearing officer’s decision in no way
399 affects any criminal charges that may be pending. The decision of the hearing officer is final
400 and may only be appealed to the Superior Court.
401
402 e. A determination by the hearing officer that there was not a sufficient factual or legal basis
403 for the action taken will require the release of the vessel to the owner or other person entitled
404 to possession without payment of the towing, storage, or the accrued charges, or will entitle
405 the person to a refund or reimbursement by the City if the charges have already been paid. If
406 the hearing officer determines there was a sufficient factual and legal basis for the action
407 taken, the Harbormaster may proceed to dispose of the vessel by sale according to HCC
408 10.04.120(e) through (g), or the Harbormaster may destroy or otherwise dispose of the vessel
409 without sale if he makes a good faith determination that the value of the vessel does not
410 exceed the costs of towing, storage, sale, and other harbor charges accrued against the vessel.
411
412 10.04.135 Nuisances – Form of demand for hearing – Hearing officer.
413 a. The City Clerk shall prepare and make available a form of demand for a hearing pursuant to
414 HCC 10.04.134. Upon receipt of a demand for a hearing the City Clerk shall immediately forward
415 the demand to the City Manager or his designee, who shall schedule an administrative hearing
416 and notify all parties.

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417 b. The City Manager shall appoint a hearing officer to conduct hearings pursuant to HCC
418 10.04.134. No person with the authority to impound, remove, or otherwise abate a nuisance
419 vessel shall be eligible to serve as a hearing officer.

420
421 10.04.138 Interference with impoundment prohibited.

422 a. Unless authorized by the Harbormaster, it is unlawful for any person to remove an
423 impoundment order from a vessel upon which it has been posted.

424 b. Unless authorized by the Harbormaster, it is unlawful for any person to move a vessel after
425 it has been posted with an impoundment order.

426 c. It is unlawful for any person to interfere with the Harbormaster or any other person under
427 the Harbormaster's authority engaged in the impound, removal, or abatement of a vessel or
428 public nuisance.

429
430 10.04.139 Lien on impounded or nuisance vessel.

431 The City shall have a lien on any vessel impounded or abated as a nuisance under this title for
432 charges for towing, storage, costs of abatement, costs of sale, attorney fees, any other charges
433 incurred in connection with the impoundment or abatement, and charges for harbor services,
434 including, without limitation, moorage, dockage, stall rental, utilities, and other services
435 provided to or for the benefit of the vessel.

436
437 10.04.140 Annual review required.
438 An annual review shall be required of all port and harbor rates. Such annual review shall be
439 part of preparation of the port, and charges and harbor fiscal operating budgets.

440
441 10.04.150 Required equipment.
442 All watercraft or vessels shall carry the equipment required by any applicable United States
443 laws or regulations as now or hereafter amended, and shall be numbered or designated in
444 accordance with any applicable United States laws or regulations as now or hereafter
445 amended. In the absence of extenuating circumstances, failure of any boat or vessel within the
446 Homer harbor to comply with applicable United States laws or regulations shall be in violation
447 of this title.

448
449 Section 2. Homer City Code 1.16.040 is hereby amended as follows:

450
451 1.16.040 Disposition of scheduled offenses – Fine schedule.

452 Citations for offenses listed in this section may be disposed of as provided in AS 12.25.195
453 through 12.25.230, without a court appearance, upon payment of the fine amounts listed
454 below, plus the State surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to
455 the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all
456 offenses listed below. Citations charging these offenses must meet the requirements of Minor
457 Offense Rule 3. If a person charged with one of these offenses appears in court and is found
458 guilty, the penalty imposed for the offense may not exceed the scheduled fine amount plus any

459 surcharge required to be imposed by AS 12.55.039 and 29.25.074. If an offense is not listed on
 460 a fine schedule, the defendant must appear in court to answer the charges.
 461
 462

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 5.08.020	Transporting unsecured load of garbage, trash or other materials in vehicle	\$300.00
HCC 5.20.020	Open burning, permit required	\$300.00
HCC 5.20.030	Trash burning – Approved container required	\$300.00
HCC 5.20.050	Handling or storing explosives	\$300.00
HCC 5.24.030	Fireworks – Sale prohibited	\$300.00
HCC 5.24.040	Fireworks – Use prohibited	\$300.00
HCC 5.38.010	Feeding or baiting certain birds (first offense)	\$50.00
HCC 5.38.010	Feeding or baiting certain birds (second and subsequent offenses)	\$200.00
HCC 5.42.030	Single-use plastic carryout bags prohibited	\$50.00 per day
HCC 8.08.020	Itinerant or transient merchant – License required	\$300.00
HCC 8.08.080	Itinerant or transient merchant – Exhibition of license	\$300.00
HCC 8.08.100	Itinerant or transient merchant – Use of streets and other public places	\$300.00
HCC 8.11.030	Mobile food service – License required	\$300.00
HCC 8.11.070(b)	Mobile food service – Operation near similar business at fixed location	\$300.00
HCC 8.11.070(c)	Mobile food service – Operation in City park or campground	\$300.00
HCC 8.11.070(d)	Mobile food service – Operation in congested area on Homer Spit	\$300.00
HCC 8.12.120	Public transportation vehicle – Permit required	\$300.00
HCC 8.12.200	Chauffeurs license – Required	\$300.00
HCC 8.12.250	Public transportation vehicle – Prohibited operation	\$300.00
HCC 8.12.400	Public transportation vehicle – Display of rates/fares	\$300.00
HCC 10.04.035	Going dry/causing blockage or restricted access to the barge ramp (per tide cycle)	\$150.00
HCC 10.04.035	Commercial loading at the load and launch ramp during the hours of 6:00 a.m. – 6:00 p.m. Memorial Day to Labor Day (per occurrence)	\$100.00

Strike-out is deleted language, **bold underline** is new language

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 10.04.085(b)	Failure to pay fee for use of load and launch ramp (first offense)	\$100.00
HCC 10.04.085(b)	Failure to pay fee for use of load and launch ramp (second offense)	\$200.00
HCC 10.04.085(b)	Failure to pay fee for use of load and launch ramp (third and subsequent offenses)	\$300.00
<u>HCC 10.04.105</u>	<u>Unauthorized use of Port & Harbor dumpsters</u>	<u>\$300.00</u>
HCC 13.08.010	Work in City right-of-way or connecting to City utility – Permit required	\$300.00
HCC 13.08.130	Restore City right-of-way to original condition	\$300.00
HCC 13.08.140	Repair of damage to City utilities	\$300.00
HCC 14.04.050	Sewer extension or connection – Permit required	\$300.00
HCC 14.04.070	Destruction of private sewage disposal system after connection to City sewer system	\$300.00
HCC 14.04.090	Discharge of surface drainage into City sewer	\$300.00
HCC 14.08.030	Water extension or connection – Permit required	\$300.00
HCC 14.08.040	Connection to private water system – Permit required	\$300.00
HCC 14.08.105	Resale of City water – Permit required	\$300.00
HCC 18.20.015	Storing, parking or leaving abandoned or junk vehicle	\$300.00
HCC 18.20.025	Failure to remove abandoned or junk vehicle	\$300.00
HCC 19.02.020	Large special event – Permit required	\$300.00
HCC 19.04.040	Burial of human remains outside approved cemetery	\$300.00
HCC 19.04.090(a)	Monument or other memorial protruding above ground level in City cemetery	\$300.00
HCC 19.04.090(b)	Placement, alteration or removal of monument, memorial or plant without City consent	\$300.00
HCC 19.08.030(a)	Camping on City property where prohibited	\$300.00
HCC 19.08.030(b)	Camping outside designated areas	\$300.00
HCC 19.08.030(d)	Camping in closed campground	\$300.00
HCC 19.08.050	Camping in City campground – Permit required	\$300.00
HCC 19.08.060	Camping in City campground for more than 14 days	\$300.00
HCC 19.08.070(a)	Disposal of human waste on City property	\$300.00
HCC 19.08.070(c)	Erect, occupy, utilize structure on City property	\$300.00

Strike-out is deleted language, **bold underline** is new language

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 19.08.070(d)	Park, leave, maintain, utilize vehicle, camper unit, or camp where prohibited	\$300.00
HCC 19.08.070(e)	Deface, destroy, alter or remove City property	\$300.00
HCC 19.08.070(f)	Dog at large in City campground	\$300.00
HCC 19.08.070(g)	Campsite in City campground left in disorderly or unsightly condition	\$300.00
HCC 19.08.080	Improper storage of garbage, refuse, other waste in City campground	\$300.00
HCC 19.12.080	Excavation or removal of gravel or fill – Permit required	\$300.00
HCC 19.12.090	Tampering with, burning or removing driftwood from storm berm	\$300.00
HCC 19.20.020	General rules	\$300.00
HCC 19.20.030	Park closure	\$150.00

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Section 3. The Council hereby amends the FY2022 Operating Budget and authorizes an expenditure of up to \$3,000 for Port & Harbor dumpster regulation changes:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
456-0830	Port and Harbor Reserves	\$3,000

Section 4. Sections 1 and 2 are of a permanent and general character and shall be included in Homer City Code.

Section 5. Section 3 is a budget amendment ordinance only, is not permanent in nature, and shall not be codified.

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

CITY OF HOMER

 KEN CASTNER, MAYOR

ATTEST:

 MELISSA JACOBSEN, MMC, CITY CLERK

- 488 YES:
- 489 NO:
- 490 ABSENT:
- 491 ABSTAIN:
- 492
- 493 First Reading:
- 494 Public Hearing:
- 495 Second Reading:
- 496 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

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(f) 907-235-3148

Memorandum 21-155

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: July 19, 2021
SUBJECT: Port & Harbor Dumpster Usage Ordinance

The Port & Harbor Enterprise has challenges with individuals using dumpsters located on the spit as a place to dispose of solid waste from households and businesses. This has never been permitted, but it is a long running practice by many. The intent of this proposed ordinance is to discourage the practice, reduce costs to the enterprise, keep the spit and waterways clean, and give the City the ability to fine the most egregious of offenders.

Solid Waste Management Background

The City transferred its powers as they relate to garbage and solid waste disposal, acquisition, and maintenance of suitable disposal sites to the Kenai Peninsula Borough (KPB) many years ago (HCC 5.08.010). KPB maintains a transfer station in Homer located at 169 Sterling Highway. The vast majority of the types of solid waste we frequently find in Port & Harbor dumpsters can be deposited at the transfer station for free. The transfer station is open Monday through Saturday 8:00AM to 5:45PM and Sundays 12:00pm to 4:00pm. Sunday hours are currently unavailable October through April.

Port & Harbor Dumpsters

The existing Port & Harbor dumpsters (approximately 16 units) are funded in large part by vessel moorage and specifically intended for use by vessels moored in the port & harbor. The Enterprise pays approximately \$60,000 per year in solid waste disposal. We have not conducted a waste characterization study to determine what percentage of that is non-vessel-related waste; however, staff is confident that a significant amount of waste comes from households and businesses.

It is not uncommon for the dumpsters to overflow, particularly on the weekends. Individuals will leave bags of solid waste on the ground in the vicinity of a dumpster where it is vulnerable to wind, birds, rodents, etc. which can damage garbage bags and lead to solid waste entering nearby waterways.

Currently there are not specific code sections for Port & Harbor Dumpsters nor clear signage which makes it clear dumpsters on the spit are not for general use.

Please note that there are also dumpsters on the spit for Parks-related uses. These dumpsters are generally in place seasonally and are paid for by the General Fund. An existing section in Homer City Code makes it clear that these dumpster are for parks use only (HCC 19.20 (i)).

Relevant Solid Waste Sections in Homer City Code (HCC)

HCC has a number of references to solid waste disposal and illegal dumping.

- HCC Chapter 5.08 Garbage and Solid Waste Disposal: Covers the transfer of power to KPB and a provision about securing solid waste in vehicles in such a way that it will not scatter or spill onto the roadway.
- HCC Chapter 10.08 Protection of the Harbor and Waterways
 - Defines “dump” to mean the discharge, deposit, dump, spill, leak, inject, or place matter into or on any land or water so that such matter or any constituent part thereof enters the Homer harbor or any waterway.”
 - Specifically outlaws dumping trash and other materials into the Homer Harbor or any waterway.
 - Sets fines for dumping which start at \$100 and escalate to \$1000 with each act of dumping and day of dumping as separate offenses. Each individual battery dumped is its own offense.
 - Additionally, any person who dumps in the Harbor or any waterway is strictly liable for the cost of removing the prohibited matter and repairing/remediating any damage. They City may also exercise any civil remedy available under HCC 1.16.020, AS 46.03.822, or any other provision of law.
- HCC Chapter 19.20 Parks and Recreation Facilities: Specifically states that “dumpsters provided at park facilities are intended for park use only.”
- HCC Chapter 18.28 Tidelands:
 - Includes littering or dumping of waste in the definition of “waste or injury to land”
 - Waste or other injury upon City-owned tideland and contiguous submerged land is unlawful and the offending person is civilly liable for any damages caused and may also be punished in accordance with HCC 1.16.010

Notably absent is a general provision for littering. Staff recommends that the Port & Harbor dumpster ordinance be followed up by a littering ordinance in the near future.

Proposed Solution

While it is clear that dumping of solid waste outside of dumpsters is not legal on the spit, the restricted use of Port & Harbor dumpsters is not clearly defined in code. Staff believes that it should be specifically stated in code that dumpsters are for port & harbor use similar to the provision for park dumpsters in Chapter 19.20.

The proposed ordinance creates a new section which makes it clear port & harbor dumpsters are limited to use by moorage paying vessels, and creates a mechanism to penalize offenders. The ultimate goal isn't to spend much time enforcing the ordinance, we just want to deter the current unauthorized use. The ordinance also sets aside \$3000 in Port & Harbor Reserve funds for signage.

Alternatives

The following alternative concepts have been discussed briefly by Council but without resolution:

1. Allow households and businesses to use Enterprise dumpsters to dispose of solid waste with supplemental funding from KPB.
2. Encourage KPB to keep the transfer station open on Sundays year-round to avoid gaps in availability.

Staff is not supportive of encouraging the use of Enterprise dumpsters by the public for non-Port & Harbor purposes. It creates extra expense, extra work, and is likely to create attractive nuisances around popular dumpsters which are likely to overflow and cause environmental concerns. While funds from KPB would be welcome relief to the Enterprise budget, the increased dumping is likely not worth the financial contribution.

On the other hand, staff is extremely supportive of KPB directing funds to itself to keep the transfer station open on Sundays all year. It removes a barrier to disposal for folks who want to do their trash run on a Sunday. This change by KPB would be an excellent complement to the proposed ordinance.

Staff Recommendation: Introduce the proposed Port & Harbor dumpster ordinance on Sept 13th and adopt it at the Sept 27th meeting. Continue to lobby KPB to extend Sunday service on a year round basis.

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

3 City Manager

4
5 **ORDINANCE 21-54**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE FY 2022 BUDGET BY APPROPRIATING FUNDS IN
9 THE AMOUNT OF \$60,000 FROM THE GENERAL FUND FUND
10 BALANCE FOR THE PURPOSE OF SUPPORTING COVID-19
11 MITIGATION AND RESPONSE.
12

13 WHEREAS, The City’s Local Health Emergency declaration for COVID-19 expired in June
14 2021; and

15
16 WHEREAS, The spread of COVID-19 continues, fueled by what is known as the delta
17 variant; and

18
19 WHEREAS, The U.S. Food and Drug Administration is expected to recommend all
20 Americans already fully vaccinated with an mRNA vaccine receive a booster dose; and

21
22 WHEREAS, The City intends to partner with South Peninsula Hospital to host a COVID-
23 19 Booster Program; and

24
25 WHEREAS, There is an expectation that unforeseen developments related to COVID-19
26 will likely create costs not accounted for in the City’s operating budget.
27

28 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

29
30 Section 1. The FY 2022 budget is hereby amended by appropriating funds in the amount
31 of \$60,000 for the purpose of COVID-19 mitigation and response.
32

33 Revenue:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
100-0350-5990	General Fund Fund Balance	\$60,000

36
37 Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
157-0936-5200	COVID-19 Mitigation	\$60,000

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41 Section 2. This is a budget amendment ordinance, is temporary in nature, and shall
42 not be codified.

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ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 27th day of September, 2021.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

- Introduction:
- Public Hearing:
- Second Reading:
- Effective Date:

- Yes:
- No:
- Abstain:
- Absent:



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 21-156

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: September 7, 2021
SUBJECT: COVID-19 Booster Program

It is anticipated that the U.S. Food and Drug Administration (FDA) will be authorizing and recommending that all Americans already fully vaccinated with an mRNA vaccine (i.e., Pfizer or Moderna) receive a booster dose.

South Peninsula Hospital (SPH) is beginning to prepare for implementation of a booster shot program and reached out to the City to discuss a partnership. On August 23rd their CEO, along with key COVID mitigation staff, met with Special Projects Coordinator Jenny Carroll and requested City logistical support for anticipated booster shot distribution. Because we are no longer working under a declared emergency, a new agreement between the parties has been developed.

The vision is to host a series of vaccine PODs, similar to those conducted earlier in the year to distribute the two-series doses of vaccines to the public. As before, SPH would be responsible for the healthcare-related elements of the PODs. The City would be responsible for coordinating planning, logistics, and communications.

Related to this new agreement with SPH to assist in launching a COVID-19 Booster Program, is a request to appropriate funds from the General Fund to support COVID mitigation activities for the next year. I am requesting \$60,000 to support POD staffing, future pop up vaccination and/or testing events, supplies (i.e., signage, parts/batteries for electronic reader boards, masks, etc.), and contracting for communications support. Whenever possible, staff will use State or Federal COVID grant funds first before using City funds.

Staff Recommendation: Introduce Ordinance funding FY22 COVID mitigation program on September 13th and adopt on September 27th.

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

3 City Manager/
4 Finance Director

5 **ORDINANCE 21-55**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
8 ACCEPTING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO THE
9 GENERAL FUND AS REVENUE REPLACEMENT.

10
11 WHEREAS, The American Rescue Plan Act (ARPA) made COVID relief funds available to
12 local governments for uses to include revenue replacement; and

13
14 WHEREAS, City Council approved Resolution 21-046 to accept funds from the Alaska
15 department of Commerce, Community and Economic Development; and

16
17 WHEREAS, City Staff submitted the required documents to the State of Alaska; and

18
19 WHEREAS, The City of Homer has been awarded \$1,429,524.87 to be paid in two
20 tranches, one year apart; and

21
22 WHEREAS, After an analysis by Porter & Allison, it was determined that the City
23 qualified for revenue replacement exceeding the amount of ARPA funds awarded; and

24
25 WHEREAS, The first tranche of \$714,762.44 has now been disbursed to the City of
26 Homer.

27
28 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

29
30 Section 1. The Homer City Council hereby appropriates the ARPA funding in the
31 amount of \$714,762.44 into the General Fund as revenue replacement.

32
33

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
119-0375	ARPA Funding	\$714,762.44

34
35
36 Section 2. This is a budget amendment ordinance, is temporary in nature, and shall not
37 be codified.

38
39 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of September, 2021.
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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:



City of Homer

www.cityofhomer-ak.gov

Finance Department

491 East Pioneer Avenue
Homer, Alaska 99603

finance@cityofhomer-ak.gov

(p) 907-235-8121

(f) 907-235-3140

Memorandum 21-157

TO: Mayor Castner and Homer City Council
THROUGH: Rob Dumouchel, City Manager
FROM: Elizabeth Walton, Finance Director
DATE: September 8, 2021
SUBJECT: ARPA Funding

The purpose of this memo is to provide Council with additional information regarding the American Rescue Plan Act (ARPA) funding that the City of Homer is to receive.

Background:

In 2021, the Federal Government passed the American Rescue Plan Act (ARPA). The City of Homer is to receive \$1,429,524.87 in two tranches one year apart. The City will receive this funding as a pass through from the State of Alaska.

The eligible timeframe for expenditures in March 3, 2021 through December 21, 2024. The costs must be incurred by December 31, 2024 and fully expended by December 31, 2026.

Eligible Uses:

1. To respond to the COVID-19 public health emergency or its negative economic impacts;
2. To respond to the workers performing essential work during the COVID-19 public health emergency by providing premium pay to such eligible workers of the recipient, or by providing grants to eligible employees that have eligible workers who performed essential work;
3. For provision of government services, to the extent of the reduction in revenue of such recipient due to the COVID-19 public health emergency, relative to revenues collected in the most recent full fiscal year of the recipient prior to the emergency. Use of funds for government services must be forward looking for costs incurred by the recipient after March 3, 2021; and
4. To make necessary investments in water, sewer, or broadband infrastructure. Can cover costs incurred for eligible projects planned or started prior to March 3, 2021, provided that the project costs covered by the SLFRF award funds were incurred after March 3, 2021.

5. Funds can be used for administering the SLFRF program, including direct and indirect costs, costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements.
6. Funds can be used for a reasonable, proportionate share of the costs of audits required by the Single Audit Act.
7. Certain employees' wages, salaries and covered benefits are an eligible use of funds.

Ineligible Uses:

1. Deposits to pension fund;
2. Offset a reduction in net tax revenue caused by the recipient's change in law, regulation, or administrative interpretation;
3. Non-Federal match where prohibited
4. Service debt, satisfy a judgment or settlement, or contribute to a "rainy day" fund.

Professional Consultation:

In July, we met with Porter and Allison (P&A) to discuss the possibility of utilizing the ARPA funding as revenue replacement. P&A was also consulted for the calculation of the total revenue reduction amount. Upon completion of that calculation it was determined that the loss in revenue exceeded the amount of ARPA funds to be awarded to the City. Therefore, the City of Homer is eligible to fully utilize the ARPA funding as revenue replacement.

Recommendation:

Pass Ordinance 21-55 appropriating the first tranche of \$714,762.44 into the General Fund as revenue replacement.

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 21-56

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING A NEW DESIGNATED LEGISLATIVE GRANT FOR THE APPROVED RE-APPROPRIATION OF REMAINING FUNDS FROM PREVIOUS GRANT #15-DC-061 IN THE AMOUNT OF \$35,234.19 FOR THE PURPOSE OF HARBOR FIRE CART REPLACEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The State of Alaska approved designated legislative grant #15-DC-061 to the City of Homer for the Homer Sheet Pile Loading Dock project in 2014 (Ord 14-44(S)); and

WHEREAS, Remaining funds after project completion in June of 2020 were \$35,234.19; and

WHEREAS, The State of Alaska Legislature has approved the re-appropriation of those remaining funds in the amount of \$35,234.19 into a new designated legislative grant, per A.S. 37.05.315 (Grants to Municipalities), granted to the City of Homer for the purpose of harbor fire cart replacement; and

WHEREAS, It is in the City's best interest to accept and appropriate the grant for needed, city budget approved, infrastructure improvements.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates a designated legislative grant from the State of Alaska for FY2022 in the amount of \$35,234.19 as follows:

<u>Revenue Account</u>	<u>Description</u>	<u>Amount</u>
456-0830	Alaska Designated Legislative Grant	\$35,234.19

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

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

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

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:



City of Homer State Re-appropriation Request:

Harbor Fire Cart Replacement

The City of Homer requests a re-appropriation of State Legislative Grant funds to replace two Harbor Fire Carts, essential equipment for fire protection in Homer's Port & Harbor, protecting valuable port infrastructure and providing a vital service to the maritime community when disaster strikes.

Homer's Volunteer Fire Department provides first response marine fire protection to \$107.5 million in public infrastructure including the Deep Water Dock, the Pioneer Dock, a fish offloading dock, barge haul out facilities, load and launch ramps and nearly 1,000 slips for marine vessels from 20 feet to 110 feet in length. They also protect hundreds of millions of dollars more in private property with all of the vessels and boats moored in the harbor.

Tidal fluctuations ranging up to 26 feet at maximum tides requires that firefighting resources are staged with the floating docks, rather than shore based. Harbor Fire Carts are specialized equipment uniquely capable of filling this need. They are compact, powerful, motorized fire apparatus containing firefighting equipment required for full service response: a 20-gallon AFFF foam tank, a high capacity CET portable pump able to deliver sea water and/or the AFFF foam to two attack lines simultaneously, a set of irons for forcible entry and LED scene lighting. Standard operating procedures require that harbor officers stage at least 2 working Fire Carts at every fire for safety.

Seven fire carts are located strategically throughout the 2.5 miles of harbor floats. Each is stored in a heated and insulated shed accessible only to the trained Harbor Officers and deployed when there is a fire or threat of a fire in port infrastructure or on a moored vessel. On many occasions this fast response apparatus has saved vessels and prevented the devastating and costly spread of fire in the small boat harbor.

This project seeks to replace two of the fire carts which are presently over 30 years old. Aggressive and ongoing repairs have allowed these apparatus to function well beyond their 20-year service life. However, the two needing replacement have begun failing due to the harsh marine environment and age.

This is a high priority Capital project for the City of Homer.

Project Total Cost:	\$50,000 (\$25,000 per cart)
State Re-appropriation:	\$35,234
City of Homer Match	\$14,766

Project Contact: Jenny Carroll, Special Projects Coordinator
jcarroll@ci.homer.ak.us
907-435-3101

Time line for completion 2022:

1st and 2nd Quarter (Jan-June 2022)- Purchase and shipping of all needed supplies

3rd Quarter (July-Sept 2022)- Completion of rebuild/replacement of Fire Suppression Cart #5

4th Quarter (Oct- Dec. 2022)- Completion of rebuild/replacement of Fire Suppression Cart #6

Budget Summary:

Note: The main budget items for each fire cart replacement are listed below. Shipping and import fees, as well as the misc. parts line item of “Hoses, nozzles, gated wye” are best approximations and subject to changing conditions.

Per Fire Suppression Cart:

- Tohatsu fire pump: \$17704.85
- Tracked carrier: \$4625.00
- Hoses, nozzles, gated wye: \$4201.30
- Shipping/import fees: \$1437.55
- Misc. parts: \$500

- Total per cart: \$28,468.70

- **Project total = \$56,937.40**

Note: The City’s matching portion, as well as any cost of material fluctuations above the anticipated, will be covered by the approved budget request for the 2022-2023 City Budget. The Fire Cart rebuild #5 has an approved appropriation from the Port Reserves of \$30,000 to be used in the rebuild and replacement of this needed infrastructure. (see attached)

DESIGNATED LEGISLATIVE GRANT SIGNATORY AUTHORITY FORM

Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs

Please clearly print, submit ORIGINAL form, and submit an updated form annually or whenever changes are made to the information below.

Grantee Name:	Date:
Regular Election Held (if applicable):	Telephone Number:
Grantee Contact Name:	Fax Number:
Address:	E-mail Address:
City, State, Zip Code:	Federal Tax ID #:
Indicate reporting frequency: <input type="checkbox"/> Monthly Reporting <input type="checkbox"/> Quarterly Reporting	

Use this section to designate individuals other than the Chief Administrator to sign the following documents:

Grant Agreements and Amendments:
Printed Name:
Title:
Signature:
Printed Name:
Title:
Signature:

Financial/Progress Reports and Advance Requests:
Printed Name:
Title:
Signature:
Printed Name:
Title:
Signature:

This signatory authority is conveyed by _____, the Chief
(Name)

Administrator of _____, this _____ day of _____, 20____
(Grantee Name)

Signature

Printed Name/Title

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 21-57**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AUTHORIZING THE CONVEYANCE OF 601 SQUARE FEET OF CITY
9 PROPERTY, KENAI PENINSULA BOROUGH PARCEL ID# 17302201,
10 FOR AN EASEMENT TO THE ALASKA DEPARTMENT OF
11 TRANSPORTATION AND PUBLIC FACILITY (AKDOT/PF) TO
12 SUPPORT STERLING HIGHWAY IMPROVEMENTS AND ACCEPTING
13 \$1,000 AS JUST COMPENSATION FOR ACQUISITION OF THE
14 EASEMENT.

15
16 WHEREAS, The AKDOT/PF is reconstructing portions of the Sterling Highway between
17 Anchor Point and Baycrest Hill; and

18
19 WHEREAS, According to the project proponents, the project *“will include new roadway*
20 *pavement, additional shoulder width, the addition of passing lanes/climbing lanes, replacement*
21 *of bridges and culverts, and stabilization of streambeds to restore the structural integrity,*
22 *increase safety, reduce congestion and improve traffic efficiency through the corridor”*; and

23
24 WHEREAS, The City owns a 33-acre parcel with the legal description T 6S R 14W SEC 9
25 SEWARD MERIDIAN HM SE1/4 SE1/4 EXCLUDING THE W1/2 SW1/4 SE1/4 SE1/4, KPB Tax Id#
26 173022001, located at mile post 168 on the Sterling Highway; and

27
28 WHEREAS, The AKDOT/PF requires an easement, comprising 601 square feet of this
29 parcel, and identified as Parcel E-16C and has offered \$1000 as just compensation for the
30 acquisition of the easement; and

31
32 WHEREAS, Granting this easement will not impede the City’s current or future uses of
33 the parcel.

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

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37 Section 1. Conveyance of 601 square feet of property with the legal description T 6S R
38 14W SEC 9 SEWARD MERIDIAN HM SE1/4 SE1/4 EXCLUDING THE W1/2 SW1/4 SE1/4 SE1/4, KPB
39 Tax Id# 173022001, located at mile post 168 on the Sterling Highway is hereby authorized to be
40 negotiated and executed by the City Manager.

41
42 Section 2. Compensation in the amount of \$1000 shall be allocated to the City of
43 Homer Land Reserves Fund as follows:
44

Revenue:	<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
	150-0392	Sterling Highway Property Conveyance	\$1000

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

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

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:



City of Homer

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Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907-235-3170

(f) 907-235-3145

MEMORANDUM 21-158

To: Mayor Castner and Homer City Council

Through: Rob Dumouchel, City Manager

From: Janette Keiser, PE, Public Works Director

Date: August 26, 2021

Subject: Easement related to Alaska Department of Transportation & Public Facility's (AKDOT/PF) Sterling Highway MP 157-169 Project

Issue: The purpose of this memorandum is to recommend conveying an easement to the AK DOT/PF's Sterling Highway project, between MP 157-169.

Background: The AK DOT/PF is reconstructing portions of the Sterling Highway between Anchor Point and Baycrest Hill. According to the project proponents, the project *"will include new roadway pavement, additional shoulder width, the addition of passing lanes/climbing lanes, replacement of bridges and culverts, and stabilization of streambeds to restore the structural integrity, increase safety, reduce congestion and improve traffic efficiency through the corridor."*

The City owns a 33-acre parcel, located at MP 168 on the Sterling Highway. The AK DOT/PF requires an easement, comprising 601 square feet of this parcel, and identified as Parcel E-16C. The agency has offered \$1000 as Just Compensation for the acquisition of the easement.

We have reviewed the agency's request and determined that granting this easement will not impede the City's current or future uses of the parcel.

Recommendation:

City Council authorize the City Manager to execute documents related to the conveyance of Parcel E-16C to the AK DOT/PF.

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 21-058

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE CITY FEE SCHEDULE UNDER CAMPING, CITY
CLERKS, HOMER POLICE DEPARTMENT, PLANNING AND ZONING,
AND PUBLIC WORKS FEES.

WHEREAS, The City Departments conducted a review of their fee schedules; and

WHEREAS, The Planning and Zoning fees are amended under Zoning Fees-Other,
Preliminary Plat Processing Fee, and Publication Fees; and

WHEREAS, Ordinance 21-51 amends Homer City Code to remove various fees that
should be published in the City of Homer's Fee Schedule.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
amends the City Fee Schedule under Camping, City Clerks, Homer Police Department, Planning
and Zoning, and Public Works Fees as follows:

Camping Fees:

All Camping	\$20.00 per day
Impound Fee	\$20.00
Pavilion Rental	\$25.00 per 4 hours

City Clerks Fees:

Cemetery Plots			
Internment Plot		\$1,000.00	
Cremains Plot		\$400.00	
Memorial Marker Deposit		\$500 refundable upon installation of a permanent marker within 12 month timeframe	
City Council and Commission Meeting Packets			
Cost Per Packet			
0 – 25 Pages	\$5.00	100 – 200 Pages	\$25.00
26 – 50 Pages	\$10.00	200 – 500 Pages	\$30.00
51 – 100 Pages	\$20.00	500+ Pages	\$35.00

City Hall Facility Use	
Cleaning Fee (if facility is not left as found)	Up to \$60.00 additional fee may be applied
Conference Room – Up to 12 People	
Government Agencies	Exempt (generally)
Non-Governmental Agency or Entity	\$25.00 per hour \$125.00 per day maximum
Cowles Council Chambers – Up to 25 People	
Government Agencies	Exempt (generally)
Non-Governmental Agency or Entity	\$50.00 per hour \$250.00 per day maximum
Use of Electronic Equipment	\$30.00 IT setup fee for use during business hours \$50.00 per hour, includes staff supervision for use after hours
City Pins and Mugs	
Logo Pins	\$1.00
Logo Mugs	\$4.00
Scene Mugs	\$8.00
Digital Audio of Meetings (audio files will be provided on a flash drive)	\$25.00 per flash drive
Elections	
Election Contest Filing Fee	\$750.00
Election Recount Deposit	\$250.00
Notary	\$5 per person, up to 3 notary pages \$10 per person for 4 or more notary pages
Fire Works Permit ¹ (apply 30 days in advance)	\$25.00 per exhibit plus bond for \$500 or liability insurance required
Gravel Permit ²	\$5.00 per application
Tideland Appraisal Deposit	\$2,000.00

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Homer Police Department Fees:

Annual Safety Inspection Commercial Vehicles	\$100.00
Chauffeurs License	\$100.00 application fee plus \$35.00 fee for Fingerprinting to the State of Alaska (none of these fees are refundable)
Engine Brake Use Prohibited:	
First Conviction	\$100.00
Second Conviction Within Six (6) Months of First Conviction	\$200.00 plus proof of satisfactory HPD commercial vehicle inspection

Third Conviction Within Six (6) Months of Any Prior Conviction	\$300.00 plus proof of satisfactory HPD commercial vehicle inspection
<u>Excessive Police Response to Residential Property per Calendar Year</u>	<u>\$250.00</u>
Handicap Parking Violation	\$100.00
Itinerant <u>or Transient</u> Merchant:	
<u>Application Fee</u>	<u>\$10.00</u>
60-day License	\$330.00
Mobile Food Unit <u>Annual License – Expires December 31st</u>	\$390.00; <u>a \$12.00 per month discount for the unused portion (counting from the beginning of the year) shall be granted</u>
Muffler Not Working Properly	CORR/\$500.00
Muffler Modified/Excessive Noise	CORR/\$500.00
Muffler Removed or Inoperative	CORR/\$500.00
Noise Exceeds Limits:	
First Conviction	\$100.00
Second Conviction Within 6 Months of First Conviction	\$200.00
Third Conviction Within 6 Months of Any Prior Conviction	\$300.00
Parking Tickets (Paid at City Hall)	\$25.00
Public Transportation	
Vehicle Permit – Expires June 30 th	\$150.00 fiscal year
Permit After January 1 st – Expires June 30 th	\$75.00
Replacement Permit	\$5.00

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Planning and Zoning Fees:

Zoning Fees – Other	
Rezone	\$500.00
Flood Hazard Development Permit	\$200.00
Sign Permit	\$50.00
Variance	\$350.00
Erosion and Sediment Control Plan (BCWPD)	\$300.00
Storm Water Protection Plan Fee	\$200.00
<u>Development Activity Plan (DAP)</u>	<u>\$200.00</u>

Preliminary Plat Processing Fee	\$300.00 or \$100.00 per lot, whichever is greater
Elimination of a Common Interior Lot Line	\$200.00 <u>\$300.00</u>
Right of Way and Section Line Easement Vacation Application Fee	\$300.00 In addition to applicable preliminary plat fees
Utility Easement Vacation	No fee <u>\$50.00</u>
Publication Fees	
Comp Plan – Small	\$10.00
Comp Plan – Large	\$20.00
Zoning Map – Small	\$5.00
Zoning Map – Large	\$25.00
Road Maintenance Map - <u>Small</u>	\$5.00
<u>Road Maintenance Map - Large</u>	<u>\$25.00</u>
Zoning Ordinance – HCC 21	\$15.00

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Public Works Fees:

Commercial	\$60.00
<u>Development Fee for Private Projects:</u>	
<u>Cost Estimate Less than \$100,000</u>	<u>1.0% of cost estimate, but not less than \$250.00</u>
<u>Cost Estimate \$100,000 to \$500,000</u>	<u>0.75% of cost estimate, but not less than \$1,000</u>
<u>Cost Estimate Above \$500,000</u>	<u>0.50% of cost estimate, but not less than \$3,750</u>
<u>*Municipal projects shall include an appropriate project overhead for project administration and inspection.</u>	
Driveway Permit Residential	\$45.00
Long Driveway (addn)	\$105.00
Potable Water	\$5.00 per fill
R.V. Station dumping	\$15.00 per dumping
Utility Construction Project Permit	
Minor (Less Than 150 LF of Right-of-Way Affected)	\$90.00
Major (More Than 150 LF of Right-of-Way Affected)	\$225.00

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PASSED AND ADOPTED by the City Council of Homer, Alaska, this 13th day of September 2021.

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

RENEE KRAUSE, MMC, ACTING CITY CLERK

Fiscal Note: Revenue amounts not defined in 2022-23 budget.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 21-160

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: RACHEL TUSSEY, CMC, DEPUTY CITY CLERK
DATE: SEPTEMBER 2, 2021
SUBJECT: CITY FEE SCHEDULE AMENDMENTS

Mayor Castner requested the Clerk's Office review City Code and amend it to remove fees and add them to the fee schedule. Ordinance 21-51, which is scheduled for public hearing at the September 13th meeting, amends City Code. Resolution 21-0xx is to amend the fee schedule to add those fees from code.

Resolution 21-038(S), adopted June 28th, did not include the second page of Planning and Zoning fee amendments as outlined in SR 21-12 from City Planner Abboud. Those additional fee schedule changes are included with this amendment.

Recommendation

Adopt Resolution 21-058 amending the fee schedule.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 21-12

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: March 3, 2021
SUBJECT: planning and zoning fees

Introduction

We are bringing a new permitting system on board and I wish to pay for the annual maintenance through an increase in Planning and Zoning fees.

Analysis

The additional annual fees for the permitting system amount to \$8000.00. Some costs will be passed along to the Public Works Department for their use associated with zoning related permits such as water, sewer, and driveway. Zoning fees have not changed in the 12+ years that I have been City Planner, so it should come as no shock that an increase is due.

I have consulted with staff and have a draft proposal attached. The proposed amount of increases should be near the amount of cost for the system when permits are processed in the quantities of the past.

Besides the increase in fee for zoning permits, you will notice we propose eliminating the reduced size (small) of comp plan reproductions. We find that producing a plan when the maps are not 11 x 17 is somewhat nonfunctional, as it is very difficult to discern the information on the maps. Additionally, the ten dollar fee likely represents a cost below the cost to produce, as the plan is 130 pages. We also added a fee for a large road maintenance map equal to that of the large zoning map.

Staff Recommendation

Provide comments/recommendation(s) for the City Council to consider when reviewing the fee schedule.

Attachments

Draft Planning and Zoning fee schedule.



PLANNING AND ZONING

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

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

Traffic Impact Analysis and Community Impact Assessment: When required, applicant will be charged for the actual cost of the study, plus a 10% administrative fee. The City will be responsible for hiring and managing the study. Recording (as required) is \$50.00. [Resolutions 03-159 and 96-13; HCC 12.12.03]

Zoning Permit Fees ¹	
Single Family /Duplex	\$200.00 <u>\$300.00</u>
Multi-Family/Commercial/Industrial	\$300.00 <u>\$400.00</u> plus \$50.00 per hour when over six hours of administrative time
Change of Use fee	\$50.00
Deck	\$50.00 <u>\$100.00</u>
Employee Occupied Recreational Vehicle in Marine Commercial and Marine Industrial Zoning Districts	\$100.00 annually
Conditional Use Permit Processing Fee ¹	
Amendment	\$200.00
Fence	\$300.00
Single Family/Duplex	\$200.00 <u>\$300.00</u>
Multi-Family/Commercial/Industrial	
Uses Less Than 8,000 Sq. Ft.	\$500.00
Uses 8,001 Sq. Ft. to 15,000 Sq. Ft.	\$1,000.00
Uses 15,001 Sq. Ft. to 25,000 Sq. Ft.	\$2,500.00
Uses 25,001 Sq. Ft. to 40,000 Sq. Ft.	\$5,000.00
Uses 40,001 Sq. Ft. and Larger	\$8,000.00
Zoning Fees – Other	
Rezone ²	\$500.00
Flood Hazard Development Permit	\$200.00
Sign Permit	\$50.00
Variance	\$250.00 <u>\$350.00</u>
Erosion and Sediment Control Plan (BCWPD)	\$300.00

Storm Water Protection Plan Fee	\$200.00
<u>Development Activity Plan (DAP)</u>	<u>\$200.00</u>
Preliminary Plat Processing Fee ³	\$300.00 or \$100.00 per lot, whichever is greater
Elimination of a Common Interior Lot Line	\$200.00 <u>\$300.00</u>
Right of Way and Section Line Easement Vacation Application Fee	\$300.00 In addition to applicable preliminary plat fees
Utility Easement Vacation	No fee <u>\$50.00</u>
Publication Fees	
Comp Plan – Small	\$10.00
Comp Plan – Large	\$20.00
Zoning Map – Small	\$5.00
Zoning Map – Large	\$25.00
Road Maintenance Map - <u>Small</u>	\$5.00
<u>Road Maintenance Map - Large</u>	<u>\$25.00</u>
Zoning Ordinance – HCC 21	\$15.00
Street Renaming Fees	
For name changes or naming of public dedicated streets other than those named during the subdivision process:	
Street Naming Petition and Hearing Advertising Fee	\$150.00
Installation of Each New City Sign, Post, Etc.	\$150.00 per sign
Replacement of Existing City Sign Due to Change Where No Post Is Needed	\$ 80.00 per sign
	The minimum fee shall be either a combination of 1 and 2 OR 1 and 3 above; however, all signs that need to be changed and/or maintained by the City must be paid for prior to installation
For Private Road Naming:	
Street Naming Petition and Hearing Advertising Fee	\$150.00
Installation of Each New City Sign, Post, Etc.	\$150.00 per sign
If No Public Hearing or Public Notice is Necessary, i.e., 100% Petition and No Partial Dedicated Street Involved	No Fee
If No Signs are Required	No Fee

¹ Fees for commencing activities, without a permit, shall be assessed at the regular rate multiplied by one and one half (1.5) for Residential and two (2) for Commercial.

² HCC 21.63 repealed Contract Rezone via Ordinance 03-21

³ Resolutions 07-14, 03-159, and 96-13

Deputy City Planner Engebretsen facilitated a brief question and answer period on the Coastal Bluff Hazard mapping and the benefits that it would provide to the city with the assistance of Commissioner Bentz.

Deputy City Planner Engebretsen fielded questions from the Commissioners on providing input on the Wayfinding RFP and the massive clear-cutting that was conducted just outside the eastern city limits which may present some flooding issues.

B. Public Works Campus Task Force Report – Commissioner Barnwell

Commissioner Barnwell provided a through update using maps showing inundation lines and a progress report on the two meetings and worksession that were conducted by the Task Force specifically highlighting the exercise of determining risks to the Public Works Facility in the event of a Tsunami, reviewing the 2019 Inundation Report and having a very informative presentation by Barrett Salisbury with DGGs and Elena Suleimani with the Alaska Earthquake Center on earthquakes and how they would affect Homer.

Commissioner Barnwell field questions from the commission regarding site selection, the inundation lines are not higher, consideration of moving other facilities in relation to Public Works having bearing on site selection, utilizing the space at the old police station or high school for placement of equipment, consideration on resiliency to shoreline change, drainages, nuisance flooding as well as tsunami.

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

A. Memorandum PL 21-14, Draft Community Design Manual (CDM) Update Progress

Deputy City Planner Engebretsen reviewed the changes to the CDM. She requested any concerns or red flags that the Commission may have on the amendments and noted she planned to have a more fleshed out draft for the next meeting. She referenced the language that needs to be changed since they are having too many lawsuits and appeals.

Chair Smith commented that he appreciated the direction that staff was going with the update.

NEW BUSINESS

A. Staff Report 21-13, Planning Fees

Deputy City Planner Engebretsen reviewed Staff Report 21-13 and noted that the department has not increased their fees in twelve years. Appeal fees are extremely low in comparison to the cost to defend any actions that may be appealed. She requested comments and recommendation from the Commission on changes to any of the fees this is the time. In response to a question on how expending the funds for this software will eventually save the city money by providing the ability to have one record that will cover input from Public Works, the Client and the Planning Department; also this software will bring the Planning Department forward by two decades and it will additionally offer the online ability and efficiency.

Deputy City Planner Engebretsen will look into the status of builders submitting required asbuilts and have that information available for the next meeting in response to a question from Commissioner Venuti.

Chair Smith requested a motion.

HIGHLAND/BARNWELL - MOVED TO ADOPT STAFF REPORT 21-13 AND RECOMMEND CITY COUNCIL APPROVE SUGGESTED PLANNING DEPARTMENT FEE AMENDMENTS.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATION MATERIALS

- A. City Manager's Report for February 22, 2021 City Council Meeting
- B. Request for Proposals, Development of Homer Wayfinding-Streetscape Plan

Chair Smith commented on the information contained in the City Manager's report regarding the water main break, and increased presence of the Coast Guard, noise on Beluga Lake and questioned whether there are plans to replace the restroom at Karen Hornaday Park.

Deputy City Planner Engebretsen responded that there are plans to replace the restroom but funding is an issue at this time and then noted that the other structure that was used by the Little League was also removed since it was not usable due to flooding. Portable toilets will be used in lieu of a restroom for the time being.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

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

3 City Manager

4 **RESOLUTION 21-060**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AWARDED PIER ONE THEATRE A 5-YEAR LEASE WITH NO
8 OPTIONS FOR RENEWAL, A PORTION OF TRACT 1-A, FISHING
9 HOLE SUB NO. 2, WITH AN ANNUAL BASE RENT OF \$1.00, AND
10 AUTHORIZING THE CITY MANAGER TO MOVE FORWARD WITH
11 LEASE NEGOTIATIONS AND EXECUTE THE APPROPRIATE
12 DOCUMENTS.

13
14 WHEREAS, Pier One Theatre has submitted a lease renewal application to the City of
15 Homer for a portion of Tract 1-A Fishing Hole Sub No. 2, for the purpose of continued operation
16 of a non-profit organization that manages summer stock theatre and related activities; and
17

18 WHEREAS, The City of Homer recognizes how Pier One Theatre benefits the Homer
19 community and that Pier One Theatre has been operating on the Homer Spit and leasing from
20 the City for 30+ years; and
21

22 WHEREAS, The City will continue to seek the highest and best use of all City-owned
23 property; Staff agrees that a short-term lease fulfills the current need of the lot, while also
24 keeping the City's interests open in case the Port and Harbor Enterprise experiences future
25 need to expand the Homer Marine Repair Facility; and
26

27 WHEREAS, The Port and Harbor Advisory Commission reviewed Pier One's lease
28 application on August 25, 2021 and recommended issuing a new, five (5) year-term lease with
29 no options to renew, for a portion of Tract 1-A Fishing Hole Sub. No. 2 for the continued
30 operation of a non-profit theatre organization in Homer, Alaska, on the Homer Spit; and
31

32 WHEREAS, HCC 18.08.160 (4) and HCC 18.08.040 (a) states the Council shall approve or
33 deny the request for lease assignment for a lease of five years or less via resolution.
34

35 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby awards a new,
36 five (5) year-term lease with no options to renew, to Pier One Theatre for a portion of Tract 1-
37 A, Fishing Hole Sub No. 2, with a base rent of \$1.00 per year, and authorizes the City Manager
38 to move forward with Lease negotiations and execute the appropriate documents.
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40 PASSED AND ADOPTED by the Homer City Council this 13th day of September,
41 2021.
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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

RENEE KRAUSE, MMC, ACTING CITY CLERK

Fiscal note: \$ 1.00 annually


CITY OF HOMER LEASE APPLICATION CHECKLIST

Applicant Name: Pier One Theatre

Synopsis: Pier One Theatre's current lease with the City expires April of 2022. They have submitted a lease application to request another 5 year short term lease with no extensions including the same terms as their existing lease. The term of the requested lease would end April 30 2027. Lease is for the square footage of the building and 22 parking spaces. It is a shared lot with the City campground and adjacent to the Large vessel marine haul out repair yard. Future long term goals (2027 and beyond) for the non-profit theatre company include a move to another lot and/or the construction of a new building. The non-profit theatre has been operating in the Homer community for 30+years. Currently, their lease rent is \$1 per year.

Action:

- Lease approval.
- Lease approval with conditions. Explain. Contingent on securing
- Lease denial. Explain.
- Lease application incomplete.

 30 AUG 21

Rob Dumouchel, City Manager Date

A. A responsive lease application / proposal shall include:

1. A completed application form provided by the City

YES	NO	N/A	INCOMPLETE
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NOTES:

2. Any applicable fees. \$30. Application fee \$300 lease fee

YES	NO	N/A	INCOMPLETE
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NOTES: \$30 lease application fee is due
\$300 lease fee will be due at date of signing

3. A clear and precise narrative description of the proposed use of the property

YES	NO	N/A	INCOMPLETE
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NOTES: Non-profit community performing arts theatre

4. A specific time schedule and benchmarks for development

YES	NO	N/A	INCOMPLETE
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NOTES: Site development is complete. In the building they will be:

- Developing improved accessibility

5. A proposed site plan drawn to scale that shows at a minimum property lines, easements, existing structures and other improvements, utilities, and the proposed development including all structures and their elevations, parking facilities, utilities, and other proposed improvements.

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES: Previous site plans on file, Parking plan submitted

6. Any other information that is directly pertinent to the proposal scoring criteria contained herein

YES	NO	N/A	INCOMPLETE
-----	----	-----	------------

NOTES:

7. All other **required attachments** requested on the application form including, but not limited to, the following documentation: applicant information, plot plan, development plan, insurance, proposed subleases, environmental information, agency approvals and permits, fees, financial information, partnership and corporation statement, certificate of good standing issued by an entity's state of domicile, and references.

- Applicant information
- Plot Plan
- Development Plan N/A
- Insurance
- Proposed Subleases N/A
- Environmental Information N/A
- Agency approvals and permits N/A
- Financial Information (Financial Statement **REQUIRED**, Surety, bankruptcy, pending litigation are situational.
- Partnership information and a copy of the partnership agreement OR
- Corporation, LLC, or Non-profit information and a copy of the Articles of Incorporation and Bylaws
- Certificate of good standing issued by the entity's state if domicile
- Appropriate References

YES	NO	N/A	INCOMPLETE
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NOTES:



Lease Application/Assignment Form

Directions:

1. Please submit this application form to the City Manager's Office, 491 Pioneer Avenue, Homer, AK, 99603.
2. Please answer all questions on this form, or put "N/A" in the space if it is non-applicable.
3. Please include all applicable fees in the form of a check, made payable to the City of Homer.

Applicant Name:	PIER ONE THEATRE, INC
Business Name:	PIER ONE THEATRE, INC
Social Security Number:	EIN: 23-7448364
Email Address:	jennifer@pieronetheatre.org
Mailing Address	332 E. Pioneer Ave, Ste 3
City, State, ZIP code:	Homer, AK 99603
Business Telephone No.	907-226-2287
Representative's Name:	Jennifer Norton
Mailing Address:	332 E. Pioneer Ave, Ste. 3
City, State, ZIP code:	Homer, AK 99603
Business Telephone No.	907-226-2287
Property Location:	SECTION 35, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, THE FISHING HOLE SUB. NO. 2 TRACT 1-A aka KPB 18103117
Legal Description:	Warehouse building approximately 48 ft. in length by 32 ft. in width
Type of Business to be placed on property:	Summer stock theatre and related activities and winter storage
Duration of Lease requested:	5yr @ \$1.00/yr
Options to re-new:	

**The following materials must be submitted when applying for a lease of
City of Homer real property**

1.	Plot Plan	<p><u>A drawing of the proposed leased property showing:</u></p> <p><input checked="" type="checkbox"/> Size of lot - dimensions and total square footage (to scale)</p> <p><input checked="" type="checkbox"/> Placement and size of buildings, storage units, miscellaneous structures planned (to scale).</p> <p><input checked="" type="checkbox"/> Water and sewer lines – location of septic tanks, if needed.</p> <p><input checked="" type="checkbox"/> Parking spaces – numbered on the drawing with a total number indicated</p>																		
2.	Development Plan	<p><input checked="" type="checkbox"/> <u>List the time schedule from project initiation to project completion, including major project milestones.</u></p> <table border="0"> <thead> <tr> <th data-bbox="516 709 592 739">Dates</th> <th data-bbox="784 709 860 739">Tasks</th> </tr> </thead> <tbody> <tr> <td data-bbox="516 739 743 787"><u>5/1/22-4/30/27</u></td> <td data-bbox="800 739 1485 823"><u>DEVELOPMENT OF IMPROVED ACCESSIBILITY AND AUDIENCE</u></td> </tr> <tr> <td data-bbox="516 823 743 871">_____</td> <td data-bbox="800 823 1485 871"><u>FLOW AND COMFORT</u></td> </tr> <tr> <td data-bbox="516 871 743 919">_____</td> <td data-bbox="800 871 1485 919"><u>REGULAR BUILDING MAINTENANCE</u></td> </tr> <tr> <td data-bbox="516 919 743 968">_____</td> <td data-bbox="800 919 1485 968"><u>INCREASED PROGRAMMING FOR CRUISE SHIPS</u></td> </tr> </tbody> </table> <p>For each building, indicate:</p> <table border="0"> <thead> <tr> <th data-bbox="516 1060 682 1089">Building Use</th> <th data-bbox="954 1060 1372 1089">Dimensions and square footage</th> </tr> </thead> <tbody> <tr> <td data-bbox="516 1089 982 1138"><u>COMMUNITY THEATRE</u></td> <td data-bbox="998 1089 1518 1138"><u>48' X 32'</u></td> </tr> <tr> <td data-bbox="516 1138 982 1186">_____</td> <td data-bbox="998 1138 1518 1186">_____</td> </tr> <tr> <td data-bbox="516 1186 982 1230">_____</td> <td data-bbox="998 1186 1518 1230">_____</td> </tr> </tbody> </table>	Dates	Tasks	<u>5/1/22-4/30/27</u>	<u>DEVELOPMENT OF IMPROVED ACCESSIBILITY AND AUDIENCE</u>	_____	<u>FLOW AND COMFORT</u>	_____	<u>REGULAR BUILDING MAINTENANCE</u>	_____	<u>INCREASED PROGRAMMING FOR CRUISE SHIPS</u>	Building Use	Dimensions and square footage	<u>COMMUNITY THEATRE</u>	<u>48' X 32'</u>	_____	_____	_____	_____
Dates	Tasks																			
<u>5/1/22-4/30/27</u>	<u>DEVELOPMENT OF IMPROVED ACCESSIBILITY AND AUDIENCE</u>																			
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_____	_____																			
_____	_____																			
3.	Insurance	<p><input checked="" type="checkbox"/> Attach a statement of proof of insurability of lessee for a minimum liability insurance for combined single limits of \$1,000,000 showing the City of Homer as co-insured. Additional insurance limits may be required due to the nature of the business, lease or exposure. Environmental insurance may be required. If subleases are involved, include appropriate certificates of insurance.</p>																		
4.	Subleases NA	<p><input type="checkbox"/> Please indicate and provide a detailed explanation of any plans that you may have for subleasing the property. The City of Homer will generally require payment of 25% of proceeds paid Lessee by subtenants. Refer to chapter 13 of the Property Management Policy and Procedures manual.</p>																		
5.	Health Requirements NA	<p><input type="checkbox"/> Attach a statement documenting that the plans for the proposed waste disposal system, and for any other necessary health requirements, have been submitted to the State Department of Environmental Conservation for approval. Granting of this lease shall be contingent upon the lessee obtaining all necessary approvals from the State DEC.</p>																		

6.	Agency Approval ALREADY IN PLACE	<input checked="" type="checkbox"/> Attach statement(s) of proof that your plans have been inspected and approved by any agency which may have jurisdiction of the project; i.e. Fire Marshall, Army Corps of Engineers, EPA, etc. The granting of this lease shall be contingent upon lessee obtaining approval, necessary permits, and/or inspection statements from all appropriate State and/or Federal agencies.
7.	Fees	<u>All applicable fees must be submitted prior to the public meeting preparation.</u> <input type="checkbox"/> Application fee - \$30.00. Please make check payable to the City of Homer. <input type="checkbox"/> Lease fee - \$300.00. Please make check payable to the City of Homer.
8.	Financial Data	Please indicate lessee's type of business entity: <input type="checkbox"/> Sole or individual proprietorship. <input type="checkbox"/> Partnership. <input checked="" type="checkbox"/> Corporation. NON-PROFIT 501 C 3 <input type="checkbox"/> Other – Please explain: _____ <hr/> <input checked="" type="checkbox"/> Financial Statement – <u>Please attach a financial statement showing the ability of the lessee to meet the required financial obligations.</u> <input checked="" type="checkbox"/> Surety Information – Has any surety or bonding company ever been required to perform upon your default or the default of any of the principals in you organization holding more than a 10% interest <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement naming the surety or bonding company, date and amount of bond, and the circumstances surrounding the default or performance. <input checked="" type="checkbox"/> Bankruptcy information - Have you or any of the principals of your organization holding more than a 10% interest ever been declared bankrupt or are presently a debtor in a bankruptcy action? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement indicating state, date, Court having jurisdiction, case number and to amount of assets and debt. <input checked="" type="checkbox"/> Pending Litigation – Are you or any of the principals of your organization holding more than a 10% interest presently a party to any pending litigation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach detailed information as to each claim, cause of action, lien, judgment including dates and case numbers.

9.	Partnership Statement NA	<input type="checkbox"/> If the applicant is a partnership, please provide the following: Date of organization: _____ Type: <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership Statement of Partnership Recorded? <input type="checkbox"/> Yes <input type="checkbox"/> No Where _____ When _____ Has partnership done business in Alaska? <input type="checkbox"/> Yes <input type="checkbox"/> No Where _____ When _____ Name, address, and partnership share. If partner is a corporation, please complete corporation statement. <i>Please attach a copy of your partnership agreement.</i>																														
10.	Corporation Statement	<input checked="" type="checkbox"/> If the applicant is a corporation, please provide the following: Date of Incorporation: <u>5/1/74</u> State of Incorporation: <u>ALASKA</u> Is the Corporation authorized to do business in Alaska? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Is so, as of what Date? <u>5/1/74</u> Corporation is held? <input type="checkbox"/> Publicly <input checked="" type="checkbox"/> Privately If publicly held, how and where _____ is _____ the _____ stock _____ traded? <u>Officers & Principal Stockholders [10%+]:</u> <table border="1"> <thead> <tr> <th><u>Name</u></th> <th><u>Title</u></th> <th><u>Address</u></th> <th><u>Share</u></th> </tr> </thead> <tbody> <tr> <td>Mary Fries</td> <td>President</td> <td>PO Box 2229 Homer, AK</td> <td>99603</td> </tr> <tr> <td>Ken Landfield</td> <td>Vice-President</td> <td>PO Box 2013 Homer, AK</td> <td>99603</td> </tr> <tr> <td>Catherine Stingley</td> <td>Secretary</td> <td>PO Box 1968 Homer, AK</td> <td>99603</td> </tr> <tr> <td>Laura Norton</td> <td>Treasurer</td> <td>1292 Beluga Ct. Homer AK</td> <td>99603</td> </tr> </tbody> </table> <input checked="" type="checkbox"/> Please furnish a copy of Articles of Incorporation and By-laws. Please furnish name and title of officer authorized by Articles and/or By-laws to execute contracts and other corporate commitments. <table border="1"> <thead> <tr> <th><u>Name</u></th> <th><u>Title</u></th> </tr> </thead> <tbody> <tr> <td>Jennifer Norton</td> <td>Executive Director</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>Share</u>	Mary Fries	President	PO Box 2229 Homer, AK	99603	Ken Landfield	Vice-President	PO Box 2013 Homer, AK	99603	Catherine Stingley	Secretary	PO Box 1968 Homer, AK	99603	Laura Norton	Treasurer	1292 Beluga Ct. Homer AK	99603	<u>Name</u>	<u>Title</u>	Jennifer Norton	Executive Director						
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Jennifer Norton	Executive Director																															

11. Applicant References

Please list four persons or firms with whom the Applicant or its owners have conducted business transactions with during the past three years. Two references named shall have knowledge of your financial management history, of which at least one must be your principal financial institution. Two of the references must have knowledge of your business expertise.

Name: Eric Niebuhr
Firm: First National Bank of Alaska
Title: Vice - President Homer Branch
Address: 3655 Heath St, Homer, AK 99603
Telephone: 907 - 235 - 5801
Nature of business association with Applicant: Primary banking institution

Name: Sharon Brooks
Firm: Sundog Consultants
Title: Payroll consultant / accountant
Address: 165 E. Bunnell Ave. Ste E
Telephone: 907 - 235 - 5971
Nature of business association with Applicant: Payroll & Quickbooks consultant

Name: Laura Forbes
Firm: Alaska State Council on the Arts
Title: Arts Education Program Director
Address: 161 N Klevin St, Ste 102, Anchorage, AK 99508
Telephone: 907-269-6610
Nature of business association with Applicant: Grant awards, general non-profit operating advice and suggestions

Name: Michael Miller
Firm: Homer Foundation
Title: Executive Director
Address: 3733 Ben Walters Ln, ste 4, Homer, AK 99603
Telephone: 907-235-0551
Nature of business association with Applicant: Grant Awards

I hereby certify that the above information is true and correct to the best of my knowledge.

Signature:



Date:

4/30/21

PIER ONE THEATRE

332 E. PIONEER AVE. STE. 3 • HOMER, AK 99603 • 907-226-2287 • PIERONETHEATRE.ORG



Mr. Rob Dumouchel
City Manager
Homer City Hall
491 E. Pioneer Ave.
Homer, AK 99603

April, 30, 2021

Dear Mr. Dumouchel, Mr. Hawkins, and Port and Harbor Advisory Commission,

Since the mid-1980's Pier One Theatre has used the Warehouse on the Homer Spit as its summer nesting site. From Memorial Day to Labor Day, locals and visitors alike can see quality live, local, community theatre performances, children from around the Peninsula can attend Youth Theatre Camp, and artists can practice their craft. The Spit Theatre is an integral part of the whole Spit experience. Visitors and locals can take in a day of fishing, hiking, or wildlife viewing, shop and dine out on the boardwalks, and take in a show before heading home or to their campsites and turning in for the night. In recent years, Pier One has reached over two thousand audience members and over two hundred community volunteers each summer.

Despite the building closure in 2020 due to the pandemic, Pier One Theatre enjoyed strong financial support from the community, the City of Homer, the Alaska State Council on the Arts, the National Endowment for the Arts, the Rasmuson Foundation, and the Homer Foundation. We collaborated with a number of community organizations to continue to reach as many people as possible including: KBBI, Homer Council on the Arts, the Pratt Museum, the Center for Alaskan Coastal Studies, the Alaska World Arts Festival, Friends of the Homer Library, and Kachemak Bay Campus.

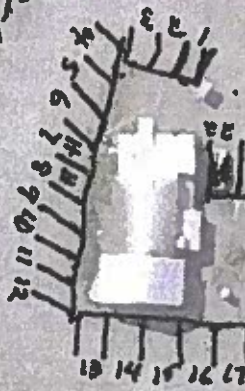
In the summer of 2021, we will be-easing back into the building in preparation for a full return in-2022. Youth Theatre Camp will take place in the theatre, as well as rehearsals for mainstage productions to be performed in an outdoor setting. In addition to Pier One programming, the Center for Alaskan Coastal Studies will again use the building as a COVID safe launch point for their Spit Kids program. As we move back into the building, we are working on improved accessibility, audience flow, and ventilation, as well as regular building maintenance. In addition to our regular productions, we are developing a plan for increased programming for cruise ship audiences. We look forward to hosting live theatre in the warehouse on the Spit for another five years, and are grateful to the City of Homer for its strong support of the performing arts.

Thank you for your consideration. Sincerely,

Jennifer Norton
Executive Director
Pier One Theatre, Inc.
907-299-3599



22 Parking Spaces
(3 Handicap spaces)



District Director
Internal Revenue Service

Date: OCT 10 1984 | In reply refer to: EOMF:DB

▷ Pier One Theatre Inc
P. O. Box 894
Homer, AK 99603

Date of Exemption: May 1975
Internal Revenue Code Section: 501(c)(3)
EIN: 23-7448364 (3)

*Employer
Identification
Number*

Gentlemen:

Thank you for submitting the information shown below. We have made it a part of your file.

The changes indicated do not adversely affect your exempt status and the exemption letter issued to you continues in effect.

Please let us know about any future change in the character, purpose, method of operation, name or address of your organization. This is a requirement for retaining your exempt status.

Thank you for your cooperation.

Sincerely yours,

Michael J. Quinn
District Director

<u>Item Changed</u>	<u>From</u>	<u>To</u>
NAME	Homer Community Summer Theatre Inc	Above
ADDRESSES	P. O. Box 809 Homer, AK 99603	Above

Letter 976(DO) (7-77)

ARTICLES OF INCORPORATION
OF
HOMER COMMUNITY SUMMER THEATRE, INC.
A Non-Profit Organization

FILED FOR RECORD
DEPARTMENT OF COMMERCE
STATE OF ALASKA

MAY 1 1974

We, the undersigned adult persons of the age of twenty-one (21) years or more, residents of the State of Alaska, acting as incorporators of a non-profit corporation under the Alaska Business Corporation Act, Sec. 10.20.010, adopt the following Articles of Incorporation for said corporation:

FIRST: The name of the non-profit corporation is HOMER COMMUNITY SUMMER THEATRE, INC.

SECOND: The period of its duration is perpetual.

THIRD: Said corporation is organized exclusively for charitable and educational purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law). Specifically, the organization shall produce and promote the Performing Arts through sponsoring performances in the Performing Arts; stimulating public interest and awareness in the Performing Arts; providing practical training in the Performing Arts; and awarding scholarships for training and/or courses of study in the Performing Arts.

FOURTH: The principal place of business for the corporation will be located at Homer, Alaska, and the agent for service of process will be Mr. Lance Petersen, Box 809, Homer, Alaska 99603.

FIFTH: No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and

to make payments and distributions in furtherance of the purposes set forth in Article Third hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting, to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

SIXTH: Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law). as the Board of Directors shall determine. Any of such assets not so disposed of shall be disposed of by the Court of Common Pleas of the Borough in which the principal office of the corporation is then located, exclusively for such

purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

SEVENTH: A person may become a member of this non-profit organization by the payment of annual dues in the sum of five dollars (\$5.00). A current member in said organization is one who has paid the annual dues aforementioned, thereby entitling said member to voting rights and eligibility to hold office in this organization. The membership in the corporation will be open to the members of the public who submit an application to the corporation for approval by the current members as provided by the By-Laws duly enacted to carry out the purposes and objectives of said corporation enumerated above in Article Third.

EIGHTH: The highest amount of indebtedness or liability to which the corporation may be subject is Fifty thousand dollars (\$50,000.00).

NINTH: The corporation officers will be those of President, Vice-President, Secretary, and Treasurer who shall be elected for office on July 4, 1974.

TENTH: The number of directors constituting the initial board of directors of said corporation is three, and the names and addresses of the persons who are to serve as directors until the first election of the officers and directors are:

Mr. Lance Petersen, Box 809, Homer, Alaska.

Mr. Richard Dixon, Box 596, Homer, Alaska.

Mrs. Barbara Petersen, Box 809, Homer, Alaska

ARTICLES OF INCORPORATION

DATED at Homer, Alaska this 23rd day of April, 1974.

Lance Petersen

Richard M. Dixon

Barbara L. Petersen

STATE OF ALASKA)
(ss.
Third Judicial District)

I, Gail M. Dubson, a notary public, hereby certify that on the 23rd day of April, 1974, personally appeared before me, LANCE PETERSEN, RICHARD DIXON, and BARBARA PETERSEN, who being by me first duly sworn, severally declared that they are the persons who signed the foregoing document as incorporators, and that the statements therein contained are true.

Gail M. Dubson

Notary Public in and for Alaska

My commission expires: May 14, 1977

**Amended By-Laws
Of
Pier One Theatre, Inc.**

Approved 2/6/2020

**Article I
Name**

The name of the Corporation is Pier One Theatre, Inc.

**Article II
Purpose**

The purpose for which this Corporation is organized and formed is to produce and promote the Performing Arts through:

1. Sponsoring performance
2. Stimulating public interest and awareness
3. Providing training
4. Awarding grants to artists for training and/or courses of study
5. Acting as an umbrella for other performance groups
6. Collaborating with other community and arts organizations

**Article III
Offices (Location)**

The principal office of the Corporation in the State of Alaska shall be located in the city of Homer. The Corporation may have other such offices, either within or without the State of Alaska, as the Board of Directors may designate or as the business of the Corporation may require from time to time.

The registered office of the Corporation, required by the Alaska Business Corporation Act to be maintained in the State of Alaska, may be but need not be, identical with the principal office in the State of Alaska, and the registered office may be changed from time to time by the Board of Directors.

Article IV Membership

Section 1. Classes of Members

The Corporation shall consist of three classes of members 1) Raven's Club, 2) Performers/Ancillary Crew, and 3) Volunteers

- 1) Raven's Club members are supporting members who have contributed at the minimal annual financial level as established by the Board.
- 2) Performers and ancillary crew are anyone who has substantially participated in a Pier One Theatre mainstage production.
- 3) Volunteers are anyone who has contributed 5 hours (2 shows) or more during the year prior to the vote.

Section 2. Voting Rights

Each member of any class is entitled to only one vote on each matter submitted to a vote of the membership as determined by the Board of Directors.

Article V Board of Directors

Section 1. Purpose, Powers, Duties

The Board of Directors has the general power to 1) control and manage the affairs, funds, and property of the Corporation; and 2) disburse the Corporation's monies and dispose of its property in fulfillment of its Corporate purpose: provided, however, that the fundamental and basic purposes of the Corporation as expressed in the Articles of Incorporation and in Article II of the Bylaws, shall not thereby be amended or changed, and provided further, that the Board of Directors shall not permit any part of the net earnings or capital of the Corporation to benefit any private individual.

The Board may hire an Executive Director who shall be responsible to the Board for the artistic, administrative, and business management of the Corporation. The Board may further designate authority to committees, Directors, or other individuals as it deems necessary to accomplish the Corporate purpose.

Section 2. Job Descriptions – All Board members

All Board Members shall...

- attend all meetings unless excused.
- have one vote in all Board matters.
- make themselves available to chair or be a member of designated committees.
- maintain a membership in the Raven's Club.

- serve as active advocates and ambassadors for the organization.
- perform such duties as may from time to time be designated by the President or the Board.

Section 3. Number

The number of Directors, which shall not be less than five (5) but not more than eleven (11), shall be fixed from time to time by the Directors then serving in office.

Section 4. Election, Term of Office

Directors shall normally be elected at the annual meeting of the Corporation by a majority of the membership present. Directors shall be elected for a term of three (3) years, or until their successors are duly elected and seated. Exceptions include their death, resignation, or removal from office. A Director may be elected to consecutive terms.

Section 5. Compensation

Directors of the Corporation may be paid a salary or stipend for the performance of official duties for the Corporation. No Director shall be prevented from receiving such salary or stipend by reason of the fact that they are a Director of the Corporation.

Section 6. Resignation and Removal of Directors

Any Director may resign by giving written notice of their resignation to the Board or to the President or Secretary of the Corporation. Such resignation shall take effect at the date specified in such notice and the acceptance of such resignation shall not be necessary to make it effective. Any Director may be removed, with or without cause, by a two-thirds (2/3) vote of all Directors then serving in office.

Section 7. Vacancies

Vacancies on the Board, however arising, shall be filled by a majority vote of all Directors then serving in office at any regular meeting of the Board or at a special meeting of the Board called for that purpose. Such Director shall serve until the next annual meeting.

Article VI Meetings

Section 1. Annual Meeting

The annual meeting of the Corporation shall be held on a date fixed by the Board of Directors for the purpose of electing Directors, choosing officers and transacting other business as needed.

Section 2. Regular Meeting

The frequency and dates of regular meetings, typically monthly, of the Board of Directors shall be fixed by the Board.

Section 3. Special Meetings

Special meetings of the Board may be called by the President or Vice President of the Board or shall be called at the request of three Directors of the Board.

Section 4. Place of Meetings

Meetings of the Board may be held at the principal office of the Corporation or at any other place within or without the State of Alaska. The notice of the meeting shall include the time and place of the meeting.

Section 5. Notice of meetings

Notice of the time, date, and location of the annual and regular meetings shall be sent by regular or electronic mail to each Director at least ten (10) days prior to the date of such meetings. Notice of special meetings shall be sent to each Director not less than two (2) days prior to the date of such meeting.

Section 6. Waiver of Notice

Notwithstanding the provisions of any of the forgoing sections, a meeting of the Board may be held at such time or place within or without the State of Alaska as the Board shall designate, and any action may be taken thereat, if notice thereof is waived in writing by every Director having the right to vote at the meeting.

Section 7. Quorum

A majority of the Directors then serving in office shall constitute a quorum for all meetings of the Board.

In the absence of a quorum, a majority of the Directors present may, without giving notice other than announcement at the meeting, adjourn the meeting until a quorum is obtained. At the resumption of any such adjourned meeting at which a quorum is then present, any business may be transacted which might have been transacted at the meeting as originally called.

Section 8. Voting

At any meeting of the Board, every voting Director present (in person, by teleconference, or by any electronic means) shall be entitled to one vote and, except as otherwise provided by law or these Bylaws, the act of the majority of the Directors present (as defined above), at any meeting at which a quorum is present, shall be the act of the Board.

Section 9. Presumption of Assent

A Director of the Corporation who is present at a meeting of the Board at which action on any Corporate matter is taken shall be presumed to have assented to the action taken unless their dissent shall be entered in the minutes of the meeting or unless they shall file their written dissent to such action with the person acting as secretary of the meeting before the adjournment thereof. Such right to dissent shall not apply to a Director who voted in favor of such action.

Section 10. Compensation

By action of the Board, the Directors may be paid their expenses, if any, related to attendance at each meeting of the Board.

Article VII Officers

Section 1. Principal Officers

The principal officers of the Corporation shall be a President, a Vice President, a Treasurer, and a Secretary. The President, Vice President, Treasurer and Secretary shall be elected from among the Directors then serving in office. The Board, at any meeting, may engage agents or employees to address Board related activities and determine their compensation, if any, as it may deem advisable.

Section 2. Election and Term of Office

The officers of the Corporation shall normally be elected at the annual meeting of the Board, but may be elected at any meeting of the Board at which a quorum is present, by a vote of the majority of the Directors present. Each officer shall hold office until their successor shall have been duly elected and seated, or until their resignation or death, or until they have been removed in the manner hereinafter provided.

Section 3. Removal of Officers

Any officer may be removed, with or without cause, at any time at any Board meeting at which a quorum is present by a vote of two-thirds (2/3) of the Directors present at the meeting.

Section 4. Vacancies

Vacancies among the officers, however arising, shall be filled by a vote of a majority of the Directors present at any regular or special meeting of the Board at which there is a quorum present.

Section 5. Job Description – President

The elected President of the Board of Directors shall...

- facilitate and preside over Board meetings.
- ensure that Board meetings occur on a regular basis.
- provide an agenda for Board meetings.
- ensure meetings stay on task in a respectful and inclusive manner.
- engage the Board in strategic planning.
- with Board input, designate committees, both standing and temporary.
- represent the Board and organization in collaborative enterprises as needed.
- liaise with the Executive Director to carry out Board directives.
- ensure that the Board remains informed about the finances of the organization on a regular basis.
- speak for the Board in the event of a controversy or crisis.
- facilitate a smooth transition for the incoming Board President.
- be a signer on Pier One Theatre accounts.

Section 6. Job Description – Vice President

The elected Vice President of the Board of Directors shall...

- assume all responsibilities of the President in their absence.
- generally assist the President as needed.
- support committees, ensuring they are meeting and providing timely reports.
- be a signer on Pier One Theatre accounts.

Section 7. Job Description – Treasurer

The elected Treasurer of the Board of Directors shall...

- keep or cause to be kept accurate and up-to-date records of the assets, liabilities and transactions of the organization.
- provide a financial report at regular meetings and upon request of the Board.
- in the event of the creation of a financial committee, chair that committee.
- disburse funds based on proper vouchers.
- be a signer on Pier One Theatre accounts.

Section 8. Job Description – Secretary

The elected Secretary of the Board of Directors shall...

- record, or cause to be recorded, the minutes of all meetings of the Board.
- see to it that minutes are provided for the Board in a timely manner.
- keep hard copies of minutes and all reports and correspondence submitted to the Board and make them accessible in the Pier One office.

Article VIII Conflict of Interest

No Director shall enter into a contract, agreement, transaction, or other action with the Corporation in which the Director has a potential or real, direct or indirect, material or other interest, unless first disclosing said interest to the Board of Directors. The Board of Directors may approve such action at a regularly called meeting if 1) the contract, agreement, transaction, or other action is fair to the Corporation at the time it is entered into; 2) the material facts of the action and the Director's interest are disclosed prior to any action being taken or approved to be taken; 3) the Board of Directors considers, and in good faith determines after reasonable investigation, that the Corporation cannot obtain a more advantageous arrangement with reasonable effort under the circumstances; and 4) the Corporation enters into the agreement for its own benefit.

In the event of an emergency, the President of the Board may enter into an agreement in which a Director has a potential or real, direct or indirect, material or other interest without approval of the Board to address the emergent issue.

Article IX Committees

Section 1.

The Board may, at any meeting of the Board, designate advisory, standing, and/or ad hoc committees of the Corporation. Some standing committees of the Corporation may be created with power; the power to take all steps necessary to carry out their responsibilities.

Section 2. Membership

Each committee shall consist of at least three persons, at least one of whom shall be a Director of the Corporation. The Chair of each committee shall be appointed by the President of the Board.

Section 3. Standing Committees

Standing committees shall be created as needed.

**Article X
Miscellaneous**

Section 1. Fiscal Year

The fiscal year of the Corporation shall begin on the first day of January and end on the last day of December in each year.

Section 2. Contracts, Checks, Bank Accounts, Etc.

The Board is authorized to select such banks or depositories as it shall deem proper for the funds of the Corporation. The Board shall determine who, if anyone, in addition to the President, Vice-President, the Treasurer, and the Executive Director shall be authorized from time to time on the Corporation's behalf to sign checks, drafts, or other orders for the payment of money, acceptance, notes, or other evidence of indebtedness, to enter into contracts, or to execute and deliver other documents and instruments.

Section 3. Grants to Artists

From time to time, as the financial resources of the Corporation permit, the Corporation may, by appropriate action of the Board, award grants to artists for training and/or study in the performing arts. Applicants for grants to artists shall fulfill requirements as determined by the Board.

**Article XI
Amendments**

These Bylaws may be altered, amended, or repealed in whole or in part at any duly organized meeting of the Board of Directors of the Corporation, by two-thirds (2/3) majority vote of the Directors then serving in office.

LEASE AGREEMENT

Agreement made this _____ day of _____ 2022 between the City of Homer, Alaska herein called Lessor, and Pier One Theatre, Inc., an Alaskan corporation, of P.O. Box 894, Homer, Alaska, 99603, herein called Lessee.

In consideration of the mutual promises herein contained, the parties agree as follows:

SECTION ONE Grant of Lease; Description of Premises

Lessor hereby grants to Lessee to occupy and use, subject to all of the terms and conditions hereof, the following real property located in the Homer Recording District, State of Alaska, more particularly described as:

A warehouse building approximately 48 feet in length by 32 feet in width located on a portion of Section 35, Township 6 South, Range 13 West, Seward Meridian, Homer Recording District, The Fishing Hole Sub. NO. 2 Tract 1-A aka KPB 18103117.

SECTION TWO Limitation to Described Purpose; Terms, Compensation

The premises may be occupied and used by Lessee solely for the purpose of operating a summer stock theater and related activities and winter storage for the term of five years; from May 1, 2022 to April 30, 2027. The rent shall be \$1.00 a year.

SECTION THREE Compliance with Laws and Regulations

Lessee shall be subject to and shall comply with all laws, regulations and ordinances which appertain to the above described premises, and shall obtain all necessary permits or licenses required by any governmental authority and shall be in full compliance therewith at all times during the continuance of this Lease.

SECTION FOUR Vehicle Parking

It is understood that the Lessee shall provide parking for not less than 31 vehicles, and Lessee shall furnish a parking plan which shall be attached to and made a condition of this Lease agreement. Such parking shall be permitted only so long as this Lease agreement is in effect and shall terminate concurrently with the termination of this Lease.

SECTION FIVE Termination

Lessor or Lessee may terminate this agreement at any time, by giving written notice to the other party, specifying the date of termination, such notice to be given not less than one hundred and eighty (180) days prior to the date therein specified. On any termination of this

agreement Lessee shall quit the premises, and shall remove therefrom all equipment stored on the premises within 48 hours of termination unless otherwise extended by Lessor.

SECTION SIX
Portable Classroom Rehearsal Space

The Lessee now has a portable classroom/rehearsal space attached to the City Warehouse, built in the summer of 1990 with privately raised funds. It is the understanding of both parties (Lessor and Lessee) that this portable building remains the property of Pier One Theatre and will be removed by Pier One if its theatre activities cease on the Spit or until such time as a different agreement is made in writing by both parties.

SECTION SEVEN
Utilities

Lessee shall pay for all utility service to the above described premises. No utilities other than electrical, natural gas and telephone service shall be installed or connected.

SECTION EIGHT
Inspection of Premises

Lessee shall allow the Lessor, through its duly authorized representatives, to enter upon the above described premises at any reasonable time, for the purpose of an inspection thereof.

SECTION NINE
Assignment or Other Transfer of Interest

This agreement may not be assigned, reassigned or otherwise transferred unless the written consent of the Lessor is first obtained. Lessor shall be entitled to one-half of any rents or occupancy charges received by the Lessee from other occupants.

SECTION TEN
Taxes and Assessments

Lessee shall pay all assessments, In addition, the lessee shall pay all personal property taxes that are levied upon any personal property of the Lessee situated upon the premises and owned by the Lessee or used in connection with the operation of the Lessee's business thereon.

SECTION ELEVEN
Insurance and Hold Harmless Agreement

A. Lessee specifically warrants that it will hold Lessor harmless from any and all claims by third parties arising out of the operations of Lessee upon the above described premises. Lessee shall obtain at its expense, and maintain during the entire period of this agreement public liability insurance with limits of not less than \$1,000,000 aggregate limits. Lessee shall name Lessor as an additional insured on the policy. Lessee shall promptly provide Lessor with a current certificate of insurance.

B. All contracts of insurance shall provide for not less than thirty (30) days written notice to Lessor of cancellation or expiration or substantial change in policy conditions and coverage.

**SECTION TWELVE
Delivery of Notices**

Any notice mailed, addressed or delivered to either party by the other shall be at the addresses hereunder, unless and until the parties shall designate in writing a different representative or address.

Any notice or demand which must be given or made by the parties hereto shall be in writing and addressed to the parties at the following addresses:

Lessor: City Manager
491 E. Pioneer Avenue
Homer, Alaska 99603

Lessee: Pier One Theatre, Inc.
P.O. Box 894
Homer, Alaska 99603

**SECTION THIRTEEN
Modification**

This Lease agreement and any addenda or exhibits attached hereto shall constitute the entire agreement between the parties and no modification of this agreement shall be binding unless in writing and duly executed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have here unto set their hand, this _____ day of _____, 2022:

CITY OF HOMER

Rob Dumouchel, Homer City Manager

LESSEE: PIER ONE THEATRE

Jennifer Norton, Executive Director

State of Alaska)
)ss
Third Judicial District)

This is to certify that on this ____ day of _____, 20__ before, the undersigned Notary Public in and for Alaska, duly commissioned and sworn as such, personally appeared Rob Dumouchel, known to me to be the City Manager of the City of Homer, Alaska, and they acknowledged to me the execution of the foregoing Lease Agreement for and on behalf of the City of Homer, Alaska, and further acknowledged to me that said instrument was signed and sealed by them on behalf of the City of Homer, Alaska, pursuant to authorization duly adopted by the City Council of Homer, Alaska.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed m notarial seal, the day and year in this certificate first above written.

Notary Public in and for Alaska
My Commission Expires : _____

State of Alaska)
)ss
Third Judicial District)

This is to certify that on this ____ day of _____, 20__ before, the undersigned Notary Public in and for Alaska, duly commissioned and sworn as such, personally appeared Jennifer Norton, known to me to be the Executive Director of Pier One Theatre, a corporation organized and existing by virtue of the laws of the State of Alaska, and they acknowledged to me the execution of the foregoing Lease Agreement for and on behalf of said corporation for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed m notarial seal, the day and year in this certificate first above written.

Notary Public in and for Alaska
My Commission Expires : _____



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

Memorandum 21-162

TO: HOMER CITY COUNCIL
THRU: ROB DUMOUCHEL, CITY MANAGER
FROM: BRYAN HAWKINS, PORT DIRECTOR
DATE: SEPTEMBER 1, 2021
SUBJECT: REQUESTED LEASE RENEWAL –PIER ONE THEATRE

In April of 2021, Pier One Theatre contact the Port and Harbor's Office requesting a new lease as their existing term expires April 30 2022; a lease proposal was received April 30th 2021 requesting another 5-year lease subject to the same conditions in their current lease. Jennifer Norton, Pier One's executive director, will be overseeing the listed improvements in their development plan section of their lease application.

Pier One Theatre has been operating as a non-profit on the Homer Spit and leasing from the city for over 30 years. City staff recognize the benefits the theatre add to the Homer community and also wish to continue to seek the highest and best use of all City-owned property. City staff recommends a 5 year short -term lease since it fulfills the current need of that lot, while also keeping the City's interests open in case the Port and Harbor Enterprise engages plans to expand the Homer Marine Repair Facility.

The Port and Harbor Advisory Commission also reviewed this lease proposal at their August 25TH meeting and recommended approval and to award Pier One Theatre a new five year short term lease with no renewals for the base rent of the \$1.00 per year.

Below are some highlighted details of the proposed lease:

- Property: portion of Tract 1-A (KPB 181-031-17) consisting of 2344 square feet (area of buildings). It shares lot with Homer City Campground and adjacent to the Marine Haul Out Facility.
- Term and Rent: New term of 5 years with no options to renew to begin May 1 2022 and end April 30 2027. Rent is \$1.00 per year.

The city manager, port director, Pier One Theatre board members, and Pier One's executive director have also met to discuss the future plans for Pier One past the next 5 year mark. The age and state of the current theatre building as well as an increase in marine repair activity make a move and new structure a logical need moving forward. Pier one has provided the first rough draft of considered options, developed from their board and planning committee, and is requesting feedback and comment from Council and the community in general as they move forward with planning. (See attached rough draft for development ideas)

Recommendation

Approval of Resolution 21-xx, awarding Pier One Theatre a five year lease with no options for renewal, for a Portion of Tract 1-A, FISHING HOLE SUB NO. 2, with an annual base rent of \$1.00, and authorizing the City Manager to move forward with executing the appropriate documents

Enclosed: Pier One Theatre Development Plan



332 E. PIONEER AVE. STE. 3 • HOMER, AK 99603
907-226-2287 • WWW.PIERONETHEATRE.ORG

Harbor Advisory Commission
City Clerk's Office
Homer City Hall
491 East Pioneer Ave
Homer AK 99603

Dear City of Homer and Port and Harbor Advisory Commission,

In recognition of the advancing plans for Homer Harbor Marine Industrial expansion, and the ongoing struggles of upkeep on our aging warehouse, Pier One is looking forward to the next stage of our existence. It seems to be time to build a new theatre! Here is a very rough outline of our development plans. We welcome ideas and feedback from you and the community as we launch into this new phase. The Pier One Theatre board and Planning Committee will meet in September to discuss the vision and scope of this project.

Pier One Theatre Five to Ten Year Building Development Plan:

- Work with City of Homer and Homer Harbor representatives to identify ideal location for new theatre building. The following options have been discussed:
 - 1. Next to Fishing Lagoon where old bathrooms are currently located. Pros: Cruise Ship Head Tax dollars may be used to help develop foundation and bathrooms for theatre and public use. Programming at Pier One can bring those dollars to a much needed upgrade on the City bathroom. Already zoned for recreational use. Very close to the current theatre location. Impact on the overall Spit layout very minimal. Parking for Theatre and Fishing Lagoon could be shared, as well as new parking planned by large boat haul out. Cons: May need slightly larger footprint than is currently practical. Could the "recreation" zoning be extended slightly to allow for this? RV dumpsite and camp registration would need to shift. What are building height restrictions here?
 - 2. Harbor overhang property by small boat launch side of Harbor. Pros: Increased walkability to theatre from main shopping/dining area on Spit. Extremely appealing aesthetic! Truly on a "Pier" and with lots of unique draw for visitors. Cons: Parking already a struggle at that end of the Spit. Building height restrictions may prohibit a proper theatre plan in this location unless exceptions could be made. Deck on upper level to allow view to be enjoyed? No Cruise Ship head tax dollars would be associated with this location.
 - 3. The HERC property on the corner of Pioneer and Sterling. Pros: Could be part of a larger "community campus" with other buildings associated with community recreation.

Greater collaboration with other local arts organizations may be possible. Cons: Pier One truly feels that it's home is on the Spit in close proximity to marine trades and park activities. Community ideas and desires for the HERC property remain varied and unclear.

- Pier One Theatre's own small property on East End Road. Pros: We own the property and would not need to lease. Cons: It is quite far from the Spit or Downtown, and may not be a draw for audiences at such a distance. The land requires quite a bit of clearing and development before a building could be constructed.
- Work with the City to develop a mutually beneficial partnership. Pier One ideals:
 - Keep annual rental rate at current level (\$1.00 per year)
 - Commit to a more long term lease (20 years) with options to renew.
 - Open doors to large conferences or conventions which would bring in rental income for both Pier One and the City.
 - If in location number 1 - City maintains public restroom facilities.
 - Clarify expectations of shows geared toward the Cruise Ship Audience. Assess likelihood of the resumption of Cruises to Homer.
- Review blueprints and plans of other small theatres and consult with an architect/contractor to acquire a cost estimate and building timeline.
- Design the theatre.
- Develop and launch a fundraising campaign including community contributions, grant applications, and corporate sponsorships.
- Begin construction on the new theatre. Continue fundraising efforts.
- Complete new theatre, and move in!

Thank you for your time, consideration and input.

Sincerely,

Jennifer Norton
Executive Director
Pier One Theatre, Inc.

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

Mayor/City Council

5 **RESOLUTION 21-061**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 APPROVING AMENDMENT ONE TO THE EMPLOYMENT
9 AGREEMENT BETWEEN ROBERT J. DUMOUCHEL II AND THE CITY
10 OF HOMER AND AUTHORIZING THE MAYOR AND PERSONNEL
11 DIRECTOR TO EXECUTE THE APPROPRIATE DOCUMENTS.

12
13 WHEREAS, The City Council offered and Robert J Dumouchel II accepted the position of
14 Homer City Manager during a Special Meeting on July 1, 2020; and

15
16 WHEREAS, The Employment Agreement outlined that a performance evaluation shall be
17 conducted on an annual basis in July of each year; and

18
19 WHEREAS, The City Council conducted the annual performance evaluation and determined
20 that the Employment Agreement, Section 4, Compensation should be amended to reflect a five
21 (5%) percent increase and a \$5,000 performance bonus for the first year.

22
23 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
24 approves Amendment One, as attached, to the Employment Agreement between Robert J
25 Dumouchel II and the City of Homer and Authorizes the Mayor and Personnel Director to Execute
26 the Appropriate Documents.

27
28 PASSED AND ADOPTED by the City Council of Homer, Alaska on this 13th day of
29 September, 2021.

30
31 CITY OF HOMER

32
33
34 _____
35 KEN CASTNER, MAYOR

36 ATTEST:

37
38
39 _____
40 RENEE KRAUSE, MMC, ACTING CITY CLERK

41
42 Fiscal Note: N/A



City of Homer

www.cityofhomer-ak.gov

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121

(f) 907-235-3140

AMENDMENT ONE EMPLOYMENT AGREEMENT

This amendment is effective on the 1st day of August 2021 by and between Robert J. Dumouchel II (hereinafter "Employee") and the City of Homer, an Alaskan Municipal corporation (hereinafter "Employer").

Section 4. Compensation.

Increase salary by 5%.

\$5,000 performance bonus for first year of employment.

All other provisions stated in the original Employment Agreement will remain.

IN WITNESS WHEREOF, the parties have executed Amendment One to the Employment Agreement dated July 20, 2020.

EMPLOYEE

Robert J. Dumouchel II, City Manager

Date

CITY OF HOMER

Ken Castner, Mayor

Date

ATTEST:

Melissa Jacobsen, MMC, City Clerk

HOMER CITY COUNCIL

9/13/21





Kenai Peninsula Borough

Imagery Source: ArcGIS
Online World Imagery

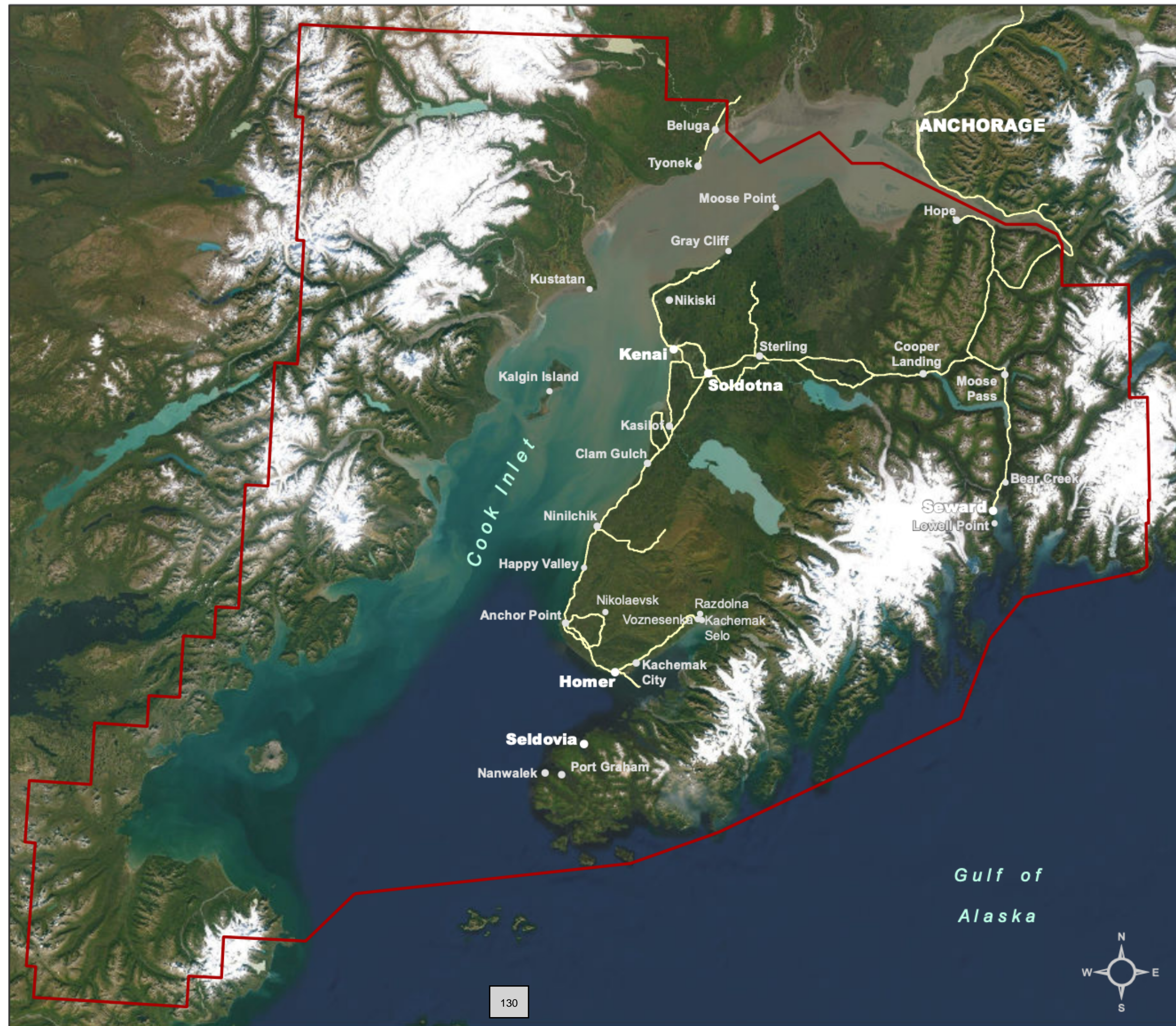
Map Date: 9/19/2019

- Major Roads
- KPB Boundary

0 5 10 Miles



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map



KPEDD Outreach and Engagement

In our coordinating efforts with UAA and the Center for Economic Development, the drafting of the Kenai Peninsula's Comprehensive Development Strategy (CEDS), KPEDD organized and presented to over 25 groups and organizations.



Kenai Peninsula Goals: Quality of Life



TECHNOLOGY & COMMUNICATION

- Expand broadband access across the Borough

WORKFORCE & HUMAN CAPITAL

- Industry partnerships & vo-tech to attract, retain & train a qualified workforce

INFRASTRUCTURE & LAND USE

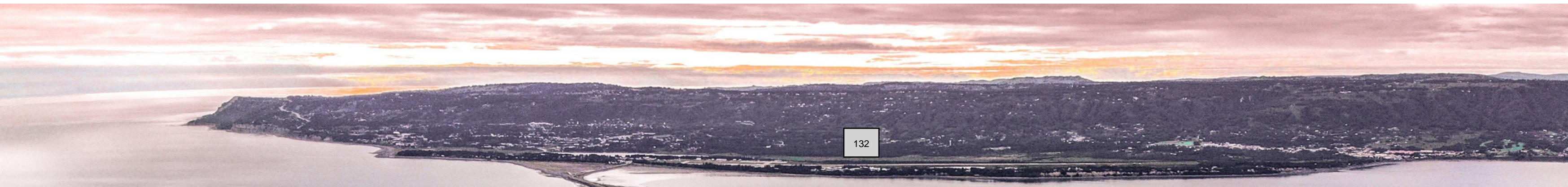
- Industry focused infrastructure & resiliency in transportation, infrastructure, mitigation & responsible use of lands

BUSINESS CLIMATE & ENTREPRENEURSHIP

- Outreach, education & information sharing with government support of businesses

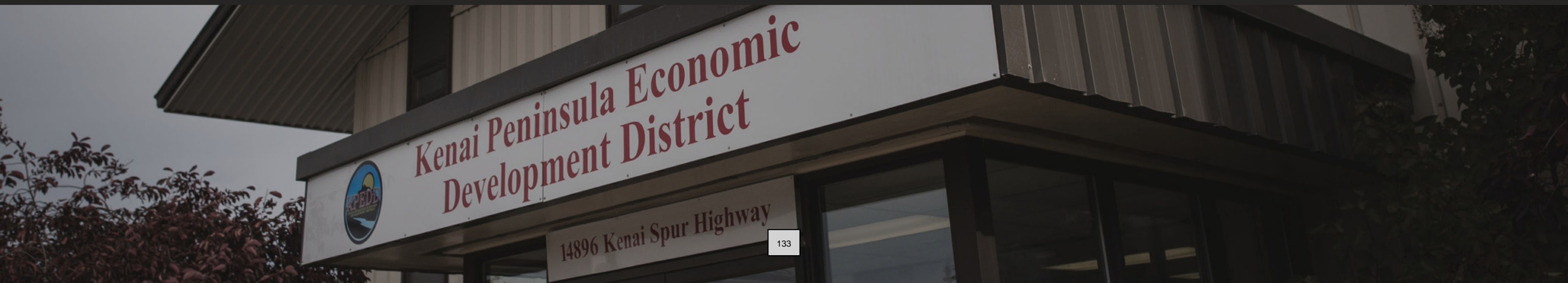
REGIONAL PARTNERSHIPS

- Coordinate with industries, municipalities, communities & non-profits



CULTIVATING AND MAINTAINING OUR CURRENT RELATIONSHIPS

- o Alutiiq Pride Mariculture Expansion Project
- o Alaska Fish Nutrition Funding Development
- o City of Soldotna Waterfront Development Project
- o City of Homer Erosion Mitigation Project
- o Alaska Farm Bureau
- o City of Kenai Bluff Erosion
- o Kenai Peninsula Borough Assembly and Administration
- o Incorporated leadership
- o Unincorporated communities
- o Regional Tribal organizations
- o City of Seward Flood Mitigation
- o City of Seldovia Funding Development





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YOU WILL EVER FIND**

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PENINSULA'S CAREER OPTIONS

GREETINGS FROM
THE KENAI
PENINSULA



KPEDD RESOURCES AND PROJECT ADVANCEMENT

- AK CARES resource, advocate and educator
- Kenai Peninsula Workforce Development District
- Website Manufacturing Extension Program Partnership Video
- Dedicated KPEDD YouTube Channel
- Economic Resiliency Program
- Revolving Loan Program through EDA
- Existing Microloan Program supporting Kenai Peninsula businesses State ARDOR coalition and advocacy
- U.S. Census coordination and implementation
- Kenai Peninsula Comprehensive Economic Development Strategy – outreach, development, draft and finalization

KENAI PENINSULA ECONOMIC DEVELOPMENT DISTRICT

Revolving Loan Program for Kenai Peninsula Businesses



IMPROVE DISASTER RECOVERY

We have found out the importance of having a plan in place when disasters hit. Our communities have endured wildfires, earthquakes and a pandemic. It is critical for businesses to develop strategies and approaches in their business practices to be resilient in these challenging times.

CREATE BRIDGES

This loan program is not designed to compete with other lenders, but it has been designed to compliment the lending market and create bridges where gaps in funding may exist.

USE OF FUNDS

KPEDD's Revolving Loan Fund Program is developed to support economic development purposes including working capital, inventory acquisition, machinery, equipment, construction, installation and renovation of commercial and industrial development that intends to increase permanent jobs in our region

MINIMUM - MAXIMUM LOAN AMOUNTS

Loan Amounts range from \$2,500.00- \$60,000 for a single borrower, with a maximum loan size not to exceed 25% of the RLF Capital Base.

LOAN TERMS

Standard repayment terms are between 24-60 months; maximum is up to a 7 year term, fully amortized



KPEDD'S FY22 PROJECTS

- Broadband Expansion Project
- Implementing the American Rescue Plan
- Economic Resiliency Plan
- New Loan Program
- Erosion Projects
- Manufacturing Extension Program
- Comprehensive Economic Development Strategy
- Red Mountain Road Rebuild
- Alutiiq Pride
- ARDOR Coordination
- Regional Infrastructure Projects
- Community Funding Identification
- Assistance for Borough-Wide Businesses



**Save \$\$\$ On
Energy Costs
With An Energy
Audit.
Invest In Your
Business!**

Target audits can
focus on energy
savings from:

LED Lighting
Replacements

Heating Fuel
Conversion

HVAC
Upgrades

Window
Replacements

Higher Efficiency
Appliances

Insulation and Air
Tightening

Who is Eligible?

Small businesses, including, owners and operators of office buildings, stores, restaurants, lodges, and warehouses in Alaska (outside of Anchorage).

Sign up at:

swamp.org/2021-programs/energy-audit/

or contact

energy@swamc.org or (907) 450-2456

to learn more





Upgrade your Commercial Fishing Vessel

USDA Grant Funding Available



WHO'S ELIGIBLE FOR LOW-COST ENERGY AUDITS?

Commercial fishers who live or dock in rural Alaska are eligible for the audits and USDA grant.

HOW MUCH DOES AN AUDIT COST?

*costs are for reference only

AUDIT TYPE	Fishing Vessels
Complexity of Systems (75% savings)	
Low	\$500*
Medium	\$625*
High	\$750*

WHAT IS A TARGETED ENERGY AUDIT?

You tell us! Targeted audits identify energy savings and can focus on savings from installing:

- Refrigeration upgrades- including RSW systems
- LED lighting
- Hold zoning; and more

TO REGISTER AND FOR MORE INFORMATION:

- Email energy@swamc.org
- Call Jamie Hansen at (907) 450-2456
- Visit www.swamc.org/programs/energy-audit

Over the last several years...

What happened?



What did we learn?

Economic Resiliency Plan

- **Thorough SWOT Analysis (Defines the Economic Challenges, Deficiencies and Vulnerabilities)**
- **Pre-disaster Recovery Plan**
- **Collection of Financial Resources**
- **Promote Business Continuity and Preparedness**
- **Outline KPEDD's Role to Respond to External Inquiries**
- **Identify Targeted Development Initiatives**
- **Encourage, Promote, and Expand Current Processes for Regular Communication**
- **Determine Measurements for Economic Resiliency**



https://www.youtube.com/watch?v=CkQoSWUF3_I

KENAI PENINSULA 2021 Career & Education FAIR

Tuesday, September 21st


10:00AM - 4:00PM

Kenai Chamber of Commerce &
Visitor's Center

Free outdoor
event to the
public!

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JANUARY 6TH, 2022
KENAI, ALASKA

Tim Dillon
Executive Director

tim@kpedd.org

(907) 242-9709

www.kpedd.org

www.kenaipeninsulaworkforce.org

Thank You



To: Mayor Castner and Homer City Council
From: Scott Smith, Homer Planning Commissioner
Date: September 1, 2021
Subject: Planning Commission Report for City Council Meeting

Attending: Commissioners Highland, Venuti, Bentz, Chiappone and Smith were present with Deputy Clerk Renee Krause and City Planner Rick Abboud.

Commissioners Conley and Barnwell were excused.

Work Session: None

Planning Commission Regular Meeting

AGENDA was approved.

PUBLIC COMMENTS/RECONSIDERATIONS: None.

Consent Agenda was passed without objections.

PRESENTATIONS: None

REPORTS

Staff Report 21-53, City Planners Report – City Planner Abboud welcomed back Commissioner Bentz. He shared that Tim Dillon of KPEDD will be giving presentations on Economic Development to City Council (Sept 13) and EDC (Sept 14) encouraging interested Planning Commissioners to attend.

PUBLIC HEARINGS: None.

PLAT CONSIDERATIONS:

A. Staff Report 21-55, Terra Bella Subdivision Preliminary Plat: Postponed to October 9, 2021 in response to the Applicant's request to do so and several Lay-downs requesting more careful consideration of the design process.

B. Staff Report 21-56, REVISED West Hill Subdivision – Harness Addition Preliminary Plat was presented by City Planner Abboud and passed without objection.

C. Staff Report 21-57, Bunnell’s Subdivision Haigh 2021 Replat Preliminary Plat was presented by City Planner Abboud. Applicant Ruby Haigh attended and was thankful for the Commission’s considerations of this request. She noted that she had lived in Homer for many years and due to the location, has not had neighbors. She expressed hope that this might open up some land and bring her some. Motions was presented and passed without objection.

PENDING BUSINESS: None.

NEW BUSINESS: None.

INFORMATIONAL MATERIAL City Planner Abboud reviewed the upcoming Planning Calendar

COMMENTS OF THE AUDIENCE: None.

COMMENTS OF THE STAFF: Brief discussion around the City’s evaluations of Covid responsibilities was presented and how it might impact the Planning Commission.

The next Regular Meeting will be held by Zoom on September 15, 2021 at 6:30 p.m.

Report to City Council – Port and Harbor Commission by Crisi Matthews

Action Items August meeting:

End Cap Float Repairs estimated just under \$300,000.00 that will be offset by the income loss in approximately 2.5 years (with an immediate repair) as shown by the down time and loss of landings to these end caps. See attachment provided by the Harbormaster.

Wayfinding Plan as presented by the EDC received the support of the P&H Commission with the recommendations to explore the Tsunami Evac Plan Signage, Road directional signs, and Restroom/Ramp Information.

Parking Plan Initial Study was reviewed and received support to pursue the ROW paid parking with DOT as there is an estimated 80% income increase to the P&H in some lots and more than double other areas by including those suggested by the preliminary report. Adding an additional lot in paid parking increased July parking revenue from \$7500 last year to \$23,000+ this year. Increased citations and enforcement will continue to generate money for the General Fund and is an area the P&H Commission will explore in terms of hard numbers.

Dumpster Usage Ordinance was reviewed and supported with the recommendations to include a fine for littering as that is the by-product of limiting the dumpster usage. Increase in signage and exploring both the KPB Refuse Facility being open 7 days and week in addition to requesting the City Council was to explore an in town-transfer location to alleviate the assumption that the Spit suffices as the closest in town refuse site.

Pier One Theater Lease renewal was supported and forwarded to Homer City Council.

Currently 370 vessels are wait listed for stalls in comparison to 282 from last year and Large Vessels are beginning to be declined for moorage due to lack of space showing more than ever that we need the Capital Improvement of Harbor Expansion! Included is an article about Sitka and the expectation of 2022 visitors by cruise ship landings.

Being that the Peninsula had a record year of visitors, we were excited to hear that the Army Corps of Engineer's First Level Project Recommendation is support for Federal Funding of the Deep Water Dock Expansion. July Harbor occupancy averaged 750 vessels per day and as the PHC continues to schedule improvements expansion is also a critical infrastructure growth for the City's financial health and well-being.

Lastly discussion about Spit Evacuation following the last Tsunami Alarm was held to discuss increased visibility of in the height of the evacuation process and planning of 'where' to evacuate to, how you know that you have reached the designated evacuation area, local radio station (which one) and city website information (Tsunami Preparedness) as well as the use of both lanes or qualified volunteers to direct traffic with published info that can be disseminated to campers, BnB and Hotel guests as well as day users.



He built it, and now they're coming. Sitka's private cruise dock spurs twofold increase in passengers in '22

Posted by Robert Woolsey, KCAW | Sep 5, 2021



Chris McGraw stands between the two Panamax-class cruise ships tied up at his dock on September 1, 2021. A family-owned business in practice, as well as on paper, McGraw, his 12-year old son, his father Chuck, and a boatyard employee all worked as longshormen to tie up the huge ships when they arrived earlier in the morning. (KCAW photo/Tash Kimmel)

Assuming the pandemic steers a *better* course next spring, Sitka is bracing for a record cruise ship season in 2022, with over 400,000 passengers expected to visit the community.

This number is over twice as many as arrived in 2019, the last full season, and about 100,000 more than the previous record.

The reason for the big jump is twofold: More large ships are coming to the Alaska market, and Sitka now has a place to put them.

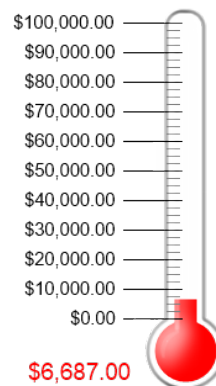
KCAW's Robert Woolsey recently took a tour of the new Sitka Sound Cruise Terminal with its owner, Chris McGraw.

0:00

-5:46

Ten years ago, a private cruise ship dock was a bit of a pipedream, frankly. Sitka had two public lightering docks, and a three-decade-old system of

KCAW 2021 FALL DRIVE



SEND IN A NEWS TIP

LATEST | NEWSCAST

A Moment Together



Community Calendar

Today

Wednesday, September 8

School Meal Applications

Water Plant Construction

10:30am Water Aerobics

5:00pm Sitka Tree/Landsc

6:00pm Sitka Historic Pres

6:00pm Sitka Port and Harl

Thursday, September 9

Pandemic Testimonials

Pelican Clinic

12:00pm LEPC

Friday, September 10

Grind Submissions

Pelican Clinic

SJ Museum Roofing

Soup Class Registration

SSSC Salmon Fishing

Surprise Book Bundles

Utility Subsidizations

bringing cruise passengers to town aboard the ships' own tenders.

Chris McGraw and his family had a boatyard, on land that fronted deep water. Why not build a cruise dock? Could James Earl Jones be wrong?

(movie clip: Field of Dreams)

Oh... people will come, Ray. People will most definitely come.

Ray... you'll lose everything... you will be evicted.

The Field of Dreams is part of American culture now, and so is the idea that you can build something, and a market will follow. Chris McGraw and Kevin Costner, who portrayed "Ray," the Iowa farmer who saved his farm by building a baseball field, have more in common than you might think.

"We built the dock in 2011 and spent the first year without a single customer," McGraw said. "The second year, we were able to attract one of the very small lines and had less than 15 dockings. And that grew very slowly over the next three years. And the whole time the larger ships were still tendering and you see them anchor out downtown, and we have a nice empty dock."

It's not empty anymore. Just below us, two Panamax-class cruise ships are tied up, the *Serenade of the Seas* and the *Nieuw Amsterdam*. They tower over McGraw's dock like office buildings in New York City.

It wasn't until 2015, after three years of knocking on doors and attending cruise conferences, that McGraw got the first Holland America ship to tie up here. And that was the proof of concept he needed to transform his Field of Dreams into a 40,000 square-foot, timber-framed and glass cruise facility.



Juneau-based architects Jensen, Yorba, Wall designed the 40,000 square foot Sitka Sound Cruise Terminal. The timbers were pre-fabricated offsite, and assembled in Sitka. Inside the facility a retail store is already open. Soon to come: A taproom featuring local beers, and a seafood restaurant. (KCAW photo/Tash Kimmell)

"And once they started coming, you know, the rest of the various cruise lines that called in Sitka I think saw that 'Oh, it works!' And really the apprehension was, since we're located five miles out of downtown, that the passengers may view that negatively," McGraw explained. "And we've gotten very little negative feedback for the passengers having to get on a shuttle, the shuttle is provided for free, so the passengers aren't paying for it. And in reality, it's a 10 to 15 minute ride, and it's fairly scenic, the traffic isn't that bad. And I haven't cruised very much, but talking to other people that have ports around the world, it's very common to get dropped off, not necessarily in the downtown core, where you have to take some type of transportation to get to the downtown."

McGraw won't say how much he's invested in the terminal itself. He halted

[Whale Fest Registration](#)

10:30am [Water Aerobics](#)

Saturday, September 11

[Pelican Clinic](#)

[Calendar](#)

[Buoy Observations](#)

[Cruise Ship Calendar](#)

[Inside Marine Wx](#)

[Outside Marine Wx](#)

[Sitka Ride Bus Schedule](#)

[Sitka Tides](#)

[Sunrise & Sunset](#)

[The Moon and Stars](#)

[Tsunami Center](#)

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inbox!

* [Email](#)

construction last year during the pandemic, but resumed when [legislation passed allowing cruising in the second half of the summer](#). A retail store is open, but the taproom and restaurant remain under construction. Although neither the Serenade of the Seas or the Nieuw Amsterdam is at full capacity, passenger foot traffic is moving easily to and from the downtown shuttle buses.

Next year, this smoothly-flowing system could be put to the test, with over 400,000 passengers projected to arrive in Sitka, many aboard neo-Panamax class ships like Ovation of the Seas, which holds 4,900 paying customers. In 2018 Sitka had only 158,000 cruise passengers, and a little more than 200,000 in 2019. McGraw's cruise terminal is helping drive that increase, but he's attuned to the interests of the community, and to Royal Caribbean, which bought a minority interest in the dock itself.



Room to grow. At 936 feet, the Nieuw Amsterdam is huge, but it's not the biggest of the ships McGraw's terminal can accommodate. The neo-Panamax cruise ships are over 200 feet longer. (KCAW photo/Tash Kimmell)

"My hope is that our downtown remains unique, it is and is walkable," McGraw said. "That it just keeps that kind of small town character because, you know, even the Royal Caribbean executives that we've had here a number of occasions, that's the one thing that they comment they make is, you know, this, this feels like authentic Alaska. And I think it's important that we keep that. And to a certain extent, I think having the dock removed from downtown will help that a little bit because that already kind of distributes those people a little bit. You know, we can only bus so many people per hour into town and were opposed if you had, you know, two berths, right downtown, then you could have instantly 6,000 people walking around."

Keeping those 6,000 people busy doing something other than overcrowding Sitka's downtown district is critical to the vision of the terminal. McGraw's tour subsidiary, Adventure Sitka, [has struck a deal with Shee Atika, Inc](#), Sitka's urban Native Corporation, to build an adventure park with zip lines and trails on 17 acres of leased land adjacent to the terminal. At the other end of the road system, Adventure Sitka plans to pick up passengers by boat in Silver Bay, and take them to the far end of the bay for kayak tours, based [out of an old hunting cabin McGraw's family has owned for years](#).

Family is an important aspect of the business. The McGraws have been in construction for decades in Sitka, thinking big, and building big.

When the 964-foot Serenade of the Seas and the 936-foot Nieuw Amsterdam pulled into port this morning, there wasn't a crew of beefy longshormen to meet them. McGraw, his 12-year old son, and his dad tied up the ships, along with an employee from their boatyard.

This is how things roll out here.

"It only takes about 45 minutes to tie up a ship, and 20 minutes to untie a ship," said McGraw. "So, you know, hiring full time staff for an hour and a

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Alaska Seaplanes Drawing – 4/6/21-4/8/21

Quiet Drive – ended 4/4/2021

Quiet Drive – ended 10/21/2020

Quiet Drive – ended 4/5/2020

half a day is not really practical, and with how difficult it is to find help right now. It works where we just do it.”

McGraw says he’s going to spend the winter working on organization at the Sitka Sound Cruise terminal, so each one of those 400,000 passengers next summer can disembark and find their shuttles or tours without needing to ask anyone. McGraw built it, and it looks like they are in fact coming.

(movie clip, Field of Dreams)

...And it will be as if they dipped themselves in magic waters. The memories will be so thick they’ll have to brush them away from their faces...

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Divers Are Investigating
The Source Of Oil Spill
Off The Coast Of
Louisiana

NEXT >

With ‘gratitude for our
indigenous neighbors,’
Sitka School Board
adopts tribal
recommendation for land
acknowledgement

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

City Clerk

3
4 **ORDINANCE 21-50**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE 2.58 BOARDS AND COMMISSIONS
8 REGARDING TELECONFERENCING, ATTENDANCE, VACANCIES,
9 RECORDING CLERK, STAFF REPORTS AND RECOMMENDATIONS,
10 AND RULES OF ORDER.

11
12 WHEREAS, The State of Alaska Open Meetings Act allows elected officials to attend
13 meetings by teleconference; and

14
15 WHEREAS, Attendance at regular meetings, special meetings, and worksessions by
16 teleconference has been effective and efficiently employed by the board and commissions
17 since April 2020; and

18
19 WHEREAS, Allowances for the continued ability to attend meetings by teleconference
20 outside of emergency situations is beneficial to conducting the business of the City of Homer;
21 and

22 WHEREAS, Current code reference to a seat being vacated by a member missing 30% of
23 the meetings isn't equitable based on the varying schedules of the Boards and Commissions
24 and 50% requires that a member must attend at least half of their regularly scheduled
25 meetings each year; and

26
27 WHEREAS, In reviewing Homer City Code 2.58 other clarifications were made regarding
28 Recording Clerk, Staff Reports, and Rules of Order.

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

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32 Section 1. Homer City Code Chapter 2.58.050, entitled "Required procedures" is hereby
33 amended as follows:

34
35 2.58.050 Required procedures.

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37 Except as otherwise provided in this title, bylaws for boards and commissions shall contain:

38
39 a. Presiding Officer. The presiding officer of the board or commission shall be the chairperson.
40 In the chairperson's absence, the vice-chairperson shall be the presiding officer. In all other
41 circumstances, the most senior member shall preside. The presiding officer shall preserve

42 order and decorum at all meetings of the board or commission, while promoting discussion by
43 all members in deliberations unless otherwise prohibited by law.

44
45 b. Staff Liaison. The City Manager shall designate an employee to serve as a staff liaison to each
46 board or commission. The staff liaison shall assist the chairperson in setting meetings,
47 preparing agendas, and other documentary material, and coordinating the acquisition of
48 needed materials and training.

49
50 c. Recording Clerk. The City Clerk shall designate a recording clerk to take minutes for each
51 board and commission and that designee shall serve as the board's or commission's
52 parliamentary advisory pursuant to AS 29.20.380(10) **and HCC 2.12.010** and assist the
53 chairperson with ~~compliance with the commission's or board's bylaws~~ **the conduct of the**
54 **meeting.**

55
56 d. Quorum. Four commission or board members shall constitute a quorum of seven members;
57 and five commission or board members shall constitute a quorum of eight members.

58
59 e. Voting. Each member, including the chairperson, shall vote, and shall not abstain from
60 voting, unless such member claims a conflict of interest, **or has an excused absence,** in which
61 event the member shall be excused from voting. The member shall then state for the record
62 the basis for the abstention.

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64 1. Four affirmative votes of seven members and five affirmative votes of eight members
65 are required to pass a motion.

66
67 2. Voting will be by a roll call vote, the order to be rotated; or by unanimous consent if no
68 objection is expressed.

69
70 3. Voting by proxy or absentee is prohibited.

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72 f. Staff Reports and Recommendations. The staff liaison shall submit reports and
73 recommendations for those agenda items requiring decisions or recommendations by any
74 board or commission. Other staff having experience, education, and professional training in
75 the subject matter may provide input into the reports and recommendations, or may provide
76 supplemental ~~ones~~ **information.** The ~~material~~ **information** submitted may be oral, written or
77 graphic, or some combination of all. Except as otherwise provided in this code, the reports and
78 recommendations shall be accepted as evidence of record to the same extent as oral testimony
79 and exhibits accepted from applicants, opponents, persons who are subjects of an inquiry,
80 expert and lay witnesses, and members of the public who provide information for the record
81 of the proceedings.

82

83 g. Attendance. ~~Any commission or board member who misses three consecutive regular~~
84 ~~meetings without being excused, or 30 percent of all meetings within a calendar year, shall be~~
85 ~~removed from the board or commission.~~ **A member shall be removed from the board or**
86 **commission who has three consecutive unexcused absences, or misses half of all**
87 **meetings within an appointment year, whether excused or unexcused.** Any member who
88 is unable to attend a meeting, whether regular or special, shall contact the City ~~Clerk~~, staff
89 ~~liaison, or chairperson as soon as possible~~ **in advance no later than two hours prior to the**
90 **scheduled meeting time** for excusal.

91
92 h. Vacancies. A commission or board member's appointment is vacated under the following
93 conditions:

- 94
- 95 1. A member fails to qualify to take office within 30 days after their appointment;
 - 96
 - 97 2. A member resigns;
 - 98
 - 99 3. A member is physically or mentally unable to perform the duties of the office;
 - 100
 - 101 4. A member is convicted of a felony or of an offense involving a violation of their oath of
 - 102 office;
 - 103
 - 104 5. A member misses three consecutive ~~regular meetings without being excused, or 30~~
105 ~~percent of all meetings within a calendar year~~ **unexcused absences, or misses half of**
106 **all meetings within an appointment year, whether excused or unexcused.**
 - 107

108 i. Rules of Order. Boards and commissions shall abide by the current edition of Robert's Rules
109 of Order. ~~If Robert's Rules of Order conflict with the board or commission bylaws or other~~
110 ~~provisions of this code, the bylaws and/or code provisions shall apply.~~ **insofar as it is**
111 **consistent with the board's or commission's bylaws, other provisions of the Homer City**
112 **Code, or standing rules. In all other cases, bylaws, the code, or the standing rule shall**
113 **prevail.**

114
115 j. Training and Model Procedures.

- 116
- 117 1. Training sessions developed or arranged by the City Clerk and approved by the City
118 Manager shall be mandatory unless a member's absence is excused by the chairperson.
 - 119
 - 120 2. The City Manager and/or City Clerk, in their discretion and in consultation with the City
121 Attorney as needed, may develop model procedures to be used as a guide for boards
122 and commissions.
 - 123

124 **k. Teleconferencing. Teleconference participation is allowed with notice to the clerk no**
125 **later than two hours prior to the scheduled meeting time.**

126
127 Section 2. Homer City Code Chapter 2.58.060, entitled “Teleconferencing” is hereby
128 enacted to read as follows:

129
130 **2.58.060 Teleconferencing.**

131
132 **a. This section governs the teleconference participation of board and commission**
133 **members at all regular meetings, special meetings, and worksessions.**

134
135 **b. “Teleconference” means remote participation by telephone or web-based format by a**
136 **member for a meeting of the board or commission which must enable the remote**
137 **member, for the duration of the meeting, to clearly hear and to be heard by the**
138 **chairperson, all other members, the staff liaison, the Clerk, and any public in attendance.**

139
140 **c. “Appointment year” means the 12 month period commencing the first day of the first**
141 **month after expiration of terms.**

142
143 **d. The preferred procedure for all meetings is that all members should make all**
144 **reasonable effort to be physically present at the designated time, date, and location**
145 **within the City for the meeting. Teleconference participation is intended for good cause**
146 **which may include, but is not limited to, absences required for work-related events,**
147 **family emergencies, medical-related issues, or other good cause. Teleconferencing is not**
148 **to be used as a regular means of attendance at meetings except temporarily during**
149 **events described in section (g). A board or commission member allowed by this section**
150 **to participate by teleconference shall, while actually on the teleconference, be deemed**
151 **present at the meeting for all purposes.**

152
153 **e. Members who cannot be physically present for a meeting shall notify the clerk in**
154 **advance no later than two hours prior to the scheduled meeting time of their intent to**
155 **appear by teleconference.**

156
157 **f. All members teleconferencing will establish a connection by telephone or web-based**
158 **format and shall make every effort to participate in the entire meeting. If teleconference**
159 **participation is interrupted due to poor connectivity and hinders the active participation**
160 **of a member in the meeting, the chairperson will request a brief recess to allow the**
161 **person to attempt to reestablish a connection. If the member cannot reestablish a**
162 **connection after a recess, the chairperson shall proceed with the meeting and the clerk**
163 **shall note in the minutes of the meeting the member’s inability to participate in the**
164 **meeting due to technical difficulties.**

165

166 **g. Section (d) does not apply to meetings held while an emergency disaster declaration is**
167 **in effect and the nature of the disaster significantly impacts a member's ability to attend**
168 **a meeting other than by teleconference or other technological means.**

169
170 Section 3. This Ordinance is of a permanent and general character and shall be included
171 in the City Code.

172
173 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this __ day of _____, 2021.

174
175 CITY OF HOMER

176
177 _____
178 KEN CASTNER, MAYOR

179 ATTEST:
180
181 _____
182 MELISSA JACOBSEN, MMC, CITY CLERK

183
184 YES:
185 NO:
186 ABSTAIN:
187 ABSENT:
188
189 First Reading:
190 Public Hearing:
191 Second Reading:
192 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 21-145

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: AUGUST 12, 2021
SUBJECT: ORDINANCE 21-50 AMENDING HOMER CITY CODE 2.58 REGARDING
TELECONFERENCING, ATTENDANCE, AND VACANCIES

With the expiration of the City's COVID-19 emergency declaration there is no longer the ability to waive teleconference restrictions for advisory body meetings, and on July 26th, Council adopted Emergency Ordinance 21-46 to temporarily suspend telephonic restrictions for 60 days to allow time to address this matter.

Ordinance 21-50 has been drafted and is being circulated among the Commissions for their input that will be provided for to the public hearing at the September 13, 2021 City Council meeting.

Recommendation:

Introduce Ordinance 21-50 with public hearing date of September 13, 2021

Attachments: Memorandum to Commissions
Current HCC 2.58

Chapter 2.58 BOARDS AND COMMISSIONS

Sections:

[2.58.010 Boards and commissions.](#)

[2.58.020 Creation of City boards and commissions.](#)

[2.58.030 Applicability.](#)

[2.58.035 Commission and board member terms.](#)

[2.58.040 Commission and board bylaws.](#)

[2.58.050 Required procedures.](#)

2.58.010 Boards and commissions.

City Council may create or abolish boards and commissions. Council shall create or abolish boards and commissions via ordinance. Council shall establish the number of members of each board or commission, their terms of office, and the purpose for which the board or commission is created via ordinance. [Ord. 18-38(S) § 2, 2018].

2.58.020 Creation of City boards and commissions.

The following commissions and boards have been created by City Council and are subject to this chapter unless otherwise provided in this title:

- a. Library Advisory Board;
- b. Parks, Art, Recreation, and Culture Advisory Commission;
- c. Port and Harbor Advisory Commission;
- d. Advisory Planning Commission;
- e. Economic Development Advisory Commission. [Ord. 18-38(S) § 2, 2018].

2.58.030 Applicability.

Except as otherwise provided within this title, this chapter applies to all boards and commissions created by City Council which exercise powers vested in the City or which serve as an advisory body of the City. This chapter does not apply to standing committees, special committees, work groups or task forces which are created jointly with other governing bodies, City staff or which do not exercise powers vested in the City. [Ord. 18-38(S) § 2, 2018].

2.58.035 Commission and board member terms.

Appointment and removal of the members of City boards and commissions shall be by recommendation of the Mayor and confirmation of such action by the Council, except as specifically provided otherwise in the Alaska Statutes and/or under other provisions of the code. In addition to the voting members of the board or commission, the Mayor may appoint honorary members of a board or commission, subject to confirmation by Council. The honorary members' terms are to be determined at the time of appointment. Honorary members of a board or commission may participate in the deliberations of the board or commission, but may not vote, nor shall they be counted in determining whether a quorum is present. [Ord. 18-38(S) § 2, 2018].

2.58.040 Commission and board bylaws.

- a. Except as otherwise provided in this title, all boards and commissions created by Council shall draft and approve proposed bylaws governing the operations of their respective areas of authority, subject to review by the City Attorney. Once approved by the board or commission, the proposed bylaws shall be submitted to Council for approval via resolution.
- b. Except as otherwise provided in this title, the City Clerk shall file the bylaws and the resolution approving them. The City Clerk shall make the bylaws available to the public upon request.
- c. A commission or board may recommend an amendment to its bylaws to Council after considering any amendments at two separate meetings. Amendments to bylaws of any City commission or board shall be effective upon approval of the amendments by Council via resolution. [Ord. 18-38(S) § 2, 2018].

2.58.050 Required procedures.

Except as otherwise provided in this title, bylaws for boards and commissions shall contain:

- a. **Presiding Officer.** The presiding officer of the board or commission shall be the chairperson. In the chairperson's absence, the vice-chairperson shall be the presiding officer. In all other circumstances, the most senior member shall preside. The presiding officer shall preserve order and decorum at all meetings of the board or commission, while promoting discussion by all members in deliberations unless otherwise prohibited by law.
- b. **Staff Liaison.** The City Manager shall designate an employee to serve as a staff liaison to each board or commission. The staff liaison shall assist the chairperson in setting meetings, preparing agendas, and other documentary material, and coordinating the acquisition of needed materials and training.
- c. **Recording Clerk.** The City Clerk shall designate a recording clerk to take minutes for each board and commission and that designee shall serve as the board's or commission's parliamentary advisory pursuant to AS 29.20.380(10) and assist the chairperson with compliance with the commission's or board's bylaws.
- d. **Quorum.** Four commission or board members shall constitute a quorum of seven members; and five commission or board members shall constitute a quorum of eight members.

- e. Voting. Each member, including the chairperson, shall vote, and shall not abstain from voting, unless such member claims a conflict of interest, in which event the member shall be excused from voting. The member shall then state for the record the basis for the abstention.
1. Four affirmative votes of seven members and five affirmative votes of eight members are required to pass a motion.
 2. Voting will be by a roll call vote, the order to be rotated; or by unanimous consent if no objection is expressed.
 3. Voting by proxy or absentee is prohibited.
- f. Staff Reports and Recommendations. The staff liaison shall submit reports and recommendations for those agenda items requiring decisions or recommendations by any board or commission. Other staff having experience, education, and professional training in the subject matter may provide input into the reports and recommendations, or may provide supplemental ones. The material submitted may be oral, written or graphic, or some combination of all. Except as otherwise provided in this code, the reports and recommendations shall be accepted as evidence of record to the same extent as oral testimony and exhibits accepted from applicants, opponents, persons who are subjects of an inquiry, expert and lay witnesses, and members of the public who provide information for the record of the proceedings.
- g. Attendance. Any commission or board member who misses three consecutive regular meetings without being excused, or 30 percent of all meetings within a calendar year, shall be removed from the board or commission. Any member who is unable to attend a meeting, whether regular or special, shall contact the City Clerk, staff liaison, or chairperson as soon as possible for excusal.
- h. Vacancies. A commission or board member's appointment is vacated under the following conditions:
1. A member fails to qualify to take office within 30 days after their appointment;
 2. A member resigns;
 3. A member is physically or mentally unable to perform the duties of the office;
 4. A member is convicted of a felony or of an offense involving a violation of their oath of office;
 5. A member misses three consecutive regular meetings without being excused, or 30 percent of all meetings within a calendar year.
- i. Rules of Order. Boards and commissions shall abide by the current edition of Robert's Rules of Order. If Robert's Rules of Order conflict with the board or commission bylaws or other provisions of this code, the bylaws and/or code provisions shall apply.

j. Training and Model Procedures.

1. Training sessions developed or arranged by the City Clerk and approved by the City Manager shall be mandatory unless a member's absence is excused by the chairperson.
2. The City Manager and/or City Clerk, in their discretion and in consultation with the City Attorney as needed, may develop model procedures to be used as a guide for boards and commissions. [Ord. 18-38(S) § 2, 2018].

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

City Clerk

3
4 **ORDINANCE 21-50(S)**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE 2.58 BOARDS AND COMMISSIONS
8 REGARDING TELECONFERENCING, ATTENDANCE, VACANCIES,
9 RECORDING CLERK, STAFF REPORTS AND RECOMMENDATIONS,
10 AND RULES OF ORDER, **AND 2.72.040 PLANNING COMMISSION**
11 **TERMS OF COMMISSION MEMBERS.**
12

13 WHEREAS, The State of Alaska Open Meetings Act allows elected officials to attend
14 meetings by teleconference; and

15
16 WHEREAS, Attendance at regular meetings, special meetings, and worksessions by
17 teleconference has been effective and efficiently employed by the board and commissions
18 since April 2020; and

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20 WHEREAS, Allowances for the continued ability to attend meetings by teleconference
21 outside of emergency situations is beneficial to conducting the business of the City of Homer;
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25 and 50% requires that a member must attend at least half of their regularly scheduled
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87 **commission who has three consecutive unexcused absences, or misses half of all**
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89 is unable to attend a meeting, whether regular or special, shall contact the City Clerk, staff
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92
93 h. Vacancies. **With exception of the Planning Commission, a** commission or board member's
94 appointment is vacated under the following conditions:

- 95
96 1. A member fails to qualify to take office within 30 days after their appointment;
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98 2. A member resigns;
- 99
100 3. A member is physically or mentally unable to perform the duties of the office;
- 101
102 4. A member is convicted of a felony or of an offense involving a violation of their oath of
103 office;
- 104
105 5. A member misses **has** three consecutive regular meetings without being excused, or 30
106 percent of all meetings within a calendar year **unexcused absences, or misses half of**
107 **all meetings within an appointment year, whether excused or unexcused.**

108
109 **Planning Commission vacancy terms are addressed in HCC 2.72.040(c).**

110
111 i. Rules of Order. Boards and commissions shall abide by the current edition of Robert's Rules
112 of Order. ~~If Robert's Rules of Order conflict with the board or commission bylaws or other~~
113 ~~provisions of this code, the bylaws and/or code provisions shall apply.~~ **insofar as it is**
114 **consistent with the board's or commission's bylaws, other provisions of the Homer City**
115 **Code, or standing rules. In all other cases, bylaws, the code, or the standing rule shall**
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121 Manager shall be mandatory unless a member's absence is excused by the chairperson.
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k. Teleconferencing. Teleconference participation is allowed with notice to the clerk no later than two hours prior to the scheduled meeting time.

Section 2. Homer City Code Chapter 2.58.060, entitled “Teleconferencing” is hereby enacted to read as follows:

2.58.060 Teleconferencing.

a. This section governs the teleconference participation of board and commission members at all regular meetings, special meetings, and worksessions.

b. “Teleconference” means remote participation by telephone or web-based format by a member for a meeting of the board or commission which must enable the remote member, for the duration of the meeting, to clearly hear and to be heard by the chairperson, all other members, the staff liaison, the Clerk, and any public in attendance.

c. “Appointment year” means the 12 month period commencing the first day of the first month after expiration of terms.

d. The preferred procedure for all meetings is that all members should make all reasonable effort to be physically present at the designated time, date, and location within the City for the meeting. Teleconference participation is intended for good cause which may include, but is not limited to, absences required for work-related events, family emergencies, medical-related issues, or other good cause. Teleconferencing is not to be used as a regular means of attendance at meetings except during events described in section (g). A board or commission member allowed by this section to participate by teleconference shall, while actually on the teleconference, be deemed present at the meeting for all purposes.

e. Members who cannot be physically present for a meeting shall notify the clerk in advance no later than two hours prior to the scheduled meeting time of their intent to appear by teleconference.

f. All members teleconferencing will establish a connection by telephone or web-based format and shall make every effort to participate in the entire meeting. If teleconference participation is interrupted due to poor connectivity and hinders the active participation of a member in the meeting, the chairperson will request a brief recess to allow the member to attempt to reestablish a connection. If the member cannot reestablish a connection after a recess and a quorum remains, the chairperson shall proceed with the meeting and the clerk shall note in the minutes of the meeting the member’s inability to participate in the meeting due to technical difficulties. If quorum is lost, the chairperson

168 **shall adjourn the meeting and any remaining agenda items will carry over to the next**
169 **regular or special meeting.**

170
171 **g. Section (d) does not apply to meetings held while an emergency disaster declaration is**
172 **in effect and the nature of the disaster significantly impacts a member's ability to attend**
173 **a meeting other than by teleconference or other technological means.**

174
175 **Section 3. Homer City Code Chapter 2.72 Planning Commission Section 2.72.040**
176 **Terms of Commission members is hereby amended as follows:**

177
178 2.72.040 Terms of Commission members.
179
180 a. Members of the first Commission shall be appointed for the following terms:
181 1. Three members shall be appointed for three-year terms;
182 2. Two members shall be appointed for two-year terms;
183 3. Two members shall be appointed for one-year terms.
184
185 b. At the end of the respective terms set forth in subsection (a) of this section, members shall
186 be appointed for full three-year terms.
187
188 c. ~~Any Commissioner who shall have two successive unexcused absences shall be subject to~~
189 ~~removal by the Commission by a majority vote of the members present.~~ **A commission**
190 **member's appointment is vacated under the following conditions:**

- 191
192 **1. A member fails to qualify to take office within 30 days after their appointment;**
193
194 **2. A member resigns;**
195
196 **3. A member is physically or mentally unable to perform the duties of the office;**
197
198 **4. A member is convicted of a felony or of an offense involving a violation of their**
199 **oath of office;**
200
201 **5. A member has three consecutive unexcused absences, or misses six meetings in an**
202 **appointment year.**

203
204 Section 4. This Ordinance is of a permanent and general character and shall be
205 included in the City Code.

206
207 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this __ day of _____, 2021.

208
209 CITY OF HOMER

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

KEN CASTNER, MAYOR

YES:
NO:
ABSTAIN:
ABSENT:

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



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 21-163

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: RACHEL TUSSEY, CMC, DEPUTY CITY CLERK

DATE: SEPTEMBER 8, 2021

SUBJECT: INPUT FROM COMMISSIONS AND BOARD REGARDING ORDINANCE 21-50
AMENDING HOMER CITY CODE 2.58 AND 2.72 REGARDING
TELECONFERENCING, ATTENDANCE, AND VACANCIES

A draft of Ordinance 21-50 and memo from City Clerk Jacobsen went before all the commissions and board for their input on the proposed changes to teleconferencing, attendance, and vacancies.

Based on their feedback and additional recommendations from staff, a substitute ordinance was produced for City Council's consideration. The following excerpts reflect the discussions on the topic:

Planning Commission – August 18, 2021 Regular Meeting

- B. Memorandum from City Clerk re: Amending Homer City Code 2.58 Regarding Teleconferencing, Attendance and Vacancies for Boards and Commissions

Chair Smith introduced the next item by reading of the title and invited City Planner Abboud to speak to the Commission.

City Planner Abboud stated that he would defer to the Clerk as this item was presented by their office and he has stated his comments previously on the proposed amendments regarding excused or unexcused as he does not like undefined terms and anybody being a decider was excused other than to notify the Clerk two hours prior to the meeting and that for the Commission we would hold ourselves to a standard of six meetings rather than half.

Deputy City Clerk Krause provided background on why these proposed changes were being recommended by the Clerk's Office were due to the Emergency Order allowing attendance and conducting a meeting via teleconference expired and there were some commissions that did not allow conducting their meetings via teleconference; the City Clerk brought forward and Council approved an emergency ordinance which allowed them the ability to draft the ordinance that is before them tonight. The City plans to conduct hybrid meetings going forward and this requires some changes to Commissions and Board Bylaws. She provided some history on the previous amendments to the other Commissions and Board's bylaws to bring some consistency to them and how they conduct their meetings and the background for the proposed changes to vacancies, absences and excused or unexcused absences.

Chair Smith questioned what would happen if the Clerk was not available, in regards to absences.

Deputy City Clerk Krause responded that there are two other clerks that would be available to step in and she does have the ability to work from home. She further noted that the Clerk's Office is working on their Standard Operating Procedures.

Chair Smith did not have any objections to the other recommendations and supported them.

Commissioner Highland requested clarification on striking the word "advisory" in front of Planning Commission throughout the documents.

Deputy City Clerk Krause facilitated discussion on the following:

- Preference to attend meetings in person but it is encourage to attend meetings as a whole whether teleconference or in person
- Due to COVID it is understandable why persons may opt for attending a meeting by teleconference.
- The Clerk will make the determination as to who is excused and who is not as we are responsible for attendance.
 - Historically Commissions and Board members have automatically excused anyone just because
- The requirement to notify the clerk is to address the issue of the Clerk trying to track down a member especially in the case of needed quorums.
- Over the past year it has been proven that the Board and Commissions can conduct business and be effective via teleconference.
- In accordance to Homer City Code, the Mayor is not a consulting member of the Planning Commission, the City Manager and Public Works Director or their designees is specified.

Parks, Art, Recreation and Culture Advisory Commission – August 19, 2021 Regular Meeting

C. Memorandum from City Clerk re: Amending Homer City Code 2.58 Boards and Commissions regarding Teleconferencing, Attendance and Vacancies

Chair Lewis introduced the item and asked if any of the Commissioners had any comments, concerns or questions for the Clerk.

Commissioner Archibald commented on the 50% of meetings and noted that if a commissioner missed half the meetings they should consider resigning.

There were no further comments, concerns or recommendations from the Commission on the proposed amendments.

Port and Harbor Advisory Commission – August 25, 2021 Regular Meeting

B. Ordinance 21-xx Amending HCC 2.58 Regarding Teleconferencing, Attendance, & Vacancies

- i. Draft Ordinance 21-xx Amending HCC 2.58
- ii. Current HCC 2.58

Chair Zimmerman introduced the agenda item by reading the title and opened the floor for discussion.

In response to questions from commissioners, Deputy City Clerk Tussey spoke to the purpose of the code amendments, how it lessens the limitations for commissioners to participate by teleconference, and better clarifies attendance and vacancies. She further explained how once the code amendments

are approved by Council, the Clerk's Office will be proposing bylaw amendments for all of the advisory bodies to address any discrepancies between bylaws and City Code.

Chair Zimmerman noted a typo on Line 95 where the word "misses" should be changed to "has". He clarified with Ms. Tussey the next steps of the process and what staff is requesting from the commission.

ULMER/MATTHEWS MOVED TO SUPPORT AMENDMENTS TO HOMER CITY CODE 2.58 REGARDING TELECONFERENCING, ATTENDANCE, AND VACANCIES AND RECOMMEND ADOPTION TO CITY COUNCIL.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Economic Development Advisory Commission – August 31, 2021 Worksession

- B. Amending HCC 2.58 Regarding Teleconferencing, Attendance, & Vacancies
 - i. Draft Ordinance 21-xx Amending HCC 2.58
 - ii. Current HCC 2.58

Chair Marks introduced the discussion topic by reading the title and deferred to Deputy City Clerk Tussey to begin discussion.

Ms. Tussey explained the reasons for the code amendments, what revisions have already been suggested by other commissions and staff, and where the ordinance is at in the process. At the request of Chair Marks, Ms. Tussey facilitated discussion with the commission on each section of the draft ordinance and pointed out what changes will be in the substitute ordinance going before City Council at their September 13th meeting. Points discussed included:

- Defining attendance Members will be considered "present" at the meeting if on Zoom.
- That the two hour timeframe was enough previous notice for the Clerk's Office.
- What scenarios would constitute as good cause and the benefit of teleconferencing to ensure the continuation of City business getting done in what could have been a cancelled meeting due to lack of quorum.
- Concerns with teleconferencing taking over, the importance of conducting public meetings in person, and ways to prevent exploiting the Zoom option.
- How the code acts as a basis and the EDC can implement additional changes in their bylaws.
- Mixed opinions on missing half the meetings in an appointment year; some commissioners were fine with that amount and some felt it was far too low.

Chair Marks clarified with Ms. Tussey the next steps in the process for amending code, and how staff will later bring bylaw amendments to their next meetings.

Library Advisory Board – September 7, 2021 Regular Meeting

- B. Amending HCC 2.58 Regarding Teleconferencing, Attendance, & Vacancies
 - i. Draft Ordinance 21-xx(S) Amending HCC 2.58
 - ii. Current HCC 2.58

Chair Finn introduced the agenda item by reading the title and deferred to Deputy City Clerk Tussey to begin discussion.

Ms. Tussey referenced City Clerk Jacobsen's memo in the packet and explained how the Clerk's Office is gathering feedback from the advisory bodies on the proposed code amendments, what changes are being recommended by staff, and the reasons behind them.

Boardmember Fair commended Deputy Clerks Krause and Tussey on a job well done. He opined that the changes made code clean and simple, and that it was in need of restructuring. He supported the amendments.

Boardmember Kuzmaul commented that the revised section on attendance states a member shall contact the clerk within two hours of a meeting, but it is not clear on what the consequences are if you don't. Ms. Tussey noted that code can provide the basis, and any details it does not address can be found in the Clerk's standard operating procedures, the LAB's orientation packet, or in their annual training materials. Ms. Tussey agreed that it was a good suggestion of clarification that Council may want to make.

Boardmember McKinney commented on using the word "temporarily" in proposed HCC 2.58.060(d). The word caused confliction with the first part of the section regarding good cause. He inquired on the issue of a member using teleconferencing for every meeting, and at what point does it no longer become "good cause". Discussion ensued on what constitutes good cause, if there should be a limit clarified in code, and what constitutes temporary.

Chair Finn and Boardmember Kuzmaul asked about the LAB's involvement at any point in the process of determining a member's attendance or vacancy. Ms. Tussey explained that it's not necessarily the clerk's decision; if the rules are outlined in City Code, the LAB's policies, and the Clerk's standard operating procedures, then the Clerk's Office is simply following the processes. If good cause or the reason for a vacancy is clear in any one of those areas then we are following protocol, not making some ultimate decision.

In response to Boardmember McKinney, Ms. Tussey suggested that the word "temporarily" could be removed as the sentence still read appropriately without it. The board agreed to the revision.

Chair Finn clarified with Ms. Tussey next steps of the ordinance process and where their revisions will go from here.

FAIR/MCKINNEY MOVED TO SUPPORT AMENDMENTS TO HOMER CITY CODE 2.58 REGARDING TELECONFERENCING, ATTENDANCE, AND VACANCIES AND RECOMMEND ADOPTION TO CITY COUNCIL.

Chair Finn confirmed with Deputy City Clerk Tussey that the word "temporarily" would be removed and that the motion made incorporated that amendment.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Recommendation:

Approve Ordinance 21-50(S)

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

City Clerk

3
4 **ORDINANCE 21-51**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE CHAPTERS 6.16 FEE FOR POLICE
8 PROTECTION SERVICES, 8.08 ITINERANT MERCHANT, 8.11
9 MOBILE FOOD VENDORS, 11.20 STREETS, SIDEWALKS, DRIVEWAY
10 CONSTRUCTION, 13.12 EARTHWORK, 18.28 TIDELANDS, 19.08
11 CAMPGROUNDS, AND 19.12 EXCAVATION OF HOMER SPIT BEACH
12 TO REMOVE FEES AND REPLACE WITH REFERENCE TO THE CITY
13 OF HOMER FEE SCHEDULE AND STRIKE OUTDATED LANGUAGE.

14
15 WHEREAS, City fees are established by Resolution and included in the City of Homer
16 Fee Schedule; and

17
18 WHEREAS, It is appropriate to remove fees from Homer City Code and replace with
19 reference to the City of Homer Fee Schedule regarding fees for city services; and

20
21 WHEREAS, The reference to paying royalties to Dow Chemical Company in section
22 13.12.040 is obsolete and should be removed from City Code.

23
24 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

25
26 Section 1. Homer City Code Chapter 6.16 Fee for police protection services, Section
27 6.16.020 Fee for police protection services is hereby amended as follows:

28
29 6.16.020 Fee for police protection services.

30
31 a. Subject to subsection (b) of this section, the owner of a residential property shall pay the
32 City a fee of ~~\$250.00~~ **as set forth in the most current City of Homer Fee Schedule** per
33 excessive police response to the residential property during a calendar year.

34
35 b. The owner of a residential property shall be liable for the fee established by subsection (a)
36 of this section only if:

37 1. The City has notified the owner in writing as provided in HCC 6.16.030 that the fee will
38 apply to any excessive police responses to the residential property during the calendar
39 year;

40 2. The time allowed for appropriate corrective action under HCC 6.16.040 has expired;
41 and

42 3. The owner has not taken appropriate corrective action as required by HCC 6.16.040.

43
44 c. If a residential property has more than one owner, all owners shall be jointly and severally
45 liable for any fee imposed under this section.

46
47 d. For residential property owned as a condominium, a fee based on excessive police responses
48 to a single dwelling unit shall be assessed against the owner of the dwelling unit. [Ord. 09-33(A),
49 2009].

50
51 Section 2. Homer City Code Chapter 8.08 Itinerant Merchant, Sections 8.08.030 Itinerant or
52 transient merchant license – Application, 8.08.040 Referral – Fees, and 8.11.050 License –
53 Application – Referral – Fees are hereby amended as follows:

54
55 8.08.030 Itinerant or transient merchant license – Application.
56 Applicants for an itinerant or transient merchant license, whether a person, firm, or
57 corporation, shall file a written, sworn application signed by the applicant, if an individual, by
58 all partners, if a partnership, and by the president, if a corporation, with the Homer Police
59 Department, on a form to be furnished by the Homer Police Department, which shall give the
60 following information:

61 a. Name and description of the applicant (applicant must produce valid identification with
62 photo affixed thereon);

63
64 b. Address, both legal and local;

65
66 c. A brief description of the nature of the business and the goods to be sold and, in the case of
67 products of farm or orchard, whether produced or grown by the applicant;

68
69 d. If employed, the name and address of the employer, together with credentials establishing
70 the exact relationship;

71
72 e. The length of time for which the right to do business is desired;

73
74 f. If a vehicle is to be used, a description of the same, together with the license number or other
75 means of identification;

76
77 g. A photograph of the applicant, taken within 60 days immediately prior to the date of the
78 filing of the application, showing the head and shoulders of the applicant in a clear and
79 distinguishing manner;

80
81 h. The names of at least two reliable property owners of the City, who will certify as to the
82 applicant's good character and business responsibility, or, in lieu of the names and references,
83 any other available evidence as to the good character and business responsibility of the

84 applicant as will enable an investigator to properly evaluate such character and business
85 responsibility;

86
87 i. A statement as to whether or not the applicant has been convicted of any crime,
88 misdemeanor or violation of any municipal ordinance, the nature of the offense and the
89 punishment or penalty assessed therefor and a criminal history background check supplied by
90 the State of Alaska within the preceding 30 days;

91
92 j. A copy of the applicant's business license and his certificate of registration for collection of
93 Kenai Peninsula Borough sales tax, and when applicable a health certificate, letter of approval
94 or other appropriate notification from State authorities for a food vending business;

95
96 k. At the time of filing the application, a fee of ~~\$10.00~~ **as set forth in the most current City of**
97 **Homer Fee Schedule** shall be paid to cover the cost of processing the application;

98
99 l. Waiver of objection to criminal history check. By the act of filing, applicant waives all claims
100 he may have arising under any act or principle of common law protecting individual privacy,
101 and consents to an investigation from any source or sources as to criminal history. [Ord. 01-20
102 § 1, 2001; Ord. 92-21, 1992; Ord. 89-9(A) § 1, 1989; Ord. 86-21 § 2, 1986; Ord. 83-2 § 1, 1983].

103
104 8.08.040 Referral – Fees.

105 a. Upon receipt of the application described in HCC 8.08.030, the original shall be referred to
106 the Chief of Police or designee who shall cause an investigation of the applicant's business
107 responsibility and moral character to be made. The application shall be approved or denied by
108 the Chief of Police or his designee within 48 hours of its receipt.

109
110 b. The Chief of Police shall find that an application's background is unsatisfactory if:
111 1. The applicant has been convicted of a felony within the three-year period
112 immediately preceding the date of his application;
113 2. The applicant has been convicted of a misdemeanor or violation of a municipal
114 ordinance involving a monetary consideration within the same three-year period;
115 3. The applicant does not have proper business license, certificate of registration for
116 collection of sales tax or health certificate when applicable.

117
118 c. If, as a result of such investigation, the applicant's character or business responsibility is
119 found to be unsatisfactory, the Chief of Police shall endorse on such application his
120 disapproval and his reasons for the same and shall notify the applicant that his application is
121 disapproved and that no permit and license will be issued.

122
123 d. If, as a result of such investigation, the character and business responsibility of the applicant
124 are found to be satisfactory, the Chief of Police or designee shall endorse on the application
125 his approval. The Homer Police Department shall, upon payment of the prescribed fee, deliver

126 to the applicant his license. Such license shall contain the signature and seal of the Chief of
127 Police or designee and shall show the name and photograph of the licensee, the class of license
128 issued and the kinds of goods to be sold thereunder, the amount of fee paid, the operative, as
129 well as the license number and other identifying description of any vehicle used in the
130 business. The Homer Police Department shall keep a permanent record of all licenses issued.

131
132 e. For each license issued hereunder, the fee shall be ~~\$330.00~~ **the amount as set forth in the**
133 **most current City of Homer Fee Schedule** for a 60-day license. For each assistant or
134 sublicense associated with the principal license the fee shall be \$10.00 each. [Ord. 10-51(A),
135 2011; Ord. 01-20 § 1, 2001; Ord. 92-21, 1992; Ord. 89-9(A) § 1, 1989; Ord. 86-21 § 3, 1986; Ord. 83-
136 2 § 1, 1983].

137
138 Section 3. Homer City Code Chapter 8.11 Mobile Food Service, Section 8.11.050 License –
139 Application – Referral – Fees is hereby amended as follows:

140
141 8.11.050 License – Application – Referral – Fees.

142 a. Upon receipt of the application described in HCC 8.11.040, the original shall be referred to
143 the Chief of Police or designee who shall carry out an investigation, and approve or disapprove
144 such application under the procedures set forth in HCC 8.08.040.

145
146 b. For each license issued under this chapter, the fee shall be ~~\$390.00~~ **the amount as set forth**
147 **in the most current City of Homer Fee Schedule** annually. A ~~\$12.00 per month discount for~~
148 ~~the unused portion (counting from the beginning of the year) shall be granted.~~ All licenses
149 expire on December 31st of the year issued. [Ord. 10-51(A), 2011; Ord. 01-20 § 2, 2001; Ord. 83-
150 10(S) § 1, 1983].

151
152 Section 4. Homer City Code Chapter 11.20 Streets, Sidewalks, Driveway Construction,
153 Section 11.20.070 Preconstruction requirements is hereby amended as follows:

154
155 11.20.070 Preconstruction requirements.

156 Following receipt of the notice of design approval, the developer shall submit the following to
157 the City:

158 a. A construction schedule;

159
160 b. Erosion control plan and traffic control plan for the area of the development project, if
161 determined necessary by the Public Works Engineer;

162
163 c. Identification of the following personnel, who shall be required to perform their respective
164 duties during the construction of the project:

165 1. Contractor;

166 2. Project engineer;

167 3. Inspector;

- 168 4. Surveyor;
169 5. Testing firm (a firm employed by the developer to perform soils, compaction, and
170 other tests deemed necessary by the project engineer to ensure conformance of work
171 to plans and specifications);

172
173 d. A development fee is required for private projects to cover costs of inspection and
174 administration of the project. The fee shall be generally in relation to the design engineer's
175 construction cost estimate, according to the following schedule below: **amount set forth in**
176 **the most current City of Homer Fee Schedule**

Cost Estimate	Development Fee
Less than \$100,000	1.0% of cost estimate, but not less than \$250.00
\$100,000 to \$500,000	0.75% of cost estimate, but not less than \$1,000
Above \$500,000	0.50% of cost estimate, but not less than \$3,750

Municipal projects shall include an appropriate
project overhead for project administration
and inspection.

177
178 e. Design Engineer's Construction Cost Estimate. This cost estimate shall be accompanied by
179 the calculations upon which the cost estimate is based. The estimate and calculations are
180 subject to verification and concurrence by the City Public Works Engineer;

181
182 f. A performance bond or other acceptable guarantee in the amount of 100 percent of the
183 project cost, which bond shall be waived in the case of new subdivisions, in which right-of-way
184 dedication, via plat filing or recordation, cannot occur until improvements are installed and
185 accepted;

186
187 g. Proof of liability insurance listing the City as additional insured in accordance with the
188 requirements of HCC 11.20.075. The insurance may be purchased and maintained either by the
189 developer or the contractor;

190
191 h. A notarized statement that the developer shall hold the City harmless from any claims
192 arising from construction including, but not necessarily limited to, liability or nonpayment of
193 subcontractors or suppliers;

194

195 i. The developer shall submit to the City, in accordance with the form specified by the City, a
196 quality control program for the construction of the improvements. The quality control program
197 shall provide sufficient inspection and test procedures to determine compliance with all
198 applicable plans, specifications, and safety requirements. The program shall include at least
199 the following:

- 200 1. The frequency and type of all tests to be performed;
- 201 2. A list of all firms or persons who will perform tests and inspections;
- 202 3. Procedures for coordinating testing and inspections with the City, and for providing
203 advance notice to the City of all inspections and tests which the City may opt to witness;
- 204 4. Procedures for reporting quality control activities, including discoveries of
205 deficiencies in the work.

206
207 In addition, the developer must sign a performance agreement with the City that work shall be
208 completed according to the plans and specifications, and allowing the City the right to enter
209 upon and inspect the project, and to order work stoppage, tests, and field changes in
210 accordance with HCC 11.20.080.

211
212 Upon completion of the requirements set out in this section to the satisfaction of the City, the
213 City shall issue a notice to proceed with construction. [Ord. 87-6(S) § 1, 1987].

214
215 Section 5. Homer City Code Chapter 13.12 Earthwork, Section 13.12.040 Frost
216 protection insulation is hereby amended as follows:

217
218 13.12.040 Frost-protection insulation.

219 For frost-protection insulation, use only rigid board Styrofoam insulation material, Dow H.I. 40
220 or equal.

221 a. Generally, one inch insulation thickness equals one foot earth cover.

222 b. Styrofoam physical properties:

Density	2 pcf. minimum
Compressive strength (ASTM D1621-59T)	35 psi. minimum at 5% deflection or yield
Water absorption (ASTM C177-53)	0.125% by vol. max.
Thermal conductivity (ASTM C177-63)	Max. 0.23 BTU/hr.ft. 2° F./in. thickness

223
224 ~~c. Patent royalties of \$0.005 per board foot must be paid to Dow Chemical Company for any~~
225 ~~insulation used for this purpose if not manufactured by Dow. "Royalties" are required because~~
226 ~~of a Dow Chemical Company patent on the specific product "Styrofoam" physical properties~~

227 ~~as originated and marketed for use specifically as a frost protection barrier. The burden of~~
228 ~~proof and payment rest with the contractor or supplier that chooses to do otherwise. The City~~
229 ~~is concerned only that proper insulation materials are used, “Dow Styrofoam” specifically or~~
230 ~~an “equal” in performance. In some cases “Dow Styrofoam” may be specifically called out in~~
231 ~~the project specifications. If so, the City would not allow an equal. [Ord. 85-25(A) Art. 20.1.2(c),~~
232 ~~1985].~~

233
234 Section 6. Homer City Code Chapter 18.28 Tidelands, Section 18.28.310 Appraisal
235 deposit is hereby amended as follows:

236
237 18.28.310 Appraisal deposit.
238 Each Class III preference right claimant shall deposit with the City Clerk the sum ~~of \$50.00~~ **in**
239 **the amount as set forth in the most current City of Homer Fee Schedule** to cover the cost
240 of appraisal. Any amount exceeding this shall be charged to the applicant and any surplus shall
241 be returned to him. [Code 1967 § 21-100.30].

242
243 Section 7. Homer City Code Chapter 19.08 Campgrounds, Section 19.08.070 Certain
244 acts prohibited, 19.08.090 Unattended camps, and 19.08.090 Unattended camps is hereby
245 amended as follows:

246
247 19.08.070 Certain acts prohibited.

248
249 It shall be unlawful for any person to:

250 a. Dispose of or deposit human body wastes or any other waste on City-owned or City-
251 controlled land other than in authorized or designated receptacles;

252
253 b. Make or cause to be made any unnecessary or unusual noise which annoys, injures or
254 endangers the comfort, repose, health or safety of the public, or any individual member of the
255 public on City-owned or City-controlled land;

256
257 c. Erect, occupy, or otherwise utilize any temporary or permanent structure or shelter on City-
258 owned or City-controlled lands.

259 1. Exception. Unless otherwise prohibited, tents of standard commercial manufacture
260 or constructed in whole or in part from canvas, nylon or other tenting material may be
261 erected and occupied in designated camping areas. Structures so exempted may not
262 be modified, extended, or sheltered by the addition of any material not a commercially
263 manufactured component of said tent or other than a recognized tenting material.

264 2. Exception. Unless otherwise prohibited, self-contained camper units may be parked
265 and occupied in designated camping areas so long as they remain immediately mobile;

266
267 d. Park, leave, maintain, or utilize any vehicle, camper unit, or camp in violation of any
268 provision of any section of this chapter. All vehicles, camper units, or other camps in violation

269 shall be subject to impoundment by any peace officer. All costs of impoundment and storage
270 of any property so impounded shall be paid before said property shall be released. Property so
271 impounded shall additionally be subject to an ~~\$20.00~~ impound fee **in the amount as set forth**
272 **in the most current City of Homer Fee Schedule**, which shall be paid before said property is
273 released. All permanent structures shall be impounded pursuant to HCC 19.08.100;

274
275 e. Deface, destroy, alter, remove, or otherwise disfigure any equipment, sign, utility services,
276 or other facility owned or provided by the City at any City-owned campground or campsite, or
277 parking area adjacent thereto;

278
279 f. Allow any dog owned, harbored, or controlled by himself to be at large in any City-owned or
280 City-controlled campground. All fecal wastes of any dog discharged or deposited on any lands
281 within a City-owned or City-controlled campground shall be immediately removed by the
282 person owning, harboring, or controlling said animal and shall be deposited in trash
283 receptacles or otherwise stored in containers pursuant to HCC 19.08.080;

284
285 g. Leave any campsite in a disorderly or unsightly condition upon termination of use. [Ord. 81-
286 1(S), 1981. Code 1967 § 5-700.6].

287
288 19.08.090 Unattended camps.
289 A campsite shall be occupied on the first night after equipment, vehicles, or tents have been
290 set up. Equipment left unattended for a period of 72 hours at any campsite on City-owned or
291 City-controlled property may be impounded unless prior permission for a longer storage
292 period has been obtained from an authorized City representative. An ~~\$20.00~~ impound fee **in**
293 **the amount as set forth in the most current City of Homer Fee Schedule**, and all costs of
294 impoundment and storage shall be paid before said property may be released. [Ord. 81-1(S),
295 1981. Code 1967 § 5-700.8].

296
297 19.08.100 Unauthorized structures.
298 Any structure erected, maintained, occupied, or utilized on City-owned or City-controlled land
299 without written permission from the City Manager or otherwise permitted under this chapter
300 shall be unlawful and shall be subject to impoundment or disposal by any peace officer. If said
301 structure is impounded pursuant to this section, all costs of impoundment and storage shall
302 be paid in addition to the impound fee ~~of \$20.00~~ **in the amount as set forth in the most**
303 **current City of Homer Fee Schedule**, before said structure may be released. All costs of
304 recovery shall be borne by the person claiming said structure. [Ord. 81-1(S), 1981. Code 1967 §
305 5-700.9].

306
307 Section 8. Homer City Code Chapter 19.12 Excavation of Homer Spit Beach, Section
308 19.12.040 Guidelines is hereby amended as follows:

309
310 19.12.040 Guidelines.

311 Any applicant for a permit shall comply with the following:

312

313 a. Permits shall be issued pursuant to guidelines formulated by the State Division of Lands and
314 the U.S. Corps of Engineers, as referred to by the above-mentioned materials plat. Such
315 guidelines may be altered from time to time by the Division of Lands and the Corps of Engineers
316 as additional data is received by these agencies.

317

318 b. No permits shall be issued for excavation or removal of gravel or fill materials from area “A”
319 as designated on the above-mentioned plat prior to review and approval of the permit
320 application by the Corps of Engineers and the Division of Lands.

321

322 c. Permits may be issued by the City for such excavation or removal from areas “B” and “C” as
323 designated on the plat, without review and approval of the permit application by the Corps of
324 Engineers or the Division of Lands.

325 d. No permit will be issued by the City for such excavation or removal of gravel, gravel fill or
326 other fill materials from any area other than areas “A,” “B” and “C” as designated on the
327 materials plat.

328

329 e. All permit applications required under this chapter shall be accompanied by a site plan
330 showing the precise location and dimensions of the proposed excavation or removal in
331 reasonably sufficient detail, including depth, and stating the amount of material to be
332 excavated or removed.

333

334 f. All applications required under this chapter shall be submitted to the City Clerk, together
335 with the request accompanying instruments, and a permit fee of ~~\$5.00~~ fee **in the amount as**
336 **set forth in the most current City of Homer Fee Schedule.**

337

338 g. No permit shall be issued that will allow gravel, gravel fill, or other fill materials to be taken
339 off the Homer Spit. Any such materials excavated or removed anywhere on the Homer Spit
340 shall be used only at another location on the Homer Spit.

341

342 h. Gravel for Transshipment. Nonnative gravel or other earthen commodities may be shipped
343 to the Homer Spit, stored on the Spit, and exported from the Spit. Gravel for transshipment
344 must be permitted by the City of Homer. The permit shall describe the terms and timelines of
345 the transshipment and the volumes of materials involved. [Ord. 98-2(A)(S)(A) § 2, 1998. Code
346 1967 § 1-100.3].

347

348 Section 9. This ordinance is of a permanent and general character and shall be included
349 in Homer City Code.

350

351 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of ____, 2021.

352

CITY OF HOMER

KEN CASTNER, MAYOR

353
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371

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 21-146

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: AUGUST 13, 2021
SUBJECT: REMOVING FEES FROM THE CITY CODE AND INCLUDING THEM IN THE
CITY FEE SCHEDULE

Mayor Castner requested the Clerk's Office review City Code and amend it to remove fees and add them to the fee schedule.

A Resolution to amend the fee schedule to add these fees will be provided at the September 13th meeting.

Recommendation:

Introduce Ordinance 21-51 with public hearing date of September 13, 2021.

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

3 City Manager

4
5 **ORDINANCE 21-58**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE FY 2022 CAPITAL BUDGET BY APPROPRIATING
9 \$75,000 FROM THE HERC CARMA FUND FOR PROFESSIONAL
10 SERVICES FOR A PUBLIC PROCESS AND FEASIBILITY STUDY OF A
11 NEW MULTI-USE CENTER.

12
13 WHEREAS, The Homer Education Recreation Complex (HERC) Task Force completed its
14 work in January, 2019; and

15
16 WHEREAS, The HERC demolition/Community Recreation Center was identified as a
17 Council-Initiated 2020 Priority; and

18
19 WHEREAS, Demolition cost for the two structures on the site has been estimated; and

20
21 WHEREAS, The COVID-19 pandemic paused work on many city priorities; and

22
23 WHEREAS, The City and Council are now able to refocus efforts on large projects to
24 benefit the City; and

25
26 WHEREAS, Due to federal funding there is a near term opportunity to apply for grants
27 to cover the demolition of the existing structures and fund a design-build process for a new
28 multi-use facility; and

29
30 WHEREAS, To apply for funds the City and its residents need to clarify what kinds of
31 public and private activities should take place in a new facility, and how the facility will cover
32 operations and maintenance expenses after construction; and

33
34 WHEREAS, Hiring a consultant to work through a public process with citizens and to
35 create a long term business plan is needed if the City is going to apply for funding, and to
36 support the facility long term if the project is constructed.

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

39
40 Section 1. The Homer City Council hereby amends the FY 2022 Capital Budget by
41 appropriating \$75,000 from the HERC CARMA FUND for professional services.



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 21-159

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: September 3, 2021
SUBJECT: HERC Planning Funding

The redevelopment of the HERC campus has been a high priority for the City for some time now. Momentum on the project was lost with the outbreak of the COVID-19 pandemic in 2020. Council and Administration have both been actively working to get the HERC project back underway.

The ordinance to be introduced on September 13th which appropriates \$75,000 from the HERC CARMA fund for professional services for public process and feasibility of a new multi-use center, is a big first step towards developing the project and moving it forward.

Originally, I intended to have a work session first, and then to bring forward a funding opportunity. Potential funding from the Economic Development Administration (EDA) through the American Rescue Plan Act has altered the timeline. On September 1st I met with Tim Dillon of the Kenai Peninsula Economic Development District (KPEDD) and Shirley Kelly who is the top EDA official in Alaska. During that conversation it became apparent that the HERC's redevelopment could be a very competitive project for a travel, tourism & outdoor recreation grant program. I would like to accelerate the process with the help of a consultant.

Staff will still be hosting a HERC work session on September 27th. We hope to get this ordinance adopted that evening so that we can launch an RFP for professional services shortly thereafter and award a contract by the end of October.

Staff Recommendation: Introduce ordinance on September 13th, adopt on September 27th.



City of Homer

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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: September 8, 2021
SUBJECT: City Manager's Report for September 13, 2021 Council Meeting

Sales Tax Update – 2nd Quarter of 2021

The sales tax data (provided by the Kenai Peninsula Borough) is beginning to back up the observations many of us have made regarding the strength of the local tourist and consumer markets. The graph below shows the total taxable sales for the City of Homer during the second quarter from 2017 to 2021. The dip for COVID in 2020 is quite obvious, as is the strength of the comeback in 2021. The \$69M in reported taxable sales equated to approximately \$3.4M in revenue, an increase of over \$1M from 2020.



Mass Casualty Emergency Response Drill at Homer Airport

On August 24, the City of Homer, Alaska DOT & PF and other area agencies participated in an emergency drill at Homer Airport. The drill is required by the Federal Aviation Administration for airport certification, and gives area responders the opportunity to practice their response procedures to a large number of casualties from an airplane crash or other aircraft emergency and. The exercise simulated a crash landing of a Dash 8 with 23 people on board which required rapid establishment of incident command, scene security and safety, automatic aid from other agencies, triage, medic services, and transport. Thanks to everyone who participated in the successful exercise, including Guardian Air Ambulance, Ravn, and the many volunteers from HVFD and mutual aid partners, Western Emergency Services and Kachemak Emergency Services.



City Hall Safety Training

Back in November 2020 my office coordinated with AMLJIA to host an online de-escalation training program that was delivered to more than 50 staff members. To build on that foundation, I asked the Police Department to develop a safety training program for City Hall that would involve a presentation followed by office visits to discuss individual situations. On August 20th, Sergeant Sean Perry delivered a 30-minute presentation to City Hall staff via Zoom. Afterwards he held sessions with the City Manager's Office, Finance, Clerk's Office, Planning, and IT. Each office space was evaluated and analyzed for risk and self-defense opportunities and staff were able to ask questions directly to Sergeant Perry. Based on the success of this pilot project, we will be expanding the program to other City facilities like the Library, Public Works, and Harbormaster's Office in the near future.

Visit from J&H Consulting, Homer's Lobbying Partners

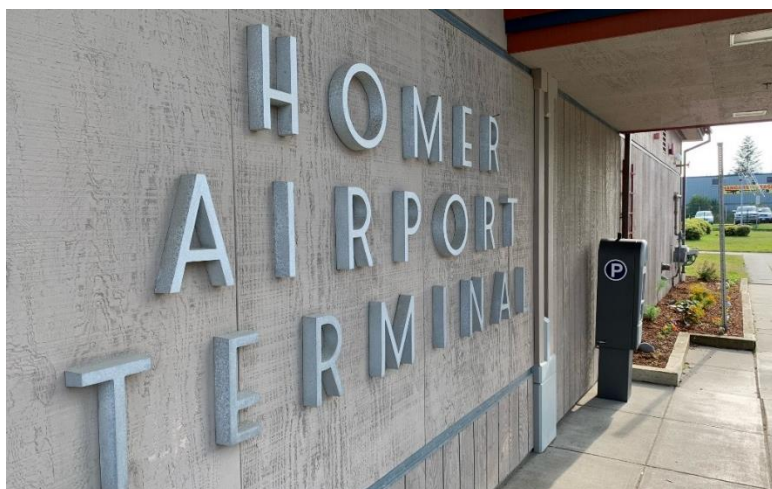
Reggie Joule and Christine Hess from J&H Consulting, the City's lobbying firm, made a site visit in Homer on August 30th. We toured the HERC campus, the Homer Airport Terminal, and a number of port and harbor facilities. That evening, they presented to the City Council in a special meeting. J&H have been great partners for the City across the last year and I look forward to continuing to move City projects forward with their team.



J&H Consulting team listens to Port Maintenance Supervisor Aaron Glidden discuss maintenance operations

Electronic Payment for Airport Parking Coming Soon

The City has been installing self-service payment kiosks at various locations around town, including the RV dump station near the Public Works building, the airport, and three campgrounds. The RV dump station and the airport parking kiosks are currently operational. The kiosks will allow the public to pay for parking using cash or credit cards.



Strategic Plan for Homelessness on the Kenai Peninsula

Through the Kenai Peninsula Continuum of Care, I have been invited to participate in a pair of stakeholder meetings related to a homelessness strategic plan for the peninsula. City Planner Rick Abboud will be joining me in the discussions. I expect to have more to share at a future Council meeting.

Council Chambers Training and Improvement

Audio and video from the Council Chambers have generally worked very well, except during Council Meetings. Because of the intermittent technical difficulties with systems in the Council Chambers, I asked the Clerks and IT to get together to conduct in-depth training on the system and discuss how to make it better in the future. Additionally, we are expecting new microphones to arrive, possibly as soon as this month, which we believe may help with some of the problems we've been experiencing.



IT and Clerks working together to improve the flow of future hybrid meetings

Email Newsletter

The email newsletter launched on September 1st. We've received a lot of positive feedback on the initial volume. A copy of the newsletter is attached to this report. Those interested in receiving future newsletters can subscribe by emailing Christine Drais at cdrais@ci.homer.ak.us or by visiting: <https://www.cityofhomer-ak.gov/newsletter/subscriptions>.

Personnel Updates

Fire: *Assistant Chief, Lillian Hottmann began her employment with HVFD in February of 2020 as the EMS Assistant Chief, a position responsible for the operations and training of emergency medical responders for the department and to assist the Chief with administrative duties related to EMS. Chief Hottmann has done some really great things for HVFD over the past 18 months and brought our EMS service to a new level. Because of her we now have very comprehensive, up to date protocols that better serve our EMS system and allow us the opportunity to better serve the public. She has more than doubled our capacity to perform ALS care and made some much needed changes to the equipment used by our EMT's. She has raised the bar with each EMT's ability to care for patients and build their confidence as care providers. Because of her persistence and dedication to better the EMS system we now have the best charting EMT's in the area. Thank you Chief Hottmann for all you have done for HVFD. – Chief Kirko*

Public Works: With a series of planned retirements happening this year in the Public Works Department, there are some big departures and new opportunities. See below for updates from the Public Works Director:

Dan Gardner worked for the Public Works Department in various capacities since 1991, rising to the position of Superintendent. He retired on August 23, 2021. Dan enjoys riding his motorcycle and spending time at his cabin on Caribou Lake.

Mike Zelinski has worked for Building Maintenance since 2015. As Dan Gardner has retired, Mike was promoted to fill his position as the Public Works Superintendent. Mike is an avid hockey fan and enjoys cheering on his favorite team, the North Dakota Fighting Hawks.

Enclosures:

1. September 2021 Newsletter
2. September Employee Anniversaries

VOL. 1 | SEPTEMBER 2021

CITY OF HOMER

Monthly Newsletter from the office of the City Manager



WHAT'S NEW?

Greetings from City Hall

Welcome to the first monthly newsletter from the City Manager's office, a new way for us to share what's happening in Homer with you. For more frequent updates find us on our new Facebook page @cityofhomerak. You can subscribe to this newsletter and other City resources online at <https://www.cityofhomer-ak.gov/newsletter/subscriptions>

- Public Safety Notes
- Library News
- Community Corner
- Parks & Community Recreation
- Public Works Department
- Meet the Staff
- Voter Registration Reminder
- City of Homer Roster
- Stay Connected with City Council
- Municipal Art Collection

We hope you will discover something new today as we continue to share information and ways you can tap into what's going on at City Hall and the Homer community.

Check us out on Facebook @cityofhomerak You'll see what's going on with City Parks, the Homer Public Library, Homer Police, and the Volunteer Fire Department. You might see someone you know.



The 2nd Annual Peony Festival was a beautiful success with two weeks of events across town. Compliments to Parks Department for the lush peony beds and colorful sidewalk stencils.



A beautiful sunset on the Homer

PUBLIC SAFETY NOTES

EMERGENCY RESPONSE APPRECIATION

The Kenai Peninsula Borough (KPB) Office of Emergency Management sent our staff a plaque recognizing the efforts put forward by the City of Homer in responding to the COVID-19 pandemic. KPB was a key partner throughout our declared emergency. We appreciate them acknowledging and recognizing the contributions made by the City to mitigate the impacts of the pandemic.



Left to right - Jenny Carroll, Public Information Officer
Mark Kirko, Chief HVFD, Rob Dumouchel, City Manager

911 SYSTEM UPDATE

Homer's 911 system has been updated to the NG911 system deployed by the Kenai Peninsula Borough. The extensive changes to dispatcher workstations are in place to better respond to emergency situations.

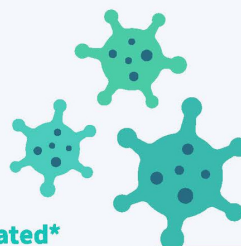
COVID UPDATE - DELTA VARIANT SURGES

There has been a noticeable spike in COVID cases on the Kenai Peninsula in the last month with many cases located here in Homer. The City has an internal COVID working group focused on organizational issues and meets regularly. Mitigation measures have been reinstated in City facilities for staff and visitors. Masks are required in all City buildings. Testing and vaccination opportunities continue to be available in Homer. The City has been providing logistical support of these effort as we navigate through the pandemic.



Feeling Sick or Exposed to COVID-19? Now what?

This guidance applies to the general public. But if you live or work in a high-risk setting such as a correctional institution, health care facility, assisted living facility or a fish processing plant, other guidance may apply.



	Unvaccinated	Vaccinated*	
If you have ANY symptoms of COVID-19 and no known exposure	<p>DO NOT COME IN TO WORK GET TESTED, STAY HOME</p> <ul style="list-style-type: none"> If positive, isolate for 10 days, monitor your symptoms and contact your health care provider if symptoms become worrisome. If negative, stay home while you have symptoms. Talk to health provider and consider testing again. 		<p>Symptoms include ANY of the following:</p> <p>Cough Fatigue Fever Chills Sore Throat Rash Nausea Muscle ache Headache Decreased smell or taste Runny nose</p>
If you are exposed to COVID-19 and have ANY symptoms	<p>GET TESTED and ISOLATE</p> <ul style="list-style-type: none"> If positive, keep isolating. If negative, stay home while you have symptoms or are finished with QUARANTINE, which ever is longer. Consult health provider and consider testing again. 	<p>GET TESTED and ISOLATE</p> <ul style="list-style-type: none"> If positive, keep isolating. If negative, stay home while you have symptoms. Consult health provider and consider testing again. 	
If you are exposed to COVID-19 and have no symptoms	<p>GET TESTED and STAY HOME</p> <ul style="list-style-type: none"> Get tested. Quarantine until cleared by public health (7-14 days). Testing again 5-7 days after initial exposure can reduce quarantine time. 	<p>GET TESTED and WEAR A MASK</p> <ul style="list-style-type: none"> Seek testing 3-5 days after initial exposure. Quarantine is not required, but wear a mask and monitor for symptoms for 14 days. 	
If you test positive for COVID-19	<p>ISOLATE</p> <ul style="list-style-type: none"> Until cleared by public health (usually about 10 days, but may vary). Notify your close contacts. Ask them to get tested and, if they are unvaccinated, to quarantine. Follow contact tracer guidance. If not contacted by tracer, you can call 907-531-3329 for education, resources and a contact tracing intake. 		

WHERE TO GET TESTED

SPH COVID Vax & Test Site
4201 Bartlett Street
9 am –6 pm, 7 days a week
235-0235
No appt needed. Walk-ins welcome.

SVT Health & Wellness
880 East End Road, Homer
or
72351 Milo Fritz Ave, Anchor Point
or
206 Main Street, Seldovia
By appt only. Call 226-2228.

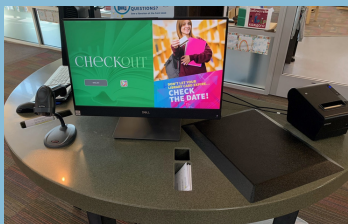
NTC Community Clinic
15765 Kingsley Road
9 am –3 pm, Wednesdays through Fridays
907-420-4713

*A person is fully vaccinated if two weeks have passed since receiving the second dose of the Pfizer or Moderna vaccines or a single dose of Johnson & Johnson.

LIBRARY NEWS

Self-Checkout Stations Live

Checking out is easy at the new Self-Checkout Stations. All you need is your library card, PIN and the items to be checked out. Of course you can still check out at the front desk. Library staff is happy to help.



Library Self-Checkout Machines



Molly of Denali visited the library August 9th.

Alaska Digital Library

Download ebooks and audiobooks - from anywhere! With media available 24/7, your library is always open! Download ebooks, Kindle books and digital audiobooks from the Alaska Digital Library, with a valid library card, your account's PIN (password), and an internet-enabled device.

<https://adl.overdrive.com/>

Fiber Optic Installation

City Council authorized funds to upgrade the library's data connection, taking advantage of a federal government program to offset 70% of the costs (a savings of approximately \$20,000 from the budgeted amount). GCI has completed installation of the new fiber-optic cable which significantly boosts data transfer to 400 megabits/second in both directions from 250 Mbit/sec download and 15 Mbit/sec upload. The new cable also includes an option for future upgrades without extensive site work. The new system went live July 23rd.

Outdoor Wi-Fi & Upgraded Services

Over the past year or so, the library has used CARES Act funds to upgrade remote services and streamline operations. Patrons now have access to outdoor wi-fi and will soon have the ability to submit print jobs over the internet from their personal phones and laptops. Another part of this project went live on August 3 when we switched on three new self-checkout machines!

Community Corner

What's happening around the City of Homer

Be Tsunami Aware.

Be Tsunami Prepared.

Know Homer's Evacuation Routes and Safe Zones



Many of us live, work, shop or play in Homer's tsunami danger zone. Tsunamis don't happen often, but preparing now could save your life. Knowing Homer's tsunami inundations zones and where to go during an evacuation ahead of time is crucial to your survival - you may only have minutes to get to safety. For more information visit our website at:

<https://www.cityofhomer-ak.gov/emergency-information/be-tsunami-aware-be-tsunami-prepared-know-homers-evacuation-routes-and-safe>.

Like and Follow @HomerVolFireDept on Facebook for news and information on tsunami warnings.

FAA Outreach

At the June 28th Council meeting we heard of complaints about aircraft noise and flight patterns in the city. Homer is an uncontrolled airport (no air traffic control tower) and aircraft are free to operate in a variety of capacities in and around the airport as long as they do so safely. Anything related to airborne operations falls under the FAA's jurisdiction and guidance. If you see a violation of low flying aircraft or have an excessive noise complaint, you can report the tail number to the FAA Flight Standards District Office at 907-280-6800 or the FAA Hotline at <https://hotline.faa.gov/>



Fireweed (*Chamerion angustifolium*)

Kachemak Drive Speed Signs

In September 2020, Council adopted Ordinance 20-51 appropriating funds from the Police CARMA fund to purchase speed radar signs as a traffic calming measure for Kachemak Drive. The devices were acquired by the Police Department and arrangements were made with the Alaska Department of Transportation to install the pole-mounted signs. The signs are now installed and operational on Kachemak Drive.



Parks & Community Recreation

The City of Homer Community Recreation promotes community involvement and life-long learning through educational and recreational opportunities for people of all ages. To accomplish this we maximize usage of all community facilities and resources, while utilizing, expanding and uniting local business and school resources and expertise. This program is designed to recognize cultural diversity and to address social and community concerns. Visit <https://www.cityofhomer-ak.gov/recreation> for the complete list of great programs available daily at the HERC, Homer High School and Homer Middle School. *Schedule subject to change.



- **Morning Pick Up Basketball** - 6-7am - Monday, Wednesday & Friday - HERC Gym
- **ReAKtion Club** - 10am-12pm - Monday, Wednesday & Thursday - HERC Gym/Outdoors
- **Pick Up Pickleball** - HERC Gym
3:45-5:45pm - Monday Wednesday & Friday ; 9-11am Sunday
- **Cuong Nhu & Karate** - Monday, Wednesday & Friday - HERC Activity Room
4:30-5:30pm Youth Class & 5:45-6:45pm Adult Class
- **Pick Up Ultimate Frisbee** - 8pm - Monday & Thursday - HHS Turf
- **Pick Up Soccer** - 8pm - Wednesday & Friday ; 6:30-8:30pm Sunday - HHS Turf

Payment Kiosk Update

Self-pay kiosks were installed at the RV dump station near Public Works and at the Airport parking lot. Service is up and running at the RV dump station and Homer Airport. Formatting for the other units located in City campgrounds is coming soon.



Skate Park Halfpipe Arrival

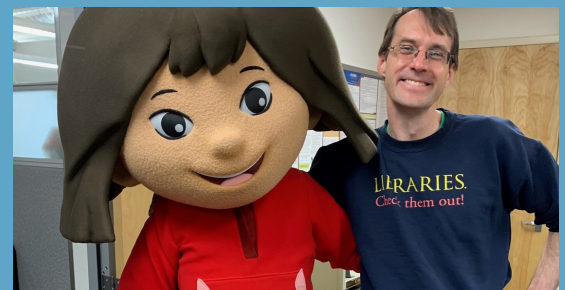
Components for the two new halfpipes have arrived for the Skate Park this month. Site preparation at the HERC and plans for assembly are moving forward, so look for more all-ages action in this area.



STAFF CYBERSECURITY CERTIFICATION

Enterprise Cybersecurity Leadership Certification Finance

Library Director and IT Supervisor, **Dave Berry**, successfully completed the National Association of Counties' (NACo) Enterprise Cybersecurity Leadership Academy in July. The academy, led by industry experts, delivers a proven framework and insights on leading and securing a network and an organization.



Dave Berry with Molly of Denali at a recent Homer Library event.

Public Works Department

One strategy noted during the Public Works section of the Council Budget Work Sessions was a plan to expand the skillsets of existing employees to bring certain tasks in-house more often. To that effect **Joe Inglis**, PW Operator, is being cross-trained to manage the construction of, and inspect, some of the City's construction projects administered by the PW Department. Not only will this be more cost effective than using third party inspectors, it will provide in-house expertise when we need it.

Aaron Yeaton, GIS Technician, is being cross-trained to produce Army Corps of Engineers permits, storm water plans, wet land delineations, ground water reports and other environmental 194 tion-related documents, which will help the PW Department achieve its sustainability goals.

Meet the Staff



This is the section we like to highlight staff achievements, retirements, departures and new hires to the City of Homer's workforce.

RETIREMENTS

With a series of planned retirements happening this year in the Public Works Department, there are some big departures and new opportunities. Here are a few updates from Public Works Director, *Jan Keiser*:

Lead Mechanic **Levi Stradling** retired from his job as Lead Mechanic after 19 years of service to the City. Levi was a Master Mechanic, who kept our rolling stock rolling. He was also a Master Craftsman, with an enviable ability to fabricate parts, gizmos and widgets out of seemingly thin air, often, with YouTube How-To videos as his guide. Levi's relocating to Boise. We wish him happy trails!

Homer Port & Harbor's **Peter Alfiche** retired this month after 10 years with the City. Peter started as a Fish Dock Temp and was promoted to Operator in 2017. In addition to strong mechanical skills, Peter also has a background in carpentry and he would often think up useful things to build for the plant—such as stools and toolboxes. He also did a few larger projects, such as remodeling the bathroom lobby after a waterline broke in January 2020. Peter is well-liked, respected, and his constant smile will be missed by everyone on the Dock. - Burt Gregory, Fish Dock Supervisor.

John Wythe retired, effective July 30 after 30 years of dedicated service to the Public Works Department. As Lead Operator he was responsible for, in addition to operating heavy equipment, training, coaching, and scheduling the other operators. John says he will be pursuing his passions, which are his new tractor, grandchildren, and his cabin on Tutka Bay, but not necessarily in that order.

Dan Gardner worked for the Public Works Department in various capacities since 1991, rising to the position of Superintendent. He retired on August 23, 2021. Dan enjoys riding his motorcycle and spending time at his cabin on Caribou Lake.

PROMOTIONS & NEW HIRES

Paul Raymond, who has been with the Public Works Department for 7 1/2 years as an operator, was promoted to Lead Operator upon John Wythe's retirement. Paul has lived in Homer since 1977. Before starting work with the City, he was an operator for various construction companies in and around Homer and at the KPB Transfer Station. When asked what his hobbies were, Paul said enthusiastically, "BBQ!"

Mike Zelinski has worked for Building Maintenance since 2015. As Dan Gardner has retired, Mike was promoted to fill his position as Public Works Superintendent. Mike is an avid hockey fan and enjoys cheering on his favorite team, the North Dakota Fighting Hawks.

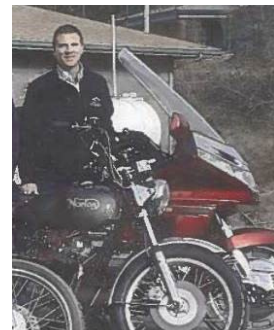
Owen Meyer joined the Public Works Department as fulltime Project Technician. Owen will also serve as the ADA Coordinator for PW, working closely with the City's ADA Coordinator, Renee Krause. Owen was selected by the AML to be part of its Conference of Young Alaskans (COYA) this year, which focused on critical issues facing municipal governments. Owen is an accomplished guitarist and member of Toastmasters International.



Levi Stradling



John Wythe



Dan Gardner



Paul Raymond



Owen Meyer

Meet Matt Steffy

Parks Superintendent

Matt Steffy joined the City staff in 2018. He moved to Homer in 2012 after growing up in Soldotna and living in Fairbanks and Valdez for a while. In Fairbanks and Valdez he worked for City and Borough Parks and Recreation Departments. When he first moved to Homer, Matt worked for the Homer Soil and Water Conservation District where he handled a wide variety of duties including grant writing, managing salmon habitat, monitoring weather stations, trail work and community education/outreach.



Matt says that what brought him back to Homer after living in Fairbanks and Valdez was a childhood connection that he had formed because, growing up, his family had a cabin in Peterson Bay, where they spent a lot of time. Homer appeals to him because living next to the mountains and the ocean feeds his soul and he loves the distinctive personality of Homer's community. What Matt loves most about his job is that it is what he would be doing anyway if he wasn't working. He is very passionate about Parks and Trails, feels a distinct sense of accomplishment and pride from giving back to his community and he loves being able to see the impact of his efforts on the people around him. For fun, Matt loves to play music. He plays multiple instruments including guitar, bass, mandolin, drums, banjo and anything else that makes sound. His passion for music has overflowed to his children, all of whom are very musically talented.

VOTER REGISTRATION REMINDER

The voter registration deadline has been extended to September 5. There are a few different ways you can register.

- o **In person - City Hall**
Friday, September 3, 2021
- o **In person - Homer Library**
Saturday, September 4, 2021
- o **Online**
Sunday, September 5, 2021

To find out register to vote online go to:
<https://www.cityofhomer-ak.gov/citymanager/dont-get-caught-sleeping-deadline-register-vote-sept-1>

Emergency Drill at the Homer Airport

On August 24, the City of Homer, Alaska DOT & PF and other area agencies participated in a mass casualty emergency drill at Homer Airport. The drill is required by the Federal Aviation Administration for airport certification, and gives area responders the opportunity to practice their response procedures to a large number of casualties from an airplane crash or other aircraft emergency. The exercise simulated a crash landing of a Dash 8 with 23 people on board which required rapid establishment of incident command, scene security and safety, automatic aid from other agencies, triage, medic services and transport.

Thanks to everyone who participated in the successful exercise, including Guardian Air Ambulance, Ravn, and the many volunteers from HVFD and mutual aid partners, Western Emergency Services and Kachemak Emergency Services.



Thanks to HVFD and KESA volunteers for participating. We missed the crew from WES who were on another call during the drill.



Luis Yoder, IC Trainee from --- performed Incident Command duties under guidance of HVFD Chief Mark Kirko. Chris Chandler, DOT PF Airport Responder Unit stands by.



Medic transport drill for casualties.

City of Homer Roster

Rob Dumouchel, City Manager
Melissa Jacobsen, MMC, City Clerk
Andrea Browning, Personnel Director
Rick Abboud, City Planner
Mark Robl, Chief of Police
Mark Kirko, Fire Chief

Bryan Hawkins, Port Director/Harbormaster
Elizabeth Walton, Finance Director
Jan Keiser, Public Works Director
Dave Berry, Library Director
Nick Poolos, Info. Technology Manager
Mike Illg, Community Recreation Manager

Mayor - Ken Castner (2022)

City Council

Donna Aderhold (2021)
Heath Smith (2021)
Storm P. Hansen-Cavasos (2022)
Rachel Lord (2023)
Caroline Venuti (2023)
Jason Davis (2021)

Commissions & Boards

Planning Commission
Economic Development Advisory Commission
Library Advisory Board
Parks and Recreation Advisory Commission
Port and Harbor Advisory Commission

Standing Committees

ADA Compliance Committee

Special Committees & Task Forces

Public Works Campus Task Force



HOMER MUNICIPAL ART COLLECTION



A Soulful Eye, Melisse Reichman.

Photo, Jim Lavarakas, Far North photography

This life-size, six-month-old humpback whale sculpture by Melisse Reichman measures 110" x 30" x 52," was acquired in September 2014 and is located at End of the Road Park.

In collaboration with the City of Homer Parks, Art, Recreation & Culture Advisory Commission, artwork included in the [Municipal Art Collection](#) has been donated, gifted through bequests or through the Sister City relationships to the City or purchased and or commissioned through the City's 1% for the Arts Program. We hope you will take some time to view these beautiful and interesting pieces located in Homer.

Slide shows of each City location may be seen at - <https://www.cityofhomer-ak.gov/prac/city-homer-municipal-art-collection>

STAY CONNECTED WITH CITY COUNCIL

Go to: [cityofhomer-ak.gov/cityclerk/stay-connected-city-council](https://www.cityofhomer-ak.gov/cityclerk/stay-connected-city-council)

Here you will find instructions on how to listen, provide testimony and participate in the meetings via Zoom.

Upcoming Meetings

September

1st - 5:30pm	Planning Commission Work Session
6:30pm	Planning Commission Regular Meeting
7th - 5:30pm	Library Advisory Board Regular Meeting
13th - 5:00 pm	City Council Committee of the Whole
6:00 pm	City Council Regular Meeting
14th - 6:00 pm	Economic Development Advisory Commission Regular Meeting
15th - 5:30 pm	Planning Commission Worksession
6:30 pm	Planning Commission Regular Session
16th - 5:30pm	Parks, Art, Recreation & Culture Advisory Commission Regular Meeting
17th - 9:00 am	ADA Compliance Committee Site Accessibility Compliance Audit
22nd - 5:00 pm	Port & Harbor Advisory Commission Regular Meeting



JOIN OUR TEAM

The City of Homer has current Job Openings.
Sign up for Job Alerts or Apply Online at [cityofhomerak.applicantpro.com/jobs](https://www.cityofhomerak.applicantpro.com/jobs)

CURRENT JOB LISTINGS

Deputy Fire Chief
EMS Assistant Chief
Full-time Public Safety Dispatcher I
Ice Plant Operator I
Part-time Community Jail Officer (28 hrs)
Temporary Parks Maintenance Laborer

City of Homer

491 E. Pioneer Avenue
Homer, Alaska 99603
907-235-8121
[cityofhomer-ak.gov](https://www.cityofhomer-ak.gov)



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 CITY COUNCIL
FROM: Andrea Browning
DATE: September 13, 2021
SUBJECT: September Employee Anniversaries

I would like to take the time to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

Aaron Glidden	Port	17	Years
Ryan Browning	Police	11	Years
Nick Poolos	Admin	10	Years
Tracie Whitaker	Police	7	Years
Lisa Linegar	Police	6	Years
Tamara Fletcher	Port	5	Years
Jakob Richter	Fire	2	Years



City of Homer

www.cityofhomer-ak.gov

Homer City Council

491 East Pioneer Avenue

Homer, Alaska 99603

(p) 907-235-3130

(f) 907-235-3143

Memorandum 21-1xx

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: DONNA ADERHOLD, COUNCIL MEMBER

DATE: SEPTEMBER 1, 2021

SUBJECT: LETTER TO THE COMMUNITY REGARDING COVID 19 MITIGATION MEASURES

City Council members have received requests from Homer residents to take a leadership role in COVID-19 mitigation measures.

At our August 23 council meeting we discussed the issue and City Attorney Gatti reiterated that the City of Homer does not have health powers and the City Council cannot issue city-wide health mandates. However, the City administration has developed mitigation measures that apply to City staff and City owned and operated facilities.

One way that the Homer City Council can provide leadership related to COVID-19 mitigation measures is to approve the attached letter and attachments, publicly demonstrating our agreement with the mitigation measures developed by our Administration and recommending that schools, businesses, and organizations follow or adopt similar measures.

Recommendation: Discuss the letter and attachments and vote.



City of Homer

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Homer City Council

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September 13, 2021

To the Community of Homer,

The Homer City Council strongly encourages businesses, schools, non-profits, and government agencies within the City to employ stronger COVID mitigation measures at this time. Wearing a mask, socially distancing, and getting vaccinated all contribute to the overall health and safety of the community.

The rapid spread of the delta variant impacts the health of our friends, families, and neighbors while also disrupting our economy. The virus has taken a huge toll on many of us, physically and mentally. Inaction will not make it go away. The Council acknowledges that all of us, as Americans, are free to make our own choices about personal health matters; however, the pandemic gives us a reason to consider the health and safety of others when making those choices.

We encourage you to wear a mask in public, socially distance when possible, and consider getting vaccinated against COVID-19. These three easy steps can make a big difference in our collective effort to beat COVID and get back to normal. If you're uncertain about vaccination, talk to your doctor for professional advice.

The City of Homer does not have health powers and is unable to create mask mandates like you have seen in some other communities around the State of Alaska. We have, however, implemented COVID mitigation methods within City facilities. At this time, because of the high levels of community spread of the delta variant and hospitalization rates, masks are required in all City facilities regardless of vaccination status. This includes City Council members at the dais during Council meetings.

For organizations that are interested in pursuing enhanced mitigation measures, the City has developed some tools for evaluating COVID risk factors that we are happy to share with the community.

If we take care of ourselves, it will help us take care of each other.

Homer City Council

COVID Risk Analysis

City of Homer, Alaska

Assessing risk relative to COVID-19 is not just about case counts. The City of Homer evaluates a broader context when analyzing risk which includes local, state, national, and global factors. Different sites and organizations may have different concerns and triggers for mitigation action.

Homer & Kenai Peninsula

- Number of COVID cases in Homer area and the Borough
- Known large community transmission incidents related to specific sites or events
- Local vaccination rates and vaccine availability
- City Organization vaccination rates
- Number of COVID cases w/in the organization & known exposure of staff
- Available hospital beds and health worker staffing levels
- Access to local testing
- Unrelated local or regional emergency (i.e., earthquake, tsunami, fire, etc.)
- Spread of influenza

COVID Risk Analysis

State of Alaska

- State public health orders
- Number of statewide COVID cases
- Available hospital beds in Anchorage and health worker staffing levels
- Statewide vaccination rates and vaccine availability
- Statewide ability to process COVID tests
- Unrelated emergency with significant impact on statewide systems

National/Global

- National public health orders
- Vaccine availability
- Availability of influenza vaccines
- Spread of new COVID variants



City of Homer Mitigation Standards

Green

- No COVID emergency exists, operate as normal

Notes: No risk tier restricts voting in an election. Voters are asked to mask during yellow, orange, and red, however, they will not be turned away from the polls for failing to comply.

The City Manager, or individual department heads, may enact stricter mitigation measures for teams/facilities than set by the framework as necessary/appropriate.

Yellow

- Regular operations
- Masks are optional for staff, but required for interactions with the public
- Most City doors can be opened to the public
- Staff meetings can be held in person in spaces that can accommodate social distancing
- Public meetings can be held in person, hybrid meetings encouraged
- Recreation can be held outdoors with masks optional, or indoors with masks and distancing

Orange

- City closes majority of facilities to public, but continues normal operations inside
- When practical, encourage modifications to shifts/working hours that reduce opportunities for exposure/transmission of COVID at work sites
- Masks are required in close working conditions
- Staff meetings should be limited to small numbers in large spaces, outdoors, or online
- Council meetings are hybrid, online participation encouraged
- Recreation can be held outdoors with masks

Red

- City closes facilities to public and reverts to a distributed (remote) work model as much as possible
- Masks are required in all interpersonal settings
- Staff meetings should be held by video conference, phone, or in small numbers outdoors with masks and social distancing
- Public meetings are exclusively online
- Recreation is limited to individual or socially-distanced activities



City of Homer

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Homer, Alaska 99603

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Memorandum 21-153

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: SEPTEMBER 7, 2021

SUBJECT: MOTIONS FILED BY APPELLANT FRANK GRISWOLD RELATED TO THE APPEAL OF CUP 20-15 AND ZONING PERMIT 1020-782

Appellant Frank Griswold has filed a Motion for Reconsideration and the Motion for Leave to Supplement Points on Appeal to Address Planning Commission's Dismissal of Appeal regarding the appeal of CUP 20-15 and Motion for Reconsideration regarding the appeal of Zoning Permit 1020-782 in an effort to get these matters back before the Board of Adjustment.

The appeal of CUP 20-15 was regarding the Planning Commission Decision on Conditional Use Permit 20-15 under HCC 21.18.040(b)(4) a building within the twenty foot building setback and HCC 21.18.040(d) building area in excess of 30 percent of the lot area on a lot in the central business district on Chamberlain & Watson No. 4, Lot 1-A and T 6S R 13W SEC 19 Seward Meridian HM 2011002 Inlet Trading Post Condominiums Unit 2 at 106 W. Bunnell Avenue, Homer, Alaska. Council remanded the matter to the Planning Commission and following the remand the applicant withdrew her CUP application. The Planning Commission approved a Motion to Dismiss submitted by Attorney Holmquist on behalf of the City based on the finding that the applicant withdrew her conditional use permit application which voids Conditional Use Permit 20-15 and moots all pending issues in this appeal.

The appeal of Zoning Permit 1020-782 was regarding an Appeal of the Planning Commission Decision on appeal of Zoning Permit 1020-782 issued for the property located at 541 Bonanza Avenue, Homer, Alaska.

Final decisions were issued regarding both matters and the decisions were mailed to parties in accordance with Homer City Code. The appellant argued that the notice of appeal rights was not printed on the final decision document related to the zoning permit, so that accommodation has been made and re-issued to the parties.

An appeal from a final decision may be taken directly to the Superior Court by a party who actively and substantively participated in the proceedings before the hearing officer or by the City Manager or City Planner or any governmental official, agency, or unit, and that an appeal to the Superior Court shall be filed within 30 days of the date of distribution of the final decision to the parties appearing before the hearing officer.

Homer City Code provides no provisions for an appellant to submit motions to bring a matter back before the Board of Adjustment after a final decision has been issued. I have advised Mr. Griswold as such, but he disagrees. Because of this I'm asking Council to advise me on how to proceed with these matters. Attorney Scott Brandt-Erichsen, who provided procedural advice to the Board of Adjustment in this matter, has advised that the Homer City Code does not authorize reconsideration, and HCC 21.91.130 as applied to this case makes the final decision appealable directly to the superior court without reconsideration. Further, he advises that addressing a motion for reconsideration and granting or denying the motion where there is no authority to do so would inject a potential procedural error into the

proceedings, and therefore he recommends that the response be that the Board of Adjustment declines to take up the motion as it is out of order, and to direct the clerk to so advise the parties.

If the Council agrees it should convene as Board of Adjustment to take up and consider the motions, Council will need to provide me with direction on process for noticing parties, noticing the public, opportunities for responses or briefing related to the motions that have been filed, and when to schedule the special meeting to take up the matters.

Recommendation:

Make a Motion that the Board of Adjustment declines to take up the motions of reconsideration as it is out of order and that the Clerk is directed to advise the parties that reconsideration will not be taken up and that they have 30 days from the final decision to appeal to the superior court.

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

4 Mayor/City Council

5 **RESOLUTION 21-059**

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL ADOPTING THE
8 2022-2027 CAPITAL IMPROVEMENT PLAN AND ESTABLISHING
9 CAPITAL PROJECT LEGISLATIVE PRIORITIES FOR FISCAL YEAR
10 2023.

11
12 WHEREAS, Duly published hearings were held on September 13 and September 27, 2021 to
13 introduce the final draft of the 2022-2027 Capital Improvement Plan (CIP) and to obtain public
14 comments on capital improvement projects and legislative priorities; and

15
16 WHEREAS, The Council received comments from all of the City of Homer Advisory Board
17 and Commissions and held a Special Meeting on August 23, 2021; and

18
19 WHEREAS, It is the intent of the City Council to provide the Governor, the State Legislature,
20 State agencies, the Alaska Congressional Delegation, and other potential funding sources with
21 adequate information regarding the City's capital project funding needs.

22
23 NOW, THEREFORE BE IT RESOLVED by the City Council of Homer, Alaska, that the "City of
24 Homer Capital Improvement Plan 2022-2027" is hereby adopted as the official 6-year capital
25 improvement plan for the City of Homer.

26
27 BE IT FURTHER RESOLVED that the following capital improvement projects are identified
28 as priorities for the FY2023 State Legislative Request:

- 29 1. Port of Homer: New Large Vessel Harbor
30 2. Multi-Use Community Center
31 3. Slope Stability Project
32 4. Homer Barge Mooring and Large Vessel Haul Out Facility
33 5. Homer Spit Coastal Erosion Mitigation

34
35 BE IT FURTHER RESOLVED that projects for the FY2023 Federal Legislative Request
36 will be:

- 37 1. Port of Homer: New Large Vessel Harbor
38 2. Multi-Use Community Center

39
40 BE IT FINALLY RESOLVED, that the City Manager is hereby instructed to advise
41 appropriate State and Federal representatives and personnel of the City's FY 2023 capital
42 project priorities and take appropriate steps to provide necessary background
43 information.

45 PASSED AND ADOPTED by a duly constituted quorum of the City Council for the
46 City of Homer on this 13th day of September, 2021.

47

48

CITY OF HOMER

49

50

51

KEN CASTNER, MAYOR

52

53 ATTEST:

54

55

56

RENEE KRAUSE, MMC, ACTING CITY CLERK

57

58

59 Fiscal Note: N/A



City of Homer

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Administration

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Memorandum 21-161

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
THROUGH: ROB DUMOUCHEL, CITY MANAGER
FROM: JENNY CARROLL, SPECIAL PROJECTS AND COMMUNICATIONS COORDINATOR
DATE: SEPTEMBER 2, 2021
SUBJECT: 2022-2027 CIP AMENDMENTS AND ADOPTION OF THE FY23 CITY OF HOMER CIP

Thank you for taking the time to review the CIP projects during your August 23, 2021 special meeting. Two new things to note: the Storm Water Master Plan Legislative Priority project has been updated to the Slope Stability Project, and a new project has been proposed by SPARC.

At present, the CIP is still in a draft form. To bring the CIP to its final form, the following changes require Council consideration and formal action:

- ▶ At the meeting, Councilmembers discussed and generally agreed to recommendations for projects to remove from the CIP.

By Motion: Make a motion to remove the Truck Loading Facility Upgrades at Fish Dock, Beach Access from Main Street, Jack Gist Park Improvements, Phase 3 and Karen Hornaday Park Improvements, Phase 4 projects from the CIP.

- ▶ Several new projects were proposed for inclusion in the CIP. Adoption into the final draft requires Council approval through a formal motion.

By Motion: Propose inclusion of the following City of Homer projects: Ben Walters Lane Sidewalk, Homer Spit Campground Renovations, Security Camera System for West Side of Homer Harbor and the Steel Grid Repair project in the mid-range section of the 2022-2027 CIP.

By Motion: Propose inclusion of the following State of Alaska projects: East Hill Road Bike Path, West Hill Road Bike Path and Homer Spit Erosion Mitigation projects and the SPARC Flooring Replacement projects into the Other Organization section of the 2022-2027 CIP.

- ▶ After the August 23rd CIP meeting, Councilmembers communicated their Legislative and Federal Priority project selections. I compiled your recommendations to determine a proposed priority ranking and provide them in the draft resolution for your consideration.

By Motion: establish City Council’s prioritized list of the five Legislative Request projects.

By Motion: establish the two projects that will be the City’s Federal Priority projects.

After you approve changes to the CIP and finalize the Legislative Priorities, the Resolution adopting the City of Homer FY23 Capital Improvement Plan can be passed.

Once the CIP is approved, I will produce a final CIP that will be distributed to our State delegation, posted on the City’s website, and used as a guiding document to pursue capital funding opportunities. The Federal Priorities will be submitted to Alaska’s Federal delegation.



2022-2027 DRAFT

City of Homer 2022-2027 Capital Improvement Plan



Homer's Port & Harbor is a regional asset serving commercial fishing vessels from nearly every fishery in the State, the US Coast Guard and industry support vessels whose delivery of supplies to industries and remote communities is foundational to Alaskan commerce at all levels.

Developing a new large vessel harbor is the City's top priority project. It will alleviate navigational safety concerns in Homer's overcrowded small boat harbor and support emerging regional and national economic opportunities vital to Alaska's future.



Cover will be updated.



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To be updated

September 23, 2020

To The Honorable Mayor and Homer City Council:

This document presents the City of Homer 2022 through 2027 Capital Improvement Plan. The CIP provides information on capital projects identified as priorities for the Homer community. Descriptions of City projects include cost and schedule information and a designation of Priority Level 1 (highest), 2 or 3. Projects to be undertaken by the State of Alaska and other non-City organizations are included in the CIP in separate sections. An overview of the financial assumptions can be found in the Appendix.

The projects included in the City of Homer's 2022-2027 CIP were compiled with input from the public, area-wide agencies, and City staff, as well as various advisory commissions serving the City of Homer.

It is the City of Homer's intent to update the CIP annually to ensure the long-range capital improvement planning stays current, as well as to determine annual legislative priorities and assist with budget development. Your assistance in the effort is much appreciated.

Sincerely,

Rob Dumouchel
City Manager

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Funded Projects from the 2021-2026 Capital Improvement Plan

The City of Homer is pleased to report that the following projects have been completed and/or funding procured:

- **Main Street Sidewalk Facility - Pioneer Avenue North**
City of Homer funds in the amount of \$1.1M approved in the FY22-23 Capital Budget.
- **Emergency Radio Communication System**
The Homer Volunteer Fire Department secured an FY2020 grant from the AK Division of Homeland Security and Emergency Management to complete the upgrade of the mobile radios carried by Department staff and mobile repeaters for response vehicles. Upgrades to the Port & Harbor handheld radios and repeater were completed with CARES Act funding, bringing the City's systematic upgrade of its Emergency Radio Communication System close to completion. Upgrades to the Public Works radio communications equipment still remain.
- **Kachemak Heritage Land Trust Poopdeck Platt Community Park Trail**
Project completed.



Introduction: The Capital Improvement Program

A capital improvement plan (CIP) is a long-term guide for capital project expenditures. A capital expenditure is a major, nonrecurring budget item that results in a fixed asset with an anticipated life of at least three years.

A carefully prepared capital improvement plan has many uses. It can assist a community to:

- Anticipate community needs in advance, before needs become critical.
- Rank capital improvement needs in order to ensure the most important projects are given consideration for funding before less critical projects.
- Provide a written description and justification for projects submitted for state funding so the legislature, governor and appropriate agencies have the information necessary to make decisions about funding capital projects.
- Provide the basis for funding capital projects as part of the biennial budget process.
- Understand the impact of new capital projects on maintenance and operating costs so expenses are budgeted in advance to help avoid projects that the community cannot afford.

The City of Homer CIP contains a list of capital projects the community envisions for the future, identifies ways projects will benefit the community, highlights Legislative priority projects and presents a very general target construction schedule. Projects proposed by non-profit organizations and other non-City groups may be included in the CIP with City Council approval, but such inclusion does not indicate that the City intends to provide funding for the project. Projects eligible for inclusion in the City of Homer CIP have a lower cost limit of \$50,000 for City projects and \$25,000 for those proposed by non-profit organizations.

The number of years over which capital projects are scheduled is called the capital programming period. The City of Homer's capital programming period coincides with the State's, which is a six year period. The six-year plan is updated annually in accordance with a planning schedule approved by City Council at the onset of the CIP process. A copy of the City of Homer CIP schedule appears in the appendix of this document.

Though the CIP is a product of the City Council, administration provides important technical support and ideas with suggestions from the public incorporated through the entire process. The City of Homer solicits input from City advisory bodies, advertises for public input during the CIP public hearings, and invites the public to participate throughout the entire planning process, including the nomination and adoption stages of the process.

Determining project priorities: City of Homer CIP projects are assigned a priority level of 1, 2, or 3, with 1 being the highest priority. To determine priority, City Council considers such questions as:

- Will the project correct a problem that poses a clear danger to human health and safety?
- Is the project specifically recommended in other City of Homer long-range plans?
- Will the project significantly enhance City revenues or prevent significant financial loss?
- Is the project widely supported within the community?
- Is the project strongly supported by one or more City advisory bodies?
- Has the project already been partially funded?
- Is it likely that the project will be funded only if it is identified as being of highest priority?
- Has the project been in the CIP for a long time?

Once the overall CIP list is finalized, the City Council names a subset of projects that will be the focus of efforts to obtain state and/or federal funding in the coming year. The overall CIP and the legislative priority list are approved by resolution.



Integration of the CIP With Comprehensive Plan Goals

Each project listed in the CIP document has been evaluated for consistency with the City's goals as outlined in the Comprehensive Plan. The following goals were taken into account in project evaluation:

Land Use: Guide the amount and location of Homer's growth to increase the supply and diversity of housing, protect important environmental resources and community character, reduce sprawl by encouraging infill, make efficient use of infrastructure, support a healthy local economy, and help reduce global impacts including limiting greenhouse gas emissions.

Transportation: Address future transportation needs while considering land use, economics and aesthetics, and increasing community connectivity for vehicles, pedestrians and cyclists.

Public Service & Facilities: Provide public services and facilities that meet current needs while planning for the future. Develop strategies to work with community partners that provide beneficial community services outside of the scope of City government.

Parks, Recreation & Culture: Encourage a wide range of health-promoting recreation services and facilities, provide ready access to open space, parks, and recreation, and take pride in supporting the arts.

Economic Vitality: Promote strength and continued growth of Homer's economic industries including marine trades, commercial fishing, tourism, education, arts, and culture. Support development of a variety of well-defined commercial/business districts for a range of commercial purposes. Preserve quality of life while supporting the creation of more year-round living wage jobs.

Energy: Promote energy conservation, wise use of environmental resources, and development of renewable energy through the actions of local government as well as the private sector.

Homer Spit: Manage the land and other resources of the Spit to accommodate its natural processes, while allowing fishing, tourism, other marine-related development, and open space/recreational uses.

Town Center: Create a community focal point to provide for business development, instill a greater sense of pride in the downtown area, enhance mobility for all forms of transportation, and contribute to a higher quality of life.



State Legislative Request FY2023

City of Homer FY2023 State Legislative Priorities
approved by the Homer City Council
via Resolution 21-XXX

1. **Port of Homer: New Large Vessel Harbor Phase 2**
2. **Multi-Use Community Center, Phase 1**
3. **Slope Stability Program**
4. **Barge Mooring & Large Vessel Haul Out Repair Facility**
5. **Homer Spit Erosion Mitigation (if adopted into the CIP from the new proposed projects list)**

FY 2023 - DRAFT Document



1. Port of Homer: New Large Vessel Harbor

FY 2023 - DRAFT Document

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

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

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

Plans & Progress: The City, State of Alaska DOT, and Army Corps of Engineers (USACE) partnered on a feasibility study in 2007, which was put on hold because preliminary results indicated the project’s Benefit to Cost ratio would be non-competitive for Federal funding. High demand and favorable changes in cost drivers since then prompted the City and USACE to reexamine feasibility utilizing a Section 22 Planning Assistance to States Program grant in 2018. Positive results led to a recommendation by the USACE to resume work on the General Investigation. The City and USACE have formally expressed intent to work together on the study and to renew the Alaska State partnership for technical expertise and funding, with cost sharing (50% Federal, 25% State, 25% City) over three years. The City committed matching funds by Ordinance in February 2020. The USACE has recommended that the project be included in the agency’s work plan and upcoming budget to secure funds for their \$1.5M share of the study.

Total Project Cost Estimate: \$150,000,000

Phase 2: General Investigation Study \$3,000,000

Federal: \$1,500,000

City: \$750,000 (\$250,000 annually for three years committed)

State: \$750,000 (\$250,000 annually for three years)

FY2023 State Request: \$250,000 cost share for GI study) and \$30,000,000 (in the General Obligation Infrastructure bond)



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





2. Multi-Use Community Center, Phase 1

FY 2023 - DRAFT Document

Project Description & Benefit: This project is the first phase in designing and constructing a multi-use Community Center to adequately serve the social, recreation, cultural, and educational needs of the Homer community. Years of growing numbers of requests to Parks and Recreation for access to indoor facilities highlights the need for this project. A 2015 City of Homer Parks, Art, Recreation and Culture (PARC) Needs Assessment validated this perceived need. Incorporating an extensive public input process, the PARC Needs Assessment reflects the community’s high priority on community access to public recreational and educational spaces and identifies a community center as a significant future investment for the community.

The PARC Needs Assessment included a statistically valid survey question asking the community’s interest for constructing and funding an \$18 million facility. 30% of respondents agreed with the statement that this facility is a priority in the next five years; an additional 27% placed it as a priority in the next five to ten years. The success of this project requires sources for capital funding and a sound feasibility study to determine how ongoing operations would be funded.

Public input identified a general-purpose gymnasium and a multi-purpose space for safe walking/running, dance, martial arts, performing arts, community meetings and events, and dedicated space for youth as priority features. The PARC Needs Assessment describes the community center as a comprehensive multi-generational facility that offers something for people of all ages; an important part of the feasibility study will be to help avoid overbuilding, building without considering other area amenities, or underestimating operations and maintenance costs to create a vibrant, sustainable multi-purpose public space.

Plans & Progress: In 2017, community members completed construction on the South Peninsula Athletic and Recreation Center (SPARC) on Kenai Peninsula Borough School District property located adjacent to the Homer Middle School. SPARC offers indoor recreation and event space for activities such as indoor soccer, walking, and running; parent/child play groups; roller skating and roller derby; pickleball (with a non-regulation ball); and open gym.

In 2018 the Homer Education and Recreation Complex (HERC) Task Force completed several months of study and provided recommendations to the City Council regarding the future of HERC1. Based on Task Force recommendations the City Council requested letters of interest for use of the facility and issued a request for proposals to upgrade and manage HERC1 in spring 2019. No proposals were received and the City Council initiated steps to evaluate HERC1 demolition.

A reconnaissance or preliminary feasibility study will evaluate the size and type of facility, recommend functional spaces based on community need and not duplicating services, develop conceptual floor plans and site plans, estimate total construction cost, project ongoing operational costs and identify funding mechanisms.

Total Project Cost: \$500,000

FY2023 State Request: \$450,000
(City of Homer 10% Match: \$50,000)



The City of Unalaska’s Community Center is the hub of community activities. Centrally located, the Community Center is widely used by both residents and visitors. It has everything from a cardio and weight room to music and art areas.



2. Storm Water Master Plan Slope Stability Program

Project amendment recommended

FY 2023 - DRAFT Document

Project Description & Benefit: One of the greatest risks to Homer’s natural and built environment is the stability of the steep slopes and bluffs upon which much of Homer is built. These slopes are prone to sudden losses in stability when landslides and other types of rotational slumping occur as well as slow, steady losses in stability when erosion takes place over time. Homes, businesses, real estate and infrastructure such as roads and water/sewer, electrical and gas lines have been impacted by losses in stability. Roads have failed, requiring emergency repairs to restore access to multiple properties. Homes have slid down steep slopes, forcing residents to abandon their homes. Real estate has been lost, adversely affecting the viability of established neighborhoods. Not only is this a problem for the City, it is a problem for the State of Alaska as multiple state highways have been, and are continuing to be, adversely affected by slope stability – including the Sterling Highway, Kachemak Drive and Main Street South, which is the portion of Main Street south of the Sterling Highway.

One of the factors affecting slope stability is the movement of water, whether it’s surface water that flows over the ground, storm water that falls from the sky or ground water that flows under the surface. When these waters combine, they saturate the soil, which makes the soil particles “slippery” and creates potential for slumping. The annual freeze-thaw cycle further exacerbates erosional loss. This is a major factor in Homer’s coastal erosion. The City is in the process of researching the mechanics of how these waters collectively affect steep slopes in Homer. This research will result in recommendations, which collectively will comprise the Slope Stability Program:

- (1) Best Management Practices/Policies for managing slope stability/erosion risks on a short and long term basis;
- (2) Design/Construction strategies for mitigating adverse impacts;
- (3) Priority Projects, which should be developed to address risks in particular neighborhoods and/or facilities. For example, the research will focus particularly on the risks related to known properties in Baycrest Subdivision as well as properties along Kachemak Drive. Further, another Priority Project will be to address storm drainage along Main Street South, which has been a major factor in bluff erosion.

Plans & Progress: The Program is being developed in Phases.

- Phase 1: Scoping – Defining the scope of the problem and developing a plan for Field Work
Estimated Cost - \$300,000. The City has already committed \$200,000 for Phase 1.
- Phase 2: Field Work – Geological and hydrological testing to measure and document existing conditions.
Estimated Cost - \$200,000
- Phase 3: Design of three Priority Projects (affecting Baycrest Subdivision, Kachemak Drive, and Main Street South)
Estimated Cost - \$300,000
- Phase 4: Priority Mitigation Project Construction
 - Baycrest Subdivision - \$500,000
 - Kachemak Drive - \$600,000
 - Main Street, South - \$700,000

Total Project Cost: \$2,600,000

City of Homer Phase 1: \$200,000

FY2023 State Request for Phases 1-4:

\$2,340,000

(City of Homer 10% Match: \$260,000)



A master plan is needed to address storm water management issues.



4. Homer Barge Mooring & Large Vessel Haul Out Repair Facility

FY 2023 - DRAFT Document

Project Description & Benefit: This project constructs safe moorage and an associated uplands haul out repair facility for large shallow draft vessels. This improvement supports the marine transportation needs of central and western Alaska. Because of the lack of facilities, these vessels currently have to travel to perform annually required maintenance and repairs which could otherwise be completed here in Homer. The facility benefits the needs of the growing regional fleet of large vessels, the local marine trades businesses and the regional economy.

The mooring facility, proposed along the beach front of Lot TR-1-A (between the Nick Dudiak Fishing Lagoon and Freight Dock Road on the west side of the harbor) will stage barges in the tidal zone with the bow end pulled tight to the beach for accessing a haul out ramp. A dead-man anchoring system will be provided for winching vessels up the ramp above the high tide line for maintenance and minor repairs. Upland improvements will include six work sites with water, electrical pedestals, lighting, and security fencing and cameras. This site has accommodated approximately six to eight vessels (depending on size) with ample workspace; it will offer large vessels the ability to complete their required annual maintenance at the uplands repair facility while wintering over.

Completing repairs locally gives the marine trades sector greater opportunity to expand services, support a steady labor force and provide higher quality services more competitively. Availability of local repair services also delivers performance benefits to vessels operating in Alaska waters, saving significant time, fuel and other operating expense.

Plans & Progress: Project development is being carried out in phases. Phase 1, initiated in 2014, consisted of forming a Large Vessel Haul Out Task Force to assist with site selection and completion of Best Management Practices, vessel owner use agreements, and vendor use agreements. Staff additionally completed a Stormwater



Three vessels hauled out for repairs on Homer Spit Lot TR 1 A.

Pollution Prevention Plan (SWPPP) with the Alaska Department of Environmental Conservation for a portion of lot TR-1-A. Since completing these basic requirements, the haul out area has become a popular repair site option for some of our large vessel owners. This further justifies additional investments to improve our ability to serve these customers and bring more of these customers to Homer. Phase 2 completed design and permitting utilizing \$255,000 in State Legislative Grant funds and \$42,626 in additional City of Homer funds. The project is shovel-ready and the design is bid-ready. Phase 3 will complete construction project construction.

Total Project Cost: \$4,142,666

2019: Phase 2 Engineering/Permitting/ Geotechnical/Design: \$297,626 (Design completed June 2020).

2021: Phase 3 Construction: \$3,845,040 (Project is shovel ready.)

FY2023 State Request for Phase 2: \$3,686,973 (City of Homer Match: \$158,067)



5. Homer Spit Coastal Erosion Mitigation

FY 2023 - DRAFT Document

Project Description and Benefit: The City of Homer requests that the Alaska Department of Transportation and Public Facilities (AK DOTPF) work cooperatively with the Army Corps of Engineers (ACOE) and the City of Homer to design, permit and implement a long term erosion mitigation and maintenance plan to mitigate and stabilize erosion conditions on the Homer Spit. This project is needed to protect critical infrastructure on the Homer Spit.

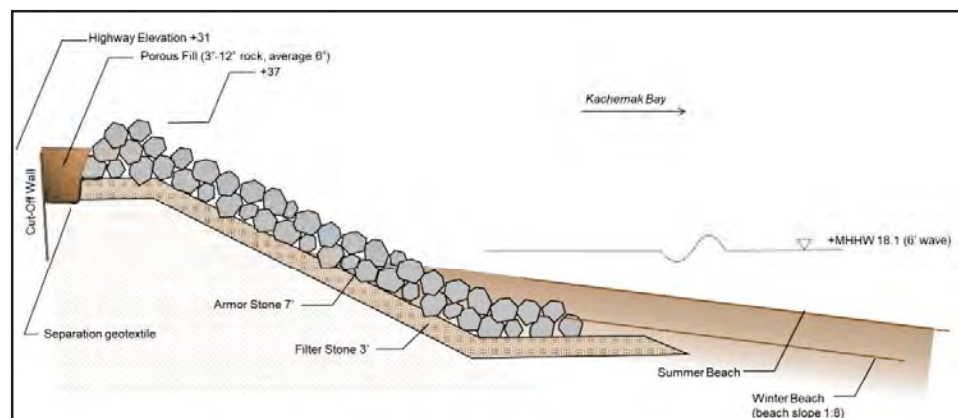
The Homer Spit is a 4.5 mile long glacial spit composed of sands and gravel that offers recreational, commercial, industrial, and residential use. It is a valuable asset to the City of Homer and the State of Alaska due to its economic and recreational opportunities. It is also a unique, coastal feature and a valuable environmental resource with its extensive bird and marine habitat.

While typically in equilibrium, the Spit is undergoing a long period of erosion. Changes in storm patterns the past few years with milder summers and fewer strong southeasterly events may be affecting the sediment movement along the spit, allowing greater erosion and less seasonal accretion. The ACOE addressed erosion concerns in 1992 with 1,000 feet of rock revetment in 1992, which they extended an additional 3,700 feet in 1998. This caused beach lowering adjacent to and further south of the rock revetment along the Spit. In that area, the Alaska Department of Transportation and Public Facilities (AK DOT & PF) armored the highway in two emergency projects. These areas are subject to periodic overtopping, damaging the asphalt on the roadway shoulder

Erosional damage on the Spit, if left unchecked, will undermine the State-owned Sterling Highway that connects the Kenai Peninsula mainland to organizations like the United States Coast Guard and Alaska Marine Highway, and ultimately diminish the role the Homer Spit plays as a regional commerce center and transportation hub for Southcentral Alaska. Many private businesses located on the Homer Spit depend on the Sterling Highway as their gateway to conduct business; the Sterling Highway also accesses the City of Homer Port and Harbor critical infrastructure that supports United State Coast Guard facilities, the Alaska Marine Highway system, regional commercial marine transportation, the commercial fishing industry and the marine trades. A coordinated, long-term maintenance plan is needed

Plans & Progress: The ACOE conducted two extensive studies with detailed erosion management information: a 2017 Dredged Material Management Guidance Manual and a 1989 investigation report, Storm Damage Reduction Final Interim Feasibility Report with Engineering Design and Environmental Assessment. More recently, in 2019, HDR analyzed environmental conditions and sediment transport and produced a Coastal Erosion Assessment of the Sterling Highway Termini on the Homer Spit which also considered concept alternatives (perched bench, groin field, offshore breakwater, sediment management and rock revetment) for improving resilience of existing roadway embankment. Due to the importance of access on Homer Spit, a traditional revetment was recommended; however it strongly encouraged coupling any rock project with a sediment management plan for long term viability of the Spit. Concrete armor units may be considered in lieu of rock to further reduce run-up and overtopping if costs are similar. A rough order of magnitude cost of this revetment would be \$1.1M to \$1.5M per 100-foot station. Maintenance would be about 5% of cost of the revetment every three years.

Total Project Cost: \$11,000,000



Armor stone revetment schematic.



Mid-Range Projects

Part 2: Mid-Range Projects

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ADA Transition Projects

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FY 2023 - DRAFT Document



City Hall Access Barrier Removal

FY 2023 - DRAFT Document

Project Description & Benefit: Under Title II of the Americans with Disabilities Act (ADA), all State and local governments must be accessible to, and usable by, people with disabilities. The basic principles of the ADA are equal opportunity, integration, and inclusion. From 2017-2019, the City of Homer ADA Compliance Committee and City Staff evaluated City Facilities to identify accessibility barriers. The results were compiled into the City's Transition Plan, in accordance with Title II of the ADA regulations. City Hall is one of the most used city buildings throughout the year and this project corrects access barriers (ADA Priority Level 1 issues) to get into the building.

City Hall access barriers include:

- Cross slopes that exceed 1:48 ratio for all designated accessible parking spaces;
- absence of van accessible parking;
- incorrect dimensions of accessible parking spaces;
- improperly located signage;
- absence of a level landing at the top of the curb ramp below the front entrance ramp;
- handrails on ramp protrude into the path of travel and reduces the width to less than 36" width requirement;
- push bar on main entrance door protrudes into the doorway and reduces the width of the opening to less than 32" width requirement; and
- front door entrance threshold height.

Plans & Progress: Public Works Staff assisted the ADA Compliance Committee during the self-evaluation process, and together with Port and Harbor staff helped develop solutions and remedies included in the Transition Plan. City Council approved the Transition Plan in Resolution 19-024. This project could potentially be addressed in conjunction with DOT&PF's Lake Street Repaving Project (currently scheduled for 2021) to take advantage of the paving equipment and contractors which will be mobilized locally.

Total Project Cost: \$400,000

Schedule: 2021

Priority Level: 1



The cross slope of the accessible parking spaces at the lower entrance to City Hall exceeds the maximum allowed 1:48 under ADA standards.



Nick Dudiak Fishing Lagoon Accessible Ramp and Retaining Wall

FY 2023 - DRAFT Document

Project Description & Benefit: The Nick Dudiak Fishing Lagoon located on the Homer Spit (also known as the “Fishing Hole”) is a man-made marine embayment approximately 5 acres in size that is annually stocked with king and silver salmon smolts to provide sport fishing opportunity. Salmon fishing at the Nick Dudiak Fishing Lagoon brings visitors to Homer throughout the summer and is also popular with city residents. This outdoor recreation activity provides a local, road accessible, shore-based salmon fishery that attracts a wide array of sport anglers, including handicapped accessible and youth-only fishing opportunities. This outdoor recreational activity helps stimulate and diversify local businesses and the economy. During the summer when salmon are returning, up to 250 bank anglers have been present at any one time between 7 a.m. and 10 p.m. The parking area, shoreline and tide line 17 feet above mean high water are owned by the City of Homer. Below mean high water, the tidelands and water are owned by the State of Alaska.

Over the years the accessible ramp has fallen into major disrepair and is no longer complaint or usable by anglers with mobility challenges. In 2018 the Alaska Department of Fish and Game attempted to provide funding for improvements to the accessible ramp, however funding was pulled.

Plans & Progress: This project will proceed in phases. First is the design for repair and replacement to address the tidal action and resulting slope erosion, followed by Phase 2, construction.

Total Project Cost: \$60,000

Design \$ 5,000

Construction \$ 55,000

Schedule: 2021 (Phase 1) and 2023-2024 (Phase 2)

Priority Level: 1



Homer Harbor and Public Works personnel working with the Alaska Department of Fish & Game developed a concept plan to make the Nick Dudiak Fishing Lagoon ramp accessible.



Public Restroom Accessibility Barrier Removal

FY 2023 - DRAFT Document

Project Description & Benefit: Under Title II of the Americans with Disabilities Act (ADA), all State and local governments must be accessible to, and usable by people with disabilities. The basic principles of the ADA are equal opportunity, integration, and inclusion. From 2017-2019, the City of Homer ADA Compliance Committee and City Staff evaluated City Facilities to identify accessibility barriers. The results were compiled into the City’s Transition Plan, in accordance with Title II of the ADA regulations. This project corrects barriers at City public restroom facilities. A clear path of travel to a bathroom and clearance for entry, maneuverability inside, and access to water closets, toilet paper, soap and hand towel dispensers or dryers, are just some of the key requirements of the ADA. These accessible features are required for public restrooms whether they are restrooms with stalls in a City building or individual bathrooms that are located on the spit and in town. Correcting these issues are a benefit the entire community.

Barrier removal in existing bathrooms include:

- Relocation of grab bars, toilet paper dispensers, coat hooks, and mirrors;
- moving tactical signage to the appropriate location on the left side of the entrance;
- adjusting the entrance threshold height;
- replacing toilets that are too high or have flush lever to the open side of the water closet;
- covering pipes below lavatories;
- replacing hardware on stall doors and bathroom doors, and;
- removing obstacles to clear floor space for wheelchair maneuverability.

Plans & Progress: Public Works Staff assisted the ADA Compliance Committee during the self-evaluation process, and together with Port and Harbor staff helped develop solutions and remedies included in the Transition Plan. City Council approved the Transition Plan in Resolution 19-024. This project will proceed in phases to remove accessibility barriers in existing City restrooms, bringing them into ADA compliance.

Total Project Cost: \$75,000

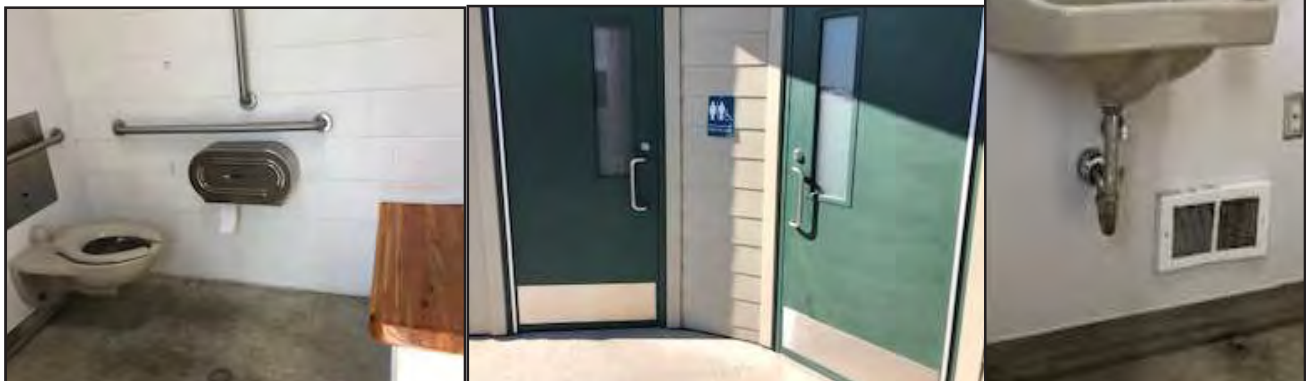
Airport Restroom & Water Fountain \$14,400 (funded in FY22 with City of Homer Capital Funds)

Schedule:

2024 Continuation of barrier removal in existing bathrooms \$60,600

Priority Level: 1

Description updated to reflect that old restroom at Karen Hornaday park was removed.



This project will correct accessibility issues at City of Homer public restrooms. Some depicted here include improperly placed dispensers and grab bars, lack of wheel chair space from bench, incorrect door swing and lack of cover on the lower pipes



Removing Parking and Pavement Accessibility Barriers at City Facilities

FY 2023 - DRAFT Document

Project Description & Benefit: Under Title II of the Americans with Disabilities Act (ADA), all State and local governments must be accessible to, and usable by, people with disabilities. The basic principles of the ADA are equal opportunity, integration, and inclusion. From 2017-2019, the City of Homer ADA Compliance Committee and City Staff evaluated City Facilities to identify accessibility barriers. The results were compiled into the City’s Transition Plan, in accordance with Title II of the ADA regulations. This project corrects parking and pavement barriers (ADA Priority Level 1 issues) at City facilities to aid the entire community in accessing and participating in programs, services or activities provided by the City of Homer.

ADA regulations standardize the size and number of marked accessible parking spaces in a lot and appropriate signage placed such that it cannot be obscured by a vehicle parked in the space. Accessibility standards also require firm, stable and slip resistant surfaces. Many City of Homer facilities do not meet these standards.

This project will correct the following parking barriers in the vicinity of the Homer Harbor, and at Public Works, Homer Public Library, the Animal Shelter, Baycrest pullout bathroom facility and the Fire Hall:

- Absence of accessible parking;
- absence of van accessible parking;
- incorrect dimensions of accessible parking spaces;
- improperly located signage;
- accessible parking spaces where water pools and snow melt creates icy conditions that become hazardous in the winter;
- parking space identified in gravel lots that fail to provide a path of travel to a sidewalk or facilities; and
- cross slopes that exceed 1:48 ratio on paved lots.

Plans & Progress: Public Works Staff assisted the ADA Compliance Committee during the self-evaluation process, and together with Port and Harbor staff helped develop solutions and remedies included in the Transition Plan. City Council approved the Transition Plan in Resolution 19-024. This project proposes to proceed in two phases. Phase 1, paving accessible parking spaces and two van accessible spaces at Harbor Ramps 3, 4 and 5, at public restrooms and resolving non-compliant signage and pavement marking will be completed in 2021. Phase 2 includes resolving non-compliant City Hall entrance, and non-compliant parking lot cross slopes, signage and pavement markings identified at city facilities.

Total Project Cost: \$400,000

Phase 1: Harbor Accessible Parking, completed, \$49, 100

Schedule:

2022-2023: Phase 2 City Hall Accessible Ramp, \$14,400

2024: Facility Parking Lot Cross Slopes & Signage, \$336,50000

Priority Level: 1



Accessible parking spaces at Ramp 4 in the Port & Harbor provide an example of where spaces need to be paved and a path of travel provided.



Self-Evaluation and Transition Plan for City Parks, Trails & Campgrounds

FY 2023 - DRAFT Document

Project Description & Benefit: Under Title II of the Americans with Disabilities Act (ADA), all State and local governments must be accessible to, and usable by, people with disabilities. The basic principles of the ADA are equal opportunity, integration, and inclusion. The Self-Evaluation is a comprehensive report that outlines the barriers for people with disabilities as they seek to use local government services and programs. It is drafted by the state or local government in collaboration with and review by a sample user group of people with disabilities. It includes a transition plan of architectural and administrative barriers to programs that need to be removed in order to make the program accessible. Completion of this project will be a significant step meeting the requirements of Title II of the ADA, by having a full Self-Evaluation and Transition Plan for the City of Homer.

A completed Self Evaluation and Transition Plan will:

- Acknowledge the City's obligation to comply with ADA Title 2 Subpart D- Program Accessibility § 35.149
- meet the requirement of ADA Title 2 Subpart D- Program Accessibility § 35.150 Existing Facilities, (d) Transition Plan;
- identify barriers to be resolved and establish a timeline for completion; and
- bring the City of Homer closer to its goal of being a Universally Accessible City as identified in Resolution 17-075(A).

Plans & Progress: In 2017, the City of Homer ADA Compliance Committee and City Staff began evaluating City facilities to identify accessibility barriers and prepared a Transition Plan, which City Council approved in 2019. Evaluating and preparing a plan for City Parks, Trails and Campgrounds exceeds the ability and time allowance of City staff and ADA Compliance Committee members. This project entails hiring a consulting firm that specializes in preparing ADA Transition Plans to evaluate City parks, trails and campground facilities for inclusion in the City's Transition Plan.

Total Project Cost: \$60,000

Schedule: 2021-22

Priority Level: 1



Accessibility improvements to City trails, parks and campgrounds allows everyone to receive full benefits of Homer's park & recreation amenities.



Parks, Art, Recreation & Culture

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- **Homer Spit Trailhead Restroom16**
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- **Karen Hornaday Park Improvements, Phase 218**

FY 2023 - DRAFT Document



Bayview Park Restoration

FY 2023 - DRAFT Document

Project Description & Benefit: Bayview Park is a small, relatively quiet fenced neighborhood park at the top of Main Street. The goal of this project is to improve the park’s accessibility and safety and update its playground elements with a focus on making the park more user-friendly to young children (infant-toddler-preschool age) and for children and parents/caregivers with disabilities or mobility issues.

Proposed improvements are threefold. One is to replace the existing white picket fence with a wood frame-chain link fence to improve the stability and durability of the fence. (The current fence is in constant need of repair.) Parents and caregivers appreciate having a fence as it provides a level of safety for young children around the busy roads and ditches surrounding the park. **The second is to provide ADA access to the park.** The third is to replace and/or add new playground elements designed for younger/toddler age children and for accessibility for children with disabilities. As part of this addition, an accessible trail would be extended to the new elements.

Plans & Progress: In 2011 Homer Early Childhood Coalition adopted Bayview Park and funded a new slide and boulders that were installed by the City of Homer. Several parents built and installed stepping logs and 2 small “bridges”. In 2013 the Coalition coordinated with Corvus Design to create a master plan. As part of the process, input was gathered from local families and children. Short term parking and access trail improvements were completed in 2014 utilizing in-kind donations of equipment and labor and an additional \$5,118 in fundraising dollars.

ADA access for the park has been designed by the City of Homer as part of the design of the Main Street Sidewalk project at a cost of \$12,700. The design replaces the existing open ditch on the east side of Bayview Park with a closed storm drain system and creates accessible parking and access to that side of the park.

Total Project Cost: \$189,974

Schedule: 2022-2023

Priority Level: 2



Though charming, the white picket fence that surrounds Bayview Park is in need of constant repair. A more practical chain length fence is needed to keep young children out of roads and ditches.



Homer Spit Trailhead Restroom

FY 2023 - DRAFT Document

Project Description & Benefit: The parking lot at the intersection of the Ocean Drive bike path and Homer Spit Trail gets heavy use year round. The Spit trail is a popular staging area for biking, running, walking, and roller blading. Parents bring their young children to ride bikes because the trail is relatively flat and has few dangerous intersections. An ADA accessible restroom would be used by recreationalists and commuters using both trails.

Total Project Cost: \$295,000

Schedule: 2024

Priority Level: 1



The parking lot at the Spit trail head full of cars on a sunny day.



Jack Gist Park Improvements, Phase 2

FY 2023 - DRAFT Document

Project Description & Benefit: Jack Gist Park has been in development since 1998 on 12.4 acres of land donated to the City of Homer by a private landowner. As originally envisioned by the Jack Gist Recreational Park Association, this parcel has been developed primarily for softball fields. It also features a disc golf course.

The proposed project will complete Phase 2 by improving drainage around the upper ball field. ~~constructing a concession stand/equipment storage building adjacent to the softball fields, and developing an irrigation system utilizing a stream on the property in conjunction with a cistern.~~ Phase 3 will provide potable water (water main extension), construct a plumbed restroom and build a bike/pedestrian path to access the park. ~~acquire land for soccer fields.~~

Plans & Progress: Phase 1 of this project was completed in 2011 after a five year period of incremental improvements. In 2005-2006, a road was constructed to Jack Gist Park from East End Road, a 70-space gravel parking area was created, and three softball fields were constructed including fencing, dugouts, and backstops. In 2008, bleachers were installed at all three softball fields. In 2009, three infields were resurfaced. In 2010, with volunteer help, topsoil was spread and seeded on two of the three fields and the parking area was improved and expanded. 2011 saw improvements to the third ball field: drainage improvements on the outside perimeter (right and left field lines), imported material to improve the infield and topsoil and seeding to improve the outfield.

Phase 2 Project Cost: \$60,000

~~Concession Stand and Equipment Storage: \$75,000~~

~~Irrigation System: \$35,000~~

Schedule: 2023-2024

Priority Level: 2

Per recommendation of Public Works Director & parks division staff.



One of the softball fields at Jack Gist Park.



Karen Hornaday Park Improvements

FY 2023 - DRAFT Document

Project Description & Benefit: Karen Hornaday Park is Homer’s largest, most diverse public recreation space. At 40 acres in size, it offers a wide variety of activities, including camping, ballfields, playgrounds and two public pavilions with picnic facilities, barbecue grills and campfire circles. For those looking to relax, the park offers benches to view Kachemak Bay and the surrounding mountains and glaciers, as well as access to a more intimate, natural area along Woodard Creek on the park’s eastern boundary. The park hosts an estimated 100,000 user days each year. This includes 18,000 campers, 2,000 Little League participants and spectators, plus general use park visitors and attendees of approximately 1,000 small gatherings and large events reserved in the park annually such as the Scottish Highland Games festival and concerts.

The Karen Hornaday Park Master Plan, first approved in 2009, sets forth goals and objectives to be accomplished over a 10-year period. While several aspects of the plan have been accomplished, two major projects are still outstanding: safe and accessible park entry for vehicles and pedestrians and an accessible public restroom facility. This project accomplishes Design B-2 from the Park’s Master Plan to provide accessible and safe entry to the park for both cars and pedestrians and constructs an ADA accessible public restroom. The design, shown below, realigns the park entrance road eastward and provides all parking on the west side of the road to prevent people from having to cross road traffic to access the park. It also provides an adjacent accessible pedestrian entry path, which the park currently lacks.

The plan also constructs a new ADA accessible public restroom facility. At present, the park only offers portable toilets; the former restroom facility was demolished in 2020 due to safety concerns. Over the years the physical structure had deteriorated and its advanced age combined with high use resulted in worn interior finishes, making cleaning difficult; aged bathroom fixtures and dilapidated stalls made it nearly impossible for City maintenance personnel to provide a safe, sanitary facility. The portable toilets currently provided are inadequate to support the needs of the many visitors and groups who utilize this public recreation space.

This project significantly improves safety for pedestrians and accommodates a variety of park users with varying abilities, facilitating access to the park and ensuring inclusive recreational opportunities for all to enjoy.

Plans & Progress: Phase 1 of park improvements (including ballfields, drainage, a new playground) were accomplished through an Alaska Legislature appropriation of \$250,000 in FY 2011 and community grassroots efforts of HoPP. A Land and Water Conservation Fund (LWCF) grant in 2103 completed campground improvements and developed a new day use area between the two ball fields. Significant volunteer efforts and HART Program funding in 2017 constructed two new footpaths providing pedestrian access to the park along Fairview Avenue on the southern border of the park and from Danview Avenue. Neither of these trails are ADA accessible and they do not address safety issues of children running across the road from the parking lot to access the park.

In 2021, a field survey confirmed that Concept Design B-2 could be accommodated over the existing conditions. A design and cost estimate for the accessible pedestrian entry trail have also been completed.

Total Project Cost: \$784,500

- Pedestrian Trail: \$164,500 (FY21 Rec Trails Program grant pending)
- Road Realignment: \$120,000 (City of Homer FY22 Capital funds)
- Parking Area: \$75,000
- Restroom Utilities & Construction: \$425,0000

Schedule: 2022 -2024



Concept Design B-2 from the Karen Hornaday Park Master Plan



Port and Harbor

- **Deep Water/Cruise Ship Dock Expansion, Phase 120**
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Deep Water/Cruise Ship Dock Expansion, Phase 1

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Project Description & Benefit: Upgrades to the Deep Water/Cruise Ship Dock are necessary to provide a facility that can accommodate multiple industry groups and provide the greatest economic benefit to the area. A feasibility study of expanding and strengthening the dock (with later phases including a terminal building and other upland improvements) is nearing completion. Expansion increases the Port & Harbor's capability to support regional resource development initiatives with moorage and a staging area for freight service to the Lake and Peninsula Borough (via the Williamsport-Pile Bay Road) and to potential future Cook Inlet region resource development projects. There is current demand for modifications to the existing dock to accommodate long-term moorage of large resource development vessels such as timber, mining and oil and gas barges, and as designed, the dock will be able to handle icebreakers, of particular importance given Alaska's strategic arctic location.

The facility will boost cargo capability. The City has a 30-acre industrial site at the base of the dock which can support freight transfer operations and serve as a staging area for shipping to and from the Alaska Peninsula, the Aleutians, and Bristol Bay. Handling containerized freight delivery to the Kenai Peninsula would reduce the cost of delivering materials and supplies to much of the Peninsula. The dock expansion will also enhance cruise ship-based tourism in Homer by providing moorage at the dock for two ships (a cruise ship and a smaller ship) at the same time, reducing scheduling conflicts.

Finally, improvements to the dock will fulfill a contingency planning requirement under Homeland Security provisions. The Port of Anchorage, through which 90% of the cargo for the Alaska Railbelt areas and the Kenai Peninsula passes, is vulnerable. If the Port of Anchorage were to be shut down and/or incapacitated for any reason, Homer's port would become even more important as an unloading, staging, and trans-shipping port.

Plans & Progress: In 2005 the City of Homer spent \$550,000 for cathodic protection of the existing dock and conceptual design of an expanded dock. \$2 million in federal transportation earmark funds were appropriated in FY2006 to prepare preliminary design and conduct further economic analysis. The Alaska Legislature appropriated an additional \$1 million for FY2011. Homer City Council has authorized the sale of \$2 million in bonds to help fund the construction of this project. The City started on project design and feasibility with R&M consulting to begin design and feasibility. To date, the team completed an extensive conditions survey of the existing infrastructure, bottom condition survey, soils core drilling, and a very detailed tide/current profile for the dock. The feasibility study helped identify the best option for expansion to improve freight and cargo handling capabilities. Some uplands improvements have been completed to benefit cargo movement and storage on land close to the deep water dock: paving outer dock truck bypass road, removing the old wooden fence around the concrete storage yard and replacing it with a chain link fence, stormwater runoff handling, lighting and security cameras.

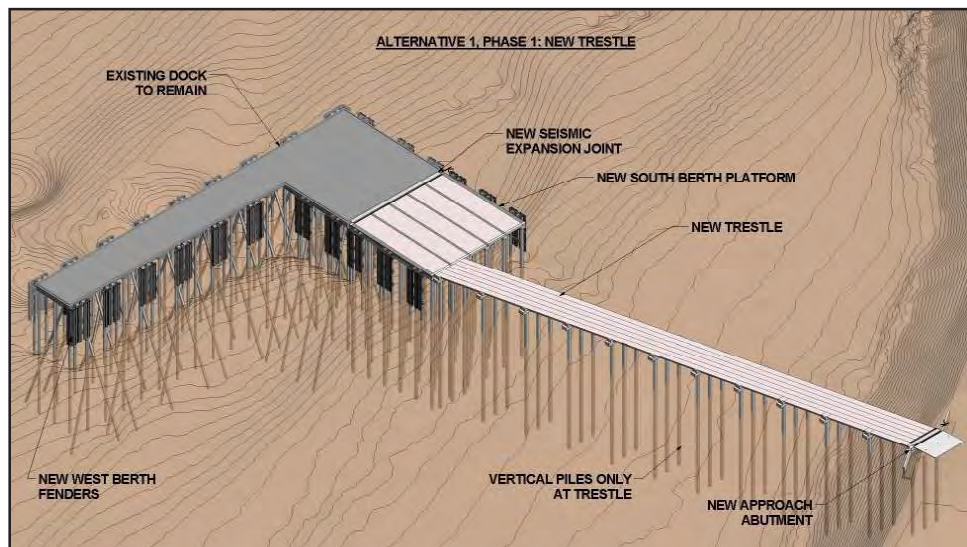
Total Project Cost: \$35,000,000

Feasibility: \$1,250,000
(Completed September 2016)

Design: \$1,750,000

Construction: \$32,000,000

Priority: 2



Deep Water Dock Expansion proposed design.



Ramp 8 Public Restroom

Project Description & Benefit: Ramp 8 serves System 5, the large vessel mooring system. Previously, restroom facilities for Ramp 8 consisted of an outhouse. This outdated restroom brought many complaints to the Harbormaster's office. Sanitary restroom facilities are expected in modern, competitive harbors along with potable water and adequate shore power. The Ramp 8 outhouse was removed in 2015. A new public restroom in this location is needed to serve the crew members of large vessels when they come to port.

Plans & Progress: Design costs for this project would be minimal as the City has standard public restroom plans engineered that can be easily modified for this location.

Total Project Cost: \$295,000

Schedule: 2025

Priority Level: 3



Ramp 8 sees heavy use from crews of large vessels moored in System 5. Since this outhouse was removed in 2015, crews either use a porta potty provided by the Port & Harbor, or walk 1.5 blocks to use the nearest restroom facility.



Homer Harbor Cathodic Protection

FY 2023 - DRAFT Document

Project Description & Benefit: HHomer Harbor’s float system is comprised of 161,000 square feet of concrete and wood floats supported by over 500 steel pilings. Steel has a number of characteristics that make it desirable for structural use in harbors, including the ability to last almost indefinitely if properly protected from the destructive effect of electrolysis. Corrosion stemming from electrolysis, however, dramatically shortens the useful life of the pilings.

Most of the float system piling in Homer Harbor predates the 1999 ownership exchange from the State to the City of Homer. When originally installed, a hot-dipped galvanized coating protected the piling. This coating is typically effective between 15 and 20 years. Harbor pilings range in age from 34 to 26 years old. Over time, electrolysis has depleted this original protective coating to the point where it is no longer protecting the pilings. The potential readings obtained in a cathodic protection half-cell survey in 2018 were -0.60, a reading that indicates freely corroding steel according to National Association of Corrosion Engineers (NACE) Standards.

This project proposes to install a passive cathodic protection system to fully protect the saltwater and soil submerged harbor pilings from corrosion. The method selected provides zinc anodes attached externally to the pile as a “sacrificial” source of positively charged ions. The anode material oxidizes preferentially to the steel, greatly reducing or eliminating the rusting of the steel piles.

The long-term benefit is to extend the remaining safe and usable service life of the harbor float system, at least an additional 20 years and perhaps indefinitely, avoiding the high costs of limiting allowable loads on corroded load-bearing piles and eventually repairing or replacing structurally disabled piling.

Plans & Progress: The City began the process of installing cathodic protection in 2018. As part of that project, R&M Engineering designed a cathodic protection program for the entire harbor float system. The sacrificial anode system was selected as it has the advantage of being relatively simple to install, is suitable for localized protection, and less liable to cause interaction on neighboring structures.

Utilizing \$200,000 in Port and Harbor reserve funds, the City contracted a firm to install zinc anodes on 139 of the 500 harbor pilings. Test results from a post-construction cathodic protection survey verified that the system is providing adequate levels of cathodic protection to the piles as defined by the applicable NACE International Standards SP0176-2007.

A cost estimate to protect the remaining pilings was completed in 2021. Another \$200,000 in reserve funds was requested in the FY21 budget as it is our goal to get this work done as quickly as possible to preserve the integrity of the foundation of the float system harbor-wide.

Total Project Cost:	\$1,080,800
Cathodic Protection 2018: (139 pilings completed with City of Homer Port & Harbor Reserve funds)	\$200,000
Cathodic Protection 2021 (protect remaining pilings)	\$200,000
Project funding needed:	\$680,000



Example of the damage electrolysis causes to harbor pilings. This broken piling in 2012 caused the R & S floats in the harbor to be condemned until it could be repaired.

Schedule: 2023

Priority Level: 1



Ice Plant Upgrade

FY 2023 - DRAFT Document

Project Description & Benefit: The ice plant at the Fish Dock is a critical component of the overall Port and Harbor enterprise, providing more than 3,500 tons of flake ice each year to preserve the quality of more than 20 million pounds of salmon, halibut, sablefish, and pacific cod landed at the Port of Homer.

Although the Ice Plant has been maintained very well since being built in 1983, efficiencies may be gained by upgrading certain key components of the plant with current technologies, which may include replacing the refrigeration compressors, integrating natural gas into the process, and/or upgrading the control systems to increase the plant's efficiency and reduce operating costs.

Plans & Progress: This project is proceeding in a three-phase approach. Phase 1 consisted of contracting with Coffman Engineering from Anchorage to assess Homer's Ice Plant and provide a list of options for upgrading the facility to optimize energy savings, plant maintenance, equipment longevity and return on investment. The study also considered the possibility of creating a year-round cold storage refrigeration system as an upgrade to the original plan. Two recommendations from the study to optimize energy savings comprise Phase 2 and Phase 3 of the project: upgrading the evaporator fans and condensers with variable frequency drives.

Total Project Cost:

Phase 1: \$40,000 (Design and engineering study)

Phase 2: ?? (Evaporator fan upgrades)

Phase 3: ?? (Condenser upgrades)

Schedule:

- 2019-2020: Phase 1 study completed
- 2021: Design and engineering for upgrades
- 2022: Phase 2

Priority: 1



Four of the Ice Plant's aging compressors are shown here.



Large Vessel Sling Lift, Phase 1

FY 2023 - DRAFT Document

Project Description & Benefit: During the investigation conducted in 2014 by the Large Vessel Haulout Task Force, the Task Force quickly recognized a need to provide haulout services to all vessels that moor in the harbor. As a first step in filling this need, the Port & Harbor developed an airbag haul-out system on available tidelands within the harbor. This system has proved successful.

However, it works only for part of the fleet: large, flat-bottomed, shallow draft vessels. Much of the fleet in the harbor is not able to use this system because of the vessel's deep draft hull configuration.. A lift in a local commercial yard is being expanded to accommodate vessels up to 150 tons, which will accommodate most limit seiners and many of our larger boats. Homer will still lack haulout services for deep draft vessels larger than 150 tons.

A sling lift has been proposed as a possible haulout solution for vessels that are not currently being served in Homer. The lift, coupled with an on-site repair yard would provide these vessel owners the option to perform their annually required maintenance and repairs locally without having to travel, similar to how large shallow draft vessels currently utilize the airbag system. Haul outs ease the burden of travel for the vessel owners during the winter season and, as an added bonus, generate business to help sustain local marine trades.

Key to the success of the project is to select a location that has space for an on-site repair yard, and to select a sustainable owner-operator model. Possible locations are the old chip pad or in the new large vessel harbor; owner-operator scenarios include privately owned and operated with a lease to the Enterprise, a public private partnership, or alternatively, municipally owned and operated by the City using Enterprise employees.

Plans & Progress: Project development will have two phases. The first phase will be a comprehensive study about how to best build and operate this new service at the Port of Homer. It will consider location and include engineering and design options and a cost-benefit analysis. The study will also research options for operating this new service, providing an analysis of various ownership and operating models. It will also work on completing regulatory requirements such as a Stormwater Pollution Prevention Plan (SWPPP) with the Alaska Department of Environmental Conservation.

Phase 2 will be construction of the support infrastructure after considering the results of the phase one study and acquisition of the sling lift.

Total Project Cost: \$65,000 (Phase 1)

Schedule: 2025

Priority Level: 3



An example of a sling lift and adjacent repair yard area.



Old Main Dock Removal and Disposal

Project Description & Benefit: This project will remove the old Main Dock from inside the Pioneer Dock facility and dispose of or salvage all associated materials. The old Main Dock was the original ocean dock in Homer, built in 1965 at the time of the first dredging for the Homer Harbor. When the Main dock was no longer safe to be used as a commercial pier in 2001, the City built the new Pioneer Dock around it, leaving the Main Dock in place.

The Main Dock has become a safety hazard and potential liability for the City. It has deteriorated to the point that it is unsafe even for an individual to walk on.

Plans & Progress: Identifying this project in the Capital Improvement Plan aids in the project's first step, which is to search and solicit sources of financial aid for the project. For instance, it is possible it would qualify under a State or Federal initiative for waterfront renewal or rehabilitation. Removal of the Main Dock can be achieved using a variety of heavy equipment and disposal methods that satisfy safety, environmental and building requirements.

Total Project Cost: Unknown. Methods for removal presented by interested contractors at a later date will help hone the scope of work and cost requirements for this project.

Priority Level: 3

Schedule: 2025



The former Main Dock in Homer's Port & Harbor is over fifty years old, defunct and deteriorated to the point that it is a hazard and a liability.

FY 2023 - DRAFT Document



System 4 Vessel Mooring Float System

FY 2023 - DRAFT Document

Project Description & Benefit: System 4 is made up mostly of floats that were relocated from the original harbor construction in 1964. In the 2002 Transfer of Responsibility Agreement (TORA) project, System 4 was completed by moving the old floats into place. Within two years it was filled to maximum capacity. System 4 floats are over 20 years beyond their engineered life expectancy and are showing their age. This project can be done in phases.

Plans & Progress: Phase 1 floats HH, JJ, and headwalk float AA between those floats were replaced in fall of 2014. Power and water was extended from ramp 7 to JJ and HH as part of the same project. A new landing float was installed for Ramp 7 in the spring of 2014.

Phase 2 replaces CC, DD, EE and GG floats and the remainder of AAA that wasn't upgraded in 2014. We also plan to extend AAA towards the LL ramp so that we can open up the fairways between the floats to give the vessels a little more room to navigate between the float systems.

Total Project Cost: \$5,600,000

Schedule:

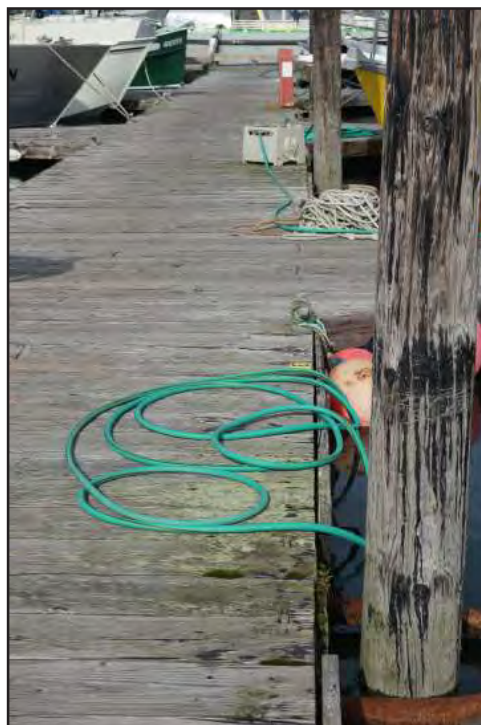
2022 Design: \$600,000

2023-2026 Construction: \$5,000,000

Priority Level: 3



System 4 floats to be replaced.



Detail of aging Float DD.



Truck Loading Facility Upgrades at Fish Dock

Project Description & Benefit: Approximately 22 million pounds of fish are landed at the Homer Fish Dock each year and loaded onto trucks. The resulting truck, fork lift, and human traffic creates considerable congestion as fish buyers jockey for space to set up portable loading ramps. Lack of adequate drainage in the area creates further problems as the vehicles must maneuver in soft and often muddy conditions.

This project will construct a loading dock to facilitate the loading of fish onto trucks. In addition, it will provide for paving of Lot 12-B and other improvements to address the drainage problems that impact the area.

Total Project Cost: \$300,000

Schedule: 2024

Priority: 3

Port & Harbor Advisory Commission and Port Director recommend removing this project from the CIP due to decreased demand from local businesses for truck loading. .



Currently at the Fish Dock, fish buyers have to contend with a muddy lot and lack of a loading dock to facilitate the transfer of fish to trucks.

FY 2023 - DRAFT Document



Wood Grid Repair

FY 2023 - DRAFT Document

Project Description & Benefit: The Wood Grid is a series of benches (in this case wooden beams) laid out on intertidal land that can support a boat for hull repairs during low tides. Vessels float over the grid at high tide and then set down on the grid as the tide recedes. Vessel owners are able to do minor repairs and inspections to their vessels hulls while “dry” on the grid and refloat with the incoming tide.

The Wood Grid is one of two tidal grids that the Port and Harbor operates. Because of our large tidal exchange in Kachemak Bay, Homer’s tidal grids are likely one of the most useful vessel grid systems in the world. They utilize the tides to our advantage to provide an inexpensive way for vessel owners to maintain their vessels’ hulls.

Homer’s Wood Grid was originally built 50 years ago and accommodates vessels up to 59 feet with a 50-ton limit. Other than the walkway replacement that occurred in 2001, the wood grid has seen very little in terms of upgrades since.

Three particular issues would likely be addressed in an upgrade. Gravel has migrated downhill and filled in between the benches, making it increasingly difficult for people to actually get under the vessels on the grid to perform repairs. A second issue is with the Wood Grid’s retaining walls. Due to age, the upper wall is no longer retaining infill from the bank above and the lower submerged wall has degraded to the point that staff are not able to repair it. Another concern is that the benches and the buried pile that support them have deteriorated to the point that staff is unable to repair them. At a minimum the piles and benches will need to be replaced.

Plans & Progress: This project would consist of two phases. The first phase is preliminary engineering and design to ascertain the scope and cost of the improvement, including what permitting is required. The second phase would be construction.

Total Project Cost:

Phase 1: Engineering and design: \$25,000

Phase 2: Construction: to be determined in Phase 1.

Schedule: Phase I: 2022

Priority Level: 1



The Wood Grid in Homer’s Port and Harbor was originally built 40 years ago and accommodates vessels up to 59 feet with a 50 ton limit. Other than replacing the walkway in 2001, the wood grid has seen very little in terms of upgrades since.



Public Safety

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City of Homer Radio Communication System Upgrades

FY 2023 - DRAFT Document

Project Description & Benefit: The City’s radio communication system is a complex, high-tech, multi-component communication infrastructure that serves the daily needs of the Homer Police, Fire, Port & Harbor and Public Works Departments and is critical for effective emergency response to natural disasters and man-made incidents. Communication system technology has changed tremendously during the last thirty years of the digital age. It is now completely digital, can carry encrypted data in addition to voice communications and must comply with FCC bandwidth requirements.

Homer’s communication system (consisting of the Public Safety Radio System, the Port and Harbor Radio System and the Public Works Radio system) needs upgrading to keep up with technological advances, comply with new FCC bandwidth requirements, maintain interoperability with all local, borough and state agencies utilizing the ALMR system and maintain software updates and other manufacturer product support.

The goal of this project is to upgrade the entire radio communication system by 2020 to stay within FCC compliance.

Plans and Progress: Progress on this project has been incremental with assistance from Alaska State Homeland Security grant funds. To date, the main dispatch consoles, two City of Homer repeaters, two emergency backup dispatch radios, all Police, Fire and Port & Harbor radio units have been upgraded. Components still needing upgrades are listed under the Total Project Cost section below.

Total Project Cost: \$850,362 - \$950,362

(\$560,362 of total project cost has been funded through State Homeland Security and Emergency Management grant awards.)

Public safety repeater relocation on Homer Spit:	\$ 35,271 (completed)
Dispatch consoles and associated equipment:	\$ 296,000 (completed)
Public Safety repeater upgrade:	\$ 63,430 (completed)
HPD Public Safety radios:	\$ 165,661 (completed)
HVFD Public Safety handheld & mobile radios	\$ 118,983 (completed)
Port & Harbor radios and repeater:	\$ 171,174 (completed)
Public Works radios:	\$ 100,000 - \$120,000
Public Works data radio system:	\$ 50,000 - \$ 80,000

Schedule: 2019-2022

Priority: 1



City-wide radio system upgrades are needed to maintain full communication operability.



Fire Department Fleet Management

FY 2023 - DRAFT Document

Project Description & Benefit: To meet the community's fire protection needs and Insurance Services Office (ISO) requirements, Homer requires two Tankers for off-hydrant operations, three front-line Fire Engines and one Reserve Fire Engine. National Fire Protection Agency codes recommend maintaining apparatus with the latest safety features and operating capabilities to maximize firefighting capabilities while minimizing the risk of injuries. Apparatus in first-line service should not be more than 15 years old; apparatus over 25-years old and properly maintained should be placed in reserve status.

Many of the apparatus and specialized vehicles in the Homer Volunteer Fire Department fleet are 15 years to over 30 years old and at the end of their functional life. Functional capabilities and safety features of fire apparatus has greatly improved in the last 10-15 years. Current apparatus have fully enclosed cabs, modern seat belt configurations, improved roll-over stability, significantly improved braking systems, better roadability, and many other safety improvements. Apparatus over 25 years old also become unreliable. Systems fail, putting both firefighters and the public at risk. Extending the life to 30 years may be marginally acceptable with the volume of HVFD runs, but anything beyond that poses an unacceptable level of risk.

The HVFD fleet is in need of a number of vehicle replacements to safely and efficiently protect the lives and property of Homer residents. The Department has developed a strategic, cost saving approach to meeting Homer's fire protection needs with the following top-prioritized replacements:

Tanker-2 is a 32-year old Tanker/Pumper. Tanker/Pumpers combine the capabilities of a Fire Engine and a Tanker, fulfilling response vehicle requirements with four vehicles rather than six at a huge savings of two fewer apparatus and reduction of the number Fire Station bays needed. This project replaces Homer's Tanker-2 while Kachemak City simultaneously replaces its 34-year old Tanker-1. This will require coordinating the acquisition of the two apparatus to potentially reduce the unit cost and to assure matching apparatus for interoperability. \$700,000

Brush-1. Brush-1 is HVFD's single front-line wildland firefighting apparatus. It is a 1990 Ford F-350 Crew Cab Pickup with a forestry firefighting slip-in unit and is 16 years past its useful life. The entire City of Homer is in the Wildland-Urban Interface (with the exception of most of the Spit) and at significant risk from wildfire. The City is also often called to provide mutual aid in wildland fires in neighboring Anchor Point and KESA districts. Brush Trucks are designed to provide a rapid response to wildfires and to provide access to areas that will not support the weight or dimensions of larger fire trucks. Brush-1 is overloaded when carrying a crew of four firefighters, a slip-on firefighting unit with 200 gallons of water and the required firefighting tools and hoses. It has none of the safety systems on current vehicles, including airbags for the front seat occupants. \$165,000

Engine-3 \$525,000; Ladder-1 \$1,425,000 purchase 2022 **Command-1,** a 2006 Ford is as a rolling command post that sets up at incidents to provide for incident command especially at complex or lengthy incidents. At 15-years old, Command-1 lacks a command module used for properly providing scene control and tactical decision-making and lacks effective communication capabilities, which is a key component to incident command and a safety priority. \$75,000

Plans and Progress: HVFD developed a fleet replacement plan that places apparatus on standard replacement cycles consistent with NFPA requirements and community needs. These three pieces of equipment are the highest priority.

Total Project Cost: \$820,000

Schedule: 2022-2023

Priority Level: 1



At 31 years old, HVFD's Tanker 2 has aged out of its function life. Newer models, like the one above, have greatly improved functionality and safety features.



Fire Hall Expansion, Phase 1

FY 2023 - DRAFT Document

Project Description & Benefit: In 2014, in response to aging and crowded conditions, the City assessed Homer's emergency services space needs. Initial plans to correct building and space inadequacies called for co-locating the Police and Fire stations within a new Public Safety facility. However, ultimately, the decision was made to build a stand-alone Police Station and defer expansion plans for the Fire Department.

In the interim, the City addressed much needed deferred maintenance at the Fire Hall, which included conversion to natural gas, improved air handling, fixing floor drainage issues in Bays 2 and 3, and general refurbishing of wall and floor finishes and kitchen cabinets, but nothing was done to address inadequate facility space.

The current fire station was built in the early 1980's. It has five bays to hold four fire trucks and two ambulances. The bays are double-stacked with barely with enough room for a person to move between the trucks, much less accommodate new, modern fire apparatus which are longer and wider than the vehicles the bays were designed for. Storage, training, parking and apron space are also very limited. Expansion is required to meet minimum space requirements for firefighting apparatus, provide an adequate number of offices and bunk rooms and sufficient storage, parking and drill training spaces.

This project resumes the planning/conceptual design process for an adequate fire station facility that meets the community's current need for well-prepared, safe, and timely emergency response. It (1) updates the needs assessment to reflect current departmental conditions and needs for a stand-alone Fire Station facility; (2) conducts site feasibility analysis, including the potential to incorporate the former Police Station property into a design at the current site, either through expansion or rebuilding; and (3) conceptual designs and cost estimates.

Plans & Progress: This project can progress in phases. Phase 1 is pre-development work.

Total Project Cost: Design phase \$350,000

Schedule: 2022

Priority Level: 1



Two examples illustrating the department's need for additional space: parking area in the equipment bay does not meet minimum space requirements for firefighting apparatus and insufficient storage capacity.



Public Works Projects

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- **Water Storage/Distribution Improvements.....36**

FY 2023 - DRAFT Document



New Public Works Facility

To be updated according to next steps recommended in the Public Works Campus

Task Force report to Council.

FY 2023 - DRAFT Document

Project Description & Benefit: The Public Works Department, located at the bottom of Heath Street, has outgrown its facilities. Additionally, the new Tsunami Inundation map shows the potential for a 30' high wave moving through the complex. The Public Works facility and associated heavy equipment is critical infrastructure for response and recovery activities before, during and after a disaster.

To be best prepared to safeguard public health and safety, Homer City Council in 2020 appointed a Public Works Campus Task Force to help evaluate the risks of personal injury, property damage and loss of life after a tsunami, develop strategies for mitigating identified risks and make recommendations to Council on possible mitigation options.

a new site and administrative/maintenance support infrastructure for Public Works should be developed. Building maintenance (located in HERC 2) may soon need a new location as well.

Based on an evaluation of current and future needs, it is expected that a new site containing all Public Works maintenance facilities would require 4.6 acres. Ideally, this site would be located outside the tsunami inundation zone, within or close to the Central Business District, and compatible with adjacent land uses. The facility will be sized to provide for current and future administrative and customer support personnel; road, drainage, building, water, sewer, motor pool maintenance activities; and equipment/materials storage

The existing Public Works site could be converted into public summer use open space (adjacent to the animal shelter, Beluga Slough, and conservation land) and provide space for environmentally sensitive snow storage in the winter.

Plans & Progress: This project will most likely be completed in three phases consisting of concept design and property acquisition, full design and construction. The proposed timeframe is to prepare a concept design in 2022/2023; purchase property in 2025; design facility in 2026/2027; begin construction in 2029, with a new facility ready in 2030. Availability of funding would change these time periods.

Total Project Cost: \$12,050,000

2021-2022 (Concept Design):	\$ 50,000
2022-2025 (Property Acquisition, Facility Design & Construction)	\$12,000,000

Priority Level: 2



City of Homer existing Public Works facility.



Raw Water Transmission Main Replacement

FY 2023 - DRAFT Document

Project Description & Benefit: This project replaces the two 45-year old cast iron raw water transmission mains that transfer raw water from Bridge Creek Reservoir to the treatment plant. These aging cast iron transmission mains are susceptible to earthquake damage. Multiple repairs have already been made to these mains. The last two repairs made were in response to earthquake damage. Major damage to the raw water transmission mains would make it impossible to serve the town with treated drinking water for domestic use and would reduce the City’s ability to provide adequate water pressure for fire protection. Both mains will be replaced with High Density Polyethylene (HDPE) pipe, which is extremely durable and is less susceptible to damage by earthquakes or other natural disasters.

One of water mains, at 8 inches, is under-sized to meet the maximum capacity of the Water Treatment Plant. The other main, a 10-inch line, is at capacity now. The Water Treatment Plant produces 2 million gallons a day. However, the capacity of the treatment can be increased to 2.9 million gallons a day to meet increased demand in the future. The 10-inch transmission main would not be able to provide the plant with enough water to serve the City’s needs at this higher rate.

Plans & Progress: The plan is to replace both lines with larger 12-inch HDPE pipe. HDPE pipe is more resilient to damage by earthquakes or other natural disasters; larger pipes provide system redundancy and will be able to transport an adequate amount of raw water to the treatment plant for plant maximum daily flow both now and for future expansion of the treatment facility.

The City applied for a FEMA FY19 Hazard Mitigation Grant. The proposal ranked fifth out of 51 eligible projects by the State and was submitted to FEMA for review and requests for information prior to funding authorization. In FY20 and FY21 Homer City Council approved a total of \$247,585 for design of the raw water main transmission project

Total Project Cost: \$1,988,650

Design: \$ 247,585 (City of Homer FY20 & FY21 Capital funding)

Schedule: 2022

Priority Level: 1



HDPE pipes do not rust, rot or corrode and are more resilient to earthquakes than the cast iron pipes currently in use.



Water Storage/Distribution Improvements, Phase 3

FY 2023 - DRAFT Document

Project Description & Benefit: This project replaces aging water storage/distribution system components and makes other system improvements to increase water storage capabilities and drinking water quality, improve water system distribution and water transmission effectiveness and safeguard public health. A dependable water system ensures public safety and contributes to Homer’s growth and economic vitality. First identified during the formation of the 2006-2025 Homer Water & Sewer Master Plan, these critical infrastructure improvements have been designed and partially completed:

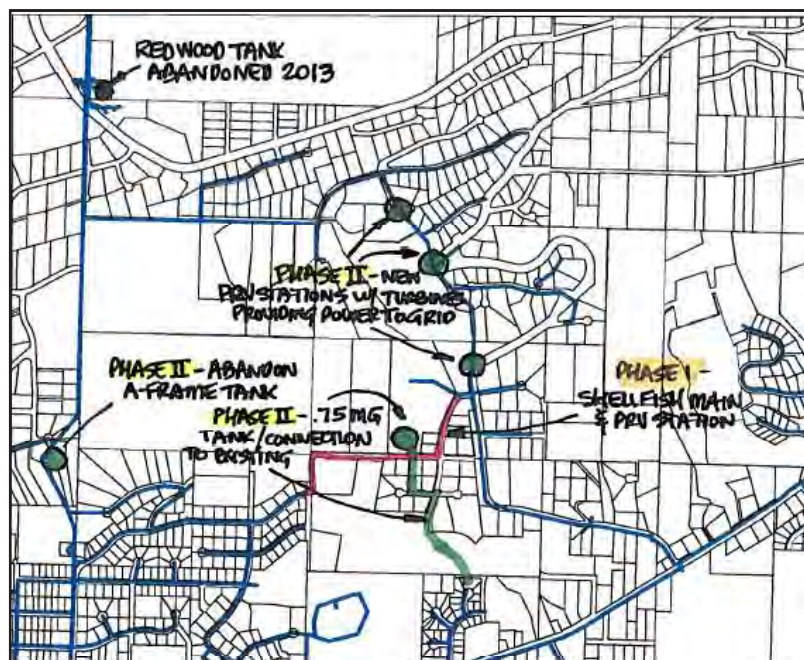
- **Phase 1:** was completed in 2016. 2,600 linear feet of 10” and 12” water distribution main was installed across Shellfish Avenue and a new pressure reducing vault (PRV) was constructed to provide water supply to a new tank site; 4,500 linear feet of 12” water main was extended on Kachemak Drive, both connecting isolated sections of town and eliminating dead end mains. The City removed an old redwood tank and purchased property on which the new tank will be constructed.
- **Phase 2:** consists of installing water transmission main in support of a future new water storage tank, rehabilitation of the existing A-Frame existing storage tank, and demolition of the A-Frame pressure reducing vault (PRV).
- **Phase 3:** consists of the construction of a new 0.75 million gallon water storage tank on the east side and a 0.25 million gallon tank on the west side to provide increased capacity for domestic use, fire flow and future micro hydro power generation, modifying/replacing three PRV station and the installation of micro-hydro turbines that can efficiently produce power back onto the grid, reducing the City’s electricity costs and creating green power.

Plans & Progress: : Project design was completed in 2014 utilizing \$485,000 in Special Appropriation project grant funds from the Environmental Protection Agency and \$399,214 (45%) in matching funds from the City . Phase 1 construction was completed in 2016 utilizing \$1,980,254 in FY16 State of Alaska Municipal Matching Grant program funds, \$848,680 City of Homer funds and benefitted property owner’s assessments. Portions of Phase 2 construction work were completed in 2019 using ADEC grant monies and water reserve funds using State of Alaska Municipal Matching Grant program funds and City of Homer water reserve account funds. Another portion of the new water transmission line referenced in Phase 2 will be installed as part of the Tasmania Court Water Special Assessment District, using funds from the ADEC/EPQ Drinking Water Fund as a loan and a partial Principal Forgiveness Subsidy. Phase 3 construction can be completed after phase 2 is finished and funding has been identified.

Total Project Cost: \$10,438,214
 2014 (Design, Completed): \$884,214
 2016 Phase 1 Construction(Funded, Completed):\$1,980,000
 2018-2021 Phase 2 Construction: \$1,600,000
 2022 Phase 3 Construction: \$5,974,000

FY2016 State Capital Allocation: \$1,980,254
 (City of Homer 30% Match: \$848,680)

Priority Level: 1



Phase 1, Shellfish Subdivision Main and PRV Station (indicated by red line) was completed in 2016. Phase 2 (green line) will be completed in 2018 - 2019.



State Projects

The City of Homer supports the following state projects which, if completed, will bring significant benefits to Homer residents.

Transportation projects within City limits:

- **Baycrest Overlook Gateway Improvements, Phase 3 ..38**
- **Homer Intersection Improvements.....39**
- **Kachemak Drive Rehabilitation/Pathway 40**
- **Main Street Reconstruction..... 41**
- **Sterling Highway Milepost 172:
Drainage Improvements42**

Transportation projects outside City limits:

- **Sterling Highway Reconstruction,
Anchor Point to Baycrest Hill..... 43**

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Baycrest Overlook Gateway Improvements Phase 3

FY 2023 - DRAFT Document

Project Description & Benefit: When you drive to Homer on the Sterling Highway, it is hard to resist pulling over at the Baycrest Hill Overlook, even if you have been there before. The overlook (constructed in the 1990's by visionaries at Alaska Department of Transportation and Public Facilities during a Sterling Highway reconstruction project) has become the primary entrance to Homer. The first experience of that Baycrest view is cited by many residents as the primary reason for deciding to settle in Homer.

Baycrest Overlook is one of three gateways into Homer and is part of Homer's Gateway Project, which entailed enhancing visitor and resident experiences at the entrances to Homer.

This project requests that the State Department of Transportation complete Phase 3 of the Baycrest Overlook Interpretive Plan -- paving the parking lot near the Welcome to Homer sign and upgrading the restroom facility -- as part of the Sterling Highway Reconstruction project Anchor Point to Baycrest Hill.

The City of Homer's ADA Transition Plan identified immediate needs to bring the site into ADA compliance, making the site accommodating for all visitors. The Van Accessible parking space needs clear demarcation with new painted lines and a "Van Accessible" sign. Public restroom improvements include relocating the grab bars to meet all location requirements, specifically addressing objects below the grab bar, and marking the restroom for the visually impaired.

Plans & Progress: The Gateway Project began in 2009 when a collaborative effort (involving the City of Homer, Alaska State Parks, National Park Service, Kachemak Research Reserve and U.S. Fish and Wildlife Service) created a beautiful diorama in Homer's airport terminal highlighting the wealth of public and private lands available to everyone who comes to Kachemak Bay.

In 2013, the City and State of Alaska DOT continued the focus on Homer's gateway sites by collaboratively producing the Baycrest Overlook Interpretive Plan which outlines three phases for improving the overlook. Many of the goals of the first two phases have been achieved, including making the site more welcoming, orienting visitors to the natural landscape and community, helping encourage commerce and allowing travelers a comfortable place to linger, rest and enjoy the spectacular setting.

To address the immediate accessibility issues, the City of Homer Public Works Department will evaluate the options of scheduling repairs in house as time and budget allow, and preparing cost estimates and requesting funds for a contractor to correct accessibility barriers cited in the ADA Transition plan.



Baycrest Overlook is often the first stop and introduction to Homer for many visitors.



Homer Intersection Improvements

FY 2023 - DRAFT Document

Project Description & Benefit: This project implements recommendations of the 2005 Homer Intersections Planning Study commissioned by the Alaska Department of Transportation and Public Facilities. The study analyzed the needs of twelve intersections according to traffic forecasts, intersection safety records, pedestrian concerns and intersection options. The benefit of the improvements will be to enhance traffic safety and quality of driving and pedestrian experiences, particularly as the community continues to grow.

The study noted six Homer intersections needing traffic controls to 1) provide gaps for turning vehicles and 2) provide safer crossings for pedestrians on Homer's main thoroughfares where traffic volumes are increasing and worsening in the summer months. DOT/PF have improved some of the intersections ; the two remaining include Sterling Highway at Pioneer Avenue and Sterling Highway at Heath Street.

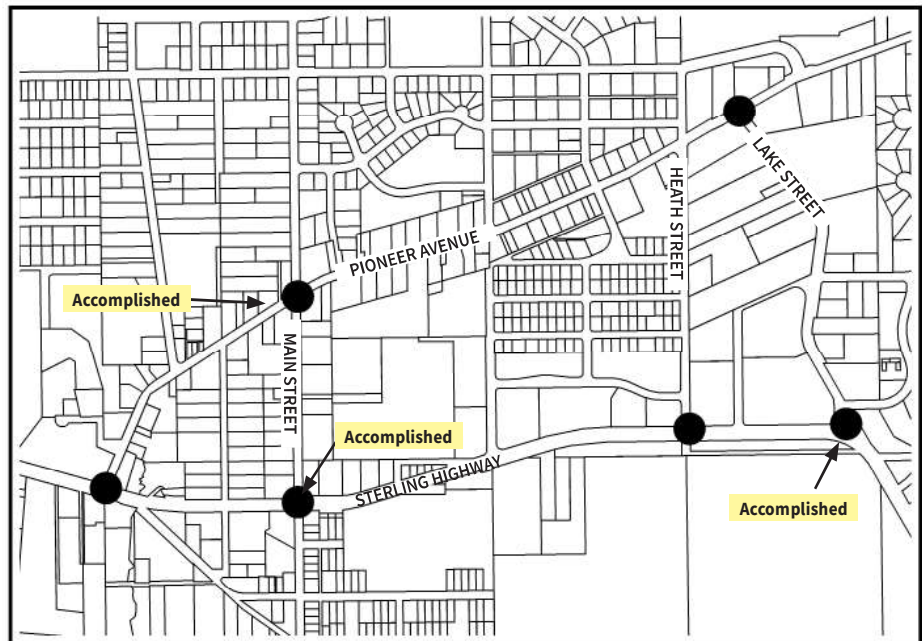
The intersection study also analyzed areas with poor or non-existent lane and crosswalk pavement markings, missing or inadequate crosswalk signage and heavy traffic volumes. City Council passed two resolutions formally requesting DOT&PF Include additional enhanced pedestrian safety measures in two area road improvement projects: Pioneer Avenue and Lake Street. Resolution 18-034 asked DOT&PF to install a pedestrian crosswalk across Lake Street at Grubstake when DOT&PF installs sidewalks and repaves Lake Street. Resolution 19-029 requests DOT&PF include crosswalks with lighting features across Pioneer Avenue at intersections in the Pioneer Avenue Pavement Preservation Project.

The City also expects the State of Alaska to adhere to 2010 ADA standards when constructing, altering or repaving streets and intersections, including mandated curb ramps or other sloped areas at intersection having curbs or other barriers to entry from a street level pedestrian walkway. Further, while not mandated, the City's ADA Committee endorses upgrading Homer's four traffic signals to audible pedestrian signals and evaluating potential additional traffic control/pedestrian crosswalk installation in areas where there are major pedestrian traffic generators or where multi-use trails crosses the roadway.

Plans & Progress: DOT/PF installed a four-way stop with flashing overhead beacon at the Pioneer Avenue and Main Street intersection in 2016. They installed a traffic signal at the Main Street and Sterling Highway intersection in 2019.

During the 2020 Pioneer Avenue Pavement Preservation Project, all curb ramps were updated to current ADA requirements, crosswalk markings that were agreed to between DOT&PF and the City (at Bartlett, Main, Svedlund, Kachemak, and Heath) were replaced with grooved-in thermoplastic; the crosswalk at Svedlund was relocated to make pedestrians more visible to drivers; the crosswalk at Main Street was relocated to align with the path on the south side; and portions of the existing pathway which had significant cracking, making them difficult for wheelchairs to use, were replaced.

DOT/PF completed design work for Lake Street Rehabilitation in 2020. While the design does not include a pedestrian crosswalk at Grubstake, it does include curb ramps, warning signs, and electric conduits for a potential crosswalk system in a future project.



Alaska DOT/PF's traffic study recommended traffic control signals at four central Homer intersections shown above.



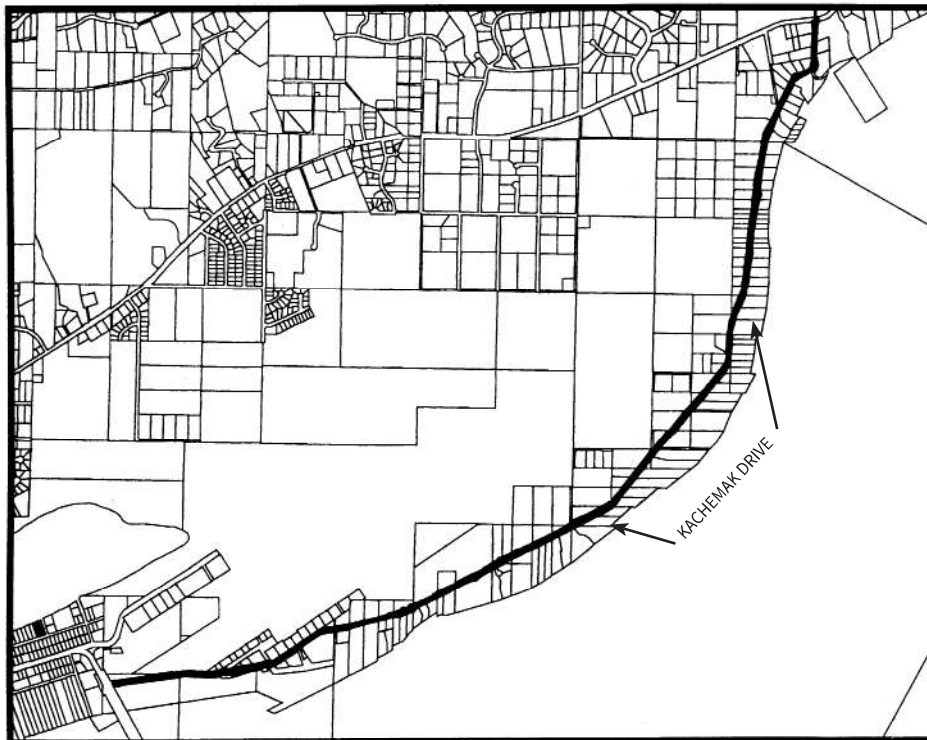
Kachemak Drive Rehabilitation/Pathway

FY 2023 - DRAFT Document

Project Description & Benefit: Kachemak Drive connects Homer Harbor with Homer’s industrial boat yards, serves drivers as a connector from the Homer Spit to East End Road, has a residential community, and serves as an alternate route to the airport. Truck, boat trailer, residential and commuter traffic are often heavy, with an approximate daily traffic of 1,500 vehicles. The road needs rehabilitation including raising the embankment, resurfacing, widening the road, and drainage improvements.

Bicyclists, pedestrians and occasional moms with strollers use Kachemak Drive to connect to the Spit, Ocean Drive, and East End Road bike paths. Kachemak Drive has narrow to non-existent shoulders, forcing cyclists to the left of the fog line. Motorists typically slow down behind bicyclists, wait until there is no oncoming traffic, then pass by crossing the center line. This procedure is dangerous to motorists and cyclists, especially on the hill leading up from the base of the Spit to the airport, where visibility is low. Bicycle traffic has increased in the past couple of years due to the advent of wide-tire winter bicycles and Homer’s increasing popularity as a bicycle friendly town. Construction of a separated pathway along East End Road will increase recreational and commuter bicycle and pedestrian traffic on Kachemak Drive and will improve driver, bicycle, and pedestrian safety. Because of the significant right-of-way acquisition involved, this project will likely take several years to complete.

Plans & Progress: The Kachemak Drive Path Committee has worked with the City of Homer Advisory Parks and Recreation Commission and Transportation Advisory Committee to explore potential alternatives. The City performed preliminary engineering in 2012 on a portion of the trail and found significant grade and easement challenges to the project.



Project location for Kachemak Drive pathway.



Main Street Sidewalk Facility South: Pioneer Ave to Ohlson Lane-

FY 2023 - DRAFT Document

Project Description & Benefit: This project will provide curb and gutter, sidewalks and storm drainage for the state-owned portion of Main Street from Pioneer Avenue south to Ohlson Lane.

Homer's Main Street is a primary north-south corridor running from Bayview Avenue (near the hospital) to Ohlson Lane (near Bishop's Beach). As such, it is a busy mixed-use collector street, collecting traffic from adjacent neighborhoods and connecting it to Homer's main thoroughfare – the Sterling Highway, which is part of the state's highway system. It also supports residential traffic as the street is home to many single family residences, some multi-family residences, and leads to trails systems and one of the City's most popular parks.

Despite its proximity to the hospital, businesses and residential neighborhoods, Main Street has no sidewalks, making pedestrian travel unpleasant and hazardous. Sidewalks on this busy street will enhance the quality of life for residents and visitors alike and provide economic benefits to local businesses and the community as a whole.

Plans & Progress: Main Street is city-owned from Pioneer Avenue northward, and a State street from Pioneer Avenue south. The Homer Non-Motorized Transportation and Trail Plan, adopted by the City Council in 2004, calls for construction of sidewalks on both sides of Main Street to provide a safe means for pedestrians to travel between Old Town and Pioneer Avenue, and stresses that this should be regarded as a "near term improvement" to be accomplished in the next two years. Further, City Council passed Resolution 06-70 in June 2006 requesting DOT & PF upgrade Main Street with a sidewalk facility.

In the FY22-23 City of Homer Capital Budget, Homer City Council approved \$1.1M to install sidewalks on the city owned portion of Main Street, from Pioneer Avenue North. Over the last several years, State of Alaska DOT & PF obtained \$2.8 million to make safety improvements to Main Street Intersections. In 2016, they installed a four-way stop and flashing overhead beacon at the Pioneer and Main Street intersection. They then installed a traffic signal at the Sterling Highway and Main Street intersection. However, this work did not address pedestrian safety improvements on Main Street itself.

The City strongly supports development of a continuous pedestrian facility along the whole of Main Street, leveraging its funding to help secure State funding for the construction of an ADA accessible sidewalk located within the vehicular right-of-way on the west side of Main Street from Pioneer Avenue to its southern terminus. Some drainage work within the right-of-way would be required to properly direct storm water runoff to catchment basins and adjacent roadside ditches.



A mother pushes a stroller along Main Street between the Sterling Highway and Bunnell Street, while another pedestrian walks on the other side of the road.



Sterling Highway Milepost 172 Drainage Improvements

FY 2023 - DRAFT Document

Project Description & Benefit: The Baycrest Subdivision neighborhood (downslope from a beehive collector installed at milepost 172 on the Sterling Highway by the Alaska Department of Transportation (ADOT)) is built on sloping terrain of unconsolidated soils containing blue clay with a high water table and incidental springs. Properties in this subdivision experience unusually high levels of flooding, runoff and erosion.

Some Judy Rebecca Court properties in this neighborhood in particular have suffered damage due to water saturation including cracked windows and shifting foundations. The property damage is related to the amount of water in the soil and every effort needs to be extended to control the amount of water introduced into the soil, including water runoff from the Sterling Highway. These homes are located 750 linear feet distant and 125 feet vertical downslope from the beehive collector outfall. While certainly not all the problematic water is coming from the outfall, attention to drainage in the area is important to reduce the potential for slope failure and possible loss of property and life.

Water flow volume measurements from the beehive collector over time indicate that the outfall is directing a concentrated discharge of water onto the Baycrest neighborhood slope, adding to an already precarious water saturated soil condition. The City of Homer requests that ADOT divert the beehive collector outfall off the slope and into a natural drainage similar to the one that exists below the next Sterling Highway concrete encased cross-drain some 80 paces east of the Mt. Augustine Drive intersection with the Sterling Highway.

Keeping water off this slope where possible helps mitigate the potential for catastrophic slope failure; discharging the beehive collector outfall into a naturally occurring drainage mitigates the potential for impacting other area properties with the additional runoff.

Plans & Progress: At the request of affected home owners and Homer City Council members, a local retired geologist studied and provided mitigation recommendations to the City of Homer and ADOT. Additionally, Newton Bingham, a PE with ADOT evaluated the situation in November of 2017. In recognition of the potential hazard to property and life, Homer City Council passed Resolution 17-082 in September 2017 directing the Homer Advisory Planning Commission to consider a Natural Hazards Overlay District or other appropriate zoning regulation on and around Baycrest Subdivision. In line with an Alaska Administrative Order 175 under Order item 1 which states, "To the maximum extent possible consistent with existing law, all state agencies with construction ...shall encourage a broad and united effort to lessen the risk of flood and erosion losses in connection with State lands and installations and state-financed or supported improvements..."; City Council passed Resolution 18-008 in January 2018 requesting ADOT fix Sterling Highway drainage effecting the Baycrest Subdivision.

In February 2018, a group from Homer met with ADOT Deputy Commissioner Amanda Holland and telephonically with Central Region Director Dave Kemp about Homer's request.

A February 2019 letter from ADOT refutes that the highway and culvert are altering the drainage pattern as the highway and culvert predates development of the Baycrest Subdivision by twenty years. The letter also states that no engineering analysis would suggest that moving the culvert to a new location would improve conditions in the subdivision. On the contrary, it would (rightly) result in claims that ADOT is altering drainage patterns and then would be held responsible for any and all erosion in the area downhill.



Aerial photo of the area downslope of the outfall from a Sterling Highway beehive collector.



Sterling Highway Reconstruction Anchor Point to Baycrest Hill

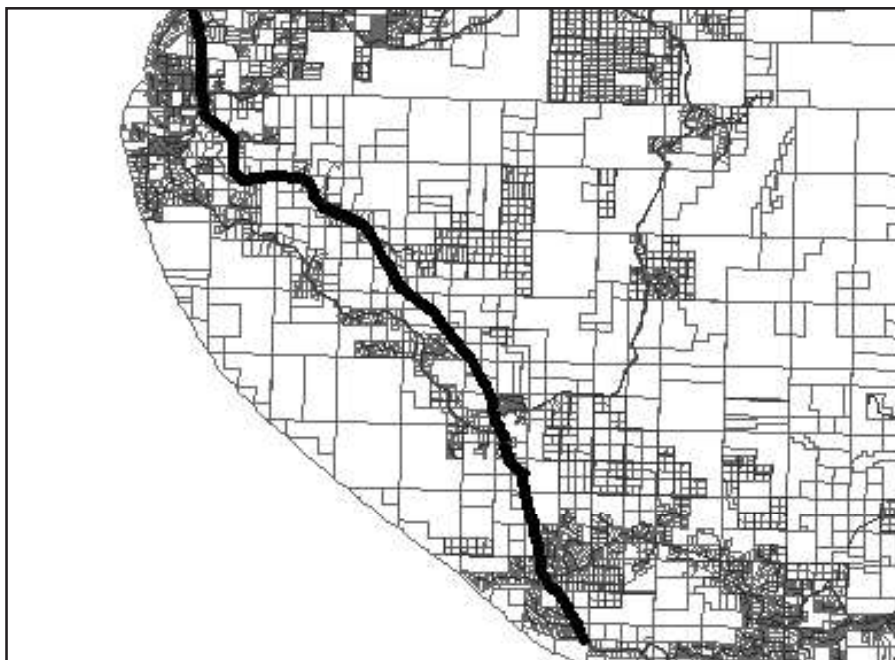
FY 2023 - DRAFT Document

Project Description & Benefit: This project will reconstruct 12 miles of the Sterling Highway between Anchor Point (MP 157) and the top of Baycrest Hill in Homer (MP 169) to address severe safety issues resulting from curves, hills and blind spots on the existing road. The project has been identified as a high priority of the Kenai Peninsula Borough.

Many major side road intersections, gravel hauling operations, and school bus stops contribute to dangerous conditions on the 12-mile section of highway, which has been the scene of several serious accidents, many with fatalities, over the past several years. Continued population growth has led to more subdivisions with intersecting roads and more traffic on the highway, exacerbating the problem. School buses must stop in some locations with blind corners and hills.

According to the 2018-2021 Statewide Transportation Improvement Plan, the project will provide passing lanes, widening and realignment to address safety and passing opportunities, and pavement resurfacing between Anchor Point and the top of Homer Hill. The South Fork Anchor River Bridge (deemed structurally deficient by DOT&PF) will be replaced and a new bridge is proposed to replace culverts that currently carry the North Fork Anchor River under the Sterling Highway.

Plans & Progress: \$2.5 million dollars was included in the FY2013 capital budget for design and right of way phases of this project. Preliminary engineering and environmental assessment services began in the summer of 2014. DOT&PF is still working on project plans. As a full rehabilitation project, it has a high level of environmental work. \$1.7 million dollars was in the FY19 budget for Right of Way funding. DOT does not expect to go into construction on it for several years. \$80.8 is currently budgeted after 2021.



Location of DOT&PF's Sterling Highway Reconstruction Project.



Projects Submitted by Other Organizations

The City of Homer supports the following projects for which local non-profit organizations are seeking funding and recognizes them as being of significant value to the Homer community:

- **Beluga Slough Trail Extension 45**
- **Homer Hockey Association:
Kevin Bell Ice Arena Acquisition..... 46**
- **Homer Senior Citizens Inc.:
Alzheimer’s Unit 47**
- **Kachemak Shellfish Growers Association:
Kachemak Shellfish Hatchery 48**
- **Kachemak Ski Club:
Homer Rope Tow Access & Equipment Upgrades 49**
- **South Peninsula Behavioral Health Services
The Annex Upgrade 50**

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Beluga Slough Trail Extension

FY 2023 - DRAFT Document

Project Description and Benefit: The goal of this project is to extend the existing Beluga Slough Trail around the northern perimeter of Beluga Slough to expand recreational and educational opportunities for the Homer community and its visitors. Beluga Slough is a unique environment which has been the focus of environmental education activities for decades. Naturalists from federal, state and non-governmental agencies bring local families and visitors to the existing trail to share the rich natural history of the slough's vegetation, wildlife and invertebrates. The 0.5 mile extension provides greater viewing opportunities for shorebirds, salt marsh habitats and intertidal flats. The extension would create a quiet, non-motorized trail away from the Sterling Highway with connections to Bishop's Beach, Homer's Old Town District and Ben Walters Park.

Plans and Progress: This trail concept is included in the 2004 Homer Non-Motorized Transportation and Trail Plan. A community-based project team has formed to honor Carmen Field, who taught so many about Beluga Slough through her work at the Kachemak Bay National Estuarine Research Reserve and Alaska Department of Fish and Game. This trail extension would allow Carmen's memory and her love for bringing people out into the natural world to live on.

The proposed trail (see map below) would be on City of Homer property. Owners of the new Aspen Suites Hotel, which opened in May 2019, anticipate re-platting their private parcel and donating the lower portion to the city (indicated by yellow star). Planning for the project and discussions with the private landowner is under way. Construction of Phase 1 is anticipated to start in fall of 2021.

Project proponents have discussed potential project sponsorship and/or trail coalition membership with The Homer Foundation and other area organizations. Discussions with City of Homer Park, Arts, Recreation & Culture Advisory Commission and City staff, yielded the following issues that will need to be addressed and budgeted for as the project moves forward:

- security vulnerability of the Public Works complex and sewer treatment facility;
- places recreational feature in floodplain, which is inconsistent with AK Department of Transportation & Public Facilities emergency response plan in the event of potential Beluga Slough Dam failure;
- mitigation of illegal use of lands newly accessed by the trail and the added security measures (landscaping/patrol time) it requires to insure public safety; and
- environmental permitting /land use authorizations.

Total Project Cost: The project will be accomplished in three phases with significant community-based labor and supplies anticipated.

Phase 1: negotiation with private land owner for donation or easement, project design work, and construction of 375 feet of the western-most part of the trail (backcountry – recreational trail design): \$25,000 - 75,000

Phase 2: construction of 1,200 feet of the eastern part of the trail (backcountry - recreational trail design): \$150,000 - 250,000

Phase 3: construction of 1,000 feet of the middle and wettest section requiring a semi-improved trail design: \$300,000 - 450,000



Proposed extension of the Beluga Slough Trail indicated by white dashed line.



Homer Hockey Association Kevin Bell Ice Arena Acquisition

FY 2023 - DRAFT Document

Project Description & Benefit: The Kevin Bell Arena was constructed in 2005, with initial funding from grants associated with the 2006 Arctic Winter Games combined with a loan from English Bay Corporation /Homer Spit Properties. Homer Hockey Association (HHA) has successfully operated the Arena since its opening. HHA has met operating and capital acquisition costs within a yearly budget of \$300,000 to \$350,000. HHA is seeking financial support to retire the remaining debt of \$2,087,000 million dollars from purchasing the Arena.

HHA's mission is to cultivate on-ice recreation of all kinds, for all ages, on the Lower Kenai Peninsula. HHA has been accomplishing this mission for more than a decade as one of the few non-profit, volunteer run ice rinks in the United States. Volunteers contribute an estimated 14,000 hours annually, representing a huge commitment of time and effort by our community. Over the years, programs have been expanded to include activities for all: figure skating, hockey at all age and skill levels, broomball, curling and numerous community and school open skate events. The public and open skate events bring up to 1000 additional users during the busiest months. These efforts earned HHA the 2012 Alaska Recreation and Parks Association Outstanding Organization award and more recent recognition from the USA Hockey Association.

The Kevin Bell Arena hosts numerous games, tournaments and events that bring commerce to the City of Homer. This is especially important during the winter when tourism and occupancy rates are low. HHA hosts several separate youth and adult hockey tournaments totaling approximately 150 games each year. In 2015-2016 these games brought over 1,160 out of town players to Homer, accompanied by family and fans that contributed an estimated \$646,187 to the local economy through lodging, transportation, dining and merchandise purchases. KBA has hosted several consecutive youth State Hockey Championship Tournaments which are widely attended by families from all over the State.

Plans and Progress: HHA has an active and committed Board of Directors and membership. The volunteer hours are leveraged by several successful fundraisers, sponsor and advertising campaigns, grant awards and donations each year. This covers approximately one third of the annual operating and capital expenses. The remaining expenses are covered by user fees.

The purchase of the building would provide HHA the opportunity to open more programs and expand existing programs to include more of the community. The high user fees are a barrier for many families but necessary just to meet annual expenses. The building purchase would allow HHA to adequately fund and plan for the replacement of the major mechanical components of the ice arena. It would also allow for major building maintenance projects to be funded. It could allow for heating and additional seating to accommodate the spectators. Major projects that could increase revenue such as permanent year-round flooring could become feasible. The building purchase would allow this important community resource to grow and prosper into the future.

Total Project Cost: \$2, 087,000



Christmas Eve public skate at Kevin Bell Arena is well attended.



Homer Senior Citizens Inc. Alzheimer's Unit

FY 2023 - DRAFT Document

Project Description & Benefit: Seniors are the fastest growing population for the State of Alaska. Homer is projected as the second city in the State which will see the most significant growth in this demographic. Homer Senior Citizens operates a 40-bed assisted living facility. We have sent four seniors from our community due to Alzheimer’s disease in the past four years. Losing one senior a year is unacceptable as it tears away the fabric of our community. Most of our seniors have families remaining in the Homer community.

To maintain the health of a senior, a full continuum of care is required. Maintaining physical, mental, and social capacity supports the dignity of our most vulnerable adults. HSC Alzheimer’s Unit has been a strategic priority for the Board of Directors to keep our seniors’ home in the community. We will not need a certificate of need for this project.

The Alzheimer’s Unit will include fifteen beds and 24/7 care. Additionally, we will include a memory care program to maintain the existing cognitive capacity. Specific features for therapy pool and activities room which will be open to all seniors 55 and older. The activities room will be stage 2 of the project and will incorporate low-impact exercise equipment to maintain senior’s physical capacity. This also opens the possibility to contract with South Peninsula Hospital for use of the therapy pool for other age groups benefiting the entire population of Homer.

We will be holding many fundraising events to secure the match for foundation grants. We have identified three foundations which funds for this type of project are acceptable. One of the priorities for scoring of the grants is Capital Improvement Plan designation.

Operating funds will be secured from “fees for service;” room and board; billing for Physical Therapy in both the therapy pool and the exercise program in the activities room (once stage 2 has been completed); and fees for contracted space for equipment and pool.

Plans & Progress: HSC has met with Hydro Worx to incorporate the Therapy Pool with the Alzheimer’s Unit. Projected 5-year profit will be approximately \$1,508,600. This does not include contractual arrangements with third party vendors.

We have been activity fundraising for the Unit for the past five years. Fundraising activities include our Annual Alzheimer’s Fundraiser at the Second Star Mansion with a live concert by a Chicago Jazz Band led by Tim Fitzgerald. To date we have accumulated total of \$99,550 in fundraising for this valuable project.

Due to COVID-19, we postponed plans with our architect to design the facility. We will begin discussions with the architect again this fall.

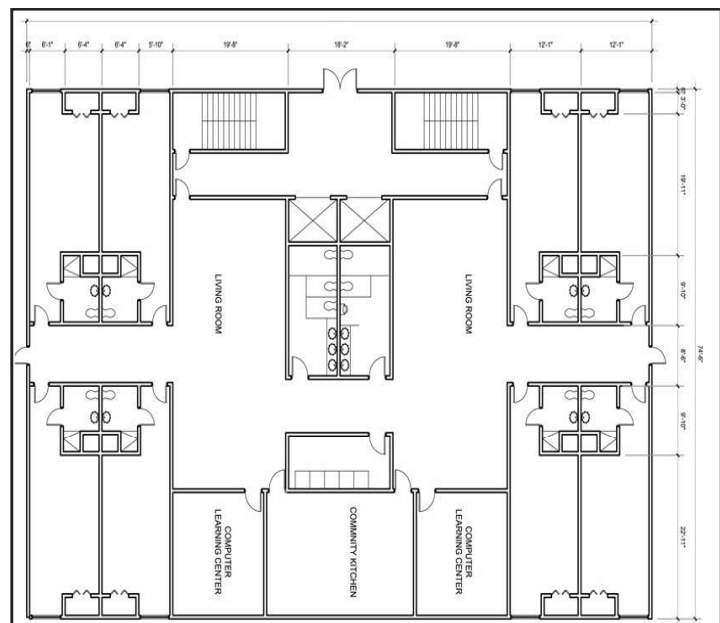
Total Project Cost: \$3,000,000

Funding Received as of date: \$99,950

Schedule: 2021



Example of a HydroWorx Therapy Pool Room .





Kachemak Shellfish Mariculture Association Kachemak Shellfish Hatchery

FY 2023 - DRAFT Document

Project Description and Benefit: Since 1994 Kachemak Mariculture Association (KSMA), a 501c5 organization, has steadfastly upheld its primary mission of assisting shellfish growers in Kachemak Bay to establish an economically sustainable oyster industry. Today through its close partnership with the Kachemak Shellfish Growers’ Coop (KSGC), eleven aquatic farms are providing jobs for processing, marketing, and shipping half-shell oysters. For the last eight years the processing facility on the Spit is also culturing, marketing, and shipping oyster seed to the eleven member farms and to farms outside of Kachemak Bay.

KSGC farms have been recently impacted by oyster seed shortages affecting the entire Pacific Coast. The farmers wrestled with the financial realities of unpredictable seed shortages. KSMA farmers decided to be in charge of their own seed production. Therefore the farmers decided to build a small experimental seed hatchery / setting facility at the KSMA building to address the seed needs of the growers. This experimental hatchery has consistently set millions of spat seed every year thanks due to the nutrient rich waters, dedication of two KSMA employees, and the growers volunteerism. The local nursery has been undermanned and underfunded, but the resulting seed has proven to out perform all other seed—it grows faster and mortality rates are significantly better than all previous seed grown outside of Alaska. However, this past year, severe tides and storms have hastened the degeneration of a critical piece of nursery equipment.

The piece of equipment is called a FLUPSY — a Floating UPwelling System. Microscopic spat cannot go directly from the hatchery to the farm sites. The spat must spend six months to a year in appropriately graded bins, at great labor expense of cleaning and grading, in salt water that is constantly being moved by an electrically-driven paddle wheel. At 18 years old, the FLUPSY lacks AK DEC compliant floatation, and is showing the wear-and-tear of the harsh maritime climate coupled with winter storm damage. The present FLUPSY is also unsecured making it a vandalism target. The project includes new safety equipment and covered, lockable dry storage for tools and laborer’s needs.

The economic benefits of this oyster industry in Homer are great. Oysters have become a sparkling year-round addition to Homer’s seafood options for locals and tourists alike. Every cooler of oysters delivered to the dock represents approximately \$150 to the grower. By the time the end user receives those oysters, the economic ripple effect becomes approximately \$725. Excess seed is sold to other growers in and out of state helping to fulfil an economic development priority in Alaska’s Comprehensive Economic Development Strategy.

Our local hatchery and a new, safe state-of-the-art FLUPSY can also provide a viable educational lab for high school and university students, who currently have to travel to Seward for mariculture studies. Mariculture courses could easily be developed around aquatic farming opportunities including the raising of sea vegetables and kelp.

Plans and Progress: The new FLUPSY is being developed in two phases. The design phase is complete. With the help of the Kenai Peninsula Economic Development District, KSMA continues to pursue grant funds to assist with the construction phase. KPEDD recently informed us that they cannot continue to pursue funding due to shift in COVID related needs. Should funds be secured from other sources, KSMA will be seeking grant matching funds.

Total Project Cost: \$247,500



Left: Oyster spat ready to sell to growers. Right: FLUPSY bins taken out of the water. Spat in the right bin have been cleaned, sorted, graded and counted.



Kachemak Ski Club Homer Rope Tow Access & Equipment Upgrades

FY 2023 - DRAFT Document

Project Description & Benefit: The Kachemak Ski Club was founded more than sixty years ago to operate a rope tow just off Ohlson Mountain Road near Homer. Our founders wanted to get Homer kids out of the house on the weekends and it is no different today. Over the years, this historic public recreational treasure has hosted thousands of downhill sports enthusiasts, family and social gatherings and also has served as a venue for snow sports safety instruction.

This project improves access to the base of the ski hill from Ohlson Mountain Road, making the lodge and slopes more welcoming for youngsters and newcomers. It relocates and refurbishes the hill’s aging bullwheel at the top of the slopes and includes grade work to the upper slope’s towpath to lower the rope’s haul angle. It also allows purchase of a second portable rope tow device to improve access to the more gentle slopes at the base of the hill for children and beginners.

Plans and Progress: The Homer Rope Tow recreation area is separated from Ohlson Mountain Road by private land, but has legal access via a section line easement. A circuitous quarter mile long trail connects the road to the hill, avoiding several structures that encroach into the easement. To make access safer and quicker, Kachemak Ski Club plans to purchase an easement that would halve the walk-in distance from the road and construct a new Ohlson Mountain Road turnout with a widened parking area. These upgrades will make access shorter and more manageable for parents juggling both gear and young children and will minimize the safety risks of the double parking on Ohlson Mountain Road that now occurs during crowded weekends.

In addition to the above-described relocation of the electric motor bullwheel house and grade work to the upper slope, Kachemak Ski Club plans to acquire a portable rope tow device that can be positioned on the lower part of the hill for beginners and children. This would serve to increase the number of skiers who can be accommodated on busy days as well as a shorter, less physically taxing tow ride for younger and less experienced skiers. It could also be used for snowsport instructional classes and special events, leaving the main rope tow free for other riders. Some funds would also be used to acquire terrain park features to offer entertaining challenges for skiers and snowboarders.

Total Project Cost: \$95,000

Equipment (auxiliary rope tow & terrain park features): \$35,000

Parking & Right of Way Access Trail: \$30,000

Relocation of Bull Wheel & Slope Grading: \$30,000



Youth enjoying Homer’s own downhill ski area.



South Peninsula Behavioral Health Services: The Annex Upgrade

FY 2023 - DRAFT Document

Project Description & Benefit: South Peninsula Behavioral Health Services provides services at multiple sites throughout Homer. Our customers include children, adults and families that may be struggling with mental illness, development disabilities, substance use disease, or combinations of all three. One of our older facilities, 948 Hillfair Court, also known as The Annex, houses several of our important programs serving over 140 individual customers annually. Programs include:

- *Journeys* - day treatment and adult rehab.
- *Souply* - our vocational training soup delivery program.
- *Individual Placement and Support (IPS)* - our vocational training program that partners with local business to provide vocational experience for those struggling with a variety of issues including treatment and case management support for our customers in need.

The building is old and annual repairs to plumbing, painting, the Souply kitchen, and the treatment rooms often exceeds our maintenance budget for our entire agency. We are in the initial planning stages of rebuilding and redeveloping this property to better accommodate the needs of our clients, our staff and the community.

The updated building will include a revitalized commercial kitchen; treatment rooms that are private and secured; group and community rooms that are designed to meet the needs of our population; updated electric, plumbing and network services; and expanded services to meet the health needs of the community.

Plans and Progress: SPBHS has completed phase one of the project with a \$50,000 dollar grant to improve the foundation and address structural issues. This also included clearing space next to the building and addressing drainage issues created by neighboring properties. SPBHS also received a grant to assist in upgrading the Souply kitchen equipment.

The SPBHS Board of directors Facilities Committee and the Client Council have been reviewing possible next steps for updating/ expanding the building. This has included developing plans to remodel the current footprint while expanding internal square footage to better meet the needs of the program. It has also included proposals to build an additional building immediately adjacent to meet the needs of the clients and the community.

Upon finalizing the next steps the agency will begin moving forward with a three-year project to remodel The Annex. This will include fundraising from foundations and other charitable organizations, determining the full scope of services to implement in the new building, and developing a three-year work plan. SPBHS has included in its budget for the coming year an effort to end the year with a \$250,000 surplus earmarked for the project.

In March of 2020, all agency-wide facilities updates were put on hold. During the past year as agency, client, and community changes have informed the way we do business, we are reviewing how those changes (telecommuting, telemedicine, etc.) impact our services. To this end, we anticipate that the updating of our Hillfair property will continue, albeit with different end goals that have not been detailed at this point. During the summer of 2021, the SPBHS is undertaking a new strategic planning session. This will inform the direction of the renovations/updates/improvements to the Hillfair Property.

Total Project Cost: \$500,000-\$750,000.



Annual maintenance to the Annex, an older, former residential building that houses several SPBHS programs, often exceeds SPBHS' entire agency maintenance budget.



The Annex's group treatment space needs remodeling to make the space more private and separate from a public entrance, public bathroom and stairway to offices..



Capital Improvement Long-Range Projects

The following projects have been identified as long-range capital needs but have not been included in the Capital Improvement Plan because it is not anticipated that they will be undertaken within the six-year period covered by the CIP. As existing CIP projects are funded or as other circumstances change, projects in the long-range list may be moved to the six-year CIP.

Local Roads

Fairview Avenue – Main Street to East End Road: This project provides for the design and construction of Fairview Avenue from Main Street to East End Road. The road is approximately 3,000 linear feet and the project will include paving, water and sewer mains, stub-outs, storm drains, and a sidewalk or trail. The project extends from the intersection of Main Street to the Homer High School, and finally to East End Road, and will provide an alternative to Pioneer Avenue for collector street access east/west across town. This roadway would benefit the entire community by reducing congestion on Pioneer Avenue, the major through-town road, and would provide a second means of access to the high school. It would also allow for development of areas not currently serviced by municipal water and sewer.

This improvement is recommended by the 2005 Homer Area Transportation Plan. Necessary right of way has already been dedicated by the Kenai Peninsula Borough across the High School property.

Cost: \$1.75 million Priority Level 3

Fairview Avenue – Main Street to West Hill Road: This project provides for the design and construction of Fairview Avenue from Main Street to West Hill Road. The road is approximately 4,200 linear feet and the project will include paving, water and sewer mains, stub-outs, storm drains, and a sidewalk or trail. In conjunction with the Fairview to East End Road project, this project will benefit the entire community by providing an alternative to Pioneer Avenue for collector street access east/west across town, thereby reducing congestion on Pioneer Avenue and developing alternative access for emergency vehicle response. The need for the road extension has increased markedly with the development of three major residential subdivisions in the area.

This improvement is recommended in the 2005 Homer Area Transportation Plan.

Cost: \$3 million Priority Level 3

Parks And Recreation

Staff recommends removing this project based on difficulty/cost of building/maintaining infrastructure (stairs) on the active bluff area.

Beach Access from Main: This project will provide residents and visitors with coastal viewing stations and access to the beach at the southern end of Main Street, utilizing City-owned land. The project will enhance connectivity in Homer's developing trails and park system, providing additional access so that beach-goers can walk onto the beach at one point and off at another, on a loop through Old Town, Town Center, etc. For those not physically able to walk all the way to the beach, platforms near the roads will provide nice views and benches on which to relax. Interpretive signage could provide information on Homer history, beach formation, and other topics.

The Main Street beach access point is envisioned to have a small parking area, a viewing platform with a bench, and stairs with landings.

Cost: \$250,000 Priority Level 3



Capital Improvement Long-Range Projects

FY 2023 - DRAFT Document

East Trunk/Beluga Lake Trail System: This project will create two connecting trails:

- The Beluga Lake Trail will partially encircle Beluga Lake with a raised platform trail that includes a wildlife observation site. The trail will connect neighborhoods and business districts on the north and south sides of the lake.
- The East Trunk Trail will provide a wide gravel pathway from Ben Walters Park east along the City sewer easement, along the north side of Beluga Lake (connecting with the Beluga Lake Trail), and eventually reaching East End Road near Kachemak City.

The completed trail system will connect Paul Banks Elementary School, the Meadowood Subdivision, and other subdivisions and residential areas to Ben Walters Park. It will additionally provide hiking, biking, and wildlife viewing opportunities around Beluga Lake. In addition, it will provide an important non-motorized transportation route.

The Beluga Lake Trail, a trail connection to Paul Banks Elementary School and East End Road are included in the 2004 City of Homer Non-Motorized Transportation and Trail Plan.

Cost: Beluga Lake Trail—\$1.5 M East Trunk Trail—\$2 M Priority Level 3

Horizon Loop Trail, Phase 1: The Homer Horizon Loop Trail is proposed as a four to five mile route that would run clockwise from Karen Hornaday Park up around the top of Woodard Creek Canyon, traverse the bluff eastward, and then drop down to Homer High School. The parking lots of Karen Hornaday Park and Homer High School would provide trailhead parking. Those wishing to complete the loop will easily be able to walk from the high school to Karen Hornaday Park or vice versa via Fairview Avenue. A later stage of trail development will connect the Horizon Loop Trail with the Homestead Trail at Bridge Creek Reservoir.

Cost: Staff Time Priority Level 3

Jack Gist Park Improvements, Phases 3: Jack Gist Park has been in development since 1998 on 12.4 acres of land donated to the City of Homer by a private landowner. As originally envisioned by the Jack Gist Recreational Park Association, this parcel was developed primarily for softball fields. The long-term goal is to acquire adjacent properties that will provide space for soccer fields. Phase 3 development will construct a plumbed restroom at the park and develop soccer fields.

Staff recommends removing this project as Phase 3 (extending water utility to the park) is included in Jack Gist mid-range project description.)

Cost: \$400,000 Priority Level 3

Karen Hornaday Park Improvements, Phase 4: Phase 4 park improvements will include building a concession stand, shed, landscaping, signage, and revegetating Woodard Creek.

Staff recommends removing this project as concessions stands are not used anymore and other elements are included in KHP mid-range project description.

Cost: \$860,000 Priority Level 2

Mariner Park Improvements: This project will provide significant improvements to Mariner Park as called for in the park's master plan: Construct a bike trail from the "Lighthouse Village" to Mariner Park (\$325,000); Construct a pavilion, additional campsites, and interpretive kiosk (\$150,000); and improve the appearance of the park with landscaping (\$75,000).

Total: \$500,000 Priority Level 3



Capital Improvement Long-Range Projects

FY 2023 - DRAFT Document

UTILITIES

Water Storage/Distribution Improvements Phase 4 - Spit Water Line: The existing Homer Spit water line is 40 years old and is constructed of 10-inch cast iron. In recent years it has experienced an increasing number of leaks due to corrosion. The condition has been aggravated by development on the Spit resulting in increased load from fill material on an already strained system. This project consists of slip lining approximately 1,500 linear feet of water main to the end of the Spit. Slip lining the Homer Spit waterline, versus replacing, will reduce cost while ensuring an uninterrupted water supply for public health, fire/life safety needs, and protecting economic activities on the Spit. Grant funds from the EPA allowed the City to complete project design in 2014.

Cost: \$400,000 Priority Level 3

Bridge Creek Watershed Acquisition: Currently, the Bridge Creek watershed is the sole source of water for Homer. To protect the watershed from development that could threaten the water supply and to ensure the availability of land for future water supply within the watershed, the City seeks to acquire additional acreage and/or utilize conservation easements to restrict development that is incompatible with clean water.

Cost: \$1,000,000 Priority Level 3

Alternative Water Source: Currently Bridge Creek Reservoir is Homer's sole water source. Population growth within the City, increased demands for city water from residents outside City limits, increasing numbers of tourists and summer residents, and climate change has reduced surface water availability. These factors demonstrate the need for a new water source to augment the existing reservoir. An alternative water source also builds redundancy into this essential life/safety municipal infrastructure, making it possible to serve town with treated drinking water and adequate fire protection in the event of contamination or earthquake damage to Bridge Creek Reservoir.

Cost: \$16,750,000 Priority Level 3

West Hill Water Transmission Main and Water Storage Tank: Currently, water from the Skyline water treatment plant is delivered to Homer via two transmission mains. One main (12-inch) is located along East Hill Road and delivers water to the east side of town. The other (8-inch) runs directly down to the center of town. A third transmission main is needed to deliver water to the west side of town, provide water to the upper West Hill area, and provide backup support to the two existing transmission mains. A new water storage facility is also needed to meet the demands of a rapidly growing community.

The addition of a third water transmission main has been identified in comprehensive water plans for over 20 years.

Cost: Design—\$500,000 Construction—\$4.5 M Priority Level 2

STATE PROJECTS

Ocean Drive Reconstruction with Turn Lane: Ocean Drive is a segment of the Sterling Highway connecting Lake Street with the Homer Spit Road. It sees a great deal of traffic, particularly in the summer, and has become a source of concern for drivers, bicyclists, pedestrians and tour bus operators. This project will improve traffic flow on Ocean Drive and reduce risks to drivers, bicyclists, and pedestrians by creating a center turn lane, providing well-marked crosswalks, and constructing a separated bike path. The project will also enhance the appearance of the Ocean Drive corridor by moving utilities underground and providing some landscaping and other amenities.

Currently, a bicycle lane runs on the south side of Ocean Drive. However, it is common for vehicles to use the bicycle lane to get around vehicles which have stopped in the east-bound traffic lane to make a left turn, presenting a significant risk to bicyclists and pedestrians using the bike lane. Attendance at the Homer Farmers Market during the summer season contributes significantly to traffic congestion in the area. In addition, Homer is seeing increased cruise ship activity which also translates into more traffic on Ocean Drive. All of these factors have led to increased risk of accidents.



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- Resolution 21-~~XXX~~57
- City of Homer Financing Assumptions58

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Capital Improvement Appendices

**CITY OF HOMER
2022-2027 CAPITAL IMPROVEMENT PLANNING PROCESS
FY 2023 LEGISLATIVE REQUEST DEVELOPMENT SCHEDULE**

FY 2023 - DRAFT Document

ACTION	TIME FRAME
City Council Approval of CIP Planning Schedule	May 24, 2021
Solicit new/revised project information from City Departments, local agencies and non-profits	May 27, 2021
Input for New Draft Requested By	June 30, 2021
Prepare and Distribute Draft CIP to City Advisory Groups for Review and Input:	
Planning Commission	August 4
Park, Arts, Recreation and Culture Advisory Commission	June 17
Port and Harbor Advisory Commission	July 28
Economic Development Advisory Commission	August 10
ADA Committee	August 27
Administrative Review and Compilation	August 12 - August 19
City Council Worksession to Review Proposed Projects	August 23
Introduction of Resolution on CIP/Legislative Request	September 13
Public Hearing on CIP/Legislative Request	September 27
Adoption of Resolution by City Council	September 27
Administration Forwards Requests for Governor's Budget	October 8
Distribution of CIP and State Legislative Request	October 8
Compilation/Distribution of Federal Request	October 2021 & January 2022



Capital Improvement Appendices

To be updated with new adoption resolution.

FY 2023 - DRAFT Document

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CITY OF HOMER
HOMER, ALASKA

Mayor/City Council

RESOLUTION 20-084

A RESOLUTION OF THE HOMER CITY COUNCIL ADOPTING THE 2021-2026 CAPITAL IMPROVEMENT PLAN AND ESTABLISHING CAPITAL PROJECT LEGISLATIVE PRIORITIES FOR FISCAL YEAR 2022.

WHEREAS, Duly published hearings were held on September 28 and October 12, 2020 to introduce the final draft of the 2021-2026 CIP and to obtain public comments on capital improvement projects and legislative priorities; and

WHEREAS, The Council received comments from all of the City of Homer Advisory Commissions and held a CIP worksession on September 14, 2020; and

WHEREAS, It is the intent of the City Council to provide the Governor, the State Legislature, State agencies, the Alaska Congressional Delegation, and other potential funding sources with adequate information regarding the City's capital project funding needs.

NOW, THEREFORE BE IT RESOLVED by the City Council of Homer, Alaska, that the "City of Homer Capital Improvement Plan 2021-2026" is hereby adopted as the official 6-year capital improvement plan for the City of Homer.

BE IT FURTHER RESOLVED that the following capital improvement projects are identified as priorities for the FY2022 State Legislative Request:

1. Port of Homer: New Large Vessel Harbor
2. Storm Water Master Plan
3. Main Street Sidewalk North
4. Multi-Use Community Center, Phase 1
5. Homer Barge Mooring & Large Vessel Haul Out Repair Facility

BE IT FURTHER RESOLVED that projects for the FY2022 Federal Legislative Request will be:

1. Port of Homer: New Large Vessel Harbor
2. Storm Water Master Plan

BE IT FINALLY RESOLVED that the City Manager is hereby instructed to advise appropriate State and Federal representatives and personnel of the City's FY 2022 capital project priorities and take appropriate steps to provide necessary background information.

PASSED AND ADOPTED by a duly constituted quorum of the City Council for the City of Homer on this 28th day of September, 2020.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, CITY CLERK

Fiscal Note: N/A





Capital Improvement Appendices

FY 2023 - DRAFT Document

City of Homer Financing Assumptions: Capital Improvement Program

Implementation of the City of Homer Capital Improvement Plan requires utilization of various financing mechanisms. Financing mechanisms available to the City of Homer include:

- Federal grants or loans
- State grants or loans
- General obligation bonds
- Limited obligation bonds
- Revenue bonds
- Special assessment bonds
- Bank loans
- Pay as you go
- Private sector development agreements
- Property owner contributions
- Lease or lease-purchase agreements

The use of any of the financing mechanisms listed above must be based upon the financial capability of the City as well as the specific capital improvement project. In this regard, financing the CIP should take into consideration the following assumptions:

1. The property tax cap of six-mill (at which point sales tax goes away) precludes use of this revenue source for major capital improvements. Available revenue should be utilized to fund operation and maintenance activities.
2. The operating revenue of enterprise funds (Port & Harbor, Water & Sewer) will be limited and as such, currently only fund operation and maintenance activities.
3. The utilization of Federal and State grants will continue to be significant funding mechanisms. Grants will be pursued whenever possible.
4. The 1½ percent sales tax approved by voters of Homer for debt service and CIP projects is dedicated at ¾ percent to sewer treatment plant debt retirement, with the remaining balance to be used in water and sewer system improvement projects, and ¾ percent to the Homer Accelerated Roads and Trails (HART) Program for building, improving and maintaining Homer's roads and trails. The annual budget will transfer a minimum of \$550,000 of the ¾ percent dedicated sales tax exclusively for road and trail capital improvements and construction. The HART Program will require property owner contributions of \$30 per front foot for road reconstruction, with an additional \$17 per front foot for paving.
5. The Accelerated Water and Sewer Program will only be considered if the fund has a debt service of 1.25 or greater.
6. The private sector will be encouraged to finance, construct, and operate certain nonessential capital improvements (e.g., overslope development).
7. The utilization of bonds will be determined on a project-by-project basis.
8. The lease and/or lease-purchase of capital improvements will be determined on a project-by-project basis.



Proposed New Projects Table of Contents

City of Homer Projects

1. Ben Walters Lane Sidewalk Facility
2. Homer Spit Campground Renovations
3. Security Camera System for West Side of Homer Harbor
4. Steel Grid Repair

Other Organizations

1. SPARC: Flooring Replacement

State Projects

1. East Hill Road Bike Path
2. Homer Spit Erosion Mitigation
4. West Hill Road Bike Path

PROPOSED NEW PROJECT - DRAFT



Ben Walters Lane Sidewalk Facility

Project Description and Benefit: This project will provide approximately 6,150 feet of ADA-compliant sidewalks, curb and gutter on Ben Walters Lane. The need for a sidewalk on Ben Walters Lane was first articulated in Homer’s 2004 Non-Motorized Transportation and Trail Plan and has been included in the 2021 update. This project also aligns with transportation goals articulated in the City’s Comprehensive Plan.

Ben Walters Lane is a busy mixed-use collector street, collecting traffic from adjacent neighborhoods and connecting it to two of Homer’s main thoroughfares: East End Road and Lake Street. Ben Walters Lane supports both residential and commercial traffic. For example, the street is home to many single family residences, some multi-family residences, two City parks, multiple businesses and health care facilities. Further, Ben Walters provides access to two schools located on East End Road and numerous businesses located on Lake Street.

Ben Walters traffic is not just leisure neighborhood traffic; motorists travel Ben Walters at times to bypass the East End Road and Lake Street intersection, hoping to move more quickly to the Sterling Highway, and on their way to and from work places located on Ben Walters Lane.

Because Ben Walters Lane has no sidewalks, pedestrians travel along the side of the road, which is unpleasant and hazardous. A sidewalk on this busy street would create a safe environment for pedestrians as well as young children biking to school. A sidewalk would fill a missing gap in connectivity between East Road and lower Lake Street and generally enhance the quality of life for residents, business owners and visitors alike.

Plans & Progress: The overall project is conceived as one ADA accessible sidewalk located within the vehicular right of way on one side of Ben Walters Lane from East End Road to Lake Street. Some drainage work within the right-of-way would be required to properly direct storm water runoff to catchment basins and adjacent roadside ditches. An engineer’s conceptual cost estimate for the project has been developed.

Total Project Cost: \$1,600,000

Design & Survey: \$ 100,000 (City of Homer FY22 Capital funding)

Schedule: 2023-2024

PROPOSED NEW PROJECT - DRAFT



Homer Spit Campground Renovations

Project Description and Benefit: The Mariner Park and Fishing Hole campgrounds are situated on the Homer Spit. Their waterfront locations and close proximity to recreational activities and visitor support services make the campgrounds very popular with both Alaskans and out-of-state visitors. City campgrounds are heavily used in the summer and shoulder seasons, hosting over roughly 20,000 campers annually and generating up to \$200,000 in revenue through camping fees.

The campgrounds are primitive. Campers use porta potties and have no means of hand washing. Campsites are potholed, poorly marked and without tent pads. Many lack picnic tables and fire rings.

This renovation project greatly improves the camping experience and makes it easier to maintain the campgrounds to a higher standard of cleanliness and safety. Renovations include installing hand wash stations, grading campgrounds, delineating and labeling campsites, developing tent pads in tent camping areas and installing picnic tables and fire rings at sites that currently lack these basic amenities.

Completing these renovations bring the campgrounds to a minimum standard to keep them healthy, attractive and competitive. Visitors have a choice of where to stay on the Kenai Peninsula. We anticipate these upgrades will attract new visitors and motivate existing visitors to extend their stays or come back. Summer and shoulder season visitors contribute significantly to Homer's overall economy through their patronage of local businesses throughout their stay.

Plans and Progress: This project is 80% shovel ready.

Total Project Cost: \$90,000

Mariner Park Campground	\$45,000
Fishing Hole Campground	\$45,000

Schedule: 2022-2023

Priority Level: 1

PROPOSED NEW PROJECT - DRAFT



Homer Harbor Security Cameras: Ramp 1-5 Access Points

Project Description and Benefit: This project will expand and enhance coverage capabilities of Homer Harbor's current security camera system. The Port and Harbor Advisory Commission and staff have a long term goal of installing cameras on the west side of the basin at the access points to Ramp 1 through Ramp 5. Expanding the current camera system allows harbor officers to keep a monitored eye on these heavily trafficked areas.

Over the years, security cameras have come to play an ever increasing role in assisting staff to monitor harbor and vessel security because of the advantages they provide. Cameras allow harbor officers to monitor situations while completing other tasks the field or while on the radio helping other customers. Quick review of a recorded incident will also help an officer verify vessel status while not having to actually dedicate time to watching and waiting on scene. Cameras also provided an element of safety by allowing responding officers to view a situation before arrival; they can also be used to assist in monitoring evacuations from the Spit in the case of a tsunami or other natural disaster without putting officers in harms way.

Plans & Progress: City Council approved a capital budget request of \$20,000 for the design of the Ramp 1 through 5 camera system in the 2022/2023 budget. Once the design is completed, an accurate cost estimate will be available for installation and implementation of this important security systems upgrade.

Total Project Cost: \$120,000 (estimated)
System Design: \$20,000
Equipment Purchase and Installation: \$100,000 (TBD after system design)

Schedule: 2022-2023

Priority Level: 1



Security cameras, pictured here, center, allow harbor officers to gain situational awareness before responding to an event, to verify details of recorded events and monitor progress of evacuations or check on inundation during tsunami events.

PROPOSED NEW PROJECT - DRAFT



Steel Grid Repair

Project Description and Benefit: The Steel Grid is a series of benches (steel beams) laid out on intertidal land that can support a boat for hull repairs during low tides. Vessels float over the grid at high tide and then set down on the grid as the tide recedes. Vessel owners are able to do minor repairs and inspections to their vessels' hulls while "dry" on the grid and refloat with the incoming tide.

The Steel Grid is one of two tidal grids that the Port and Harbor operates. Because of our large tidal exchange in Kachemak Bay, Homer's tidal grids are likely one of the most useful vessel grid systems in the world. They utilize the tides to our advantage to provide an inexpensive way for vessel owners to maintain their vessels' hulls.

Homer's Steel Grid was originally built 42 years ago and accommodates vessels from 60 feet to 120 feet with a 200 ton limit. The grid was originally rated for vessels up to 400 tons but was downgraded to 200 ton max limit as it aged due to the condition of the supporting piles and benches. Maintenance and repairs of bents and fenders have kept this grid patched up and going for a good long while, but we're now at a point when we need a larger project replacement. More may be revealed after an engineering inspection during Phase 1, but as of now, staff believe that the piers and wooden fenders are still serviceable. It is anticipated that only the grid itself would need to be replaced.

Plans & Progress: This project would consist of two phases. The first phase is preliminary engineering and design to ascertain the scope and cost of the improvement, including what permitting is required. The second phase would be construction or repair.

Total Project Cost:

Phase 1: Engineering and Design: \$25,000

Phase 2: Construction: (TBD after engineering and design phase.)

Schedule: 2024

Priority Level: 2



A marine vessel utilizing Homer Harbor's steel grid for repairs.

PROPOSED NEW PROJECT - DRAFT



SPARC: Flooring Replacement

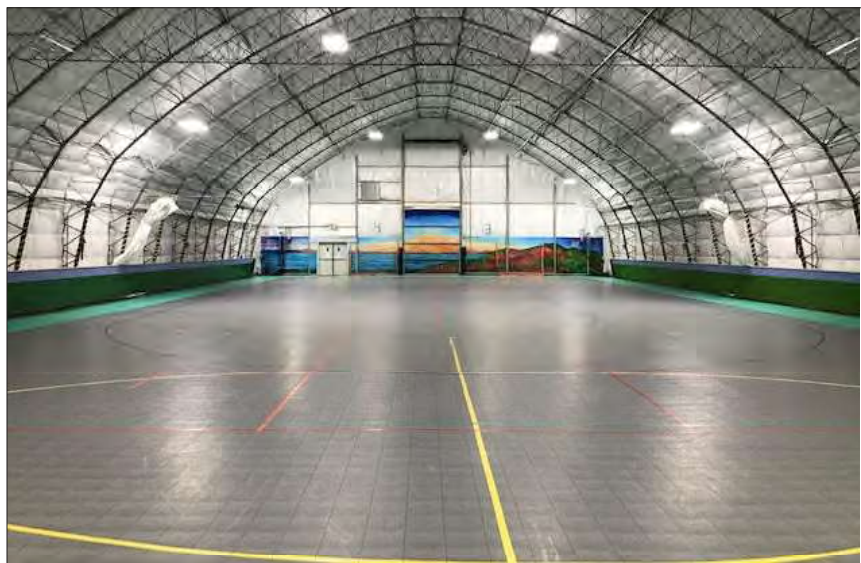
Project Description and Benefit: South Peninsula Athletic and Recreational Committee owns and manages the SPARC building on the Homer Middle School campus. This facility is a non-governmental recreational facility available for community use on a daily basis. A wide variety of activities occur there including pickleball, walking, soccer, roller-skating, and basketball. The flooring at this time is plastic sport court tile over compacted NFS select fill, but there is a need for an improved floor to better accommodate the wide variety of activities in the building. The long-term plan has always been to replace the inexpensive first floor, which was already well used when installed in 2017.

Currently the SPARC has formed a Flooring Committee with representatives of various sports giving input to the design and choice of flooring, which plans to select the specific flooring by winter of 2021. The first step in replacing the floor will be the installation of a concrete slab to support whatever new flooring is selected. Currently the building has a layer of sand below the floor. The sand will be utilized for the base of the concrete.

Plans & Progress: South Peninsula Athletic and Recreational Committee owns and manages the SPARC building on the Homer Middle School campus. This facility is a non-governmental recreational facility available for community use on a daily basis. A wide variety of activities occur there including pickleball, walking, soccer, roller-skating, and basketball. The flooring at this time is plastic sport court tile over compacted NFS select fill, but there is a need for an improved floor to better accommodate the wide variety of activities in the building. The long-term plan has always been to replace the inexpensive first floor, which was already well used when installed in 2017.

Currently the SPARC has formed a Flooring Committee with representatives of various sports giving input to the design and choice of flooring, which plans to select the specific flooring by winter of 2021. The first step in replacing the floor will be the installation of a concrete slab to support whatever new flooring is selected. Currently the building has a layer of sand below the floor. The sand will be utilized for the base of the concrete.

Total Project Cost: \$250,000
Preconstruction \$10,000
Construction costs = \$240,000



Flooring inside SPARC.

PROPOSED NEW PROJECT - DRAFT



East Hill Road Bike Lane

Project Description and Benefit: This project would create a bike lane, in conjunction with an Alaska Dept. of Transportation project to repave East Hill Road.

The need for a non-motorized transportation element on East End Road was identified in the 2021 Updated to Homer's Non-Motorized Transportation and Trail Plan and has been included in the 2021 update. This project also aligns with transportation goals articulated in the City's Comprehensive Plan.

East Hill Road is one of Homer's key arterials, connecting scores of residential properties to downtown Homer. There is currently no safe provision for non-motorized traffic; pedestrians and bicyclist must take their lives into their hands by riding on the road. The AK Dept of Transportation is planning to repave East Hill Road. It should be feasible to add an adjacent bike path to this project.

Plans & Progress: The subject project is conceived as one lane for non-motorized traffic on one side of East Hill Road as far off the traveled way as the existing right of way allows. Some drainage work within the right-of-way would be required to properly direct storm water runoff to catchment basins and adjacent roadside ditches. An engineer's conceptual cost estimate of \$2,000,000 for the project has been developed by the City of Homer.

PROPOSED NEW PROJECT - DRAFT



Homer Spit Coastal Erosion Mitigation

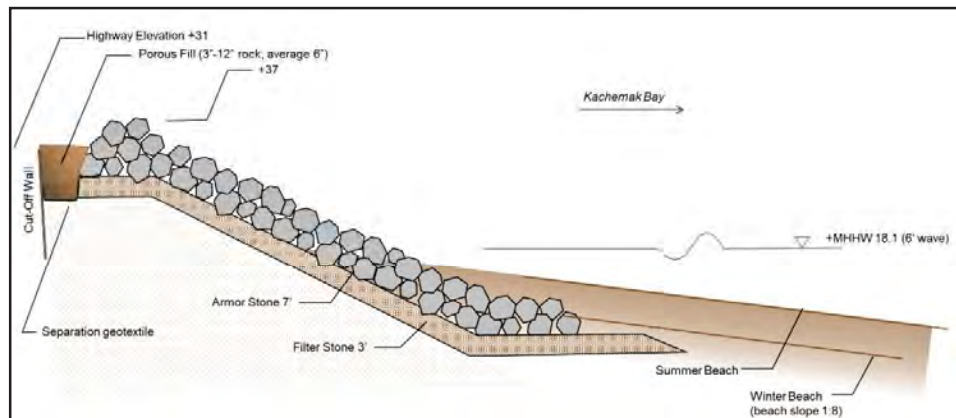
Project Description and Benefit: The City of Homer requests that the Alaska Department of Transportation and Public Facilities (AK DOTPF) work cooperatively with the Army Corps of Engineers (ACOE) and the City of Homer to design, permit and implement a long term erosion mitigation and maintenance plan to mitigate and stabilize erosion conditions on the Homer Spit. This project is needed to protect critical infrastructure on the Homer Spit.

The Homer Spit is a 4.5 mile long glacial spit composed of sands and gravel that offers recreational, commercial, industrial, and residential use. It is a valuable asset to the City of Homer and the State of Alaska due to its economic and recreational opportunities. It is also a unique, coastal feature and a valuable environmental resource with its extensive bird and marine habitat.

While typically in equilibrium, the Spit is undergoing a long period of erosion. Changes in storm patterns the past few years with milder summers and fewer strong southeasterly events may be affecting the sediment movement along the spit, allowing greater erosion and less seasonal accretion. The ACOE addressed erosion concerns in 1992 with 1,000 feet of rock revetment in 1992, which they extended an additional 3,700 feet in 1998. This caused beach lowering adjacent to and further south of the rock revetment along the Spit. In that area, the Alaska Department of Transportation and Public Facilities (AK DOT & PF) armored the highway in two emergency projects. These areas are subject to periodic overtopping, damaging the asphalt on the roadway shoulder

Erosional damage on the Spit, if left unchecked, will undermine the State-owned Sterling Highway that connects the Kenai Peninsula mainland to organizations like the United States Coast Guard and Alaska Marine Highway, and ultimately diminish the role the Homer Spit plays as a regional commerce center and transportation hub for Southcentral Alaska. Many private businesses located on the Homer Spit depend on the Sterling Highway as their gateway to conduct business; the Sterling Highway also accesses the City of Homer Port and Harbor critical infrastructure that supports United State Coast Guard facilities, the Alaska Marine Highway system, regional commercial marine transportation, the commercial fishing industry and the marine trades. A coordinated, long-term maintenance plan is needed.

Plans & Progress: The ACOE conducted two extensive studies with detailed erosion management information: a 2017 *Dredged Material Management Guidance Manual* and a 1989 investigation report, *Storm Damage Reduction Final Interim Feasibility Report with Engineering Design and Environmental Assessment*. More recently, in 2019, HDR analyzed environmental conditions and sediment transport and produced a *Coastal Erosion Assessment of the Sterling Highway Termini on the Homer Spit* which also considered concept alternatives (perched bench, groin field, offshore breakwater, sediment management and rock revetment) for improving resilience of existing roadway embankment. Due to the importance of access on Homer Spit, a traditional revetment was recommended; however it strongly encouraged coupling any rock project with a sediment management plan for long term viability of the Spit. Concrete armor units may be considered in lieu of rock to further reduce run-up and overtopping if costs are similar. A rough order of magnitude cost of this revetment would be \$1.1M to \$1.5M per 100-foot station. Maintenance would be about 5% of cost of the revetment every three years.



Armor stone revetment schematic.

PROPOSED NEW PROJECT - DRAFT



West Hill Road Bike Lane

Project Description and Benefit: This project would create a bike lane, in conjunction with an Alaska Dept. of Transportation project to repave West Hill Road.

The need for a non-motorized transportation element on West Hill Road was identified in the 2021 Updated to Homer's Non-Motorized Transportation and Trail Plan and has been included in the 2021 update. This project also aligns with transportation goals articulated in the City's Comprehensive Plan. Traffic on West Hill Road is growing! Several new residential subdivisions empty traffic onto West Hill Road, thereby increasing conflicts between vehicular and pedestrian traffic.

West Hill Road is one of Homer's key arterials, connecting scores of residential properties to downtown Homer and more are being developed with each passing year. There is currently no safe provision for non-motorized traffic; pedestrians and bicyclist must take their lives into their hands by riding on the road. West Hill Road needs a repaving project, which the AK Dept of Transportation will inevitably be planning to do. It should be feasible to add an adjacent bike path to this project.

Plans & Progress: The subject project is conceived as one lane for non-motorized traffic on both sides of West Hill Road as far off the traveled way as the existing right of way allows. Some drainage work within the right-of-way would be required to properly direct storm water runoff to catchment basins and adjacent roadside ditches. An engineer's conceptual cost estimate of \$2,300,000 for the project has been developed by the City of Homer.

PROPOSED NEW PROJECT - DRAFT