



Agenda

City Council Regular Meeting

Monday, September 25, 2023 at 6:00 PM

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

Homer City Hall

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

Zoom Webinar ID: 205 093 973 Password: 610853

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

CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

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

- a. Homer City Council Unapproved Regular Meeting Minutes of September 11, 2023. City Clerk. Recommend adoption.
- b. Ordinance 23-51, An Ordinance of the City Council of Homer, Alaska, Amending the FY24 Capital Budget by Accepting and Appropriating a State of Alaska Public Library Assistance Grant for FY24 in the Amount of \$7,000 for Books and Library Materials. City Manager/Library Director. Introduction September 25, 2023 and Public Hearing & Second Reading October 9, 2023.

Memorandum CC-23-218 from Library Director as backup.

- c. Resolution 23-096, A Resolution of the City Council of Homer, Alaska Approving and Economic Development and Tourism Marketing Agreement between the City of Homer and the Homer Chamber of Commerce. City Manager. Recommend Approval.

Memorandum CC-23-219 from Economic Development Manager as backup.

- d. Resolution 23-097, A Resolution of the City Council of Homer, Alaska Approving a Sole Source Contract in the Amount of \$42,500 to Arno Construction to Install Water and Sewer Service Lines for Restrooms at Jack Gist Park and Authorizing the City Manager to Negotiate and

Execute the Appropriate Documents. City Manager/Public Works Director. Recommend approval.

Memorandum CC-23-220 from Public Works Director as backup.

- [e.](#) Resolution 23-098, A Resolution of the City Council of Homer, Alaska Approving Extension of the Memorandum of Understanding between the City of Homer and Kachemak City Regarding Road Maintenance on Stellars Jay Drive and Golden Plover Avenue, and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend approval.

Memorandum CC-23-221 from Public Works Director as backup.

- [f.](#) Resolution 23-099, A Resolution of the City Council of Homer, Alaska Approving a Term Contract with ChemTrack Alaska, Inc. and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend approval.

Memorandum CC-23-222 from Public Works Director as backup.

- [g.](#) Resolution 23-102, A Resolution of the City Council of Homer, Alaska Authorizing Reimbursement in the Amount of \$110,000 to Beachy Construction for the Construction of a Shoulder Extension on West Fairview Avenue for Use by Non-Motorized Transportation and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend approval.

Memorandum CC-23-224 from Public Works Director as backup.

VISITORS

- [a.](#) Lobbyist Report - Christine Hess and Reggie Joule (10 minutes)
- b. Transportation Plan Update - Jan Keiser, Public Works Director

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

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

PUBLIC HEARING(S)

a. Tasmania Water and Sewer Special Assessment District Final Assessment Roll

Memorandum CC-23-210 & 211 from Public Works Director as backup.

Memorandum CC-23-212 from City Clerk as backup.

Memorandum CC-23-225 from Deputy City Clerk as backup.

b. Ordinance 23-21(S)(A), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 22.10.050 to Specify that Preliminary Plats Approved by the City Shall Include all Development Commitments Made to the City. Davis/Erickson. Introduction April 10, 2023 and Refer to Planning Commission, Public Hearing August 28, 2023, Public Hearing and Second Reading September 25, 2023.

Memorandum CC-23-217 from City Planner as backup.

c. Ordinance 23-50, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Operating Budget by Appropriating \$10,000 from the General Fund Unassigned Fund Balance to Fund Part of the Homer Small Business Advisor Position for the Alaska Small Business Development Center. Venuti/Erickson. Introduction September 11, 2023 Public Hearing and Second Reading September 25, 2023.

Memorandum CC-23-206 from Economic Development Manager as backup.

ORDINANCE(S)

CITY MANAGER'S REPORT

a. City Manager's Report

PENDING BUSINESS

NEW BUSINESS

a. Memorandum CC-23-214 from Deputy City Clerk re: Confirmation of Election Judges for the October 3, 2023 City of Homer Regular Election.

b. Memorandum CC-23-215 from Deputy City Clerk re: Marijuana Cultivation License Renewal for Alaska Loven It, LLC dba Wildflower Farms.

c. Memorandum CC-23-216 from Councilmembers Lord and Erickson and Mayor Castner re: Strategic Planning Session Priorities: Financial Plan

RESOLUTIONS

a. Resolution 23-100, A Resolution of the City Council of Homer, Alaska, Awarding the General Counsel Legal Services Contract For A Three Year Term to the Firm of Jermain, Dunnagan & Owens, P.C. of Anchorage, Alaska, and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. Mayor.

- [b.](#) Resolution 23-101, A Resolution of the City Council of Homer, Alaska Repealing Section 13 of the Reserved Stall Vessel Moorage Agreement and Section 10 of the Transient Vessel Moorage Agreement and Providing for an Immediate Effective Date. Mayor.

Memorandum CC-23-223 from Mayor as backup.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

COMMENTS OF THE CITY MANAGER

COMMENTS OF THE MAYOR

COMMENTS OF THE CITY COUNCIL

ADJOURNMENT

Next Regular Meeting is **Monday, October 9, 2023 at 6:00 p.m.**, Work Session at 4:00 p.m. and Committee of the Whole at 5:00 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 23-18 a Regular Meeting of the City Council of Homer, Alaska was called to order on September 11, 2023 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

EXCUSED: COUNCIL MEMBER LORD (excused)

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
CITY ATTORNEY GATTI

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

Mayor Castner announced the supplemental items: **ANNOUNCEMENTS / PRESENTATIONS / REPORTS** Planning Commission written report; **ORDINANCES** Ordinance 23-50, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Operating Budget by Appropriating \$10,000 from the General Fund Unassigned Fund Balance to Fund Part of the Homer Small Business Advisor Position for the Alaska Small Business Development Center. Venuti/Erickson. Financial Supplement as backup and written public comment.

ADERHOLD/VENUTI MOVED TO APPROVE THE AGENDA

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Robert Green, Business Advisor with the Alaska Small Business Development Center (SBDC), commented in support of Ordinance 23-50 for partial funding of the Homer Business Advisor position and provided statistics of the SBDC in his time in as the advisor.

Brad Anderson, Homer Chamber of Commerce Executive Director, shared the Chamber's position in supporting Ordinance 23-50 and the Alaska SBDC Homer Business Advisor position.

Heath Smith, city resident, commented in support of Ordinance 23-50 because of the important roll the Homer Business Advisor plays in supporting small business development in the community.

Toni Ross commented in support of Ordinance 23-50. She shared her experience working with the SBDC Homer Business Advisor and the benefits of having a point of contact for assistance to a small business owner.

Scott McEwen commented in support of Ordinance 23-50. He explained how the guidance of the Homer Advisor helped is small business succeed.

Cliff Cochran, Alaska SBDC Kenai Peninsula Center Director, commented in support of Ordinance 23-50. He addressed the significance of the SBDC services to the small businesses on the Kenai Peninsula and the reduction in service to the small businesses in Homer if the position isn't funded.

RECONSIDERATION

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

- a. Homer City Council Unapproved Regular Meeting Minutes of August 28, 2023. City Clerk. Recommend adoption.
- b. Memorandum CC-23-200 from City Clerk re: Liquor License Designation Permit for The Alibi. Recommend approval.
- c. Memorandum CC-23-201 from City Clerk re: Retail Marijuana Store License Renewal for Uncle Herbs. Recommend approval.
- d. Resolution 23-089, A Resolution of the City Council of Homer, Alaska Approving a Task Order for Geovera, LLC in the Amount of \$25,000 for Survey and Platting Services Related to the Kachemak Sponge Green Infrastructure Storm Water Management Project and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum CC-23-202 from Public Works Director as backup.

- e. Resolution 23-090, A Resolution of the City Council of Homer, Alaska Approving a Task Order with Kinney Engineering, LLC in the Amount of \$60,000 for the Design of Svedlund Avenue Sidewalk from Pioneer Avenue to Fairview Avenue. City Manager/Public Works Director. Recommend adoption.

Memorandum CC-23-203 from Public Works Director as backup.

- f. Resolution 23-091, A Resolution of the City Council of Homer, Alaska Approving a Task Order to Bishop Engineering in the Amount of \$23,000 for Wetland Delineation Services Related to the Kachemak Sponge Green Infrastructure Storm Water Management Project and Authorizing

the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum CC-23-204 from Public Works Director as backup.

- g. Resolution 23-092, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Apply for an Alaska Department of Environmental Conservation (ADEC) FY24 State Revolving Loan Fund Loan for the A-Frame Water Transmission Line Project. City Manager/Public Works Director. Recommend adoption.

Memorandum CC-23-205 from Public Works Director as backup.

City Clerk Jacobsen read the consent agenda and recommendations.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VISITORS

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

- a. Worksession Report

City Manager Dumouchel reported that HDR and the US Army Corps of Engineers (USACE) provided an update to Council on the progress of the Homer Harbor Expansion General Investigation. They addressed expected cost increases to complete the project and a potential funding delay at the federal level.

- b. Committee of the Whole Report

Council Member Aderhold reported Council discussed Ordinance 23-50 and the status of the unassigned fund balance, the Tasmania Court Special Assessment District Final Assessment Rolls, and Resolutions 23-092, 094, and 095 related to applying for ADEC State Revolving Loan Funds for the A-Frame Water Transmission Line Project and the Water and Waste Water Master Plan Updates.

- c. Mayor's Report

Mayor Castner is looking forward to Kenai Peninsula Borough Planning Director Robert Ruffner engaging in the Planning Commission's work on recommendations for Ordinance 2321(S)(A) related to subdivisions. He reported he's looking forward to getting a budgetary request to start work on the

water and sewer lines to Jack Gist Park for restrooms, and the City’s requirement for insurance on vessels in the harbor before renewing moorage agreements for vessel owners.

- d. Borough Report
- e. Planning Commission

A written report in the supplemental packet.

- f. Americans with Disabilities Act Advisory Board

Council Member Aderhold reported the Board had a special meeting to review the Parks Transition Plan and they plan to have it to Council soon for approval.

PUBLIC HEARING(S)

- a. Tasmania Water and Sewer Special Assessment District Final Assessment Roll

Memorandum CC-23-210 & 211 from Public Works Director as backup
Memorandum CC-23-212 & 213 from City Clerk as backup

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

ADERHOLD/VENUTI MOVED FOR A SECOND PUBLIC HEARING ON SEPTEMBER 25TH.

This was requested by the City Clerk to address a missing page in the original public hearing notice information packet that was mailed to property owners.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- a. Ordinance 23-50, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Operating Budget by Appropriating \$10,000 from the General Fund Unassigned Fund Balance to Fund Part of the Homer Small Business Advisor Position for the Alaska Small Business Development Center. Venuti/Erickson. Recommended dates Introduction September 11, 2023 Public Hearing and Second Reading September 25, 2023.

Memorandum CC-23-206 from Economic Manager as backup.

VENUTI/ERICKSON MOVED TO INTRODUCE ORDINANCE 23-50 BY READING OF TITLE ONLY.

Council Member Venuti thanked everyone who provided input regarding this ordinance. It’s an investment into our community, meets the needs of small businesses in our community, and is a free local resource.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

CITY MANAGER'S REPORT

a. City Manager's Report

City Manager Dumouchel highlighted items in his report in the packet regarding a decrease in sales tax for the last quarter and increases in online sales tax and property tax, a draft short term rental ordinance that's in the works, upcoming public meetings regarding Bayveiw and Hornaday Parks, and meeting with partners in Seldovia.

In response to comments and questions from Council Members he noted their regular quarterly reports provide information on percentage of spending in the budget, and a resolution is expected to come to Council soon to award a contract for the Comprehensive Plan and Title 21 re-writes.

At the request of Council for information regard assessment of drainages in the area, Public Works Director Keiser commented. She explained what the City has been doing over the last few years to get a better understanding of the drainages that exist in the watershed areas inside and outside the City that affect the City for the new Stormwater Design Criteria that's being developed. There is also a development team that looks at all zoning permit applications and make recommendations to address risk potential for the subject property and properties downstream.

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

- a. Resolution 23-093, A Resolution of the City Council of Homer, Alaska Adopting the 2024-2029 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2025. Mayor and City Council.

Memorandum CC-23-207 from Special Projects & Communications Coordinator as backup.

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 23-093 BY READING OF TITLE ONLY.

ADERHOLD/DAVIS MOVED TO REMOVE the Fairview Avenue Extension-Main Street to West Hill Road from the Long Range Projects section.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/DAVIS MOVED TO INCLUDE THE HOMER WASTE WATER TREATMENT PLANT IMPROVEMENTS TO THE MIDRANGE SECTION.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/VENUTI MOVED TO ADD THE ENGINEERING STUDY FOR THE HOMER PUBLIC LIBRARY REMODEL TO THE MIDRANGE SECTION.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/VENUTI MOVED TO ADD THE HOMER PUBLIC LIBRARY SIDING REPLACEMENT TO THE MIDRANGE SECTION.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/VENUTI MOVED TO ADD THE HOMER PUBLIC LIBRARY SLIDING SECURITY GATE TO THE MIDRANGE SECTION.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/DAVIS MOVED TO ADD THE ADA LIFT SYSTEM AT RAMP 7 TO THE MIDRANGE SECTION.

There were comments that the Port and Harbor Advisory Commission and Port Director recommend holding off on adding this project to the CIP until a system better designed for this service is identified and a fuller scope developed according to technical specifications.

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

Motion failed.

ADERHOLD/DAVIS MOVED TO ADD REGRADE AND REPAVE HOMER PUBLIC LIBRARY PARKING LOT TO THE MIDRANGE SECTION.

There were comments that Public Works staff recommend holding off on adding this project to the CIP until next year. This will give time to assess effectiveness of mitigation measures already taken, and that the parking lot issue is included in the ADA Transition Plan for City Facilities.

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

Motion failed.

ADERHOLD/VENUTI MOVED TO INCLUDE THE ROGERS LOOP TRAILHEAD STORAGE SHED IN THE OTHER ORGANIZATION AND STATE PROJECT SECTION.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ADERHOLD/VENUTI MOVED TO ADD THE DIAMOND CREEK RECREATION AREA TRAILS IN THE OTHER ORGANIZATION AND STATE PROJECT SECTION.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ADERHOLD/VENUTI MOVED TO ADD TRAFFIC CONTROL AT THE CORNER OF STERLING HIGHWAY AND SOUNDVIEW AVENUE IN THE OTHER ORGANIZATION AND STATE PROJECT SECTION.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ADERHOLD/VENUTI MOVED TO INCLUDE THE HERC HAZARDOUS MATERIAL CLEANUP AND REVITALIZATION PLAN TO THE MIDRANGE SECTION.

There were comments expressing concern at the cost of this project and the need to have it in the CIP to support possible grant opportunities in the future.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/VENUTI MOVED TO ADD ROGER'S LOOP TRAILHEAD PARKING LOT TO THE MIDRANGE SECTION.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/DAVIS MOVED TO ADD THE DRAINAGE MANAGEMENT PLAN TO THE MIDRANGE SECTION.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/DAVIS MOVED TO ESTABLISH AND APPROVE THE CITY COUNCIL'S PRIORITIZED LIST OF EIGHT LEGISLATIVE PRIORITY PROJECTS.

Council Member Aderhold read the list included in Resolution 23-093:

1. Homer Harbor Expansion
2. Multi-Use Community Center
3. Slope Stability & Erosion Mitigation Program
4. Homer Harbor Critical Float System Replacement: Float Systems 4 & 1
5. Karen Hornaday Park Public Restroom
6. A-Frame Water Transmission Line Replacement
7. Homer Spit Erosion Mitigation
8. New Public Works Facility

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Resolution 23-094, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Apply for an Alaska Department of Environmental Conservation (ADEC) FY24 State Revolving Loan Fund Loan for the Water Master Plan Update. City Manager/Public Works Director.

Memorandum CC-23-208 from Public Works Director as backup.

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 23-094 BY READING OF TITLE ONLY.

At the request of Council Public Works Director Keiser explained the need for updating the City's Water Master Plan and Waste Water Master Plan and that the State has identified the projects for a principal forgiveness subsidy.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- c. Resolution 23-095, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Apply for an Alaska Department of Environmental Conservation (ADEC) FY24 State Revolving Loan Fund Loan for the Waste Water Master Plan Update. City Manager/Public Works Director.

Memorandum CC-23-209 from Public Works Director as backup.

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 23-095 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

Heath Smith, city resident, commented regarding the natural gas free main allowance and that it should be refunded to the participants in the natural gas district.

Robert Archibald, city resident, shared his appreciation for the bathroom projects in the CIP and reminded Council that the Prince William Sound Regional Citizens Advisory Council meetings coming up in Homer.

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen advised of openings on boards and commissions and absentee voting information.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel reminded listeners that there is a Transportation Plan Public Meeting on September 26, the plan is on the website and encouraged public comments.

COMMENTS OF THE MAYOR

Mayor Castner thanked the Board and Commission Members for their work on the City’s CIP.

COMMENTS OF THE CITY COUNCIL

Council Member Venuti commented regarding upcoming candidate forums for City Council and Borough elections. She appreciated the comments from Pat Case at an earlier meeting regarding audible traffic signals, they will be beneficial to citizens crossing at intersections. She thanked everyone for their comments on Ordinance 23-50.

Council Member Aderhold advised that she will be absent at the next meeting.

Council Member Erickson thanked everyone who showed up to work this summer.

Council Members Hansen and Davis had no comments.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 7:15 p.m. The next Regular Meeting is Monday, September 25, 2023 at 6:00 p.m., Work Session at 4:00 p.m. and Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved: _____



MEMORANDUM

Ordinance 23-51, An Ordinance of the City Council of Homer Alaska Amending the FY24 Capital Budget by Accepting and Appropriating A State of Alaska Public Library Assistance Grant for FY24 in the Amount of \$7,000 for Books and Library Materials.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: September 20, 2023
Through: Robert Dumouchel, City Manager
From: Dave Berry, Library Director

Summary:

Each year the Alaska State Library awards up to \$7,000 to libraries across Alaska. Homer has received the Public Libraries Assistance Grant (PLAG) every year for about four decades and I am happy to report that we have received the full amount again this year.

Recommendation:

Accept the \$7,000 grant from the State Library

**CITY OF HOMER
HOMER, ALASKA**

City Manager/Library Director

ORDINANCE 23-51

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE FY24 CAPITAL BUDGET BY ACCEPTING AND
APPROPRIATING A STATE OF ALASKA PUBLIC LIBRARY
ASSISTANCE GRANT FOR FY24 IN THE AMOUNT OF \$7,000 FOR
BOOKS AND LIBRARY MATERIALS.

WHEREAS, The City submitted an application for the Alaska Public Library Assistance Grant for books and library materials; and

WHEREAS, The State awarded the grant in the amount of \$7,000 and required a local match of \$7,000; and

WHEREAS, The required match of \$7,000 is funded in the FY2024 budget.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates a State of Alaska Public Library Assistance Grant in the amount of \$7,000 for books and library materials as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
157-7100	State of Alaska Public Library Assistance Grant	\$7,000

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

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 9th day of October, 2023.

CITY OF HOMER

KEN CASTNER, MAYOR

43 ATTEST:
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45 _____
46 MELISSA JACOBSEN, MMC, CITY CLERK
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48 YES:
49 NO:
50 ABSTAIN:
51 ABSENT:
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53 First Reading:
54 Public Hearing:
55 Second Reading:
56 Effective Date:



MEMORANDUM

Resolution 23-096, A Resolution of the Homer City Council Approving an Economic Development and Tourism Marketing Agreement Between the City of Homer and the Homer Chamber of Commerce, Authorizing the City Manager To Negotiate and Execute the Appropriate Documents

Item Type: Backup Memorandum
Prepared For: Mayor Caster and Homer City Council
Date: September 25, 2023
From: Julie Engebretsen, Economic Development Manager
Through: Rob Dumouchel, City Manager

The City of Homer and the Chamber of Commerce (Chamber) have had a Marketing and Tourism agreement since 2014. The agreements are renewed every three years. In the City's FY 24-25 budget effective July 1, 2023, Chamber funding was increased by Council amendment from the historical annual appropriation of \$51,000 to \$75,000, reflecting inflation, increased cost, and increased visitor center services since 2014. The attached draft marketing agreement includes additional marketing via social media and new community events which support both tourism and local quality of life.

Over the past year, the Economic Development Advisory Commission spent time considering Homer's quality of life. Concurrently, the Chamber of Commerce has modified its marketing plan to develop events and promotions to increase economic activity outside Homer's typical summer peak season, as well as try new activities which make Homer a great place to live and work. Its recognized by both groups that summer tourism cannot increase sustainably without more tourism related services, which is difficult in the current labor market. Seasonal and year round employees for restaurants, retail and services are hard to recruit and retain. Stable housing and childcare are both needs identified by the EDC, Chamber and business community to support current workers and encourage more people to participate in the workforce. To that end, the Chamber Executive Director Brad Anderson has been participating in community efforts to address housing and childcare. While these activities are not covered by the Marketing and Tourism Agreement, these efforts are worth mentioning here in recognition that the Chamber is sensitive to the capacity and needs of the community. The Chamber plans new marketing funds and activities around the shoulder and off seasons, supporting year round jobs and economic activity.

RECOMMENDATION:

Adopt Resolution 23-096

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 23-096

A RESOLUTION OF THE HOMER CITY COUNCIL APPROVING AN ECONOMIC DEVELOPMENT AND TOURISM MARKETING AGREEMENT BETWEEN THE CITY OF HOMER AND THE HOMER CHAMBER OF COMMERCE AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The adopted FY 2024-2025 Operating Budget contains an appropriation and annual transfer of \$75,000 to the Homer Chamber of Commerce; and

WHEREAS, The appropriated funds are located within the annual budget because the City views the Chamber as a contractor that is providing marketing and other economic development services; and

WHEREAS, It is common and appropriate for there to be a contract or formal agreement between the City and a business or organization providing contracted services; and

WHEREAS, The City and the Chamber of Commerce have collaborated on an Economic Development and Tourism Marketing Agreement which formalizes the relationship between the parties since 2014; and

WHEREAS, The draft Agreement clearly outlines the Chamber's marketing efforts on behalf of Homer generally as a great place to live and establish a business and the Chamber's economic development efforts on behalf of multiple sectors of the economy; and

WHEREAS, The Agreement is renewed on a three year basis and remains substantially similar to the prior adopted agreement with the exception of an updated Marketing Plan provided by the Chamber; and

WHEREAS, The Homer City Council reviewed the Economic Development and Tourism Marketing Agreement and the Chamber's Marketing Plan at its regular meeting on September 25, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves the Economic Development and Tourism Marketing Agreement between the City of Homer and the Homer Chamber of Commerce and authorizes the City Manager to negotiate and execute the appropriate documents.

43 PASSED AND ADOPTED by the Homer City Council this 25th day of September 2023.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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51 ATTEST:

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55 MELISSA JACOBSEN, MMC, CITY CLERK

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57 Fiscal Note: N/A



CHAMBER OF COMMERCE
& VISITOR CENTER

Our Mission: To support our membership through cooperative economic development and community service.

DRAFT Homer Chamber & Visitor Center Economic Development & Tourism Marketing Agreement

This Agreement is made effective September____, 2023 by the Homer Chamber of Commerce, whose address is 201 Sterling Highway, Homer, AK 99603, herein referred to as the ‘Chamber,” a nonprofit 501 (c)(6) corporation, and the City of Homer, whose address is 491 E. Pioneer Avenue, Homer, AK 99603, herein referred to as the “City.”

WHEREAS, the City has designated the Chamber as the lead marketing entity of the Homer community and the recipient of public funds which are to be utilized and expended for the promotion of the City of Homer economic development and tourism marketing; and

WHEREAS, the Chamber can best accomplish this mission most efficiently by focusing its energies on marketing the city and managing the marketing activities; and

WHEREAS; The City has determined that it is most efficient and cost-effective to contract with the Chamber for marketing services instead of attempting to perform that function itself; and

WHEREAS, the Chamber is an organization whose mission is to promote and support a diversified economy for a positive business and living environment for its members and the greater Homer area. The Chamber accomplishes that mission by marketing the City of Homer as a destination for conferences, economic development, tourism in general as an economic development strategy for the community at large and its supporting members, specifically; and

WHEREAS, the Chamber has acquired the resources, facilities, and personnel with the specialized skills to conduct tourism and economic development marketing programs to attract and serve new businesses and visitors of all types.

NOW, THEREFORE, the parties, each in consideration of the promise herein agree as follows:

1. The City hereby engages the Chamber to market business and industry development and tourism for the City of Homer. The term of this Agreement shall be three (3) years, unless notice of termination of the Agreement is given pursuant to paragraph 7 hereof.
2. The Chamber accepts the engagement and shall diligently promote such businesses by producing marketing, sales promotion, and publicity programs such as the following:
 - a) Sales calls to the potential convention, tradeshow, and conference prospects;
 - b) Participation in regional advisory committees engaged in business and industry development issues;
 - c) Exhibits at various conference shows and special events as deemed necessary by the Chamber to promote economic development and the visitor industry;
 - d) Conducting Homer familiarization tours and product development tours and activities;

- e) Oversight of certain special community-wide events currently being held in the City of Homer as noted in the annual addendum;
 - f) Hosting prospective meeting planners and other clients in the city to promote business and industry development and the tourism industry;
 - g) Development, production, and distribution of promotional sales materials;
 - h) Providing community and visitor information and assistance.
3. The Chamber shall conduct economic development and tourism industry promotion to aid the City in achieving its mission to increase customers coming to Homer, and attracting new business and industry to Homer by conducting programs such as:
- a) Tourism marketing, sales, and promotion campaigns;
 - b) Generic advertising of the community's assets and tourism attractions;
 - c) Market cooperatively with the Chamber's members to the mutual benefit of its members and the City;
 - d) Produce by itself, or by contract, brochures, visitor guides, maps, and other publications useful to economic development and tourism visitors;
 - e) Promote economic development and tourism via electronic media;
 - f) Operate a Visitor Information Center to serve visitors;
 - g) Work with other community groups and non-profits (such as the Arts) to market the broad quality of life aspects of living in Homer;
 - h) Work with other business sectors not necessarily Chamber members (such as Marine Trades) to promote the unique services that exist in Homer.
4. For the promotion and marketing services rendered by the Chamber to the City for the community-at large, the City shall pay to the Chamber, subject to appropriation, the amounts as detailed in an annual addendum as referenced in paragraph 5 hereof.
5. The Chamber will annually, by October 1 of each year, provide a marketing workplan and budget ("Marketing Plan and Budget") outlining anticipated expenditures to conduct the aforementioned services on behalf of the City and the community. The Marketing Plan and Budget is a part of this Agreement and will compare the prior year's plan with actual results.
6. The Chamber shall utilize and dedicate all such funds received from the City for the promotion of economic development and tourism in the Marketing Plan.
7. This Agreement may be terminated by either party serving upon the other six months prior written notice of termination of the Agreement. This Agreement is binding upon both parties and shall inure to the benefit of their successors in interest. If the City terminates this agreement, the City agrees to pay for expenses already incurred at the time of notification of termination.
8. The Chamber is an independent contractor in the performance of any work under this Agreement, and neither the Chamber nor its employees, members or volunteers shall be an employee or agent of the City.
9. The Chamber shall defend, indemnify and hold harmless the City, its officials, employees, agents and contractors from any and all liability (including attorney fees) or claims for damages, including personal injuries, environmental damage, death and property damage arising out of or resulting from the Chamber's use of the City's funds or the Chamber's actions taken pursuant to this Agreement, including the Chamber's employees, assignees, contractors, agents or the public.

10. Prior to disbursement of any funds by the City, the Chamber shall procure and maintain, at the Chamber's sole cost and expense, comprehensive commercial general liability insurance with limits of liability of not less than TWO MILLION DOLLARS (\$2,000,000) for all injuries and/or deaths resulting to any one person and ONE MILLION DOLLARS (\$1,000,000) limit from any one occurrence. The Chamber will add the City to its general liability insurance as an Additional Insured.
11. In addition to the insurance described in paragraph 11, the Chamber shall maintain, at the Chamber's sole cost and expense, workers' compensation insurance as required under Alaska law and owned and non-owned automobile liability insurance with limits of liability of not less than ONE HUNDRED THOUSAND DOLLARS (\$100,000) per occurrence combined single limit for bodily injury and property damage, and FIVE HUNDRED THOUSAND (\$500,000) total aggregate.
12. All insurance policies shall provide for thirty (30) days' notice of cancellation and/or material change to be sent to the City. All such policies shall be written by insurance companies legally authorized or licensed to do business in Alaska and acceptable to the City (Best's Rating B+ or better). The City shall be listed as an additional insured. Upon execution of the contract, the Chamber shall furnish certificates evidencing that it has procured the insurance required herein. The minimum insurance requirements under this Agreement shall not act to limit the Chamber's liability for any occurrence and shall not limit the Chamber's duty to defend and indemnify the City for claims related to this Agreement.

IN WITNESS THEREFORE, the parties hereto executed the Agreement by duly authorized offices respectively.

By: _____
Brad Anderson / Homer Chamber, Executive Director

By: _____
Rob Dumouchel / City of Homer, City Manager

ATTEST:

Melissa Jacobsen, MMC, City Clerk



CHAMBER OF COMMERCE
& VISITOR CENTER

Our Mission: To support our membership through cooperative economic development and community service.

DRAFT FY 2024 MARKETING PLAN

The information below describes the Homer Chamber of Commerce's planned use of the \$75,000 from the City for advertising, marketing, and economic development.

Specific core programs using these funds (for promotion of the following events to increase community participation & generate economic impact):

1. Winter King Salmon Tournament
2. Kachemak Bay Shorebird Festival
3. Halibut Derby
4. Solstice Festival
5. Winter Carnival Parade
6. 4th of July Parade
7. Alaska World Arts Festival
8. Peony Celebration
9. Newsletter distribution
10. Taste of Homer
11. Trick or Treat on Pioneer Ave.
12. Fall Festival

Marketing Homer

Homer Visitor and Relocation Guides

New Neighbor Program

Homeralaska.org Website

Numerous Social Media pages such as Visit Homer on Facebook and Instagram

Advertising in multiple travel publications and websites such as TravelAlaska.org, Alaska.org, Bell's Map, Peninsula's Best Maps, Alaska RV Guide.

Booth at Anchorage Sportsman Show, Anchorage Boat Show, Mat-Su Outdoorsman Show

Attend the annual Alaska Travel Industry Association (ATIA) Conference.

Marketing Homer as a Wedding Destination

Marketing City of Peonies

Coordination of Familiarization Tours with journalists

Operation of the Homer Visitor Centers on the Spit, Homer Airport, Downtown Homer and Baycrest Kiosk.



MEMORANDUM

Resolution 23-097, A Resolution Authorizing Issuance of a Sole Source Contract to Arno Construction, Inc., of Homer, Alaska, In The Not To Exceed Amount of \$42,500 To Install Water and Sewer Service Lines for a Future Restroom at Jack Gist Park and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents.

Item Type: Backup Memorandum
Prepared For: City Council
Date: September 7, 2023
From: Janette Keiser, PE, Public Works Director/City Engineer
Through: Rob Dumouchel, City Manager

I. Issue: The purpose of this Memorandum is to request approval to award a contract to Arno Construction, Inc., to install water/sewer service lines for a future Jack Gist Park restroom.

II. Background:

The FY23 Capital Budget includes \$42,500 appropriated from the HAWSP Fund through the adoption of Ordinance 23-37 for the purpose of installing water and sewer service lines in Jack Gist Park for a future restroom.

Arno Construction, Inc. (“Arno”) is building the road, water and sewer improvements for the Jack Gist Subdivision. The water and sewer mains will cross the Jack Gist Park parking lot. It makes sense for Arno to install the service connections from these mains to the site of the future restroom as well.

Homer City Code allows exceptions to be made to bidding requirements in certain cases. See HCC 3.16.060. One of these exceptions is for sole source procurements. HCC 3.16.060(i). A sole source procurement is justified because Arno will be on site with its equipment and materials, doing exactly the same work for the service line connections as it will be doing for the subdivision improvements. It is highly unlikely another contractor could mobilize and perform the same work as cost effectively. Further, it is late in the construction season. Waiting until Arno is finished with the subdivision, will push the service line installation, if done by another contractor, to 2024. It is not feasible to have two contractors doing underground utility work in the same place at the same time.

Arno’s quote to install the service connections is \$42,500, which is deemed fair and reasonable, compared to historic costs for similar work.

- III. RECOMMENDATIONS:** That the City Council approves a sole source contract to Arno Construction to install water and sewer connection lines in Jack Gist Park for a future restroom.

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

3 City Manager/
4 Public Works Director

5 **RESOLUTION 23-097**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
8 AUTHORIZING ISSUANCE OF A SOLE SOURCE CONTRACT IN THE
9 NOT TO EXCEED AMOUNT OF \$42,500 TO ARNO CONSTRUCTION,
10 INC. OF HOMER, ALASKA, TO INSTALL WATER AND SEWER
11 SERVICE LINES FOR A FUTURE RESTROOM AT JACK GIST PARK
12 AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND
13 EXECUTE THE APPROPRIATE DOCUMENTS.

14
15 WHEREAS, The FY 23 Capital Budget was amended by Ordinance 23-37 to appropriate
16 \$42,500 from the HAWSP Fund to install water and sewer service lines for a future Jack Gist
17 Park Restroom; and

18
19 WHEREAS, Arno Construction, Inc., was contracted to build the road, water and sewer
20 improvements for the Jack Gist Subdivision, and the water and sewer mains will cross the
21 Jack Gist Park parking lot; and

22
23 WHEREAS, Homer City Code allows exceptions to be made to bidding requirements in
24 cases where a sole source procurements is justified, HCC 3.16.060(i); and

25
26 WHEREAS, A sole source procurement is justified because:

- 27 1. Arno Construction will be on site with its equipment and materials, doing
28 exactly the same work for the service line connections as it will be doing for
29 the subdivision improvements and it is highly unlikely another contractor
30 could mobilize and perform the same work as cost effectively; and
31 2. It is late in the construction season, so waiting until Arno Construction is
32 finished with the subdivision, will push the service line installation, if done
33 by another contractor, to 2024; and
34 3. It is not feasible to have two contractors doing underground utility work in
35 the same place at the same time.

36
37 WHEREAS, Arno Construction's quote to install the service connections is \$42,500 which
38 is deemed fair and reasonable compared to historic costs for similar work; and

39
40 WHEREAS, It is requested that a small contingency be added in case actual quantities
41 installed during construction differ slightly from the computed quantities.

42
43 NOW THEREFORE BE IT RESOLVED that the Homer City Council hereby authorizes
44 issuance of a sole source contract to Arno Construction, Inc. of Homer, Alaska, in the Not to

45 Exceed amount of \$42,500 to install water and sewer service lines in Jack Gist Park to serve a
46 future restroom and Authorizes the City Manager to Negotiate and Execute the Appropriate
47 Documents.

48

49 PASSED AND ADOPTED by the Homer City Council this 25th day of September, 2023.

50

51

CITY OF HOMER

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KEN CASTNER, MAYOR

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56 ATTEST:

57

58

59 MELISSA JACOBSEN, MMC, CITY CLERK

60



MEMORANDUM

Resolution 23-098, Approving an Extension of the Memorandum of Understanding Between the City of Homer and Kachemak City Regarding Road Maintenance on Stellers Jay Drive and Golden Plover Avenue.

Item Type: Backup Memorandum
Prepared For: City Council
Date: September 12, 2023
From: Janette Keiser, PE, Public Works Director/City Engineer
Through: Rob Dumouchel, City Manager

I. Issue: The purpose of this Memorandum is to request recommend the City Council updated the Memorandum of Understanding with Kachemak City regarding the maintenance of Stellers Jay Drive.

II. Background:

In January 2014, the City Council adopted Resolution 14-006, which approved a Memorandum of Understanding (“MOU”) between the City of Homer and Kachemak City regarding the maintenance of Stellers Jay Drive and Golden Plover Avenue, which serves Canyon Trails Subdivision. This subdivision contains approximately 36 lots and is located with the City of Homer municipal boundaries. However, the only way to get to the subdivision is via Stellers Jay Drive and Golden Plover Avenue, both of which are located within the municipal boundaries of Kachemak City and together comprise approximately 2,000 linear foot of road.

In the MOU, the City of Homer agreed to provide routine maintenance on this 2,000 LF of Stellers Jay Drive and Golden Plover Avenue and both parties agreed to share the cost. The term of the MOU extended from January 1, 2014 to December 31, 2019, and may be extended by mutual consent of the parties.

Public Works has been providing basic road maintenance on Stellers Jay Drive and Golden Plover Avenue ever since.

III. RECOMMENDATIONS: That the MOU be extended for an indefinite term, subject to a reasonable termination clause.

Attachment: Resolution 14-006

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

3 City Manager

4 **RESOLUTION 14-006**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN
8 THE CITY OF HOMER AND KACHEMAK CITY REGARDING THE
9 CANYON TRAILS SUBDIVISION AND ROAD MAINTENANCE ON
10 STELLERS JAY DRIVE AND GOLDEN PLOVER AVENUE.

11
12 WHEREAS, The Canyon Trails Subdivision contains approximately 30 lots and is
13 located within the City of Homer municipal boundaries; and

14
15 WHEREAS, The only access to the Canyon Trails Subdivision is via Stellers Jay Drive
16 and Golden Plover Avenue; both of which are located within the municipal boundaries of
17 Kachemak City; and

18
19 WHEREAS, The City of Homer will benefit by development of this subdivision because
20 the result will be increased population, new water and sewer customers, and an expanded
21 property tax base; and

22
23 WHEREAS, Kachemak City will benefit from the proposed Memorandum of
24 Understanding through more consistent and higher quality road maintenance and better
25 access for emergency vehicles; and

26
27 WHEREAS, The City of Homer is obligated to provide road maintenance within the
28 subdivision but its equipment must pass through Kachemak City in order to do so; and

29
30 WHEREAS, Stellers Jay Drive and Golden Plover Avenue are approximately 2,000 linear
31 feet in length and it would be mutually beneficial for the Homer Public Works Department
32 crews to provide limited maintenance to that section of road as they pass through to provide
33 service to Canyon Trails Subdivision; and

34
35 WHEREAS, The developer of the Canyon Trails Subdivision and the City of Kachemak
36 have made improvements to Stellers Jay Drive and Golden Plover Avenue to bring these
37 roads up to acceptable City of Homer rural road standards; and

38 WHEREAS, The City of Homer and Kachemak City have worked together cooperatively
39 in order to upgrade Stellers Jay Drive and Golden Plover Avenue to minimum road standards,
40 improve traffic flow and public safety, mitigate the impacts of increased development and
41 traffic, and promote the general welfare of the residents of both communities; and
42

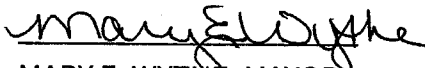
43 WHEREAS, The proposed Memorandum of Understanding provides that the two Cities
44 will share the cost of providing routine rural road maintenance based upon a negotiation
45 process and average maintenance costs per mile for rural road maintenance.
46

47 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council finds that working
48 cooperatively and sharing the cost of routine maintenance on Stellers Jay Drive and Golden
49 Plover Avenue is mutually beneficial and in the best interest of the public.
50


51 BE IT FURTHER RESOLVED that the Homer City Council hereby approves the
52 Memorandum of Understanding between the City of Homer and Kachemak City regarding
53 Canyon Trails Subdivision and road maintenance on Stellers Jay Drive and Golden Plover
54 Avenue; a copy of which is attached and incorporated herein.
55

56 PASSED AND ADOPTED by the Homer City Council this 13th day of January, 2014.
57

58 CITY OF HOMER
59
60

61 
62 MARY E. WYTHE, MAYOR
63

64 ATTEST:
65

66 
67 _____
68 JO JOHNSON, MMC, CITY CLERK
69
70

71 Fiscal Note: Estimated City of Homer costs < \$3,000 annually.

MEMORANDUM OF UNDERSTANDING

Between

The City of Homer

And

Kachemak City

WHEREAS, The Canyon Trails Subdivision contains approximately 30 lots and is located within the corporate boundaries of the City of Homer; and

WHEREAS, The only access to the Canyon Trails Subdivision is via Stellers Jay Drive and Golden Plover Avenue; both of which are located within the municipal boundaries of Kachemak City; and

WHEREAS, The City of Homer will benefit by development of this subdivision because the result will be increased population, an increase in water and sewer customers, and increased property tax revenues; and

WHEREAS, Kachemak City will benefit from this MOU through improved and more consistent road maintenance and better access for emergency vehicles; and

WHEREAS, The development of Canyon Trails Subdivision will result in increased traffic, dust, noise, and maintenance requirements on Stellers Jay Drive and Golden Plover Avenue; and

WHEREAS, Kachemak City residents will experience some negative impacts associated with development adjacent to their properties; and

WHEREAS; The City of Homer is obligated to provide road maintenance within the subdivision but City equipment must travel through Kachemak City in order to do so; and

WHEREAS, Stellers Jay Drive and Golden Plover Avenue are approximately 2,000 linear feet in length and it would be mutually beneficial for City of Homer Public Works crews to provide limited maintenance to that section of road as they pass through to provide service to Canyon Trails Subdivision; and

WHEREAS, The developer of the Canyon Trails Subdivision and Kachemak City have made improvements to Stellers Jay Drive and Golden Plover Avenue that has brought these roads up to acceptable City of Homer rural road standards; and

WHEREAS, Kachemak City currently provides a basic level of funding for road maintenance to its neighborhoods through its Roads Program and it proposes to use a portion to help pay for increased maintenance on Stellers Jay Drive and Golden Plover Avenue; and

WHEREAS, The City of Homer and Kachemak City have worked together cooperatively in order to upgrade Stellers Jay Drive and Golden Plover Avenue to minimum road standards, improve traffic flow and public safety, mitigate the impacts of increased development and traffic, and promote the general welfare of the residents of both communities.

THE PARTIES HEREBY AGREE:

General Terms:

1. **Term:** The term of this Memorandum of Understanding shall be five years commencing on January 1, 2014 and ending on December 31, 2019. The term may be extended or renewed by mutual consent of the parties. The parties agree that the City of Homer will not provide maintenance service until there are enough residences in the new subdivision to justify service pursuant to City of Homer Policy.
2. **Cost of Service:** The parties agree that enhancing road maintenance is mutually beneficial. The parties therefore agree to share the cost of maintaining Stellers Jay Drive and Golden Plover Avenue. The City of Homer will contribute to the cost of routine maintenance as provided below in Section 5. Kachemak City will contribute a negotiated amount consistent with Homer's existing rural road maintenance program, the average cost per foot, and Number 5 below. Inflation adjustments will be made each year and shall be based upon actual costs subject to review by Kachemak City. The City of Homer shall bill Kachemak City for the service on January 1st of each year. If service begins in the middle of the year, the bill shall be prorated.
3. **Amendments:** Amendments to this Memorandum of Understanding can be made by mutual consent of the parties. Amendments must be made in writing and signed by both parties.
4. **Termination:** This MOU may be terminated by either party with or without cause. The party wishing to terminate the agreement must provide 90 days notice of its intent to terminate.
5. **Routine Maintenance Defined:** The parties agree that Routine Maintenance includes activities such as grading, dust control, snow plowing, and sanding when the Public Works Department is also providing service to Canyon Trails Subdivision. Routine maintenance does not include fixing or cleaning culverts, fixing potholes, installing or maintaining signage, surface improvements, or drainage maintenance. Routine maintenance does not include capital improvements. Capital

Improvements remain the responsibility of Kachemak City and/ or its contiguous residents. The level of maintenance provided through this agreement will be similar to other roads maintained to rural road standards.

- 1) Plowing snow and sanding intersections (based on “rural” road standards) during winter months,
- 2) Complete summer road grading (approximately twice a summer; based on “rural” road standards subject to availability of resources),
- 3) Application of “dust control” (as needed, as available, based on the “rural” road standards schedule).

The City of Homer Agrees to:

1. Provide routine maintenance as described herein on approximately 2,000 linear feet of Stellers Jay Drive and Golden Plover Avenue that lead to the subdivision after there is enough development in the new subdivision to justify the service.
2. Share the cost with Kachemak City pursuant to Number 2 under General Conditions.

Kachemak City Agrees to:

1. Share the cost of providing this service and pay Homer a negotiated fee subject to Number 2 under general Conditions.
2. Be the point of contact for all inquiries, comments, questions, concerns, and complaints regarding maintenance on this section of road that originates from Kachemak City residents.

NOTICES:

All notices shall be sent to both parties as follows:

City Manager
City of Homer
491 East Pioneer Avenue
Homer, Alaska 99603

City Mayor
Kachemak City
P.O. Box 958
Homer, Alaska 99603

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the dates herein below set forth.

CITY OF HOMER

DATE:

Walt Wrede

1/15/14

WALT WREDE, City Manager

CITY OF KACHEMAK

DATE:

Philemon Morris

3/24/14

PHILEMON MORRIS, Mayor

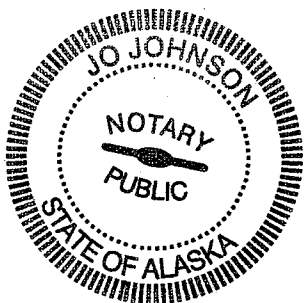
ACKNOWLEDGMENTS

STATE OF ALASKA

)
) ss.
)

THIRD JUDICIAL DISTRICT

The foregoing instrument was acknowledged before me on the 15th day of January, 2014, by WALT WREDE, City Manager of the City of Homer, on behalf of the City of Homer.

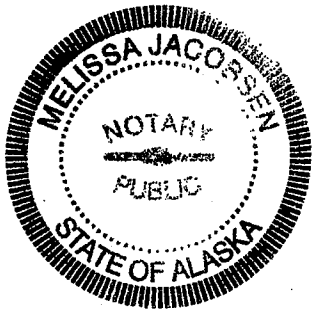


Jo Johnson
Notary Public in and for Alaska

My Commission Expires: 12/19/15

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

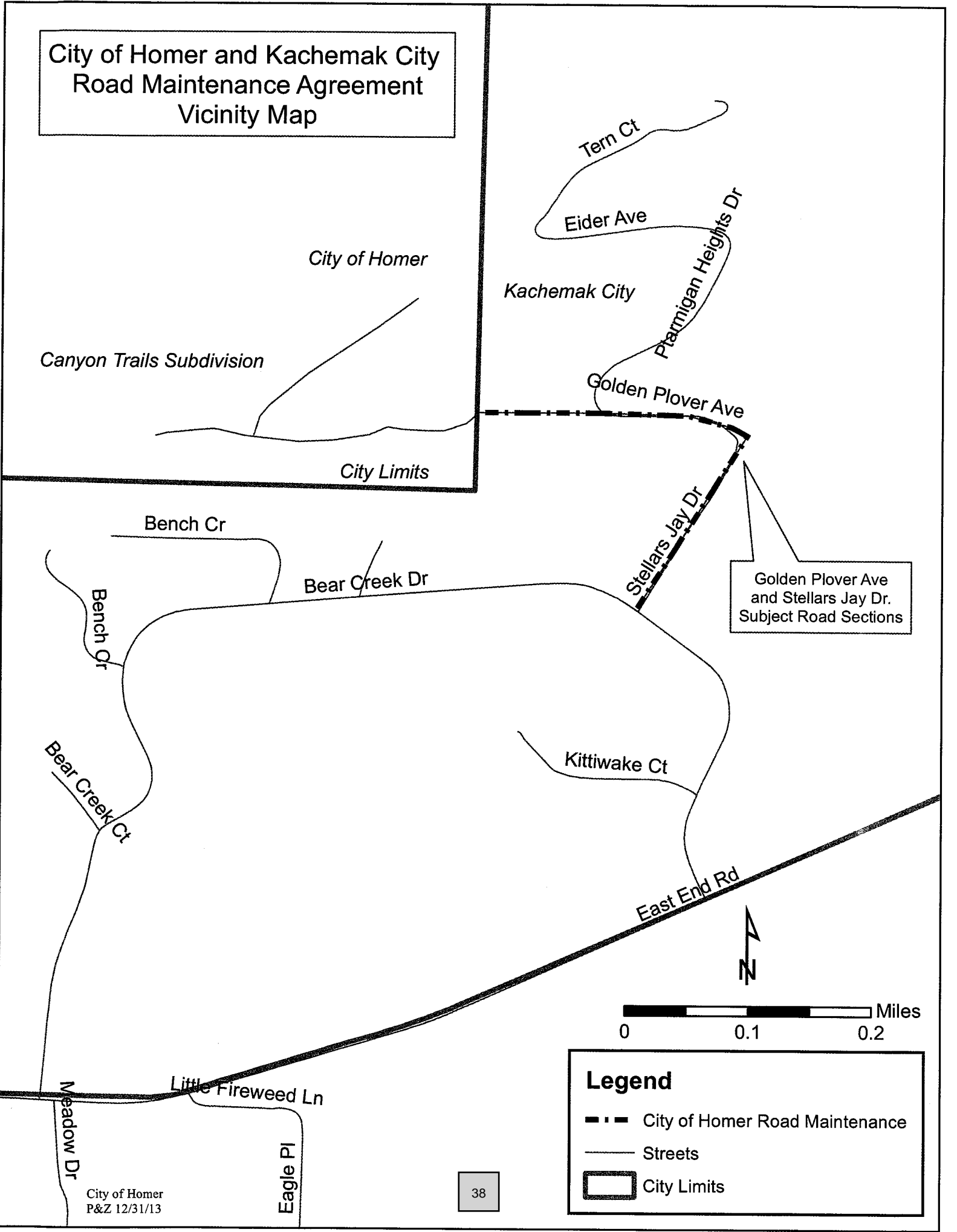
The foregoing instrument was acknowledged before me on the 24 day of March, 2013, by PHILEMON MORRIS, Mayor of the City of Kachemak, on behalf of the City of Kachemak.



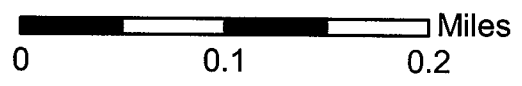
Melissa Jacobsen
Notary Public in and for Alaska

My Commission Expires: 9/8/16

**City of Homer and Kachemak City
Road Maintenance Agreement
Vicinity Map**



Golden Plover Ave
and Stellars Jay Dr.
Subject Road Sections



Legend

- City of Homer Road Maintenance
- Streets
- City Limits

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

3 City Manager
4 Public Works Director

5 **RESOLUTION 23-098**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
8 APPROVING AN EXTENSION OF THE MEMORANDUM OF
9 UNDERSTANDING BETWEEN THE CITY OF HOMER AND
10 KACHEMAK CITY REGARDING ROAD MAINTENANCE ON STELLERS
11 JAY DRIVE AND GOLDEN PLOVER AVENUE AND AUTHORIZING THE
12 CITY MANAGER TO NEGOTIATE AND EXECUTE THE APPROPRIATE
13 DOCUMENTS.

14
15 WHEREAS, In January 2014, the City Council adopted Resolution 14-006, which
16 approved a Memorandum of Understanding (“MOU”) between the City of Homer and
17 Kachemak City regarding the maintenance of Stellers Jay Drive and Golden Plover Avenue,
18 which serves Canyon Trails Subdivision; and

19
20 WHEREAS, This subdivision contains approximately 36 lots and is located within the
21 City of Homer municipal boundaries but the only access to the subdivision is via Stellers Jay
22 Drive and Golden Plover Avenue, both of which are located within the municipal boundaries of
23 Kachemak City and together comprise approximately 2,000 linear foot of road; and

24
25 WHEREAS, In the MOU, the City of Homer agreed to provide routine maintenance on
26 this 2,000 LF of Steller’s Jay Drive and Golden Plover Avenue and both parties agreed to share
27 the cost; and

28
29 WHEREAS, The term of the MOU extended from January 1, 2014 to December 31, 2019,
30 and may be extended by mutual consent of the parties; and

31
32 WHEREAS, Public Works has been providing basic road maintenance on Stellers Jay
33 Drive and Golden Plover Avenue ever since; and

34
35 WHEREAS, In the best interest of the City of Homer and Kachemak City the MOU should
36 be effective for an indefinite period, subject to a reasonable termination clause.

37
38 NOW THEREFORE BE IT RESOLVED, that the Homer City Council hereby approves an
39 extension of the MOU between the City of Homer and Kachemak City regarding road
40 maintenance on Stellers Jay Drive and Golden Plover Avenue, and authorizes the City Manager
41 to negotiate and execute the appropriate documents.

45 PASSED AND ADOPTED by the Homer City Council this 25th day of September, 2023.

46

47

CITY OF HOMER

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KEN CASTNER, MAYOR

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53 ATTEST:

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56 MELISSA JACOBSEN, MMC, CITY CLERK



MEMORANDUM

Resolution 23-099, A Resolution Issuing a Term Contract to ChemTrack Alaska, Inc., and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents.

Item Type: Backup Memorandum
Prepared For: City Council
Date: September 12, 2023
From: Janette Keiser, PE, Public Works Director/City Engineer
Through: Rob Dumouchel, City Manager

I. Issue: The purpose of this Memorandum is to recommend the City issue a Term Contract to ChemTrack Alaska, Inc.

II. Background:

Several of the City's grants with state or federal agencies require the City to use, or exercise good faith efforts to use, MWDBE businesses; that is, businesses owned by minorities, women or disadvantaged individuals. A Best Practice for identifying such businesses is to create a Bidder's List by advertising a Request for Qualifications ("RFQ") for such businesses and creating a roster of firms meeting one or more of the designations. We published a RFQ asking for Statements of Qualifications (SOQ) for services we were likely to need for various projects. We received a SOQ from a Woman-Owned Business Enterprise ("WBE") called ChemTrack Alaska, Inc. ("ChemTrack") is a 40+ year-old company specializing in the design and construction of environmental remediation services, including abatement of asbestos, PCBs, lead, etc. Much of ChemTrack's work has been with the Army, Air Force, and Coast Guard. While based in Anchorage, ChemTrack has successfully performed projects in many remote Alaskan locations. In short, they are well qualified and experienced with this specialized, highly-regulated work all over the State.

We believe the experts at ChemTrack can help us develop a strategy, and importantly, a sensible cost estimate, for remediating the HERC building(s) because they have hands-on, design-build experience with similar projects. Having meaningful cost information will be important as the City continues discussions with the EPA about a potential brownfield grant. We would like to issue ChemTrack a small Task Order to help us develop a path forward.

III. RECOMMENDATION: That the City Council approve a Term Contract to ChemTrack Alaska, Inc.

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

3 City Manager
4 Public Works Director

5 **RESOLUTION 23-099**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
8 ISSUING A TERM CONTRACT TO CHEMTRACK ALASKA, INC., AND
9 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE
10 THE APPROPRIATE DOCUMENTS.

11
12 WHEREAS, The City published a Request for Qualifications asking for Statements of
13 Qualifications (SOQ) for services we were likely to need for various projects; and

14
15 WHEREAS, The City received a SOQ from a Woman-Owned Business Enterprise (“WBE”)
16 called ChemTrack Alaska, Inc. (“ChemTrack”), a 40+ year-old company specializing in the
17 design and construction of environmental remediation services, including abatement of
18 asbestos, PCBs, lead, etc.; and

19
20 WHEREAS, ChemTrack has successfully performed hazardous abatement projects for
21 government agencies in many remote Alaskan locations and are well qualified and
22 experienced with this specialized, highly-regulated work; and

23
24 WHEREAS, The City believes the experts at ChemTrack can help develop a strategy, and
25 importantly, a sensible cost estimate, for remediating the HERC building(s) because they have
26 hands-on, design-build experience with similar projects; and

27
28 WHEREAS, Task Orders will be issued on an on-call basis, as needs are identified and
29 funded, in accordance with the City’s policies related to the procurement of consultant and/or
30 construction services, depending on the services involved; and

31
32 WHEREAS, Meaningful cost information will be important as the City continues its
33 discussions with the EPA about a potential brownfield grant.

34
35 NOW THEREFORE BE IT RESOLVED that the Homer City Council hereby issues a Term
36 Contract to ChemTrack Alaska, Inc. and Authorizes the City Manager to negotiate and execute
37 the appropriate documents.

38
39 PASSED AND ADOPTED by the Homer City Council this 25th day of September, 2023.
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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK



MEMORANDUM

Resolution 23-102, Authorizing Issuance of a Sole Source Contract in the Amount of \$110,000 to Beachy Construction to Construct a Shoulder Extension on West Fairview Avenue for Use by Non-Motorized Transportation and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and City Council
Date: September 20, 2023
From: Janette Keiser, PE, Public Works Director/City Engineer
Through: Rob Dumouchel, City Manager

I. Issue: The purpose of this Memorandum is to request approval to reimburse Beachy Construction for the construction of an extended shoulder on West Fairview Avenue for use by non-motorized transportation.

II. Background:
Ordinance 23-35(A) appropriated \$110,000 from the HART Roads Fund as part of the former Non-Motorized Transportation Opportunity Program, for the construction of an extended shoulder on the West Fairview Avenue Extension Project that would be built as part of the Terra Bella Subdivision. The developer of the Terra Bella Subdivision is Beachy Construction.

Homer City Code allows exceptions to be made to bidding requirements in the cases where a sole source procurements is justified, HCC 3.16.060(i). A sole source procurement is justified in this case because:

1. Beachy Construction was on site with its subcontractors, equipment and materials, doing exactly the same work for the subdivision development as it will be doing for the extended shoulder and it is highly unlikely another developer or contractor could mobilize and perform the same work as cost effectively;
2. It was not feasible to have two contractors doing underground utility work in the same place at the same time.

Beachy Construction's cost to perform the work is deem fair and reasonable, compared to historic costs for similar work.

- III. RECOMMENDATIONS:** That the City Council approves reimbursement to Beachy Construction in the amount of \$110,000 to construct the West Fairview Avenue Extended Shoulder.

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Public Works Director

5 ORDINANCE 23-35(A)
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
8 AMENDING THE FY23 CAPITAL BUDGET BY APPROPRIATING
9 \$110,000 FROM THE HOMER ACCELERATED ROADS AND TRAILS
10 (HART) ROADS FUND FOR A NON-MOTORIZED OPPORTUNITY
11 PROJECT ON WEST FAIRVIEW AVENUE.
12

13 ~~WHEREAS, The City experimented with various small works programs during the 2022~~
14 ~~and 2023 fiscal years; and~~

15
16 ~~WHEREAS, Small works programs were developed to ensure funding is available for~~
17 ~~projects that are “known unknowns” and of a size to be too big for the operational budget, but~~
18 ~~too unpredictable in timing for the capital budget; and~~

19
20 ~~WHEREAS, the programs proved valuable, however, we’ve learned that there are clear~~
21 ~~benefits to reworking the programs for administrative purposes and public transparency; and~~
22

23 ~~WHEREAS, the existing programs will be closed and re-launched through new~~
24 ~~ordinances; and~~

25
26 ~~WHEREAS, future spending from these programs will require a separate ordinance for~~
27 ~~any new projects wishing to use the funds set aside for the program; and~~
28

29 WHEREAS, Ordinance 22-25 appropriated \$750,000 to the Non-Motorized
30 Transportation Opportunity Program within HART Roads; and

31
32 WHEREAS, One of the targeted opportunities was to construct an extended shoulder on
33 the West Fairview Avenue Extension project that would be built as part of the new Terra Bella
34 Subdivision; and

35
36 WHEREAS, Design work commenced on the shoulder extension project, paid for with
37 monies authorized by Ordinance 22 -25; and

38
39 WHEREAS, Construction is slated for summer 2023, with an expected cost of \$108,698
40 for the extended shoulder work.

41
42 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
43

44 Section 1. The Homer City Council hereby amends the FY23 Capital Budget by
45 appropriating \$110,000 for a non-motorized opportunity project on West Fairview Avenue as
46 follows:

47

<u>Fund No.</u>	<u>Description</u>	<u>Amount</u>
160	HART Roads	\$110,000

50

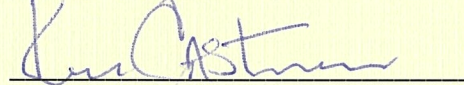
51 Section 2. This is a budget amendment ordinance only, is not permanent in nature,
52 and shall not be codified.

53

54 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 22nd day of May, 2023.

55

CITY OF HOMER



KEN CASTNER, MAYOR

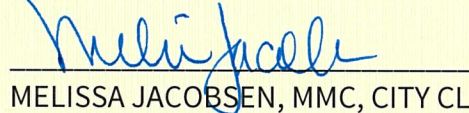
59

ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

63

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YES: 6

65

NO: 0

66

ABSTAIN: 0

67

ABSENT: 0

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First Reading: May 8, 2023

70

Public Hearing: May 22, 2023

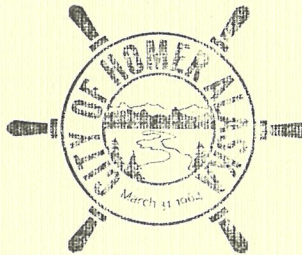
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Second Reading: May 22, 2023

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Effective Date: May 23, 2023

73



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

3 City Manager
4 Public Works Director

5 **RESOLUTION 23-102**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
8 AUTHORIZING REIMBURSEMENT IN THE AMOUNT OF \$110,000 TO
9 BEACHY CONSTRUCTION FOR THE CONSTRUCTION OF A
10 SHOULDER EXTENSION ON WEST FAIRVIEW AVENUE FOR USE BY
11 NON-MOTORIZED TRANSPORTATION AND AUTHORIZING THE
12 CITY MANAGER TO NEGOTIATE AND EXECUTE THE APPROPRIATE
13 DOCUMENTS.

14
15 WHEREAS, Ordinance 23-35(A) appropriated \$110,000 from the HART Roads Fund as
16 part of the former Non-Motorized Transportation Opportunity Program, for the construction
17 of an extended shoulder on the West Fairview Avenue Extension Project that would be built
18 as part of the Terra Bella Subdivision; and

19
20 WHEREAS, The developer of the Terra Bella Subdivision is Beachy Construction; and

21
22 WHEREAS, Homer City Code allows exceptions to be made to bidding requirements in
23 the case where a sole source procurements is justified, HCC 3.16.060(i); and

24
25 WHEREAS, A sole source procurement is justified because:

- 26 1. Beachy Construction will be on site with its subcontractors, equipment and
27 materials, doing exactly the same work for the subdivision development as
28 it will be doing for the extended shoulder and it is highly unlikely another
29 developer or contractor could mobilize and perform the same work as cost
30 effectively; and
31 2. It is not feasible to have two contractors doing underground utility work in
32 the same place at the same time.

33
34 WHEREAS, Beachy Construction’s cost to perform the work is deem fair and
35 reasonable, compared to historic costs for similar work.

36
37 NOW THEREFORE BE IT RESOLVED that the Homer City Council hereby authorizes
38 reimbursement in the amount of \$110,000 to Beachy Construction for the construction of an
39 extended shoulder on West Fairview Avenue for use by non-motorized transportation.

40
41 PASSED AND ADOPTED by the Homer City Council this 25th day of September, 2023.
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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

J&H Consulting
Update to the Homer City Council September 2024

Quick Update:

- Slow season but the pace will begin to pick up soon
- Budget due Dec. 15, 2023 - working on proposed budgets now
- Key budget staff recently left or were fired:
 - Paloma Harbor, Chief Fiscal Analyst, left
 - Shelly Willhoite, Chief Budget Analyst, left
 - Budget Director: Neil Steininger replaced with Lacey Sanders (worked under Arduin, big cuts)
- Rumor is big cuts this budget round
- New Education Director Deena Bishop former ASD Superintendent—likely education a key issue again this year

Oil and Revenue:

Oil trending above projections for current fiscal year. OPEC still restricting output some projections above \$95 a barrel by 2024

\$67 a barrel to break even for FY 24. \$73 dollars gives a surplus of \$305.5 million. Currently around \$90 a barrel.

However, any surplus will go to an energy rebate for residents and to repay the CBR (in operating budget language) for FY 2024.

New Fall forecast for projected oil prices, oil production, and state revenue will be out in December, this is in part what the legislature bases budget funding on.

Elections following year, may reduce chances of real fiscal change plus oil process are higher.

Recent vetoes electric bike bill and PFAS bill.

What is Next:

Will begin legislative prep in November/December

First day of session Jan. 16th, 2024, with all bills from last session still in play, like half-time. 5 days to override any vetoes but unlikely.

Meeting monthly with key staff and city manager on capital projects

Continue to book meetings with federal staff on grants and ports project

Continue to monitor for grants and work with AML

Met with Kevin Swanson in Murkowski's office March, and Sept. 8th follow up (Tanya Lautret regional director and Amanda Klawinski, USCG intern, also included)

Scott Leathard from Sen Sullivan's office Sept. 6th follow up Sept. 8th

CALENDAR

- Mon Sept 25 – Alaska Congressional Delegation, AML, AFN, and the Alaska Office of Infrastructure “2023 Alaska Infrastructure Development Grants Symposium”; Anchorage, info [HERE](#)
- Oct 19-21 – Alaska Federation of Natives (AFN) 2023 Convention; info [HERE](#)
- Thurs Oct 26 – thread “Economic Impact Summit: Quality Child Care Creates Futures” conference; Hotel Capt. Cook, details [HERE](#)
- Thurs-Sunday Nov. 9-12 AASB’s Annual Conference & Youth Leadership Institute – Hilton, Anchorage (*registration opens in September*)
- Mon Nov. 13 AASB Board of Directors Meeting – Hilton, Anchorage
- Mon Nov 20 – Statewide Broadband Advisory Board; 10 to 11 a.m., info [HERE](#)
- Wed – Fri Dec. 6-8 AML Local Government Conference, Anchorage, info [HERE](#)
- Sat. and Sunday Dec. 8-9 School Law & Equity Day – Clarion Suites, Anchorage
- Fri Dec 15 – Deadline for Gov. Dunleavy to release proposed FY25 budget bills
- Mon Dec 18 – Statewide Broadband Advisory Board; 10 to 11 a.m., info [HERE](#)
- Tues Jan 16, 2024 – First Day of Second Regular Session of the 33rd Alaska State Legislature

No special session this year on fiscal issues, Alaska legislators say

By James Brooks, Alaska Beacon - September 21, 2023



Speaker of the House Cathy Tilton, R-Wasilla, and Senate President Gary Stevens, R-Kodiak, talk before a joint session of the Alaska Legislature on Tuesday, Feb. 7, 2023, at the Alaska State Capitol in Juneau. (Photo by James Brooks/Alaska Beacon)

The Alaska Legislature will not meet in a special session this fall to discuss a long-term fiscal plan for the state.

Lawmakers had discussed the possibility of a special session in the spring, but in the last days of the regular session and in the following weeks, they drifted apart on key elements of a plan intended to keep state revenue and expenses in line for multiple years.

Jeff Turner, Gov. Mike Dunleavy's deputy communications director, said by email that Dunleavy asked the Senate president and speaker of the House to see if there was a package of items they could agree on in a fall special session.

"At this point, the legislature has not shown meaningful interest in coming together to work on fiscal issues. Accordingly, the governor is not going to call them into special session and waste time and money," he wrote in an email.

"That's not going to happen," Senate President Gary Stevens, R-Kodiak, said on Wednesday when asked about a special session.

"There's really no consensus right now. There's lots of plans out there and folks have lots of ideas," he said, adding that lawmakers will have to see what percolates to the top when the regular session begins in January.

Continued disagreement over the elements of a comprehensive fiscal plan have members of the House now preparing to advance bills separately, rather than as a comprehensive whole, said Speaker of the House Cathy Tilton, R-Wasilla.

“We’ve realized that we don’t have the numbers to come to a consensus on a full plan with lots of components. Maybe we’ll try to focus on something that takes care of the (Permanent Fund Dividend) issue like HJR 7,” she said.

House Joint Resolution 7, proposed by the House Ways and Means Committee, would guarantee a dividend, paid according to a formula set in law.

Rep. Andy Josephson, D-Anchorage and the most senior member of the House minority caucus on the House Finance Committee, said he’s open to the idea of a constitutional guarantee, but the sticking point to amending the constitution is going to be first reaching agreement on the payout formula.

A 1980s-era formula already exists in state law, but legislators have ignored it since 2017, labeling it unaffordable.

They’ve been unable to decide on a replacement, and the Legislature has set the dividend by fiat for seven consecutive years. This year’s payout, expected in October, will be about \$1,300 per recipient.

The Alaska Senate voted to approve a new formula this spring, but that proposal was amended by the House Ways and Means Committee and failed to advance through the House before the end of the legislative session.

Rep. DeLena Johnson, R-Palmer and co-chair of the House Finance Committee, said the core of the issue is whether legislators are willing to authorize taxes in order to pay for larger dividends.

“I think there’s disagreement — and I think it’s throughout the Legislature — about the idea of whether there should be a tax to pay out a PFD. And that’s the crux of it,” she said.

Before 2018, the sole primary spending from the Alaska Permanent Fund was to pay the annual cash dividend to residents.

That year, lawmakers began spending from the fund to pay for state services.

The annual transfer from the Permanent Fund to the state treasury — \$3.5 billion this year — is the biggest general-purpose source of revenue for the state, larger than oil revenue.

Most new dividend formulas involve splitting that transfer in some way, preserving some money for dividends and the rest for services.

The Senate proposal, dubbed a 75-25 split, keeps 75% of the transfer for services and reserves 25% for dividends. Under most projections, can be paid sustainably as long as the transfer itself is sustainable.

But many members of the House support a 50-50 split instead, something that would either require significant new taxes or steep cuts to services. Supporters say the 50-50 split represents a middle ground between the 75-25 split and the traditional formula, which is close to 25-75 at current Permanent Fund values.

Spending on services has risen for the past two years, even accounting for inflation. Taxes were discussed during the last legislative session, but lawmakers say they're far from agreement on the topic.

Through the first two and a half months of the fiscal year, oil prices have been running higher than state projections, and if they stay high, that will add to legislators' unwillingness to raise taxes, Johnson said.

"Honestly, when we're sitting here looking at near \$100/barrel oil, the thought of implementing either a sales tax or an income tax — I think it's going to have a hard time getting traction," she said.

In previous years, some lawmakers have cited low oil prices as a reason to oppose new taxes.

Tilton said members of the predominantly Republican House majority will need to talk about a path forward, and that may include looking at things that help reduce spending, such as changes to the Executive Budget Act.

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James Brooks, Alaska Beacon



MEMORANDUM

Public Hearing re: Tasmania Court Water and Sewer Special Assessment District Final Assessment Rolls

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: September 7, 2023
From: Renee Krause, Deputy City Clerk II

A Secondary Public Hearing Notice packet was sent by certified mail on September 12, 2023. All property owners have been duly noticed in accordance with Homer City Code 17.02.070.

All memoranda have been included regarding this project established in date order newest to oldest

Recommendation:

Conduct a public hearing on the final assessment rolls.

Attachments:

Second Public Hearing Notice Packet dated September 12, 2023
Memorandum CC-23-213 Request to Schedule a Second Public Hearing dated September 7, 2023
Memorandum CC-23-212 Public Hearing Final Assessment Rolls September 11, 2023 dated September 5, 2023 with attachments
Evans Objection dated September 4, 2023
Sjostedt Chandler Letter dated September 2, 2023
Memorandum CC-23-211 Tasmania Court Sewer Main Total Project Costs dated June 20, 2023
Memorandum CC-23-210 Tasmania Court Water Main Total Project Costs dated June 20, 2023



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

September 12, 2023

Dear Property Owner:

Tasmania Court Water and Sewer Special Assessment Districts Final Assessment Roll

On August 21, 2023 a public hearing information packet was sent to property owners in the above referenced special assessment districts. It was discovered that the second page of the final assessment roll was not included in the information packet. City Council held the public hearing as scheduled on September 11, 2023 as noticed, and scheduled a second public hearing to allow time to mail out a corrected information packet.

The Homer City Council has set a second public hearing **Monday, September 25, 2023 at 6:00 p.m.** as the time to hear objections to the final assessment roll. Homer City Code Section 17.04.080 states, "After the hearing the council shall correct any errors or inequalities in the assessment roll. If an assessment is increased, a new hearing shall be set and notice published, except that a new hearing and notice is not required if all record owners of property subject to the increased assessment consent in writing to the increase. Objection to the increased assessment shall be limited to record owners of properties whose assessments were increased. When the assessment roll is corrected, the council shall confirm the assessment roll by resolution. The city clerk shall record the resolution and confirmed assessment roll with the district recorder."

If you are unable to attend the hearing, written objections and or comments must be received no later than Tuesday, September 19, 2023 to be included in the City Council packet or no later than 4:00 p.m. on Monday, September 25, 2023 Council meeting day to be recorded as part of the record of the hearing.

Please take note, Alaska Statutes 29.46.120 provides that, "the validity of an assessment may not be contested by a person who did not file with the municipal clerk a written objection to the assessment roll before its confirmation."

If I can answer any questions for you about the hearing or assessments, please feel free to call me at 235-3130.

Sincerely,

Melissa Jacobsen, MMC, City Clerk

Enc. Public Hearing Notice Tasmania Court
Final Assessment Roll
Maps

CITY OF HOMER

NOTICE OF PUBLIC HEARING

TASMANIA COURT WATER SPECIAL ASSESSMENT DISTRICT TASMANIA COURT SEWER SPECIAL ASSESSMENT DISTRICT

The Homer City Council will hear objections to the assessment roll for Tasmania Court Water and Sewer Special Assessment Districts on September 11, 2023 during a Regular City Council meeting at 6:00 p.m. The meeting will be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and by Zoom Webinar ID: 205 093 973 Password: 610853

All owners of record are welcome to attend and give testimony concerning errors or inequalities on their assessment. Written comments received prior to September 11, 2023 will be included in the City Council's packet as a part of the record.

Please take note, State Law provides that, "the validity of an assessment may not be contested by a person who did not file with the municipal clerk a written objection to the assessment roll before its confirmation."

After public hearing, the City Council shall correct errors and inequalities in the roll and confirm the roll at the September 25, 2023 regular meeting. Time and method of payment shall then be fixed by resolution; payments may not be required sooner than sixty days after billing and may be paid in full or by other available terms.

Notice of hearing and assessment roll was mailed to owners of record on August 21, 2023. Questions concerning the assessment roll or hearing may be directed to the City Clerk, 491 E. Pioneer Avenue, Homer, Alaska 99603, phone (907) 235-3130, fax (907) 235-3143, email clerk@ci.homer.ak.us.

Melissa Jacobsen, MMC, City Clerk
Publish: Homer News August 24, 2023

FINAL ASSESSMENT ROLL

PROJECT NAME: **Tasmania Water and Sewer Special Assessment District**

DATE: **July 31, 2023**

TOTAL PROJECT WATER: **\$246,104.43 (368,926.43-\$122,822 subsidy)**

TOTAL PROJECT SEWER: **304,938.97**

Districts shall be assessed 75% property owner share of the project. WATER: **\$184,578.32** SEWER: **\$228,704.23**
 HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) SHARE: WATER: **\$61,526.11** SEWER: **\$76,234.74**

PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT
1 Evans, Bryan and Ginny 4523 South Slope Drive Homer, AK 99603	T 06S R 13W SEC 17 Seward Meridian HM 2022012 BARNETTS SOUTH SLOPE SUB EVANS ADDN LOT 2-A BLK 2 KPB#17702098 (lot line vacated after creation of districts) Per Resolutions 20-083 & 21-045(A) establishing districts- T 6S R 13W SEC 17 Seward Meridian HM 0770061 BARNETT'S SOUTH SLOPE SUB LOT 2 BLK 2 KPB#17702045 T 6S R 13W SEC 17 Seward Meridian HM 0770061 BARNETT'S SOUTH SLOPE SUB LOT 4 BLK 2 KPB#17702044	\$280,400 \$232,200 unknown	Water \$16,779.85 Sewer \$20791.29 Water \$ 16,779.85 Sewer \$ 20,791.29
2 Sjostedt, David and Chandler, Jeannie PO Box 3606 Homer, AK 99603	T 6S R 13W SEC 17 Seward Meridian HM 2000008 BARNETT'S SOUTH SLOPE SUB CRANDALL ADDN NO 2 LOT 6-A-1 KPB#17702082	\$112,500	Water \$ 16,779.85 Sewer \$ 20,791.29
3 Crandall John P and Cass M PO Box 470 Homer, AK 99603	T 6S R 13W SEC 17 Seward Meridian HM 0770061 BARNETT'S SOUTH SLOPE SUB LOT 11 BLK 1 KPB#17702040	\$577,400	Water \$ 16,779.85 Sewer \$ 20,791.29
4 Marley, William Jay Jr. and Erica S 795 W Tasmania Ct Homer, AK 99603	T 6S R 13W SEC 17 Seward Meridian HM 2000008 BARNETT'S SOUTH SLOPE SUB CRANDALL ADDN NO 2 LOT 5-A-1 KPB#17702083 T 6S R 13W SEC 17 Seward Meridian HM 00770061 BARNETT'S SOUTH SLOPE SUB LOT 12 BLK 1 KPB#17702039 T 6S R 13W SEC 17 Seward Meridian HM 0077061 BARNETT'S SOUTH SLOPE SUB LOT 13 BLK 1 KPB#17702038	\$588,300 \$917,600 \$89,200	Water \$ 16,779.85 Sewer \$ 20,791.29 Water \$ 16,779.85 Sewer \$ 20,791.29

FINAL ASSESSMENT ROLL

PROJECT NAME: Tasmania Water and Sewer Special Assessment District

DATE: July 31, 2023

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 HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) SHARE: WATER: \$61,526.11 SEWER: \$76,234.74

	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT
5	O'Neill, Andrew P and Cassiar D 3080 Homer Spit Rd Homer, AK 99603	T 6S R 13W SEC 17 Seward Meridian HM 00770061 BARNETT'S SOUTH SLOPE SUB LOT 14 BLK 1 KPB#I7702037	\$311,500	Water \$ 16,779.85 Sewer \$ 20,791.29
6	Fell, Michael W and Mary K PO Box 149 Homer, AK 99603	T 6S R 13W SEC 17 Seward Meridian HM 00770061 BARNETT'S SOUTH SLOPE SUB LOT 15 BLK 1 KPB#I7702036	\$84,400	Water \$ 16,779.85 Sewer \$ 20,791.29
		T 6S R 13W SEC 17 Seward Meridian HM 2017024 BARNETT'S SOUTH SLOPE SUB FELL ADDN LOT 16-A KPB#I7702095	\$492,500	Water \$ 16,779.85 Sewer \$ 20,791.29
83	Sumption Terry L and Tracy L 842 W Tasmania Ct Homer, AK 99603	T 6S R 13W SEC 17 Seward Meridian HM 00770061 BARNETT'S SOUTH SLOPE SUB LOT 17 BLK 1 KPB#I7702034	\$335,600	Water \$ 16,779.85 Sewer \$ 20,791.29




**Tasmania Court Water & Sewer Main Extensions
Final Assessment Calculations**

Items	Total Costs	Sewer Costs	Water Costs
Final Design/Inspection - Bishop Engineering	\$ 25,500.00	\$ 11,700.00	\$ 13,800.00
Design Review - Seabold Consulting	\$ 2,740.00	\$ 1,180.00	\$ 1,560.00
Construction - East Road Services	\$ 606,350.49	\$ 283,023.00	\$ 323,327.49
Pipe Purchase by City	\$ 21,871.70	\$ -	\$ 21,871.70
PW Review/Inspection labor	\$ 14,336.68	\$ 8,183.50	\$ 6,153.18
Advertising	\$ 1,394	\$ 466.47	\$ 927.06
ADEC Permit Fees	\$ 1,673.00	\$ 386.00	\$ 1,287.00
Total Costs Before ADEC subsidy	\$ 673,865.40	\$ 304,938.97	\$ 368,926.43
Less ADEC Principal Forgiveness Subsidy (Reso 21-023 dated 3-22-21)		\$ -	\$ 122,822.00
Net costs owed by Property Owners (75% total costs)		\$ 228,704.23	\$ 184,578.32
Number of Lots in SAD		11	11
Assessment - Equal Share		\$ 20,791.29	\$ 16,779.85

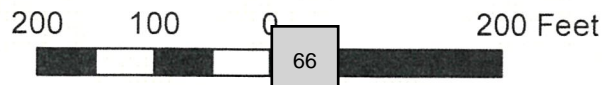
ADEC Loan for Water - Reso 21-042 authorizing loan of \$277,090		\$ 277,090
Water SAD created - Reso 20-83 dated 9-28-20 - estimated costs		\$ 234,105
Original Appropriation for water - Ord 20-68 dated 10-26-20		\$ 234,105
Ord 21-71 dated 1-10-22 appropriated additional \$138,399 with costs to be distributed proportionately between water and sewer. This is Water's share.		\$ 75,564
Total appropriation for water		\$ 309,669
ADEC Principal Forgiveness Subsidy		\$ 122,822
12" water main - betterment - Ord 21-11 dated 3-8-21		\$ 88,569



Legend

-  SAD_Boundary
-  Proposed Line
-  Existing Waterline

**TASMANIA COURT
WATERLINE EXTENSION
PROPOSAL**



DEPT. OF PUBLIC WORKS
Sept 18, 2020

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.

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

PROPOSED TASMANIA CT. SEWER SAD

SEWER-GRAVITY



1 inch = 100 feet



MEMORANDUM

Public Hearing re: Tasmania Court Water and Sewer Special Assessment District Final Assessment Rolls

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: September 7, 2023
From: Melissa Jacobsen, City Clerk

It was discovered on September 4th that the public hearing notice packet mailed to property owners did not include page 2 of the final assessment roll.

Recommendation:

Conduct a public hearing on September 11 and schedule a second public hearing on September 25, 2023 to allow the Clerk's Office to distribute a corrected packet.



MEMORANDUM

Public Hearing re: Tasmania Court Water and Sewer Special Assessment District Final Assessment Rolls

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: 5 September 2023
From: Melissa Jacobsen, City Clerk

City Council approved the creation of the Tasmania Court Water Improvement Special Assessment District with the adoption of Resolution 20-083 on September 28, 2020, and the creation of the Tasmania Court Sewer Improvement Special Assessment District with the adoption of Resolution 21-045(A) on June 14, 2021.

On May 24, 2021 a public hearing was held to hear objections on the creation of the Tasmania Court Sewer Improvement Special Assessment District and five property owners of 9 lots objected to the creation of the district. It was requested by the Public Works Director in Memorandum 21-085 that the action on this district be postponed to allow time to hold a neighborhood meeting and allow property owners the opportunity to withdraw their objections. Following that meeting three property owners of 6 lots withdrew their objections, and the district was created by Resolution 21-045(A).

After the districts were created by resolution, property owner Evans with two lots finalized the vacation of a lot line combining two lots into one large lot. The preliminary plat proposing the vacation was submitted to the Planning Department on July 10, 2021 and the Planning Commission recommended approval of the plat on August 4, 2021. The plat vacating the lot line was approved by the Kenai Peninsula Borough and recorded on June 30, 2022. The Evans objection letter from the May 24, 2021 public hearing did not indicate the intent to vacate their lot line.

Homer City Code 17.02.080 provides Council with the ability to correct errors or inequalities in an assessment roll and provides that if an assessment is increased, a new hearing shall be set and noticed. If all of the property owners consent in writing to the increase, the hearing may be waived.

Alaska Statutes 29.46.010 (a) reads that a municipality may assess against private real property to be benefitted by an improvement all or a portion of the cost of acquiring, installing or constructing capital improvements.

Attachments:

- Resolution 20-083
- Resolution 21-045(A)
- Memorandum 21-085
- Memorandum 21-100
- Evans objection received April 14, 2021
- Lot line vacation plat received July 10, 2021

Recommendation:
Informational Only.

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 20-083

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
ACKNOWLEDGING THE SUFFICIENCY OF THE TASMANIA COURT
WATER IMPROVEMENT SPECIAL ASSESSMENT DISTRICT AND
APPROVING THE IMPROVEMENT PLAN, ESTIMATED COST OF
IMPROVEMENT AND ASSESSMENT METHODOLOGY.

WHEREAS, A petition was initiated by property owners within Tasmania Court to form a water improvement special assessment district; and

WHEREAS, The Tasmania Court Special Assessment District boundary includes property fronting Tasmania Court and a portion of South Slope Drive; and

WHEREAS, The estimated cost of the water improvements is \$234,105 with property owners paying 75% and the Homer Accelerated Water and Sewer Program (HAWSP) paying 25% of the costs; and

WHEREAS, A Public Hearing was held on September 14, 2020 and two property owners in the district commented in support of the project; and

WHEREAS, The deadline to receive written objections was September 13, 2020 and one written objection was received; and

WHEREAS, The objecting property owner of Barnett's South Slope Subdivision Lot 1 Block 2 has an existing water service connection from South Slope; and

WHEREAS, Five property owners provided written support of an amended boundary that excludes the objecting property owner and includes one additional property that requested to be added to the originally proposed district boundary; and

WHEREAS, Council finds the petition bears sufficient support and that the water improvement is necessary and to the benefit the following eleven properties that shall be included in the Tasmania Court Water Improvement Special Assessment District:

Barnett's South Slope Subd Lot 2, Blk 2	Evans (New Owner)	KPB#17702045
Barnett's South Slope Subd Lot 4 Blk 2	Evans (New Owner)	KPB#17702044
Crandall Addn No 2 Lot 6-A-1	Crandall	KPB# 17702082
Barnett's South Slope Subd Crandall Addn No 2 Lot 5-A-1	Crandall	KPB# 17702083

Barnett's S Slope Subd Lot 11, Blk 1	Sjostedt	KPB# 17702040
Barnett's South Slope Subd Lot 12, Blk 1	Marley	KPB# 17702039
Barnett's South Slope Subd Lot 13, Blk 1	Marley	KPB# 17702038
Barnett's South Slope Subd Lot 14, Blk 1	O'Neill	KPB# 17702037
Barnett's South Slope Subd Lot 15, Blk 1	Fell	KPB# 17702036
Barnett's South Slope Subd Fell Addn Lot 16-A	Fell	KPB# 17702095
Barnett's South Slope Subd Lot 17, Blk 1	Sumption	KPB# 17702034


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WHEREAS, The eleven properties will be assessed through an equal shares methodology estimated at \$15,962 per lot.

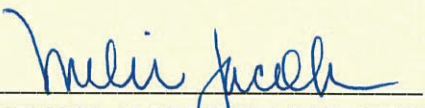
NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska acknowledges the sufficiency of the Tasmania Court Water Improvement Special Assessment and approves the improvement plan, estimated cost of improvement, and assessment methodology.

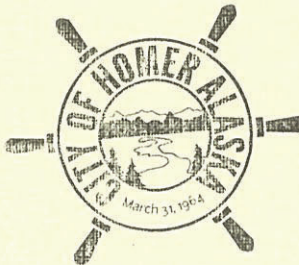
PASSED AND ADOPTED by the Homer City Council this 28th day of September, 2020.

CITY OF HOMER


KEN CASTNER, MAYOR

ATTEST:


MELISSA JACOBSEN, MMC, CITY CLERK



Fiscal Note: HAWSP \$58,526

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

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RESOLUTION 21-045(A)

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A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA ACKNOWLEDGING THE SUFFICIENCY OF THE TASMANIA COURT SEWER IMPROVEMENT SPECIAL ASSESSMENT DISTRICT, APPROVING THE IMPROVEMENT PLAN, ESTIMATED COST OF IMPROVEMENT AND ASSESSMENT METHODOLOGY, AUTHORIZING THE CITY MANAGER TO APPLY FOR A LOAN FROM THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION CLEAN WATER FUND TO FINANCE THE PROJECT, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A SOLE-SOURCE CONTRACT WITH BISHOP ENGINEERING FOR THE DESIGN OF THE SEWER PROJECT.

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WHEREAS, A petition was initiated by Homer City Council within Tasmania Court to form a sewer improvement special assessment district (SAD) by Resolution 21-091(A); and

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WHEREAS, Pursuant to HCC 17.02.050 (b) if owners of real property that would bear 50 percent or more of the assessed cost of the improvement file timely written objections, the Council may not proceed with the improvement unless it revises the improvement plan to reduce the assessed cost to less than 50% of the assessed cost of the improvement; and

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WHEREAS, The Tasmania Court Sewer SAD is made up of the same boundary as the Tasmania Court Water SAD that was approved by Resolution 20-083; and

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WHEREAS, The estimated cost of the sewer improvements is \$287,692 with property owners paying 75% (\$215,769) and the Homer Accelerated Water and Sewer Program (HAWSP) paying 25% (\$71,923) of the costs;

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WHEREAS, The deadline to receive written objections was May 23, 2021 and five written objection(s) were received, which equaled more than 50% of the property owners in the district; and

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WHEREAS, The value of the proposed assessments related to these objecting property owners estimated was \$98,075 (5 times \$19,615), which is 34% of the estimated cost of the sewer project; and

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WHEREAS, A Public Hearing was held on May 24, 2021; and

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WHEREAS, Council postponed action on May 24th at the request of Public Works in Memorandum 21-085 to allow time for a neighborhood meeting to inform property owners of an Alaska Department of Environmental Conservation Principal Forgiveness subsidy that creates a savings in the Tasmania Court Water SAD thereby reducing the overall cost to property owners for water and sewer improvements; and

WHEREAS, A neighborhood meeting was held on June 3rd and property owners were advised they have until June 13th to consider the new information and provide written withdrawal of their objections; and

WHEREAS, As of June 7, 2021, three property owners have withdrawn their objections, reducing the objections to properties representing 14% of the proposed costs; and

WHEREAS, Council finds the petition bears sufficient support and that the **water sewer** improvement is necessary and to the benefit the following eleven properties that shall be included in the Tasmania Court Sewer Improvement Special Assessment District:

Legal Description	Record Owner	Estimated Assessment
Barnett's South Slope Sub. Lot 2 Block 2	Evans	\$20,200
Barnett's South Slope Sub. Lot 2 Block 2	Evans	\$20,200
Crandall Addn. No. 2 Lot 5-A-1	Crandall	\$20,200
Crandall Addn. No. 2 Lot 6-A-1	Crandall	\$20,200
Barnett's South Slope Sub. Lot 11 Block 1	Sjostedt	\$20,200
Barnett's South Slope Sub. Lot 12 Block 1	Marley	\$20,200
Barnett's South Slope Sub. Lot 13 Block 1	Marley	\$20,200
Barnett's South Slope Sub. Lot 14 Block 1	O'Neill	\$20,200
Barnett's South Slope Sub. Lot 15 Block 1	Fell	\$20,200
Fell Addn Lot 16-A	Fell	\$20,200
Barnett's South Slope Sub. Lot 17 Block 1	Sumption	\$20,200

WHEREAS, The eleven properties will be assessed through an equal share methodology as identified in the table above.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska does hereby:

1. Acknowledge the sufficiency of the Tasmania Court Sewer SAD; and



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 21-085

TO: Mayor Castner and City Council
Through: Robert Dumouchel, City Manager
FROM: Janette Keiser, PE, Director of Public Works/Acting City Engineer
DATE: May 18, 2021
SUBJECT: Tasmania Court Water and Sewer Improvement Projects

Issue: The time has come to hold a public hearing on the Tasmania Court Sewer Special Assessment District according to the process set forth in City Code. The City Clerk's office has received objections from over 51% of the property owners. The property owners who submitted objections asked the City to increase the City's share of the costs. The purpose of this memorandum is to offer a potential solution.

Background:

A. Water Main Extension.

The Water Special Assessment District was created via Ordinance 20-083, the design is complete and the loan application for financing from the AK Dept. of Environmental Conservation (ADEC) has been submitted. The ADEC notified us that the Tasmania Court water project qualifies for "Principal Forgiveness", along with several other City water projects. The money can only be used for water projects. The City Council approved distribution of the Principal Forgiveness, with \$122,822 directed to the Tasmania Court Water Project, via Resolution 21-023. Application of these funds to the Tasmania Court Water Project means that the property owners would be paying for 41% of the cost of the water improvements, rather than 75%, which is the norm pursuant to the HAWSP Policy Manual. This is a significant discount, which is not likely to come around again any time soon.

We are waiting for final approval on the Principal Forgiveness paperwork and the outcome of the Sewer Assessment District process before we start preparing bid packages. We'd still have time to bid the project and get it constructed this year.

B. Sewer Main Extension

The City Council, via Ordinance 20-091(A), dated September 28, 2020, initiated the process of creating a Special Assessment District that would extend the sewer mains so the properties, which

would be receiving City water service, could also be served with City sewer service. We created several alternative sewer extension configurations, with a cost estimate and preliminary assessment roll for each alternative. We then held a neighborhood meeting, as provided in the Homer City Code, to discuss the various alternatives with the property owners. Many of the property owners told horror stories about the problems they've been having with their septic tank/leachfield systems. Most of them wanted nothing more to do with septic tanks! It was clear to me from this meeting, that bringing City sewer to this neighborhood would benefit the property owners.

The neighbors were understandably concerned about cost. They suggested some design accommodations to reduce the cost, which we agreed to. These modifications decreased the estimated annual assessment to about \$977 per property, assuming we acquired financing through a 20-year, low interest ADEC loan.

They also asked if the City could pay a larger share than the 25%, which is stipulated in the HAWSP Policy Manual. I told the property owners this decision was up to the City Council. I also told them they would have multiple opportunities to voice their opinions as the process moved forward. Now, we have received objections from over 50% of the property owners, which, under current City Code, means the Sewer Special Assessment District can't move forward, unless we can satisfactorily address the objections.

The irony is that the neighbors had already agreed to the water assessment district even before the ADEC's offered Principal Forgiveness. Had the Principal Forgiveness been applied to the sewer line, rather than the water line, the property owners would probably not be objecting now, as the cost of the sewer line would have been cut almost in half.

Recommendation: Postpone action on the Tasmania Court Sewer Special Assessment District to June 14, 2021, to allow for the City to hold a neighborhood meeting with property owners and then allow an opportunity for property owners to withdraw their objections. This strategy will give us an opportunity to explain the design accommodations we made to reduce the cost and the impact of the ADEC's Principal Forgiveness offer on the total costs of the water/sewer package, as a whole. If they still don't want the sewer project, we still have time to cancel the water district, reject the Principal Forgiveness offer, and move on to another neighborhood.



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 21-100

TO: City Council
Through: Rob Dumouchel, City Manager
FROM: Janette Keiser, Director of Public Works
DATE: June 6, 2021
SUBJECT: Tasmania Court Sewer Assessment District

Issue: A petition was initiated by Homer City Council within Tasmania Court to form a sewer improvement special assessment district (SAD) by Resolution 21-091(A), following the same boundaries of the Tasmania Court Water SAD. The purpose of this Memorandum is to recommend that the Sewer Special Assessment District be formed.

Background: Pursuant to HCC 17.02.050 (b) if owners of real property that would bear 50 percent or more of the assessed cost of the improvement file timely written objections, the Council may not proceed with the improvement unless it revises the improvement plan to reduce the objections. The estimated cost of the sewer improvements is \$287,692 with property owners paying 75% (\$215,769) and the Homer Accelerated Water and Sewer Program (HAWSP) paying 25% (\$71,923) of the costs. When the deadline to receive written objections, May 23, 2021, passed, five of the seven property owners in the proposed sewer district, representing 72% of the assessed cost of the improvements, submitted written objections.

A Public Hearing was held on May 24, 2021, where multiple property owners testified, before the City Council, they objected to the project because the proposed assessments were too costly. We asked Council to postpone action on May 24th to allow time for another neighborhood meeting. We wanted an opportunity to inform property owners of an Alaska Department of Environmental Conservation Principal Forgiveness subsidy that would create a savings in the Tasmania Court Water SAD thereby reducing the costs for the package of water and sewer improvements.

A second neighborhood meeting was held on June 3rd. Property owners were advised they have until June 13th to consider the new information and to change their minds by withdrawing their objections. The new information included:

1. In the original improvement plan, a sewer main spur was extended north from Tasmania Court to the intersection of Shellfish. The purpose of this spur was to position the sewer main to serve a neighborhood to the north at some future time. This spur has been eliminated from the Tasmania Court design, which reduces the Tasmania Court assessments.

2. The new estimated costs assume each sewer service line will be installed from the main to the house. Typically, the assessment district installs the service line from the main to the curb box at the property line and the property owner is responsible for taking it from the curb box to the home. However, in the Tasmania Court neighborhood, we will need to work around, and properly decommission, existing septic tanks. This work would be probably be done best by the City's contractor, to ensure it is done consistently. Thus, the costs of this on-site work have been added to the proposed assessments.
3. The cost of the 12-inch water main, which will serve a future water storage tank, planned to be installed on Shellfish, has not been included in the water district assessments. This will be the City's cost and thus, is not part of the water/sewer assessment district package.
4. The AK Dept. of Environmental Conservation notified us the Tasmania Court Water Project qualifies for grant funding in the amount of \$122,822. This special program is only available for drinking water projects, so similar funding is not available for the sewer project. However, it reduces the projected assessments for the water project by almost 50%, thereby reducing the overall cost of the water/sewer assessment district package.
5. An Estimated Assessment Roll was developed based on these developments. The new calculations show the estimated assessment for each property for water and sewer, including the cost of the on-site connection for the sewer service, would be about \$155 per month.
6. Property owners who wished to proceed with the water and sewer project should withdraw their objections.
7. At this point, City code would not allow the water project to proceed without the sewer project.

The property owners made the following comments at the June 3 Neighborhood Meeting:

- a. Almost every property owner said that while they believed the sewer project was a good idea for the neighborhood, the water project should have been allowed to proceed without forcing the sewer project on them. I apologized for the timing of the subject legislation, which put this mandate in place.
- b. Two property owners owned two lots and didn't want to be responsible for paying assessments on both lots, when only one was developed. They wanted to know if the assessment on the undeveloped lot could be deferred. I told them the City had a process, which allowed deferrals in some circumstances. Further, it was up to the City Council to approve the Final Assessment Roll.

After the June 3 Neighborhood Meeting, three property owners, who had previously objected, withdrew their objections. This reduced the percentage of remaining objections to properties representing 27% of the assessed costs. Thus, the criteria for determining the sufficiency of the sewer Special Assessment District has been met.

We had earlier commissioned Bishop Engineering to design the water project. He is in the best position to expeditiously design the sewer project, which should make it possible to build the water and sewer projects at the same time.

Recommendations: We recommend the Homer City Council of Homer take the following actions:

1. Acknowledge the sufficiency of the Tasmania Court Sewer SAD; and
2. Approve the proposed Improvement Plan, estimated cost of the improvements of \$287,692, and the Equal Share methodology for computing assessment; and
3. Authorize the City Manager to apply for a loan, not to exceed \$287,692, from the Alaska Department of Environmental Conservation Clean Water fund to finance the project; and
4. Authorize the City Manager to execute a design contract with Bishop Engineering in an amount of \$11,700.

STATEMENT OF OBJECTION

TO SPECIAL ASSESSMENT DISTRICT

SPECIAL ASSESSMENT DISTRICT: **Tasmania Court Sewer Improvement Special Assessment District**

I/we affirm that I/we are the owner(s) of the following lots in the Special Assessment District
(give legal description):

I/We object to the Tasmania Court Sewer Improvement Special Assessment District.

Reasons/Comments: SEE Printed letter
lots 2 + 4 of Blk 2

PROPERTY OWNER'S PRINTED NAME, SIGNATURE, AND DATE:

Bryan Evans [Signature] 13 APR 21
(Print Name) (Signature) (Date)

Ginny Evans [Signature] 4/13/2021
(Print Name) (Signature) (Date)

(Print Name) (Signature) (Date)

NOTE: PLEASE MAKE SURE THAT ALL THE PROPERTY OWNERS OF RECORD PRINT, SIGN, AND DATE THIS DOCUMENT. IF YOU HAVE MORE THAN ONE LOT PLEASE NOTE THIS ON THIS FORM WHEN YOU RETURN IT. OBJECTIONS WILL APPLY ONLY TO THOSE LOTS NAMED ON THIS FORM.

TO FILE AN OBJECTION COMPLETE THIS FORM AND RETURN IT TO THE OFFICE OF THE CITY CLERK NO LATER THAN THE DAY BEFORE THE DATE OF THE SCHEDULED PUBLIC HEARING.

City of Homer
Office of the City Clerk
491 E. Pioneer Avenue
Homer, Alaska 99603

Bryan and Ginny Evans

4526 S. Slope Drive
Homer, AK 99603
(231) 631-1787

April 13, 2021

City Council Members

Re: Tasmania Court Sewer
Improvement Special Assessment
District
City of Homer
491 East Pioneer Ave.
Homer, AK 99603

Dear City Council Members,

We are writing in objection to the Tasmania Court Sewer Improvement Special Assessment District. We recently purchased our home Sept 2020. We were made aware that city water in our area would happen more likely than not. The sewer improvement project was later added by the city. With the addition of the city pursuing sewer improvements along with the cost share of both water and the sewer that falls on the property owners, the end price is not justified. Having property owners pay 75% (city pay 25%) puts a large financial burden on many. With more funds coming into the city with Covid relief stimulus funding, we would like to respectfully request the city pick up a larger portion of 75% of the costs and property owners 25%, as it has been done in the past. With significant hardships right now during the COVID pandemic, the financial strain could be detrimental and a negative impact on property owner budgets.

In addition, when we purchased our home in Sept 2020, it included a brand new septic installed right before closing, hence we would not have the need for sewer to be installed. While we understand that it would be beneficial for the city to do both water and sewer improvements at the same, we simply can not justify the cost that falls on property owners, especially those with additional lots who have no plans to develop in the immediate future. Consideration of a deferment program for lots that have no immediate need for water and sewer would be greatly appreciated as well.

In conclusion, we object to this project and the burden of the cost share that falls onto the property owners. We appreciate your time that you have given us.

Sincerely,



Bryan and Ginny Evans

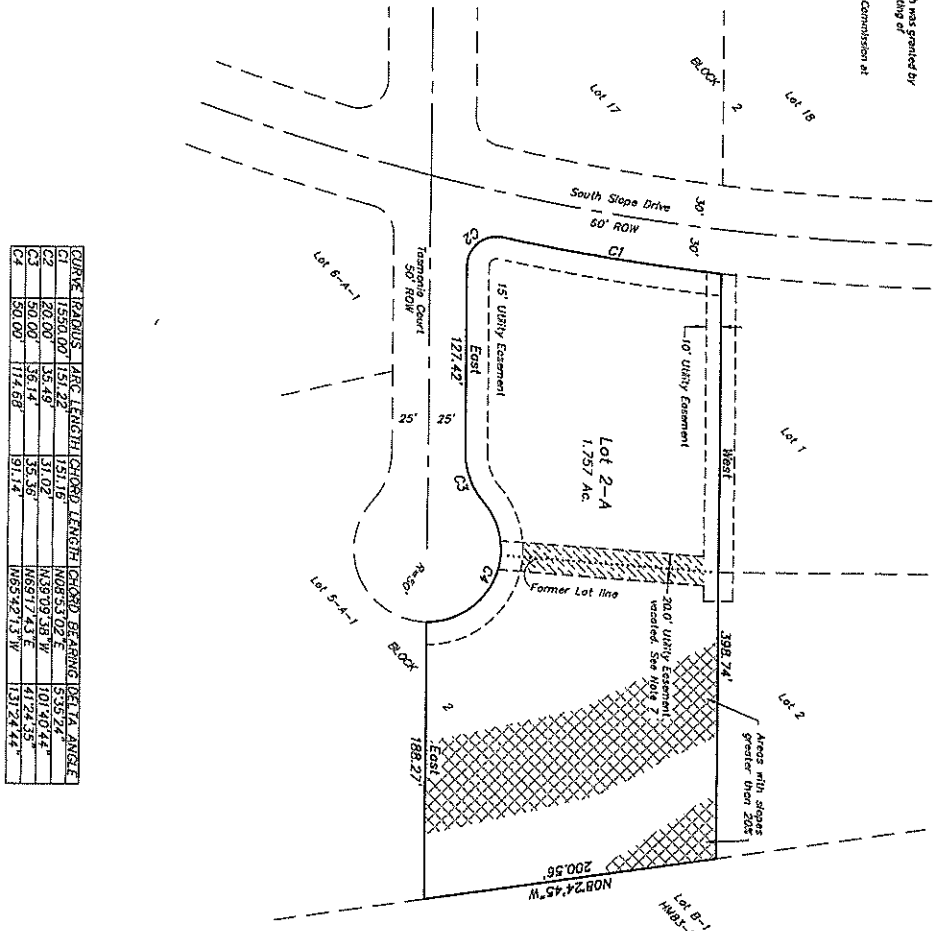
South Slope SUB LOT 2 BLK 2 ↓
South Slope SUB LOT 4 BLK 2

1. All easements shown on this survey have been confirmed. Boundaries and areas are of record per plat H177-61.
2. No permanent structures shall be constructed or placed on the easement area, and no use of the utility to use the easement.
3. There is a 15' Utility Easement fronting all street ROWs.
4. This subdivision is subject to City of Homer Zoning Code.
5. An exception to K99 20.30.240, Building Setback note was granted by the Kenai Peninsula Plat Committee at the meeting of _____.
6. An exception to K99 20.30.130, ROW width was granted by the Kenai Peninsula Plat Committee at the meeting of _____.
7. Utility Easement vacated by K99 Planning Commission at K99 meeting of _____.

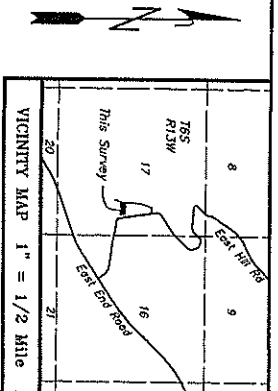
PLANNING COMMISSION
 Requirements are on file at the Department of Environmental Conservation.



Bill Approval
 This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of July 13, 2020.
 By: _____ Date _____
 Authorized Official
 Kenai Peninsula Borough



CURVE RADIIUS	ARC LENGTH	CHORD	TANGENT	CHORD BEARING	DELTA ANGLE
C1	1550.00'	151.22'	151.16'	N08°53.02' E	53°57.4'
C2	20.00'	35.49'	31.02'	N33°09.58' W	101°40.44'
C3	50.00'	35.14'	35.36'	N65°07.43' E	41°24.35'
C4	50.00'	114.68'	91.14'	N65°07.43' W	131°24.44'



Ownership Certificate:
 We hereby certify that we are the owners of the real property shown and described herein and we hereby adopt this plan of subdivision and by our free consent declare all of the lots shown hereon to be legal subdivisions of the land shown. We warrant that we have no other interests in the land shown.

By: _____
 4526 South Slope Drive
 Homer, AK 99603

Notary's Acknowledgment:
 I, _____, Notary Public for Alaska, My commission expires: _____

Notary's Acknowledgment:
 I, _____, Notary Public for Alaska, My commission expires: _____

Notary's Acknowledgment:
 I, _____, Notary Public for Alaska, My commission expires: _____



BARNETT'S SOUTH SLOPE SUBD.
EVANS ADDITION

A replat combining Lot 2 and Lot 4, Block 2, Barnett's South Slope Subd. H177-61 with NE1/4 Sec. 17, T8S, R13W, S4E, City of Homer, Kenai Peninsula Borough, Homer Recording District Third Judicial District, Alaska. Containing 1.75 Acres more or less.

Prepared for: _____
 Prepared by: _____
 300 East 13th Street
 Homer, AK 99603
 (907) 399-7028
 hom@evansurvey.com

Scale: 1"=50'
 PWS No. 2021-082
 Date: 6/23/2021
 PWS No. 2021-

RECEIVED
 JUL 19 2021
 CITY OF HOMER
 PLANNING/ZONING

Bryan and Ginny Evans

4526 S. Slope Drive
Homer, AK. 99603
(231) 631-1787

4th September 2023

City of Homer

491 East Pioneer Avenue
Homer, AK. 99603

To Whom it may Concern,

We are writing in objection to the Tasmania Court Water and Sewer Special Assessment Districts Final Assessment Roll. We are asking for the 2nd property under Evans to be removed and to only be charged for one property. Our lot line has been dissolved thus now being one lot.

Dissolving the lot line had always been our intention since we bought our home in September of 2020. Communications began in 2020 with Tom Latimer with Orion Surveys to dissolve our lot line. With Covid and the setbacks that it brought, we were not able to finalize the lot line until May 11, 2022. We have various email messages with the city and email and text messages with Tom Latimer about this issue. We have been very upfront with dissolving the lot line.

In addition to this we also have an objection to the price of the water and sewer assessment. This is something we objected to in the beginning during zoom meetings and we wrote an objection to the city as well. Originally, the hope of the neighborhood was to get city water. As this idea progressed, the city stated that they would not install city water without the addition of sewer. Adding sewer was a large price increase. We, personally, did not need the sewer hookup as when we bought our home, a brand new septic was installed, only to have it demolished with this project.

Once we put in our objection we heard nothing further from the city. After a phone call to the city for an update, we were surprised to hear that there had been another meeting that had taken place that we had apparently missed. We were not notified about this meeting and it was during this phone call we found out the project had ended up passing. We feel that 75% of the cost of this project being put on the Tasmania Court Project property owners is unfair and extreme.

Sincerely

Bryan and Ginny Evans

Our (Evans) original objection letter along with an original objection letter from our neighbor (April of 2021)

Bryan and Ginny Evans

4526 S. Slope Drive
Homer, AK 99603
(231) 631-1787

April 13, 2021

City Council Members

Re: Tasmania Court Sewer
Improvement Special Assessment
District
City of Homer
491 East Pioneer Ave.
Homer, AK 99603

Dear City Council Members,

We are writing in objection to the Tasmania Court Sewer Improvement Special Assessment District. We recently purchased our home Sept 2020. We were made aware that city water in our area would happen more likely than not. The sewer improvement project was later added by the city. With the addition of the city pursuing sewer improvements along with the cost share of both water and the sewer that falls on the property owners, the end price is not justified. Having property owners pay 75% (city pay 25%) puts a large financial burden on many. With more funds coming into the city with Covid relief stimulus funding, we would like to respectfully request the city pick up a larger portion of 75% of the costs and property owners 25%, as it has been done in the past. With significant hardships right now during the COVID pandemic, the financial strain could be detrimental and a negative impact on property owner budgets.

In addition, when we purchased our home in Sept 2020, it included a brand new septic installed right before closing, hence we would not have the need for sewer to be installed. While we understand that it would be beneficial for the city to do both water and sewer improvements at the same, we simply can not justify the cost that falls on property owners, especially those with additional lots who have no plans to develop in the immediate future. Consideration of a deferment program for lots that have no immediate need for water and sewer would be greatly appreciated as well.

In conclusion, we object to this project and the burden of the cost share that falls onto the property owners. We appreciate your time that you have given us.

Sincerely,

Bryan and Ginny Evans

Jay and Erica Marley
795 W Tasmania Ct
Homer, AK 99603
04/07/2021

City Council Members
Re: Tasmania Court Sewer Improvement Special Assessment District
City of Homer
491 East Pioneer Ave
Homer, AK 99603

Dear City Council Members:

We are writing in objection to the Tasmania Court Sewer Improvement Special Assessment District cost structure. We have been advocates for both the sewer and water SADs for this neighborhood. We are still in support of both the sewer and water projects with some modifications to the cost structure that places more than 50% of the project costs on property owners. Currently, property owners are being required to pay 75% of project costs and the city is only paying 25%. Having access to city water and sewer within city limits is an essential service and is part of basic city infrastructure that is due to taxpaying citizens. This year in particular there are more funds available to the City of Homer for infrastructure improvements through COVID relief stimulus funding and increased tax revenue. Therefore we would like to respectfully request that the city consider reducing the property owner burden to 25% of both the project costs and have the city pay 75%.

Also, when these SADs were initially organized, the neighbors opted not to pursue adding sewer to our SAD because many of us either had new or functional existing septic systems or would be required to have lift pumps to be compatible with the sewer plan that was proposed at that time. For efficiency of engineering and development costs, the City of Homer is insisting on doing the sewer project at the same time as the water, which is sensible, but places a significant additional cost to property owners that we did not want. Because the sewer project is happening by city initiative, we were told by the Public Works Superintendent that we would have the option of deferring the cost of the sewer project for those lots that won't need to hook up to city sewer right away. If those lots are ever developed to incorporate city sewer, or purchased, the property owners would at that time be assessed the cost for the sewer project. For those of us owning spare lots that we have no intention of developing in the near future, and for those of us who have just invested in new or improved septic systems, this deferment program would be a significant savings.

In conclusion, we support the water and sewer SADs for this neighborhood, but we object to the current cost structure of the projects. We respectfully request that the city reverse the cost share burden of the

City Council Members

04/07/2021

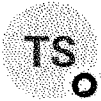
Page 2

owners and city so that the city pays 75% and the property owners pay 25%, and allow a cost deferment program for lots that do not immediately need access to city sewer. Thank you for your consideration.

Sincerely,

Jay and Erica Marley

Communication with Tom Latimer: Orion Surveys

**Tom Latimar Surveyor**

(907) 399-7028



Q Search in conversation

SEP 8, 2020 AT 11:30

Hey Tom, Bryan Evans here at
4526 South Slope Dr.

I got a call back from Renee
about dissolving the property line
and the minimum requirements
to submit for the preliminary
Plat.....She said she has to call
the public works department to
ask some questions about some
city code or something. It has to
do with sub divisions and
dividing properties.....

Renee's # is 907-435-3109

She is supposed to email us
both the information when she
gets it sometime today 😊

Thanks and give a call if you
have any questions or concerns

Bryan Evans

231-631-1787

111bryan.evans111@gmail.com



93



Tom Latimar Surveyor

(907) 399-7028



Bryan Evans

231-631-1787

111bryan.evans111@gmail.com

Hey Brian,
I'll respond to Renee when she gets back. Sounds like you might have got off on a sidetrack again. I'll see if I can get to the answer.



SEP 10, 2020 AT 10:30

I'll call you back.

SEP 22, 2020 AT 10:20

Hello Tom, I was just checking in to see if we are still a go on dissolving the property line between my two properties. Thanks and have a great day 😊



Bryan Evans

4526 South Slope Drive

Homer Alaska, 99603

231.631.1787 cell



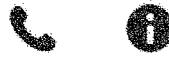
APR 21, 2021 AT 11:46



on....City Clerk....



← TS Tom Latimar Surveyor
(907) 399-7028



APR 21, 2021 AT 11:46

I'll call you back.

OCT 23, 2021 AT 09:23

Hey there Tom
Just looking for an update on
the property line situation. No
pressure just need to know
where we stand in the situation.

OCT 24, 2021 AT 17:04

Hello??

OCT 25, 2021 AT 08:57

TS
Hi Brian
I'll be in the office later today and
will call. Sorry for my non
responsiveness

No worries

Thanks and talk at you later on



JAN 20, 2021 AT 08:06



+ 📷 📎 🎤 on... City Clerk... 😊 ➤



Tom Latimar Surveyor

(907) 399-7028



JAN 20, 2022 AT 08:06

Well...are we all st with my property yet. I'm on the Slope. Let me know a status update plz.

~ Bryan Evans

JAN 25, 2022 AT 18:00

Hey Bryan
Paperwork finally came through. Submitting to KPB this week for a public meeting on Feb 14 if all goes well. Meeting will be on zoom. I will attend. You are welcome to attend also but I don't think that will be necessary. I'll let you know when I get the KPB review of the submittal



Awesome
I get home on Friday the 28th if you need me for anything 😊

Cheers!

Thanks again for your time 🙏



I think we're need for now, but I'll let



on....City Clerk....





TS

Tom Latimar Surveyor

(907) 399-7028



Cheers!

Thanks again for your time 🙏

TS

I think we're good for now but I'll let you know

TS

I knew that sounded too quick to be true. I read the schedule wrong. Meeting on Feb 28. Will go quickly after that.

Sounds good!

FEB 10, 2022 AT 13:50

Hey Tom, just a heads up. We received Notice of Subdivision/ Replat letter in the mail today. Thanks again and have a great day!
~Bryan

MAR 5, 2022 AT 08:08

Well...I'm up on the Slope. Just checking in again on the lot progression. I hope it's ready for finalizing 🙏 Thanks buddy 😊



MAR 7, 2022 AT 15:18



on....City Clerk....





Tom Latimar Surveyor

(907) 399-7028



MAR 7, 2022 AT 15:18

KPB gave preliminary approval last week and granted the ROW width exception. I have it almost ready to submit for final review. A couple more rounds with KPB that will go faster and we'll be done. Traveling for a few days but hope to get it in this week



Well.....I sure hope this last part goes faster. I'm trying my best to no have to pay 1 billion dollars for this water sewer deal



Faster the better for me Tom. What ever makes this deal get completed in short order is best. Thanks for the update and keep in touch with any updates.

Cheers 🍷

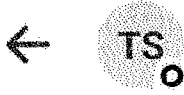
APR 18, 2022 AT 18:01

Looks like the project is starting very soon. Please tell me that we are finalizing the lots.

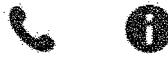


on.... City Clerk....



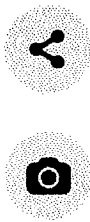
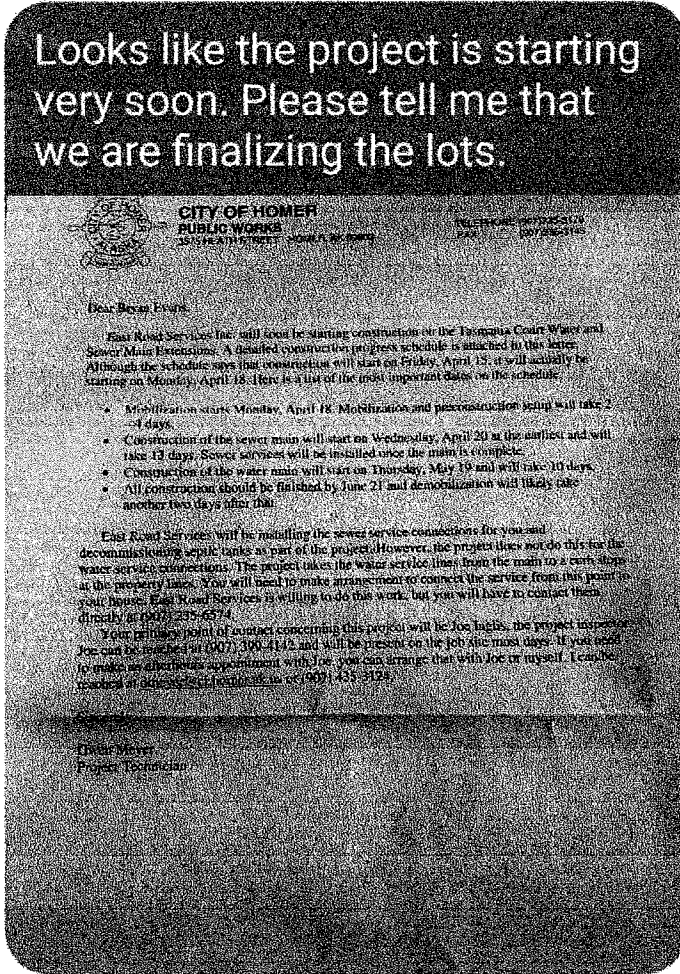


Tom Latimar Surveyor
(907) 399-7028




APR 18, 2022 AT 18:01

Looks like the project is starting very soon. Please tell me that we are finalizing the lots.



Can you talk

MAY 3, 2022 AT 13:51

Hi Tom,
We recieved our 2022 estimated tax bill. I will pay that immediately  so it doesn't hold up anything





TS

Tom Latimar Surveyor

(907) 399-7028



TS

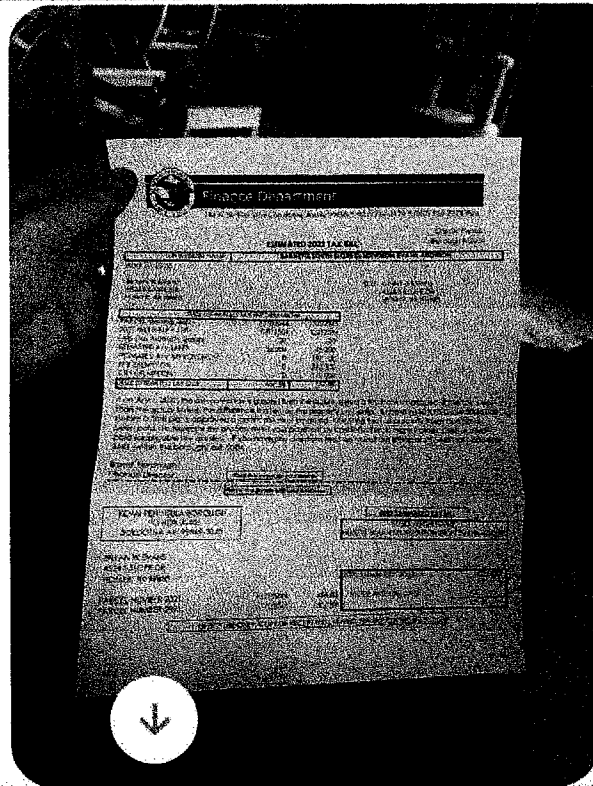
Can you talk

MAY 3, 2022 AT 13:51

Hi Tom,
We recieved our 2022 estimated tax bill. I will pay that immediately so it doesn't hold up anything.

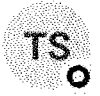
I remember you telling me that it will be coming and to ensure all is paid up so it dosen't hold up the finalizing process.

Thanks again....Cheers!



on....City Clerk....





Tom Latimar Surveyor

(907) 399-7028



MAY 5, 2022 AT 09:15



2022 property tax paid in advance May 05, 2022.pdf
<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:9a9ce85a-ddac-4d7c-94a7-27391c3e2dad>

Hello Tom

Our property taxes are paid up in full.
Thanks and talk to you soon.

Bryan Evans

MAY 9, 2022 AT 10:36

The final review letter showed up!
Making the edits now and we'll get it signed and submitted before I leave on Wed.



Perfect

JUN 6, 2022 AT 14:49

Got another plat update if you're around for a cal' ↓



on...City Clerk...



101

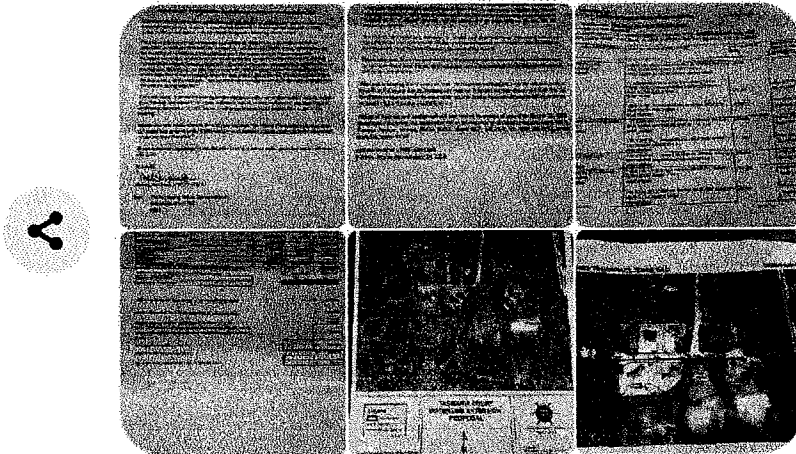
← TS Tom Latimar Surveyor
(907) 399-7028



JUN 6, 2022 AT 14:49

TS Got another plat update if you're around for a call

AUG 25 AT 16:49



Here is what Ginny signed forcertified mail at the post office.

I haven't read this yet.....I'm at work and I will tonight.

TS If there was supposed to be an attachment it didn't cone through

AUG 25 AT 17:13



+ 📷 📎 🎤 on.... City Clerk.... 😊 ➤



TS

Tom Latimar Surveyor

(907) 399-7028



TS

If there was supposed to be an attachment it didn't come through

AUG 25 AT 17:13



TUE AT 11:04

Hey Tom,

I just spoke to Renee Krause about my property line situation. She is referring me to another person...Melissa Jacobsen, MMC, City Clerk. So I'm waiting on a call back.

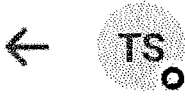
Just curious if you can talk to someone over there and explain the long process we both went through getting this lot line dissolved. I explained to Renee that this was during the "Covid outbreak" which slowed things down and all that stuff.

Anyway, I appreciate your time and efforts.
Cheers!!



on....City Clerk....





Tom Latimar Surveyor

(907) 399-7028



that this was during the "Covid outbreak" which slowed things down and all that stuff.

Anyway, I appreciate your time and efforts.

Cheers!!



Renee Krause, MMC

Deputy City Clerk

ADA Coordinator

City of Homer

491 E Pioneer Avenue

Homer, Alaska 99603

907-235-8121 ext 2224

907-235-3143 Fax

rkrause@ci.homer.ak.us

www.cityofhomer-ak.gov

I attached Renee's info above 📎



on....City Clerk....





ginny evans <evansg1111@gmail.com>

Bryan Evans 4526 South Slope Drive

2 messages

bryan evans <111bryan.evans111@gmail.com>

Sat, Aug 26, 2023 at 12:51 PM

To: tom@orionsurveys.com

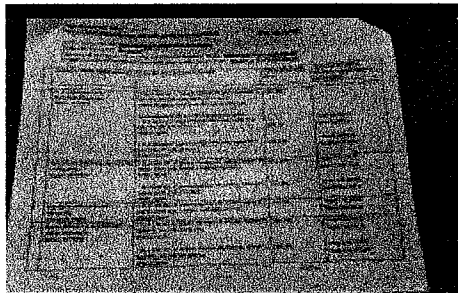
Bcc: evansg1111@gmail.com

Hello Tom,

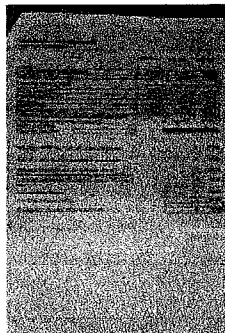
Here is the certified letter we recieved and spoke about yesterday. Any input on how we didn't meet the deadline for notification and replat would be greatly appreciated.

Very Respectfully,
Bryan Evans
231.631.1787 cell

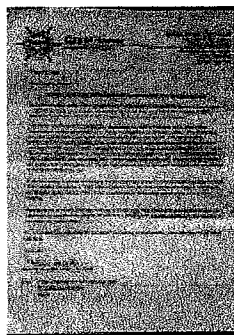
6 attachments



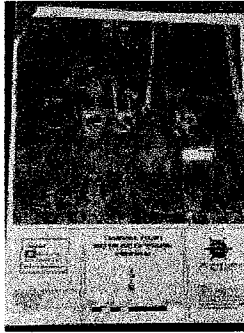
SmartSelect_20230825_171353_Messenger.jpg
498K



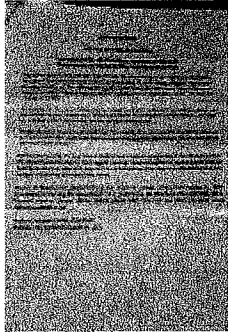
SmartSelect_20230825_171359_Messenger.jpg
719K



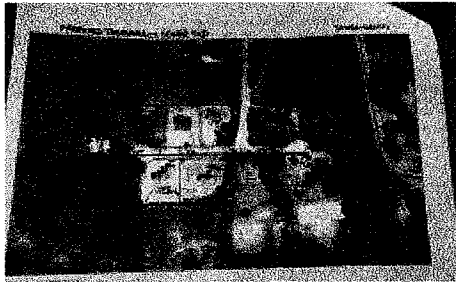
SmartSelect_20230825_171333_Messenger.jpg
963K



SmartSelect_20230825_171442_Messenger.jpg
1389K



SmartSelect_20230825_171339_Messenger.jpg
828K



SmartSelect_20230825_171503_Messenger.jpg
1414K

bryan evans <111bryan.evans111@gmail.com>
To: Ginny Evans <evansg1111@gmail.com>

Wed, Sep 6, 2023 at 2:57 PM

----- Forwarded message -----

From: bryan evans <111bryan.evans111@gmail.com>
Date: Sat, Aug 26, 2023, 15:26
Subject: Re: Bryan Evans 4526 South Slope Drive
To: Tom Latimer <tom@orionsurveys.com>

Sounds good, thank you!

On Sat, Aug 26, 2023, 13:30 Tom Latimer <tom@orionsurveys.com> wrote:
Got it. I'll read over the weekend. I checked emails briefly but didn't find any

Sent via the Samsung Galaxy S23+ 5G, an AT&T 5G smartphone
Get Outlook for Android

From: bryan evans <111bryan.evans111@gmail.com>
Sent: Saturday, August 26, 2023 12:51:41 PM
To: Tom Latimer <tom@orionsurveys.com>
Subject: Bryan Evans 4526 South Slope Drive

Hello Tom,

9/6/23, 8:57 PM

Gmail - Bryan Evans 4526 South Slope Drive

Here is the certified letter we recieved and spoke about yesterday. Any input on how we didn't meet the deadline for notification and replat would be greatly appreciated.

Very Respectfully,
Bryan Evans
231.631.1787 cell

Correspondence and additional emails (4 in total) with Renee Krause



ginny evans <evansg111@gmail.com>

Fwd: Special Assessment District Tasmania Court

4 messages

bryan evans <111bryan.evans111@gmail.com>

Sun, Sep 13, 2020 at 6:54 AM

To: Ginny Evans <evansg111@gmail.com>, Bryan Evans <busboy11111@gmail.com>, bryan evans <111bryan.evans111@gmail.com>

----- Forwarded message -----

From: **Renee Krause** <RKrause@ci.homer.ak.us>

Date: Tue, Sep 8, 2020, 14:29

Subject: Special Assessment District Tasmania Court

To: 111bryan.evans111@gmail.com <111bryan.evans111@gmail.com>

Hi Bryan

I have included the information for the Special Assessment District that is where we are at now in the process. Council will on Monday be approving or not the formation of the district.

The parcel that is shown on the attached map was not included in the preliminary assessment roll.

I spoke to Tom Latimer this morning and explained the situation.

Let me know if you have any additional questions, this is scheduled for Public Hearing before City Council on Monday September 14th

<https://www.cityofhomer-ak.gov/citycouncil/city-council-regular-meeting-225>

Above is the link to the meeting page which will be updated later this week with the link that you can attend the meeting via Zoom webinar.

Renee Krause

Renee Krause, MMC

Deputy City Clerk

City of Homer

491 E Pioneer Avenue

Homer, Alaska 99603

907-235-8121 ext 2224

109

907-235-3143 Fax

rkrause@ci.homer.ak.us

www.cityofhomer-ak.gov

Please note that any and all emails are subject to public records requests. Information on Alaska's Public records Laws can be found in AS 40.25 and in Homer City Code 2.84.

2 attachments

 **Notice of Objection Packet.pdf**
293K

 **Tasmania Court Water SAD Map.pdf**
1448K

bryan evans <111bryan.evans111@gmail.com>
To: Ginny Evans <evansg1111@gmail.com>

Wed, Sep 6, 2023 at 2:46 PM

[Quoted text hidden]

2 attachments

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293K

 **Tasmania Court Water SAD Map.pdf**
1448K

bryan evans <111bryan.evans111@gmail.com>
To: Ginny Evans <evansg1111@gmail.com>

Wed, Sep 6, 2023 at 2:49 PM

[Quoted text hidden]

2 attachments

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293K

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1448K

bryan evans <111bryan.evans111@gmail.com>
To: Ginny Evans <evansg1111@gmail.com>

Wed, Sep 6, 2023 at 2:49 PM

[Quoted text hidden]

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293K

 **Tasmania Court Water SAD Map.pdf**
1448K



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

CITY OF HOMER

NOTICE OF RIGHT TO OBJECT

TASMANIA COURT WATER IMPROVEMENT
SPECIAL ASSESSMENT DISTRICT

SPECIAL ASSESSMENT DISTRICT:

TASMANIA COURT WATER IMPROVEMENT SPECIAL ASSESSMENT DISTRICT, affecting the property described on the Preliminary Assessment Roll.

On May 28, 2020 the City Clerk determined the sufficiency of the Tasmania Court Water Improvement Special Assessment District. If the assessment district is approved and project construction is approved, the cost of the improvements will be assessed against and become a lien on the property benefited by the improvements.

PUBLIC HEARINGS:

A Public hearing on the assessment, necessity of the improvements, and on the proposed improvement plan are scheduled before the Homer City Council at **6:00 p.m. on September 14, 2020** in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska via Zoom Webinar. Any person may testify at the public hearing.

NOTICE OF RIGHT TO OBJECT:

The owner of property to be assessed may file a written objection to the improvement plan no later than **the day before the date of the scheduled public hearing**. Non-responses during the objection period shall be deemed to be non-objections.

If owners of real property that would bear 50 percent or more of the assessed cost of the improvement file timely written objections, the Council may not proceed with the improvement unless it revises the improvement plan to reduce the assessed cost of the improvement that is borne by objecting record owners to less than 50 percent of the assessed cost of the improvement. If the resolution changes the district boundary in the improvement plan, the City Clerk shall notify all record owners of property included in the district under the improvement plan of the change.

At the noticed date and time, the Council shall hold a public hearing on the necessity of the improvement and proposed improvement plan. After the public hearing, the Council shall act upon a resolution determining to proceed with the proposed improvement. The resolution shall find that the improvement is necessary, of benefit to the properties to be assessed, and if the district is initiated by petition, that the petition is in proper form and bears sufficient signatures. The findings of the Council are conclusive. The resolution shall contain a description of the improvement, the

estimated cost of the improvement, the percentage of the cost to be assessed against the properties in the district, and a description of the properties to be assessed.

OBJECTIONS MUST BE IN WRITTEN FORM AND FILED AT THE OFFICE OF THE CITY CLERK NO LATER THAN THE DAY BEFORE THE DATE OF THE SCHEDULED PUBLIC HEARING

City of Homer
Office of the City Clerk
491 E. Pioneer Avenue
Homer, Alaska 99603
Phone: 907-235-3130; Fax: 907-235-3143
Email: clerk@ci.homer.ak.us

Dated this 16th day of July, 2020



Renee Krause, MMC, Deputy City Clerk

Enc: Notice of Public Hearing
Preliminary Assessment Roll
Statement of Objection

**CITY OF HOMER
PUBLIC HEARING NOTICE
CITY COUNCIL MEETING**

Tasmania Court Water Improvements Special Assessment District

A **public hearing** is scheduled for **Monday, September 14, 2020** during the Regular City Council Meeting. The meeting begins at 6:00 p.m. via a Zoom webinar at zoom.us or Telephone Dial 1-669-900-6833 or 1-253-215 8782; (Toll Free) 888-788-0099 or 877- 853-5247; use Webinar ID: 205 093 973 and Password: 610853

The City Clerk has determined that a petition to initiate a district bears sufficient signatures to create the Tasmania Court Water Improvement Special Assessment District.

OBJECTIONS

Objections to the formation of this district must be in written form and filed at the Office of the City Clerk no later than the day before the date of the scheduled public hearing. Non-responses during the objection period shall be deemed to be non-objections.

****Request forms to submit public comment telephonically are available on the City Clerk's webpage.**

Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: clerk@ci.homer.ak.us

Dated this 16th day of July, 2020



Renee Krause, MMC, Deputy City Clerk

PRELIMINARY ASSESSMENT ROLL

PROJECT NAME: Tasmania Court Water Improvement Special Assessment District DATE: July 16, 2020

TOTAL ESTIMATED PROJECT WATER: \$277,090.00

Districts shall be assessed 75% property owner share of the project. Benefitted property owners will be required to pay that portion of the cost through the formation of a Special Assessment District: **\$207,818.00**

HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) SHARE: \$69,273.00

	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT ASSESSMENT METHOD
1	SUMPTION TERRY L & TRACY L 842 W TASMANIA CT HOMER, AK 99603-8210	T 6S R 13W SEC 17 Seward Meridian HM 0770061 BARNETT'S SOUTH SLOPE SUB LOT 17 BLK 1 KPB#17702034	\$307,100.00	\$17,318	
2	FELL MICHAEL W FELL MARY K PO BOX 149 HOMER AK 99603-0149	T 06S R 13W SEC 17 Seward Meridian HM 2017024 BARNETT'S SOUTH SLOPE SUB FELL ADDN LOT 16-A KPB#17702095	\$421,300.00	\$17,318	
3	FELL MICHAEL W FELL MARY K PO BOX 149 HOMER AK 99603-0149	T 6S R 13W SEC 17 Seward Meridian HM 0770061 BARNETT'S SOUTH SLOPE SUB LOT 15 BLK 1 KPB#17702036	\$68,000.00	\$17,318	
4	KASSOUNI DICRAN 8173 FLETCHER RD GREENVILLE, MI 48838-9704	T 6S R 13W SEC 17 Seward Meridian HM 0770061 BARNETT'S SOUTH SLOPE SUB LOT 14 BLK 1 KPB#17702037	\$238,400.00	\$17,318	
5	MARLEY WILLIAM JAY JR MARLEY ERICA SUSAN 795 W TASMANIA CT HOMER AK 99603-8210	T 6S R 13W SEC 17 Seward Meridian HM 0770061 BARNETT'S SOUTH SLOPE SUB LOT 13 BLK 1 KPB#17702038	\$72,000.00	\$17,318	
6	MARLEY WILLIAM JAY JR MARLEY ERICA S 795 W TASMANIA CT HOMER AK 99603-8210	T 6S R 13W SEC 17 Seward Meridian HM 0770061 BARNETT'S SOUTH SLOPE SUB LOT 12 BLK 1 KPB#17702039	\$845,600.00	\$17,318	

PRELIMINARY ASSESSMENT ROLL

PROJECT NAME: Tasmania Court Water Improvement Special Assessment District DATE: July 16, 2020

TOTAL ESTIMATED PROJECT WATER: **\$277,090.00**
 Districts shall be assessed 75% property owner share of the project. Benefitted property owners will be required to pay that portion of the
 cost through the formation of a Special Assessment District: **\$207,818.00**
HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) SHARE: \$69,273.00

PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT	ASSESSED ESTIMATED PROPERTY ASSESSMENT METHOD
7 SJUSTEDT DAVID CHANDLER JEANNIE PO BOX 3606 HOMER AK 99603-3606	T 6S R 13W SEC 17 Seward Meridian HM 0770061 BARNETT'S SOUTH SLOPE SUB LOT 11 BLK 1 KPB#17702040	\$442,500.00	\$17,318	
8 CRANDALL JOHN P & CASS M PO BOX 470 HOMER AK 99603-0470	T 6S R 13W SEC 17 Seward Meridian HM 2000008 BARNETT'S SOUTH SLOPE SUB CRANDA LL ADDN NO 2 LOT 6-A-1 KPB#17702082	\$87,200.00	\$17,318	
9 WOODS JUDITH A PO BOX 741 HOMER AK 99603-0741	T 6S R 13W SEC 17 Seward Meridian HM 0770061 BARNETT'S SOUTH SLOPE SUB LOT 2 BLK 2 KPB#17702045	\$232,200.00	\$17,318	
10 GRABER F ELIZABETH HAWFIELD MICHAEL PO BOX 2609 HOMER AK 99603-2609	T 6S R 13W SEC 17 Seward Meridian HM 0770061 BARNETT'S SOUTH SLOPE SUB LOT 1 BLK 2 KPB#17702046	\$49,400.00	\$17,318	

CITY OF HOMER
PROPERTY OWNER'S
STATEMENT OF OBJECTION
TO SPECIAL ASSESSMENT DISTRICT

SPECIAL ASSESSMENT DISTRICT: **Tasmania Court Water Improvement Special Assessment District**

I/we affirm that I/we are the owner(s) of the following lots in the Special Assessment District
(give legal description):

I/We object to the **Tasmania Court Water Improvement Special Assessment District**.

Reasons/Comments: _____

PROPERTY OWNER'S PRINTED NAME, SIGNATURE, AND DATE:

_____ (Print Name)	_____ (Signature)	_____ (Date)
_____ (Print Name)	_____ (Signature)	_____ (Date)
_____ (Print Name)	_____ (Signature)	_____ (Date)




NOTE: PLEASE MAKE SURE THAT ALL THE PROPERTY OWNERS OF RECORD PRINT, SIGN, AND DATE THIS DOCUMENT. IF YOU HAVE MORE THAN ONE LOT PLEASE NOTE THIS ON THIS FORM WHEN YOU RETURN IT. OBJECTIONS WILL APPLY ONLY TO THOSE LOTS NAMED ON THIS FORM.

TO FILE AN OBJECTION COMPLETE THIS FORM AND RETURN IT TO THE OFFICE OF THE CITY CLERK NO LATER THAN THE DAY BEFORE THE DATE OF THE SCHEDULED PUBLIC HEARING.

City of Homer
Office of the City Clerk
491 E. Pioneer Avenue
Homer, Alaska 99603




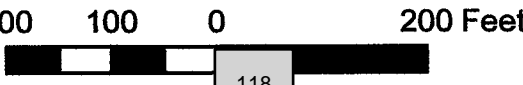
Legend

-  Waterlines
-  Proposed_Line
-  Parcels Concerned


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

TASMANIA COURT WATERLINE EXTENSION PROPOSAL





118



DEPT. OF PUBLIC WORKS
FEBRUARY 3, 2020

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.



ginny evans <evansg1111@gmail.com>

Tasmania court Sewer Improvement Assessment District3 messages

bryan evans <111bryan.evans111@gmail.com>

Wed, Jan 20, 2021 at 1:34 PM

To: clerk@cityofhomer-ak.gov

Bcc: evansg1111@gmail.com

Renee,

Hello there I hope this email finds you well. I am sending this email with our contact info as per our conversation on Xoom last night. We are interested in Scenario 2 in which we just had a new septic system installed in the fall of 2020.

I also want to deviate from having sewer set up on our adjacent property that we own. We are in the process of combining them.

Thanks and have a great day!
Bryan Evans

Address:

4526 South Slope Drive

Homer Alaska 99603

231-631-1787 Bryan Evans cell phone

231-631-3494 Ginny Evans cell phone

Barnett's S Slope subd lot 2 and lot 4

bryan evans <111bryan.evans111@gmail.com>

Wed, Sep 6, 2023 at 2:49 PM

To: Ginny Evans <evansg1111@gmail.com>

[Quoted text hidden]

bryan evans <111bryan.evans111@gmail.com>

Wed, Sep 6, 2023 at 2:58 PM

To: Ginny Evans <evansg1111@gmail.com>

[Quoted text hidden]



ginny evans <evansg111@gmail.com>

Fwd: FW: Tasmania Court Sewer/Water Improvements

3 messages

bryan evans <111bryan.evans111@gmail.com>
To: Ginny Evans <evansg111@gmail.com>

Sat, Mar 27, 2021 at 9:49 AM

----- Forwarded message -----

From: Renee Krause <RKrause@ci.homer.ak.us>**Date:** Fri, Mar 26, 2021, 10:27**Subject:** FW: Tasmania Court Sewer/Water Improvements**To:** Tracy Sumption <tntsump@gmail.com>, cassiar O'Neill <sirensfoodtruck@gmail.com>, marykfell@icloud.com <marykfell@icloud.com>, crandall@alaska.net <crandall@alaska.net>, 111bryan.evans111@gmail.com <111bryan.evans111@gmail.com>

Attached is information that Public Works Director Jan Keiser submitted for the combined costs of the water and sewer special assessment districts.

Please remember that the Sewer Assessment District still requires approval from a majority of the property owners or a signed waiver and City Council to form the district.

All costs represented are estimated and are not final until the projects are completed and approved by City Council.

Renee Krause

Renee Krause, MMC
Deputy City Clerk
ADA Coordinator

-----Original Message-----

From: Melissa Jacobsen <MJacobsen@ci.homer.ak.us>**Sent:** Friday, March 19, 2021 4:48 PM**To:** Renee Krause <RKrause@ci.homer.ak.us>**Subject:** FW: Tasmania Court Sewer/Water Improvements ?????

-----Original Message-----

From: Tracy Sumption <tntsump@gmail.com>**Sent:** Friday, March 19, 2021 4:33 PM**To:** Department Clerk <clerk@ci.homer.ak.us>**Subject:** Tasmania Court Sewer/Water Improvements ?????

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

Hi there at the last meeting property owners requested a total of both water and sewer cost. Is there a cost break down of both the sewer and water assessments and map available?

Thank you in advance.

Tracy Sumption

 **Copy of Tasmania Water Sewer cost estimate - 03-15-21.xlsx**
16K

bryan evans <111bryan.evans111@gmail.com>
To: Ginny Evans <evansg1111@gmail.com>

Wed, Sep 6, 2023 at 2:49 PM

[Quoted text hidden]

 **Copy of Tasmania Water Sewer cost estimate - 03-15-21.xlsx**
16K

bryan evans <111bryan.evans111@gmail.com>
To: Ginny Evans <evansg1111@gmail.com>

Wed, Sep 6, 2023 at 2:49 PM

----- Forwarded message -----

From: **bryan evans** <111bryan.evans111@gmail.com>
Date: Sat, Mar 27, 2021, 09:49

[Quoted text hidden]
[Quoted text hidden]

 **Copy of Tasmania Water Sewer cost estimate - 03-15-21.xlsx**
16K

Concept Cost Estimate - Gravity Serves All				
TASMANIA COURT SEWER IMPROVEMENT				
3/15/2021				
	quantity	unit	unit price	
Mobilization	1	LS	\$9,500	
Clearing/Grubbing	1	LS	\$1,900	
8" Ductile Iron Main	980	LF	\$85	
6" Ductile Iron Main	335	LF	\$80	
Sanitary Sewer Manhole	2	EA	\$6,500	
Sanitary Sewer Clean out	3	EA	\$3,500	
4" sewer service	11	EA	\$1,900	
Connect to Existing	1	EA	\$750	
Type II Gravel	200	CY	\$30	
Pipe Bedding	75	CY	\$27	
Seeding	25	MSF	\$70	
Construction Survey	1	LS	\$4,500	
SWPP Plan	1	LS	\$1,800	
Geotextile Fabric	400	SY	\$8	
Exist. Utility Protection	1	LS	\$4,500	
Construction	\$190,425			
Design (8%)	\$15,234			
Inspection (3%)	\$5,713			
City Administration (5%)	\$9,379			
Contingency (5%)	\$9,521			
Total Project Cost	\$230,272			
Property Owner Share	\$172,704			
City (HAWSP) Share	\$57,568			
TOTAL ASSESSMENTS FOR WATER AND SEWER				
		Sewer SAD Cost	On-Site Cost for sewer service	On-Site Cost for water service
Barnett's S Slope Subd Lot 2, Blk 2	Woods	\$ 15,700.36	\$ 4,500.00	\$ 2,000.00
Barnett's S Slope Subd Lot 4, Blk 2	Woods	\$ 15,700.36	\$ 4,500.00	\$ 2,000.00
Crandall Addn No 2 Lot 5-A-1	Crandall	\$ 15,700.36	\$ 4,500.00	\$ 2,000.00
Crandall Addn No 2 Lot 6-A-1	Crandall	\$ 15,700.36	\$ 4,500.00	\$ 2,000.00
Barnett's S Slope Subd Lot 11, Blk 1	Sjostedt	\$ 15,700.36	\$ 4,500.00	\$ 2,000.00
Barnett's S Slope Subd Lot 12, Blk 1	Marley	\$ 15,700.36	\$ 4,500.00	\$ 2,000.00
Barnett's S Slope Subd Lot 13, Blk 1	Marley	\$ 15,700.36	\$ 4,500.00	\$ 2,000.00
Barnett's S Slope Subd Lot 14, Blk 1	Kassouni	\$ 15,700.36	\$ 4,500.00	\$ 2,000.00
Barnett's S Slope Subd Lot 15, Blk 1	Fell	\$ 15,700.36	\$ 4,500.00	\$ 2,000.00

cost		
\$9,500		
\$1,900		
\$83,300		
\$26,800		
\$13,000		
\$10,500		
\$20,900		
\$750		
\$6,000		
\$2,025		
\$1,750		
\$4,500		
\$1,800		
\$3,200		
\$4,500		
\$190,425		

Total Estimated Cost Sewer	Total Estimated Cost Water (from Cost Estimate - Water prepared by Carey Meyer)	Total Estimated Cost - Water & Sewer
\$ 20,200.36	\$ 18,893.00	\$ 41,093.36
\$ 20,200.36	\$ 18,893.00	\$ 41,093.36
\$ 20,200.36	\$ 18,893.00	\$ 41,093.36
\$ 20,200.36	\$ 18,893.00	\$ 41,093.36
\$ 20,200.36	\$ 18,893.00	\$ 41,093.36
\$ 20,200.36	\$ 18,893.00	\$ 41,093.36
\$ 20,200.36	\$ 18,893.00	\$ 41,093.36
\$ 20,200.36	\$ 18,893.00	\$ 41,093.36
\$ 20,200.36	\$ 18,893.00	\$ 41,093.36
\$ 20,200.36	\$ 18,893.00	\$ 41,093.36

Fell Addn Lot 16-A	Fell	\$ 15,700.36	\$ 4,500.00	\$ 2,000.00
Barnett's S Slope Subd Lot 17, Blk 1	Sumption	\$ 15,700.36	\$ 4,500.00	\$ 2,000.00
		\$ 172,704.00	\$ 49,500.00	\$ 22,000.00
estimated annual payments (equal share) with 20 year financing at 2%	\$2,513.27	per year, including on-site work for sewer	\$209.44	Per month

\$ 20,200.36	\$ 18,893.00	\$ 41,093.36
\$ 20,200.36	\$ 18,893.00	\$ 41,093.36
\$ 222,204.00	\$ 207,823.00	\$ 452,027.00



ginny evans <evansg1111@gmail.com>

Fwd: 3rd Neighborhood Meeting for Tasmania Ct Sewer SAD

3 messages

bryan evans <111bryan.evans111@gmail.com>
To: Ginny Evans <evansg1111@gmail.com>

Tue, May 25, 2021 at 11:16 PM

----- Forwarded message -----

From: Renee Krause <RKrause@ci.homer.ak.us>**Date:** Tue, May 25, 2021, 08:58**Subject:** 3rd Neighborhood Meeting for Tasmania Ct Sewer SAD**To:** Tracy Sumption <tntsump@gmail.com>, marykfell@icloud.com <marykfell@icloud.com>, cassiar O'Neill <sirensfoodtruck@gmail.com>, John Crandall <crandall@alaska.net>, 111bryan.evans111@gmail.com <111bryan.evans111@gmail.com>, jaymarley@alaska.net <jaymarley@alaska.net>

Please see the attached information related to a meeting scheduled for Thursday, June 3, 2021 at 5:30 p.m. to share information related to the Tasmania Court Sewer Improvement Special Assessment District. This information will also be sent via USPS today to the addresses we have on file for each property owner. It can additionally be found on the meeting page located on the city website. A link to that webpage has been provided for your convenience.

<https://www.cityofhomer-ak.gov/cityclerk/tasmania-court-sewer-sad-neighborhood-meeting-1>

Please see the zoom meeting information for the meeting:

Topic: Tasmania Court Sewer Special Assessment District

Time: Jun 3, 2021 05:30 PM Alaska

Join Zoom Meeting

<https://cityofhomer.zoom.us/j/96782300080?pwd=Y2lzY0lhRW9LeXJDQlhrU1BwSnZ4QT09>

Meeting ID: 967 8230 0080

Passcode: 898162

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

877 853 5247 US Toll-free

126

888 788 0099 US Toll-free

Meeting ID: 967 8230 0080

Passcode: 898162

Renee Krause

Renee Krause, MMC

Deputy City Clerk

ADA Coordinator

City of Homer

491 E Pioneer Avenue

Homer, Alaska 99603

907-235-8121 ext 2224

907-235-3143 Fax

rkrause@ci.homer.ak.us

www.cityofhomer-ak.gov

Please note that any and all emails are subject to public records requests. Information on Alaska's Public records Laws can be found in AS 40.25 and in Homer City Code 2.84.

3 attachments

image001.gif

1K

image001.gif

1K

 **2021 05 25 3rd Neighborhood Mtg Packet.pdf**
371K

bryan evans <111bryan.evans111@gmail.com>

Mon, Sep 4, 2023 at 8:02 PM

To: Ginny Evans <evansg1111@gmail.com>, bryan evans <111bryan.evans111@gmail.com>

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2 attachments

127

image001.gif
1K

 **2021 05 25 3rd Neighborhood Mtg Packet.pdf**
371K

bryan evans <111bryan.evans111@gmail.com>
To: Ginny Evans <evansg1111@gmail.com>

Wed, Sep 6, 2023 at 2:49 PM

[Quoted text hidden]

3 attachments

image001.gif
1K

image001.gif
1K

 **2021 05 25 3rd Neighborhood Mtg Packet.pdf**
371K



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

May 25, 2021

Dear Property Owner,

At their May 24, 2021 Regular Meeting, City Council held a Public Hearing regarding the Tasmania Court Sewer Improvement Special Assessment District (SAD) for city sewer service. More than 50% of the record owners of property filed written objections and at the request of staff, Council postponed action until the June 14, 2021 regular meeting. You are receiving this notice because you are a record owner of real property in the proposed district.

A neighborhood meeting has been scheduled for **Thursday, June 3, 2021 at 5:30 p.m.** to allow Public Works Director Keiser to share information regarding design accommodations and how a "*Principal Forgiveness*" opportunity from the Alaska Department of Environmental Conservation (ADEC) on water projects benefits property owners on the overall costs for the water and sewer projects for Tasmania Court.

To join the Zoom meeting on your computer go to www.zoom.us and select Join A Meeting. From there follow the prompts to enter the meeting ID and password below. If you prefer to participate by phone only, you may dial any of the numbers below and enter the same meeting ID and password.

Meeting ID: 967 8230 0080 Password: 898162

By Phone- 1-669-900-6833, 1-253-215-8782 or Toll Free 888-788-0099 or 877-853-5247

The meeting will open by 5:20 p.m. so attendees will have time to log in and test audio before the start time. Please email me at rkrause@ci.homer.ak.us if you'd like an email link to the meeting information.

Information from Public Works Director Keiser is included for your review prior to the meeting. After the neighborhood meeting, anyone wishing to withdraw their objections may do so in writing by Sunday, January 13, 2021. You may email, fax or drop off at the City Clerk's Office or put in the drop box outside the City Clerk's lobby entrance downstairs.

Please contact the City Clerk's Office at 235-3130 if you have questions.

Sincerely,

Renee Krause, MMC
Deputy City Clerk/ADA Coordinator

Enc: Memorandum from Public Works Director and Combined Estimate of Costs for Water & Sewer SAD



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

TO: The Tasmania Court Neighborhood
FROM: Janette Keiser, Director of Public Works
DATE: May 24, 2021
SUBJECT: Updated Information about proposed water and sewer assessment districts

Since the last Neighborhood Meeting about the proposed Sewer Assessment District, much has happened.

1. The sewer main extension going north from Tasmania Court to the intersection of Shellfish has been eliminated. This reduces the cost of the sewer project and thus, reduces the assessments.
2. The costs assume each sewer service line will be installed from the main to the house. Typically, the assessment district installs the service line from the main to the curb box at the property line and the property owner is responsible for taking it from the curb box to the home. However, in your neighborhood, we will need to work around your existing septic tanks as well as properly decommission the existing tanks. It occurs to me this work would be best done by the City's contractor, to ensure it is done consistently. I have added this cost to the assessment.
3. The cost of the 12-inch water main, which will serve a future water storage tank, planned to be installed on Shellfish, has not been included in the assessment. This will be the City's cost.
4. The AK Dept. of Environmental Conservation notified us the Tasmania Court Water Project qualifies for grant funding in the amount of \$122,822. This special program is only available for drinking water projects, so similar funding is not available for the sewer project. However, it reduces your assessment for the water project by almost 50%.
5. We have recomputed the Estimated Assessment Roll based on these developments. The new calculations show the estimated assessment for each property for water and sewer, including the cost of the on-site connection for the sewer service, would be \$155 per month.
6. If you wish to proceed with the water and sewer project, you need to withdraw your objection. In order for the project to move forward, we need to have objections from no more than 51% of the property owners. At this point, City code does not allow the water project to proceed without the sewer project.

Concept Cost Estimate - Gravity Serves All
TASMANIA COURT SEWER IMPROVEMENT
 2/5/2020

	quantity	unit	unit price	cost
Mobilization	1	LS	\$9,500	\$9,500
Clearing/Grubbing	1	LS	\$1,900	\$1,900
8" Ductile Iron Main	980	LF	\$85	\$83,300
6" Ductile Iron Main	335	LF	\$80	\$26,800
Sanitary Sewer Manhole	2	EA	\$6,500	\$13,000
Sanitary Sewer Clean out	3	EA	\$3,500	\$10,500
4" sewer service	11	EA	\$1,900	\$20,900
Connect to Existing	1	EA	\$750	\$750
Type II Gravel	200	CY	\$30	\$6,000
Pipe Bedding	75	CY	\$27	\$2,025
Seeding	25	MSF	\$70	\$1,750
Construction Survey	1	LS	\$4,500	\$4,500
Site Plan	1	LS	\$1,800	\$1,800
Geotextile Fabric	400	SY	\$8	\$3,200
Existing Utility Protection	1	LS	\$4,500	\$4,500
				\$190,425

Construction	\$190,425
Design (8%)	\$15,234
Inspection (3%)	\$5,713
City Administration (5%)	\$9,379
Contingency (5%)	<u>\$9,521</u>
Total Project Cost	\$230,272
Property Owner Share	\$172,704
City (HAWSP) Share	\$57,568

Legal Description/Owner	SAD Cost	On-Site Cost	Estimated Cost Sewer	Estimated Cost Water with ADEC grant	Estimated Cost Sewer and Water, including sewer service
Barnett's S Slope Subd Lot 2, Blk 2	\$ 15,700	\$ 4,500	\$ 20,200	\$ 10,267	\$ 30,467
Barnett's S Slope Subd Lot 4, Blk 2	\$ 15,700	\$ 4,500	\$ 20,200	\$ 10,267	\$ 30,467
Crandall Addn No 2 Lot 5-A-1	\$ 15,700	\$ 4,500	\$ 20,200	\$ 10,267	\$ 30,467
Crandall Addn No 2 Lot 6-A-1	\$ 15,700	\$ 4,500	\$ 20,200	\$ 10,267	\$ 30,467
Barnett's S Slope Subd Lot 11, Blk 1	\$ 15,700	\$ 4,500	\$ 20,200	\$ 10,267	\$ 30,467
Barnett's S Slope Subd Lot 12, Blk 1	\$ 15,700	\$ 4,500	\$ 20,200	\$ 10,267	\$ 30,467
Barnett's S Slope Subd Lot 13, Blk 1	\$ 15,700	\$ 4,500	\$ 20,200	\$ 10,267	\$ 30,467
Barnett's S Slope Subd Lot 14, Blk 1	\$ 15,700	\$ 4,500	\$ 20,200	\$ 10,267	\$ 30,467
Barnett's S Slope Subd Lot 15, Blk 1	\$ 15,700	\$ 4,500	\$ 20,200	\$ 10,267	\$ 30,467
Fell Addn Lot 16-A	\$ 15,700	\$ 4,500	\$ 20,200	\$ 10,267	\$ 30,467
Barnett's S Slope Subd Lot 17, Blk 1	\$ 15,700	\$ 4,500	\$ 20,200	\$ 10,267	\$ 30,467
	\$ 172,704	\$ 49,500	\$ 222,204	\$ 112,937	

with 20 years financing, interest rate 2%
estimated annual payments (equal share) =

\$ 960 \$80/month \$ 1,863 \$155/month



David Sjostedt
Jeannie Chandler
PO BOX 3606
825 W Tasmania Ct
Homer, AK 99603

September 2, 2023

City of Homer
Office of City Clerk
Homer City Council
491 East Pioneer Ave
Homer, AK 99603

Homer City Council & Homer Mayor,

First of all, we would like to thank you for taking the time to read and process this letter. We would also like to say the City employees and the City in general tried very hard to facilitate the wants and the needs of eleven residential parcels. We would also like to commend Buck Jones and East Road Services for an excellent and safe access to our homes and job site.

As new residents (2019) to Homer we were unsure of the City of Homer long term policies for new construction regarding water and sewer. We see the water and sewer mains as part of the City infrastructure and feel the City will recoup the cost of the mains and fire hydrants over the life of the water and sewer systems.

If the long term policies have always been followed and every property owner has footed 75% of the project costs we have no objections.

We are simply looking for a fair and equitable solution. We appreciate all of your time and efforts.

We feel we are very blessed to have retired here in Homer.

With sincere thanks,

David Sjostedt
Jeannie Chandler

South Slope Subdivision
Lot 11 Block 1
South Slope Sub Crandall Addn
No 2 Lot 6-A-2



Memorandum CC-23-211

TO: Rob Dumouchel, City Manager
 FROM: Janette Keiser, PE, Director of Public Works
 DATE: June 20, 2023
 SUBJECT: Tasmania Sewer Main Extension Project – Total Project Cost and Timeline

Issue: The purpose of this Memorandum is to report on the Total Project Cost and Timeline for the Tasmania Court Sewer Main Extension Project.

Background:

Resolution 21-045(A) approved the Special Assessment District for the Tasmania Court Sewer Main Extension and established the budget in the amount of \$287,692, which was later increased to \$350,531 by Ordinance 21-71. Here’s how the final costs compare with the budgeted costs:

	Budget¹	Final
• Pre-construction – Survey, Design	\$ 15,234	\$ 14,252.47
• Construction Contract	\$190,425	\$283,023.00
• Inspection	\$ 5,713	\$ 8,183.50
• City Administration	\$ 9,379	N/A
• Contingency	<u>\$ 9,521</u>	<u>N/A</u>
Total Project Cost	\$230,272	\$ 305,458.97
City Share - 25% (+interest on retainage)	\$ 57,568	\$ 77,057.04 ²
Property Owner Share – 75%	\$172,704	\$229,094.23
Equal Share Assessment for 11 lots	\$ 15,700 ³	\$20,826.75
Equal Share Assessment for 10 lots ⁴		\$22,909.42 ⁵

¹ This was the estimated budget, dated 2-5-20, included in the original packet that was sent to the neighborhood. The estimated cost was later increased to \$287,692, when the Sewer SAD was acknowledged by the Council with Reso 21-045(A) on 6-14-21.

² This includes \$692.30, interest paid on retainage.

³ The original estimated assessment did not include \$4,500 of estimated on-site costs for the sewer line connection and decommissioning the existing septic tank. The original estimated costs, including the on-site costs, were \$20,200.

⁴ Two lots were replatted to vacate a joint property line, thereby creating one lot.

⁵ Includes the on-site costs of the sewer line connection and decommissioning the existing septic tank and in two cases, the costs of furnishing and installing the E-One Lift Station Unit.

Timeline for Tasmania Sewer Special Assessment District

9-28-20	Reso 20-091(A)	Council initiated Sewer SAD
10-26-20	Ord 20-74	Council amended HCC 14.08.040 to require people connecting to City water to have City sewer, except in limited circumstances
1-10-22	Ord 21-71	Allocated \$138,399 to Tasmania water & sewer SADS, to be distributed proportionately
6-14-21	Reso 21-045(A)	Acknowledged sufficiency of Sewer SAD – 11 lots. Estimated cost \$287,692 with estimated assessment of \$20,200 per lot; Authorized ADEC loan in the amount of \$287,692.
6-28-21	Ord 21-34	Amended 2021 Budget to authorize \$287,692 from HAWSP for Sewer Project
12-13-21	Reso 21-089	Construction contract awarded to East Road Services; construction drawings included 11 lots
1-10-22	Ord 21-71	Allocated \$138,399 to Tasmania water & sewer SADS, to be distributed proportionately
4-18-22		Construction started
6-30-22		Replat finalized, making Parcels 177-02-044 & 177-02-045 into one lot
7-11-22		Construction completed



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 CC-23-210

TO: Rob Dumouchel, City Manager
 FROM: Janette Keiser, PE, Director of Public Works
 DATE: June 20, 2023
 SUBJECT: Tasmania Water Main Extension Project – Total Project Cost and Timeline

Issue: The purpose of this Memorandum is to report on the Total Project Cost and Timeline for the Tasmania Court Water Main Extension Project.

Background: Resolution 20-083 approved the Special Assessment District for the Tasmania Court Water Main Extension and established a budget in the amount of \$234,105, which was later increased to \$308,669, by Ordinance 21-71. The original district included 11 lots. Here’s how the final costs compare with the budgeted costs:

	Budget	Final
• Pre-construction – Survey, Design, Permitting	\$ 27,480	\$ 19,134.06
• Construction	\$229,000	\$345,199.19
• Inspection	\$ 9,160	\$ 6,153.18
• City Administration	<u>\$ 11,450</u>	<u> N/A</u>
Total Project Cost	\$277,090	\$370,486.43
Less: ADEC Principal Subsidy		<u>\$122,822.00</u>
Net Project Cost		\$247,664.43
City Share - 25%	\$ 69,475	\$62,751.86 ¹
Property Owner Share – 75%	\$207,818	\$185,748.32
Equal Share Assessment for 11 lots	\$15,962	\$16,886.21
Equal Share Assessment for 10 lots ²		\$18,574.83

¹ Includes \$835.75 of interest paid on retainage.

² One lot was replatted to vacate a property line, turning two lots into one.

Timeline for Tasmania Water Special Assessment District

9-28-20	Reso 20-083	Acknowledged sufficiency of Water SAD – 11 lots. Estimated cost \$234,105 with assessment of \$15,962 per lot
10-26-20	Ord 20-68	Amended 2020 Capital Budget to authorize \$234,105 from HAWSP for Water Project
10-26-20	Reso 20-105	Authorized ADEC Loan Application in amount of \$216,681 for water
3-8-21	Ord 21-11	Authorized additional \$88,569 from HAWSP for betterment
3-22-21	Reso 21-023	Allocated ADEC Principal Forgiveness Subsidy in amount of \$122,822 to Tasmania Water SAD and \$39,259 to Betterment
6-14-21	Reso 21-042	Authorized ADEC Loan Application in amount of \$277,090 for water
12-13-21	Reso 21-089	Construction contract awarded to East Road Services; construction drawings included 11 lots
1-10-22	Ord 21-71	Allocated \$138,399 to Tasmania water & sewer SADS, to be distributed proportionately
4-18-22		Construction started
6-30-22		Replat finalized, making Parcels 177-02-044 & 177-02-045 i one lot
7-11-22		Construction completed



MEMORANDUM

Public Hearing re: Tasmania Court Water and Sewer Special Assessment District Final Assessment Rolls

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: 5 September 2023
From: Melissa Jacobsen, City Clerk

City Council approved the creation of the Tasmania Court Water Improvement Special Assessment District with the adoption of Resolution 20-083 on September 28, 2020, and the creation of the Tasmania Court Sewer Improvement Special Assessment District with the adoption of Resolution 21-045(A) on June 14, 2021.

On May 24, 2021 a public hearing was held to hear objections on the creation of the Tasmania Court Sewer Improvement Special Assessment District and five property owners of 9 lots objected to the creation of the district. It was requested by the Public Works Director in Memorandum 21-085 that the action on this district be postponed to allow time to hold a neighborhood meeting and allow property owners the opportunity to withdraw their objections. Following that meeting three property owners of 6 lots withdrew their objections, and the district was created by Resolution 21-045(A).

After the districts were created by resolution, property owner Evans with two lots finalized the vacation of a lot line combining two lots into one large lot. The preliminary plat proposing the vacation was submitted to the Planning Department on July 10, 2021 and the Planning Commission recommended approval of the plat on August 4, 2021. The plat vacating the lot line was approved by the Kenai Peninsula Borough and recorded on June 30, 2022. The Evans objection letter from the May 24, 2021 public hearing did not indicate the intent to vacate their lot line.

Homer City Code 17.02.080 provides Council with the ability to correct errors or inequalities in an assessment roll and provides that if an assessment is increased, a new hearing shall be set and noticed. If all of the property owners consent in writing to the increase, the hearing may be waived.

Alaska Statutes 29.46.010 (a) reads that a municipality may assess against private real property to be benefitted by an improvement all or a portion of the cost of acquiring, installing or constructing capital improvements.

Attachments:

- Resolution 20-083
- Resolution 21-045(A)
- Memorandum 21-085
- Memorandum 21-100
- Evans objection received April 14, 2021
- Lot line vacation plat received July 10, 2021

Recommendation:
Informational Only.

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 20-083

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
ACKNOWLEDGING THE SUFFICIENCY OF THE TASMANIA COURT
WATER IMPROVEMENT SPECIAL ASSESSMENT DISTRICT AND
APPROVING THE IMPROVEMENT PLAN, ESTIMATED COST OF
IMPROVEMENT AND ASSESSMENT METHODOLOGY.

WHEREAS, A petition was initiated by property owners within Tasmania Court to form a water improvement special assessment district; and

WHEREAS, The Tasmania Court Special Assessment District boundary includes property fronting Tasmania Court and a portion of South Slope Drive; and

WHEREAS, The estimated cost of the water improvements is \$234,105 with property owners paying 75% and the Homer Accelerated Water and Sewer Program (HAWSP) paying 25% of the costs; and

WHEREAS, A Public Hearing was held on September 14, 2020 and two property owners in the district commented in support of the project; and

WHEREAS, The deadline to receive written objections was September 13, 2020 and one written objection was received; and

WHEREAS, The objecting property owner of Barnett's South Slope Subdivision Lot 1 Block 2 has an existing water service connection from South Slope; and

WHEREAS, Five property owners provided written support of an amended boundary that excludes the objecting property owner and includes one additional property that requested to be added to the originally proposed district boundary; and

WHEREAS, Council finds the petition bears sufficient support and that the water improvement is necessary and to the benefit the following eleven properties that shall be included in the Tasmania Court Water Improvement Special Assessment District:

Barnett's South Slope Subd Lot 2, Blk 2	Evans (New Owner)	KPB#17702045
Barnett's South Slope Subd Lot 4 Blk 2	Evans (New Owner)	KPB#17702044
Crandall Addn No 2 Lot 6-A-1	Crandall	KPB# 17702082
Barnett's South Slope Subd Crandall Addn No 2 Lot 5-A-1	Crandall	KPB# 17702083

Barnett's S Slope Subd Lot 11, Blk 1	Sjostedt	KPB# 17702040
Barnett's South Slope Subd Lot 12, Blk 1	Marley	KPB# 17702039
Barnett's South Slope Subd Lot 13, Blk 1	Marley	KPB# 17702038
Barnett's South Slope Subd Lot 14, Blk 1	O'Neill	KPB# 17702037
Barnett's South Slope Subd Lot 15, Blk 1	Fell	KPB# 17702036
Barnett's South Slope Subd Fell Addn Lot 16-A	Fell	KPB# 17702095
Barnett's South Slope Subd Lot 17, Blk 1	Sumption	KPB# 17702034


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WHEREAS, The eleven properties will be assessed through an equal shares methodology estimated at \$15,962 per lot.

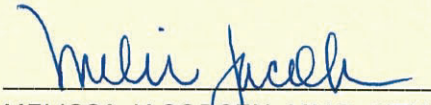
NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska acknowledges the sufficiency of the Tasmania Court Water Improvement Special Assessment and approves the improvement plan, estimated cost of improvement, and assessment methodology.

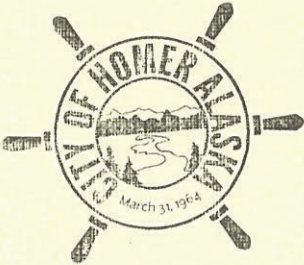
PASSED AND ADOPTED by the Homer City Council this 28th day of September, 2020.

CITY OF HOMER


KEN CASTNER, MAYOR

ATTEST:


MELISSA JACOBSEN, MMC, CITY CLERK



Fiscal Note: HAWSP \$58,526

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

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RESOLUTION 21-045(A)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA ACKNOWLEDGING THE SUFFICIENCY OF THE TASMANIA COURT SEWER IMPROVEMENT SPECIAL ASSESSMENT DISTRICT, APPROVING THE IMPROVEMENT PLAN, ESTIMATED COST OF IMPROVEMENT AND ASSESSMENT METHODOLOGY, AUTHORIZING THE CITY MANAGER TO APPLY FOR A LOAN FROM THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION CLEAN WATER FUND TO FINANCE THE PROJECT, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A SOLE-SOURCE CONTRACT WITH BISHOP ENGINEERING FOR THE DESIGN OF THE SEWER PROJECT.

WHEREAS, A petition was initiated by Homer City Council within Tasmania Court to form a sewer improvement special assessment district (SAD) by Resolution 21-091(A); and

WHEREAS, Pursuant to HCC 17.02.050 (b) if owners of real property that would bear 50 percent or more of the assessed cost of the improvement file timely written objections, the Council may not proceed with the improvement unless it revises the improvement plan to reduce the assessed cost to less than 50% of the assessed cost of the improvement; and

WHEREAS, The Tasmania Court Sewer SAD is made up of the same boundary as the Tasmania Court Water SAD that was approved by Resolution 20-083; and

WHEREAS, The estimated cost of the sewer improvements is \$287,692 with property owners paying 75% (\$215,769) and the Homer Accelerated Water and Sewer Program (HAWSP) paying 25% (\$71,923) of the costs;

WHEREAS, The deadline to receive written objections was May 23, 2021 and five written objection(s) were received, which equaled more than 50% of the property owners in the district; and

WHEREAS, The value of the proposed assessments related to these objecting property owners estimated was \$98,075 (5 times \$19,615), which is 34% of the estimated cost of the sewer project; and

WHEREAS, A Public Hearing was held on May 24, 2021; and

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WHEREAS, Council postponed action on May 24th at the request of Public Works in Memorandum 21-085 to allow time for a neighborhood meeting to inform property owners of an Alaska Department of Environmental Conservation Principal Forgiveness subsidy that creates a savings in the Tasmania Court Water SAD thereby reducing the overall cost to property owners for water and sewer improvements; and

WHEREAS, A neighborhood meeting was held on June 3rd and property owners were advised they have until June 13th to consider the new information and provide written withdrawal of their objections; and

WHEREAS, As of June 7, 2021, three property owners have withdrawn their objections, reducing the objections to properties representing 14% of the proposed costs; and

WHEREAS, Council finds the petition bears sufficient support and that the **water sewer** improvement is necessary and to the benefit the following eleven properties that shall be included in the Tasmania Court Sewer Improvement Special Assessment District:

Legal Description	Record Owner	Estimated Assessment
Barnett's South Slope Sub. Lot 2 Block 2	Evans	\$20,200
Barnett's South Slope Sub. Lot 2 Block 2	Evans	\$20,200
Crandall Addn. No. 2 Lot 5-A-1	Crandall	\$20,200
Crandall Addn. No. 2 Lot 6-A-1	Crandall	\$20,200
Barnett's South Slope Sub. Lot 11 Block 1	Sjostedt	\$20,200
Barnett's South Slope Sub. Lot 12 Block 1	Marley	\$20,200
Barnett's South Slope Sub. Lot 13 Block 1	Marley	\$20,200
Barnett's South Slope Sub. Lot 14 Block 1	O'Neill	\$20,200
Barnett's South Slope Sub. Lot 15 Block 1	Fell	\$20,200
Fell Addn Lot 16-A	Fell	\$20,200
Barnett's South Slope Sub. Lot 17 Block 1	Sumption	\$20,200

WHEREAS, The eleven properties will be assessed through an equal share methodology as identified in the table above.

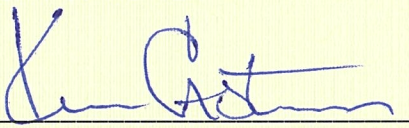
NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska does hereby:

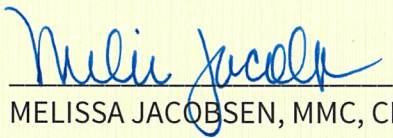
1. Acknowledge the sufficiency of the Tasmania Court Sewer SAD; and

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- 2. Approve the proposed Improvement Plan, estimated cost of the improvements of \$287,692, and the Equal Share methodology for computing assessment; and
- 3. Authorize the City Manager to apply for a loan, not to exceed \$287,692, from the Alaska Department of Environmental Conservation Clean Water fund to finance the project;
- 4. Authorize the City Manager to initiate a sole source contract in the amount of \$11,700, for the design of the sewer project to Bishop Engineering, which performed the design work for the water portion of the project and is in the best position to expedite the sewer design work so the sewer project can be built at the same time as the water project.

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

CITY OF HOMER

 KEN CASTNER, MAYOR

ATTEST:

 MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A





Memorandum 21-085

TO: Mayor Castner and City Council

Through: Robert Dumouchel, City Manager

FROM: Janette Keiser, PE, Director of Public Works/Acting City Engineer

DATE: May 18, 2021

SUBJECT: Tasmania Court Water and Sewer Improvement Projects

Issue: The time has come to hold a public hearing on the Tasmania Court Sewer Special Assessment District according to the process set forth in City Code. The City Clerk's office has received objections from over 51% of the property owners. The property owners who submitted objections asked the City to increase the City's share of the costs. The purpose of this memorandum is to offer a potential solution.

Background:

A. Water Main Extension.

The Water Special Assessment District was created via Ordinance 20-083, the design is complete and the loan application for financing from the AK Dept. of Environmental Conservation (ADEC) has been submitted. The ADEC notified us that the Tasmania Court water project qualifies for "Principal Forgiveness", along with several other City water projects. The money can only be used for water projects. The City Council approved distribution of the Principal Forgiveness, with \$122,822 directed to the Tasmania Court Water Project, via Resolution 21-023. Application of these funds to the Tasmania Court Water Project means that the property owners would be paying for 41% of the cost of the water improvements, rather than 75%, which is the norm pursuant to the HAWSP Policy Manual. This is a significant discount, which is not likely to come around again any time soon.

We are waiting for final approval on the Principal Forgiveness paperwork and the outcome of the Sewer Assessment District process before we start preparing bid packages. We'd still have time to bid the project and get it constructed this year.

B. Sewer Main Extension

The City Council, via Ordinance 20-091(A), dated September 28, 2020, initiated the process of creating a Special Assessment District that would extend the sewer mains so the properties, which

would be receiving City water service, could also be served with City sewer service. We created several alternative sewer extension configurations, with a cost estimate and preliminary assessment roll for each alternative. We then held a neighborhood meeting, as provided in the Homer City Code, to discuss the various alternatives with the property owners. Many of the property owners told horror stories about the problems they've been having with their septic tank/leachfield systems. Most of them wanted nothing more to do with septic tanks! It was clear to me from this meeting, that bringing City sewer to this neighborhood would benefit the property owners.

The neighbors were understandably concerned about cost. They suggested some design accommodations to reduce the cost, which we agreed to. These modifications decreased the estimated annual assessment to about \$977 per property, assuming we acquired financing through a 20-year, low interest ADEC loan.

They also asked if the City could pay a larger share than the 25%, which is stipulated in the HAWSP Policy Manual. I told the property owners this decision was up to the City Council. I also told them they would have multiple opportunities to voice their opinions as the process moved forward. Now, we have received objections from over 50% of the property owners, which, under current City Code, means the Sewer Special Assessment District can't move forward, unless we can satisfactorily address the objections.

The irony is that the neighbors had already agreed to the water assessment district even before the ADEC's offered Principal Forgiveness. Had the Principal Forgiveness been applied to the sewer line, rather than the water line, the property owners would probably not be objecting now, as the cost of the sewer line would have been cut almost in half.

Recommendation: Postpone action on the Tasmania Court Sewer Special Assessment District to June 14, 2021, to allow for the City to hold a neighborhood meeting with property owners and then allow an opportunity for property owners to withdraw their objections. This strategy will give us an opportunity to explain the design accommodations we made to reduce the cost and the impact of the ADEC's Principal Forgiveness offer on the total costs of the water/sewer package, as a whole. If they still don't want the sewer project, we still have time to cancel the water district, reject the Principal Forgiveness offer, and move on to another neighborhood.



Memorandum 21-100

TO: City Council

Through: Rob Dumouchel, City Manager

FROM: Janette Keiser, Director of Public Works

DATE: June 6, 2021

SUBJECT: Tasmania Court Sewer Assessment District

Issue: A petition was initiated by Homer City Council within Tasmania Court to form a sewer improvement special assessment district (SAD) by Resolution 21-091(A), following the same boundaries of the Tasmania Court Water SAD. The purpose of this Memorandum is to recommend that the Sewer Special Assessment District be formed.

Background: Pursuant to HCC 17.02.050 (b) if owners of real property that would bear 50 percent or more of the assessed cost of the improvement file timely written objections, the Council may not proceed with the improvement unless it revises the improvement plan to reduce the objections. The estimated cost of the sewer improvements is \$287,692 with property owners paying 75% (\$215,769) and the Homer Accelerated Water and Sewer Program (HAWSP) paying 25% (\$71,923) of the costs. When the deadline to receive written objections, May 23, 2021, passed, five of the seven property owners in the proposed sewer district, representing 72% of the assessed cost of the improvements, submitted written objections.

A Public Hearing was held on May 24, 2021, where multiple property owners testified, before the City Council, they objected to the project because the proposed assessments were too costly. We asked Council to postpone action on May 24th to allow time for another neighborhood meeting. We wanted an opportunity to inform property owners of an Alaska Department of Environmental Conservation Principal Forgiveness subsidy that would create a savings in the Tasmania Court Water SAD thereby reducing the costs for the package of water and sewer improvements.

A second neighborhood meeting was held on June 3rd. Property owners were advised they have until June 13th to consider the new information and to change their minds by withdrawing their objections. The new information included:

1. In the original improvement plan, a sewer main spur was extended north from Tasmania Court to the intersection of Shellfish. The purpose of this spur was to position the sewer main to serve a neighborhood to the north at some future time. This spur has been eliminated from the Tasmania Court design, which reduces the Tasmania Court assessments.

2. The new estimated costs assume each sewer service line will be installed from the main to the house. Typically, the assessment district installs the service line from the main to the curb box at the property line and the property owner is responsible for taking it from the curb box to the home. However, in the Tasmania Court neighborhood, we will need to work around, and properly decommission, existing septic tanks. This work would be probably be done best by the City's contractor, to ensure it is done consistently. Thus, the costs of this on-site work have been added to the proposed assessments.
3. The cost of the 12-inch water main, which will serve a future water storage tank, planned to be installed on Shellfish, has not been included in the water district assessments. This will be the City's cost and thus, is not part of the water/sewer assessment district package.
4. The AK Dept. of Environmental Conservation notified us the Tasmania Court Water Project qualifies for grant funding in the amount of \$122,822. This special program is only available for drinking water projects, so similar funding is not available for the sewer project. However, it reduces the projected assessments for the water project by almost 50%, thereby reducing the overall cost of the water/sewer assessment district package.
5. An Estimated Assessment Roll was developed based on these developments. The new calculations show the estimated assessment for each property for water and sewer, including the cost of the on-site connection for the sewer service, would be about \$155 per month.
6. Property owners who wished to proceed with the water and sewer project should withdraw their objections.
7. At this point, City code would not allow the water project to proceed without the sewer project.

The property owners made the following comments at the June 3 Neighborhood Meeting:

- a. Almost every property owner said that while they believed the sewer project was a good idea for the neighborhood, the water project should have been allowed to proceed without forcing the sewer project on them. I apologized for the timing of the subject legislation, which put this mandate in place.
- b. Two property owners owned two lots and didn't want to be responsible for paying assessments on both lots, when only one was developed. They wanted to know if the assessment on the undeveloped lot could be deferred. I told them the City had a process, which allowed deferrals in some circumstances. Further, it was up to the City Council to approve the Final Assessment Roll.

After the June 3 Neighborhood Meeting, three property owners, who had previously objected, withdrew their objections. This reduced the percentage of remaining objections to properties representing 27% of the assessed costs. Thus, the criteria for determining the sufficiency of the sewer Special Assessment District has been met.

We had earlier commissioned Bishop Engineering to design the water project. He is in the best position to expeditiously design the sewer project, which should make it possible to build the water and sewer projects at the same time.

Recommendations: We recommend the Homer City Council of Homer take the following actions:

1. Acknowledge the sufficiency of the Tasmania Court Sewer SAD; and
2. Approve the proposed Improvement Plan, estimated cost of the improvements of \$287,692, and the Equal Share methodology for computing assessment; and
3. Authorize the City Manager to apply for a loan, not to exceed \$287,692, from the Alaska Department of Environmental Conservation Clean Water fund to finance the project; and
4. Authorize the City Manager to execute a design contract with Bishop Engineering in an amount of \$11,700.

STATEMENT OF OBJECTION

TO SPECIAL ASSESSMENT DISTRICT


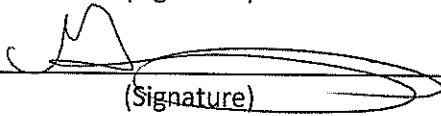
SPECIAL ASSESSMENT DISTRICT: **Tasmania Court Sewer Improvement Special Assessment District**

I/we affirm that I/we are the owner(s) of the following lots in the Special Assessment District
(give legal description):

I/We object to the Tasmania Court Sewer Improvement Special Assessment District.

Reasons/Comments: SEE Printed letter
lots 2 + 4 of Blk 2

PROPERTY OWNER'S PRINTED NAME, SIGNATURE, AND DATE:

<u>Bryan Evans</u> (Print Name)	 (Signature)	<u>13 APR 21</u> (Date)
<u>Ginny Evans</u> (Print Name)	 (Signature)	<u>4/13/2021</u> (Date)
_____ (Print Name)	_____ (Signature)	_____ (Date)

NOTE: PLEASE MAKE SURE THAT ALL THE PROPERTY OWNERS OF RECORD PRINT, SIGN, AND DATE THIS DOCUMENT. IF YOU HAVE MORE THAN ONE LOT PLEASE NOTE THIS ON THIS FORM WHEN YOU RETURN IT. OBJECTIONS WILL APPLY ONLY TO THOSE LOTS NAMED ON THIS FORM.

TO FILE AN OBJECTION COMPLETE THIS FORM AND RETURN IT TO THE OFFICE OF THE CITY CLERK NO LATER THAN THE DAY BEFORE THE DATE OF THE SCHEDULED PUBLIC HEARING.

City of Homer
Office of the City Clerk
491 E. Pioneer Avenue
Homer, Alaska 99603

Bryan and Ginny Evans

4526 S. Slope Drive
Homer, AK 99603
(231) 631-1787

April 13, 2021

City Council Members

Re: Tasmania Court Sewer
Improvement Special Assessment
District
City of Homer
491 East Pioneer Ave.
Homer, AK 99603

Dear City Council Members,

We are writing in objection to the Tasmania Court Sewer Improvement Special Assessment District. We recently purchased our home Sept 2020. We were made aware that city water in our area would happen more likely than not. The sewer improvement project was later added by the city. With the addition of the city pursuing sewer improvements along with the cost share of both water and the sewer that falls on the property owners, the end price is not justified. Having property owners pay 75% (city pay 25%) puts a large financial burden on many. With more funds coming into the city with Covid relief stimulus funding, we would like to respectfully request the city pick up a larger portion of 75% of the costs and property owners 25%, as it has been done in the past. With significant hardships right now during the COVID pandemic, the financial strain could be detrimental and a negative impact on property owner budgets.

In addition, when we purchased our home in Sept 2020, it included a brand new septic installed right before closing, hence we would not have the need for sewer to be installed. While we understand that it would be beneficial for the city to do both water and sewer improvements at the same, we simply can not justify the cost that falls on property owners, especially those with additional lots who have no plans to develop in the immediate future. Consideration of a deferment program for lots that have no immediate need for water and sewer would be greatly appreciated as well.

In conclusion, we object to this project and the burden of the cost share that falls onto the property owners. We appreciate your time that you have given us.

Sincerely,



Bryan and Ginny Evans

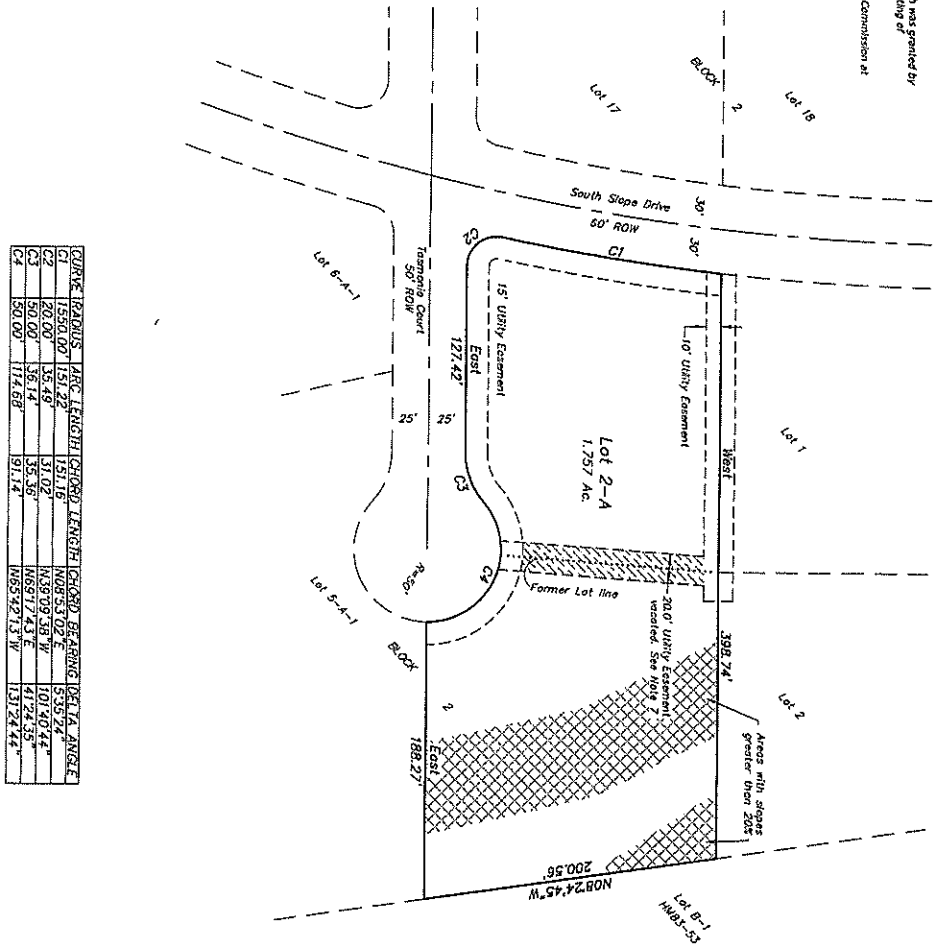
South Slope SUB LOT 2 BLK 2 ↓
South Slope SUB LOT 4 BLK 2

1. No easement survey was performed. Boundaries and areas are of record per plat H177-61.
2. No permanent structures shall be constructed or placed on the subject property in a manner that interferes with the ability of the utility to use the easement.
3. There is a 15' Utility Easement fronting all street ROWs.
4. This subdivision is subject to City of Homer Zoning Code.
5. An exception to K99 20.30.240, Building Setback note was granted by the Kenai Peninsula Plat Committee at the meeting of 6/15/2021.
6. An exception to K99 20.30.130, ROW width was granted by the Kenai Peninsula Plat Committee at the meeting of 6/15/2021.
7. Utility Easement vacated by K99 Planning Commission at 6/15 meeting of 6/15/2021.

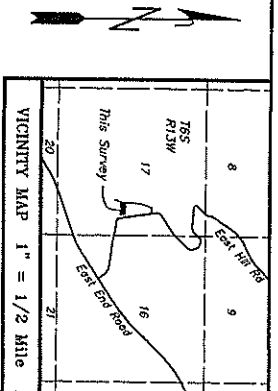
PLANNING COMMISSION
 Requirements are on file at the Department of Environmental Conservation.



Bill Johnson
 This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of July 13, 2020.
 By: _____ Date: _____
 Authorized Official
 Kenai Peninsula Borough



CURVE RADIIUS	ARC LENGTH	CHORD	TANGENT	CHORD BEARING	DELTA ANGLE
C1	1550.00'	151.22'	151.16'	N08°53.02' E	53°55.74'
C2	20.00'	35.49'	31.02'	N33°09.58' W	101°40.44'
C3	50.00'	35.14'	35.36'	N65°07.43' E	41°24.35'
C4	50.00'	114.68'	91.14'	N65°07.43' W	131°24.44'



Ownership Certificate:
 We hereby certify that we are the owners of the real property shown and described hereon and we hereby adopt this plan of subdivision and by our free consent declare all of the lots shown hereon to be legal subdivisions of the land shown herein.
 Bryan W. Evans
 4526 South Slope Drive
 Homer, AK 99603

Notary's Acknowledgment:
 For _____ day of _____ 20____
 Notary Public for Alaska
 My commission expires: _____

Notary's Acknowledgment:
 Garry A. Evans
 4526 South Slope Drive
 Homer, AK 99603

Notary's Acknowledgment:
 Notary Public for Alaska
 My commission expires: _____



BARNETT'S SOUTH SLOPE SUBD.
EVANS ADDITION

A replat combining
 Lot 2 and Lot 4, Block 2,
 Barnett's South Slope Subd. H177-61
 within NE1/4 Sec. 17, T8S, R13W, S4E,
 City of Homer, Kenai Peninsula Borough,
 Homer Recording District Third Judicial District, Alaska
 Containing 1.75 Acres more or less.

Prepared for:
 Bryan and Garry Evans
 4526 S. Slope Drive
 Homer, AK 99603
 Prepared by:
 Orion Survey
 30 East 130th
 Fairbanks, AK 99709
 (907) 399-7028
 bme@orionsurvey.com

Scale: 1"=50'
 PWS No. 2021-082
 Date: 6/23/2021
 PWS No. 2021-

RECEIVED
 JUL 19 2021
 CITY OF HOMER
 PLANNING/ZONING



MEMORANDUM

Ordinance 23-21(S)(A) Planning Commission Recommendations

Item Type: Action Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: September 15, 2023
From: Ryan Foster, AICP, City Planner
Through: Rob Dumouchel, City Manager

Ordinance 23-21(S)(A) was introduced at the June 26, 2023 regular Council meeting and was sent to the Homer Planning Commission for comment and input. Since the text amendments in Ordinance 23-21(S)(A) is relevant to Public Works, the City Planner forwarded the Ordinance to Jan Keiser, City Engineer and Public Works Director, for review and comment. At the August 16, 2023 regular meeting, Jan Keiser took the Planning Commission through the subdivision process and highlighted weaknesses and recent changes in code, and in the current process, and noted how they could be improved. A work session was held on September 6, 2023 to discuss further and consider draft comments, with the final comments approved at the regular meeting that evening.

Key Findings of the Planning Commission

- The intent of the ordinance is that there is a concern that there were improvements being missed in the subdivision process and the text change is intended to rectify it.
- A flow chart has been created to visually represent the entire subdivision process based on Jan Keiser' memos and explanation of the process in detail at the August 16, 2023 regular meeting.
- Public Works Director Keiser provided information on the following topics:
 - Was under the belief that a developer could not sell lots within the subdivision until construction of improvements, but can be done with a final plat and subdivision agreement.
 - Kenai Peninsula Borough in accordance with State laws can release a preliminary plat if an agreement is made between the Developer and the City and recorded even when no improvements have been constructed and the Developer can then sell the lots – this is uncommon, but currently City Code as written allows it.
 - The Borough will not issue a final plat for recording until receipt of acceptance by the City of Homer stating everything has been completed as required by the subdivision agreement.

- Public Works strongly recommends not deviating from this current process
 - City Council recently adopted an ordinance requiring a performance guarantee of 150% of the estimated costs of improvements outlined in the Subdivision Agreement.
 - The use of Construction Agreements in the past 10 years over Subdivision Agreements
 - Language in the Subdivision Agreement is more defined
 - Includes performance guarantee requirements and provided options for the developer to choose from to provide a requirement
 - Includes specific remedies if the developer defaults
 - Council is requiring commitments that are not codified or captured in the Subdivision Agreement
 - It is believed that the City does not have the legal ability to hold developers to requirements that are not in city code or the signed agreement
 - Preliminary, Construction and Asbuilts Drawings
 - In the beginning of the process construction drawings are developed by an Engineer, included in the Subdivision Agreement. Inspections are done pursuant to those drawings. Substantial Completion is based on completion of the work contained in those drawings.
 - Final Acceptance and the Warranty Bond is based on the completion of work in the drawings
 - Final Acceptance results in the delivery of the Asbuilts
 - Asbuilts depict all the work that was done, where construction drawings show what is planned to be built. There are always deviations of some kind in the construction process. Waiting until the project is done until recording a plat is contrary to State and City Code.
- Subdivision Agreements are not submitted to the Kenai Borough for review or approval
 - The Borough is supportive of the City of Homer requirements of adding the comments related to requiring a subdivision agreement, drainage, improvements, etc., on the preliminary plat.
 - This presents a good relationship in as much as the Borough will tell the applicant that they will not issue a final plat until the City notifies them that all the requirements have been met.
- Preliminary Plats now have a time limit of two years to be finalized.
 - The Borough does allow two extensions allowing up to an additional four years, for a total of six years to finalize a plat.
 - If not completed in that timeframe, the entire process must begin again.
- City Attorney has reviewed the Public Works Director's analysis of the process and concurred

The Planning Commission would like to thank the City Council for bringing forth the issue, as it has been beneficial to review the subdivision process, and would like to present the following recommendations for Ordinance 23-21:

1. Recommend an effort to reconcile the Homer City Code for development processes including cross references or consolidation of subdivisions and platting which takes place in Title 22 and construction of subdivisions which takes place in Title 11 and clean-up work and reconciliation of language in the city code.
2. Recommend utilizing the following agreements for their intended purpose and define in Homer City Code:
 - a. Subdivision Agreement: requirements for subdivision improvements
 - b. Construction Agreement: constructing infrastructure such as roads and utilities, where the lot lines are not changing
 - c. Installation Agreement: connecting to city water and sewer
3. Recommendation to ensure preliminary plat considerations by the Homer Planning Commission include comments referencing when subdivision, construction or installation agreements are required and sent to the Kenai Peninsula Borough.
4. Recommendation to provide information and training on the subdivision development process to City Council and other relevant city commissions.
5. Create and implement a preliminary plat application form.
6. Request City Council withdraw Ordinance 23-21(S)(A).

RECOMMENDATION:

Staff recommends City Council approve the recommended comments of the Planning Commission on Ordinance 23-21 Title 22 Subdivision text amendment.

ATTACHMENTS:

Memorandum dated August 7, 2023 (updated September 6, 2023) from Jan Keiser, City Engineer and Public Works Director

Memorandum dated August 9, 2023 from Jan Keiser, City Engineer and Public Works Director
City of Homer Subdivision Development Process Flow Chart



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

DATE: August 7, 2023 (updated September 6, 2023)

TO: Ryan Foster, City Planner

FROM: Janette Keiser, PE, City Engineer and Public Works Director

RE: Proposed Ordinance 23-21(S) regarding preliminary plats

Here are my updated comments regarding the proposed ordinance:

- Reference:** WHEREAS #2 (Line 17) states that “[d]evelopers often make development commitments... which may not be required by code but may arise in consultation with city staff or in response to public testimony...”

Comment: Commitments, which arise “in consultation with city staff” are either grounded in City Code or the City’s technical specifications, and are memorialized in the City’s Standard Specifications, Design Criteria, and the Construction Drawings, which are prepared for the subdivision. Such commitments are then, identified with specificity in the Subdivision Development Agreement, the satisfaction of which is already a pre-requisite to the City’s approval of a Final Plat. Commitments made “in response to public testimony”, which have a basis in the HCC, are also made part of the Subdivision Development Agreement. We do not need a new tool for these kinds of commitments. We should not be requiring, or expecting, developers to make commitments that are not grounded in City Code or the City’s technical specifications.
- Reference:** WHEREAS #3 (Line 25) refers to “additional development commitments”.

Comment: These kinds of commitments, if grounded in City Code, should be captured in the Subdivision Development Agreement. There should not be any “additional development commitments” that are not either grounded in City Code or captured in the Subdivision Development Agreement.
- Reference:** WHEREAS #4 (Line 30) says “there have been instances where development commitments... were not implemented as promised...”

Comment: As mentioned above, any development commitments must be grounded in City Code and set forth in the Subdivision Development Agreement to be enforceable.
- Reference:** WHEREAS #5 (Line 33) says a final plat is issued by the Borough on the basis of a commitment, not the realization of those commitments.

Comment: This is ~~less not~~ true **than it was. Homer City Code allows plats to be recorded either (a) once a Subdivision Agreement has been executed or (b) when the improvements are complete. HCC 22.10.050(a), adopted in 2011 by Ord 10-57. HCC 11.20.070 did not previously require a performance guaranty for Subdivision Agreements creating the possibility that the improvements may never be realized. However, with the amendment of HCC 11.20.070(f), adopted by Ord 23-15, a 150% performance guaranty is now required making the risk of a “paper plat” less likely. Current practice is that** The Borough **does will** issue a Final Plat until the City signs off on the

completion of the improvements set forth in the Subdivision Development Agreement, **but this is not required by HCC.**

5. **Reference:** WHEREAS #6 (Line 37) seems to desire that final plats be issued only when a subdivision agreement has been signed.
Comment: **Public Works agrees with this policy and currently, Homer City Code requires it. HCC 22.10.050(a), adopted in 2011 by Ord 10-57.** Current practice is that final plats are issued only when the City notifies the Borough that a Subdivision Development Agreement has been, not just signed, but completed, **but this is not required by the HCC.** ~~We do not recommend deviating from this practice.~~
6. **Reference:** Lines 49 – 64. This is current practice.
Comment: Now, the City has the requirement that a developer must post a bond worth 150% of the estimated cost of the improvements, at the time the Subdivision Development Agreement is executed.
7. **Reference:** Lines 91-93. This would require the developer to provide improvements that *“may not be required by code but may arise in consultations with city staff or in response to public testimony...”*
Comment: City staff should not be requiring improvements that are not grounded in City Code. Requiring the developer to provide improvements that are requested in public testimony, but which aren’t set forth in City Code, opens the door to arbitrary and capricious requests for playgrounds, dog parks, street art, sidewalks paved in gold and other spurious ideas. This exposes the City to risks from legal challenges. One of the few things the City, as a municipal body, cannot do is make arbitrary and capricious decisions.
8. **Reference:** Ordinance title states *“a final plat for the City...shall be an as-built survey.”*
Comment: The term *“as-built survey”* is a technical term of art, which refers to the actual configuration, dimensions, materials, elevations, and distances used in the construction of a particular utility or facility. We require the developer to provide as-built drawings as a condition precedent to receiving a Certificate of Final Completion, which is required before the City will notify the Borough that a final plat may be issued. The *“final plat”* is not the *“as-built”* and calling it such is not an appropriate application of this term. Requiring the *“final plat”* to contain the same level of detail as an *“as-built”* is contradictory to best engineering practice.



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Memorandum

TO: Ryan Foster, City Planner
FROM: Janette Keiser, PE, City Engineer and Public Works Director
DATE: August 9, 2023
RE: Legislative History of Regarding Subdivision Development in Homer

Purpose: I have reviewed the legislative history relating to connections between subdivision developments, performance guarantees and platting in Homer, with the goal of clarifying these connections. This memorandum summarizes my findings and conclusions.

Executive Summary: Current regulations allow developers to record a plat if (a) there is a subdivision agreement addressing the development of improvements in City rights-of-way or easements and (2) the developer provides a performance guaranty valued at 150% of the estimated cost of said improvements. The current language of our Subdivision Agreements, which memorializes development permits, supports the premise that developers providing the required performance bond, are able to finalize their Subdivision Agreements, record their plats and thus, sell lots.

Excerpts and citations of applicable legislation supporting the premise:

1. State law clearly puts the City and the Borough, as “authorities having jurisdiction”, in the driver’s seat regarding when plats can be recorded and lots can be sold.
“Before the lots...of any subdivision...may be sold or offered for sale, the subdivision... shall be approved by the authority having jurisdiction...and shall be filed and recorded in the office of the recorder.” AS 40.15.010.
2. Also:
“The owner of land located in a subdivision may not transfer, sell, or enter into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved, filed and recorded...A person may not file or record a plat or other document depicting subdivided land in a public recorder’s office unless the plat... has been approved by the platting authority.” AS 29.40.180.
3. The City’s original regulation, adopted in 1987, required that improvements be constructed before a plat would be released, unless there was an agreement stipulating the improvements would be constructed. The original code about subdivisions and platting said:
“No subdivision plat shall be released by the Kenai Peninsula Borough for filing...until the subdivider or developer...constructs streets...and all other utilities...to be constructed in said rights of way...”

“This provision [HCC 22.10.050(a)] may be waived if the developer signs an agreement with the City of Homer that no building permit may/or request for utility connection will be submitted...for any lot...until such time as the improvements are completed and accepted...” HCC 22.10.050(a)

HCC 22.10.050(a) was adopted by Ord 87-8(s) and revised in 2011 by Ord 10-57.

4. The City’s 2011 revisions replaced the 1987 language about the “agreement”, with the following new language:

“The Kenai Peninsula Borough shall not release any final plat for a subdivision in the City for filing at the State Recorder’s office until the subdivider or developer...either enters into a subdivision agreement for, or constructs and obtains written City approval of, the following improvements... HCC 22.10.050(a), adopted in 2011, by Ord 10-57.

The current code contains this same language, which clearly allows a plat to be released upon execution of a subdivision agreement. For example, the Canyon Trails Phase II Subdivision Agreement, executed in 2012, states:

“The intent of this Subdivision Agreement is to allow recording of the subdivision plat and marketing...before the punchlist items are completed...”

Further, later Subdivision (or Construction Agreements) issued by Public Works stated, the

“[The] final plat...shall not be recorded until Developers met all conditions of this agreement or provide a performance guaranty...[in the amount equal to the Engineers Estimate plus 10%]”

5. The City’s original 1987 regulations required a performance guaranty, but there was a provision for a waiver in the case of new subdivisions:

“A performance bond or other acceptable guarantee in the amount of 100% of the project cost, which bond shall be waived in the case of new subdivisions, in which ROW dedication via plat filing or recordation, cannot occur until improvement are installed and accepted.” HCC 11.20.070 as amended by Ord 87-6(s) and later amended in 2023.

6. Even though the HCC allowed performance bonds to be waived in the case of new subdivisions, subdivision agreements issued by Public Works, as far back as 2003 required a performance bond, in the amount of 110% of the estimated costs of improvements. I didn’t see where this practice was codified.

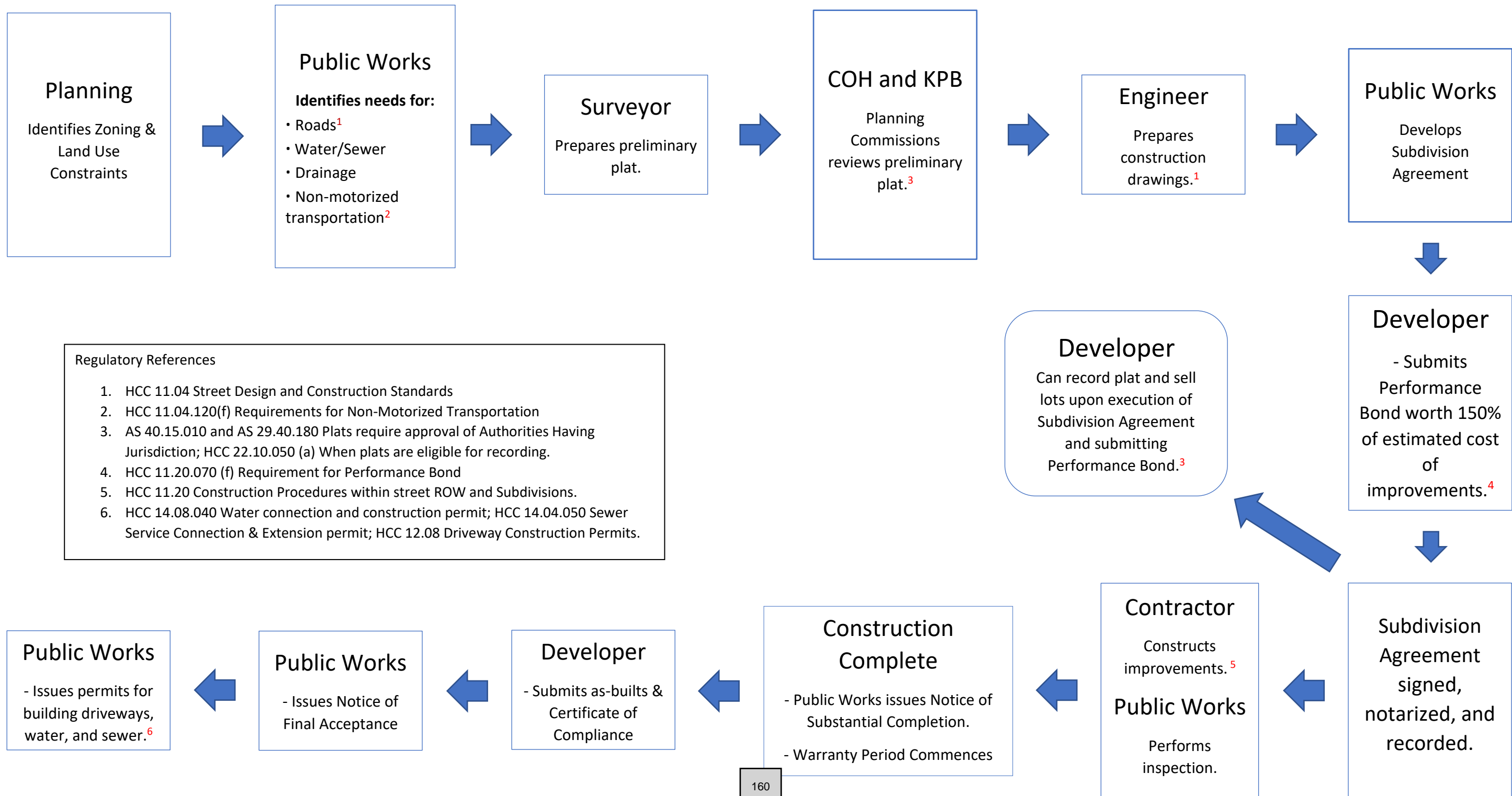
7. Our current Subdivision Development Agreement template says,

“The final plat for the subdivision or any portion thereof shall not be recorded until Developer has met all conditions of this agreement (or provides a performance guaranty for work not completed in a form approved by the City).”

8. In 2023, HCC 11.20.070 was amended to require a larger performance bond.

“A performance bond or other acceptable guaranty in the amount of 150 percent of the design engineer’s construction cost estimate is required.” HCC 11.20.070(f) adopted in 2023 by Ord 23-15.

City of Homer Subdivision Development Process



- Regulatory References
1. HCC 11.04 Street Design and Construction Standards
 2. HCC 11.04.120(f) Requirements for Non-Motorized Transportation
 3. AS 40.15.010 and AS 29.40.180 Plats require approval of Authorities Having Jurisdiction; HCC 22.10.050 (a) When plats are eligible for recording.
 4. HCC 11.20.070 (f) Requirement for Performance Bond
 5. HCC 11.20 Construction Procedures within street ROW and Subdivisions.
 6. HCC 14.08.040 Water connection and construction permit; HCC 14.04.050 Sewer Service Connection & Extension permit; HCC 12.08 Driveway Construction Permits.

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**CITY OF HOMER
HOMER, ALASKA**

Davis/Erickson

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ORDINANCE 23-21(S)(A)

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AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE SECTION 22.10.050 TO SPECIFY
THAT PRELIMINARY PLATS APPROVED BY THE CITY SHALL
INCLUDE ALL DEVELOPMENT COMMITMENTS MADE TO THE CITY;
~~AND THAT A FINAL PLAT FOR THE CITY OF HOMER SHALL BE AN
AS-BUILT SURVEY.~~

WHEREAS, The City of Homer has a responsibility to its residents to ensure that new subdivisions are designed and built with necessary infrastructure for the health and safety of its citizens and the protection of the environment; and

WHEREAS, Developers of new subdivisions often make development commitments to the City related to sidewalks, trails, sewer connections, drainage, storm water controls, grading, slope, setbacks, protection of wetlands, preservation of existing watercourses and/or mitigation of potential downstream impact of watercourse alteration, and other subdivision improvements that may be required by code, or which may not be required by code but may arise in consultations with city staff or in response to public testimony related to the development; and

WHEREAS, The public hearing that is included in the preliminary plat approval process is the primary opportunity for public engagement in the process of developing new subdivisions, and this public engagement sometimes results in additional development commitments being made to the city; and

WHEREAS, In the past there have been instances where development commitments that were made to the City were not implemented as promised; and

WHEREAS, Current city code envisions a final plat to be issued by the Borough on the basis of an agreement to carry out certain commitments, rather than on the basis of those commitments actually having been carried out, **or agreed to contractually**; and

WHEREAS, A policy requiring all development commitments to be **captured in the form of a contractual subdivision agreement that would be signed prior to issuance of** ~~included on the preliminary plat, and requiring the final plat to be an as-built survey showing completion of all the elements included on the preliminary plat~~ would appear to be an effective means of ensuring all commitments undertaken by a subdivider have been implemented.

43 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

44 Section 1. Homer City Code Chapter 22.10.050 entitled “Improvement requirements -
45 General” is hereby amended as follows:

46
47 22.10.050 Improvement requirements – General

48
49 a. ~~The final plat for a subdivision in the City shall be an as-built survey showing~~
50 ~~completion of all elements of the previously approved preliminary plat.~~ The Kenai
51 Peninsula Borough shall not release any final plat for a subdivision in the City for filing at the
52 State Recorder’s office until the subdivider or developer of the subdivision either enters a
53 subdivision agreement for, or **either enters into a subdivision agreement and** constructs and
54 **or** obtains written City approval of, the following **all agreed to** improvements **therein,**
55 **including those made** according to the standards and procedures required under HCC Title
56 11:

- 57
58 1. Streets in all rights-of-way dedicated by the plat;
59 2. All other utilities and public improvements to be constructed in the rights-of-way and
60 easements dedicated by the plat, including water, sewer, electric, communications,
61 and gas lines, and applicable means for non-motorized transportation; and
62 3. Abandonment or relocation of existing water or sewer service lines required due to
63 conflict with new or relocated property lines, as required by the Public Works
64 Department.

65
66 b. The Commission may exempt a plat from the provisions of subsection (a) of this section as
67 provided in HCC 22.10.040.

68
69 c. The subdivider shall be required to dedicate street rights-of-way according to the standards
70 and specifications of Chapter 11.04 HCC and the City of Homer Design Criteria Manual. The
71 subdivider shall be required to dedicate ROW or easements required to support non-motorized
72 transportation facilities required by HCC 11.04.120. Beyond a minimum of 60 feet, the
73 subdivider may agree to a note attached to said subdivision plat providing sufficient setback
74 to allow future expansion of the right-of-way without removal of improvements. Horizontal
75 alignments are subject to City review; the City may require realignment of streets on proposed
76 plats if the alignments do not conform to Chapter 11.04 HCC and the Design Criteria Manual.
77 Final plat approval shall thus be subject to the approval of horizontal alignments by the City
78 Public Works Engineer.

79
80 d. All street, utility main improvements and means for non-motorized transportation to be
81 constructed as part of a subdivision agreement shall be constructed according to the
82 procedures of Chapter 11.20 HCC. The City shall accept no such improvements unless a
83 subdivision agreement is executed prior to construction of such improvements.

84

85 **e. Any development commitments made by a subdivider to the City shall be shown on the**
86 **preliminary plat prior to its transmittal by the City to the Kenai Peninsula Borough. Any**
87 **plat notes provided in lieu of drawings shall be specific and promissory. Such**
88 **development commitments may be related to sidewalks, trails, sewer connections,**
89 **drainage, storm water controls, grading, slope, setbacks, protection of wetlands,**
90 **preservation of existing watercourses and/or mitigation of potential downstream impact**
91 **of watercourse alteration, and any other subdivision improvements, whether required**
92 **by code, or which may not be required by code but may arise in consultations with city**
93 **staff or in response to public testimony related to the development.**

94
95 e **f.** All streets constructed as part of a subdivision improvement project shall be monumented
96 according to the procedures of Chapter [11.20](#) HCC (HCC [11.20.090](#)(d)).
97

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

100
101 ENACTED BY THE HOMER CITY COUNCIL this ____ day of ____, 2023.

102
103 CITY OF HOMER

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106 _____
107 KEN CASTNER, MAYOR

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110 ATTEST:
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113 _____
114 MELISSA JACOBSEN, MMC, CITY CLERK

115
116 YES:
117 NO:
118 ABSENT:
119 ABSTAIN:
120
121 First Reading:
122 Public Hearing:
123 Second Reading:
124 Effective Date:



MEMORANDUM

Ordinance 23-21(S)(A), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 22.10.050 to Specify that Preliminary Plats Approved by the City Shall Include all Development Commitments made to the City. Davis/Erickson.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: August 22, 2023
From: Ryan Foster, AICP, City Planner
Through: Rob Dumouchel, City Manager

Ordinance 23-21(S) was introduced at the June 26, 2023 regular meeting and referred to the Planning Commission for their review and comments. At their regular meeting on August 16, 2023 the Planning Commission discussed the draft Ordinance 23-21(S) at length and postponed their decision on recommended comments until the September 6, 2023 Planning Commission regular meeting; providing staff the opportunity to draft the Commission's comments from August 16, 2023 and provide for additional discussion before final comments are delivered to the City Council.

RECOMMENDATION:

Staff recommends City Council postpone consideration of Ordinance 23-21(S)(A) until the regular meeting of September 25, 2023. This would provide the Planning Commission additional time to draft and discuss their comments at their regular meeting on September 6, 2023.

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**CITY OF HOMER
HOMER, ALASKA**

Davis/Erickson

ORDINANCE 23-21(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE SECTION 22.10.050 TO SPECIFY
THAT PRELIMINARY PLATS APPROVED BY THE CITY SHALL
INCLUDE ALL DEVELOPMENT COMMITMENTS MADE TO THE CITY,
AND THAT A FINAL PLAT FOR THE CITY OF HOMER SHALL BE AN
AS-BUILT SURVEY.

WHEREAS, The City of Homer has a responsibility to its residents to ensure that new subdivisions are designed and built with necessary infrastructure for the health and safety of its citizens and the protection of the environment; and

WHEREAS, Developers of new subdivisions often make development commitments to the City related to sidewalks, trails, sewer connections, drainage, storm water controls, grading, slope, setbacks, protection of wetlands, preservation of existing watercourses and/or mitigation of potential downstream impact of watercourse alteration, and other subdivision improvements that may be required by code, or which may not be required by code but may arise in consultations with city staff or in response to public testimony related to the development; and

WHEREAS, The public hearing that is included in the preliminary plat approval process is the primary opportunity for public engagement in the process of developing new subdivisions, and this public engagement sometimes results in additional development commitments being made to the city; and

WHEREAS, In the past there have been instances where development commitments that were made to the City were not implemented as promised; and

WHEREAS, Current city code envisions a final plat to be issued by the Borough on the basis of an agreement to carry out certain commitments, rather than on the basis of those commitments actually having been carried out, **or agreed to contractually**; and

WHEREAS, A policy requiring all development commitments to be **captured in the form of a contractual subdivision agreement that would be signed prior to issuance of** ~~included on the preliminary plat, and requiring the final plat to be an as-built survey showing completion of all the elements included on the preliminary plat~~ would appear to be an effective means of ensuring all commitments undertaken by a subdivider have been implemented.

43 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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45 General” is hereby amended as follows:

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47 22.10.050 Improvement requirements – General

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49 a. ~~The final plat for a subdivision in the City shall be an as-built survey showing~~
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51 Peninsula Borough shall not release any final plat for a subdivision in the City for filing at the
52 State Recorder’s office until the subdivider or developer of the subdivision either enters a
53 subdivision agreement for, or **either enters into a subdivision agreement and** constructs and
54 **or** obtains written City approval of, the following **all agreed to** improvements **therein,**
55 **including those made** according to the standards and procedures required under HCC Title
56 [11](#):

- 57
58 1. Streets in all rights-of-way dedicated by the plat;
59 2. All other utilities and public improvements to be constructed in the rights-of-way and
60 easements dedicated by the plat, including water, sewer, electric, communications,
61 and gas lines, and applicable means for non-motorized transportation; and
62 3. Abandonment or relocation of existing water or sewer service lines required due to
63 conflict with new or relocated property lines, as required by the Public Works
64 Department.

65
66 b. The Commission may exempt a plat from the provisions of subsection (a) of this section as
67 provided in HCC [22.10.040](#).

68
69 c. The subdivider shall be required to dedicate street rights-of-way according to the standards
70 and specifications of Chapter [11.04](#) HCC and the City of Homer Design Criteria Manual. The
71 subdivider shall be required to dedicate ROW or easements required to support non-motorized
72 transportation facilities required by HCC [11.04.120](#). Beyond a minimum of 60 feet, the
73 subdivider may agree to a note attached to said subdivision plat providing sufficient setback
74 to allow future expansion of the right-of-way without removal of improvements. Horizontal
75 alignments are subject to City review; the City may require realignment of streets on proposed
76 plats if the alignments do not conform to Chapter [11.04](#) HCC and the Design Criteria Manual.
77 Final plat approval shall thus be subject to the approval of horizontal alignments by the City
78 Public Works Engineer.

79
80 d. All street, utility main improvements and means for non-motorized transportation to be
81 constructed as part of a subdivision agreement shall be constructed according to the
82 procedures of Chapter [11.20](#) HCC. The City shall accept no such improvements unless a
83 subdivision agreement is executed prior to construction of such improvements.

84

85 **e. Any development commitments made by a subdivider to the City shall be shown on the**
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87 **plat notes provided in lieu of drawings shall be specific and promissory. Such**
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89 **drainage, storm water controls, grading, slope, setbacks, protection of wetlands,**
90 **preservation of existing watercourses and/or mitigation of potential downstream impact**
91 **of watercourse alteration, and any other subdivision improvements, whether required**
92 **by code, or which may not be required by code but may arise in consultations with city**
93 **staff or in response to public testimony related to the development.**

94
95 e **f.** All streets constructed as part of a subdivision improvement project shall be monumented
96 according to the procedures of Chapter [11.20](#) HCC (HCC [11.20.090](#)(d)).
97

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

100
101 ENACTED BY THE HOMER CITY COUNCIL this ____ day of ____, 2023.

102
103 CITY OF HOMER

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106 _____
107 KEN CASTNER, MAYOR

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110 ATTEST:
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113 _____
114 MELISSA JACOBSEN, MMC, CITY CLERK

115
116 YES:
117 NO:
118 ABSENT:
119 ABSTAIN:
120
121 First Reading:
122 Public Hearing:
123 Second Reading:
124 Effective Date:



MEMORANDUM

Ordinance 23-21, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 22.10.050 to Specify that Preliminary Plats Approved by the City Shall Include all Development Commitments made to the City, and that a Final Plat for the City of Homer Shall be an As-Built Survey. Davis/Erickson.

Item Type: Backup Memorandum
Prepared For: Mayor Castner & City Council
Meeting Date: June 19, 2023
From: Ryan Foster, Special Projects Coordinator (Acting City Planner)
Through: Rob Dumouchel, City Manager

As the Acting City Planner, I have reviewed the memorandum and draft ordinance that was introduced before the departure of Rick Abboud as City Planner. Ordinance 23-21 has been referred to the Planning Commission, but upon my review, I would like to recommend a project-based approach to address and achieve the goals established in the memorandum and draft ordinance before engaging with the Planning Commission for their recommendation to City Council. This approach would bring together representatives from all stages in the development review process and consist of the following steps:

1. Meet with Council Member's Davis and Erickson, as the City Council sponsors of the ordinance, to discuss the intent of the ordinance and any goals or concerns they have regarding the development process and ensuring infrastructure improvements are constructed to Homer City Code.
2. Meet with key development review team members to discuss the entire development process and the intent and goals of Ordinance 23-21:
 - a. Kenai Peninsula Borough Platting Division
 - b. Homer City Planner
 - c. Homer Public Works
 - d. Homer Economic Development
 - e. Homer Fire Department
3. If necessary, update the ordinance based on findings and goals from the previous meetings and note any changes in process and procedures. Consider a substitute ordinance, if necessary.
4. Legal review of the draft ordinance.
5. Consider outreach to the development community, if necessary.
6. Planning Commission public hearing and recommendation to City Council.
7. City Council public hearing.

The goal of ensuring infrastructure is constructed to City Code is very much a shared goal of City Council and City Staff. The impact on the community is substantial, in regard to quality of life and the cost of accepting infrastructure improvements and maintaining those improvements in perpetuity.

If this approach is acceptable to the City Council, staff can begin this process immediately. The estimated timeline for the entire process is up to 6 months.

Thank you for your consideration.



AGENDA ITEM REPORT

Ordinance 23-21, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 22.10.050 to Specify that Preliminary Plats Approved by the City Shall Include all Development Commitments made to the City, and that a Final Plat for the City of Homer Shall be an As-Built Survey. Davis/Erickson.

Item Type: Ordinance
Prepared For: Mayor Castner and Homer City Council
Meeting Date: 10 April 2023
From: Council Members Davis and Erickson

The intent of this ordinance is to address the phenomenon of new subdivisions coming into existence in Homer that do not include various development commitments (e.g. sidewalks, trails, easements, drainage routes & infrastructure) that were made to the City during the approvals process for the subdivision, but were never implemented.

The proposed solution is to a) require that all development commitments made to the City be included on the preliminary plat prior to its approval by the City and transmittal to the Kenai Peninsula Borough, and b) to require that the final plat issued by the Borough be an as-built survey showing completion of all the commitments included on the preliminary plat.

Our intent in introducing this ordinance now is not that it be passed immediately, but that it be referred to the Planning Commission for comment and input.

Recommendation:

Introduce Ordinance 23-21 and refer to the Planning Commission, schedule public hearing and second reading on May 22, 2023.

Attachments:

Ordinance 23-21

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

Davis/Erickson

3
4 **ORDINANCE 23-21**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE SECTION 22.10.050 TO SPECIFY
8 THAT PRELIMINARY PLATS APPROVED BY THE CITY SHALL
9 INCLUDE ALL DEVELOPMENT COMMITMENTS MADE TO THE CITY,
10 AND THAT A FINAL PLAT FOR THE CITY OF HOMER SHALL BE AN
11 AS-BUILT SURVEY.
12

13 WHEREAS, The City of Homer has a responsibility to its residents to ensure that new
14 subdivisions are designed and built with necessary infrastructure for the health and safety of
15 its citizens and the protection of the environment; and
16

17 WHEREAS, Developers of new subdivisions often make development commitments to
18 the City related to sidewalks, trails, sewer connections, drainage, storm water controls,
19 grading, slope, setbacks, protection of wetlands, preservation of existing watercourses and/or
20 mitigation of potential downstream impact of watercourse alteration, and other subdivision
21 improvements that may be required by code, or which may not be required by code but may
22 arise in consultations with city staff or in response to public testimony related to the
23 development; and
24

25 WHEREAS, The public hearing that is included in the preliminary plat approval process
26 is the primary opportunity for public engagement in the process of developing new
27 subdivisions, and this public engagement sometimes results in additional development
28 commitments being made to the city; and
29

30 WHEREAS, In the past there have been instances where development commitments
31 that were made to the City were not implemented as promised; and
32

33 WHEREAS, Current city code envisions a final plat to be issued by the Borough on the
34 basis of an agreement to carry out certain commitments, rather than on the basis of those
35 commitments actually having been carried out; and
36

37 WHEREAS, A policy requiring all development commitments to be included on the
38 preliminary plat, and requiring the final plat to be an as-built survey showing completion of all
39 the elements included on the preliminary plat would appear to be an effective means of
40 ensuring all commitments undertaken by a subdivider have been implemented.
41

42 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

43 Section 1. Homer City Code Chapter 22.10.050 entitled “Improvement requirements -
44 General” is hereby amended as follows:

45
46 22.10.050 Improvement requirements - General

47 a. **The final plat for a subdivision in the City shall be an as-built survey showing**
48 **completion of all elements of the previously-approved preliminary plat.** The Kenai
49 Peninsula Borough shall not release any final plat for a subdivision in the City for filing at the
50 State Recorder’s office until the subdivider or developer of the subdivision ~~either enters a~~
51 ~~subdivision agreement for, or~~ constructs and obtains written City approval of, the following
52 improvements, according to the standards and procedures required under HCC Title [11](#):

- 53
- 54 1. Streets in all rights-of-way dedicated by the plat;
 - 55 2. All other utilities and public improvements to be constructed in the rights-of-way and
56 easements dedicated by the plat, including water, sewer, electric, communications,
57 and gas lines, and applicable means for non-motorized transportation; and
 - 58 3. Abandonment or relocation of existing water or sewer service lines required due to
59 conflict with new or relocated property lines, as required by the Public Works
60 Department.

61

62 b. The Commission may exempt a plat from the provisions of subsection (a) of this section as
63 provided in HCC [22.10.040](#).

64

65 c. The subdivider shall be required to dedicate street rights-of-way according to the standards
66 and specifications of Chapter [11.04](#) HCC and the City of Homer Design Criteria Manual. The
67 subdivider shall be required to dedicate ROW or easements required to support non-motorized
68 transportation facilities required by HCC [11.04.120](#). Beyond a minimum of 60 feet, the
69 subdivider may agree to a note attached to said subdivision plat providing sufficient setback
70 to allow future expansion of the right-of-way without removal of improvements. Horizontal
71 alignments are subject to City review; the City may require realignment of streets on proposed
72 plats if the alignments do not conform to Chapter [11.04](#) HCC and the Design Criteria Manual.
73 Final plat approval shall thus be subject to the approval of horizontal alignments by the City
74 Public Works Engineer.

75

76 d. All street, utility main improvements and means for non-motorized transportation to be
77 constructed as part of a subdivision agreement shall be constructed according to the
78 procedures of Chapter [11.20](#) HCC. The City shall accept no such improvements unless a
79 subdivision agreement is executed prior to construction of such improvements.

80

81 **e. Any development commitments made by a subdivider to the City shall be shown on the**
82 **preliminary plat prior to its transmittal by the City to the Kenai Peninsula Borough. Any**
83 **plat notes provided in lieu of drawings shall be specific and promissory. Such**
84 **development commitments may be related to sidewalks, trails, sewer connections,**

85 **drainage, storm water controls, grading, slope, setbacks, protection of wetlands,**
86 **preservation of existing watercourses and/or mitigation of potential downstream impact**
87 **of watercourse alteration, and any other subdivision improvements, whether required**
88 **by code, or which may not be required by code but may arise in consultations with city**
89 **staff or in response to public testimony related to the development.**

90
91 e **f.** All streets constructed as part of a subdivision improvement project shall be monumented
92 according to the procedures of Chapter [11.20](#) HCC (HCC [11.20.090](#)(d)).

93
94 Section 2. This ordinance is of a permanent and general character and shall be included
95 in the City Code.

96
97 ENACTED BY THE HOMER CITY COUNCIL this ____ day of ____, 2023.

98
99 CITY OF HOMER

100
101
102
103 _____
104 KEN CASTNER, MAYOR

105
106 ATTEST:
107
108
109 _____
110 MELISSA JACOBSEN, MMC, CITY CLERK

111
112 YES:
113 NO:
114 ABSENT:
115 ABSTAIN:
116
117 First Reading:
118 Public Hearing:
119 Second Reading:
120 Effective Date:



MEMORANDUM

Ordinance 23-50, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Operating Budget by Appropriating \$10,000 from the General Fund Unassigned Fund Balance to Fund Part of the Homer Small Business Advisor Position for the Alaska Small Business Development Center. Venuti/Erickson.

Item Type: Action Memorandum
Prepared For: Homer City Council
Date: September 2, 2023
From: Julie Engebretsen, Economic Development Manager
Through: Council members Venuti and Erickson

Background

As part of the budget process for FY 24/25, Council voted down a \$15,000 annual request to fund the Homer Small Business Advisor position of the Alaska Small Business Development Center (AKSBDC). However, the Kenai Peninsula Borough was able to increase funding to the AKSBDC, which helped close the budget gap for this position. The AKSBDC is now requesting \$10,000 to fund the remainder of this part time position through FY24.

RECOMMENDATION:
Adopt Ordinance 23-50

**CITY OF HOMER
HOMER, ALASKA**

Venuti/Erickson

ORDINANCE 23-50

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE FY24 OPERATING BUDGET BY APPROPRIATING \$10,000 FROM THE GENERAL FUND UNASSIGNED FUND BALANCE TO FUND PART OF THE HOMER SMALL BUSINESS ADVISOR POSITION FOR THE ALASKA SMALL BUSINESS DEVELOPMENT CENTER, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The 2018 Comprehensive Plan Chapter 7 Goal 2 States: Encourage the retention and creation of more year round, higher wage jobs; and

WHEREAS, The Alaska Small Business Development Center (AKSBDC) provides no-cost, confidential, individual business coaching to grow small businesses in Homer; and

WHEREAS, The AKSBDC is requesting the city provide funding as a local match in the amount of \$10,000 to fund the local half time Homer Business Advisor position through FY24, and

WHEREAS, The Kenai Peninsula Borough has been increasing funding to the AKSBDC which has reduced the amount needed for a local community match to continue this economic development service; and

WHEREAS, The Homer position is conveniently located within the Homer Chamber of Commerce, which provides the office space and supports free of charge; and

WHEREAS, The current Small Business Advisor is on track to log the most hours yet provided to the Homer community in a year, showing the need and support for this service to support small businesses and entrepreneurs.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY24 Operating Budget by appropriating \$10,000 for the purpose of funding a portion of the Homer Business Advisor of the Alaska Small Business Development Center as follows;

Revenue:			
<u>Fund</u>	<u>Description</u>	<u>Amount</u>	
100-0099-4990	General Fund Unassigned Fund Balance	\$10,000	

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Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
100-0350-5210	Non-Departmental Professional Services	\$10,000

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of September, 2023.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

Introduction:

Public Hearing:

Second Reading:

Effective Date:

Dear Members of the Homer City Council,

Due to a recent procedure, I am unable to attend in person, but want to extend my gratitude and appreciation for the Alaska Small Business Development Center, more specifically the Homer Business Advisor who is currently Robert Green and the accomplishment that has been made possible with this local resource and support.

I am excited to report that within just two months of establishing my business, Elevate Business Management, I have been able to secure two substantial contracts. This achievement serves as a testament to the potential and growth that small businesses can bring to our town.

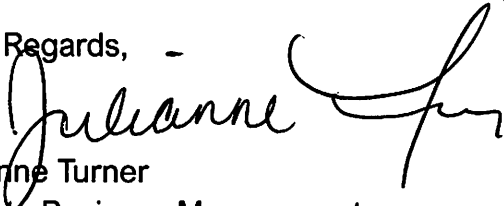
I would like to acknowledge the instrumental role played by the Alaska Small Business Development Center and the Homer Business Advisor in this success. Their guidance and expertise have been invaluable in shaping my business strategy, and ultimately contributing to the realization of these contracts.

I am grateful for the resources and assistance provided by the Alaska Small Business Development Center. They are an invaluable asset and made the process simple from inception to reality. The collaborative spirit that I received from start to finish has played a key role in my rapid progress.

I am committed to upholding the standards of excellence that have led to this initial achievement. It is my hope that my success story can serve as inspiration to fellow entrepreneurs and reinforce the idea that, with the right support, business can flourish and contribute positively to our community. Without the Alaska Small Business Development Center, I do not believe I would have been able to make it as far as I have. I encourage any entrepreneur to reach out to the Alaska Small Business Development Center; they are a wealth of knowledge and will help steer you in the right direction even after being established.

I appreciate your time and attention to my letter.

Best Regards, -



Julianne Turner
Elevate Business Management
Owner
(951) 591-6141

From: [Julie Engebretsen](#)
To: [Melissa Jacobsen](#)
Subject: FW: information on the SBDC position in Homer
Date: Wednesday, September 6, 2023 12:10:02 PM

From: Karin Marks <weskar70@gmail.com>
Sent: Wednesday, August 16, 2023 4:27 PM
To: Caroline Venuti <CarolineVenuti@ci.homer.ak.us>; Shelly Erickson <ShellyErickson@ci.homer.ak.us>; Julie Engebretsen <JEngebretsen@ci.homer.ak.us>; Robert Dumouchel <RDumouchel@ci.homer.ak.us>
Cc: Cliff Cochran <cliff.cochran@aksbdc.org>; Robert Green <robert.green@aksbdc.org>; Brad Anderson <exdir@homer.alaska.org>
Subject: information on the SBDC position in Homer

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

Information on the SBDC position in Homer for use to write and submit an ordinance to City Council

Background:

The Small Business Administration, a Federal Agency, administers the Small Business Development Center (SBDC) program, which is a cooperative effort with the private sector, educational community and federal, state, and local governments to provide technical assistance to current and prospective small business owners. The SBDC is the most comprehensive small business assistance network in the US and its territories, featuring offices in 997 locations across the US and its territories.

Due to the education and research nature of the organization, SBDCs are hosted primarily by leading universities and colleges, with the Alaska SBDC hosted by the University of Alaska. Since the university provides HR and finance functions, the university requires a 10% fixed and administrative fee for all contractual programs. UAA's Office of Sponsored Programs handles this. This Office has dozens of these contracts as an economical way to assist groups. This means that a separate administration/layer which could be costly is not necessary. Funding for the Alaska SBDC is primarily provided by the Small Business Administration, which provided \$927,581 in FY23, and the State of Alaska, which provided \$719,714 for FY23. Due to the nature of the SBDC's charter, the organization is not permitted to collect payments from clients for technical assistance so it is entirely supported by federal, state, and local funding. This funding is spread across nine locations with 26 staff in Alaska.

The program places a heavy emphasis on metrics and those are best achieved in larger communities, like Anchorage, Fairbanks, and the Mat-Su Valley. Smaller communities in Alaska with under 80,000 residents are required to provide a local match in order to fund those positions. These communities include Juneau, Soldotna, Seward, and Homer. Local funding for the SBDC positions in Juneau, Soldotna, and Seward was

most recently unanimously approved by their local governments.

The Kenai Peninsula Borough has recognized that although our largest population is in the Soldotna/Kenai cities, the Borough has two smaller urban areas (Homer and Seward) that have strong economic potential, especially for small businesses. Small businesses are looked on favorably as a way to add to the economic benefits of the individuals and city government programs. Due to the fact that Homer does not have a bed tax, the Borough provided a funding increase for the Alaska SBDC to pick up two-thirds of the Homer Business Advisor local match. This leaves a balance of \$10,000 due from the Homer community to retain the SBDC position for FY24.

Here is an overview of FY24 funding for the Homer SBDC position:

Alaska SBDC - \$40,927 (54.9%)

Kenai Peninsula Borough - \$20,000 (26.8%)

Homer Chamber of Commerce (non-cash) - \$3,600 (4.8%)

City of Homer (proposed) - \$10,000 (13.4%)

There is some hope that the Borough will not only continue with their support for the next FY but may increase it for the next FY.

Homer has and is a community of small businesses partly because one has to create one's job/livelihood to be able to afford to live here. Encouraging a multi-level community is a positive for quality of life. Having small businesses has created a spirit that marries with "what makes Homer, Homer". In today's world, with many requirements/regulations that require real understanding, there are often not timely ways to obtain information needed to start, buy and or grow a small business. This is especially so since most, if not all, small business people need to wear every hat in the business. This lack is not the skill to produce a product or service but how to make it into a successful small business.

For these reasons it is great to have a real person in the area who knows the local situations to assist with this so that we can continue to grow our economy which means a growth of our tax base which means affording things that support our quality of life.

Karin Marks

**CITY OF HOMER
FINANCIAL SUPPLEMENT**

PROJECT NAME	<u>Homer Business Advisor Position - Partial Funding</u>	DATE	<u>09/08/2023</u>
DEPARTMENT	<u>City Council</u>	SPONSOR	<u>Venuti/Erickson</u>
REQUESTED AMOUNT	<u>\$ 10,000</u>		

DESCRIPTION	<p>The 2018 Comprehensive Plan Chapter 7 Goal 2 States: Encourage the retention and creation of more year round, higher wage jobs. The Alaska Small Business Development Center (AKSBDC) provides no-cost, confidential, individual business coaching to grow small businesses in Homer. The AKSBDC is requesting the city provide funding as a local match in the amount of \$10,000 to fund the local half time Homer Business Advisor position through FY24.</p> <p>The Kenai Peninsula Borough has been increasing funding to the AKSBDC which has reduced the amount needed for a local community match to continue this economic development service. The Homer position is conveniently located within the Homer Chamber of Commerce, which provides the office space and supports free of charge. The current Small Business Advisor is on track to log the most hours yet provided to the Homer community in a year, showing the need and support for this service to support small businesses and entrepreneurs.</p>
--------------------	--

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

FUNDING SOURCE 1: <small>General Fund Unassigned Fund Balance</small>	FUNDING SOURCE 2:	FUNDING SOURCE 3:
Current Balance <u>\$ 2,847,466</u>	Current Balance _____	Current Balance _____
Encumbered <u>\$ 1,178,377</u>	Encumbered _____	Encumbered _____
Requested Amount <u>\$ 10,000</u>	Requested Amount _____	Requested Amount _____
Other Items on Current Agenda <u>\$ 0</u>	Other Items on Current Agenda _____	Other Items on Current Agenda _____
Remaining Balance <u>\$ 1,659,089</u>	Remaining Balance _____	Remaining Balance _____
FUNDING SOURCE 4:	FUNDING SOURCE 5:	FUNDING SOURCE 6:
Current Balance _____	Current Balance _____	Current Balance _____
Encumbered _____	Encumbered _____	Encumbered _____
Requested Amount _____	Requested Amount _____	Requested Amount _____
Remaining Balance _____	Remaining Balance _____	Remaining Balance _____



City of Homer

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

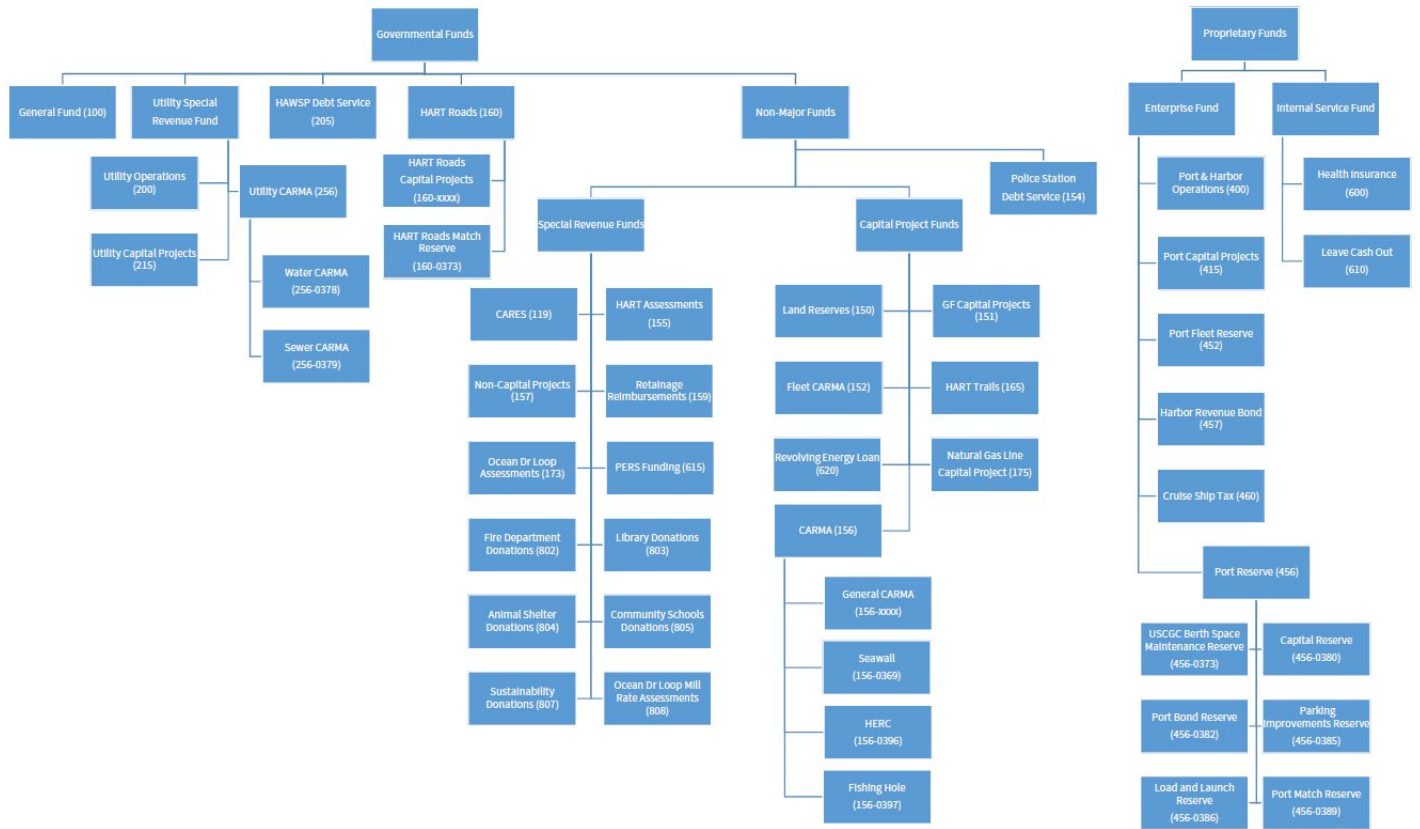
TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: September 20, 2023
SUBJECT: City Manager's Report for September 25, 2023 Council Meeting

Bayview and Hornaday Park Public Engagement Meetings

Consultants Peter Briggs and Linda Pringle from Corvus Designs were in Homer on the 12th and 13th to host a series of meetings with the public, user groups, and staff as part of the initial process for the Bayview Park and Karen Hornaday Park Master Plans. I attended the two rainy in-park meetings along with an intrepid crew of community members and City staff who didn't let a little precipitation get in the way of the public engagement process. Fans of Bayview Park had a great discussion about their visions for the future of the well-used neighborhood resource. Later in the afternoon, the Hornaday Park meeting offered some shelter under the gazebo and an interactive stakeholder experience (a local five-year old's birthday party). From here, Corvus will be working with staff on plans for both parks. We expect results will come back to Council later this year.



Fund Review



Staff is preparing for a work session on October 23rd that will be the first in a series related to the various funds within the City. We'll evaluate each and give Council an opportunity to give policy guidance. We are currently developing a work sheet that can be used to ensure we have a consistent approach to the 40 plus funds that need to be reviewed. I anticipate that we will start with internal service funds and possibly a few special revenue funds. This process will take a while for Council to review each fund, but I expect that it will be worth the effort to have a refreshed understanding and written policy for all funds.

Transportation Plan Update

The public review draft of the Transportation Plan is out! Copies of the plan and comment forms are available at City Hall and the library, or via the City website. There will be a public presentation and open house on Tuesday, September 26th at the college, 6-8 pm. Comments on this draft will be accepted until October 10th. Thereafter, a draft with revisions based on public comment will be presented to the Planning Commission in late 2023, followed by the City Council in 2024. Council will be provided with a full project update in September.

<https://www.cityofhomer-ak.gov/publicworks/inviting-public-comment-transportation-plan-draft>

Sinkhole at Deep Water Dock

In July staff noticed a hole developing next to the approach to the Deep Water Dock. Upon investigation we found erosion spanning from under the approach to where the dock trestle transitions to shore. Immediately after discovering the damage we closed off one lane of the trestle so as to keep the dock schedule open. We then rented a large 1" steel plate to span over the damage so as to accommodate truck and crane movement. Working with Public Works and HDR, Harbor staff came up with a plan for what will hopefully be a permanent solution. The affected area had to be excavated and built back with concrete blocks and heavy road fabric. We will also be working toward reinforcing the water side of the approach bulkhead before winter sets in, but

that will be a separate project. This is the second time that we have had to make emergency repairs to this general location and we are trying our best to install a long-lasting solution. We may need to come to Council at a future meeting to access Port Reserve funds for this emergency repair.



Community Jails

In 2022 we had a lobbying success related to Community Jail funding. Homer and the other approximately 15 communities that hold jail contracts with the State of Alaska were able to get an increase for the program that was shared equally between programs. Through meetings hosted by the Alaska Municipal League, Chief Robl, Lt. Browning, and I have continued to engage in advocacy regarding issues with jails and our relationship with the Department of Corrections. It's uncertain as to whether we'll see more changes or elevated funding this year, but we are actively collaborating in the process.

Fire Hall Plumbing Issues

Over the last couple years we have had ongoing issues at the Fire Hall with plumbing. This past week we worked with a plumber to fix some problems that were making the kitchen unusable. Fire and Building Maintenance are working together to figure out a plan for keeping the Fire Hall's plumbing system functional. We may come back to Council at a future meeting to discuss an appropriation to support repairs at the Fire Hall.

Alaska Hazardous Waste Program Changes

The State of Alaska is considering regulation changes that would create a hazardous waste program under the federal Resource Conservation and Recovery Act (RCRA). The reason this is exciting for Homer is that it could lead to changes in landfill regulations that may make it possible for a future facility to accept construction and demolition waste with amounts of PCBs under the current federal threshold (like we've determined through testing of the small HERC building). Staff is doing research and may come to a Council meeting in October with a resolution providing direction to staff to comment to the State on behalf of the City (comment period closes October 30th).

Comprehensive Plan and Zoning Code Update

We anticipate bringing a resolution to Council on October 9th which would authorize award of a contract for the Comprehensive Plan and Zoning Code update project. City Planner Ryan Foster discussed it with the Planning Commission at a recent meeting, and we should be ready to go at our next Council meeting.

FY23 Project Supported	TPC	Grant Fund	Grant Funds Req	Match/Local Cost	Status	Notes
Slope Stability-Erosion Mitigation Program						
Kachemak Drive Peatland Water Quality Improvement (Kahcemak Sponge)	\$4,388,791	NOAA Habitat Conservation KBNERSS led/City partner	\$ 1,188,275.00 (land acquisition)	\$ 418,000.00 (land acquisition)	Submitted Awarded 4/1/2023 Award Executed	UAA accepted award; sent sub-award agreement to City Ord 23-46 to accept sub-award introduced 6/26/23 Grant is for Kachemak Drive peatlands acquisition
Beluga Slough Stormwater Treatment System	\$ 690,000.00	Alaska Clean Water Actions	\$ 153,307.00	\$ 107,182.00	Submitted 11/9/2022 Awarded 3/1/2023 Accepted via Ord 23-16(S)	City Council approved grant agreement Ord City costs in-kind + elibigle for funds from ADEC Clean Water Revolving Loan Fund
Transportation						
Transportation Planning	\$ 960,000.00	Safe Streets For All KPBA Applic/City partner	\$ 960,000.00	\$ 23,000.00 (in-kind)	Award announced KPBA executing grant agreement	Application approved Reso 22-063
Non-Motorized Trans Network (REACH Project)	\$ 1,500,000.00	Fed RAISE Planning Grant	\$ 1,500,000.00	\$ -	Submitted 2/28/2023 NOT FUNDED 6/28/23	HDR application support Reso 22-087 approved Project support Reso 23-012 approved Application made it to Secretary of Transportation Desk Not awarded but deemed a Merit Application; encouraged to apply again next FY.
Homer All-Ages & Abilities Pedestrian Pathway	\$ 3,900,000.00	State of AK Transportation Alternatives (TAP)	\$ 3,432,000.00	\$ 468,000.00	Submitted 2/15/2023 Advanced to final round: Public Evaluation Board (PEB) Awaiting DOT cost estimate (AK DOT&PF manages/constructs project)	HAPP sections in PW's 5-year road plan Project support Reso 23-011 approved Date of PEB Review pending Unknown award date; Perf period end date June '25 (\$500,000 set aside in HART for grant matching)
Main Street Rehab/ Sidewalk South	\$ 4,200,000.00	State of AK Community Transportation Program (CTP)	\$ 3,696,000.00	\$ 504,000.00	Submitted 2/15/2023 Advanced to final round: Public Evaluation Board (PEB) Awaiting DOT cost estimate (AK DOT&PF manages/constructs project)	Main St in 7-10 year horizon in PW Road Plan Project support Reso 23-011 approved Date of PEB Review pending Unknown award date; Perf period end date June '25 (\$500,000 set aside in HART for grant matching)
Port & Harbor						
Float Systems 4 & 1 Replace	\$ 59,289,547.00	Fed Port Infrastructure Development Projects (PIDP)	\$47,135,190	\$ 12,154,357.00 (20.5% match)	Submitted 4/28/2023 Awaiting decision	HDR application support Ord 23-12 approved Council approved project support Reso 4/24/2023 Could apply for PIDP or RAISE '24 if '23 unsuccessful Added to STIP as illustrative project Revenue bond or TIFIA loan for match
		Municipal Harbor Grant	\$ 5,000,000.00	\$ 5,000,000.00	Grant for construction only must complete design to apply	If funded, leverages State match to lower City match on Federal PIDP Grant

FY23 Project Supported	TPC	Grant Fund	Grant Funds Req	Match/Local Cost	Status	Notes
Float Systems 4 & 1 Replace		Denali Commission Grant			Application not begun Due date 4/14/24	Can be used as non-Federal Match May not be competitive - \$1M max award Could apply in '24 for Design/Engineering
Fish Grinding Building Replace & Drainage Improvements	\$ 374,978.00	ADFG Dingle-Johnson	\$ 250,000.00 (preliminary)	\$ 93,744.50 (preliminary)	Submitted 7/12/2022 Preliminary award announced 7/7/2023	Finalizing project cost estimate and award amount 25% local match funds in FY23 capital appropriation Ordinance to accept the grant forth coming
Building Code Development	\$ 587,500.00	State BRIC Sub-Grant (Building Resilient Infrastructure & Communities)	\$ 470,000.00	\$ 117,500.00 (covered by State of Alaska)	Submitted 12/21/2022 Accepted for further review Awaiting decision	Council Approved application Reso 22-086 As a sub-applic State covers local match
Parks & Recreation						
Bayview Park Renovations	\$ 139,230.00	State of AK Healthy & Equitable Community Round 2	\$ 74,919.00	\$ 52,314.00 Addl redistribution funds requested	Submitted 4/24/2023 Awarded 5/8/2023 Accepted via Ord 23-36	Council Approved Resolution 23-031 \$12,000 donation from Kach Bay Rotary Additional funds from HART approved in COH Cap budget
Utilities - Infrastructure Resilience						
Spit Road Erosion Mitigation	\$ 1,812,052.00	Federal PROTECT Grant	\$ 1,812,052.00	-	Submitted 8/18/2023	Application requested planning funds for Homer Spit Erosion Mitigation. City of Homer is project sponsor, but if awarded City will enter MOU with DOT to implement grant activities
Raw Water Transmission Main		FEMA Disaster Mitigation	\$ 1,988,650.00 (direct project costs)	-	Submitted 1/30/2020	4/11/23: Responded to latest FEMA request for information 5/2/23: Congressional Delegation approved award 7/11/23: FEMA working on Period of Performance Waiver
IT - Communications						
Cybersecurity (City-wide Cybersecurity Assessment and Remote Backup System for Cybersecurity Response & Recovery)	\$ 252,794.00	AK Division of Homeland Security FY22 State & Local Cyberscurity Grant Program	\$ -	\$ 252,794.00	Submitted 8/31/2023	
Public Safety Communications (HPD Backup Repeater & Radio Equip HVFD APX-600 Radio Upgrade)	\$ 119,046.56	AK Division of Homeland Security FY23 State Homeland Security Grant Program	\$ 88,196.56	\$ -	Submitted 1/31/2023 Prelim Award Announcement 9/18/2023	Ordinance to accept the grant will be forth coming after receipt of Obligating Award Document



City of Homer Transportation Plan

OPEN HOUSE

**Doors open at 5:30 for a light snack
Presentation + breakout groups start at 6 pm**

Co-Hosted With Homer Drawdown

The public review draft of the Transportation Plan is out!

Please attend a public presentation and open house on the draft City of Homer Transportation Plan. Comments on this draft will be accepted until October 10th, 2023.

SCAN ME to access the latest Transportation Plan draft and updates



**TUESDAY
September 26th 2023
6:00 PM — 8:00 PM**



**UAA/KPC Kachemak Bay Campus
Pioneer Hall, Room 201
533 E Pioneer Avenue
Homer, AK 99603**

Next steps: a revised draft based on public comment will be presented to the Planning Commission late 2023, followed by City Council in 2024. Council will be provided with a full project update in September 2023.

Copies of the plan and comment forms are available at City Hall and the library, or via the City website.



**Submit Draft Feedback to Kenny Engineering, LLC at:
homer.transportationplan@kinneyeng.com**

**Open House Questions? Contact:
Julie Engebretsen, Economic Development Manager
Phone 907-435-3119
jengebretsen@ci.homer.ak.us**





MEMORANDUM

Confirmation of Election Judges for the City of Homer Regular Election October 3, 2023

Item Type: Action Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: September 15, 2023
From: Renee Krause, MMC, Deputy City Clerk II

Pursuant to Homer City Code Sections 4.20.010 and 4.35.010, the Election Judges are approved by the City Council and the Canvass Board is confirmed by the City Council.

Homer absentee voting and Precincts No. 1 and No. 2 are assigned the following Election Judges:

Homer AVO	Homer No. 1	Homer No. 2	Canvass Board
Rachel Tussey	Louise Gross-Hall, Chair	Kira Stuart, Chair	Rachel Tussey
Louise Gross-Hall	Kate Finn	Alexander Stuart	Louise Hall
Pamela Brodie	Meghan Gordon	Kent Smith	
	Vonda Nixon	Joan Smith	
	Karen Smith	Cynthia Barker	

Recommendation:

Confirm the appointment of the Canvass Board and approve the appointment of the Election Judges for the October 3, 2023 City of Homer Regular Election

Fiscal Note: Per the Memorandum of Agreement with the Kenai Peninsula Borough approved by Resolution 21-049, wages for election judge’s recruitment, training, and administration are split equally between the Borough and the City. Wages are based on the current hourly rate as set by the Division of Elections. The Kenai Peninsula Borough pays the election judges and then bills the City of Homer for their portion.

The City is responsible to hire and compensate their Election Canvass Board members. Part-time wages are \$25/hour, 2-4 hours or until done.

Account: 100-0102-5103 thru 5107



MEMORANDUM

Standard Marijuana Cultivation License Renewal for Alaska Loven It, LLC DBA Wildflower Farms

Item Type: Action Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: 21 September 2023
From: Renee Krause, MMC, Deputy City Clerk II

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

License Type: Standard Marijuana Cultivation Facility
License #: 12833
DBA Name: Wildflower Farms
Service Location: 2908 Kachemak Drive, Homer, AK 99603
Licensee: Alaska Loven It, LLC
Contact Person: Janiese Stevens

Recommendation:

Voice objection and recommend suspension in accordance with AS 43.61.030(b) for the Marijuana Cultivation License Renewal.

Attachments:

AMCO Application
City Planners Non-Objection
City of Homer Police Objection

Alcohol & Marijuana Control Office

License Number: 12833

License Status: Active-Operating

License Type: Standard Marijuana Cultivation Facility

Doing Business As: Wildflower Farms

Business License Number: 2128650

Designated Licensee: Janiese Stevens

Email Address: jstevens@ak.net

Local Government: Homer

Local Government 2: Kenai Peninsula Borough

Community Council:

Latitude, Longitude: 59.645021, -151.461600

Physical Address: 2908 Kachemak Drive
Homer, AK 99603
UNITED STATES

Licensee #1

Type: Entity

Alaska Entity Number: 10056827

Alaska Entity Name: Alaska Loven It, LLC

Phone Number: 907-942-5899

Email Address: jstevens@ak.net

Mailing Address: PO Box 1571
Homer, AK 99603
UNITED STATES

Entity Official #1

Type: Individual

Name: Janiese Stevens

Phone Number: 907-942-5618

Email Address: jstevens@ak.net

Mailing Address: P.O. Box 8593
Kodiak, AK 99615
UNITED STATES

Entity Official #2

Type: Entity

Alaska Entity Number: 10100965

Alaska Entity Name: Hibernation Holding Company, L
LC

Phone Number: 907-942-5618

Email Address: jstevens@ak.net

Mailing Address: 2705 Millbay Road
Suite 205
Kodiak, AK 99615
UNITED STATES

Entity Official #3

Type: Individual

Name: Kim Perkins

Phone Number: 907-942-5618

Email Address: fvphantom@gmail.com

Mailing Address: P.O. Box 3763
Kodiak, AK 99615
UNITED STATES

Entity Official #4

Type: Individual

Name: Louie Rocheleau

Phone Number: 907-942-5618

Email Address: rockkodiak@gmail.com

Mailing Address: PO Box 8593
Kodiak, AK 99615
UNITED STATES

Entity Official #5

Type: Individual

Name: George Kirk

Phone Number: 907-942-5618

Email Address: fvphantom@gmail.com

Mailing Address: PO Box 2796
Kodiak, AK 99615
UNITED STATES

Entity Official #6

Note: No affiliates entered for this license.

Type: Individual

Name Li a Fellow

[REDACTED]

[REDACTED]

Phone Number: 907-399-1451

Email Address li_awesome_fellow@gmail.com

Mailing Address: P.O. Box 1065
Homer, AK 99603
UNITED STATES



September 14, 2023

Licensee: **Alaska Loven It, LLC**
DBA: Wildflower Farms
VIA email: jstevens@ak.net
Local Government: Homer
Local Government 2: Kenai Peninsula Borough

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

Re: Standard Marijuana Cultivation Facility #12833 Combined Renewal Notice

License Number:	#12833
License Type:	Standard Marijuana Cultivation Facility
Licensee:	Alaska Loven It, LLC
Doing Business As:	Wildflower Farms
Physical Address:	2908 Kachemak Drive Homer, AK 99603
Designated Licensee:	Janiese Stevens
Phone Number:	907-942-5899
Email Address:	jstevens@ak.net

License Renewal Application

Endorsement Renewal Application

Dear Licensee:

After reviewing your renewal documents, AMCO staff has deemed the application complete for the purposes of 3 AAC 306.035(c).

Your application will now be sent electronically, in its entirety, to your local government, your community council (if your proposed premises is in Anchorage or certain locations in the Mat-Su Borough), and to any non-profit agencies who have requested notification of applications. The local government has 60 days to protest your application per 3 AAC 306.060.

At the May 15, 2017 Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications. However, the board is required to consider this application independently if you have been issued any notices of violation for this license, if your local government

protests this application, or if a public objection to this application is received within 30 days of this notice under 3 AAC 306.065.

If AMCO staff determines that your application requires independent board consideration for any reason, you will be sent an email notification regarding your mandatory board appearance. Upon final approval, your 2023/2024 license will be provided to you during your annual inspection. If our office determines that an inspection is not necessary, the license will be mailed to you at the mailing address on file for your establishment.

Please feel free to contact us through the marijuana.licensing@alaska.gov email address if you have any questions.

Dear Local Government:

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to AMCO Director the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Sincerely,



Joan M. Wilson, Director
907-269-0350



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Alaska Loven It, LLC	License Number:	12833		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Wildflower Farms				
Premises Address:	2908 Kachemak Drive				
City:	Homer	State:	Alaska	ZIP:	99603

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	George Kirk
Title:	Member of Hibernation Holding Company, LLC

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have not been convicted of any criminal charge in the previous two calendar years.

I certify that I have not committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has not been issued for this license between July 1, 2022 and June 30, 2023.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

gk

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

gk

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

gk

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

gk

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

gk

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

gk

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

[Empty box for listing license numbers]

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

gk

George Kirk

Printed name of licensee

George Kirk
Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Alaska Loven It, LLC	License Number:	12833		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Wildflower Farms				
Premises Address:	2908 Kachemak Drive				
City:	Homer	State:	Alaska	ZIP:	99603

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Janiese Stevens
Title:	Managing Member of Hibernation Holding Company, LLC

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have not been convicted of any criminal charge in the previous two calendar years.

--

I certify that I have not committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

--

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

<input type="checkbox"/>

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).

--



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

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

Janiese Stevens

Printed name of licensee

Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Alaska Loven It, LLC	License Number:	12833
License Type:	Standard Marijuana Cultivation Facility		
Doing Business As:	Wildflower Farms		
Premises Address:	2908 Kachemak Drive		
City:	Homer	State:	Alaska
		ZIP:	99603

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Kim Perkins
Title:	Member of Hibernation Holding Company, LLC

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Section 5 - Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

WP

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

WP

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

WP

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

WP

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

WP

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

WP

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

If multiple licenses are held, list all license numbers below:

[Empty box for listing multiple license numbers]

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

WP

Kim Perkins

Printed name of licensee

Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Alaska Loven It, LLC	License Number:	12833
License Type:	Standard Marijuana Cultivation Facility		
Doing Business As:	Wildflower Farms		
Premises Address:	2908 Kachemak Drive		
City:	Homer	State:	Alaska
		ZIP:	99603

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Lisa Fellows
Title:	Member of Hibernation Holding Company, LLC

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

Initials

--

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

--

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

--

Sign your initials to the following statement **only if you are unable to certify one or more of the above statements:**

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).

--



Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

Initials

Initials box with handwritten initials

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

Initials box with handwritten initials

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

Initials box with handwritten initials

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

Initials box with handwritten initials

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

Initials box with handwritten initials

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

Initials box with handwritten initials

Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.

Empty box for fingerprint card submission

If multiple licenses are held, list all license numbers below:

Empty box for listing multiple license numbers

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

Initials box with handwritten initials

Lisa Fellows

Printed name of licensee

Signature of Lisa Fellows

Signature of licensee



Alaska Marijuana Control Board

Form MJ-20: 2023-2024 Renewal Application Certifications

Why is this form needed?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Alaska Loven It, LLC	License Number:	12833		
License Type:	Standard Marijuana Cultivation Facility				
Doing Business As:	Wildflower Farms				
Premises Address:	2908 Kachemak Drive				
City:	Homer	State:	Alaska	ZIP:	99603

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Louis Rocheleau
Title:	Member of Hibernation Holding Company, LLC

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued for this license between July 1, 2022 and June 30, 2023.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: 2023-2024 Renewal Application Certifications

Section 5 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.



I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.



I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.



I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.



I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.



I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.



Initial this box if you are submitting an original fingerprint card and the applicable fees to AMCO for AMCO to obtain criminal justice information and a national criminal history record required by AS 17.38.200 and 3 AAC 306.035(d). If I have multiple marijuana licenses being renewed, I understand one fingerprint card and fee will suffice for all marijuana licenses being renewed.



If multiple licenses are held, list all license numbers below:

21069

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



Louis Rocheleau

Printed name of licensee

Signature of licensee

Notice of Violation

Email

(3AAC 306.805)

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

Date: 7/21/22

License #/Type: 12833

Standard Cultivation

Designated Licensee: Janiese Stevens

AMCO Case#: AM 22-1377

DBA: Wildflower Farms

Premises Address: 2908 Kachemak Drive Homer, AK 99603

Mailing Address: PO Box 1571 Homer, AK 99603

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana 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.

As of 7/21/2022, Alaska Loven It LLC, 12833, Standard Cultivation, you were delinquent on your marijuana excise tax liability.

You have 30 days to resolve this matter with the Department of Revenue. If the delinquency is not resolved, an accusation may be brought to the Marijuana Control Board.

Your attention is directed to: AS 17.38.010(b)(2) legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; 3 AAC 306.480. Marijuana tax to be paid; 3 AAC 306.810. Suspension or revocation of license; AS 43.61.030(b). Marijuana cultivation facility fails to pay tax; AS 43.05.230(e) DOR can publish list of taxpayer(s) who failed to pay their taxes.; 15 AAC 61.020. License revocation and suspension.

3 AAC 306.805 provides that upon receipt of a Notice of Violation, a licensee may request to appear before the board and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice. A licensee may respond, either orally or in writing, to the Notice.

IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.

***Please send your response to the address below and include your Marijuana Establishment License Number in your response.**

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

Issuing Investigator: J. Hoelscher

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Email

203

Date:

Notice of Violation

Email

(3AAC 306.805)

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

Date: 10/28/22 License #/Type: 12833 Standard Cultivation
Designated Licensee: Janiese Stevens AMCO Case#: AM 22-1932
DBA: Wildflower Farms
Premises Address: 2908 Kachemak Drive Homer, AK 99603
Mailing Address: PO Box 1571 Homer, AK 99603

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana 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.

As of 10/26/2022, Alaska Loven It LLC, 12833, Standard Cultivation, you were delinquent on your marijuana excise tax liability.

You have 30 days to resolve this matter with the Department of Revenue. If the delinquency is not resolved, an accusation may be brought to the Marijuana Control Board.

Your attention is directed to: AS 17.38.010(b)(2) legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; 3 AAC 306.480. Marijuana tax to be paid; 3 AAC 306.810. Suspension or revocation of license; AS 43.61.030(b). Marijuana cultivation facility fails to pay tax; AS 43.05.230(e) DOR can publish list of taxpayer(s) who failed to pay their taxes.; 15 AAC 61.020. License revocation and suspension.

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IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.

***Please send your response to the address below and include your Marijuana Establishment License Number in your response.**

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

Issuing Investigator: J. Hoelscher

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Email

204

Date:

Notice of Violation

Email

(3AAC 306.805)

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

Date: 11/25/22 License #/Type: 12833 Standard Cultivation
Designated Licensee: Janiese Stevens AMCO Case#: AM 22-2125
DBA: Wildflower Farms
Premises Address: 2908 Kachemak Drive Homer, AK 99603
Mailing Address: PO Box 1571 Homer, AK 99603

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana 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.

As of 11/22/2022, Wildflower Farms, 12833, Standard Cultivation, you were delinquent on your marijuana excise tax liability.

You have 30 days to resolve this matter with the Department of Revenue. If the delinquency is not resolved, an accusation may be brought to the Marijuana Control Board.

Your attention is directed to: AS 17.38.010(b)(2) legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; 3 AAC 306.480. Marijuana tax to be paid; 3 AAC 306.810. Suspension or revocation of license; AS 43.61.030(b). Marijuana cultivation facility fails to pay tax; AS 43.05.230(e) DOR can publish list of taxpayer(s) who failed to pay their taxes.; 15 AAC 61.020. License revocation and suspension.

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IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.

***Please send your response to the address below and include your Marijuana Establishment License Number in your response.**

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

Issuing Investigator: J. Hoelscher

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Email

205

Date:

Notice of Violation

Email

(3AAC 306.805)

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

Date: 12/22/22 License #/Type: 12833 Standard Cultivation
Designated Licensee: Janiese Stevens AMCO Case#: AM 22-2341
DBA: Wildflower Farms
Premises Address: 2908 Kachemak Drive Homer, AK 99603
Mailing Address: PO Box 1571 Homer, AK 99603

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana 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.

As of 12/21/2022, Wildflower Farms, 12833, Standard Cultivation, you were delinquent on your marijuana excise tax liability.

You have 30 days to resolve this matter with the Department of Revenue. If the delinquency is not resolved, an accusation may be brought to the Marijuana Control Board.

Your attention is directed to: AS 17.38.010(b)(2) legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; 3 AAC 306.480. Marijuana tax to be paid; 3 AAC 306.810. Suspension or revocation of license; AS 43.61.030(b). Marijuana cultivation facility fails to pay tax; AS 43.05.230(e) DOR can publish list of taxpayer(s) who failed to pay their taxes.; 15 AAC 61.020. License revocation and suspension.

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IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.

***Please send your response to the address below and include your Marijuana Establishment License Number in your response.**

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

Issuing Investigator: J. Hoelscher

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Email

206

Date:

Notice of Violation

Email

(3AAC 306.805)

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

Date: 1/30/23

License #/Type: 12833

Standard Cultivation

Designated Licensee: Janiese Stevens

AMCO Case#: AM 23-0194

DBA: Wildflower Farms

Premises Address: 2908 Kachemak Drive Homer, AK 99603

Mailing Address: PO Box 1571 Homer, AK 99603

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana 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.

As of 1/25/2023, Wildflower Farms, 12833, Standard Cultivation, you were delinquent on your marijuana excise tax liability.

You have 30 days to resolve this matter with the Department of Revenue. If the delinquency is not resolved, an accusation may be brought to the Marijuana Control Board.

Your attention is directed to: AS 17.38.010(b)(2) legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; 3 AAC 306.480. Marijuana tax to be paid; 3 AAC 306.810. Suspension or revocation of license; AS 43.61.030(b). Marijuana cultivation facility fails to pay tax; AS 43.05.230(e) DOR can publish list of taxpayer(s) who failed to pay their taxes.; 15 AAC 61.020. License revocation and suspension.

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IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.

***Please send your response to the address below and include your Marijuana Establishment License Number in your response.**

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

Issuing Investigator: J. Hoelscher

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Email

207

Date:

Notice of Violation

Email

(3AAC 306.805)

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

Date: 2/27/23

License #/Type: 12833

Standard Cultivation

Designated Licensee: Janiese Stevens

AMCO Case#: AM 23-0352

DBA: Wildflower Farms

Premises Address: 2908 Kachemak Drive Homer, AK 99603

Mailing Address: PO Box 1571 Homer, AK 99603

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana 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.

As of 2/23/2023, Wildflower Farms, 12833, Standard Cultivation, you were delinquent on your marijuana excise tax liability.

You have 30 days to resolve this matter with the Department of Revenue. If the delinquency is not resolved, an accusation may be brought to the Marijuana Control Board.

Your attention is directed to: AS 17.38.010(b)(2) legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; 3 AAC 306.480. Marijuana tax to be paid; 3 AAC 306.810. Suspension or revocation of license; AS 43.61.030(b). Marijuana cultivation facility fails to pay tax; AS 43.05.230(e) DOR can publish list of taxpayer(s) who failed to pay their taxes.; 15 AAC 61.020. License revocation and suspension.

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IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.

***Please send your response to the address below and include your Marijuana Establishment License Number in your response.**

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

Issuing Investigator: J. Hoelscher

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Email

208

Date:

Notice of Violation

Email

(3AAC 306.805)

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

Date: 3/24/23

License #/Type: 12833

Standard Cultivation

Designated Licensee: Janiese Stevens

AMCO Case#: AM 23-0501

DBA: Wildflower Farms

Premises Address: 2908 Kachemak Drive Homer, AK 99603

Mailing Address: PO Box 1571 Homer, AK 99603

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana 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.

As of 3/22/2023, Wildflower Farms, 12833, Standard Cultivation, you were delinquent on your marijuana excise tax liability.

You have 30 days to resolve this matter with the Department of Revenue. If the delinquency is not resolved, an accusation may be brought to the Marijuana Control Board.

Your attention is directed to: AS 17.38.010(b)(2) legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; 3 AAC 306.480. Marijuana tax to be paid; 3 AAC 306.810. Suspension or revocation of license; AS 43.61.030(b). Marijuana cultivation facility fails to pay tax; AS 43.05.230(e) DOR can publish list of taxpayer(s) who failed to pay their taxes.; 15 AAC 61.020. License revocation and suspension.

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IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.

***Please send your response to the address below and include your Marijuana Establishment License Number in your response.**

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

Issuing Investigator: J. Hoelscher

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Email

209

Date:

Notice of Violation

Email

(3AAC 306.805)

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

Date: 4/21/23

License #/Type: 12833

Standard Cultivation

Designated Licensee: Janiese Stevens

AMCO Case#: AM 23-0665

DBA: Wildflower Farms

Premises Address: 2908 Kachemak Drive Homer, AK 99603

Mailing Address: PO Box 1571 Homer, AK 99603

This is a notice to you as licensee that an alleged violation has occurred. If the Marijuana 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.

As of 4/20/2023, Wildflower Farms, 12833, Standard Cultivation, you were delinquent on your marijuana excise tax liability.

You have 30 days to resolve this matter with the Department of Revenue. If the delinquency is not resolved, an accusation may be brought to the Marijuana Control Board.

Your attention is directed to: AS 17.38.010(b)(2) legitimate, taxpaying business people, and not criminal actors, will conduct sales of marijuana; 3 AAC 306.480. Marijuana tax to be paid; 3 AAC 306.810. Suspension or revocation of license; AS 43.61.030(b). Marijuana cultivation facility fails to pay tax; AS 43.05.230(e) DOR can publish list of taxpayer(s) who failed to pay their taxes.; 15 AAC 61.020. License revocation and suspension.

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IT IS RECOMMENDED THAT YOU RESPOND IN WRITING TO DOCUMENT YOUR RESPONSE FOR THE MARIJUANA CONTROL BOARD.

***Please send your response to the address below and include your Marijuana Establishment License Number in your response.**

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

Issuing Investigator: J. Hoelscher

Received by:

SIGNATURE:



SIGNATURE:

Delivered VIA: Email

210

Date:



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

MEMORANDUM

TO: Mayor Castner and Homer City Council
THROUGH: Rob Dumouchel, City Manager
FROM: Ryan Foster, AICP, City Planner
DATE: September 18, 2023
SUBJECT: Wildflower Farms Standard Marijuana Cultivation
Facility License Renewal

I have received and reviewed the renewal license application for Wildflower Farms, Standard Marijuana Cultivation Facility, License number 12833, located at 2908 Kachemak Drive, Homer, AK.

I have no objection to the application on zoning related issues.



City of Homer

www.cityofhomer-ak.gov

Police Department

625 Grubstake Avenue
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

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

Memorandum

TO: RENEK KRAUSE, MMC, DEPUTY CITY CLERK
FROM: MARK ROBL, CHIEF OF POLICE
DATE: SEPTEMBER 20, 2023
SUBJECT: MARIJUANA LICENSE RENEWAL

The Homer Police Department objects to the Marijuana License Renewal for Alaska Loven It, LLC. This business has been receiving monthly notices of violation from the Alcohol and Marijuana Control Office since October of 2022 for failure to pay its marijuana excise tax liability. We believe its operating license should be suspended in accordance with AS 43.61.030(b), until it comes into compliance.

LICENSE TYPE: Standard Marijuana Cultivation Facility
LICENSE # 12833
DBA NAME Wildflower Farms
SERVICE LOCATION: 2908 Kachemak Drive, Homer AK. 99603
LICENSEE: Alaska Loven It, LLC
CONTACT PERSON: Janiese Stevens



MEMORANDUM

Strategic Planning Session Priorities: Financial Plan

Item Type: Action Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: September 20, 2023
Through: Mayor Castner
From: Councilmembers Lord and Erickson

Background:

During our last strategic planning session, the concept of a “financial plan” was put at the top of the list of priorities. Councilmember Erickson, the Mayor, and I would like to help energize this work and provide staff with specific direction on the next steps to move forward.

This memorandum is aimed at sharing with the Council our ideas at this time, in order to receive feedback and more specific ideas from the full body. From there, our goal is to bring a resolution with specified direction and timeline before Council at our next regular meeting.

- A defined and followed system of regular financial reporting to the Council (i.e. monthly balance sheet)
- Similar to the Utility Fund, full financial policies for the General Fund and Enterprise Fund.
 - Enterprise Fund should start with the Port & Harbor Commission.
 - Note that for the Utility Fund, Council hired a consultant to assist in a full review of the Fund and drafting policies for Council review.
 - This should include:
 - How we budget for projects that we don’t anticipate during the budgeting process (reserve accounts!);
 - How different funds are used and minimum/maximum amounts to target within those funds;
 - How we fund large capital projects, etc.
- Citywide CARMA planning, in line with what Public Works has done for the Fleet, Roads, and Utility.
 - If we are not going to have individual CARMA buckets (i.e. Fire Reserve, Library Reserve, IT Reserve) that we *must* have a way to understand how meeting needs in one department, is going to impact our ability to fund needs in other departments.

- Audit improvements.
 - What are all of the factors leading to the extremely delayed audit reports?
 - What are all of the options for how those could be addressed?
 - This could be something the Council might consider hiring a third party assessment.
- Procurement Policy update - staff is working on this, and it should be included in an overall understanding of how the Council and staff work together to make sure the City runs smoothly and responsibly.

Conclusion:

We thank the Council for thinking about what you need and would like to see, in order to work more transparently with staff, and responsibly execute our financial oversight for the City.

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 23-100

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AWARDING THE GENERAL COUNSEL LEGAL SERVICES CONTRACT FOR A THREE YEAR TERM TO THE FIRM OF JERMAIN, DUNNAGAN & OWENS, P.C. OF ANCHORAGE, ALASKA, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, Jermain, Dunnagan & Owens, P.C. (JDO) have been the City of Homer’s General Counsel since October 1, 2019, selected and hired by the City Council; and

WHEREAS, JDO is an Alaskan firm with the knowledge and understanding of Alaska’s unique legal issues; and

WHEREAS, JDO has a number of attorneys on staff that have experience and focused expertise in complex litigation, business and commercial law, labor and employment law that the City uses frequently.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards a three year contract for General Counsel Legal Services to the firm of Jermain, Dunnagan & Owens, P.C. of Anchorage, Alaska and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 25th day of September, 2023.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: Acct. No. 100.0100.5624 monthly retainer of \$12,500, additional hours based on need and rates in contract fee schedule

GENERAL COUNSEL LEGAL SERVICES AGREEMENT

THIS Agreement made and entered into this _____ day of September, 2023, by and between the City of Homer, an Alaska municipal corporation (the City), and Jermain, Dunnagan & Owens, P.C. (the Firm).

Section 1. Engaged Employment of the Firm

The City hereby agrees to engage the Firm and the Firm hereby agrees to perform the services hereafter set forth.

Section 2. Scope of Services

- (A) Serve as the legal advisor of and be responsible to the City Council, and advise the City Manager, and City Clerk concerning matters affecting City administration, as well as perform other duties as may be prescribed by the City Council.
- (B) Prepare legal documents such as ordinances, resolutions, contracts, conveyances, etc., and legal opinions, as needed. Provide representation in court, negotiate on the City's behalf and handle other legal matters that may arise.
- (C) Be readily available for consultation by the City Council, City Manager, City Clerk, and City staff.
- (D) Draft opinion letters regarding, among other subjects, the interpretation of the Homer Municipal Code and Charter, state and federal laws, and policies.
- (E) Perform other such duties as may be prescribed for the City Attorney by ordinance or by direction of the City Council and/or City Manager.
- (F) Work effectively with the City Council, City Manager, City staff, and also with other public agencies with which the City has legal relations.
- (G) The City Attorney, Michael Gatti, will be principally responsible for performing or supervising the work to be done by the Firm. The City Attorney will not change without consent of the City Council. Unless excused by the City Council, Mayor or Manager, the City Attorney will attend the majority of the 12 monthly required City Council meetings outlined in this contract. If the City Attorney is not available, he will send his designee.
- (H) The City Attorney, Michael Gatti, or his designee if he is not available, will be able to appear with reasonable notice telephonically at other meetings as requested by the City Council.
- (I) The City Attorney, at the City's request, will provide annual training for the City

Council and/or Commissions on municipal topics regarding or affecting the City of Homer. At least one training session after the municipal election will be provided to the City Council and as needed to the Planning Commission.

Section 3. Time of Performance

The services of the Firm shall commence on October 1, 2023 and continue in effect for three years. The City shall have the option to extend this Agreement for an additional three-year term commencing on the expiration of the Initial Term. Upon renewal of the Agreement, the monthly retainer amount and hourly rates may be adjusted only upon agreement by the City.

Section 4. Compensation

- (A) Subject to the provisions of this Agreement, the City shall pay the Firm a monthly retainer of \$12,500 to provide up to 65 hours of general counsel service per month. The retainer amount includes attorney time, attendance in Homer for 12 council meetings annually, computerized legal research charges, and telephone and fax charges. Paralegal services will be billed separately at the paralegal hourly rate. In the event the Firm’s invoice for any month includes less than 55 hours of attorney time, the number of hours below 55 shall be rolled over as a credit to the next month and, thereafter, from month to month; provided that, any outstanding credit remaining at the end of a contract year will not carry over to the next contract year.
- (B) The following are the hourly rates for services provided by attorneys in excess of 65 hours per month, for paralegal services, and for specialized services (i.e., litigation, administrative proceedings):

Hourly Rates	
Name	Hourly Billing Rate
Michael Gatti, Primary Attorney	\$250
Shareholders/Of Counsel	\$250
Senior Attorneys	\$235
Associates	\$215
Paralegals	\$105

- (C) Travel time for travel for attendance at more than 12 Council meetings in a contract year, or for other purposes approved by the City Manager, may be charged at a discounted rate of one half (½) of the hourly rate of the applicable hourly rate.
- (D) Costs for copies, messenger services and third-party charges will be passed through to the City at the actual cost. There will be no charge for computerized legal research, telephone, and fax charges as such charges are included in the monthly retainer.

Section 5. Method and Time of Payment

- (A) The City will compensate the Firm in accordance with Section 4, which compensation shall constitute the full and complete compensation for the Firm’s services and performance under this Agreement. Payments will be made on receipt of monthly

billing.

(B) No payment will be disbursed until approved by the City.

Section 6. Termination of Agreement for Cause

If, through any cause, the Firm shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or if the Firm shall violate any of the covenants, agreements, or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement by giving written notice to the Firm of such termination and specifying the effective date thereof, at least five (5) days before the effective date of such termination. All finished or unfinished documents, data, studies, surveys and reports or other material (to include without limitation data and information kept on computer, disk, video, tape, etc.) prepared by the Firm arising out of or connected with this Agreement are the property of the City and shall be delivered to the City by or upon the effective date of termination or upon request. The Firm shall be entitled to receive compensation in accordance with the payment provisions of Section 4 of this Agreement only for work completed to the City's satisfaction in accordance with Section 4 of this Agreement and the other terms of this Agreement.

Section 7. Termination for Convenience of City

The City may terminate this Agreement at any time by giving written notice to the Firm of such termination and specifying the effective date of such termination. All finished or unfinished documents and other materials as described in Section 6 are the property of the City and shall be delivered to the City by or upon the effective date of execution of this section. The Firm shall be entitled to receive compensation in accordance with the payment provisions of Section 4 of this Agreement only for work completed to the City's satisfaction in accordance with Section 4 of this Agreement and the other terms of this Agreement. If this Agreement is terminated due to the fault of the Firm, Section 6 of this Agreement shall govern the rights and liabilities of the parties.

Section 8. Causes Beyond Control

In the event the Firm is prevented by a cause or causes beyond control of the Firm from performing any obligation of this Agreement, non-performance resulting from such cause or causes shall not be deemed to be a breach of this Agreement, which will render the Firm liable for damages or give rights to the cancellation of the Agreement for cause, provided that the Firm duly and timely notifies the City in writing of the cause or causes, which writing must be titled "Cause or Causes Beyond Control of Attorney." However, if and when such cause or causes cease to prevent performance, the Firm shall exercise all reasonable diligence to resume and complete performance of the obligation with the least possible delay. The phrase "cause or causes beyond control," as used in this section, means any one or more of the following causes which are not attributable to the fault or negligence of the Firm and which prevent the performance of the Firm: fire, explosions, acts of God, war, orders or law of duly constituted public authorities, and other major uncontrollable and unavoidable events, all of the foregoing which must actually prevent the Firm from performing the terms of the Agreement as set forth

herein. Events which are peculiar to the Firm and would not prevent another Firm from performing, including, but not limited to financial difficulties, are not causes beyond the control of the Firm. Based on Firm's "Cause or Causes Beyond Control of Attorney," the City will determine whether the event preventing the Firm from performing is a cause beyond the Firm's control.

Section 9. Modifications

- (A) The parties may mutually agree to modify the terms of the Agreement only by means of an agreement in writing signed by both parties. Modifications to the Agreement shall be incorporated into the Agreement by written amendments.
- (B) It is expressly understood that the City may require changes in the scope of services and an unreasonable refusal by the Firm to agree to modification in the scope of services will be the basis for termination of the Agreement for cause.

Section 10. Non-Assignability

- (A) The Firm shall not assign any interest in this Agreement and shall not transfer any interest in the same (whether by assignment or novation) without the prior written consent of the City, thereto.
- (B) The Firm shall not delegate duties or otherwise subcontract work or services under this Agreement without the prior written approval of the City.

Section 11. Interest of the Firm

The Firm covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. The Firm further covenants that in the performance of this Agreement it shall not knowingly employ any person having any such interest and that it shall reasonably inquire of all its employees to determine that they have no such interest.

Section 12. Findings Confidential

Except as required by law, including court orders directing disclosure, any reports, information, data, etc., given to or prepared or assembled by the Firm under this Agreement which the City requests to be kept confidential shall not be made available to any individual or organization by the Firm without the prior written approval of the City.

Section 13. Publication, Reproduction and Use of Materials

No material produced, in whole or in part, under this Agreement shall be subject to copyright in the United States or in any other country. The City shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared under this Agreement.

Section 14. Records

- (A) The Firm’s files will be retained in accordance to City’s Records Retention Schedule. The Firm will provide the City Clerk with a report and obtain written authorization prior to destruction of any records.
- (B) Upon termination of this agreement, all the Firm’s records will be turned over to the City Clerk as described in Section 6.

Section 15. Jurisdiction; Choice of Law

Any civil action arising from this Agreement shall be brought in the district or superior courts for the Third Judicial District of the state of Alaska at Homer. The laws of the state of Alaska shall govern the rights and obligations of the parties.

Section 16. Non-Waiver

The failure of the City at any time to enforce a provision of this Agreement shall in no way constitute a waiver of the provisions, nor in any way affect the validity of this Agreement or any part thereof, or the right of the City thereafter to enforce each and every provision hereof.

Section 17. Permits, Laws and Taxes

The Firm shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to the performance under this Agreement. In performing its obligations under this Agreement, the Firm shall comply with all applicable statutes, ordinances, rules and regulations. The Firm shall pay all taxes pertaining to its performance under this Agreement.

Section 18. Relationship of the Parties

The Firm shall perform its obligations hereunder as an independent contractor of the City. The City may administer this Agreement and monitor the Firm’s compliance with this Agreement but shall not supervise or otherwise direct the Firm except to provide recommendations and to provide approvals pursuant to this Agreement.

Section 19. Administration of this Agreement

- (A) The City Manager or designee will be the representative of the City administering this Agreement.
- (B) The services to be furnished by the Firm shall be administered by the City Manager. In the event that the Firm is unable to serve for any reason to perform his obligations under this Agreement, the Firm shall appoint a successor in interest but such appointment will be subject to a written approval of the City.

Section 20. Integration

This instrument and all appendices and amendments hereto embody the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations or agreements, either oral or written, between the parties. To the extent they are not inconsistent with the terms of this Agreement; the following documents are incorporated by reference into this Agreement as if fully set forth herein:

Section 21. Interpretation and Enforcement

This Agreement is being executed by the parties following negotiations between them. It shall be construed according to the fair intent of the language as a whole, not for or against any party. The titles of sections in this Agreement are not to be construed as limitations or definitions but are for identification purposes only.

Section 22. The Firm's Insurance

- (A) The Firm will maintain during the course of the contract Firm's errors and omissions insurance in the amount of at least \$1,000,000 per claim and \$2,000,000 aggregate, with a deductible no greater than \$25,000.
- (B) The Firm will, at its own expense, secure and maintain and file a certificate of insurance with the City with acceptable insurance coverage.
 - (1) Comprehensive General Liability or Commercial General Liability Coverage: Limit \$1,000,000 per claim and \$2,000,000 aggregate Bodily Injury and Property Damage, combined Single Limit. Coverage to include:
 - (2) Worker's Compensation Insurance in compliance with the laws of the State of Alaska, AS 23.30, et. seq., and federal jurisdiction where the work is being performed, covering all employees engaged in the performance of the work specified in this Agreement. Employer's liability limits shall be: \$100,000 each accident; \$500,000 disease-policy limit; and \$100,000 disease-each employee.
 - (3) Comprehensive Automobile Liability: Limit \$1,000,000 Bodily Injury and Property Damage, Combined Single Limit. Coverage to include all owned or rented/leased vehicles driven by employees engaged in the performance of the work specified in this Agreement.
 - (4) Unemployment Insurance by payment of employment security taxes for all employees hired by the Firm to work on this project. In the event of the Firm's failure to pay such taxes, the City will withhold an amount sufficient to pay such taxes from any payments owed to the Firm by the City. The City also reserves the right to contact the Alaska State Department of Labor, in order to determine whether unemployment security taxes have been paid by the Firm. The City further reserves the right to withhold that portion of employment security taxes owed to any

employees pending notification of the Firm's unemployment security tax clearance from the Alaska State Department of Labor.

- (C) A lapse in insurance coverage is a material breach of this Agreement, which may result in immediate termination of the Agreement, pursuant to Section 6 for cause.
- (D) Each policy of insurance required by this section shall provide for no less than 30 days' advance notice to the City prior to cancellation.

Section 23. Understanding

The Firm acknowledges that the Firm has read and understands the terms of this Agreement, has had the opportunity to review the same with counsel of its choice, and is executing this Agreement of his own free will.

Section 24. Severability

If any section or clause of this Agreement is held invalid by a court of competent jurisdiction, or is otherwise invalid under the law, the remainder of this Agreement shall remain in full force and effect.

Section 25. Compliance with Law

The Firm shall comply with all applicable Federal, State of Alaska and City laws, regulations, and ordinances in performing its duties hereunder.

Section 26. Notices

Any notice required pertaining to the subject matter of the Agreement shall be personally delivered or mailed by prepaid first-class, registered or certified mail to the following address:

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

The Firm: Jermain, Dunnagan & Owens, P.C.
Attention: Michael Gatti
111 West 16th Ave, Suite 203
Anchorage, Alaska 99501

CITY OF HOMER:

THE FIRM:

Robert Dumouchel, City Manager

Mark P. Melchert, Vice President



MEMORANDUM

Resolution 23-101, Repealing Section 13 of the Reserved Stall Vessel Moorage Agreement and Section 10 of the Transient Vessel Moorage Agreement and Providing for an Immediate Effective Date. Mayor.

Item Type: Informational Memorandum
Prepared For: Homer City Council
Date: September 20, 2023
From: Ken Castner, Mayor

Background:

I wrote the resolution to repeal the sections of the moorage agreements for Stall Rental and Transient Moorage shortly after the last City Council meeting. Later in the week I met with Crisi Matthews, Chair of the Port and Harbor Advisory Commission (PHC). She said the moorage agreements would be discussed at a PHC work session on Monday, September 18, 2023, which I attended.

At the PHC work session, the Commissioners had many questions and concerns and were willing to spend time examining the implications and unanticipated consequences of the policy as written. The chair asked if I would be willing to withdraw my resolution to allow them time to do that. I said I would, but only if the enforcement was put off until the next renewal period.

The consequences of not meeting the insurance requirements are quite draconian: If not complied with by September 30th, a stall holder **will lose their moorage** in the Homer Boat Harbor.

The City Manager, Harbor Master, City Attorney and I will meet prior to Monday's City Council meeting and if they agree to the delay until the next renewal period and assist the Port & Harbor Advisory Commission in drafting a fair and clear requirement, I will pull the Resolution from the agenda.

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 23-101

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A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
REPEALING SECTION 13 OF THE RESERVED STALL VESSEL
MOORAGE AGREEMENT AND SECTION 10 OF THE TRANSIENT
VESSEL MOORAGE AGREEMENT AND PROVIDING FOR AN
IMMEDIATE EFFECTIVE DATE.

WHEREAS, The City’s Moorage Agreement require, in section 10 of the agreement for Transient vessels, and in Section 13 in the agreement for Reserved Stall vessels, the following insurance requirements:
“Insurance: Owner shall maintain in effect during the term of this agreement liability insurance covering Owner’s employees, invitees and passengers, and covering damage to Harbor property and other vessels and facilities by the operation of the Vessel. If the Vessel carries passengers for hire, the liability insurance shall cover bodily injury, including death, in an amount not less than \$100,000 per person, \$300,000 combined single limit per occurrence (including property damage). All required policies of liability insurance shall name City as an additional insured with waiver of subrogation”; and

WHEREAS, the above-cited requirements for insurance have not been enforced in any prior year for vessels falling in either category; and

WHEREAS, The City has notified all vessels facing the annual stall renewal, and through the renewal notice that:
“ ***NEW for 2023*** The Harbor is requiring that all reserved stall holders provide proof that they carry insurance for their boat. Proof can be a paper or emailed copy of a Certificate of Insurance (COI), declarations page, or an Insurance Card. The document must include the policy number, policy effective dates, covered vessel, and policyholder name. We will not renew stalls from tenants who are unable to provide proof of insurance”; and

WHEREAS, the decision to require insurances was made by the City Administration, without review by the Port and Harbor Commission or the Homer City Council; and

WHEREAS, Legislative process, including policy-making, is reserved for the Homer City Council under AS 29.20.050; and

WHEREAS, the decision to waive or enforce provisions of City Code and City Policies is the exclusive purview of the Homer City Council which, as a matter of process, will provide opportunities for public comment on those decisions; and

WHEREAS, Administrative policy decisions, made outside of a public process, and not subject to the scrutiny or advice of the general public, and not subject to appeal, leave the public searching for avenues for relief.

46 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, repeals Section 10
47 of the Transient Vessel Moorage Agreement and Section 13 of the Reserved Stall Vessel Moorage
48 Agreement; and

49
50 BE IT FURTHER RESOLVED that the repeal of those sections is effective upon the execution of
51 this Resolution.

52
53 PASSED AND ADOPTED BY THE CITY COUNCIL OF HOMER, ALASKA, This 25th day of September,
54 2023.

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56 CITY OF HOMER

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59 _____
60 KEN CASTNER, MAYOR

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62 ATTEST:

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65 _____
66 MELISSA JACOBSEN, MMC, CITY CLERK

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68 YES:

69 NO:

70 ABSENT:

71 ABSTAIN: