



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer Agenda

City Council Regular Meeting

Monday, May 10, 2021 at 6:00 PM

City Hall Cowles Council Chambers via Zoom Webinar

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

Webinar ID: 205 093 973 Password: 610853

CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

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

- a. Homer City Council Unapproved Meeting Minutes for April 26, 2021. City Clerk. Recommend adoption.
- b. Memorandum 21-072 from Deputy City Clerk Re: Liquor License Renewal for Wild Honey Bistro. Recommend approval.
- c. Memorandum 21-073 from City Clerk Re: Vacation of a Portion of Hough Road, a 60 foot right-of-way including adjoining utility easements, as dedicated on Stream Hill Park Unit 1 Plan HM 2006-54 and Christensen Tracts No. 3, Phat HM 2003-90. Recommend approval.
- d. Ordinance 21-28, An Ordinance of the City Council of Homer, Alaska Amending the FY21 Capital Budget Authorizing a Transfer of \$247,181 from General Fund Fund Balance to the "General" Account within the General Fund Capital Asset and Maintenance Allowance Fund. City Manager/Finance Director. Recommended dates Introduction May 10, 2021 Public Hearing and Second Reading May 24, 2021

Memorandum 21-076 from Finance Director as backup

- e. Resolution 21-030, A Resolution of the City Council of Homer, Alaska Initiating a Special Assessment District for the Charles Way/Bunnell Avenue Water and Sewer Improvements. Recommend adoption.

Memorandum 21-070 from Public Works Director as backup

- f. Resolution 21-031, A Resolution of the City Council of Homer, Alaska Awarding the Contract for Prisoner Meals at the Homer Jail to Homer Senior Citizens, Inc. of Homer, Alaska in the amount of \$8.50 for Breakfast, \$8.50 for Lunch, and \$8.50 for Dinner per day/per inmate, with a Delivery Fee of \$5 per Trip, and Authorizing the City Manager to Execute and Negotiate the Appropriate Documents. City Clerk. Recommend adoption.

Memorandum 21-074 from Police Chief as backup

- g. Resolution 21-032, A Resolution of the City Council of Homer, Alaska Awarding the 2021 Septic Pumping Contract to the firm of Alaska Quality Septic, LLC, of Eagle River, Alaska in the amount of \$29,876 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Clerk. Recommend adoption.

Memorandum 21-075 from Public Works Inspector as backup

VISITORS

- a. Unified Command Report (20 minutes)
- b. Alaska Redistricting Process and Status - Peter Torkelson, Executive Director, Alaska Redistricting Board (15 minutes)

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

- a. Committee of the Whole Report
- b. Mayor's Report
- c. Borough Report
- d. Library Advisory Board
- e. Planning Commission
 - i. Report for the Worksession & Regular Meeting on May 5, 2021
- f. Port & Harbor Advisory Commission
- g. Public Works Campus Task Force
 - i. Memorandum Re: Risk Catalogue and Evaluation

PUBLIC HEARING(S)

[a.](#) Ordinance 21-24, An Ordinance of the City Council of Homer, Alaska Accepting Grant Funds from the State of Alaska Department of Health and Social Services for Distribution of COVID-19 Vaccines, as well as other COVID-19 Related Recovery and Prevention Strategies and Approving a Memorandum of Agreement. City Manager. Introduction April 26, 2021 Public Hearing and Second Reading May 10, 2021

[b.](#) Ordinance 21-25, An Ordinance of the City Council of Homer, Alaska Amending the FY21 Capital Budget by Accepting and Appropriating the FY21 State of Alaska Community Assistance Program Payment in the Amount of \$76,842.94 to the Fire Capital Asset Repair and Maintenance Allowance (CARMA) Fund and Authorizing the Expenditure of up to \$260,000 from the Fire CARMA fund to Replace the Fire Department's Self Contained Breathing Apparatus System. Introduction April 26, 2021 Public Hearing and Second Reading May 10, 2021

Memorandum 21-069 from Fire Chief as backup

[c.](#) Ordinance 21-27, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 14.08.040 to create a Process for Waiving the Requirement that Property be connected to City Sewer as a Condition Precedent to be connected to City Water. City Manager. Introduction April 26, 2021 Public Hearing and Second Reading May 10, 2021

Memorandum 21-071 from Public Works Director as backup

ORDINANCE(S)

CITY MANAGER'S REPORT

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

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

[a.](#) Resolution 21-033, A Resolution of the City Council of Homer, Alaska Acknowledging the Surplus Equipment Bid Results for the Sale of Homer Harbor Surplus Equipment from the Derelict Vessel North Pacific. City Clerk.

[b.](#) Resolution 21-034, A Resolution of the City Council of Home, Alaska Consolidating the Capital Asset Repair and Maintenance Allowance/Reserve Fund Accounts. Mayor.

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, May 24, 2021, at 6:00 p.m. Committee of the Whole at 5:00 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 21-11 a Regular Meeting of the Homer City Council was called to order on April 26, 2021 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
PUBLIC WORKS DIRECTOR KEISER
FINANCE DIRECTOR WALTON
HARBORMASTER HAWKINS
PERSONNEL DIRECTOR BROWNING
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 Supplemental items including a written report from the Planning Commission and written public comments on Ordinances 21-23 and 21-26 regarding personal watercraft.

LORD/VENUTI MOVED TO ADOPT THE AGENDA

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Roberta Highland, city resident, commented in support of Ordinance 21-26 it's a good companion to public hearing Ordinance 21-23, she appreciates the work by Councilmember Lord.

Jeanne Parker commented in support of Ordinance 21-26 and appreciates anything we can do to keep people motorized vessels out of the lagoons.

Rika Mouw, city resident, commented in support of Ordinance 21-26. It's a simple and elegant and doesn't point fingers to any specific user group, but promotes slowing all motorized vessels down.

Robert Archibald, city resident, commented in support of Ordinance 21-26, he thinks it's a good start. He suggested increasing the monetary amount proposed to help ensure there is appropriate signage that will last out in that environment.

RECONSIDERATION

- a. Ordinance 21-18, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing an Additional Expenditure of \$33,185 from the Water CARMA Fund for a Total Expenditure of \$247,585 for the Raw Water Transmission Line Project – Design. City Manager/Public Works Director. *Timely notice of Reconsideration issued by Councilmember Smith. If reconsideration passes this will come up under Pending Business.*

Memorandum 21-049 from Public Works Director as backup

LORD/ VENUTI MOVED TO RECONSIDER ORDINANCE 21-18.

Councilmember Smith commented he received information from the Public Works Director related to his concerns about this. He noted work is underway and we aren't going stop it, but it raises concerns toward a larger policy issue that when these incremental changes happen, at what point do we become committed to where we can no longer reverse them. This is a large project that didn't go through a competitive bidding process. He's interested in knowing the dollar limit on term contracts. He doesn't see where reconsideration will change the outcome of this, but overall we need to address where our thresholds are on what we allow through term contracts.

There were comments that the limit is included in the contract but the, and question was raised about the ceiling for a task orders under a term contract. The procurement policy is another place the limits are probably addressed and that policy is that needs to be addressed.

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

Motion failed.

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

- a. Homer City Council Unapproved Special and Regular Meeting Minutes for April 12, 2021. City Clerk. Recommend adoption.
- b. Memorandum 21-068 from City Manager Re: Administrative Fee Amendment to Homer Foundation Donation Agreements. Recommend approval.

- c. Ordinance 21-24, An Ordinance of the City Council of Homer, Alaska Accepting Grant Funds from the State of Alaska Department of Health and Social Services for Distribution of COVID-19 Vaccines, as well as other COVID-19 Related Recovery and Prevention Strategies and Approving a Memorandum of Agreement. City Manager. Recommended dates Introduction April 26, 2021 Public Hearing and Second Reading May 10, 2021
- d. Ordinance 21-25, An Ordinance of the City Council of Homer, Alaska Amending the FY21 Capital Budget by Accepting and Appropriating the FY21 State of Alaska Community Assistance Program Payment in the Amount of \$76,842.94 to the Fire Capital Asset Repair and Maintenance Allowance (CARMA) Fund and Authorizing the Expenditure of up to \$260,000 from the Fire CARMA fund to Replace the Fire Department's Self Contained Breathing Apparatus System. City Manager. Recommended dates Introduction April 26, 2021 Public Hearing and Second Reading May 10, 2021

Memorandum 21-069 from Fire Chief as backup

- e. Resolution 21-025, A Resolution of the City Council of Homer, Alaska Amending the Homer Public Library Gift Acceptance Policy and Renaming it the Homer Public Library Donation Acceptance and Management Policy. City Manager/Library Director. Recommend adoption.

Memorandum 21-072 from Library Director as backup

City Clerk Jacobsen read the consent agenda with its recommendations.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- a. Unified Command Report (20 Minutes)

Fire Chief Mark Kirko commented briefly there's been an uptick in the number of cases in our area. The EOC is considering what response measures might be needed for this summer season.

Public Health Nurse Lorne Carroll shared briefly about his dad's continued recovery from COVID-19 and reviewed a graph showing statewide cases by age group vs. vaccination rates. He reported 42.5% of Alaskans are fully vaccinated, about 37% on the Kenai Peninsula, and on the Southern Kenai Peninsula about 4500 people are fully vaccinated. Deaths are holding at 329 and that's going to increase by 13 following a death certificate review. In terms of testing we're at about 3% positivity over the last 7 days. Case rates for the entire state are 21 cases per 100,000. KPB is at 19.5 cases per 100,000 an increase from 7 on April 1st. J&J vaccine use is resuming following a pause based on reports of adverse events suggesting increase in a rare event of thrombosis. Those reports were in adult women younger than 50. Review of the data shows J&J known potential benefits outweigh the known potential risk.

South Peninsula Hospital (SPH) PIO Derotha Ferraro reviewed information on SPH testing location and times, and also vaccination opportunities. In the last two weeks 819 tests have been resulted with 14 positive putting the testing site at 1.7% positivity rate, and the Borough's is 3.5%. Through Unified Command and including the SPH testing site we've administered 6646 doses that include Moderna, Pfizer, and J&J. In addition to the current vaccine locations, they can now be requested from your healthcare provider and also attend a pop up or mobile event, the next one is Friday, May 7 from 10 a.m. to 2 p.m. at the Boathouse Pavilion. There have been no COVID related hospitalizations in the last 6 weeks and only one employee out for COVID related reasons. Visitation at long term care is by appointment only, one visitor for acute care, and universal masking is required.

City of Homer PIO Jenny Carroll shared regarding Alaska's Sleeves Up for Summer campaign. It's kicking off May 1st through the month and it's about reaching out to businesses and communities to work together to roll up our sleeves and put an end as best we can to the pandemic. The goal is to have 70% of Alaskans vaccinated by the end of May. Given the numbers there's a long way to go but there are a lot of advantages to getting the vaccination. Our summer is starting to get busy so vaccinations help us keep the economy rolling by helping keep the work force and play force going through the summer. Visit the pop ups or walk up clinic if vaccination is for you, or meet with your health care provider if you're unsure or have questions. CDC updated guidance is anticipated to be coming soon for fully vaccinated people so check the city website for more information. She also reviewed information is being offered regarding vaccinations for youth and encouraged those interested to listen in. Just type COVID-19 ECHO in your browser to find the DHSS link for that ECHO call.

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

a. Committee of the Whole Report

Councilmember Lord reported at Committee of the Whole Council discussed Ordinance 21-26 regarding no wake zones and addressed enforcement concerns and sending it to the port and parks commission for review. They also briefly discussed Resolution 20-077(S) and the reserve

policy that it will be postponed and some worksessions will be scheduled. They discussed the 2020 Police Department Annual Report with Chief Robl and discussed the City Fee Schedule.

b. Mayor's Report

Mayor Castner reported he's been working on something with the Regulatory Commission of Alaska (RCA) that has nothing to do with city policy but has to do with him familiarizing himself with how they operate and them with public concern over matters. He thinks it will pay off if we have anything going on before the RCA.

c. Borough Report

i. Borough Report Attachments

Assembly member Lane Chesley provided election legislation to address but was unable to attend. City Clerk Jacobsen shared a brief update that the Assembly adopted Ordinance 2020-19-24 authorizing the Borough Clerk to contract for accessible voting systems, Resolution 2021-032 establishing that the Borough will conduct a pre-election security risk and vulnerability assessment on election systems, and Ordinance 2021-18 that codifies current testing and chain of custody practices is being reviewed by the Policies and Procedures Committee.

d. Planning Commission

Planning Commissioner Roberta Highland reported they heard from Public Works Director Keiser regarding a Public Work 5-year Capital Improvement Plan. She shared that Kalie Petska-Rubalcava resigned from the Commission and thanked her for her participation. The Commission approved a conditional use permit for a brewery on Smokey Bay Way, recommended approval on a plat, and continued work on the Community Design Manual update.

e. Economic Development Advisory Commission

Economic Development Advisory Commission Chair Karin Marks reported the commission is pleased that Nicole Arevalo has been appointed for another term and welcomes new member Adele Person. There is still an opening for a city resident and student representative. At their last meeting they evaluated progress on their strategic plan and goals, and determined they've been making progress. They'll be emphasizing a near term goal of helping Kenai Peninsula Economic Development District (KPEDD) with the Community Economic Development Strategy (CEDDS) by pushing public comment that will be happening May 10 through June 9. The Wayfinding and Streetscape project is moving to a near term goal with the consultant coming onboard for that project. They noted in their long term goals the community center and BR&E survey responses are areas to start thinking about in more depth. Mrs. Marks also commented as the Homer Representative for (KPEDD) she reported they held their meeting in

April and noted three points. One, KPEDD is part of the discussion of broadband on the peninsula; two, KPEDD is working with the Alaska Homer erosion project; and three, KPEDD does write letters of support for business and community projects that fit under their scope. At the request of the Mayor she explained the composition of KPEDD.

f. Parks Art Recreation and Culture Advisory Commission

Parks Art Recreation and Culture Advisory Commissioner Robert Archibald reported on a presentation from the Homer Council on the Arts regarding a proposed private public partnership for art murals on retaining walls in the city. Parks Superintendent Steffy reported they are looking for summer staff, dredge spoils have been added to camping areas to combat erosions, he and Recreation Manager Illg are assisting with a Statewide Comprehensive Outdoor Recreation Plan that is a necessity for the state to receive land and water conservation funds. Mr. Archibald also reported that special event planning and permitting is undergoing revisions, the Homer Non-motorized Transportation and Trails Plan is being updated and provided soon for public input, the Mariner Park gate has been closed for the summer, new trash cans and burn barrels are being placed around town. Public Works Director Keiser shared regarding a Public Work 5-year Capital Improvement Plan. The commission discussed the need for a dedicated park fund that will likely take voter approval and the commission is committed to help with that. They are working through beach policy updates and have a park walk through coming up April 28th.

g. Public Works Campus Task Force

Councilmember Venuti reported the task force has met for a regular meeting and a work session where they reviewed and discussed a probably risk table and draft report prepared by Deputy City Planner Engebretsen, they also addressed a draft memorandum that will be coming to Council in May. They considered the necessity and priority of moving the public works campus. Public Works Director Keiser reported with several needs that will be addressed at their next meeting. At their worksession they reviewed a future public works footprint and the existing floor plan. They've changed their meeting time from 2:30 p.m. to 4:30 p.m.

PUBLIC HEARING(S)

- a. Ordinance 21-19, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget by Allocating an Additional \$25,000 from the Information System CARMA Fund for a Total Expenditure of \$75,000 to Replace and Upgrade Departmental Servers across City Departments. City Manager. Introduction April 12, 2021 Public Hearing and Second Reading April 26, 2021

Memorandum 21-058 from Library Director as backup

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

LORD/VENUTI MOVED TO ADOPT ORDINANCE 21-19 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Ordinance 21-20, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing the Expenditure of an Additional \$13,500 from the ADA CARMA Fund for a total of \$48,060 for the Spit Handicapped Parking Paving Project. City Manager/Harbormaster. Recommended dates Introduction April 12, 2021 Public Hearing and Second Reading April 26, 2021

Memorandum 21-059 from Harbormaster as backup

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

LORD/VENUTI MOVED TO ADOPT ORDINANCE 21-20 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Ordinance 21-21, An Ordinance of the City Council of Homer, Alaska Authorizing the Issuance and Sale of a Series of Harbor Revenue Refunding Bonds for the Purpose of Refunding All or a Portion of the City's Outstanding Harbor Revenue Bond, 2013; Establishing the Terms of the Harbor Revenue Refunding Bond, 2021; and Authorizing the Sale of the Harbor Revenue Refunding Bond, 2021. City Manager. Introduction April 12, 2021 Public Hearing and Second Reading April 26, 2021

Memorandum 21-060 from City Attorney as backup

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

LORD/VENUTI MOVED TO ADOPT ORDINANCE 21-19 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

City Attorney Gatti noted Attorney Cartledge of JDO was on the line to assist with questions if needed.

Questions were raised regarding the terms included, the reason to take this action, and the cost to the city to refinance the bonds.

Attorney Cartledge explained the original bonds were issued in 2013 and interest rates were higher. This is attempting to capture lower interest costs for the city. She asked the financial advisor for the bond bank to run numbers today and under current market the conditions it would be about \$170,000 of savings if the city goes forward with the refinancing. The terms included are standard for this type of action. She addressed the two ordinance created in 2013 one, the master ordinance, includes general terms and conditions associated with harbor revenue bonds, the other supplemental ordinance authorized the issuance of the 2013 bonds. This ordinance has the specifics in regard to this refinancing in relation to the master ordinance. She added they are expected to go out to market May 26th where the interest rate savings will be established and confirmed with the Finance Director and City Manager before moving forward. She reviewed potential costs and explained this would extend the date of maturity of the bond by a few months, but not into another fiscal year. She was unsure on the specifics of prepayment of the bond.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- d. Ordinance 21-23, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 19.20.020 General Rules, Adding Launching, Landing or Retrieving of Motorized Watercraft in Prohibited from City Owned Beaches Except for Official Business Use. City Manager/Harbormaster. Introduction April 12, 2021 Public Hearing and Second Reading

Memorandum 21-073 from City Clerk as backup
Memorandum 21-062 from Harbormaster as backup

Mayor Castner opened the public hearing.

Roberta Highland, city resident, commented in support of Ordinance 21-23 and she hopes they pass it this evening.

Patricia Cue commented support of Ordinance 21-23, and that the whereas clauses clearly define the reasons for this ordinance. She shared regarding her first experience seeing a jet ski in Kachemak Bay on April 17th travelling at a high rate of speed.

Rika Mouw, city resident, commented in support of Ordinance 21-23 and hopes it passes unanimously.

Jeanne Parker commented in support of Ordinance 21-23. She appreciates all the work they do, she said she knows it feels lonely on a Zoom call, but thank you very much.

Robert Archibald, city resident, commented in support of Ordinance 21-23, it's the first step for safe operations close to the city. He noted safety and the rocks just below the water's surface in particular areas. He thanked Council for their work.

There were no further comments and the hearing was closed.

LORD/EVENSEN MOVED TO ADOPT ORDINANCE 21-23 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmembers expressed their appreciation for the public testimony on this ordinance, and to the Commissions for their work before it came to Council

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Mayor Castner called for a recess at 7:29 p.m. and reconvened the meeting at 7:39 p.m.

ORDINANCE(S)

- a. Ordinance 21-26, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 10.08.210 Vessel Speed Limits, Renaming the Section, Extending the No Wake Zone throughout City Tidelands, and Closing Louie's Lagoon and the Entrance to Beluga Slough to Motorized Vessels and Amending the FY21 Operating Budget to Authorize Expenditure of up to \$2,000 for Motorized Vessel Regulation Changes. Lord. Introduction April 26, 2021 Public Hearing and Second Reading May 10, 2021

Memorandum 21-070 from Councilmember Lord as backup

LORD/VENUTI MOVED TO INTRODUCE ORDINANCE 21-26 BY READING OF TITLE ONLY, REFER IT TO THE PORT AND HARBOR ADVISORY COMMISSION AND PLANNING COMMISSION, AND COMING BACK TO COUNCIL FOR PUBLIC HEARING AND SECOND READING ON JUNE 28, 2021.

Councilmember Lord noted the memo accompanying this is the tendrils that she wanted to make sure were captured, if there are other questions councilmembers have, it will be good to bring them up for the Commissions to work through.

Councilmember Aderhold likes the memo and agrees requiring everyone to slow down in those areas is good for a lot of reasons, not just because of personal watercraft. Good point was raised regarding the rocks that are just under the water in some areas that could be very dangerous if they're hit at a high rate of speed. The difficulty is in the enforcement and identifying the tidelands. She noted the importance of making sure that vessels can still get to the Northern Enterprise lift and other legal use of the tidelands. In addition to the areas listed she feels it's important to consider the slough behind Mariner Park and the area of Mud Bay that's closest to the shore, the triangle established by the spit and shoreline. She agrees with having the Commissions look at this and also attorney assessment of will be important.

Councilmember Evensen thanked the City Manager for his approach to the topic in general and the City Attorney for the research he's already done. He supports Commission review, and proposed that it also be referred to Parks Art Recreation and Culture Advisory Commission (PARCAC). He added support for consideration of general inclusivity of areas including Mariner Slough, Fishing Hole, and Mud Bay. Mud Bay is easily identified at high tide by the ADF&G markers and low tide represents the greatest tideland the city owns. Also the potential for legitimate use of the tideland and a permit process for that activity could be considered. Lastly he added identifying all the user groups for these area, and the concept establishing the tidelands as a special use area and defining what that means.

Councilmember Venuti agrees with consideration of raising the \$2000 to ensure adequate and effective signage.

Councilmember Lord acknowledge the idea of further consideration of the dollar amount. She feels this needs to get refined to what the proposed regulation is going to be, going through the process with the Commissions and public outreach, then what it looks like and what it will cost will evolve.

ADERHOLD/EVENSEN MOVED TO AMEND TO ADD PARCAC TO THE LIST OF COMMISSIONS THIS WILL GO TO.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

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

Motion carried.

- b. Ordinance 21-27, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 14.08.040 to create a Process for Waiving the Requirement that Property be connected to City Sewer as a Condition Precedent to be connected to City Water. City Manager/Public Works Director. Introduction April 26, 2021 Public Hearing and Second Reading May 10, 2021

Memorandum 21-071 from Public Works Director as backup

LORD/EVENSEN MOVED TO INTRODUCE ORDINANCE 21-27 BY READING OF TITLE ONLY.

At the request of Council, Public Works Director Keiser explained the reasoning behind proposing this amendment. After the existing code was adopted it's been discovered there are a number of areas where there is an existing water main that travels in front of private property, but there's no sewer line because it's higher on the hill and it's not practical to extend sewer lines at this time. A number of people have contacted Public Works over the years and asked if those lots have water available and have been told that it is. There wasn't a lot of public outreach regarding the ordinance that created the current language as it was difficult to get out to the realtors, rotary, and others during the time of COVID. In marketing a property, realtors had been told water was available, but it wasn't because of passage of the existing language. This proposed amendment addresses the circumstances of the properties in question, affects a relatively low number of properties in town and would require making a case by case determination if it's appropriate. There's some precedence in the city, for example allowing property owners to use City rights-of-way for driveway on a case by case basis where there is not a city road. This is a similar administration for the water issues. This should not affect new Special Assessment Districts (SAD), the language connecting the creation of water districts with sewer service creations still exists.

Comments were expressed that this makes sense and since there's water lines in the ground already it can't impact an SAD.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

CITY MANAGER'S REPORT

- a. City Manager's Report

City Manager Dumouchel highlighted the limited opening of City Hall with access available to the upstairs and downstairs lobbies, masking and social distancing continues to apply. The library will be transitioning to some open hours on Saturdays, information is on their webpage. City Staff and their friends and families did a spit clean up on Sunday, upwards of 43 people attended, an electronics recycling event is being held on May 1st, and there's information regarding Public Works 5 year planning ideas. He touched on the programmatic way 5 year planning will be addressed.

Councilmember Smith commented regarding the general fund CARMA update information and shared his frustration with the effort that was put in with the former City Manager to put these balances that existed to bed and it's unsettling to find another negative balance and being told the negative numbers represent a deficit, but they've all been paid. He understands what's being said regarding transferring money into the negative number is a wash, and he wants to figure out how to get rid of this and move forward. Discussion ensued regarding working through the systems. City Manager Dumouchel acknowledged the concern of the negative balance and said he'll work with the Finance Director to bring back an ordinance. Councilmember Smith requested it come with an unencumbered balance of the general fund fund balance

There was also discussion regarding the status of the City Council chambers remodel that's still underway as IT is still waiting for the final camera to be delivered.

PENDING BUSINESS

- a. Resolution 20-077(S), A Resolution of the City Council of Homer, Alaska Adopting a Reserve Fund Policy for the Collection and Use of Water and Sewer Depreciation Reserve Funds **Capital Asset Repair And Maintenance Allowance Fund.** Lord/Aderhold. (Postponed from March 8, 2021)

Memorandum 21-074 from Public Works Director as backup
Memorandum 21-042 from Public Works Director as backup
Memorandum 20-205 from Public Works Director as backup
Memorandum 20-165 from Finance Director as backup

Mayor Castner announced there's a motion on the floor to adopt Resolution 20-077(S) that was postponed from March 8, 2021 and opened the floor for discussion.

There was brief discussion recognizing the benefit of having well thought out financial policies in place. Worksessions need to be held to discuss the policies that are being worked on and postponing to the second meeting in June should allow time for those to occur and a draft document be prepared.

LORD/ADERHOLD MOVED TO POSTPONE RESOLUTION 20-077(S) TO JUNE 28TH

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

RESOLUTIONS

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti expressed his appreciation for the Clerk staff, they're available and responsive when he works with them. Regarding the code for task contracts that was brought up at the beginning of the meeting, that information regarding exceptions can be found in the procurement policy and Homer Code 3.16.030.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen announced openings on the Library Advisory Board, Economic Development Advisory Commission, Planning Commission, and the ADA Compliance Committee, and Student Representative seats on the Library Advisory Board, Economic Development Advisory Commission, and Port and Harbor Advisory Commission for the upcoming school year.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel announced job openings for the City at the Library, Harbor, and Parks Maintenance. Information is available on the City website.

COMMENTS OF THE MAYOR

Mayor Castner thanked everyone for a good meeting and work getting done for the next budget cycle.

COMMENTS OF THE CITY COUNCIL

Councilmember Aderhold recognized Municipal Clerk's Week and shared we have exceptional Clerks. She's had the opportunity to work with them all in different capacities and they do a ton of stuff, always with smiles on their faces, and we couldn't do the work we do without the clerks. She congratulated Beth Trowbridge, Executive Director of Coast Studies, who was Senator Sullivan's Alaskan of the Week. The birds have arrived and she's happy to see them,

she helped with the spit cleanup yesterday and encouraged others to do the same when they're out walking. She added Representative Vance is holding a virtual Town Hall Wednesday using Microsoft Teams and contact the Legislative Information Office for information on how to connect.

Councilmember Venuti thanked the Clerk's Office staff, we're fortunate to have them working for our city. She helped digitalizing books at the library with Friends of the Library for the new service where patrons can check out their own books. She encouraged listeners to check out the job opportunities with the City.

Councilmember Hansen-Cavasos thanked the Clerk's for their work and she's happy about the sunshine this past week.

Councilmember Smith appreciates everyone for being here.

Councilmember Evensen thanked everyone for a productive evening and the City Manager for putting up with our different requests. He doesn't know how others responded to the Clerk's survey of when they want to be back in chambers but he said he didn't have interest in getting in anytime soon, and that time it was primarily due to being unsure of vaccine rollout and scheduling. It's nice to see the birds come back and it's a nice time in Homer. He wished everyone a nice evening.

Councilmember Lord agreed it was a good meeting. She reminded everyone Homer Steps Up starts May 1st so for the month track your steps, win prizes, and join a team or go it alone. Check it out on the hospital website. Tomorrow she, the Harbormaster, and others from around the state will be presenting with Alaska Municipal League to the Senate Transportation Committee providing an Alaska Ports and Harbors Municipal Overview.

Mayor Castner noted the Commission openings and suggested interest people can send him an email to mayor@ci.homer.ak.us and he'll call back to chat with you about serving.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 8:32 p.m. The next Regular Meeting is Monday, May 10, 2021 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 City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 21-072

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK
DATE: MAY 5, 2021
SUBJECT: LIQUOR LICENSE RENEWAL(S) FOR WILD HONEY BISTRO

The City Clerk's Office has been notified by the AMCO Board of the following Liquor License Permits for Renewal within the City of Homer for the following business(s):

License Type: Restaurant/Eating Place- Public Convenience
License #: 5607
DBA Name: Wild Honey Bistro
Service Location: 106 E Bunnell Avenue, Unit 2
Homer, AK 99603
Licensee: Broad Point, LLC
Contact Person: Melody Livingston

RECOMMENDATION: Voice non objection and approval for the Liquor License Renewal Applications. Fiscal Note: Revenues.



City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

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

Memorandum

TO: RENEK KRAUSE, MMC, DEPUTY CITY CLERK

FROM: MARK ROBL, POLICE CHIEF

CC: LISA LINEGAR, COMMUNICATIONS SUPERVISOR

DATE: May 3, 2021

SUBJECT: LIQUOR LICENSE RENEWAL APPLICATION FOR WILD HONEY BISTRO – No
Objection

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

License Type: Restaurant/Eating Place- Public Convenience
License #: 5607
DBA Name: Wild Honey Bistro
Service Location: 106 E Bunnell Avenue, Unit 2
Homer, AK 99603
Licensee: Broad Point, LLC
Contact Person: Melody Livingston



April 23, 2021

City of Homer

Kenai Peninsula Borough

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

Re: Notice of Liquor License Renewal Application

License Number	DBA	Type	City	Borough	Community Council
5607	Wild Honey Bistro	Restaurant/Eating Place- Public Convenience	Homer	Kenai Peninsula Borough	NONE

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

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

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

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

4/20/2021

ABC BOARD

LIQUOR LICENSE 2021 - 2022

5607

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

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2023 UNLESS DATED BELOW

TYPE OF LICENSE: Restaurant/Eating
Convenience

LICENSE FEE: \$600.00

1138

CITY / BOROUGH: Homer
Kenai Peninsula Borough

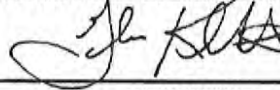
D/B/A: Wild Honey Bistro
106 W. Bunnell Ave, Unit 2

Mail Address:
Broad Point LLC
106 W. Bunnell Ave, Unit 2
Homer, AK 99603

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

Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD



DIRECTOR

04-900 (REV 9/09)

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

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

4/20/2021

ABC BOARD

LIQUOR LICENSE 2021 - 2022

5607

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

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2023 UNLESS DATED BELOW

TYPE OF LICENSE: Restaurant/Eating
Convenience

LICENSE FEE: \$600.00

CITY / BOROUGH: Homer
Kenai Peninsula Borough

D/B/A: Wild Honey Bistro
106 W. Bunnell Ave, Unit 2

Mailing Address:
Broad Point LLC
106 W. Bunnell Ave, Unit 2
Homer, AK 99603

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

Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

COPY

DIRECTOR

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

04-900 (REV 9/09)



Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:	Wild Honey Bistro	License Number:	5607
License Type:	Restaurant/Eating Place-Public Convenience		
Examiner:	<i>Kristina S.</i>	Transaction #:	100026096 & 26098

Document	Received	Completed	Notes
AB-17: Renewal Application	12/21	4-20-2021	NOV attached
App and License Fees	12/21	4-20-2021	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement			
AB-25: Supplier Cert (WS)			
AB-29: Waiver of Operation			
AB-30: Minimum Operation			
AB-33: Restaurant Affidavit	12/21	4-20-2021	
COI / COC / 5 Star			
FP Cards & Fees / AB-08a			
Late Fee			

Names on FP Cards:	
--------------------	--

	Yes	No
Selling alcohol in response to written order (package stores)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mailing address and contact information different than in database (if yes, update database)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In "Good Standing" with CBPL (skip this and next question for sole proprietor)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Officers and stockholders match CBPL and database (if "No", determine if transfer necessary)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

LGB 1 Response: *City of Homer* LGB 2 Response: *KPB*

Waive
 Protest
 Lapsed
 Waive
 Protest
 Lapsed

N A V *x2*



Alcohol and Marijuana Control Office
 550 W 7th Avenue,
 Suite 1600
 Anchorage, AK 99501
 alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907 769 0350

Alaska Alcoholic Beverage Control Board

Form AB-17: 2021/2022 License Renewal Application

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

Establishment Contact Information

Licensee (Owner):	Broad Point LLC	License #:	5607
License Type:	Restaurant/Eating Place - Public Convenience		
Doing Business As:	Wild Honey Bistro		
Premises Address:	106 W. Burnell # 2 Homer AK 99603		
Local Governing Body:	City of Homer - K.P.B		
Community Council:			

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

Mailing Address:			
City:	State:	ZIP:	

Section 1 - Licensee Contact Information

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

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

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

Optional: If you wish for AMCO staff to communicate with anyone other than the Contact Licensee 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:	



Alaska Alcoholic Beverage Control Board

Form AB-17: 2021/2022 License Renewal Application

Section 2 - Entity or Community Ownership Information

Sole Proprietors should skip this Section.

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

Alaska CBPL Entity #: 10049402

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.

Form for Melody Livingston: Name of Official: Melody Livingston, Title(s): member, Phone: 907-942-5205, % Owned: 50, Mailing Address: 106 W Bunnell #2 Homer, AK 99603, City: Homer, State: AK, ZIP: 99603

Form for Reynold Lewis Morris Jr: Name of Official: Reynold Lewis Morris Jr, Title(s): member, Phone: (blank), % Owned: 50, Mailing Address: 106 W Bunnell #2, City: Homer, State: AK, ZIP: 99603

Empty form for another official with fields for Name of Official, Title(s), Phone, % Owned, Mailing Address, City, State, ZIP.



Form AB-17: 2021/2022 License Renewal Application

Section 3 – Sole Proprietor Ownership Information

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

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

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

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

This individual is an:	<input type="checkbox"/> Applicant	<input type="checkbox"/> Affiliate
Name:		
Contact Phone:		
Mailing Address:		
City:	State:	ZIP:
Email:		

This individual is an:	<input type="checkbox"/> Applicant	<input type="checkbox"/> Affiliate
Name:		
Contact Phone:		
Mailing Address:		
City:	State:	ZIP:
Email:		

Section 4 – License Operation

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

- | | 2019 | 2020 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| 1. The license was regularly operated continuously throughout each year. (Year-round) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The license was only operated during a specific season each year. (Seasonal)
<i>If your operation dates have changed, list them below:</i>
_____ to _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The license was only operated to meet the minimum requirement of 240 total hours each calendar year.
<i>A complete AB-30: Proof of Minimum Operation Checklist, and all documentation must be provided with this form.</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both calendar years. <i>A complete Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated.</i> | <input type="checkbox"/> | <input type="checkbox"/> |

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

Section 5 – Violations and Convictions

Have **ANY** Notices of Violation been issued for this license **OR** has **ANY** person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2019 or 2020? Yes No

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

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




Form AB-17: 2021/2022 License Renewal Application

Section 6 – Certifications

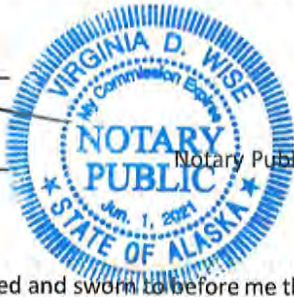
As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, are true, correct, and complete.


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

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


 Signature of licensee

 Melody Livingston
 Printed name of licensee




 Signature of Notary Public

Notary Public in and for the State of: Alaska

My commission expires: 06-01-2021

Subscribed and sworn to before me this 10th day of December, 2020.

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

All renewal and supplemental forms are available online

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

FOR OFFICE USE ONLY

License Fee:	\$ <u>600</u>	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$ <u>900</u>

AMCO

DEC 31 2020

Notice of Violation

(3AAC 304.525)

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

Date: 3/31/20

License #/Type: 5607

Restaurant/Eating Place-Public Convenience

Licensee: Broad Point LLC

Address: 106 W. Bunnell Street, Unit 2, Homer, AK

DBA: Wild Honey Bistro

AMCO Case #: 20-0404

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

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

On 3-30-20 AMCO received complaints that your establishment was selling bottles of alcohol for off premises consumption. A review of your Facebook page and a conversation with licensee Melody Livingston, confirmed the complaints. According to the licensee, from March 19-30, seven bottles had been sold for off premises consumption totalling \$210.00.

Your attention is directed to;

AS 04.11.100(a) A restaurant or eating place license authorizes a restaurant or eating place to sell beer and wine for consumption only on the licensed premises

AS 04.16.120(a) a person may not remove from licensed premises alcoholic beverages that have been sold or furnished for consumption only on the premises & (c) Notwithstanding (a) of this section, a person may remove from licensed premises the unconsumed portion of one or more bottles of wine that were partially consumed with a meal if (1) the original or a similar type of cork is reinserted in each bottle by the licensee and the cork can only be removed by a corkscrew or other similar device, or (2) each bottle is sealed or packaged by the licensee in a manner set by the board.

AS 04.16.150: Licensee responsible for violations: A licensee may neither knowingly allow agents or employees to violate this title or regulations adopted under this title nor recklessly or with criminal negligence fail to act in accordance with the duty prescribed under AS 04.21.030 with the result that an agent or employee of the licensee violates a law or regulation.

AS 04.21.030(2): Responsibility of licensees, agents, and employees.

The licensee has a duty to exercise that degree of care that a reasonable person would observe to ensure that a business under the person's control is lawfully conducted. This duty of the licensee includes, but is not limited (2) to ensuring the compliance of the premises with public health, fire, and safety codes and ordinances of the state or municipality having jurisdiction. This is where the emergency order comes into play about not consuming on the premises.

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

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

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

Alcohol & Marijuana Control Office

ATTN: Enforcement

550 W. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

Issuing Investigator: J. Hamilton

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Mail

Date:

AMCO

DEC 31 2020

Notice of Violation

(3AAC 304.525)

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

Date: 5/29/19

Licensee: Broad Point LLC

DBA: Wild Honey Bistro

License #/Type: 5607

Restaurant/Eating Place Public Convenience

Address: 106 W. Bunnell Ave, Homer, AK

AMCO Case #: 19-0862

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

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

On 5-16-19, an inspection was conducted at your establishment. As part of the inspection, you were requested to provide proof that a 17 year old working on the premises had AK Dept. of Labor and Workforce Development (DOL) approval. You later emailed the work permit signed by yourself, the 17 year old, and the parents; dated 5-22-19. However, the form was incomplete and you did not have DOL approval; effectively allowing an under 21 person on the licensed premises. A cease and desist order was issued until paperwork is completed correctly.

Your attention is referred to AS 04.16.049: Access of persons under the age of 21 to licensed premises and AS 04.16.052: Furnishing of alcoholic beverages to persons under the age of 21 by licensees

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

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

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

Alcohol & Marijuana Control Office
ATTN: Enforcement
550 W. 7th Ave, Suite 1600
Anchorage, Alaska 99501
amco.enforcement@alaska.gov

Issuing Investigator: J. Hamilton

SIGNATURE:



Delivered VIA: Mail

Received by:

SIGNATURE:

Date:

From: (null) (null)
To: [Davies, Jason M \(CED\)](mailto:Davies, Jason M (CED))
Subject: Re: employment of underage minors
Date: Friday, June 7, 2019 1:05:26 PM

Mr Davies,

The following actions were taken by me in regards to this violation.

The minor was asked to go home and did not return to work until the paperwork was submitted to Department of Labor and verbal authorization was given by them.

I have filled out and submitted the paperwork AB-03 and had it notarized. A copy has been scanned and sent to Joe Hamilton.

I delivered a copy of the form to The city of Homer for their approval.

I will send the hard copy in the mail this afternoon.

Please let me know if there is anything further required from me in regards to this violation.

Sincerely,

Melody Livingston

Wild Honey Bistro

Sent from my iPhone

On Jun 7, 2019, at 12:20 PM, Davies, Jason M (CED) <jason.davies@alaska.gov> wrote:

Afternoon Melody,

In order for the underage minor to work at your establishment, you need a restaurant designation permit with the correct designations checked off by you and approved by AMCO. I would not employ the minor until you have the correct restaurant designation permit hanging at your license premises. I have cc'd Investigator Joy Hartlieb from the Department of Labor if she would like to respond as well.

Also, you were sent a notice of violation on 5/22/2019 and that was received on 06/01/2019 regarding this incident. The notice of violation requires that you respond within 10 days of being received. Attached is your violation, please pay special attention to the red highlighted sections. If you would like to respond to the notice of violation to me, I can combine your response to your notice of violation for the board.

Best Regards,

Jason M Davies – Criminal Justice Tech I
AMCO/ENFORCEMENT
jason.davies@alaska.gov
907-754-3410

From: (null) (null) [mailto:]
Sent: Friday, June 7, 2019 10:53 AM
To: Davies, Jason M (CED) <jason.davies@alaska.gov>

Subject: Re: employment of underage minors

Police officer just came in to check if Sidney is still working. She is. I got clearance from the department of labor. She is okay to work right? I will get the forms you just sent notarized this afternoon and will send them off ASAP. I am being responsive. I don't know how this all works but I am doing everything that I am being asked to do. I hope there will not be negative consequences. Please let me know if I should send Sidney home.

Thanks
Melody Livingston

Sent from my iPhone

On Jun 5, 2019, at 2:48 PM, Davies, Jason M (CED) <jason.davies@alaska.gov> wrote:

Afternoon,

AMCO has received a work permit from the Department of Labor and Workforce Development asking if an underage minor is allowed to work on the license premises for Wild Honey Bistro, #5607. Your current restaurant designation permit does not allow the employment of 16 or 17 years of age. If you request to employ persons 16 or 17 years of age, you must submit the attached AB-03 to alcohol licensing to be completed by AMCO Enforcement. Any questions please contact alcohol.licensing@alaska.gov.

Best Regards,

<image001.png>

Jason M. Davies
Criminal Justice Technician I
AMCO Enforcement
Alcohol & Marijuana Control Office

550 W. 7th Ave, Suite 1600
Anchorage, AK 99501
Office (907) 754-3410
jason.davies@alaska.gov

<AB-03.pdf>

<Alcohol NOV Form.pdf>

ALASKA DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT



For departmental use only

INDIVIDUAL WORK PERMIT APPROVED

APPROVED AS AMENDED:

DENIED

By: _____ Date: _____

For departmental use only

GENERAL DUTIES WORK PERMIT

APPROVED FOR:

16 & 17 YEAR OLD MINORS; OR

14 - 17 YEAR OLD MINORS

By: _____ Date: _____

- INDIVIDUAL WORK PERMIT:**
1. Employer completes and signs Section A.
 2. Parent or guardian completes and signs Section B
 3. Employer verifies minor's age, agrees to keep a copy of the proof of age on file at the employer's premises and submits work permit by email, fax or in person.
 4. When the approved work permit is returned from the department, the minor may begin work.

- GENERAL DUTIES WORK PERMIT:**
1. Employer completes and signs Section A.
 2. Employer submits work permit to Wage and Hour office.
 3. The approved duties are returned to the employer.
 4. Employer obtains the signature of the minor's parent or guardian in Section B, verifies minor's age and agrees to keep a copy of the proof of age on file at the employer's premises. The minor may then begin work.
 5. Employer must return a copy of the completed work permit to the Department within seven (7) calendar days of minor beginning to work.

Section (A) to be completed by EMPLOYER

Name of Employer: Wild Honey Bistro		DHA:	
Employer Email: eat@wildhoneybistro.com	Employer Telephone Number: 907 435-7635	Employer Tax Number:	
Employer Local Mailing Address: 106 W Bunnell #7	City and State: Homer AK	Zip: 99603	
Location of Employment (Physical Address):	City and State:	Zip:	
Duties to be performed by minor: cooking, bussing, barista, dishwashing	Tools, Equipment or Machinery to be used by minor: espresso machine, crepe iron, register		
	Hourly Rate: \$12.00	Pay Periods: twice monthly	
Will the minor be working at an establishment that serves alcohol? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		Alcohol License #: 510070	
If yes, is there a valid Restaurant Designation Permit (RDP) filed with the Alcoholic Beverage Control Board? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
<p>✓ SEE REVERSE SIDE - FEDERAL LIMITATIONS MAY BE MORE STRICT.</p> <p>HOURS OF WORK FOR YOUTHS AGES 14 AND 15 YEARS WILL BE RESTRICTED AS INDICATED BELOW.</p> <p><u>When school is in session</u>, hours will be limited to a combined total of nine hours of school attendance plus employment in any one day; work will be performed only between the hours of 5 a.m. and 9 p.m. Total hours worked in one week will be limited to 23 hours.</p> <p><u>During school vacations</u>, work hours will be limited to a maximum of 8 hours per day and a maximum of 40 hours per week, work will be performed only between the hours of 5 a.m. and 9 p.m.</p> <p>Alaska law (AS 23.10.350 (c)) states that a minor under 18 years of age:</p> <p>(i) May not be employed or allowed to work more than six days a week;</p> <p>(ii) Who works for five (5) consecutive hours without a documented, 30 consecutive minute break is to have a documented break of at least 30 consecutive minutes before continuing to work.</p>			
I affirm and agree that such working conditions will be maintained and that any and all changes shall have the prior approval of the Commissioner of Labor and Workforce Development. I also affirm that I have verified and will keep on file valid proof of age of this minor employee at the employment premises.			
Printed Name of Employer or Agent Acting for Employer: Melody Livingston		Signature: <i>[Signature]</i>	Date: 5/22/19

Section (B) to be completed by PARENT or GUARDIAN prior to employment of minor

Name of Minor (Print): Sidney Bechtel	Address: 38415 Walters St	Date of Birth: [Redacted]
I affirm that I am the <input checked="" type="checkbox"/> parent/stepparent or the <input type="checkbox"/> non-parent legal guardian of the above-named minor and that such minor has my consent to be employed in any occupation authorized by the Alaska child labor laws, Alaska Statutes 23.10.325-370		
Printed name of parent/legal guardian: Karlene Bechtel	Signature (Legal guardian must attach documentation): <i>[Signature]</i>	Telephone Number: 949 648 1109
		Date: 5-22-19

NOTICE: All information requested is required to process this work permit. Records of the Department are public records and may be subject to inspection and copying under AS 40.25.110-220 or be provided to other State agencies (see AS 44.99.310).

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

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database Download / Corporations / Entity Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Broad Point, LLC

Entity Type: Limited Liability Company

Entity #: 10049402

Status: Good Standing

AK Formed Date: 1/18/2017

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2023

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

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

Registered Agent

Agent Name: Melody Livingston

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

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

Officials

AK Entity #	Name	Titles	Owned
	Melody Livingston	Member	100.00

Show Former

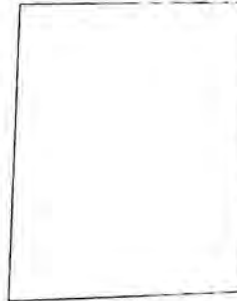
Filed Documents

Date Filed	Type	Filing	Certificate
1/18/2017	Creation Filing	Click to View	Click to View
1/18/2017	Initial Report	Click to View	
5/29/2019	Biennial Report	Click to View	
3/30/2021	Biennial Report	Click to View	



THE STATE
of **ALASKA**
Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing

COR



Corporations Section
State Office Building, 333 Willoughby Avenue, 9th Floor
PO Box 110806, Juneau, AK 99811-0806
Phone: (907) 465-2550 • Fax: (907) 465-2974
Email: corporations@alaska.gov
Website: Corporations.Alaska.Gov

Notice of Change of Officials

Domestic Business Corporation (AS 10.06)

- This Notice of Change of Officials form is only for Domestic Business Corporations and is used to report changes between biennial reporting periods in: officers, directors, alien affiliates, and shareholders.
- This Notice of Change of Officials will not be filed if the entity's biennial report is not current. To verify the entity's biennial report due date, go online to www.Corporations.Alaska.Gov and select, *Search Corporations Database*
- Standard processing time for complete and correct filings submitted to this office is approximately 10-15 business days. All filings are reviewed in the date order they are received.
- The information you submit is a public record and will be posted on the State's website

1. Important:	AS 10.06.813
Each Domestic Business Corporation is required to notify this office when there is a change of officials. — AS 10.06.813	
Failure to meet this requirement may result in involuntary dissolution of the entity's authority to transact business in the State of Alaska. — AS 10.06.633(5)(7)	
The Domestic Business Corporation is to keep and make available the records of the official(s) changes. — AS 10.06.430	

2. Fee:	<input checked="" type="checkbox"/> \$25 Nonrefundable Filing Fee (CORF)	3 AAC 16.030(b)
Mail this form and the non-refundable \$25 filing fee in U.S. dollars to the letterhead address. Make the check or money order payable to the State of Alaska, or use the attached credit card payment form.		

3. Entity Information:	AS 10.06.813
Entity Name:	<input type="text" value="Broad Point, LLC"/>
Alaska Entity Number:	<input type="text" value="10049402"/>

AMCO Received 4/14/2021

4. REMOVE from Record: AS 10.06.813(b)

The following officials (officers, directors, shareholders, and alien affiliates) will be completely removed from the record as a result of this filing. If necessary, use the following SUPPLEMENT page.

Name: _____ Name: _____

Name: _____ Name: _____

If an official is not being removed from record, then list them in Item #5 below (with their current information).

5. ALL Current Officials: AS 10.06.813(b) and AS 10.06.950

The following is a complete list of ALL remaining and new officials who will be on record as a result of this filing. Domestic Business Corporations must have a President, Secretary, Treasurer, and at least one Director. The President and the Secretary cannot be the same person unless the President is 100% shareholder. The entity must also provide all shareholders who own 5% or more of the issued shares, and all alien affiliates.
 — AS 10.06.453 and 10.06.483


List ALL officials and their current information to be on record.
BOLD fields are required.

FULL LEGAL NAME	COMPLETE MAILING ADDRESS	% Owned	Shareholder	PRESIDENT	Vice-President	SECRETARY	TREASURER	DIRECTOR	Assistant Secretary	Assistant Treasurer	Alien Affiliate
Melody Livingston	106 W Bunnell Ave, Unit 2, Homer, AK 99603	50	x	x			x	x			
Reynold Lewis Morris, JR	106 W Bunnell Ave, Unit 2, Homer, AK 99603	50	x			x					

→ If necessary, use the following SUPPLEMENT page.

6. Required Signature: AS 10.06.813(b) and AS 10.06.825

The Notice of Change of Officials must be signed by the President or Vice-President of the corporation. Persons who sign documents filed with the commissioner that are known to the person to be false in material respects are guilty of a class A misdemeanor.

Signature:  Date: 4/6/21

Printed Name: Melody Livingston

Title of Authorized Signer: President — or — Vice-President



THE STATE
of **ALASKA**
Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing

COR



Corporations Section
State Office Building, 333 Willoughby Avenue, 9th Floor
PO Box 110806, Juneau, AK 99811-0806
Phone: (907) 465-2550 • Fax: (907) 465-2974
Email: corporations@alaska.gov
Website: Corporations.Alaska.Gov

Contact Information

- Return this form with your filing
- This information may be used by the Division to assist with processing your attached filings
- This form will not be filed for record, or appear online

Entity Information		Enter your entity information as it appears on this filing.	
Entity Name:	Broad Point, LLC		
AK Entity #:	10049402		
Contact Person		Whom may we contact with any questions or problems with this filing?	
Company:	Broad Point, LLC (d/b/a Wild Honey Bistro)		
Contact:	Melody Livingston		
Mailing Address:	Address: 106 W Bunnell Ave, Unit 2		
	City: Homer	State: AK	ZIP:
Phone:	907-942-5205		
Email:	melodyliving@yahoo.com		
Document Return Address		Provide an address for the return of your filed documents.	
<input checked="" type="checkbox"/> Return my filings to the address provided ABOVE			
<input type="checkbox"/> Return my filings to this address provided BELOW			
Company:			
Contact:			
Mailing Address:	Address:		
	City:	State:	ZIP:

AMCO Received 4/14/2021

HOLD TO OBTAIN FULL VALUE. WATER MARKS REMAIN. THIS SECURITY WEB LOCK DISAPPEARS WHEN HEATED.

BROAD POINT LLC

PH. 907-942-5205
106 W BUNNELL AVE UNIT 2
HOMER, AK 99603-7851

89-6/1252

DATE

4/6/21

PAY TO THE ORDER OF

State of Alaska \$25.00
Twenty five & 00/100 DOLLARS

1 First National Bank
ALASKA MEMBER FDIC
www.FNBAlaska.com

[Handwritten Signature]

Details on back
Security features

✓ Track Your Expenses...

- Auto/Travel
- Business
- Charities
- Clothing
- Dependent Care
- Education
- Entertainment
- Food
- Home
- Insurance
- Medical/Dental
- Savings
- Taxes
- Utilities
- Other

State of Alaska
Twenty five & 00/100

4/6/21

BAL. FOR'D
ITEM AMOUNT
BALANCE
DEPOSIT
FOR'D

BAL. FOR'D	
ITEM AMOUNT	25.00
BALANCE	
DEPOSIT	
FOR'D	

Duplicate is produced using soy-based materials
Images may appear light.

TAX DEDUCTIBLE ITEM

Memo

For enhanced security your account number will not be printed on this copy

NOT NEGOTIABLE

License Detail

LICENSE DETAILS

License #: 1048579[Print E](#)**Business Name:** WILD HONEY BISTRO**Status:** Active**Issue Date:** 02/01/2017**Expiration Date:** 12/31/2022**Mailing Address:** 106 W BUNNELL AVE, UNIT 2
HOMER, AK 99603**Physical Address:** 106 W BUNNELL AVE, UNIT 2
HOMER, AK 99603

Owners

BROAD POINT, LLC

Activities

Line of Business

72 - Accommodation and Food Services

NAICS

722110 - FULL-SERVICE RESTAURANTS

Professional L

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 periods between an expiration date and renewal date.

No Lapses on record for the last 4 years.

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

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

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database Download / Corporations / Entity Details

ENTITY DETAILS

Name(s)

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

Registered Agent

Agent Name: Melody Livingston

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

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

Officials

AK Entity #	Name	Titles	Owned	<input type="checkbox"/> Show Former
	Melody Livingston	Member	100.00	

Filed Documents

Date Filed	Type	Filing	Certificate
1/18/2017	Creation Filing	Click to View	Click to View
1/18/2017	Initial Report	Click to View	
5/29/2019	Biennial Report	Click to View	
3/30/2021	Biennial Report	Click to View	

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City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 21-073

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: APRIL 30, 2021

SUBJECT: VACATION OF A PORTION OF HOUGH ROAD, A 60 FT RIGHT-OF-WAY INCLUDING ADJOINING UTILITY EASEMENTS, AS DEDICATED ON STREAM HILL PARK UNIT 1, PLAT HM 2003-90.

At their April 26, 2021 meeting, the Kenai Peninsula Borough Planning Commission approved the vacation of a portion of Hough Road, a 60 foot right-of-way including adjoining utility easements, as dedicated on Stream Hill Park Unit 1, Plat HM 2003-90. The portion of the right-of-way being vacated is unconstructed and located within the W1/2 NE1/4, Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-046V.

Per AS 29.40.140, no vacation of a City right-of-way and/or easement may be made without the consent of the City Council.

The City Council has thirty days from April 26, 2021 in which to veto the decision of the Kenai Peninsula Borough Planning Commission.

RECOMMENDATION:

Approve Memorandum 21-071 that expresses non objection and consent to the vacation of a portion of Hough road, a 60 foot right-of-way including adjoining utility easements, as dedicated on Stream Hill Park Unit 1, plat HM 2003-90. The portion of the right-of-way being vacated is unconstructed and located within the W1/2 NE1/4, Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-046V.



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

April 28, 2021

Homer City Council
491 East Pioneer Avenue
Homer, AK 99603-7645

RE: Vacate a portion of Hough Road, a 60 foot right of way including adjoining utility easements, as dedicated on Stream Hill Park Unit 1, Plat HM 2006-54 and Christensen Tracts No. 3, Plat HM 2003-90. The portion of right-of-way being vacated is unconstructed and located within the W1/2 NE 1/4 , Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-046V

Dear Homer City Council Members:

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The KPB Planning Commission approved the referenced right-of-way vacation during their regularly scheduled meeting of April 26, 2021. This petition is being sent to you for your consideration and action.

The City Council has 30 days from April 26, 2021 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Planning Commission will stand.

Attached are draft, unapproved minutes of the pertinent portion of the meeting and other related material.

Sincerely,

Melanie Aeschliman
Planning Director
Kenai Peninsula Borough

Attachments
Unapproved 4/26/21 PC Meeting Minutes

AGENDA ITEM E. NEW BUSINESS

Chair Martin asked Ms. Shirnberg to read the procedure for public testimony.

AGENDA ITEM E. PUBLIC HEARINGS

1. Vacate a portion of Hough Road, a 60 foot right of way including adjoining utility easements, as dedicated on Stream Hill Park Unit 1, Plat HM 2006-54 and Christensen Tracts No. 3, Plat HM 2003-90. The portion of right-of-way being vacated is unconstructed and located within the W1/2 NE 1/4, Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-046V

Staff report given by Scott Huff.

Petitioners: C. Michael Hough and Shila A. Hough of Homer, Alaska.

Purpose as stated in petition: The existing road was not constructed within the existing ROW. The ROW is being re-aligned so that it is centered on the existing road. Only a portion of the existing ROW is being vacated, along with the adjoining 15 foot utility easements. New 15 foot utility easements are being dedicated adjoining both sides of the re-aligned ROW. No utilities are currently within the existing utility easements.

Notification: Public notice appeared in the April 15, 2021 issue of the Homer News as a separate ad. The public hearing notice was published in the April 22, 2021 issue of the Homer News as part of the Commission's tentative agenda.

Fifteen certified mailings were sent to owners of property within 300 feet of the proposed vacation. Four receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to twenty-eight owners within 600 feet of the proposed vacation.

Seventeen public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish & Game	Kenai Peninsula Borough Office, Homer
State of Alaska Dept. of Natural Resources (DNR)	Ninilchik Traditional Council
State of Alaska Dept. of Transportation	Alaska Communication Systems (ACS)
State of Alaska DNR Forestry	ENSTAR Natural Gas
City of Homer	General Communications Inc. (GCI)
Emergency Service of Homer	Homer Electric Association (HEA)

Public hearing notices were made available to seven KPB staff/Departments (Addressing, Code Compliance, Planner, Roads Dept., Assessing, River Center, State Parks) via a shared database.

Notices were mailed to the Homer Post Office and Homer Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ACS: Comments not received at the time the staff report was prepared.

ENSTAR: Comments not received at the time the staff report was prepared.

Homer Electric Association: Reviewed the vacation and had no comments.

KPB Addressing: Affected address will need to be reviewed by the City of Homer.

KPB Assessing: No comments.

KPB Planning: No material site or local option zone issues. A review is not required for property inside city limits.

KPB River Center: Within the City of Homer, no comments.

KPB Roads Department: Outside jurisdiction, no comments.

City of Homer Planning Commission: On April 29, 2020 the Homer Planning Commission granted a time extension for the plat that will finalize the right of way vacation, granting a two year time extension.

State Parks: No comments.

Staff Discussion: The proposed vacation is to remedy the alignment issues of Hough Road, a 60 foot right of way. The proposal is to vacate approximately a half with of Hough Road for 390 feet including the adjoining 15 foot utility easements. If approved, a dedication of additional right of way atop the constructed road, including 15 foot utility easements along each side of the new dedication, will be completed by recording a new plat.

The original access is depicted on Christensen Tracts Amended, HM 89-3 as a 50 foot private access easement (HRD Book 185 Page 349). The access easement was also shown on plat Christensen Tracts No. 4, HM 2006-44.

Christensen Tract No. 3, HM 2003-90, dedicated the eastern 30 foot of Hough Road right of way. Stream Hill Park Unit 1, HM 2006-54, dedicated the western 30 feet of Hough Road right of way.

Vacation of the dedicated right of way will not remove the private access easement. If they owners wish to remove the private access easement it will need to be done by separate documents and recorded with the Homer Recording District. If this is completed prior to the recording of the plat, add a plat note with the recording information that terminated the private access easement.

This vacation and the associated plat were originally heard under KPB old code in 2010. The KPB Planning Commission heard the vacation on April 12, 2010. The Planning Commission approved the vacation by unanimous consent. The Homer City Council upheld the Planning Commission decision at their April 26, 2010 meeting. The plat finalizing the vacation was not recorded within one year.

The KPB Plat Committee approved the preliminary plat on April 12, 2010. Various time extensions have been granted for the preliminary plat. The last time extension was granted in 2020, with the consent of the City of Homer Planning Commission. The time extension was granted through June 8, 2022, subject to the plat being recorded prior to April 13, 2021 to be reviewed under old code. The original surveyor retired and a new surveyor has been hired.

Due to design changes, and the requirement to comply with current subdivision standards, the plat will be brought back before the Plat Committee to receive new approval including any exceptions requests.

If approved, plat Christensen Tract 2021 Addition will finalize the proposed right of way vacations. At the time the staff report was prepared a complete submittal has not been received for the plat. Once all required items are received, the plat will be scheduled to be heard by the Plat Committee.

KPB 20.70 – Vacation Requirements.

Platting staff comments: Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

- C. In areas where right-of-way is being vacated due to excessive topographic features, a contour map or centerline profile and/or right-of-way cross sectional view may be required by the commission to substantiate the unusable right-of-way and show alternate and dedicated routes to insure ingress and egress to adjacent lands.

Platting Staff Comments: The road is constructed within the proposed right of way dedication. The terrain in the area slopes downward to the south. The right of way has been constructed in manner that it follows the contours and avoids steep slopes. If the City of Homer feels additional width is required they may request additional information.

- D. If the proposed vacation lies within the boundaries of an incorporated city, comments from the city advisory planning commission must be submitted with the petition.

Platting Staff Comments: Staff did not require submittal of new approval. Homer Planning and Zoning and the City Council had previously heard this vacation. The Homer Planning Commission approved a time extension for the plat showing the vacation and dedication on April 29, 2020.

Staff recommendation: *The Planning Commission decision will be sent to the City Council for the ability to veto the decision. The City will also be required to sign the final plat to accept the new right of way dedication.*

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent in KPB 20.70.110.

Platting Staff Comments: A plat will be required to complete the right of way vacation and right of way dedication.

Staff recommendation: *Comply with 20.70.130.*

20.70.150. Title to vacated area.

- A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city and to the borough if it lies within the borough outside a city. If the property vacated is a lot or tract, title vests in the rightful owner.

Platting Staff Comments: The proposed area being vacated will be attached to current Tract 1 of Christensen Tracts No. 4, which is proposed to be subdivided by the same plat finalizing the vacation.

Staff recommendation: *Comply with 20.70.150.*

20.70.160. Partial vacation allowed. Where the planning commission finds that a right-of-way must be preserved, but determines there is excessive width for all intended uses within the right-of-way, the commission may approve a partial vacation of a right-of-way such that the width is reduced to the maximum necessary for the intended use. Such vacation shall conform to this title for the class of right-of-way involved except where the right-of-way is not intended to be used for vehicular purposes.

Platting Staff Comments: The vacation is a partial vacation that will coincide with a right of way dedication. The final right of way will be 60 feet in width and comply with KPB code.

Staff recommendation: *Complies with 20.70.160.*

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

Platting Staff Comments: The proposed vacation will be recorded on a plat that grants a new portion of the existing constructed right of way. A dedicated right of way will encompass the existing travel way and

vehicular access will not be impacted.

Staff recommendation: *Complies with 20.70.170.*

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right-of-way.

Platting Staff Comments: There are no utilities within the current utility easements running along the portion of Hough Road being vacated. The subdivision plat will grant new 15 foot utility easements along both side of the new Hough Road dedication.

Staff recommendation: *Grant any additional easements requested by the utility companies.*

STAFF RECOMMENDATION: Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends APPROVAL of the vacations as petitioned, subject to:

1. Consent by Homer City Council.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the Homer City Council and utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

KPB 20.70.110:

A vacation of a city street, public right-of-way, public area, or public easement located within an incorporated city may not be approved without the consent of the city council.

The Homer City Council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city or borough shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

Chair Martin opened the item for public comment. Hearing no one wishing to comment, Chair Martin closed public comment and opened discussion among the Commission.

MOTION: Commissioner Carluccio moved, seconded by Commissioner Venuti to approve the vacation as petition based means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough cod.

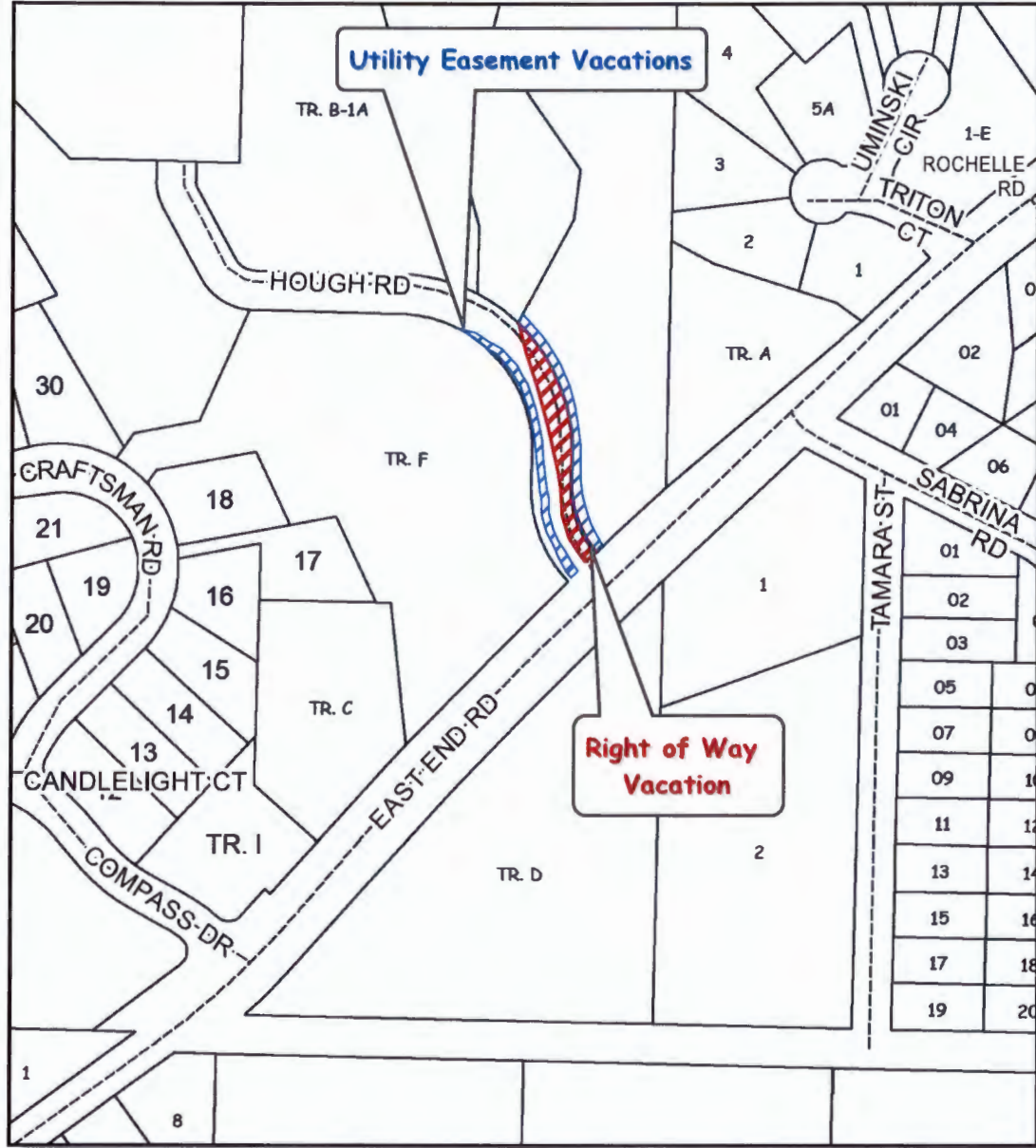
MOTION PASSED: Hearing no further discussion or objection the motion passed by the following vote:

Yes	11	No	0	Absent	0
Yes	Bentz, Brantley, Carluccio, Chesser, Ecklund, Fikes, Gillham, Martin, Morgan, Ruffner, Venuti				
No					

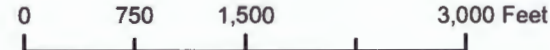
E. NEW BUSINESS

1. Right-of-Way Vacation

Vacate a portion of Hough Rd., a 60' right-of-way including adjoining utility easements, as dedicated on Stream Hill Park Unit 1, Plat HM 2006-54 & Christensen Tracts No. Plat HM 2003-90; KPB File 2021-046V; City of Homer



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



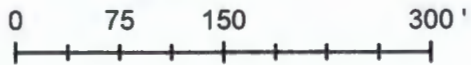
KPB 2021-046V
S16 T06S R13W
Homer



Date: 4/6/2021
 PClements, KPB 2021-046V



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

Aerial View



-  Utility Easement
-  Right of Way Vacation

PClements, KPB 2021-044-6V
Date: 4/6/2021
Imagery Homer 2016

AGENDA ITEM E. PUBLIC HEARINGS

1. Vacate a portion of Hough Road, a 60 foot right of way including adjoining utility easements, as dedicated on Stream Hill Park Unit 1, Plat HM 2006-54 and Christensen Tracts No. 3, Plat HM 2003-90. The portion of right-of-way being vacated is unconstructed and located within the W1/2 NE 1/4 , Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-046V

STAFF REPORT

PC Meeting: April 26, 2021

Petitioners: C. Michael Hough and Shila A. Hough of Homer, Alaska.

Purpose as stated in petition: The existing road was not constructed within the existing ROW. The ROW is being re-aligned so that it is centered on the existing road. Only a portion of the existing ROW is being vacated, along with the adjoining 15 foot utility easements. New 15 foot utility easements are being dedicated adjoining both sides of the re-aligned ROW. No utilities are currently within the existing utility easements.

Notification: Public notice appeared in the April 15, 2021 issue of the Homer News as a separate ad. The public hearing notice was published in the April 22, 2021 issue of the Homer News as part of the Commission's tentative agenda.

Fifteen certified mailings were sent to owners of property within 300 feet of the proposed vacation. Four receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to twenty-eight owners within 600 feet of the proposed vacation.

Seventeen public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
City of Homer
Emergency Services of Homer

Kenai Peninsula Borough Office Homer
Ninilchik Traditional Council
Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)

Public hearing notices were made available to seven KPB staff/Departments (Addressing, Code Compliance, Planner, Roads Dept., Assessing, River Center, State Parks) via a shared database.

Notices were mailed to the Homer Post Office and Homer Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ACS: Comments not received at the time the staff report was prepared.

ENSTAR: Comments not received at the time the staff report was prepared.

Homer Electric Association: Reviewed the vacation and had no comments.

KPB Addressing: Affected address will need to be reviewed by the City of Homer.

KPB Assessing: No comments.

KPB Planning: No material site or local option zone issues. A review is not required for property inside city limits.

KPB River Center: Within the City of Homer, no comments.

KPB Roads Department: Outside jurisdiction, no comments.

City of Homer Planning Commission: On April 29, 2020 the Homer Planning Commission granted a time extension for the plat that will finalize the right of way vacation, granting a two year time extension.

State Parks: No comments.

Staff Discussion: The proposed vacation is to remedy the alignment issues of Hough Road, a 60 foot right of way. The proposal is to vacate approximately a half width of Hough Road for 390 feet including the adjoining 15 foot utility easements. If approved, a dedication of additional right of way atop the constructed road, including 15 foot utility easements along each side of the new dedication, will be completed by recording a new plat.

The original access is depicted on Christensen Tracts Amended, HM 89-3 as a 50 foot private access easement (HRD Book 185 Page 349). The access easement was also shown on plat Christensen Tracts No. 4, HM 2006-44.

Christensen Tract No. 3, HM 2003-90, dedicated the eastern 30 foot of Hough Road right of way. Stream Hill Park Unit 1, HM 2006-54, dedicated the western 30 feet of Hough Road right of way.

Vacation of the dedicated right of way will not remove the private access easement. If they owners wish to remove the private access easement it will need to be done by separate documents and recorded with the Homer Recording District. If this is completed prior to the recording of the plat, add a plat note with the recording information that terminated the private access easement.

This vacation and the associated plat were originally heard under KPB old code in 2010. The KPB Planning Commission heard the vacation on April 12, 2010. The Planning Commission approved the vacation by unanimous consent. The Homer City Council upheld the Planning Commission decision at their April 26, 2010 meeting. The plat finalizing the vacation was not recorded within one year.

The KPB Plat Committee approved the preliminary plat on April 12, 2010. Various time extensions have been granted for the preliminary plat. The last time extension was granted in 2020, with the consent of the City of Homer Planning Commission. The time extension was granted through June 8, 2022, subject to the plat being recorded prior to April 13, 2021 to be reviewed under old code. The original surveyor retired and a new surveyor has been hired.

Due to design changes, and the requirement to comply with current subdivision standards, the plat will be brought back before the Plat Committee to receive new approval including any exceptions requests.

If approved, plat Christensen Tract 2021 Addition will finalize the proposed right of way vacations. At the time the staff report was prepared a complete submittal has not been received for the plat. Once all required items are received, the plat will be scheduled to be heard by the Plat Committee.

KPB 20.70 – Vacation Requirements.

Platting staff comments: Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

- C. In areas where right-of-way is being vacated due to excessive topographic features, a contour map or centerline profile and/or right-of-way cross sectional view may be required by the commission to substantiate the unusable right-of-way and show alternate and dedicated routes to insure ingress and egress to adjacent lands.

Platting Staff Comments: The road is constructed within the proposed right of way dedication. The terrain in the area slopes downward to the south. The right of way has been constructed in manner that it follows the contours and avoids steep slopes. If the City of Homer feels additional width is required they may request additional information.

- D. If the proposed vacation lies within the boundaries of an incorporated city, comments from the city advisory planning commission must be submitted with the petition.

Platting Staff Comments: Staff did not require submittal of new approval. Homer Planning and Zoning and the City Council had previously heard this vacation. The Homer Planning Commission approved a time extension for the plat showing the vacation and dedication on April 29, 2020.

Staff recommendation: *The Planning Commission decision will be sent to the City Council for the ability to veto the decision. The City will also be required to sign the final plat to accept the new right of way dedication.*

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent in KPB 20.70.110.

Platting Staff Comments: A plat will be required to complete the right of way vacation and right of way dedication.

Staff recommendation: *Comply with 20.70.130.*

20.70.150. Title to vacated area.

- A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city and to the borough if it lies within the borough outside a city. If the property vacated is a lot or tract, title vests in the rightful owner.

Platting Staff Comments: The proposed area being vacated will be attached to current Tract 1 of Christensen Tracts No. 4, which is proposed to be subdivided by the same plat finalizing the vacation.

Staff recommendation: *Comply with 20.70.150.*

20.70.160. Partial vacation allowed. Where the planning commission finds that a right-of-way must be preserved, but determines there is excessive width for all intended uses within the right-of-way, the commission may approve a partial vacation of a right-of-way such that the width is reduced to the maximum necessary for the intended use. Such vacation shall conform to this title for the class of right-of-way involved except where the right-of-way is not intended to be used for vehicular purposes.

Platting Staff Comments: The vacation is a partial vacation that will coincide with a right of way dedication. The final right of way will be 60 feet in width and comply with KPB code.

Staff recommendation: *Complies with 20.70.160.*

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission

shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

Platting Staff Comments: The proposed vacation will be recorded on a plat that grants a new portion of the existing constructed right of way. A dedicated right of way will encompass the existing travel way and vehicular access will not be impacted.

Staff recommendation: *Complies with 20.70.170.*

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right-of-way.

Platting Staff Comments: There are no utilities within the current utility easements running along the portion of Hough Road being vacated. The subdivision plat will grant new 15 foot utility easements along both side of the new Hough Road dedication.

Staff recommendation: *Grant any additional easements requested by the utility companies.*

STAFF RECOMMENDATION: Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends APPROVAL of the vacations as petitioned, subject to:

1. Consent by Homer City Council.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the Homer City Council and utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

KPB 20.70.110:

A vacation of a city street, public right-of-way, public area, or public easement located within an incorporated city may not be approved without the consent of the city council.

The Homer City Council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city or borough shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. **Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. **Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

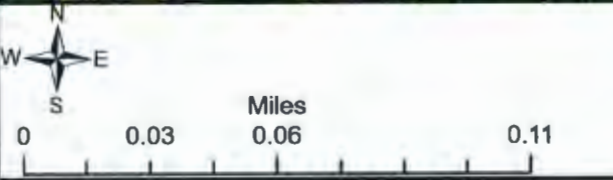
KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

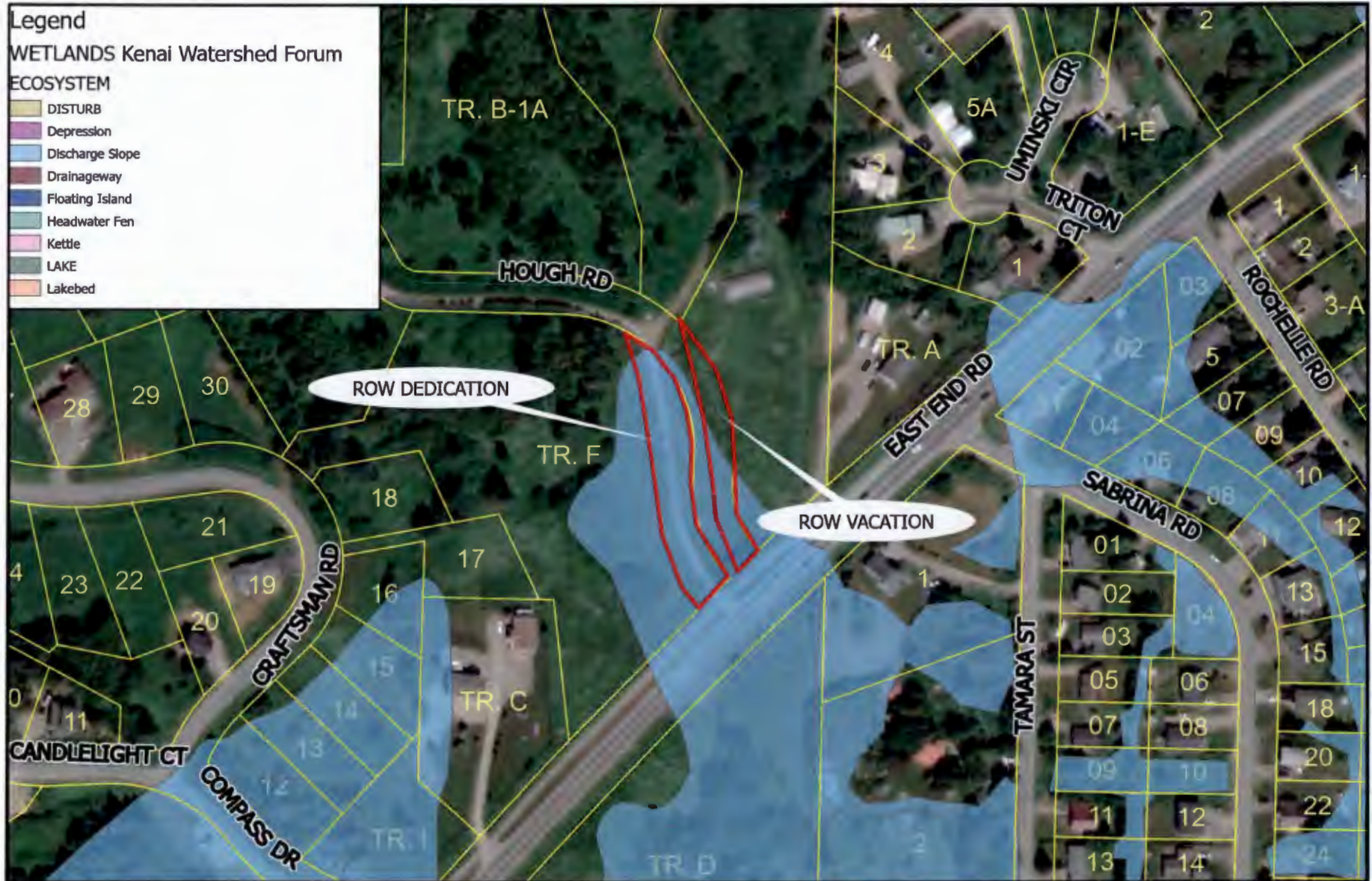


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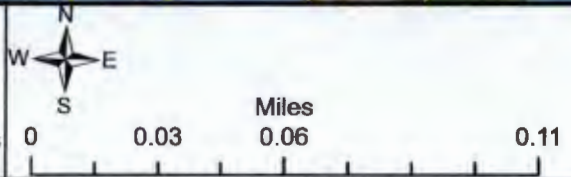


CONTOUR DATA
aerial imagery composite from 2019-2020

Date: 3/11/2021
10:52 AM
Scott Huff,
Platting Manager,

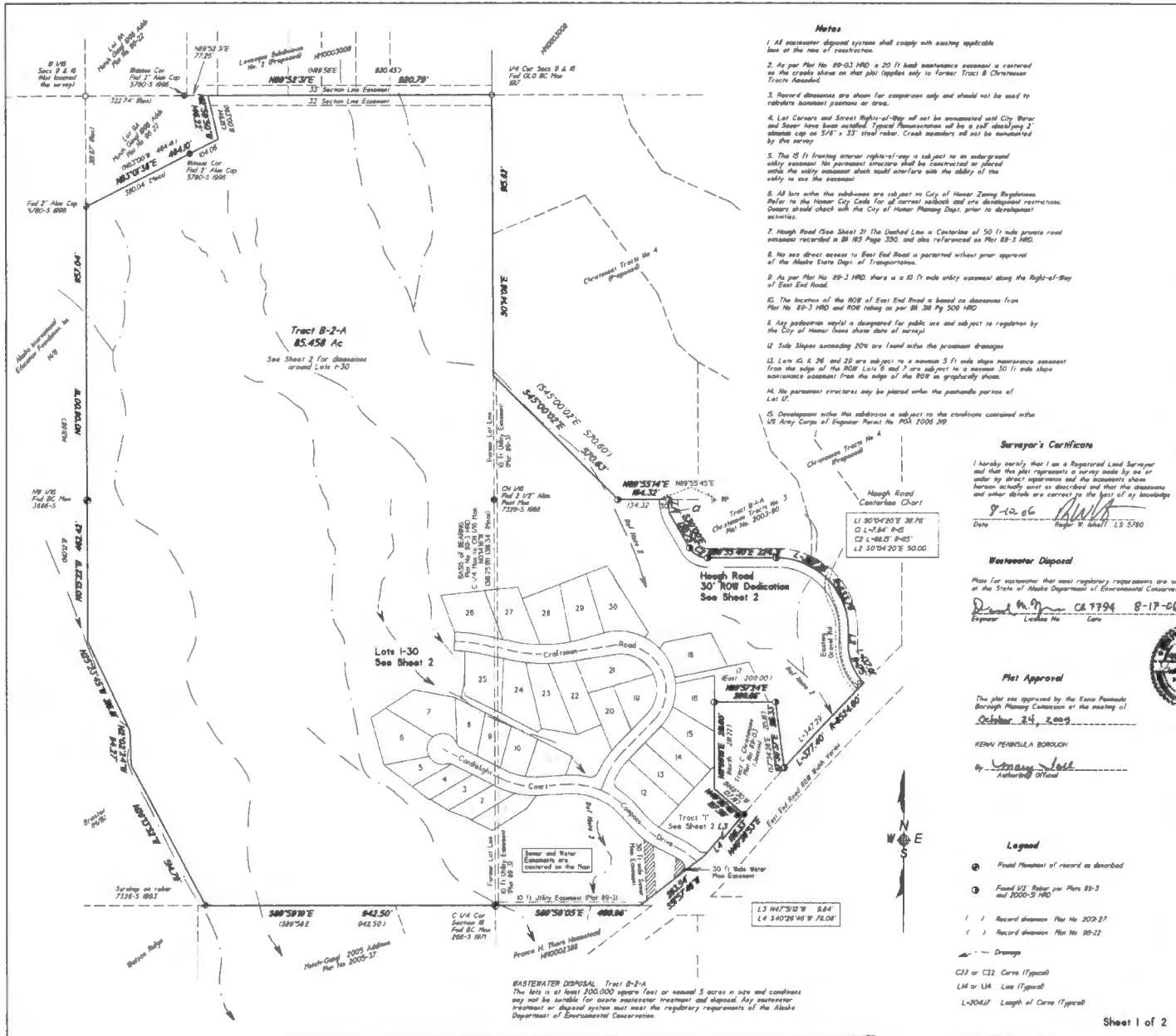


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



WETLAND DATA
 aerial imagery composite from 2019-2020

Date: 3/11/2021
 10:52 AM
 Scott Huff,
 Platting Manager,



Ownership Certificate

We hereby certify that we are the owners of the real property shown and described herein and that we hereby certify the plan of subdivision and by our free consent declare all right-of-way to public use and grant of easements to the use shown.

We further certify that the Deed of Trust affecting the property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

Deputy L. Lohar 8-11-06
Deputy L. Lohar
PO Box 356
Homer AK 99603

Thomas H. Telfer 8-11-06
Thomas H. Telfer
PO Box 356
Homer AK 99603

Notary's Acknowledgment
Subscribed and sworn to as before on this 11th day of August 2006.

For Deputy L. Lohar
Deputy L. Lohar
Notary Public for Alaska
My Commission Expires 3/31/07

Notary's Acknowledgment
Subscribed and sworn to as before on this 11th day of August 2006.

For Thomas H. Telfer
Thomas H. Telfer
Notary Public for Alaska
My Commission Expires 3/31/07

Surveyor's Certificate

I hereby certify that I am a Registered Land Surveyor and that this plan represents a survey made by me or under my direct supervision and the documents shown herein actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

Roger W. Jahnke
Date: 8-10-06
Roger W. Jahnke LS 5790

Wastewater Disposal

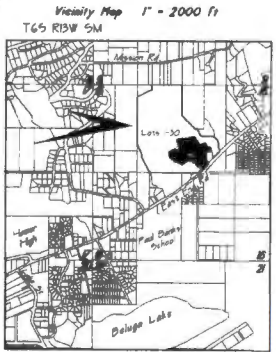
Plan for wastewater that meets regulatory requirements are in file of the State of Alaska Department of Environmental Conservation

Deputy L. Lohar CE 7794 8-17-06
Deputy L. Lohar
License No. CE 7794

Plat Approval

This plat was approved by the East Peninsula Borough Planning Commission at the meeting of October 24, 2005.

KEWA PEBELULA BOROUSH
By *Deputy L. Lohar*
Authorizing Official



Legend

- Found Monument of record as described
- Found U/I Rebar per Plat 09-3 and 2000-3 MRD
- 1 1 Record dimension Plat No. 202-27
- 2 2 Record dimension Plat No. 06-22
- Drainage
- C23 or C22 Curve (Typical)
- LM or LU Line (Typical)
- L-20&L Length of Curve (Typical)

Stream Hill Park Unit I
Being a subdivision of Tract B-2 Chinese Tracts Hough Addition as per Plat No. 2004-27 MRD and Tract A-1 March Google R08 Addition as per Plat No. 06-22 MRD and accepting therefrom their portions divided to the State of Alaska per BK 306 Pg 509 MRD. Located within the NW 1/4 and NE 1/4 Section 10, T65 R18W 5M within the City of Homer, Homer Recording District Third Judicial District, Alaska.

Containing 106.67 Acres, more or less

Client: Lohar/Telfer Homer AK 99603	Surveyor: Roger W. Jahnke, RLS PO Box 2258 Homer AK 99603
FB 200-02/FB2005-4	File developed/ind.vcd
Drawn: RWH	Date: September 6, 2005
Scale 1" = 150 ft	KPB File No. 2006-193

W 0006 54 2006-54

**Catchfish Court
Centerline Chart**

C1 L-79.07' R-250'
L1 N62°34'47"W 38.47'
C2 L-40.08' R-350'
L2 N46°55'52"W 50.07'
C3 L-40.58' R-250'
C4 L-42.11' R-250'
L3 S66°20'07"W 43.11'
C5 L-43.09' R-250'

**Stream Hill Road
Centerline Chart**

L4 N42°43'00"E 46.8'
6.4' x Road
C6 L-52.64' R-250'
L5 N44°02'33"E 44.11'
L6 S49°44'27"E 53.34'
C7 L-40.07' R-250'
L7 N75°04'32"W 46.80'
C8 L-42.08' R-250'

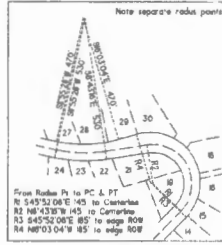
Line and Curve Chart Lots 1-30 & Tract 7

L8 S63°00'43"E 8.09'
L9 N61°00'45"W 11.87'
L10 N48°54'44"E 16.46'
L11 S72°04'32"E 23.29'
L12 S72°32'W 40.00'
L13 N75°04'32"W 39.37'
L14 N70°04'32"E 32.85'
L15 S37°43'25"W 20.07'
L16 S37°43'54"W 24.33'
L17 S35°35'41"W 40.47'
L18 S57°35'46"W 33.06'
L19 S07°48'W 38.54'
L20 S47°57'18"W 50.00'
L21 S45°29'35"W 17.03'
C9 L-48.74' R-25'
C10 L-43.37' R-280'
C11 L-45.50' R-200'
C12 L-48.80' R-50'
C13 L-49.14' R-50'
C14 L-36.66' R-50'
C15 L-43.50' R-20'
C16 L-42.71' R-250'
C17 L-36.00' R-250'
C18 L-34.43' R-25'
C19 L-47.71' R-250'
C20 L-53.24' R-470'
C21 L-40.03' R-470'
C22 L-43.50' R-485'
C23 L-40.36' R-485'
C24 L-30.00' R-485'
C25 L-7.71' R-485'
C26 L-35.23' R-25'
C27 L-38.87' R-200'
C28 L-39.24' R-25'
C29 L-53.07' R-200'
C30 L-49.29' R-530'

Tract B-2-A
See Sheet 1

Tract B-2-A
See Sheet 1

Detail Stream Hill Road ROW No Scale



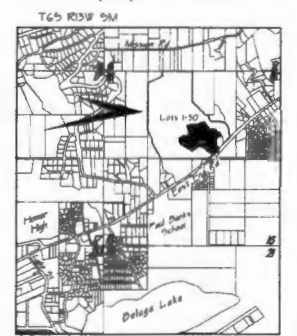
Hough Road
Centerline Chart

L1 S07°04'20"E 32.78'
C1 L-7.84' R-45'
C2 L-49.05' R-45'
L2 S07°04'20"E 50.00'

Notes

- All wastewater disposal systems shall comply with existing applicable law at the time of construction.
- As per Plat No. 89-03 H&D, a 10' (ft) bank maintenance easement is contained on the roads shown on this plan (applicable only to former Tract B Christiana Tracts Acreage).
- Record dimensions are shown for comparison only and should not be used to calculate monument positions or area.
- Lot Centerline and Street Right-of-Way shall not be constructed until City Water and Sewer have been installed. Typical Foundations will be a self-standing 2" aluminum cap on 3/4" x 3/4" steel rebar. Creek boundaries will not be monumented by the survey.
- This is a floating exterior right-of-way subject to an underground utility easement. No permanent structures shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.
- All lots within the subdivision are subject to City of Homer Zoning Regulations. Refer to the Homer City Code for all current setbacks and site development restrictions. Owners should check with the City of Homer Planning Dept. prior to development activities.
- Hough Road (See Sheet 2) The Dashed Line is Centerline of 50' (ft) wide private road easement recorded in 88-83 Page 350, and also referenced as Plat 89-3 H&D.
- No new direct access to East End Road is permitted without prior approval of the Alaska State Dept. of Transportation.
- As per Plat No. 29-3 H&D there is a 10' (ft) wide utility easement along the Right-of-Way of East End Road.
- The location of the ROW of East End Road is based on dimensions from Plat No. 82-3 H&D and ROW being as per 38 Pg 509 H&D.
- Any pedestrian way(s) is designed for public use and subject to regulation by the City of Homer those shown date of survey.
- Side Slopes exceeding 20% are shown with the present drainage.
- Lots 8, 10, & 26, and 28 are subject to a minimum 5' (ft) side slope maintenance easement from the edge of the ROW. Lots 8 and 9 are subject to a minimum 30' (ft) side slope maintenance easement from the edge of the ROW as graphically shown.
- No permanent structures may be placed within the public/private portion of Lot 17.
- Development within this subdivision is subject to the conditions contained within US Army Corps of Engineers Permit No. P08-2008-206.

Vicinity Map 1" = 2000' ft

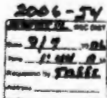


Legend

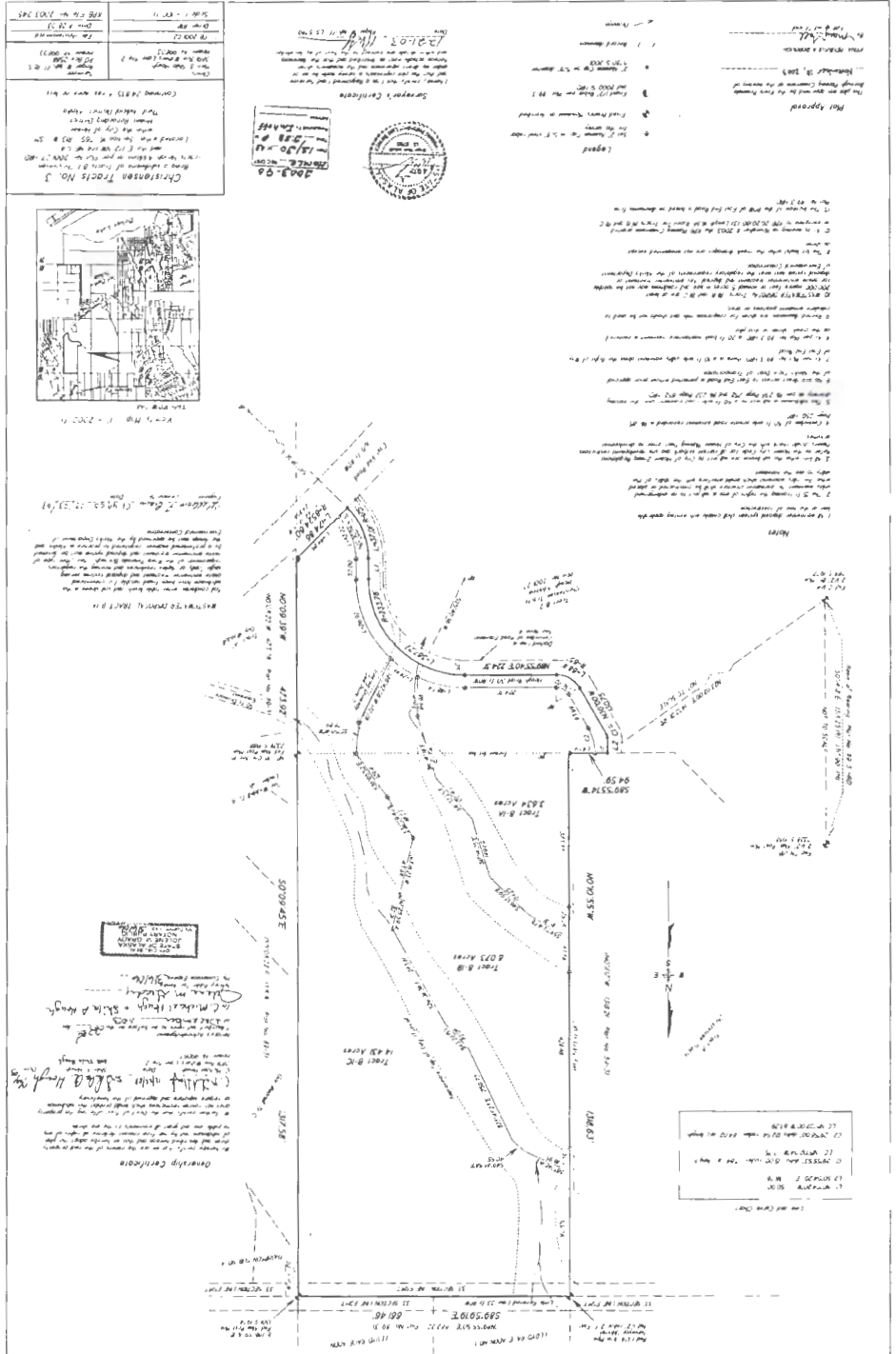
- Record Monument of record as described
- Found 1/2" (1/2") Mon. per Plat 89-3 and 2000-2 H&D
- Record dimension
- Drainage
- C22 or C23 Curve (Typical)
- L4 or L4 Length of Curve (Typical)
- L-204.0 Length of Curve (Typical)
- Radius Point (Typical)
- Non-Sublet Line

WASTEWATER DISPOSAL: LOTS 1-30
Plans for wastewater that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation.

WASTEWATER DISPOSAL: TRACT 7
No wastewater will be generated or disposed of on these lots. Conditions might not be suitable for on-site wastewater treatment and disposal systems. Any on-site wastewater treatment and disposal systems must meet the wastewater disposal requirements of RCM Chapter 16.04 and regulatory requirements of the Alaska Department of Environmental Conservation.



LOT 1-30 BANK MAINT

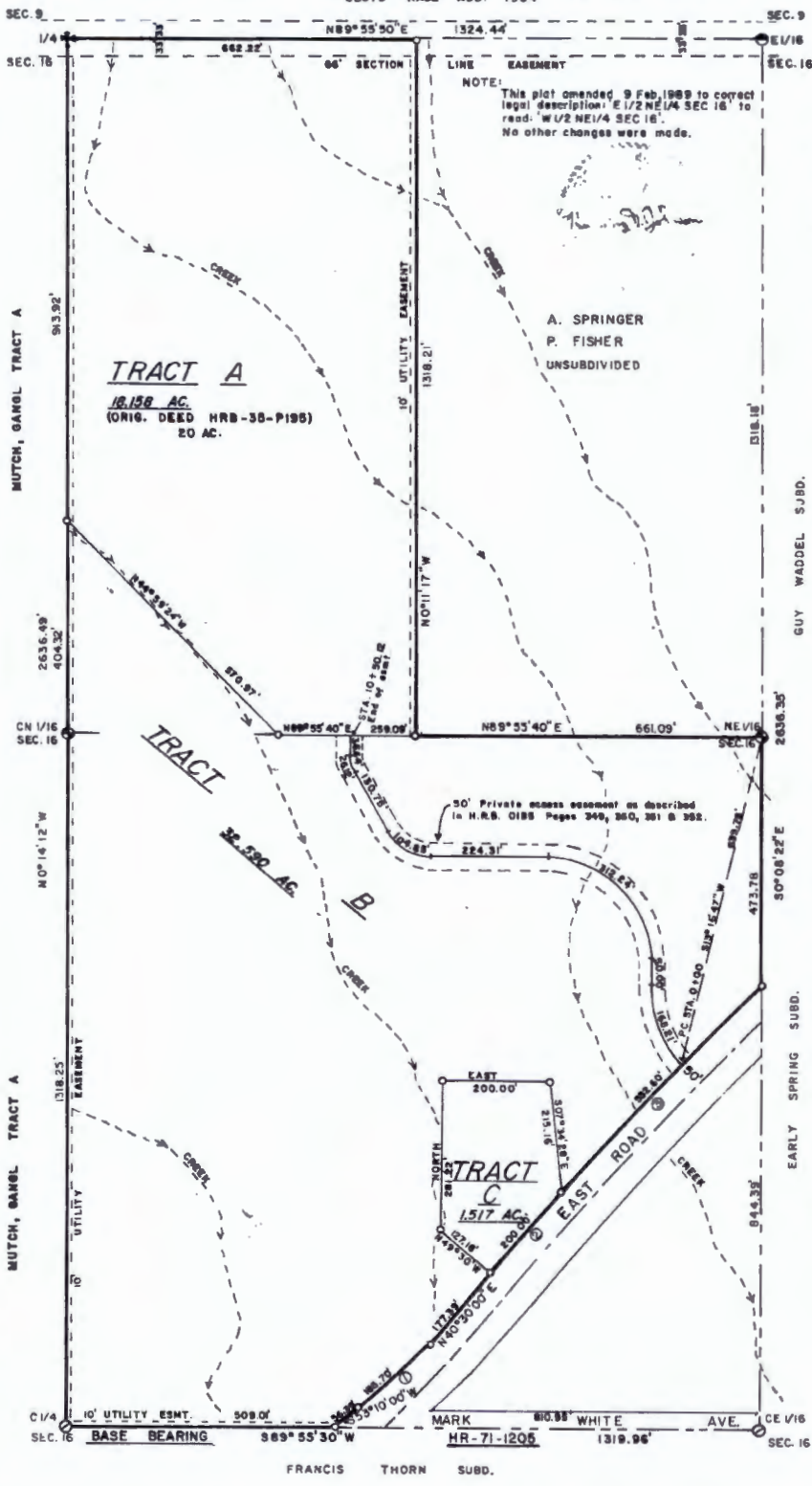
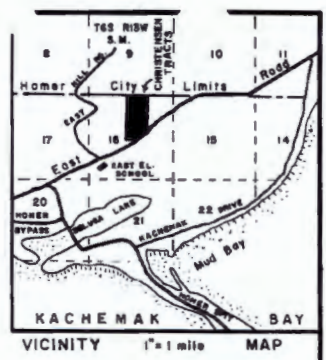


AMENDED **KPB NOTE: See PC Resolution 2006-52**
Christensen Tracts

LOCATED IN W1/2 NE1/4 SEC 16 T6S R13W S.M.; HOMER RECORDING DISTRICT IN HOMER CITY, ALASKA

SCALE: 1"=150' AREA: 52.265 AC. AUGUST 25, 1988

BY: WALTER AND BEVERLY CHRISTENSEN STAR RTE. BOX 1572 NINILCHIK, AK. 99639
 LLOYD RACE ADD. 1954



LEGEND

- ✕ - 1917 G.L.G. Mon. found.
- ⊙ - Brass Cap Mon. by 1301-3, 1974, found.
- ⊙ - ALUMINUM Mon. set.
- ⊙ - 1971 Brass Cap Mon. by 288-3, found.
- - 1/2" x 4" Reber set.



BOX 27 CLAM BULCH, AK. 99568

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission on SEPT 12, 1988.

KENAI PENINSULA BOROUGH

BY: Richard P. Turley 10-10-88
 authorized official date

OWNER'S CERTIFICATE

We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision, and grant all easements to use as shown.

Walter Christensen Beverly Christensen
 Clifford Jensen Pearl Jensen

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 12 day of September, 1988.

NOTARY PUBLIC FOR ALASKA

For Walter and Beverly Christensen
 Clifford and Pearl Jensen
 My commission expires 11/2/89

NOTES

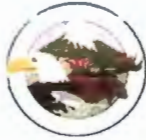
1. A 20' bank maintenance easement is centered on all creeks shown on this plat.
2. A 10' utility easement runs along all R.O.W.s, and a 20' utility easement is centered on existing power lines.
3. No direct access to State maintained R.O.W.s unless approved by Alaska D.D.T.
4. Shaded areas indicate grades of 20% or greater.

CURVES

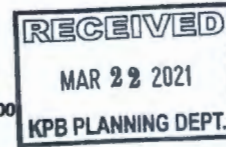
1. A - 12°40'00"	2. A - 01°20'39"	3. A - 03°42'51"
R - 640.00'	R - 8,524.60'	R - 8,524.60'
C - 185.33'	C - 199.98'	C - 532.32'
T - 93.23'	T - 100.00'	T - 276.40'
L - 185.70'	L - 200.00'	L - 532.60'
BC - use tan. brg.	BC - S41°10'19"W	BC - S43°42'05"W

89-3
 HOMER 20-
 2-17-89
 1118 A
 W. Johnson
 Clam Bulch

88-41
 FILED 20-
 HOMER
 10-14-88
 846 A
 KPB
 Saldana



Kenai Peninsula Borough Planning Department
 144 North Binkley
 Soldotna, Alaska 99669-7599
 Toll free within the Borough 1-800-478-4441, extension 2200
 (907) 714-2200



**Petition to Vacate Public Right-of-Way/Easement/Platted Public Area
 Public Hearing Required**

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

- \$500 non-refundable fee to help defray costs of advertising public hearing.
 - City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
 - Name of public right-of-way proposed to be vacated is dedicated by the plat of _____ Subdivision, filed as Plat No. HM 2003-90 AND HM 2008-54 in HOMER Recording District.
 - Are there associated utility easements to be vacated? Yes No
 - Are easements in use by any utility company? If so, which company _____
 - Easement for public road or right-of-way as set out in (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition.)
 - Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has right-of-way been fully or partially constructed? Yes No
 Is right-of-way used by vehicles / pedestrians / other? Yes No
 Is alternative right-of-way being provided? Yes No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:
THE EXISTING ROAD WAS NOT CONSTRUCTED WITHIN THE EXISTING ROW. THE ROW IS BEING RE-ALIGNED SO THAT IT IS
CENTERED ON THE EXISTING ROAD. ONLY A PORTION OF THE EXISTING ROW IS BEING VACATED, ALONG WITH THE
ADJOINING 15 FOOT UTILITY EASEMENTS. NEW 15 FOOT UTILITY EASEMENTS ARE BEING DEDICATED ADJOINING BOTH
SIDES OF THE RE-ALIGNED ROW. NO UTILITIES ARE CURRENTLY WITHIN THE EXISTING UTILITY EASEMENTS.

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By: _____ Signature as: Petitioner Representative
 Name: STEPHEN C. SMITH, PLS
 Address PO BOX 3235
HOMER, ALASKA 99603
 Phone (907) 399-4345

Petitioners:
 Signature [Signature] Signature [Signature]
 Name C. MICHAEL HOUGH Name SHILA A. HOUGH
 Address 3733 BEN WALTERS LANE, SUITE 2 Address 3733 BEN WALTERS LANE, SUITE 2
HOMER, ALASKA 99603 HOMER, ALASKA 99603
 Owner of TRACT F (HM 2008-48) & TRACT 1 (HM 2006-44) Owner of TRACT F (HM 2008-48) & TRACT 1 (HM 2006-44)

Signature _____ Signature _____
 Name _____ Name _____
 Address _____ Address _____
 Owner of _____ Owner of _____

ROW Easement Vacation Petition & Procedures
 Revised 2/21/14

No email address was given.

ORDINANCE REFERENCE SHEET
2021 ORDINANCE
ORDINANCE 21-28

An Ordinance of the City Council of Homer, Alaska Amending the FY21 Capital Budget Authorizing a Transfer of \$247,181 from General Fund Fund Balance to the “General” Account within the General Fund Capital Asset and Maintenance Allowance Fund.

Sponsor: City Manager/Finance Director

1. City Council Regular Meeting May 10, 2021 Introduction

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

3 City Manager/Finance Director

4 **ORDINANCE 21-28**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE FY21 CAPITAL BUDGET AUTHORIZING A TRANSFER
8 OF \$247,181 FROM GENERAL FUND FUND BALANCE TO THE
9 “GENERAL” ACCOUNT WITHIN THE GENERAL FUND CAPITAL
10 ASSET AND MAINTENANCE ALLOWANCE FUND.

11
12 WHEREAS, Within the General Fund Capital Asset and Maintenance Allowance (CARMA)
13 fund there is a “General” account (156-0375) which has a negative fund balance; and

14
15 WHEREAS, The two available methods to remove that negative balance are to either let
16 General Fund CARMA interest income refill the account, or transfer funds from another account
17 to cancel out the negative balance; and

18
19 WHEREAS, Council prefers to complete a transfer and remove the negative balance as
20 soon as possible; and

21
22 WHEREAS, There are funds available the General Fund Fund Balance to achieve this
23 goal.

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

26
27 Section 1. The Homer City Council hereby amends fund as follows:

28
29 Transfer from:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
100-0100-5990	Transfers to	\$247,181

30
31
32
33 Transfer to:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
156-0375-4990	Transfers from	\$247,181

34
35
36
37
38 Section 2. This ordinance is a budget ordinance only, it is not permanent in nature and
39 shall not be codified.

40
41 ENACTED BY THE HOMER CITY COUNCIL this 24th day of May, 2021.

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

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

3 City Manager/
4 Public Works Director

5 **RESOLUTION 21-030**
6

7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
8 INITIATING A SPECIAL ASSESSMENT DISTRICT FOR THE CHARLES
9 WAY/BUNNELL AVENUE WATER AND SEWER IMPROVEMENTS.
10

11 WHEREAS, A Property owner on Charles Way/Bunnell Avenue filed a Special Assessment
12 Petition Application with the City Clerk in February 2021 with the prescribed filing fee; and
13

14 WHEREAS, The City reviewed the application and notified the applicant in writing that
15 the application was sufficient; and
16

17 WHEREAS, The City Clerk prepared a petition and distributed it by certified mail to all
18 record owners of property in the proposed district no more than 30 days after the petition
19 application was approved; and
20

21 WHEREAS, The City investigated the feasibility of extending water to the neighborhood
22 and distributed information regarding possible assessment district boundaries to the property
23 owners; and
24

25 WHEREAS, Signatures from 11 of the 21 property owners were required to initiate the
26 districts and signatures were received from 10 of the property owners; and
27

28 WHEREAS, One petition signature was receive late for a parcel held by a trust where the
29 letter was mailed to a trustee who had passed and the beneficiary of the property didn't see
30 the information until the deadline passed; and
31

32 WHEREAS, There are compelling public health reasons for serving this neighborhood
33 with City water and sewer; and
34

35 WHEREAS, The AK Department of Environmental Conservation (ADEC) has notified the
36 City that the water project would be eligible for a \$225,000 grant; and
37

38 WHEREAS, The next step in the process involves the City hosting a neighborhood
39 meeting at which the City will provide more information that may secure more support for the
40 water and sewer districts.

41 NOW THEREFORE BE IT RESOLVED that the City Council of Homer, Alaska hereby
42 initiates a Special Assessment District for the Charles Way/Bunnell Avenue water and sewer
43 improvements.

44

45 PASSED AND ADOPTED by the Homer City Council this 10th day of May, 2021.

46

47

CITY OF HOMER

48

49

50

KEN CASTNER, MAYOR

51

52

53 ATTEST:

54

55

56

MELISSA JACOBSEN, MMC, CITY CLERK

57

58

59 Fiscal note: Staff time and advertising costs



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907-235-3170

(f) 907-235-3145

Memorandum 21-070

TO: City Council
THROUGH: Rob Dumouchel, City Manager
FROM: Janette Keiser, PE, Director of Public Works
DATE: May 3, 2021
SUBJECT: Charles Street/Bunnell Ave Water & Sewer Special Assessment Districts

Issue: We received an application from a property owner in the Charles St/ Bunnell Ave neighborhood for Special Assessment Districts for City water and sewer. The deadline to respond was April 19th and the petition process was one signature short. On Thursday, April 29th City Clerk Jacobsen received a call from Kathrin Pereira, a trustee of the Mary Joanne Hillstrand Living Trust, who explained Ms. Hillstrand had passed in November and in dealing with the estate she had just read the petition information. Ms. Pereira is interested in the property improvements and asked if there was a way her signature could be accepted. City Clerk Jacobsen suggested that she sign and submit the petition with an explanation of the situation, which is included with this memorandum for Council's consideration with the resolution to initiate the district.

We recommend the City Council initiate the districts so we can go to the next step; hosting a neighborhood meeting to provide information and hopefully, gain support.

Background:

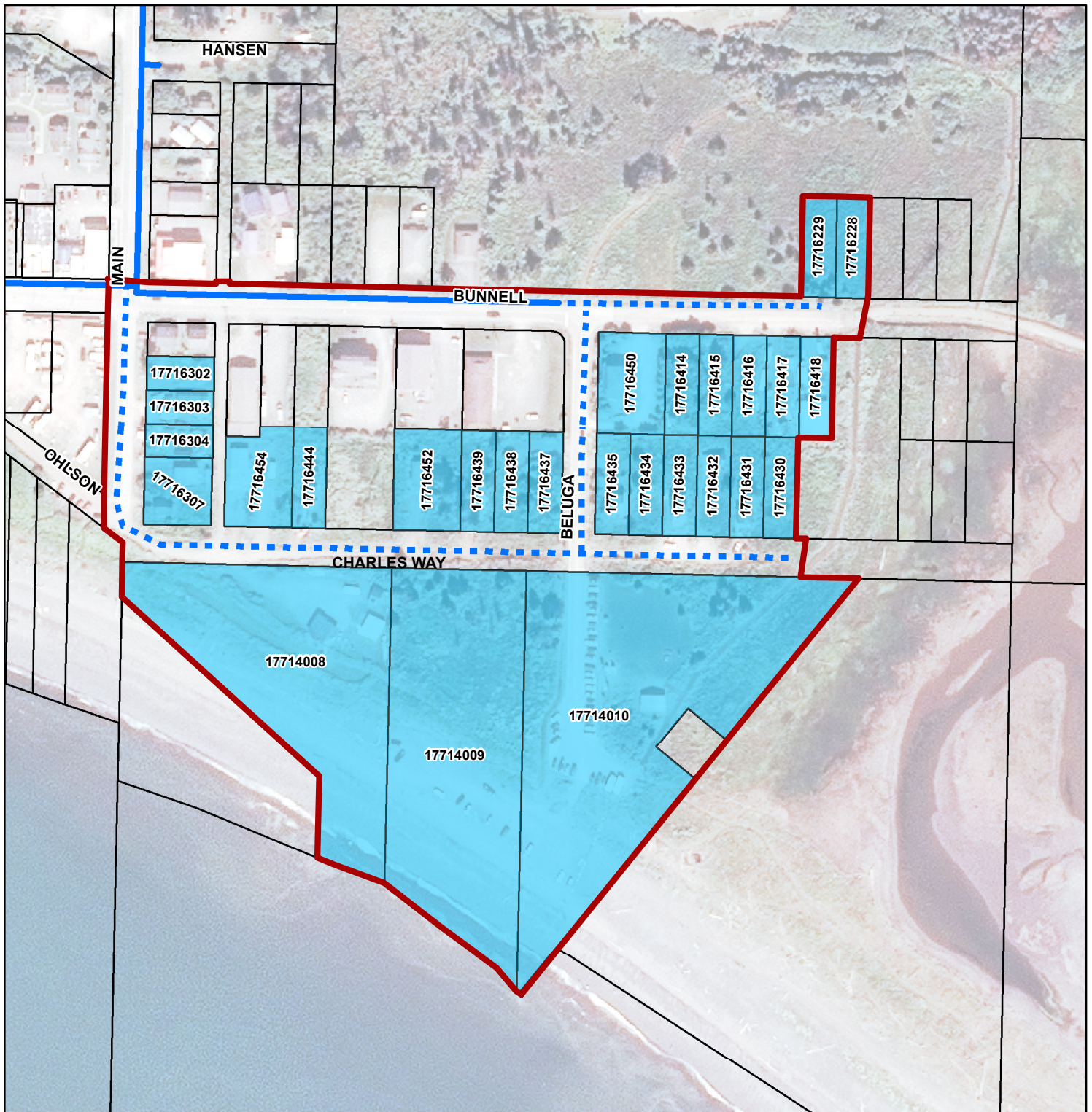
The properties involved in the proposed special assessment districts currently rely on on-site sewage disposal systems, hauled water and/or spaghetti lines. There are 27 properties, owned by 21 different property owners. One of the property owners filed a petition to create special assessment districts. The process involves collecting signatures from the property owners; to move the process forward, signatures of at least 50% of the properties (11 signatures) are required. We received 10 signatures by the April 19th deadline and one was received after the deadline.

The City Council can initiate the special assessment district process and has done so before, such as the pending Tasmania Court Sewer Assessment District. We recommend the City take this step with the Charles Street/Bunnell Ave. water/sewer districts for multiple reasons:





- a. We've received word from the AK Dept. of Environmental Conservation (ADEC) that the water project is eligible for "Principal Forgiveness"; that is, a grant in the amount of \$225,000.

- b. This neighborhood is partially developed with businesses and residents, most of whom don't have access to water or sewer service. This raises serious concerns about the public health risks.
- c. This district would serve Bishop's Beach, allowing new plumbed restroom to be built. The benefit of this to the district is that the City would, as a property owner, pay an assessment fee, defraying a portion of the cost to the other property owners.

Action Recommended: Adopt the resolution initiating the Special Assessment District process for the Charles Street/Bunnell Avenue neighborhood for the purpose of extending City water and sewer service.




Legend


-  Water SAD
-  Water Parcels Concerned
-  Existing Water
-  Proposed Water

Coordinate System: NAD 1983 StatePlane Alaska 4 FIPS 5004 Feet
 Projection: Transverse Mercator
 Datum: North American 1983
 False Easting: 1,640,416.6667
 False Northing: 0.0000
 Central Meridian: -150.0000
 Scale Factor: 0.9999
 Latitude Of Origin: 54.0000
 Units: Foot US


CHARLES WAY/EAST BUNNELL WATER EXTENSION SPECIAL ASSESSMENT DISTRICT



200 100 0 200 Feet

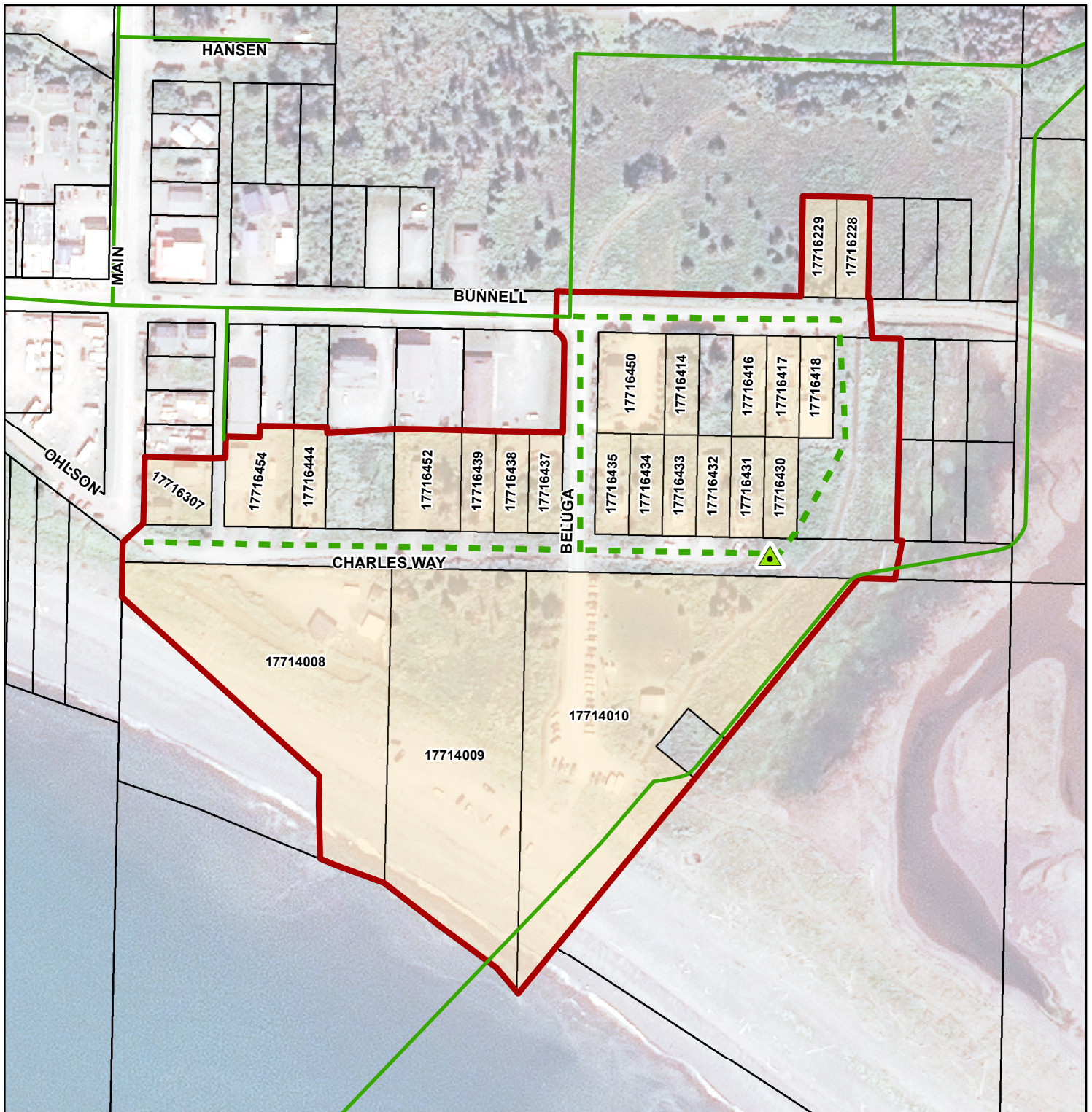


70








DEPT. OF PUBLIC WORKS
JANUARY 27, 2021

Disclaimer:
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.



Legend

-  Sewer SAD
-  Sewer Parcels Concerned
-  Existing Sewer
-  Proposed Sewer
-  Proposed Lift Station

Coordinate System: NAD 1983 StatePlane Alaska 4 FIPS 5004 Feet
 Projection: Transverse Mercator
 Datum: North American 1983
 False Easting: 1,640,416.6667
 False Northing: 0.0000
 Central Meridian: -150.0000
 Scale Factor: 0.9999
 Latitude Of Origin: 54.0000
 Units: Foot US

**CHARLES WAY/EAST BUNNELL
 SEWER EXTENSION
 SPECIAL ASSESSMENT DISTRICT**



200 100 0 200 Feet



DEPT. OF PUBLIC WORKS
 JANUARY 27, 2021

Disclaimer:
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

From: [Kathrin Pereira](#)
To: [Department Clerk](#)
Subject: Special Assessment District
Date: Thursday, April 29, 2021 3:44:23 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Melissa:

We discovered this notice after the petition deadline, as the owner (Mary Joanne Hillstrand passed away) and it's taking a while to go through the paperwork. I'd like the deadline to be extended to include my signature since I would have signed it sooner, had I known. I'm including a copy of the signed petition page, and the quit claim deed which includes mine and my brother's name, along with Mary Joanne Hillstrand.

Thank you,

Kathrin Pereira (Johnson)

From: [Melissa Jacobsen](#)
To: [Melissa Jacobsen](#)
Subject: Petition
Date: Friday, April 30, 2021 8:49:13 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

CITY OF HOMER, ALASKA
PROPERTY OWNER PETITION

Chris Logan of **Charles Way, Homer, Alaska, 99603** filed a request for water and sewer improvements.

Request Date: **January 19, 2021**

District Name: **Charles Way Water & Sewer Improvements Special Assessment District**

Requested: Water Sewer Road Reconstruction Paving

We the undersigned owners of real property fronting, predominately, **Charles Way, Beluga Place, East Bunnell and Main Street** within the City of Homer, Alaska, request that a Homer Accelerated Water and Sewer Program Special Assessment District for **water and sewer** improvements be created to include the properties listed below. We represent the owners of at least one-half or more in value of the real property to be benefitted by these improvements.

Pursuant to the Homer Accelerated Water and Sewer Program, districts shall be assessed 75% property owner share of the project. Projects will be authorized only after a public hearing to insure public participation in the process.

If you are in favor of these improvements please sign in the Signature and Date slot. Please date your signature. We ask that you include your phone number for future reference, although this is not mandatory. Deadline for this petition is **Monday, April 19, 2021**. For this petition to be sufficient, signatures representing at least one half or more of the real property to be benefitted must be secured. If sufficient, a neighborhood meeting will be held.

Total parcels in Special Assessment District is 27 with a total of 21 property owners. Petition signatures of at least 11 of the benefitted parcels is required for the petition to move forward.

IN WITNESS WHEREOF, we have set our hands:

Signature / Date (Phone number Optional)	Owner(s) Name and Address	Legal Description KPB Parcel No.
7. <i>Kathin Pereira (Johnson)</i> 4/28/2021 (907)360-1737	HILLSTRAND MARY JOANNE LIVING TRUST 1741 BURLINGTON ST ANCHORAGE AK 99508-5153	#17716452 T 6S R 13W SEC 20 Seward Meridian HM 2008066 W R BENSON'S SUB 2008 REPLAT LOT 165-A
8.	LARSON BJORN & RAUPP SASHA H PO BOX 1435 HOMER AK 99603-1435	#17716439 T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 167
9.	BAUGHER TINA M 209 W DIMOND BLVD STE 4 ANCHORAGE AK 99515-1932	#17716438 T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 168

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 21-031

A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE CONTRACT FOR PRISONER MEALS AT THE HOMER JAIL TO HOMER SENIOR CITIZENS, INC. OF HOMER, ALASKA, IN THE AMOUNT OF \$8.50 BREAKFAST, \$8.50 LUNCH, AND \$8.50 DINNER PER DAY/PER INMATE WITH A DELIVERY FEE OF \$5 PER TRIP AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was advertised in the Homer News on April 8 and 15, 2021, sent to two in-state plans rooms, and posted on the Clerk's home page; and

WHEREAS, Bids were due on April 29, 2021 and one bid was received; and

WHEREAS, Bids were opened and the firm of Homer Senior Citizens, Inc. was determined to be the low responsive bidder and found to be qualified to complete the work; and

WHEREAS, This award is not final until written notification is received by the firm from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves the contract award for Prisoner Meals at the Homer Jail to the Homer Senior Citizens, Inc. of Homer, Alaska, in the amount of \$8.50 breakfast, \$8.50 lunch, and \$8.50 dinner per day/per inmate with a delivery fee of \$5 per trip and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 10th day of May, 2021.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

- 43 Fiscal Note: Continuing monthly expenditures to account 100.164.5206 based on meals
- 44 provided.



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 21-074

TO: City Manager Dumouchel
FROM: Chief Robl
DATE: May 3, 2021
SUBJECT: Homer Jail Prisoner Meal Contract

Our prisoner meal contract expired this year. We went back out to bid for this contract and the only bidder was the Homer Senior Citizens Center. They have been doing a fine job providing our meals for the last five years and they are not asking for a price increase in the new contract.

I recommend we ask the Council to accept this bid and award the contract to the Senior Citizens Center for a three year period with the option of two one year renewals.

Fiscal Note: Meal costs as charged to 100.0164.5206



Homer Senior Citizens, Inc.

3935 Svedlund Street
Homer, Alaska 99603
(907) 235-7655 Fax: (907) 235-3739

March 15, 2021

Rob Dumouchel, City Manager
Mark Robl, Chief of Police

Homer Senior Citizens, Inc. is proud to submit an extension request for the 2021 Prisoner Meal Service contract. HSC is a DEC licensed facility providing meals 365 days per year. Two employees have ServSafe Certificates, and all kitchen employees hold the food worker cards.

Our menu is approved by a licensed registered dietician and follows the DASH diet. We will be updating our menu this year. The DASH diet is especially recommended for people with hypertension (high blood pressure) or prehypertension. The DASH diet eating plan has been proven to lower blood pressure in studies sponsored by the National Institutes of Health (**Dietary Approaches to Stop Hypertension**). In addition to being a low salt (or low sodium) plan, the DASH diet is a high fiber, low to moderate fat diet, rich in potassium, calcium, and magnesium. It is based on an eating plan rich in fruits and vegetables, and low-fat or non-fat dairy, with whole grains. We will serve the meals in accordance with the USDA recommended daily allowance.


Breakfast is available for delivery/pickup between 7:30 – 9:00 a.m. lunch from 11:30 a.m. – 12:00 noon and dinner between 4:30 – 5:30 p.m. Special meals (religious and/or medical diets) may be prepared with advance notice at no additional charge.

Should delivery be required, our delivery truck has a hot and cold holding storage compartment to ensure meals are safe and meet DEC requirements. Our alternate meal provider will be the South Peninsula Hospital.

The cost for meals will be \$8.50 per meal with \$5.00 delivery fee (if required). Special meals for dietary concerns will remain at the same rate. All meals will be served in Styrofoam or plastic containers. An invoice for meals will be issued monthly.

We look forward to serving the City of Homer.

Respectfully submitted,


Keren L. Kelley, MPA, LNHA
Executive Director



Over 40 Years of Great Service Helping Seniors "Live Life to Its Fullest"
www.homerseniors.org



**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 21-032

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AWARDING THE 2021 SEPTIC PUMPING CONTRACT TO THE FIRM OF ALASKA QUALITY SEPTIC, LLC, OF EAGLE RIVER, ALASKA IN THE AMOUNT OF \$29,876 AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The Request for Proposals was advertised in the Homer News on April 15 and 22, 2021, sent to two plans rooms in the state and posted on the City website; and

WHEREAS, Proposals were due in the Office of the City Clerk by 2:00 p.m. on Thursday, April 29, 2021, and three proposals were received; and

WHEREAS, Alaska Quality Septic of Eagle River, Alaska was found to be the lowest responsive bidder; and

WHEREAS, This award is not final until written notification is received by the selected firm from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the 2021 Septic Pumping Contract to the firm of Alaska Quality Septic, LLC, of Eagle River, Alaska in the amount of \$29,876 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents.

PASSED AND ADOPTED by the Homer City Council this 10th day of May, 2021.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note:



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

MEMORANDUM 21-075

To: Rob Dumouchel, City Manager

From: Jean Hughes, Inspector

Date: May 03, 2021

Subject: 2021 Kachemak City Septic Tank Pumping Contract
AWARD RECOMMENDATION

On April 29, 2021, the City received three (3) bids for the tri-annual pumping contract for the variable grade effluent system (VGES) tanks in Kachemak City. The work involves the pumping and agitating of 154 septic tanks. The work takes place within a 100 day contract period. The Invitation to Bid was advertised in the Homer News on 4/15/2021 and 4/22/2021.

The three bids received were from: Homer Septic Services, LLC for \$38,500 (\$250 per tank); Superior Septic for \$34,179 (\$222 per tank); and Alaska Quality Septic, LLC for \$29,876 (\$194 per tank).

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

Recommendation- Award the City of Homer 2021 Septic Tank Pumping Contract to Alaska Quality Septic, LLC in the amount of \$29,876.

History of Past Pumping Contracts

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

To: Mayor Castner and the Homer City Council

Re: Homer Planning Commission Report

From: Commissioner Franco Venuti

The Homer Planning Commission last met via Zoom on 05/05/2021.

Those present included City Planner Abboud, Deputy City Clerk Krause and six members of the Commission. There is currently one open seat on the Commission.

The Commission met at 5:30 for a work session. At the work session, the Commission reviewed and discussed the Homer Comprehensive Plan. The PC will continue to review the Comp Plan at further work sessions.

The regular PC meeting met at 6:30.

The Commission received the City Planner's report as well as a verbal report from Commissioner Barnwell on the progress of the Public Works Campus Task Force.

The Commission had one Public Hearing for a Conditional Use Permit to expand the Homer Safeway grocery store at 90 Sterling Highway. This CUP is to allow the store to expand the storage room by 3,481 square feet. After hearing from the applicants and discussion, the Commission unanimously approved this CUP.

The meeting adjourned at 7:45 P.M.



MEMORANDUM

To: Mayor Castner and the Homer City Council
From: Public Works Campus Task Force
RE: Risk Catalogue and Evaluation
Date: April 30, 2021

Introduction

Resolution 20-125 set out three goals for the task force to address and make recommendations to Council. To date, the group has held eight meetings. The purpose of this memo is to provide a report of our activities so far.

Goal #1: Evaluate the risks of personal injury, property damage and loss of life in the event a tsunami floods the Public Works Campus.

a. Scope of work:

- i. Review the findings of the 2019 Updated Maximum Estimates Tsunami Inundation report published by the Alaska Division of Geological and Geophysical Surveys**
- ii. Develop a system for evaluating risks**
- iii. Catalogue and evaluate risks**

b. Deliverable: Report of findings of probable Risks

Tsunami Report Evaluation

The Task Force reviewed the Tsunami report, and then heard a presentation by Drs. Suleimani¹ and Salisbury, two of the report authors. The Task Force learned that even a low level of water can cause extreme damage. Unlike a typical wave, a Tsunami is like a fast flooding tide that continues for hours and hours. It carries an immense amount of debris, so between the strong flood and the amount of debris, it's very damaging. The report determined a number of tsunami scenarios that would cause catastrophic damage to coastal areas of Homer.

We quizzed Drs. Suleimani and Salisbury about the probability of the “worst case scenario” happening. They said it was impossible to say because the data in Alaska are not well enough developed to determine the probability of occurrence. This is why they use the “worst case scenario”

¹ Elena Suleimani, Ph.D.
Research Analyst & Tsunami Modeler
Alaska Earthquake Center, University of Alaska Fairbanks

Barrett Salisbury, Ph.D.
Neotectonic Geologist, Engineering Section
Division of Geological & Geophysical Surveys

approach. Dr. Suleimani said it's up to the communities to decide what to do with this information; that is, to decide (a) what would be at risk if the worst case scenario occurred and (b) what the community wanted to do to address the risks. For this reason, we focused on identifying the risks that may be suffered if the worst case scenario happened at the Public Works Campus.

The elevation of the Public Works parking lot is 30 feet. In the worst case scenario, the water could reach 50 feet high, leaving the campus inundated with 20 feet of water. In lesser scenarios, hours long fast moving flood waters could erode the fill that Public Works sits on, causing the loss of the parking lot and potentially threatening the structural stability of the buildings. Additional potential outcomes are discussed in the attached Risk Table.

Catalogue and Evaluate Risks

The Task Force developed a spreadsheet of risks by type of risk – environmental, harm to workers, harm to Public Works operations, and overall negative impacts to city services, in the event a tsunami flooded the Public Works Campus. The draft table is attached here. In addition to gathering input from task force members, we used the All Hazard Mitigation Plan to further consider risks to the facility. The risks evaluated are specific to the Public Works campus in case of tsunami - a regional earthquake will be felt city wide and the impacts are not specific to Public Works.

Another issue this process raised is opportunity cost. If Public Works personnel were not moving equipment during every tsunami warning, workers could be helping with the evacuation of people from low lying areas. In the event of a tsunami and damage to the campus, Public Works staff would be needed to respond to that facility, rather than taking part in the city wide response that will surely be needed. Rather than having the resources to participate in the city emergency response and recovery, the facility will require those resources and personnel to stabilize operations.

Conclusion of Goal 1 work:

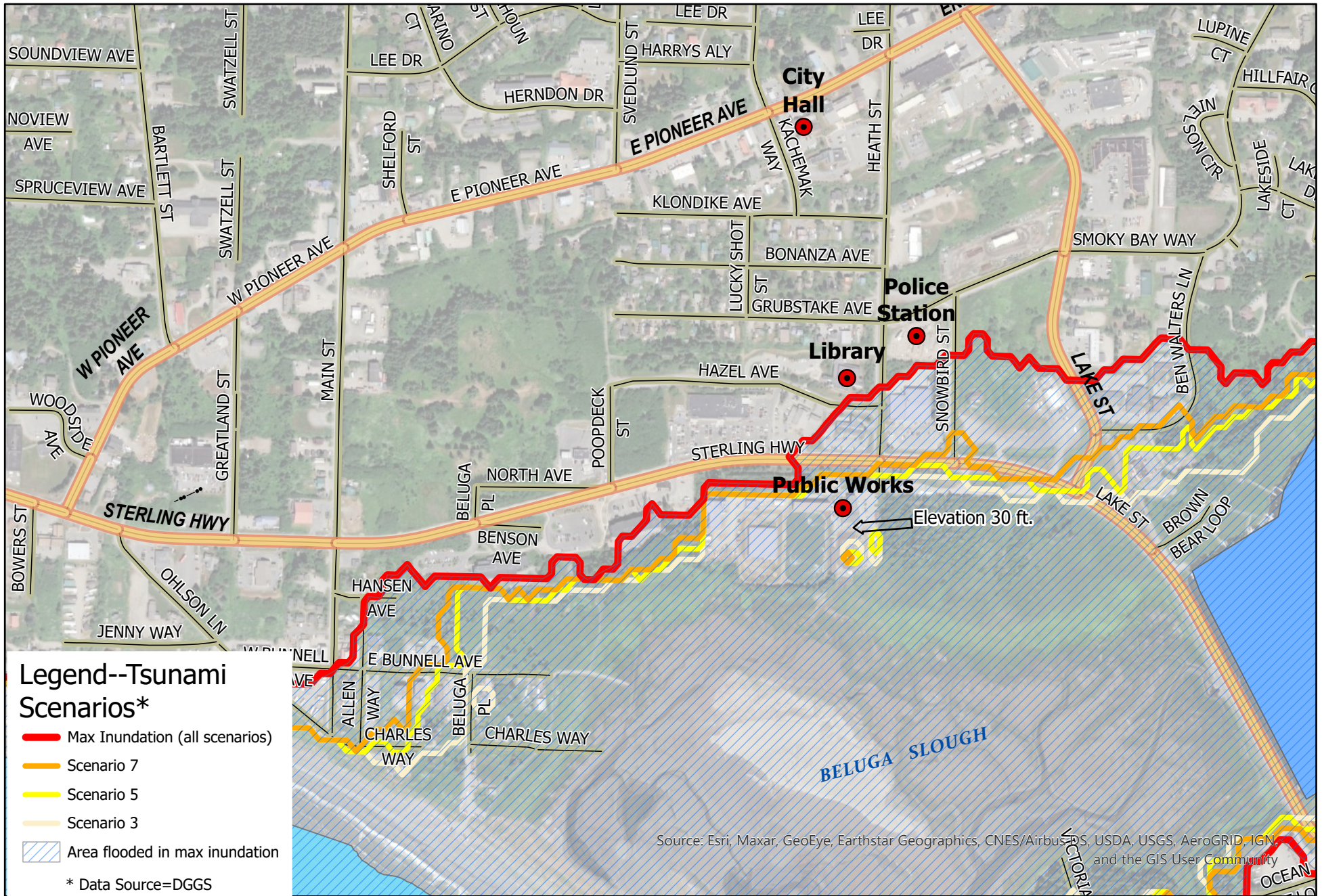
The Public Works Campus is critical City infrastructure and lies within the maximum tsunami inundation zone. At an elevation of 30 feet, the campus is in a vulnerable location. Planning for the mitigation of a tsunami event can include short and long term strategies. The Task Force recommends, among other solutions, the long term replacement of the Public Works Campus at a higher elevation.

Next Steps

The Task Force will continue its work as outlined in Resolution 20-125. Risk mitigation strategies for short and long term implementation will be provided, with associated costs. The group intends to have the strategies and costs, a report on Goal 2 and deliverables, for a future Council meeting.

Attachments

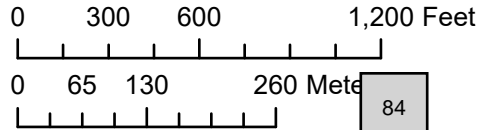
- 1. Map**
- 2. Risks Spreadsheet**
- 3. Resolution 20-125**



Map Date: 04/30/21
 Data Sources: KPB, COH, DGGS (GIS data, elevation), Esri satellite imagery 2020.
 Map by: C.E.Barnwell

Legend

- Major Roads
- Streets



City of Homer
 PUBLIC WORKS CAMPUS TASK FORCE
 MAP 1--TSUNAMI ZONES
 & EXISTING PUBLIC WORKS



4/21/21 WS draft PWTF
Risks, Evaluation and Mitigation

	A	B	C	D
1	Impacted Group	Potential Risk/Outcome	Evaluation	Mitigation Options
2	Environment	Calcium Chloride (CC) storage	Flooding would have localized impact for 1 week to one month. CC causes acute toxicity but would be quickly dispersed by a Tsunami	Store at a higher elevation (easy to replenish in a new location over time). Alternately, accept the loss of sand pile and lose the ability to provide sanding services.
3		Fueling depot for all city vehicles	Could cause a fuel spill	Move fuel depot
4		Toxicity to people and the environment from chemicals stored at PW, and potential impact on salmon, shorebirds and nearby area	Some oil and hydraulic fluids are stored at PW, but in relatively low quantities (its not a tank farm). Could have short term affect but not expected to cause long term damage. Tsunami would dissipate quickly.	None needed
5		RV holding tank storage	Loss of service	Create a new higher elevation RV dump location
6		Sewer treatment plant flooding and raw sewage escapement	Sewage spills, but cleanup of facility is possible	Facility can not be reasonably moved.
7				
8	Workers	All PW administration and mechanics are located on site	All administrative support and operations for PW would immediately need a new location, along with work stations, phones and IT capabilities	Remote work, or re-home administrative functions in other city facilities. Disruptive to PW and citywide operations.
9		Potential loss of life	Early Warning System provides warning, would take time for water to reach PW, and reach a flood elevation.	PW emergency operations protocol could better track who is on site or do a final sweep at evac. Threat is from the evacuation process, injury or accident during evacuation

4/21/21 WS draft PWTF
Risks, Evaluation and Mitigation

	A	B	C	D
1	Impacted Group	Potential Risk/Outcome	Evaluation	Mitigation Options
10	Workers	All employees and rolling stock is evacuated during every Tsunami event warning. Takes about 45 minutes.	Staff could be helping with the effort to evacuate the public, freeing up other emergency responders.	In an emergency, injuries are likely and would pull emergency responders away from traffic control and evacuation efforts.
11		Traffic risk for workers and the public as all the rolling stock is evacuated	PW is able to provide its own flagger and traffic control if needed. This is not a pinch point for evacuation operations for staff or the public.	Evacuation goes pretty well because we do it fairly often. Can provide a flagger if needed. Equipment evacuation is smooth; it's the pipes valves tools that cant be evacuated, along with frozen in equipment such as summer parks items. Have started some stashes of water valves etc. but don't have pipe storage, etc.
12		Opportunity Cost. How could PW staff be helping if they were not moving equipment? How could they be helping with response?	Could be providing traffic control! Monitoring water/sewer infrastructure, could be helping dispatch and other emergency responders. Could help evacuate low lying areas, or spit equipment. Could revise emergency management plan so PW is a resource, and better plan for utilities	
13				
14	City operations	Loss of fueling depot	Immediate need to switch to local service stations. Likely to have fuel shortages for our rolling stock, including ambulances and fire trucks.	Backup fuel storage in another location, move fuel island. Needed for all disasters and in case of supply chain disruptions

4/21/21 WS draft PWTF
Risks, Evaluation and Mitigation

	A	B	C	D
1	Impacted Group	Potential Risk/Outcome	Evaluation	Mitigation Options
15	City operations	Loss of PW mechanic services due to loss of personal and city tools, parts, materials and shop space	There is substantial investment in the mechanic shop that would be difficult to replace on short notice	Hire out repair services (light vehicles only). Services may not be available or have the expertise needed for emergency vehicles. Short term solution only? No solution?
16		Disruption to sewer treatment operations	Cleanup would be required, but the facility could be repaired	Not looking to relocate because the alternatives are not feasible. The deep shafts would remain... may need repair/electric etc. but the concrete shafts are stable.
17		Loss of all PW administrative offices	Loss of historical files, including all city projects, paper plans are not replaceable... decades of projects.....	Scan plan sheets and institute electronic records management.
18		Radio and communication systems would be impacted	PRV stations/water system impacted. Reduction in city phone service redundancy which could affect non-emergency phone calls to dispatch	Losing electronics for PRV and lift stations means losing the ability to identify leaks, water breaks, and pump water and pump sewers. Would require people on the ground to do it manually.
19		Ability to supply bulk water at Public Works would be reduced	There are currently two private bulk water providers who could supply water trucks if the water system was functional.	If needed, water can be provided via fire hydrants or at the Water Treatment Plant, depending on the nature of the service disruption.

4/21/21 WS draft PWTF
Risks, Evaluation and Mitigation

	A	B	C	D
1	Impacted Group	Potential Risk/Outcome	Evaluation	Mitigation Options
20	Impacted Group	Loss of rolling stock	Higher value stock rolls first during an evacuation. Lower value stock does not move - stuff on a trailer, or harder to move like the asphalt machine. Easy to move stuff goes, equipment that does not move does not get evacuated.	Quantify what is not rolling: 20-25% of equipment might not be moveable (repairs, etc.) A few supplies would be frozen in although most are under sheds
21		Parks equipment doesn't move in an evacuation. Loss of lawnmowers, brush cutters, snow blowers, bobcat, traffic signs etc.	We have learned from doing the vaccine events that having enough traffic control people and cones, signs etc. is critical to safe large scale operations.	Mobilize the cone and sign trailer as part of an evacuation. Consider storing some supplies off site.
22	Equipment	Loss of sand pile	Would not be able to sand roads. Use stockpile for road and water and sewer repairs, especially in winter. Would hinder repair capability.	Store sand pile in a different location
23		Loss of other equipment and materials	Loss of culverts and other materials used for repairs	Consider storing some items (say in a connex) on higher ground.
24		Loss of motor pool equipment shop	Elimination of capacity to fix police and fire vehicles, could lose whatever apparatus is currently under repair such as an ambulance	

4/21/21 WS draft PWTF
Risks, Evaluation and Mitigation

	A	B	C	D
1	Impacted Group	Potential Risk/Outcome	Evaluation	Mitigation Options
25		Leaving equipment in an unsecured area after evacuation leaves it vulnerable to vandalism	Currently there are people at PW most of the time, but the site is unsecured. Pipes etc. are more secured (connexes)	Currently the equipment is out of sight, out of mind, so people don't see the equipment. If its moved to Hazel, its much more visible to people. Emergencies bring out the best and worst in people.
26		After initial phase, could equipment go someplace else (mitigation) can we re-house it around the city? Effect on operations?	Fragmenting affect on operations during the response/recovery timeframe, until a new PW facility could be established.	
27				

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 20-125

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
CREATING A PUBLIC WORKS CAMPUS TASK FORCE AND
ESTABLISHING THE SCOPE OF WORK AND PARAMETERS UNDER
WHICH THE TASK FORCE WILL CONDUCT ITS WORK.

WHEREAS, In 2019, the Alaska Division of Geological and Geophysical Surveys published updated Tsunami Inundation Maps for Homer; and

WHEREAS, The information for these maps was derived by numerically modeling worst-case scenarios of inundation from tsunami waves generated by earthquakes and submarine landslides, including local underwater slope failure scenarios for Kachemak Bay; and

WHEREAS, The maximum landslide-generated tsunami, as modeled, shows the existing Heath Street campus of the City's Public Works Department could be flooded by as much as 16.4 – 32.8 feet; and

WHEREAS, Under some scenarios, the first wave could appear within one hour after the earthquake and further, landslide-generated waves could hit low-lying areas while the ground was still shaking from an earthquake; and

WHEREAS, Currently, when a Tsunami Warning is issued, Public Works personnel immediately begin evacuating major pieces of heavy machinery and other mobile equipment from its campus to higher ground and the evacuation process takes at least forty-five minutes; and

WHEREAS, The Department does not currently evacuate materials and supplies, which would be needed in the event an earthquake or tsunami causes damage to the City's water, sewer or road infrastructure; and

WHEREAS, The estimated costs to properly prepare for such recovery, by creating stockpiles of necessary materials, supplies and equipment, would be substantial; and

WHEREAS, For these reasons, risks of personal injury, property damage and even loss of life could be high, either during the tsunami event itself or during recovery.

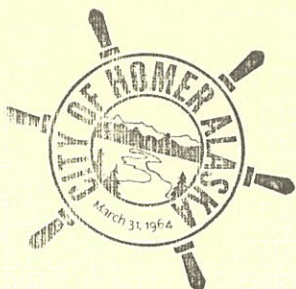
42 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
43 creates the Public Works Campus Task Force for the following purposes:

- 44 1. Goal #1 – Evaluate the risks of personal injury, property damage and loss of life in
45 the event a tsunami floods the Public Works Campus.
46 a. Scope of Work –
47 i. Review the findings of the 2019 Updated Maximum Estimated
48 Tsunami Inundation report published by the Alaska Division of
49 Geological & Geophysical Surveys
50 ii. Develop system for evaluating risks
51 iii. Catalog and evaluate risks
52 b. Deliverables – Report of Findings of probable risks
53 c. Timeframe – Report to be submitted by January 31, 2021
54 2. Goal #2 – Develop strategies for mitigating identified risks
55 a. Scope of Work –
56 i. For each risk identified under Goal #1, identify strategies for
57 mitigation, including estimated short term and long term costs
58 b. Deliverables – Report summarizing strategies and cost estimates
59 c. Timeframe – Report to be submitted by February 28, 2021
60 3. Goal #3 – Make recommendations.
61 a. Scope of Work –
62 i. Develop system for evaluating strategies
63 ii. Evaluate strategies
64 b. Deliverables – Report summarizing evaluation process and identifying
65 preferred options
66 c. Timeframe – Report to be submitted by March 31, 2021
67

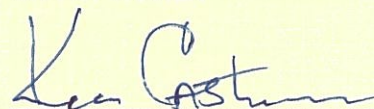
68 BE IT FURTHER RESOLVED the Public Works Campus Task Force will be made up of 7
69 members, with 3 City Residents, 2 Councilmembers, and 2 City Staff.
70

71 BE IT FURTHER RESOLVED, The Mayor will nominate appointees to the Task Force from
72 a list of applicants; nominees must be approved by City Council. All appointees shall serve at
73 the pleasure of the Council and may be removed from their position by a majority of the
74 Council at any time without cause.
75

76 PASSED AND ADOPTED by the Homer City Council on this 23rd day of November, 2020.
77



CITY OF HOMER


KEN CASTNER, MAYOR

85 ATTEST:

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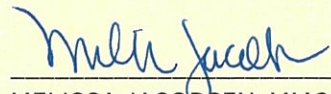
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MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: Staff time and advertising.

ORDINANCE REFERENCE SHEET
2021 ORDINANCE
ORDINANCE 21-24

An Ordinance of the City Council of Homer, Alaska Accepting Grant Funds from the State of Alaska Department of Health and Social Services for Distribution of COVID-19 Vaccines, as well as other COVID-19 Related Recovery and Prevention Strategies and Approving a Memorandum of Agreement.

Sponsor: City Manager

1. City Council Regular Meeting April 26, 2021 Introduction
2. City Council Regular Meeting May 10, 2021 Public Hearing and Second Reading

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

3 City Manager

4 **ORDINANCE 21-24**
5
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
8 ACCEPTING GRANT FUNDS FROM THE STATE OF ALASKA
9 DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR
10 DISTRIBUTION OF COVID-19 VACCINES, AS WELL AS OTHER
11 COVID-19 RELATED RECOVERY AND PREVENTION STRATEGIES
12 AND APPROVING A MEMORANDUM OF AGREEMENT.
13

14 WHEREAS, Homer City Council passed Emergency Ordinance 21-22 on April 12, 2021
15 approving a memorandum of agreement with the State of Alaska Department of Health and
16 Social Services (DHSS) to accept \$278,416.00 in grant funds in support of efforts to respond to
17 and recover from the COVID-19 pandemic and to help decrease health inequities; and
18

19 WHEREAS, Approving the memorandum of agreement via Emergency Ordinance
20 expedited acceptance of grant funds and allowed a timely start of the performance period; and
21

22 WHEREAS, Per Homer City Code 1.08.040 Emergency Ordinances are effective for 60
23 days; and
24

25 Whereas, The performance period for utilizing funds from this DHSS grant extends to
26 March 31, 2022, beyond the 60 days; and
27

28 WHEREAS, Expenditure of these funds on eligible activities will extend beyond the 60
29 days authorized by Ordinance 21-22, making approval by regular Ordinance necessary.
30

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

33 Section 1. The Homer City Council hereby approves the Memorandum of Agreement
34 between the City of Homer and the State of Alaska DHSS, a copy of which is attached and
35 incorporated herein.
36

37 Section 2. The Homer City Council hereby appropriates the DHSS Community funding
38 in the amount of \$278,416 for the purpose outlined in the Memorandum of Agreement as
39 follows:
40
41

42 Revenue:

	<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
43			
44	119-0375-493	DHSS COVID-19 Community Grant	\$278,416

45

46 Expenditure:

	<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
47			
48	119-0375-493	DHSS COVID-19 Community Grant	\$278,416

49

50 Section 3. The City Manager is authorized to negotiate and execute the appropriate
51 documents.

52

53 Section 4. This is a budget amendment ordinance, is temporary in nature, and shall
54 not be codified.

55

56 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 10th day of May, 2021.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

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Introduction:

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Public Hearing:

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Second Reading:

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Effective Date:

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YES:

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NO:

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ABSTAIN:

81

ABSENT:



**Memorandum of Agreement (MOA) Between
State of Alaska - Department of Health and Social Services
Division of Public Health – COVID-19 Emergency Operations Center (DPH-EOC)
- and -
City of Homer
MOA # C0621-570-C**

I. PURPOSE AND SCOPE

The purpose of this MOA is to provide funding to government entities to implement community-driven strategies that support COVID-19 related activities. These activities include improving efforts and increase access to COVID-19 testing in the community, building capacity to increase access to COVID-19 vaccine in the community and implementing strategies that decrease health inequities, as well as other COVID-19 related recovery and prevention strategies.

II. THE DPH AGREES TO:

Provide support to the community on COVID-19 vaccine administration, testing, and other COVID-19 related activities. The COVID-19 EOC Team is available to consult and provide technical assistance to government entities and to pre-approved pass-through recipients of award funding. The team will also ensure that approved activities meet the funding requirements.

III. THE CITY OF HOMER AGREES TO:

Provide vaccination clinics to serve the cities of Homer and Katchemak, COVID-19 vaccine and testing communication and education, and pass-through funding to community organizations/businesses providing COVID-19 outreach services in the community.

Recipient must establish/maintain/provide electronic reporting of SARS-CoV2/COVID-19 laboratory data to CDC daily per the guidance provided by CDC (e.g., CELR). This includes all testing (e.g., positive/negative, PCR, Point-of-Care, etc.) and complete data elements (e.g., race/ethnicity) per CARES legislation and ELC performance measures.

Any additional activities not specifically stated in this MOA must be approved by the COVID-19 EOC Team prior to those activities occurring.

IV. JOINT RESPONSIBILITIES:

Both parties will make a good faith effort to communicate about any issues that might arise that will impact the timeliness of activities, reporting, or payment.

V. PERIOD OF AGREEMENT AND TERMINATION:

This agreement will terminate on March 31, 2022 and receipts must be for activities prior to this date. Funds are intended to be used to support staff time (including overtime), supplies, and other materials as needed to support COVID-19 related activities.

VI. TERMS OF PAYMENT

The State agrees to pay the City of Homer up to \$278,416.00 over the term of this agreement.

The Contractor will submit monthly invoices detailing services performed in accordance with appendix A.

The invoice must:

- reference the contractor's name, address and phone number
- reference the contract number: C0621-570-C
- include an invoice number
- Reference the Alaska Division of Public Health – COVID Admin

The Contractor shall submit final invoices to the address specified below no later than 30 days after March 31, 2022. Failure to include the required information on the invoice may cause an unavoidable delay to the payment process. The State will pay all invoices within thirty (30) days of invoice approval by the Project Director.

Email invoices to:

covidadmin@alaska.gov

(please reference *Community MOA Reimbursement Request* in the subject line)

Notwithstanding any other provision of this contract, it is understood and agreed that the State shall withhold reimbursement at any time the Contractor fails to comply with the terms of the MOA.

VII. GRANT COMPLIANCE FROM THE FEDERAL NOTICE OF GRANT AWARD

- Recipients must comply with the Terms and Conditions of this award, all Code of Federal Regulations, and the Alaska Administrative Manual.
- In addition to the federal laws, regulations, policies, and CDC General Terms and Conditions for Non-research awards at <https://www.cdc.gov/grants/federalregulationspolicies/index.html>, the Centers for Disease Control and Prevention (CDC) hereby incorporates Notice of Funding Opportunity (NOFO) number CK19-1904 entitled "Cooperative Agreement for Epidemiology and Laboratory Capacity (ELC), which is hereby made a part of this non-research award, hereinafter referred to as the Notice of Award (NoA).
- Coronavirus Disease 2019 (COVID-19) Funds: A recipient of a grant or cooperative agreement awarded by the Department of Health and Human Services (HHS) with funds made available under the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (P.L. 116-123); the Coronavirus Aid, Relief, and Economic Security Act, 2020 (the "CARES Act") (P.L. 116-136); the Paycheck Protection Program and Health Care Enhancement Act (P.L. 116-139); and/or the Consolidated Appropriations Act, 2021, Division M – Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (P.L. 116-260), agrees, as applicable to the award, to: 1) comply with existing and/or future directives and guidance

from the Secretary regarding control of the spread of COVID-19; 2) in consultation and coordination with HHS, provide, commensurate with the condition of the individual, COVID-19 patient care regardless of the individual's home jurisdiction and/or appropriate public health measures (e.g., social distancing, home isolation); and 3) assist the United States Government in the implementation and enforcement of federal orders related to quarantine and isolation.

- To achieve the public health objectives of ensuring the health, safety, and welfare of all Americans, Recipient must distribute or administer vaccine without discriminating on non-public-health grounds within a prioritized group. This includes, but is not limited to, immigration status, criminal history, incarceration, or homelessness. To this end, and to help achieve the public health imperative of widespread herd immunity to COVID-19, Recipient must administer or distribute vaccine to any and all individuals within a prioritized group in the same timeframe, taking into account available vaccine doses. For example, if meatpacking plant workers are a prioritized group, then all workers in that group, including undocumented immigrants, must be vaccinated to help assure that the plant is in a position to safely resume essential functions. In addition, to the extent applicable, Recipient will comply with Section 18115 of the CARES Act, with respect to the reporting to the HHS Secretary of results of tests intended to detect SARS-CoV-2 or to diagnose a possible case of COVID-19. Such reporting shall be in accordance with guidance and direction from HHS and/or CDC. HHS laboratory reporting guidance is posted at: <https://www.hhs.gov/sites/default/files/covid-19-laboratory-data-reporting-guidance.pdf>.
- Further, consistent with the full scope of applicable grant regulations (45 C.F.R. 75.322), the purpose of this award, and the underlying funding, the recipient is expected to provide to CDC copies of and/or access to COVID-19 data collected with these funds, including but not limited to data related to COVID-19 testing. CDC will specify in further guidance and directives what is encompassed by this requirement.
- This award is contingent upon agreement by the recipient to comply with existing and future guidance from the HHS Secretary regarding control of the spread of COVID-19. In addition, recipient is expected to flow down these terms to any subaward, to the extent applicable to activities set out in such subaward.

Unallowable Costs:

- Resources funded by another HSS Contract or HSS-Cares source
- Purchase of vehicles
- Reimbursement of pre-award costs
- Research
- Indirect costs associated with the award
- Food and/or water for events
- Hospital bill or insurance claims
- Clinical care (except as otherwise noted in Domain 5 and as may be provided in further guidance from CDC)
- Publicity and propaganda (lobbying):
- Other than for normal and recognized executive-legislative relationships, no funds may be used for:
 - publicity or propaganda purposes, for the preparation, distribution, or use of any material designed to support or defeat the enactment of legislation before any legislative body
 - the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before any legislative body
 - See Additional Requirement (AR) 12 for detailed guidance on this prohibition and additional guidance on lobbying for CDC recipients: https://www.cdc.gov/grants/documents/Anti-Lobbying_Restrictions_for_CDC_Grantees_July_2012.pdf
 - All unallowable costs cited in CDC-RFA-TP18-1802 remain in effect, unless specifically amended in this guidance, in accordance with 45 CFR Part 75 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards.

VII. CONTACT INFORMATION

DPH-EOC primary point of contact: Maria Caruso

Division of Public Health, COVID Program Coordinator
3601 C Street, Suite 722
Anchorage AK 99503
Office: 907-310-6092
Email: maria.caruso@alaska.gov

City of Homer primary point of contact: Jennifer Carroll
City of Homer, Special Projects & Communications Coordinator
Office: 907-435-3101
Email: jcarroll@ci.homer.ak.us

City of Homer finance contact: Elizabeth Walton
City of Homer, Finance Director
Office: 907-435-3117
Email: ewalton@ci.homer.ak.us

City of Homer additional contact: Rob Dumouchel
City of Homer, City Manager
Office: 907-435-3102
Email: rdumouchel@ci.homer.ak.us

VIII. SIGNATURES

By signature of the below, both parties agree to the terms of this MOA.

City of Homer

By: _____ Date: _____
Robert Dumouchel, City Manager, City of Homer

State of Alaska

By: _____ Date: _____
Maria Caruso, DPH-EOC Program Coordinator

By: _____ Date: _____
Heidi Hedberg, EOC/Unified Commander & DPH Director

By: _____ Date: _____
Jason Grove, Procurement Manager

ORDINANCE REFERENCE SHEET
2021 ORDINANCE
ORDINANCE 21-25

An Ordinance of the City Council of Homer, Alaska Amending the FY21 Capital Budget by Accepting and Appropriating the FY21 State of Alaska Community Assistance Program Payment in the Amount of \$76,842.94 to the Fire Capital Asset Repair and Maintenance Allowance (CARMA) Fund and Authorizing the Expenditure of up to \$260,000 from the Fire CARMA fund to Replace the Fire Department's Self Contained Breathing Apparatus System.

Sponsor: City Manager

1. City Council Regular Meeting April 26, 2021 Introduction

Memorandum 21-069 from Fire Chief as backup

2. City Council Regular Meeting May 10, 2021 Public Hearing and Second Reading

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 21-25

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY21 CAPITAL BUDGET BY ACCEPTING AND APPROPRIATING THE FY21 STATE OF ALASKA COMMUNITY ASSISTANCE PROGRAM PAYMENT IN THE AMOUNT OF \$76,842.94 TO THE FIRE CAPITAL ASSET REPAIR AND MAINTENANCE ALLOWANCE (CARMA) FUND AND AUTHORIZING EXPENDITURE OF UP TO \$260,000 FROM THE FIRE CARMA FUND TO REPLACE THE FIRE DEPARTMENT'S SELF CONTAINED BREATHING APPARATUS SYSTEM.

WHEREAS, In FY21 the City of Homer received \$76,842.94 from the Community Assistance Program (CAP) which has not yet been accepted or appropriated; and

WHEREAS, The application for the FY CAP funds indicated the City of Homer would designate those funds towards City reserves, specifically the Old Middle School (HERC) CARMA account; and

WHEREAS, The State's CAP program allows communities to deviate from their applications as long as the resultant use will be used for a public purpose as required under AS 29.60.850(a) and the municipality agrees to make available a service or facility with the funds under AS 29.60.855-29.60.879 to every person in the community; and

WHEREAS, The current Self Contained Breathing Apparatus (SCBA) system in use by the Volunteer Fire Department is nearing the end of its useful life; and

WHEREAS, Firefighters with use and access of an appropriate SCBA system helps to provide a critical public service to the community; and

WHEREAS, The City has been unsuccessful in its pursuit of grant funding for this replacement project; and

WHEREAS, Administration believes that using the CAP funds to updated safety equipment for the Volunteer Fire Department is a more appropriate use of these funds at this time; and

WHEREAS, The FY20 budget previously authorized up to \$170,000 for SCBA improvements; and

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WHEREAS, After the transfer of CAP funds to the Fire CARMA account, there will be sufficient funds for this replacement project.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates a 2021 Community Assistance Program payment in the amount of \$76,842.94 to the Fire CARMA fund as follows:

Revenue:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-7012-4520	Community Assistance	\$76,842.94

Transfer:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
156-0393-5901	Fire CARMA	\$76,842.94

Section 2. The City of Homer’s 2021 Capital Budget is hereby amended by appropriating funds of up to \$265,000 from the Fire CARMA Fund to purchase a replacement Self Contained Breathing Apparatus (SCBA) System for the Volunteer Fire Department.

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
156-0393-5901	Fire CARMA	\$265,000

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

ENACTED BY THE HOMER CITY COUNCIL this 10th day of May, 2021.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

- 85 YES:
- 86 NO:
- 87 ABSENT:
- 88 ABSTAIN:
- 89
- 90 First Reading:
- 91 Public Hearing:
- 92 Second Reading:
- 93 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 21-069

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: April 14, 2021
SUBJECT: Ord 21-25 Re: Appropriation of CAP Funds and SCBA Replacement

Community Assistance Program

Each year the State of Alaska provides Community Assistance Program (CAP) funds. The amount is highly variable and the City chose some years back to not include CAP funds in the budget. Instead we accept and allocate upon receipt. See below for examples of CAP usage in previous years:

- FY18 - \$205,118 to the Police Station Fund
- FY19 - \$177,172 to the Police Station Fund
- FY20 - \$152,080 to the Old Middle School CARMA

In FY 21 we were awarded \$76,842.94. These funds have been received by the City and are ready to be accepted and appropriated. In our application to the State for the funds, we indicated that we may place them in to the Old Middle School CARMA account like we did with FY20's disbursement. We do not have to follow through with the plan in the application, we just have to ensure that our use meets a public purpose as required under AS29.60.850(a) and accurately report how the funding was spent when we submit our application for FY22.

Self-Contained Breathing Apparatus System Replacement

Self-Contained Breathing Apparatus (SCBA) are worn by firefighters when working, or expected to work, in situations immediately dangerous to life and health such as atmospheres with smoke conditions, hazardous material spills, or other conditions that could result in a life threat. The Volunteer Fire Department has a total of 34 SCBA, one for each riding position on the fire vehicles.

SCBA consist of four parts: 1) the backpack frame and straps 2) the regulator assembly 3) the face piece, and 4) the high pressure cylinder. Cylinders are regulated by DOT standards and have a 15-year lifespan. The other SCBA components are regulated by OSHA and NFPA standards. Our current models are outdated by three NFPA cycles and some parts are no longer serviceable.

Full replacement of the SCBA inventory is approximately \$255,000. In the FY21 Capital Budget, \$170,000 was set aside to help replace the City's SCBA inventory. That number only funds a partial replacement of the SCBA. At that time there was an active attempt to supplement that replacement with grant funds. The grant attempt was unsuccessful and we do not have strong prospects for another program that could step in and fill the

gap. It is important that we replace these SCBA units soon, and it is important to firefighter health and safety that we replace them all to have a complete matching set. Mixing and matching different versions of this equipment could result in injury or death while responding to an emergency situation.

The SCBA units pair with a compression system which must also be replaced at a regular interval. The unit costs roughly \$110,000. Administration had previously expected that we would need to make a capital request for this item in FY 22/23 Capital Budget. Recently we were able to secure grant funding which paid for the cost of the unit which is now installed at the Fire Station.

Funding

Fire CARMA	\$203,549
Community Assistance Program Funds (to be added to Fire CARMA)	\$76,842
SCBA Replacement	(\$255,000)
Total Remaining	\$25,391

Staff Recommendation: Accept CAP funds, transfer to Fire CARMA, approve purchase of SCBA system replacement

ORDINANCE REFERENCE SHEET
2021 ORDINANCE
ORDINANCE 21-27

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 14.08.040 to create a Process for Waiving the Requirement that Property be connected to City Sewer as a Condition Precedent to be connected to City Water.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting April 26, 2021 Introduction
Memorandum 21-071 from Public Works Director as backup
2. City Council Regular Meeting May 10, 2021 Public Hearing and Second Reading

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 21-27**
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING HOMER CITY CODE TITLE 14.08.040 TO CREATE A
9 PROCESS FOR WAIVING THE REQUIREMENT THAT PROPERTY BE
10 CONNECTED TO CITY SEWER AS A CONDITION PRECEDENT TO BE
11 CONNECTED TO CITY WATER.
12

13 WHEREAS, The Homer City Council adopted Ordinance 20-74, to add language, which
14 made a connection to the City's sewer system a condition precedent to being connected to the
15 City's water system; and
16

17 WHEREAS, The rationale behind this provision, when it was first introduced last year, is
18 that it was in the best interests of the public health and welfare to require people who want
19 access to City water to connect to City sewers; and
20

21 WHEREAS, This is especially true in Homer where on-site septic systems can be
22 challenging because of bad soils, high ground water and copious quantities of surface water
23 from rainfall, open springs and storm water runoff, and
24

25 WHEREAS, The City still supports this rationale, but believes, there are times when, in
26 the interests of equity and with due diligence, exceptions can be made; and
27

28 WHEREAS, Tools for administering such exceptions exist so the public health is
29 protected.
30

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

33 Section 1. Homer City Code Title 14 Water Connection and Extension Permit is hereby
34 amended as follows:
35

36 14.08.040 Water connection and extension permit.
37

38 a. All property owners connecting to the water system must obtain a permit prior to starting
39 construction.
40

41 b. The water system connection and extension permit application shall be available at the City
42 Clerk's office, the Public Works Department, and/or on the City's website. The permit fee must

43 be paid at the time the application is submitted. The criteria for the permit shall be included in
44 the application.

45
46 c. The Public Works Director or his or her designee may revoke, modify or impose conditions
47 upon a water system permit if he or she finds, in his or her sole discretion, that revocation,
48 conditions or modifications to the permit are required to prevent or stop damage to the water
49 system or protect public health or sanitation. Except when immediate action is necessary to
50 protect the water system and prevent immediate harm to public health and sanitation, the
51 Public Works Director shall provide notice to the property owner at least 30 days before
52 revoking or modifying a water system permit.

53
54 d. Installation of a water system connection or extension of a water main must meet the
55 standards and specifications in the permit application, the Homer City Code, and any
56 applicable State or Federal law or regulations, including but not limited to State of Alaska
57 Department of Labor Occupational Safety and Health requirements. Except as otherwise
58 provided for in the Homer City Code, permits for connections to the water system or an
59 extension of a water main to properties that are not served with City sewer service, will not be
60 issued.

61
62 e. **The Public Works Director may authorize a waiver of the requirement that connection**
63 **to the City’s sewer system is a prerequisite to a connection to the City’s water system,**
64 **under the following conditions:**

65 **1. The property served will be developed as a single family residence.**

66 **2. The water main to which the property will be connected must be directly**
67 **adjacent to subject property.**

68 **3. The design, installation and operation of the on-site waste water disposal**
69 **system must be in accordance with Alaska Department of Environmental Conservation**
70 **(“ADEC”).**

71 **4. A copy of the annual inspection report for the on-site waste water disposal**
72 **system must be submitted to the Department of Public Works, within 30 days of the date**
73 **of the inspection.**

74 **5. In addition to the remedies set forth in Paragraph (c) above, the Public**
75 **Works Director may revoke the waiver in the event the inspection report for the waste**
76 **water disposal system indicates deficiencies and after having been given 60 days of the**
77 **date of the inspection report, the deficiencies have not corrected and a plan for**
78 **correcting the deficiencies has not been submitted.**

79
80 e-f. A property owner installing an on-site water connection line or extending a water main is
81 solely responsible for all costs and liability associated with or arising from the excavation,
82 connection, and installation of the on-site water line or water main extension. [Ord. 19-23(S-
83 2)(A) § 4, 2019].

84



Memorandum 21-071

TO: City Council

THROUGH: Rob Dumouchel, City Manager

FROM: Janette Keiser, Director of Public Works

DATE: April 12, 2021

SUBJECT: Amendment to HCC 14.08.040 relating to the connection between City water and City Sewer

Issue: In October 2020, the City Council approved Ordinance 20-74, to add language, which made a connection to the City’s sewer system a condition precedent to being connected to the City’s water system. Since then, we’ve become aware of some circumstances, which warrant some flexibility in administering this language. The purpose of this Memorandum is to propose language, which offers such flexibility.

Background:

Homer City Code states:

...Except as otherwise provided in the Homer City Code, permits for connections to the water system or an extension of a water main to properties that are not served with City sewer service, will not be issued. HCC 14.08.040(d)

The rationale behind this provision, when it was first introduced last year, is that it is in the best interests of the public health and welfare to require people who want access to City water to connect to City sewers. This is especially true in Homer where on-site septic systems can be challenging because of bad soils, high ground water and copious quantities of surface water from rainfall, open springs and storm water runoff. Further, on-site systems are often not regularly inspected, due to budget cutbacks at the AK Department of Environmental Conservation. We stand behind this rationale.

That being said, there are times when, in the interests of equity and with due diligence, exceptions can be made. We propose to allow for this by editing the Homer City Code to allow a waiver to be issued under certain conditions.

14.08.040 Water connection and extension permit.

- a. All property owners connecting to the water system must obtain a permit prior to starting construction.

b. The water system connection and extension permit application shall be available at the City Clerk's office, the Public Works Department, and/or on the City's website. The permit fee must be paid at the time the application is submitted. The criteria for the permit shall be included in the application.

c. The Public Works Director or his or her designee may revoke, modify or impose conditions upon a water system permit if he or she finds, in his or her sole discretion, that revocation, conditions or modifications to the permit are required to prevent or stop damage to the water system or protect public health or sanitation. Except when immediate action is necessary to protect the water system and prevent immediate harm to public health and sanitation, the Public Works Director shall provide notice to the property owner at least 30 days before revoking or modifying a water system permit.

d. Installation of a water system connection or extension of a water main must meet the standards and specifications in the permit application, the Homer City Code, and any applicable State or Federal law or regulations, including but not limited to State of Alaska Department of Labor Occupational Safety and Health requirements. Except as otherwise provided for in the Homer City Code, permits for connections to the water system or an extension of a water main to properties that are not served with City sewer service, will not be issued.

e. The Public Works Director may authorize a waiver of the requirement that connection to the City's sewer system is a prerequisite to a connection to the City's water system, under the following conditions:

1. The property served will be developed as a single family residence.

2. The water main to which the property will be connected must be directly adjacent to subject property.

3. The design, installation and operation of the on-site waste water disposal system must be in accordance with Alaska Department of Environmental Conservation ("ADEC") regulations.

4. A copy of the annual inspection report for the on-site waste water disposal system must be submitted to the Department of Public Works, within 30 days of the date of the inspection.

7. In addition to the remedies set forth in Paragraph (c) above, the Public Works Director may revoke the waiver in the event an inspection report for the waste water disposal system indicates deficiencies and after having been given 60 days of the date of the inspection report, the deficiencies have not corrected and a plan for correcting the deficiencies has not been submitted.

e. A property owner installing an on-site water connection line or extending a water main is solely responsible for all costs and liability associated with or arising from the excavation, connection, and installation of the on-site water line or water main extension. [Ord. 19-23(S-2)(A) § 4, 2019].

17.02.170 Water and sewer connections required.

(a) Except as otherwise provided in the code, the owner of property in a water or sewer special assessment district that contains an occupied building shall connect to the improvement constructed in the district within three years after the date that the resolution confirming the assessment roll for the district becomes final. [Ord. 19-23(S-2)(A) § 5, 2019].

(b) Property owners and developers interested in initiating water special assessment districts should review the provisions of Homer City Code Section 14.08.040, which provides that “[e]xcept as otherwise provided in the Homer City Code, permits for connections to the water system or an extension of a water main to properties that are not served with City sewer service, will not be issued”. Thus, Special Assessment Districts for water main extensions will only be formed (1) where city sewer is available or (2) if a Special Assessment District for a sewer main extension is also formed.

Recommendations:

That the City Council adopt the proposed edits to HCC 14.08.040.



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(f) 907-235-3148

Memorandum

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: ROB DUMOUCHEL, CITY MANAGER
DATE: MAY 6, 2021
SUBJECT: CITY MANAGER'S REPORT FOR MAY 10, 2021 COUNCIL MEETING

FY22/23 Budget

A draft of the operating budget numbers will be in the meeting packet for the May 10th meeting. We will be introducing the actual budget ordinance at the May 24th meeting. At that meeting we are also aiming to provide a draft of the Capital Budget with intentions of submitting a capital budget ordinance on June 14th. The operating and capital budgets are both on track for approval before the end of the 2021 fiscal year on June 30th.

Update: Cameras at Library and Airport

In February, Council approved Ordinance 21-04 allocating additional funds for the security camera replacement project at the Library and the Airport. Sherman Technologies, the winning bidder, sent a crew to Homer in early April and installed the new security cameras. At this time, all cameras are up and running with much higher resolution and much better coverage of the buildings.

Mariner Park Dredging

It took two attempts, but we have successfully dredged a channel which allows Mariner Park Lagoon to drain. This is an action the City takes as needed. The first attempt did not stand up to the tides and other natural forces in that area. A second cut has proven to be more durable. The work was done under an existing US Army Corps of Engineers' permit which expires this year, staff is working with the Corps to renew it for another ten years.



Update: Poopdeck Trail ADA Ramp

The current installation scheduled for the customized steel ramp which will allow ADA access to the Homer Land Trust side of the Poopdeck Trail is May 17th to 19th. The manufacturer will be on hand to assist Kachemak Heritage Land Trust staff with some City support.

National Police Week and Peace Officer Memorial Day

Monday, May 10th marks the start of National Police Week. The City of Homer joins many communities across the US in recognizing National Police Week and thanking members of our Police Department for their care and professionalism. We appreciate our officers for the dedicated service they provide to our community every day of the year. The week concludes with Peace Officers Memorial Day on May 15th. Flags will be lowered that day, and our officers will wear black bands on their badges in remembrance of fallen officers.

Technology Plan

The IT team has been working on a draft technology plan for the coming years. Much like the plans we've seen recently from Public Works, we must plan for the regular replacement and maintenance of the City's digital infrastructure. I have attached a draft overview of the plan which is still under development.

Employee Updates

I am very excited to welcome Christine Drais to the City Manager's office! Christine is the new Assistant to the City Manager and started with us on May 3rd. Christine recently moved to Homer from South Carolina and has a B.A. in Business Administration from the University of Central Florida and a M.S. in Parks, Recreation and Tourism Management from Clemson University.

While welcoming Christine, I also want to say thank you to Rachel Tussey in the Clerk's Office. Rachel has been assisting me with many City Manager Office admin tasks across the last five and a half months and has been a huge help in navigating the period between full-time assistants.

From the Library Director's report:

Claudia Haines announced her departure, effective April 30. Claudia has worked at HPL for ten years and has made a tremendous impression on the institution and the town. She will be sorely missed! Without Claudia, some of the regular ongoing programs she pioneered (such as the Kids Book Club and Radio Storytime) will be suspended. The Summer Reading Program will go forward on a somewhat reduced scale, and we will consider resuming the major programs once a new librarian is hired for the position.

From the Public Works Director:

Staci LaPlante – Public Works Office Manager for about 8 years, recently departed so she can relocate to Ketchikan with her husband. We wish her well and will miss her efficiency and the big-hearted way she kept the rest of us in line.

Bethany Christman is taking Staci's place in the Public Works Office. Bethany is no stranger to Public Works, having worked almost 2 years as a Maintenance Technician with the Water/Sewer Utility. Bethany said she needed a change of pace and volunteered to step into Staci's position, which was lucky for us, because she already knows what Public Works does. In her other lives, Bethany was a certified welder/boiler maker and is the proud mother of 4-year old twins.

William ("Will") Kern took Bethany's place as Maintenance Technician with the Water/Sewer Utility. Will and his wife recently relocated from Montana to join their son & family in Homer. Before coming to Homer, Will operated an equipment-intensive family business for over 29 years where he learned to fix anything with duct tape and bailing wire, a skill that will come in handy in our water/sewer world.



Bethany and Will in the Public Works front office

COVID-Related Updates

COVID Risk Status

On March 30th I moved the City from the “Orange” to “Yellow” level on our COVID risk framework. The City remains in yellow status after the most recent review completed on April 19th. On April 26th, I directed a limited opening of City Hall and the Library. Both sites are doing well with visitors from the public. I still ask that the public consider whether their visit needs to be in person or if it could be handled at a distance through other channels. While the COVID context does not feel as intense right now, it is still a very real threat and there are many individuals in the community who are vulnerable to infection or have not chosen to take the vaccine.

Enclosures:

1. City of Homer Technology Plan FY 2021-23 (Summary)

City of Homer
Technology Plan
FY 2021-23
(Summary)

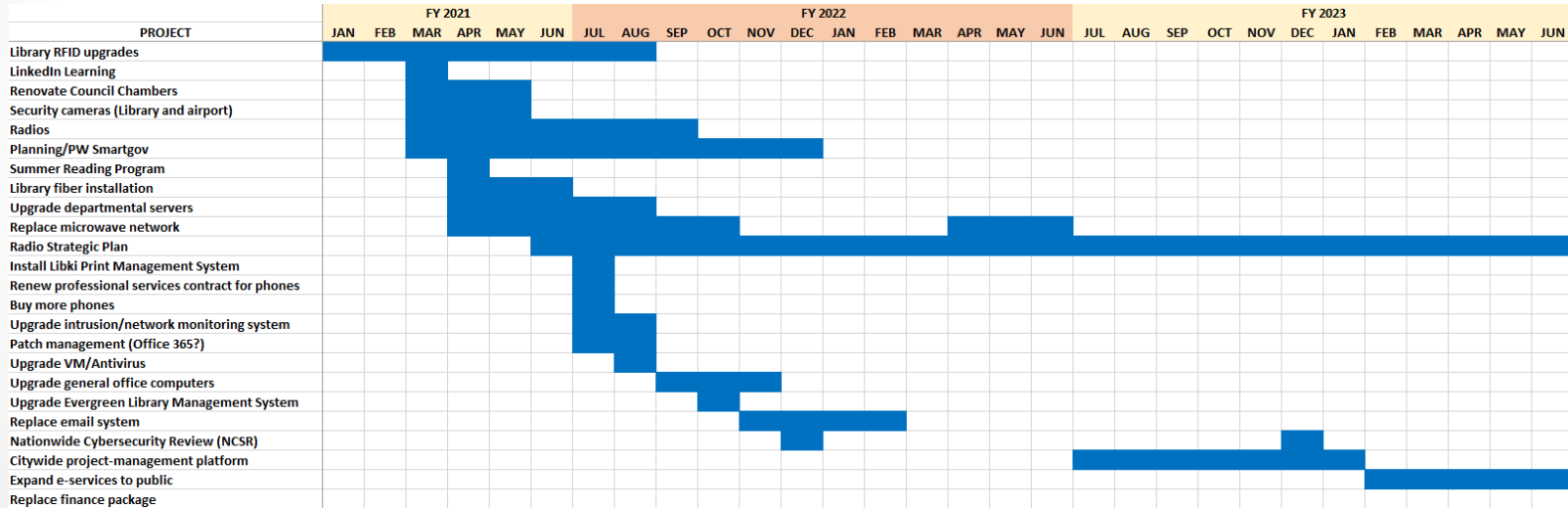


Background

- In order to coordinate ongoing IT projects and plan for future operations, the IT Division has begun drafting a Technology Plan for the fiscal years 2021-2023.
- The timelines and figures presented here are based on reasonable assumptions about equipment needs, staff capability, current market prices and predicted trends. These estimates are as accurate as possible given present knowledge, but they are only estimates.
- This slideshow is a summary of the Technology Plan as it currently exists, but information is still being gathered, and a more complete report will be forthcoming in future.

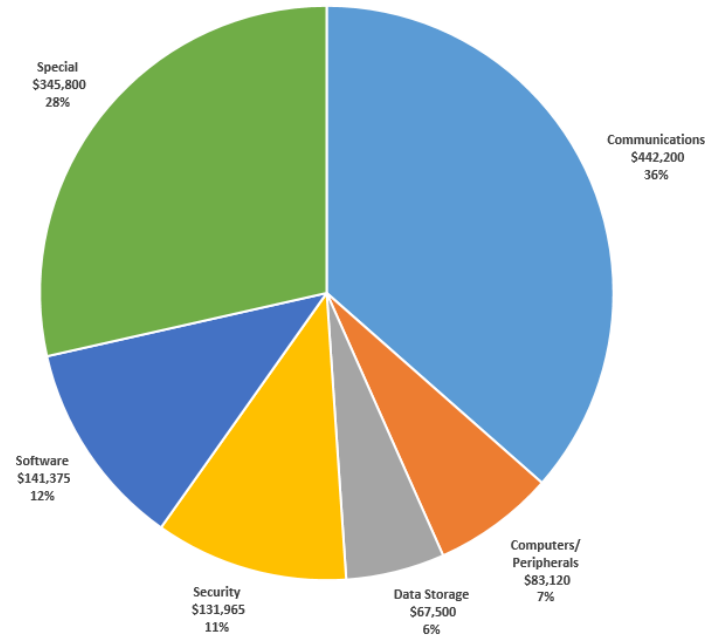


Overall Timeline (Major Projects Only)



Anticipated Technology Needs FY 21-23

- Chart includes major projects even those funded by grants and CARES Act
- Does not include minor projects or maintenance
- Data is still being gathered
- Current total is roughly \$1.2 million over 3 years



Communications

- **Phones:**
 - Desk phones with Polycom and Avaya VoIP handsets - ~120 extensions, 36 simultaneous external calls
 - 2/3 of City staff have City-issued Smart phone/Dumb phone, or take a stipend for use of personal device
- **Data connections:**
 - External communications are over copper and fiber links provided by commercial carriers
 - Internally City data/phone traffic flows over a microwave Wide Area Network (WAN)
 - City has direct connections to the State of Alaska
- **Radios:**
 - Land mobile repeaters are near the top of east Skyline and on the Spit, Police and Fire have redundant repeaters and access the Alaska Land Mobile Radio system (ALMR)
 - Port and Harbor, Fire and Police have P25 digital radio systems, handheld and vehicle radios.
 - Public Works has a “Commercial” grade analog radio system.
- WAN upgrade is a funded project, now ready to go with the HPD move completed
- The City’s email system will need replacing towards the end of this calendar year.



Computers and Peripherals

- Roughly 180 computer terminals, plus a huge variety of peripheral equipment.
- Terminals are distributed all across Homer and increasingly in employees' homes.
- Printers and photocopiers are leased centrally, with costs passed along to individual departments.
- Expect to replace computers every 4 years and peripherals every 8.



Data Storage

- Data is stored on enterprise storage systems located in each city building.
- The total capacity of all storage systems (except video storage) is currently 8TB. Some departments urgently need more capacity.
- Servers not only store files, they deliver those files over data connections.
- Expected lifespan for new servers is 5 years.



Software

- Standard office software (funded by the IT Division)
- Numerous specialized programs require IT support (funded by departments)
- Centralized software underlies all City operations, which requires servers
- Some software patches can be applied centrally, but many must be done machine-by-machine.
- Software has a lifecycle and requires constant maintenance, upgrading, and eventually replacement



Security

- **Physical security:**
 - IT staff support security camera systems at several City buildings
 - Several City buildings have Access Control Systems which are IT Managed
 - Alarm/Fire systems are managed by contractors
- **Information security:**
 - Staff back up data regularly
 - Apply software patches as they are released by vendors
 - Monitor networks and update security software
 - Track emerging threats and evaluate the City's threat surface and mitigation strategies
- **Recommended improvements:**
 - Invest in a next-generation threat intelligence system
 - Work on formalizing IT Security posture as needed in the Nationwide Cybersecurity Review (NCSR)
 - Consider a transition from standalone terminals to virtual desktops



Special Equipment and Projects

- Individual departments have many one-off projects and unique equipment
- Special projects account for more than a quarter of IT expenditures
- The wide variety of equipment places strains on staff, who must be familiar with the operations of all this equipment and how it interacts with other devices
 - Currently IT staff must have enterprise level knowledge of mobile, desktop, servers, storage, local and wide area networking, telephony, security
- Budget projections often do not account for staff time and maintenance costs



**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 21-033

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
ACKNOWLEDGING THE SALE OF HARBOR SURPLUS EQUIPMENT
FROM THE DERELICT VESSEL NORTH PACIFIC.

WHEREAS, In accordance with the Procurement Policy the invitation to bid was advertised in the Homer News on April 22 and 29, 2021; sent to three plans rooms in the state and on posted on the City of Homer website; and

WHEREAS, The following items are shown and included as Exhibit A and sealed bids were due by 2:00 p.m., Thursday, May 6, 2021 to the City Clerk’s Office; and

WHEREAS, There were two bidders who submitted three bids on two of the items; and

WHEREAS, The City Manager shall reevaluate the value of those items not bid upon and if found to meet the criteria of Homer City Code 18.30.040, the City Manager may authorize the disposal of items through non-competitive methods.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby acknowledges the surplus equipment bid results attached as Exhibit A for the sale of Homer Harbor Surplus Equipment from the derelict vessel North Pacific.

PASSED AND ADOPTED by the Homer City Council this 10th day of May, 2021.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note:



**CITY OF HOMER
CITY CLERK'S OFFICE
BID TALLY SHEET
EXHIBIT A**

PROJECT: Homer Harbor Surplus Equipment Sale May 2021

DUE DATE & TIME: Thursday, May 6, 2021 @ 2:00 p.m.

LOCATION: Cowles Council Chambers also via Zoom

Engineers Estimate: NA

Project #: NA

BID ITEM NO.	BID ITEM NAME & DESCRIPTION	BIDDER NAME, DATE & TIME BID RECEIVED AND AMOUNT	
		BID	
1.	Pedestal Crane, minimum bid amount \$5000	No Bids received	
2.	Anchor Winch, Aurora Model AWT2 Minimum bid is \$1,000	Ian Pitzman, Fortune Sea 5/6/21 @ 8:54 am \$1,025	
3.	Isolation Transformer, MGM Transformer Company, Cat#AD370-E0391	Todd Hoppe, Hoppe Enterprises 4/29/21 @ 12:30 pm \$775.00	Ian Pitzman, Fortune Sea LLC 5/6/21 @ 8:55am \$1050.00
4.			

Staff Present:

City Clerks: Renee Krause, Deputy City Clerk

Harbor: Bryan Hawkins, Port Director/Harbormaster

Finance: Kaela Jiron, Accounting Technician IV

Public Works: _____

Police: _____

Comments: _____

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 21-034

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
CONSOLIDATING THE CARMA/RESERVE FUND ACCOUNTS.

WHEREAS, The City of Homer currently has a wide variety of fund accounts that have been created through discretionary allocations during the budget process; and

WHEREAS, Assignment of capital into the various accounts are not appropriations; and

WHEREAS, Funding of capital item replacement is accomplished through the City's capital budget or by separate Council action; and

WHEREAS, The City Council is free to add or remove funds from discretionary CARMA accounts; and

WHEREAS, The General Fund CARMA Fund contains an account that has a negative value; and

WHEREAS, Consolidation of the General Account will immediately eliminate the negative account position; and

WHEREAS, The Water and Sewer CARMA/Reserve Fund is derived from dedicated revenues associated with the water and sewer tariff, which require a separate account; and

WHEREAS, It makes some sense to maintain a separate fund for fleet replacement.

NOW THEREFORE BE IT RESOLVED that the City Council of Homer, Alaska hereby approves consolidating the CARMA/Reserve Fund Accounts.

BE IT FURTHER RESOLVED that,

1. As of March 31, 2021, the General Fund CARMA/Reserve Fund accounts (Fund 156) are consolidated into a single fund with a value of \$1,529,396; and
2. As of March 31, 2021, the Fleet CARMA/Reserve Fund accounts (Fund 152) are consolidated into a single fund with a value of \$1,158,568; and
3. As of March 31, 2021, the Water and Sewer CARMA/Reserve Fund accounts (Fund 256) are consolidated into a single fund with a value of \$4,350,558.

43 PASSED AND ADOPTED by the Homer City Council this ____ day of _____, 2021.

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CITY OF HOMER

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KEN CASTNER, MAYOR

49 ATTEST:

50

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MELISSA JACOBSEN, MMC, CITY CLERK

53

54 Fiscal note: N/A