



Agenda

City Council Regular Meeting

Monday, May 13, 2024 at 6:00 PM

City Hall Cowles Council Chambers In-Person & Via Zoom Webinar

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

Zoom Webinar ID: 205 093 973 Password: 610853
<https://cityofhomer.zoom.us>
Dial: 346-248-7799 or 669-900-6833;
(Toll Free) 888-788-0099 or 877-853-5247

CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

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

- a. Homer City Council Unapproved Regular Meeting Minutes of April 22, 2024 and Special Meeting of April 25, 2024. Acting City Clerk. Recommend adoption.
- b. Ordinance 24-21, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Re-Appropriating FY22 State of Alaska Community Assistance Program in the Amount of \$98,714.98 from Various ADA Projects to the Airport Sidewalk Repair Project. City Manager/Public Works Director. Introduction May 13, 2024 Public Hearing and Second Reading May 28, 2024.

Memorandum CC-24-093 from City Manager as backup.

- c. Ordinance 24-22, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Capital Budget by Accepting and Appropriating an Alaska Department of Environmental Conservation Drinking Water Fund Loan in the Amount of \$184,578 for the Tasmania Court Water Improvement Project. City Manager/Finance Director. Introduction May 13, 2024 Public Hearing and Second Reading May 28, 2024.
- d. Resolution 24-049, A Resolution of the City Council of Homer, Alaska, Approving One Year Contracts with Moda Health, VSP, and Prudential with a Renewal Date of July 1, 2024. City Manager/HR Director. Recommend adoption.

Memorandum CC-24-095 from HR Director as backup.

Memorandum CC-24-096 from Employee Committee as backup.

- e. Resolution 24-050, A Resolution of the City Council of Homer, Alaska Awarding the 2024 Septic Pumping Services Contract to the Firm of Superior Septic LLC of Soldotna, Alaska in the Amount of \$30,430 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum CC-24-097 from Public Works Inspector as backup.

- f. Resolution 24-051, A Resolution of the City Council of Homer, Alaska Awarding the Contract to the Firm of PowerTech, LLC of Palmer, Alaska in the Amount of \$37,550 to Furnish and Install Sewer Treatment Plant Replacement Transfer Switch and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum CC-24-098 from Public Works Director as backup.

- g. Resolution 24-052, A Resolution of the City Council of Homer, Alaska Awarding the Contract for the Ben Walters Way Sidewalk Improvements to the Firm of East Road Services, Inc. of Homer, Alaska in the Amount of \$1,454,702 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum CC-24-099 from Public Works Director as backup.

- h. Resolution 24-053, A Resolution of the City Council of Homer, Alaska, Awarding the Contract to Furnish and Install Accessible Automatic Swing Doors for the Harbormaster's Office to Doors and Windows of Soldotna, Alaska, in the Amount Not to Exceed \$14,050 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Port Director. Recommend adoption.

Memorandum CC-24-100 from Port Director as backup.

- i. Resolution 24-054, A Resolution of the City Council of Homer, Alaska Amending the City of Homer Fee Schedule by Adding Additional Participation Fees and Homer Education and Recreation Complex (HERC) Reservation Fees under Community Recreation. City Manager. Recommend adoption.

Memorandum CC-24-101 from Recreation Manager as backup.

- j. Resolution 24-055, A Resolution of the City Council of Homer, Alaska, Authorizing the Issuance of a Change Order to Geovera, LLC in the Amount of \$10,930 to Continue Works on the Kachemak Sponge Green Infrastructure Storm Water Management Project and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum CC-24-102 from City Engineer as backup.

- [k.](#) Resolution 24-056, A Resolution of the City Council of Homer, Alaska, Requesting the Kenai Peninsula Borough Assembly to Pass an Ordinance and Directing the Finance Department to Coordinate with Airbnb to Collect Sales Taxes on Short-Term Rentals. Davis/Aderhold. Recommend adoption.

Memorandum CC-24-103 from Councilmembers Davis and Aderhold as backup.

VISITORS (10 Minutes limit per visitor)

- a. Blessing of the Fleet Alliance - Greg Sutter
- b. Comprehensive Plan Update - Agnew::Beck
- c. Teshio Visit Update - Cathy Stingley

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

- a. Worksession Report
- b. Committee of the Whole Report
- c. Mayor's Report
- d. Borough Report
- e. Lobbying Report - Councilmember Lord/Communications Coordinator Carroll
- f. Port and Harbor Advisory Commission
- g. Comp Plan Steering Committee Report
- h. Planning Commission Report
- i. ADA Advisory Board Report
- j. Champions Report
 - i. Finance
 - ii. Harbor
 - iii. Recreation
 - iv. Sister City

PUBLIC HEARING(S)

ORDINANCE(S)

CITY MANAGER'S REPORT

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

PENDING BUSINESS

NEW BUSINESS

- [a.](#) Memorandum CC-24-094 from Acting City Clerk re: Travel Authorization for AML Summer Conference in Kodiak, Alaska, August 13-15, 2024.

RESOLUTIONS

- [a.](#) Resolution 24-057, A Resolution of the City Council of Homer, Alaska, Amending the Homer Port and Harbor Terminal Tariff No. 1 to Extend the Harbor Moorage Exemption for Work Skiffs Through 2024. Lord/Port & Harbor Advisory Commission.

Memorandum CC-24-104 from Councilmember Lord 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

A Joint Worksession with the Library Advisory Board is scheduled for Monday, May 20, 2024 at 5:00 p.m. The next Regular Meeting is **Tuesday, May 28, 2024 at 6:00 p.m.** and Committee of the Whole at 5:00 p.m. A worksession is scheduled at 4:00 p.m. All meeting scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 24-09 a Regular Meeting of the City Council of Homer, Alaska was called to order on April 22, 2024 by Mayor 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 ERICKSON, DAVIS, ADERHOLD, VENUTI, LORD

ABSENT: COUNCILMEMBER HANSEN (EXCUSED)

STAFF: INTERIM CITY MANAGER JACOBSEN
ACTING CITY CLERK KRAUSE
SPECIAL PROJECTS & COMMUNICATIONS COORDINATOR CARROLL
COMMUNITY DEVELOPMENT DIRECTOR ENGBRETSSEN
PORT DIRECTOR HAWKINS
CHIEF TECHNOLOGY OFFICER JIRSA
HUMAN RESOURCES DIRECTOR BROWNING
PUBLIC WORKS DIRECTOR KORT
FINANCE DIRECTOR FISCHER
WATER & SEWER SUPERINTENDENT COOK
DEPUTY FIRE CHIEF KAHLES
CITY ATTORNEY GATTI

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

Mayor Castner announced the supplemental items **CONSENT AGENDA** item c. Memorandum CC-24-089 from Acting City Clerk Liquor Licenses Notifications of Non-Objection from Kenai Peninsula Borough **VISITORS** item b. Safe & Healthy Kids Fair – Lisa “Red” Asselin-Martin, Sprout Family Services PowerPoint Presentation **ANNOUNCEMENTS/PRESENTATIONS/REPORTS** Item k. Cook Inlet Regional Citizens Advisory Council Report – Carla Stanley

LORD/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Pat Case, city resident commented that he recommended full support for anything that Ms. Garay, who was up next, noting he would list her as a superstar for Walkability and Homer.

RECONSIDERATION

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

- a. Homer City Council Unapproved Meeting Minutes for the Regular Meeting on April 8, 2024. Acting City Clerk. Recommend adoption.
- b. Memorandum CC-24-088 from Mayor re: Appointment of Appointment of John “Xander” Underwood, Charles Anderson and Gary Lyon to the Sister City 40th Anniversary Task Force; Jonathan Young to the Economic Development Advisory Commission; Lucas Parsley to the Parks, Art, Recreation & Culture Advisory Commission and Andrew Haas to the Library Advisory Board. Recommend approval.
- c. Memorandum CC-24-089 from Acting City Clerk re: Liquor License Package Store Endorsements for The Grog Shop, Grog Shop East End and The Rum Locker. Recommend approval.
- d. Resolution 24-043, A Resolution of the City Council of Homer, Alaska, Designating Signatories of City of Homer Accounts and Superseding Any Previous Resolutions So Designating. City Manager/Finance Director. Recommend adoption.
- e. Resolution 24-044, A Resolution of the City Council of Homer, Alaska Amending the City of Homer Personnel Regulations Chapter 5, Adding Section 5.17 to Address Longevity Pay. City Manager/HR Director. Recommend adoption.

Memorandum CC-24-090 from Personnel Director as backup.

Moved to Resolutions Item b.

- f. Resolution 24-045, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Homer Port Coastal FREIGHT Project, Endorsing the City's Grant Application to the United States Department of Transportation Maritime Administration's FY2024 Port Infrastructure Development Program and Committing Local Match Funds. City Manager/Port Director. Recommend adoption.

Memorandum CC-24-091 from Special Projects and Communications Coordinator as backup.

Moved to Resolutions Item a.

- g. Resolution 24-046, A Resolution of the City Council of Homer, Alaska, Providing Direction to Port and Harbor Staff, Port and Harbor Advisory Commission and the Finance Department

regarding the Development of Draft Financial Policies for the Port and Harbor Enterprise Fund. Lord/Davis. Recommend adoption.

Memorandum CC-24-092 from Councilmembers Lord and Davis as backup.

- h. Resolution 24-047, A Resolution of the City Council of Homer, Alaska, Confirming the City Manager's Appointment of Jennifer Carroll as the Acting City Manager for an Interim Term. City Manager. Recommend adoption.
- i. Resolution 24-048, A Resolution of the City Council of Homer, Alaska, Requesting the Port and Harbor Advisory Commission Discuss and Consider Cruise Ship Capacity and Policy Adoption for the Port and Harbor Operations and the Economic Development Advisory Commission Discuss and Consider Broader Community Impacts and Potential Cruise Ship Policies. Erickson/Lord. Recommend adoption.

Memorandum CC-24-093 from Councilmembers Erickson and Lord as backup.

Resolutions 24-044 and 24-045 moved to Resolutions Items b. and a. respectively.

Acting City Clerk Krause read the Consent Agenda as amended.

Mayor Castner requested a motion and second to adopt the Consent Agenda as read.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VISITORS

- a. Homer Steps-Up Challenge - Annie Garay, South Peninsula Hospital

Annie Garay, South Peninsula Hospital provided information on the Homer Steps Up program/event inviting and encouraging all members of the Community to participate. New this year is a youth category, ages 13-18, separate awards will be awarded to youth or sports club of the winning team choice. A free pedometer is available for those who need one, there will be free open walking sessions conducted at the SPARC facility on Wednesdays. Go to www.homerstepsup.com to sign up join a team or start a team and for more information.

- b. Safe & Healthy Kids Fair - Lisa "Red" Asselin-Martin, Sprout Family Services

Red Asselin-Martin opened her presentation distributing baby dolls to City Council, Mayor and City Manager. Ms. Asselin-Martin then led the Council in a sing-a-long, "Baby Doll Circle Time" which is an exercise that strengthens attachment and empathy for young children. This assists caregivers to help

their babies cope during stress. She then presented information to Council on Sprout's vision, mission and the services or programs that are provided by their organization. She provided data that Sprout in 2023 they supported 32 families, provided almost 4000 books through the Imagination Library, Play Groups supported over 360 parent connections, have a diaper bank and provided over 12,000 diapers, mostly locally which meant families did not have to choose between food and a child's health and safety. The State was 48th in Education, 46th in Economic Well Being, 22nd in Family & Community. Sprout asks the Community what they can do to make a positive childhood experience and provided some examples such as holding the door for a teen, picking up a dropped item from a parent busy with young children.

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

a. Worksession Report

City Manager Jacobsen reported that Finance Director Fischer provided a review of the Water and Sewer Rate Model and current budget and presented two scenarios – 1 with no real changes and 1 implementing a service or connection fee. Todd Cook, Water & Sewer Superintendent assisted by providing the information that supported having the service fee to fund the maintenance of the infrastructure. Due to the time constraints this topic will be brought back at a worksession for the May 13, 2024 meeting.

b. Committee of the Whole Report

Councilmember Lord reported that Council discussed three resolutions on the Consent Agenda, pulling Resolution 24-045 for minor amendments after Port Director Hawkins and Special Projects & Communications Coordinator Carroll provided the necessary clarifications. The desire of Council members to further discuss Resolution 24-044, moved it to regular agenda. Council discussed a proposed amendment from Harbor Staff to Ordinance 24-20 which will come forward during the Public Hearing, and under the City Manager's Report, City Planner Foster provided information on the recommendation on his Memorandum to have the City no longer participate in the voluntary Federal program, Community Rating System of the National Flood Insurance Program as the Planning Division is limited and does not have the time needed to prepare the paperwork and perform the tracking required. It was noted that the city was a nine on the scale of one through nine Deputy Fire Chief Kahles provided information on what the International Organization for Standardization (ISO) insurance rating was and informed Council that there is a planned visit in August for a review.

c. Mayor's Report

Mayor Castner reported that he has met with the Interim City Manager and Department Heads regarding the Mid-Biennium Budget and a couple of other matters; spoke to Robert Archibald regarding the Prince William Sound Regional Citizens Advisory Council regarding a Federal Audit of Terminal Operations in Valdez.

d. Borough Report

e. Library Advisory Board

Lisa Red Asselin Martin, Boardmember, reported electing new Chair and Vice Chair, Reviewed the 2018 Comprehensive Plan section related to the Library and discussed what they would like to see in the new Comp Plan as there is an increased demand for Library Services and a higher demand for print materials; discussed that the Library has become a Community Hub for the City especially for the youth of the area and wished Board member Clark Fair who resigned his seat after almost six years on the Board.

f. Economic Development Advisory Commission

Karin Marks, Chair, reported discussing the interaction that they want to have with Agnew::Beck with employees not just business owners, support for the small business funding, reviewed discussion on the Business License program and Chamber Director is scheduled as a visitor. Announced a recent vacancy on the EDC, appreciated the appointment of Mr. Young. She then announced the upcoming KPEDD Outlook Forum in Soldotna on Thursday.

g. Special Meeting Report

h. Champions Report - Finance, Harbor, Recreation

i. Finance

Council member Lord reported that they did not meet but she did forward a Port of LA Financial Plan as an informational item to the Interim City Manager and Acting City Clerk to forward to the Port & Harbor Advisory Commission and City Council as an example of a Port Financial Policy in response to the Resolution that was approved on the Consent Agenda tonight.

ii. Harbor

Councilmember Lord announced the plans for the upcoming visit to Washington DC and the meetings scheduled. She attended the State House Transportation Committee meeting with Port Director Hawkins. She reported that she provided some comment on Community Involvement and conversation around the Harbor Expansion Project General Investigation.

iii. Recreation

Councilmember Erickson reported that there have been no meetings since the last report provided to Council.

i. Parks Art Recreation and Culture Advisory Commission

Dave Lewis, Chair, reported the Commission received a presentation on what a SWOT entailed and the Commission determined that they needed to perform separate SWOTs for Parks, Art, and Recreation and that a facilitator was needed to assist; Supported budgeting for a full time Assistant Recreation person for Mike Illg; Scheduled a walk through at Karen Hornaday Park for May 23rd; and

entertained a long discussion on camping at the Fishing Hole and agreed by consensus to maintain all existing campsites.

- j. Planning Commission
- k. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

- a. Ordinance 24-20, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Section 18.08.040 Council approval of leases. Erickson/Hansen. Introduction April 8, 2024 Public Hearing and Second Reading April 22, 2024.

Memorandum CC-24-084 from Acting City Clerk as backup.

Mayor Castner read the title into the record and opened the Public Hearing, seeing no one coming forward from the Audience present and confirming with the Clerk that there were no members of the public wishing to testify on Zoom the Public Hearing was closed. He requested a motion and second.

ERICKSON/LORD MOVED TO ADOPT ORDINANCE 24-20 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING

ERICKSON/ADERHOLD MOVED TO AMEND LINE 43 TO READ: ALL LEASES THAT RELATE TO THE PORT AND HARBOR, DELETE INCLUDING BUT NOT LIMITED TO LEASE EXTENSIONS, RENEWAL AND OPTIONS, AND THEN MOVE BACK INTO THE ORIGINAL LANGUAGE, ON THE HOMER SPIT.

Councilmember Erickson clarified that at the advice of the City Attorney to simplify and define, that leases regarding the port and harbor on the Homer Spit will be reviewed now and in the future, by the Port and Harbor Advisory Commission.

VOTE. (Amendment).NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was no further amendments or discussion.

VOTE. (Main). NON-OBJECTION, UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

- a. City Manager's Report

City Manager Jacobsen noted her report was provided in the packet and highlighted the following:

- Charles Way Water and Sewer Special Assessment District (SAD) ADEC Loan update.

Councilmember Lord commented that she recalled the City parcel being included and fully supported that it should be included and be very clear on how the City will be paying their portion of the assessment.

Councilmember Aderhold commented that she supported this as well and noted that the main reason they were able to get to yes on this project. They wanted to get plumbed restroom to the park and did not want to put more financial burden on the property owners.

Mayor Castner voiced his agreement and that the city is taking part in the benefit.

Councilmember Venuti expressed her recollection and noted the benefits to having plumbed restrooms and offering more sanitary facilities.

Ms. Jacobsen informed the Council and Mayor that in taking care of the final billing with BDO the FY22 Audit has been transmitted to the Federal Audit Clearinghouse and were the final steps for wrapping up the 2022 Audit. Porter and Allison were here in March working on the FY23 Audit Prep and Finance is wrapping up their tasks that were the result of that visit. BDO has the City scheduled for early June and the financial statements are expected to be completed and to BDO by May 10th, the BDO team will be pulling samples and test work prior to the June visit. The first quarter report will be at the may 13th meeting.

Councilmember Davis expressed his appreciation for Ms. Jacobsen including the outreach from the Homer Beekeepers Association regarding No Mow May. He then provided information on how the No Mow program started and the benefits it provides to pollinators.

Mayor Castner noted the expenditure report provided in the packet.

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

- a. Resolution 24-045, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Homer Port Coastal FREIGHT Project, Endorsing the City's Grant Application to the United States Department of Transportation Maritime Administration's FY2024 Port Infrastructure Development Program and Committing Local Match Funds. City Manager/Port Director.

Memorandum CC-24-091 from Special Projects and Communications Coordinator as backup.

Mayor Castner introduced the item and requested a motion.

LORD/VENUTI MOVED TO ADOPT RESOLUTION 24-045 BY READING OF TITLE ONLY.

LORD/ADERHOLD MOVED TO AMEND LINE 47 STRIKE \$60.6 MILLION AND REPLACE WITH \$60.25 MILLION AND ON LINE 103 STRIKE \$12,423,000 MILLION AND REPLACE WITH \$12,349,384 MILLION.

There was a brief clarification that these amendments were brought forth by staff.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There were no further amendments or discussion.

VOTE. (Main) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- b. Resolution 24-044, A Resolution of the City Council of Homer, Alaska Amending the City of Homer Personnel Regulations Chapter 5, Adding Section 5.17 to Address Longevity Pay. City Manager/HR Director.

Memorandum CC-24-090 from Personnel Director as backup.

Mayor Castner introduced the item and requested a motion.

LORD/ADERHOLD MOVED TO ADOPT RESOLUTION 24-044 BY READING OF TITLE ONLY.

Councilmember Davis noted that there were discussion on the two options 1.5% or 2%

Councilmember Lord expressed that she supported the Resolution as presented and commented on the requirement that those employees would be required to be with the city for 5 years and must be at the last step in the respective pay range for at least two years that the capacity to have a 2% raise is fundamental, reasonable when they are considering about staff who have maxed out on the City's very long pay scale. A 1.5% option was shown in the memorandum since Council asked for it but noted it was a very small difference in the scheme of it impacting somebody's paycheck year to year.

Councilmember Erickson commented that Council spoke about the 1.5% and the effects to a COLA noting that some years there may not be a COLA.

Mayor Castner stated his concern was for the overall net effect to the city's finances and that if implemented would be an annual expense not just one time and he would be taking a more conservative view of a COLA when they get to that discussion.

Councilmember Lord viewed these separately as related through personnel and budget because other employees that have not reached the end of their wage scale receive a step increase on an annual basis and if a COLA is available across the board to city employees, the step increase is not reduced or eliminated. She acknowledged the financial impacts to the city's budget but noted that a COLA addresses the inflationary pressures and reduction of the buying dollar.

Mayor Castner requested a motion to amend from the 2% to 1.5%.

Ms. Jacobsen stated that the Budget was funded for the 2% a little over \$70,000.00

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Todd Hyman, representing HoWL, commented on the annual spring clean up event that was occurring this week, children will be seeking pledges for the number of bags of trash that they can pick up and the pledges will help fund various activities.

Pat Case, city resident, commented his appreciation for the passage of the HAP Loop and the vision that he presented to Council in October that looked so far off at the time. He hoped that Council was able to see the same vision that he saw as this really brings to focus the personal responsibility to make the whole come together. Mr. Case stated that there were components the city needed to follow up with such as the Ben Walters Sidewalk, he was unsure if this was funded yet.

The Council assured Mr. Case that the project was funded.

Mr. Case continued commenting on the corners and noted that the corner at the Chevron Gas Station on the Sterling where the corner is almost flat and encouraged Public Works to take a look at that. He then noted that it was the first night of Passover and wished everyone

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti had no comments.

COMMENTS OF THE CITY CLERK

Acting City Clerk Krause announced the vacancies on the various City Advisory Bodies: ADA Advisory Board, EDC, and the Sister City 40th Anniversary Task Force.

COMMENTS OF THE CITY MANAGER

City Manager Jacobsen had no additional comments.

COMMENTS OF THE MAYOR

Mayor Castner commented on setting water and sewer rates and his prior experience on the rate setting task force and committee and is not supportive of “tweaking” the rate model. He did not want to spend a lot of time on rate modeling. He spoke about the hiring of a consultant to work through the issues. He believed there was merit in the idea to have people pay a fee each month, even when they are gone for a several months over the winter noting that HEA has the same thing.

COMMENTS OF THE CITY COUNCIL

Councilmember Erickson commented on her recent trip to Fairbanks and all the ducks, geese and hearing the cranes locally and her husband always states that Homer does not get snow after the arrival of the cranes, so hopefully that holds true. She then commented on the arrival of cruise ships this week, large buses travelling between Whittier and Anchorage, the start of spring sports and family support for those kids who are dropped off to participate in those sports and how as a community

those that do attend the sporting events could encourage and support those kids that do not have the family support there; encouraged the public to allow the trails to harden up and limit the use of the area trails acknowledging the urge that hits everyone to get outside and on the trails with the warmer days and sun shining.

Councilmember Davis announced that there will be a walk in on April 24th to advocate for an increase in the Base Student Allowance, it is intended to be a public display of discontent meant for the State of Alaska government leaving schools in the lurch by failing to pass an increase to the BSA, he noted the role that District 6 Representative Vance played in that failure and encouraged participation in the event meeting at 8:30 a.m. for 15 minutes at the flag pole at Homer High School and wear red for Ed(ucation) and then provided information on No Mow May and the origins of that event which started in England.

Councilmember Aderhold commented that in Anchorage all municipal trails are closed for the month of May acknowledging that it may be a bit difficult to do that here but appreciate the respect members of the community do have for Homer's trails.

Councilmember Venuti wished everyone happy earth day, cranes are back and very excited, tourists arriving and encouraged everyone to be aware of pedestrians crossing the road even if they are not crossing at the appropriate place. She acknowledged the high rate of pedestrians versus vehicular accidents in Anchorage.

Councilmember Lord announced the walk in was not school organized, Celebration of lifelong learner Nancy Lord noting Mayor Castner was a former awardee; Summer Reading program, and other programs to be offered. Water and sewer rates, she appreciated the work done in 2013 by the Task Force, but stated they did not answer all the questions such as funding infrastructure, they need to have the dialogue to discuss how they fund that.

ADJOURNMENT

There being no further business to come before the Council Mayor Castner adjourned the meeting at 7:15 p.m. The next Regular Meeting is Monday, May 13, 2024 at 6:00 p.m. and Committee of the Whole at 5:00 p.m. Work Session at 4:00 p.m. and a Special Meeting Thursday, April 25, 2024 at 6:00 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.

Renee Krause, MMC, Acting City Clerk

Approved:_____

Session 24-10 a Special Meeting of the City Council of Homer, Alaska was called to order on April 25, 2024 by Mayor 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 ERICKSON, DAVIS, ADERHOLD, VENUTI, LORD

ABSENT: COUNCILMEMBER HANSEN (EXCUSED)

STAFF: INTERIM CITY MANAGER JACOBSEN
ACTING CITY CLERK KRAUSE
ATTORNEY HOLMQUIST

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

Mayor Castner called for a motion to approve the agenda.

LORD/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

- a. Appeal of the Interim (Acting) City Manager's Determination on a Public Records Request Submitted by Frank Griswold on February 26, 2024.

Mayor Castner reviewed the issue before the City Council. Frank Griswold submitted a request for records on February 26, 2024 and in accordance with Homer City Code 2.84.070 an appeal was filed to the Homer City Council of a decision by the acting now interim city manager. The Interim City Manager denied the request on the grounds that the appellant is involved in litigation. The Appeal record was prepared by the Acting City Clerk along with a Supplement to the Appeal Record.

Mayor Castner stated that in accordance with Alaska Statute as the presiding officer of the governing body he will act in that capacity during the appeal. He requested the Appellant to identify himself and to please take a seat at the lectern.

Mr. Griswold identified himself as the appellant for the record.

Attorney Holmquist, attending electronically, identified himself as representing the City of Homer.

Conflict of Interest

Mayor Castner requested declarations of Conflicts of Interest or ex parte discussions.

There were none declared.

Preliminary Matters

Mayor Castner stated that Appellant Mr. Griswold has filed two motions but would like to state for the record what the appeal record consists of and confirm that was what he (Appellant) was provided documented exchanges between Mr. Griswold and Acting City Clerk Krause and the Interim City Manager. There is no other evidence. The Council and Mayor have had no contact or provided any additional communication with anyone from JDO or another attorney concerning this matter. The Council or Mayor have not reviewed the records that were requested and that will be addressed later in one of the motions presented. He continued stating that if Mr. Griswold had an objection to the process that he advise him and maybe they can adopt some since he had objections to the Attorney Holmquist proposal. If there is something Mr. Griswold would like Council to consider please make the request.

Mayor Castner requested Mr. Griswold to state any additional preliminary matters that he would like to address at this time.

Mr. Griswold raised the issue of Bias over one party or another.

Mayor Castner stated that he can query the Council for Bias over one party or another but noted that each one has taken an oath to uphold the laws, state, federal and city. He then directed the question to Council asking if any member held bias against one side or the other.

There were no responses from Council.

Mr. Griswold then reviewed Black's Law Dictionary definition of "party"; Homer City Code 21.93.090 bringing forth the issue of representation of the City of Homer by Attorney Holmquist, stating that the City did not meet the definition of party and if the entire entity if the City of Homer is self-represented that the authorizing employee or officer should be submitted into evidence. He requested identification of the parties stating his belief that Attorney Holmquist representing the City of Homer was overly broad and should identify specifically whom he was representing and if in fact he was representing the entire city why then the Council would not be considered part of that entity.

Mayor Castner stated that Mr. Griswold brought his appeal before the Council so the two parties involved are the City Council and Mr. Griswold. Attorney Holmquist is here to represent the City of Homer, as the attorney of fact.

Attorney Holmquist responded that he represents the City of Homer since the Council is acting on a quasi-judicial manner in this appeal. The City of Homer is a party because that is the entity that made the decision regarding Mr. Griswold's request for public records and therefore would need to come to

this appeal and defend the decision in its legality. He reiterated that he represents the City not Council as they are acting in a quasi-judicial capacity.

Mayor Castner inquired if they were in a judicial capacity who would represent the City.

Attorney Holmquist stated that in a court of law he would be representing the City of Homer.

Appellant Griswold presented argument that Melissa Jacobsen who issued the adverse decision would be a party to this appeal but City Council would not be a party since they would be the judge in a court. The Court and thus the Council are not party to the appeal but are considered the judge and the adjudicatory authority. He continued stating that if Council was a party they could not be impartial, generally the people are the names captioned at the top of a lawsuit.

Mayor Castner interjected stating that there are two parties to the Appeal and they are both represented here and this is going to be the quasi-judicial body, to whom, if Mr. Griswold does not believe that Attorney Holmquist has standing then he will rule that Attorney Holmquist does have standing and they can proceed.

Mr. Griswold questioned that the Alaska Statute that Mayor Castner quoted for the record gives him the authority to make rulings on behalf of the higher body.

Mayor Castner responded, as the presiding officer and with a lay body there will not be full legal knowledge of what is going on.

Mr. Griswold confirmed that Mayor Castner was a lay person. He then stated that he did not believe that Mayor Castner could speak for the whole body as in questions of partiality of the other members unlike City Council procedures, in quasi-judicial procedures the Mayor cannot make the decision, the rulings are made by a majority of the body.

Mr. Griswold stated that he like to discuss procedural matters noting that in past appeals of denials of public records requests it has been City Council policy to approve a procedural notice for distribution to the parties well in advance of the hearings but no procedural notice was approved by this City Council for this hearing and he questioned why not and what procedures will apply for this hearing.

Mayor Castner responded that he is following the procedures outlined by Attorney Holmquist; there are preliminary issues and decisions that Council has to make. He noted that Mr. Griswold has requested Council stay anything until they made a decision on your original motion or on your secondary motion actually for not allowing you to access to records pertinent to this particular hearing. Mayor Castner stated he understood the secondary motion that was asked of Council.

Mr. Griswold stated that his bigger concern was that the Council was using procedures submitted by Attorney Holmquist who has stated he is not the Attorney for Council, he is concerned that Council did not have their own legal counsel, and even after repeated statements from Mr. Holmquist being that he is the only attorney in the room Council is taking his advice and this action was highly prejudicial to him. He went on to state that this has happened to him in almost every appeal he has been involved

in recently and believed that it would have been different if Council hired separate counsel for themselves.

Mayor Castner provided that it seems straight forward reviewing the format of the procedures.

Councilmember Aderhold reported that this was the first time Council has met to have a conversation regarding this appeal, we cannot issue a stay because they have to meet as a body, in public. She also pointed out that Mr. Griswold had the opportunity to suggest different alternative procedures, noting there were some ideas but Mr. Griswold did not submit anything. She noted that Council cannot make the decisions in the background, they have to meet in public as a body to issue a stay.

Mr. Griswold argued that Council had weeks to schedule a meeting and there was nothing prohibiting the Council from doing that and related his experience before a Hearing Officer with the OAH (Office of Administrative Hearings) noting the motions flowing all the time and he was not convinced that Council could not have met in Executive Session to decide these things.

Mayor Castner stated for the record that Council recently received the documents and has had no opportunity to schedule and meet as a body to approve procedures prior to this meeting tonight.

Attorney Holmquist stated that in the City's perspective there is concern with proceeding today with the appeal hearing since there is no clarity on the hearing procedure. He acknowledged that Mr. Griswold opposed the procedures submitted by the City but did not submit any alternative procedures.

Mr. Griswold opposed the city procedures since they did not contain in camera review of the requested documents or the ability to call witnesses. The City procedure also included filing written briefs along with oral arguments. The city has not filed written briefs since there was no authorization from Council. The difficulty is that City Code is completely open ended with regard to the type of procedures that could be employed for this type of appeal. It is at the discretion of City Council and it would be a benefit to all parties for clarity on the process before going forward with the hearing. Mr. Holmquist suggested dealing with the pre-hearing issues and setting another date to hear the oral arguments. City Council could determine in the interim the procedures that would apply to the appeal in general.

Mayor Castner addressed Mr. Griswold and requested his input on whether he would like to have this issue heard by a Hearing Officer as opposed to City Council.

Mr. Griswold responded that he would, however, Council does not have the authority to put this to a hearing officer, council can only follow city code, and encouraged the Council to follow city code. He stated that there was nothing in city code that required him to prepare procedures for Council for an appeal, that it was their duty to approve procedures. He reported that procedures used 15 years ago, prepared by Attorney Joe Levesque were presented to him and when he asked if they were approved by City Council, he received a response from Mr. Holmquist, not the City Clerks, so Mr. Holmquist knew, ex-parte, that the procedures were not approved by City Council. Mr. Griswold continued stating that Attorney Holmquist had the ability, time and staff to execute 10 page briefs, this was a continuation

of the situation, regarding the knowledge and ability of Council to meet and prepare procedures, Attorney Holmquist by preparing a 10 page brief this is the template for Council to make their decision.

Mayor Castner agreed and stated that he, Mr. Griswold, stated that the question before the Council is whether to disclose the public records that he, Mr. Griswold, requested and that is a pretty simple question, Does Council follow city code? Do they disclose the records? Does Council follow the urgings of the other party or does Council engage in something that has turned into a multi-step process of calling witnesses, commenting he had no idea where Mr. Griswold was going with that exactly, but should Council turn it into a thing because he asked for records that pertain to this proceeding, not to the records that you originally asked for.

Mr. Griswold responded that he was requesting records for discovery to show what the precedent has been because he has checked that box on the request form before and it was never a problem but now it is. He further explained that it was unknown to him if others have but he wanted that information before the Council since it would not mean much to just state, "This is what happens". He wanted to review what previous policies of the city were and an explanation why in the past, if my premise if true it was not an issue, and now it is. Mr. Griswold stated that he believed there were ulterior motives and it is not cut and dry.

Mayor Castner then asked Appellant Griswold if he would like Council to act on the stay tonight, noting that no one has submitted an email to City Council that the Appellant requested the action. He did not want the stay now. He requested it two weeks ago.

Mr. Griswold stated that he submitted motions to the Clerk requesting that they be submitted to City Council right away regarding the stay on April 5th and on April 9th the motion for in camera review then on April 10th he sent an Email to Renee Krause requesting she forward the motions to Homer City Council as soon as possible so that it can be ruled upon in advance of the hearing as it would be prejudicial to him to have to wait to find out if he can call witnesses or whether the hearing would be stayed, furthermore his motion for in camera review needs to be ruled on in advance of the so that if granted the public records are available for review by Council at the hearing, additionally he referenced that in administrative appeals before a hearing officer motions by parties are routinely ruled upon in advance of the actual hearing and referred to OAH 23-0320-MUN which is page 31 of the record.

Mayor Castner acknowledged that Mr. Griswold submitted the documents but that Council did not receive notifications and tonight this is the first they were reviewing the documents.

Councilmember Lord recommended that they go back to the original question of do they treat this as a preliminary hearing and address the preliminary motions and concerns and then set another subsequent hearing date and if both parties want to object then we can move forward with what is presented, she would not object to that action but she is hearing a lot of discontent from one party.

Councilmember Aderhold noted that she would like guidance from the City Clerk but noted that they are on a timeline and if they could make this a preliminary hearing, take time to make those decision then come back again to make those decisions since they are at the end of the timeline.

Councilmember Davis questioned that if they are operating under the City Council then the Attorney for the Council should provide direction on what they are supposed to do.

Mayor Castner stated that when they directed everything to a Hearing Officer, it was removed from City Code so there is no process.

Councilmember Lord clarified that there is no city code or written adopted policy that can provide direction to the Council sitting as a quasi-judicial body.

Councilmember Aderhold stated that they are near the end of the 30 days and questions if and what can be done to extend the timeline.

Mayor Castner offered that they have started the procedure and believed that they have a certain number of days to issue a decision but the Council has not actually heard the appeal and is still addressing preliminary issues, this is not Mr. Griswold's fault but he agreed with Councilmember Lord that as a quasi-judicial body the Council can make a ruling and not run the clock out on Mr. Griswold.

Councilmember Aderhold requested guidance from the Clerk regarding the timeline when a decision has to be made and when there is an appeal what leeway that Council has relative to what it states in city code. She expressed wanting to hear the Clerk as their parliamentarian.

Acting City Clerk Krause responded that in city Code that addresses appeals for public record requests section 2.04.070 states that Council will consider and decide the appeal within 30 days.

Councilmember Aderhold questioned, with the understanding Council must address the appeal and make a decision within 30 days, if a continuation could be done with the approval of both parties.

Mayor Castner read into the record that Homer City Code 2.84.070 (c) An appeal to the City Council decision may be made to the Superior Court within 30 days after the decision is distributed to the parties.

Attorney Holmquist stated that he previously noted that the City would be agreeable to a continuance and certainly with agreement from all parties that City Council could extend the 30 day deadline particularly if it was to resolve preliminary pending pre-hearing motions and set forth a hearing procedure.

Mr. Griswold objected stating that city code did not allow extending the deadline for good cause and the city code is very scant so that is the only option available to Council. Council does not have the authority to make any changes and he filed his appeal on March 20, 2024 and again on March 21, 2024 and even with consideration that 30 days was on a Saturday, April 20, 2024. Even if you extend it to the following Monday, they have exceeded the 30 day deadline. He further stated that he has prepared and does not want continue this action, plus he has additional preliminaries to address.

Council member Lord stated that Council should have the authority to recess into Executive Session so at any point that Council decides that it would be a good time to have that conversation.

Mayor Castner offered caution on recessing as there should be the opportunity for presentation before Council determines to proceed or dispense. If it's a procedural thing he did not see any reason that Council could not recess.

Councilmember Lord assured the Mayor it would be procedural.

Mr. Griswold read into the record Homer City Code 2.84.070 (a) (b) and (c). This is all there and he did not see where Council could deviate from that and in other sections elsewhere in code it is allowed noting that anything can come up.

Attorney Holmquist did not have anything to add at this time.

Mr. Griswold read into the record his emails from March 21, 2024 through April 5, 2024 regarding his requests for discovery and the response or lack of response from the Acting City Clerk.

Mayor Castner interjected that Council has the information and the complete record and believed that Council in preparation for the Hearing has reviewed the information in the Appeal Record.

Mr. Griswold stated that previously Council stated that they just received the record.

Mayor Castner assured Mr. Griswold that Council is cognizant of the timeline and they are cognizant of what Mr. Griswold had requested. He noted there were repetitive things back and forth.

Mr. Griswold stated he had one more preliminary matter, and that was Homer City Code 2.16.010 Duties of the City Attorney and read into the record Homer City Code 2.16.010. He stated the following items were not clear regarding City Attorney Holmquist:

- when he first got involved in this matter; and
- why his alleged representation of the City of Homer would exclude City Council which is inextricably associated with the City of Homer; and
- whether he authored or "ghost wrote" the letter dated March 20, 2024 on page 8 or the Appeal Record signed and mailed by Acting City Manager Jacobsen; and
- whether he dictated or otherwise influenced the responses submitted by Deputy City Clerk Krause; and
- advised City Manager Rob Dumouchel regarding disclosure of my February 26, 2024 Public Records Request or if not, why not
- Even though stated, the long standing professional relationship with the City Council creates a city council bias/partiality in favor of Mr. Holmquist and his unnamed clients

Mr. Griswold read into the record Homer City Code 1.18.020 and noted that it did not say that your bias has to be as the Mayor stated outrageous, it just has to be that a reasonable person would consider it, that it could impair your decision, it doesn't mean that it would definitely mean that you would rule one way or the other, it is a very low bar, so how could any City Council member not have a bias or prejudice in favor of its own city attorney? The City Council's hiring of independent legal counsel would have helped mitigate the inherent prejudice created by the City Attorney's participation in this matter and would suggest that some or all of the members present have what is called an implicit bias one that you may not have been aware of before and especially if you never knew what constitutes partiality.

Mayor Castner stated that that statement is a lot like asking a jury if they can decide something fairly, and Council has already addressed that question, Can you decide something fairly? They all said that they could. Further, It could be true that Mr. Holmquist and Mr. Gatti consulted with the City Clerk and the City Manager but the Council has not and has not consulted with anyone else for that matter but Mr. Griswold you are implying that by some connection that Council has consulted with the City Manager, City Clerk or City Attorney that Council has some sort of a bias.

Mr. Griswold argued that by using and accepting the City Attorney's procedure shows bias.

Mayor Castner argued that it is a simple appeal and he could not understand and Mr. Griswold did not submit something, but he would like to offer Attorney Holmquist the opportunity to present preliminary items.

Attorney Holmquist briefly explained that in response to Mr. Griswold request for discovery records request, there is no authorization in city code or requirement for this type of appeal. Discovery requests are typically done in court proceedings, this is quasi-judicial action. What is actually was is a public records request and having used the public records request form for the February 26th public records request, Mr. Griswold is refusing to use it for this second public records request that would easily be resolved if he is willing to submit the form properly as the Acting City Clerk suggested. As to the city's representation or the city attorney's representation of the city in this case he would note that the Superior Court has already rejected on the issue that Mr. Griswold raised in the same argument regarding Homer City Code 2.16.020 that the ordinary practice of the city attorney, representing the city as a party in a quasi-judicial proceeding is entirely appropriate.

Mayor Castner requested clarification on his statement regarding the public records and discovery.

Councilmember Lord recommended that they recess to discuss preliminary matters, not to discuss dispensing the actual matter at hand, but the preliminary matters raised over the past hour.

Councilmember Aderhold supported that action but wanted to ensure that all present understood what they would be discussing.

Councilmember Lord stated that as a body the Council would be discussing the preliminary matters of request for records from March 21st, the motion to stay, next steps for the how they want to proceed for the rest of the meeting and the lack of legal counsel for the City Council and timeline.

Acting City Manager Jacobsen advised that in accordance with the Open Meetings Act a quasi-judicial body cannot go into executive session they recess into deliberation.

LORD/ADERHOLD MOVED TO RECESS INTO DELIBERATIONS TO DISCUSS PRELIMINARY MATTERS ON THE MATTER AT HAND.

There was no discussion.

Mayor Castner requested the Clerk to perform a roll call vote.

VOTE. YES. LORD, ADERHOLD, DAVIS, ERICKSON, VENUTI

Motion carried.

Mayor Castner recessed to Deliberative Session at 7:03 p.m. The meeting was called back to order at 7:26 pm

Mayor Castner requested if Council had any motions to address after preliminary deliberations.

LORD/ ADERHOLD MOVED TO DENY THE MOTION TO STAY.

There was no discussion.

Mayor Castner requested the Clerk to perform a roll call vote.

VOTE. YES. VENUTI, LORD, DAVIS, ADERHOLD, ERICKSON

Motion carried.

Mayor Castner recognized Councilmember Lord.

LORD/VENUTI MOVED TO DENY THE DISCOVERY REQUEST FOR MR. GRISWOLD'S MARCH 21ST RECORDS REQUEST AND THE REQUEST FOR IN CAMERA REVIEW.

There was no discussion.

Mayor Castner requested the Clerk to perform a roll call vote.

VOTE. YES. DAVISERICKSON, LORD, VENUTI, ADERHOLD

Motion carried.

Mayor Castner recognized Councilmember Lord.

LORD/ADERHOLD MOVED TO PROCEED WITH THE APPEAL HEARING PROVIDING EACH SIDE WITH 10 MINUTES FOR ORAL ARGUMENTS AND PROVIDING MR. GRISWOLD CAN RESERVE TIME FOR REBUTTAL.

There was no discussion.

Mayor Castner requested the Clerk to perform a roll call vote.

VOTE. YES. ERICKSON, DAVIS, VENUTI, ADERHOLD, LORD

Motion carried.

Mayor Castner stated for the parties present that Council was prepared to hear oral arguments and to make a decision this evening. He requested Mr. Griswold to proceed.

Mr. Griswold presented argument that in the previous procedural notices there were provided 20 minutes was given to both parties. He stated that the parties should have been consulted and was not confident that he could make his oral argument in the time allowed but would do his best.

Mr. Griswold presented his oral argument covering

- when he submitted his public records request on February 26, 2024, the litigation ended on March 11, 2024 and they are awaiting the decision from the Administrative Law Judge.
- He received a letter from City Manager Dumouchel stating that additional time was needed to respond to this request and that it should be completed by March 20, 2024.
- On March 14, 2024 Mr. Dumouchel's contract with the city was terminated.
- On March 20, 2024 Acting City Manager Melissa Jacobsen denied his request to inspect the records citing Homer City Code 2.84.055.
- On March 20, 2024 he appealed the denial of the February 26, 2024 Public Records Request and refiled the appeal on March 21, 2024.
- Cited Alaska Statute 40.25.120 (a) (4) regarding inspection rights of municipal records, providing court case information for relevant cases supporting the regulations.
- Stated that Homer City Code 2.84.055 distorts Alaska Statutes 40.25.122 by falsely giving the impression that public records sought by individuals involved in litigation are exempt from disclosure. He noted that Alaska rules of civil procedure set forth procedures pertaining to obtaining discovery for civil cases but no City of Homer Administrative adjudication forum provides any rules specifically addresses the disclosure of public records.
- Referenced Homer City Code 21.93.510 (a) which applies to Zoning Appeals and addresses the introduction of new evidence but does not address obtaining evidence via the public records request process.
- Stated that even if he intended to submit the new evidence (regarding Appeal of CUP) it would not be consistent with Homer City Code Title 21, Alaska Statutes or the State Constitution.

- Alluded that City Clerk Jacobsen may have personal interest in 106 W Bunnell Avenue or the owners of that property and the subject records may include correspondence to or from her.
- An acting city manager has no authority to override another city manager's decision, stating that denying litigation disclosure constitutes a quasi-judicial decision and citing Homer City Code 1.18.048 would be applicable as would Homer City Code 1.18.040 (e) if there was found to be partiality and bias.
- Additionally, requested the following information:

1. In light of the fact that previous public records requests involving persons involved in pending administrative appeals were approved why was his February 26th Public Records Request denied?

2. Why did City Manager Dumouchel after serving 3.5 years in office approve his request of February 26th only to have his determination overruled by Acting City Manager Jacobsen after only assuming the role a few days earlier?

3. Regarding Homer City Code, if records were presented for in camera review the Council would know whether they were processed or not and if there were no records then the request was moot;

4. Homer City 2.84.055 Litigation disclosure. Why did the city contort AS 40.25.122 instead of adopting it into city code verbatim?

5. Why did the City deny in camera review of the public records at issue including those pertaining to the March 21, 2024 public records discovery request? Does Council wish to hide public records and potentially critical evidence from itself?

City Council heard oral argument from Attorney Holmquist as follows:

- There is pending Administrative Appeal in the Matter of Conditional Use Permit 23-04 and Conditional Use Permit 23-01 that is before the Office of Administrative Hearings.
- Mr. Griswold is a party to those appeals
- The subject property is 106 West Bunnell Avenue, Homer, Alaska
- Restaurant owner is Melody Livingston, and applicant for the Conditional Use Permits. A previous permit CUP20-15 was pulled by the Applicant.
- Mr. Griswold requested to supplement the record before the Hearing Officer to include all records pertaining to CUP 20-15 and all correspondence between the city planner, members of the planning department, Melody and Scott Livingston regarding either the prior CUP 20-15 or the more recently issued CUP 23-04 or CUP 23-01.

- Mr. Griswold did not possess those records and was asking the Hearing Officer to order the city to produce them and then add those records to the record on appeal.
- The Hearing Officer denied Mr. Griswold's request to supplement the record with respect to those records.
- The Administrative Appeal remains pending as it has not been decided. That leads to the public records request which is similar category to Mr. Griswold's request to supplement the Appeal Record for the ongoing Administrative Appeal. The Records Request is for all emails and correspondence to and from Asia Freeman and or melody Livingston pertaining to activities at 106 West Bunnell Avenue
- Mr. Griswold indicated that he was involved in litigation with the City and also the case number and indicated that his request pertains to the litigation matter so his public records request was denied in accordance with Homer City Code 2.84.055.
- The denial explained and provided the reason and code and since the records involve the property involved in the appeal that brings the applicability of HCC 2.84.055. The disclosure of records used for, included in, or appeal is governed by the rules and orders of that forum not this chapter. This Chapter meaning Homer City Code Chapter 2.
- Mr. Griswold was required to go to forum where the matter was being litigated to make the request rather than go around that forum and make a public records request. The litigation exception has policy behind it that the Supreme Court has explained on a number of occasions in that the Government is not disadvantaged in litigation by its public records statutes or ordinances and has the same protections afforded all litigants by the court rules governing discovery even when documents sought are public records.

Mr. Griswold provide rebuttal that the matter of his Appeal of Conditional Use Permit 23-04/01 was completed and that he followed the rules and procedures precisely through the Hearing Officer. It was denied. All proceedings in that case have concluded, there is no possibility of getting records added. If he would have received an email with the Decision from the Hearing Officer he could uncheck the box on his records request form. He did everything properly and now he was being punished and there is no justification for it.

Mayor Castner stopped Councilmember Davis finishing his question to Attorney Holmquist due to crossing the line of legal advice and he is a party to the opinion.

Councilmember Lord addressing Attorney Holmquist explained that according to Mr. Griswold except for the written decision the matter is done, but he was representing that the Appeal is still very much pending can you describe your understanding of where that administrative appeal is in its life and what or where we are in the conclusion of it.

Attorney Holmquist provided the short answer, at the end. There was an appeal record produced, initial hearing, record produced, litigation or motions back and forth regarding what was included in the record, briefing submitted by both parties, oral arguments and now we are waiting on the final decision to be handed down. It remains pending but is near the end of the proceeding.

Mayor Castner requested additional questions hearing none he requested a motion to recess to deliberate.

LORD/VENUTI MOVED THE BODY RECESS TO DELIBERATE THE ISSUE BEFORE THEM.

There was no discussion.

Mayor requested the Clerk to perform roll call vote.

VOTE. YES. DAVIS, ERICKSON, LORD, VENUTI, ADERHOLD

Motion carried.

Mayor Castner recessed the meeting at 7:54 P.M. The meeting was called to order at 8:17 p.m.

Addressing Councilmember Lord, Mayor Castner asked if Council reached a decision.

Councilmember Lord stated that they have and expect that the decision will be records and presented to all parties.

Homer City Council acting as a Board of Appeal under Homer City Code 2.84.070 Have made a decision pursuant to Homer City Code 2.84.055 and the Public Records exemption under Alaska Statutes 40.25.122 and that such upholds the denial of the Appellant Frank Griswold's February 26, 2024 Public Records Request. The Board makes no decision in any other matters raised.

Mayor Castner polled the City Council that all present are in agreement.

LORD/VENUTI HOMER CITY COUNCIL ACTING AS A BOARD OF APPEAL UNDER HOMER CITY CODE 2.84.070 HAVE MADE A DECISION PURSUANT TO HOMER CITY CODE 2.84.055 AND THE PUBLIC RECORDS EXEMPTION UNDER ALASKA STATUTES 40.25.122 AND THAT SUCH UPHOLDS THE DENIAL OF THE APPELLANT FRANK GRISWOLD'S FEBRUARY 26, 2024 PUBLIC RECORDS REQUEST. THE BOARD MAKES NO DECISION IN ANY OTHER MATTERS RAISED.

There was no further discussion.

VOTE. YES. VENUTI, ADERHOLD, DAVIS, ERICKSON, LORD

Motion carried.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

ADJOURNMENT

There being no further business to come before the Council Mayor Castner adjourned the meeting at 8:15 p.m. The next Regular Meeting is Monday, May 13, 2024 at 6:00 p.m. and Committee of the Whole at 5:00 p.m. Work Session at 4:00 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.

Renee Krause, MMC, Acting City Clerk

Approved:_____



MEMORANDUM

Item Type: Backup Memorandum
Prepared For: Mayor Castner and City Council
Date: May 3, 2024
From: Leon Galbraith, PE, City Engineer
Through: Melissa Jacobsen, Interim City Manager

- I. **Issue:** The purpose of this Memorandum is to recommend appropriating \$98,714.98 from the FY22 State of Alaska CAP Grant to be applied to the construction funding for the replacement of the sidewalk at the Homer Airport Terminal.
- II. **Background:** The FY24 Capital Budget includes \$76,175 from the General CARMA Fund to replace the sidewalk at the Homer Airport Terminal. The replacement sidewalk would have heat piping to keep it ice free and properly constructed ADA handicap ramps.

Invitations to Bid were advertised in the Homer News on August 24 and September 31, 2023. There were no responsive bidders on this initial effort as well as a second consecutive attempt at bidding.

This project is an urgent need and estimated construction costs have increased in the last two years justifying the need for additional construction funding to be secured.
- III. **Recommendation:** That the City Council re-appropriate the \$98,714.98 CAP Grant funding to the Airport Terminal Sidewalk Replacement Project in addition to the already budgeted \$76,175, thereby making available \$174,889.98 total for sidewalk replacement construction funding.

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 24-21**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE FY24 CAPITAL BUDGET BY RE-APPROPRIATING
9 FY22 STATE OF ALASKA COMMUNITY ASSISTANCE PROGRAM
10 PAYMENT IN THE AMOUNT OF \$98,714.98 FROM VARIOUS ADA
11 PROJECTS TO THE AIRPORT TERMINAL SIDEWALK REPLACEMENT
12 PROJECT.
13

14 WHEREAS, Ordinance 22-51 accepted and appropriated the FY22 Community
15 Assistance Program Payment in the amount of \$98,714.98 for ADA Improvements, and those
16 projects included:

- 17
 - Citywide ADA Interior Signage and Restrooms;
 - 18 • Parking Lot ADA Regrading Program;
 - 19 • Parks ADA Transition Plan;
 - 20 • Parks ADA Implementation; and
21

22 WHEREAS, The current adopted ADA Transition Plan identifies tasks completed by
23 Public Works staff related to replacing signage and barrier removal in bathrooms in various
24 city facilities funded through the operating budget; and
25

26 WHEREAS, A Parking Lot ADA Regrading Program plan has not been developed; and
27

28 WHEREAS, The ADA Family Restroom project at the airport is near completion and was
29 funded by a \$50,000 appropriation in the FY24/25 Capital Budget; and
30

31 WHEREAS, The Parks ADA Transition Plan was developed in house by City staff and the
32 ADA Advisory Board and adopted by Council with Resolution 23-112; and
33

34 WHEREAS, Parks ADA implementation is beginning with improvements at Bayview Park
35 that are funded through donation and grant funds, and other smaller improvements are
36 occurring that are funded through the operating budget; and
37

38 WHEREAS, The Airport Terminal Sidewalk Replacement Project is an urgent need, has
39 been put out to bid twice with no response, Public Works staff is finalizing drawings and
40 specifications for the project to include in a more substantive Invitation to Bid package; and
41

WHEREAS, The Airport Terminal Sidewalk Replacement Project design will address ADA accessibility by correcting the uneven sidewalk and improving handicap access ramps to the sidewalk that leads to the terminal doors; and

WHEREAS, \$76,175 was appropriated in the FY24/25 Capital Budget and a revised construction cost estimate is in the range of \$150,000 to \$200,000; and

WHEREAS, Community Assistance Program Payments should not sit on the books for multiple years and by re-appropriating the funds to the Airport Terminal Sidewalk Replacement Project fulfills the intent of using the program funds for an ADA barrier removal project.

NOW, THEREFORE, The City of Homer Ordains:

Section 1: The Homer City Council hereby amends the FY24 Capital Budget by re-appropriating the FY22 Community Assistance Program Payment of \$98,714.98 from various ADA projects to the Airport Terminal Sidewalk Replacement Project as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
	CAP Funds	\$98,714.98

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 28th day of May, 2024.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

RENEE KRAUSE, MMC, ACTING CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

- 82 First Reading:
- 83 Public Hearing:
- 84 Second Reading:
- 85 Effective Date:

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Finance Director

ORDINANCE 24-22

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING THE FY24 CAPITAL BUDGET BY ACCEPTING AND
APPROPRIATING AN ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION (ADEC) DRINKING WATER FUND LOAN IN THE
AMOUNT OF \$184,578 FOR THE TASMANIA COURT WATER
IMPROVEMENT PROJECT.

WHEREAS, Resolution 21-042 authorized the City Manager to apply for a loan from the
Alaska Department of Environmental Conservation (ADEC) Drinking Water Fund; and

WHEREAS, The City of Homer was awarded the loan and the City Manager signed a
loan agreement (No. 409331-S) totaling \$277,090 for 20 years; and

WHEREAS, Resolution 23-108 certified the final assessment roll for the Tasmania Court
Water Special Assessment District (SAD); and

WHEREAS, The City submitted a disbursement request to ADEC and those funds have
been received.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY24 Capital Budget by accepting
and appropriating an ADEC Drinking Water Fund Loan for Tasmania Court Water
Improvements in the amount of \$184,578 as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
215	ADEC Drinking Water Fund Loan – Tasmania Court Water Improvements	\$184,578

Section 2. 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 _____, 2024.

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

RENEE KRAUSE, MMC, ACTING CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

Introduction:

Public Hearing:

Second Reading:

Effective Date:

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 23-108

A RESOLUTION OF THE HOMER CITY COUNCIL CONFIRMING THE ASSESSMENT ROLL, ESTABLISHING DATES FOR PAYMENT OF SPECIAL ASSESSMENTS AND ESTABLISHING DELINQUENCY, PENALTY, AND INTEREST PROVISIONS FOR THE TASMANIA COURT WATER AND SEWER IMPROVEMENT SPECIAL ASSESSMENT DISTRICT

WHEREAS, In compliance with Homer City Code Chapter 17, Improvement Districts, the Homer City Council created the Tasmania Court Water Assessment Roll on September 28, 2020 with Resolution 20-083 and the Tasmania Court Sewer Special Assessment District on June 14, 2021 with Resolution 21-045(A); and

WHEREAS, The Notice of Public Hearing and Notice of Right to Object dated August 21, 2023 was mailed to property owners in the district advising that written objections must be filed with the City Clerk no later than September 11, 2023; and

WHEREAS, A second Notice of Public Hearing and Right to Object dated September 12, 2023 was mailed to property owners advising a page was omitted from the original notice and that written objections must be filed with the City Clerk no later than September 25, 2023; and

WHEREAS, Public Hearings were held on September 11 and 25, 2023 to hear objections to the final assessment roll; and

WHEREAS, One objection was filed on September 7, 2023 by Bryan and Ginny Evans; and

WHEREAS, The final assessment roll as presented by the City Clerk is attached hereto as Attachment A, is hereby confirmed as the official assessment roll for the Tasmania Court Water and Sewer Special Assessment Districts and the Mayor and Clerk shall be directed to sign same.

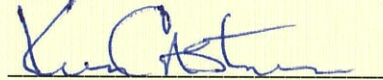
NOW, THEREFORE, BE IT RESOLVED that on or before 5:00 p.m. on February 1, 2024 all assessments in the Tasmania Court Water and Sewer Special Assessment District shall become due and payable in full. All assessments not paid in full by this date shall be considered delinquent and in default and shall have added a penalty the rate of ten and one half percent (10.5%) per annum until paid. Should default occur, the City of Homer will institute a civil action for a foreclosure of the assessment lien. Foreclosure shall be against all property on which assessments are in default. All costs including collection and legal fees resulting from such action, shall be added and incorporated into the assessed amount due plus interest and

penalties and shall be reimbursed from the proceeds of foreclosure sale of the assessed real property.

BE IT FURTHER RESOLVED that an optional twenty (20) year payment plan for the water and sewer assessments is offered whereby the assessments may be paid in equal yearly installments plus interest of one and one half percent (1.5%) per annum on the unpaid balance of the assessment. The first such installment shall be due and payable without interest on or before 5:00 p.m. February 1, 2024 and each installment thereafter shall be due on or before February 1 of each year, plus interest on the unpaid balance of the assessment. If any annual installment payment is not received when due, the entire outstanding principle amount of the assessment shall be in default and shall be immediately due and payable. The entire outstanding assessment principle (including the annual installment) shall have added a penalty of ten and one half percent (10.5%) on the outstanding principle. The principle shall draw an additional interest at the rate of ten and one half percent (10.5%) per annum until paid. Should default occur, the City will institute civil action for foreclosure of the assessment lien. Foreclosure shall be against all property on which assessments are in default. All costs including collection and legal fees resulting from such action shall be added and incorporated into the assessed amount due plus interest and penalties, and shall be reimbursed from the proceeds of foreclosure sale of the assessed real property.

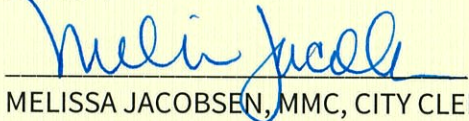
PASSED AND ADOPTED by the Homer City Council on this 9th day of October, 2023.

CITY OF HOMER



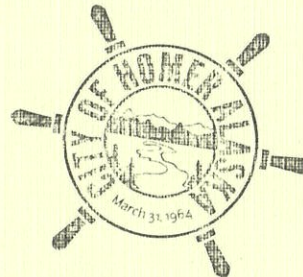
KEN CASTNER, MAYOR

ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: Total design and construction project costs are \$246,104.43 for water improvement and \$304,938.97 for sewer improvement. Assessment methodology is equal shares and the cost per parcel is \$16,779.85 for water and \$20,791.29 sewer.



**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 21-042

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA AUTHORIZING THE CITY MANAGER TO APPLY FOR A LOAN FROM THE STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION, ALASKA DRINKING WATER FUND, IN AN AMOUNT NOT TO EXCEED \$277,090 TO FINANCE COSTS OF THE TASMANIA COURT WATER IMPROVEMENT PROJECT AND SUPERSEDING THE AMOUNT AUTHORIZED BY RESOLUTION 20-105.

WHEREAS, The City Council created the Tasmania Court Water Improvement Special Assessment District (SAD); and

WHEREAS, Council adopted Resolution 20-105 which authorized the City Manager to apply for an Alaska Department of Environmental Conservation, Alaska Drinking Water Fund Loan in the amount of \$216,681 for the project; and

WHEREAS, the following actions have been taken relating to funding:

- | | | | |
|----|----------|---|------------|
| a. | 4-29-20 | Staff generated an estimate for the Total Project Costs for the water district as it was originally proposed | \$277,090. |
| b. | 10-26-20 | Resolution 20-105 Council approved application for ADEC loan in the amount of | \$216,681 |
| c. | 3-22-21 | Resolution 21-023 Council distributed the Principal Forgiveness subsidy to Tasmania Ct Water SAD in the amount of | \$122,822 |
| d. | 5-27-21 | Staff filed Loan Application for Prop. Owner Share of SAD in the amount of | \$207,817 |

WHEREAS, The ADEC advised that in order to receive the maximum amount of the Principal Forgiveness subsidy, which has been allocated to this project (\$122,822) we need to show a Loan Application amount of \$277,090; and

WHEREAS, The Council needs to pass a new resolution authorizing a loan application amount of \$277,090 to receive the maximum benefit of the Principal Forgiveness subsidy; and

WHEREAS, The net effect of the Principal Forgiveness subsidy is that the updated Total Project Costs, to be shared between the City and the property owners, is \$199,852.

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44 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer Alaska hereby the
45 City Manager to apply for a State of Alaska Department of Environmental Conservation loan,
46 in an amount not to exceed \$277,090 from its Alaska Drinking Water Fund for purposes of
47 paying the Total Project Costs in the Tasmania Court Water SAD and superseding the amount
48 authorized by Resolution 20-105.

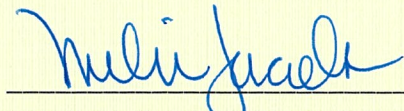
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50 PASSED AND ADOPTED by the City Council of Homer, ALASKA, this 14th day of June,
51 2021.

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53 CITY OF HOMER

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57 KEN CASTNER, MAYOR
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59 ATTEST:

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63 MELISSA JACOBSEN, MMC, CITY CLERK





City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

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(p) 907- 235-3170

(f) 907-235-3145

Memorandum 21-098

TO: Mayor Castner and City Council
Through: Robert Dumouchel, City Manager
FROM: Janette Keiser, PE, Director of Public Works/Acting City Engineer
DATE: May 31, 2021
SUBJECT: Tasmania Court Water Project

Issue: The Tasmania Court Water Project is in limbo pending the outcome of the Tasmania Court Sewer Special Assessment District. This notwithstanding, we submitted a loan application to the AK Department of Environmental Conservation for the water project to stay on the list for the Principal Forgiveness subsidy. In the course of the loan application process, the ADEC brought to our attention that some of the numbers needed to be reconciled. The purpose of this Memoranda is to explain the issue and recommend a solution.

Background:

The Tasmania Court water main extension project includes installation of 930 of 8" HDPE pipe, two fire hydrants and 11 water service stub-outs. Multiple design adjustments have been made to address property owner concerns and add the "betterment" of a 12" water main to serve a future water storage tank in the neighborhood. These design adjustments have caused the cost estimates to fluctuate over time.

While the design progressed, we sought seeking various authorizations from Council, for funding and approval to submit an ADEC Loan Application as well as submitted documentation to the ADEC. During this process, I got confused and made a mistake.

Here's what happened:

4-29-20 Staff generated an estimate for the Total Project Costs for the water district as it was originally proposed - \$277,090. Later revisions to the design concept reduced the estimate of Total Project Costs to \$234,105.

9-28-20 Resolution 20-83. Council acknowledged the sufficiency of the SAD and approved funds from HAWSP in the amount of \$234,105.

10-26-20 Resolution 20-105 Council authorized staff to pursue an ADEC loan in the amount of \$216,681. This would have been enough to cover the 75% of the estimated project costs attributed to the property owners, with some contingency. At this time, we had not yet considered the benefit of adding the 12" water main to the project so the estimated Total Project Cost did not include the estimated cost of this element.

3-8-21 Ordinance 21-11 Council approved the 12-inch water main "betterment" & appropriated funds from HAWSP in the amount of \$88,569.
(This brought the new estimated Total Project Costs to $\$234,105 + \$88,569 = \$322,674$.)

3-22-21 Resolution 21-023 Council distributed Principal Forgiveness subsidy to Tasmania Court Water SAD in the amount of \$122,822, to be applied to the property owners' share and the City's share of the water project.
(The adjusted estimated Total Project Costs = $\$322,674 - \$122,822 = \$199,852$.)

5-27-21 Staff filed a Loan Application with the ADEC for \$207,817, which represented the property owners' share of the water project, based on the original estimated Total Project Cost of \$277,090, rather than the updated \$234,105. (The value of the Principal Forgiveness subsidy was not taken into consideration because we haven't received a commitment letter yet. This will come further along in the loan application process.)

5-28-21 The ADEC advised that in order to receive the maximum amount of the Principal Forgiveness subsidy, which has been allocated to this project (\$122,822), our loan amount would need to be for the Total Project Cost of \$277,090. Further, the Council would need to pass a new action authorizing this amount.

If the City were to obtain a loan for \$277,090, the value of the loan proceeds would be approximately 86% of the estimated Total Project Costs, rather than the 75% we had originally planned. There would be no penalty for early payoff of the City's share.

Recommendation: That Council pass a Resolution authorizing the City Manager to apply for a State of Alaska Department of Environmental Conservation loan, in an amount not to exceed \$277,090 from its Alaska Drinking Water Fund for purposes of paying the Project costs in the Tasmania Court Water SAD.

Recitals to this resolution are hereby incorporated into this resolution as if fully set forth herein.

Terms not otherwise defined in this resolution shall have the meanings set forth in the recitals to this resolution.


PASSED AND ADOPTED by the Homer City Council this 26th day of October, 2020.

CITY OF HOMER



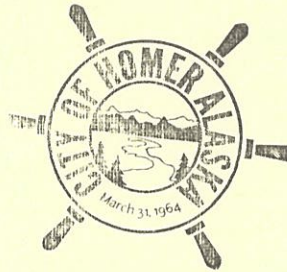
KEN CASTNER, MAYOR

ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: HAWSP





MEMORANDUM

Resolution 24-049, A Resolution of the City Council of Homer Alaska Approving One Year Contracts with Moda Health, VSP and Prudential with a Renewal Date of July 1, 2024.

City Manager/HR Director

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: May 3, 2024
From: Andrea Browning, HR Director
Through: Melissa Jacobsen, Interim City Manager

The City of Homer's employee benefit plans are due to renew on July 1, 2024.

Below is a summary of the upcoming renewal:

- The City's renewal position was weaker than last year, based on overall usage and group activity (high claims).
- The renewal rates in the packet provided by USI show rates based on current enrollment.
- Our enrollment numbers fluctuate throughout the year. On average, our enrollment has decreased by seven (7) employees in the past year. This is due to attrition, and a general shift in a fewer number of new-hires enrolling in healthcare, due to having separate coverage through the military, alternate spousal coverage, etc.
- VSP and Prudential provided a rate pass (no increase, as we have a rate guarantee through 7/1/2025).
- The initial renewal bid from Premera was \$2,392,454. This is a 27.5% increase over last year for medical, and a 26.2% overall increase for all benefits (Medical, Dental, Vision, Life Insurance) *based on current enrollment.
- USI conducted a targeted market review, and solicited bids for healthcare from multiple carriers. Two came in competitively; Moda and United Health.
- Moda returned the lowest bid, which is \$1,770,412 (United Health was \$1,972,794)
- The City worked with our USI broker and his team to leverage the Moda bid, asking Premera for their lowest/ best bid to keep the City as a group, which they offered at \$2,146,014
- Moda is still the most competitive bid, lower than Premera by \$375,602
- If the City shifts to Moda for FY25, there is an estimated overall healthcare decrease of 22.7% from FY25 budget.

***To better illustrate the decrease in enrollment numbers - last year's enrollment numbers vs. current:

The July 1, 2023 renewal rates are reflective of 79 total employees on the plan

- 26 Employee Only
- 14 Employee + Spouse
- 15 Employee + Child(ren)
- 24 Employee + Family

The July 1, 2024 renewal rates are reflective of 72 total employees on the plan

- 27 Employee Only
- 12 Employee + Spouse
- 20 Employee + Child(ren)
- 13 Employee + Family

Current Enrollment 72 employees	Premiera/ Current Enrollment	July 1, 2024 (Moda offer)	Difference \$	Increase/ Decrease %
	FY24 \$1,895,915	\$1,770,412	\$125,503	6.6% Decrease
	July 2024 (Moda offer)	1, 44 current employees opting out: \$800/month incentive	Total Estimated FY25 w/ Moda	Total FY25 Budget Difference between FY25 Budget and estimated FY25 w/ Moda
Budget	FY25 \$1,770,412	\$422,400	\$2,192,812	\$2,690,994 (\$498,182) 22.7% decrease

*The City currently has 44 employees who opt-out of healthcare coverage, and receive the \$800/month healthcare allowance. The result of offering this incentive, in the past year alone, has meant 11 employees that were enrolled as Employee + Family tier the previous year are no longer on the City's plan. For every employee who takes the allowance instead of enrolling their family, the city saves over \$29,000 per year in premiums.



City of Homer
Cost Summary
July 1, 2024 Renewal Date

Carriers		Current	Renewal	Negotiated Renewal		Option 1	
Medical	Premera BCBS of AK (Direct)		Premera BCBS of AK (Direct)	Premera BCBS of AK (Direct)		Moda	
Dental	Premera BCBS of AK (Direct)		Premera BCBS of AK (Direct)	Premera BCBS of AK (Direct)		Moda	
Vision	VSP		VSP	VSP		VSP	
Life, Accident, and Disability	Prudential		Prudential	Prudential		Prudential	
FSA Administration	Premera BCBS of AK (Direct)		Premera BCBS of AK (Direct)	Premera BCBS of AK (Direct)		Premera BCBS of AK (Direct)	
Total Annual Cost			% Change		% Change		% Change
Medical		\$1,786,422		\$2,277,689	27.5%	\$2,036,520	14.0%
1-Month Premium Holiday		N/A		N/A		N/A	
Bundling Discount (1%)		N/A		N/A		N/A	
Dental		\$87,795		\$93,066	6.0%	\$87,795	0.0%
Vision		\$12,083		\$12,083	0.0%	\$12,083	0.0%
Life/AD&D		\$9,615		\$9,615	0.0%	\$9,615	0.0%
FSA Administration	Included w/ Medical		Included w/ Medical		Included w/ Medical		Included w/ Medical
Annual Total		\$1,895,915		\$2,392,454		\$2,146,014	
Change from Current			\$496,539		\$250,099		-\$125,503
Percentage Change			26.2%		13.2%		-6.6%

Notes

- Voluntary lines of coverage are omitted from total annual cost as these coverages are fully employee paid.
- Moda's proposal comes with a 2nd-year Medical rate cap of 12%.



City of Homer
Medical Plan
Benefit Outline and Cost Summary
July 1, 2024 Renewal Date

Benefit Outline		Current	Renewal	Negotiated Renewal	Option 1
Carrier		Premera BCBS of AK (Direct)	Premera BCBS of AK (Direct)	Premera BCBS of AK (Direct)	Moda
Plan Type, Network		PPO, Preferred Choice Plus	PPO, Preferred Choice Plus	PPO, Preferred Choice Plus	PPO, Endeavor Select
Deductible (Ind / Fam)		\$1,000 / \$2,000	\$1,000 / \$2,000	\$1,000 / \$2,000	\$1,000 / \$2,000
Non-Network Deductible (Ind / Fam)		\$2,000 / \$4,000	\$2,000 / \$4,000	\$2,000 / \$4,000	\$2,000 / \$4,000
Deductible Embedded / Non-Embedded		Embedded	Embedded	Embedded	Embedded
Out-of-Pocket Maximum (Ind / Fam)		\$4,500 / \$9,000	\$4,500 / \$9,000	\$4,500 / \$9,000	\$4,500 / \$9,000
Non-Network OOP Max (Ind / Fam)		\$45,000 / \$90,000	\$45,000 / \$90,000	\$45,000 / \$90,000	\$45,000 / \$90,000
Prescription OOP Max (Ind / Fam)		Included w/ Medical	Included w/ Medical	Included w/ Medical	Included w/ Medical
Coinsurance (Pref. / Par. / OON)		*80% / 60% / 40%	*80% / 60% / 40%	*80% / 60% / 40%	80% / 50%
Wellness / Preventive Care		100% (dw)	100% (dw)	100% (dw)	100% (dw)
Primary Care Office Visit		\$25 Copay (dw)	\$25 Copay (dw)	\$25 Copay (dw)	First 3 Visits: \$5 Copay 4+ Visits: \$25 Copay (dw)
Specialist Office Visit		\$60 Copay (dw)	\$60 Copay (dw)	\$60 Copay (dw)	\$25 Copay (dw)
Walk-In / Urgent Care Visit		\$40 Copay (dw)	\$40 Copay (dw)	\$40 Copay (dw)	\$25 Copay (dw)
Emergency Room		\$100 Copay / 80%	\$100 Copay / 80%	\$100 Copay / 80%	\$100 Copay / 80%
Outpatient Lab / X-Ray		80%	80%	80%	80% (dw)
Complex Imaging (MRI, CAT, PET, et al.)		80%	80%	80%	80%
Outpatient Surgical Facility		80%	80%	80%	80%
Inpatient Hospital Facility		80%	80%	80%	80%
Retail Prescription Drug Copays		\$20 / \$40 / \$60 (dw)	\$20 / \$40 / \$60 (dw)	\$20 / \$40 / \$60 (dw)	\$15 / \$45 / \$75 (dw)
Mail Order Prescription Drug Copays		2.5x Retail	2.5x Retail	2.5x Retail	3x Retail
Specialty Prescription Drugs		Same as Retail	Same as Retail	Same as Retail	\$15 / \$225 / 30% (dw)
Rates & Total Cost					
Employee	27	\$1,109.99	\$1,415.24	\$1,265.39	\$1,127.65
Employee + Spouse	12	\$2,550.32	\$3,251.65	\$2,907.36	\$2,590.89
Employee + Child(ren)	20	\$2,108.20	\$2,687.96	\$2,403.35	\$2,141.74
Employee + Family	13	\$3,548.53	\$4,524.38	\$4,045.32	\$3,604.98
Total Employees	72				
Annual Total		\$1,786,422	\$2,277,689	\$2,036,520	\$1,814,841
Change from Current			\$491,268	\$250,099	\$28,420
Percentage Change			27.5%	14.0%	1.6%

Notes

1. Deductible applies unless otherwise noted by (dw) = deductible waived.
2. Enrollment provided by Premera, March 2024.
3. *Benefits are illustrated at the Preferred level.
4. Moda's proposal comes with a 2nd-year rate cap of 12%.



City of Homer
Dental Plan
Benefit Outline and Cost Summary
July 1, 2024 Renewal Date

Benefit Outline	Current	Renewal	Negotiated Renewal	Option 1
Carrier	Premera BCBS of AK (Direct)	Premera BCBS of AK (Direct)	Premera BCBS of AK (Direct)	Moda (Fully Insured)
Plan Type	PPO	PPO	PPO	PPO
Deductible (Individual / Family)	\$50 / \$150	\$50 / \$150	\$50 / \$150	PPO: \$25 / \$75 Premier: \$50 / \$150
Waived For Preventive	Yes	Yes	Yes	Yes
Annual Maximum	\$2,000	\$2,000	\$2,000	PPO: \$2,100 Premier: \$2,000
Preventive Services	100%	100%	100%	100%
Basic Services	80%	80%	80%	80%
Major Services	50%	50%	50%	50%
Endodontics / Periodontics	Basic	Basic	Basic	Basic
Implants	Major	Major	Major	Major
Orthodontia	100% (dw)	100% (dw)	100% (dw)	50% (dw)
Eligibility	Adult and Child	Adult and Child	Adult and Child	Adult and Child
Lifetime Maximum	\$1,500	\$1,500	\$1,500	\$1,500
Waiting Periods (Prev. / Basic / Major)	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0	0 / 0 / 0
Non-Network	AK: 80th UCR Lower 48: 90th UCR	AK: 80th UCR Lower 48: 90th UCR	AK: 80th UCR Lower 48: 90th UCR	80th UCR
Deductible (Individual / Family)	\$50 / \$150	\$50 / \$150	\$50 / \$150	\$50 / \$150
Annual Maximum	\$2,000	\$2,000	\$2,000	\$2,000
Rate Guarantee	To 7/1/2024	To 7/1/2025	To 7/1/2025	To 7/1/2025

Rates & Total Cost

Employee	29	\$55.30	\$58.62	\$55.30	\$56.43
Employee + Spouse	13	\$112.73	\$119.50	\$112.73	\$112.11
Employee + Child(ren)	23	\$97.24	\$103.08	\$97.24	\$129.28
Employee + Family	13	\$154.66	\$163.94	\$154.66	\$187.69
Total Employees	78				
Annual Total		\$87,795	\$93,066	\$87,795	\$102,088
Change From Current			\$5,271	\$0	\$14,292
Percentage Change			6.0%	0.0%	16.3%

Notes

1. Enrollment provided by Premera, March 2024.



MEMORANDUM

Resolution 24-049, A Resolution of the City Council of Homer Alaska Approving One Year Contracts with Moda Health, VSP and Prudential with a Renewal Date of July 1, 2024.

City Manager/HR Director

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: May 3, 2024
From: Employee Committee
Through: Melissa Jacobsen, Interim City Manager

The City of Homer's Employee Committee met on March 28, 2024 and were presented information on the proposed Health insurance costs by Andrea Browning, HR Director. She provided clarification that the city consultant solicited bids to providers and received three bids as follows:

- Premera at an increase of 27.5% \$2,392,454
- Moda Health \$1,770,412
- United Health \$1,972,794

She reported that Moda Health has a similar provider network and United Health has a very limited provider network. The following information was brought forward to the departments by the respective representative on the Employee Committee:

- The City's renewal position was weaker than last year, based on overall usage and group activity (high claims).
- The renewal rates in the packet provided by USI show rates based on current enrollment.
- Our enrollment numbers fluctuate throughout the year. On average, our enrollment has decreased by seven (7) employees in the past year. This is due to attrition, and a general shift in a fewer number of new-hires enrolling in healthcare, due to having separate coverage through the military, alternate spousal coverage, etc.
- VSP and Prudential provided a rate pass (no increase, as we have a rate guarantee through 7/1/2025).

The Employee Committee was requested to bring the information back to their respective departments and receive input from them on the proposals.

At the Employee Committee meeting on April 30th it was reported that members of departments had concerns on the in network providers under Premera compared to Moda Health.

Employees present who previously had Moda Health as a provider at a previous employer related personal experiences dealing with insurance claims and that experiences were positive with regard to service. It was also noted that a local large employer offers Moda Health and comments from an employee did not relay any problems.

The Committee members noted that it was only for one year and if the experience was that bad they could always switch back and maybe Premera would offer better rates to get the city back as clients.

A motion was called for by the Chair. It was moved and seconded to switch providers from Premera BC/BS to Moda Health and the motion was approved ten in favor, two against.

Recommendation:

Employee Committee supports switching health insurance providers to Moda Health.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
HR Director

RESOLUTION 24-049

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, APPROVING
ONE-YEAR CONTRACTS WITH MODA HEALTH, VSP, AND PRUDENTIAL
WITH A RENEWAL DATE OF JULY 1, 2024.

WHEREAS, Premera Blue Cross extended an initial renewal offer of a 27.5% medical plan increase for employee healthcare coverage for the 2024-25 plan year; and

WHEREAS, USI conducted a targeted market review and solicited bids for healthcare from multiple carriers; and

WHEREAS, Competitive bids were received from Moda Health and United Healthcare; and

WHEREAS, Contracting with Moda Health, effective July 1, 2024 provides a significantly lower rate, resulting in an overall estimated healthcare decrease of 22.7% under FY2025 budget; and

WHEREAS, The City already has a rate lock with VSP for vision and Prudential for Life Insurance, which provide the best rates for those benefits; and

WHEREAS, The Employee Committee reviewed the benefit coverage and cost projections for the July 1, 2024 renewal, and supports this recommendation.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves new one-year contracts based upon the proposals with terms beginning on July 1, 2024, and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 13th day of May, 2024.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

RENEE KRAUSE, MMC, ACTING CITY CLERK

Fiscal Note: \$2,192,812 annual cost of employee health care and life insurance.



MEMORANDUM

Resolution 24-050, A Resolution of the City Council of Homer Alaska Awarding the 2024 Septic Pumping Service Contract to the Firm of Superior Septic, LLC of Soldotna, Alaska in the Amount of \$30,430 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and City Council
Date: May 1, 2024
From: Jean Arno, Public Works Inspector
Through: Melissa Jacobsen, Interim City Manager

Summary:

On April 30, 2024, the City received four (4) bids for the tri-annual pumping contract for the variable grade effluent system (VGES) tanks in Kachemak City. The work involves the pumping and agitating of 170 septic tanks. The work takes place within a 100 day contract period. The Invitation to Bid was advertised in the Homer News on 4/11/2024 and 4/18/2024.

The bids received were from Homer Septic Services, LLC for \$37,400 (\$220 per tank); Alaska Quality Septic, LLC for \$37,315 (\$219.50 per tank); Moore and Moore Services, Inc. for \$33,148.30 (\$194.00 per tank), and Superior Septic, LLC for \$30,430 (\$179 per tank).

History of Past Pumping Contracts:

Year	Contract Amount	Tanks Pumped	Price per Tank	Contractor
1994	\$5,289.50	69	\$76.66	Homer Honey Bear
1996	\$5,962.00	75	\$79.50	Homer Honey Bear
1998	\$7,200.00	76	\$94.74	Homer Honey Bear
2000	\$6,950.00	82	\$84.76	Peninsula Pumping
2003	\$9,309.00	100	\$93.09	Moore-Quick Pumping
2006	\$18,000.00	116	\$155.00	Homer Septic Services
2009	\$30,000.00	126	\$238.10	Homer Septic Services
2012	\$33,655.00	127	\$265.00	Homer Septic Services
2015	\$35,510.00	134	\$265.00	Homer Septic Services
2018	\$32,053.00	133	\$241.00	Alaska Quality Septic, LLC
2021	\$29,876	154	\$194.00	Alaska Quality Septic, LLC

Fiscal Note- This work is paid through a portion of the customer's monthly sewer rate and funded under account 200.5210.504.

Recommendation:

Award the City of Homer 2024 Septic Tank Pumping Contract to Superior Septic, LLC in the amount of \$30,430.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 24-050

A RESOLUTION OF THE CITY COUNCIL OF HOMER ALASKA
AWARDING THE 2024 SEPTIC PUMPING SERVICE CONTRACT TO
THE FIRM OF SUPERIOR SEPTIC, LLC OF SOLDOTNA, ALASKA IN
THE AMOUNT OF \$30,430 AND AUTHORIZING THE CITY MANAGER
TO NEGOTIATE AND EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The City of Homer solicited bids to perform the Septic Pumping Services for
the variable grade effluent system tanks in Kachemak City; and

WHEREAS, The Invitation to Bid was advertised in the Homer News on April 11 and 18,
2024, listed with three plans rooms in the state and on the City website; and

WHEREAS, Bids were due April 30, 2024 at 2:00 p.m. and four bids were received by the
City Clerk's Office, and

WHEREAS, Superior Septic, LLC of Soldotna, Alaska was found to be the lowest and
responsive bidder; and

WHEREAS, This award is not final until written notice is received by Superior Septic of
Soldotna, Alaska from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, Awards the
contract to Superior Septic, LLC of Soldotna, Alaska, in the Amount of \$30,430 and Authorizes
the City Manager to Negotiate and Execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 13th day of May, 2024.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

RENEE KRAUSE, MMC, ACTING CITY CLERK

Fiscal note: Revenues. See Memorandum 24-097



MEMORANDUM

Resolution 24-051, A Resolution of the City Council of Homer Alaska Awarding the Contract to the Firm of PowerTech, LLC of Palmer, Alaska in the Amount of \$37,550 to Furnish and Install Sewer Treatment Plant Replacement Transfer Switch and Authorizing the City Manager to Negotiate Execute the Appropriate Documents. City Manager/Public Works Director.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and City Council
Date: May 1, 2024
From: Daniel Kort, Public Works Director
Through: Melissa Jacobsen, Interim City Manager

Background:

On April 30, 2024 the City of Homer (City) received one (1) bid for the STP Transfer Switch Replacement Project.

The work involves the replacement of the existing Automatic Transfer Switch at the City's Wastewater Treatment Plant that automatically switches the power source for the wastewater treatment plant to diesel generator power upon a power outage. The original transfer switch from 1990 is no longer transferring power properly. The invitation to Bid was advertised in the Homer News on 4/18/24 and 4/25/24, the Anchorage Daily News on 4/21/24, was available in three (3) plans rooms in the state, and posted on the City website.

The one bid was received was from PowerTech, LLC for \$37,550.

Fiscal Note – This work was budgeted from the Sewer CARMA through Ordinance 23-23(A-3) and the bid amount is within the amount budgeted.

Recommendation:

The Public Works Department is recommending the City of Homer award the STP Transfer Switch Replacement Project to PowerTech LLC of Palmer, Alaska in the amount of \$37,550.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 24-051

A RESOLUTION OF THE CITY COUNCIL OF HOMER ALASKA
AWARDING THE CONTRACT TO THE FIRM OF POWERTECH, LLC OF
PALMER, ALASKA IN THE AMOUNT OF \$37,550 TO FURNISH AND
INSTALL SEWER TREATMENT PLANT TRANSFER SWITCH
REPLACEMENT AND AUTHORIZING THE CITY MANAGER TO
NEGOTIATE AND EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The Replacement Transfer Switch for the Sewer Treatment Plant Project
was included in the FY24/FY25 Capital Budget Sewer CARMA via Ordinance 23-23(A-3); and

WHEREAS, The Invitation to Bid was advertised in the Homer News on April 18 and 25,
2024 and in the Anchorage Daily News on April 21, 2024 and listed with three plans rooms in
the state and on the City website; and

WHEREAS, Bids were due by April 30, 2024 at 3:00 p.m. and one bid was received by the
City Clerk's Office, and

WHEREAS, The Bid is within the project budget approved by City Council and
PowerTech, LLC of Palmer, Alaska was found to be the lowest and responsive bidder (see
Memorandum CC-24-xxx); and

WHEREAS, This award is not final until written notice is received by PowerTech, LLC of
Palmer, Alaska from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, Awards the
contract to Furnish and Install the Sewer Treatment Plant Replacement Transfer Switch to
PowerTech, LLC of Palmer, Alaska, in the Amount of \$37,550 and Authorizes the City Manager
to Negotiate and Execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 13th day of May, 2024.

CITY OF HOMER

KEN CASTNER, MAYOR

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RENEE KRAUSE, MMC, ACTING CITY CLERK

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48 Fiscal note: Sewer CARMA \$37,550

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MEMORANDUM

Resolution 24-052, A Resolution of the City Council of Homer Alaska Awarding the Contract for the Construction of the Ben Walters Way Sidewalk Improvement Project to the Firm of East Road Services, Inc., of Homer, Alaska, in the Amount of \$1,454,702 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and City Council
Date: May 1, 2024
From: Daniel Kort, Public Works Director
Through: Melissa Jacobsen, Interim City Manager

Background:

On April 30, 2024 the City of Homer (City) received three (3) bids for the Ben Walters Way Sidewalk Improvement Project. The work involves the construction of new sidewalk along Ben Walters Way, stormwater improvements associated with the new sidewalk, and replacement of the existing Pressure Reducing Valve (PRV) Station.

The new sidewalk is part of the City's initiative on creating additional non-motorized transportation routes. The replacement of the PRV Station replaces a below grade PRV vault that is located below the sidewalk project and is typically flooded. Due to the flooding, the equipment in the vault has been subject to corrosion and failure due to submersion. The replacement PRV Station will be within an above grade structure within the utility Right of Way. The Invitation to Bid was advertised in the Homer News on 4/4/24 and 4/11/24, was available in three (3) plans rooms in the state, and posted on the City website.

The three (3) bids received were from East Road Services, Inc. for \$1,454,702; Arno Construction for \$1,592,135; and Tutka, LLC for \$1,864,973.

Fiscal Note – This work was budget for through Ordinance 23-23(A-3) using HART Roads funds and the bid amount is within the amount budgeted.

Recommendation:

The Public Works Department is recommending the award of the Ben Walters Sidewalk Improvement Project to East Road Services in the amount of \$1,454,702.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 24-052

A RESOLUTION OF THE CITY COUNCIL OF HOMER ALASKA
AWARDING THE CONTRACT FOR THE CONSTRUCTION OF THE
BEN WALTERS WAY SIDEWALK IMPROVEMENT PROJECT TO THE
FIRM OF EAST ROAD SERVICES, INC OF HOMER, ALASKA IN THE
AMOUNT OF \$1,454,702 AND AUTHORIZING THE CITY MANAGER
TO NEGOTIATE AND EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, Competitive Bids were solicited for the Ben Walters Way Improvement
Project in conformance with the City of Homer Procurement Policy by advertisement in the
Homer News on April 4 and 11, 2024, three plans rooms in the state and the city website; and

WHEREAS, Three bids were received on April 30, 2024 (see Memorandum CC-24-099);
and

WHEREAS, East Road Services, Inc. submitted the lowest bid, which was found
responsive and within the budget as appropriated by Ordinance 23-23(A-3); and

WHEREAS, This award is not final until written notification is received by East Road
Services, Inc., from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the
contract to East Road Services, Inc., of Homer, Alaska for the Ben Walters Way Sidewalk
Improvement Project and Authorizes the City Manager to Negotiate and Execute the
appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 13th day of May, 2024.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

RENEE KRAUSE, MMC, ACTING CITY CLERK

Fiscal note: HART Roads Fund 160 \$1,700,000



MEMORANDUM

Resolution 24-053, A Resolution of the City Council of Homer, Alaska, Awarding the Contract to Furnish and Install Accessible Automatic Swing Doors for the Harbormaster's Office to Doors and Windows of Soldotna, Alaska, in the Amount Not to Exceed \$14,050 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Port Director.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: April 10 2024
From: Bryan Hawkins, Port Director
Through: Melissa Jacobsen, Interim City Manager

In the Port and Harbor portion of the FY23-24 budget for special projects, \$10,000 has been allocated and approved to install automatic swing components to the front harbormaster office lobby doors to add ADA accessible buttons.

Staff reached out to local glass, window, and door companies with a scope of the project and only one company, Doors/Windows of Soldotna, stated experience with this particular kind of application/installation for automatic swing doors and accessible door activation buttons. Staff then reached out to Public Works to inquire which company currently serviced/installed the other automatic swing doors with accessible buttons located in Homer city and local buildings and were given the name of the same company further confirming a sole sourcing of this niche skill set.

Staff requested a cost estimate from Doors/Windows of Soldotna for work and materials needed to complete the install of the automatic doors with accessible buttons. A quote was provided of \$14,050.00.

The FY24 Port Admin building maintenance and grounds GL currently has \$10,000 remaining. \$4,050. Shall be used from this budgeted line item for the automatic swing door installation in combination with the original \$10,000 set aside for this special project. No additional allocation of funds is needed.

RECOMMENDATION:

Adopt Resolution 24-053 Awarding a Sole Source Contract to Doors/Windows of Soldotna for the installation of automatic swing door operators with interior and exterior ADA door activation buttons, and authorizing the city manager to execute the appropriate documents.

Fiscal note:

456-0830	\$10,000
400-0600-5209	\$4,050

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Port Director

RESOLUTION 24-053

A RESOLUTION OF THE CITY COUNCIL OF HOMER ALASKA
AWARDING THE CONTRACT TO FURNISH AND INSTALL
ACCESSIBLE AUTOMATIC SWING DOORS FOR THE
HARBORMASTER'S OFFICE TO DOORS/WINDOWS OF SOLDOTNA,
ALASKA IN THE AMOUNT NOT TO EXCEED \$14,050 AND
AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE
THE APPROPRIATE DOCUMENTS.

WHEREAS, Installation of automatic swing lobby doors in accordance with Americans
with Disability Act (ADA) Accessibility Guidelines compliant buttons will enhance accessibility
and convenience within the Harbormaster's office; and

WHEREAS, It has been determined that Doors/Windows of Soldotna, Alaska is the sole
service local provider with experience in the installation of this type of door system; and

WHEREAS, Doors/Windows of Soldotna, Alaska provided a quote for the work in the
amount of \$14,050.00; and

WHEREAS, Staff is requesting the use of Sole Source Provider for this contract as
Doors/Windows of Soldotna is uniquely qualified to perform the work; and

WHEREAS, Funds in the Amount of \$10,000 has been set aside in the FY23-24 budget for
this special project in the port portion of the city budget, and the remaining \$4,050 will come
from the port admin maintenance and grounds FY24 budget and no additional allocation of
funds is needed.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the
contract to Furnish and Install Accessible Automatic Swing Doors for the Harbormaster's office
to Doors/Windows of Soldotna, Alaska and Authorizes the City Manager to Negotiate and
Execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 13th day of May, 2024.

CITY OF HOMER

KEN CASTNER, MAYOR

45 ATTEST:

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RENEE KRAUSE, MMC, ACTING CITY CLERK

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50 Fiscal note: 400-0600-5209 \$4,050

51 456-0380 \$10,000



MEMORANDUM

Resolution 24-054 A Resolution of the City Council of Homer, Alaska Amending the City of Homer Fee Schedule By Adding Additional Participation Fees and HERC Reservation Fees under Community Recreation. City Manager.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Thru: Melissa Jacobsen, Interim City Manager
Date: May 2, 2024
From: Parks, Art, Recreation & Culture Advisory Commission

Background Information:

Last year, Homer City Council had adopted Resolution 23-079 by adding the Community Recreation Participation Fees into the city's fee schedule. The initial fees were established with the intent that staff would continue to review and propose adjustments to the recreation fees based upon community feedback, affordability and our efforts to generate fees to help offset the cost of operations. The two proposed additions to the city's fee schedule includes: a new yearlong membership for drop in programs only and establish new rates to reserve the HERC gymnasium and activity room for existing and future partnering organizations only.

The proposed yearlong individual youth and adult membership has been repeatedly requested by many participants to assist with affordability, the ease of registering/paying and is a common offering in similar recreational organizations. The rates were determined by comparing to other similar operations as well. This will also minimize staff time with handling one transition for an annual membership opposed to time and effort for single drop in fees. This will also dovetail well with the new software transactions and record keeping.

The proposed hourly reservation rates for the HERC gym and activity room is an effort to improve and strengthen our many public/private partnerships with organizations affiliated with Community Recreation. Operationally we would require a bona fide Community Recreation volunteer to be present at all time for these reservations and are essentially still Community Recreation programs through a partnership. This change will allow an approved partnering organization to use the space for staff approved activities (educational or recreational only) at hourly rates opposed to having to collect fees per person. This additional option will also will save staff time and effort as well by simplifying transactions/record keeping on the software. These new fees will assist with establishing

the future framework of operational policies for a potential new recreation facility as we would ideally expand onto additional options such as rental rates.

At the April 18, 2024 PARCAC meeting, the Commissioners unanimously approved the proposal for the City Council to consider and approve.

Community Recreation Fees

Drop In Activities Only	Single	10 Visits	3-Month Pass	(proposed) Yearly Pass
Ongoing programs. ex. Pickleball, Basketball Volleyball, etc				Individual
Youth (3-17 years) City Locations Only	\$3.00	\$27.00	\$66.00	\$135
Youth (3-17 years) Drop In Activities at KPBSD locations Only	Free	Free	Free	Free
Adult (18 & Up) All Locations	\$5.00	\$45.00	\$110.00	\$230
Active Military All Locations	Free	Free	Free	Free

Contracted Instructor Classes

Series of Classes/Programs with specific start and end date

CR fees only. Contracted instructor fees additional and separate.

	Per Class
Youth (3-17 years)	\$3.00
Adult (18 & Up)	\$5.00

Special Events

Ticket fees: Contingent upon the cost of production (ex. film fest)

All ages	\$10-\$15
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Reservation- HERC Gym (proposed)

Use of the HERC gymnasium for pre-approved activities related to educational and recreational offerings for approved Homer Community Recreation partners only (complete background checks, concussion training, volunteer paperwork, etc). Pending availability of time and staff. Limit of 50 people per State Fire Marshal.

\$50 1 hour

\$175 4 hours

\$350 8 hours

Reservation - HERC Activity Room (proposed)

Use of the HERC activity room for pre-approved activities related to educational and recreational offerings Homer Community Recreation partners only (complete background checks, concussion training, volunteer paperwork, etc). Pending availability of time and staff. Limit of 30 people per State Fire Marshal.

\$30	1 hour
\$105	4 hours
\$210	8 hours

Recommendation: Review information and adopt the Resolution to include the proposed additional fees into the City of Homer Fee Schedule.



MEMORANDUM

Item Type: Informational Memorandum Community Recreation Division
Prepared For: Parks, Arts, Recreation & Culture Advisory Commission
Date: April 10 , 2024
From: Mike Illg, Recreation Manager/Staff Liaison

The City of Homer Community Recreation currently has the following rates for participants within the COH fee schedule and proposed new fees to implement from Community Recreation staff. The proposed additional rates are affordable and comparative to other similar agencies in the community and throughout the state. We also provide the option to waive participation fees for ongoing volunteers as well. Keep in mind these fees can be reviewed and adjusted on annual basis if the city determines the need adjust the participation fees to help offset the cost of operations especially if there is the possibility of future city recreation center with potential option of creating cost recovery goals.

Community Recreation Fees

Drop In Activities Only	Single	10 Visits	3-Month Pass	(proposed) Yearly Pass
				Individual
Ongoing programs. ex. Pickleball, Basketball Volleyball, etc				
Youth (3-17 years) City Locations Only	\$3.00	\$27.00	\$66.00	\$135
Youth (3-17 years) Drop In Activities at KPBSD locations Only	Free	Free	Free	Free
Adult (18 & Up) All Locations	\$5.00	\$45.00	\$110.00	\$230
Active Military All Locations	Free	Free	Free	Free

Contracted Instructor Classes

Series of Classes/Programs with specific start and end date

CR fees only. Contracted instructor fees additional and separate.

	Per Class
Youth (3-17 years)	\$3.00
Adult (18 & Up)	\$5.00

Special Events

Ticket fees: Contingent upon the cost of production (ex. film fest)

All ages	\$10-\$15
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Reservation- HERC Gym (proposed)

Use of the HERC gymnasium for pre-approved activities related to educational and recreational offerings for approved Homer Community Recreation partners only (complete background checks, concussion training, volunteer paperwork, etc). Pending availability of time and staff. Limit of 50 people per State Fire Marshal.

\$50	1 hour
\$175	4 hours
\$350	8 hours

Reservation - HERC Activity Room (proposed)

Use of the HERC activity room for pre-approved activities related to educational and recreational offerings Homer Community Recreation partners only (complete background checks, concussion training, volunteer paperwork, etc). Pending availability of time and staff. Limit of 30 people per State Fire Marshal.

\$30	1 hour
\$105	4 hours
\$210	8 hours

Recommendation: Review information and submit feedback to staff as this will likely be on the May 16, 2024 PARCAC agenda to discuss further.

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 24-054

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE CITY OF HOMER FEE SCHEDULE BY ADDING
ADDITIONAL PARTICIPATION FEES AND HOMER EDUCATION AND
RECREATION COMPLEX (HERC) RESERVATION FEES UNDER
COMMUNITY RECREATION.

WHEREAS, Community Recreation offers year round, affordable indoor and outdoor programs and special events at Homer High School, Homer Middle School, West Homer Elementary School and the Homer Education and Recreation Complex (HERC); and

WHEREAS, Community Recreation currently has existing participation fees in the city fee schedule; and

WHEREAS, Community Recreation charges and collects participation fees to assist with operational cost; and

WHEREAS, Community Recreation has identified the need for the option of an annual membership pass for drop in programs; and

WHEREAS, Community Recreation supports, utilizes and requires many partnering organizations, businesses and individuals to provide quality educational and recreational opportunities to the public; and

WHEREAS, Community Recreation has identified the need for the option of establishing hourly reservation rates for utilizing the HERC gymnasium and activity room; and

WHEREAS, The Parks, Art, Recreation and Culture Advisory Commission has formally recommended approving the proposed annual membership option and hourly reservation rates to the city fee schedule.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby amends the City Fee Schedule as follows:

Community Recreation Fees

	Single	10 Visits	3-Month Pass	(Proposed) Yearly Pass Individual
Drop In Activities Only				
Ongoing programs. ex. Pickleball, Basketball Volleyball, etc				
Youth (3-17 years) City Locations Only	\$3.00	\$27.00	\$66.00	\$135
Youth (3-17 years) Drop In Activities at KPBSD locations Only	Free	Free	Free	Free
Adult (18 & Up) All Locations	\$5.00	\$45.00	\$110.00	\$230
Active Military All Locations	Free	Free	Free	Free

Contracted Instructor Classes

Series of Classes/Programs with specific start and end date

CR fees only. Contracted instructor fees additional and separate.

	Per Class
Youth (3-17 years)	\$3.00
Adult (18 & Up)	\$5.00

Special Events

Ticket fees: Contingent upon the cost of production (ex. film fest)

All ages	\$10-\$15
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Reservation- HERC Gym (proposed)

Use of the HERC gymnasium for pre-approved activities related to educational and recreational offerings for approved Homer Community Recreation partners only (complete background checks, concussion training, volunteer paperwork, etc). Pending availability of time and staff. Limit of 50 people per State Fire Marshal.

\$50	1 hour
\$175	4 hours
\$350	8 hours

Reservation - HERC Activity Room (proposed)

Use of the HERC activity room for pre-approved activities related to educational and recreational offerings Homer Community Recreation partners only (complete background checks, concussion training, volunteer paperwork, etc). Pending availability of time and staff. Limit of 30 people per State Fire Marshal.

\$30	1 hour
\$105	4 hours
\$210	8 hours

PASSED AND ADOPTED by the Homer City Council this 13th day of May, 2024.

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

RENEE KRAUSE, MMC, ACTING CITY CLERK

Fiscal Note: Revenues



MEMORANDUM

Resolution 24-055, A Resolution of the City Council of Homer, Alaska, Authorizing the Issuance of a Change Order to Geovera, LLC in the Amount of \$10,930 to Continue Works on the Kachemak Sponge Green Infrastructure Storm Water Management Project and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City manager/Public Works Director.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: May 3, 2024
From: Leon Galbraith, PE, City Engineer
Through: Melissa Jacobsen, Interim City Manager

- I. Issue:** The purpose of this Memorandum is to recommend executing a change order in the amount of \$10,930 to be applied to the existing Task Order #23-02 with Geovera, LLC to fund additional design and monitoring point field surveys for the Kachemak Sponge Green Infrastructure Storm Water Management Project.
- II. Background:** The initial field surveying scope was estimated at the time of receiving the NOAA grant funding to be \$32,000. The task order for this work was scoped and issued to Geovera, LLC in the amount of \$21,070. This change order is to increase the value of the Task Order in support of additional design survey to reflect the fully scoped survey proposal and remain within the total NOAA grant budget limitation.
- III. Recommendation:** That the City Council approves executing a change order of \$10,930 to Geovera, LLC's current in progress task order to increase the amount available for design field survey under the NOAA grant to the fully budgeted amount of \$32,000.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 24-055

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
AUTHORIZING ISSUANCE OF A CHANGE ORDER TO GEOVERA,
LLC., IN THE AMOUNT OF \$10,930 TO CONTINUE WORK ON THE
KACHEMAK SPONGE GREEN INFRASTRUCTURE STORM WATER
MANAGEMENT PROJECT AND AUTHORIZING THE CITY MANAGER
TO NEGOTIATE AND EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, Resolution 23-089 approved a task order with Geovera, LLC in the amount of
\$25,000 for survey and platting services related to the Kachemak Sponge Green Infrastructure
Storm Water Management Project; and

WHEREAS, When the task order was approved the full scope of project planning support
and survey work was unknown and the cost was estimated at \$21,070; and

WHEREAS, This change order is to increase the value of the task order to support
additional design survey to reflect the fully scoped survey proposal and remain within the total
NOAA Grant budget limitation; and

WHEREAS, This change order will increase the total cost for the task order to \$32,000.

NOW THEREFORE BE IT RESOLVED that the Homer City Council hereby authorizes a
change order in the amount of \$10,930 to the Geovera, LLC contract task order to continue
work on the Kachemak Sponge Green Infrastructure Stormwater Management Project and
authorizes the City Manager to negotiate and execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 13th of May, 2024.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

RENEE KRAUSE, MMC, ACTING CITY CLERK

Fiscal note: Ordinance 23-46/Resolution 23-089

**CHANGE ORDER #1 to
TASK ORDER #23-02
Survey and Platting Services for Kachemak Sponge Project**

This Change Order pertains to a Task Order by and between the City of Homer, (“OWNER”), and **Geovera LLC**, (“SURVEYOR”), dated September 13, 2023, (“the TASK ORDER”).

PART 1.0 SCOPE OF SERVICES TO BE PERFORMED BY SURVEYOR

At the time that the TASK ORDER was approved, the full scope of project platting support and survey work was unknown and cost was estimated at \$21,070. This change order is to increase the value of the TASK ORDER in support of additional design survey to reflect the fully scoped survey proposal and remain within the total NOAA grant budget limitation.

PART 2.0 OWNER’S RESPONSIBILITIES

Unchanged

PART 4.0 DELIVERABLES AND TIME PERIOD

Unchanged

PART 5.0 PAYMENTS TO SURVEYOR

This Change Order increases the Not-To-Exceed cost by \$10,930, for a total cost of \$32,000.

Executed this ____ day of _____ 2024.

CITY OF HOMER
“OWNER”

GEOVERA, LLC
“SURVEYOR”

By: Melissa Jacobsen

By: Stephen Smith, PLS

Signature: _____
Title: Interim City Manager

Signature: _____

REFERENCE: ORD 23-46



MEMORANDUM

Resolution 24-056, A Resolution of the City Council of Homer, Alaska, Requesting the Kenai Peninsula Borough Assembly to Pass an Ordinance and Directing the Finance Department to Coordinate with Airbnb to Collect Sales Taxes on Short-term Rentals. Davis/Aderhold.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: May 7, 2024
From: Councilmembers Davis and Aderhold

At the December 2023 Alaska Municipal League meetings in Anchorage, Airbnb representatives told Homer City Council members that the company was setting up arrangements with municipalities nationwide whereby Airbnb would collect local sales taxes directly from customers at the time they made their purchase of a vacation rental. Airbnb would then remit the taxes directly to the municipal tax authority, relieving property owners of the burden of tracking, calculating, collecting, and remitting it. We were told that all Airbnb needed to start the process was “a copy of the municipal ordinance requiring collection of the tax.”

This sounded like great news, given that, anecdotally, it seems that some new and existing Airbnb hosts in Homer may not even be aware they are required to collect sales tax from their guests, while traditional Bed and Breakfast owners and many existing short-term rental owners are appropriately collecting sales taxes from their guests. (The City of Homer had earlier embarked on a process of identifying online short-term rentals so hosts could be contacted regarding sales taxes and other matters, but found the process too complicated, cumbersome, and time consuming for staff.)

The City of Homer receives sales taxes via two channels: The Kenai Peninsula Borough (KPB) Sales Tax Division collects (from business owners) city sales taxes for purchases made within the City of Homer, and the Alaska Remote Sellers Sales Tax Commission (ARSSTC) collects (from Amazon and other online retailers) city sales taxes for remote sales to customers with City of Homer addresses. Vacation rental platforms like Airbnb do not participate in ARSSTC.

Moving to a system whereby Airbnb collected the sales tax and directly submitted it to the KPB Sales Tax Division would simplify sales tax collection for short-term rental owners. Airbnb would add the appropriate sales tax to the bill for every single short-term rental sold on its platform Borough-wide, collect it at the time of purchase, and then remit the tax directly to KPB, removing from property owners, the burden of collecting and submitting sales taxes to the KPB Sales Tax Division themselves.

While the resolution sponsors see Airbnb's collection of sales taxes as beneficial, in that it would level the playing field by ensuring all Airbnb hosts collect sales taxes, and reduce the burden on property owners and operators using the Airbnb platform, the KPB Finance Department has been reluctant to launch the process with Airbnb.

After outreach to the KPB Mayor, the Assembly President, and Homer's representative on the Assembly, it was suggested that a resolution from the Homer City Council could be an effective way to get the ball rolling on a serious, in-depth consideration of the pros and cons of such an approach.

Recommendation:

Consider passing Resolution 24-056

**CITY OF HOMER
HOMER, ALASKA**

Davis/Aderhold

RESOLUTION 24-056

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
REQUESTING THE KENAI PENINSULA BOROUGH ASSEMBLY PASS
AN ORDINANCE DIRECTING THE FINANCE DEPARTMENT TO
COORDINATE WITH AIRBNB REGARDING THE DIRECT
COLLECTION OF SALES TAXES ON SHORT TERM RENTALS.

WHEREAS, Sales taxes provide a significant source of revenue to the City of Homer for funding public services and infrastructure; and

WHEREAS, The equitable collection of sales taxes ensures financial fairness for all entities conducting business within the City of Homer and Kenai Peninsula Borough (KPB); and

WHEREAS, The growth of online marketplaces and short-term rental platforms has created new challenges and opportunities for tax collection; and

WHEREAS, New short-term rentals come to the market on a regular basis, and anecdotal evidence suggests that many new and existing short-term rental owners are not aware of the requirement that they collect sales tax from their guests; and

WHEREAS, Airbnb is a significant platform for short-term rentals, with a substantial presence in Homer and throughout the KPB; and

WHEREAS, Identifying and reaching out to owners of new and existing short-term rentals appearing on Airbnb has proven challenging for City of Homer staff; and

WHEREAS, Airbnb has offered to collect sales taxes directly from guests at the time they pay for their vacation rental and associated services; and

WHEREAS, Direct collection of sales taxes by Airbnb would streamline the tax collection process, reducing administrative burdens on local hosts and ensuring a fair playing field for all visitor-hosting businesses in the City of Homer and the KPB; and

WHEREAS, The KPB Sales Tax Division of the Finance Department collects city sales taxes for purchases made within the City of Homer, and the Alaska Remote Sellers Sales Tax Commission (ARSSTC) collects city sales taxes for remote (online) sales to customers with City of Homer addresses; and

WHEREAS, The KPB and the City of Homer contribute a significant amount of funding for the ARSSTC's remote sales collection services, and Airbnb, which does not participate in ARSSTC, would provide a similar service to the City of Homer and the KPB at no cost.

NOW, THEREFORE, BE IT RESOLVED, The Homer City Council requests that the KPB Assembly pass an ordinance directing the Finance Department to coordinate with Airbnb regarding direct sales tax collection on short-term rentals in the KPB and City of Homer.

PASSED AND ADOPTED by the Homer City Council this 13th day of May, 2024.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

RENEE KRAUSE, MMC, ACTING CITY CLERK

Fiscal Note: Revenues



City of Homer

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Office of the City Manager

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Homer, Alaska 99603

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(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Melissa Jacobsen, Interim City Manager
DATE: May 9, 2024
SUBJECT: City Manager's Report for May 13, 2024 Council Meeting

City Receives GFOA Budget Award

The Government Finance Officers Association (GFOA) has announced that the City of Homer has received GFOA's Distinguished Budget Presentation Award. The award represents a significant achievement by reflecting the City's commitment of the Governing Body and Staff to meeting the highest principles of governmental budgeting. To receive this award the City has satisfied nationally recognized guidelines for effective budget presentation. A budget document must be rated as proficient in four categories and in the fourteen mandatory criteria within those categories to receive the award. The four categories are designed to assess how the City's budget serves as a policy document, a financial plan, an operations guide, and a communications device. Congratulations to the City of Homer and their hard working Finance Team for this accomplishment.

Natural Gas to the HERC

When natural gas came to the City in 2015 the Homer Education and Recreation Complex (HERC) wasn't connected because its fate was unclear. Past Council's had taken actions to cease use of the building and later the location was being considered for the new Police Station. It has become apparent that the building lives on as it continues to serve the community for recreation purposes. Public Works has looked into the cost of upgrading the boiler at the HERC from oil to natural gas and has received an estimate of \$14,000 to make that conversion, in addition to the cost to connect with Enstar. It's estimated it will take 2 to 3 years to break even on costs and recognize a savings from the change.

FEMA BRIC Update

Council approved application for a FEMA Building Resilient Infrastructure and Communities (BRIC) Grant with Resolution 22-086. The purpose of the grant is for assistance in developing the plan and framework for creating a Building Division for the City. Funds will also be used to hire a Building Inspector to begin implementation of newly adopted International Building Code (IBC) 2021 for commercial and residential building projects. City Planner Foster has provided status update on this grant in a memorandum that's attached to this report.

EPA Award

It was reported out in March that the City of Homer was selected to win an award from the EPA's Drinking Water SRF AQUARIUS program. The AQUARIUS program recognizes exceptional projects funded by the Drinking Water State Revolving Loan Fund (DWSRF) in six different categories which include excellence in: innovative financing, system partnerships, community engagement, environmental and public health protection, creative solutions, and climate change mitigation and adaptation. The City received the excellence in climate change mitigation and adaptation award for our seawall Armor Rock project and was recognized at the Council of Infrastructure Financing Authorities (CIFA) Summit in Washington, DC on April 3, 2024. I was notified that the City had another opportunity to receive the award in person at the Alaska Water Wastewater Management Association (AWWMA) annual conference award luncheon in

Anchorage on May 8th. Water/Wastewater Superintendent Todd Cook attended the AWWMA's conference and received the award on behalf of the City.



Beluga Slough

The City is still awaiting permits that will allow the work needed to open the mouth at the Beluga Slough and release the water that has collected there. This type of flooding is a natural event that occurs every two to three years after storm events create a storm berm that closes off the mouth. Historically the permitting has been handled by property owners who are impacted. As a result of this current event and conversations with affected property owners, the City has taken on acquiring the permitting that will allow us to coordinate with contractors who are equipped to do the necessary clearing. Going forward, we will do this work on the same schedule as the Mariner Slough as they are impacted by the same storm events.

The necessary permits and status are as follows:

- We have received permission from US Fish and Wildlife Preserve (letter granting support and access to their property provided it did not occur during the Shorebird Festival).
- We have a permit application into the US Army Corps Permit for dredging to occur under Dr. Bell's previously existing permit to conduct the dredging. (This is the longest approval timeline... maybe June or July from last correspondence).
- We have a permit application in for Alaska Fish and Game for Anadromous (salmon) Waters Permit (expected late May or June), and
- We have a permit application in for Alaska Fish and Game for Kachemak Bay Critical Habitat Area Permit (expected late May or June).

Attachments:

- May Employee Anniversaries
- GFOA Press Release and Distinguished Budget Presentation Award
- Memorandum from City Planner Foster re: FEMA BRIC Grant update and attachments
- Homer's Energy Future Community Conversation Flyer



City of Homer

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Memorandum

TO: MAYOR CASTNER AND CITY COUNCIL
FROM: Andrea Browning
DATE: May 13, 2024
SUBJECT: May 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.

Pike Ainsworth	Port	16	Years
Mike Gilbert	Public Works	10	Years
Sean McGrorty	Port	8	Years
Ralph Skorski	Public Works	6	Years
Taylor Crowder	Police	3	Years
Susan Jeffres	Library	3	Years
Sean Love	Public Works	3	Years
Brenden Fuson	Port	1	Year



GOVERNMENT FINANCE OFFICERS ASSOCIATION
NEWS RELEASE

FOR IMMEDIATE RELEASE

4/26/2024

For more information, contact:
Technical Services Center
Phone: (312) 977-9700
Email: budgetaward@gfoa.org

(Chicago, Illinois)—Government Finance Officers Association is pleased to announce that **City of Homer, Alaska** received GFOA's Distinguished Budget Presentation Award for its budget.

The award represents a significant achievement by the entity. It reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. In order to receive the budget award, the entity had to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as:

- a policy document
- a financial plan
- an operations guide
- a communications device

Budget documents must be rated "proficient" in all four categories, and in the fourteen mandatory criteria within those categories, to receive the award.

There are over 1,700 participants in the Budget Awards Program. The most recent Budget Award recipients, along with their corresponding budget documents, are posted quarterly on GFOA's website. Award recipients have pioneered efforts to improve the quality of budgeting and provide an excellent example for other governments throughout North America.

Government Finance Officers Association (GFOA) advances excellence in government finance by providing best practices, professional development, resources, and practical research for more than 22,500 members and the communities they serve.



GOVERNMENT FINANCE OFFICERS ASSOCIATION

*Distinguished
Budget Presentation
Award*

PRESENTED TO

**City of Homer
Alaska**

For the Biennium Beginning

July 01, 2023

Christopher P. Morrell

Executive Director



MEMORANDUM

FEMA BRIC Grant Application Status

Item Type: Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: May 7, 2024
From: Ryan Foster, AICP, City Planner
Through: Melissa Jacobsen, Acting City Manager

The purpose of this memorandum is to provide an update on the status of the City's Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities Grant application. FEMA has identified the City of Homer's sub-application (SA) for further review and has received requests for information (RFIs) from FEMA Region 10. This will require the City of Homer to provide additional information for FEMA reviewers to determine if it is eligible for the funds to be awarded. Responses to the RFI questions are due to FEMA by May 19, 2024.

FEMA BRIC Grant Application Background:

On November 28, 2022, per Resolution 22-086, the City Council authorized the City to apply for the FEMA BRIC grant to adopt and implement the latest International Building Code 2021 Edition. Building Safety and Code Enforcement was identified as a Council priority during the 2022 Visioning work session held in March at the Pratt Museum, with the goals of ensuring buildings in Homer are safe, that the City has a system for enforcing regulations, and allowing for a denser pattern of development in the future. Currently, Homer does not have an adopted building code and only commercial structures are reviewed by the State Fire Marshal for any kind of building code compliance. This is not a safe nor sustainable solution in the long term. We also have significant challenges with code enforcement without a Building Official or dedicated code enforcement staff member.

The FEMA BRIC grant program application by the City requested up to \$500,000 to provide funding and resources for adopting the International Building Code (IBC) 2021 Edition and implement the building code by creating a City of Homer Building Division staffed by a Building Official and Building Inspector. In hiring a consultant firm to adopt IBC 2021 and establishing a City of Homer Building Division to implement building codes, staff recommends a three-year process:

- Year 1 – Hire a consultant firm to adopt IBC 2021 Edition and create the plan/framework for creating a City of Homer Building Division

- Year 2 – Hire a Building Official to begin implementation of the newly adopted IBC 2021 Code for commercial building projects
- Year 3 – Hire a Building Inspector to complete the staffing of the Building Division and implement the IBC 2021 Code for residential building projects

What the BRIC program is: The BRIC program is designed to promote a national culture of preparedness and public safety through encouraging investments to protect the nation's communities and infrastructure and through strengthening national mitigation capabilities to foster resilience. The BRIC program seeks to fund effective and innovative projects that will reduce risk and increase resilience and serve as a catalyst to encourage the whole community to invest in and adopt policies related to mitigation. A 25% match is required by the City of Homer if awarded and the cost share may consist of cash, donated or third-party in-kind services, materials, or any combination thereof. Staff time and materials for the 25% match, up to \$125,000, would be spread over three years.

What Homer gets for a project:

1. Delivery of an adopted IBC 2021 Edition Building Code
2. Public and key stakeholder outreach to better inform, guide, and educate on IBC 2021 Codes
3. Presentation of the IBC 2021 Edition to the Planning and Zoning Commission, Economic Development Commission, and City Council public hearings for recommendation and approval
4. Detailed plan/framework for the creation of a City of Homer Building Division and its processes for enforcement
5. A Building Official for the first two years of implementation
6. A Building Inspector for the second year of implementation

What Homer receives when complete: A building code and Building Division that guides the future development of the City with a focus on public safety by ensuring buildings in Homer are safe and that the City has a system for enforcing regulations.

Attachment

Resolution 22-086

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 22-086

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AUTHORIZING THE CITY TO APPLY FOR A FEMA BUILDING
RESILIENT INFRASTRUCTURE & COMMUNITIES GRANT TO ADOPT
AND IMPLEMENT INTERNATIONAL BUILDING CODE 2021 EDITION

WHEREAS, Building Safety and Code Enforcement was identified as a Council priority during the 2022 Visioning work session held in March at the Pratt Museum; and

WHEREAS, Homer does not have an adopted building code, and only commercial structures are reviewed by the State Fire Marshal for any kind of code compliance; and

WHEREAS, The Federal Emergency Management Agency (FEMA) administers the Building Resilient Infrastructure & Communities (BRIC) grant program to support states, local communities, tribes and territories as they undertake hazard mitigation projects, reducing the risks they face from disasters and natural hazards; and

WHEREAS, FEMA provides up to 75% matching funds for building resilient infrastructure and communities projects for up to three years; and

WHEREAS, The City of Homer is a qualified applicant for FEMA BRIC grant assistance for adopting and implementing building codes; and

WHEREAS, The City proposes to apply for up to \$500,000 in FEMA BRIC grant funds to adopt and implement International Building Code 2021 Edition over a total of three years; and

WHEREAS, The City proposes to match grant funds for up to \$125,000 of City staff time and materials to meet the grant match requirements of 25% over a total of three years; and

WHEREAS, The City of Homer intends to use these funds to hire a consultant firm to adopt the IBC 2021 Edition and develop the plan/framework for creating a City of Homer Building Division; and

WHEREAS, The City of Homer intends to use these funds to hire a Building Official to begin implementation of the newly adopted IBC 2021 Code for commercial building projects; and

WHEREAS, The City of Homer intends to use these funds to hire a Building Inspector to begin implementation of the newly adopted IBC 2021 Code for residential building projects; and

WHEREAS, After three years the City of Homer will have an established Building Division, with a Building Official and Building Inspector, enforcing IBC 2021 Edition building codes for both commercial and residential projects; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, supports preparation and submission of a FEMA BRIC grant application for up to \$500,000 and authorizes the City Manager to submit the appropriate documents.

BE IT FURTHER RESOLVED that the City Council expresses its commitment to match grant funds with up to \$125,000 of City staff time and materials to meet the grant match requirements of 25%.

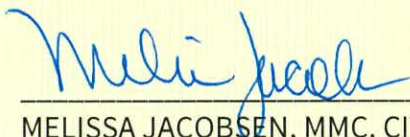
PASSED AND ADOPTED by the Homer City Council this 28th day of November, 2022.

CITY OF HOMER



KEN CASTNER, MAYOR

ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A



CITY OF HOMER

Comprehensive Plan Rewrite

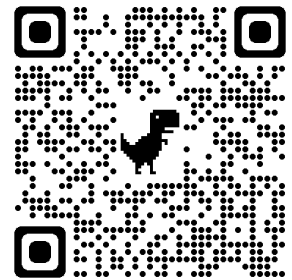


2024 Community Survey

Please visit www.surveymonkey.com/r/HomerCompPlanRevCommSurvey or scan the QR code below to participate in the 2024 Community Survey!

The information, ideas, and concerns you share will help shape future decisions about land use, transportation, public facilities and services, economic development, housing, and related infrastructure and programs in Homer over the next 20 years.

The survey is open to Homer area residents of all ages. Please share it widely with your Homer family, friends, neighbors, and co-workers. **Survey open until Friday, June 21, 2024.**



Contact Information

- **City of Homer Planner:** Ryan Foster, rfoster@ci.homer.ak.us, 907-299-8529
- **Project Consultant:** Shelly Wade, shelly@agnewbeck.com, 907-242-5326

Resources

- **Project** website: www.homercompplanupdate.com
- **City of Homer** on Facebook: www.facebook.com/cityofhomerak

Homer's Energy Future: A Community Conversation

Wednesday, May 22 at 5:30

Kachemak Bay Campus

Yummy food provided

Guest Speakers on Building Efficiency, Municipal Renewable Projects,
and Discussion of Opportunities for Homer

Hosted by Project Drawdown, Guiding Growth Homer, Kachemak Bay
Conservation Society and Cook Inletkeeper and the City of Homer



MEMORANDUM

Travel Authorization for Mayor and Council Members to attend the Alaska Municipal League Summer Conference in Kodiak, Alaska August 13-15, 2024

Item Type: Action Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: May 3, 2024
From: Renee Krause, MMC, Acting City Clerk

The Alaska Municipal League (AML) Summer Legislative Conference will take place in Kodiak, Alaska on August 13-15, 2024. Councilmembers Venuti, Aderhold and Davis have indicated an interest in attending.

The AML is a voluntary, nonprofit, nonpartisan, statewide organization of 140 cities, boroughs, and unified municipalities, representing over 97 percent of Alaska's residents. Originally organized in 1950, the League of Alaska Cities became the Alaska Municipal League in 1962 when boroughs joined the League.

The Summer Legislative Conference is traditionally focused on an update of legislative actions that may have impacted local governments; review of outstanding issues found in bills or the budget, and preparation of AML's priorities, resolutions, policy, and position statement. There will also be reports provided by AML's lobbying team, State officials, legislators and discussions on priorities facing local governments.

Schedule for the conference is:

Tuesday August 13th AMMA and ACoM Meetings 9:00 – 5:00 p.m.

AML Board of Directors Meeting 8:00 – 12:00 p.m.

Wednesday, August 14th AML Legislative Summer Conference 8:30 a.m. to 4:30 p.m.

Thursday, August 15th AML Legislative Summer Conference 8:30 a.m. to 12:00 p.m.

Due to the improvements being done at the Homer Airport, flight schedules are limited. Travel by Ferry is an option but currently the schedule will require additional days travel to the itinerary. Round trip cost is approximately \$200. Driving to the airport in Anchorage is an option. Cost estimates for round trip airfare from Anchorage to Kodiak is \$400.00. Vehicle mileage is \$0.67 per mile and parking costs Hotel room rates for the Conference are \$222.63 per night. Per Diem is \$58 per day, for three meals. Conference cost is \$275. The approximate total cost is \$1100 per person.

In consultation with the City Attorney, it's recommended that not more than three Council members attend the conference to avoid potential complications with the Open Meetings Act.

Recommendation: Approve travel for Mayor Castner and Council Members to attend the AML Summer Legislative Conference in Kodiak, August 13-15, 2024.



MEMORANDUM

Resolution 24-057, A Resolution of the City Council of Homer, Alaska, Amending the Homer Port & Harbor Terminal Tariff No. 1 to Extend the Harbor Moorage Exemption for Work Skiffs through 2024. Lord/Port & Harbor Advisory Commission

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: May 8, 2024
From: Councilmember Lord
Port & Harbor Advisory Commission

Issue:

Background:

Recommendation:

Consider passing Resolution 24-057 to extend the exemption on work skiffs through December 31, 2024.

Attachment:

Excerpt of Commission Unapproved Meeting Minutes for April 24, 2024

Excerpt from the Unapproved Meeting Minutes
April 24, 2024
Port & Harbor Advisory Commission

10. NEW BUSINESS

PITZMAN/VELSKO MOVED TO MOVE DISCUSSION OF WORK SKIFF EXEMPTION TO BEGINNING OF NEW BUSINESS.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

10.A. Work Skiff Policy

Commissioner Pitzman shared that the tariff rewrite began in the spring of 2023 and was implemented before immense public comment. He shares that with the large number of comments from this meeting from the public that he felt the topic to be reconsidered with the commission due to the current state of the industry.

PITZMAN/VELSKO MOVED TO RECOMMEND POSTPONEMENT OF THE IMPLEMENTATION OF THE WORK SKIFF POLICY FOR THE PORT AND HARBOR TARIFF TO 2025.

Ms. Woodruff asked a clarifying question for Commissioner Pitzman if this was a postponement through 2025 to begin in 2026. Commissioner Pitzman confirmed that this movement is to be postponed to the end of 2024 and to be implemented in 2025. He added clarifying comments that the work skiff policy is to include all work skiffs and not just seine skiffs but would like to be responsive to public comments.

Commissioner Zeiset agreed with continuous discussion for policy change and postponing the policy change to the end of the year.

Commissioner Velsko agreed with Commissioner Pitzman's comment and that she is aware of the high cost of the commercial fishing industry.

Commissioner Friend supports the tariff change as well as postponing the policy change and was appreciative of the public comment received. He also commented that staff works hard to upgrade the harbor with limited funds but acknowledged the policy change was bad timing. However, he noted that the Homer Harbor is too small for the activity that takes place and that the policy change wasn't any animosity towards the commercial fishing business.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**CITY OF HOMER
HOMER, ALASKA**

Lord/
Port & Harbor Advisory Commission

RESOLUTION 24-057

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE HOMER PORT AND HARBOR TERMINAL TARIFF
NO. 1 TO EXTEND THE HARBOR MOORAGE EXEMPTION FOR WORK
SKIFFS THROUGH 2024

WHEREAS, Ordinance 24-09 adopted various revisions to the Homer Port and Harbor
Terminal Tariff No. 1 with the support of the Port and Harbor Advisory Commission (PHAC),
including the removal of a moorage exemption applied to work skiffs; and

WHEREAS, Numerous commercial fishermen testified to the PHAC to express that this
policy change comes at a difficult time for the fleet with historic challenges within the
commercial fishing industry; and

WHEREAS, The PHAC supports the policy change while acknowledging the difficult
timing and moved to recommend that the Council postpone this change to the work skiff policy
until 2025; and

WHEREAS, Homer City Code 10.04.035 states that the Port and Harbor Terminal Tariff
No. 1 may be amended from time to time by resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, amends the
Port and Harbor Terminal Tariff No. 1 as follows:

28.03. *APPLICATION OF RATES/WORK SKIFFS* – Until December 31, 2024, properly
registered seine skiffs or work skiffs attached to the mother vessel are not
subject to these moorage rates. Work skiff is defined as a boat that is usually
carried on the deck or super structure of the mother vessel and is regularly used
in the commercial enterprise of the mother vessel. When work /seine skiffs are
moored with the mothership, the combined length overall or beam may not
exceed the allowed criteria for the size of stall. If it does exceed, the skiff must
be moved to a transient area and moorage fees will apply.

PASSED AND ADOPTED by the Homer City Council this 13th day of May, 2024.

CITY OF HOMER

KEN CASTNER, MAYOR

45 ATTEST:
46
47 _____
48 RENEE KRAUSE, MMC, ACTING CITY CLERK
49
50 Fiscal note: N/A