



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

City of Homer Agenda

City Council Regular Meeting

Tuesday, March 29, 2022 at 6:00 PM

In Person at City Hall Cowles Council Chambers and by Zoom Webinar

<https://cityofhomer.zoom.us/j/205093973?pwd=UmhJWEZ3ZVdvdDkxZ3Ntbld1NINXQT09>

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

Webinar ID: 205 093 973 Passcode: 610853

CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

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

- a.** Homer City Council Unapproved Regular Meeting Minutes of March 14, 2022. City Clerk. Recommend adoption.
- b.** Memorandum 22-045 from Mayor Castner Re: Reappointment of Kate Finn & Marcia Kuzmaul to the Library Advisory Board, Jay Cherok & Deborah Brown to the Economic Development Advisory Commission, and Appointment of Bruce Friend to the Port & Harbor Advisory Commission. Recommend approval.
- c.** Memorandum 22-046 from Deputy City Clerk Re: Liquor License Renewals for Odin Mead and Grace Ridge Brewing. Recommend approval.
- d.** Ordinance 22-16, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating \$30,000 from the Fishing Lagoon Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purpose of Funding the Development of an Engineered Concept and Cost Estimate for an Accessible Fishing Platform at the Nick Dudiak Fishing Lagoon. City Manager/Public Works Director. Recommended dates Introduction March 29, 2022 Public Hearing and Second Reading April 11, 2022.

Memorandum 22-047 from Public Works Director as backup.

- [e.](#) Ordinance 22-17, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 21.03.040 Definitions used in Zoning Code under “Dwelling” or “Dwelling Unit”, to Exclude the Use of Connex Boxes or other Similar Intermodal Shipping Containers. Planning Commission. Recommended dates Introduction March 29, 2022, Public Hearing and Second Reading April 11, 2022.

Memorandum 22-048 from City Planner as backup.

- [f.](#) Ordinance 22-18, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating \$943,858 from the Homer Accelerated Water and Sewer Program (HAWSP) Fund to Finance the Cost of the Bunnell Ave/Charles Way Water and Sewer Special Assessment Districts. City Manager/Public Works Director. Recommended dates Introduction March 29, 2022, Public Hearing and Second Reading April 11, 2022.

Memorandum 22-049 from Public Works Director as backup.

- [g.](#) Ordinance 22-19, An Ordinance of the City Council of Homer, Alaska, Amending the FY22 Capital Budget by Appropriating Funds in the Amount of \$ 56,450 from the Port Reserves Fund for the Purpose of Engaging R&M Consultants’ Grant Assistance and Engineering Support Teams to Develop and Submit a 2022 Port Infrastructure Development Program Grant Application for Homer Harbor’s Float Replacement Project. Erickson/Port. Recommended dates Introduction March 29, 2022 Public Hearing and Second Reading April 11, 2022.

Memorandum 22-050 from Port Director as backup.

Memorandum 22-051 from Port & Harbor Advisory Commission as backup.

- [h.](#) Resolution 22-021, A Resolution of the City Council of Homer, Alaska Approving and Accepting a Donation for the City of Homer Municipal Art Collection from Alaska Artist Deland Anderson Entitled "Seven". City Clerk/PARCAC. Recommend adoption.

Memorandum 22-054 from Deputy City Clerk as backup.

- [i.](#) Resolution 22-022, A Resolution of the City Council of Homer, Alaska Approving and Accepting a Donation from the Bunnell Street Arts Center of a Two Part Mural by Alaskan Artist Kim McNett Inspired by the Peatland Project to be Placed on the Exterior of the Homer Airport on each side of the Entrance Door. City Clerk/PARCAC. Recommend adoption.

Memorandum 22-055 from Parks Art Recreation and Culture Advisory Commission (PARCAC) as backup.

- [j.](#) Resolution 22-023, A Resolution of the City Council of Homer, Alaska Acknowledging the Sufficiency of the Bunnell Avenue/Charles Way Water and Sewer Special

Assessment Districts and Approving the Improvement Plan, Estimated Cost of Improvements, and Assessment Methodology, and Superseding Resolution 22-017(A). City Clerk. Recommend adoption.

Memorandum 22-056 from City Clerk as backup.

[k.](#) Resolution 22-024, A Resolution of the City Council of Homer, Alaska in Support of State of Alaska House Bill 54 Establishing the Alaska Invasive Species Council in the Department of Fish and Game. Aderhold. Recommend adoption.

[l.](#) Resolution 22-025, A Resolution of the City Council of Homer, Alaska Supporting Alaska House Bill 25 and Encouraging Automatic Registration for Vessels Active in the Alaska Commercial Fisheries Entry Commission (CFEC) Database. Lord. Recommend adoption.

[m.](#) Resolution 22-026, A Resolution of the City Council of Homer, Alaska Approving an Eleven Month Sublease at the Homer Airport Terminal for Kenai Aviation Operations LLC, and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Port Director.

Memorandum 22-026 from Port & Harbor Advisory Commission as backup.

VISITORS

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

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

- a. Committee of the Whole Report
- b. Worksession Report
- c. Mayor's Report
- d. Borough Report
- e. Library Advisory Board
- f. Planning Commission
- g. Parks Art Recreation and Culture Advisory Commission
- h. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

- [a.](#) Ordinance 22-13, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 21.57 Large Retail and Wholesale Stores, Eliminating Maximum

Parking Requirement. Planning Commission. Introduction March 14, 2022 Public Hearing and Second Reading March 29, 2022.

Memorandum 22-038 from City Planner as backup.

- [b.](#) Ordinance 22-14, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 5.24 Fireworks, Repealing Chapter 19.02 Large Special Events and Reenacting Chapter 5.46 Special Events, and Amending Section 1.16.040, Disposition of Scheduled Offences-Fine Schedule. Venuti/Hansen-Cavasos. Introduction March 14, 2022 Public Hearing and Second Reading March 29, 2022.

Memorandum 22-039 from City Manager as backup.

Memorandum 22-040 from Deputy City Planner & Special Projects Coordinator as backup.

- [c.](#) Ordinance 22-15, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 8.11 Mobile Food Service. Venuti/Hansen-Cavasos. Introduction March 14, 2022 Public Hearing and Second Reading March 29, 2022.

Ordinance 22-15(S), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 8.11 Mobile Food Service. Venuti/Hansen-Cavasos.

Memorandum 22-041 from City Manager as backup.

Memorandum 22-040 from Deputy City Planner & Special Projects Coordinator

ORDINANCE(S)

- [a.](#) Ordinance 22-20, An Ordinance of the City Council of Homer, Alaska Amending the FY22/23 Operating Budget to Provide for Necessary Mid-Biennium Budget Amendments. City Manager. Recommended dates Introduction March 29, 2022, Public Hearing and Second Reading April 11, 2022.

Memorandum 22-052 from City Manager as backup.

CITY MANAGER'S REPORT

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

PENDING BUSINESS

- [a.](#) Resolution 21-073, A Resolution of the City Council of Homer, Alaska Updating the City of Homer Gift, Donation, and Art Policies, Procedures, and Guidelines to add a section on Murals, and Amend Language and Processes.

Memorandum 22-053 from Deputy City Clerk as backup.

NEW BUSINESS

RESOLUTIONS

- a. Resolution 22-027, A Resolution of the City Council of Homer, Alaska Amending the City of Homer Fee Schedule Under City Clerks, Homer Police Department, Library, and Planning and Zoning. City Clerk.

Memorandum 22-039 from City Manager as backup.

Memorandum 22-041 from City Manager as backup.

Memorandum 22-058 from Deputy City Clerk as backup.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

COMMENTS OF THE CITY MANAGER

COMMENTS OF THE MAYOR

COMMENTS OF THE CITY COUNCIL

ADJOURNMENT

Next Regular Meeting is Monday, April 11, 2022 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 22-05 a Regular Meeting of the Homer City Council was called to order on March 14, 2022 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON
CITY PLANNER ABBOUD
PUBLIC WORKS DIRECTOR KEISER
DEPUTY CITY PLANNER & SPECIAL PROJECTS COORDINATOR ENGBRETSSEN
INFORMATION TECHNOLOGY ANALYST SULCZYNSKI
CITY ATTORNEY GATTI

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

Mayor Castner announced the following supplemental items- Resolution 22-017, A Resolution of the City Council of Homer, Alaska Acknowledging the Sufficiency of the Bunnell Avenue/Charles Way Water and Sewer Special Assessment Districts and Approving the Improvement Plan, Estimated Cost of Improvements, and Assessment Methodology. City Manager/Public Works Director. Memorandum 22-044 from City Clerk as backup. Resolution 22-020, A Resolution of the City Council of Homer, Alaska Expressing the Importance of the Alaska Constitution and the Grand Jury System. Davis/Erickson. Written public comments.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

David Haeg, non-resident, cited the Grand Jury handbook related to grand jury investigations and Alaska Statutes 12.40.040, in support of Resolution 22-020.

Don Fritz, non-resident, commented in support of Resolution 22-020 and shared concerns about problems with our judicial system.

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 February 28, 2022. City Clerk. Recommend adoption.

- b. Memorandum 22-037 from City Clerk Re: Liquor License Approval for Detour Food & Drink. Recommend approval.
- c. Ordinance 22-13, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 21.57 Large Retail and Wholesale Stores, Eliminating Maximum Parking Requirement. Planning Commission. Recommended dates Introduction March 14, 2022 Public Hearing and Second Reading March 29, 2022.

Memorandum 22-038 from City Planner as backup.

- d. Ordinance 22-14, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 5.24 Fireworks, Repealing Chapter 19.02 Large Special Events and Reenacting Chapter 5.46 Special Events, and Amending Section 1.16.040, Disposition of Scheduled Offences-Fine Schedule. City Manager. Recommended dates Introduction March 14, 2022 Public Hearing and Second Reading March 29, 2022.

Memorandum 22-039 from City Manager as backup.

Memorandum 22-040 from Deputy City Planner & Special Projects Coordinator as backup.

- e. Ordinance 22-15, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 8.11 Mobile Food Service. City Manager. Recommended dates Introduction March 14, 2022 Public Hearing and Second Reading March 29, 2022.

Memorandum 22-041 from City Manager as backup.

Memorandum 22-040 from Deputy City Planner & Special Projects Coordinator as backup.

City Clerk Jacobsen read the consent agenda.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

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

Lorne Carroll reported on daily confirmed cases worldwide and in the United States, COVID hospitalizations in Alaska by age group, and reviewed Omicron variant prevalence in Alaska. He reviewed the CDC Dashboard's Community Levels by County and how to use the information provided. He also touched on statewide hospital capacity, and information on outpatient treatment, and COVID vaccination boosters.

Derotha Ferraro reported on South Peninsula Hospital (SPH) COVID statistics over the past 12 weeks, provided updates on available treatments and visitation at the hospital, and noted universal masking is still required at all SPH locations. The COVID Test and Vaccine Clinic is open daily from 9am to 6pm for testing, and Sunday and Monday from 9am to 5pm for vaccines. Vaccines are also available at South Peninsula Family Care Clinic, Homer Medical Clinic, SVT Health & Wellness, Safeway, and Ninilchik Clinic.

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

a. Committee of the Whole Report

Councilmember Aderhold reported Council discussed the ordinances scheduled for introduction tonight.

b. Worksession Report

City Manager Dumouchel reported on the presentation from the City's Lobbyists.

c. Mayor's Report

Mayor Castner reported Council has been very active and there is a lot happening at the City. Council will be meeting two days this week to talk about what they want to get done. They are worksessions that are open to the public. He was saddened to learn about the passing of former Mayor Gary Williams.

d. Borough Report

Kenai Peninsula Borough Assembly Member Lane Chesley requested the Mayor and Public Works Director meet with the Assembly's Land Committee regarding the Green Infrastructure Plan by April 19th.

e. Planning Commission

i. Memorandum from Planning Commission Re: Building Codes

ii. Planning Commission Written Report

f. Economic Development Advisory Commission

Economic Development Advisory Commissioner Luke Gamble reported at their last meeting the Commission touched on the multi-purpose room at the HERC and hope to address it further at their next meeting and hear feedback from the community. The bulk of their last meeting was discussion of housing in Homer, the shortage of stock and what we could do. They discussed incentivizing multi-family housing, rather than taxing. Its part of a bigger conversation of balance of quality of life and the change we're going through in the community. They welcomed Hazel Pearson, the new Student Representative, it's nice to have an active voice from the youth on the Commission.

PUBLIC HEARING(S)

ORDINANCE(S)

CITY MANAGER'S REPORT

a. City Manager's Report

City Manager Dumouchel noted there will be an update on the HERC/Pioneer Gateway Development project at the next meeting. He reported sales tax continues to be positive, noting the report from the Finance Director, and addressed work being done to engage with agencies in preparing for upcoming Federal funding opportunities.

Councilmember Lord commented favorably about the outreach for people to look at the HERC project and provide feedback, and confirmed that people can go to the website and provide comment or the library, high school, or HERC to see plans and provide feedback.

She also asked for an update on Bayveiw Park. The playground equipment was taken apart and she getting questions about what's being done with that space. Councilmember Aderhold commented the equipment came out last fall because it was dangerous. It's one of the parks the ADA Committee has been discussing as one to make changes to.

PENDING BUSINESS

- a. Resolution 21-057(S-2), A Resolution of the City Council of Homer, Alaska Acknowledging the Sufficiency of the Bunnell Avenue/Charles Way Water and Sewer Improvement Special Assessment District and Approving the Improvement Plan, Estimated Cost of Improvement and Assessment Methodology. City Manager/Public Works Director.

Memorandum 22-042 from City Clerk as backup

Mayor Castner noted there is a motion on the floor to adopt Resolution 21-057(S) by reading of title only that was postponed on January 24th and opened the floor to discussion.

Councilmember Aderhold noted the recommendation to vote this down to take up Resolution 22-017.

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

Motion failed.

NEW BUSINESS

RESOLUTIONS

- a. Resolution 22-017, A Resolution of the City Council of Homer, Alaska Acknowledging the Sufficiency of the Bunnell Avenue/Charles Way Water and Sewer Special Assessment Districts and Approving the Improvement Plan, Estimated Cost of Improvements, and Assessment Methodology. City Manager/Public Works Director.

Memorandum 22-043 from Public Works Director as backup.

ADERHOLD/LORD MOVED TO ADOPT RESOLUTION 22-017 BY READING OF TITLE ONLY.

ADERHOLD/LORD MOVED TO AMEND RESOLUTION 22-017 AND ADD THE PRELIMINARY ASSESSMENT AS ATTACHMENT A AND HAVE IT NOTED IN THE FIRST RESOLVE CLAUSE.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no discussion on the main motion as amended.

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

Motion carried.

- b. Resolution 22-018, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Apply for Two Loans from the Alaska Department of Environmental Conservation (ADEC) under its Alaska Drinking Water Fund Program in an Amount not to Exceed \$473,787 to Finance the Cost of Water Improvements and its Clean Water Fund Program in an Amount not to Exceed \$514,153 to Finance the Cost of Sewer Improvements, each for the Bunnell Ave/Charles Way Water and Sewer Improvement Projects. City Manager/Public Works Director.

Memorandum 22-043 from Public Works Director as backup.

ADERHOLD/LORD MOVED TO ADOPT RESOLUTION 22-018 BY READING OF TITLE ONLY.

Mayor Castner questioned if Council has appropriated the 25% portion for this project. Public Works Director Keiser responded the 25% hasn't been appropriated because the district hadn't been approved until now, so she'll come back with that. The intent of the loan is to cover the 75% portion financed by the property owners.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- c. Resolution 22-019, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Issue Task Orders to Bishop Engineering for the Design of the Water and Sewer Projects for the Bunnell Ave/Charles Way Special Assessment District. City Manager/Public Works Director.

Memorandum 22-043 from Public Works Director as backup.

ADERHOLD/LORD MOVED TO ADOPT RESOLUTION 22-019 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- d. Resolution 22-020, A Resolution of the City Council of Homer, Alaska Expressing the Importance of the Alaska Constitution and the Grand Jury System. Davis/Erickson.

DAVIS/ERICKSON MOVED TO ADOPT RESOLUTION 22-020 BY READING OF TITLE ONLY.

DAVIS/ERICKSON MOVED TO AMEND THE 4TH WHEREAS TO STRIKE SHOULD AND ADD CAN ON LINE 24 AND AFTER AUTHORITY, ADD "TO INCLUDE A GRAND JURY IF NECESSARY AND APPROPRIATE".

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Councilmember Lord noted discussion at Committee of the Whole and her idea to include a list of other potential remedying paths.

LORD/ADERHOLD MOVED TO AMEND THE AMENDED WHEREAS AFTER AUTHORITY TO ADD “INCLUDING FILING AN ETHICS COMPLAINT WITH THE ATTORNEY GENERAL’S OFFICE, THE ALASKA COMMISSION ON JUDICIAL CONDUCT, THE STATE OMBUDSMAN AND” WITH THE LANGUAGE THAT’S ALREADY THERE.

There was brief discussion clarifying wording.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion.

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

Motion carried.

COMMENTS OF THE AUDIENCE

David Haeg, non-resident, thanked Council for their time. He’s not from Homer but this affects everyone. He read highlights from a report done by the Alaska Judicial Council that was requested by the Alaska State Senate.

James Price, non-resident, thanked Council for passing Resolution 22-020. He hopes they work they’ve done will be carried forward and that we’ll have a better State because of it.

Matt Johnson, non-resident, thanked Public Works Director Keiser, City Clerk Jacobsen, and the Council for being responsive and helpful in navigating through their concerns on the Bunnell Ave/Charles Way Special Assessment District. Connie Vann asked him to extend her thanks as well.

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen reminded their next regular meeting is Tuesday, March 29th because City Offices are closed Monday the 28th in observance of Seward’s Day. She announced openings

on the Library Advisory Board, ADA Compliance Committee, and the Port and Harbor Advisory Commission.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel noted City job openings for seasonal work at Parks and Recreation, Port and Harbor and the Library, and a couple full time jobs for a heavy equipment operator and full time police officer.

COMMENTS OF THE MAYOR

Mayor Castner commented regarding our Sister City relationship and work by Megumi Beams and Rachel Tussey on working toward better relationships with Teshio. He's hopeful they can discuss it at a worksession because he thinks we need to do what we can locally to strengthen the relationship. He addressed the correspondence with a citizen who thought we should cut off the relationship with the Russian city. He personally feels that it's not the people of Russia we have a gripe against and we need to make sure our Sister City relationships are based on peace, understanding, and mutual respect for one another.

COMMENTS OF THE CITY COUNCIL

Councilmember Hansen/Cavasos said she's happy it's sunny out today.

Councilmember Lord is looking forward to their Council Retreat Strategic Planning worksessions later this week. She congratulated Sean Campbell who was hired as the new Principal for Paul Banks Elementary.

Councilmember Venuti wished happy 40th anniversary to the Center for Alaskan Coastal Studies. She commented regarding the Chamber's Visitor's Guide and encouraged picking one up and mailing it to a friend. She's also looking forward to the Council's Retreat, and she reminded listeners March 27th is the anniversary of the 1964 earthquake. She shared about being on Kodiak when it happened and encouraged people to prepare, because it can happen again.

Councilmember Erickson commented regarding Lunch with a Councilmember, there was a low attendance, but they talked about the HERC and things we can do to build community. She announced that the Library has the "The African American Soldiers who Built the Alaska Canadian Highway" presentation coming up, nominations are being accepted for Life Long Learners, and the Snomads are hosting an ice fishing tournament at Caribou Lake. She wished her mom Happy 89th Birthday.

Councilmember Davis said it's starting to feel like spring and one week from today it will be official with the equinox. He mentioned an email they received from a citizen regarding

vacation rentals and how one in her neighborhood has been impacting her. She made a good argument for a public process that may eventually lead to an ordinance to shape the way we manage them in our town, and he shared impacts to his work force related to vacation rentals. He has the impression that a lot of people who rent their home through Airbnb and other means are genuinely unaware they have a legal obligation to pay sales tax on the rentals.

Councilmember Aderhold shared she's wearing purple today for Equity of Women in Science, Technology, Engineering, and Math Professions. There still is not equity in that arena and as a scientist she wanted to represent. She shared her story how she became interested in science in college. She encourage everyone to get out for a walk now that the light is returning.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 7:22 p.m. The next Regular Meeting is Tuesday, March 29, 2022 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 22-045

TO: HOMER CITY COUNCIL

FROM: MAYOR CASTNER

DATE: MARCH 22, 2022

SUBJECT: REAPPOINTMENT OF KATE FINN & MARCIA KUSZMAUL TO THE LIBRARY ADVISORY BOARD, JAY CHEROK & DEBORAH BROWN TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION, & APPOINTMENT OF BRUCE FRIEND TO THE PORT & HARBOR ADVISORY COMMISSION

Kate Finn and Marcia Kuszmaul are reappointed to the Library Advisory Board. Their new terms expire April 1, 2025.

Jay Cheroк and Deborah Brown are reappointed to the Economic Development Advisory Commission. Their new terms expire April 1, 2025.

Bruce Friend is appointed to the Port and Harbor Advisory Commission to fill the seat vacated by Jeff Erickson and complete the remaining term, which expires February 1, 2023.

Recommendation

Confirm the reappointment of Kate Finn and Marcia Kuszmaul to the Library Advisory Board, Jay Cheroк and Deborah Brown to the Economic Development Advisory Commission, and appointment of Bruce Friend to the Port & Harbor Advisory Commission



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

MAR 11 2022 PM 12:32
Office of the City Clerk
491 East Pioneer Avenue
Homer, Alaska 99603
Phone: (907) 235-3130
Fax: (907) 235-3143
clerk@cityofhomer-ak.gov

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

Applicant Information

Full Name: KATE FINN

Physical Address Where you Claim Residency: 426 E. Bayview

Mailing Address: PO Box 3364

City: Homer State: AK Zip: 99603

Phone Number(s): 907-299-1131

Email: HUNOREOTHMONK21@GMAIL.COM

Advisory Body You Are Requesting Reappointment To

Advisory Planning Commission

Parks, Art, Recreation & Culture Advisory Commission

Port & Harbor Advisory Commission

Economic Development Advisory Commission

Library Advisory Board

Other - Please Indicate _____

Please Answer the Following

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

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

Has your residency changed since your last appointment? Yes No

How long have you served on this advisory body? ~5 years

Background Information

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

NONE

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

Dear Mayor Castro,
I have so appreciated being on the L.A.B. and would like to continue for another cycle. I love being part of the "behind the scenes" grounding work so basic to every department. We are working to build our board to full membership, working with the Homes Foundation to grow our Endowment fund, looking for ways to increase our youth and other underrepresented folk in library activities, and advocating for our library budget locally, statewide + at Federal level.

The recent book banning nationwide has given us an opportunity to become familiar with the process our library follows to handle such a situation.

As change is constant we just need to keep our heads up

I've stated I would like to continue being a part of all these efforts!

Thanks,
Katie



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

Office of the City Clerk

491 East Pioneer Avenue

Homer, Alaska 99603

Phone: (907) 235-3130

Fax: (907) 235-3143

clerk@cityofhomer-ak.gov

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

Applicant Information

Full Name: Marcia Jean Kuszmaul

Physical Address Where you Claim Residency: 40963 China Poot St.

Mailing Address: P.O. Box 1697

City: Homer

State: AK

Zip: 99603

Phone Number(s): 901-299-1566

Email: mkuszmaul@hotmail.com

Advisory Body You Are Requesting Reappointment To

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

Please Answer the Following

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

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

Has your residency changed since your last appointment? Yes No

How long have you served on this advisory body? 6.5 years

Background Information

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

Business Donor, Friends of the Homer Public Library
Secretary, Board Member, Homer Chamber of Commerce

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

After two + terms on the LAB, my enthusiasm for the Homer Public Library and library service to our community has not waned. In my first term, I played a key role in an analysis and recommendation to the City Council that led to retiring the debt on the library building. In my second term, I led the LAB's initiative to establish an endowment fund through The Homer Foundation. I also was committed to helping the new Library Director settle in.

I would like to serve one additional term to help fully establish the Library Endowment Fund and enable the LAB to feel prepared and confident in their role to solicit donations for the library. I stepped aside as chair of the LAB this past year so I could focus on the Library Endowment. COVID-19 set us back at least two years with regards to face-to-face outreach. Another term will enable me to work with the LAB to establish best practices and tools with regards to the Library Endowment that can be replicated over the years as LAB representatives cycle in and out.



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

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Fax: (907) 235-3143
clerk@cityofhomer-ak.gov

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

Applicant Information

Full Name: Jay Cherk
Physical Address Where you Claim Residency: 58865 Dietz Lane Homer Ak
Mailing Address: PO Box 933
City: Homer State: AK Zip: 99603
Phone Number(s): 412-527-5234
Email: just2@gmail.com

Advisory Body You Are Requesting Reappointment To

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

Please Answer the Following

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

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

Has your residency changed since your last appointment? Yes No

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

Background Information

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

- St. John the Baptist Catholic Church Finance Council
- Experience Homer, LLC
- Summit Physical Therapy, Inc

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

I would like to be reappointed to this Body because I have seen the successes in our community it has & the benefits it offers to get a collective voice of our community members heard on topics. I am extremely excited to solve the housing crisis that Homer is facing. I look forward to identifying the causes of this & finding short & long term sustainable solutions to allow the economy of Homer to thrive!



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

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

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

Applicant Information

Full Name: Deborah A. Brown

Physical Address Where you Claim Residency: 210 Island View Ct. Homer, AK 99603

Mailing Address: same as physical

City: Homer State: AK Zip: 99603

Phone Number(s): 907-756-3414

Email: islandviewgarden@gmail.com

Advisory Body You Are Requesting Reappointment To

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

Please Answer the Following

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

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

Has your residency changed since your last appointment? Yes No

How long have you served on this advisory body? 4 years

Background Information

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

None

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

I am seeking reappointment to the E.D.C. because I wish to continue serving the Homer community in this capacity. I think my seat on the commission has made a positive difference with my voice and dedication on this commission. My goal is to support small business, locally-owned business and positive and responsible growth in Homer. I support a strong tax-revenues base that keeps local sales tax and property taxes low and in-check for our community's residents. I would be honored to be reappointed to the E.D.C.



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

15
Office of the City Clerk
 491 East Pioneer Avenue
 Homer, Alaska 99603
 Phone: (907) 235-3130
 Fax: (907) 235-3143
clerk@cityofhomer-ak.gov

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

Applicant Information

Full Name: BRUCE FRIEND

Physical Address Where you Claim Residency: 5015 SLAVIN DRIVE HOMER, AK 99603

Mailing Address: PO BOX 103

City: HOMER State: AK Zip: 99603

Phone Number(s): 907 250-4033

Email: bruce.friend@gmx.com

Advisory Body You Are Requesting Appointment To

- Planning Commission** – Meetings held on the 1st and 3rd Wednesday of each month at 6:30 p.m. and Worksessions at 5:30 p.m. prior to each meeting. No first meeting in July or second meetings in November and December.
- Parks, Art, Recreation & Culture Advisory Commission** – Meetings held on the 3rd Thursday of February through June and August through November at 5:30 p.m.
- Port & Harbor Advisory Commission** – Meetings held on the 4th Wednesday of January, February, March, April, September, and October at 5:00 p.m.; the 4th Wednesday of May, June, July, and August at 6:00 p.m.; and the 2nd Wednesday of December at 5:00 p.m.
- Economic Development Advisory Commission** – Meetings held on the 2nd Tuesday of each month at 6:00 p.m.
- Library Advisory Board** – Meetings held on the 3rd Tuesday of each month, excluding June and July, at 5:30 p.m.
- ADA Compliance Committee** – Meetings held on the 2nd Thursday in the months of April, May, June, July, October, November, and as needed.
- Other** – Please Indicate _____

Please Answer the Following

Are you a City Resident? Yes No If yes, how long have you been a City resident? 7 years

How long have you been a resident of the South Peninsula? 5 years, Kenai. 7 years, Homer

Background Information

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

5 years AK DNR - Division of Parks Statewide Trails advisory board

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

Board member of Homer Marine Trades Association

Owner of Whaly Boats of Alaska and Safe Docks of ALASKA

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

12 years - FARCO Inc (Seafood Processing + Distribution) 25 years -
Owner - Skyline Sales Inc. (Statewide Corp. Rep Firm) 15 years, Polaris Ind Rep.

Why are you interested in serving on the selected Advisory Body? This may include information on future goals or projects you wish to see accomplished or any additional information that may assist the Mayor in the decision making process. You may attach an additional page if needed.

As a Homer resident I feel privileged to share the benefits that our port and harbor provides to the city.

As a marine business owner I take great pride in seeing the improvements that are being made to facilitate business growth on the spit.

I wish to offer my time and experience to assist in that continuing development.

FOR PLANNING COMMISSION ONLY:

Have you ever developed real property other than a personal residence? If yes, briefly explain:

FOR PORT & HARBOR ADVISORY COMMISSION ONLY:

Do you use the Homer Port and/or Harbor on a regular basis? Yes No

If yes, what is your primary use? Commercial Recreational Other: Boat Sales-Demo



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 22-046

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

DATE: MARCH 29, 2022

SUBJECT: LIQUOR LICENSE RENEWAL APPLICATIONS FOR ODIN MEAD AND GRACE RIDGE BREWING

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

License Type:	Brewery	License Type:	Winery
License #:	5433	License #:	5907
DBA Name:	Grace Ridge Brewing	DBA Name:	Odin Mead
Service Location:	870 Smoky Bay Way Homer, AK 99603	Service Location:	5290 Davis Street Homer, AK 99603
Licensee:	Grace Ridge Brewing, Inc	Licensee:	Odin, Inc.
Contact Person:	Donald Stead	Contact Person:	Grady Avant

RECOMMENDATION

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

Fiscal Note: Revenues



March 18, 2022

Kenai Peninsula Borough/ City of Homer

ViaEmail:cjackinsky@kpb.us; maldridge@kpb.us; ncarver@kpb.us; slopez@kpb.us; jblankenship@kpb.us;
assemblyclerk@kpb.us; mjenkins@kpb.us; JVanhooose@kpb.us; mjacobsen@ci.homer.ak.us;
clerk@cityofhomer-ak.gov

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Winery	License	5907
Licensee:	Odin Inc		
Doing Business As:	Odin Mead		

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

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

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

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

3/18/2022

ABC BOARD

LIQUOR LICENSE

2022 - 2023

TEMPORARY

5907

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2023 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2024 UNLESS DATED BELOW

TYPE OF LICENSE: Winery

LICENSE FEE: \$500.00

1194

CITY / BOROUGH: Homer
Kenai Peninsula Borough

D/B/A: Odin Mead
5290 Davis Street

Mail Address:
Odin Inc
P.O. Box 3601
Homer, AK 99603

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

Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD



DIRECTOR

04-900 (REV 7/21)

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

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

3/18/2022

ABC BOARD

LIQUOR LICENSE

2022 - 2023

TEMPORARY

5907

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2023 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2024 UNLESS DATED BELOW

TYPE OF LICENSE: Winery

LICENSE FEE: \$500.00

CITY / BOROUGH: Homer
Kenai Peninsula Borough

D/B/A: Odin Mead
5290 Davis Street

Mailing Address:
Odin Inc
P.O. Box 3601
Homer, AK 99603

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

Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

COPY

DIRECTOR

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

04-900 (REV 7/21)



Alaska Alcoholic Beverage Control Board

Form AB-17: 2022/2023 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2021 per AS 04.11.270, 3 AAC 304.160, with all required fees paid in full, or a non-refundable \$500.00 late fee applies.
- Any complete application for renewal or any fees for renewal that have not been postmarked by 02/28/2022 will be expired per AS 04.11.540, 3 AAC 304.160(e).
- All fields of this application must be deemed complete by AMCO staff and must be accompanied by the required fees and all documents required, or the application will be returned without being processed, per AS 04.11.270, 3 AAC 304.105
- Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees in any way that an application will be deemed complete, renewed, or that it will be scheduled for the next ABC Board meeting.

Establishment Contact Information

Licensee (Owner):	Odin, Inc.	License #:	5907
License Type:	Winery		
Doing Business As:	Odin Mead		
Premises Address:	5290 Davis Street, Homer AK 99603		
Local Governing Body:	City of Homer (KPB)		
Community Council:	Homer City Council		

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

Mailing Address:	PO Box 3601				
City:	Homer	State:	AK	ZIP:	99603

Section 1 - Licensee Contact Information

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

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

Contact Licensee:	Grady Avant	Contact Phone:	305-607-5935
Contact Email:	grady.avant@odinmead.com		

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

Name of Contact:		Contact Phone:	
Contact Email:			

Name of Contact:		Contact Phone:	
Contact Email:			

Name of Contact:		Contact Phone:	
Contact Email:			

AMCO



Form AB-17: 2022/2023 License Renewal Application

Section 2 – Entity or Community Ownership Information

Sole Proprietors should skip this Section.

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

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

Alaska CBPL Entity #:	10116861
-----------------------	----------

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

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

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

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

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

Name of Official:	Grady Avant				
Title(s):	President, VP, Secretary	Phone:	305-607-5935	% Owned:	100
Mailing Address:	PO Box 3601				
City:	Homer	State:	AK	ZIP:	99603

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

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

AMCO

DEC 28 2021



Form AB-17: 2022/2023 License Renewal Application

Section 3 – Sole Proprietor Ownership Information

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

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

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

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

This individual is an: Applicant Affiliate

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

This individual is an: Applicant Affiliate

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

Section 4 – License Operation

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

- | | 2020 | 2021 |
|---|-------------------------------------|-------------------------------------|
| 1. The license was regularly operated continuously throughout each year. (Year-round) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The license was only operated during a specific season each year. (Seasonal)
<i>If your operation dates have changed, list them below:</i>
_____ to _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The license was only operated to meet the minimum requirement of 240 total hours each calendar year.
<i>A complete AB-30: Proof of Minimum Operation Checklist, and all documentation must be provided with this form.</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both calendar years. <i>A complete Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated.</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If you have not met the minimum number of hours of operation in 2020 and/or 2021, you are not required to pay the fees, however a complete AB-29 is required with Section 2 marked "OTHER" and COVID is listed as the reason.

Section 5 – Violations and Convictions

Have **ANY** Notices of Violation been issued for this license **OR** has **ANY** person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2020 or 2021? Yes No

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

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

AMCO

DEC 28 2021



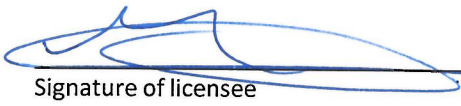
Form AB-17: 2022/2023 License Renewal Application

Section 6 - Certifications

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

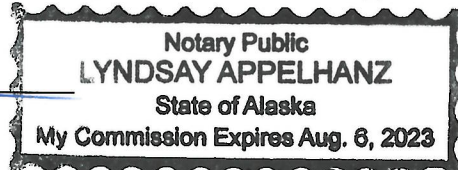
- I agree to provide all information required by the Alcoholic Beverage Control Board or requested by AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned and potentially expired if I do not comply with statutory or regulatory requirements.
- I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.
- I certify that this entity is in good standing with Corporations, Business and Professional Licensing (CBPL) and that all entity officials and stakeholders are current and accurately listed, and I have provided AMCO with all required changes of Shareholders (10% or more), Managers, Corporate Officers/Board of Directors, Partners, Controlling Interest or Ownership of the business license, and have provided all required documents for any new or changes in officers.
- I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of patrons have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, if applicable for this license type as set forth in AS 04.21.025 and 3 AAC 304.465.
- I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name from what is currently approved and on file with the Alcoholic Beverage Control Board.

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


Signature of licensee

Grady Avant

Printed name of licensee




Signature of Notary Public

Notary Public in and for the State of: Alaska

My commission expires: 08/06/2023

Subscribed and sworn to before me this 24th day of December, 2021.

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

All renewal and supplemental forms are available online

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

FOR OFFICE USE ONLY

License Fee:	\$ <u>500</u>	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$ <u>800</u>

AMCO

DEC 28 2021

Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Odin, Inc.

Entity Type: Business Corporation

Entity #: 10116861

Status: Good Standing

AK Formed Date: 11/4/2019

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2023

Entity Mailing Address: PO BOX 3601, HOMER, AK 99603-3601

Entity Physical Address: 5290 DAVIS ST, HOMER, AK 99603

Registered Agent

Agent Name: Grady Avant

Registered Mailing Address: PO BOX 3601, HOMER, AK 99603-3601

Registered Physical Address: 52817 OLD E END RD, HOMER, AK 99603

Officials

AK Entity #	Name	Titles	<input type="checkbox"/> Show Former	Owned
	Grady Avant	President, Shareholder, Treasurer, Director, Secretary, Vice President		100.00

Filed Documents

Date Filed	Type	Filing	Certificate
11/04/2019	Creation Filing	Click to View	Click to View
11/04/2019	Initial Report	Click to View	
11/04/2019	Certificate of Compliance		Click to View
12/09/2019	Change of Officials	Click to View	
10/05/2020	Biennial Report	Click to View	

[Close Details](#)

[Print Friendly Version](#)

License Detail

LICENSE DETAILS

License #: 2095983

[Print Business License](#)

Business Name: Odin Mead

Status: Active

Issue Date: 12/06/2019

Expiration Date: 12/31/2023

Mailing Address: PO Box 3601
Homer, AK 99603-3601

Physical Address: 52817 Old East End Road
Homer, AK 99603

Owners

Odin, Inc.

Activities

Line of Business	NAICS	Professional License #
31 - Manufacturing	312130 - WINERIES	
31 - Manufacturing	312120 - BREWERIES	

Endorsements

No Endorsements Found

License Lapse(s)

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

No Lapses on record for the last 4 years.

[Close License Detail](#)

[Print Friendly Version](#)



March 14, 2022

Kenai Peninsula Borough/ City of Homer

ViaEmail:cjackinsky@kpb.us; maldridge@kpb.us; ncarver@kpb.us; slopez@kpb.us; jblankenship@kpb.us; assemblyclerk@kpb.us; mjenkins@kpb.us; JVanhooose@kpb.us; [mjacobson@ci.homer.ak.us](mailto:mjacobsen@ci.homer.ak.us); clerk@fcityofhomer.ak.us

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Brewery	License	5433
Licensee:	Grace Ridge Brewing, Inc		
Doing Business As:	Grace Ridge Brewing		

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

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

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

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

3/14/2022

ABC BOARD

LIQUOR LICENSE

2022 - 2023

TEMPORARY

5433

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2023 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2024 UNLESS DATED BELOW

TYPE OF LICENSE: Brewery

LICENSE FEE: \$1,000.00

1080

CITY / BOROUGH: Homer
Kenai Peninsula Borough

D/B/A: Grace Ridge Brewing
870 Smokey Bay Way

Mail Address:
Grace Ridge Brewing, Inc.
870 Smokey Bay Way
Homer, AK 99603

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

[] Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD



DIRECTOR

04-900 (REV 7/21)

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

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

3/14/2022

ABC BOARD

LIQUOR LICENSE

2022 - 2023

TEMPORARY

5433

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2023 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2024 UNLESS DATED BELOW

TYPE OF LICENSE: Brewery

LICENSE FEE: \$1,000.00

CITY / BOROUGH: Homer
Kenai Peninsula Borough

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

[] Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

COPY

DIRECTOR

D/B/A: Grace Ridge Brewing
870 Smokey Bay Way

Mailing Address:
Grace Ridge Brewing, Inc.
870 Smokey Bay Way
Homer, AK 99603

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

04-900 (REV 7/21)



Alaska Alcoholic Beverage Control Board

Form AB-17: 2022/2023 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2021 per AS 04.11.270, 3 AAC 304.160, with all required fees paid in full, or a non-refundable \$500.00 late fee applies.
- Any complete application for renewal or any fees for renewal that have not been postmarked by 02/28/2022 will be expired per AS 04.11.540, 3 AAC 304.160(e).
- All fields of this application must be deemed complete by AMCO staff and must be accompanied by the required fees and all documents required, or the application will be returned without being processed, per AS 04.11.270, 3 AAC 304.105
- Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees in any way that an application will be deemed complete, renewed, or that it will be scheduled for the next ABC Board meeting.

Establishment Contact Information

Licensee (Owner):	GRACE RIDGE BREWING, INC.	License #:	5433
License Type:	BREWERY		
Doing Business As:	GRACE RIDGE BREWING		
Premises Address:	870 Smoky Bay Way, HOMER, AK 99603		
Local Governing Body:	CITY OF HOMER (KPB)		
Community Council:	HOMER CITY COUNCIL		

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

Mailing Address:	870 Smoky Bay Way				
City:	HOMER	State:	AK	ZIP:	99603

Section 1 - Licensee Contact Information

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

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

Contact Licensee:	DONALD STEAD	Contact Phone:	907-399-5222
Contact Email:	GRACERIDGEBREWING@GMAIL.COM		

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

Name of Contact:		Contact Phone:	
Contact Email:			

Name of Contact:		Contact Phone:	
Contact Email:			

Name of Contact:		Contact Phone:	
Contact Email:			



Form AB-17: 2022/2023 License Renewal Application

Section 2 – Entity or Community Ownership Information

Sole Proprietors should skip this Section.

Use the link from Corporations, Business and Professional Licensing (CBPL) below to assist you in finding the Entity #.
<https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	100 28849
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READ BEFORE PROCEEDING: Any new or changes to Shareholders (10% or more), Managers, Corporate Officers, Board of Directors, Partners, Controlling Interest or Ownership of the business license must be reported to the ABC Board within 10 days of the change and must be accompanied by a full set of fingerprints on FBI-approved card stock, AB-08a's, payment of \$48.25 for each new officer with a date-stamped copy of the CBPL change per AS 04.11.045, 50 & 55, or a Notice of Violation will be issued to your establishment and your application will be returned.

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

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

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

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

Name of Official:	DONALD P. STEAD			
Title(s):	PRESIDENT / CEO	Phone:	907-399-5222	% Owned: 80
Mailing Address:	1401 CAUDLELIGHT CT			
City:	HOMER	State:	AK	ZIP: 99603

Name of Official:	SHERRY A. STEAD			
Title(s):	EXECUTIVE VICE PRESIDENT	Phone:	907-399-5200	% Owned: 5
Mailing Address:	1401 CAUDLELIGHT CT.			
City:	HOMER	State:	AK	ZIP: 99603

Name of Official:	MEAGAN STEAD			
Title(s):	SECRETARY	Phone:		% Owned: 5
Mailing Address:				
City:		State:		ZIP:





Form AB-17: 2022/2023 License Renewal Application

Section 3 – Sole Proprietor Ownership Information

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

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

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

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

This individual is an: Applicant Affiliate

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

This individual is an: Applicant Affiliate

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

Section 4 – License Operation

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

- | | | |
|---|-------------------------------------|-------------------------------------|
| | 2020 | 2021 |
| 1. The license was regularly operated continuously throughout each year. (Year-round) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The license was only operated during a specific season each year. (Seasonal)
<i>If your operation dates have changed, list them below:</i>
_____ to _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The license was only operated to meet the minimum requirement of 240 total hours each calendar year.
<i>A complete AB-30: Proof of Minimum Operation Checklist, and all documentation must be provided with this form.</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both calendar years. <i>A complete Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated.</i> | <input type="checkbox"/> | <input type="checkbox"/> |

If you have not met the minimum number of hours of operation in 2020 and/or 2021, you are not required to pay the fees, however a complete AB-29 is required with Section 2 marked "OTHER" and COVID is listed as the reason.

Section 5 – Violations and Convictions

Have **ANY** Notices of Violation been issued for this license **OR** has **ANY** person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2020 or 2021?

Yes No

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

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



Form AB-17: 2022/2023 License Renewal Application

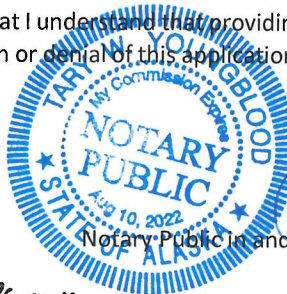
Section 6 – Certifications

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

- I agree to provide all information required by the Alcoholic Beverage Control Board or requested by AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned and potentially expired if I do not comply with statutory or regulatory requirements.
- I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.
- I certify that this entity is in good standing with Corporations, Business and Professional Licensing (CBPL) and that all entity officials and stakeholders are current and accurately listed, and I have provided AMCO with all required changes of Shareholders (10% or more), Managers, Corporate Officers/Board of Directors, Partners, Controlling Interest or Ownership of the business license, and have provided all required documents for any new or changes in officers.
- I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of patrons have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, if applicable for this license type as set forth in AS 04.21.025 and 3 AAC 304.465.
- I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name from what is currently approved and on file with the Alcoholic Beverage Control Board.

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

[Signature]
Signature of licensee



[Signature]
Signature of Notary Public

DONALD R STEAD
Printed name of licensee

Notary Public in and for the State of: Alaska

CEO GRACE RIDGE BREWING

My commission expires: 8/10/22

Subscribed and sworn to before me this 23 day of Dec, 2021.

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

All renewal and supplemental forms are available online

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

FOR OFFICE USE ONLY

License Fee:	\$ <u>1000.00</u>	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$ <u>1300.00</u>

AMCO

DEC 27 2021

Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Grace Ridge Brewing, Inc.

Entity Type: Business Corporation

Entity #: 10028849

Status: Good Standing

AK Formed Date: 4/16/2015

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2023

Entity Mailing Address: 870 SMOKY BAY WAY, HOMER, AK 99603

Entity Physical Address: 870 SMOKY BAY WAY, HOMER, AK 99603

Registered Agent

Agent Name: Don Stead

Registered Mailing Address: P.O. BOX 2159, HOMER, AK 99603

Registered Physical Address: 1401 CANDLELIGHT COURT, HOMER, AK 99603

Officials

Show Former

AK Entity #	Name	Titles	Owned
	DONALD STEAD	Director, President, Shareholder	80.00
	MEAGAN STEAD	Director, Secretary, Shareholder	5.00
	SCOTT STEAD	Director, Shareholder	5.00
	SHERRY STEAD	Director, Shareholder, Vice President	5.00
	STEVEN STEAD	Director, Shareholder, Treasurer	5.00

Filed Documents

Date Filed	Type	Filing	Certificate
4/16/2015	Creation Filing	Click to View	Click to View
6/08/2015	Initial Report	Click to View	
12/15/2016	Biennial Report	Click to View	
4/27/2019	Biennial Report	Click to View	
10/11/2020	Biennial Report	Click to View	
1/21/2022	Entity Address Change	Click to View	

Close Details

Print Friendly Version

License Detail

LICENSE DETAILS

License #: 1021237[Print Business License](#)**Business Name:** GRACE RIDGE BREWING, INC.**Status:** Active**Issue Date:** 05/13/2015**Expiration Date:** 12/31/2022**Mailing Address:** 3388 B ST
HOMER, AK 99603-7905**Physical Address:** 3388 B ST
HOMER, AK 99603-7905

Owners

GRACE RIDGE BREWING, INC.

Activities

Line of Business	NAICS	Professional License #
31 - Manufacturing	312120 - BREWERIES	

Endorsements

No Endorsements Found

License Lapse(s)

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

No Lapses on record for the last 4 years.

[Close License Detail](#)[Print Friendly Version](#)



City of Homer

www.cityofhomer-ak.gov

Police Department

625 Grubstake Avenue
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

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

Memorandum

TO: RENEK KRAUSE, MMC, DEPUTY CITY CLERK

FROM: MARK ROBL, POLICE CHIEF

CC: LISA LINEGAR, COMMUNICATIONS SUPERVISOR

DATE: MARCH 23, 2022

SUBJECT: LIQUOR LICENSE RENEWAL APPLICATIONS FOR GRACE RIDGE BREWING AND ODIN MEAD

Homer Police Department has no objection to the Liquor License Renewal Application within the City of Homer for the following businesses.

License Type: Brewery
License #: 5433
DBA Name: Grace Ridge Brewing
Service Location: 870 Smoky Bay Way
Homer, AK 99603
Licensee: Grace Ridge Brewing, Inc
Contact Person: Donald Stead

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



Office of the Borough Clerk

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

Johni Blankenship, MMC
Borough Clerk

3/14/2022

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

Homer City Hall
City of Homer Clerk

RE: Non-Objection of Application

Licensee/Applicant	:	Grace Ridge Brewing, Inc.
Business Name	:	Grace Ridge Brewing
License Type	:	Beverage Dispensary/Tourism-Duplicate
License Location	:	3388 B Street, Suite #2, Homer, AK 99603, City of Homer
License No.	:	5433
Application Type	:	License Renewal

Dear Ms. Jacobsen,

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

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

Sincerely,

Johni Blankenship, MMC
Borough Clerk

cc: graceridgebrewing@gmail.com;

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-16

An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating \$30,000 from the Fishing Lagoon Capital Asset Repair and Maintenance Allowance Fund for the Purpose of Funding the Development of an Engineered Concept and Cost Estimate for an Accessible Fishing Platform at the Nick Dudiak Fishing Lagoon.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting March 29, 2022 Introduction

Memorandum 22-047 as backup.

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 22-16**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
8 APPROPRIATING \$30,000 FROM THE FISHING LAGOON CAPITAL
9 ASSET REPAIR AND MAINTENANCE ALLOWANCE (CARMA) FUND
10 FOR THE PURPOSE OF FUNDING THE DEVELOPMENT OF AN
11 ENGINEERED CONCEPT AND COST ESTIMATE FOR AN
12 ACCESSIBLE FISHING PLATFORM AT THE NICK DUDIAK FISHING
13 LAGOON. CITY MANAGER/PUBLIC WORKS DIRECTOR.

14
15 WHEREAS, The ADA platform at the Nick Dudiak Fishing Lagoon has deteriorated and
16 no longer serves its purpose of providing ADA access to the fishing waters; and

17
18 WHEREAS, Funds are available in the Fishing Lagoon CARMA Account; and

19
20 WHEREAS, The likelihood of securing a grant for construction of a new access platform
21 would be greater if we had an engineered concept and reasonable cost estimate.

22
23 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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25 Section 1. The Homer City Council hereby amends the FY22 Capital Budget by
26 appropriating \$30,000 from Fishing Lagoon CARMA Account for the purpose of funding the
27 development of an engineered concept and reasonable cost estimate for an ADA accessible
28 fishing platform at the Nick Dudiak Fishing Lagoon as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-0397	Fishing Lagoon CARMA	\$30,000

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

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36 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2022.

37
38 CITY OF HOMER

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41 _____
42 KEN CASTNER, MAYOR

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44 ATTEST:

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47 _____

48 MELISSA JACOBSEN, MMC, CITY CLERK

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51 YES

52 NO:

53 ABSTAIN:

54 ABSENT:

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56 First Reading:

57 Public Reading:

58 Second Reading:

59 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum 22-047

TO: Mayor Castner and Homer City Council
THROUGH: Robert Dumouchel, City Manager
FROM: Janette Keiser, PE, Director of Public Works
DATE: 3/18/2022
SUBJECT: ADA Access for Nick Dudiak Fishing Lagoon

Issue: We need funds authorized from the Fishing Lagoon CARMA to pay for engineering for ADA access for the Nick Dudiak Fishing Lagoon.

Background: The ADA platform at the Nick Dudiak Fishing Lagoon has deteriorated and no longer serves its purpose of providing ADA access to the fishing waters. Parts of it have detached from the main body and are a safety hazard. The problem with the existing platform is that it is subject to damage from tidal action and gravel build-up. A new access platform is needed that will better resist these forces. Such a solution will not be quick, cheap or easy. It will, in all likelihood, require grant funding to construct a new access platform.

The probability of securing a grant would be greater if we had an engineered concept and reasonable cost estimate. There is \$110,165 in the Fishing Lagoon CARMA Account available to fund this work. Fishing Lagoon CARMA is one of three specific CARMA “buckets” that was not part of the CARMA consolidation associated with Ordinance 21-30(S). The funds in the Fishing Lagoon CARMA are set aside to care for the specific infrastructure and support future dredging maintenance projects.

Recommendation:

That the City Council appropriate \$30,000 from the Fishing Lagoon CARMA Account to fund the development of an engineered concept and reasonable cost estimate for an ADA accessible fishing platform at the Nick Dudiak Fishing Lagoon

CITY OF HOMER
FINANCIAL SUPPLEMENT

PROJECT NAME	<u>ADA Access for Nick Dudiak Fishing Lagoon</u>	DATE	<u>03/24/2022</u>
DEPARTMENT	<u>Public Works</u>	SPONSOR	<u>City Manager/PW Director</u>
REQUESTED AMOUNT	<u>\$ 30,000</u>		

DESCRIPTION	<p>The ADA platform at the Nick Dudiak Fishing Lagoon has deteriorated and no longer serves its purpose of providing ADA access to the fishing waters. Parts of it have detached from the main body and are a safety hazard. The problem with the existing platform is that it is subject to damage from tidal action and gravel build-up. A new access platform is needed that will better resist these forces. Such a solution will not be quick, cheap or easy. It will, in all likelihood, require grant funding to construct a new access platform. The probability of securing a grant would be greater if we had an engineered concept and reasonable cost estimate.</p>
-------------	---

FUNDING SOURCE(S)	OPERATING	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	0%	100%	0%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	0%	0%	0%	0%

FUNDING SOURCE 1: Fishing Lagoon CARMA	FUNDING SOURCE 2:	FUNDING SOURCE 3:
Current Balance <u>\$ 110,165</u>	Current Balance _____	Current Balance _____
Encumbered <u>\$ 0</u>	Encumbered _____	Encumbered _____
Requested Amount <u>\$ 30,000</u>	Requested Amount _____	Requested Amount _____
Other Items on Current Agenda <u>\$ 0</u>	Other Items on Current Agenda _____	Other Items on Current Agenda _____
Remaining Balance <u>\$ 80,165</u>	Remaining Balance _____	Remaining Balance _____
FUNDING SOURCE 4:	FUNDING SOURCE 5:	FUNDING SOURCE 6:
Current Balance _____	Current Balance _____	Current Balance _____
Encumbered _____	Encumbered _____	Encumbered _____
Requested Amount _____	Requested Amount _____	Requested Amount _____
Remaining Balance _____	Remaining Balance _____	Remaining Balance _____

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-17

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 21.03.040 Definitions used in Zoning Code under “Dwelling” or “Dwelling Unit”, to Exclude the Use of Connex Boxes or other Similar Intermodal Shipping Containers.

Sponsor: Planning Commission

1. City Council Regular Meeting March 29, 2022 Introduction

Memorandum 22-048 from City Planner as backup.

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**CITY OF HOMER
HOMER, ALASKA**

Planning Commission

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ORDINANCE 22-17

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AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING HOMER CITY CODE SECTION 21.03.040 DEFINITIONS
USED IN ZONING CODE UNDER “DWELLING” OR “DWELLING
UNIT”, TO EXCLUDE THE USE OF CONNEX BOXES OR OTHER
SIMILAR INTERMODAL SHIPPING CONTAINERS.

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WHEREAS, The 2018 Comprehensive Plan Chapter 4, Goal 3 states, “Encourage high-quality buildings and site development that complement Homer’s beautiful natural setting;” and

WHEREAS, The 2018 Comprehensive Plan Chapter 4, Goal 3, Objective A states: “Create a clear, coordinated regulatory framework that guides development;” and

WHEREAS, The 2018 Comprehensive Plan Chapter 4, Goal 3, Objective B states “Maintain high quality residential neighborhoods, promote housing choice by supporting a variety of dwelling options;” and

WHEREAS, The Homer Planning Commission has found that use of Connex boxes or other similar intermodal shipping container for use a dwellings is contrary to maintaining high quality residential neighborhoods.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code section 21.03.040, is hereby amended to read as follows:

“Dwelling” or “dwelling unit” means any building or portion thereof designed or arranged for residential occupancy by not more than one family and includes facilities for sleeping, cooking and sanitation. **“Dwelling” or “dwelling unit” shall not include the use of or incorporation of Connex boxes or other similar intermodal shipping containers in part or whole.**

Section 2. This Ordinance is of a permanent and general character and shall be included in the City Code.

44 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of _____, 2022.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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52 ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

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58 YES:

59 NO:

60 ABSTAIN:

61 ABSENT:

62

63 First Reading:

64 Public Hearing:

65 Second Reading:

66 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum 22-048 (PL 22-03)

TO: MAYOR CASTNER, AND HOMER CITY COUNCIL
FROM: RICK ABBODD, AICP, CITY PLANNER
DATE: MARCH 16, 2022
SUBJECT: EXCLUDING THE USE OF CONNEXES OR OTHER SIMILAR INTERMODAL SHIPPING CONTAINERS FOR USE IN DWELLINGS

Currently, the Homer City Code does not have any standards for the construction of a dwelling other than a design for occupancy of one family that includes facilities for sleeping, cooking, and sanitation. As such, no particular materials are prohibited from use in a dwelling. Only commercial structure and multi-family dwellings of more than three units are reviewed for fire safety by the state Fire Marshall.

The Homer Planning Commission has considered the use of Connexes/intermodal shipping containers in dwellings. It was a subject of the agenda at 4 meetings, including a public hearing on March 2.

The concerns expressed that prevailed included safety, aesthetics, and effects on property values with the use of the item in a dwelling. It was decided that it was best to avoid their use city-wide in dwellings. It also promoted the concept of the adoption of building codes to better insure the safety of these and other structures that may be used as dwellings.

At the Public Hearing, the Commission voted 4-3 to recommend that the City Council adopt the attached draft ordinance banning their use in dwellings.

Attachments

Draft Ordinance

Staff Report PL 22-05 and Planning Commission Meeting Minutes of Jan. 05, 2022

Staff Report PL 22-08 and Planning Commission Meeting Minutes of Feb. 02, 2022

Staff Report PL 22-13 and Planning Commission Meeting Minutes of Feb. 16, 2022

Staff Report PL 22-16 and Planning Commission Meeting Minutes of March 02, 2022



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 21-05

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: January 5, 2022
SUBJECT: Storage Container Dwellings

Introduction At the request of the Chair, I have added this item to the agenda.

Analysis It is my understanding that Commissioner Venuti proposes to regulate the usage of storage containers as dwellings based on zoning district.

The use of shipping containers has been a subject of staff report 21-52 that was presented to the commission. At the meeting of November 3rd, the subject was discussed and is highlighted in the minutes. No motion to regulate the use of shipping containers was made, although a request was made for Commissioners to work with staff to produce some proposed code.

Staff Recommendation Listen to and consider Commissioner Venuti's proposal.

Attachments

PC Minutes from meeting of 11/3/21

- Getting the new permitting software lined up and ready which will allow the Planning Department to be connected with Public Works, for real time information that can be shared, online payments, future permitting and enforcement issues will be able to be addressed
- Requested volunteers to attend the City Council meeting on November 8, 2021. He then provided guidance on giving the reports to City Council especially those items that may be quasi-judicial.

PUBLIC HEARINGS

- A. Staff Report 21-66, Draft Ordinance 21-xx, Amending Onsite Parking Requirements for Detached One Bedroom or Efficiency Dwelling Units.

City Planner Abboud provided a review of Staff Report 21-66 to the Commission.

There was no applicant.

Chair Smith opened the Public Hearing and having no public present in the audience or attending via Zoom he closed the Public Hearing and opened the floor to questions from the Commission.

There was no questions from the Commission.

VENUTI/BENTZ MOVED TO ADOPT STAFF REPORT 21-66 AND FORWARD DRAFT ORDINANCE TO AMEND PARKING REQUIREMENTS FOR DETACHED ONE BEDROOM AND EFFICIENCY DWELLING UNITS.

There was a brief discussion regarding clarification that by adopting the Staff Report the Commission will be recommending that the draft ordinance be forwarded to City Council for Public Hearing and approval.

Deputy City Clerk Krause confirmed that would be the action needed from the Commission.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

- A. Staff Report 21-52, Use of Shipping Containers

Chair Smith introduced the item by reading of the title and invited City Planner Abboud to provide his report.

City Planner Abboud prefaced the discussion by stating that they are not referencing the previous appeal and anything specific regarding that specific site. This is to be a general discussion on the future

use of shipping containers not delving into anything that the Commission might have talked about regarding that previous permit.

City Planner Abboud then facilitated discussion on the future use of shipping containers. Some of the following points discussed were:

- Aesthetics
 - o no specific residential building regulations
 - o anything goes if its not financed
 - o metal rectangles are not as appealing to many communities
 - o not allowed for use a dwelling in Anchorage
- Safety
- Expensive to convert
- Alternative to standard building materials
- Most issues are solved within building codes, however Homer has no building codes
- No rush in using this alternative as a dwelling
- Recycling
- Possible devaluing property values
- Difficulties in wiring and plumbing connexes and making sure they have proper egresses
- Toxicity exposure with used connexes
- Including it in the Zoning Code and holding public hearings to get input
- other popular building materials or dwellings is yurts and how far into the details does the Commission want to go
- Ongoing maintenance as property owner ages for a connex dwelling
- logistically impossible to ban one type of materials over another and what that language or code would look like and if all the boxes are checked for safety and habitability then it should not be excluded based on material.
- Specific areas in the city are allowed to have mobile homes
 - o Mobile homes in other districts were in place before so are grandfathered in
 - o Central Business District and Rural Residential allows mobile homes
- Designs can be reviewed on some really nice homes constructed out of connexes.
- Apply all requirements such as health and safety to all dwellings
- Building issues or development within the zoning code leads to development of a building code
- Cost of land in Homer does not lend to placing a connex dwelling
- Previous act setting a precedent
- Current economy and lack of availability may preclude this from being an issue
- Examples of connexes and mobile homes that have been totally changed appearance wise on the exterior
- Commissioners who are interested in proposing language work with planning staff to develop proposed code for review and discuss at a future meeting.
- Cabins installed on top of connexes out on the spit and if these should be regulated in some manner such as limiting the spread.
 - o This is where we need to adopt a building code to address this issue
 - o Then we will need a building department
 - Not sure how much longer the city can go on without having a building code and department



- Commission can make a recommendation and Planning will then work with Administration and see where it goes
 - Listing of the situations where having a building code would be addressed that is not handled by zoning code
- other neighboring first class cities have building departments
 - Permit fees would fund building permits
 - Inspection of properties/projects
- Planning Department provide a list of situations, process for adoption, enforcement and working with the local professional community
 - date uncertain as to bringing back the information to the Commission on Building Department/Building Code

NEW BUSINESS

- A. Memorandum from City Clerk re: Advisory Bodies 2022 Meeting Schedule

Chair Smith introduced the item by reading of the title.

City Planner Abboud commented on the typical meeting schedule noting the months where the Commission only meets once during those months.

BENTZ/HIGHLAND MOVED TO APPROVE THE RESOLUTION TO ESTABLISH THE 2022 MEETING SCHEDULE AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. City Manager's Report for October 25, 2021 City Council Meeting
- B. Planning Commission Calendar

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY STAFF

City Planner Abboud commented he was actually kind of excited about getting some of these initiatives and topics rolling and noted that while some of it is a little intimidating he felt that he was up for the challenge. Mr. Abboud stated that they got a lot of dots to connect, they kind of look at microcosms and then step back and kind of look at the macro issues that may be a bigger solution or better way to look at things.

Deputy City Clerk Krause commented that it was a good meeting and lots of good information.

- Regulations that limit the use of private property to the effect that it deprives the property of any value amounts to a taking and is something to consider.
- Checking on the element of rising sea levels and increase in the strength of storms is something to consider
 - o There is probably some consideration but the sea levels and glacier retreat has been really small increments and calculated in millimeters, City Planner Abboud will double check that data with Ms. Overbeck
 - o Current land level is outpacing the sea level rise but the increasing frequency and intensity of coastal storms addresses that but considering that we have been looking at data that addresses the past does not lend itself for what they may experience in the future and that faster erosion rates could be experienced.
 - o That supports the increase by 10 feet because Mother Nature is not going to get better and difficult to predict.

B. Staff Report 22-05, Storage Container Dwellings

Chair Smith introduced the item and requested City Planner Abboud to provide his staff report.

City Planner Abboud provided a summary of the Staff Report 22-05 and noted the prior discussions conducted by the Commission. He noted that a recommendation was made for Commissioner's to work with staff to produce some proposed code but there was none received by the planning department.

City Planner Abboud noted that Commissioner Venuti requested this item to be on the agenda through the Chair and then requested Commissioner Venuti to speak to the topic.

Commissioner Venuti provided a history of his experience and certifications as well as licensures and how long he has worked in the construction industry. He acknowledged that not everyone can afford a \$300,000-\$500,000 home and that recycling a container into a dwelling may be appealing to some people. Commissioner Venuti proceeded to provide his reasons for not allowing the use of shipping containers as dwellings for the following reasons:

- safety and health hazards with materials used in shipping containers
- aesthetics
- there is no standards for construction
- there are no requirements for inspection
- Not appropriate structure to be used in the urban or residential zones of the city where residents are heavily invested using more conventional means
- Use of shipping containers he believes will devalue the neighboring properties
- Community Design Manual does not support the use shipping containers

VENUTI/HIGHLAND MOVED THAT THE CITY OF HOMER LIMITS THE USE OF SHIPPING CONTAINERS CONVERTED INTO HOMES TO THE CENTRAL BUSINESS DISTRICT, MARINE COMMERCIAL DISTRICT AND EAST END MIXED USE DISTRICT.

Discussion ensued by the Commission on the following points:

- Toxicity and safety requirements, are what would be found in Building Code which the City does not have;

- Review of existing code does not have appropriate language to cover the use or to exclude the use of shipping containers and would need to assistance of the city attorney;
- limiting the use to the Central Business District was determined due to the recent allowance by the Commission to approve the Zoning Permit for the converted shipping container but argument was made by the City Planner that the Commission was not held to that decision

VENUTI/HIGHLAND - MOVED TO AMEND TO EXCLUDE THE CENTRAL BUSINESS DISTRICT FROM THE MOTION.

City Planner Abboud facilitated a discussion on the following points surrounding the use of shipping containers as dwellings:

- disallowing the use city wide
- creation of zoning regulations when there is no prohibited uses and structures and the need to create language to effect that prohibition
- obtaining legal advice on how to limit if not prohibit the use of shipping containers
- current structures listed in zoning regulations are mobile homes, yurts and teepees
- if the use is not listed by omission it is not permitted
- start of a new chapter for building standards and this item can be included as well as site development
- existing zoning regulations do not address building materials
- establishing zoning code may make the issue ten times worse and there currently is no rush to use shipping containers as dwellings
- questions regarding the legality of creating regulations based on appearance
- support for not using shipping containers as dwellings in all districts over allowing them in specific districts
- voting this motion down and making a new motion to prohibit the use of in the city

Commissioner Bentz advocated for voting this motion down as she did not believe that it should be addressed in the city zoning regulations noting that the Commission requested at a prior meeting for the Planning department to develop Title 12 which currently only addressed contractor bonding requirements. She expressed a further preference to wait until the Commission has a more comprehensive picture on how this really would affect practice in planning and in building inspections.

City Planner Abboud responded that he would definitely need to consult with the city attorney and perform more research if it is the wish of the Commission to eliminate this option as a dwelling. He then noted that the other issue of drainage and concerns of water going downhill, and getting Public Works on site development standards, could be included in the building standards. He can certainly work on bringing back language if that is the intent of the Commission.

Commissioner Bentz further expressed that it goes back to the individual opinion on aesthetics as there are some people who like teepees, yurts and long narrow buildings and if the Commission is going to base this on aesthetics then they should include soft sided coverings for excluded materials for buildings within city limits as well given the environmental conditions and how habitable it is, as it's a hazardous building-type to use in this area.

Further comments were made on the following:

- yurts were always meant to be a temporary living structure
- additional clarification on how this would be reflected in city code was requested

Deputy City Clerk Krause suggested that the Commission make a motion to postpone to a date certain to allow the City Planner to bring back additional information.

City Planner Abboud stated that he would appreciate that opportunity since at the moment it is a concept and he can bring back something specific.

VENUTI/HIGHLAND - MOVED TO POSTPONE THE MOTION TO THE SECOND MEETING IN FEBRUARY TO ALLOW THE CITY PLANNER TO PROVIDE ADDITIONAL INFORMATION.

City Planner Abboud advised that dependent on the City Attorney's schedule and it would be difficult to get vast public input due to COVID and usually the public does not pay attention until it goes to Council since we would have to provide notice city wide.

Commissioner Bentz requested clarification that the time given would allow staff time to get the information and legal input needed.

City Planner Abboud responded that he could include a staff report in the packet requesting postponement to allow for the time needed if necessary.

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

Motion carried.

Chair Smith stated for the record that the motions presented by Commissioner Venuti are on the table and will be taken up at the second meeting in February.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. City Manager's Report for December 13, 2021 City Council Meeting
- B. Kenai Peninsula Borough Notice of Decisions

Chair Smith noted the informational materials in the packet.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY STAFF

Deputy City Clerk Krause welcomed everyone back.

City Planner Abboud had no comments.



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Staff Report PL 22-08

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: February 2, 2022
SUBJECT: Storage Container Dwellings

Introduction

It was a request of the Commission to review draft code language that would prohibit the use of shipping containers as dwellings.

Analysis

The Commission's discussion weighed considerations of where shipping containers commonly known as Connex's might be allowed. I questioned the logic (or perhaps consistency) of eliminating one of the unlimited options one now has for construction of a dwelling, without adopting building codes and creating a building department. I believe that it would be best to eliminate the option as a dwelling throughout all districts, if it is believed that structures of this type are a detriment to the citizens of Homer.

The most straight forward way to address the use of shipping container in dwellings is elimination by amending the definition of the term 'dwelling'. This transfers neatly to any considerations of use of the material for a dwelling in any variety of dwelling options. I do not find any reason why we would want to make an allowance for this in one district over another. The draft ordinance would eliminate the option for use in all districts.

I believe the best way to regulate for safety concerns is to adopt a building code. Aesthetically, I find it inconsistent with the unlimited options that are available in Homer. I believe shipping containers can be configured to a variety of tastes, but it is the minimalist approach that might be most offensive. Without a building department, it is unrealistic to regulate the form of use.

Staff Recommendation

Discuss the regulation and make recommendation for continued direction of the subject.

Attachments

Draft ordinance

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

4 Planning Commission

5 **ORDINANCE 22-XX**
6

7
8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
9 AMENDING TITLE 21.03.040 DEFINITIONS USED IN ZONING CODE.
10

11 WHEREAS, The 2018 Comprehensive Plan Chapter 4 Goal 3 states, “Encourage high-
12 quality buildings and site development that complement Homer’s beautiful natural setting;”
13 and
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15 WHEREAS, The 2018 Comprehensive Plan Chapter 4 Goal 3 Objective A states: “Create
16 a clear, coordinated regulatory framework that guides development;” and
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18 WHEREAS, The 2018 Comprehensive Plan Chapter 4 Goal 3 Objective B states “Maintain
19 high quality residential neighborhoods, promote housing choice by supporting a variety of
20 dwelling options;” and
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22 WHEREAS,
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24 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
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27 Section 1. Homer City Code 21.03.040, is hereby amended to read as follows:
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29 “Dwelling” or “dwelling unit” means any building or portion thereof designed or arranged for
30 residential occupancy by not more than one family and includes facilities for sleeping,
31 cooking and sanitation. **“Dwelling” or “dwelling unit” shall not include the use of or**
32 **incorporation of Connex boxes or other similar intermodal shipping containers in part**
33 **or whole.**

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36 Section 2 or the last section. This Ordinance is of a permanent and general character.
37 and shall be included in the City Code.
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41 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of _____, 2022.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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49 ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

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55 YES:

56 NO:

57 ABSTAIN:

58 ABSENT:

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60 First Reading:

61 Public Hearing:

62 Second Reading:

63 Effective Date:

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65 Reviewed and Approved as to form and content:

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Rob Dumouchel, City Manager

Michael Gatti, City Attorney

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71 Date: _____

Date: _____

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- it is very complex, there are varying degrees of possible slope failure which should have a greater setback such as 60 feet
- Erosion rates do not depend on a coastal bluff
- City code was not based on general slope stability
- Support for the 40 foot setback is a good point to start with
- description and definition for bluff edge
- different features and issues on Baycrest
 - o different benches
 - o rotational issues
 - o historical landslides or slough

City Planner Abboud requested direction from the Commission to come up with code language.

Further discussion ensued on the definition clarification of coastal bluff, multiple benches, concerns on the scarp under West Hill location, setting threshold on the coastal erosion, requiring readily moveable structures, it would be dependent on the time of application since it changes all the time; using the LIDAR information that is currently available, establishing a setback at 40 feet catches most if not all the predicted erosion; using the LIDAR information to develop the definition as well as the mapping will provide the best definition and most appropriate definition.

Further discussion ensued on the definition of coastal bluff and that it is not a defined line. Additional comments were made on the 40 feet from the top of a slope and 15 feet from the bottom is from the building code and that they were not established for a coastal bluff in Homer, Alaska. City Planner Abboud noted that it is reasonable and you would not be condemning the land, basing it off of building code at minimum you are not going against it in theory if you adopt a building code there would be no conflict, the Commission can decide more but he would not recommend less.

BENTZ/ VENUTI MOVED TO REQUEST PLANNING STAFF DRAFT REGULATIONS AND BRING BACK TO THE MARCH 16TH MEETING FOR REVIEW BY THE COMMISSION.

Commissioner Bentz requested this to be on a worksession so it can be reviewed and discussed.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 22-08, Storage Container Dwellings

Vice Chair Highland introduced the item and requested City Planner Abboud to provide his staff report.

City Planner Abboud stated that the Commission wanted to view language to ban the use of storage containers for dwellings. He noted that the best way in his opinion since they do not have building code was to amend the term dwelling. He noted that without a building department there was not a better way in his opinion. He confirmed that this would be an amended definition of the word dwelling currently used.

City Planner Abboud facilitated an in-depth discussion on the following points:

- aesthetics of the use of shipping containers as dwellings
- limitations on regulating the use of shipping containers until the city has a building department
- applying personal opinions to regulate on the way things look and would this then apply to other non-standard dwelling materials such as yurts.
- cost comparison of converting a shipping container compared to traditional builds
- possible toxicity that can pass on to persons who reside in a shipping container
- how near future is a building department and code
- Use of shipping containers can be done in other applications such as commercial, example Oyster Bar that was approved.
- Structural concerns using converted shipping containers

Deputy City Clerk Krause reminded the Commission that this topic was postponed at the January 5, 2022 regular meeting reading the motions on the floor limiting the use of shipping containers as dwellings to the Central Business District, Marine industrial and East End Mixed Use District then the amendment was to remove the Central Business District. The current item before the Commission is to amending the definition which is another factor of the issue of using shipping containers as dwellings. So that issue will be on the February 16th agenda.

Commissioner Bentz restated her understanding of the discussion from the January meeting simplifying to three points: the motion and amendment on the floor to limit the use of intermodal shipping containers, the amendment to city code regarding the definition of “dwelling” in relation to intermodal shipping containers and third for the Commission to explore adding building inspection services.

Vice Chair Highland did not recall that discussion but noted that they cannot move something that is not on the agenda.

Further discussion ensued on making motions to changing code and preference to address the issues through building inspections and adding building code and those types of city services and it would be very beneficial to the residents of Homer and use those instances as evidence to support the implementation of building code. Additional points made that typically residential structures are inspected but there is no way to know that at this time.

City Planner Abboud requested that the issue of building code be kept separate from these issues.

Vice Chair Highland restated the topics that would be coming before commission at the February 16th meeting and they can then bring back this item as well.

Commissioner Bentz would like to see proposed code language on limiting shipping containers since they have a motion on the floor.

City Planner Abboud expressed hesitancy in writing the language that Commissioner Bentz requested for the motions on the floor and that the Commission has not expressed solid support for the current recommendation he has presented to address the situation. He further expressed that he did not believe that it was a preferred choice on how to construct a dwelling.

Commissioner Conley requested a worksession on this topic to discuss and review all the options and to get a thorough understanding of the issues.

Commissioner Barnwell supported the idea of worksession instead of trying to make a decision in this limited time period.

Vice Chair Highland requested confirmation that City Planner Abboud had enough direction to proceed with the Building Code aspect of this by the commission.

City Planner Abboud confirmed.

Deputy City Clerk Krause requested a motion to postpone amending the definition from the Commission if they were not acting on it at this meeting.

BENTZ/VENUTI MOVED TO POSTPONE THIS ITEM TO THE FEBRUARY 16, 2022 REGULAR MEETING.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Staff Report 22-09 Maximum Parking Allowance for Large Retail

Vice Chair Highland introduced the item by reading of the title.

City Planner Abboud reviewed his staff report for the Commission.

Discussion was facilitated and focused more on the issues that were brought forward by the changes in the Safeway parking lot on the following:

- requirements for parking lots for commercial establishments
- design factor
- number of entrances
- looking at minimums
- making logical allowances for what is really necessary on site
- parking lots are really expensive
- reducing the percentage is the simplest method
- removal of landscape requirements
- accommodating snow removal and storage

BENTZ/CONLEY MOVED TO STRIKE LINE A PARKING LOTS FOR LARGE RETAIL AND WHOLESALE DEVELOPMENT SHALL NOT EXCEED THE MINIMUM NUMBER OF SPACES REQUIRED BY CHAPTER 21.55 BY MORE THAN 10 PERCENT.

There was no further discussion.



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Staff Report PL 22-13

TO: Homer Planning Commission
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: FEBRUARY 16, 2022
SUBJECT: CONTAINER DWELLINGS

Introduction

The Planning Commission requested that a draft ordinance be created for consideration of a postponed motion to allow for the use of a container dwellings in the Central Business District (CBD), Marine Commercial District (MC), and East End Mixed District (EEMU).

Analysis

I have created a definition that carves out the use of Connex (shipping containers) or Connex parts in the construction of a dwelling. This allows us to make the allowance in the above mentioned districts and by the rules of code construction, it would be prohibited in any district where it was not listed. Although I do not believe zoning code is an ideal way to deal with this issue, we do not have another option at this time.

I have made the recommendation that if the commission finds it in the best interests of the city to prohibit these structures in any manner, the reasons for prohibition should be carried forth throughout the entire city. While some container dwellings are less than impressive to me, I do believe that we should be interested in ensuring our concerns for all.

There are some considerations in the proposed districts. The CBD currently supports residential dwellings and is arguably our most prominent district, as it is hopefully utilized by all citizens and visitors. The MC and EEMU Districts do not allow dwellings as a primary use, other non-dwelling uses for Connexes are allowed and may require Fire Marshal approval for commercial uses, depending on the occupancy category.

Staff Recommendation

Review the draft ordinances and give direction.

Attachments

Draft ordinance for allowance of Connex dwellings in CBD, EEMU, and MC.
Draft ordinance for elimination of Connex dwellings city-wide by definition.

**CITY OF HOMER
HOMER, ALASKA**

Planning Commission

ORDINANCE 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE 21.03.030, DEFINITIONS, HOMER CITY CODE 21.18.020, 21.30.020, & 21.27.020, PERMITTED USES AND STRUCTURES TO INCLUDE “CONTAINER DWELLING”, IN DEFINITION AND ALLOW AS A PERMITTED USE IN THE CENTRAL BUSINESS, MARINE COMMERCIAL & EAST END MIXED USE DISTRICTS.

WHEREAS, The 2018 Comprehensive Plan;” and

WHEREAS,;” and

WHEREAS,; and

WHEREAS,.....

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.03.030, is hereby amended to read as follows:

21.03.030 Definitions.

“Container dwelling” means a “Dwelling” or “Dwelling Unit” that incorporates the use of Connex boxes or other similar intermodal shipping containers use in the structure in part or whole.

Section 2. Homer City Code 21.18.020, is hereby amended to read as follows:

21.18.020 Permitted uses.

II. Container dwelling.

Section 3. Homer City Code 21.30.020, is hereby amended to read as follows:

21.24.020 Permitted uses.

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mm. Container dwelling.

Section 4. Homer city Code 21.27.020, is hereby amended to read as follows:

21.27.020 Permitted uses.

pp. Container dwelling.

Section 5. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of _____, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and Approved as to form and content:

Rob Dumouchel, City Manager

Michael Gatti, City Attorney

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Date: _____

Date: _____

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

4 Planning Commission

5 **ORDINANCE 22-XX**
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8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
9 AMENDING TITLE 21.03.040 DEFINITIONS USED IN ZONING CODE.
10

11 WHEREAS, The 2018 Comprehensive Plan Chapter 4 Goal 3 states, “Encourage high-
12 quality buildings and site development that complement Homer’s beautiful natural setting;”
13 and
14

15 WHEREAS, The 2018 Comprehensive Plan Chapter 4 Goal 3 Objective A states: “Create
16 a clear, coordinated regulatory framework that guides development;” and
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18 WHEREAS, The 2018 Comprehensive Plan Chapter 4 Goal 3 Objective B states “Maintain
19 high quality residential neighborhoods, promote housing choice by supporting a variety of
20 dwelling options;” and
21

22 WHEREAS,
23

24 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
25

26
27 Section 1. Homer City Code 21.03.040, is hereby amended to read as follows:
28

29 “Dwelling” or “dwelling unit” means any building or portion thereof designed or arranged for
30 residential occupancy by not more than one family and includes facilities for sleeping,
31 cooking and sanitation. **“Dwelling” or “dwelling unit” shall not include the use of or**
32 **incorporation of Connex boxes or other similar intermodal shipping containers in part**
33 **or whole.**

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36 Section 2 or the last section. This Ordinance is of a permanent and general character
37 and shall be included in the City Code.
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41 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of _____, 2022.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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49 ATTEST:

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52 _____
MELISSA JACOBSEN, MMC, CITY CLERK

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55 YES:

56 NO:

57 ABSTAIN:

58 ABSENT:

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60 First Reading:

61 Public Hearing:

62 Second Reading:

63 Effective Date:

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65 Reviewed and Approved as to form and content:

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Rob Dumouchel, City Manager

Michael Gatti, City Attorney

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71 Date: _____

Date: _____

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Commissioner Bentz added that it is consistent with the data and the research that shows higher erosion rates in the western portion of City of Homer and lower erosion rates in the areas east of West Hill and that 40 foot setback is pretty consistent with the 30 year planning horizon and with other documentation that the Commission has been presented on this topic.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BENTZ/BARNWELL MOVED TO REQUEST STAFF TO PROVIDE A DRAFT ORDINANCE OF PROPOSED LANGUAGE OF DEFINITION UPDATES FOR COASTAL BLUFFS FOR REVIEW AT THE STAFF'S CONVENIENCE OR WHEN READY.

There was a brief discussion on putting a time limit on the draft ordinance.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 22-13, Storage Container Dwellings

Chair Smith introduced the item and requested City Planner Abboud to provide his staff report.

City Planner Abboud stated that this was a subject thoroughly discussed by the Commission and there are motions on the floor pertaining to allowing container dwellings in the Central Business District, Marine Commercial and East End Mixed Use District and a draft ordinance on eliminating container dwelling city wide by definition and he looks forward to the Commission's guidance on what they wish to do.

Chair Smith requested clarification from the Clerk regarding the motions that were on the floor for consideration.

Deputy City Clerk Krause stated that there were two motions from the January 5, 2022 regular meeting, a main motion and amendment. The amendment will be dispensed with first then the main motion. She provided guidance on the procedure.

Chair Smith read the amendment into the record, VENUTI/HIGHLAND MOVED TO AMEND THE MOTION TO EXCLUDE THE CENTRAL BUSINESS DISTRICT FROM THE MOTION and opened the floor for discussion.

Chair Smith stated that since there was no discussion on the amendment, he requested objections to the motion before them amending the motion to exclude the CBD from the main motion.

Commissioner Venuti requested clarification on what they were voting on.

Chair Smith stated that they were voting on the amendment only at this time, which was to limit the use of shipping containers to East End Mixed Use and Marine Commercial, the amendment excludes the CBD.

Commissioner Highland stated that they have two ordinances to vote on down the line and so her thought would be to vote no on these motion so they would need a roll call vote. She explained that they will be addressing two ordinances that the Commission has a choice between that will be voted on after the Commission addresses these two leftover motions from the meeting in January.

Commissioner Bentz questioned as a procedural aspect if the makers of the motion and the amendment would want to withdraw their motions or if they believe if these motions are the way they want to go.

Deputy City Clerk Krause explained that procedurally the motions should be voted down.

VOTE. (Amendment) YES. VENUTI, SMITH, CHIAPPONE, CONLEY, BENTZ, BARNWELL
VOTE. NO. HIGHLAND.

Motion carries.

Chair Smith then read the main motion as amended into the record as follows:

MOVED THAT THE CITY OF HOMER LIMITS THE USE OF SHIPPING CONTAINERS CONVERTED INTO DWELLINGS TO THE MARINE COMMERCIAL AND EAST END MIXED USE DISTRICTS, after clarification was provided by Commissioner Bentz on the motion being amended and affirmation provided by the Clerk.

Chair Smith then opened the floor for discussion, hearing none, he asked if there were any objections, as there were objections, he called for a roll call vote.

Commissioner Chiappone requested clarification on the result of the vote if they voted yes or no on the motion.

Chair Smith provided clarification that if they voted no on the motion it would not limit the use of shipping containers and if they voted yes it would limit the use on shipping containers as dwellings to those districts.

Commissioner Barnwell commented that it is arbitrary and that they should have a comprehensive city wide policy not district by district.

Commissioner Venuti expressed that he thought they were heading to a city wide decision on this.

Commissioner Highland responded that they were but they had to dispense with these motions first.

VOTE. YES. SMITH
VOTE. NO. CHIAPPONE, HIGHLAND, CONLEY, BARNWELL, BENTZ, VENUTI

Motion failed.

Deputy City Clerk Krause explained that the Commission needs to address the two ordinances presented by the City Planner in response to Chair Smith's question on next steps.

City Planner Abboud noted that procedurally by voting down the motions you voted down the ordinance on page 25 of the packet. He further noted that the Commission can vote or not as it decides on the other ordinance on page 28 of the packet.

Commissioner Highland stated that she would like to address that they do not want to allow containers as dwellings city wide and expressed that she needed some direction on where to proceed next.

Commissioner Bentz offered that she was wanting the draft ordinance shown on page 28 of the packet.

City Planner Abboud offered guidance on making a motion to adopt draft ordinance.

HIGHLAND/VENUTI MOVED TO ADOPT THE DRAFT ORDINANCE AMENDING TITLE 21.03.040 DEFINITIONS USED IN ZONING CODE.

Commissioner Bentz provided clarification that the proposed ordinance would amend city code to update the definition of dwelling so that any dwelling shall not include the use of our incorporation of connex boxes or other similar intermodal shipping containers in part or in whole and that would be a citywide limitation on the use of shipping containers or similar materials for building.

Commissioner Highland expressed her concerns regarding the possible safety concerns on the use of shipping containers for dwellings so she would be voting yes on the motion.


Commissioner Bentz expressed that she would rather see this addressed by a comprehensive building code rather than discriminating against this type of building material over others that may be potentially even more hazardous.

Commissioner Highland questioned the City Planner, stating that toxicity is her major concerns regarding safety with the shipping containers, and she would like to know of the possible dangers with other building materials.

City Planner Abboud responded that hopefully people who used these building methods would remediate the floor such as encapsulation or replacement, commenting that it would not be hard to do but the City does not have a building inspector to ensure that has been done. He further stated that any other building can be hazardous just by poor ventilation or stovepipe, radon, asbestos, lead paint, without a building code anything goes. Old buildings and old methods of building that are unhealthy and provided some current examples.

Further discussion points were made on the following:

- Applicants seeking the advice and input from the planning department

- 
- current conditions within the dwelling that was installed in the neighborhood
 - excluding containers by zoning code is very unusual and in terms of city planning Homer does not want to be the exception to that rule

VOTE. YES. CHIAPPONE, HIGHLAND, VENUTI, SMITH

VOTE. NO. CONLEY, BENTZ, BARNWELL

There was a brief discussion on the passing of this motion and clarification that shipping containers or connexes would not be allowed or used as building materials in the city limits.

Motion carried.

NEW BUSINESS

A. Staff Report 22-14, Building Codes

Chair Smith introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 22-14 for the Commission. He provided additional information on the following:

- if procedural inspections are not done in the building process how would they determine that it was built correctly without doing a destructive inspection
- older homes and buildings in Homer have numerous errors
- protects against man made hazards having a building code
- allows for discounted FEMA insurance rates when there is a building code
- building codes contribute to health and safety issues
- building codes provide energy savings when people implement

Discussion was facilitated and focused on the following:

- ISO ratings and how that would affect the city if they adopted a building code
- Community Rating System (CRS) applies to Flood Insurance
- Costs to implement a building department which are usually housed as a section of the Public Works Department
- City Planner has conducted nominal research on how this would be staffed but the fees usually cover the costs of staffing a department.
- Costs would be borne by the builder and home owner
 - o It has been shown that the filling of a municipal building inspector position is difficult to fill according to other municipalities
- This same personnel could fill the duties of Fire Marshall and or Code Enforcement
- The Planning Commission would recommend the adoption of building codes in the most efficient manner to the city.

Further comments were expressed by Commissioners on the following:

- Cost effectiveness of adopting building code but using private enterprise
- additional unnecessary bureaucracy



City of Homer

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Planning

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Staff Report PL 22-16

TO: HOMER PLANNING COMMISSION
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: MARCH 2, 2022
SUBJECT: CONTAINER DWELLINGS PUBLIC HEARING

Introduction

The Planning Commission has moved to support an ordinance that prohibits the use of Connex or other similar intermodal shipping containers for use in dwellings.

Analysis

Commissioner Venuti brought the issue of regulating the use of Connex container for use as dwellings. He made several points about his concerns for use including:

- safety and health hazards with materials used in shipping containers
- aesthetics
- there is no standards for construction
- there are no requirements for inspection
- Not appropriate structure to be used in the urban or residential zones of the city where residents are heavily invested using more conventional means
- Use of shipping containers he believes will devalue the neighboring properties
- Community Design Manual does not support the use shipping containers

The Commission continued the discussion in 2 following meetings, arriving in a motion that was sustained by a vote of 4-3 in support of banning their use in dwellings city-wide. The sustaining arguments supported the concerns of the safety of their use. As Homer has not adopted a building code, single family and multi-family dwellings containing three or less units are not subject to building codes and the structures are not required to be inspected or gain certificates of occupancy. Additional concerns were expressed of a possible negative effect to properties neighboring their use and their undesirable form.

Staff Recommendation

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

Attachments

Planning Department review of code amendment
Draft ordinance

21.95.040 Planning Department review of code amendment.

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

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

Staff: The amendment is consistent with the Comprehensive Plan and furthers Chapter 4, Goal 3 by encouraging “high-quality buildings.”

b. Will be reasonable to implement and enforce.

Staff: The amendment should not present difficulties to implement and enforce. Connexes are a relatively unique feature that is easily identifiable.

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

Staff: The amendment was proposed, in part, to help ensure health, safety and welfare as Connexes or similar intermodal shipping containers used in dwellings may introduce an unsafe environment when not subjected to building codes.

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

Staff: The wording has been reviewed and no conflicts have been noted.

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

4 Planning Commission

5 **ORDINANCE 22-XX**
6

7
8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
9 AMENDING TITLE 21.03.040 DEFINITIONS USED IN ZONING CODE,
10 “DWELLING” OR “DWELLING UNIT,” TO EXCLUDE THE USE OF
11 CONNEX BOXES OR OTHER SIMILAR INTERMODAL SHIPPING
12 CONTAINERS.
13

14 WHEREAS, The 2018 Comprehensive Plan Chapter 4, Goal 3 states, “Encourage high-
15 quality buildings and site development that complement Homer’s beautiful natural setting;”
16 and
17

18 WHEREAS, The 2018 Comprehensive Plan Chapter 4, Goal 3, Objective A states: “Create
19 a clear, coordinated regulatory framework that guides development;” and
20

21 WHEREAS, The 2018 Comprehensive Plan Chapter 4, Goal 3, Objective B states
22 “Maintain high quality residential neighborhoods, promote housing choice by supporting a
23 variety of dwelling options;” and
24

25 WHEREAS, The Homer Planning Commission has found that use of Connex boxes or
26 other similar intermodal shipping container for use a dwellings is contrary to maintaining high
27 quality residential neighborhoods.
28

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

31
32 Section 1. Homer City Code 21.03.040, is hereby amended to read as follows:
33

34 “Dwelling” or “dwelling unit” means any building or portion thereof designed or arranged for
35 residential occupancy by not more than one family and includes facilities for sleeping,
36 cooking and sanitation. **“Dwelling” or “dwelling unit” shall not include the use of or**
37 **incorporation of Connex boxes or other similar intermodal shipping containers in part**
38 **or whole.**

41 Section 2 or the last section. This Ordinance is of a permanent and general character
42 and shall be included in the City Code.

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ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of _____, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and Approved as to form and content:

Rob Dumouchel, City Manager

Michael Gatti, City Attorney

Date: _____

Date: _____

Deputy City Planner Engebretsen reviewed Staff Report 22-15 highlighting the following:

- opportunity for training virtually in conjunction with the Alaska Planners Conference
- April 23rd, 2022 deeper dive into specific and technical questions
- At the Planning Conference Week of April 22nd-24th presentations on Coastal Setback regulations and challenges to take the technical information and turn into land use regulations
- EDC has identified affordable workforce housing and balancing the quality of life as the community grows
- New plans for the property at the corner of Pioneer and Sterling Highway information available on the city website
- Notice to property owners regarding changes in zoning

Deputy City Planner Engebretsen provided information in response to Commissioner questions on the proposed community multi-use center and where the information was located on the city website, demolition schedule, and funding.

PUBLIC HEARINGS

A. Staff Report 22-16, Storage Container Dwellings

Chair Smith introduced the item by reading of the title.

Deputy City Planner Engebretsen reviewed Staff Report 22-16 for the Commission.

Chair Smith opened the public hearing and having no one present he closed the public hearing.

Chair Smith requested a motion and second.

HIGHLAND/VENUTI - MOVED TO ADOPT STAFF REPORT 22-16 AND RECOMMEND FORWARDING TO CITY COUNCIL THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.03.040 DEFINITIONS USED IN ZONING CODE, "DWELLING" OR "DWELLING UNIT" TO EXCLUDE THE USE OF CONNEX BOXES OR OTHER SIMILAR INTERMODAL SHIPPING CONTAINERS.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried

PLAT CONSIDERATION

A. Staff report 22-17, Puffin Acres Bayweld 2022 Replat

Chair Smith introduced the item by reading of the title.

Commissioner Conley declared he had a conflict of interest.

Submitted by Councilmember Davis

dwell

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[PHOTOS](#)

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[ARTICLES](#)

[SHOP](#)

[REAL ESTATE](#)

At first glance, an industrial shipping container doesn't inspire thoughts of home. But in the hands of a talented architect with an eye for reuse, the humble steel container can be transformed into an eco-friendly house, a colorful pop-up store, or even a sprawling marketplace. Cargotecture isn't necessarily more affordable than traditional site-built buildings, but the power of prefab means that these upcycled structures can be quickly and efficiently built.



5 of Our Favorite Shipping Container Companies in North America

From the Hamptons' first shipping container house to a pop-up cargotecture bar, the innovative projects from these North American container companies show the power of adaptive reuse.

Text by

Lucy Wang






Save

<https://www.dwell.com/article/shipping-container-home-companies-north-america-efd7edaf/6588188024988135424>



 YouTube

Watch

Living in an Ultra-Modern Shipping Container Home - Built with 4 x 20ft Used Containers

Uploaded by: Exploring Alternatives, Oct 10, 2020

3.24M Views · 65.8K Likes

Tour this shipping container home & learn how Cathi transformed her studio into a successful Airbnb! If you have a unique space you want to share with guests...

Images may be subject to copyright. [Learn More](#)

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-18

An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating \$943,858 from the Homer Accelerated Water and Sewer Program (HAWSP) Fund to Finance the Cost of the Bunnell Ave/Charles Way Water and Sewer Special Assessment Districts.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting March 29, 2022 Introduction

Memorandum 22-049 as backup.

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 22-18**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER ALASKA
8 AMENDING THE FY22 CAPITAL BUDGET BY APPROPRIATING
9 \$943,858 FROM THE HOMER ACCELERATED WATER AND SEWER
10 PROGRAM (HAWSP) FUND TO FINANCE THE COSTS OF THE
11 BUNNELL AVE/CHARLES WAY WATER AND SEWER SPECIAL
12 ASSESSMENT DISTRICTS.

13
14 WHEREAS, The Bunnell Ave/Charles Way Water and Sewer Special Assessment Districts
15 (SAD) were created with Resolution 22-023; and

16
17 WHEREAS, The City must first pay the expenses of the improvement projects and when
18 the projects are complete, the costs to be apportioned between the City's 25% contribution
19 from HAWSP and the property owners' 75% contribution will be reconciled into Final
20 Assessment Rolls; and

21
22 WHEREAS, At that point, reimbursement will be sought from the ADEC State Revolving
23 Loan Funds, which will allow the City to provide long term financing for the private property
24 owners for their assessments and for the Principal Forgiveness Subsidy of \$225,690 for the
25 water project to be applied; and

26
27 WHEREAS, In the meantime, an appropriation is needed to provide funding for the
28 project's design and construction; and

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

31
32 Section 1. The Homer City Council hereby amends the FY22 Capital Budget by
33 appropriating \$943,858 from the HAWSP Fund to finance the Bunnell Ave/Charles Way Water
34 and Sewer SAD as follows:

35

<u>Account</u>	<u>Description</u>	<u>Amount</u>
205-xxx	Total Cost – Water SAD	\$525,637
205-xxx	Total Cost – Sewer SAD	<u>\$418,221</u>
	Total	\$943,858

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

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ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:



City of Homer

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Public Works

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Memorandum 22-049

TO: City Council

THROUGH: Rob Dumouchel, City Manager

FROM: March 23, 2022

SUBJECT: Appropriation for Charles Street/Bunnell Ave Water & Sewer Special Assessment Districts

I. Issue: The purpose of this Memorandum is to request funding for the Charles Street/Bunnell Avenue Water & Sewer Special Assessment Districts.

II. Background

The City Council created the Charles Way/Bunnell Avenue Water and Sewer Special Assessment Districts (SAD) with the passage of Resolution 22-017(A). The estimated costs of the work are:

Water SAD	\$525,637
Sewer SAD	<u>\$418,221</u>
Total	\$943,858

The finances for these SADs are complex. First, the City will receive a Principal Forgiveness Subsidy from the AK Department of Conservation for the water project in the amount of \$225,690. Next, the City will pay cash from the HAWSP Fund, for its 25% contribution as well as a share of the assessments as a property owner. All these factors will be reconciled in the Final Assessment Rolls, which will be computed and submitted for public comment and City Council consideration, probably in early 2023. In the meantime, the City must first pay the expenses of the improvement projects and an appropriation is needed from the HAWSP Fund for this purpose.

As of the last report, dated July 21, 2021, there was expected to be an ending balance FY22 ending balance of \$3,211,857 in the HAWSP Account, which took into account the City’s obligations for the Alder Lane Water and Tasmania Court Water/Sewer Special Assessment Districts.

III. Recommendation

That the City Council appropriate \$943,858 from the HAWSP Fund to finance the Charles Way/Bunnell Avenue Water and Sewer Special Assessment Districts

CITY OF HOMER
FINANCIAL SUPPLEMENT

PROJECT NAME	<u>Bunnell Ave/Charles Way SAD</u>	DATE	<u>03/24/2022</u>
DEPARTMENT	<u>Public Works</u>	SPONSOR	<u>City Manager/PW Director</u>
REQUESTED AMOUNT	<u>\$ 943,858</u>		

DESCRIPTION	<p>The City Council created the Charles Way/Bunnell Avenue Water and Sewer Special Assessment Districts (SAD) with the passage of Resolution 22-017(A). The estimated costs of the work are:</p> <p>Water SAD \$525,637 Sewer SAD \$418,221 Total \$943,858</p>
-------------	---

FUNDING SOURCE(S)	OPERATING	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	0%	0%	0%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	100%	0%	0%	0%	0%

FUNDING SOURCE 1: HAWSP	FUNDING SOURCE 2:	FUNDING SOURCE 3:
Current Balance <u>\$ 3,786,344</u>	Current Balance _____	Current Balance _____
Encumbered <u>\$ 1,252,370</u>	Encumbered _____	Encumbered _____
Requested Amount <u>\$ 943,858</u>	Requested Amount _____	Requested Amount _____
Other Items on Current Agenda <u>\$ 0</u>	Other Items on Current Agenda _____	Other Items on Current Agenda _____
Remaining Balance <u>\$ 1,590,116</u>	Remaining Balance _____	Remaining Balance _____
FUNDING SOURCE 4:	FUNDING SOURCE 5:	FUNDING SOURCE 6:
Current Balance _____	Current Balance _____	Current Balance _____
Encumbered _____	Encumbered _____	Encumbered _____
Requested Amount _____	Requested Amount _____	Requested Amount _____
Remaining Balance _____	Remaining Balance _____	Remaining Balance _____

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-19

An Ordinance of the City Council of Homer, Alaska, Amending the FY22 Capital Budget by Appropriating Funds in the Amount of \$ 56,450 from the Port Reserves Fund for the Purpose of Engaging R&M Consultants' Grant Assistance and Engineering Support Teams to Develop and Submit a 2022 Port Infrastructure Development Program Grant Application for Homer Harbor's Float Replacement Project.

Sponsor: Erickson/Port

1. City Council Regular Meeting March 29, 2022 Introduction

Memorandum 22-050 as backup.

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

Erickson/Port

3
4 **ORDINANCE 22-19**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE FY22 CAPITAL BUDGET BY APPROPRIATING
8 FUNDS IN THE AMOUNT OF \$ 56,450. FROM THE PORT RESERVES
9 FUND FOR THE PURPOSE OF ENGAGING R&M CONSULTANTS'
10 GRANT ASSISTANCE AND ENGINEERING SUPPORT TEAMS TO
11 DEVELOP AND SUBMIT A 2022 PORT INFRASTRUCTURE
12 DEVELOPMENT PROGRAM GRANT APPLICATION FOR HOMER
13 HARBOR'S FLOAT REPLACEMENT PROJECT.

14
15 WHEREAS, The State of Alaska sold Homer harbor to the City in 1999 and it was
16 recognized that much of the vessel mooring systems were due to be replaced at that time; and
17

18 WHEREAS, It's an excepted industry standard that vessel float systems have a 30 year
19 engineered life expectancy and at this time 71% of our vessel mooring floats are older than 30
20 years and some are nearly 60 years old; and
21

22 WHEREAS, The Department of Transportation Port infrastructure Development Grant
23 Program (PIDP) supports projects that improve facilities directly related to operations of
24 intermodal connections to coastal seaports, river ports, and Great Lake ports; and
25

26 WHEREAS, Many federal grants offer a standard 50% local/50% federal match. These
27 Federal Transportation Development dollars have a 20% local/80% federal match requirement
28 which creates a great fiscal opportunity for Homer to modernize our vessel mooring systems
29 in the harbor; and
30

31 WHEREAS, To capitalize on this opportunity the City reached out to R&M Consultants,
32 Inc. who is one of our city contracted engineering firms, for pricing to engage them for grant
33 submission development assistance and engineering support, with the end goal being a 2022
34 grant submission to PIDP and/or any other grant opportunities that they believe that Homer
35 would qualify for; and
36

37 WHEREAS, The City has received a quote from R&M Consultants, Inc. in the amount of
38 \$56,450 for engineering support, project benefit cost analysis, and PIDP grant assistance,
39 development and submission for the homer harbor float replacement project; and
40

41 WHEREAS, The benefit cost analysis, float replacement cost analysis, and engineering
42 support components needed for the PIDP grant submission will also be required elements for

43 any other grant opportunities that may be open to us in the future, and R&M’s work can be re-
44 utilized for such opportunities; and

45
46 WHEREAS, Homer harbor maintenance staff have done an excellent job of maintaining
47 our float facilities over the years, but for a majority of these systems time is running out and as
48 the owners and stewards of this valuable public resource that our community relies on we
49 must work to develop a plan for re-capitalization that takes advantage of grant funding and
50 local share dollars.

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

53
54 Section 1: The FY22 Capital budget is hereby amended by appropriating funds in the
55 amount of \$56,450 from the Port Reserve Fund for the purpose of engaging R&M Consultants’
56 grant assistance and engineering support teams to develop and submit a 2022 Port
57 Infrastructure Development Program Grant Application for Homer harbor’s float replacement
58 project, as follows:

59

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
60 456-0380	61 R&M Consulting Grant Services- 62 Float Replacement	63 \$56,450

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

66
67 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____,
68 2022.

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

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

78
79 YES:
80 NO:
81 ABSTAIN:
82 ABSENT:

83

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



City of Homer

www.cityofhomer-ak.gov

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Memorandum 22-050

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

THRU: ROB DUMOUCHEL, CITY MANAGER

FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER

DATE: MARCH 23, 2022

SUBJECT: ORDINANCE 22-19 - FLOAT REPLACEMENT AND HOW THE PORT
INFRASTRUCTURE DEVELOPMENT GRANT PROGRAM (PIDP) CAN HELP

Attached is a Homer harbor float facilities assessment that my staff and I created to help us get a big picture view of facility wide float conditions. I hope that this conversation will allow us to justify using our resources to apply for any Federal and or State grant money that may be available to us to replace our harbor mooring systems that have aged out. As the float facilities asset sheet shows, you can see that at this time 71.6% of the float systems are at or past their engineered life span.

- 42,197 sq ft. of the Harbor's floats are at the end of their engineered life span this year
- 46,390 sq ft. of the harbor's floats are 6 years past their engineered life span
- 26,854 sq ft. of the harbor's floats are 28 years past their engineered life span



Up until 1999, the State owned the harbor and the city managed it as an Enterprise for them. In 1999 the State sold the harbor to the city for a dollar “as is” as it was in the state’s interest to divest its self from the responsibility of maintaining the infrastructure. We received 3 million dollars in the TORA to be used to replace some of the floats but we have a very large harbor and those dollars were really only a fair start on the actual need.

PIDP

DOT’s Maritime Port infrastructure Development grant program (PIDP) supports projects that improve facilities within, or directly related to operations of coastal seaports, river ports and Great Lake ports. Replacement of the Homer Port’s aging floats definitely fits within this category. PIDP is a 20% local/80% federal cost share match which makes it a highly appealing option when considering the large dollar amounts of a project of this scale. It’s also a competitive option with \$450 million dollars funded into the program and available for grant allocation this Fiscal year (2022). And on an even more positive note is that some of this money has been set aside specifically for small harbors.

R&M

Although \$450,000,000.00 is a healthy pool of available grant funds, PIDP is a national grant program, which means that Ports from all 50 states will be applying and competing for the funding. The grant application also has required components including a Cost to Benefit Ratio of the proposed project and a Cost projection scope which are numbers that we don’t yet have. Due to the strength of the opportunity and the 80% cost share that is picked up by the grant, we would like to pursue this avenue with a goal of pulling together a competitive grant proposal. To that end we’ve spoken with one of our contract engineers, R&M, who have both a grant writing department and the engineering capability to perform the work needed for the Cost to Benefit analysis and detailed project scope. Their proposal for this is included. It is our recommendation that we move forward with this as soon as possible, to capitalize on this opportunity, with a goal of submitting an application by the May 16 2022 deadline. Much of their work developing the project scope will also be extremely useful for other grant opportunities and can be utilized again as new opportunities arrive for the same float replacement end goal.

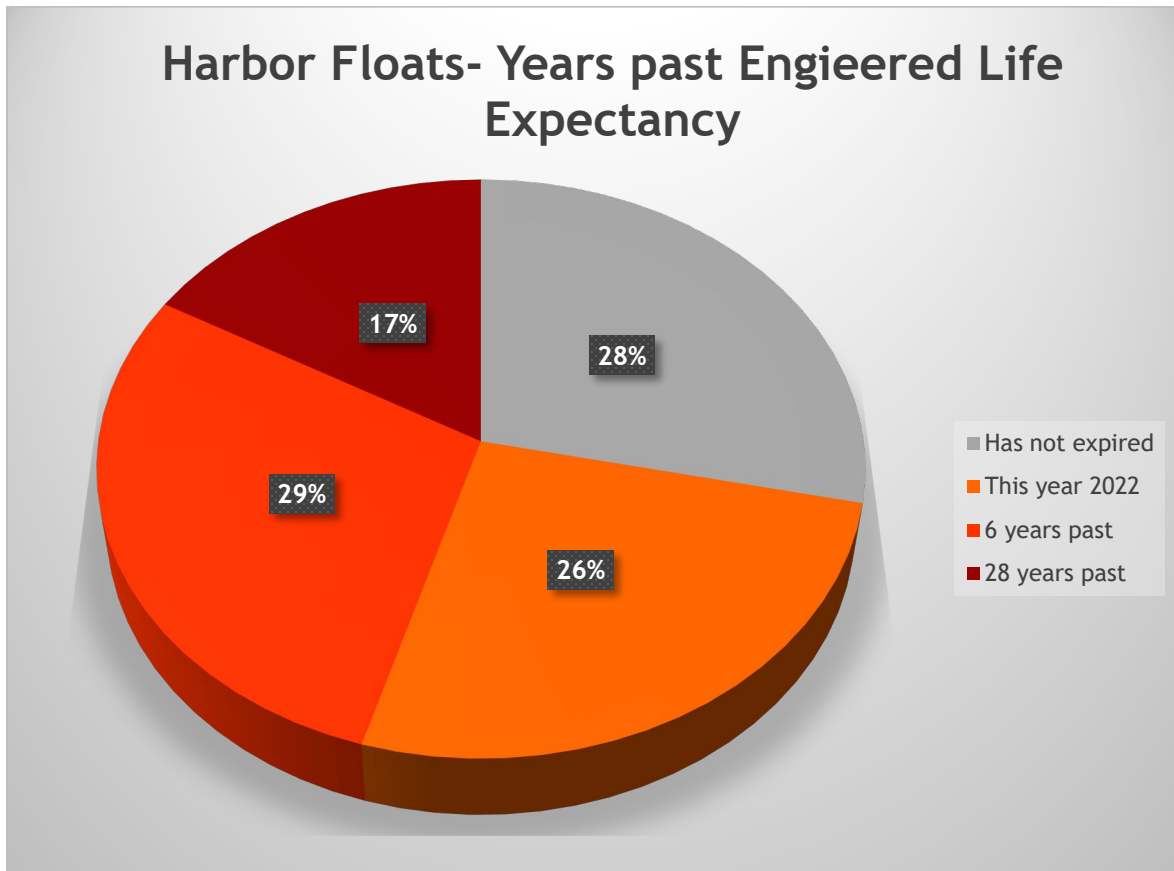
On March 16 this idea was presented and incorporated into discussion at the City Council’s visioning session as part of the wider picture and planning effort to develop the funding we know we need to repair, replace and keep this valuable public resource. Staff believe that utilizing R&M’s skilled team to develop a competitive grant application to submit to PIDP that may allow us to acquire federal dollars to address the ever aging float systems in the harbor that the community and commerce depend on.

RECOMMENDATION

Approval of Ordinance 22-19 amending the FY22 Capital budget by appropriating funds in the amount of \$56,450 from the Port Reserve Fund for the purpose of engaging R&M Consultants’ grant assistance and engineering support teams to develop and submit a 2022 Port infrastructure development program grant application for Homer harbor’s float replacement project.

Attached: Port of Homer Asset sheet for float systems
R&M proposal for PIDP grant development and submission management on Homer’s behalf

HARBOR FLOATS- ASSET LIST



Port of Homer Property Schedule

Float System/Measurements

Current Year	2022
CPI inc /yr	2.30%
yrs from 2012	10

System 1										
	Qty.	Length*	Width*	Sq. Ft.	Totals	Year Built	Current Age	Engineered Life Expectancy ***	YEARS OF LIFE REMAINING	NEEDS TO BE REPLACED IN THIS YEAR
A						1992	30	30	-	2022
Floats (sf)	1	2,289	8	18,312	20,647	1992	30	30	-	2022
	12	20	3	720						
	38	17	2.5	1,615						
Pilings (per)	51	65	16"		51	1992	30	30	-	2022
On-Float Water (lf)		1,816			1,816	1992	30	30	-	2022
B						1992	30	30	-	2022
Floats (sf)	1	255	10	2,550	5,650	1992	30	30	-	2022
	3	70	10	2,100						
	1	100	10	1,000						
Pilings (per)	16	65	16"		16	1992	30	30	-	2022
On-Float Power (lf)		255			255	1992	30	30	-	2022
C						1992	30	30	-	2022
Floats (sf)	1	315	10	3,150	8,350	1992	30	30	-	2022
	5	50	8	2,000						
	5	60	8	2,400						
	1	80	10	800						
Pilings (per)	18	65	16"		18	1992	30	30	-	2022
On-Float Power (lf)		315			315	1992	30	30	-	2022
D						1992	30	30	-	2022
Floats (sf)	1	315	10	3,150	7,550	1992	30	30	-	2022
	5	40	8	1,600						
	5	50	8	2,000						
	1	80	10	800						
Pilings (per)	18	65	16"		18	1992	30	30	-	2022
On-Float Power (lf)		315			315	1992	30	30	-	2022
E						2002	20	30	10	2032
Floats (sf)	1	290	10	2,900	2,900	2002	20	30	10	2032
	4	70	10	2,800	2,800					
Pilings (per)	18	65	16"		18	2002	20	30	10	2032
On-Float Power (lf)		290			290	2002	20	30	10	2032
On-Float Water (lf)		290			290	2002	20	30	10	2032
F						2002	20	30	10	2032
Floats (sf)	1	290	10	2,900	2,900	2002	20	30	10	2032
	4	70	10	2,800	2,800					
Pilings (per)	18	65	16"		18	2002	20	30	10	2032
On-Float Power (lf)		290			290	2002	20	30	10	2032
On-Float Water (lf)		290			290	2002	20	30	10	2032
G						2002	20	30	10	2032
Floats (sf)	1	290	10	2,900	2,900	2002	20	30	10	2032
	14	32	4	1,792	2,176					
	2	32	6	384						
Pilings (per)	21	65	16"		21	2002	20	30	10	2032
On-Float Power (lf)		290			290	2002	20	30	10	2032
On-Float Water (lf)		290			290	2002	20	30	10	2032
H						2002	20	30	10	2032
Floats (sf)	1	290	10	2,900	2,900	2002	20	30	10	2032
	14	32	4	1,792	2,176					
	2	32	6	384						
Pilings (per)	21	65	16"		21	2002	20	30	10	2032
On-Float Power (lf)		290			290	2002	20	30	10	2032
On-Float Water (lf)		290			290	2002	20	30	10	2032

	Qty.	Length*	Width*	Sq. Ft.	Totals	Year Built	Current Age	Engineered Life Expectancy ***	YEARS OF LIFE REMAINING	NEEDS TO BE REPLACED IN THIS YEAR
J						2015	7	30	23	2045
Floats (sf)	1	283	8	2,264	3,704	2015	7	30	23	2045
	18	32	2.5	1,440						
Pilings (per)	9	65	16"		9	2015	7	30	23	2045
K						1986	36	30	(6)	2016
Floats (sf)	1	300	8	2,400	3,750	1986	36	30	(6)	2016
	18	30	2.5	1,350						
Pilings (per)	8	65	16"		8	1986	36	30	(6)	2016
L						1986	36	30	(6)	2016
Floats (sf)	1	300	8	2,400	3,750	1986	36	30	(6)	2016
	18	30	2.5	1,350						
Pilings (per)	8	65	16"		8	1986	36	30	(6)	2016
M						1986	36	30	(6)	2016
Floats (sf)	1	300	8	2,400	3,750	1986	36	30	(6)	2016
	18	30	2.5	1,350						
Pilings (per)	8	65	16"		8	1986	36	30	(6)	2016
N						1986	36	30	(6)	2016
Floats (sf)	1	300	8	2,400	3,750	1986	36	30	(6)	2016
	18	30	2.5	1,350						
Pilings (per)	8	65	16"		8	1986	36	30	(6)	2016
P						1986	36	30	(6)	2016
Floats (sf)	1	300	8	2,400	3,750	1986	36	30	(6)	2016
	18	30	2.5	1,350						
Pilings (per)	8	65	16"		8	1986	36	30	(6)	2016
Q						1986	36	30	(6)	2016
Floats (sf)	1	300	8	2,400	3,750	1986	36	30	(6)	2016
	18	30	2.5	1,350						
Pilings (per)	8	65	16"		8	1986	36	30	(6)	2016
R						2015	7	30	23	2045
Floats (sf)	1	297	6	1,782	3,222	2015	7	30	23	2045
	24	24	2.5	1,440						
Pilings (per)	9	65	16"		9	2015	7	30	23	2045
S						2015	7	30	23	2045
Floats (sf)	1	297	6	1,782	3,222	2015	7	30	23	2045
	24	24	2.5	1,440						
Pilings (per)	9	65	16"		9	2015	7	30	23	2045

System 2

	Qty.	Length*	Width*	Sq. Ft.	Totals	Year Built	Current Age	Engineered Life Expectancy	YEARS OF LIFE REMAINING	NEEDS TO BE REPLACED IN THIS YEAR
AA						1986	36	30	(6)	2016
Floats (sf)	1	350	8	2,800	3,250	1986	36	30	(6)	2016
	9	20	2.5	450						
Pilings (per)	6	65	16"		6	1986	36	30	(6)	2016
T						1986	36	30	(6)	2016
Floats (sf)	1	200	8	1,600	2,440	1986	36	30	(6)	2016
	14	24	2.5	840						
Pilings (per)	5	65	16"		5	1986	36	30	(6)	2016
U						1986	36	30	(6)	2016
Floats (sf)	1	200	8	1,600	2,440	1986	36	30	(6)	2016
	14	24	2.5	840						
Pilings (per)	5	65	16"		5	1986	36	30	(6)	2016
V						1986	36	30	(6)	2016
Floats (sf)	1	200	8	1,600	2,440	1986	36	30	(6)	2016
	14	24	2.5	840						
Pilings (per)	5	65	16"		5	1986	36	30	(6)	2016
W						1986	36	30	(6)	2016
Floats (sf)	1	180	8	1,440	1,800	1986	36	30	(6)	2016
	6	24	2.5	360						
Pilings (per)	5	65	16"		5	1986	36	30	(6)	2016

System 4

	Qty.	Length*	Width*	Sq. Ft.	Totals	Year Built	Current Age	Engineered Life Expectancy	YEARS OF LIFE REMAINING	NEEDS TO BE REPLACED IN THIS YEAR
AAA						1964	58	30	(28)	1994
Floats (sf)	1	925	10	9,250	10,066	1964	58	30	(28)	1994
	16	17	3	816		1964	58	30	(28)	1994
Pilings (per)	17	65	16"		17	1964	58	30	(28)	1994
CC						1964	58	30	(28)	1994
Floats (sf)	1	312	8	2,496	4,800	1964	58	30	(28)	1994
	18	32	4	2,304		1964	58	30	(28)	1994
Pilings (per)	30	65	16"		30	1964	58	30	(28)	1994
DD						1964	58	30	(28)	1994
Floats (sf)	1	305	8	2,440	4,312	1964	58	30	(28)	1994
	18	32	3.25	1,872		1964	58	30	(28)	1994
Pilings (per)	9	65	16"		9	1964	58	30	(28)	1994
EE						1964	58	30	(28)	1994
Floats (sf)	1	300	10	3,000	4,008	1964	58	30	(28)	1994
	6	42	4	1,008		1964	58	30	(28)	1994
	7	32	4	896		1964	58	30	(28)	1994
	1	70	8	560		1964	58	30	(28)	1994
Pilings (per)	24	65	16"		24	1964	58	30	(28)	1994
On-Float Power (lf)		300			300	1964	58	30	(28)	1994
On-Float Water (lf)		300			300	1964	58	30	(28)	1994
FF						2002	20	30	10	2032
Floats (sf)	1	290	10	2,900	3,796	2002	20	30	10	2032
	7	32	4	896		2002	20	30	10	2032
	9	24	4	864		2002	20	30	10	2032
	1	32	6	192		2002	20	30	10	2032
	1	24	6	144		2002	20	30	10	2032
Pilings (per)	15	65	16"		15	2002	20	30	10	2032
GG						1964	58	30	(28)	1994
Floats (sf)	1	266	10	2,660	3,668	1964	58	30	(28)	1994
	6	42	4	1,008		1964	58	30	(28)	1994
	9	24	4	864		1964	58	30	(28)	1994
	1	47	6	282		1964	58	30	(28)	1994
Pilings (per)	14	65	16"		14	1964	58	30	(28)	1994
HH						2015	7	30	23	2045
Floats (sf)	1	288	8	2,304	3,996	2015	7	30	23	2045
	6	47	6	1,692		2015	7	30	23	2045
Pilings (per)	23	65	16"		23	2015	7	30	23	2045
JJ						2015	7	30	23	2045
Floats (sf)	1	309	8	2,472	2,472	2015	7	30	23	2045
Pilings (per)	9	65	16"		9	2015	7	30	23	2045

System 5

	Qty.	Length*	Width*	Sq. Ft.	Totals	Year Built	Current Age	Engineered Life Expectancy	YEARS OF LIFE REMAINING	NEEDS TO BE REPLACED IN THIS YEAR
Sys 5						1986	36	30	(6)	2016
Floats (sf)	1	960	12	11,520	11,520	1986	36	30	(6)	2016
Pilings (per)	44	65	20"		44	1986	36	30	(6)	2016
On-Float Power (lf)		960	708		960	1986	36	30	(6)	2016

	Qty.	Length	Width	Sq. Ft.	Totals
Total Float Sys				161,207	-
Pilings	467				
Length of Docks		25,599			

Notes: Sections of Floats A, AAA, and System 5 West Extension were replaced more recently but not the whole float

- A (E-S) 2015
- AAA (HH-JJ) 2015
- System 5 W Ext. 2002

February 18, 2022

R&M Project #2532.06

Bryan Hawkins
Harbormaster
City of Homer
491 E Pioneer Ave
Homer, Alaska 99603



RE: On-Call Engineering Services Contract New Task Order: PIDP Grant Assistance

Dear Mr. Hawkins,

We are pleased to submit this fee proposal to the City of Homer (City) under our On-Call Engineering Services contract for Port Infrastructure Development Program (PIDP) Grant Assistance.

We understand that you would like assistance completing a PIDP grant application, under the United States Maritime Administration (MARAD), including the required Benefit-Cost Analysis.

Our scope includes the following tasks:

- Grant application narrative
- Supporting graphics
- Benefit-Cost Analysis by Northern Economics
- Engineering support including a drawing of the proposed harbor renovations
- A project cost estimate

A project task fee estimate for the services described above is enclosed with a Not-to-Exceed (NTE) amount. We are available to begin work immediately.

Please let us know if you have any comments or questions.

Sincerely,

R&M CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read 'John C. Daley', is written over a light blue horizontal line.

John Daley, P.E.
Waterfront Engineering Group Manager

Enclosure: Project Fee Estimate



FIRM: R&M	PROJECT TITLE:	DATE:
Client: City of Homer	PIDP 2022 Grant Assistance	2/18/2022

Task	Task Description	Labor	Expenses & Subs	Task Subtotal
1	Grant Assistance	\$24,890	\$ 24,200	\$ 49,090
2	Engineering Support	\$7,360	\$ -	\$ 7,360
Totals:		\$32,250	\$ 24,200	\$ 56,450

COST ESTIMATE PER TASK

FIRM: R&M Consultants, Inc.			PROJECT TITLE: City of Homer PIDP 2022 Grant Assistance						
TASK NO: 1	TASK DESCRIPTION: Grant Assistance						DATE: 2/18/2022		
SUB-TASK NO.	SUB-TASK DESCRIPTION	LABOR HOURS PER JOB CLASSIFICATION							
		Project Mngr./Sr. Waterfront Engr.	Planning Manager	Grant Writer/Staff Planner	Grant Writer/Staff Planner	Staff Graphics Support	Environmental Manager		
		Daley	Le	Coleman	Oleson-Yelle	Morris	McLean		
a	Project Management/Coordination Meetings	4	4	8	8				
b	Research & Analysis	1	1	20	20				
c	Environmental & Permitting Language						4		
d	Grant Narrative Draft	1	4	30	30				
e	Grant Narrative Final	1	2	10	10				
f	Figures & Graphics			1	1	10			
g	Graphic Layout of Grant Application				2	18			
h	Benefit Cost Analysis (BCA) Coord & Review			2					
TOTAL LABOR HOURS		7	11	71	71	28	4		
* LABOR RATES (\$/HR)		\$218.50	\$189.75	\$120.75	\$123.63	\$115.00	\$175.38		
LABOR COSTS (\$)		\$1,530	\$2,087	\$8,573	\$8,778	\$3,220	\$702		
						COMMENTS:			
SUB-TASK	ITEM(S)	QUANTITY	UNIT PRICE	TOTAL PRICE	1. Estimate based on 2022 rates 2. Estimate based on Time and Expenses 3. Assumes collaborative Effort with City of Homer staff for data, grant narrative etc.				
		0		\$0.00					
		0		\$0.00					
		0		\$0.00					
		0		\$0.00					
		0		\$0.00					
TOTAL EXPENSES:					\$0	FIRM'S LABOR:			
						\$24,890			
						FIRM'S TOTAL EXPENSES Plus 5% Mark-Up:			
						\$0			
SUB-CONTRACTORS: Firm Initials and Price Per Task					TOTAL SUBCONTRACTOR Plus 10% Mark-Up:				
						\$24,200			
FIRM:	Nor Econ (BCA)			TOTAL SUB					
AMOUNT:	\$22,000			\$22,000	TOTAL:		\$49,090		

COST ESTIMATE PER TASK												
FIRM: R&M Consultants, Inc.				PROJECT TITLE: City of Homer PIDP 2022 Grant Assistance								
TASK NO: 2		TASK DESCRIPTION: Engineering Support					DATE: 2/18/2022					
SUB-TASK NO.	SUB-TASK DESCRIPTION	LABOR HOURS PER JOB CLASSIFICATION										
		Project Mngr./Sr. Waterfront Engr.	Staff Engineer/Drafting									
		Daley	Cumlat									
a	Meetings	4	4									
b	Drawings	4	24									
c	Cost Estimate	8	4									
TOTAL LABOR HOURS		16	32									
* LABOR RATES (\$/HR)		\$218.50	\$120.75									
LABOR COSTS (\$)		\$3,496	\$3,864									
										COMMENTS:		
SUB-TASK	ITEM(S)	QUANTITY	UNIT PRICE	TOTAL PRICE								
				TOTAL EXPENSES:		\$0					FIRM'S LABOR:	\$7,360
											FIRM'S TOTAL EXPENSES Plus 5% Mark-Up:	\$0
				SUB-CONTRACTORS: Firm Initials and Price Per Task							TOTAL SUBCONTRACTOR Plus 10% Mark-Up:	\$0
FIRM:						TOTAL SUB						
AMOUNT:						\$0					TOTAL:	\$7,360



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 22-051

TO: MAYOR CASTNER & HOMER CITY COUNCIL

THROUGH: ROB DUMOUCHEL, CITY MANAGER
RACHEL TUSSEY, CMC, DEPUTY CITY CLERK II

FROM: PORT & HARBOR ADVISORY COMMISSION

DATE: MARCH 24, 2022

SUBJECT: SUPPORT TO HIRE R&M FOR PORT INFRASTRUCTURE DEVELOPMENT
GRANT PROGRAM (PIDP) GRANT DEVELOPMENT FOR HARBOR FLOAT
REPLACEMENT

At their March 23rd regular meeting, the Port and Harbor Advisory Commission reviewed and voiced their full support for staff's proposal to apply for grant funding for much-needed harbor float replacement. This proposal includes hiring R&M to develop a competitive grant application to submit to the Port Infrastructure Development Grant Program (PIDP).

An excerpt of the meeting minutes follows:

- C. Port Infrastructure Development Grant Program (PIDP) for Float Replacement
 - i. Port of Homer Asset Sheet for Float Systems
 - ii. R&M Proposal for PIDP Grant Development & Submission Management

Chair Matthews introduced the item by reading the title and deferred to Port Director Hawkins.

Mr. Hawkins explained the results from the harbor float asset assessment. While they have been talking about a replacement plan for years they're still a ways away from making those repairs possible due to the floats getting worse faster than the Harbor Enterprise is able to save up the replacement costs in reserves. Chair Matthews spoke to the work harbor staff accomplished to get the grant and R&M hiring proposal together that was currently in front of the commission and City Council. She explained the time restrictions that they need to meet to make the grant and budget cycles/deadlines and what action would be needed from the commission at this time.

SHAVELSON/ULMER MOVED TO RECOMMEND TO CITY COUNCIL THAT R&M BE HIRED FOR PORT INFRASTRUCTURE DEVELOPMENT GRANT PROGRAM GRANT DEVELOPMENT AND SUBMISSION MANAGEMENT ON HOMER'S BEHALF.

Commissioner Shavelson commented on how vital it is that we stay ahead of the float replacement improvements, and how this proposal sounds like an opportunity to do so.

Discussion ensued between commissioners and Mr. Hawkins on the following:

- How it is a great funding opportunity that has not been offered by other grant programs.
- The grant application process itself and if they get the grant what that would mean for funding repairs.
- Importance of all the photos; when commissioners talk to public it's good to have visual references to show how bad the floats have gotten.
- The need to take care of our existing infrastructure, especially in the face of all this planning to build an expanded harbor.
- What the float replacement priorities are if they receive the funding and if it included other floats like the Fish Dock; there are no limitations to the funding source but the focus would be on the float and mooring systems since they're the most foundational of the harbor.
- How much funding the Enterprise has now and how other kinds of funds (i.e. federal, state, other grants) can be used for matching.

VOTE: YES: SIEKANIEC, MATTHEWS, ZEISSET, SHAVELSON, PITZMAN, ULMER

Motion carried.

Chair Matthews commented on how this grant proposal will be before City Council at their March 29th regular meeting, and encouraged the commissioners to attend and voice their support.

RECOMMENDATION

Adopt Ordinance 22-19

CITY OF HOMER
FINANCIAL SUPPLEMENT

PROJECT NAME	<u>R&M Engagement - Grant Application Harbor Float Replacement</u>	DATE <u>03/24/2022</u>
DEPARTMENT	<u>Port and Harbor</u>	SPONSOR <u>Erickson/Harbormaster</u>
REQUESTED AMOUNT	<u>\$ 56,450</u>	

DESCRIPTION	Engineering support, project benefit cost analysis, and PIDP grant assistance, development and submission for the homer harbor float replacement project.
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FUNDING SOURCE(S)	OPERATING	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	0%	0%	0%	100%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	0%	0%	0%	0%

FUNDING SOURCE 1: Port Reserves	FUNDING SOURCE 2:	FUNDING SOURCE 3:
Current Balance <u>\$ 2,014,610</u>	Current Balance _____	Current Balance _____
Encumbered <u>\$ 1,255,132</u>	Encumbered _____	Encumbered _____
Requested Amount <u>\$ 56,450</u>	Requested Amount _____	Requested Amount _____
Other Items on Current Agenda <u>\$ 0</u>	Other Items on Current Agenda _____	Other Items on Current Agenda _____
Remaining Balance <u>\$ 703,028</u>	Remaining Balance _____	Remaining Balance _____
FUNDING SOURCE 4:	FUNDING SOURCE 5:	FUNDING SOURCE 6:
Current Balance _____	Current Balance _____	Current Balance _____
Encumbered _____	Encumbered _____	Encumbered _____
Requested Amount _____	Requested Amount _____	Requested Amount _____
Remaining Balance _____	Remaining Balance _____	Remaining Balance _____

**CITY OF HOMER
HOMER, ALASKA**

City Clerk/
PARCAC

RESOLUTION 22-021

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
APPROVING AND ACCEPTING A DONATION FOR THE CITY OF
HOMER MUNICIPAL ART COLLECTION FROM ALASKAN ARTIST
DELAND ANDERSON ENTITLED "SEVEN".

WHEREAS, The Homer Public Library conducts annual calls for art from local artists to be displayed for a specific length of time within the facility; and

WHEREAS, Deland Anderson was selected and displayed his artwork entitled "Seven" at the Homer Public Library for several months in 2021 and has decided to donate the piece for permanent inclusion in the Municipal Art Collection; and

WHEREAS, The Library Advisory Board reviewed the application at their January 18, 2022 regular meeting and recommended accepting the donation; and

WHEREAS, The Parks, Art, Recreation and Culture Advisory Commission (PARCAC) has reviewed the request for the donation at their March 17, 2022 regular meeting and recommended that City Council accept the donation.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby accepts and approves the donation from Alaskan Artist Deland Anderson for the artwork entitled "Seven" to be included as a permanent addition to the City of Homer Municipal Art Collection.

PASSED AND ADOPTED by the Homer City Council this 29th day of March, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A



CITY OF HOMER GIFT/DONATION PROPOSAL APPLICATION

PLEASE TYPE OR PRINT CLEARLY AND MAKE YOUR RESPONSES COMPLETE AND THROUGH.

DATE 10 November 2021
CONTACT PERSON Deland Anderson TITLE _____
ORGANIZATION IF APPLICABLE _____
ADDRESS 134 Mountain View Dr. CITY homer STATE ak ZIP 99603
PHONE 907 235 7804 FAX _____ CELL _____
EMAIL deland@xyz.net

TELL US WHY YOU WISH TO DONATE THIS TO THE CITY OF HOMER?

The Homer Public Library seems to be the perfect permanent home for this pair of paintings. They hung in the library throughout the past year or so, and I would like them to stay.

PLEASE COMPLETE THE APPROPRIATE SECTIONS RELATED TO YOUR DONATION.

TITLE OF ARTWORK Seven Samurai, Pleiades
ARTIST(S) NAME Deland Anderson
YEAR COMPLETED 2018 DIMENSIONS 48"X18", 62"X27"
MATERIALS USED TO CREATE ARTWORK Acrylic on canvas, tempera on canvas

PHYSICAL DESCRIPTION OF THE PROPOSED DONATION-

This is a pair of original paintings, depicting nearly identical images, but in different scale. They are meant to be exhibited together for aesthetic reasons: the subtle differences between the two pieces give the viewer's and an opportunity to reflect on their sameness. This moment underscores the theme of the paintings which is cloning. They are jellyfish. They are clones. More on this in subsequent narrative.

NARRATIVE DESCRIPTION OF THE PROPOSED DONATION- TELL US THE STORY BEHIND THE PIECE OR SIGNIFICANCE -

Seven Samurai was the anchor for a show I put together in 2019 called the Landscape of Medusae. It spun out the whimsical theme of jellyfish as landscape. It was exhibited at Alaska Pacific University and received good acclaim. Most of the pieces have sold. But I still have this pair and they were on exhibit in the Homer library during 2020-21. The piece Seven Samurai and its companion, Pleiades, originated with a whimsical thought: what if the stars were jellyfish? The Seven Sisters, as the constellation is sometimes known, became seven moon jelly clones in my mind. I strove to capture the beautiful subtle light of this constellation as well as the mindful symmetry it displays. Doubling the composition emphasizes the unique biology of jellyfish--they are able to clone themselves in perpetuity and organize as a colony. To me that is very much like a stellar constellation.

IS THE PROPOSED PIECE ONE OF A KIND? yes IS THE PIECE PART OF A SERIES, LIMITED OR OTHERWISE? no
IF SO, AN EDITION OF HOW MANY? n/a IS THE PIECE COMPLETED? yes IF NOT WHEN IS THE
EXPECTED COMPLETION DATE? n/a
WHAT IS THE CURRENT CONDITION OF THE PIECE? Pristine

PROPOSED SITE OR LOCATION

DO YOU HAVE A SITE(S) IN MIND FOR THE PLACEMENT OF THE PIECE? IF SO WHERE? _____
Yes. The Homer Public Library. As mentioned above this pair of paintings hung in the library for more than a year. Staff have
commented on how fond they have become of them. They originally were meant to dovetail into an educational program spearheaded
by Claudia Haines on marine life, I believe. In any case, the longer the pieces were in the library, the more they seemed to belong
there. For many reasons. Here are a few that come to mind. They are quiet--blue concentric circles arranged in a simple pattern.
IS THIS A CITY OWNED PROPERTY IF NOT WHO OWNS THE PROPERTY? yes

WHAT IS THE RATIONALE FOR SELECTING THIS/THESE LOCATION(S)? _____
As stated above. Also, my artwork is meant to be educational as well as pleasing. Over the years I have taught literally thousands of
children and adults in Homer and around bush Alaska the technique of dot painting and its cultural value. The Homer Public Library is a
keystone institution in our community. It is fitting that such an institution in such a town as ours promote local art that is appropriate to
all ages and without political messaging.

ARE YOU AWARE OF ANY PERMITS OR PERMISSIONS THAT MAY BE REQUIRED? none

TECHNICAL SPECIFICATIONS

DESCRIBE HOW THE PIECE IS CONSTRUCTED OR MADE. PLEASE INCLUDE ANY DOCUMENTATION AT THE END OF THIS APPLICATION. As I mentioned above, they are paintings on canvas, framed and ready to hang.

HOW IS THE PIECE TO BE PROPERLY INSTALLED? hung on a hook on the wall

DOES THE PIECE REQUIRE ELECTRICITY, PLUMBING OR OTHER UTILITY HOOKUPS? no

WHO WILL BE INSTALLING THE PIECE? I will with the assistance of library staff.

WHAT IS THE EXPECTED LIFETIME AND STAYING POWER OF THE MATERIALS USED IN CREATING THE PIECE? _____

Acrylic paintings have been around for a century of so. They seem to hold up quite well, if kept dry and out of direct sunlight. Tempera paintings have been around much longer and are known to last hundreds of years if kept dry and out of direct sunlight. The limiting factor of these paintings is not the paint but the substrate. Canvas is considered a permanent substrate for paintings, but it is not the most durable of all kinds of painting substrates.

WHAT MAINTENANCE IS REQUIRED AND HOW OFTEN? _____

Dust with feather duster once a year

PLEASE IDENTIFY ANY SPECIFIC MAINTENANCE PROCEDURES AND OR EQUIPMENT AND THE ASSOCIATED COSTS: _____

none

WHAT PRECAUTIONS HAVE BEEN TAKEN TO GUARD AGAINST VANDALISM IF ANY? _____

Just keep them in view and out of reach, and they'll be fine.

WHAT STEPS HAVE BEEN TAKEN TO ASSURE THIS PIECE WILL NOT PRESENT A SAFETY HAZARD? _____

If they are hung with proper hooks, they won't be an issue.

BUDGET

PROJECT MANAGEMENT FEES	\$ _____	INSURANCE	\$ _____
ARTIST'S FEES	\$ _____	UTILITY HOOKUP	\$ _____
PURCHASE PRICE PERMITS	\$ _____	DELIVERY	\$ _____
STRUCTURAL	\$ _____	INSTALLATION	\$ _____
ENGINEERING SITE	\$ _____	SIGNAGE	\$ _____
PREPARATION OTHER	\$ _____	RECOGNITION	\$ _____
COSTS NOT LISTED	\$ _____	DESCRIPTION	No money required

DATE PIECE WAS LAST APPRAISED? _____

WHAT IS THE VALUE OF THE PIECE OR ESTIMATED MARKET VALUE IF NO APPRAISAL WAS DONE? _____

Seven Samurai, \$1,000, Pleiades, \$ 1,900.

TIMELINE

WHAT IS THE TIMELINE FOR THE COMPLETION OR INSTALLATION OF THE PIECE? IDENTIFY THE DIFFERENT STAGES AND

DATE GOALS TO PREPARE THE PIECE FOR DONATION ASAP

RESTRICTIONS

ARE THERE ANY KNOWN COVENANTS, REQUIREMENTS OR RESTRICTIONS THAT COME WITH THE PIECE? _____

no

WHAT EXPAECTATIONS DO YOU HAVE FOR THE CITY OF HOMER IN ACCEPTING THIS ARTWORK? _____

display it in the library

COMMUNITY INVOLVEMENT

WAS THERE ANY COMMUNITY OR USER INVOLVEMENT IN SELECTING THE RECOMMENDED LOCATION? _____

Staff and Friends of the library have expressed interest in having them permanently.

PLEASE INCLUDE ANY LETTER(S) OF SUPPORT FOR THE PROJECT OR PROPOSED DONATION.

APPLICANT MUST SUBMIT THE FOLLOWING SUPPORTING DOCUMENTATION WITH THIS APPLICATION.

_____ **AN RESUME OR BIO FROM THE ARTIST WHO CREATED OR WILL CREATE THE ARTWORK.**

_____ **FIVE TO TEN IMAGES OF PAST WORK FROM THE ARTIST. THESE CAN BE PHOTOGRAPHS.**

_____ **THREE TO FIVE CLEAR IMAGES OF THE PROPOSED ARTWORK**

_____ **SCALE DRAWING/MODEL OF THE PROPOSED ARTWORK**

_____ **IF YOU HAVE A SITE(S) IN MIND PLEASE INCLUDE PHOTO AND DESCRIPTION OF THE SITE(S) AND A SCALED DRAWING OF THE PROPOSED ARTWORK IN THE RECOMMENDED LOCATION.**

_____ **A COPY OF A FORMAL APPRAISAL IF AVAILABLE**

_____ **TECHNICAL SPECIFICATIONS, MAINTENANCE MANUAL OR DRAWINGS/RECOMMENDATION FROM STRUCTURAL ENGINEER.**

APPLICATIONS ARE TO BE SUBMITTED TO:

THE CITY OF HOMER

CITY CLERKS OFFICE

491 E. PIONEER AVENUE

HOMER, AK 99603

OR YOU MAY SUBMIT VIA FAX AT 907-235-3143 TO SUBMIT VIA EMAIL PLEASE SEND TO clerk@ci.homer.ak.us

IF YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO CONTACT THE CLERK'S OFFICE AT 235-3130.





City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 22-054

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: PARKS ART RECREATION & CULTURE ADVISORY COMMISSION

THRU: ROB DUMOUCHEL, CITY MANAGER

DATE: MARCH 21, 2022

SUBJECT: DONATION OF ARTWORK FOR INCLUSION IN THE MUNICIPAL ART
COLLECTION BY DELAND ANDERSON ENTITLED "SEVEN"

The Parks, Art, Recreation & Culture Advisory Commission reviewed the application for a donation by Alaskan Artist Deland Anderson entitled "Seven" at their February 17, 2022 regular meeting. Action was postponed by the Commission until they received confirmation from the Artist that it would be acceptable to have the donated artwork displayed for an indeterminate amount of time at the Homer Public Library and then be relocated for display to other public facilities.

The artist confirmed that it would be acceptable to be displayed in other municipal facilities.

The Commission voted unanimously to recommend City Council accept the donation of art entitled "Seven" from Deland Anderson. The excerpt of the minutes from the March 17, 2022 regular meeting related to the discussion and motion are included for your review.

RECOMMENDATION

City Council review the application, accept and approve the donation of artwork from Deland Anderson for inclusion into the Municipal Art Collection.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: PARKS, ART, RECREATION & CULTURE ADVISORY COMMISSION

FROM: LIBRARY ADVISORY BOARD

DATE: FEBRUARY 2, 2022

SUBJECT: DONATION OF ART TO THE CITY MUNICIPAL ART COLLECTION

At the Library Advisory Board's January 18th regular meeting, the board reviewed and discussed an art donation application from Deland Anderson, who wished for the art to be housed in the Homer Public Library as a permanent display.

The attached minutes excerpt reflect the LAB's discussion and ultimate recommendation to PARCAC.

RECOMMENDATION

Consider accepting the art donation from Deland Anderson to be added to the permanent Municipal Art Collection, with possible inclusion in the Homer Library.

Attached: LAB January 18, 2022 Regular Meeting Minutes Excerpt

The board and City staff discussed the following:

- Previous goals from 2019-2021, suggested goals in the memo, and which ones are still pressing and relevant to the LAB
- The endowment fund being one of the main goals; combination of working towards achieving the LAB funding goals for the Planned Giving Program, and defining the LAB's role in fundraising
- How to structure their goal list; while the draft breaks it down into timelines, that may not work for them at this time, and to keep it around only three primary goals in listed form
- Setting tasks: each goal needs to have deliverables
 - Fundraising/soliciting donation goals
 - Identifying tools and resources for training on how to fundraise
 - Implementing the Planned Giving Plan and acknowledge that boardmembers will bring different skills
- Deciding on the following three goals: 1) Advocate for Library Budget, 2) Implement the Planned Giving Program for the Library, and 3) Explore opportunities with the Library to increase and improve library use by students and "fringe" user-groups
- Holding the rest of the task/deliverable discussion at the next meeting

KUSZMAUL/MCKINNEY MOVED TO POSTPONE LAB STRATEGIC PLAN/GOALS UPDATE TO THE FEBRUARY MEETING.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Finn requested Deputy City Clerk Tussey send out the draft goal notes to the board in advance as a post-meeting follow-up to ensure boardmembers have more time to think over their amendments before the next meeting.

NEW BUSINESS

- A. Donation of Art to the City Municipal Art Collection
- i. City of Homer Accession, Gift, & Donation Policies & Procedures for Art
 - ii. Gift/Donation Proposal Application from Deland Anderson 11/10/2021

Chair Finn introduced the item by reading the title and asked for a motion to begin discussions.

FAIR/MCKINNEY MOVED TO RECOMMEND THE PARKS, ART, RECREATION, AND CULTURE ADVISORY COMMISSION ACCEPT THE ART DONATION FROM DELAND ANDERSON AND BE PLACED IN THE HOMER PUBLIC LIBRARY PER HIS DONATION REQUEST.

There was discussion on the following:

- The art piece itself and how art lies with the beholder.
- Its history of hanging in the library as part of the Art in the Library program with Friends of the Homer Library and the donor's request to have it remain in the library.
- The conversations Mr. Anderson had with library staff was primarily Library Director Berry explaining the City's process for accepting art donations, which prompted the application.

- Limited wall space in the library and how some art does better in that space than other pieces.
- A suggestion of having art be a part of the library's check-out program, similar to what they do for sports equipment, sewing machines, and projectors.
- Uncertainty of having this specific art piece selected for the library itself and did not feel the applicant gave significant enough reason to justify it being exclusively placed in the library beyond the fact that it was placed there before.
- Overall support of accepting the art into the City's collection.

Boardmember Fair reiterated the process for accepting art into the City's collection, and that whatever recommendation the LAB makes will likely be approved by PARCAC for Council's final approval. There was discussion on whether to amend the current motion or fail it, and the potential outcome that the donor may revoke their application if it's not guaranteed to be displayed in the library.

VOTE: YES: DOLMA

NO: FAIR, KUSZMAUL, MCKINNEY, FINN

Motion fails.

KUSZMAUL/FINN MOVE TO RECOMMEND THE PARKS, ART, RECREATION, AND CULTURE ADVISORY COMMISSION CONSIDER ACCEPTING THE ART DONATION FROM DELAND ANDERSON TO BE ADDED TO THE PERMANENT MUNICIPAL ART COLLECTION.

Boardmember Kuszmaul opined the LAB should request PARCAC consider acceptance, not that it should be accepted; she is not comfortable with saying they should accept it because they are the deciding body to make that determination based on their criteria.

Boardmember Fair voiced his disagreement, noting that they are only considering it based on the request to hang it in the library, and if it wasn't for that fact then it would be going directly to PARCAC. He suggested their motion include some preference for the library but no guarantee that it will be permanent there. Discussion ensued on whether it should be in the library or not.

FAIR/DOLMA MOVE TO ADD A COMMA AT THE END AND SAY "WITH POSSIBLE INCLUSION IN THE HOMER LIBRARY."

Boardmember Fair commented how that leaves it open, is a motion in the positive, and that if Mr. Anderson is not happy with the decision he can withdraw his application with no harm done.

There was discussion on the wording of the amendment.

VOTE (amendment): NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

INFORMATIONAL MATERIALS

- A. Memo 22-001 Revision of LAB's Student Representative Term
- B. LAB 2022 Calendar

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BE IT FURTHER RESOLVED this is subject to any approvals required by the Alaska Department of Transportation and Public Facilities as owners of the Homer Airport Property.

PASSED AND ADOPTED by the Homer City Council this 29th day of March, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A



CITY OF HOMER GIFT/DONATION PROPOSAL APPLICATION

PLEASE TYPE OR PRINT CLEARLY AND MAKE YOUR RESPONSES COMPLETE AND THROUGH.

DATE March 8, 2022

CONTACT PERSON TITLE Asia Freeman, Artistic Director

ORGANIZATION IF APPLICABLE Bunnell Street Arts Center

ADDRESS CITY STATE ZIP PHONE FAX CELL EMAIL 106 West Bunnell, Suite A, Homer, asia@bunnellarts.org

TELL US WHY YOU WISH TO DONATE THIS TO THE CITY OF HOMER? The Peatland Mural will introduce neighbors and visitors to these special wetlands through art in order to build familiarity, care and preservation for generations to come. Peatlands have gained global recognition as top priority habitats in the face of climate change because they absorb carbon from the atmosphere and store it away. This mural will help people understand how carbon is found throughout the ecosystem, but also in our atmosphere where it is trapping heat and driving climate change.

PLEASE COMPLETE THE APPROPRIATE SECTIONS RELATED TO YOUR DONATION. TITLE OF ARTWORK_ Peatlands Mural
ARTIST(S) NAME_ Kim McNett

YEAR COMPLETED 2023

DIMENSIONS 2 panels
each of two panels are 6 feet by five feet

MATERIALS USED TO CREATE ARTWORK_ Artwork will be digitally assembled and printed on Custom High Pressure Laminate (CHPL) graphic panels manufactured by Fossil Industries Inc. combining the most advanced graphic imaging with the proven durability of High Pressure Laminate.

PHYSICAL DESCRIPTION OF THE PROPOSED DONATION- The mural will be presented on 2 high pressure panels 1/2 inch thick, self-supporting and wall-mounted with brackets provided by the manufacturer without visible hardware.

NARRATIVE DESCRIPTION OF THE PROPOSED DONATION- TELL US THE STORY BEHIND THE PIECE OR SIGNIFICANCE -
The Peatland Mural is a public art installation conceived specifically for the the Homer Airport terminal with the intention of being a broadly accessible, educational and aesthetic enhancement to the Airport exterior. The outdoor airport location is an ideal setting for this opportunity to engage viewers with the roles of carbon emission in relation to our immediate natural landscape. The airport itself is built atop peatlands and is surrounded by habitats that are currently intact and providing carbon storage and sequestering services to humanity and our biosphere. These

surrounding areas are also in imminent need of long-term protection that will only arise from heightened awareness and valuation of their roles as habitat to biota, watershed quality, and atmospheric fluxes.

IS THE PROPOSED PIECE ONE OF A KIND? YES

IS THE PIECE PART OF A SERIES, LIMITED OR OTHERWISE? NO

IF SO, AN EDITION OF HOW MANY? N/A IS THE PIECE COMPLETED? NO IF NOT WHEN IS THE EXPECTED

COMPLETION DATE? May, 2023

WHAT IS THE CURRENT CONDITION OF THE PIECE? Concept sketches are provided. It will be brand new construction, designed for the site.

PROPOSED SITE OR LOCATION

DO YOU HAVE A SITE(S) IN MIND FOR THE PLACEMENT OF THE PIECE? IF SO WHERE? The intended site is at the Homer Airport. Two murals will flank the Airport Terminal entrance doors. This site has the benefit of welcoming arrivals and departures. It is protected by roofs to promote close viewing while also visible and inviting from a distance.

IS THIS A CITY OWNED PROPERTY IF NOT WHO OWNS THE PROPERTY? Yes, this is City-owned property.

WHAT IS THE RATIONALE FOR SELECTING THIS/THESE LOCATION(S)? Accessibility for all mobilities, proximity to peatlands, airport's location in the Beluga Wetlands, and importance of the peatlands to the carbon cycle. Only a short walk from the airport terminal, nearby peatlands viewing platforms offer an opportunity to observe the local peatlands which this mural honors.

ARE YOU AWARE OF ANY PERMITS OR PERMISSIONS THAT MAY BE REQUIRED? No.

TECHNICAL SPECIFICATIONS

DESCRIBE HOW THE PIECE IS CONSTRUCTED OR MADE. PLEASE INCLUDE ANY DOCUMENTATION AT THE END OF THIS APPLICATION. Using extreme heat and pressure, the mural is a permanent fusion of image and high pressure laminate that can never delaminate, separate, crack or peel. impervious to moisture, and extremely resistant to UV rays, scratching, impact, cigarette burns and graffiti, guaranteed for 10 full years. Even in the harshest conditions, the original beauty of a FOSSIL CHPL will live on. CHPL signage in Seldovia the artist installed six years ago still looks brand new.

HOW IS THE PIECE TO BE PROPERLY INSTALLED? The piece will be wall-mounted with hardware and instructions included in the production of the panels. It is easily installed with the assistance of Public Works.

DOES THE PIECE REQUIRE ELECTRICITY, PLUMBING OR OTHER UTILITY HOOKUPS? Lighting will be provided by readily available electrical connections.

WHO WILL BE INSTALLING THE PIECE? City of Homer Public Works Dept will be responsible for installing the piece as they are responsible for the maintenance of the building and will be repainting the Airport exterior soon.

WHAT IS THE EXPECTED LIFETIME AND STAYING POWER OF THE MATERIALS USED IN CREATING THE PIECE?

The materials are warranted for 10 years and expected to last in perpetuity.

WHAT MAINTENANCE IS REQUIRED AND HOW OFTEN? Lighting and annual washing is the only maintenance that may be required:

PLEASE IDENTIFY ANY SPECIFIC MAINTENANCE PROCEDURES AND OR EQUIPMENT AND THE ASSOCIATED COSTS:

The mural is designed to be maintenance free.

WHAT PRECAUTIONS HAVE BEEN TAKEN TO GUARD AGAINST VANDALISM IF ANY? The mural is made of durable, impervious materials traditional to outdoor signage.

WHAT STEPS HAVE BEEN TAKEN TO ASSURE THIS PIECE WILL NOT PRESENT A SAFETY HAZARD?

The mural is not dangerous in any way. It is not made of fragile or hazardous materials. It is not designed to be climbed.

BUDGET

PROJECT MANAGEMENT FEES \$ inkind	PREPARATION OTHER \$ 0
INSURANCE \$ 0	UTILITY HOOKUP \$ inkind
ARTIST'S FEES \$4500 (design)	DELIVERY \$ 1621 (shipping)
PURCHASE PRICE PERMITS \$0	INSTALLATION \$ inkind
STRUCTURAL \$6136 (fabrication)	SIGNAGE \$ included
ENGINEERING SITE \$inkind	RECOGNITION \$ included

COSTS NOT LISTED \$ none DESCRIPTION

DATE PIECE WAS LAST APPRAISED? n/a

WHAT IS THE VALUE OF THE PIECE OR ESTIMATED MARKET VALUE IF NO APPRAISAL WAS DONE?
\$12257

TIMELINE

WHAT IS THE TIMELINE FOR THE COMPLETION OR INSTALLATION OF THE PIECE? IDENTIFY THE DIFFERENT STAGES AND DATE GOALS TO PREPARE THE PIECE FOR DONATION

Application submitted - March 2022

Artwork design in digital files for printing completed by November 2022

Order submission, sampling, and quote approval for production - January 2023

Installation and Public Unveiling Event - May 2023

RESTRICTIONS

ARE THERE ANY KNOWN COVENANTS, REQUIREMENTS OR RESTRICTIONS THAT COME WITH THE PIECE? No

WHAT EXPECTATIONS DO YOU HAVE FOR THE CITY OF HOMER IN ACCEPTING THIS ARTWORK? Public works will install the pieces on the building and will include the pieces in their regular building maintenance activities.

COMMUNITY INVOLVEMENT

WAS THERE ANY COMMUNITY OR USER INVOLVEMENT IN SELECTING THE RECOMMENDED LOCATION? yes, Bunnell and Homer Drawdown collaborated to create and issue a public call for applications with advice from Public Works in the spring of 2021, and a committee was formed consisting of one City Council member, two City Employees, a representative from Bunnell and two representatives from Homer Drawdown, which created the Peatlands Project.

PLEASE INCLUDE ANY LETTER(S) OF SUPPORT FOR THE PROJECT OR PROPOSED DONATION.

APPLICANT MUST SUBMIT THE FOLLOWING SUPPORTING DOCUMENTATION WITH THIS APPLICATION. AN RESUME OR BIO FROM THE ARTIST WHO CREATED OR WILL CREATE THE ARTWORK.

FIVE TO TEN IMAGES OF PAST WORK FROM THE ARTIST. THESE CAN BE PHOTOGRAPHS.

THREE TO FIVE CLEAR IMAGES OF THE PROPOSED ARTWORK

SCALE DRAWING/MODEL OF THE PROPOSED ARTWORK

IF YOU HAVE A SITE(S) IN MIND PLEASE INCLUDE PHOTO AND DESCRIPTION OF THE SITE(S) AND A SCALED DRAWING OF THE PROPOSED ARTWORK IN THE RECOMMENDED LOCATION.

A COPY OF A FORMAL APPRAISAL IF AVAILABLE

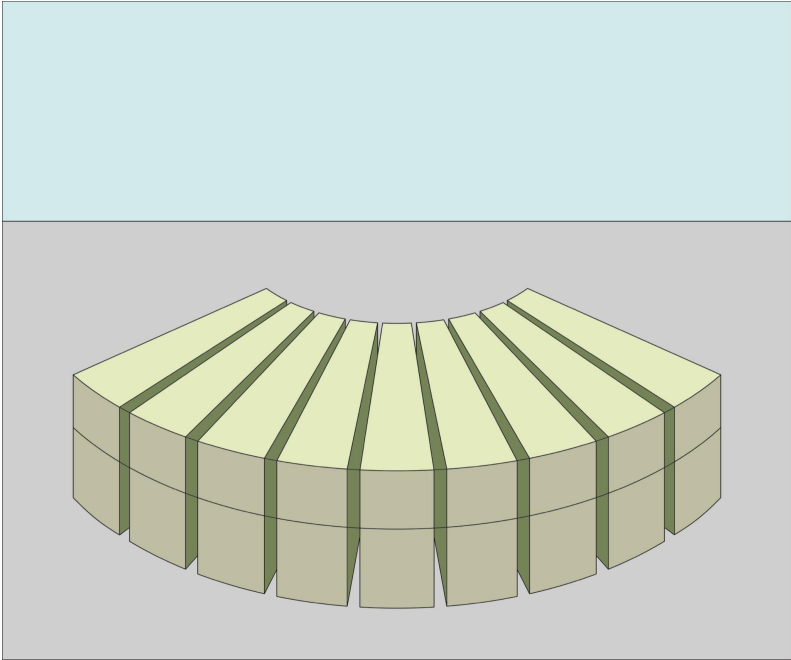
TECHNICAL SPECIFICATIONS, MAINTENANCE MANUAL OR DRAWINGS/RECOMMENDATION FROM STRUCTURAL ENGINEER.

APPLICATIONS ARE TO BE SUBMITTED TO: THE CITY OF HOMER

CITY CLERKS OFFICE 491 E. PIONEER AVENUE HOMER, AK 99603 OR YOU MAY SUBMIT VIA FAX AT 907-235-3143 TO SUBMIT VIA EMAIL PLEASE SEND TO clerk@ci.homer.ak.us IF YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO CONTACT THE CLERK'S OFFICE AT 235-3130.

Peatland Mural Proposal: Conceptual models for artwork design layout and to-scale installation at the Homer Airport Terminal

Panel One: Peatland Formation



Artwork layout concept



Model imposed on wall photo (left of entrance) to scale: 6'x5'

Peatland Mural Proposal: Conceptual Sketches for Artwork Design

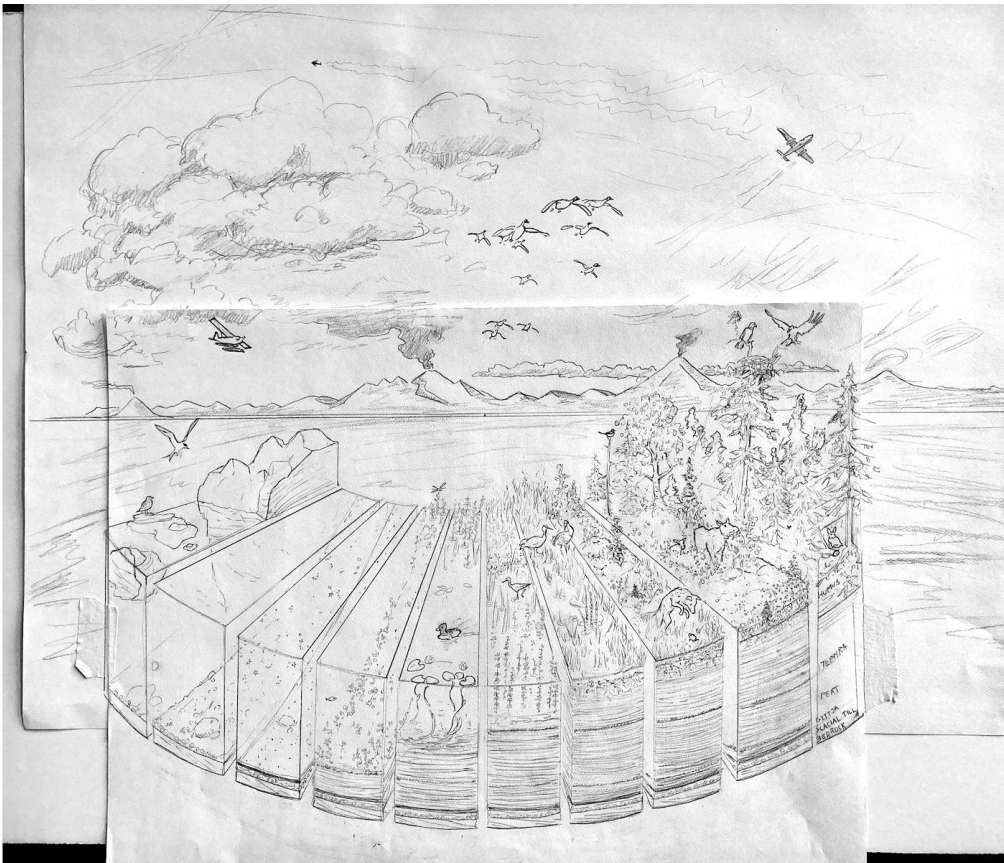
Description of Proposed Artwork:

My design will integrate personal experience, knowledge, and artistic vision to share the role of peatlands in the carbon cycle. Illustrated block diagrams will appear to emerge from a fluid watercolor landscape, through which swans float and dew drops twinkle. From moss cushions to bird nests, my art will expose the concealed structures of carbon found throughout the ecosystem.

Watercolor paintings and illustrated diagrams will be digitally assembled and printed on durable panels by [Fossil Industries Inc.](#) for exterior wall-mounting. This is the same product material that I have previously used for interpretive sign installations with excellent results. Two panels will be mounted on the walls that flank the main entrance to the Homer Airport Terminal.

Panel One: Peatland Formation

Peat forms slowly in layers as organic debris (carbon) falls into standing water. Peat layers in the Beluga Wetlands are up to 27 feet deep, representing approximately 14,000 years of accumulation post-glaciation. This design is composed of two parts. The first is a cross-sectional examination of the development of a peatland through deep time. The second is a backdrop that visually conveys the role of carbon in our atmosphere - a place that we often think of as empty space.

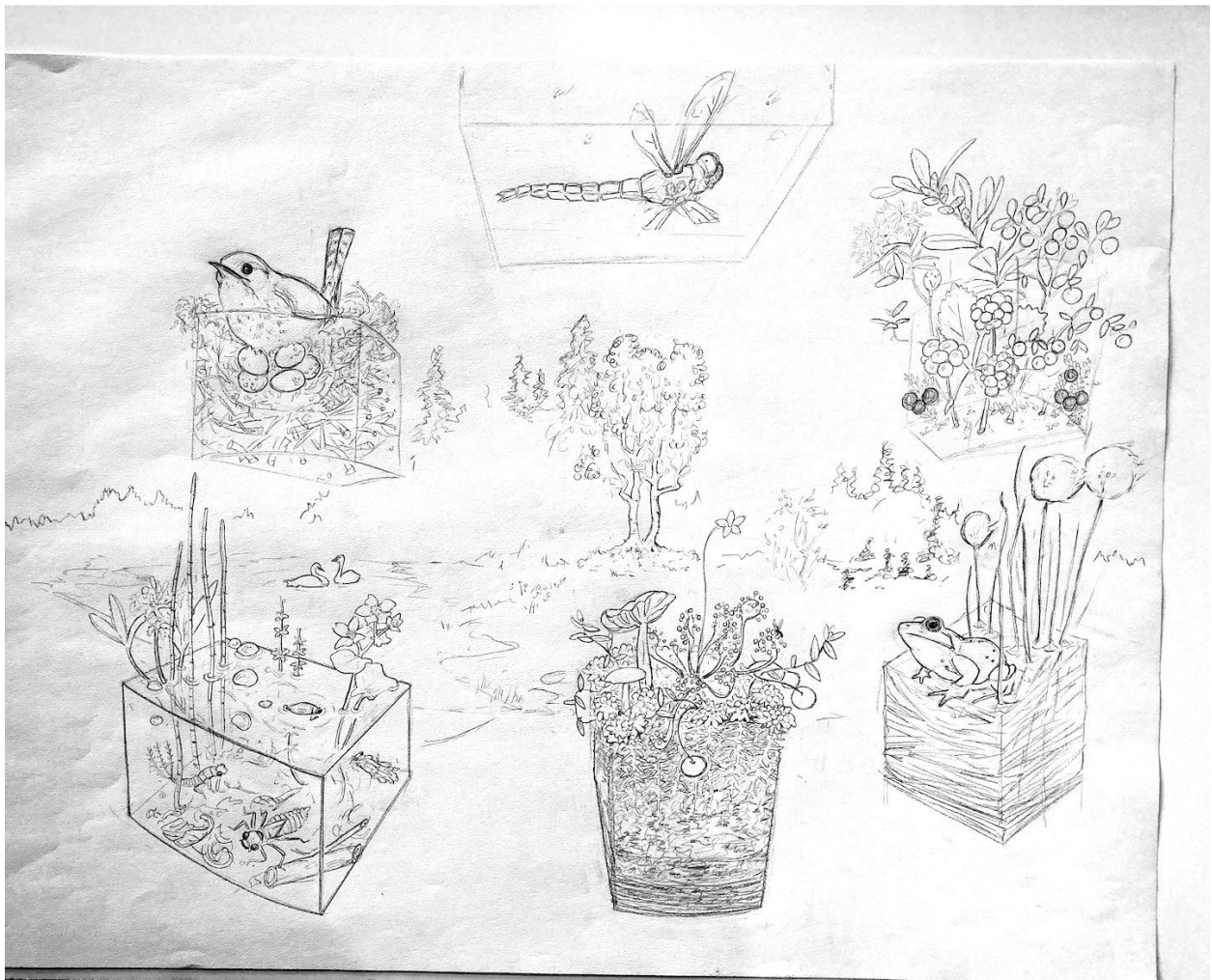


Panel One: Peatland Formation (section enlarged)

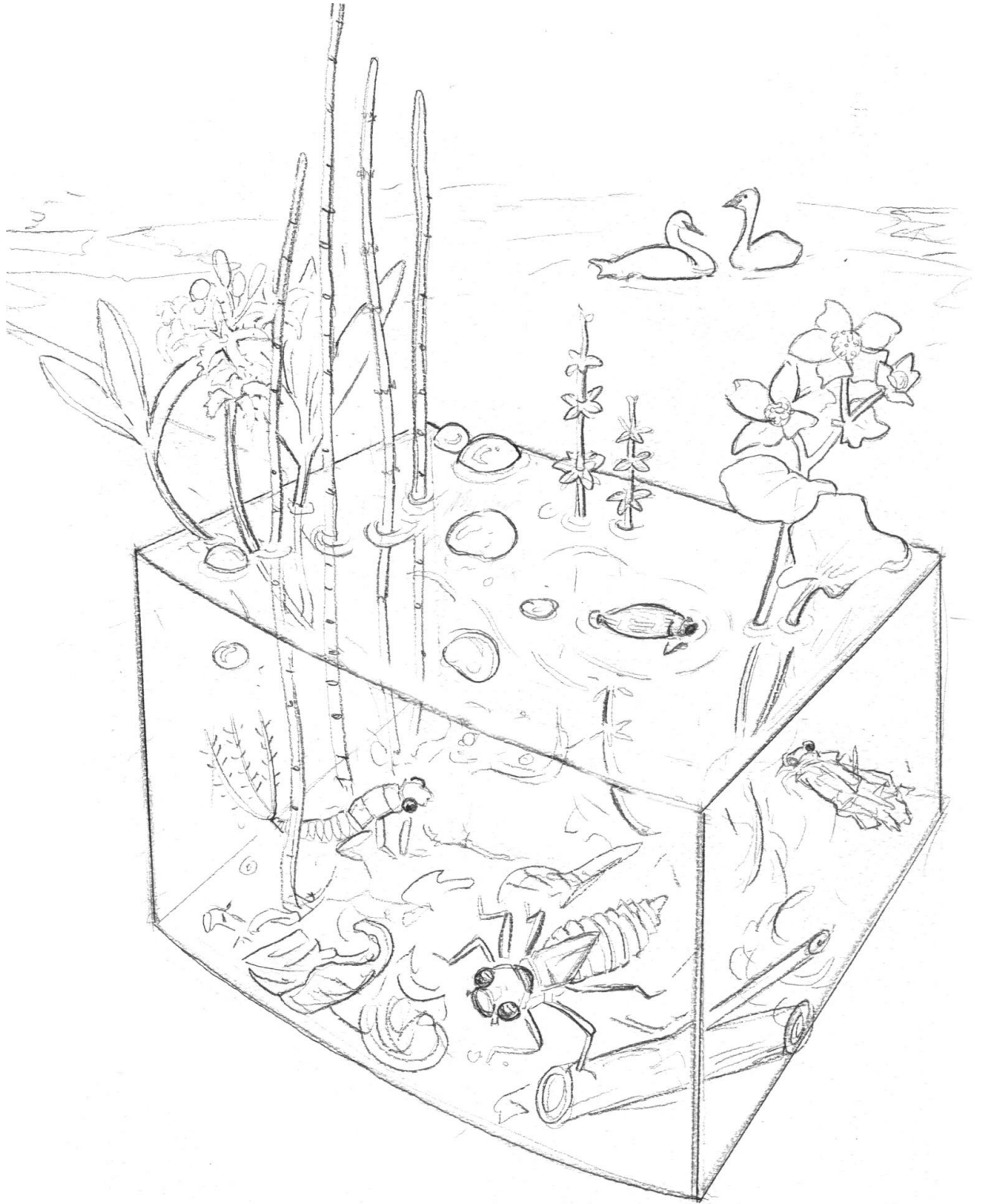


Panel Two: Peatland Carbon

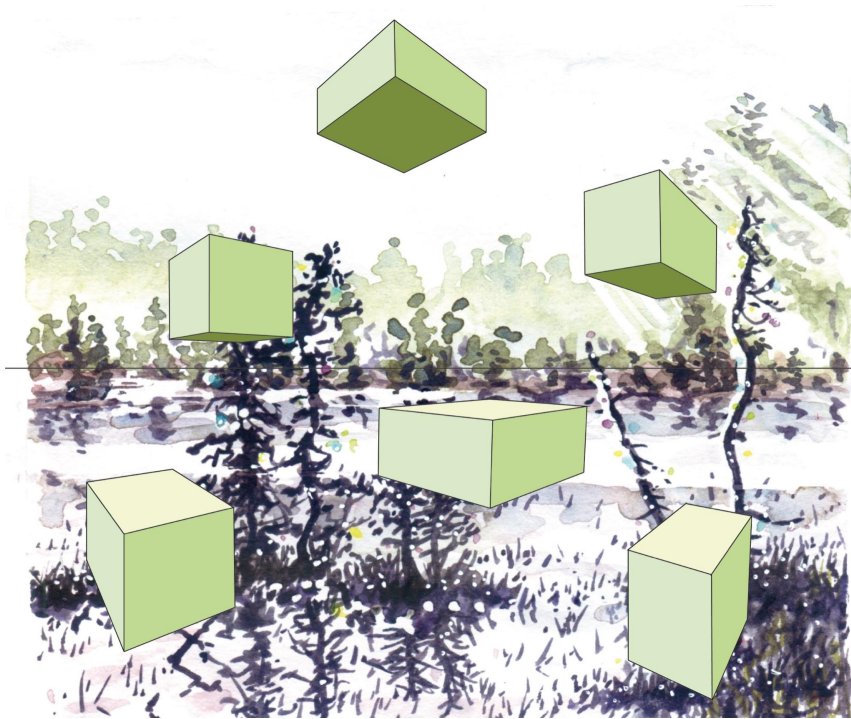
Carbon is the building block of life. It takes on many forms in the Beluga Wetlands, from living animals, to grass and twigs, wood, and dead material. As carbon-based material falls into the wetlands, it does not decompose, but instead builds up layers of peat. The growth of plants and the build up of peat removes carbon from the atmosphere. This design is composed of two parts. The first is a series of cross-sectioned blocks that reveal the hidden world of carbon-based structures in the peatlands. The second is a backdrop that visually conveys the wetland habitat as a whole, from which these fascinating pieces emerge.



Panel Two: Peatland Carbon (section enlarged)



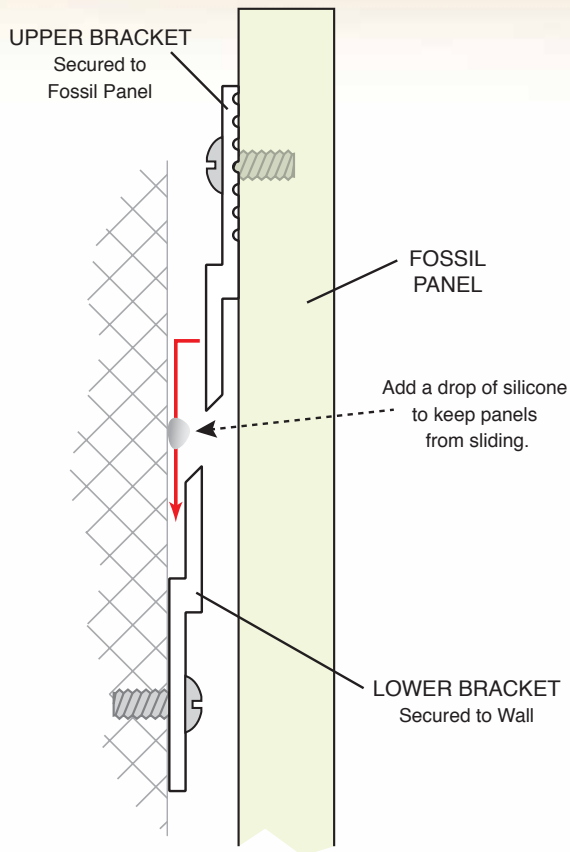
Panel Two: Peatland Carbon



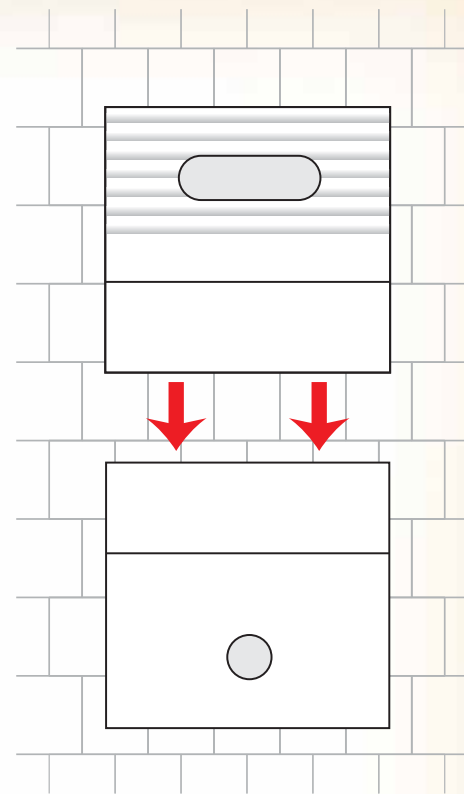
Artwork layout concept



Model imposed on wall photo (right of entrance) to scale: 6'x5'



SIDE



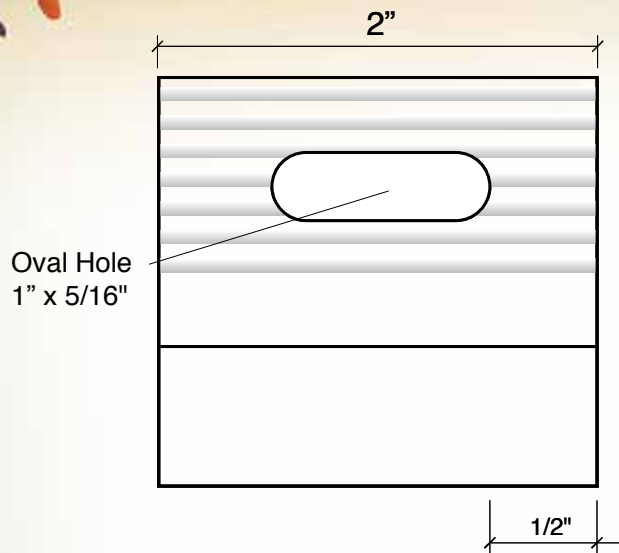
FRONT

WALL MOUNT "Z-BRACKET" ASSEMBLY

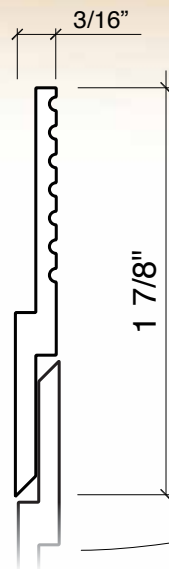
Part #: WM-10 to WM-144

** Custom sizes available upon request

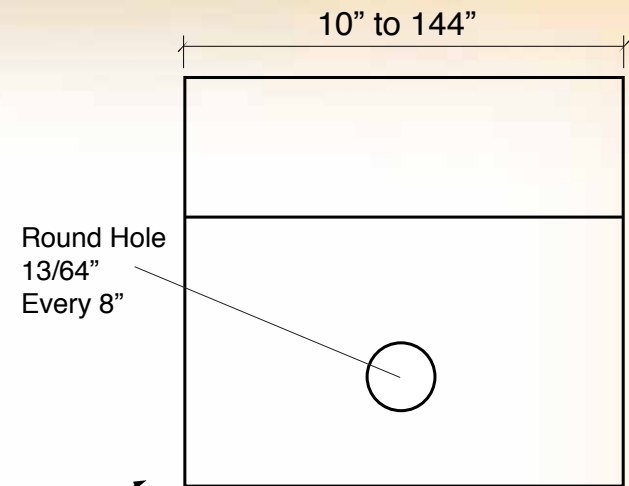
1 Front View - Panel Bracket



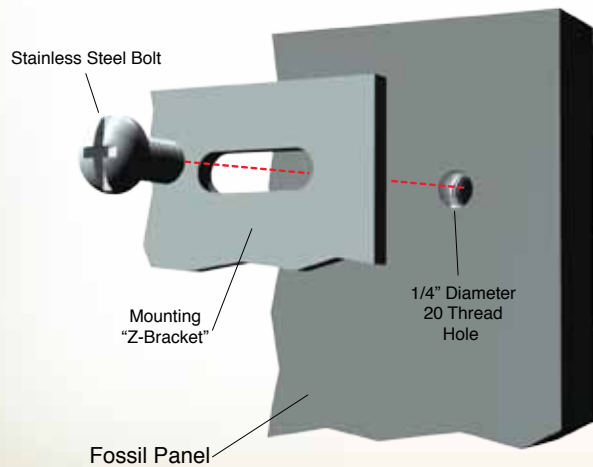
2 Side View - Panel & Wall Bracket



3 Front View - Wall Bracket



4 Attaching Panel to Hardware



FOSSIL
INDUSTRIES

44 JEF RYN BOULEVARD
DEER PARK, NY 11729
631.254.9200
WWW.FOSSILGRAPHICS.COM

Kim McNett

PO Box 237
 Homer AK 99603
 (907) 435-7480
 kmmcnett@gmail.com

Artwork and Production Quote

Project

Homer Airport Terminal Peatland Mural

Description

Peatland Mural two-part installation on the outside walls of the Homer Airport Terminal (total wall space 127.5" wide and 96" high). Installation material of Custom High Pressure Laminate 1/2" thick panels that overlay and install directly to the wall surface. Aproximate space of the artwork installations each 72" width x 60" height

Terms

Original artwork to be generated as a project contract with the contractor (Kim McNett) retaining all rights to use of the images, including the original works.

Itemized Budget

	Qty	Unit Price	Total price
Artist Fee			
Installation 1 Bottom Layer	1	\$630.00	\$630.00
Installation 1 Top Layer	1	\$630.00	\$630.00
Installation 2 Bottom Layer	1	\$630.00	\$630.00
Installation 2 Top Layers	6	\$360.00	\$2,160.00
Digital File Prep	9	\$50.00	\$450.00
		Total Artist Fee	\$4,500.00
Manufacturing Fee			
Installation 1 Bottom Layer 1 1/2" Exterior CHPL Graphic	1	\$1,709.00	\$1,709.00
Installation 1 Top Layer 1 1/2" Exterior CHPL Graphic (Cutsom Shape)	1	\$1,813.00	\$1,813.00
Installation 2 Bottom Layer 2 1/2" Exterior CHPL Graphic	1	\$1,709.00	\$1,709.00
Installation 2 Top Layers 2 1/2" Exterior CHPL Graphic (Custome Shapes)	6	\$123.00	\$738.00
Color Sample - 8" x 10" x 1/16" CHPL	1	\$40.00	\$40.00
Hardware		\$127.00	\$127.00
		Total Manufacturing Fee	\$6,136.00
Shipping			
Deer Park, NY 11729 to Fife, WA 98424			\$1,256.00
Fife, Wa 98424 to Homer, AK 99603	522	\$0.70	\$365.40
		Total Shipping Fee	\$1,621.40
		Grand Total	\$12,257.40



KIM MCNETT - NATURALIST ARTIST

www.KimsNatureDrawings.com

ARTIST PROFILE SUMMARY

Interdisciplinary artist combining visual art, science, and education. Specializes in custom illustrations for educational resources and publications. Provides process-based arts enrichment to all ages and abilities through visual arts fundamentals and field journaling. Strongly motivated by conservation, biodiversity, Alaskan culture and the impacts of climate change.

FREELANCE ILLUSTRATOR

- 2021 *Chugach Region Bird Harvest Pocket Guide*, Chugach Regional Resources Commission
- 2020 Tsunami Landslide Study Proposal, Woodwell Climate Research Institute
- 2017 Seldovia Sign Project, City of Seldovia and Alaska Marine Highway System
- 2017 Dena'ina House Site Interpretive Display, Center for Alaskan Coastal Studies

TEACHING ARTIST

- 2016-2022 Statewide Teaching Artist Roster, Alaska State Council on the Arts
- 2021 Virtual Field Trip: Grewingk Glacier,
Wild Wonder International Nature Journal Conference
- 2021 Art a la Carte: Drawing, Homer Council on the Arts, Homer AK
- 2017-2019 Inspiring Girls Expeditions (UAF), Seward AK

EXHIBITIONS

- 2021 **Solo** *Naturalist Notebook* and Artist Residency, Bunnell Street Arts Center, Homer AK
- 2021 **Group Juried** *Art for Peat*, Pratt Museum, Homer AK
- 2019 **Group** *Community Art Show*, Museum of the Aleutians, Unalaska AK

HONORS AND AWARDS

- 2022 Artist of the Year, Homer Council on the Arts, Homer AK
- 2021 Rainforest Festival Featured Artist, Petersburg AK
- 2018 Individual Artist Award: Project Award, Rasmuson Foundation

COMMUNITY WORK

- 2020-2022 Homer Drawdown: Peatland Project (lead coordinator), Homer AK
- 2019-2022 Boreal Nature Journal Club

EDUCATION

- 2007 Bachelor of Science, The Evergreen State College, Olympia WA

Peatland Mural Proposal: Kim McNett Artist Sample Works

Outside Beach

Look for these creatures as you explore this beach. How many can you find?
 Each beach is a different environment — compare what you find here to the other beaches in town or along Kachemak Bay.
 What's the same? What's different?

Dynamic World
 Twice a day, the waves draw down to reveal the rich and colorful world of the intertidal zone. At the new and full moons, the gap between high and low tides can reach 27 vertical feet. Creatures of the intertidal zone must withstand the pounding of waves, the splintering of ice, the dryness of air, and the maddening persistence of deeper water.
 Some creatures scurry up and down with every tide, finding hiding spots under crevices, in tidepools, and beneath rocks. Some disappear in winter, diving back to traveling to deeper waters. Others may live for decades in the exact same spot.
 Here at Outside Beach, many creatures attach themselves to the rocky reefs and boulders, or hide under cobbles too large to be rolled by the waves. A few bury themselves in the sand. Rounded gravel is difficult for marine life to inhabit, making this zone the least diverse environment on the beach. Long living species choose stable bedrock to attach themselves to.

Levels of Life
 On the upper beach, scavengers prowl the drift line for what the tide brings in. Smaller creatures eat decaying seaweed, salt-tolerant plants grow away from their competitors.
 Species of the high intertidal zone have little shells or other adaptations to protect them from the dry air and large temperature swings that result from long exposure. While this habitat creates challenges for its residents, it also affords protection from lower zone predators that must remain in the water.
 At mid-tide, waves crash over the animals four times each day, as the water rises and falls across them. This zone has a greater diversity of both seaweed and animals than the zone above it.
 At the bottom of the beach, creatures are exposed only on occasion. Many top predators live here, forcing their prey into higher zones, beneath rocks, or into crevices. See them best during the lowest tides of the month, which occur in late morning near the new and full moons.

Giant Pacific Octopus
Ectocarpus delilei
 The Giant Pacific Octopus is mysterious and elusive. The most intelligent of invertebrates, they use trial-and-error problem solving and can recall results with both short and long-term memory. Like humans, their eyes are very complex. Octopuses focus by moving the eye's lens in and out, rather than reshaping its curvature. Most octopuses discovered while tidepooling are juveniles, a mere fraction of their potential size. An encounter with this intertidal celebrity is markedly memorable.

Be a Polite Guest

- Full moons and neap tides are an optimal time.
- Touch animals gently.
- Feeding animals off the rocks can hurt them.
- Only humans what you plan to eat and have permission.
- Close up marine debris.

Soil **Beach Sand and Gravel** **Peat** **Folded Chert** **Glacial Till** **Fault Shear Bands** **Mixed Metamorphic Rock Types** **Fine Tide Flat Sands**

Predators
Ochre Sea Star *Pisaster ochraceus*
 Sea stars are powerful suction cup feet to crawl over rocks, hang on in the waves, and pry open the shells of their prey.
Painted Anemone *Urticina grebbeckii*
 Sticky to the touch, this large anemone's tentacles are covered with tiny stinging cells used to capture prey such as fish and crabs. Come back and visit your anemone, as they can live for more than 60 years.
Crescent Gurnell *Pholis hedei*
 Silencing like eels, these spiny fish are tolerant of an exposure and can be found under rocks and seaweed.
Opalescent Nudibranch *Hermisenda crosseana*
 These colorful sea slug steal their defense mechanisms from their prey. Capable of eating anemones without being stung, they feed off predators by moving the swallowed, stinging cells to their own backs.

Scavengers
Sand Dollar *Echinarrhynchus parma*
 Look for dimpled circles in the sand to find these flattened relatives of sea stars. Densely covered in fine sand flat, sand dollars use their small sensory spines to crawl, burrow, and move small pieces of food along their "food grooves" towards their mouths.
Northwestern Crow *Corvus caurinus*
 These coastal birds forage in the tide line, often dropping shells to crack them on rocks. But watch out! They're highly intelligent birds and just as happy to scavenge your picnic.
Red Hermit Crab *Flussichius gilli*
 Occupying the empty shells of snails, hermit crabs are always on the lookout for a better home. As they grow, they need to find larger shells, and will often fight each other for better homes.

Grazers
Black Leather Chiton *Acanthina tunnicata*
 Armed with eight plates and crawling slowly over the rocks, chitons scrape algae with their spine tongues. Their tongue is an important tasteless food and can be eaten raw, cooked, or cooked. Its dark coloration protects it from sun exposure.
Green Sea Urchin *Strongylocentrotus droebachiensis*
 Chitons eat kelp and are eaten in turn by sea otters. If often become depleted, sea urchin populations can explode and decimate kelp forests.
Sitka Periwinkle *Littorina adamsi*
 More resistant to drying and heat than nearly any other intertidal creature, periwinkles can actually suffocate if they're underwater too long. They pile into crevices near the high tide line, occupying their water-bound gunders.
Shield Limpet *Lottia sp.*
 At a glance, limpets look just as innocuous as the barnacles and mussels that share their rocky home. When conditions are good, they sear the rocks to algae. Otherwise, they use their powerful foot and sticky mucus to suction hard against the rocks, protecting them from waves, predators, and drying.

Filter and Suspension Feeders
Acorn Barnacle *Balanus glandula*
 These shelled relatives of crabs are glued to the rocks by their footstalks and stick their mouthparts out to feed. Barnacles need to be lightly disturbed to breed, so adults release chemicals that attract the floating larvae to populated areas.
Blue Mussel *Mytilus trossulus*
 Mussels grow in a thick band in the mid-intertidal zone, attached to rocks and other mussels with strong threads. They are a favorite food of sea stars, which keep them from growing in lower intertidal zones.
Calcareous Tube Worm *Serpula vermiculata*
 Look for the white curls of these homes on rocks or the shells of other animals. In tidepools, see these worms' long red feeding tails extended, collecting plankton from the water.

Photosynthesizers
Pink Rock Crust *Codiummormonum and Lithothamnion spp.*
 The beautiful pink color living tidepools and covering broad shells is an encrusting alga, which is actually a form of seaweed. Hardened by calcium and resistant to waves, these algae survive the winter, forming an important food for grazers when other seaweeds are gone.
Bull Kelp *Nereocystis luetkeana*
 These rope-like algae are a fast-growing annual that can grow as much as six inches in a single day. It forms a forest like canopy that creates shelter for many other organisms.
Rockweed *Fucus distichus*
 This perennial dominates the high intertidal, occurring with barnacles and mussels. Despite their plant-like appearance, brown algae are actually as closely related genetically to people as they are to ordinary plants.

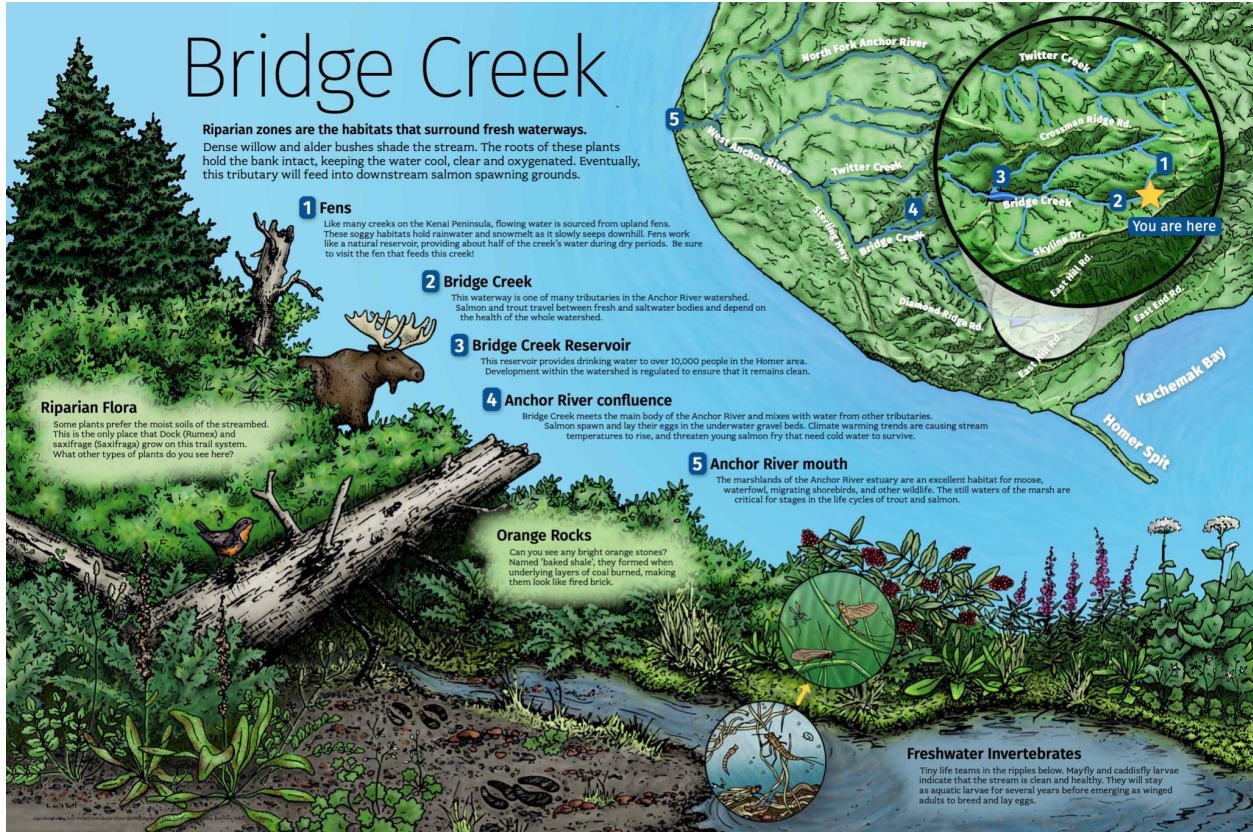
Title: Outside Beach Interpretive Sign - Seldovia Sign Project

Size: 60"x37"

Date: 2016

Material: Custom High Pressure Laminate with Powder Coated Free-standing Double Pedestal (Fossil Industries Inc)

Description: Collaboratively designed intertidal interpretive sign with Ed Berg, Bretwood Higman, Erin McKittrick, Kim McNett and Skyler Kline. The beach profile cross-section was digitally generated to scale by local geologists and rendered artistically from the spatial plan pictured above. The sign is installed under the pavilion at Outside Beach, Seldovia Alaska as part of the Seldovia Sign Project funded by the City of Seldovia and the Alaska Marine Highway System.



Title: Bridge Creek Interpretive Sign - Center for Alaskan Coastal Studies/Wynn Nature Center
Size: 26"x18" **Date:** 2017

Material: Custom High Pressure Laminate with Powder Coated Free-standing Double Pedestal (Fossil Industries Inc)

Description: Collaboratively designed watershed interpretive sign with Ed Berg, Kim McNett and Skyler Kline. The sign was installed on the trail system of the Wynn Nature Center, Homer Alaska under trail improvement and bridge construction funding. The sign interprets the various stages of waterways from the headwaters here, to Homer's water reservoir, and all the way down the Anchor River to the sea.

Berries of Seldovia

Berries are widely harvested here, as they have been for millennia.

Several species, especially salmonberries and blueberries, are both abundant and easy to identify.

Look at – and taste! – these treasures of our local environment.

Salmonberry

Rubus spectabilis

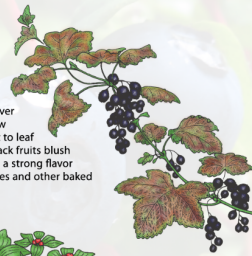
This relative of raspberries and blackberries was named for its resemblance to salmon eggs. With pink flowers in July and tasty red or golden berries in August, salmonberries are a treat along the trail.



Trailing Black Currant

Ribes laxiflorum

Climbing and cascading over stumps and logs, these low woody shrubs are the first to leaf out in the spring. Their black fruits bluish white when ripe and have a strong flavor that is excellent in brownies and other baked goods.



Highbush Cranberry

Viburnum edule

The strong scent of their ripening berries is the smell of autumn. Unrelated to the cranberry of Thanksgiving tables, this woody shrub grows around the edges of wetlands and produces clusters of tart, translucent red berries—each with a large inedible seed. Be sure you can tell it from poisonous baneberry before you pick!



Dwarf Dogwood

Cornus canadensis and *C. suecica*

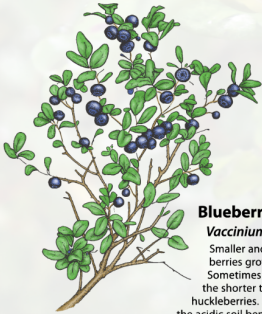
Find these beautiful white flowers forming soft mats on the forest floor. They produce opaque red berries that are edible but uninteresting, with crunchy seeds that gives them the nickname "skeleton berries."



Blueberry

Vaccinium ovalifolium

Smaller and juicier than the commercial variety, these dark blue berries grow on woody waist-high shrubs with oval leaves. Sometimes called high-bush blueberry to distinguish them from the shorter tundra variety—you may also know them as huckleberries. Several species occur in our area. Blueberries prefer the acidic soil beneath spruce forests and fruit heavily in forest clearings or clear cuts. Enjoy them in August and September.



Trailing Raspberry

Rubus pedatus

This tiny cousin of the raspberry grows abundantly on the forest floor. The diminutive berries start out red and hard, then turn pink and translucent as they ripen. Too small to collect for storage, they provide a miniature snack for a woodland hiker.



Seldovia Gateway Signs
Learn more at www.Otterbath.org

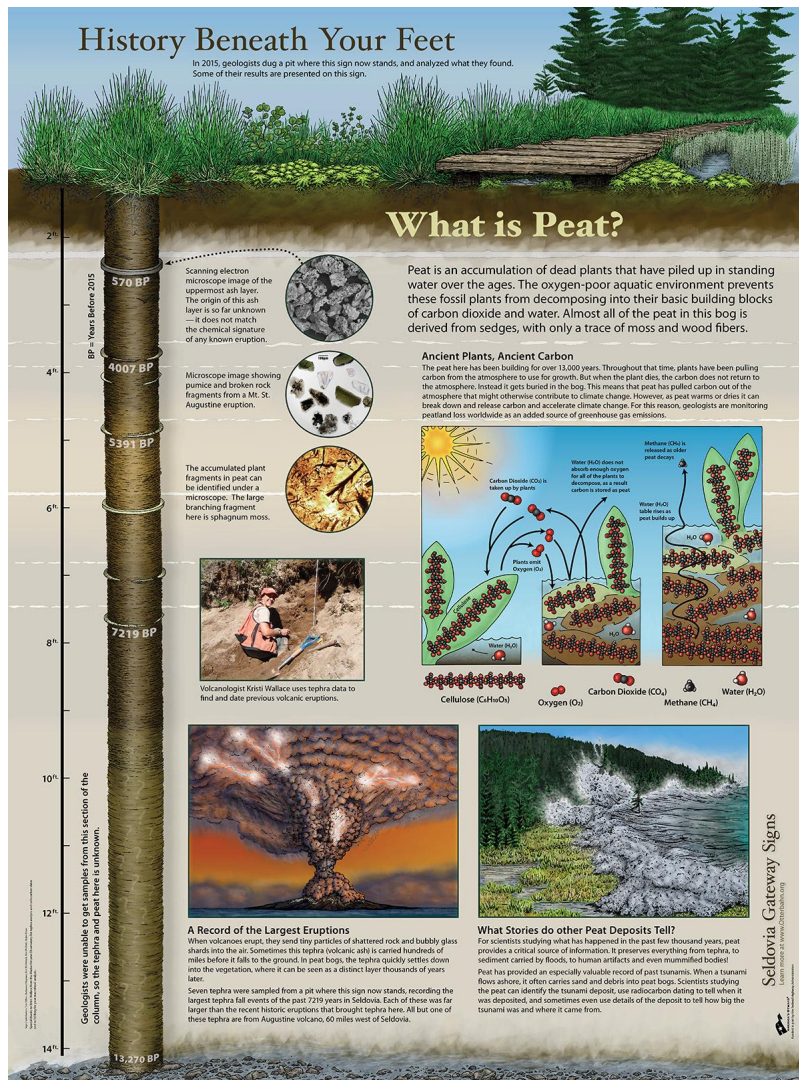


Title: Berries of Seldovia Interpretive Sign - Seldovia Sign Project

Size: 36"x24" **Date:** 2016

Material: Custom High Pressure Laminate with custom hanging wooden frame and mounting

Description: Collaboratively designed edible berries interpretive sign with Bretwood Higman, Erin McKittrick, Kim McNett and Skyler Kline. The sign is installed along the Rocky Ridge Trail, Seldovia Alaska as part of the Seldovia Sign Project funded by the City of Seldovia and the Alaska Marine Highway System.

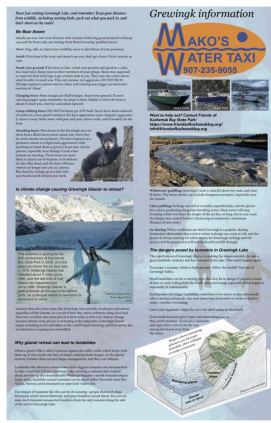
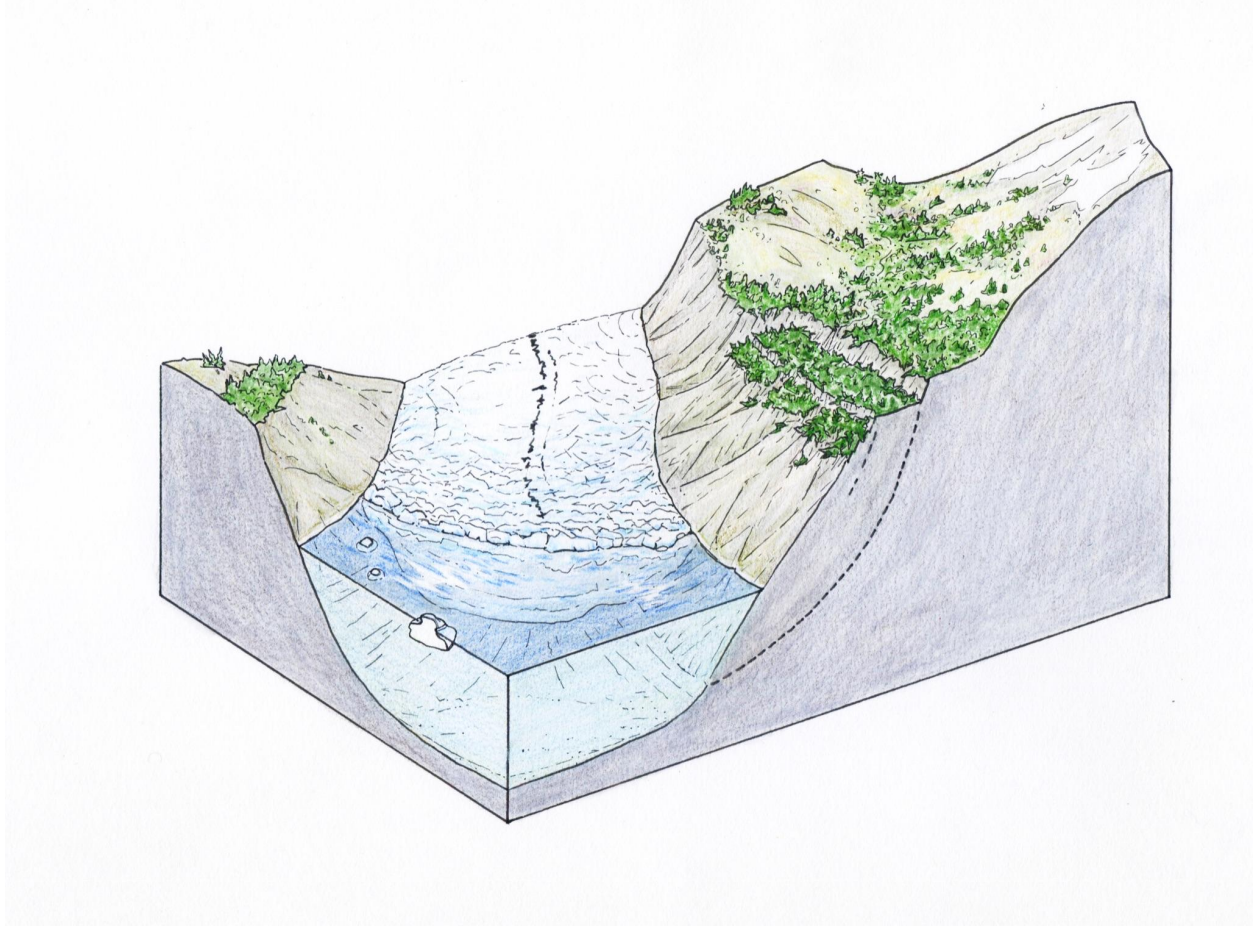


Title: History Beneath Your Feet Interpretive Sign - Seldovia Sign Project

Size: 36"x48" **Date:** 2016

Material: Custom High Pressure Laminate with custom hanging wooden frame and mounting

Description: Collaboratively designed intertidal interpretive sign with Ed Berg, Bretwood Higman, Erin McKittrick, Kim McNett and Skyler Kline. The peat profile represents data collected by local geologists from the peat layers of a local fen. The sign is installed in the small peatland along the Otterbahn Trail, Seldovia Alaska as part of the Seldovia Sign Project funded by the City of Seldovia and the Alaska Marine Highway System.



Title: Landslide Tsunami Block Diagram

Size: 12"x9" **Date:** 2020

Material: Mixed Media

Description: Drawn in collaboration with geologist Bretwood Higman for a research study proposal on the risk of a landslide generated tsunami at Grevingk Glacier Lake in Kachemak Bay State Park, AK. This image has been used in a research grant proposal, interpretive sign, and informational visitors pamphlet.



Title: Woodland Birds Interpretive Sign - Seldovia Sign Project

Size: 36"x18"

Date: 2016

Material: Custom High Pressure Laminate with custom hanging wooden frame and mounting

Description: Collaboratively designed woodland interpretive sign with Bretwood Higman, Erin McKittrick, Kim McNett and Skyler Kline. The sign is installed along the Otterbahn Trail, Seldovia Alaska as part of the Seldovia Sign Project funded by the City of Seldovia and the Alaska Marine Highway System.



Title: Rainforest Festival Poster

Size: 12"x18" **Date:** 2021

Material: Mixed Media

Description: This poster design for the 2021 Rainforest Festival in Petersburg, AK demonstrates an assemblage of mixed-media illustrations that overlay a watercolor backdrop. The 2021 theme "be your own naturalist" prompted me to illustrate the various tools that I use to engage with nature...an aquatic net, tape measure, magnifying lens, and a water-proof notebook.



Title: Super Cub 8192D

Size: 8x16 **Date:** 2022

Material: Watercolor on Paper

Description: Commissioned watercolor for a personal collection by the airplane owner using a line and wash technique.



Title: Underwater Volcano

Size: 10"x14" **Date:** 2022

Material: Watercolor on Paper

Description: This work was created during a Teaching Artist in the Schools residency in the village of Savoonga. It was inspired by the recent Tonga eruption and more specifically the students of Savoonga's current fascination with island and underwater volcanoes. I created this work with student grade materials using wet-in-wet technique to demonstrate use of classroom supplies. Students then created underwater volcano watercolors of their own with wet-in-wet technique.

Magic in the Mire

April 21 2021 - Ethereal light pierces thick morning fog.
Snowmelt floods the fens. Winter has released us.



The flooded peatlands are all abustle with migratory birds - greater white-fronted geese, green-winged teal and greater yellow legs. Hungry moose are finally able to browse on willow now that the deep snow is gone.



Title: Peatland Journal: Magic in the Mire

Size: 7"x10"

Date: 2021

Material: Mixed Media

Description: Sample page from a nature journal created for the Art for Peat show at the Pratt Museum as part of the Homer Drawdown: Peatland Project. Pages from this journal were inspired by a year of naturalist observations in the Beluga Wetlands and other Homer area fens through my involvement with the Peatland Project.



CLEANING FOSSIL CHPL PANELS

(For Panels manufactured on or after 4/1/2008)

Fossil panels are protected with our exclusive finish and are easy to clean. The surface is so smooth and inert that an annual soap and water washing may well be all that is needed to keep signs looking clean and bright. Paint and graffiti are easily removed with suitable commercial solvents without damage to the surface. In fact, Fossil panels are so durable, that we have not found a solvent that can damage our surface. The procedures for removing stains can be divided into three categories, depending on the staining agent:

Easy Procedures (Wet Cloth)

Many staining agents can be simply wiped from the surface using a wet cloth.

Mild Procedures (Soaps, Household Detergents)

Some staining agents require the use of full-strength solutions of standard detergents, such as a non-abrasive soap, Simple Green (simplegreen.com), Goof Off (gooffstainremover.com) Graffiti Solutions (graffitisolutions.com) or bleach to disinfect. Pre-clean the panel to remove any surface particles that may become abrasive when wiping the surface. Use a soft cloth and follow cleaning agents procedure with a water rinse. Do not leave the cleaning agent on for more than a minute.

Moderate Procedures (Solvents)

Some staining agents, especially those with grease bases paint or ink, will require the use of a solvent for removal. These stains can be removed using turpentine, 100% mineral spirits, isopropyl "rubbing alcohol", WD-40 or MEK (methyl ethyl ketone). Pre-clean the panel to remove any surface particles that may become abrasive when wiping the surface. Use a soft cloth and follow cleaning agents procedure with a detergent rinse and a water rinse. If you are not satisfied with the result of the cleaning repeat the procedure until the stain is removed. Do not leave the cleaning agent on for more than a minute.

MAINTENANCE

To keep the sides of your CHPL panel looking black and to protect the borders from chafing, apply a liquid sealant such as a polymer auto wax or Thompson's® Waterproofing Wood Protector to the edge of your panel on an annual basis.

Minor blemishes, nicks and light scratches can be concealed using a polymer based surface treatment such as Meguiar's PlastX.

(Updated: 11-18-2016) 44 Jefryn Boulevard, Deer Park NY 11729 800.244.9809 FossilGraphics.com



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 22-055

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: PARKS ART RECREATION & CULTURE ADVISORY COMMISSION

THRU: ROB DUMOUCHEL, CITY MANAGER

DATE: MARCH 18, 2022

SUBJECT: DONATION OF PROPOSED MURAL FOR PLACEMENT ON THE HOMER
AIRPORT

The Parks, Art, Recreation & Culture Advisory Commission reviewed the application for a donation by the Bunnell Street Arts Center of a two part mural by Alaskan Artist Kim McNett featuring the intrinsic value peatlands provided to the ecosystem and atmosphere regarding carbon.

The Commission voted unanimously to recommend City Council accept the donation of the mural. The excerpt of the minutes from the March 17, 2022 regular meeting related to the discussion and motion are included for your review.

RECOMMENDATION

City Council review the application and accept the donation.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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Memorandum

TO: PARKS ART RECREATION & CULTURE ADVISORY COMMISSION

FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

DATE: MARCH 9, 2022

SUBJECT: DONATION OF PROPOSED MURAL FOR PLACEMENT ON THE HOMER AIRPORT

Following is the application received from the Bunnell Street Art Gallery for a proposed donation of a mural reflecting the role of peatlands.

In reviewing the application the following points should be noted:

1. This mural can be consider interpretive signage rather than art as it does not fall under the common definition of art.
 - a. Interpretive Signage - a sign providing information that interprets a natural, historical or cultural resource, event or site. Such signs are located usually on sites directly related to the information contained in the sign.
 - b. Art - a visual object or experience consciously created through an expression of skill or imagination.
2. The City of Homer does not own the airport it is a leased from the State and that lease is set to expire in 2023.
 - a. The City would be required to obtain the permission from the State of Alaska to modify the building. Attaching permanent displays to the structure is a modification in accordance with the lease.
3. There was no comment from Public Works - Maintenance at this time in regards to installation and providing electrical requirements.

RECOMMENDATION

Discuss the proposed mural. Make a motion to recommend City Council approve or not accepting the donation of the peatland mural with desired location of _____.

Session 22-02, a Regular Meeting of the Parks, Art, Recreation and Culture Advisory Commission was called to order by Chair David Lewis at 5:32 p.m. on March 17, 2022 from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar.

PRESENT: COMMISSIONERS LEWIS, FAIR, HARRALD, LOWNEY, ROEDL, ARCHIBALD, GALBRAITH AND STUDENT REPRESENTATIVE FLORA

STAFF: DEPUTY CITY CLERK KRAUSE
CITY CLERK JACOBSEN
PUBLIC WORKS DIRECTOR KEISER
RECREATION MANAGER ILLG
PARKS SUPERINTENDENT STEFFY

The Commission had a worksession at 4:30 p.m. On the agenda was a presentation and discussion on the proposed multi-use community center with display of three different conceptual drawings.

AGENDA APPROVAL

LOWNEY/FAIR MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

VISITORS/PRESENTATIONS

City Clerk Jacobsen stated that there was no scheduled presentations on the agenda. There is a business item on the agenda. She advised the Chair that the Commission can make a motion to amend the agenda but this technically should be noticed and the Clerk's office advised.

Chair Lewis requested a motion.

LOWNEY/HARRALD MOVED TO AMEND THE AGENDA TO ADD A PRESENTATION.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Penelope Haas, Kachemak Conservation Society, provided background on the Peatland Mural and the Peatland Project, which is a community driven project that has been in development for three years.

She provided statistical information on how the project has developed and the participation by members and organizations in the Community. Ms. Haas then provided information on how peatlands are valuable to the community and the role that peatlands play in carbon sequestration capacity. She noted that they will be partnering with the City of Homer on Green Infrastructure project and monitoring water activities in the region.

Asia Freeman, Bunnell Street Art Center, reported that they suggested the airport as the location for the placement of a mural since it is due to undergo some renovations and that the entrance would be a suitable locations for the proposed murals. Ms. Freeman continued by stating that the Bunnell Street Art Center has facilitated a number of public art projects with the City and so they issued a request for proposals and received six applications, they created a selection jury that was comprised of two city employees, two members of the project, and two members of the Bunnell Art Center with experience of reviewing proposals. The six proposals were reviewed competitively for durability, message and so forth. Artist Kim McNett, who is deeply imbedded in the science and practice of rendering the ecology of the area was selected for the project.

Kim McNett, Artist, explained her proposal and the process she will use to create two panels that will be installed on the walls of the Homer Airport on each side of the entrance doors. She provided samples of her previous work, how she will compose and depict her work and a sample of the proposed artwork superimposed on the Airport Entrance. Ms. McNett also provided pictures to show her previous work done for the City of Seldovia.

Commissioner Lowney expressed her appreciation for the artists' talent.

Public Works Director Keiser stepped forward and commented that the Public Works Department was able to fully support this project and endorsed it highly, that they will be executing a contract very soon weather permitting to repaint the exterior of the airport and considered this as a 1% for Art contribution to install the lighting and relocate the pay kiosk and do other necessary work to support the installation infrastructure for the artwork.

Commissioner Lowney questioned the fact that the City does not own the airport and how that would play into the potential installation.

Public Works Director Keiser explained that the city leases the airport but is responsible for the maintenance and upkeep which includes the parking lot, the metal sculptures, the bench and pay kiosk. The Department of Aviation is a very silent landlord.

Commissioner Harrald commented on the idea of the project bringing forth all the new policy and procedures and to review the procedure without the art and appreciated the patience from the group.

Commissioner Archibald expressed his appreciation for the proposal and that he was very familiar with the company product being used by the artist for the design.

Commissioner Fair expressed his appreciation for the artwork and expressed his opinion on viewing the artist's work in Seldovia, which it is very educational and interesting to look at so was excited that they would be getting something similar here.

- After the city plows and leave berms and residents would be willing to remove those berms as stewardship
 - Some issues were resolved with snow removal placement
 - Contact with private businesses snow removal companies
- Issuing a new Trails Map and or QR Code Access

NEW BUSINESS

A. Donation of Proposed Mural for Placement on the Homer Airport Terminal Building

Chair Lewis introduced the item and noted that they had a presentation and those members of the public who presented had left the meeting. He then requested a motion and second.

ROEDL/FAIR MOVED TO RECOMMEND THE CITY COUNCIL ACCEPT THE DONATION OF THE MURAL ON PEATLANDS.

Public Works Director noted for the record that there were two murals to be placed on each side of the doors.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. 2022 Commission Annual Calendar
- B. Memorandum from the PARC Advisory Commission to City Manager re: Green Cemetery
- C. Parks are Essential Public health Infrastructure, February 17, 2022 Published in the March national parks & Recreation Association e-zine

Chair Lewis noted the items in the informational materials. There was no discussion or comment from the Commission.

COMMENTS OF THE AUDIENCE

Adele Person, city resident, stated that she wanted to add a few thoughts to the presentation by Matt and she heard a great discussion among Council and that that connection ups Svedlund really connects all of senior housing and all of that neighborhood, connects north and south walking quarter that has Poopdeck Trail and then up to Fairview Avenue, maybe that's not as urgent as I heard Jan say, with all the development in that east, west Fairview quarter, which is also really important, but it's super high on the priority listing and it's really, really highlighted in the Homer Non-motorized Transportation and Trails Plan. She further commented that she liked the Beluga Slough recommendation but it's a boardwalk and as such it seems expensive and not as much as a priority. Ms. Person stated that she can also see how that can be both controversial and amazing but also wanted to let everyone know about the recently formed 501c3 non-profit, Homer Trails Alliance, a group of people formed the organization to be an advocacy group for pedestrians and trails; putting together some of the efforts being made across the community. The group is creating a website and doing a lot of mapping and want the

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

City Clerk

3
4 **RESOLUTION 22-023**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
7 ACKNOWLEDGING THE SUFFICIENCY OF THE BUNNELL
8 AVENUE/CHARLES WAY WATER AND SEWER IMPROVEMENT
9 SPECIAL ASSESSMENT DISTRICTS AND APPROVING THE
10 IMPROVEMENT PLAN, ESTIMATED COST OF IMPROVEMENTS AND
11 ASSESSMENT METHODOLOGY, AND SUPERSEDING RESOLUTION
12 22-017(A).

13
14 WHEREAS, The Homer City Council adopted Resolution 21-030 initiating the process to
15 form the Bunnell Avenue/Charles Way Water and Sewer Special Improvement Districts
16 (Bunnell Avenue/Charles Way SAD); and

17
18 WHEREAS, The Bunnell Avenue/Charles Way Water and Sewer SAD boundaries includes
19 property fronting Bunnell Avenue and Charles Way; and

20
21 WHEREAS, A neighborhood meeting was held on May 27, 2021 where property owners
22 were provided conceptual cost estimates for water and sewer, proposed district maps, and
23 property owner assessment projections; and

24
25 WHEREAS, A Notice of Public Hearing for August 9, 2021 and Notice of Right to Object
26 and was mailed to property owners on June 4, 2021 in accordance with Homer City Code
27 17.02.050; and

28
29 WHEREAS, Pursuant to HCC 17.02.050 (b) if owners of real property that would bear 50
30 percent or more of the assessed cost of the improvement file timely written objections, the
31 Council may not proceed with the improvement unless it revises the improvement plan to
32 reduce the assessed cost to less than 50% of the assessed cost of the improvement; and

33
34 WHEREAS, The deadline to receive written objections was August 8, 2021 and two
35 written objections were received, with one additional object coming in after the deadline; and

36
37 WHEREAS, Following the public hearing at the August 9, 2021 regular City Council
38 meeting Council postponed action on Resolution 21-057 to provide the Public Works Director
39 the opportunity to consider amending the boundaries and assessment methodology, and
40 consider existing service through spaghetti for some properties; and

42 WHEREAS, Action on this matter was further postponed to provide written public notice
43 on different iterations of assessment methodologies for property owner consideration; and
44

45 WHEREAS, On February 10, 2022 the City Clerk's Office mailed notice to property owners
46 in the Bunnell Avenue/Charles Way SAD of a proposed hybrid method of assessment, an
47 informational memorandum from the Public Works Director, preliminary assessment roll, and
48 a statement of objection to special assessment district with a deadline of 5:00 p.m. March 14,
49 2022 to object; and
50

51 WHEREAS, One objection was received; and
52

53 WHEREAS, Resolution 21-057(S-2) proposing a benefitted method of assessment was
54 voted down on March 14, 2022 to take up this resolution recommending the hybrid method of
55 assessment.
56

57 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska
58 acknowledges the sufficiency of the Bunnell Avenue/Charles Way SAD and the petition bears
59 sufficient support that the improvements are necessary and benefit the properties included in
60 attachment A.
61

62 BE IT FURTHER RESOLVED that the City Council hereby approves the improvement
63 plan, estimated costs of improvement as follows:
64

- 65 • The estimated cost of the sewer improvements is \$418,221 with property owners paying
66 75% (\$313,666) and the Homer Accelerated Water and Sewer Program (HAWSP) paying
67 25% (\$104,555) of the costs; and
68
- 69 • The estimated cost of the water improvements, including the \$225,690 Principal
70 Forgiveness Subsidy, is \$299,947, with property owners paying 75% (\$224,960) and the
71 Homer Accelerated Water and Sewer Program (HAWSP) paying 25% (\$74,987) of the
72 costs.
73

74 BE IT FURTHER RESOLVED the assessment method will be a hybrid method based on
75 the following findings of the Public Work Director:
76

77 **Finding #1** – The Hybrid Method results in the fairest distribution of costs among the
78 private property owners. We did some sensitivity analysis to find the fairest distribution
79 of costs. We computed what the assessments would be using Equal Share Method and
80 the Benefitted Area Method, limiting the application of the Benefitted Area Method to
81 the Developable Area, as provided in HCC 17.01.010. Then, we created a Proposed
82 Assessment Roll, which applies the lesser computation for a particular property. For

83 the smaller lots, the lesser computation is the Benefitted Area Method. For the larger
84 lots, the lesser computation is the Equal Share Method. The Benefitted Area Method
85 penalizes the larger lots who will receive no greater benefit for their higher assessment.

86
87 **Finding #2** – The Hybrid Method does not unreasonably penalize the City as the owner
88 of Bishop’s Beach Park. The Hybrid Method results in a proposed assessment for the
89 City, which is about 15% higher than what it would be under the Benefitted Area
90 Method. This is appropriate as this park, one of Homer’s most popular, provides
91 community-wide benefit.

92
93 BE IT FURTHER RESOLVED that this supersedes Resolution 22-017(A).

94
95 PASSED AND ADOPTED by the Homer City Council this 29th day of March, 2022.

96
97
98 CITY OF HOMER
99
100 _____
101 KEN CASTNER, MAYOR

102
103 ATTEST:

104
105
106 _____
107 MELISSA JACOBSEN, MMC, CITY CLERK

108
109 Fiscal Note: HAWSP \$104,555–Sewer and \$74,987- Water

AMENDED PRELIMINARY ASSESSMENT ROLL (Hybrid Method 02/10/22) Attachment A to Resolution 22-023

PROJECT NAME: **Bunnell Avenue/Charles Way Water & Sewer Improvement Special Assessment District** DATE: **June 3, 2021**

TOTAL ESTIMATED PROJECT WATER: ~~\$509,167~~ ~~\$473,787~~ **\$525,637** TOTAL ESTIMATED PROJECT SEWER: ~~\$631,834~~ ~~\$514,153~~ **\$418,221**

Districts shall be assessed 75% property owner share of the project. Benefitted property owners will be required to pay that portion of the cost through the formation of a Special Assessment District:

WATER: ~~\$212,608~~ ~~\$186,073~~ **\$224,960** SEWER: ~~\$473,875~~ ~~\$385,615~~ **\$313,666**

HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) SHARE: WATER: ~~\$70,869~~ ~~\$62,024~~ **\$74,987** SEWER: ~~\$157,958~~ ~~\$128,538~~ **\$104,555**

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRINCIPAL FORGIVENESS GRANT: WATER PROJECTS ONLY: \$225,690

	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT ASSESSMENT METHOD
3	DAM REVOCABLE TRUST 2019 1477 BAY AVE HOMER AK 99603-7941	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 154 #17716418	\$52,600	Water \$7874 \$4,359 <u>\$4,977</u> Sewer \$20603 \$9,249 <u>\$7,097</u>
4	GUETSCHOW RUBEN PO BOX 1071 PAHOA HI 96778-1071	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 153 #17716417	\$47,900	Water \$7874 \$4,359 <u>\$4,977</u> Sewer \$20603 \$9,249 <u>\$7,097</u>
5	LOGAN CHRISTINA ARLYNE LOGAN CHRISTINA 2303 TULIK DR ANCHORAGE AK 99517-1132	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 152 #17716416	\$45,900	Water \$7874 \$4,359 <u>\$4,977</u> Sewer \$20603 \$9,249 <u>\$7,097</u>
6.	LONG CHRIS 879 LINDA CT HOMER, AK 99603-7222	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 151 #17716415	\$244,200	Water \$7874 \$4,359 <u>\$4,977</u> (Property has sewer)
7	CONNOLLY NANCY C 303 TORQUAY CT UNIT B RIDGE NY 11961-8358	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 150 #17716414	\$49,600	Water \$7874 \$4,359 <u>\$4,977</u> Sewer \$20603 \$9,249 <u>\$7,097</u>
14	LINDSEY RONALD J SAVIDGE BARBARA A PO BOX 1867 HOMER AK 99603-1867	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 162 #17716444	\$85,900	Water \$7874 \$4,359 <u>\$4,977</u> Sewer \$20603 \$9,249 <u>\$7,097</u>

AMENDED PRELIMINARY ASSESSMENT ROLL (Hybrid Method 02/10/22) Attachment A to Resolution 22-023

PROJECT NAME: **Bunnell Avenue/Charles Way Water & Sewer Improvement Special Assessment District** DATE: **June 3, 2021**

TOTAL ESTIMATED PROJECT WATER: ~~\$509,167~~ ~~\$473,787~~ **\$525,637** TOTAL ESTIMATED PROJECT SEWER: ~~\$631,834~~ ~~\$514,153~~ **\$418,221**

Districts shall be assessed 75% property owner share of the project. Benefitted property owners will be required to pay that portion of the cost through the formation of a Special Assessment District:

HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) SHARE: WATER: ~~\$70,869~~ ~~\$62,024~~ **\$74,987** SEWER: ~~\$157,958~~ ~~\$128,538~~ **\$104,555**

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRINCIPAL FORGIVENESS GRANT: WATER PROJECTS ONLY: \$225,690

	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT ASSESSMENT METHOD
15	JOHNSON PAUL MATTHEW 124 E 23 RD AVE ANCHORAGE, AK 99503-2010 PEREIRA, KATRHIN 3476 S. HORSESHOE LAKE RD WASILLA, AK 99623	T 6S R 13W SEC 20 Seward Meridian HM 2008066 W R BENSON'S SUB 2008 REPLAT LOT 165-A #17716452	\$186,200	Water \$7874 \$8,717 <u>\$9,955</u> Sewer \$20603 \$18,498 <u>\$14,194</u>
16	LARSON BJORN & RAUPP SASHA H PO BOX 1435 HOMER AK 99603-1435	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 167 #17716439	\$51,500	Water \$7874 \$4,359 <u>\$4,977</u> Sewer \$20603 \$9,249 <u>\$7,097</u>
17	BAUGHER TINA M 209 W DIMOND BLVD STE 4 ANCHORAGE AK 99515-1932	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 168 #17716438	\$50,700	Water \$7874 \$4,359 <u>\$4,977</u> Sewer \$20603 \$9,249 <u>\$7,097</u>
18		T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 169 #17716437	\$43,300	Water \$7874 \$4,359 <u>\$4,977</u> Sewer \$20603 \$9,249 <u>\$7,097</u>
19	VERNON ROBERT GORDON PO BOX 3 HOMER AK 99603-0003	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 171 #17716435	\$157,400	Water \$7874 \$4,359 <u>\$4,977</u> Sewer \$20603 \$9,249 <u>\$7,097</u>
20		T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 172 #17716434	\$41,300	Water \$7874 \$4,359 <u>\$4,977</u> Sewer \$20603 \$9,249 <u>\$7,097</u>

AMENDED PRELIMINARY ASSESSMENT ROLL (Hybrid Method 02/10/22) Attachment A to Resolution 22-023

PROJECT NAME: **Bunnell Avenue/Charles Way Water & Sewer Improvement Special Assessment District** DATE: **June 3, 2021**

TOTAL ESTIMATED PROJECT WATER: ~~\$509,167~~ ~~\$473,787~~ **\$525,637** TOTAL ESTIMATED PROJECT SEWER: ~~\$631,834~~ ~~\$514,153~~ **\$418,221**

Districts shall be assessed 75% property owner share of the project. Benefitted property owners will be required to pay that portion of the cost through the formation of a Special Assessment District:

HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) SHARE: WATER: ~~\$70,869~~ ~~\$62,024~~ **\$74,987** SEWER: ~~\$157,958~~ ~~\$128,538~~ **\$104,555**

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRINCIPAL FORGIVENESS GRANT: WATER PROJECTS ONLY: \$225,690

	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT ASSESSMENT METHOD
21	LOGAN IRA LLC 2303 TULIK DR ANCHORAGE AK 99517-1132	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 173 #17716433	\$175,200	Water \$7874 \$4,359 <u>\$4,977</u> Sewer \$20603 \$9,249 <u>\$7,097</u>
22		T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 174 #17716432	\$58,100	Water \$7874 \$4,359 <u>\$4,977</u> Sewer \$20603 \$9,249 <u>\$7,097</u>
23	HILLSTRAND NANCY PO BOX 7 HOMER AK 99603-0007	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 175 #17716231	\$102,100	Water \$7874 \$4,359 <u>\$4,977</u> Sewer \$20603 \$9,249 <u>\$7,097</u>
24		T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 176 #17716430	\$36,000	Water \$7874 \$4,359 <u>\$4,977</u> Sewer \$20603 \$9,249 <u>\$7,097</u>
25	HOMER CITY OF 491 E PIONEER AVE HOMER AK 99603-7624	T 6S R 13W SEC 20 Seward Meridian HM PTN GL 2 BEGIN S 1/16 CORNER SECS 19 & 20 & NW CORNER LOT 2 TH S 89 DEG 57'30" E 600 FT ALONG N BOUND LT 2 TO POB TH S 0 D EG 2' E 391 FT TO CORNER 2 ON MHW KACHEMAK BAY TH S 59 DEG 30' E 150 FT TO CORNE R 3 TH N 38 DEG 0' E 592.6 FT TO CORNER 4 TH N 89 DEG 57'37" W ALONG N BOUNDRY O F GL 2 494.3 FT TO POB SAVE & EXC THAT PTN DESCRIBED IN W/D 88 @ 820 #17714010	\$593,900	Water \$7874 \$23,700 \$100,025 <u>\$116,670</u> Sewer \$20603 \$102,613 \$142,622 <u>\$165,260</u>
26	JOHNSON PAUL MATTHEW 124 E 23RD AVE ANCHORAGE, AK 99503-2010	T 6S R 13W SEC 20 Seward Meridian HM PTN GL 2 BEGIN 400 FT E OF 1/16 CRNR COMMO N TO SEC 19 & 20 TH E 200 FT ALONG N BOUND OF GL 2 TH S TO BEACH LINE TH W 200 F T TH 339 FT N TO POB #17714009	\$4,300	Water \$7874 \$23,700 \$27,065 <u>\$11,840</u> Sewer \$20603 \$50,293 \$38,591 <u>\$17,426</u>

AMENDED PRELIMINARY ASSESSMENT ROLL (Hybrid Method 02/10/22) Attachment A to Resolution 22-023

PROJECT NAME: **Bunnell Avenue/Charles Way Water & Sewer Improvement Special Assessment District** DATE: **June 3, 2021**

TOTAL ESTIMATED PROJECT WATER: ~~\$509,167~~ ~~\$473,787~~ **\$525,637** TOTAL ESTIMATED PROJECT SEWER: ~~\$631,834~~ ~~\$514,153~~ **\$418,221**

Districts shall be assessed 75% property owner share of the project. Benefitted property owners will be required to pay that portion of the cost through the formation of a Special Assessment District:

WATER: ~~\$212,608~~ ~~\$186,073~~ **\$224,960** SEWER: ~~\$473,875~~ ~~\$385,615~~ **\$313,666**

HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) SHARE: WATER: ~~\$70,869~~ ~~\$62,024~~ **\$74,987** SEWER: ~~\$157,958~~ ~~\$128,538~~ **\$104,555**

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRINCIPAL FORGIVENESS GRANT: WATER PROJECTS ONLY: \$225,690

	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT ASSESSMENT METHOD
	PEREIRA, KATRIN 3476 S. HORSESHOE LAKE RD WASILLA, AK 99623			
27	VANN REVOCABLE TRUST PO BOX 561 KASILOF AK 99610-0561	T 6S R 13W SEC 20 Seward Meridian HM PTN GL 2 BEGIN INTERSECTION OF N BOUNDARY LT 2 & RR ROW TH E TO PT 400 FT FROM 1/16 CRNR TH S TO BEACH TH NW 100 FT TH N T O NORTH SIDE OF OLD RR ROW TH NW TO POB #17714008	\$248,000	Water \$7874 -\$39,924 \$13,253 <u>\$11,840</u> Sewer \$20603 \$84,722 \$18,897 <u>\$17,426</u>



City of Homer

www.cityofhomer-ak.gov

Homer City Council

491 East Pioneer Avenue

Homer, Alaska 99603

(p) 907-235-3130

(f) 907-235-3143

Memorandum 22-056

TO: Mayor Castner and Homer City Council

FROM: Melissa Jacobsen, MMC, City Clerk

DATE: March 23, 2022

SUBJECT: Resolution 22-017(A)

At the March 14, 2022 Regular Meeting, Council adopted Resolution 22-017(A). It was discovered after the fact that the dollar amounts reference in the resolution were incorrect.

Resolution 22-023 includes the correct those amounts and will supersede Resolution 22-017(A).

The amounts on the Preliminary Assessment Roll that went out to the property owners and included as attachment A are correct.

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

RESOLUTION 22-024

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, IN SUPPORT OF STATE OF ALASKA HOUSE BILL 54 ESTABLISHING THE ALASKA INVASIVE SPECIES COUNCIL IN THE DEPARTMENT OF FISH AND GAME.

WHEREAS, Alaska House Bill (HB) 54 would establish the Alaska Invasive Species Council in the Department of Fish and Game to facilitate efforts by the Department of Fish and Game, Department of Natural Resources, Department of Environmental Conservation, Department of Transportation and Public Facilities, and other natural resource-related governmental entities operating in the state to manage invasive species; and

WHEREAS, The Alaska Invasive Species Council would facilitate cooperation between state, federal, tribal, and local and nongovernmental organizations; assist in coordination of activities to manage invasive species, including those undertaken by local governments and nongovernmental organizations; and recommend coordinated interagency strategies and policies related to management of invasive species; and

WHEREAS, Members of the Council would include a member or representative of the Alaska Municipal League; and

WHEREAS, HB 54 includes establishing an invasive species response fund as an account in the general fund and the Department of Fish and Game would be authorized to use money appropriated to the fund to manage invasive species without further appropriation; and

WHEREAS, HB 54 defines “invasive species” as a non-native species the introduction of which causes or is likely to cause economic harm, environmental harm, or harm to human health; and “manage invasive species” as taking actions to prevent or minimize harmful impacts of invasive species on the economy, the environment, public health, infrastructure, and cultural heritage; and

WHEREAS, All other west coast states and British Columbia have established statewide invasive species coordinating councils that focus on preventing and responding to the spread of invasive species; and

WHEREAS, Homer based organizations including Homer Soil and Water Conservation District and Kachemak Bay National Estuarine Research Reserve monitor for and provide education regarding terrestrial and aquatic invasive species; and

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WHEREAS, Invasive species infestations occur within the City of Homer, including on City property and having resources to minimize the impact of invasive species would be beneficial to Homer’s residents; and

WHEREAS, Marine invasive species in Alaska could have a detrimental impact on Homer residents whose livelihoods depend on the sea.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer Alaska, supports HB 54 establishing the Alaska Invasive Species Council in the Department of Fish and Game.

PASSED AND ADOPTED by the Homer City Council on this 29th day of March, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A

CS FOR HOUSE BILL NO. 54(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 2/4/22

Referred: Rules

Sponsor(s): HOUSE SPECIAL COMMITTEE ON FISHERIES

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Alaska Invasive Species Council in the Department of Fish and**
2 **Game; relating to management of invasive species; relating to invasive species**
3 **management decals; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 LEGISLATIVE INTENT. It is the intent of the legislature that the Department of Fish
8 and Game support the activities of the Alaska Invasive Species Council, established by this
9 Act, through contributions, grants, and other forms of funding that do not involve the use of
10 money from the state's general fund.

11 * **Sec. 2.** AS 16.20 is amended by adding new sections to read:

Article 6. Management of Invasive Species.

12 **Sec. 16.20.800. Invasive species management decals.** The department shall
13 annually produce and make available to the public invasive species management
14

1 decals. The department shall, in conjunction with the Alaska Invasive Species
 2 Council, provide for the selection of designs for invasive species management decals
 3 and for the production and sale of the decals. The department may produce and sell
 4 different decals in quantities that the commissioner and council consider appropriate.
 5 Upon payment of a \$20 fee, a person may purchase an invasive species management
 6 decal from the department. The legislature may appropriate the annual estimated
 7 balance in the account maintained by the commissioner of administration under
 8 AS 37.05.142 to the department to carry out the purposes of this section or to the
 9 invasive species response fund established under AS 16.20.820.

10 **Sec. 16.20.810. Alaska Invasive Species Council.** (a) The Alaska Invasive
 11 Species Council is an advisory council established in the department to facilitate
 12 efforts by the department, the Department of Natural Resources, the Department of
 13 Environmental Conservation, the Department of Transportation and Public Facilities,
 14 and other natural resource-related governmental entities operating in the state to
 15 manage invasive species in the state by

16 (1) facilitating cooperation between state, federal, tribal, and local
 17 agencies and nongovernmental organizations;

18 (2) assisting in coordination of activities to manage invasive species,
 19 including those undertaken by local governments and nongovernmental organizations;

20 (3) recommending coordinated interagency strategies and policies
 21 related to management of invasive species, including

22 (A) importation, possession, and use of invasive species;

23 (B) classification and listing of non-native species; and

24 (C) management of pathways associated with transfer of
 25 invasive species;

26 (4) upon a state agency's request, providing guidance as to how to
 27 prioritize the state agency's responses to occurrences of invasive species and how
 28 funds made available under AS 16.20.820 may be best used;

29 (5) recommending expenditures from the invasive species response
 30 fund;

31 (6) providing technical information and assistance to persons engaged

1 in regional and national invasive species management efforts;

2 (7) selecting designers for invasive species management decals and
3 approving and promoting the designs.

4 (b) Except as provided in (c) of this section, the council consists of

5 (1) the following members appointed by the governor to three-year
6 terms:

7 (A) a representative of a soil and water conservation district
8 established under AS 41.10.130;

9 (B) a person engaged in commercial agriculture, horticulture,
10 or landscaping;

11 (C) a person engaged in commercial aquaculture or
12 mariculture;

13 (D) a representative of a commercial fishing organization;

14 (E) a representative of a sport fishing organization;

15 (F) a representative of an Alaska tribal entity;

16 (G) a representative of an Alaska Native corporation;

17 (H) a person engaged in the tourism industry;

18 (I) a person who owns a seaplane, is employed as a seaplane
19 pilot, or is otherwise knowledgeable about seaplanes;

20 (J) a representative of an organization formed to combat the
21 spread of invasive species in the state;

22 (K) a person involved in the forest products industry;

23 (L) a person engaged in commercial excavation work,
24 construction, mining, or the oil and gas industry;

25 (M) a person who has worked for or participated in a state
26 program to prevent the spread of invasive plants;

27 (N) a member or representative of the Alaska Municipal
28 League;

29 (O) a person engaged in management, research, or education
30 activities relating to invasive species;

31 (P) a person engaged in the shipping industry;

1 (Q) a representative of a utility knowledgeable about utility
2 corridors;

3 (2) a representative from each of the following federal agencies,
4 serving ex officio, if the agency elects to participate:

5 (A) the Department of the Interior;

6 (B) the Department of Commerce;

7 (C) the Department of Agriculture;

8 (D) the Department of Homeland Security;

9 (E) the Department of Defense;

10 (3) the commissioner from each of the following departments or the
11 commissioner's designee, serving ex officio:

12 (A) the Department of Fish and Game;

13 (B) the Department of Natural Resources;

14 (C) the Department of Environmental Conservation;

15 (D) the Department of Transportation and Public Facilities; and

16 (4) the chairperson of the board of directors of the Alaska Railroad
17 Corporation or the chairperson's designee.

18 (c) The council may, as the council finds necessary, invite additional persons
19 to be nonvoting advisory members of the council. The council may prescribe
20 procedures for the participation of persons added to the council under this subsection.

21 (d) The council shall adopt bylaws to govern its operation. The bylaws must
22 provide procedures for

23 (1) decision making;

24 (2) periodically electing one member as chair;

25 (3) calling meetings; and

26 (4) establishing subcommittees and advisory committees.

27 (e) The council shall meet at least once each year. Meetings and council votes
28 may be held by audio or video teleconference.

29 (f) Members of the council serve without compensation and are not entitled to
30 per diem and travel expenses. However, a member appointed under (b)(3) of this
31 section is entitled to per diem and travel expenses as a state employee.

1 (g) By January 15 of each odd-numbered year, the council shall prepare and
 2 present to the legislature an updated five-year strategic plan that addresses the
 3 economic effects of invasive species, states the council's suggested priorities for
 4 addressing invasive species, and recommends legislation and funding required to
 5 implement the council's priorities. The council shall transmit the plan to the senate
 6 secretary and the chief clerk of the house of representatives and notify the legislature
 7 that the strategic plan is available.

8 (h) Council members appointed under (b)(1) of this section serve staggered
 9 three-year terms and until a successor is appointed. If a vacancy occurs, the governor
 10 shall appoint a member for the unexpired portion of the term within 60 days after the
 11 occurrence of the vacancy.

12 **Sec. 16.20.820. Invasive species response fund.** The invasive species
 13 response fund is established as an account in the general fund. The fund consists of
 14 appropriations made to the fund. Money appropriated to the fund does not lapse. The
 15 department may use money appropriated to the fund to manage invasive species,
 16 without further appropriation.

17 **Sec. 16.20.850. Definitions.** In AS 16.20.800 - 16.20.850,

- 18 (1) "commissioner" means the commissioner of fish and game;
 19 (2) "council" means the Alaska Invasive Species Council;
 20 (3) "department" means the Department of Fish and Game;
 21 (4) "invasive species" means a non-native species the introduction of
 22 which causes or is likely to cause economic harm, environmental harm, or harm to
 23 human health;
 24 (5) "manage invasive species" means to take actions to prevent or
 25 minimize harmful impacts of invasive species on the economy, the environment,
 26 public health, infrastructure, and cultural heritage;
 27 (6) "non-native species" includes any biological material capable of
 28 propagating a species that is not native to the state or an ecosystem in the state.

29 * **Sec. 3.** AS 37.05.146(c) is amended by adding a new paragraph to read:

30 (80) fees collected for invasive species management decals by the
 31 Department of Fish and Game under AS 16.20.800.

1 * **Sec. 4.** AS 16.20.800, 16.20.810, 16.20.820, 16.20.850, and AS 37.05.146(c)(80) are
2 repealed July 1, 2029.

3 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 APPOINTMENT OF MEMBERS AND CHAIR AND TIMING AND NUMBER OF
6 MEETINGS REQUIRED IN INITIAL YEAR. (a) Notwithstanding AS 16.20.810(h), added
7 by sec. 2 of this Act, the governor shall appoint the initial members of the Alaska Invasive
8 Species Council required under AS 16.20.810(b)(1) within 60 days after the effective date of
9 this Act. Notwithstanding AS 16.20.810(d)(2), the governor shall designate one member to
10 serve as the initial chair of the council. The governor shall appoint the members to staggered
11 terms as follows:

12 (1) six members shall be appointed to serve three years;

13 (2) six members shall be appointed to serve two years; and

14 (3) five members shall be appointed to serve one year.

15 (b) Notwithstanding AS 16.20.810(d) and (e), added by sec. 2 of this Act, the Alaska
16 Invasive Species Council shall

17 (1) hold its first meeting within 90 days after the appointment of members
18 under (a) of this section; and

19 (2) meet at least four times in the 12 months following the appointment of
20 members under (a) of this section.

21 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).

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

Lord

3
4 **RESOLUTION 22-025**

5
6 A RESOLUTION OF THE CITY OF HOMER ALASKA SUPPORTING
7 ALASKA HOUSE BILL 28 AND ENCOURAGING AUTOMATIC
8 REGISTRATION FOR VESSELS ACTIVE IN THE ALASKA
9 COMMERCIAL FISHERIES ENTRY COMMISSION (CFEC) DATABASE.

10
11 WHEREAS, The City of Homer is committed to the prevention and mitigation of derelict
12 vessels in the state of Alaska and in our municipal waters; and

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14 WHEREAS, Derelict vessels are a large and growing problem at all of our communities,
15 resulting in increased costs to the public, environmental, and navigational hazards; and

16
17 WHEREAS, Defining ownership and holding individuals responsible for their vessels has
18 been identified as one of the top barriers to effective management to prevent derelict vessels;
19 and

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21 WHEREAS, In 2018 the legislature passed Senate Bill92, the Derelict Vessel Act; and

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23 WHEREAS, In addition to substantially re-writing and updating AS30.30, the derelict
24 vessel chapter of state statute, SB92 addressed tracking vessel ownership through changes to
25 AS05.25; and

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27 WHEREAS, These changes expand vessel registration requirements in Alaska effective
28 January 1, 2019 and, similar to Washington and other states, Alaska now requires federally
29 documented vessels to also be registered with the state Department of Motor Vehicles; and

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31 WHEREAS, The State of Alaska did not inform the newly regulated community nor do
32 any outreach of any kind in advance of this change; and

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34 WHEREAS, Active fishermen around the state were caught unaware, and raised the fact
35 that their vessels are already in the CFEC Database; and

36
37 WHEREAS, The intent of SB92 was to better track vessel ownership in Alaska regardless
38 of its engagement in a fishery and across the life of the vessel which is best accomplished
39 through state registration; and

40
41 WHEREAS, Vessel registration should be simple, creating minimal added burden to help
42 effectively address the problem of identifying vessel ownership.

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NOW, THEREFORE, BE IT RESOLVED that the City of Homer supports House Bill 28, and encourages the update to Alaska state statute directing vessels active in the CFEC Database be automatically issued Alaska vessel registration numbers, and that the CFEC and the Division of Motor Vehicles create a system for information sharing to this end.

PASSED AND ADOPTED by the Homer City Council on this 29th day of March, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A

SENATE CS FOR CS FOR HOUSE BILL NO. 28(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 2/23/22

Referred: Finance

Sponsor(s): HOUSE SPECIAL COMMITTEE ON FISHERIES

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the registration of commercial vessels; and providing for an effective**
2 **date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 05.25.055(i) is amended to read:

5 (i) The following boats are exempt from the numbering and registration
6 provisions of this section:

7 (1) a boat that

8 (A) is not a barge;

9 (B) is operated in this state for a period not exceeding 90
10 consecutive days; and

11 (C) has a current, valid certificate of number issued by another
12 state having a federally approved numbering system;

13 (2) a foreign boat operated in water of the state for a period not
14 exceeding 90 consecutive days;

1 (3) a boat owned by the United States or an entity or political
2 subdivision of the United States, or a boat owned by a state or an entity or political
3 subdivision of a state;

4 (4) a boat that is not equipped with mechanical propulsion;

5 (5) a boat with a valid document to operate the boat that is issued by a
6 foreign government;

7 (6) a handmade nonmotorized umiaq with a walrus or sealskin
8 covering;

9 (7) **a commercial vessel that has a valid**

10 **(A) certificate of documentation issued by the United States**

11 **Coast Guard under 46 U.S.C. 12101 - 12121; and**

12 **(B) license issued under AS 16.05.490 or 16.05.530;**

13 **(8)** a boat that

14 (A) is a barge;

15 (B) is operated in this state for a period not exceeding 60
16 consecutive days; and

17 (C) has a current, valid certificate of number issued by another
18 state having a federally approved numbering system.

19 * **Sec. 2.** AS 16.05.475 is amended by adding new subsections to read:

20 (e) Beginning January 1, 2023, the Alaska Commercial Fisheries Entry
21 Commission shall assess a registration fee of \$8 a year for a commercial fishing vessel
22 that has a certificate of documentation issued by the United States Coast Guard under
23 46 U.S.C. 12101 - 12121.

24 (f) Fees collected under (e) of this section shall be separately accounted for as
25 provided in AS 05.25.096(b).

26 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 TRANSITION. The Alaska Commercial Fisheries Entry Commission shall waive the
29 commercial fishing vessel registration fee imposed under sec. 2 of this Act for

30 (1) calendar year 2023 for a commercial fishing vessel for which registration
31 fees were paid in calendar year 2021 under AS 05.25.096(a)(1);

1 (2) calendar years 2023 and 2024 for a commercial fishing vessel for which
2 registration fees were paid in calendar year 2022 under AS 05.25.096(a)(1).

3 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 RETROACTIVITY. Section 1 of this Act is retroactive to January 1, 2022.

6 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).

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

3 City Manager/
4 Port Director

5 **RESOLUTION 22-026**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
8 APPROVING AN ELEVEN MONTH SUBLEASE AT THE HOMER
9 AIRPORT TERMINAL FOR KENAI AVIATION OPERATIONS LLC, AND
10 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE
11 THE APPROPRIATE DOCUMENTS
12

13 WHEREAS, On February 24, 2022 Kenai Aviation Operations LLC submitted a lease
14 application requesting to sublease 733 square feet of combined front counter, office, and
15 baggage claim loading bay space located at the Homer Airport Terminal Building; and
16

17 WHEREAS, An internal staff review of their application deemed it to be complete per
18 HCC 18.08.045 and 18.08.060, and that the proposed use of space for “office and ticket counter,
19 for passenger or cargo transportation by air, and related functions of aircraft operations and
20 ticket sale” is in keeping with the City’s agreed best public use of the Homer Airport Terminal;
21 and
22

23 WHEREAS, The proposed 733 sq. ft. space for sublease is currently vacant at the Homer
24 Airport Terminal; and
25

26 WHEREAS, The monthly sublease rent of \$2,866.03 will equal \$31,526.33 in additional
27 revenues to the City; and
28

29 WHEREAS, The term of the sublease will be from May 1, 2022 until March 30, 2023, March
30 30th being the expiration date of the City’s current lease with the State of Alaska (SOA) for the
31 land on which the Homer Airport Terminal resides; and
32

33 WHEREAS, Section 20. ASSIGNMENT OR SUBLEASE. of the City’s lease with the SOA
34 allows for the sublease of the whole or any part of the “Premises” with lessor approval; and
35

36 WHEREAS, Per HCC 18.08.140 City property may be subleased if expressly permitted in
37 the lease agreement and approved in writing by Council.
38

39 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards an
40 eleven month sublease for 733 sq. ft. of space within the Homer Airport Terminal to Kenai
41 Aviation Operations LLC for the monthly lease rent of \$2866.03 and authorizes the City Manager
42 to negotiate and execute the appropriate documents.

43 PASSED AND ADOPTED by the Homer City Council this ___ day of _____, 2022.

44

45

CITY OF HOMER

46

47

48

KEN CASTNER, MAYOR

49 ATTEST:

50

51

MELISSA JACOBSEN, MMC, CITY CLERK

53

54 Fiscal Note: \$31,526.33 in lease revenue



Memorandum 22-057

TO: HOMER CITY COUNCIL

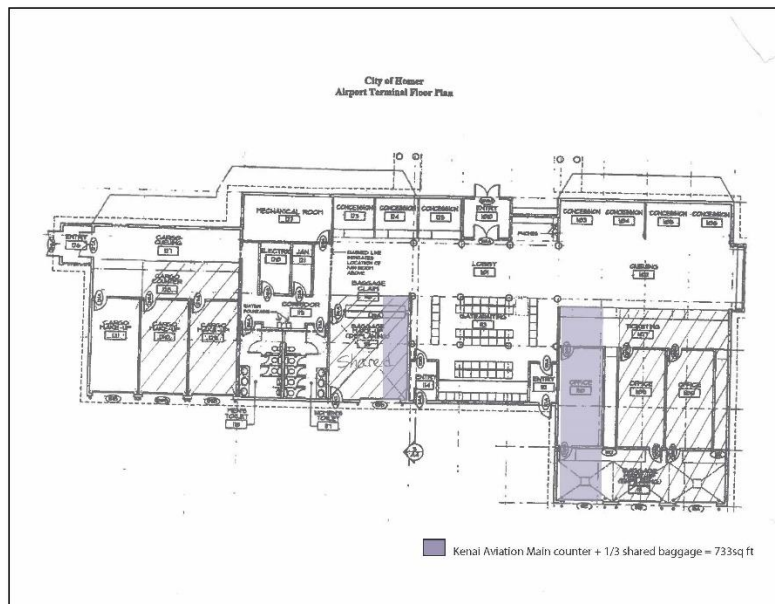
THRU: ROB DUMOUNCHEL, CITY MANAGER

FROM: PORT AND HARBOR ADVISORY COMMISSION

DATE: MARCH 23 2022

SUBJECT: RESOLUTION 22-026, SUBLEASE ASSIGNMENT TO KENAI AVIATION OPERATIONS LLC

On February 24th 2022 Kenai Aviation Operations LLC submitted a lease application to the City requesting a possible sublease of space within the Homer Airport Terminal for their expanding operations. Several options for space were considered and a sublease of the 3rd ticket counter and office space located within the main terminal, as well as 1/3 of the shared baggage claim bay, was decided on for a total of 733 sq. ft.



Kenai Aviation’s application had requested a term from May 1, 2022 to December 31, 2023, however, the City’s own lease with the State of Alaska for the land on which the Homer Airport terminal resides ends as of March 30, 2023. The City can’t, in good faith, offer a term of sublease that extends past the term of the parent lease. This results in a term of sublease of eleven (11) months, which has been agreed to be satisfactory by Kenai Aviation to meet their current need.

Notes on the proposed draft sublease:

- Space = 733 sq. ft. (see graphic above for location)
- Term = 11 months, May 1, 2022 until March 30, 2023
- Monthly rental rate for the space at 733 sq. ft. shall be \$2,866.03 plus taxes/fees, a total of \$31,526.33 for the 11 month term of the sublease.
- Standard conditions of City provided: snow removal for parking area, dumpsters, maintenance and janitorial of shared common areas/ building, and utilities consisting of electric/sewer/ water. Sublessee responsible for cleaning leased space, trash removal, and any additional installation of utilities (including pre approval for such installation from the City)
- No employee parking spaces delineated with this sublease
- Kenai Aviation Operations LLC currently retains insurance that has been deemed to meet their needs by their insurance company. Our standard insurance requirements are higher and the draft lease has been written as such. Kenai Aviation is open to adjusting their insurance to add the City as an additional insured, per City requirement, and making other necessary changes before the completion and signing of sublease documents. The City insurance consultants are available to work with Kenai Aviation’s agents to make sure insurance requirements are satisfactory and to increase levels as needed. No signing will take place before insurance requirements are satisfactory for all parties.

This space is currently vacant and Kenai Aviation’s application and references have been deemed complete. Their purpose of use for the property as a ticket counter and passenger/cargo transport by air service is in line with the City’s agreed best public use of the property. Staff feels that this is a good fit, an efficient way to use the space, and will provide increased travel opportunities and options to the local Homer community.

Recommendation

Adoption of Resolution 22-026 Awarding an eleven month sublease for 733sq ft. of space within the Homer Airport Terminal to Kenai Aviation Operations LLC for the monthly lease rent of \$2,866.03 and authorize the City Manager to negotiate and execute the appropriate documents.

Attached: Kenai Aviation Operations Lease Application
Proposed Draft Sublease



Lease Application/Assignment Form

Directions:

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

Applicant Name:	Jacob Caldwell
Business Name:	Kenai Aviation
Email Address:	jacob@kenaiaviation.com
Mailing Address	101 N. Willow St.
City, State, ZIP code:	Kenai AK 99611
Business Telephone No.	907-283-4124
Representative's Name:	SAME
Mailing Address:	SAME
City, State, ZIP code:	SAME
Business Telephone No.	SAME
Property Location:	Homer Airport Terminal
Legal Description:	NA
Type of Business to be placed on property:	Scheduled and charter airline
Duration of Lease requested:	May 1 - 2022 thru Dec 31, 2023
Options to re-new:	Yes

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

1.	Plot Plan <p align="center">NA</p>	<p><u>A drawing of the proposed leased property showing:</u></p> <p><input type="checkbox"/> Size of lot - dimensions and total square footage (to scale)</p> <p><input type="checkbox"/> Placement and size of buildings, storage units, miscellaneous structures planned (to scale).</p> <p><input type="checkbox"/> Water and sewer lines – location of septic tanks, if needed.</p> <p><input type="checkbox"/> Parking spaces – numbered on the drawing with a total number indicated</p>																				
2.	Development Plan <p align="center">NA</p>	<p><input type="checkbox"/> <u>List the time schedule from project initiation to project completion, including major project milestones.</u></p> <table border="0"> <thead> <tr> <th align="left">Dates</th> <th align="left">Tasks</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> </tbody> </table> <p>For each building, indicate:</p> <table border="0"> <thead> <tr> <th align="left">Building Use</th> <th align="left">Dimensions and square footage</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> </tbody> </table>	Dates	Tasks	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	Building Use	Dimensions and square footage	_____	_____	_____	_____	_____	_____
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Building Use	Dimensions and square footage																					
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_____	_____																					
3.	Insurance	<p><input type="checkbox"/> Attach a statement of proof of insurability of lessee for a minimum liability insurance for combined single limits of \$1,000,000 showing the City of Homer as co-insured. Additional insurance limits may be required due to the nature of the business, lease or exposure. Environmental insurance may be required. If subleases are involved, include appropriate certificates of insurance.</p>																				
4.	Subleases <p align="center">NA</p>	<p><input type="checkbox"/> Please indicate and provide a detailed explanation of any plans that you may have for subleasing the property. The City of Homer will generally require payment of 10% of proceeds paid Lessee by subtenants.</p>																				
5.	Health Requirements <p align="center">NA</p>	<p><input type="checkbox"/> Attach a statement documenting that the plans for the proposed waste disposal system, and for any other necessary health requirements, have been submitted to the State Department of Environmental Conservation for approval. Granting of this lease shall be contingent upon the lessee obtaining all necessary approvals from the State DEC.</p>																				

6.	Agency Approval NA	<input type="checkbox"/> Attach statement(s) of proof that your plans have been inspected and approved by any agency which may have jurisdiction of the project; i.e. Fire Marshall, Army Corps of Engineers, EPA, etc. The granting of this lease shall be contingent upon lessee obtaining approval, necessary permits, and/or inspection statements from all appropriate State and/or Federal agencies.
7.	Fees	<u>All applicable fees must be submitted prior to the public meeting preparation.</u> <input type="checkbox"/> Application fee - \$30.00. Please make check payable to the City of Homer. <input type="checkbox"/> Lease fee - \$300.00. Please make check payable to the City of Homer.
8.	Financial Data Business Financials provided, ability to meet financial obligations confirmed by staff 2/28/22	<u>Please indicate lessee's type of business entity:</u> <input type="checkbox"/> Sole or individual proprietorship. <input type="checkbox"/> Partnership. <input checked="" type="checkbox"/> Corporation. <input type="checkbox"/> Other – Please explain: _____ _____ _____ <input checked="" type="checkbox"/> Financial Statement – <u>Please attach a financial statement showing the ability of the lessee to meet the required financial obligations.</u> <input type="checkbox"/> Surety Information – Has any surety or bonding company ever been required to perform upon your default or the default of any of the principals in you organization holding more than a 10% interest <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement naming the surety or bonding company, date and amount of bond, and the circumstances surrounding the default or performance. <input type="checkbox"/> Bankruptcy information - Have you or any of the principals of your organization holding more than a 10% interest ever been declared bankrupt or are presently a debtor in a bankruptcy action? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement indicating state, date, Court having jurisdiction, case number and to amount of assets and debt. <input type="checkbox"/> Pending Litigation – Are you or any of the principals of your organization holding more than a 10% interest presently a party to any pending litigation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach detailed information as to each claim, cause of action, lien, judgment including dates and case numbers.

9.	Partnership Statement	<input type="checkbox"/> If the applicant is a partnership, please provide the following: Date of organization: _____ Type: <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership Statement of Partnership Recorded? <input type="checkbox"/> Yes <input type="checkbox"/> No Where _____ When _____ Has partnership done business in Alaska? <input type="checkbox"/> Yes <input type="checkbox"/> No Where _____ When _____ Name, address, and partnership share. If partner is a corporation, please complete corporation statement. <i>Please attach a copy of your partnership agreement.</i>																								
10.	Corporation Statement	<input checked="" type="checkbox"/> If the applicant is a corporation, please provide the following: Date of Incorporation: <u>1/17/2018</u> State of Incorporation: <u>ALASKA</u> Is the Corporation authorized to do business in Alaska? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Is so, as of what Date? <u>1/17/2018</u> Corporation is held? <input type="checkbox"/> Publicly <input checked="" type="checkbox"/> Privately If publicly held, how and where is the stock traded? _____ Officers & Principal Stockholders [10%+]: <table border="0"> <thead> <tr> <th><u>Name</u></th> <th><u>Title</u></th> <th><u>Address</u></th> <th><u>Share</u></th> </tr> </thead> <tbody> <tr> <td colspan="4" style="text-align: center;"><u>SEE ATTACHED</u></td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <input checked="" type="checkbox"/> Please furnish a copy of Articles of Incorporation and By-laws. Please furnish name and title of officer authorized by Articles and/or By-laws to execute contracts and other corporate commitments. <table border="0"> <thead> <tr> <th><u>Name</u></th> <th><u>Title</u></th> </tr> </thead> <tbody> <tr> <td colspan="2" style="text-align: center;"><u>SEE ATTACHED</u></td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>Share</u>	<u>SEE ATTACHED</u>												<u>Name</u>	<u>Title</u>	<u>SEE ATTACHED</u>					
<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>Share</u>																							
<u>SEE ATTACHED</u>																										
<u>Name</u>	<u>Title</u>																									
<u>SEE ATTACHED</u>																										

11. Applicant References

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

Name: Jim Bielefeld
Firm: Kenai Aviation Leasing
Title: Owner
Address: PO Box 46 Kenai AK 99611
Telephone: 907 252 5935
Nature of business association with Applicant: Lessor

Name: Becky Fielden
Firm: AKUSA
Title: Branch Manager
Address: 230 Bidarkast. Kenai AK 99611
Telephone: 907 395 4505
Nature of business association with Applicant: Banking

Name: Glenda Feeken
Firm: Kenai Airport Commission
Title: Chair
Address: 10735 Kenai Spur Hwy Unit B Kenai AK
Telephone: 907 253 2743
Nature of business association with Applicant: Airport Commission

Name: Charles Henry
Firm: Crowley Fuels
Title: Operations Supervisor
Address: 401 N Willow St Sentinel Kenai AK 99611
Telephone: 907 444 4199
Nature of business association with Applicant: Fuel Supply

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

Signature:

Julie Caldwell

Date:

2/24/2022

From: [Jacob Caldwell](#)
To: [Erica Hollis](#)
Subject: Re: City of Homer Lease Application
Date: Monday, February 28, 2022 2:38:52 PM
Attachments: [image001.png](#)
[Updated Financial Model 20Feb22.xlsx](#)
[Certificates \(2\).pdf](#)

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

Hey Erica,
Attached is the financial forecast for the scheduled project.

For the development/usage section:

Our intent is to have a small desk area with access to the ramp to be able to check in passengers and small cargo and load the passengers into the aircraft on the ramp. We will have non-permanent banner style signage at initial launch. If possible to have a lesser rate for the first couple months of operations while we launch service that would be greatly appreciated, but we will make whatever work that is needed.

Attached is a letter showing our current insurance. We can have the City of Homer added as additional insured as we complete this application process.

Please let me know if you need anything else.

Thanks,
Jacob

State of Alaska
Department of Commerce, Community, and Economic Development
Corporations, Business, and Professional Licensing

Certificate of Organization

The undersigned, as Commissioner of Commerce, Community, and Economic Development of the State of Alaska, hereby certifies that a duly signed and verified filing pursuant to the provisions of Alaska Statutes has been received in this office and has been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Commerce, Community, and Economic Development, and by virtue of the authority vested in me by law, hereby issues this certificate to

Kenai Aviation Operations LLC



IN TESTIMONY WHEREOF, I execute the certificate and affix the Great Seal of the State of Alaska effective **January 17, 2018**.

A handwritten signature in cursive script that reads "Mike Navarre".

Mike Navarre
Commissioner



THE STATE
 of ALASKA

Department of Commerce, Community, and Economic Development
 Division of Corporations, Business, and Professional Licensing
 PO Box 110806, Juneau, AK 99811-0806
 (907) 465-2550 • Email: corporations@alaska.gov
 Website: corporations.alaska.gov

FOR DIVISION USE ONLY

Domestic Limited Liability Company

2022 Biennial Report

For the period ending December 31, 2021

Web-12/22/2021 1:13:02 PM

Due Date: This report along with its fees are due by January 2, 2022

Fees: If postmarked before February 2, 2022, the fee is \$100.00.
 If postmarked on or after February 2, 2022 then this report is delinquent and the fee is \$137.50.

Entity Name: Kenai Aviation Operations LLC

Entity Number: 10076145

Home Country: UNITED STATES

Home State/Prov.: ALASKA

Physical Address: 101 NORTH WILLOW STREET, KENAI, AK 99611

Mailing Address: 101 NORTH WILLOW STREET, KENAI, AK 99611

Registered Agent information cannot be changed on this form. Per Alaska Statutes, to update or change the Registered Agent information this entity must submit the Statement of Change form for this entity type along with its filing fee.

Name: Joel Caldwell

Physical Address: 51265 SALTY CIRCLE, KENAI, AK 99611

Mailing Address: 51265 SALTY CIRCLE, KENAI, AK 99611

Officials: The following is a complete list of officials who will be on record as a result of this filing.

- **Provide all officials and required information. Use only the titles provided.**
- **Mandatory Members:** this entity must have at least one (1) Member. A Member must own a %. In addition, this entity must provide all Members who own 5% or more of the entity. A Member may be an individual or another entity.
- **Manager:** If the entity is manager managed (per its articles or amendment) then there must be at least (1) Manager provided. A Manager may be a Member if the Manager also owns a % of the entity.

Full Legal Name	Complete Mailing Address	% Owned	Member
Joel Caldwell	51265 SALTY CIR., KENAI, AK 99611	90.00	X
Caleb Caldwell	5612 E 40TH AVE #B303, ANCHORAGE, AK 99504	5.00	X
Jacob Caldwell	34840 Poppy Wood St, Soldotna, AK 99669	5.00	X

If necessary, attach a list of additional officers on a separate 8.5 X 11 sheet of paper.

Purpose: any lawful business

NAICS Code: 481211 - NONSCHEDULED CHARTERED PASSENGER AIR TRANSPORTATION

New NAICS Code (optional):

This form is for use by the named entity only. Only persons who are authorized by the above Official(s) of the named entity may make changes to it. If you proceed to make changes to this form or any information on it, you will be certifying under penalty of perjury that you are authorized to make those changes, and that everything on the form is true and correct. In addition, persons who file documents with the commissioner that are known to the person to be false in material respects are guilty of a class A misdemeanor. Continuation means you have read this and understand it.

Name: Jacob Caldwell

CERTIFICATE OF INSURANCE

THIS IS TO CERTIFY TO:

To Whom It May Concern

THAT THE FOLLOWING POLICY OF INSURANCE HAS BEEN ISSUED TO:

Kenai Aviation Operations, LLC
101 N. Willow St.
Kenai, AK 99611

POLICY NUMBER: NAC6041146
POLICY PERIOD: From June 23, 2021 To June 23, 2022
INSURANCE COMPANY: Endurance Assurance Corporation

DESCRIPTION OF COVERAGES AND LIMITS OF LIABILITY: Please refer to attached schedule which is incorporated as a part hereof.

This certificate is issued as Evidence of Coverage only.

Subject to Date Change Recognition Endorsement.

Data included in this Certificate valid as of September 13, 2021.

This certificate of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policy listed herein. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate of insurance may be issued or may pertain, the insurance afforded by the policy described herein is subject to all the terms, exclusions and conditions of such policies.

Should the described policy be cancelled before the expiration date hereof, the issuing company will endeavor to give 30 days (10 days for non-payment) notice to the certificate holder named herein. However, failure to mail such notice shall not impose any obligation nor any liability of any kind upon the Company, its representatives or agents.

By: W. Scott Brown
W. Brown & Associates Insurance Services

Date of Issue: September 13, 2021
Certificate No.: 7

SCHEDULE OF AIRCRAFT

DESCRIPTION OF AIRCRAFT				
No.	FAA Cert #	Serial #	Year/Make/Model	Insured Value
1	N60AR	BB-1743	2001 Beechcraft King Air B200	\$1,400,000
2	N7711D	U206-03170	1976 Cessna 206	\$110,000

PHYSICAL DAMAGE COVERAGE			
No.	Deductibles		Physical Damage Coverage
	Not In Motion	In Motion	
1	\$50,000	\$50,000	F. All Risk Basis
2	\$10,000	\$10,000	F. All Risk Basis

AIRCRAFT LIABILITY COVERAGES				
No.	Single Limit Bodily Injury & Property Damage	Passenger Liability	Passenger Liability Limited To	
			Each Person	Each Occurrence
1	\$2,000,000	Included	\$150,000	\$1,650,000
2	\$1,000,000	Included	\$150,000	\$900,000

MEDICAL EXPENSES			
No.	Including Crew	Each Person	Each Occurrence
1	Yes	\$5,000	\$55,000
2	Yes	\$5,000	\$30,000

HOMER AIRPORT TERMINAL
AIR CARRIER/TICKET COUNTER SUBLEASE

THIS SUBLEASE IS MADE this 1st day of May, 2022, between the City of Homer, an Alaska Municipal Corporation (“Sublessor”), whose address is 491 East Pioneer Avenue, Homer, Alaska 99603, and Kenai Aviation Operations LLC, an Alaskan Limited Liability Corporation (“Sublessee”), whose address is 101 N. Willow St, Kenai AK 99611.

The City is Lessee in a lease agreement (“Prime Lease”) affecting the property dated both October 6, 1992 and March 3, 1993, the agreement of which has been recorded in the Homer Recording District under Document No. 1993-001154-0, also known as Lease Agreement No. ADA-06600, between the State of Alaska, Department of Transportation and Public Facilities (“Lessor”), and the City of Homer (“Lessee”), as amended by Supplement No.1, dated February 28, 2002, and may be further amended from time to time with the Lessor to which all the terms, covenants, and conditions of this Sublease are subject to. Sublessee will fully comply with all covenants, provisions, conditions, and terms of that Prime Lease.

CITY AND SUBLESSEE AGREE AS FOLLOWS:

1. DESCRIPTION. City subleases to Sublessee and Sublessee subleases from City the premises consisting of 733 square feet of space as more fully described and/or depicted on Exhibit A (“Leased Premises”) in the Homer Airport Terminal Building (“Building”) located on Lot 5A, Block 800, HOMER AIRPORT TRACTS according to the official plats on file with DOT/PF, Division of Aviation for the term, the rent, and subject to the covenants and conditions hereinafter provided. The Sublessee will also have access to the Common Use Areas for Sublessees more fully described and/or depicted on Exhibit A (“Common Use Areas”). This Sublease confers no rights either with regard to the subsurface of the land below the floor level of the Leased Premises or with regard to airspace above the ceiling of the Leased Premises.

2. TERM. (a) The term of this Sublease shall commence on May 1, 2022, and shall end on March 30, 2023, unless sooner terminated as hereinafter provided.

(b) In any event, Sublessee may not occupy the Premises before the debtor currently in possession of the lease notices rejection or DOT/PF consents to this Sublease in writing. If City is unable to deliver possession of the Premises by the date specified for the commencement of the term of this Sublease as a result of causes beyond its reasonable control, including without limitation any failure or delay in obtaining the consent of DOT/PF, City shall not be liable for any damage caused by failing to deliver possession, this Sublease shall not be void or voidable, and the term of this Sublease shall not be extended by the delay. The Sublessee shall not be liable for rent

until the City delivers possession of the Premises to Sublessee but shall commence paying rent when City delivers possession.

3. RENT Sublessee shall pay to City as annual rent, without deduction, setoff, prior notice or demand, the sum of \$34,392.36 plus taxes (“Rent”). Rent shall be payable in monthly installments of \$2,866.03 plus tax (“Monthly rent Payment”) in advance on the first day of each month, commencing on the date the term of this Sublease commences. Monthly rent for the first month or portion of it shall be paid on the day the term commences.

Monthly rent for any partial month shall be prorated based on the number of days in the month. Rent not paid when due shall bear interest from the date when due at the rate of interest specified in AS 45.45.010 (a) as now enacted or hereinafter amended. Rent shall be paid at the address set forth for City in the introductory paragraph of this Sublease, or as otherwise directed from time to time by notices from City.

4. USE OF PREMISES Sublessee shall use the Leased Premises for office space and ticket counter space for passenger or cargo transportation by air and related functions of aircraft operations and ticket sale and for no other use without City’s written consent. Sublessee agrees to comply with all federal, state and local laws, ordinances and regulations as well as the terms of the Prime Lease. Sublessee agrees to comply with the following rules and regulations and with such reasonable modifications thereof and additions thereto as City may hereafter from time to time make for the Building.

- (a) Sublessee shall comply with all covenants, provisions, conditions, and terms of the Prime Lease.
- (b) Sublessee shall not make or permit to be made any use of the premises or any part thereof which would violate any of the covenants, agreements, terms, provisions and conditions of said Prime Lease; nor will Sublessee commit any act, either by commission or omission, which would cause City to be in default of any covenant, provision, term or condition of the Prime Lease. Sublessee hereby acknowledges receiving a copy of the Prime Lease as provided in Exhibit D.
- (c) Sublessee will not make any use of the Property or the Building, nor will sublessee make or permit to be made any use of the Premises or any part thereof which would violate any of the covenants, agreements, terms, provisions and conditions of this Sublease; which is forbidden by any federal, state or local law, ordinance or regulation; which may be dangerous to life, limb, or property; which would, in the reasonable judgement of City, in any way impair the character, reputation or appearance of the Building as an attractive and functional airport terminal building; or which would impair or interfere with or tend to impair or interfere with any of the services performed by City for the Property. Sublessee shall immediately cease and desist any conduct the City, in its sole discretion, determines is in violation of this subsection upon receiving written notification by the City of such violation.
- (d) Sublessee shall not exhibit, sell or offer for sale on the Premises or in the Building any article or thing except those articles and things reasonably connected with the stated use of the Premises set forth above by Sublessee without the advance consent of the City.
- (e) Sublessee shall not display, inscribe, print, paint, maintain or affix in or about the building or outside of the Premises any sign, notice, legend, direction, figure or advertisement, unless Sublessee shall first

have obtained the consent of the City, any then only such names(s) and matter, and in such color, size, style, place and materials as shall first have been approved by City. City shall not unreasonably withhold prompt approval, but City's insistence on compliance with a uniform signage plan shall not be deemed unreasonable.

(f) No additional locks or similar devices shall be attached to any door or window without City's consent. No keys for any door other than those provided by city shall be made. All keys including cargo area garage door openers must be returned to City at the expiration or termination of this Sublease. If more than two keys for one lock are desired, City will provide the same upon payment by Sublessee. Sublessee will be responsible for replacing lost or damaged garage door opener and/or keys.

(g) Sublessee shall not overload any floor. City may direct, within reason, the time and manner of delivery, routing and removal, and the location, of safes and other heavy articles.

(h) Unless city gives consent, Sublessee shall not install or operate any steam or internal combustion engine, boiler, machinery, refrigerating or heating device or air conditioning apparatus in or about the premises, or carry on any mechanical business therein, or use the Premises for housing accommodation or lodging or sleeping purposes, or do any cooking therein, or use any illumination other than electric light, or use or authorize to be brought into the Building any inflammable fluid such as gasoline, kerosene, naphtha, and benzene, or any explosives, radioactive materials or other articles deemed extra hazardous to life, limb or property, except in a manner which would not violate any federal, state or local law, ordinance or regulation. Sublessee shall not use the premises for any illegal purpose.

(i) The sidewalks, halls, passages, exits, and entrances ("Common use Areas") shall not be obstructed by Sublessee or used for any purpose other than for ingress to and egress from the premises. No Sublessee and no employees or invitees of any Sublessee shall go up on the roof of the Building.

(j) Sublessee shall not use, keep or permit to be kept any foul, explosive or noxious gas or substance in the Premises, or permit or suffer the premises to be occupied or used in a manner unreasonable offensive or objectionable to the City or other occupants of the Building by reason of noise, odors, and/or vibrations, or unreasonably interfere in any way with other tenants or those having business therein; nor shall any animals or birds be brought in or kept in or about the Premises or the Building, unless for purposes of air transport, and then only in containers designed for transport of such animals or birds. Sublessee shall be responsible for enforcing the requirement that all animals and birds shall be kept in containers while in the Premises or the Building. Sublessee shall make all repairs and conduct all cleaning necessary as a result of the presence of birds or animals in the Premises or the building in connection with air transport.

(k) Sublessee shall see that the doors and windows, if openable, of the premises, are closed and securely locked before leaving the Building and must observe with strict care and caution that all water faucets or water apparatus are entirely shut off before Sublessee or Sublessee's employees leave the building, and that all electricity shall likewise be carefully shut off so as to prevent waste or damage.

(l) In the event of any default or carelessness in performing the duties imposed by this paragraph, Sublessee shall make good all resulting injuries or losses sustained by other sublessees or occupants of the Building and City. In additions to all other liabilities for breach of any covenant of this paragraph, the

Sublessee shall pay to the City an amount equal to any increase in insurance premiums payable to the City or any other tenant in the building caused by such breach, but City shall have the burden of proving by a preponderance of the evidence that such increase is directly attributable to such breach.

5. SECURITY DEPOSIT. The Sublessee has deposited with City at the time of execution of this Sublease the sum of \$5,158.85 (equal to fifteen percent (15%) of Rent) as a security deposit for the performance by Sublessee of the provisions of this Sublease. If Sublessee is in default, City can use the security deposit, or any portion of it, to cure the default or to compensate City for all damage sustained by City resulting from Sublessee's default. Sublessee shall immediately upon demand pay to City a sum equal to the portion of the security deposit expended or applied by city as provided in this paragraph so as to maintain the security deposit in the sum initially deposited with the City. Sublessee's failure to do so within five (5) days after demand by City shall be a default under this Sublease. If Sublessee is not in default at the expiration or termination of this Sublease, city shall return the security deposit to Sublessee. City's obligation with respect to the security deposit are those of debtor and not those of trustee or fiduciary. City may maintain the security deposit separate and apart from City's general funds or co-mingle the security deposit with City's general funds. City shall not be required to pay Sublessee interest on the security deposit. If City is required by law to maintain the security deposit in an interest bearing account, City shall be entitled to receive and retain the maximum amount permitted under applicable law as a bookkeeping and administrative charge.

6. UTILITIES AND SERVICES. City shall furnish to the Premises, at City's expense, except as otherwise provided in this sublease, reasonable quantities of electricity and heat as required for Sublessee's use. City shall furnish water, sewer and garbage removal service to the Building, at City's expense; however, Sublessee shall be responsible for cleaning the Leased Premises and taking its garbage to dumpsters provided for the Building. If City is required to construct new or additional utility installations including, without limitation, wiring, plumbing, conduits and mains, resulting from Sublessee's changed or increased utility requirements, Sublessee shall, on demand, pay the City the total cost of these items. If Sublessee causes City services such as janitorial services to exceed the normal and scheduled service already provided to the building, Sublessee will be responsible for the costs incurred by the City to provide this additional service. City shall not be liable for failure to furnish utilities to the Premises when the failure results from causes beyond City's reasonable control, but in case of such failure City will take all reasonable steps to restore the interrupted utilities. Any such interruption of utilities shall never be deemed an eviction or disturbance of Sublessee's use and possession of the Premises, or any part thereof, or give Sublessee any right to abatement of rent, or otherwise relieve Sublessee from performance of any of Sublessee's obligations under this Sublease, except that Sublessee's obligation to pay rent shall be abated to the extent that any such interruption of the utilities exceeds fifteen (15) days. Sublessee shall pay for the telephone charges, including installation.

7. CONDTION OF PREMISES. Sublessee's taking possession of the Premises shall be conclusive evidence as against Sublessee that the Premises were in good order and satisfactory condition when Sublessee took possession, except that to latent defects. No promise of City to alter, remodel, repair or improve the Premises or the Building and no representation as to the condition of the Premises or the building has been made by City to Sublessee, other than as may be contained in this Sublease or in a separate written agreement. At the termination of this Sublease, the Sublessee shall return the Premises clean and in as good order and condition as when the Sublessee took possession, ordinary wear and tear

excepted, failing which the City may restore the Premises to such condition and the Sublessee shall pay the cost thereof on demand.

8. MAINTENANCE AND REPAIRS. City, at City's expense, shall maintain, in good condition, the structural parts of the Building which shall include only the foundation, bearing and exterior walls (excluding glass and doors to the premises), subflooring, the unexposed electrical, plumbing and sewage systems, and the heating and ventilation system servicing the Premises. Sublessee, at Sublessee's expense, shall maintain, in good condition, the Premises, including, without limitation, all glass, doors to the Premises, electrical and plumbing fixtures, interior walls, signs and Sublessee's personal property.

9. PARKING AND SNOW REMOVAL. No employee parking spaces are designated in this sublease. No overnight parking of employee vehicles is allowed. City shall provide snow removal in the parking area. If city, in City's sole discretion, is able to provide additional designated parking for employee or business vehicles, Sublessee shall pay additional rent of \$15 per month for each additional space. Additional rent is due at the same time the rent is due under paragraph 3 of the Sublease.

10. ALTERATIONS. (a) Sublessee shall not make any alterations to the Premises without City's prior written consent, which shall not be unreasonably withheld. Requests for approval of alterations shall be made in writing and shall not be unreasonably withheld. Requests for approval of alterations shall be made in writing and shall include three (3) copies of the plans and specifications. The city will approve or disapprove the proposed alterations within thirty

(30) days. Approval of the alterations shall not constitute a building permit, nor shall a building permit constitute approval of the alterations. Any alterations (except Sublessee's trade fixtures) shall remain on and be surrendered with the premises on expiration or termination of this Sublease, except that City can elect at any time to require Sublessee to remove any alterations that Sublessee has made to the Premises. If City so elects, Sublessee, at Sublessee's expense, shall restore the Premises to the condition designated by City in its election, before the last day of the term, or within thirty (30) days after notice of election is given, whichever is later. If Sublessee proceeds to make any approved alterations to the Premises as provided in this paragraph, Sublessee shall notify city no less than five (5) days prior to the commencement of the work.

(b) Sublessee shall make no improvements or construction without the prior approval of DOT/PF. Sublessee shall provide City with copies of such written approval(s) prior to commencement of any improvements or construction.

11. MECHANICS' LIENS. Sublessee shall pay all costs for construction done by it or caused to be done by it on the premises as permitted by this Sublease. Sublessee shall keep the Premises, the Building, and the property free and clear of mechanics' liens resulting from construction done by or for Sublessee. Sublessee shall have the right to test the correctness or validity of any such lien only if, immediately on demand by City, sublessee procures and records a lien release bond issued by a corporation authorized to issue surety bonds in the State of Alaska in an amount equal to one and one-half times the amount of the claim of lien. The bond shall meet the requirements of AS 34.35.072 and shall provide for the payment of any sum that the claimant may recover on the claim, plus interest, costs and attorney's fees.

12. INDEMNITY. (a) Sublessee shall protect, indemnify and hold City and DOT/PF harmless from all damages, including costs and attorneys' fees, arising out of any injury to or death of any person or damage to or destruction of property occurring to, in, on or about the Premises, Building or Property, but only to the proportionate extent such damages, costs and fees may be caused by or contributed to by fault or other legal responsibility on the part of Sublessee, its employees, authorized representative, customers, invitees, or sublessees. Notwithstanding the preceding sentence, Sublessee shall protect, indemnify and hold City and DOT/PF harmless from all damages, including costs and attorney's fees, arising out of any injury to or death of any person or damage to or destruction of property arising out of and in the course of Sublessee's cargo and/or flight time, as defined in 14 CFR Section 1.1. notwithstanding the first sentence of this paragraph, Sublessee shall not be liable to City or its insurers, and Sublessee's obligation to protect, indemnify and hold City harmless shall not include any lost or damages, including costs and attorney's fees, covered and paid by City's fire insurance described in paragraph 16.

(b) Furthermore, sublessee shall protect, defend, and indemnify and hold the State harmless to the same level and extent that the Sublessee would provide to the State if the Sublessee were a direct lessee of the State under the Prime Lease.

13. AVIATION LIABILITY, PUBLIC LIABILITY, PROPERTY DAMAGE, WORKERS' COMPENSATION, AND OTHER NSURANCE. (a) Sublessee, at Sublessee's expense, shall maintain airline/aircraft/airport public liability insurance with policy limits not less than that required by statute.

(b) Sublessee, at Sublessee's expense, shall maintain comprehensive general liability insurance with a single combined liability limit of not less than ONE MILLION DOLLARS (\$1,000,000.00) per person, THREE MILLION DOLLARS (\$ 3,000,000.00) per occurrence for personal injury or death and property damage arising from one occurrence in the amount of not less than ONE MILLION DOLLARS (\$1,000,000.00) insuring against all liability of sublessee, its employees, and authorized representatives, arising out of or in connection with sublessee's use or occupancy of the premises.

(c) All aviation and comprehensive general liability insurance policies shall insure performance by Sublessee of the indemnity provisions of paragraph 12; shall name City and DOT/PF as additional insureds; shall include a waiver of subrogation by the insurer against City and DOT/PF; and shall not contain any exclusion from coverage for Sublessee's liability for damages or loss incurred by City or DOT/PF because of their status as additional insureds

(d) Sublessee, at Sublessee's expense, shall maintain workers' compensation insurance with policy limits not less than that required by statute.

(e) In addition to the foregoing, Sublessee must obtain and maintain such insurance covering the operations and activities of Sublessee to the same level and extent that Sublessee would be required to maintain fi the Sublessee were the direct lessee of DOT/PF under the Prime Lease. Sublessee must provide to DOT/PF, with a copy to City, such binders or certificates of insurance as may be required by DOT/PF to prove compliance with this subparagraph.

14. USE OF HAZARDOUS SUBSTANCES. (a) Sublessee shall not cause or permit any hazardous material to be brought upon, kept, or used in or about the Property by Sublessee or its authorized

representatives, customers, invitees or sublessees, except for such hazardous material as is necessary or useful to Sublessee's lawful use of the Property.

(b) Any hazardous material permitted on the Property as provided in this paragraph, and all containers therefor, shall be handled, used, kept, stored and disposed of in a manner that complies with all laws or regulations applicable to any such Hazardous Material. Such Hazardous material shall be handled only by properly trained personnel.

(c) Sublessee shall not discharge, leak or emit, or permit its authorized representatives, customers, invitees or sublessees to discharge, leak or emit, any material into the atmosphere, ground, sewer system or any body of water, if such material does or may, unlawfully pollute or contaminate the same, or may unlawfully adversely affect (i) the health, welfare or safety of persons, whether located on the Property or elsewhere, or (ii) the condition, use or enjoyment of the Property or any other real or personal property. The preceding sentence only applies to Sublessee's use of and operations on the Property.

(d) If any such discharge, leak, spill, emission, or pollution (referred to in subparagraph 14(c) above) occurs upon or from the Property during the Sublease term or any holdover, Sublessee will immediately notify City and all appropriate federal, state, and local authorities, and will act immediately to contain the spill, repair any damage, absorb and clean up the spill area and restore the Property to comply with the applicable portions of any federal, state, or local law or regulation then in effect.

(e) Sublessee hereby agrees that it shall be fully liable for all costs and expenses related to the handling, use, storage and disposal of hazardous material brought or kept on the property by the sublessee, its authorized representatives, customers, invitees and sublessees, and the Sublessee shall give immediate notice to the City of any violation or suspected violation of the provisions of subparagraphs 149a), (b), (c) and (d).

15. INDEMNITY FOR USE OF HAZARDOUS MATERIAL. (a) Sublessee shall protect, indemnify and hold City and DOT/PF and their officers, officials, and other employees harmless from and against 0 any claims, demands, penalties, fines, judgments, settlements, liabilities, losses, damage, costs and expenses (including, without limitation, attorney, consultant and expert fees, court costs and other litigation expenses)

(b) City shall protect, indemnify and hold Sublessee and its directors, officers, and other employees harmless from and against any Environmental Damages arising out of or related to 9i) the presence, disposal or release of any hazardous material on or impacting the property; and (ii) any bodily injury (including death) or property damage (real or personal) caused by such presence, disposal or release, but only to the proportionate extent such Environmental Damages shall have been caused by or contributed to by fault or other legal responsibility on the part of city or its employees, agents, customers, invitees or contractors.

(c) For the purposes of paragraphs 1 and 15, "Hazardous material" is defined as any substance that is toxic, ignitable, reactive, or corrosive that is regulated by any local government; the State of Alaska, or the United States government. "Hazardous waste", "extremely hazardous waste or a "hazardous substance" pursuant to local, state or federal law, including without limitation, the resource Conservation

and recovery Act of 1976, as amended from time to time, and regulations promulgated thereunder, and the Comprehensive Environmental response, Compensation and Liability Act of 1980, as amended from time to time, and regulations promulgated thereunder. "Hazardous material" also includes, but is not restricted to, asbestos, polychlorobiphenyles ("PCB's") and petroleum and petroleum products.

16. CITY'S FIRE INSURANCE. City shall, at City's expense, maintain on the Building a policy of fire and extended coverage insurance, with vandalism and malicious mischief endorsement, up to the full replacement value. The policy shall provide that any proceeds shall be made payable solely to City. The "full replacement value" of the building to be insured under this paragraph shall be determined by the insurance company issuing the policy at the time the policy is initially obtained or subsequently renewed.

Sublessee shall not use the Premises for any purpose, nor do any acts in the premises, which will increase the existing rate of insurance on the building or cause the cancellation of any insurance policy covering the building or any part thereof, nor shall Sublessee sell, or permit to be kept, used or sold, on the premises, any article, material or substance which may be prohibited by standard form fire and extended coverage insurance policies. Sublessee shall, at Sublessee's expense, comply with any and all requirements pertaining to the Premises of any insurance organization or company, necessary for the maintenance of fire and extended coverage insurance covering the Building. Sublessee agrees to pay to City and additional rent any increase in premiums on policies which may be carried by City covering damage to the Building by fire and the perils normally included in extended coverage, but only to the extent City proves by a preponderance of the evidence that such increase is directly attributable to Sublessee's breach of the first two sentences of this subparagraph. In event of non-payment of such additional rent, city shall have all the rights and remedies provided in this Sublease in case of nonpayment of rent.

17. OTHER INSURANCE MATTERS. All insurance required to be carried by Sublessee under this sublease and the Prime Lease shall be issued by insurance companies authorized to do business in the State of Alaska with a financial rating of at least "A" as rated in the most recent edition of Best's Insurance Reports, or an equivalent rating; shall be issued as a primary policy; and shall contain an endorsement requiring twenty(20) days prior written notice from the insurance company to both parties and before cancellation or change in the coverage, scope or amount of any policy. Sublessee shall furnish insurance certificates to City and DOT/PF at the commencement of the term of this sublease, and on renewals. Sublessee shall promptly furnish copies of each policy to City and DOT/PF upon request.

18. TAXES AND ASSESSMENTS. City shall pay all general and special assessments. Sublessee shall pay all real estate taxes levied on Sublessee's interest in the premises, Building or Property.

19. DESTRUCTION. If, during the term of this sublease, the Premises or the Building are totally or partially destroyed from any cause, rendering the Premises totally or partially inaccessible or unusable, city shall restore the premises or the Building to substantially the same condition as they were in immediately before destruction, if the restoration can be made under the then existing laws and can be substantially completed within one hundred twenty(120) working days after the date of destruction. Such destruction shall not terminate this Sublease. If the restoration cannot be made in the time stated in this paragraph, either party shall have the right to terminate this Sublease by notice to the other party given at any time within thirty (30) days after the date of such destruction, or within thirty (30) days after it is determined that such restoration cannot be completed within the time stated, whichever is longer, except

that if such destruction resulted from Sublessee's fault or negligence, Sublessee shall have no right to terminate this Sublease. If the then existing laws do not permit the restoration, either party shall have the right to terminate this Sublease by notice to the other party given at any time within thirty (30) days after the date of such destruction.

If a portion of the building other than the Premises shall be totally or partially destroyed from any cause such that in the reasonable opinion of the city the Building should be restored in such a way as to alter the Premises materially, city may terminate this Sublease by notice to Sublessee at any time within thirty (30) days after the date of such destruction. In the event of giving effective notice pursuant to this paragraph, the term of this Sublease shall expire on the date thirty (30) days after the giving of such notice as fully and completely as if such date were set forth for the expiration of the term of this Sublease. If this Sublease is not so terminated, City shall restore the Premises and the Building within a reasonable time and this Sublease shall continue in full force and effect.

If City is required or elects to restore the Premises as provided in this paragraph, city shall not be required to restore alterations made by Sublessee, Sublessee's improvements, Sublessee's trade fixtures, and Sublessee's personal property, including without limitation, any panels, decoration, office fixtures, railing, ceiling, floor covering, partitions and the like, such excluded items being the sole responsibility of Sublessee to restore.

In case of destruction there shall be an abatement or reduction of rent, between the date of destruction and the date of completion of the restoration or the date of termination of this Sublease based on the extent to which the destruction interferes with Sublessee's use of the Premises, except that if such destruction resulted from Sublessee's fault or negligence, Sublessee shall not be entitled to such abatement or reduction of rent.

If there is destruction to the building that exceeds thirty-three and one-third percent (33 1/3%) of the then replacement value of the building from any risk, City can elect to terminate this Sublease whether or not the Premises are destroyed. If, in the case of such destruction, Sublessee reasonably determines that such destruction unreasonably interferes with its use and occupancy of the Premises, Sublessee can elect to terminate this Sublease by written notice to City.

20. CONDEMNATION. If, during the term of this Sublease, there is a taking by condemnation (including condemnation by city) of all or any part of the Premises or Building, the rights and obligations of the parties shall be as follows:

If there is a taking of all or any part of the premises, the term of this Sublease shall forthwith cease and terminate as of the date of vesting of title in the condemner, and the City is entitled to receive the entire award from the condemning authority except that portion, if any, of the award which may be attributable to the loss of the value of the Sublessee's business and Sublessee's leasehold interest, which is given the Sublessee by virtue of this Sublessee.

21. DEFAULT. Each of the following shall be deemed a default by the Sublessee and a breach of the Sublease:

(a) A default in the payment of the rent and additional rents due hereunder for a period often (10) days from the due date for such payment.

(b) A default in the performance of any other term, covenant or condition on the part of the Sublessee to be kept, performed, or observed for a period of fifteen (15) days after service by City on Sublessee of a notice specifying the particular default or defaults, provided, however, that no default on the part of the Sublessee in the performance of work or acts required by it to be done, or conditions to be modified, shall be deemed to exist if steps shall have in good faith been commenced promptly by the Sublessee to rectify the same and shall be prosecuted to completion with diligence and continuity.

(c) The entry of a decree or order for relief by a court having jurisdiction in respect of the Sublessee in an involuntary case under the federal bankruptcy laws, as now or herein after constituted, or any other applicable federal or state bankruptcy, insolvency or other similar law, or appointing a receiver, liquidator, assignee, custodian, trustee, sequestrator (or similar official) of or for the Sublessee or for any substantial part of its property, or ordering the winding-up or liquidation of its affairs.

(d) The commencement by the Sublessee of a voluntary case under the federal bankruptcy laws, as now constituted or thereafter amended, or any other applicable federal or state bankruptcy, insolvency or other similar law, or the consent by it to the appointment of or taking possession of a receiver, liquidator, assignee, trustee, custodian, sequestrator (or other similar official) of or for the Sublessee or for any substantial part of its property, or the making by Sublessee of any assignment for the benefit of creditors, or the failure of the Sublessee generally to pay its debts as such debts become due, or the taking of corporate action by the Sublessee in furtherance of any of the foregoing.

(e) The taking possession of the property of Sublessee by any governmental office or agency pursuant to statutory authority for the dissolution or liquidation of the Sublessee.

(f) The vacation or abandonment of the Premises by Sublessee.

(g) The assignment or subletting of the Premises by Sublessee without the prior written consent of City and the State of Alaska.

22. CITY'S REMEDIES IN EVENT OF DEFAULT. In the event of any default by Sublessee under this Sublease, City shall have the following rights and remedies, which shall be cumulative and all in addition to any rights and remedies that City may be given by statute common law or otherwise:

(a) Distrain for rent due.

(b) Re enter the Premises and take possession thereof and remove all signs, other evidence of tenancy, and all personal property of Sublessee from the premises.

(c) Declare the term of this Sublease ended.

(d) Relet the Premises in whole or in part for any period equal to or greater or less than the remainder of the term of this Sublease.

(e) Collect any and all rents due or to become due from subtenants or other occupants of the Premises.

(f) If Sublessee shall at any time fail to make any payment or perform any other action in part to be made or performed under this Sublease, City may, but shall not be obligated to, and without waiving or releasing Sublessee from any obligation under this Sublease, make such payment or perform such other

act as may be reasonable in the circumstances, and in connection therewith to pay expenses and employ counsel.

All sums so paid by City and all expenses in connection therewith, together with interest thereon at the rate of twelve percent (12%) per year or the current maximum legal rate of interest, whichever is less, from the date of payment to the date of repayment, shall be deemed additional rent hereunder and payable at the time of any installment of rent thereafter becoming due and city shall have the same rights and remedies for the nonpayment thereof, or any other additional rent as in the case of default in the payment of rent.

(g) Restrain by injunction any violation or attempted violation, or compel by injunction the performance of any of the covenants, agreements or conditions or terms of this Sublease.

(h) Recover, whether this Sublease be terminated or not, from Sublessee, damages, provided for below constituting of items (i) and (ii), or at City's election in lieu of (ii), item (iii):

(i) reasonable attorney's fees and other expenses incurred by city by reason of the breach or default by Sublessee:

(ii) an amount equal to the amount of the rent and additional rents reserved under this Sublease, less the net rent, if any, collected by City on reletting the Premises, which shall be due and payable by Sublessee to City on the days on which the rent and additional rents reserved in this Sublease would have become due and payable; that is to say, upon each of such days Sublessee shall pay to City the amount of deficiency then existing. Such net rent collected on reletting by City shall be computed by deducting from the gross rent collected all expenses incurred by city in connection with the reletting of the Premises, or any part thereof, including broker's commission and the cost of renovation or remodeling the Premises;

(iii) an amount to be due immediately on breach, equal to the amount, if any, by which the remaining rent due under this Sublease exceeds the fair and reasonable rental value of the Premises for the same period. In the computation of such damages the difference between any installment of rent thereafter becoming due and the fair and reasonable value of the Premises for the period for which such installment was payable shall be discounted to the date of such breach at the rate of eight percent (8%) per year. If the Premises, or any part thereof, be relet by City for the unexpired term of this Sublease, or any part thereof, before presentation of proof of damages, the amount of rent reserved upon such reletting in the absence of evidence to the contrary, shall be deemed to be the fair and reasonable rental value for the Premises, or any part thereof, so relet during the term of such reletting.

Reentry or reletting of the Premises, or any part thereof, pursuant to this section shall not be deemed a termination of this Sublease, unless expressly declared to be so by City. If this Sublease shall be deemed terminated, Sublessee's liabilities shall survive and Sublessee shall be liable for damages as provided above.

The enumeration of the default rights of City above are not intended to imply that they are mutually exclusive, nor that they are in lieu of any or all statutory, common law or other rights.

23. BANKRUPTCY OR INSOLVENCY. (A) In the event that Sublessee shall file a petition, or an order for relief is entered against Sublessee, under Chapter 7 of the Bankruptcy Code, and the Trustee of

Sublessee shall elect to assume this Sublease for the purpose of assigning the same, such election and/or assignment may only be made if all of the terms and conditions of subsections (c), (d) and (e) hereof are satisfied. If such Trustee shall fail to elect to assume this Sublease for the purpose of assigning the same within sixty (60) days after the order of relief, this Sublease shall be deemed to have been rejected. City shall be thereupon immediately entitled to exercise any remedies available to it under paragraph 25 of this Sublease, and this Sublease shall be canceled, but City's right to be compensated for damages in such bankruptcy proceeding shall survive.

(b) In the event that Sublessee files a petition for reorganization under Chapters 11 and 13 of the Bankruptcy Code or a proceeding filed by or against Sublessee under any other chapter of the Bankruptcy Code is converted to a Chapter 11 or 13 proceeding, and the Trustee of Sublessee or Sublessee as debtor-in-possession fails to assume this Sublease within sixty (60) days from the date of filing of the Petition or such conversation, the Trustee or debtor-in-possession shall be deemed to have rejected this Sublease. City shall be thereupon immediately entitled to exercise any remedies available to it under section 22 of this Sublease and this Sublease shall be canceled, but City's right to be compensated for damages in such bankruptcy proceedings shall survive. If the Trustee of Sublessee shall elect to assume this Sublease such election may only be made if all of the terms and conditions of subsections (c) and (d) hereof are satisfied. If the Trustee of Sublessee shall elect to assign this Sublease after assuming it, such assignment may only be made if all of the terms and conditions of subsection e hereof are satisfied.

(c) No election to assume this Sublease shall be effective unless in writing and addressed to City and unless in City's reasonable business judgement, all of the following conditions, which City and Sublessee acknowledge to be commercially reasonable, have been satisfied:

- 1) The Trustee or the debtor-in-possession has cured or has provided City adequate assurance (as defined hereunder) that:
 - A) within ten (10) days from the date of such assumption the Trustee or debtor-in-possession will cure all monetary defaults under this Sublease; and
 - B) within thirty (30) days from the date of such assumption the Trustee or debtor-in-possession will cure all not-monetary defaults under this Sublease, or if the non-monetary default requires more than thirty (30) days to cure, the Trustee or debtor-in-possession will within thirty (30) days commence and proceed with diligence and continuity to cure the non-monetary defaults under this Sublease.
- 2) The Trustee or the debtor-in-possession has compensated, or has provided to City adequate assurance (as defined hereunder) that within ten (10) days from the date of assumption City will be compensated for any pecuniary loss sent to the Trustee or debtor-in-possession.
- 3) The Trustee or the debtor-in-possession has provided City with adequate assurance of the future performance of each of Sublessee's obligations under this Sublease; provided, however, that the obligations imposed upon the Trustee or debtor-in-possession shall continue with respect to Sublessee after the completion of bankruptcy proceedings.
- 4) City has determined that the assumption of the Sublease will not breach any provision in any other Lease by which City is bound relating to the Property.

(d) For the purposes of subparagraph (c) , adequate assurance shall mean: (i) City shall reasonably determined that the Trustee or the debtor-in-possession has and will continue to have sufficient unencumbered assets after the payment of all secured obligations and administrative expenses to assure City that the Trustee or debtor-in-possession will have sufficient funds to fulfill the obligations of Sublessee under this Sublease; and (ii) An order shall have been entered segregation sufficient cash payable to City and/or there shall have been granted a valid and perfected first lien and security interest in property of Sublessee, Trustee or debtor-in-possession, acceptable as to value and kind to City, to secure City the obligation of the Trustee or debtor-in-possession to cure the monetary and/or non-monetary defaults under this Sublease within the time period set forth above.

(e) If the Trustee or debtor-in-possession has assumed the Sublease pursuant to the terms and provisions of subparagraphs (a) or (b), for the purpose of assigning (or elects to assign) Sublessee's interest under this Sublease to any other person, such interest may be so assigned only if City shall acknowledge in writing that the intended assignee has provided adequate assurance as defined in this subparagraph (e) of future performance of all the terms, covenants and conditions of this Sublease to be performed by Sublessee.

For purposes of this subparagraph (e), adequate assurance of future performance shall mean that City shall have reasonably ascertained that each of the following conditions has been satisfied:

- 1) The assignee has submitted a current financial statement audited by a certified public accountant which shows a net worth and working capital in amounts determined to be sufficient by City to assure the future performance by such assignee of Sublessee's obligations under this Sublease;
- 2) If requested by City, the assignee shall have obtained guarantees in form and substance satisfactory to City from one or more persons whom City determines to be credit worth;
- 3) The assignee has submitted in writing evidence, satisfactory to City, of substantial business experience in business operations of the same kind and comparable size to the business contemplated under this Sublease; and
- 4) City has obtained all consents or waivers from any third party necessary to permit such assignment under any lease or agreement by which City is bound.

(f) Neither Sublessee's interest in this Sublease, nor any lesser interest of Sublessee herein, shall pass to any Trustee, receiver, assignee for the benefit of creditors, or any other person or entity, or otherwise by operation of law under the laws of any state having jurisdiction of the person or property of Sublessee ('State law') unless City shall consent to such transfer in writing. No acceptance by City of rent or other payments from any such Trustee, receiver, assignee, person or other entity shall be deemed to have waived, nor shall it waive, the need to obtain City's consent or City's right to terminate this Sublease for any transfer of Sublessee's interest under this Sublease without such consent.

(g) In the event Sublessee shall be adjudicated insolvent pursuant to the provisions of any present or future insolvency law under state law, or if a receiver or Trustee of the property of Sublessee shall be appointed under state law by reason of Sublessee's insolvency made or Sublessee's property for the benefit of creditors under state law; then and in such event City may, at its option, terminate this Sublease and all rights of Sublessee here under without further obligation to Sublessee, by giving Sublessee written notice of the election to so terminate.

24. SURRENDER OF POSSESSION. If, after termination of this Sublease, Sublessee shall vacate the Premises without removing all of its property, any and all property that remains may be removed from the Premises by City and may be handled, removed or stored by City at the risk, cost, and expense of Sublessee, and City shall in no event be responsible for the value, preservation or safekeeping thereof or for any loss or damage to Sublessee occasioned thereby. Sublessee shall pay to City, upon demand, any and all expenses incurred in such removal and all storage charges against such property so long as the same shall be in City's possession or under City's control. Any such property of Sublessee not removed from the Premises or retaken from storage by Sublessee within thirty (30) days after the end of the term of this Sublease or of Sublessee's right to possession of the Premises, however terminated, shall be conclusively deemed to have been forever abandoned by Sublessee and either may be retained by City as its property or may be disposed of in such manner as City may see fit.

25. QUIET ENJOYMENT. So long as Sublessee shall observe and perform the covenants and conditions contained in this Sublease, Sublessee shall, at all times during the term of this Sublease, peacefully and quietly have the enjoy possession of the Premises without any disturbance or hindrance by, from or through City, but subject to any rights of the State of Alaska in the Prime Lease.

26. ASSIGNMENT AND SUBLETTING. (a) Sublessee shall not assign, hypothecate, or encumber its interest in this Sublease or in the Premises. Sublessee shall not sublease all or any part of the Premises, or allow any other person or entity (except Sublessee's authorized representatives) to occupy or use all or any part of the Premises without first obtaining City's written consent, which will not unreasonably be withheld, and the written consent of DOT/PF. No sub-sublessee may occupy the Premises before DOT/PF grants written consent. Any assignment, encumbrance or hypothecation of the Sublease is void, and any sub-sublease without such consent by the City and DOT/PF is voidable and, at City's election, shall constitute a default. No consent to any sublease shall constitute a further waiver of the provisions of this paragraph.

(b) Any proposed sublease must be submitted to the City for approval in three (3) copies, each bearing the original notarized signature of all parties. Each sublease shall be expressly subject and subordinate to the Sublease and the Prime Lease and the rights of the City and DOT/PF respectively, and shall require the sublessee to assume the Sublessee's obligations hereunder and shall not release the Sublessee from liability hereunder. Each sublease shall be expressly terminable by City in its sole discretion at the end of the term of this Sublease. If approved by City, the proposed sublease will be forwarded to DOT/PF for approval. No consent to sublease is effective until given in writing by both the City and DOT/PF.

27. RIGHTS RESERVED TO CITY. City reserves the following rights:

- (a) To name or to change the name of the Building.
- (b) To install and maintain or to allow installation and maintenance of signs on the exterior or interior of the Building, excluding the interior of the Premises.
- (c) To have pass keys to the Premises.
- (d) To have access to the Premises for purposes of inspection upon reasonable prior notice.

(e) On reasonable prior notice to Sublessee, to exhibit the Premises to prospective tenants during the last six (6) months of the term of this Sublease, and to any prospective purchase, mortgagee, or assignee of any mortgage on the Building and to other having a legitimate interest at any time during the term of this Sublease.

(f) At any time in the event of an emergency and otherwise at reasonable times, to take any and all measures, including inspections, repairs, alterations, additions, and improvement to the Premises or to the Building as may be necessary or desirable for the safety, protection or preservation of the Premises or the Building or City's interest, or as may be necessary or desirable in the operation or improvement of the building, or in order to comply with laws, and requirement of governmental or other authority.

28. ESTOPPEL CERTIFICATES. Either party shall at any time and from time to time upon not less than fifteen (15) days prior request by the other party, execute, acknowledge and deliver to such party, or to its designee, a statement in writing certifying that this Sublease is unamended and in full force and effect (or, if there has been any amendment thereof that the same is in full force and effect as amended and stating the amendment or amendments). That there are no defaults existing (or if there is any claimed default, stating the nature and extent thereof); and stating the dates to which the rent and other charges have been paid in advance.

29. HOLDING OVER. If Sublessee remains in possession of the Premises after expiration of the term of this Sublease, or after the date in any notice given by City to Sublessee termination this Sublease, such possession by Sublessee shall be deemed to be a month to month tenancy terminable on thirty (30) days' notice given at any time by either party. The provisions of this paragraph do not exclude City's rights of re-entry or any other right under this Sublease.

30. SUBORDINATION OF SUBLEASE. The rights of Sublessee under this Sublease shall be and are subordinate at all times to the Prime Lease and all ground leases and/or underlying leases, if any, now or hereafter in force against the Property and to the lien of any mortgage or mortgages now or hereafter in force against such leases and/or the Premises, and to all advances made or hereafter to be extensions thereof. This paragraph is self-operative and no further instrument of subordination shall be required. In conformation of such subordination, Sublessee shall promptly execute such further instrument as may be reasonably requested by City. Sublessee, at the option of any mortgagee, agrees to attorn to such mortgagee in the event of a foreclosure sale or deed in lieu thereof.

31. NOTICES. All notices, demands and requests from one party to another shall be delivered in person or sent by mail addressed to the other party at the address set forth below or at such other address as either party may notify the other in writing pursuant to this paragraph.

If to City:

City Manager's Office
Airport Terminal manager, City Hall
491 East Pioneer Ave.
Homer Alaska 99603-7624
Telephone: 907.235.8121
E-mail: citymanager@ci.homer.ak.us

If to Sublessee:

Kenai Aviation Operations LLC
Jacob Caldwell
101 N. Willow St
Kenai AK 99611
Telephone: 907.283.4124
E-mail: jacob@kenaiaviations.com

Telephone, facsimile, and e-mail addresses are provided for informational purposes, and may not be used in lieu of mail or personal delivery for formal notices, demands, and requests.

If in an emergency, a secondary contact person on behalf of each party, and aside for the contacts listed above, will be:

City of Homer
Attn: Building Maintenance Division
491 East Pioneer Ave, Homer AK
Telephone: 907.235.3170
E-mail: publicworks@cityofhomer-ak.gov

Kenai Aviation Operations LLC
101 N. Willow St
Kenai AK 99611
Telephone: 907.283.4124
E-mail: Jacob@kenaiaviation.com

32. WAIVER. No failure by either City or Sublessee to insist upon the strict performance by the other of any term, covenant or condition of this Sublease or to exercise any right or remedy consequent upon a breach thereof, shall constitute a waiver of any such breach or of such term, covenant or condition. No waiver of any breach or right, unless in writing, shall affect or alter this Sublease, but each and every term, covenant and condition of this Sublease shall continue in full force and effect with respect to any other then existing or subsequent breach.

The receipt and acceptance by City of delinquent rent shall not constitute a waiver of any other defaults; it shall constitute only a waiver of timely payment of the particular installment of rent involved. No act or conduct of City, including, without limitation, the acceptance of the keys to the Premises, shall constitute an acceptance of the surrender of the Premises by Sublessee before the expiration of the term of this Sublease. Only a notice from City or Sublessee shall constitute acceptance of the surrender of the premises and accomplish a termination of the term of this Sublease.

33. SALE OR TRANSFER OF PREMISES. If City sells or transfers the Building or the Premises, on assumption of the sale or transfer, City shall be released from any liability thereafter accruing under the security deposit or prepaid rent to City's successor and on such transfer City shall be discharged from any further liability in reference to the security deposit or prepaid rent.

34. MISCELLANEOUS PROVISIONS.

- (a) Time is of the essence of each provision of this Sublease.
- (b) This Sublease shall be binding on and inure to the benefit of the parties here to and their respective successors and assigns, except as otherwise provided in the Sublease.
- (c) This Sublease shall be governed by and construed and enforced in accordance with the laws of the State of Alaska.
- (d) This Sublease contains all the agreements of the parties and cannot be amended or modified except by a written agreement signed by the parties hereto.
- (e) It is understood and agreed that this Sublease shall not be binding until and unless all parties have signed it.

- (f) If Sublessee is a corporation, Sublessee shall deliver to City and DOT/PF on execution of this Sublease a certified copy of a resolution of its board of directors authorizing the execution of this Sublease and naming the officers that are authorized to execute this Sublease on behalf of the corporation or other proof reasonably satisfactory to City and DOT/PF.
- (g) Any litigation arising out of the performance of the parties under this Sublease, or its interpretation, shall be brought in the Superior Court for the State of Alaska, Third Judicial District at Homer.
- (h) All provisions contained in this Sublease, whether covenants or conditions, shall be deemed to be both covenants and conditions.
- (i) This Sublease may be executed in several counterparts, each of which shall be deemed an original and may be used as such, and such counterparts shall constitute but one and the same instrument.

35. NON-DISCRIMINATION. Sublessee covenants and agrees that discrimination on the grounds of race, color, religion, national, origin, ancestry, age or gender will not be permitted against any patron, employee, applicant for employment, or other person or group of persons in any manner prohibited by federal, state or local law. To the extent required by applicable law, regulation, or government contract, Sublessee shall furnish services on a fair, reasonable and not unjustly discriminatory basis, and shall charge fair, reasonable and not unjustly discriminatory prices for each unit or service; provided, however, that Sublessee may make reasonable and nondiscriminatory discounts, rebates and similar types of price reductions to volume purchasers, The Sublessee recognizes the right of the City to take any action necessary to enforce this covenant, including actions required pursuant to any federal, state or local law.

- (a) This agreement is subject to requirements of the U/S/ Department of Transportation's regulations, 49 CFR Part 23, Subpart F. The concessionaire agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award of performance of any concession agreement covered by 49 CFR Part 23, Subpart F.
- (b) The concessionaire agrees to include the above statements in any subsequent concession agreement that it enters and cause those businesses to similarly include the statements in further agreements.

36. RADIO INTERFERENCE. At the City's request, Sublessee shall discontinue the use of any machine or device which interferes with any government operated transmitter, receiver, or navigation aid until the cause of the interference is eliminated.

37. REGULATIONS. Sublessee agrees to abide by all reasonable regulations now or hereafter established by the City or DOT/PF, or both, concerning the use, operation and maintenance of the Premises, Building and the Property.

38. STATE DOT/PF APPROVAL. Pursuant to the terms of the Prime Lease this Sublease shall not become effective until approved in writing by the State of Alaska, Department of Transportation and Public Facilities.

39. TERMINAL CHANGES AND IMPROVEMENTS. (a) The Sublessee understands and agrees that the requirements of the Building as an airport terminal in such matters as passenger volume, freight

volume, flight frequencies, aircraft size, operating procedures, efficient baggage handling and passenger movements, aircraft and vehicle parking requirements, etc., may from time to time change, sometimes substantially, and consequently the City does hereby reserve the right and option to rebuild, remodel, relocate or otherwise effect such changes in the Premises and the Building. Sublessee agrees that upon thirty (30) days advance written notice given by City to relocate to new premises within the Building as may be reasonably assigned by City as deemed necessary or advisable; subject, however, to the conditions that the new premises shall be situated on the same floor in the Building and on the same concourse or hallway as the Premises, and further that the area of the new premises shall not be less than ninety percent (90%) of the area of the Premises unless Sublessee shall consent to a greater reduction.

(b) Sublessee shall be receive no compensation but shall receive reimbursement of reasonable expenses for any such move required by City. Moreover, if the area of the new premises is less than the area of the Premises, rent shall be reduced by a fraction, the numerator of which is the difference between the area of the Premises and the area of the new premises and the donominator of which is the area of the Premises. During the term of this Sublease (not including any extensions or renewals thereof) the Sublessee shall not be required to pay any increased rent resulting from any such move required by City, even if the new premises are larger than or have a higher rental rate than the Premises.

(c) The Sublessee agrees that temporary inconveniences such as noise, disturbances, traffic detours, moving, and the like, caused by or associated with the construction, remodeling, rebuilding, or relocation of the Premises or other portions of the Building shall not constitute a breach of quiet enjoyment of the Premises, nor shall they be grounds for an abatement of rental exception in cases of interruption of the Sublessee's business or activities of longer than five (5)days in any calendar month in which case the rent shall be abated to the extent of the daily prorated rate of the monthly rental per each day of interruption of the Sublessee' business or activity.

(d) In the event Sublessee is required to move to new premises, City will exert its best efforts to provide new premises comparable to the Premises but in the event Sublessee reasonably believes the move will have a substantially adverse effect on the activities or business of the Sublessee conducted in the premises, the Sublessee may terminate this Sublease by giving written notice of termination to the City within thirty (30) days after the City has given the Sublessee the foregoing notice that the Sublessee must move.

40. SPECIAL COVENANTS. Special Covenants including renewal and rent adjustment provisions, if any, are set forth in Exhibit "B" attached hereto and incorporated by reference in this Sublease.

IN WITNESS WHEREOF, City and Sublessee have signed this Sublease as of the day and year first above written:

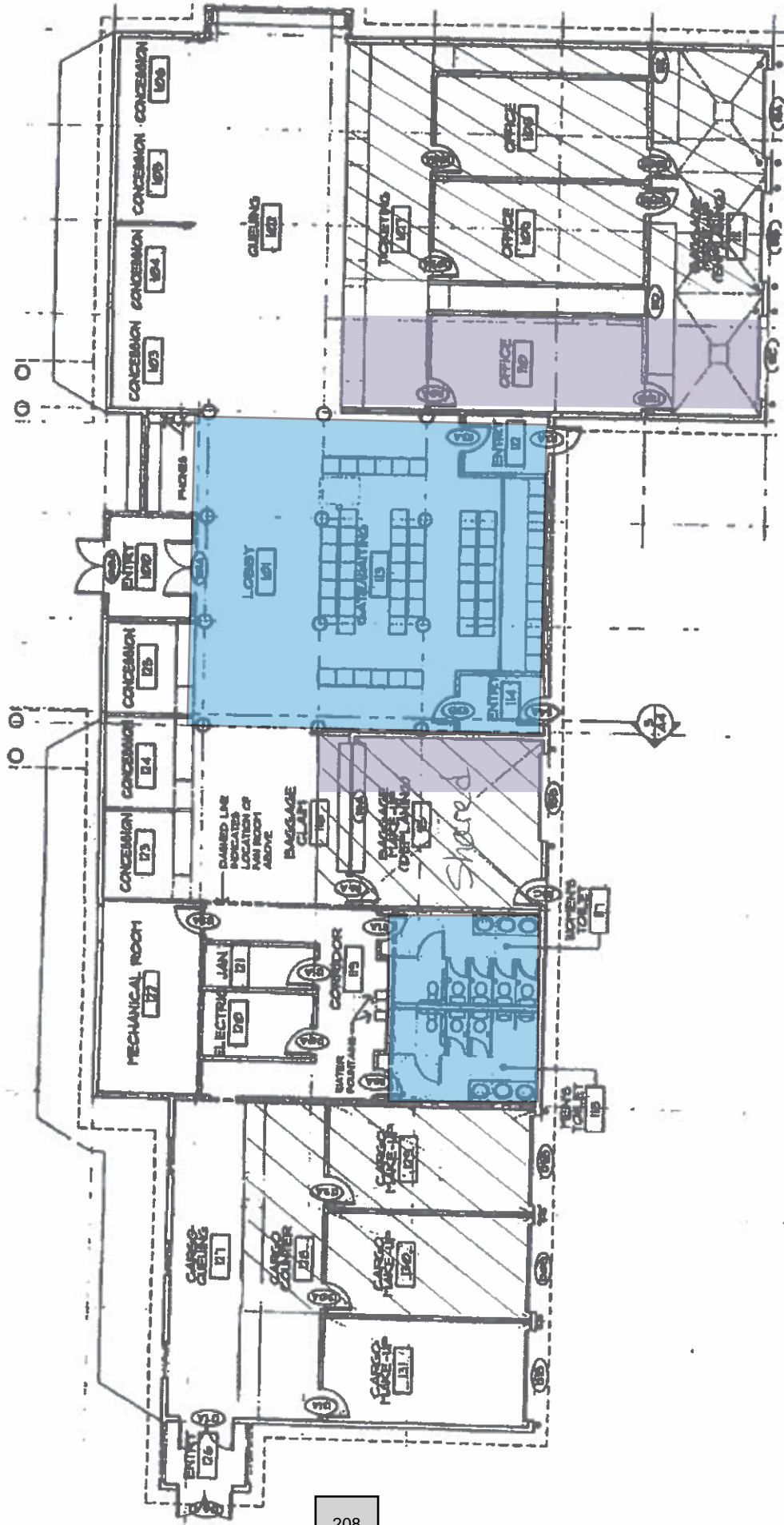
EXHIBIT A

DESCRIPTION OF SUBLEASED PREMISES

The description of the Leased Premises is as follows:

Office and ticket area #110 with baggage make-up area (enplaning) directly behind office area #110. One-third of the baggage make-up area (deplaning) #115. Cargo make-up area #131 directly behind office and ticket area #110. Total area consisting of 733 square feet, in the Homer Airport Terminal Building, Homer Airport located in Township 6S, Range 13W, Seward Meridian, Section 21, Homer recording District, Homer, Alaska, all situated on Lot 5A, Block 800, HOMER AIRPORT TRACTS according to the official plats on file with the State of Alaska, Department of Transportation and Public Facilities, Division of Aviation. The attached drawings depict the Premises being subleased (shaded in purple) along with the common areas of the Building that are used by other sublessees and the City.

**City of Homer
Airport Terminal Floor Plan**



Common Areas (+ all public corridors)

Main counter + 1/3 shared baggage = 733sq ft
 = \$2866.03 per month x 12 = \$34,392.36 per annum

EXHIBIT B

SPECIAL COVENANTS

1. This Sublease does not include any right of renewal
2. In addition to the uses authorized in paragraph 4 of the Sublease, Sublessee is authorized to conduct aircraft fueling operations in conformance with the requirements of the Prime Lease, as amended by Supplement No. 1. By conducting aircraft fueling operations, Sublessee, with respect to Sublessee's aircraft fueling operations, voluntarily assumes all responsibilities and liabilities assigned to the "Lessee" in Supplement No. 1, and further agrees to hold harmless, defend, and indemnify the City and DOT/PF from and against any and all losses, liabilities, damages, claims, costs, expenses and attorney fees, resulting from or arising out of Sublessee's aircraft fueling operations or its breach in performance of the obligations of the "Lessee" under Supplement No. 1, or both. Nothing contained in this paragraph shall be construed as any limitation of any other hold harmless, defense, or indemnity provision of the Lease, and in the case of any conflict between such provisions, the provision granting the greater protection to the City shall control.

**EXHIBIT C
PRIME LEASE**

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

HOMER AIRPORT

LEASE NO. ADA-06600

LEASE AGREEMENT
LAND

This 30th day of March, 1993, the State of Alaska, Department of Transportation and Public Facilities, hereinafter called the Lessor, whose address is P.O. Box 196900, Anchorage, Alaska 99519-6900, and the City of Homer, hereinafter called the Lessee, whose address is 491 East Pioneer Avenue, Homer, Alaska 99603-7624 do enter into this agreement of 16 pages, including exhibit(s) and signature page(s), and agree as follows:

A. BASIC PROVISIONS

PREMISES

1. The Lessor leases to the Lessee, and the Lessee leases from the Lessor, the following described property, hereinafter called the "Premises", located on the Homer Airport, hereinafter referred to as the "Airport", in the Homer Recording District, Third Judicial District, Alaska:

Lot 5A, Block 800 consisting of approximately 162,882 square feet as shown on Exhibit "A", sheet 1 of 1, dated February 25, 1993, attached hereto and made a part hereof.

AUTHORIZED USES

2. This lease is issued for the following authorized uses:

The construction, operation, and maintenance of a public passenger/air cargo terminal building, aircraft loading and unloading of air cargo and passengers, vehicle parking, along with any function or service which is normally performed in a public terminal facility and is authorized under Title 17 of the Alaska Administrative Code.

TERM

3. The term of this agreement is 30 years, from the 30th day of March, 1993, to the 30th day of March, 2023.

RENT

4. (a) The annual rental for the Premises will be \$14,007.85, calculated at the rate of \$.086 per square foot per year payable annually, in advance, on March 30, 1993 and on the anniversary date of each year thereafter. Any additional fees will be specified in Special Covenants herein. All payments required by this lease must be made in U.S. currency.

(b) Checks, bank drafts, or postal money orders are to be made payable to the State of Alaska and delivered to Accounting Section, Department of Transportation and Public Facilities, P.O. Box 196900, Anchorage, Alaska 99519-6900, or any other address which the Lessor may designate in writing.

(c) All unpaid rents and fees will accrue interest at 10.5% per annum beginning thirty (30) days after payment is due.

(d) Any rent, charge, fee, or other consideration which is due and unpaid at the expiration, termination, or cancellation of this lease will be a charge against the Lessee.

(e) During the first five years of the term stated in Basic Provision No. 3, the Lessor may not change the rents or fees payable under this lease. At any time after the end of the fifth year of the lease term, the Lessor may, in its sole discretion, increase or decrease the rents or fees, provided that the Lessor may not change the rents or fees more than once in any 12 month period. Any change is effective upon written notice to the Lessee. If the Lessee believes that the changed rent exceeds the fair market rent for the Premises, the Lessee may appeal to the Lessor according to the following procedures:

(i) The Lessee must pay the changed rent beginning on the effective date stated in the Lessor's rent change notice and continue paying the changed rent throughout the appeal process.

(ii) Within 30 days after the date of the Lessor's written notice of the rent increase or decrease, the Lessee must submit a written appeal to the Lessor. The appeal must include the name, address, telephone number and professional qualifications of the real estate appraiser the Lessee intends to retain to perform a fair market rent appraisal of the Premises.

(iii) The Lessor will review the appraiser's qualifications and approve or disapprove the appraiser in writing to the Lessee. If the Lessor disapproves the appraiser, the Lessee will have 30 days from the date of the Lessor's written disapproval to continue the appeal by submitting the name, address, phone number, and professional qualifications of another appraiser.

(iv) If the Lessor approves the Lessee's appraiser, the Lessee shall, at the Lessee's sole expense, cause the Premises to be appraised according to appraisal instructions furnished by the Lessor;

provided that any appraisal shall exclude the value of any improvements constructed by the Lessee. The written appraisal must be received by the Lessor within 90 days following the date of the Lessor's written approval of the Lessee's appraiser.

(v) The Lessor will review the appraisal for conformance with the appraisal instructions and issue a written approval or rejection to the Lessee. Upon approval of the appraisal, the fair market rent determined by the appraisal will be the rent for the Premises, retroactive to the effective date of the Lessor's rent change notice. Rejection of the appraisal by the Lessor will constitute a denial of the Lessee's appeal.

(vi) The Lessor has no obligation to appraise the Premises under any circumstances.

B. GENERAL COVENANTS

IMPROVEMENTS

1. Any construction on the Premises must be neat, presentable, and compatible with its use and surroundings. Before placing fill material or beginning construction of any improvements on the Premises, the Lessee must first obtain the written approval of the Lessor in the form of an approved building permit. Detailed drawings of the proposed development on the Premises must be submitted to the Lessor. If a building is contemplated, the Lessee must also submit comprehensive structural drawings showing front and side elevation views and floor plan, materials to be used, dimensions, elevations, the location of all proposed utility lines, and any additional data requested by the Lessor. The Lessor will review and approve or disapprove the proposed construction. Approval will not be withheld except where proposed construction does not comply with valid engineering principles, fire or building codes, generally recognized principles of sound airport development, or the proposed construction is inconsistent with the purposes of this lease. The Lessee shall submit to the lessor evidence of the Lessee's compliance with the Federal Aviation Regulations, 14 C.F.R. Part 77, and all other municipal, state, or federal regulations governing construction of improvements on the airport.

2. No building or other permanent structure may be constructed or placed within ten (10) feet of any boundary line of the Premises. In addition, no building or other permanent structure may be constructed or placed within 975 feet of the airport runway centerline.

3. The Lessee, within sixty (60) days after completion of construction or placement of improvements upon the Premises, shall deliver to the Lessor an as-built drawing showing the location and

dimensions of the improvements, giving bearings and distances to an established survey point. Furthermore, if the Lessee constructs underground improvements the Lessee shall appropriately mark the surface of the land with adequate surface markers. The type, quantity, and distance between such markers will be subject to the approval of the Lessor.

LIVING QUARTERS

4. The establishment or maintenance of any kind of temporary or permanent living quarters on the Premises is expressly prohibited.

MAINTENANCE AND CONSTRUCTION

5. The Lessee shall keep the Premises and all improvements neat and presentable at the Lessee's own expense. The Lessee shall not strip, waste, or remove any material from the Premises without the prior written permission of the Lessor.

6. At no cost to the Lessor, all structures on the Premises must be painted, finished, or covered with a permanent exterior surface and be maintained by the Lessee.

7. At no cost to the Lessor, the Lessee shall provide for all utilities, services, and maintenance (including snow removal) as is necessary to facilitate the Lessee's use of the Premises.

8. The disposal on the airport of waste materials generated by the Lessee, including slash, overburden, and construction waste, is prohibited.

9. The Lessee agrees to coordinate its snow removal and maintenance activities on the Premises with the Lessor's Airport personnel. The Lessee further agrees to comply with all reasonable decisions and directions of the Lessor's Airport management personnel regarding snow removal, maintenance, and general use of the Premises by the Lessee, its agents, contractors or employees.

DISPOSITION OF IMPROVEMENTS

10. (a) At the expiration, termination, or cancellation of this lease, improvements or other property, real or personal, owned by the Lessee on the Premises will either:

- (i) be removed by the Lessee at Lessee's sole expense within thirty (30) days; or
- (ii) automatically vest in the Lessor; or
- (iii) with Lessor's consent, be sold to a succeeding Lessee

(b) The Lessor may grant additional time for the removal of improvements if hardship is established by the Lessee.

(i) if additional time is granted to Lessee to remove its improvements, Lessee hereby agrees to pay Lessor an administrative fee equal to 150% of an amount equal to the annual rent charged under the lease prorated for the number of days the Lessee's improvements remain on the Premises; however, no administrative fee shall be owed if Lessor consents to the sale of such improvements to a succeeding Lessee.

(ii) the granting of additional time for removal of Lessee's improvements does not operate as a renewal or extension of the term of the agreement but only creates a tenancy until the improvements are removed, or Lessee is given written notice that the extension period for the removal of the improvements has expired and title to all remaining improvements or property on the Premises vests in the Lessor.

11. Title to any improvements or other property owned by the Lessee which is not disposed of pursuant to General Covenant No. 10 will vest in the Lessor.

HAZARDOUS MATERIALS

12. If hazardous materials are handled on the Premises, the Lessee agrees to have properly trained personnel and adequate procedures for safely storing, dispensing, and otherwise handling hazardous materials in accordance with the National Fire Protection Code and all applicable federal, state, and local laws.

13. In the event of a hazardous materials spill on the Premises, the Lessee shall immediately notify the Lessor and act promptly to contain the spill, repair any damage, absorb and clean up the spill area, and restore the Premises to a condition satisfactory to the Lessor and otherwise comply with the applicable portions of Title 17 and Title 18 of the Alaska Administrative Code.

14. The storage and/or sale of aviation, jet, or vehicle fuel or lubricating oils on the Premises is prohibited.

ENVIRONMENTAL INDEMNIFICATION

15. If contamination of the Premises or other properties by Hazardous Material otherwise occurs from the Lessee's operations on the Premises, the Lessee shall indemnify, defend, and hold the Lessor harmless from any and all claims, judgements, damages, penalties, fines, costs, liabilities, or losses, including, but not limited to, sums paid in settlement of claims, attorney's fees, consultant fees, and expert fees, which arise during or after the term of this lease as a result of such contamination. This indemnification of the Lessor by the Lessee includes, but is not limited to, costs incurred in connection with any investigation of site conditions or any cleanup, remediation, removal, or restorative work required by any federal, state, or local governmental

agency because of Hazardous Material present in the soil or groundwater on or under the Premises or other affected properties. Without limiting the foregoing, if the presence of any Hazardous Material on the Premises results in any contamination of the Premises or other properties, the Lessee shall promptly take all actions, at its sole expense, as is necessary to remediate the contamination and restore the area.

Remediation and restoration of the affected area must meet all applicable local, state, and federal laws and regulations and must meet the requirements of all governing regulatory authorities. Remediation and restoration of the affected area must not adversely impact the maintenance, operations, and future development of the Airport as determined by the Lessor.

LIABILITY

16. The Lessee shall indemnify, defend, and hold the Lessor harmless from any liability, action, claim, suit, loss, property damage, or personal injury of whatever kind resulting from or arising out of any act of commission or omission by the Lessee, its agents, employees, or customers or arising from or connected with the Lessee's use and occupation of the Premises or the exercise of the rights and privileges granted by this lease.

INSURANCE

17. (a) At no expense to the Lessor, the Lessee shall secure and keep in force during the term of this lease adequate insurance to protect both the Lessor and the Lessee against comprehensive general liability and property damage in no less than the following amounts:

- (i) Property damage arising from one occurrence in the amount of not less than \$1,000,000.00; and
- (ii) personal injury or death in an amount of not less than \$1,000,000.00 per person and \$3,000,000.00 per occurrence.

(b) The Lessee shall provide the Lessor with proof of insurance coverage in the form of an insurance policy or a certificate of insurance. All insurance required by this covenant must:

- (i) name the Lessor as an additional assured; and
- (ii) provide that the Lessor be notified at least thirty (30) days prior to any termination, cancellation, or material change in the insurance coverage.

(c) The requirement of insurance coverage does not relieve the Lessee of any other obligations under this agreement.

RENEWAL

18. In order to renew this lease, the Lessee must file a written application with the Lessor at least thirty (30) days before the expiration of the lease. The application must state the purpose of the renewal and any other information which the Lessor may require. Any filing fees or deposits which the Lessor then requires must be submitted with the application for renewal. The filing of an application which fully conforms to the requirements stated herein will extend the term, subject to written approval of Lessor, of this lease on a month to month basis until one of the following occurs:

- (a) a lease renewal document is executed by both parties;
- (b) the Lessor sends the Lessee written notice that the request for renewal has been rejected, stating the reasons for rejection; or
- (c) the Lessor sends written notice to the Lessee that by law, regulation, or the public interest, the Lessor is required to offer the lease at public auction.

HOLDING OVER

19. If the Lessee holds over and remains in possession of the Premises after the expiration of this agreement without a written renewal, the holding over will not operate as a renewal or extension of the term of this agreement but only creates a tenancy from month to month, regardless of any rent payments accepted by the Lessor. The Lessee's obligations for performance under this lease will continue until the month to month tenancy is terminated by the Lessor. The Lessor may terminate the tenancy at any time by giving the Lessee at least ten (10) days prior written notice.

ASSIGNMENT OR SUBLEASE

20. The Lessee may not assign nor sublet, either by grant or implication, the whole or any part of the Premises or any improvements thereon without the written consent of the Lessor. Any proposed assignment, lease, or sublease must be submitted to the Lessor for approval in four (4) originals, each bearing the original notarized signature of all parties. Lessor shall approve or disapprove in writing an assignment or sublease within thirty (30) days after its submission by Lessee and shall state the reasons for any disapproval. All covenants and provisions in this agreement extend to and bind the legal representatives, successors, and assigns of the parties.

CONDEMNATION

21. If the Premises are condemned by any proper authority, the term of this lease will end on the date the Lessee is required to surrender possession of the Premises. The Lessor is entitled to all the

condemnation proceeds except the Lessee will be paid the portion of the proceeds attributable to the fair market value of any improvements placed on the Premises by the Lessee according to the provisions of 17 AAC 40.330, amended. Rent will also be adjusted according to the provisions of 17 AAC 40.330, as amended.

CANCELLATION

22. The Lessor may cancel this lease and recover possession of the Premises by giving the Lessee thirty (30) days prior written notice upon the happening of any of the events listed below, unless the breach is cured within said thirty (30) days:

- (a) the Lessee's failure to pay when due the rents or fees specified in this lease, including any increases made pursuant to this lease;
- (b) the return of checks for insufficient funds for payment of rents or fees;
- (c) the use of the Premises by the Lessee for any purpose not authorized by this lease;
- (d) the filing of a petition in bankruptcy by or against the Lessee;
- (e) the entry by any court of a judgment of insolvency against the Lessee;
- (f) the appointment of a trustee or receiver for the Lessee's assets in a proceeding brought by or against the Lessee;
- (g) the failure of the Lessee to perform any provision or covenant in this lease.

VACATION

23. At the expiration, cancellation or termination of this lease, the Lessee must peaceably and quietly vacate the Premises and return possession to the Lessor. The Premises must be left in a clean, neat, and presentable condition to the satisfaction of the Lessor.

CANCELLATION BY LESSEE

24. The Lessee may cancel this lease by giving the Lessor at least thirty (30) days advanced written notice, provided however that if the Lessee's interest is encumbered by a mortgage or assignment for security, such cancellation shall not be effective without the written consent of the mortgagee or assignee delivered to the Lessor.

EASEMENTS

25. The Lessor reserves the right to make grants to third parties or reserve to the Lessor easements or rights of way through, on, or above the Premises, provided that no such easement or rights of way may be granted or reserved which unreasonably interferes with the Lessee's use of the Premises.

RESERVATION OF RIGHTS

26. The Lessor specifically reserves the right to grant to others the rights and privileges not specifically and exclusively granted to the Lessee. The rights and privileges granted to the Lessee in this lease are the only rights and privileges granted to the Lessee by this lease. The Lessee has no easements, rights or privileges, express or implied, other than those specifically granted by this lease.

DISCRIMINATION

27. The Lessee covenants and agrees that, with respect to Lessee's use of and operations at the Premises, discrimination on the grounds of race, color, religion, national origin, ancestry, age, or sex will not be permitted against any patron, employee, applicant for employment, or other person or group of persons in any manner prohibited by federal or state law. The Lessee recognizes the right of the Lessor to take any action necessary to enforce this covenant, including actions required pursuant to any federal or state law.

AFFIRMATIVE ACTION

28. The Lessee agrees that it will undertake an affirmative action program as required by 14 C.F.R. Part 152, Subpart E, to insure that no person will be excluded from participating in any employment activities covered by 14 C.F.R. Part 152, Subpart E on the grounds of race, creed, color, national origin, or sex. The Lessee hereby agrees that no person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by said subpart. The Lessee further agrees that it will require that its covered suborganization(s) provide assurance to the Lessor to the same effect that they will also undertake affirmative action programs and require assurances from their suborganizations, as required by 14 C.F.R. Part 152, Subpart E.

RADIO INTERFERENCE

29. At the Lessor's request, the Lessee shall discontinue the use of any machine or device which may interfere with any government operated transmitter, receiver, or navigation aid until the cause of the interference is eliminated.

EXECUTION BY LESSOR

30. This lease is of no effect until it has been signed by the Commissioner of the Department of Transportation and Public Facilities or its designated representative.

LAWS AND TAXES

31. This lease is issued subject to all requirements of the laws and regulations of the State of Alaska relating to the leasing of lands and facilities and the granting of privileges at State airports.

32. At no expense to the Lessor, the Lessee will conduct all activities or business authorized by this lease in compliance with all federal, state, and local laws, ordinances, rules and regulations now or hereafter in force which apply to the activities or business authorized herein or to the use, care, operation, maintenance, and protection of the Airport, including but not limited to matters of health, safety, sanitation, and pollution. The Lessee must obtain all necessary licenses and permits, pay all taxes and special assessments lawfully imposed upon the Premises, and pay any other fees and charges assessed under applicable public statutes or ordinances.

33. In any dispute between the parties, the laws of the State of Alaska will govern and any lawsuit must be brought in the Superior Courts of the State of Alaska, in the Municipality of Anchorage.

34. The Lessee agrees to notify the Lessor of any claim, demand, or lawsuit arising out of the Lessee's occupation or use of the Premises. Upon the Lessor's request the Lessee will cooperate and assist in the investigation and litigation of any claim, demand, or lawsuit affecting the Premises.

35. The Lessor makes no specific warranties, express or implied, concerning the condition of the property, including survey, access, or suitability for any use, including those uses authorized by this lease. The Lessee takes the Premises subject to any and all of the covenants, terms, and conditions affecting the Lessor's title to the Premises.

LIENS

36. The Lessee shall keep the Premises free of all liens, pay all costs for labor and materials arising out of any construction or improvements by the Lessee on the Premises, and hold the Lessor harmless from liability for any liens, including costs and attorney fees. By this provision, the Lessor does not recognize that it is in any way liable for any liens on the Premises.

NO WAIVER

37. The failure of the Lessor to insist in any one or more instances upon the strict performance by the Lessee of any provision or covenant in this lease may not be considered as a waiver or relinquishment for the future, but the provision or covenant will continue in full force. The waiver by the Lessor of any provision or covenant in this lease cannot be enforced or relied upon unless the waiver is in a writing signed on behalf of the Lessor.

MODIFICATION

38. The Lessor may modify this lease to meet the revised requirements of federal or state grants or to conform to the requirements of any revenue bond covenant to which the State of Alaska is a party, provided that a modification may not act to reduce the rights or privileges granted the Lessee by this lease nor act to cause the Lessee financial loss.

VALIDITY OF PARTS

39. If any provision or covenant of this lease is declared to be invalid by a court of competent jurisdiction, the remaining covenants and provisions will continue in full force.

INTERRELATIONSHIP OF PROVISIONS

40. The basic provisions, general covenants, special covenants, supplements, addendums, and drawings attached as exhibits are essential parts of this lease and are intended to be co-operative, to provide for the use of the Premises, and to describe the respective rights and obligations of the parties to this agreement. In case of a discrepancy, figured dimensions govern over scaled dimensions unless obviously incorrect. Special covenants govern over basic provisions, both of which govern over general covenants.

NATURAL DISASTERS

41. In the event any cause which is not due to the fault or negligence of either Lessee or Lessor renders the Premises unusable and makes the performance of this lease impossible, this agreement may be terminated by either party upon written notice to the other party. Causes include but are not restricted to acts of God or the public enemy, acts of the United States, fires, floods, epidemics, quarantine restrictions, or strikes.

NOTICES

42. Any notice required by this agreement must be hand delivered or sent by registered or certified mail to the appropriate party at the address set forth on page one of this lease or to any other address which the parties subsequently designate in writing.

INTEGRATION AND MERGER

43. This agreement sets forth all the terms, conditions, and agreements of the parties and supersedes any previous understandings or agreements regarding the Premises whether oral or written. No modification or amendments of this lease is effective unless in writing and signed by both the parties.

NATIONAL EMERGENCY

44. In case of any national emergency declared by the federal government, the Lessee may not hold the Lessor liable for any inability to perform any part of this agreement as a result of the national emergency.

APPROVAL BY LESSOR

45. Any approvals required of the Lessor by this lease will not be unreasonably withheld.

INGRESS, EGRESS

46. The Lessor reserves the right of ingress to and egress from the Premises and the right to enter any part of the Premises, including buildings thereon, for the purpose of inspection at any reasonable time. Except in the case of an emergency, all inspections will be coordinated with the Lessee in order to minimize interference with the Lessee's activities on the Premises.

SPECIAL COVENANTS

1. The Lessee hereby agrees to complete land development and construction of a passenger/air cargo facility on the Premises by no later than October 1, 1994. When completed, said land development and improvements must have an aggregate value of at least \$300,000. In addition to the as-built drawings required by General Covenant No. 3 herein, the Lessee must submit to the Lessor evidence that it has completed development and improvements on the Premises with an aggregate value of not less than \$300,000. Evidence of value shall consist of documentation that the Lessee has actually incurred costs for land development and improvements in an amount not less than the aggregate value set forth in this paragraph. Said as-built drawings and evidence of value must be submitted to the Lessor within sixty (60) days of the completion of said development and improvements, but by no later than December 1, 1994. Completion shall be defined as the date on which the architect of the passenger/air cargo facility issues a certificate of completion for that facility. Pursuant to Title 17, Alaska Administrative Code [17 AAC 40.330(b)], failure by the Lessee to fully comply with the requirements of this special covenant will be sufficient grounds for cancellation of the lease by the Lessor.

2. The Lessee hereby acknowledges the undeveloped condition of the Premises. Lessee is hereby authorized to place gravel fill on the Premises subject to General Covenant No. 1 herein, in such a manner that the surface drainage does not flow towards the aircraft apron or towards an adjoining lease lot unless such surface drainage is intercepted by a drain.

3. All costs associated with the purchase and placement of gravel fill on the Premises shall be the responsibility of the Lessee. All gravel fill must be obtained from an off-airport source.

4. The Lessee shall provide adequate auto parking space on the leased Premises for the needs of its business. The parking of vehicles owned and/or operated by the Lessee, its employees, customers, guests and invitees shall be limited to designated areas of the Premises and to such other areas on the Airport as may be designated in writing by the Lessor.

5. The Lessee and Lessor acknowledge that the Premises are unsurveyed, and the Lessee hereby agrees, at its sole expense, to cause the Premises to be surveyed by a Land Surveyor registered in the State of Alaska to establish the corners and boundaries of the Premises as shown on Exhibit "A" attached hereto, and to place suitable permanent markers on said corners and at other appropriate locations such that the leased Premises can be readily identified by others. The Lessee further agrees to complete said survey and submit a plat of survey to the Lessor by no later than July 1, 1992 or prior to the commencement of any construction on the Premises, whichever event occurs first. Said plat of survey must conform to the survey plat requirements attached to this lease as Exhibit "B." Said plat of survey must also provide survey ties to the centerline stationing of the Airport Runway. Upon approval of said plat by the Lessor, the Lessor and Lessee hereby agree to execute a supplement to this lease which shall amend the Premises description herein as appropriate to conform with said survey.

6. Use of the Premises for outside storage of junk, inoperative equipment, salvage aircraft parts or trash or debris of whatever kind is prohibited.

7. The Lessee is hereby required to operate its "terminal operation" business on the Premises on a continuous basis, uninterrupted by periods of non-operation exceeding 45 consecutive days or 60 aggregate days in a 365 day period effective the date of the Lease. This provision does not apply to any period during which the Lessee is unable to operate its business on the Premises as a result of an act or directive of the Lessor or other higher authority, or as a direct result of a natural disaster which affects the tenability of the Premises.

8. The Lessee hereby agrees to make space within the terminal building available, without discrimination, for use by air carriers and commuter airline operators for passenger related services, subject to space limitations. Provided that nothing in this covenant shall be construed as prohibiting the Lessee from charging reasonable rent or fees for such use of said terminal space.

9. The Lessee hereby agrees to limit the parking of light aircraft on the Premises to periods not to exceed two (2) hours. However, Lessee may authorize light aircraft to park on the Premises for periods exceeding two hours if the aircraft is having mechanical problems.

For purposes of this agreement, light aircraft mean any aircraft that has a Certificated Maximum Gross Take-off Weight of 12,500 pounds or less.

LEASEHOLD SURVEYS

SURVEY PLAT REQUIREMENTS

To be acceptable, survey plats must be complete. To prevent the possibility of important details being omitted, the following checklist indicates the items that will be included on all survey plats. It is highly recommended that the surveyor contact the Airport Leasing staff prior to any field work.

- A. Unless otherwise authorized, the basis of bearing for the survey shall be runway centerline as established by State Airport survey control sheet. If centerline monumentation has been destroyed, surveyor shall reestablish monuments as indicated on State Airport survey control sheet. If an Airport does not have a survey control sheet the surveyor will be instructed on which information source to use.
- B. Lease lot plat shall show runway station and offset. If the lot bounds on an exterior boundary of the airport, lot will be tied by record bearing and distance to an established monument on the exterior boundary.
- C. Runway station and centerline offset data will be shown for at least one lot corner using Alaska State plane coordinates, if available.
- D. Dimensions and bearings of all lot boundaries will be indicated on the plat. Indicate Alaska State Plane grid bearing or true bearing and measured or recorded distances.
- E. Indicate area of lot or parcel (in square feet).
- F. Description of all monumentation set or recovered, for example: indicate rebar, copperweld, brass cap, etc.
- G. Show all structures located on the lot (size and location on lot with ties to lot boundaries).
- H. Show all existing utilities on the lot (label aboveground or underground).
- I. All plats must be drawn to a scale no smaller than 1" = 50'.
- J. Survey must be conducted by a surveyor registered in the State of Alaska and the plat must bear the surveyor's seal.
- K. In cases where a lease or permit includes a unique survey requirement (special ties, setback from road centerline, etc.) the plat must reflect that requirement.
- L. Tie the lease lot to any adjacent private property monuments within a 100-foot radius of the lease lot corner.
- M. A complete copy of the surveyor's field notes shall be submitted with each survey plat. No exceptions or deletions from the above requirements are allowed unless written permission has been obtained from Airport Leasing.

Revised 2/89

EXHIBIT B

IN WITNESS WHEREOF, the parties hereto have set their hands and day and year stated in the acknowledgments below.

(CORPORATE SEAL)

LESSEE: City of Homer,

Richard J. Letano

STATE OF Alaska)
) ss.
3rd)
(Judicial District or County)

THIS IS TO CERTIFY that on this 24th day of March, 1993, before me, the undersigned, a Notary Public in and for the State of ALASKA, duly commissioned and sworn, personally appeared Richard J. Letano, known to me and to me known to be an officer of the above mentioned corporation which executed the within instrument, and (he)(she) acknowledged to me that (he)(she) executed the same for and on behalf of said corporation, and that (he)(she) is fully authorized by said corporation so to do; and that the corporation seal affixed to said instrument is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

James L. Peterson
Notary Public in and for: ALASKA
My Commission Expires: 01/07/95

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

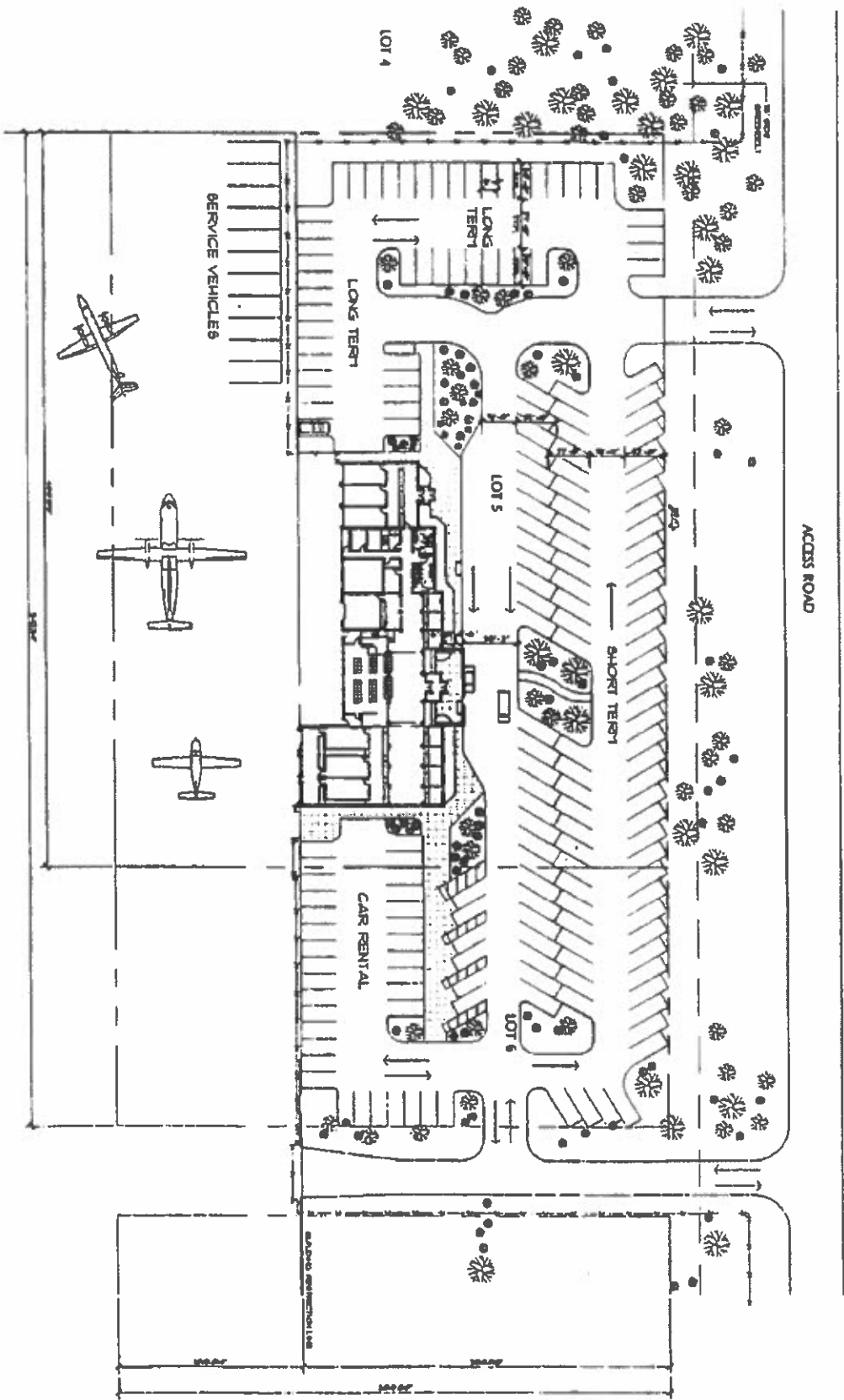
STATE OF ALASKA)
) ss.
3RD JUDICIAL DISTRICT)

Michael M. O'Brien

THIS IS TO CERTIFY that on this 25 day of March, 1993, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared Michael M. O'Brien, known to me and to me known to be the Chief, Leasing & Property Management, Department of Transportation and Public Facilities, and he acknowledged to me that he executed the foregoing instrument freely and voluntarily on behalf of the State of Alaska, Department of Transportation and Public Facilities, for the uses and purposes therein set forth and that he is authorized by said State of Alaska so to do.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first written above.

Debra L. Epperson
Notary Public in and for Alaska
My Commission Expires: 4/25/96



HOMER AIRPORT TERMINAL
 Site Plan
 SCALE: 1" = 50'

Available Parking Spaces

SHORT TERT	107
(INCLUDED & USED)	
LONG TERT	49
CAR RENTAL	53
SERVICE VEHICLE	1
TOTAL SPACES	210

PRELIMINARY
 NOT FOR CONSTRUCTION

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-13

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 21.57 Large Retail and Wholesale Stores, Eliminating Maximum Parking Requirement.

Sponsor: Planning Commission

1. City Council Regular Meeting March 14, 2022 Introduction
Memorandum 22-038 from City Planner as backup
2. City Council Regular Meeting March 29, 2022 Public Hearing and Second Reading

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

4 Planning Commission

5 **ORDINANCE 22-13**
6
7

8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
9 AMENDING HOMER CITY CODE CHAPTER 21.57 LARGE RETAIL AND
10 WHOLESALE STORES, ELIMINATING MAXIMUM PARKING
11 REQUIREMENT.
12

13 WHEREAS, The 2018 Comprehensive Plan Chapter 4 Goal 3, Objective A states, “Create
14 a clear, coordinated regulatory framework that guides development;” and
15

16 WHEREAS, The 2018 Comprehensive Plan Chapter 4 Goal 3, Objective A,
17 Implementation Strategies states, “Review rules and regulation options with consideration of
18 operational constraints and community acceptance;” and
19

20 WHEREAS, It has been found that the maximum parking allowance for Large Retail and
21 Wholesale Stores is inadequate to support summertime customer demands for grocery stores;
22 and
23

24 WHEREAS, The limitation of maximum parking requirements for Large Retail and
25 Wholesale stores is inconsistent with the permitted uses for parking lots and garages; and
26

27 WHEREAS, The elimination of maximum allowances for Large Retail and Wholesale
28 Stores will be more consistent with other parking regulations found in the Homer City Code;
29 and

30 WHEREAS, The proposed ordinance overcomes operational constraints and fills
31 expectations of the community.
32

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

35 Section 1. Homer City Code 21.57, is hereby amended to read as follows:
36

37 Chapter 21.57.150 Parking
38

39 ~~a. Parking lots for large retail and wholesale development shall not exceed the minimum~~
40 ~~number of spaces required by Chapter 21.55 HCC by more than 10 percent.~~
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42 ~~a~~b. All parking lots will be posted “No Overnight Camping Permitted” as required by HCC
43 19.08.030.

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be. Where practical, no more than 50 percent of the required parking area for the development shall be located between the front facade of the building and the abutting streets or adjacent to arterials.

Section 2. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of _____, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 22-038 (PL 22-01)

TO: MAYOR CASTNER, AND HOMER CITY COUNCIL

FROM: RICK ABOUD, AICP, CITY PLANNER

DATE: FEBRUARY 18, 2022

SUBJECT: ELIMINATION OF MAXIMUM PARKING REQUIREMENTS FOR LARGE RETAIL AND WHOLESALE STORE

A recent Conditional Use Permit (CUP) for an expansion of a grocery store required that the long-time store achieve compliance with the Large Retail Standards found in code. This was likely the first time the requirement for spaces to not exceed 110% of the minimum required under the Parking Code (HCC 21.55) has been applied. While the idea of minimizing surface parking has merit, it has been found to not be practical in application for several reasons outlined in Staff Report 22-11.

The CUP provided an example of just how the code standard, in this instance, did not provide for adequate parking for summer demands and can be circumvented by other allowances for parking lots in the Central Business District (CBD). This particular store does own an adjacent parcel and was allowed by code to develop an additional parking lot to serve their customers. In the end, the store will be able to provide their desired amount of parking once the lot is complete.

The item was the subject of two meetings of the Commission, including a public hearing at the February 16th meeting. In consideration of local concerns regarding the adequacy of parking for our local grocery store's proven summer demands, the Homer Planning Commission recommends that the Homer City Council adoption the draft ordinance.

Attachments

Planning review of code amendment
Draft Ordinance
SR 22-09 & minutes
SR 22-11 & minutes

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

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

Staff: The proposed amendment is consistent with Chapter 4, Goal 3, Objective A; “create a clear, coordinated regulatory framework that guides development.” Implementation strategies for this item includes the consideration of operational constants and community acceptance for rules and regulations.

b. Will be reasonable to implement and enforce.

Staff: The proposed amendment does not present a challenge to implement and enforce.

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

Staff: The amendment will promote public health safety and welfare by not introducing the need to park illegally or in places of parking lots not designed for parking and needed for circulation.

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

Staff: The ordinance has been reviewed for consistency with other wording and provisions of the title and been found to not introduce conflicts.

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**CITY OF HOMER
HOMER, ALASKA**

Planning Commission

ORDINANCE 22-XX

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING TITLE 21.57 LARGE RETAIL AND WHOLESALE STORES,
ELIMINATING MAXIMUM PARKING REQUIREMENT.

WHEREAS, The 2018 Comprehensive Plan Chapter 4 Goal 3, Objective A states, “Create a clear, coordinated regulatory framework that guides development;” and

WHEREAS, The 2018 Comprehensive Plan Chapter 4 Goal 3, Objective A, Implementation Strategies states, “Review rules and regulation options with consideration of operational constraints and community acceptance;” and

WHEREAS, It has been found that the maximum parking allowance for Large Retail and Wholesale Stores is inadequate to support summertime customer demands for grocery stores; and

WHEREAS, The limitation of maximum parking requirements for Large Retail and Wholesale stores is inconsistent with the permitted uses for parking lots and garages; and

WHEREAS, The elimination of maximum allowances for Large Retail and Wholesale Stores will be more consistent with other parking regulations found in the Homer City Code; and

WHEREAS, The proposed ordinance overcomes operational constraints and fills expectations of the community.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.57, is hereby amended to read as follows:

Chapter 21.57.150 Parking

~~a. Parking lots for large retail and wholesale development shall not exceed the minimum number of spaces required by Chapter 21.55 HCC by more than 10 percent.~~

ab. All parking lots will be posted “No Overnight Camping Permitted” as required by HCC 19.08.030.

44 **b.** Where practical, no more than 50 percent of the required parking area for the development
45 shall be located between the front facade of the building and the abutting streets or adjacent
46 to arterials.

47
48 Section 2. This Ordinance is of a permanent and general character and shall be
49 included in the City Code.

50
51
52 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of _____, 2022.

53
54 CITY OF HOMER
55
56 _____
57 KEN CASTNER, MAYOR
58

59
60 ATTEST:
61
62 _____
63 MELISSA JACOBSEN, MMC, CITY CLERK
64

65
66 YES:
67 NO:
68 ABSTAIN:
69 ABSENT:
70
71 First Reading:
72 Public Hearing:
73 Second Reading:
74 Effective Date:



City of Homer

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Planning

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Staff Report PL 22-09

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: February 2, 2022
SUBJECT: Maximum Parking for Large Retail

Introduction It has been requested through Council Member/City Manager request, that the Planning Commission review issues surrounding large retail parking requirements, specifically concerns of the development of the Safeway parking lot.

Analysis Last year we took a look at the entirety of the Large Retail code and had a few items to work out. At this time, I wish to look exclusively at parking issues.

21.57.150 Parking.

a. Parking lots for large retail and wholesale development shall not exceed the minimum number of spaces required by Chapter 21.55 HCC by more than 10 percent.

b. All parking lots will be posted “No Overnight Camping Permitted” as required by HCC 19.08.030.

c. Where practical, no more than 50 percent of the required parking area for the development shall be located between the front facade of the building and the abutting streets or adjacent to arterials.

Maximum Parking Allowances for Large Retail

The issue that is most brought up is that the number of parking spaces are inadequate to support the traffic that the store generates. I do believe that this issue could be a nearly untenable issue in the summer peak, if not for the allowance to construct an adjacent parking lot on a separate lot.

Safeway may have had a few challenges since it was constructed, but it also had atypical pressures such as, parking spaces being taken up by construction workers and equipment. I have not found my use of the parking lot inhibited and I frequently stop there 3 times a week.

But I do sympathize with the issues that will likely show themselves in the summer when demand is high.

Additionally, I object to the inconsistency of the code. This is the only type of development that is restricted in this way (Not to exceed more than 10% of minimum requirements) and it can be overcome by development on a neighboring lot. I do not think that it produces any consistent result (just as Safeway demonstrates). It is actually a rare thing in Homer for someone to propose developing parking well beyond the minimums, it is an expensive venture. Frequently, businesses desire to develop less than the minimum.

I do recommend that the Commission give serious consideration to eliminating the maximum allowance for large retail parking. It would be more consistent with code and would eliminate the development of alternative plans such as Safeway has done in creating a 'stand-alone' parking lot that could be of any dimensions.

Design

Also brought up is difficulties with the parking islands. It has been difficult for some to get used to the islands and claims have been made that they are the cause of accidents.

f. Landscaping Requirements. All development shall conform to the following landscaping requirements:

1. Landscaping shall include the retention of native vegetation to the maximum extent possible and shall include, but is not limited to, the following:

a. Buffers.

i. A buffer of three feet minimum width along all lot lines where setbacks permit; except where a single use is contiguous across common lot lines, such as, but not limited to, shared driveways and parking areas. Whenever such contiguous uses cease the required buffers shall be installed.

ii. A buffer of 15 feet minimum width from the top of the bank of any defined drainage channel or stream.

b. Parking Lots.

i. A minimum of 10 percent of the area of parking lots with 24 spaces or more shall be landscaped in islands, dividers, or a combination of the two;

ii. Parking lots with 24 spaces or more must have a minimum 10-foot landscaped buffer adjacent to road rights-of-way;

iii. Parking lots with only one single-loaded or one double-loaded aisle that have a 15-foot minimum landscaped buffer adjacent to road rights-of-way are exempt from the requirement of subsection (f)(1)(b)(i) of this section.

I have a really hard time processing this one. I do not see how navigating islands should introduce difficulties that would not be encountered if the spaces were taken up by vehicles. It may have caught some by surprise, as no plantings have been established and they may have been obscured by snow.

We may be able to take some considerations for alternative options, if an existing business does not have the room to meet minimum parking requirements when required to conform to the 10% landscaped in buffers or islands. I also support the contention that one might be able to trade off some buffers for islands and such, if difficulties are demonstrated.

The tough part here is that, I do not see that there is/was much of any alternative that was justifiable for the Safeway lot. They really do not have any options that would not have significantly altered the parking lot. They were able to meet parking minimums with the landscaping included. With the development of the neighboring parking lot, they will not lose parking spaces compared to what was previously provisioned.

There are reason why we support landscaping in parking lots. Landscaped parking lots enhance the aesthetics of a property, provide shade protection, and can reduce impervious surface through environmental design.

I do entertain thoughts of the provisioning of landscaping in parking lots in concern of the possible expansion of existing businesses. Perhaps there are other tradeoffs?

Staff Recommendation Discuss and make recommendation for further actions.

1. Should parking lot maximums, which apply only to large retail, be removed from code?
2. Are there landscaping tradeoffs for business that want to expand, but are limited by parking lot landscaping requirements?

Commissioner Conley requested a worksession on this topic to discuss and review all the options and to get a thorough understanding of the issues.

Commissioner Barnwell supported the idea of worksession instead of trying to make a decision in this limited time period.

Vice Chair Highland requested confirmation that City Planner Abboud had enough direction to proceed with the Building Code aspect of this by the commission.

City Planner Abboud confirmed.

Deputy City Clerk Krause requested a motion to postpone amending the definition from the Commission if they were not acting on it at this meeting.

BENTZ/VENUTI MOVED TO POSTPONE THIS ITEM TO THE FEBRUARY 16, 2022 REGULAR MEETING.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Staff Report 22-09 Maximum Parking Allowance for Large Retail

Vice Chair Highland introduced the item by reading of the title.

City Planner Abboud reviewed his staff report for the Commission.

Discussion was facilitated and focused more on the issues that were brought forward by the changes in the Safeway parking lot on the following:

- requirements for parking lots for commercial establishments
- design factor
- number of entrances
- looking at minimums
- making logical allowances for what is really necessary on site
- parking lots are really expensive
- reducing the percentage is the simplest method
- removal of landscape requirements
- accommodating snow removal and storage

BENTZ/CONLEY MOVED TO STRIKE LINE A PARKING LOTS FOR LARGE RETAIL AND WHOLESALE DEVELOPMENT SHALL NOT EXCEED THE MINIMUM NUMBER OF SPACES REQUIRED BY CHAPTER 21.55 BY MORE THAN 10 PERCENT.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was a brief discussion on the outcome of the changes to the Safeway parking lot changes and stormwater runoff, and possible fees such as charged in land poor communities and this factor is a big discussion and being looked at by the City.

Vice Chair Highland requested clarification on the second recommendation in Staff Report 22-09.

City planner Abboud stated it may be nice to have something on the record to bring this topic back before the commission.

BENTZ/VENUTI MOVED TO POSTPONE FURTHER DISCUSSION ON LANDSCAPING UNTIL BROUGHT BACK BY STAFF.

There was no further comments.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. City Manager's Report for January 10 & 24, 2022 City Council Meeting
- B. Kenai Peninsula Borough Notice of Decisions

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY STAFF

Deputy City Clerk Krause complimented Vice Chair highland on conducting a good meeting, it was very interesting and welcomed back Commissioner Barnwell.

COMMENTS OF THE COMMISSION

Commissioner Venuti complimented Commissioner Highland on conducting a great meeting.

Commissioner Chiappone echoed those sentiments.

Commissioner Bentz commented that on reflection of the various topics they discussed tonight lead back to resiliency and she was able to take some management level FEMA courses about building Community resilience with nature based solutions recently and there's resources out there to start thinking about the normal planning processes that cities have and how those plans can align and integrate different strategies to thread together some of these ideas that we're talking about like



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Staff Report PL 22-11

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: February 16, 2022
SUBJECT: Maximum Parking for Large Retail

Introduction

In consideration of experiences of our local Safeway grocery store's need to provide parking for customers year-round, the Commission has reconsidered the policy found in Homer City Code (HCC) for Large Retail and Wholesale Store that limit the allowance for parking spaces to not exceed the minimum required by more than 10%.

Analysis

We have found several factors to reconsider limiting the amount of parking allowed at Large Retail and Wholesale stores. While the concept of limiting the size of parking lots, especially those that are likely to be underutilized, seems to be a worthy goal, we have found that it is not practical when it has been indicated that the restriction is not adequate to serve demand and conflict with other policy.

The Safeway store has demonstrated a demand for parking well beyond the limitations in code. During the summer the parking lot frequently utilizes parking spaces that equal 30% above the maximum currently allowed in code. There does seem to be local factors contributing to the demand and constraints.

- There is no mass transportation options in Homer. Taxi is generally the only transportation option as no bus route exists. This does not significantly decrease the need for parking and contributes traffic to the parking lot.
- Homer does not have significant nearby population that would walk to the store. Those that do walk face challenges due to the changes in grade and may have to walk up hills that may be difficult for many, who will generally resort to driving to the store.
- The population outside Homer is considerable compared to in-town populations and Homer has a great deal of tourists in the summer. These populations are dependent of the use of cars and the services provided at the grocery store and contribute to parking demands.

- The store itself is smaller than comparable stores that provide the same products & services. This does seem to be an anomaly, as other newer and remodeled grocery stores are larger and would require more spaces due to larger floor areas.
- Homer does not allow on-street parking. On-street parking might be able provide an option for overflow parking, but this is not a viable option and not many opportunities exist that would reasonably support the use.

The policy itself is inconsistent.

- Large Retail and Wholesale Stores are the only category that is limited in this way. No other use in code is limited in maximum.
- Parking lots are an allowed use in the Central Business District (CBD). The CBD is arguably the most attractive district to operate a large retail operation and the outright allowance for a parking lot with no limitations on the numbers of stalls conflicts with the restriction. This has played out as Safeway is developing a parking lot on the adjoining lot as allowed in code and has provided a way to circumvent the restriction.

Due to the factors listed above, an amendment to eliminate the parking maximum for Large Retail and Wholesale Store is being proposed.

Staff Recommendation

Conduct public hearing and make recommendation to the City Council for adoption.

Attachment

~~Draft Ordinance~~

same as
attached to
Memo PL 22-01

City Planner Abboud reviewed his staff report that was included in the packet. He commented further on the following:

- comments made at the worksession by the public regarding drainage
- adding funds to the Land Fund and the benefits to replenish that account
- possible funding for stormwater and building code as a result of the Hazard Mitigation Plan update
- Rural Residential Rezone update process and expectations of the benefits to update this in code
- Complaints received by the City Manager on noise from Airbnb's and the question on how to manage this since Homer has literally hundreds of these seasonal rentals
 - o checking on the validity of the complaints
 - o Homer is not a "spring break location"
 - o concerns regarding the removal from the market for year round rentals
 - o reinforcement for the rezoning and will assist in creating more housing to be built

City Planner Abboud facilitated questions and responded to questions on the timeline for the presentation of the draft Hazard Mitigation Plan; building code; green infrastructure funding; details on the projects selected will need input from the Public Works Director; the public works campus relocation is a slow moving long range plan; vacation rental businesses are or should be licensed and remitting sales tax.

PUBLIC HEARINGS

A. Staff Report 22-11, draft Ordinance 22-xx Eliminating Maximum Parking Requirements for Large Retail and Wholesale Stores

Chair Smith introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 22-11 for the Commission noting the following:

- no mass or public transportation offered in Homer besides taxi's
- does not decrease the need for parking
- residents do not walk to the store due to location and topography
- considerable patronage by non-city residents, visitors and tourists
- policy itself is inconsistent, only large retail and wholesale stores are limited in the maximum
- Parking lots are an allowed use in the CBD and can be constructed without the limitation

Chair Smith opened the public hearing and having no one present in the audience in person and members of the audience attending by Zoom did not use the raise hand icon he closed the public hearing.

Chair Smith requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 22-11 AND FORWARD TO CITY COUNCIL THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21-57 LARGE RETAIL AND WHOLE SALE STORES, ELIMINATING THE MAXIMUM PARKING REQUIREMENT.



Commissioner Highland noted that the Commission discussed this topic thoroughly and did not believe that there was anything additional to discuss.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 22-12 Coastal Bluff Analysis

Chair Smith Introduced the item by reading of the title and invited City Planner Abboud to provide his report.

City Planner Abboud reviewed his staff report at the worksession and provided a summary of what was discussed:

- work out issues insuring the setback is from the face or edge of the structure
- definition for “edge and maybe a measurement section to make sure this is not compromised by other measurements
- displaying 60 foot setbacks west of West Hill Road
- Shoring up definitions of bluff edge which include eliminating the word bluffs so it is not confused with regulations of other bluffs that they deal with
- adding a section or some definitions pertaining to the Marine Erosion and distance from the marine area that this will apply to
- possibly incorporating some measure of mean high water
- working with Commissioner Bentz to define the language for the above

Chair Smith noted that staff has requested motion for recommended setback and locations but was unsure if they were ready to do that at this time and requested further input from the Commission.

Commissioner Bentz stated that she agreed with the idea of a 40 foot setback for all areas of Homer east of West Hill and then a 60 foot setback for areas west of West Hill Road. She expressed that if they wanted to make the motion as a Commission about just that number of feet for the setback, and then opined that it would be useful to make a motion to request staff to provide an ordinance with proposed language for review at the next meeting. Ms. Benz further stated that just incorporating those key bullet points that City Planner Abboud just give us an overview of, in the language, will help and having it before us in a draft ordinance form will be really helpful as far as making decisions in the future.

City Planner Abboud stated that he was unsure if a draft ordinance could be ready by the March 2nd meeting as he will be taking some time off and Planning Staff will have other time commitments.

BENTZ/VENUTI MOVED TO RECOMMEND 40 FEET AS A SETBACK FOR LOCATIONS IN HOMER EAST OF WEST HILL AND THE STERLING HIGHWAY INTERSECTION AND 60 FEET SETBACK FOR LOCATIONS WEST OF THE INTERSECTION OF WEST HILL ROAD AND THE STERLING HIGHWAY.

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-14

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 5.24 Fireworks, Repealing Chapter 19.02 Large Special Events and Reenacting Chapter 5.46 Special Events, and Amending Section 1.16.040, Disposition of Scheduled Offences-Fine Schedule.

Sponsor: Venuti/Hansen-Cavasos

1. City Council Regular Meeting March 14, 2022 Introduction

Memorandum 22-039 from City Manager as backup

Memorandum 22-040 from Deputy City Planner & Special Projects Coordinator as backup

2. City Council Regular Meeting March 29, 2022 Public Hearing and Second Reading

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

3 City Manager

4 **ORDINANCE 22-14**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE CHAPTER 5.24 FIREWORKS,
8 REPEALING CHAPTER 19.02 LARGE SPECIAL EVENTS AND
9 REENACTING AS CHAPTER 5.46 SPECIAL EVENTS, AND AMENDING
10 SECTION 1.16.040, ENTITLED "DISPOSITION OF SCHEDULED
11 OFFENSES – FINE SCHEDULE."
12

13 WHEREAS, Chapter 19.02 is in need of a comprehensive rewrite to bring the special
14 event permit process up to-date and better define which events require an event permit; and
15

16 WHEREAS, The subject matter of Chapter 19.02 is better suited for Title 5 Health and
17 Public Safety as special and/or larger events may impact public health and safety; and
18

19 WHEREAS, Chapter 5.24.050 is in need of amendment to reflect the revised special event
20 permit process for authorized firework exhibits.
21

22 WHEREAS, Chapter 1.16.050 is in need of amendment to reflect the revised code citation
23 and to increase the fine for non-compliance.
24

25 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
26

27 Section 1. Homer City Code 5.24.050, entitled "Exceptions for authorized exhibits –
28 Permits required" is hereby amended as follows:
29

30 5.24.050 Exceptions for authorized exhibits – Permits required.
31

32 a. Fireworks may be used for public exhibits by fair associations, amusement parks and other
33 organizations or groups of individuals if: **a Special Event permit is first obtained from the**
34 **City Manager per the permitting process under HCC 5.46.**
35

36 1. ~~A permit is first obtained from the City Clerk upon payment of a permit fee in an amount~~
37 ~~determined by Council resolution and set forth in the City of Homer fee schedule, per~~
38 ~~exhibit or continuous series of exhibits; such permit to be applied for not less than 30 days~~
39 ~~prior to such exhibit or series of exhibits; and~~
40

41 2. ~~A bond is filed with the City, in the amount of at least \$500.00, to insure payment of all~~
42 ~~damages to persons or property caused by any exhibit. A bond will not be required if the~~

43 holder of the permit has in effect a liability insurance policy which accomplishes the same
44 purpose as the bond.

45

46 ~~b. No permit issued under this section shall be transferable.~~

47

48 Section 2. Homer City Code Chapter 19.02, entitled "Large Special Events", is hereby
49 repealed and reenacted as Chapter 5.46, entitled "Special Events", to read as follows:

50

51 **Chapter 5.46 SPECIAL EVENTS**

52

53 **Sections:**

54 **5.46.010 Definitions.**

55 **5.46.020 Intent.**

56 **5.46.030 Permit required.**

57 **5.46.040 Application procedure.**

58 **5.46.050 Action on permit application and general standards**

59 **5.46.060 Revocation of permit.**

60 **5.46.070 Payments for City services and facilities.**

61 **5.46.080 Insurance.**

62 **5.46.090 Violation – Penalty.**

63 **5.46.100 Appeal of decision.**

64

65 **5.46.010 Definitions.**

66

67 **As used in this chapter, the words and phrases defined in this section shall have the**
68 **meaning stated.**

69

70 **“Anticipated attendance” means the largest number of persons, including participants**
71 **and spectators, that the Sponsor reasonably expects to congregate at a single time and**
72 **location during a special event.**

73

74 **“Demonstration” means an assembly of persons for purposes of expressive activity that**
75 **occupies, or travels on, any street in a manner that does not comply with generally**
76 **applicable traffic regulations; or occupies a public park or other public facility or**
77 **property.**

78

79 **“Emergency services” means the public organizations that respond to and deal with**
80 **emergencies when they occur, especially those that provide police, ambulance, and**
81 **firefighting services.**

82

83 **“Special event” means a parade, performance, concert, sporting event, fair, ceremony**
84 **or other public assembly, for which persons congregate in a street, right-of-way, park, or**
85 **other public or private property in the City.**

86
87 **“Sponsor” means the person or persons who organize, present or promote a special**
88 **event.**

89
90 **5.46.020 Intent.**

91
92 **The intent of this chapter is to protect general health and safety of the public within the**
93 **City of Homer, while allowing and regulating special events which may be beneficial to**
94 **the City and its residents.**

95
96 **5.46.030 Permit required.**

97
98 **a. No sponsor may promote, advertise or sell admission to a special event without first**
99 **having obtained a permit from the City under this chapter. Approval of a special event**
100 **application and the issuance of a special event permit shall be required for any of the**
101 **following:**

102
103 **1. Outdoor concerts and festivals;**

104
105 **2. Carnivals, rides, circuses, zoos, or animal exhibitions;**

106
107 **3. Events on City property where the anticipated attendance is expected to exceed the**
108 **standard capacity for that facility or property as determined by the City Manager or**
109 **designee;**

110
111 **3. Events that take place within the City and/or State rights-of-way;**

112
113 **4. Events that are held on private property within City limits that do not have the**
114 **parking capacity to accommodate the anticipated attendance and will impact the**
115 **road right-of-way for emergency service access;**

116
117 **5. Firework displays or events that incorporate large fires/pyrotechnics of any kind;**
118 **or**

119
120 **6. Other special events which are similar to and compatible with those listed above,**
121 **pending approval by the City Manager.**

122
123 **b. The following are exempt from the permit requirement of this chapter:**

124

- 125 **1. A funeral procession.**
126
127 **2. A special event that is held entirely within a privately-owned property and does not**
128 **meet the permit requirements under this section.**
129
130 **3. A special event that is held within a permanent facility, such as an auditorium,**
131 **theater, church or athletic field, that is specifically designed and intended for the**
132 **activities comprising the event, and that:**
133
134 **a. Has the capacity to accommodate the anticipated attendance at the special**
135 **event, including compliance with maximum occupancy permitted by State or local**
136 **fire officials; and**
137
138 **b. Has sufficient off-street parking to accommodate the anticipated attendance at**
139 **the special event, according to the standards prescribed in HCC Title 21.**
140
141 **4. A special event that is sponsored by a duly organized neighborhood or**
142 **homeowners' association, occurs entirely within the area where the association's**
143 **members reside, generates minimal traffic outside that area, is attended only by the**
144 **association's members and their guests, and does not benefit any other organization.**
145
146 **5. An event that is sponsored by or under the control of the City or through a**
147 **memorandum of understanding or agreement with the City.**
148
149 **6. A demonstration; provided that the Chief of Police is notified of the route or location**
150 **of the demonstration at least 48 hours before the commencement of the**
151 **demonstration.**

152
153 **5.46.040 Application procedure.**
154

155 **a. The sponsor shall submit a special event permit application to the City Manager on a**
156 **form provided by the City not less than 14 business days before the commencement of**
157 **the special event, and shall contain at a minimum the following:**
158

- 159 **1. Contact information including a functional telephone number for the sponsor.**
160
161 **2. For sponsors who are not a natural person: the sponsor entity's organization form,**
162 **the state in which the entity is organized, and the names of the principal officers of**
163 **the entity.**
164
165 **3. The name of an individual, including their 24-hour telephone number(s), who will**
166 **be the on-site point of contact for the sponsor at all times of the special event from**

167 **the commencement of on-site preparations until all on-site cleanup and restoration**
168 **work is completed at the conclusion of the special event.**

169
170 **4. Proposed date(s) and hour(s) of operation of the special event.**

171
172 **5. A complete description of the special event which:**

173
174 **a. Describes the proposed activity or activities with a summary and the use of**
175 **visual aids such as maps/overviews, diagrams, or illustrations;**

176
177 **b. Gives an anticipated attendance for each day of the special event;**

178
179 **c. Demonstrates to the satisfaction of the City Manager that the sponsor has an**
180 **effective plan for satisfying the criteria under Section 5.46.050; and**

181
182 **d. Provides any additional information requested in the permit application or by**
183 **the City Manager, including without limitation plans for parking, traffic control,**
184 **sanitation, and security as appropriate to the nature of the special event.**

185
186 **6. Permit application fee that the City Council establishes by resolution.**

187
188 **b. For special events that the City Manager determines may have a more significant**
189 **impact on the safety of the community, the City Manager may impose additional**
190 **requirements, with proof and/or payment to accompany the special event permit**
191 **application to the City Manager. Additional requirements may include:**

192
193 **1. Certificate of insurance as required by Section 5.46.080.**

194
195 **2. For sponsors who are not a natural person: proof that the entity is in good standing**
196 **in its state of organization and qualified to conduct its activity in the State of Alaska.**

197
198 **3. If a special event imposes substantial demands on City services or facilities:**
199 **payment for the necessary additional City services or facilities and/or performance**
200 **bond, as required by Section 5.46.070.**

201
202 **5.46.050 Action on permit application and general standards.**

203
204 **a. The City Manager may approve a complete and timely submitted application for a**
205 **special event permit upon finding that the special event will not be detrimental to the**
206 **public's health, safety, or convenience. In order for a permit to be approved, the special**
207 **event must:**

209 **1. Minimize interference with the enjoyment of neighboring uses and protect**
210 **neighboring uses from nuisances or hazardous features;**

211
212 **2. Not create hazardous vehicular or pedestrian traffic patterns or result in traffic in**
213 **excess of the capacity of surrounding rights-of-way or property serving the use;**

214
215 **4. Not create diversion of City resources that would unreasonably interfere with the**
216 **maintenance of regular City service levels;**

217
218 **5. Accommodate the anticipated number of attendees of the special event through the**
219 **availability of adequate restroom facilities or temporary structures such as portable**
220 **toilets with established handwashing stations; refuse management facilities; and safe**
221 **and maneuverable access for emergency services, pedestrians, patron vehicles**
222 **including off-street parking, and other necessary facilities and services as determined**
223 **by the City Manager;**

224
225 **6. Be removed and the site be restored to the original or better condition on or before**
226 **the expiration date of the permit;**

227
228 **7. Have obtained written permission from the property owner(s) where operating;**

229
230 **8. Be registered to collect sales tax within the Kenai Peninsula Borough, if required;**

231
232 **9. Be in compliance with requirements for any business license or other permits which**
233 **may be prescribed by any Federal, State or local statutes, ordinances, rules or**
234 **regulations; and**

235
236 **10. Be in compliance with all other applicable laws, codes, and statutes of any**
237 **jurisdiction as appropriate to the specific activities associated with the proposed**
238 **special event.**

239
240 **b. The City Manager may impose any special conditions necessary to ensure that the**
241 **intent and general standards of this section are satisfied.**

242
243 **5.46.060 Revocation of permit.**

244
245 **a. The City Manager may revoke a special event permit if it is determined that the conduct**
246 **of the operation(s) is not in compliance with either the terms and/or conditions of the**
247 **permit or the provisions of this chapter.**

248
249 **b. Except in the circumstances described in subsection (c) of this section, the City**
250 **Manager shall not revoke a permit without first providing notice and an opportunity for**

251 **a review under this subsection. The City Manager shall notify the sponsor of the grounds**
252 **for revoking the permit, and of the sponsor’s right to request a review on the revocation.**
253 **The sponsor may obtain a revocation review by requesting a meeting in writing at the**
254 **office of the City Manager within the time prescribed in the revocation notice.**

255
256 **c. If the City Manager determines that the grounds for revoking a permit constitute an**
257 **immediate danger to public health or safety, the City Manager may revoke the permit**
258 **without prior notice or meeting. Promptly after revoking a permit under this subsection,**
259 **the City Manager shall give the sponsor notice in accordance with subsection (b) of this**
260 **section, and schedule a review on the revocation.**

261
262 **5.46.070 Payments for City services and facilities.**

263
264 **a. If the City Manager determines that a special event will require additional support**
265 **services or facilities from the Police, Fire, Public Works, Administration, or any other City**
266 **department, the City Manager shall so notify the sponsor, with an estimate of the cost of**
267 **such additional services. Upon receipt of such notice, the sponsor shall pay to the City an**
268 **amount equal to 50 percent of such estimated cost. The sponsor shall pay to the City the**
269 **remainder of the total actual cost of such additional services or facilities within 30 days**
270 **after the last day of the special event.**

271
272 **b. In addition to requiring payment for additional City services or facilities under**
273 **subsection (a) of this section, the City Manager may require a sponsor to submit to the**
274 **City a deposit to cover the estimated cost of cleaning and restoring City property after a**
275 **special event. The deposit shall be refunded to the sponsor to the extent that it is not**
276 **applied to pay the cost of cleaning and restoring City property used during the special**
277 **event.**

278
279 **c. If the City Manager has cause to doubt a sponsor’s financial capability to pay any**
280 **amount required under this section, the City Manager may require the sponsor to provide**
281 **a performance bond before issuing the permit for the special event.**

282
283 **5.46.080 Insurance.**

284
285 **a. The City Manager may require that the sponsor acquire insurance coverage and provide**
286 **a certificate of insurance with the special event permit application. Any required**
287 **insurance shall include the following:**

288
289 **1. Comprehensive commercial general liability with coverage limits up to \$1,000,000**
290 **combined single limit per occurrence and aggregate, including premises-operations,**
291 **independent contractors, products/completed operations, broad form property**
292 **damage, blanket contractual and personal injury endorsements.**

293
294 **2. Comprehensive automobile liability covering all owned, hired and non-owned**
295 **vehicles that the sponsor uses in connection with the special event, with coverage**
296 **limits up to \$1,000,000 per occurrence.**

297
298 **3. Worker’s compensation insurance as required by AS 23.30.045 for all employees of**
299 **the sponsor and its contractors engaged in work on the special event.**

300
301 **4. Name the City as additional insured and contain an appropriate waiver of**
302 **subrogation in favor of the City.**

303
304 **b. The sponsor shall maintain the required insurance coverage in force at all times from**
305 **the commencement of on-site preparations until all on-site cleanup and restoration work**
306 **is completed after the conclusion of the special event.**

307
308 **5.46.090 Violation – Penalty.**

309
310 **The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC**
311 **1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must**
312 **appear in court and, if convicted, is subject to the general penalty as provided in HCC**
313 **1.16.010 unless another penalty is specifically provided.**

314
315 **5.46.100 Appeal of Decision**

316
317 **Judicial review by the superior court of a final decision on a special permit issued by the**
318 **City may be had by filing a notice of appeal in accordance with the applicable rules of**
319 **court governing appeals in civil matters. The notice of appeal shall be filed within 30 days**
320 **of notice of the final decision on the permit. Appeals of special event permits are heard**
321 **solely on the administrative record which shall be prepared by the City. A copy shall be**
322 **filed in the superior court within 30 days after the appellant pays the estimated cost of**
323 **preparing the complete or designated record or files a corporate surety bond equal to the**
324 **estimated cost.**

325
326 Section 3. Homer City Code 1.16.040, entitled “Disposition of scheduled offenses – Fine
327 schedule” is hereby amended as follows:
328

HCC 19.02.020 <u>5.24</u>	Large Special event – Permit required	\$1000.00
---	---------------------------------------	-----------

329
330 Section 4. This ordinance is of a permanent and general character and shall be codified
331 in Homer City Code.
332

333 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2022.

334

335

CITY OF HOMER

336

337

KEN CASTNER, MAYOR

338

339

340 ATTEST:

341

342

343 MELISSA JACOBSEN, MMC, CITY CLERK

344

345 YES:

346 NO:

347 ABSENT:

348 ABSTAIN:

349

350 First Reading:

351 Public Hearing:

352 Second Reading:

353 Effective Date:



City of Homer

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Memorandum 22-039

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: February 1, 2022; Updated March 2, 2022
SUBJECT: Special Events Code Update

Homer's current special events code is not a great fit for the events that are actually happening all year within city limits. A team of staff, along with Councilmembers Venuti and Hansen-Cavasos, collaborated on potential solutions via a comprehensive code update for special events. The proposal in Ordinance 22-XX will repeal Homer City Code (HCC) Chapter 19.02 Large Special Events and create Chapter 5.46 Special Events as its replacement. Additionally, the ordinance will make a modification to HCC Chapter 5.24 Fireworks.

Background

In early 2021 I asked the Council if there would be interest in updating the special events code. I had observed that our code wasn't fitting our needs very well and that it would benefit from some modifications. Councilmembers Venuti and Hansen-Cavasos volunteered to work with me on this topic. On the staff side, I built a team that included Chief Robl, Jenny Carroll (Special Projects Coordinator), Rachel Tussey (Deputy Clerk), Julie Engebretsen (Deputy Planner), Matt Steffy (Parks Superintendent), and Mike Illg (Community Recreation Manager). We held a kick off meeting that covered Special Events (HCC 19.02), Mobile Food Service (HCC 8.11), and Fireworks (HCC 5.24). Mobile Food Service (food trucks) will be covered in a separate memo.

At the Special Events kick off meeting, the team had the following goals for the special events update project:

- To build code and processes that are a good fit for the events held in Homer (and the events we want to be held in Homer)
- Set events up for success without creating administrative barriers that are great enough to make organizers not want to host events in Homer
- Make Homer a preferred location for high quality events on the Kenai Peninsula
- Enhance public safety related to events in the community

The team identified issues with the code, generated some ideas for improvements, and discussed thoughts on topics like thresholds for permits, public versus private spaces, where in HCC special events should be located, what should be required in permit applications, parking, and fees. After meeting and getting input from our Council sponsors, the team worked on rewriting the code. This has been a project that has been making slow but steady progress in the background as we've worked on other higher priorities the past year.

Update Notes

The draft in ordinance 22-14 makes a number of changes. The following will give a high-level overview:

- **Change from Large Special Events to Special Events:** The existing code was targeted at events of over 500 people. There are many special events that are much smaller than 500 people which have potential to have a significant impact on public safety, traffic circulation, etc. The update does a better job of addressing these smaller events.
- **Moves special events from Title 19 Parks, Campgrounds and Public Places to Title 5 Health and Public Safety:** This is a more logical location for special events and highlights the City's public safety interest in issuing permits.
- **Intent:** Adds a section regarding the intent of this chapter "to safeguard and protect the enjoyment of private property and general health and safety of the public within the City of Homer, while allowing and regulating special events which may be beneficial to the City and its residents."
- **Clarifies what types of events require permits:** The existing code is limited to "large special events" which have an anticipated attendance of 500 or more persons. The proposed code includes: outdoor concerts and festivals; carnivals, rides, circuses, zoos, or animal exhibitions; events on City property where the anticipated attendance is expected to exceed the standard capacity for that facility (thresholds set by staff); events in a right-of-way; events on private property that expect to impact road rights-of-way with parking overflow; fireworks displays and other events with large fires or pyrotechnics; and other events similar to those listed.
- **Application lead time:** Existing code asks for an application to be submitted 120 days before an event, the proposed code reduces that requirement to 14 days.
- **High impact events:** The proposed code makes it clear that events which are determined to be particularly impactful on the community may have their permits issued with conditions.
- **Findings for approval:** The proposed code has ten conditions which must be considered for the City Manager to approve a special event permit.
- **Insurance:** When insurance is required by the City, the proposed code adds a requirement to name the City as additional insured and contain an appropriate waiver of subrogation in favor of the City.
- **Appeals:** The proposed ordinance gives direction as to how a special event applicant or permit holder would appeal a decision to either not grant a permit or revoke a permit.
- **Fine:** The proposed ordinance would modify HCC 1.16.040 to change the fine from "large special event" to just "special event." The fine is set at \$1000.
- **Fireworks:** The proposed ordinance modifies HCC 5.24.050 removing the requirement to obtain a fireworks permit from the City Clerk and file a bond with the City. Instead, it requires a special event permit.

In conjunction with the code update, staff also produced a pair of flow charts to help special event sponsors understand whether they will be required to file for a permit or not. These flow charts will be used create application forms and a website resource.

Staff Recommendation: Introduce and adopt Ordinance 22-14

Update 2MAR22: Deputy City Planner and Special Projects Coordinator Julie Engebretsen presented this proposed code update to various committees/commissions for comment. There were many questions, and the update was generally well received. There were a few items worth clarifying after having discussions with interested commissioners and the Chamber of Commerce:

- Permit Fees – there is no permit fee in the fee schedule for a special events permit. Administration is not recommending instituting a fee at this time.
- Staff Time – the ability to charge for staff time has existed as long as the special event code has existed, however, it is very seldom used. We expect to continue to offer limited support to community events like those hosted by the Chamber of Commerce and the New Year’s Eve fireworks. This ability to charge for staff time remains in the update with the expectation that in the future there may be large events, particularly private, for-profit, ticketed events, that exclude the general public and do not provide a significant enough public benefit to receive City staff support without full compensation for time and/or supplies.
- Fines – the maximum fine was increased to \$1000 to act as a deterrent to those who would commit egregious violations of the code and cause public health and safety difficulties as a result. This is not a fine that we expect to commonly use, but there may be rare situations in the future in which we would benefit from having this tool available.



Memorandum 22-040

TO: Mayor Castner and Homer City Council
THROUGH: Rob Dumouchel, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: March 3, 2022
SUBJECT: Ordinances amending Mobile Food and Special Event Permits

I attended a meeting at each City Commission and the Library Advisory Board to provide an overview of the two draft ordinances. The Commissions all appreciated the work involved, and the streamlining of City permit processes. Excerpts of their meetings minutes are provided below.

I spoke with the Planning Commission at a work session (3/2/22). No minutes are taken at work sessions. The Planning Commission asked questions and was supportive of the changes.

Economic Development Advisory Commission 2/8/22

Chair Marks introduced the item by reading the title and deferred to Deputy City Planner and Special Projects Coordinator Engebretsen and Deputy City Clerk Tussey to begin discussion.

Ms. Engebretsen and Ms. Tussey spoke to the background of the large special event code and reasoning for amending it, the proposed event permit decision tree, and City staff's plan to build an online interactive Frequently Asked Questions page that would guide individuals to the information they need depending on the event they're planning. Commissioners voiced overall support of the special event code amendments. In response to questions and concerns regarding the updates to food truck code, Ms. Engebretsen explained how the existing code and process was very restrictive and expensive, and how the revised code makes getting a food truck permit easier. Discussion included the following topics:

- Permit should require, at a minimum, showing proof of the applicant's Department of Environmental Conservation (DEC) certificate; Commissioner Gamble supports removing barriers for businesses but thinks skipping over health and safety safeguards is short-sighted; Commissioner Speakman agreed, noting the DEC permitting process is pretty extensive.
- The new process will only require the applicant states they have a copy of their business license and sales tax abilities but will not require proof of it; commissioners and staff discussed how the City is not an enforcement agency and how tedious other community's process is to verify this information; agreement that checkboxes on the application is sufficient.

- Removing the section of code that protected established restaurants from food truck competition. This topic went through extensive discussion at the City Staff level and it was determined the City does not regulate how many liquor licenses or restaurants there can be in a proximity to one another for standard businesses, and so in the spirit of the free market the proposed code does not intend to regulate food trucks as it has in the past. Any issues with food trucks being on private property is up to the owner of that property.
- Support for the “free market” concept, brings up the question why does the City regulate food trucks at all? Point made that it’s coming from the same chapter as Itinerant Merchants and gives the City a right to deny illegitimate businesses from coming into the community, such as shady asphalt businesses. Food truck permits are a pretty standard thing in other municipalities, and gives some concept of who is in your town doing food services, coming from a health, welfare, and safety perspective.
- Concerns that by reducing the revenue from permits we’re now losing a large amount of money due to the amount of staff time/labor put into the permitting process. Staff reasoned it would likely be less time-consuming because the new regulations will be easier to understand (therefore less staff time explaining the process), be more accessible online, less permitting barriers, and a simple \$50 fee can be paid over the phone.
- Reiteration of full support for removing excessive barriers, such as requiring finger-printing, using checkboxes on the form to determine eligibility and that revisions to code can always be done at a later time if needed. GAMBLE/BROWN MOVED TO SUPPORT THE HOMER CITY CODE AMENDMENTS REGARDING SPECIAL EVENTS AND MOBILE FOOD SERVICES AND RECOMMEND APPROVAL BY CITY COUNCIL. There was no discussion. VOTE: NON OBJECTION: UNANIMOUS CONSENT. Motion carried.

Library Advisory Board 2/15/22

Chair Finn introduced the agenda item by reading the title and deferred to Deputy City Planner and Special Projects Coordinator Engebretsen. Ms. Engebretsen spoke to the proposed amendments to City Code regarding special events and food truck permitting in relation to the library and events that could potentially take place at the library. She facilitated discussion with the board and responded to questions on:

- Scenarios when permits would be required since many library events are organized through the Friends of the Homer Library or library staff.
- How demonstrations and marches are addressed in City Code and the permitting process. FAIR/KUSZMAUL MOVED TO SUPPORT THE HOMER CITY CODE AMENDMENTS REGARDING SPECIAL EVENTS AND MOBILE FOOD SERVICES AND RECOMMEND ADOPTION BY CITY COUNCIL.

Boardmember McKinney clarified with City staff that the LAB was supporting the code amendments, not approving them, and will then go to City Council for adoption. Ms. Engebretsen and Deputy City Clerk Tussey noted any further revisions to the documents would be before Council for consideration, the large amount of staff input that went into writing them, and how the proposed amendments will streamline the special event process. Boardmember Dolma commented the new 14 day application period is appreciated if you’re

in a creative role; it feels less daunting than the 120 days. Boardmember Kuszmaul voiced her support for the amendments. She commented how the amendments seemed appropriate in regards to freedom of speech and demonstrations; her concerns were if a demonstration would be shut down if it ended up being larger than the organizers had anticipated. Ms. Engebretsen explained how the permitting process and code addresses that and why the revised decision tree includes notices to Public Safety staff even if a large event permit is not required. Chair Finn confirmed with staff what other advisory bodies were providing comments on the topic. VOTE: NON-OBJECTION: UNANIMOUS CONSENT. Motion carried

Parks, Art, Recreation and Culture Advisory Commission 2/17/2022

Deputy City Planner Engebretsen provided a summary review of the information in the packet. She noted the following in addition to the information provided:

- City of Homer is the most difficult and most expensive community • Lengthy process for a Special Event
- Changes to City Code
- Process outlined in a flow chart format
- Clarifies how a Special Event will be conducted in the City's Parks
- Food Trucks will be wrapped into MOU's that organizations such as Little League have with the city.

Commissioners commented in support of the changes presented. HARRALD/ARCHIBALD MOVED THAT THE COMMISSION SUPPORTS THE PROPOSED CHANGES AS PRESENTED AND RECOMMENDS FORWARDING TO CITY COUNCIL FOR PUBLIC HEARING AND ADOPTION. VOTE. NON-OBJECTION. UNANIMOUS CONSENT. Motion carried.

Port and Harbor Advisory Commission 2/23/22 * City Manager Dumouchel, Julie Engebretsen and Christine Drais subsequently met with the Homer Chamber of Commerce Executive Director Brad Anderson and Port and Harbor Commission Chair Crisi Matthews to further discuss concerns. There are addressed in the manager's memo accompanying the special event permit ordinance.

Vice Chair Ulmer introduced the item by reading the title and deferred to Deputy City Planner and Special Projects Coordinator Engebretsen.

Ms. Engebretsen provided an overview of the proposed amendments to City Code regarding special events and food truck permitting in relation to the harbor.

Commissioner Matthews raised concerns that the new code for special event permits would cause undue burdens on local organizations and individuals who plan events that can potentially bring revenue to Homer. She pointed out the code verbiage that allows the City Manager to impose additional costs for City staff time and insurance requirements.

Ms. Engebretsen responded, noting:

- How many of the events used as examples would not be required to get a permit under the new code/process;
- That events that do require a permit, such as ones that impact the Right-of-Ways, are already doing the things outlined in the new code (that has not changed, it's just been clarified better);
- How the City is trying to be more mindful of what's happening on our properties. She explained how the potential fees are at the City Manager's discretion and would only apply to really large events that would cost the City a lot of money in staff time; that will not be the case for many of our community events. Right now we do not have the tools, as a landowner, in place to protect our City parks and facilities from events that could have the potential to damage them with little repercussions.

Deputy City Clerk Tussey reiterated Ms. Engebretsen's points, how the amendments streamline the special event permitting process, and shared her experiences with processing special event permits during her time as Acting City Manager Assistant.

Commissioner Matthews opined there are some things that need to be clear and cleaned up. She highlighted some events, such as the Peony Festival or firework events, that would now have to budget more due to the costs associated with getting a special event permit. Ms. Engebretsen reiterated that many of those events are already required under the existing code to have permits and submit insurance requirements; that is not changing with the new code amendments and she does not see where event planners will have to pay an extra \$1,000. The intent is to have language that says "yes you're going to do this big thing and you're going to have to provide some insurance".

At Commissioner Matthews' request for more clarification from someone at City Hall, Ms. Engebretsen suggested a separate meeting where she, staff, and the City Manager can discuss it further. There was discussion on what that meeting would entail and other community events that Commissioner Matthews feels will be effected by the code change.

Student Representative Stonorov left the meeting at 6:04 p.m.

Commissioner Matthews inquired on the proposed food truck code. Her understanding of health department regulations is that food trucks had to remain a set distance away from established restaurants. Ms. Engebretsen explained that City Code has a rule regarding distance but one was not found in Alaska State Statutes. Commissioner Matthews said she would follow up on that requirement. Commissioner Matthews questioned how the new code applies to Farmer's Market stands. Ms. Engebretsen explained how those uses fall under different Planning and Zoning rules pertaining to outdoor markets and the need for itinerant merchant licenses, and the rules imposed by the farmer's market organizers. Ms. Engebretsen also clarified that food trucks used at large events, such as the Food Truck Festival that Commissioner Matthews used in her example, would not be required to get a mobile food permit as they would be covered under the Chamber's special event permit. She further clarified that events such as the Homer Little Leagues are covered under a Memorandum of Agreement they have with the City to use the park facilities. Commissioner Matthews brought up food trucks in the Right-of-Ways, such as out on the Spit. Ms. Engebretsen noted anyone using the State's Right-of-Way would need a permit from the State, and how the City cannot

charge for the use of it. Commissioner Matthews reiterated her concerns with the vagueness of the code as a person who is trying to build business/economy and as a commissioner.

Commissioner Shavelson shared an observation of his time living in larger cities that had many ice cream and food vendors on bicycles and push-carts. He opined it was reasonably foreseeable to see similar vendors on the Spit and suggested that be considered when determining the definition of mobile food services.

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-15

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 8.11
Mobile Food Service

Sponsor: City Manager

1. City Council Regular Meeting March 14, 2022 Introduction

Memorandum 22-041 from City Manager as backup

Memorandum 22-040 from Deputy City Planner & Special Projects Coordinator as
backup

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

3 City Manager

4 **ORDINANCE 22-15**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE CHAPTER 8.11 MOBILE FOOD
8 SERVICE.

9
10 WHEREAS, Chapter 8.11, adopted in 1983, is in need of a rewrite to reflect current
11 regulations and health, welfare and safety concerns; and

12
13 WHEREAS, The permitting and tracking responsibility for Mobile Food Service permits
14 will change from the Police Department to the City Manager or designee; and

15
16 WHEREAS, Chapter 8.11.080 Violation and Penalty, and 8.11.085 Appeal of Decision
17 have been updated to be consistent with current city codes and policies; and

18
19 WHEREAS, Changes to Chapter 8.11 will result in regulation that allows for streamlined
20 administration and enforcement.

21
22 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

23
24 Section 1. Homer City Code Chapter 8.11 Mobile Food Service is hereby amended as
25 follows:

26 Chapter 8.11
27 MOBILE FOOD SERVICE

28 Sections:

29 8.11.010 Applicable State law incorporated. **Intent**

30 8.11.020 Definition.

31 8.11.030 License – Required.

32 8.11.040 License – Application – Contents. **Permit – Application – Referral – Fees.**

33 8.11.050 License – Application – Referral – Fees. **Permit Terms**

34 ~~8.11.060 – Applicability and incorporation by reference of sections of Chapter 8.08 HCC.~~

35 ~~8.11.070 – Conduct of business.~~

36 8.11.080 Violation – Penalty.

37 **8.11.085 Appeal of Decision**

38
39 8.11.010 Applicable State law incorporated.

40 ~~All statutes of the State of Alaska and any rules or regulations adopted by any State agency~~
41 ~~pertaining to public nuisances, food and food service establishments, public health and~~
42 ~~public sanitation applicable to a mobile food service, with particular reference but not~~

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

43 limited to AS Titles 17 and 18, as amended, and 18 AAC 31.600 et seq., as amended, are
44 incorporated by this reference as though fully set forth in this chapter.

45
46 **The intent of this chapter is to safeguard and protect the general health and safety of the**
47 **public within the City of Homer, while allowing and regulating mobile food service**
48 **operations which may be beneficial to the City and its residents.**

49
50 8.11.020 Definition.
51 For the purpose of this chapter, “mobile food service” means a self-contained food service
52 establishment that is designed to be readily moveable from location to location, without
53 being permanently affixed to any site or permanently connected to any water or sewer utility
54 service.

55
56 8.11.030 ~~License~~**Permit** – Required.
57 No person may operate a mobile food service as defined in this chapter within the City
58 without first obtaining a mobile food service ~~license~~ **permit** from the Homer Police
59 Department **City Manager or designee.**

60
61 **Exemptions. The permitting requirements of this chapter do not extend to isolated or**
62 **casual sales of personal goods, wares, vehicles, animals, etc., or to the sale of similar**
63 **items at such functions as garage sales, flea markets, and bazaars, events permitted**
64 **under HCC 5.46 Special Events, nor to activities conducted at conferences that cater to a**
65 **specialized audience. A commercial fisherman who has a valid commercial fishing**
66 **license issued by the State of Alaska and who has completed and filed with Alaska**
67 **Department of Fish and Game the forms required to qualify as a “catcher-seller” shall**
68 **be exempt from this chapter.**

69
70 **8.11.0315 General standards**

71
72 **The following general standards shall apply as requirements for the operation of mobile**
73 **food service in the City of Homer. The owner/operator of the mobile food service shall:**

- 74
75 **1. Be registered to collect sales tax with the Kenai Peninsula Borough;**
76
77 **2. Have obtained permission from the property owner where operating;**
78
79 **3. Be located in a zone district in which mobile food service is a permitted use, or in**
80 **any specific location authorized as part of an approved special event permitted under**
81 **HCC 5.46;**
82
83 **4. Not create hazardous traffic patterns for vehicles or pedestrians;**
84

85 **5. Not diminish the ability of others to conduct business, through excessive noise,**
86 **odor, or other occurrence;**

87
88 **6. Provide for the collection and removal of all waste from the site at the end of**
89 **each day of operation;**

90
91 **7. Be in accordance with the regulations found in the City's Sign Code;**

92
93 **8. Post in a conspicuous place, able to be observed by the general public, both the**
94 **permit issued from the Alaska Department of Environmental Health (for mobile food**
95 **services involved in the preparation of foods or beverages) and the mobile food service**
96 **permit issued by the City of Homer (if applicable);**

97
98 **9. Ensure that, with the exception of generators, all operations, merchandise and**
99 **services provided by and related to the mobile food service be contained in or attached**
100 **to the unit.**

101
102 **10. If authorized to operate in a right-of-way or on City property, hold a certificate of**
103 **insurance indicating that the owner/operator's operation of a mobile food service is**
104 **covered by liability insurance that meets or exceeds the following:**

105

<u>Personal Injury (each occurrence)</u>	<u>\$100,000</u>
<u>Aggregate Products (each occurrence)</u>	<u>\$100,000</u>
<u>Property Damage (each occurrence)</u>	<u>\$50,000</u>

106
107 ~~8.11.040 License—Application—Contents.~~ **Permit – Application – Referral – Fees.**

108
109 ~~Every application for a mobile food service license shall contain the information required for~~
110 ~~applications for a license under HCC 8.08.030 and, in addition, every applicant shall submit:~~

111
112 ~~a. Proof satisfactory to the Homer Police Department that the applicant has obtained the~~
113 ~~necessary licenses and permits from all governmental agencies having jurisdiction over such~~
114 ~~business. The applicant shall submit a copy of his State business license with the application.~~

115
116 ~~b. Documentary proof to the Homer Police Department indicating that the mobile food~~
117 ~~service is covered by liability insurance as follows:~~

118
119 ~~1. Personal injury (each occurrence), \$100,000;~~

- 120
121 2. ~~Aggregate products (each occurrence), \$100,000;~~
122
123 3. ~~Property damage (each occurrence), \$50,000.~~

124
125 c. ~~In addition to such proof of insurance, the applicant shall agree in writing to hold the City~~
126 ~~harmless against all claims of whatever kind including any legal defense costs resulting from~~
127 ~~the business activities carried on under the mobile food service license.~~

128
129 **Unless waived by the City Manager as part of a permitted special event under HCC 5.46,**
130 **a valid permit is required prior to operating a mobile food service in the City. An**
131 **application for a mobile food service permit shall be submitted to, and approved by, the**
132 **City of Homer and shall contain the following:**

- 133
134 **1. Completed application form, as provided by the City of Homer;**
135
136 **2. Application fee as set out in the City of Homer Fee Schedule;**
137
138 **3. If operating in a right-of-way or on City property, proof of insurance;**

139
140 8.11.050 License—Application—Referral—Fees. **Permit Terms.**

141
142 a. ~~Upon receipt of the application described in HCC 8.11.040, the original shall be referred to~~
143 ~~the Chief of Police or designee who shall carry out an investigation, and approve or~~
144 ~~disapprove such application under the procedures set forth in HCC 8.08.040.~~

145
146 b. ~~For each license issued under this chapter, the fee shall be the amount as set forth in the~~
147 ~~most current City of Homer fee schedule annually. All licenses expire on December 31st of the~~
148 ~~year issued.~~

149
150 **The mobile food service permit shall expire at the end of the calendar year of issuance.**

151
152 **a. Revocation for Noncompliance. The City Manager, or designee, may revoke a**
153 **mobile food service permit if it is determined that the conduct of the operation(s) is not**
154 **in compliance with either the terms and conditions of the permit, or the provisions of**
155 **the Municipal Code. The permit may be revoked immediately, including during the**
156 **operation of the mobile food service.**

157
158 8.11.060 ——— ~~Applicability and incorporation by reference of sections of Chapter 8.08 HCC.~~
159 ~~HCC 8.08.050, 8.08.070, 8.08.080, 8.08.100, 8.08.110, 8.08.120 and 8.08.140 are incorporated~~
160 ~~by this reference and shall apply to licenses obtained under this chapter. [Ord. 83-10(S) § 1,~~
161 ~~1983].~~

162
163
164
165
166
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~~8.11.070 ——— Conduct of business.~~

~~a. A mobile food service may be operated in conformity with the Homer Zoning Code, from:~~

~~1. Private property or leased land, provided the owner or lessor has first granted permission in writing to the operator.~~

~~2. Public streets, alleys or rights of way at least 15 feet from the traveled portion thereof, for a period not exceeding 24 hours. The Chief of Police or designee may grant permission to operate for a longer period of designated time.~~

~~b. A mobile food service may not be operated in front of or immediately adjacent to an established business offering the same or similar commodities from a fixed location, unless a designated vendor parking area has been named.~~

~~c. No person may operate a mobile restaurant inside the boundaries of a municipal park or campground unless such operation is permitted under ordinance, regulation or other lawful authority.~~

~~d. On the Homer Spit, no licensee shall be permitted to operate in any congested area, to include areas designated as public parking, campgrounds, parks or open space or where his operation might impede or inconvenience the public.~~

8.11.080 Violation – Penalty.

The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

The following actions are unlawful and considered a minor offense as defined in HCC 1.16.040:

- 1. Operating a mobile food service without obtaining a valid city mobile food service permit or special event waiver under HCC 5.46;**
- 2. Operating a mobile food service in violation of any of the general standards set forth in HCC 8.11.035;**
- 3. Selling or attempting to sell food and/or beverage, merchandise or other services on foot or from a motor vehicle, trailer, tent or other temporary facility that does not qualify as a mobile food service and is not exempted in HCC 8.11.030.**

The owner, agent, or contractor of a mobile food service where a violation has been committed or exists, shall be punished by a fine as provided in HCC 1.16040. Each and

204 **every day that the violation continues shall be deemed a separate and distinct violation.**
205 **All remedies and penalties provided for in this chapter shall be cumulative and not**
206 **exclusive.**

207
208 **8.11.085 Appeal of Decision.**

209 **Judicial review by the superior court of a final decision on a mobile food service permit**
210 **issued by the City may be had by filing a notice of appeal in accordance with the**
211 **applicable rules of court governing appeals in civil matters. The notice of appeal shall be**
212 **filed within 30 days of notice of the final decision on the permit. Appeals of mobile food**
213 **service permits are heard solely on the administrative record which shall be prepared**
214 **by the City. A copy shall be filed in the superior court within 30 days after the appellant**
215 **pays the estimated cost of preparing the complete or designated record or files a**
216 **corporate surety bond equal to the estimated cost.**

217
218 Section 2. This ordinance is of a permanent and general character and shall be
219 codified in Homer City Code.

220
221 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of ____, 2022.

222
223 CITY OF HOMER
224
225
226 _____
227 KEN CASTNER, MAYOR

228 ATTEST:
229
230 _____
231 MELISSA JACOBSEN, MMC, CITY CLERK

232
233 YES:
234 NO:
235 ABSENT:
236 ABSTAIN:
237
238 First Reading:
239 Public Hearing:
240 Second Reading:
241 Effective Date:

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

Venuti/Hansen-Cavasos

3
4 **ORDINANCE 22-15(S)**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE CHAPTER 8.11 MOBILE FOOD
8 SERVICE.

9
10 WHEREAS, Chapter 8.11, adopted in 1983, is in need of a rewrite to reflect current
11 regulations and health, welfare and safety concerns; and

12
13 WHEREAS, The permitting and tracking responsibility for Mobile Food Service permits
14 will change from the Police Department to the City Manager or designee; and

15
16 WHEREAS, Chapter 8.11.080 Violation and Penalty, and 8.11.085 Appeal of Decision
17 have been updated to be consistent with current city codes and policies; and

18
19 WHEREAS, Changes to Chapter 8.11 will result in regulation that allows for streamlined
20 administration and enforcement.

21
22 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

23
24 Section 1. Homer City Code Chapter 8.11 Mobile Food Service is hereby amended as
25 follows:

26 Chapter 8.11
27 MOBILE FOOD SERVICE

28 Sections:

29 8.11.010 ~~Applicable State law incorporated.~~ **Intent**

30 8.11.020 Definition.

31 8.11.030 ~~License—Required.~~ **Permit Required**

32 **8.11.035** **General standards**

33 8.11.040 ~~License—Application—Contents.~~ **Permit - Application - Referral - Fees.**

34 8.11.050 ~~License—Application—Referral—Fees.~~ **Permit Terms**

35 8.11.060 ~~Applicability and incorporation by reference of sections of Chapter 8.08 HCC.~~

36 ~~8.11.070~~ ~~Conduct of business.~~

37 8.11.080 Violation - Penalty.

38 **8.11.085** **Appeal of Decision**

39
40 8.11.010 ~~Applicable State law incorporated.~~ **Intent**

41 ~~All statutes of the State of Alaska and any rules or regulations adopted by any State agency—~~
42 ~~pertaining to public nuisances, food and food service establishments, public health and—~~

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

43 ~~public sanitation applicable to a mobile food service, with particular reference but not~~
44 ~~limited to AS Titles 17 and 18, as amended, and 18 AAC 31.600 et seq., as amended, are~~
45 ~~incorporated by this reference as though fully set forth in this chapter.~~

46

47 **The intent of this chapter is to safeguard and protect the general health and safety of the**
48 **public within the City of Homer, while allowing and regulating mobile food service**
49 **operations which may be beneficial to the City and its residents.**

50

51 8.11.020 Definition.

52 For the purpose of this chapter, “mobile food service” means a self-contained food service
53 establishment that is designed to be readily moveable from location to location, without
54 being permanently affixed to any site or permanently connected to any water or sewer utility
55 service.

56

57 8.11.030 License ~~Permit~~ – Required.

58 No person may operate a mobile food service as defined in this chapter within the City
59 without first obtaining a mobile food service license **permit** from the Homer Police-
60 Department **City Manager or designee**.

61

62 **a. Exemptions. The permitting requirements of this chapter do not extend to the**
63 **following instances:**

64 **1. Isolated or casual sales of personal goods, wares, vehicles, animals, etc.,**
65 **or to the sale of similar items at such functions as garage sales, flea markets, and**
66 **bazaars;**

67

68 **2. Mobile Food Vendors participating in a special events permitted under**
69 **HCC 5.46 Special Events, nor to or activities conducted at conferences that cater to a**
70 **specialized audience;**

71

72 **3. A commercial fisherman who has a valid commercial fishing license issued**
73 **by the State of Alaska and who has completed and filed with Alaska Department of Fish**
74 **and Game the forms required to qualify as a “catcher-seller” shall be exempt from this**
75 **chapter.**

76

77 **8.11.035 General standards**

78

79 **The following general standards shall apply as requirements for the operation of mobile**
80 **food service in the City of Homer. The owner/operator of the mobile food service shall:**

81

82 **1. Be registered to collect sales tax with the Kenai Peninsula Borough and be**
83 **current on all sales tax remittances;**

84

- 85 **2. Have obtained permission from the property owner where operating;**
86
87 **3. Be located in a zone district in which mobile food service is a permitted use, or in**
88 **any specific location authorized as part of an approved special event permitted under**
89 **HCC 5.46;**
90
91 **4. Not create hazardous traffic patterns for vehicles or pedestrians;**
92
93 **5. Not diminish the ability of others to conduct business, through excessive noise,**
94 **odor, or other occurrence;**
95
96 **6. Provide for the collection and removal of all waste from the site at the end of**
97 **each day of operation;**
98
99 **7. Be in accordance with the regulations found in the City's Sign Code, HCC 21.60;**
100
101 **8. Post in a conspicuous place, able to be observed by the general public, both the**
102 **permit issued from the Alaska Department of Environmental Health (for mobile food**
103 **services involved in the preparation of foods or beverages) and the mobile food service**
104 **permit issued by the City of Homer (if applicable);**
105
106 **9. Ensure that, with the exception of generators, all operations, merchandise and**
107 **services provided by and related to the mobile food service be contained in or attached**
108 **to the unit.**
109
110 **10. If authorized to operate in a right-of-way or on City property, hold a certificate of**
111 **insurance indicating that the owner/operator's operation of a mobile food service is**
112 **covered by liability insurance that meets or exceeds the following:**
113

<u>Personal Injury (each occurrence)</u>	<u>\$100,000</u>
<u>Aggregate Products (each occurrence)</u>	<u>\$100,000</u>
<u>Property Damage (each occurrence)</u>	<u>\$50,000</u>

114
115 8.11.040 License—Application—Contents. **Permit – Application – Fees.**
116

117 Every application for a mobile food service license shall contain the information required for
118 applications for a license under HCC 8.08.030 and, in addition, every applicant shall submit:
119

120 a. Proof satisfactory to the Homer Police Department that the applicant has obtained the
121 necessary licenses and permits from all governmental agencies having jurisdiction over such
122 business. The applicant shall submit a copy of his State business license with the application.
123

124 b. Documentary proof to the Homer Police Department indicating that the mobile food
125 service is covered by liability insurance as follows:

- 126 1. Personal injury (each occurrence), \$100,000;
- 127 2. Aggregate products (each occurrence), \$100,000;
- 128 3. Property damage (each occurrence), \$50,000.

129 c. In addition to such proof of insurance, the applicant shall agree in writing to hold the City
130 harmless against all claims of whatever kind including any legal defense costs resulting from
131 the business activities carried on under the mobile food service license.
132

133 **Unless waived by the City Manager as part of a permitted special event under HCC 5.46,**
134 **a valid permit is required prior to operating a mobile food service in the City. An**
135 **application for a mobile food service permit shall be submitted to, and approved by, the**
136 **City of Homer and shall contain the following:**

- 137 **1. Completed application form, as provided by the City of Homer;**
- 138 **2. Application Permit fee as set out in the City of Homer Fee Schedule;**
- 139 **3. If operating in a right-of-way or on City property, proof of insurance;**

140 8.11.050 License Application Referral Fees. **Permit Terms.**

141 a. Upon receipt of the application described in HCC 8.11.040, the original shall be referred to
142 the Chief of Police or designee who shall carry out an investigation, and approve or
143 disapprove such application under the procedures set forth in HCC 8.08.040.
144

145 b. For each license issued under this chapter, the fee shall be the amount as set forth in the
146 most current City of Homer fee schedule annually. All licenses expire on December 31st of the
147 year issued.
148

149 **The mobile food service permit shall expire at the end of the calendar year of issuance.**

150 **a. Revocation for Noncompliance. The City Manager, or designee, may revoke a**
151 **mobile food service permit if it is determined that the conduct of the operation(s) is not**
152

162 **in compliance with either the terms and conditions of the permit, or the provisions of**
163 **the Municipal Code. The permit may be revoked immediately, including during the**
164 **operation of the mobile food service.**

165
166 8.11.060 ——— Applicability and incorporation by reference of sections of Chapter 8.08 HCC.
167 HCC 8.08.050, 8.08.070, 8.08.080, 8.08.100, 8.08.110, 8.08.120 and 8.08.140 are incorporated—
168 by this reference and shall apply to licenses obtained under this chapter. [Ord. 83-10(S) § 1,
169 1983].

170
171 8.11.070 ——— Conduct of business.

172
173 a. A mobile food service may be operated in conformity with the Homer Zoning Code, from:

174
175 1. Private property or leased land, provided the owner or lessor has first granted permission—
176 in writing to the operator.

177
178 2. Public streets, alleys or rights of way at least 15 feet from the traveled portion thereof, for—
179 a period not exceeding 24 hours. The Chief of Police or designee may grant permission to—
180 operate for a longer period of designated time.

181
182 b. A mobile food service may not be operated in front of or immediately adjacent to an—
183 established business offering the same or similar commodities from a fixed location, unless a—
184 designated vendor parking area has been named.

185 c. No person may operate a mobile restaurant inside the boundaries of a municipal park or—
186 campground unless such operation is permitted under ordinance, regulation or other lawful—
187 authority.

188
189 d. On the Homer Spit, no licensee shall be permitted to operate in any congested area, to—
190 include areas designated as public parking, campgrounds, parks or open space or where his—
191 operation might impede or inconvenience the public.—

192
193 8.11.080 Violation – Penalty.

194 The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC—
195 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in
196 court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless—
197 another penalty is specifically provided.—

198
199 **The following actions are unlawful and considered a minor offense as defined in HCC**
200 **1.16.040:**

201
202 **1. Operating a mobile food service without obtaining a valid city mobile food**
203 **service permit or special event waiver under HCC 5.46;**

204 **2. Operating a mobile food service in violation of any of the general standards set**
205 **forth in HCC 8.11.035;**

206
207 **3. Selling or attempting to sell food and/or beverage, merchandise or other services**
208 **on foot or from a motor vehicle, trailer, tent or other temporary facility that does not**
209 **qualify as a mobile food service and is not exempted in HCC 8.11.030.**

210
211 **The owner, agent, or contractor of a mobile food service where a violation has been**
212 **committed or exists, shall be punished by a fine as provided in HCC 1.16.040. Each and**
213 **every day that the violation continues shall be deemed a separate and distinct violation.**
214 **All remedies and penalties provided for in this chapter shall be cumulative and not**
215 **exclusive.**

216
217 **8.11.085 Appeal of Decision.**

218 **Judicial review by the superior court of a final decision on a mobile food service permit**
219 **issued by the City may be had by filing a notice of appeal in accordance with the**
220 **applicable rules of court governing appeals in civil matters. The notice of appeal shall be**
221 **filed within 30 days of notice of the final decision on the permit. Appeals of mobile food**
222 **service permits are heard solely on the administrative record which shall be prepared**
223 **by the City. A copy shall be filed in the superior court within 30 days after the appellant**
224 **pays the estimated cost of preparing the complete or designated record or files a**
225 **corporate surety bond equal to the estimated cost.**

226
227 Section 2. This ordinance is of a permanent and general character and shall be
228 codified in Homer City Code.

229
230 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of ____, 2022.

231
232 CITY OF HOMER

233
234
235 _____
236 KEN CASTNER, MAYOR

237 ATTEST:

238
239 _____
240 MELISSA JACOBSEN, MMC, CITY CLERK

241
242 YES:

243 NO:

- 244 ABSENT:
- 245 ABSTAIN:
- 246
- 247 First Reading:
- 248 Public Hearing:
- 249 Second Reading:
- 250 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

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Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

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(f) 907-235-3148

Memorandum 22-041

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: February 1, 2022
SUBJECT: Mobile Food Service (Food Truck) Code Update

Homer City Code (HCC) Chapter 8.11 covers Mobile Food Service, otherwise known as food trucks. Mobile Food Services are relatively popular in Homer and add character to the City's restaurant scene. They also provide an avenue for entrepreneurs to start small food businesses. It is not uncommon for a Mobile Food Service operation to lead to an investment in a brick-and-mortar restaurant.

In reviewing HCC 8.11, there are some items that require modification to ensure that our Mobile Food Service permitting program fits today's food truck scene and is not creating unnecessary barriers to the operation of these businesses.

This review and update of HCC 8.11 was paired with the review and update of HCC 19.02 for special events. Often Mobile Food Services are conjoined with special events and it made sense to update the two chapters simultaneously. Please note that we will be waiving Mobile Food Service Permits for special events permitted under HCC 5.46 (assuming adoption), although all the general standards for Mobile Food Services will still apply. See Memorandum 22-XX for more information on the initiation of the special events code update project.

Mobile Food Service Issues

Staff, along with Councilmembers Venuti and Hansen-Cavasos, note a number of issues within our Mobile Food Service permitting program that required review. Namely permit pricing, application requirements, and formalizing access to City property during permitted special events.

Update Notes

The draft in ordinance 22-XX makes a number of changes. The following will give a high-level overview:

- **Changes the permitting body from the Police Department to the City Manager or Designee:** Permitting of Mobile Food Services, which are frequently located on private property, is largely a zoning clearance process under this updated chapter. I intend to delegate permitting authority to the Planning Division.
- **Creation of a General Standards section:** This section sets clear standards for operations to include requirements that a Mobile Food Service owner/operator register to collect sales tax; have property owner permission to operate at their location; be in appropriately zoned or permitted locations; not

create traffic hazards, not negatively impact other businesses through noise, odor, etc.; provide waste collection and removal; comply with City sign code; post their Alaska Department of Environmental Health and City of Homer permits; contain all operations (excluding generators) within the Mobile Food Service unit; and, if authorized to operate in a right-of-way or on City property, hold a certificate of insurance that meets standards set by the City.

- **Update to Permit Application Requirements:** This update streamlines the requirements to the completion of an application, payment of a fee set in the fee schedule, and proof of insurance (if operating in a right-of-way or on City property).
- **Removes HCC section 8.11.060:** This section connected HCC Chapter 8.11 to Chapter 8.08 Itinerant or Transient Merchants. This is no longer an appropriate connection.
- **Removes HCC section 8.11.070:** This section was focused on conduct of the business. It required Mobile Food Services to be operated in conformity with the zoning code; prohibits operating in front of or immediately adjacent to a business offering the same or similar commodities in a fixed location; prohibits operations in parks; and prohibits operation in congested areas of the Homer Spit. This section is removed from the proposed ordinance for the following reasons:
 - **Zoning Code:** Already applies
 - **Operating Next to Similar Business:** Most Mobile Food Services operate on private property, I don't want to encourage the City to decide what specific businesses can exist on what parcels. If the zoning code allows the use, and a Mobile Food Service that can meet the City's permitting requirements while having permission to operate on private property, then they should be able to compete and operate at that location.
 - **Parks:** The update to the special events code would allow operating a Mobile Food Service in a park as part of a permitted special event, or with other authorization from the City Manager (an example would be a specific Mobile Food Service could be approved to operate during regular baseball league games).
 - **Homer Spit:** Mobile Food Services can only operate on private property or in locations authorized by the City. The general standards in the proposed HCC 8.11.035 replace the need for this specific language.

Separate from Ordinance 22-XX is Resolution 22-XX which will modify the Fee Schedule. That Resolution will move Mobile Food Services from the Homer Police Department section to the Planning and Zoning Section of the Fee Schedule. It also reduces the permit fee from \$400 (\$390 permit plus a \$10 application fee) to \$50. This brings our program in line with both Kenai and Soldotna.

Staff Recommendation: Introduce and adopt Ordinance 22-XX

From: [Aaron Conradt](#)
To: [Department Clerk](#)
Subject: Statement in Support of Memorandum 22-15
Date: Tuesday, March 22, 2022 4:19:05 PM

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

To whom it may concern and the Homer City Council,

I want to make a statement for full support of memorandum 22-15, changing mobile food service vendor guidance and fee scheduling. At the current rate of \$400/ year the mobile food service permit fee is a deterrent when considering permit fees in comparable areas such as Kenai and Soldotna are \$50/year. Seward and Palmer offer seasonal and temporary permits at a cost of \$10. At a rate of \$400 plus the high cost of summertime lodging the city of Homer quickly becomes an undesirable destination in the industry simply due to the upfront cost associated with operating in the area.

Traveling to a new location is always a gamble in the mobile food industry. By lowering the fee to a more comparable rate, as similar cities, the city removes a portion of the burden and gamble for bringing new and various mobile food vendors to the city for events or possibly longer durations. This step helps to alleviate at least one of the additional issues at hand when considering events within the City of Homer.

The various code and department changes within 22-15 are more in line with other standards put forth by cities across the state. I stand in full support of those as well.

I thank you greatly for your time.

Aaron Conradt
Co-Owner
The Reindeer Hut
Kenai, Alaska

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-20

An Ordinance of the City Council of Homer, Alaska Amending the FY22/23 Operating Budget to Provide for Necessary Mid-Biennium Budget Amendments.

Sponsor: City Manager

1. City Council Regular Meeting March 29, 2022 Introduction

Memorandum 22-052 as backup.

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 21-20

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING THE FY22/23 OPERATING BUDGET TO PROVIDE FOR
NECESSARY MID-BIENNIUM BUDGET ADJUSTMENTS.

THE CITY OF HOMER ORDAINS:

Section 1. The FY22 Operating Budget for the General, Water, Sewer, and Port and Harbor funds are hereby amended to provide funding for the period of July 1, 2021 to June 30, 2022 in the amount listed below:

General Fund	\$ 14,782,507
Water Fund	\$ 2,014,420
Sewer Fund	\$ 1,762,264
Port/Harbor Fund	<u>\$ 5,105,259</u>
Total Expenditures	\$23,664,450
Internal Service Funds	\$2,501,394

Section 2. The FY23 Operating Budget for the General, Water, Sewer, and Port and Harbor funds are hereby amended to provide funding for the period of July 1, 2022 to June 30, 2023 in the amount listed below:

General Fund	\$ 15,245,750
Water Fund	\$ 2,013,406
Sewer Fund	\$ 1,754,682
Port/Harbor Fund	<u>\$ 5,251,279</u>
Total Expenditures	\$24,265,117
Internal Service Funds	\$2,718,945

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2022.

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

CITY OF HOMER

KEN CASTNER, MAYOR



City of Homer

www.cityofhomer-ak.gov

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(f) 907-235-3148

Memorandum 22-052

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: March 24, 2022
SUBJECT: FY22/23 Midbiennium Operating Budget Adjustment

When the FY22/23 Operating Budget was approved, it was very conservative in its approach. We were just coming out of the pandemic, and experiencing a time of great uncertainty. While staff and Council both believed that we were on track for a very strong recovery from the pandemic, it was difficult to forecast that optimism in a reasonable way. Now that we are approximately three quarters into the biennium, the revenue picture is much clearer. Using current trends, we have reforecast sales tax revenues and this midbiennium adjustment proposes using a portion of those additional funds to move forward with the following:

1. Implement a 7% cost of living adjustment (COLA) for FY23
2. Add three new staff positions (IT Network Administrator, Two Special Projects Coordinators)
3. Make adjustments to specific line items for the Departments
4. Provide admin fee relief to the Enterprise and Utility funds
5. Remaining surplus to go to unassigned General Fund Fund Balance

The proposed adjustments are aggressive but realistic. They are also necessary to retain skilled employees to carry out the Council's goals and directions.

Sales Tax Forecast

Sales tax is the biggest driver of Homer's annual revenues. In past years, we have used a linear regression model to forecast future sales tax revenue. For the FY22/23 Operating Budget, we used a modified linear regression model that minimized the impact of 2020 and the pandemic. With the strength of post-pandemic sales tax revenues, matched with the big dip in 2020, it has become very difficult to get a realistic forecast using traditional methods. For the midbiennium adjustment, we are using data for the fiscal year to date, matched with real data from truncated FY21 to make a composite forecast of FY22. We included a 5% escalation for FY23. The hope is that by the time we're adopting the FY24/25 operating budget, we can start to shift back to more traditional forecasting models.

With the updated methodology, we are seeing significant increases in the sales tax forecast. The impact to the General Fund is \$2.4M in FY22 and \$2.6M in FY23. The table below shows the impacts to all types of sales tax revenues.

FY22 Sales Tax Revenue Impacts:

Fund Name	FY22 Adopted	FY22 Amended	Difference (\$)
General Fund	5,837,403	8,285,547	2,448,144
HART-Roads	1,322,458	1,833,687	511,228
HART-Trails	146,940	203,743	56,803
HAWSP	1,469,398	2,037,430	568,031
Police Station	587,759	814,972	227,213
TOTAL	\$9,363,958	\$ 13,175,377	\$3,811,419

FY23 Sales Tax Revenue Impacts:

Fund Name	FY23 Adopted	FY23 Amended	Difference (\$)
General Fund	6,034,600	8,699,824	2,665,224
HART-Roads	1,366,100	1,925,371	559,270
HART-Trails	151,789	213,930	62,141
HAWSP	1,517,889	2,139,301	621,412
Police Station	607,156	855,720	248,565
TOTAL	\$9,677,535	\$ 13,834,146	\$4,156,611

FY23 COLA

I am proposing a 7% COLA for all staff¹ in FY23. This replaces the budgeted 0.8% COLA scheduled for FY23. The proposed 7% increase roughly splits the difference between the 7.9% rate of inflation declared by the Bureau of Labor Statistics and the 5.9% COLA implemented by Social Security in 2022.

Estimated Financial Impact of COLA for FY23:

General Fund	\$477,254
Utility Fund	\$88,043
Port & Harbor Fund	\$99,676
TOTAL	\$664,973

¹ This COLA excludes the City Manager. Per my contract, I do not receive staff COLAs.

This COLA request is in line with organizational goal 1.3 presented to Council at the recent visioning session: Provide fair, competitive, and equitable wages for all staff members. We are experiencing a time of high inflation which is negatively impacting our employees and their general purchasing power. Providing a reasonable COLA will help them maintain their households here in Homer and assist with retention of staff throughout the organization.

New Positions

I am requesting three additional staff positions in the midbiennium operating budget adjustment. The City is growing and Council has an ambitious vision for the future. To effectively carry out that vision, I will need to expand the team with a mix of staff positions and project-specific professional services contracts. The creation of these positions is in line with organizational goal 1.2: Recruit and retain sufficient staff to meet organizational needs and Council goals.

The positions requested are as follows:

IT Network Administrator: We have had extensive discussions at Council about the importance of IT to organizational success and how critically understaffed the IT division has been for many years. I have made organization design changes that have relieved some of the pressure on IT (i.e., teaming IT with the Library), but we still need to grow our IT team to meet the needs of the organization. The choice of a Network Administrator position was driven by months of discussion between the City Manager and Library Director around different ways we could most effectively and economically expand and improve IT services.

Special Projects Coordinator (x2): As Homer grows, we will see an increased need for highly skilled Special Projects Coordinators that can work collaboratively across departments to achieve high level goals and objectives set by Council. My intent is to attempt to recruit two Special Projects Coordinators with skill sets complementary to the existing team and the many special projects I anticipate we will be pursuing in the next few years. I expect these individuals to be involved in work related to fiscal policy, planning, preparation for adoption and implementation of a building code, volunteer program improvements, general project management, grant support, software migration and implementation, integration of the capital budget and various city plans, etc.

Estimated Financial Impact for FY22: \$98,914

Estimated Financial Impact for FY23: \$437,620 (includes COLA)

Departmental Adjustments

The proposed budget amendment includes a number of increases requested by the departments to keep pace with changes on the ground. These changes equate to an approximately 3.5% increase overall. We saw a lot of increases related to inflation, supply chain challenges, an abnormally snowy winter, and ongoing COVID impacts on staffing and overtime. There are also some small changes to account for things like an expanded Council travel budget for training and lobbying, training to support individuals promoted into advanced positions, increased advertising to support a strategic shift in methods of marketing and public outreach, etc. The specific line item requests are listed in an attachment to this memo.

	FY22 Adjustments (\$)	FY22 Adjustments (%)	FY23 Adjustments (\$)	FY23 Adjustments (%)
General Fund	455,188	3.4%	485,547	3.5%

Utility Fund	13,793	0.4%	14,015	0.4%
Harbor Fund	34,077	0.7%	13,577	0.3%

Admin Fee Relief

The proposed budget amendment increases the sales tax revenue to a point that we can accomplish a COLA, add positions, and take care of departmental adjustments while having sufficient funds available to waive the admin fees for the Enterprise and Utility Funds. Enterprise admin fees will instead flow into Harbor Reserves. Utility Fund admin fees will be redirected into the Utility CARMA fund.

Admin Fees budgeted for FY22/23:

	Utility Fund	Enterprise Fund
FY22	\$588,359	\$453,392
FY23	\$605,719	\$465,339

Surplus

In the past, any surplus funds were programmed into the various CARMA funds to balance the budget. For this budget adjustment, I am proposing that surplus funds be directed to the Unassigned General Fund Fund Balance. Council can decide at a future time where they would like to direct those funds.

Overall Picture

General Fund: In FY22 the General Fund, with all proposals contained in this memo, is forecasted to run a surplus of \$852,290. In FY23, the surplus is projected to be \$164,646.

Utility Fund: In FY22 the Utility Fund will eliminate a draw on fund balance (the original FY22 budget had a small deficit balanced by a draw from utility fund balance). With the removal of admin fees, it will also see a growth in the Utility CARMA fund balance of \$545,026. In FY23 we have a similar situation. The draw on fund balance is eliminated and \$340,970 will be directed to Utility CARMA.

Enterprise Fund: In FY22 the Enterprise will see a \$419,315 increase in transfers to reserves. In FY23, the increase will be \$352,085.

Staff Recommendation: Introduce and adopt Ordinance 22-20 amending the FY22/23 Operating Budget

FUND 100 - GENERAL FUND										
DEPT 0100 - MAYOR/COUNCIL										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5236	Transportation	4,000	5,500	1,500	38%	4,000	8,000	4,000	100%	FY22 - Increased to cover through winter conference in Juneau; FY23 - Increased to allow 3 people attending summer conference, mayor and full council at AML annual conference, and 3 people attending winter conference.
5237	Subsistence	3,500	5,000	1,500	43%	3,500	6,200	2,700	77%	FY22 - Increased to cover through winter conference in Juneau; FY23 - Increased to allow 3 people attending summer conference, mayor and full council at AML annual conference, and 3 people attending winter conference.
5603	Employee Training	2,500	3,000	500	20%	2,500	4,000	1,500	60%	FY22 - Increased to cover through winter conference in Juneau; FY23 - Increased to allow 3 people attending summer conference, mayor and full council at AML annual conference, and 3 people attending winter conference.
DEPT 0101 - CITY CLERK										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5105	Overtime	10,000	13,000	3,000	30%	10,000	13,000	3,000	30%	OT increase due to add meetings requiring clerk presence to facilitate hybrid meetings and pay increases to Deputy Clerks.
5210	Professional Services	12,500	12,500	-	0%	12,500	17,000	4,500	36%	New agenda management software
5237	Subsistence	3,000	3,500	500	17%	3,000	3,500	500	17%	Increased subsistence to accommodate travel to IIMC annual conference.
5603	Employee Training	3,750	3,750	-	0%	3,750	5,000	1,250	33%	Increased training to cover conferences and an additional college/management type class.
DEPT 0110 - CITY MANAGER										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5101	Salary and Wages	268,206	279,206	11,000	4%	273,798	284,798	11,000	4%	Reso 21-061, should also result in changes to other related line items
5201	Office Supplies	1,200	3,200	2,000	167%	1,200	1,200	-	0%	One year increase to fund furniture update for Special Projects Coordinator
5227	Advertising	10,250	12,000	1,750	17%	10,250	12,000	1,750	17%	We have been making more use of advertising for City projects and issues (i.e., HERC redevelopment, recent snow events)
5236	Transportation	5,000	6,000	1,000	20%	5,000	6,000	1,000	20%	Market rates for costs for travel related to City business have increased
5237	Subsistence	2,700	4,000	1,300	48%	2,700	4,000	1,300	48%	Market rates for costs for travel related to City business have increased
DEPT 0113 - INFORMATION SYSTEM										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5105	Overtime	2,000	4,500	2,500	125%	2,000	4,500	2,500	125%	Increased overtime as projects move forward and utilization of non-exempt staff skills
5201	Office Supplies	250	1,750	1,500	600%	250	1,750	1,500	600%	Requested increase is for items to better organize IT spaces--shelving, storage containers, etc.
5216	Freight and Postage	200	1,000	800	400%	200	1,000	800	400%	Anticipation of bringing in a number of major shipments through Fife.
5231	Tools and Equipment	1,500	5,500	4,000	267%	1,500	5,500	4,000	267%	Higher costs
5603	Employee Training	250	1,250	1,000	400%	250	2,250	2,000	800%	Additional training for non-exempt staff to increase the range of tasks they can do.
5633	Phones	7,500	10,000	2,500	33%	7,500	10,000	2,500	33%	Phone system across the entire city is due for upgrading, which will be a capital project. In the short term, there will be updates and partial replacements coming due in late 2022.
DEPT 0120 - FINANCE										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5105	Overtime	12,220	15,000	2,780	23%	12,220	12,220	-	0%	Increased overtime associated with fiscal year change and additional audit related hours
5201	Office Supplies	6,000	7,000	1,000	17%	6,000	6,000	-	0%	Unexpected replacement of mailing equipment
5231	Tools and Equipment	2,500	5,500	3,000	120%	2,500	2,500	-	0%	Replacement of office furniture
5233	Computer Related Items	-	8,500	8,500	100%	-	-	-	0%	Purchase laptops for each member on finance staff to ensure finance operations can function outside of city facilities; improving COOP plans
DEPT 0130 - PLANNING										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5603	Employee Training	2,500	2,500	-	0%	2,500	5,000	2,500	100%	Support training related to expanded economic development mission

FUND 100 - GENERAL FUND										
DEPT 0145 - LIBRARY										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5210	Professional Services	8,900	9,400	500	6%	8,900	9,400	500	6%	Budget is generally adequate but prices are rising due to inflation.
5215	Communications	29,000	29,000	-	0%	29,000	33,500	4,500	16%	Wireless hotspots have seen enormous demand already. The hotspot service is grant-funded through the rest of FY22 and the first three months of FY23. Communication costs thereafter depend on whether we continue the program and how many hotspots we keep in service, as well as whether we secure more grant funding.
5216	Freight and Postage	2,500	3,000	500	20%	2,500	3,000	500	20%	Rise in interlibrary loans and putting on more traveling exhibits, with added postage costs.
5244	Snow Removal	8,200	10,200	2,000	24%	8,200	10,200	2,000	24%	This year has unusually heavy snowfall, but snow-clearance costs exceeded projections in FY20 and FY21 as well.
5603	Employee Training	3,500	4,000	500	14%	3,500	4,000	500	14%	Increased demand for employee training courses.
DEPT 0150 - FIRE ADMINISTRATION										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5105	Overtime	11,070	14,070	3,000	27%	11,070	14,070	3,000	27%	
5201	Office Supplies	3,000	3,500	500	17%	3,000	3,500	500	17%	Increased costs
5210	Professional Services	28,000	31,000	3,000	11%	28,000	31,000	3,000	11%	Increased costs
5215	Communications	20,000	25,000	5,000	25%	15,000	20,000	5,000	33%	Increased costs
DEPT 0151 - FIRE SERVICES										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5103	Part-time Wages	25,344	37,344	12,000	47%	25,546	61,546	36,000	141%	More part time help to meet the increases in run volume and the decrease of volunteer support.
5104	Part-time Benefits	2,923	4,423	1,500	51%	2,947	8,397	5,450	185%	More part time help to meet the increases in run volume and the decrease of volunteer support.
5105	Overtime	7,447	10,447	3,000	40%	7,447	14,447	7,000	94%	
5107	Part-time Overtime	1,350	1,850	500	37%	1,350	1,850	500	37%	
5207	Vehicle and Boat Maintenance	8,000	11,000	3,000	38%	8,000	11,000	3,000	38%	Age of the fleet is making cost of repairs/maintenance more expensive
DEPT 0152 - MEDICAL SERVICES										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5103	Part-time Wages	25,344	37,344	12,000	47%	25,546	61,546	36,000	141%	More part time help to meet the increases in run volume and the decrease of volunteer support.
5104	Part-time Benefits	2,923	4,423	1,500	51%	2,947	8,397	5,450	185%	More part time help to meet the increases in run volume and the decrease of volunteer support.
5105	Overtime	7,447	10,447	3,000	40%	7,447	14,447	7,000	94%	
5107	Part-time Overtime	1,350	1,850	500	37%	1,350	1,850	500	37%	
5202	Operating Supplies	20,000	21,000	1,000	5%	20,000	21,000	1,000	5%	Increased costs
DEPT 0160 - POLICE ADMINISTRATION										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5215	Communications	38,000	38,000	-	0%	39,000	43,000	4,000	10%	Telecommunications costs have been steadily increasing due to inflation and increased maintenance and repair costs associated with a larger dispatch system and more equipment.
5244	Snow Removal	8,000	12,000	4,000	50%	8,000	12,000	4,000	50%	The new police department has three different lots requiring plowing and sanding. They are also larger than those at our station resulting in higher costs.
5625	Impound Costs	3,000	5,500	2,500	83%	3,500	6,000	2,500	71%	Impounds have been steadily rising every year and the towing firms have been increasing the charges resulting in higher impound costs.
DEPT 0161 - DISPATCH										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5105	Overtime	38,446	42,446	4,000	10%	38,446	42,446	4,000	10%	Staffing shortages and COVID related issues; expect continuation of staffing shortages and disruptions in FY23
DEPT 0163 - PATROL										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5105	Overtime	108,901	183,901	75,000	69%	109,880	154,880	45,000	41%	Staffing shortages and COVID related issues; expect continuation of staffing shortages and disruptions in FY23

FUND 100 - GENERAL FUND										
DEPT 0164 - JAIL										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5105	Overtime	39,931	47,431	7,500	19%	39,931	47,931	8,000	20%	Staffing shortages and COVID related issues; expect continuation of staffing shortages and disruptions in FY23
DEPT 0165 - ANIMAL CONTROL										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5210	Professional Services	195,707	200,707	5,000	3%	195,707	208,707	13,000	7%	Reso 21-088, increase calendar year 2022 contract 5% and calendar year 2023 contract 3%
DEPT 0170 - PUBLIC WORKS ADMINISTRATION										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5201	Office Supplies	2,200	3,200	1,000	45%	2,200	3,200	1,000	45%	Inflation
5202	Operating Supplies	3,900	4,400	500	13%	3,900	4,400	500	13%	Inflation
5210	Professional Services	4,900	10,000	5,100	104%	4,900	10,000	5,100	104%	Needing a modest budget for exploring ideas before we commit full scale resources to them as well as professional help with public outreach, such as creating graphics, flyers, etc.
5215	Communications	10,000	11,040	1,040	10%	10,000	11,080	1,080	11%	New city phones for key staff; FY22 increases include initial purchase and monthly service charge; FY23 includes new ongoing monthly service charge
5227	Advertising	500	1,000	500	100%	500	1,000	500	100%	Increased public service announcements (PSA's)
5231	Tools and Equipment	2,100	1,100	(1,000)	-48%	2,100	1,100	(1,000)	-48%	No longer needed in public works administration budget
5602	Safety Equipment	1,200	2,478	1,278	107%	1,200	2,200	1,000	83%	Inflation
DEPT 0171 - GENERAL MAINTENANCE										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5209	Building & Grounds Maintenance	14,500	20,316	5,816	40%	14,500	20,607	6,107	42%	Inflation
5215	Communications	-	1,560	1,560	100%	-	1,620	1,620	100%	New city phones for key staff; FY22 increases include initial purchase and monthly service charge; FY23 includes new ongoing monthly service charge
5282	City Hall Building Maintenance	10,000	30,000	20,000	200%	10,000	10,000	-	0%	Replace glycol and pumps at City Hall
5287	Animal Control Building Maintenance	2,500	3,500	1,000	40%	2,500	2,500	-	0%	Replaced hot water tank
5603	Employee Training	3,000	5,000	2,000	67%	6,000	8,000	2,000	33%	Training for two employees (backflow in FY22 and boiler certification in FY23)
DEPT 0172 - GRAVEL ROADS										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5103	Part-time Wages	-	5,000	5,000	100%	-	5,000	5,000	100%	Temporary laborer for summer season to to help out while operator is working as construction inspector. Operator's time will be charged to relevant project(s)
5107	Part-time Overtime	-	750	750	100%	-	750	750	100%	Temporary laborer for summer season to to help out while operator is working as construction inspector. Operator's time will be charged to relevant project(s)
5204	Chemicals	57,150	82,150	25,000	44%	61,700	94,200	32,500	53%	Chemicals have a 30% price increase
5210	Professional Services	3,500	6,500	3,000	86%	3,500	6,500	3,000	86%	Occasional truck hauling for gravel hauling; increase for hydroseeding and tree trimming
5215	Communications	-	3,120	3,120	100%	-	3,240	3,240	100%	New city phones for key staff; FY22 increases include initial purchase and monthly service charge; FY23 includes new ongoing monthly service charge
5603	Employee Training	-	1,500	1,500	100%	-	1,500	1,500	100%	CDL training for employee
DEPT 0173 - PAVED ROADS										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5103	Part-time Wages	-	5,000	5,000	100%	-	-	-	0%	Temporary laborer for summer season to to help out while operator is working as construction inspector. Operator's time will be charged to relevant project(s)
5105	Overtime	1,693	3,693	2,000	118%	1,693	1,693	-	0%	Unforeseen emergencies
5107	Part-time Overtime	-	750	750	100%	-	-	-	0%	Temporary laborer for summer season to to help out while operator is working as construction inspector. Operator's time will be charged to relevant project(s)
DEPT 0174 - WINTER ROADS										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5105	Overtime	18,175	38,175	20,000	110%	18,175	23,175	5,000	28%	FY22 - Winter storms; unforeseen plowing and sanding; FY23 - matching FY22 budget
5204	Chemicals	56,400	81,400	25,000	44%	60,900	93,400	32,500	53%	Chemicals 30% increase in cost.
5214	Rents & Leases	15,000	35,000	20,000	133%	15,000	50,000	35,000	233%	FY22 - Grader rental and snow haulers; FY23 - Snow haulers

FUND 100 - GENERAL FUND										
DEPT 0175 - PARKS										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5202	Operating Supplies	32,000	40,000	8,000	25%	32,000	40,000	8,000	25%	Inflation
5210	Professional Services	90,000	170,000	80,000	89%	90,000	170,000	80,000	89%	Unexpected increases in contractor snow removal. Additional needs of contracting for restroom custodial services.
5215	Communications	-	1,000	1,000	100%	-	1,000	1,000	100%	New city phones for key staff; FY22 increases include initial purchase and monthly service charge; FY23 includes new ongoing monthly service charge
5220	Refuse and Disposal	3,000	3,500	500	17%	3,000	3,500	500	17%	Increased costs
5231	Tools and Equipment	4,000	4,500	500	13%	4,000	4,500	500	13%	Increased costs
5252	Credit Card Expenses	7,400	8,150	750	10%	7,400	8,150	750	10%	Increased costs
DEPT 0176 - MOTOR POOL										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5105	Overtime	2,194	2,794	600	27%	2,338	2,838	500	21%	Mechanics support equipment operators when there is a call out after hours.
5215	Communications	-	1,560	1,560	100%	-	1,620	1,620	100%	New city phones for key staff; FY22 increases include initial purchase and monthly service charge; FY23 includes new ongoing monthly service charge
5603	Employee Training	3,500	5,000	1,500	43%	3,500	3,500	-	0%	CDL training for employee
DEPT 0177 - ENGINEERING INSPECTION										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5210	Professional Services	3,500	8,500	5,000	143%	3,500	8,500	5,000	143%	We need a modest budget for conceptual engineering & other technical information gathering to ascertain the viability of projects before committing full scale resources to the ideas.
5215	Communications	-	1,040	1,040	100%	-	1,080	1,080	100%	New city phones for key staff; FY22 increases include initial purchase and monthly service charge; FY23 includes new ongoing monthly service charge
5233	Computer Related Items	3,000	5,194	2,194	73%	3,000	3,000	-	0%	Purchase cameras and laptops to allow more people to participate in Zoom meetings as well as work remotely.

<u>FY22</u>		<u>FY23</u>
\$ 455,188	Total Proposed Amendments	\$ 485,547

FUND 200 - UTILITY FUND										
DEPT 0402 - WATER SYSTEM TESTING										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5202	Operating Supplies	5,900	6,608	708	12%	6,500	7,300	800	12%	Vendor price increases
5208	Equipment Maintenance	4,000	4,500	500	13%	4,500	5,050	550	12%	Vendor price increases
DEPT 0501 - SEWER PLANT OPERATIONS										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5204	Chemicals	55,000	66,000	11,000	20%	55,000	66,000	11,000	20%	Vendor price increases
5234	Record and Permits	8,075	9,000	925	11%	8,075	9,000	925	11%	Vendor price increases
DEPT 0502 - SEWER SYSTEM TESTING										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5202	Operating Supplies	5,500	6,160	660	12%	5,500	6,240	740	13%	Vendor price increases

	FY22		FY23
	\$ 13,793	Total Proposed Amendments	\$ 14,015

FUND 400 - PORT AND HARBOR ENTERPRISE FUND										
DEPT 0600 - ADMINISTRATION										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5213	Survey and Appraisal	5,000	33,000	28,000	560%	5,000	12,500	7,500	150%	Amend the budget to account for the upcoming cost of land appraisals. We had a long term relationship with Derry and Derry but when they retired we had to go out for proposals. We awarded the contract to North Pacific Advisors and because we have a backlog of properties to be appraised we are looking at a big catch up year, hence the large budget increase for 2022. This information was not available in June when we were setting up the new budget.
DEPT 0604 - DEEP WATER DOCK										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5627	Port Security	-	2,500	2,500	100%	-	2,500	2,500	100%	The Port is required to have a Facility Security Plan (FSP) by DHS and we must have it reviewed by a creditable outside source prior to our annual FSP audit by CG MSD. I recommend adding this annual expense to our Port Security line 0604-5627 for this expenditure.
DEPT 0606 - FISH GRINDER										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5235	Membership Dues	-	2,500	2,500	100%	-	2,500	2,500	100%	DEC has indicated that there will be an annual permit instead of the 5 year permit of the past. At this point we are estimating that the cost will be \$2,500 per year.
DEPT 0611 - HARBOR MAINTENANCE										
A/C NUMBER	EXPENSE DESCRIPTION	FY22 ADOPTED BUDGET	FY22 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	FY23 ADOPTED BUDGET	FY23 AMENDED BUDGET	PROPOSED AMENDMENTS \$	PROPOSED AMENDMENTS %	NOTES
5105	Overtime	1,923	3,000	1,077	56%	1,923	3,000	1,077	56%	Increasing budget line to \$3,000 total based on trends

<u>FY22</u>		<u>FY23</u>
\$ 34,077	Total Proposed Amendments	\$ 13,577



City of Homer

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Memorandum

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: March 24, 2022
SUBJECT: City Manager's Report for March 29, 2022 Council Meeting

Council Visioning

On March 16th and 17th the Mayor, Council, and staff leadership team met at the Pratt Museum for a visioning work session. We discussed priorities for the future and had a lot of very productive conversation. Susie Amundson from Wise at Work facilitated and provided a wonderful service in guiding us through the visioning process. Assistant to the City Manager Christine Drais did a fantastic job of handling event logistics throughout the event. I would also like to acknowledge Jennifer Gibbins and her team at the Pratt Museum for being excellent hosts. Susie has completed a written follow up to the meeting (attached to this report) that I am now using to help me begin to create a roadmap for achieving the various goals and initiatives generated by the visioning session. I expect to have an update to share with Council at our next meeting (April 11th).

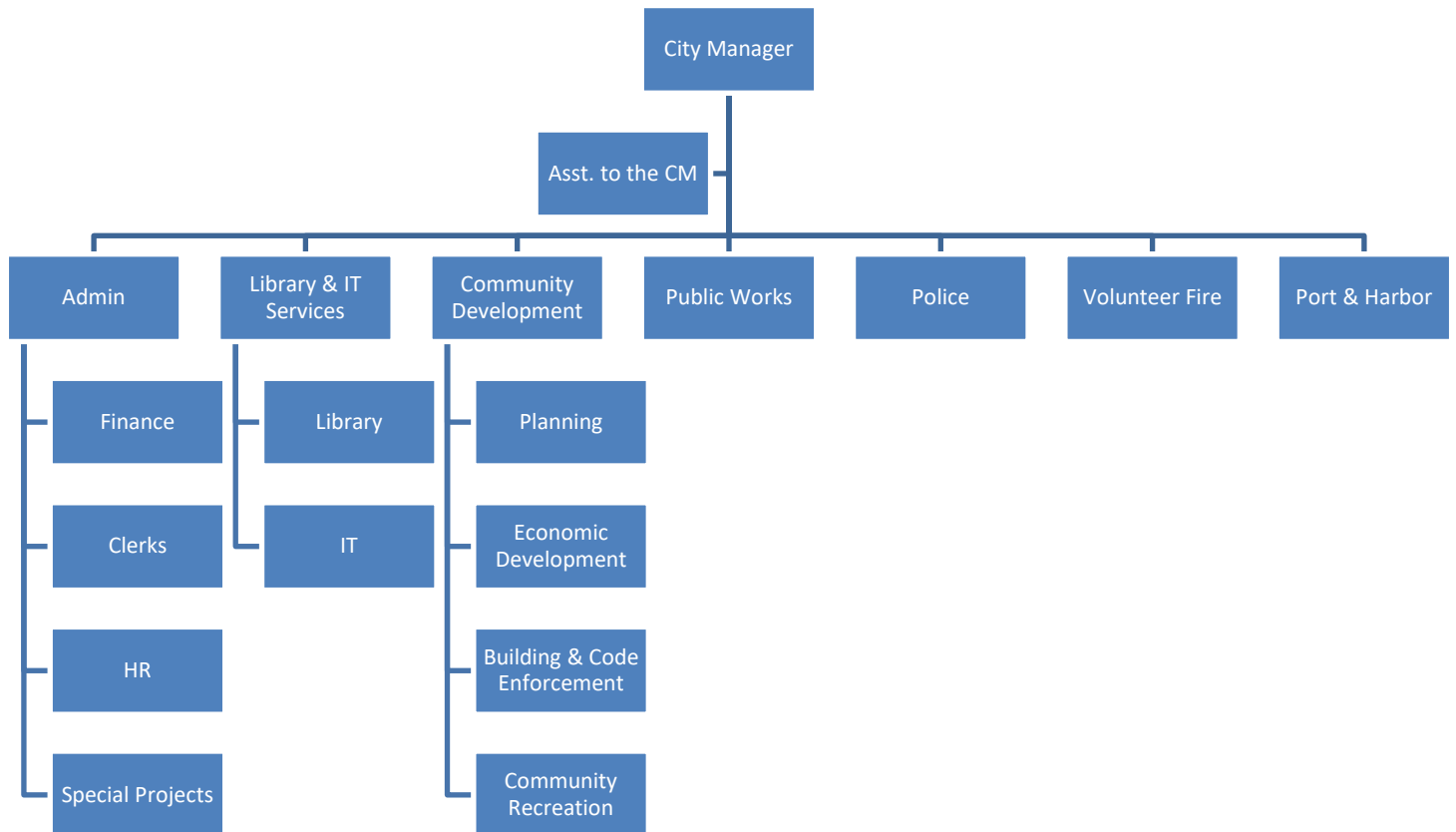


Organizational Goals

At the Council visioning, I presented a set of organizational goals based on staff goalsetting exercises. I have attached a memo to this report reiterating those goals so that they are more easily located by the public if interested in the staff perspective.

Reorganization Concept

At the Council visioning, I also presented a reorganization concept which is focused on reshaping the Administration Department. The main changes include the creation of a Library & Information Technology (LIT) Services Department, the creation of a Community Development Department (Planning, Economic Development, Community Recreation, and a future Building & Code Enforcement division), and the merger of Finance into Administration. The figure below shows an outline of the changes with a focus on affected departments/divisions. Officially creating or merging departments does require an act of Council, and staff will be working towards bringing ordinances to Council across the next couple months.



Development Work Group

As a complementary action to the proposed creation of a Community Development Department through staff reorganization, I have also launched a weekly Development Work Group that brings together staff from Community Development (Planning, Economic Development, and, in the future, Building) and Public Works (PW Director, PW Superintendent, and Engineering Division staff).

This working group was created with the express purpose of strengthening connections between departments/divisions/individuals involved in development at the City. Homer is growing and changing. The way we work together needs to change as well. At each meeting, we get together to review potential projects,

permit applications, and discuss the challenges and opportunities relevant to development in Homer. With many planning and utility-related interests supported by Council at the recent visioning, I believe that this will be a very active group within our organization.

Surplus Sale

The City has an active surplus sale underway at this time. Bids are due in by 5pm on Tuesday, April 12th. We have everything from a Christmas tree and Xtratuf slippers to a 2003 Ford F-250 Super Duty and a forklift. I have staff experimenting with some supplemental noticing of items for sale on platforms like Craigslist, Alaska's List, etc.



<https://www.cityofhomer-ak.gov/cityclerk/city-homer-surplus-equipment-sale-%E2%80%93-april-2022>

Community Kids Spring Break Program

The City of Homer Community Recreation program recently teamed up with South Peninsula Behavioral Health Services, also known as The Center, to offer some fun, safe indoor activities during the spring break for kids ages 6-12. There was a total of 24 children who attended over six days with lots of physical activities and team building skills. The program was an incredible success. This is an ongoing partnership has been very successful as The Center provides most of the staffing/supervision and Community Rec provides the space and equipment. We are intending to expand this offering whenever there are scheduled breaks from school during the school year and throughout the summer months to provide some much needed healthy options for local families and youth. We continue to receive very positive feedback from the parents as they express the great need for this opportunity and we will continue to find creative ways to meet this demand.



Special Election

The 2022 election season will begin earlier this year. With the unexpected passing of Congressman Don Young, the State of Alaska is required to hold two special elections, a special primary and a special general election, to fill the vacancy. The State Division of Elections (DOE) will hold a special primary election on June 11th and the special general election will fall on August 16th, the date of the regular primary election. The special primary will be a by mail election, as allowed under AS 15.20.080(a). The Governor has to issue a proclamation for these elections by Friday, March 25th to meet the relevant federal and state deadlines. This special election will be the State's first ranked choice election since the passage of Ballot Measure 2 in 2020. The City Clerk's Office staff works with the State to facilitate their elections and looks forward to working with the DOE and the citizens on this election and the remaining elections in August and November this year.

Meeting with Army Corps Colonel Delarosa

On March 15th, Harbormaster Bryan Hawkins, Special Projects Coordinator Jenny Carroll, and I met with Colonel Delarosa, Army Corps of Engineers Alaska District Commander, and Randy Bowker, Deputy District Engineer for Program Management and Chief of the Program and Projects Management Division. We spoke about the large vessel port expansion project, spit erosion, and basic wetland-related code enforcement issues. While the federal government has not yet authorized a new start general investigation for the port project, we remain the Alaska District's number one new start priority.

Enclosures:

1. Employee Anniversaries
2. Report from Susie Amundson regarding 2022 Visioning
3. Memo from the City Manager regarding Staff Goals
4. Surplus sale information
5. Memo from Parks Superintendent regarding Bayview Park



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(f) 907-235-3148

Memorandum

TO: MAYOR CASTNER AND CITY COUNCIL
FROM: Andrea Browning
DATE: March 29, 2022
SUBJECT: March 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.

Matt Clarke	Port	21	Years
Elton Anderson	Port	16	Years
Renee Krause	Clerks	15	Years
Mike Parish	Public Works	8	Years
Angie Kalugin	Finance	7	Years
Elizabeth Walton	Finance	5	Years
Kurt Read	Port	5	Years
Matt Smith	Library	4	Years
Matt Steffy	Public Works	4	Years
Mike Pettit	Public Works	3	Years
Jan Keiser	Public Works	2	Years

CITY OF HOMER
VISIONING 2022

2022: Wed, March 16 (9:00 am to 1:00 pm) + Thur, Mar 17 (9:00 am to 2:00 pm)

Facilitator: Susie Amundson

Purpose of Visioning

- To build consensus and set strategic direction including priority areas and goals for Calendar Year 2022
- To leverage strategic priorities through the intersection of Mayor and Council-Initiated Proposals and City-Initiated Recommendations
- To foster relationship building with the Council, Mayor, City Manager, and Department Heads

Leaders for City Visioning

- Ken Castner, Mayor
- Donna Aderhold, Councilmember
- Jason Davis, Councilmember
- Shelly Erickson, Councilmember
- Storm Hansen-Cavasos, Councilmember
- Rachel Lord, Councilmember
- Caroline Venuti, Councilmember
- Karin Marks, Community Volunteer
- Rob Dumouchel, City Manager
- Christine Drais, Assistant to City Manager
- Jenny Carroll, Special Projects Coordinator
- Andrea Browning, Personnel Director
- Melissa Jacobsen, City Clerk
- Rick Abboud, City Planner
- Julie Engebretsen, Deputy City Planner
- Dave Berry, Library Manager
- Mike Illg, Community Recreation Manager
- Jan Keiser, Public Works Director
- Elizabeth Walton, Finance Director
- Bryan Hawkins, Port and Harbor Director
- Mark Robl, Police Chief

Agenda and Visioning

The agenda allowed for participants to enjoy opening warm-ups and snack and lunch breaks, to foster relationship building, and to conduct visioning business. Meeting packets were sent out prior to the session. Agenda topics are outlined below. *See Appendix A for full agenda.*

- City Manager highlighted the accomplishments and outstanding items of the 2020 city's strategic areas, shared the upcoming goals for the City Staff, and with staff leaders pitched city-initiated priorities and fielded questions.
- Each councilmember presented three project proposals and the mayor presented four.
- Through facilitated group discussion, participants identified ideas and projects with overlap, cohesion, and partnerships.
- Strategic Priorities were agreed upon and set.
- At the end of Day 1, participants were asked to individually share and explain their vision for themselves and future generations in Homer. *See Appendix B for visioning responses.*

2022 Strategic Priorities

Both City-Initiated ideas and Council-initiated proposals comprise the Strategic Priorities. The Mayor and City Council as the primary decision-makers determined the priorities with input and feedback of City Staff. All of the participants recognize the synergy, interrelatedness, and needed ongoing integration of the various priorities. For example, Updating Building and Zoning Codes relates to Affordable Housing as well as to Walkability within the City. Strategic Priorities with substantive topics are outlined below but in no rank-order of prioritization. The City Manager will continue coordinating with the Mayor, City Council, and Staff to operationalize these priorities.

STRATEGIC PRIORITIES	SUPPORTING IDEAS
FISCAL POLICY IMPROVEMENTS	
COMPREHENSIVE PLAN FAST FORWARD	<ul style="list-style-type: none"> • Planning Code and Zoning • Building Code + Safety Enforcement • Building Code Comprehensive Plan Review • Code Review for Housing and Development Density • Modernize Zoning Codes
INFRASTRUCTURE	<ul style="list-style-type: none"> • Harbor Float Replacement • Critical Water Infrastructure, • Extend City Utilities into Underserved Areas • Extend Utilities with Trunk Lines • Strengthen Cybersecurity • Expand IT Staff • Public Works + Motor Pool Land Purchase • Emergency Preparedness Planning + Training
NON-MOTORIZED PATHWAYS AND TRAILS	<ul style="list-style-type: none"> • Sidewalk and Pedestrian Access Requirements • Trail and Sidewalk Improvement • Access to Trails and Pedestrian Facilities • Sidewalks and Stormwater Pipes for Downtown
HOUSING	<ul style="list-style-type: none"> • Affordable Year-Round Housing • Seasonal Housing for Workers • Short-Term Rentals
RECREATION AND HERC (ongoing 2020 priority)	<ul style="list-style-type: none"> • Recreational Dept Priorities and Planning • Expand Youth Recreational Programming
ADDITIONAL TOPICS	<ul style="list-style-type: none"> • Town Center (downtown public multi-use space) • Volunteer Action Plan (emergency personnel, commissions, etc.) • Public Safety Community Conversations • Designation of Coast Guard City

Next Steps: Breathing Life into the Strategic Priorities

To begin discussing the operationalizing of three strategic priorities, break-out groups met and discussed: (a) Infrastructure; (b) City Comprehensive Plan (including zoning and code); and (c) Housing. Preliminary ideas were shared with the whole of the group prior to the meeting's end and will be used as a launching pad for continued project planning and implementation. Photos of the break-out group discussion highlights are being sent to the City Manager in a separate document.

Summary

The elected officials of the City of Homer were able to meet with the City Manager and Staff to determine the city's 2022 Strategic Priorities. Setting strategic priorities provide a cohesive and clear direction for both the City Manager and Staff as well as the Mayor and Council. This type of meeting not only sets the stage for prioritization but also increases the depth and breadth of understanding regarding the issues and circumstances related to the priorities. For the next steps, it will be crucial that workgroups/teams addressing the priority areas will be comprised of Council champions and cross-sector representation of City Staff to ensure that these multi-layered, linked, and complex projects have enough capacity and resources to be successful.

I appreciate you including me in this exciting planning and prioritization process for the City of Homer. Please let me know if I can help with anything moving forward. Also, thank you for your dedicated, enthusiastic, and diligent efforts to provide a vibrant, safe, and livable Homer community for our citizens.

Susie Amundson, PhD, OTR, FAOTA
susie.wiseatwork@gmail.com | 509-998-1009



Appendix A: Meeting Agenda

City of Homer

MAYOR, CITY COUNCIL, and CITY LEADERSHIP VISIONING

2022: Wed, March 16 (9:00 am to 1:00 pm) + Thur, Mar 17 (9:00 am to 1:30 pm)

Pratt Museum | HOTwSPOTS Network | Code: 00638-78065

Facilitator: Susie Amundson

OBJECTIVES of RETREAT

- To build consensus and set strategic direction including priority areas and goals for Calendar Year 2022
- To leverage strategic priorities through the intersection of Mayor and Council-Initiated Proposals and City-Initiated Recommendations
- To foster relationship building with the Council, Mayor, City Manager, and Department Heads

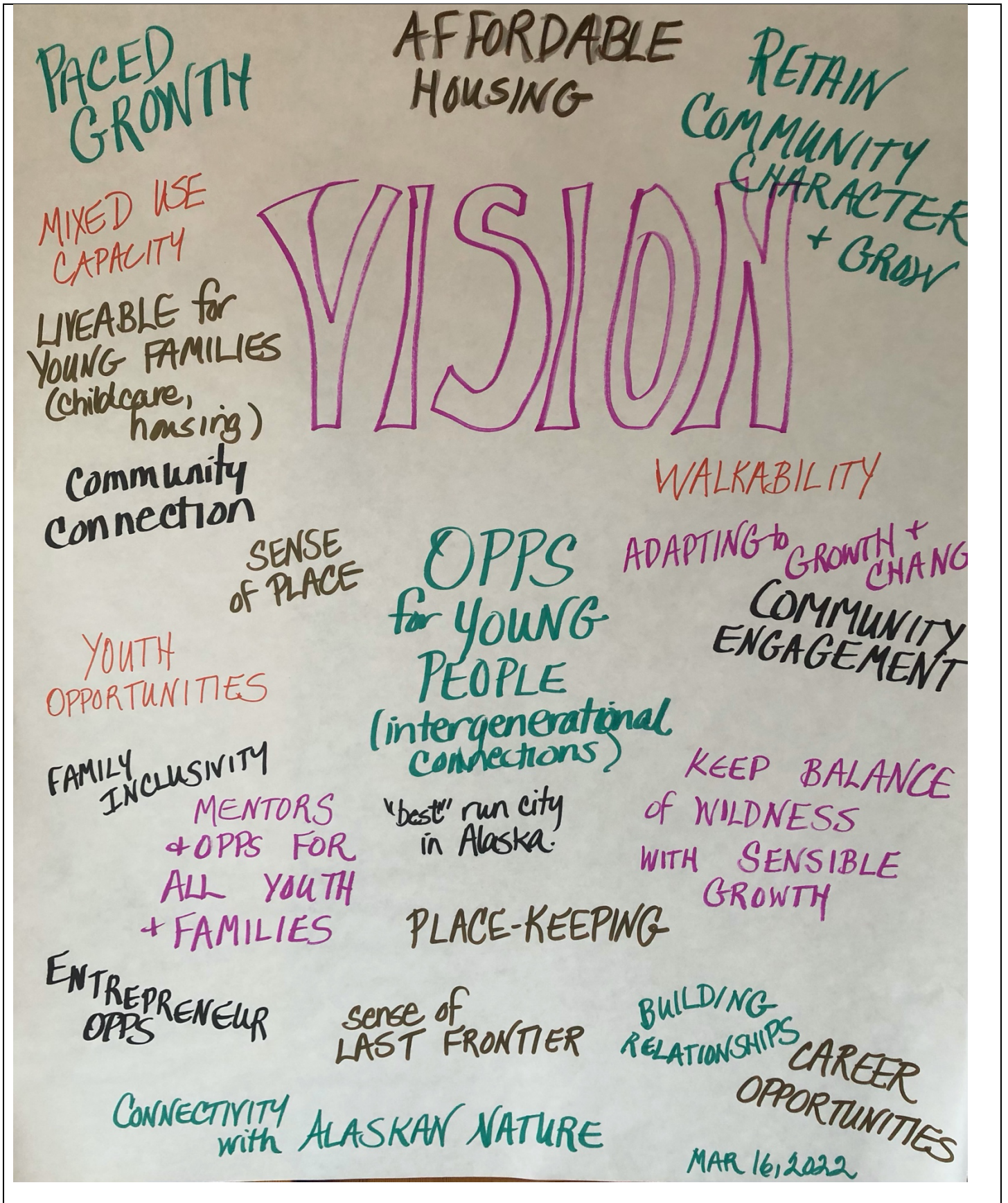
AGENDA for Wednesday, March 16

9:00 – 9:30	Getting Ready to Plan <ul style="list-style-type: none">• Welcome and Warming Up• Purpose and Process
9:30 – 10:00	Review of 2020 Strategic Goals <ul style="list-style-type: none">• Status, Reflection, and Discussion
10:00 – 10:35	Presentation of City Staff Goals <ul style="list-style-type: none">• Q&A with Rob
10:35 – 10:45	Bio Break
10:45 – 11:30	City-Initiated Recommendations <ul style="list-style-type: none">• Presentations• Q&A with Rob and City Dept Leaders
11:30 – 11:45	Sharing Council-Initiated Priorities (#1) <ul style="list-style-type: none">• Presentation with Q&A
11:45 – 12:20	Lunch (downstairs)
12:20 – 12:50	Sharing Council-Initiated Priorities (#2, #3) <ul style="list-style-type: none">• Presentations with Q&A
12:50 – 1:00	Wrap Up



AGENDA for Thursday, March 17

- | | |
|---------------|---|
| 9:00 – 9:10 | Welcome and Reflections of Day 1 |
| 9:10 – 10:15 | Sharing Council-Initiated Priorities (#4, #5, #6, #7) <ul style="list-style-type: none">• Presentations with Q&A |
| 10:15 – 10:25 | Bio Break |
| 10:25 – 11:30 | Common Ground of Council and City-Initiated Proposals <ul style="list-style-type: none">• Potential Patterns and Partnerships• Overlapping Interests and Partnerships [Break-Outs] |
| 11:30 – 12:05 | Lunch (downstairs) |
| 12:05 – 1:00 | Determining City of Homer Priorities for 2022 <ul style="list-style-type: none">• Project Pitches: Group + Individual• Discerning and Setting 2022 Priorities |
| 1:00 – 1:20 | Next Steps <ul style="list-style-type: none">• Planning• Tracking and Monitoring Priorities |
| 1:20 – 1:30 | Public Comment |





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Memorandum

TO: Mayor Castner and Homer City Council
 FROM: Rob Dumouchel, City Manager
 DATE: March 8, 2022
 SUBJECT: Staff Goals and Council-Priority Suggestions for 2022

Each calendar year, I ask the City's leadership team to go through a goal setting exercise that considers their department/division goals, professional goals, and personal goals. I find this to be a very useful exercise as it gives me insight into what my team finds important and what they aspire to achieve in the upcoming year. In preparation for the 2022 Council visioning session, I have distilled the team's department/division goals, along with my own goals, into a set of high-level organizational goals that will help guide staff activities. This is presented to the Council for informational purposes as part of the Council visioning sessions.

THEME	GOALS
TRAINING, DEVELOPMENT, RECRUITING & RETENTION	1.1: Support development of staff through investments in training and a culture of continuous professional development
	1.2: Recruit and retain sufficient staff to meet organizational needs and Council goals
	1.3: Provide fair, competitive, and equitable wages for all staff members
TEAMWORK AND COLLABORATION	2.1: Foster a culture of teamwork and collaboration among staff, departments, elected officials, and external stakeholders
	2.2: Reinvent and invest in City volunteer programs to account for nationwide trends in volunteerism
	2.3: Experiment with new forms/methods of public engagement
PLANNING FOR A SUSTAINABLE HOMER	3.1: Plan for the future of Homer with well-coordinated plans
	3.2: Integrate consideration of sustainability principles, to include social, economic, and environmental factors, into all City operations
	3.3: Invest in emergency preparedness through planning, zoning, and public education
	3.4: Proactively invest in fleet modernization to keep up with operational and community needs
	3.5: Improve financial planning and reporting as an investment in long-term financial health
MODERNIZED POLICIES AND PROCEDURES	4.1: Review, update, and modernize City policies, procedures, handbooks, etc.
	4.2: Create clear standard operating procedures for City tasks and processes

Beneath these organizational goals, we have numerous projects, programs, initiatives, etc. that have been put forward by department/division leaders to my office. Many specific staff goals are operational and I'm working with staff to scope concepts and build project teams where appropriate. There are many instances where departments/divisions have very similar goals and could benefit from pursuing them together. We're making those connections.

Above our organizational goals, Administration has a short list of big projects for which I would like to recruit Council supporters to help move forward during 2022. The following will be presented in the hopes of finding Council champions to consider them for inclusion into the 2022 Council-Initiated Priorities.

- **Comprehensive Plan Fast Forward:** The current Comprehensive Plan rewrite was completed in 2018. Much has changed in the years since it was adopted. I believe now is a great time to start moving forwards with a rewrite of the Comprehensive plan to give Homer a proper foundation upon which to build the future of the City.
- **Building Safety and Code Enforcement:** Homer does not have an adopted building code, and only commercial structures are reviewed by the Fire Marshal for any kind of code compliance. This is not a safe nor sustainable solution in the long term. We need to begin to consider the adoption of a building code and how to operate a building and code enforcement division.
- **Volunteer Action Plan:** Volunteerism is struggling across America, and we see results of that trend within our own volunteer programs. This plan would evaluate the local barriers to volunteerism and consider ways to improve and expand our programs and numbers of active volunteers.
- **Public Safety Citizens' Advisory Board:** This group would function in a similar way to groups like the Library Advisory Board. It would give our public safety departments more engagement with the community.
- **Strengthening of Cybersecurity Program:** Cybersecurity has been identified as a critical area in which the City needs to invest time and resources. The IT Division has been actively working towards cybersecurity goals for many years, however, we need to step up our efforts in this area to protect the City's operations.
- **Emergency Preparedness Planning & Training:** Homer's physical geography leaves it vulnerable to many types of hazard. While we have existing plans for emergency preparedness (All-Hazards Mitigation Plan, Emergency Operations Plan), they are due for a refresh. Additionally, the City would benefit from more FEMA training and conducting more regular tabletop and live action exercises.

ORGANIZATIONAL GOALS

THEME

GOALS

TRAINING, DEVELOPMENT, RECRUITING AND RETENTION

- 1.1: Support development of staff through investments in training and a culture of continuous professional development
- 1.2: Recruit and retain sufficient staff to meet organizational needs and Council goals
- 1.3: Provide fair, competitive, and equitable wages for all staff members

TEAMWORK AND COLLABORATION

- 2.1: Foster a culture of teamwork and collaboration among staff, departments, elected officials, and external stakeholders
- 2.2: Reinvent and invest in City volunteer programs to account for nationwide trends in volunteerism
- 2.3: Experiment with new methods of public engagement

PLANNING FOR A SUSTAINABLE HOMER

- 3.1: Plan for the future of Homer with well-coordinated plans
- 3.2: Integrate consideration of sustainability principles, to include social, economic and environmental factors, into all City operations
- 3.3: Invest in emergency preparedness through planning, zoning, and public education
- 3.4: Proactively invest in fleet modernization to keep up with operational and community needs
- 3.5: Improve financial planning and reporting as an investment in long-term financial health

MODERNIZED POLICIES AND PROCEDURES

- 4.1: Review, update, and modernize City policies, procedures, handbooks, etc.
- 4.2: Create clear standard operating procedures for City tasks and processes



**CITY OF HOMER
SURPLUS EQUIPMENT SALE
HOMER, ALASKA**

Sealed bids for City surplus equipment will be received by the City Clerk's Office at 491 E. Pioneer Avenue, Homer, Alaska 99603 until **5:00 p.m., Tuesday, April 12, 2022.** Bids received after the time fixed for receipt of the Bid shall not be considered. Sealed bids must be on the proper Bid Form provided by the City, one item per form per envelope, and must have the Bidder's Name and Address, the Bid Item Number and Item Name, and "City of Homer Surplus Equipment Sale – April 2022" printed on the outside of the envelope. **All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive.**

Plan Holder Registration Form, Surplus Equipment List, Minimum Bid Requirements, and Bid Form are available online at <http://www.cityofhomer-ak.gov/rfps>. Paper copies of the Bid Packet may be obtained from the City Clerk's Office for a \$10.00 fee. Additional paper copies of the Bid Form may be obtained for a fee of \$0.25 per copy.

Surplus equipment includes items such as outdoor gear, vehicles, office supplies and furniture, heavy duty equipment, and other miscellaneous items.

All items will be sold in "as is, where is" condition, no warranties expressed or implied. Minimum bids may be listed on some items. Inspection of items may be arranged by contacting the respective department at the phone numbers shown on the surplus equipment list during regular office hours between Thursday, March 24th and Monday, April 11th.

Sealed bids will be publicly opened and read on Wednesday, April 13, 2022 at 3:00 p.m.

The City reserves the right, when in its best interest, to reject any and all bids and to waive any informalities or irregularities. **Purchased items must be paid for and removed within five business days of the bid opening.**

Dated this 18th day of _____ March 2022.

CITY OF HOMER



Robert Dumouchel, City Manager

Publish: Homer News 3/24/2022 & 3/31/2022
Account #100.0160.5227

**CITY OF HOMER
SURPLUS EQUIPMENT SALE – APRIL 2022
HOMER, ALASKA**

BID PACKET

I. BIDDING GENERAL REQUIREMENTS

BIDS MUST BE SUBMITTED USING THE FOLLOWING INSTRUCTIONS TO AVOID HAVING YOUR BID REJECTED:

- All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List to be considered responsive. See attached form.
- **Only 1 bid item per Bid Form, per envelope, printed legibly or typed.**
- Sealed bids must be on the proper Bid Form provided by the City.
- The envelope must be opaque, sealed, and have the following information printed on the outside of the envelope:
 - *Bidder's Name and Address*
 - *"City of Homer Surplus Equipment Sale – April 2022"*
 - *Bid Item Number and Item Name*
- Sealed bids may be mailed or hand-delivered to:
 - City Clerk's Office
 - 491 E. Pioneer Avenue
 - Homer, Alaska 99603

Sealed bids shall be received at the City Clerk's Office **no later than 5:00 p.m., Tuesday, April 12, 2022.** The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for receipt of the bid shall not be considered. Sealed bids will be publicly opened and read on **Wednesday, April 13, 2022 at 3:00 p.m. Purchased items must be paid for and removed within five business days of the bid opening.**

The City Clerk's Office **will not** provide envelopes for bidders, nor will the Clerk's Office staff write bidder's information on the envelope on behalf of the bidder.

Additional paper copies of this Bid Form may be obtained for a fee of \$0.25 per copy.

The City reserves the right, when in its best interest, to reject any and all bids and to waive any informalities or irregularities.

II. DESCRIPTION, LOCATION, & COST

The complete list of available Surplus Equipment is attached. Included in this list is an item number and name, a description, the point of contact for that item, its location, a photo, and the minimum bid requirement (if applicable).

All items will be sold in "as is, where is" condition, no warranties expressed or implied. Inspection of items may be arranged by contacting the respective department at the phone numbers shown during regular office hours between Thursday, March 24th and Monday, April 11th.

III. PROPOSED BID SCHEDULE

ITB Surplus Sale Advertisement	March 24 & 31, 2022 – Homer News
Item Inspection Period	March 24 – April 11, 2022
Bids Due	April 12, 2022 at 5:00 p.m.
Opening of Bids/Notice of Successful Bid	April 13, 2022 at 3:00 p.m.
Deadline to Pay For/Remove Items	April 20, 2022 at 5:00 p.m.

IV. ATTACHMENTS

1. Surplus Equipment Sale List
2. City of Homer Plan Holders Registration Form
3. Bid Form

**CITY OF HOMER
SURPLUS EQUIPMENT SALE – APRIL 2022
HOMER, ALASKA**

SURPLUS EQUIPMENT SALE LIST







Item #CC01		
Item Name: Ballot Boxes		
Description: Three (3) plastic ballot boxes, includes keys		
Minimum Bid: Make Offer		
Contact Person: Clerk Staff (907) 235-3130	Item Location: 491 E Pioneer Avenue	
Item #CC02		
Item Name: CD Cases		
Description: About 600 empty CD cases, assorted colors		
Minimum Bid: Make Offer		
Contact Person: Clerk Staff (907) 235-3130	Item Location: City Clerk's Office 491 E Pioneer Avenue	
Item #CC03		
Item Name: Christmas Tree		
Description: Faux 7.5 ft. Christmas Tree with built-in lights		
Minimum Bid: Make Offer		
Contact Person: Clerk Staff (907) 235-3130	Item Location: City Clerk's Office 491 E Pioneer Avenue	
Item #CC04		
Item Name: Tape Recorders		
Description: Two (2) microcassette tape recorders		
Minimum Bid: Make Offer		
Contact Person: Clerk Staff (907) 235-3130	Item Location: City Clerk's Office 491 E Pioneer Avenue	
Item #CC05		
Item Name: Conference Speakerphone		
Description: Conference Link speakerphone kit; comes with two tabletop units and power cords		
Minimum Bid: Make Offer		
Contact Person: Clerk Staff (907) 235-3130	Item Location: City Clerk's Office 491 E Pioneer Avenue	

Item #CC06		
Item Name: Microphones		
Description: Two (2) microphones; one comes with a stand		
Minimum Bid: Make Offer		
Contact Person: Clerk Staff (907) 235-3130	Item Location: City Clerk's Office 491 E Pioneer Avenue	
Item #CC07		
Item Name: Timer		
Description: Digital timer with hour-minute-second controls		
Minimum Bid: Make Offer		
Contact Person: Clerk Staff (907) 235-3130	Item Location: City Clerk's Office 491 E Pioneer Avenue	
Item #CC08		
Item Name: Water Cooler Stand		
Description: Water cooler/water jug stand with hot and cold taps		
Minimum Bid: Make Offer		
Contact Person: Clerk Staff (907) 235-3130	Item Location: City Clerk's Office 491 E Pioneer Avenue	
Item #CC09		
Item Name: Laptop Bag		
Description: Shoulder/laptop bag; multiple pockets and adjustable strap		
Minimum Bid: Make Offer		
Contact Person: Clerk Staff (907) 235-3130	Item Location: City Clerk's Office 491 E Pioneer Avenue	
Item #CC10		
Item Name: Office Chair		
Description: Swivel office chair, black with chrome base, caster wheels		
Minimum Bid: Make Offer		
Contact Person: Clerk Staff (907) 235-3130	Item Location: City Clerk's Office 491 E Pioneer Avenue	
Item #CC11		
Item Name: Cork Board		
Description: Cork board in wood frame, 35"W x 23"H		
Minimum Bid: Make Offer		
Contact Person: Clerk Staff (907) 235-3130	Item Location: City Clerk's Office 491 E Pioneer Avenue	

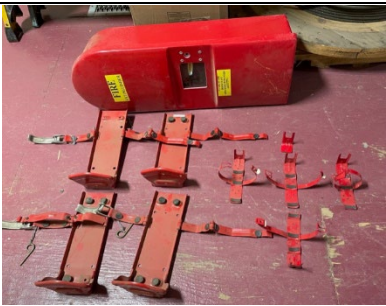




Item #CC12		
Item Name: Chalk Board		
Description: Double-sided chalk board on self-standing wood frame; board rotates and locks, 6'W x 4'H		
Minimum Bid: Make Offer		
Contact Person: Clerk Staff (907) 235-3130	Item Location: City Clerk's Office 491 E Pioneer Avenue	
Item #CC13		
Item Name: KBBI Poster		
Description: Framed KBBI 1979-1989 poster		
Minimum Bid: Make Offer		
Contact Person: Clerk Staff (907) 235-3130	Item Location: City Clerk's Office 491 E Pioneer Avenue	
Item #CC14		
Item Name: Signed Homer Poster		
Description: Framed "Good-by Here and Hello Homer" poem poster, signed by Larry A Beck, 1977		
Minimum Bid: Make Offer		
Contact Person: Clerk Staff (907) 235-3130	Item Location: City Clerk's Office 491 E Pioneer Avenue	
Item #CC15		
Item Name: Executive Desk		
Description: Dark Coffee Wood L-shaped Executive Desk with bow front and two lockable, 3-drawer sets that fits letter-sized hanging files; Main desk piece 72"W x 30"D, Side desk piece 42"W x 24"D		
Minimum Bid: \$100.00		
Contact Person: Clerk Staff (907) 235-3130	Item Location: City Clerk's Office 491 E Pioneer Avenue	
Item #HVFD01		
Item Name: Mako 5000 psi Breathing Air Compressor		
Description: 240v 5000 psi breathing air compressor with 8 bottle cascade system		
Minimum Bid: \$3,000.00		
Contact Person: Homer Fire Dept. (907) 235-3155	Item Location: Skyline Fire Station Diamond Ridge Road	




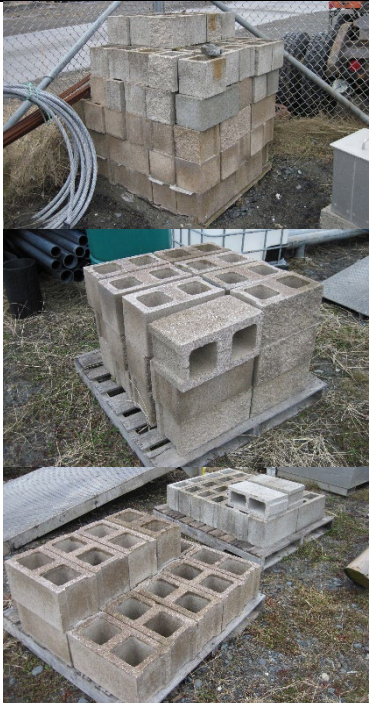
Item #HVFD02		
Item Name: SCBA with Bottle & Mask		
Description: 35 Units of Scott 4500 psi Self-contained breathing apparatus with bottles and mask		
Minimum Bid: \$100.00 per SCVA Ensemble		
Contact Person: Homer Fire Dept. (907) 235-3155	Item Location: Homer Fire Station 604 E Pioneer Avenue	
Item #CM01		
Item Name: Hanging Folder		
Description: Legal Size Hanging File Folders - 40 count		
Minimum Bid: \$15.00		
Contact Person: Christine Drais (907) 435-3102	Item Location: City Manager's Office 491 E Pioneer Avenue	
Item #PL01		
Item Name: Hon Office Chair One		
Description: Blue, on casters, does not include armrests		
Minimum Bid: \$25.00		
Contact Person: Travis Brown (907) 235-3106	Item Location: Planning Dept. 491 E Pioneer Avenue	
Item #PL02		
Item Name: Hon Office Chair Two		
Description: Blue, on casters, does not include armrests		
Minimum Bid: \$25.00		
Contact Person: Travis Brown (907) 235-3106	Item Location: Planning Dept. 491 E Pioneer Avenue	
Item #PL03		
Item Name: Commercial Anti-Fatigue Mat		
Description: 3 ft. x 6 ft. vinyl-type surface with foam backing		
Minimum Bid: \$50.00		
Contact Person: Travis Brown (907) 235-3106	Item Location: Planning Dept. 491 E Pioneer Avenue	
Item #PH01		
Item Name: Kayak Paddle		
Description: Hobie brand kayak paddle, adjustable, excellent condition		
Minimum Bid: \$25.00		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	






Item #PH02		
Item Name: Baby Carrier Backpack		
Description: Dueter baby carrier back pack, green and grey, VA 25720, great condition		
Minimum Bid: \$75.00		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	
Item #PH03		
Item Name: Rubber Boots		
Description: Xtra-Tuff brown 15 inch boots, men size 8, good condition		
Minimum Bid: Make Offer		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	
Item #PH04		
Item Name: Slippers M7/W9		
Description: Xtra-Tuff fuzzy slippers, men size 7/women size 9, white liner, brown color outside, APF 900, fished out of ocean		
Minimum Bid: \$20.00		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	
Item #PH05		
Item Name: Slippers M9/W11		
Description: Xtra-Tuff fuzzy slippers, men size 9/women size 11, white liner, brown color outside, APF 900, fished out of ocean		
Minimum Bid: \$20.00		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	
Item #PH06		
Item Name: Corded Work Light		
Description: 11 inch work light with cord, 125 VAC, 75 WATT max, model BA 425, good condition		
Minimum Bid: Make Offer		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	

Item #PH07		
Item Name: Hand Broom		
Description: Small natural material broom, 12 inches, like-new		
Minimum Bid: Make Offer		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	
Item #PH08		
Item Name: Sticky Notes		
Description: Box of miscellaneous Sticky Notes		
Minimum Bid: Make Offer		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	
Item #PH09		
Item Name: Black Pants		
Description: Swisstech black technical pants, size 34" x 30", great cond.		
Minimum Bid: Make Offer		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	
Item #PH10		
Item Name: Thermometer Gun		
Description: Klein tool thermometer gun, orange, like new condition		
Minimum Bid: Make Offer		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	
Item #PH11		
Item Name: Step Stool		
Description: 1.5 ft. one-step stool, grey and black, good condition		
Minimum Bid: Make Offer		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	
Item #PH12		
Item Name: Tags		
Description: Box of warning tags		
Minimum Bid: Make Offer		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	

Item #PH13		
Item Name: Clear Plastic Container		
Description: Multi-location storage container, clear plastic, like-new		
Minimum Bid: Make Offer		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	
Item #PH14		
Item Name: Box of Office Supplies		
Description: Assorted office supplies including a 10-key, 10-key paper, pen holders, phone shoulder rest		
Minimum Bid: Make Offer		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	
Item #PH15		
Item Name: Umbrella		
Description: 3 ft. umbrella white and black in color, great condition		
Minimum Bid: Make Offer		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	
Item #PH16		
Item Name: Fishing Pole		
Description: 5 ft. fishing pole with Reel Senator reel 114H		
Minimum Bid: Make Offer		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	
Item #PH17		
Item Name: Cooler with Fishing Gear		
Description: Igloo cooler with assorted fishing bait and tackle, lures, fishing tools		
Minimum Bid: \$40.00		
Contact Person: Rose Riordan (907) 235-3160	Item Location: Harbormaster's Office 4311 Freight Dock Road	

Item #PH18		
Item Name: Fire Extinguisher Brackets		
Description: Multiple fire extinguisher hangers, assorted sizes and types		
Minimum Bid: Make Offer		
Contact Person: Aaron Glidden (907) 299-3003	Item Location: Port Maintenance Bldg. 4667 Homer Spit Road, Ste. 3	
Item #PH19		
Item Name: 12" Table Saw		
Description: Model 12 contractor saw, 208/220 V three phase, Doerr Electric Corporation, good condition		
Minimum Bid: Make Offer		
Contact Person: Aaron Glidden (907) 299-3003	Item Location: Port Maintenance Bldg. 4667 Homer Spit Road, Ste. 3	
Item #PH20		
Item Name: Ford F250		
Description: 2003 Ford F-250 Super Duty. 71,830 miles. Includes: headache rack; bed-liner; tow package; pintle hitch. Missing: tailgate; rear bumper. Issues: sometimes hard to start; runs rough; check engine light does not come on; some engine oil in coolant		
Minimum Bid: Make Offer		
Contact Person: Aaron Glidden (907) 299-3003	Item Location: Port Maintenance Bldg. 4667 Homer Spit Road, Ste. 3	
Item #PH21		
Item Name: Fire Pumps		
Description: Three (3) Godiva GP 1600 portable fire pumps. NOT FUNCTIONAL. NOT ASSEMBLED. Approx. 26 years old. Essentially scrap material. Includes: bronze valves; aluminum hose racks; 4-cylinder Nissan engines that functioned when taken out of service.		
Minimum Bid: Make Offer		
Contact Person: Aaron Glidden (907) 299-3003	Item Location: Port Maintenance Bldg. 4667 Homer Spit Road, Ste. 3	
Item #PH22		
Item Name: Honda Carrier No. 1		
Description: Honda HP 400 tracked, flat-bed carrier. Gas powered. Functional. 881 lbs carrying capacity on flat ground. Approx. 25 years old.		
Minimum Bid: Make Offer		
Contact Person: Aaron Glidden (907) 299-3003	Item Location: Port Maintenance Bldg. 4667 Homer Spit Road, Ste. 3	

Item #PH23		
Item Name: Honda Carrier No. 2		
Description: Honda HP 400 tracked, flat-bed carrier. Gas powered. Functional. 881 lbs carrying capacity on flat ground. Approx. 25 years old.		
Minimum Bid: Make Offer		
Contact Person: Aaron Glidden (907) 299-3003	Item Location: Port Maintenance Bldg. 4667 Homer Spit Road, Ste. 3	
Item #PH24		
Item Name: Fork Lift		
Description: Wiggins WD844 PT4 fork lift. Four wheel drive. 8,000 lbs. to 7 ft., 5200 lbs. to 21 ft. Gross wt.: 17,500 lbs. Approx. 30 years old. Functional. Breaks do not work well at all. Comes with manuals.		
Minimum Bid: Make Offer		
Contact Person: Aaron Glidden (907) 299-3003	Item Location: Port Maintenance Storage Yard 4667 Homer Spit Road	
Item #PH25		
Item Name: Scissor Lift		
Description: Grove Scissor lift SM3160E. Battery powered. Max height: 25 ft. Gross weight: 4300 lbs. Functioned when taken out of service. Battery condition: unknown, some visible damage. Approx. 30 years old.		
Minimum Bid: Make Offer		
Contact Person: Aaron Glidden (907) 299-3003	Item Location: Port Maintenance Storage Yard 4667 Homer Spit Road	
Item #PH26		
Item Name: Cinder Blocks		
Description: Lot of 4 pallets (1 full, 3 partial). Various sizes and shapes, full and half blocks. Heavily textured sides.		
Minimum Bid: Make Offer		
Contact Person: Aaron Glidden (907) 299-3003	Item Location: Port Maintenance Storage Yard 4667 Homer Spit Road	

Item #PH27		
Item Name: Aluminum Ramp		
Description: Homemade diamond-plate aluminum ramp. 4'W, 9'L, 23"H		
Minimum Bid: Make Offer		
Contact Person: Aaron Glidden (907) 299-3003	Item Location: Port Maintenance Storage Yard 4667 Homer Spit Road	
Item #PH28		
Item Name: Aluminum Stairs		
Description: Homemade aluminum stairs. 28"W, 30"D, 40"H. Five steps.		
Minimum Bid: Make Offer		
Contact Person: Aaron Glidden (907) 299-3003	Item Location: Port Maintenance Storage Yard 4667 Homer Spit Road	
Item #PH29		
Item Name: Cable		
Description: Cable 1" in diameter x 80 ft., galvanized		
Minimum Bid: Make Offer		
Contact Person: Matt Clarke (907) 235-3160	Item Location: Port Maintenance Storage Yard 4667 Homer Spit Road	
Item #PH30		
Item Name: Antenna Pole		
Description: 15 ft. Antenna Pole		
Minimum Bid: Make Offer		
Contact Person: Matt Clarke (907) 235-3160	Item Location: Port Maintenance Storage Yard 4667 Homer Spit Road	
Item #PH31		
Item Name: CAT 350 Excavator		
Description: CAT 350 excavator – no excavator attachment		
Minimum Bid: Make Offer		
Contact Person: Matt Clarke (907) 235-3160	Item Location: Marine Repair Facility Homer Spit Road	
Item #PH32		
Item Name: Hyster Manlift		
Description: Hyster T-60 Manlift - three wheels only		
Minimum Bid: Make Offer		
Contact Person: Matt Clarke (907) 235-3160	Item Location: Marine Repair Facility Homer Spit Road	

Item #PH33		
Item Name: Boat Trailer		
Description: 18 ft. homemade 1 axle boat trailer		
Minimum Bid: Make Offer		
Contact Person: Matt Clarke (907) 235-3160	Item Location: Boat Trailer Impound Freight Dock Road	
Item #PH34		
Item Name: Tanner Crab Pot		
Description: Tanner crab pot		
Minimum Bid: Make Offer		
Contact Person: Matt Clarke (907) 235-3160	Item Location: Concrete Pad Freight Dock Road	
Item #PH35		
Item Name: Collection Boxes		
Description: Fee collection boxes, 2 receptacles and 1 concrete base		
Minimum Bid: Make Offer		
Contact Person: Matt Clarke (907) 235-3160	Item Location: Port Maintenance Storage Yard 4667 Homer Spit Road	
Item #PH36		
Item Name: Dungeness Crab Pot		
Description: Dungeness crab pot		
Minimum Bid: Make Offer		
Contact Person: Matt Clarke (907) 235-3160	Item Location: Concrete Pad Freight Dock Road	
Item #PH37		 
Item Name: Navy Truck		
Description: 1994 Ford F-150 4WD. DOES NOT INCLUDE: bulk fuel tank or fire extinguishers		
Minimum Bid: Make Offer		
Contact Person: Matt Clarke (907) 235-3160	Item Location: Concrete Pad Freight Dock Road	



City of Homer Plan Holder Registration Form

This form is required to be considered a plan holder. Send completed form to rtussey@cityofhomer-ak.gov, or fax to 907-235-3143, or deliver to the City of Homer City Clerk's office at 491 E. Pioneer Avenue, Homer, AK 99603.

PROJECT NAME: **City of Homer Surplus Equipment Sale – April 2022**

COMPANY NAME: _____

CONTACT PERSON: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE: _____

FAX: _____

EMAIL: _____

**City of Homer Surplus Equipment Sale – April 2022
BID FORM**

**PLEASE READ AND FOLLOW THE INSTRUCTIONS PROVIDED IN THE BID PACKET TO AVOID
HAVING YOUR BID REJECTED**

Name of Bidder: _____

Bidder Mailing Address:

Bidder's Phone Number: _____

Bidder's Email: _____

Only 1 bid item per form, per sealed envelope, printed legibly or typed

Bid Item No.: _____

Item Name: _____

Bid Amount: \$ _____



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

TO: Rob Dumouchel, City Manager
FROM: Matt Steffy, Parks Superintendent
DATE: March 25th, 2022
SUBJECT: Bayview Park Update

During a park inspection with the Parks ADA Transition Committee last fall, observations of the existing playground equipment were made regarding its safety and potential liability. The equipment was in bad disrepair, frost heaved at an angle, protruding bolts, pinch points, and various hazards. The decision was made that the equipment needed to go before someone got seriously hurt. Removal was done in-house by our operators.

Our present plan is to reevaluate the role that the park may play in the community. It has always been the “baby park” and geared towards pre-K and smaller users. There is no park in Homer with more front doors in a closer proximity than this park, and we would like to consider a broader scope of services. Something like a small covered area with an outdoor grill could potentially get some heavy use. Other free play elements could be added to make better use of the available space. We have reached out to Peter Briggs with Corvus design regarding a landscape plan. He was last hired to do one in 2013, so he has some ideas to build off of. While it has been on the CIP list as a top priority ever since, those plans have not yet been implemented, and the issues that were brought up remain concerning. There are drainage issues, parking, fencing, signage, and other elements that we hope to address in the new plan.

Once we have an updated vision and plan in hand, we will continue to explore funding opportunities.

**CITY OF HOMER
HOMER, ALASKA**

City Clerk/PARCAC

RESOLUTION 21-073

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
UPDATING THE CITY OF HOMER GIFT, DONATION, AND ART
POLICIES, PROCEDURES AND GUIDELINES TO ADD A SECTION ON
MURALS, AND AMEND LANGUAGE AND PROCESSES.

WHEREAS, The City of Homer Donation, Gift and Art Policies and Procedures had not
been updated since 2010; and

WHEREAS, The Parks Art Recreation and Culture Advisory Commission (PARCAC)
reviewed the proposed changes at their regular meetings on August 19, 2021 and September
16, 2021; and

WHEREAS, It was determined that inclusion of a mural policy and procedures was
required in response to recent requests; and

WHEREAS, The 1% for Art program should be a separate as it is addressed in Homer City
Code 18.07; and

WHEREAS, Additional updates to reflect the actual processes that have evolved should
be outlined in the policies and procedures to differentiate between donations of artwork or
items such as benches or land.

NOW, THEREFORE, BE IT RESOLVED the City Council of Homer, Alaska, adopts the
updated City of Homer Gift, Donation and Art Policies, Procedures and Guidelines to add a
section on murals and amend language and processes.

PASSED AND ADOPTED by the Homer City Council this ____th day of _____, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 22-053

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: PARKS, ART, RECREATION & CULTURE ADVISORY COMMISSION

THRU: ROB DUMOUCHEL, CITY MANAGER

DATE: MARCH 18, 2022

SUBJECT: CITY OF HOMER GIFT, DONATION AND ART POLICIES, PROCEDURES & GUIDELINES

At their October 11th regular meeting Council postponed action on Resolution 21-073 that approves the updates to the City of Homer Gift, Donation, and Arts Policies Procedures & Guidelines to add a section on murals. This decision was based on a recommendation from the City Attorney for further analysis of legal and policy issues arising from mural placement on public property.

The Commission reviewed the proposed draft language of the Mural Policy at their December 2, 2021 Special Meeting and forwarded the draft language to the City Attorney and City Manager for review and approval.

After extensive review and editing of the mural section by the City Attorney and City Manager along with the City Clerk's Office and input from the City Planner the final edited draft was submitted to the Commission for review and recommendation at the regular meeting on March 17, 2022. The Commission adopted the draft by unanimous consent and the excerpt of the minutes for that meeting are included.

Recommendation

Adopt the updated and revised City of Homer Gift, Donation and Art Policies, Procedures & Guidelines



Gift, Donation and
Art
Policies, Procedures
& Guidelines

DRAFT 03/17/2022



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17 **INTRODUCTION**

18

19 The Parks, Art, Recreation and Culture Advisory Commission (**Commission**) is charged with the
 20 responsibility of evaluating the suitability of proposed **donations of** artwork, **gifts, or real property** and
 21 making recommendations to the City Council as to whether or not to accept **the proposed donation**. It as a
 22 gift. If accepted, the ~~donated work~~ **donation** becomes the responsibility of the City of Homer, which will **be**
 23 **inventoryied, insured, maintain**ed and **repair**ed it as required **in accordance to these policies**, by Homer
 24 City Code and Alaska State Law.

25

26 **DEFINITIONS**

27

28 "Gifts" are personal or real property that is donated, devised or bequeathed with or without restrictions to
 29 the City of Homer. Gifts can be actual artwork, real property ~~for placement of artwork~~ or funds for the
 30 acquisition of artwork, **amenities for parks, trails and beaches such as benches, playground equipment,**
 31 **bleachers, etc.**

32

33 "Gift Policy" is the policy that identifies the procedure and criteria for reviewing proposed gifts ~~of artwork~~ to
 34 the City of Homer.

35

36 "Accession Policy" is the policy that defines an orderly and consistent process for reviewing artwork for
 37 acceptance into the Municipal Art Collection insuring that the collection is comprised of artwork of the
 38 highest quality.

39

40 **"Accession" is to accept artwork in to the Municipal Art Collection**

41

42 "Deaccession Policy" is the procedures that are implemented to remove an item from the Municipal Art
 43 collection.
 44 (~~Reso. 10-80, 2011.~~)

45

46 "Commission" means the Parks, Art, Recreation, and Culture Advisory Commission which is responsible for
 47 advising on all City of Homer Parks, Beaches, Trails, Recreation, Art and Culture.

48

49 "Public places" means places within the City limits of Homer, which are visible and accessible to the public.

50

51 "Commercial" means words or images used elsewhere in the marketplace for the purpose of promoting a
 52 particular business, product, service, cause, place or brand.

53

54 "Commercial Element" means art that by virtue of its location or proximity to a business may serve a minimal
 55 commercial purpose. If that art were in a different location, it would be considered pure art and not
 56 commercial in nature.

57

58 "Mural" means a picture or representation, in any type of medium, on an exterior surface of a building,
 59 structure, fence or wall.

60 “Preliminary Approval” means the application has been accepted, found to be in good order and complete
61 and the proposed mural is deemed appropriate by the Commission and is recommended for Council
62 Approval.

63

64 **ACCESSION POLICY AND PROCEDURES FOR ART**

65

66 **PURPOSE**

67 To establish an orderly and consistent process for reviewing artwork for acceptance into the Municipal
68 Art Collection ensuring that the collection is comprised of artwork of the highest quality.

69

70 **Definition**

71 ~~Accession is to accept artwork in to the Municipal Art Collection~~

72

73 **POLICY**

74

75 1. Accession procedures insure that the interests of all concerned parties are represented including the
76 ~~Parks, Art, Recreation and Culture Advisory Commission~~, the Public, the Artist, the Arts Community and the
77 City of Homer.

78

79 2. Artwork shall be distinctive artistic merit and aesthetic quality and will enhance the diversity of the
80 Municipal Art Collection **and the City of Homer.**

81

82 3. Artwork shall be appropriate in and for its site, scale, material, form, and content for both its
83 immediate and general social and physical environment.

84

85 4. Artwork shall be reasonably durable against theft, vandalism, weather, and excessive maintenance
86 costs.

87

88 5. Accession implies the responsibility to preserve, protect, and display the artwork for public benefit.

89

90 6. Accession implies a work's permanency within the Municipal Art Collection, providing that the work
91 retains its physical integrity, identity and authenticity.

92

93 7. Artwork will be acquired without restrictions as to its future use and disposition except as provided in
94 contracts with artists.

95

96 8. Artwork will be accessioned into the City of Homer's Municipal Art Collection only upon completion of
97 all facets of the Commissioning or purchasing contract and final approval of City Council.

98

99 9. Each accessioned work into the Municipal Art Collection will be documented to the fullest extent
100 possible, including artist's last known address and when available, a photograph.

101

102 10. The artist's signed contract or release transferring title for the artwork and clearly defining the rights
103 and responsibilities of all parties will accompany every accessioned work and shall be in the documented
104 records of the work.

11. In the case of inter-agency or inter-local agreements a copy of the agreement and signatures of all parties will be kept in the office of the City Clerk.

12. Accession results from projects and purchases generated as part of the Municipal Art program except in case of donations which will be reviewed in accordance with the City of Homer ~~Public Arts Committee~~ policy on gifts and if accepted will be accessed pursuant to this accession policy. (Reso. 10-80, 2011.)

DE-ACCESSIONING PURCHASED AND DONATED ITEMS OF ART

The City has the responsibility for conserving the collection, and because the disposal of artworks may have serious implications for the artists, removing the items from the collection should be a deliberate and seldom-used procedure. It is the policy of the City not to dispose of works simply because they are not currently in fashion and not to dispose of works whose worth might not yet be recognized.

Purchased or donated items which have been accepted into the Municipal Art Collection will be de-accessioned only at the direction of the Staff, Commission or City Council, which shall consider the recommendations and comments received from departments, Commission, Council or the public. City Council will be advised of artwork that is de-accessioned by Memorandum

The City will comply with all regulations pertaining to de-accessioning of art items. If documents provide for de-accessioning, such documents will determine the method and manner of the de-accessioning.

Examples of situations where de-accessioning would be considered include:

- a. The item(s) has deteriorated beyond a reasonable means of conservation or in deteriorating, has lost its usefulness.
- b. The authenticity, attribution, or genuineness of the item(s) is determined to be false or fraudulent.
- c. The item(s) is redundant or is a duplicate that has no value as part of a series.
- d. The item(s) is located in an area where jurisdiction will be transferred to another entity or is made inaccessible to the public.

The ~~Parks, Art, Recreation and Culture Advisory~~ Commission may recommend any of the following courses of action as a result of a deaccessioning review. The Commission shall not be limited to these courses of action and may suggest new methods as may be demanded by a particular set of circumstances:

- a. Relocate the work of art. This course of action shall be given highest priority
- b. Remove the work from display and maintain in a safe storage
- c. Yearly City Surplus Sale
- d. Private sale
- e. Exchange for another work by the artist
- f. Gifting the piece to a non-profit organization
- g. Recycling

Destruction of the item(s) may be considered where the physical condition of the work is severely deteriorated or will be irreparably damaged by the de-accessioning process. In appropriate instances, appraisals of the item(s) to be de-accessioned will be sought from outside sources.

GIFT AND DONATION ACCEPTANCE POLICY

PURPOSE

To identify a procedure and criteria for the ~~Parks, Art, Recreation and Culture Advisory~~ Commission to review proposed gifts **or donations** of artwork **of real property, artwork or items.**

Definition

~~Gifts are personal or real property that is donated or bequeathed with or without restrictions to the City of Homer for actual artwork, property for placement or funds for the acquisition of artwork.~~

POLICY

1. The ~~Parks, Art, Recreation and Culture Advisory~~ Commission will review all proposed gifts **or donations** as defined above and will evaluate the suitability of proposed gifts **or donation** and make recommendations to the ~~Homer~~ City Council in accordance with Homer City Code which allows acceptance of donations.
2. Each proposed gift **or donation** will be reviewed for the following:
 - a. Aesthetic Quality- The proposed gift **or donation** has significant aesthetic merit.
 - b. Appropriateness of Chosen Site or Location - Scale of artwork **proposed gift or donation** is appropriate for the site including relationship between the artwork **proposed item** and the site and **possible** obstacles of the site.
 - c. Restrictions from the Donor - Any restrictions must be clearly identified and may be a factor in determining whether **the City should** to accept a **the proposed gift or donation.**
 - d. Originality of Artwork- ~~artworks~~ **Works of art** must be one of a kind or part of an original series, reproductions of originals are not considered eligible for acceptance.
 - e. Relationship to the Collection as a Whole - The ~~Public Arts Committee~~ **Commission** is committed to creating a diverse collection of **works of art**. The proposed gift **or donation** must be compatible with the Municipal Art Collection without being over represented.
 - f. Technical Feasibility - The realistic ability for the proposed project to be built and or installed as proposed in the selected location.
 - g. Technical Specifications - The ~~Public Arts Committee~~ **Commission** must review the actual work, if available, or a scale drawing and or model consisting of site plans and elevations describing the following:
 - i. Surrounding site conditions if applicable
 - ii. Dimensions
 - iii. Materials and finishes
 - iv. Colors
 - v. Electrical, Plumbing, or other utility requirements
 - vi. Construction and installation method
 - vii. Additional support material such as text ~~verbally~~ describing the artwork **or item** and specifications, models, or presentation drawings by a licensed engineer may be required.
 - h. Budget - Cost to manage the project, prepare the site, deliver and or install the work, funds for signage/recognition, and any other cost should be disclosed by the donor in a budget. The Commission will determine **to the best of their ability** if the costs are accurate and realistic

- 196 and that the donor has clearly delineated responsibility for all costs associated with the
 197 project.
- 198 i. Timeline - Expected timeline for donation or installation should be proposed by the donor. The
 199 Commission will determine if the timeline is realistic.
 - 200 j. Durability - Expected lifetime and staying power of the material used to create the **proposed**
 201 **gift or donation** especially if set in the out of doors or in a non-archival exhibition setting and
 202 exposed to the elements.
 - 203 k. Warranty - The donor agrees to be responsible for a warranty period of one (1) year from the
 204 date of final installation of the artwork **gift or donation** to insure the integrity of the material,
 205 fabrication and installation when installed in or on a city owned facility or property.
 - 206 l. Vandalism and Safety - The artwork **proposed gift or donation** will not be prone to vandalism
 207 or pose a safety hazard.
 - 208 m. Maintenance and Preservation - Donor's agreement to provide a technical and maintenance
 209 record including a plan for routine care with estimated costs. The donor must indicate if there
 210 are any unusual or ongoing costs to maintain artwork **the gift or donation**.
- 211
- 212 3. Donors proposing gifts will be informed of the importance of the above criteria in the ~~PARC Advisory~~
 213 Commission's consideration.
- 214
- 215 4. The ~~Parks, Art, Recreation and Culture Advisory~~ Commission will have final authority through the
 216 City Manager to review and recommend to ~~Homer~~ City Council to accept or reject the **proposed gift or**
 217 **donation** ~~donated artwork~~.
- 218
- 219 5. All gifts **of artwork** that are recommended for acceptance will only be accessed into the Municipal
 220 Art Collection pursuant to the Accession Policy. (Reso. 10-80, 2011.)
 221

222 **PROCEDURE TO PROPOSE A GIFT OR DONATION OF ARTWORK TO THE CITY OF HOMER**

223

224 The ~~Parks, Art, Recreation and Culture Advisory~~ Commission will review all proposed gifts according to the
 225 Gift **and Donation Acceptance** Policy. They will evaluate the suitability of the proposed gift **or donation** and
 226 make recommendations to the ~~Homer~~ City Council through the City Manager.
 227

228 In order to provide the Commission with the information necessary to evaluate the proposed artwork **gift or**
 229 **donation** in accordance with the Gift **and Donation** Policy and Accession Policy the potential donor or
 230 donor's representative must complete the ~~Gift Proposal~~ Application and submit to the ~~City of Homer~~, City
 231 Clerk's Office.
 232

233 **~~Presentation to the Parks, Art, Recreation and Culture Advisory Commission~~**

234

235 If applicable the donor will be scheduled to present ~~his or her~~ **their** proposal to the Commission at the next
 236 regular meeting. The donor is expected to present the actual artwork **or item** ~~or~~, model **and** or scale
 237 drawings of the proposed **gift or donation** ~~piece~~ **with the application**. If it is not possible depending on the
 238 artwork **gift or donation** a photograph may be accepted ~~upon approval of a majority vote of the~~
 239 Commission.
 240

240 The ~~Parks, Art, Recreation and Culture Advisory~~ Commission will review the proposal, consider the

241 presentation and make a recommendation at the meeting. If the proposal materials do not give the
 242 Commission enough information to make an educated recommendation they may request to postpone
 243 recommendation until further information is provided by the donor.

244
 245 **MURAL POLICY GUIDELINES AND PROCEDURES**

246
 247 ~~**Murals which are non-commercial, contain no advertising copy and do not function as an**~~
 248 ~~**advertisement are allowed, subject to review by the Parks, Art, Recreation & Culture Advisory**~~
 249 ~~**Commission (Commission) and final approval by the City Council. These guidelines are provided to**~~
 250 ~~**assist mural applicants through the process prior to presentation and recommendation by the**~~
 251 ~~**Commission to City Council.**~~

252
 253 **PURPOSE:**

254
 255 ~~**To define the process used by the City when it desires to install murals in or on public places or**~~
 256 ~~**property. The City of Homer (City) understands the importance of art in public places and the role that**~~
 257 ~~**murals play in preserving our culture, conveying the history of our community, beautifying the city**~~
 258 ~~**and advancing the arts.**~~

259
 260 ~~**The City will procure the placement of murals on City owned property through a competitive**~~
 261 ~~**solicitation that will be publically advertised along with procedures for review of artist’s submissions**~~
 262 ~~**and specifications the artist must respond to for consideration of acceptance to install the solicited**~~
 263 ~~**mural.**~~

264
 265 ~~**Artists responding to a City solicitation must enter into a form of contract, including the transfer and**~~
 266 ~~**release of any and all artistic rights in the artistic work.**~~

267
 268 ~~**The City, in any solicitations for a mural, shall reserve the right to reject any and all proposals.”**~~

269
 270
 271 **GENERAL GUIDELINES:**

272 ~~**The emphasis of the murals will be on “artistic expression” and must not include an advertisement or**~~
 273 ~~**be commercial in nature. This will in no way limit or restrict the artist’s right to include speech and/or**~~
 274 ~~**artistic expression in a mural that is not commercial as defined above. All murals must comply with**~~
 275 ~~**City ordinances that prohibit indecency or obscenity in public.**~~

276
 277 ~~**Murals shall not contain, including but not limited to, copy, lettering, symbols or references directly**~~
 278 ~~**to the promotion of any product, business, brand, organization, service, cause or place. Murals may**~~
 279 ~~**contain limited commercial elements so long as they are not considered commercial speech with the**~~
 280 ~~**purpose of promoting a commercial transaction. For those mural applications that may contain**~~
 281 ~~**limited commercial elements, the Commission will ask the question – “If the business on which the**~~
 282 ~~**mural is located were to move, would the mural still be good quality art and something the community**~~
 283 ~~**would want to remain?” If so, the mural is not considered commercial speech or advertisement but**~~
 284 ~~**rather pure art.**~~

285
286 ~~**Murals shall not be merely an extension or enlargement of a sign. If the theme of the mural is to**~~
287 ~~**promote a business, brand, organization, service, cause or place, it shall meet all requirements of the**~~
288 ~~**City of Homer Municipal Code regarding signage. If the proposed mural is determined to be**~~
289 ~~**commercial in nature and is therefore deemed by the Commission to be a form of advertisement, t**~~
290 ~~**The Mural Application will be referred to the City of Homer Planning Department, for review.**~~
291 ~~**Not more than 1% of the mural will contain the name of a sponsor and/or sponsor product likeness.**~~
292 ~~**The artist's signature shall not be more than 1% of the mural.**~~

293
294 ~~**Mural artists will be required to demonstrate their ability and experience to create high quality, well**~~
295 ~~**designed and well executed murals and/or art. The artist must provide the Commission a portfolio of**~~
296 ~~**work that is reflective of the style of the proposed mural. This will be used to help determine whether**~~
297 ~~**the artist will be able to uphold the standards for quality art within the City of Homer. For those artists**~~
298 ~~**without a portfolio of work, the Commission will consider other presented forms of art that**~~
299 ~~**demonstrate an ability to create a quality mural.**~~ There is no reference in HCC18.07 regarding artist ability
300 or a definition of artist, master artist but does refer to AS35.27.010. I reviewed the state statutes and they do
301 not define or describe this either however they do have a definition or description for master artist as follows
302 in 20 AAC 30.985 Definitions. (8) "master artist" means a recognized traditional visual artist, master crafts
303 worker, musician, dancer, storyteller, or singer which we could reference. It is standard in RFQs or Calls for
304 Artists to request a sampling of their work from prior commissions, etc.

305
306 ~~**New murals erected without receiving proper approval and that did not go through the Mural**~~
307 ~~**Application and Approval Process, will be required to retroactively go through the Process. Property**~~
308 ~~**owners will have 30 days after receiving notification to submit a mural application after which the**~~
309 ~~**mural will be deemed a sign and subject to all permitting requirements outlined in HCC Title 21.60.**~~
310 ~~**The retroactive mural applications will be required to comply with all Mural Policy Guidelines and**~~
311 ~~**Procedures and must receive City Council approval. Murals that fail to be approved will be removed**~~
312 ~~**within 30 days after the denial at the property owner's expense.**~~

313
314 **MURAL APPLICATION AND APPROVAL PROCESS:**

315
316 ~~**STEP 1: Muralist(s) must obtain an application from the City Clerk's Office or online on the City**~~
317 ~~**website. The time required to process a mural application will vary but will be a maximum of 90 days,**~~
318 ~~**not including city recognized holidays or weekends, from application submittal.**~~

319
320 ~~**The application will provide information to the City regarding location, size, concept and content of**~~
321 ~~**the mural, type of paint/media, owner of the building where the mural will be located, artist(s)**~~
322 ~~**name(s), dates of application, individuals who will be responsible for maintenance (if any).**~~

323
324 ~~**The application must be signed by the individual/group proposing to place the mural, as well as the**~~
325 ~~**property owner where the mural will be placed and submitted to the City Clerk's Office along with a**~~
326 ~~**sketch, rendering or photo of the proposed mural.**~~

327 ~~A sampling of a portfolio of work that is reflective of the proposed mural is to be included with the~~
328 ~~application if there is a known artist. The Commission will use the portfolio samples of work to help~~
329 ~~determine whether the selected artist has the technical skill and ability to produce a quality mural~~
330 ~~within the City of Homer.~~

331 ~~If the artist is unable to provide a portfolio of work, at a minimum, the artist will be required to provide~~
332 ~~evidence of artistic talent that satisfies the Commission as to the skill and ability of the artist to create~~
333 ~~a mural that is of good quality.~~

334
335 ~~If no artist is selected or commissioned at the time of application and the applicant(s) will be issuing~~
336 ~~a Request for Qualifications or Request for Proposals, a member of the Commission is to sit on the~~
337 ~~selection committee or be involved in the artist selection process for the proposed mural.~~

338
339 ~~STEP 2: The application, mural rendering and portfolio will be reviewed by the Planning Department~~
340 ~~and then forwarded to the Commission for review at their next regularly scheduled meeting from date~~
341 ~~of submission. A special meeting may be scheduled by the Commission to accommodate the review~~
342 ~~and approval deadline dependent on the proposed project. The review will be conducted to assure~~
343 ~~compliance with these guidelines, and the ability of the artist(s) proposing the mural to produce a~~
344 ~~quality mural.~~

345
346 ~~STEP 3: After review and acceptance of the artist's body of work mural application, the Commission~~
347 ~~will forward a recommendation to the City Council for consideration at their next regular meeting~~
348 ~~which is the final step in the process. City Council will issue their approval or disapproval. The City~~
349 ~~Clerk's Office will contact the applicant regarding the final decision of City Council the Commission in~~
350 ~~writing.~~

351
352 ~~In the event that City Council or the Commission does not approve the proposed mural~~
353 ~~recommendation, revisions can be made to the proposed content or concept of the mural for re-~~
354 ~~application and submittal to the Commission.~~

355
356 **MURAL AGREEMENT:**

357
358 ~~Following approval by the Commission, whether the mural will be placed on public or private~~
359 ~~property, the property owner and applicant(s) will be required to provide enter into with to the City~~
360 ~~evidence of a proposed an agreement which identifies the terms and conditions under which the mural~~
361 ~~will be applied. These terms and conditions include, but are not limited to:~~

- 362 ~~— Specifications regarding the mural (location, size, concept and content of the mural, type of~~
363 ~~paint/media used to create the mural)~~
- 364 ~~— Right of Way Permit if necessary~~
- 365 ~~— Identification of ownership of the mural image and use thereof if not artist's own creation~~
- 366 ~~— Expected timeframe for completion~~
- 367 ~~— Long term mural maintenance and responsibility (if needed)~~
- 368 ~~— Circumstances under which the mural may be removed by the City and/or property owner (i.e.~~
369 ~~lack of maintenance or in disrepair)~~

- 370 ~~— **Proof of Liability Insurance; and**~~
- 371 ~~— **Landscape removal and replacement or protection, if any.**~~
- 372 ~~— **Execute a Assignment and Transfer of Copyright and Waiver of Moral Rights in Artwork**~~
- 373 ~~**Agreement**~~

374

375 ~~**The proposed agreement will be provided to the Commission for the review process and will be**~~

376 ~~**submitted to City Council along with the recommendation of the Commission.**~~

377

378 **FINAL INSPECTION AND ACCEPTANCE:**

379

380 ~~**The City reserves the right to inspect the mural during installation and upon completion to ensure that**~~

381 ~~**the final product is in compliance with the approved mural application. Should it be found that the**~~

382 ~~**mural is not in compliance, the artist and property owner applicant(s) will be notified and given 30**~~

383 ~~**days to remedy the issue(s). Should the property owner applicant(s) and/or artist fail to make the**~~

384 ~~**necessary corrections, the mural will be deemed out of compliance and will be removed at the expense**~~

385 ~~**of the property owner applicant(s) and/or artist.**~~

386

387 **PRESERVATION OF THE MUNICIPAL ART COLLECTION**

388

389 Registry

390 The City’s art collection will be catalogued and a registry maintained **by the City Clerk’s Office**. Each entry

391 will include

- 392 a. Name and contact information for the artist
- 393 b. Title of the work, date created, dimensions
- 394 c. Photographs of the work
- 395 d. The artist’s cleaning and maintenance recommendation;
- 396 e. An artist’s statement regarding the work, if possible.
- 397 f. An identification number _____ (year installed), _____ consecutive number (for
- 398 example: 2006-#21). This number will also be affixed to the piece of art or to its label.
- 399 g. Exact location of the artwork.
- 400 h. Techniques and materials used in creating the artwork.

401

402 The registry will be bound and stored in the City Clerk’s Office. The City will also provide an official label for

403 each piece of art that will be consistent in style and material. Information contained will reflect the following:

- 404 - Color Photo of artwork
- 405 - Artist Name(s)
- 406 - Title of Artwork
- 407 - Year Completed/Date
- 408 - Medium Used
- 409 - Size/Dimensions
- 410 - Location
- 411 - Physical Description of the piece
- 412 - Short Summary about the Artist
- 413 - Summary Comment on the artwork

414

415 **The City Clerk’s Office will maintain the electronic collection on the Commission webpages within the**
 416 **City of Homer website. This will be updated periodically with new submissions to the collection.**

417
 418 Inspection and Maintenance of Artwork

419
 420 All building and grounds supervisors will be instructed to inform the City Clerk’s Office if vandalism is
 421 observed or the artwork requires maintenance. All cleaning and maintenance will follow the instructions
 422 provided by the ~~artist~~ **donor**. If the artwork requires extensive repairs, the City will make a good-faith effort
 423 to obtain advice from the artist **or professional entity knowledgeable in such repairs**. If no information is
 424 forthcoming, the City may proceed with its best practice.

425
 426 **ENCOURAGING ADDITIONAL PUBLIC AND PRIVATE ART IN PUBLIC SPACES, AND PROMOTING PUBLIC**
 427 **AWARENESS AND APPRECIATION FOR THE MUNICIPAL ART COLLECTION**

428
 429 Ordinance 02-25(A) encourages the addition of private money into the public art program. Any art
 430 purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility for
 431 selection, installation, maintenance and repairs.

432
 433 ~~The Parks, Art, Recreation and Culture Advisory~~ Commission will be a resource for business owners who wish
 434 to include art in their business location.

435
 436 ~~The Parks, Art, Recreation and Culture Advisory~~ Commission will endeavor to obtain buy-in from affected
 437 city departments and a wide variety of governmental and non-governmental organizations, as required, to
 438 ensure the successful implementation of the public art policy.

439
 440 The Commission will work to establish partnerships with private funders to help the art policy proponent’s
 441 work with and advise patrons who are funding public-art projects privately. This will help guarantee that
 442 these projects meet a set of agreed-upon requirements and fulfill the goals and vision set forth in this policy.

443
 444 ~~The Parks, Art, Recreation and Culture Advisory~~ Commission will identify alliance opportunities with
 445 institutions, organizations, and the public, and:

- 446
 447 - Partner with them to publicize and discuss how public art can help further the mission of their
 448 specific organization.
 449
 450 - Raise support among the press to help the fundraising efforts to educate and inform the public about
 451 the many different types of public art, and the wealth and ability of the local arts community.
 452
 453 - Keep ~~the~~ information flowing about the progress of any public art initiatives.

454
 455 ~~The Parks, Art, Recreation and Culture Advisory~~ Commission, with the assistance of users, will plan an
 456 installation ceremony upon completion of each **capital** project. Costs for this event will be from the annual
 457 budget or underwritten by donors.

458
 459 ~~The Parks, Art, Recreation and Culture Advisory~~ Commission will plan events and promotional tools that

460 invite residents and visitors to enjoy the City of Homer art collection. These might include walking tour
461 maps, guest lectures, on-line catalogue, etc. (Reso. 10-80, 2011.)

462

463 **FUNDING FOR THE MUNICIPAL ART COLLECTION**

464
465 A public art fund is established in accordance with Homer City Code 18.07.090, Public Art Fund, as a separate,
466 interest bearing account in the city general fund to receive money for the public art program from the
467 following sources:

468

469 1. Funds for public art fees received from private development.

470 2. Funds donated to the city for public art.

471 3. Other funds appropriated by the City Council for public art.

472

473 Money in the public art fund shall be used solely to pay the costs of selecting, commissioning, acquiring,
474 installing, maintaining, public education regarding, administrating, removing and insuring the works of
475 public art, and any other expense related thereto.

476

477 Interest earned on money in the public art fund shall be deposited in the public art fund.

478

479 The public art fund is administered by the City with the advice of the ~~Parks, Art, Recreation and Culture~~
480 ~~Advisory Commission~~ **in accordance with the Gift, Donation and Art Polices, Procedures & Guidelines.**

481 ~~—The Commission shall prepare a plan annually for expenditures from the public art fund for approval~~
482 ~~by the City Council. (Ord.09-51(A), §1, 2009.)~~

483 ~~—Encourage the addition of private money into the public art program. Any art purchased with such~~
484 ~~funds will be owned 100% by the City of Homer and the City will have responsibility for selection,~~
485 ~~installation, maintenance and repairs. (Ord. 02-25(A), 2002.)~~

486

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 22-027

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

WHEREAS, Ordinance 22-14 amends Homer City Code related to Special Event and Fireworks permits; and

WHEREAS, Ordinance 22-15 amends Homer City Code related to Mobile Food Service; and

WHEREAS, Memorandum 22-039 recommends removing the requirement to obtain a fireworks permit from the City Clerk's office and file a bond with the City; and

WHEREAS, Memorandum 22-041 outlines the proposed cost for a Mobile Food Service Permit, reducing it from \$390 to \$50, and recommends removing it from the Police Department fee schedule and adding it in the Planning and Zoning section of the City Fee Schedule; and

WHEREAS, At their March 15th Regular Meeting the Library Advisory Board approved an increase in copy fees for the purpose of covering the cost of this service provided by the Library.

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

City Clerks Fees:

Fire Works Permit ³ (apply 30 days in advance)	\$25.00 per exhibit plus bond for \$500 or liability insurance required
---	---

Homer Police Department Fees:

Mobile Food Unit Annual License—Expires December 31 st	\$390.00; a \$12.00 per month discount for the unused portion (counting from the beginning of the year) shall be granted
---	--

Library Fees:

Printing & Photo Copy	
Letter Size and Legal Size Per Side	\$0.15 0.25 each
11" x 17" Per Side	\$0.25 0.35 each
Color Copies – Letter Size and Legal Size per Side	\$0.50 0.60 each
Color Copies – 11" X 17" per Side	\$2.00 each

39

40

Planning and Zoning Fees:

41

Mobile Food Service Fee	
<u>Permit (expires at end of the calendar year of issuance)</u>	<u>\$50.00</u>

42

43

PASSED AND ADOPTED by the City Council of Homer, Alaska, this ___ day of ___ 2022.

44

45

46

CITY OF HOMER

47

48

49

KEN CASTNER, MAYOR

50

51

52

ATTEST:

53

54

55

MELISSA JACOBSEN, MMC, CITY CLERK

56

57

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



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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Memorandum 22-058

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: RACHEL TUSSEY, CMC, DEPUTY CITY CLERK II
DATE: MARCH 21, 2022
SUBJECT: AMENDING LIBRARY FEES FOR PRINTING/PHOTOCOPYING

The Library Advisory Board held their annual review of the library fees, policies, and procedures at their March 15, 2022 regular meeting. At that meeting, the board approved the following motion to increase the printing and photocopying fees the library charges due to rising costs of materials:

FAIR/DOLMA MOVE TO REVISE THE FEES FOR PRINTING AND PHOTOCOPYING IN THE LIBRARY AS FOLLOWS:

- CHARGES FOR BLACK AND WHITE LETTER SIZE AND LEGAL SIZE INCREASE FROM \$0.15 TO \$0.25
- CHARGES FOR COLOR LETTER SIZE AND LEGAL SIZE INCREASE FROM \$0.50 TO \$0.60
- CHARGES FOR BLACK AND WHITE 11" X 17" PER SIDE INCREASE FROM \$0.25 TO \$0.35

A minute excerpt of the LAB's March 15th meeting is attached for more details.

Recommendation

Adopt Resolution 22-027 amending the fee schedule.

Mr. Berry responded to questions from the board, sharing his experience with conducting mock job interviews with local 8th graders, and explained the reasons why the staff report is written on a monthly basis versus mid-month to mid-month.

B. Legislative Update

C. Fundraising Update

Vice Chair Kuszmaul spoke to the Planned Giving materials she provided, what their purposes are, and requested feedback from the board to see if the list of potential donors can assist boardmembers with their efforts. Boardmember Dolma and Library Director Berry voiced their support of the list and commended Vice Chair Kuszmaul for her work.

In response to Vice Chair Kuszmaul's request, the boardmembers and Mr. Berry shared potential "Frequently Asked Questions" regarding planned giving and the endowment fund that she can draft up and bring back for review.

PUBLIC HEARING

PENDING BUSINESS

NEW BUSINESS

A. Review of Library Fees

i. Current Library Fee Schedule Excerpt

Vice Chair Kuszmaul introduced the agenda item by reading the title and deferred to Library Director Berry. Mr. Berry explained the history of the printing and photocopying fees and his request that the board discuss possibly increasing them. He would like to find a balance between remaining affordable for low-income users and covering the bulk of the library's printing expenses.

There was discussion on the board's overall agreement with increasing the rates and what the fees should be. Mr. Berry responded to questions on current printing costs and what would allow the library to "break even".

In response to Boardmember Fair's suggested motion, discussion ensued on how to phrase the motion to include an increase to all the photo copy fees but exclude 11" x 17" color copies; those copies are not made often and the board would prefer to keep that fee at an even \$2.00 amount.

FAIR/DOLMA MOVE TO REVISE THE FEES FOR PRINTING AND PHOTOCOPYING IN THE LIBRARY AS FOLLOWS:

- CHARGES FOR BLACK AND WHITE LETTER SIZE AND LEGAL SIZE INCREASE FROM \$0.15 TO \$0.25
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- CHARGES FOR BLACK AND WHITE 11" X 17" PER SIDE INCREASE FROM \$0.25 TO \$0.35

Boardmember Dolma inquired if these increases will help with covering costs. Mr. Berry agreed that they would. There was brief discussion on if any other fees needed to be amended. It was determined there were none.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.