



**Homer City Hall**  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## **City of Homer Agenda**

**City Council Special Meeting**  
**Wednesday, July 01, 2020 at 5:00 PM**  
**Cowles Council Chambers via Zoom Webinar**  
**Webinar ID: 970 4620 2004 Password: 856855**

### **CALL TO ORDER, PLEDGE OF ALLEGIANCE**

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

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

**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. Memorandum 20-095 from Mayor re: Appointments to the Planning Commission. Recommend approval.
  
- b. Ordinance 20-40, An Emergency Ordinance of the City Council of Homer, Alaska, Declaring the Failure of the Woodard Creek Culverts on Fairview Avenue to Constitute an Emergency and Authorizing Emergency Procurement Procedures. City Manager/Public Works Director. Introduction and Public Reading July 1, 2020. Recommend adoption.

Memorandum 20-096 from Public Works Director as backup.

- c. Resolution 20-058, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply to the State of Alaska, Department of Environmental Conservation (ADEC) for a Loan from the Alaska Drinking Water Fund for the Project Entitled Homer Seawall Armor Rock Improvement. City Manager. Recommend adoption.
  
- d. Resolution 20-060, A Resolution of the City Council of Homer, Alaska, Initiating a Seawall Improvement Special Assessment District for Armor Rock Toe Improvements. City Manager. Recommend adoption.

Memorandum 20-097 from City Clerk as backup

Memorandum 20-098 from Public Works Director as backup

- e. Resolution 20-061, A Resolution of the Homer City Council Amending the Small Business Economic Recovery Grant (SBERG) Program to Clarify Eligibility Requirements related to Delinquent Status with the Kenai Peninsula Borough Tax Department and requesting a Review of Audit Requirements and City Process from Staff. Lord. Recommend adoption.

#### **CITY MANAGER'S REPORT**

- a. City Manager's Report

#### **PENDING BUSINESS**

#### **NEW BUSINESS**

- a. Interview with City Manager Candidate - Rob Dumouchel
- b. Consideration of City Manager Candidates
- c. Memorandum 20-094 from Councilmember Aderhold re: Letter to Governor Regarding Development of Homer Specific COVID 19 Mitigation Plan

#### **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, July 27, 2020 at 6:00 p.m. A Worksession will be held at 4:00 p.m. and the 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.



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Office of the Mayor

491 East Pioneer Avenue  
Homer, Alaska 99603

[mayor@ci.homer.ak.us](mailto:mayor@ci.homer.ak.us)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 20-095

TO: HOMER CITY COUNCIL  
FROM: MAYOR CASTNER  
DATE: JUNE 24, 2020  
SUBJECT: APPOINTMENTS TO THE HOMER PLANNING COMMISSION

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Kalie Petska-Rubalcava is reappointed to the Planning Commission, and Charles Barnwell is appointed to the Planning Commission. The terms expire July 1, 2023.

**Recommendation:** Confirm the reappointment of Kalie Petska-Rubalcava, and the appointment of Charles Barnwell to the Planning Commission.



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

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

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

## APPLICANT INFORMATION

Full Name: Kalie Petska - Rubalcava

Physical Address Where you Claim Residency: 567 Hidden Way, Homer, AK 99603

Mailing Address: 567 Hidden Way City: Homer State: AK Zip: 99603

Phone: 907 299-2200 Email: Kalie.rubalcava@gmail.com

Cell#: 907 299-2200 Work #: \_\_\_\_\_

## ADVISORY BODY YOU ARE REQUESTING REAPPOINTMENT TO:

- ADVISORY PLANNING COMMISSION
- PARKS, ART, RECREATION & CULTURE ADVISORY COMMISSION
- PORT & HARBOR ADVISORY COMMISSION
- ECONOMIC DEVELOPMENT ADVISORY COMMISSION
- LIBRARY ADVISORY BOARD
- OTHER - PLEASE INDICATE \_\_\_\_\_

## CITY OF HOMER PUBLIC OFFICIAL CONFLICT OF INTEREST DISCLOSURE STATEMENT

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

## PLEASE PROVIDE THE FOLLOWING

Do you fill a seat for a City Resident  or Non Resident   
Has your residency changed since your last appointment?  Yes  No

**PLEASE PROVIDE THE FOLLOWING**

How long have you served on the advisory body?

I have served on the advisory planning commission since April 2019.

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

I wish to be reappointed to the Advisory Body to continue with our current workload items that we have spent many meetings planning and developing. Such as the rezoning of the Homer Medical District.

I feel over the past year I have been able to develop many new planning skills and perspectives and I am really beginning to appreciate the process. Initially I don't feel like I was very passionate about city planning, but I have found that not to be true any more and that in reality I care greatly about the type of town Homer plans on becoming and the process that it takes to implement those plans. I would like to be reappointed to the advisory board because I feel like I am just getting into the "swing" of public process and feel that I have a different perspective to add to the board and help strengthen the diversity of the commission. We have seen a lot of great initiatives (i.e. spit parking, way finding, stormwater) come across the table that I would like to be a part of in the near future when they occur and come back to the commission's workload. I believe the last year has laid a solid foundation for my position on the commission and I look forward to long-term involvement in the planning of our city.

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

N/A



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

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

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

Name: Charles (Charlie) Barnwell Date: 6/22/2020

Physical Address: 410 Crestwood Circle, Homer, 99603

Mailing Address: same

Phone #: 907/602-1213 Cell #: 907/602-1213 Work #: \_\_\_\_\_

Email Address: barnwellce@gmail.com

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

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

**ADVISORY PLANNING COMMISSION**

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

**ECONOMIC DEVELOPMENT ADVISORY COMMISSION**

2ND TUESDAY OF THE MONTH AT 6:00 PM

**PARKS ART RECREATION & CULTURE ADVISORY COMMISSION**

3RD THURSDAY OF THE MONTH AT 5:30 PM  
NO MEETINGS IN JANUARY, JULY & DECEMBER

**CITY COUNCIL**

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

**PORT & HARBOR ADVISORY COMMISSION**

4th WEDNESDAY OF THE MONTH  
OCT-APRIL AT 5:00 PM  
MAY - SEPT AT 6:00 PM

**LIBRARY ADVISORY BOARD**

1ST TUESDAY OF THE MONTH AT 5:30 PM  
NO MEETINGS IN JANUARY, JUNE AND JULY

**OTHER - PLEASE INDICATE**

I have been a resident of the city for 3.5 years. I have been a resident of the area for 3.5 years. <sup>current resident of City of Homer ✓</sup>

I am presently employed at Kinney Engineering (part-time)

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

MS in Planning ; BS in Geology  
GIS Professional - 35 years

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

- ① City of Homer Parks Art, Recreation and Culture Commission -  
1 yr ; ② Community Council in Anchorage 15 years

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

Lifelong Alaska resident interested in helping Homer plan +  
develop into an outstanding community

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

Kachemak Nordic Ski Club Board ; Parks (PARCAC)  
American Planning Association

Please answer the following only if you are applying for the Advisory Planning Commission:

Have you ever developed real property other than a personal residence, if so briefly explain:

No.

Please answer if you are applying for the Port & Harbor Advisory Commission:

Do you use the Homer Port and/or Harbor on a regular basis?

Yes  No  What is your primary use? Commercial  Recreational  oc.

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

Hard-working + analytical, strong writing skills,  
as well as articulate. Although new to living in Homer,  
have visited multiple times a year for at least 25  
years. I am very good at reviewing and analyzing  
issues.

When you have completed the application please review and return to the City Clerk's Office. You may also email this to [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov) or fax 7 907-235-3143. Thank you for applying!

**ORDINANCE REFERENCE SHEET**  
**2020 ORDINANCE**  
**ORDINANCE 20-40**

Emergency Ordinance 20-31, An Emergency Ordinance of the City Council of Homer, Alaska, Declaring the Failure of the Woodard Creek Culverts on Fairview Avenue to Constitute an Emergency and Authorizing Emergency Procurement Procedures.

Sponsor: City Manager/Public Works Director

1. City Council Special Meeting July 1, 2020 Introduction and Public Reading.

Memorandum 20-096 from Public Works Director as backup









# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Public Works

3575 Heath Street  
Homer, AK 99603

[publicworks@cityofhomer-ak.gov](mailto:publicworks@cityofhomer-ak.gov)

(p) 907- 235-3170

(f) 907-235-3145

## Memorandum 20-096

TO: Mayor Castner and City Council  
THROUGH: Rick Abboud, Acting City Manager  
FROM: Jan Keiser, PE, JD, Director of Public Works  
DATE: June 24, 2020  
SUBJECT: Emergency Declaration related to Woodard Creek Culverts

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- I. **Issue:** One of the culverts at Woodard Creek, crossing Fairview Avenue has failed, causing a sinkhole in Fairview Avenue. We have made emergency repairs, but a permanent solution is needed. We are asking for an emergency ordinance to allow us to execute a sole source contract, which is, per HCC 3.16.060, an exemption to Homer's procurement code. City Attorney Michael Gatti advises us that the City must make a declaration of an emergency before an exemption to the City's procurement requirements can be made.
  
- II. **Statement of Facts:** On June 19, 2020, we noticed a small hole in Fairview Avenue over Woodward Creek. After investigating the situation, we observed the existing culvert was badly corroded and had separated at a seam, allowing gravel from the road bed to fall into the culvert, creating a sinkhole. We closed the road, dug out the sinkhole, and discovered a massive hole in the Fairview Avenue roadbed. The roadbed gravel had been falling into the culvert and filled it almost 30% full. The culvert metal had so badly corroded that it looked like Swiss cheese. We dug out the worse part of the culvert and replaced it but a long term solution is needed.

A few years ago, the City rehabilitated a portion of existing storm drain on Bunnell Avenue by using a process called "slip lining". This involves pulling an inert fiberglass sleeve into the existing storm drain pipe and activating this sleeve with either heat or ultraviolet light. The fiberglass conforms to the shape of the existing culvert pipe and sets up into a strong, smooth, and durable inner layer. The expected service life on a properly executed installation is 50 years. There was minimal disruption to the public because the road didn't have to be dug up – all the public saw was a truck at one end of the storm drain pushing the fiberglass sleeve into one storm drain manhole and a truck at the other end pulling the sleeve from another manhole.

At that time, there were two contractors that performed this work in the state of Alaska. We contacted these firms to ask if they were willing/able to slip line the Woodard Creek culverts. We discovered the company that did the work on Bunnell Avenue went out of business in March 2020. The only remaining contractor that performs this work is Frawner Corporation. We received a quote from Nicholas Hebnes, Project Manager, at Frawner, to perform the work for both culverts for the price of \$152,000. This quote had numerous exclusions – traffic control, permits, performance bonds and more. We reviewed the list of exclusions to identify the elements, we needed, as a government public works agency, and informed Frawner we could not accept some of their exclusions. We estimate the added costs, to cover specified exclusions, will add another 20% to the quote, thereby increasing the price to \$182,400. We propose that the City execute a sole source contract with Frawner Corporation in an amount not to exceed \$182,400.

Executing the contract with Frawner Corporation under these circumstances requires an exemption to HCC 3.16 Procurements. Per 1.08.040, the City Council may allow this exemption upon finding that an emergency exists.

We have addressed specific authorization to execute the sole source contract in a separate ordinance and memorandum.

- III. Action Recommended:** That the City Council declare that:
- a. The failure of the Woodard Creek Culverts under Fairview Avenue constitutes an emergency; and
  - b. An exception to Homer’s procurement code is authorized.

**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**RESOLUTION 20-058**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY MANAGER TO APPLY TO THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION (ADEC) FOR A LOAN FROM THE ALASKA DRINKING WATER FUND FOR THE PROJECT ENTITLED HOMER SEAWALL ARMOR ROCK IMPROVEMENT.

WHEREAS, The City of Homer seeks to obtain funding to finance capital improvements to the Homer Seawall (Project); and

WHEREAS, The State of Alaska Department of Environmental Conservation (ADEC) may be able to provide financing through its Alaska Drinking Water Fund (ADEC Program); and

WHEREAS, It is in the best interest of the City to apply for funding from ADEC.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, authorizes the City Manager, or his designee, to apply to the State of Alaska Department of Environmental Conservation for a loan from the Alaska Drinking Water Fund to assist in financing capital costs of the Homer Seawall.

PASSED AND ADOPTED by the Homer City Council on this \_\_\_\_ day of July, 2020.

CITY OF HOMER

\_\_\_\_\_  
KEN CASTNER, MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

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

3 City Manager

4 **RESOLUTION 20-060**

5  
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 INITIATING A SEAWALL IMPROVEMENT SPECIAL ASSESSMENT  
8 DISTRICT FOR ARMOR ROCK TOE IMPROVEMENTS.  
9

10 WHEREAS, At the request of homeowners for the City's assistance, a seawall was  
11 engineered and constructed along the Ocean Drive Loop bluff in 2002 as an effort to mitigate  
12 erosion impacts to lots along the ocean bluff; and  
13

14 WHEREAS, This effort began with the adoption of Resolution 00-89(A) finding a need to  
15 create the Ocean Drive Loop Bluff Erosion Control Improvement District; and  
16

17 WHEREAS, Over the years regularly occurring winter storms with high tides and high  
18 winds have caused major storm damage to the seawall and resulted in the need for  
19 continued repair of the wall; and  
20

21 WHEREAS, Emergency Ordinance 11-49(S) created the Ocean Drive Loop Special  
22 Service District (ODLSSD) to collect tax revenues from benefitted property owners to support  
23 maintenance and repair of the seawall, which they own and is located on their properties;  
24 and  
25

26 WHEREAS, The ODLSSD total tax revenues received from benefitted property owners  
27 range from \$25,000 to \$30,000 annually and don't sufficiently cover the increasing seawall  
28 maintenance costs; and  
29

30 WHEREAS, Emergency repairs to the seawall have to be performed on an emergency  
31 basis in order to prevent further damage and remain in compliance with the U.S. Army Corps  
32 of Engineers (Corps) permit for the seawall; and  
33

34 WHEREAS, In the most recent winter storms the seawall received significant damage  
35 that threatens the wall's integrity with 20 of the 85 wood panels needing complete rebuild,  
36 and more frequent sink holes behind the wall indicate failure of the fiberglass sheet piling  
37 along the toe of the wall; and  
38

39 WHEREAS, Upcoming winter storms with high winds and high tides will continue to  
40 damage the wall and could potentially result in complete wall failure; and  
41

42 WHEREAS, HDR, Inc. provided a technical review of the seawall and provided a Homer  
43 Seawall Alternatives Analysis dated June, 27, 2019 that reviewed and provided concepts for  
44 improving the structure to reduce maintenance costs and extend the functional life of the  
45 structure, and indicated armor rock placement to protect the toe of the wall to be the most  
46 practical and cost effective solution which the homeowners who attended the community  
47 meetings in 2019 also agreed to as the best approach; and  
48

49 WHEREAS, The creation of a Seawall Improvement Special Assessment District (SAD)  
50 for the cost of placement of the armor rock was addressed at a worksession held May 18,  
51 2020 and financing for the armor rock may be available through a low interest Alaska  
52 Department of Environmental Conservation (ADEC)/Environmental Protection Agency (EPA)  
53 revolving loan; and  
54

55 WHEREAS, The ODLSSD, which is responsible for generating maintenance funds  
56 through an annually established mil rate, will remain in place to provide for long-term  
57 maintenance costs; and  
58

59 WHEREAS, HCC 17.02.040(a)(1) authorizes the City Council by a vote of not less than  
60 three fourths of its membership to initiate a SAD; and  
61

62 WHEREAS, The City Council deems it necessary and in the best interest to initiate a  
63 SAD for the benefitted property owners along and within proximity to the seawall as  
64 identified in the Seawall Improvement Special Assessment District for Armored Toe  
65 Improvement Proposal (Attachment A) to provide necessary improvements to the seawall,  
66 pursuant to HCC 17.02.040; and  
67

68 WHEREAS, Including properties beyond those directly impacted will provide owners of  
69 real property that may be impacted by future seawall failure the opportunity to receive SAD  
70 notices, engage in discussion of the improvement plan presented at the meeting of record  
71 owners of property in the proposed district, and participate in the objection process if they so  
72 choose; and  
73

74 WHEREAS, HCC 17.02.040(c) provides that upon the Council's initiation of a SAD the  
75 Clerk shall schedule a meeting of record owners of property in the proposed district, and  
76 refer the proposed district to the Public Works Director for the preparation of an  
77 improvement plan for the district; and  
78

79 WHEREAS, The City has been facilitating maintenance of the wall, as required by the  
80 Corps permit. If the property owners fail to create the Seawall Improvement SAD, based on  
81 the increasing cost of maintenance, the City will not have the financial resources necessary to  
82 continue maintaining the wall.  
83

84 NOW THEREFORE, BE IT RESOLVED:

85

86 Section 1. Initiation of special assessment district. As authorized by HCC  
87 17.02.040(a)(1), the Council hereby initiates the Seawall Improvement Special Assessment  
88 District for Armored Toe Improvement on the seawall.

89

90 Section 2. Meeting of property owners; Improvement plan. The Clerk shall  
91 schedule a meeting of record owners of real property in the proposed district in accordance  
92 with HCC 17.02.040(c)(1), and refer the proposed district to the Public Works Director for the  
93 preparation of an improvement plan, as provided in HCC 17.02.040(c)(2).

94

95 Section 3. Effective date. This resolution shall become effective upon passage and  
96 approval.

97

98 PASSED AND ADOPTED by the Homer City Council this 1<sup>th</sup> day of July, 2020.

99

100 CITY OF HOMER

101

102

\_\_\_\_\_  
103 KEN CASTNER, MAYOR

104

104 ATTEST:

105

106

\_\_\_\_\_  
107 MELISSA JACOBSEN, MMC, CITY CLERK





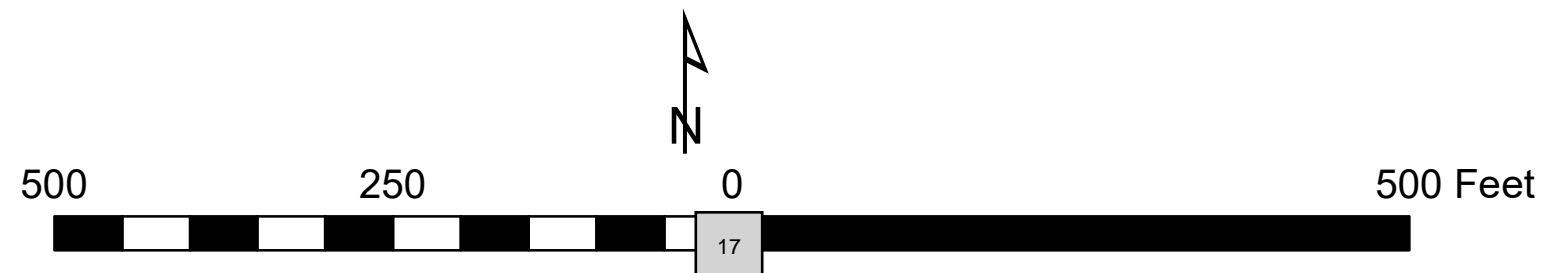



Attachment A

### Seawall Improvement Special Assessment District for Armored Toe Improvement Proposal

**Legend**

-  Seawall - Sheet Pile
-  Potential SAD District Boundary

Dept of Public Works  
6/25/2019

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.



# City of Homer

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## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 20-097

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: JUNE 25, 2020

SUBJECT: INITIATION OF SPECIAL ASSESSMENT DISTRICT INFORMATION

---

If Resolution 20-0xx to initiate the Seawall Improvement Special Assessment District for Armored Toe Improvement is adopted at the July 1, 2020 Special Meeting with five affirmative votes the Clerk's office will, pursuant to HCC 17.02.040:

- Schedule a meeting of record owners of real property in the proposed district (property owners), commonly referred to as the Neighborhood Meeting, for the evening of July 23rd.
- Mail notices of the Neighborhood Meeting with copies of the proposed improvement plan and map of the proposed district boundaries to property owners in the proposed district and publish the notice in the Homer News.
- Conduct the Neighborhood Meeting with the City Engineer and Public Works Director in attendance to discuss and answer questions from property owners regarding the proposed improvement plan.

Upon completion of the Neighborhood Meeting the Clerk's office will, pursuant to HCC 17.02.050:

- Schedule a public hearing for the September 28<sup>th</sup> Regular City Council Meeting.
- Not less than 60 days before the hearing, mail a notice of public hearing and property owner's right to object to property owners in the proposed district by certified mail, and publish the notice of public hearing at least twice in the Homer News. The deadline for property owners to respond is no later than the day before the date of public hearing on the proposed improvement plan.

At the September 28<sup>th</sup> Regular Meeting, Council will conduct the public hearing and consider a resolution regarding the approval of the Seawall Improvement Special Assessment District for Armored Toe Improvement.

HCC 17.02.050(b & c) outlines that if more than 50% of the property owners in the proposed district file timely written objections to the improvement plan, Council may not proceed unless the plan is revised. If less than 50% object, Council shall adopt a resolution approving the assessment if Council finds the improvement is necessary and benefits the properties assessed.

Attachments:

- HCC Title 17.02
- Notice of Right to Object Template



## Chapter 17.02

### SPECIAL ASSESSMENT DISTRICTS

Sections:

- 17.02.030 Purpose and authority for special assessment districts.
- 17.02.040 Initiation of special assessment district.
- 17.02.050 Creation of a special assessment district.
- 17.02.060 Contract – Approval of increased costs.
- 17.02.070 Special assessment roll.
- 17.02.080 Certification of assessment roll.
- 17.02.090 Payment.
- 17.02.100 Subdivision after levy of assessments.
- 17.02.120 Reassessment.
- 17.02.130 Objection and appeal.
- 17.02.140 Interim financing.
- 17.02.150 Special assessment bonds.
- 17.02.160 Time limit for special assessment districts.
- 17.02.170 Water and sewer connections required.
- 17.02.190 Hardship deferrals.
- 17.02.200 Payment in lieu of assessment.

**17.02.030 Purpose and authority for special assessment districts.**

- a. A special assessment district may be created for the purpose of acquiring, installing or constructing a capital improvement that primarily benefits real property in the district, in contrast to capital improvements that benefit the entire community and are paid for with general government resources or improvements that benefit a specific individual parcel.
- b. The purpose of this chapter is to prescribe the procedure for initiating a special assessment district, authorizing an improvement in a special assessment district, approving and levying special assessments, payment of special assessments, and the authorization of special assessment bonds, for public information and administrative guidance. [Ord. 19-23(S-2)(A) § 5, 2019].

**17.02.040 Initiation of special assessment district.**

- a. A special assessment district may be initiated by:
  - 1. A resolution, initiated by a Council member, the City Manager, or through the developer reimbursement application process set forth in this title and approved by a vote of not less than three-fourths of Council; or
  - 2. A petition signed by 50 percent of the total record owners who receive notice from the City Clerk's office that they will be assessed a portion of the costs of a single capital improvement.
- b. A benefitted property owner proposing a special assessment district by petition must file a complete special assessment petition application with the City Clerk. Special assessment petition applications are available at the City Clerk's office.

Upon receipt of a completed application and special assessment district filing fee, the City Clerk shall within 10 days:

- 1. Submit the application to the Public Works Director and Finance Director for review; and
- 2. Notify the applicant in writing that the application is either sufficient or insufficient and identify the insufficiencies.

Upon approval of an application, the Clerk shall then prepare the petition and distribute it by certified mail to all record owners of property in the proposed district no more than 30 days after the petition application is approved.

Petition signatures of the record owners of real property in the district to be benefitted must be received by the City Clerk within 60 days after the mailing of the petition.

c. Upon adoption of a resolution initiating a special assessment district, or the filing of a sufficient petition with the Clerk, the City Clerk shall:

1. Schedule a meeting of record owners of real property in the proposed district, notify the record owners by mail of the date, time and location of the meeting, and include a copy of the notice in the City's regular meeting advertisement;
2. Refer the proposed district to the Public Works Director, who shall prepare an improvement plan for the proposed district, to be provided at the neighborhood meeting. The proposed district improvement plan shall include:
  - a. The boundaries of the proposed district;
  - b. The design of the proposed improvement;
  - c. A cost estimate for the improvement;
  - d. The assessment allocation method used to calculate the amount owed by each record owner in the proposed district;
  - e. The percentage of the improvement cost to be assessed against properties in the district;
  - f. The time period over which assessments will be financed; and
  - g. Preliminary assessment roll for the proposed district.
3. The Public Works Director shall use the equal area method in calculating the assessment amount unless another method is specified in the improvement plan. [Ord. 20-12 § 1, 2020; Ord. 19-23(S-2)(A) § 5, 2019].

**17.02.050 Creation of a special assessment district.**

a. Upon completion of an improvement plan under this chapter, the City Clerk shall set a time for a public hearing on the necessity of the improvement and proposed improvement plan. Notice of the hearing shall be published at least twice in a newspaper of general circulation in the City, and mailed via certified mail to every record owner of real property in the proposed district not less than 60 days before the hearing.

b. A record owner of real property in the proposed district may file a written objection to the improvement plan with the City Clerk no later than the day before the date of the public hearing on the improvement plan. 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.

c. At the noticed date and time, Council shall hold a public hearing and shall adopt a resolution approving the assessment if Council finds, via resolution, that the improvement is necessary and benefits the properties that will be assessed. Council must also approve the proposed improvement plan. 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.

d. If record owners of all real property in the proposed assessment district waive in writing the notice, protest period and public hearing required under this section, the question of creating the district may be submitted to Council without such notice, protest period or public hearing. [Ord. 19-23(S-2)(A) § 5, 2019].

**17.02.060 Contract – Approval of increased costs.**

a. After a special assessment district has been created, the City shall contract for the construction of the improvement. If the City will own the improvement, it shall solicit bids for construction of the improvement. If the City will not own the improvement, it shall contract with the owner of the improvement to provide for its construction.

b. If the cost of constructing the improvement will exceed 15 percent of the estimated cost of construction identified in the improvement plan, the City shall not contract for the construction of the improvement without first notifying all record owners in the district via certified mail of the increased cost and providing record owners in the proposed district 30 days to object to the increase.

c. If the City receives written objections from record owners collectively bearing one-half or more of the cost of the improvement, the City may not contract to construct the improvement unless it can do so at an amount not more than 15 percent above the estimated cost of construction identified in the improvement plan. The City may still impose an assessment or levy taxes on the district for the costs of developing the improvement plan so long as the record owners approved the initiation of the district and the improvement plan. [Ord. 19-23(S-2)(A) § 5, 2019].

**17.02.070 Special assessment roll.**

a. After completion of the improvement, the City shall assess costs of the improvement and prepare an assessment roll stating for each property in the special assessment district the name and address of the record owner, Kenai Peninsula Borough parcel number, the legal description of the property, the amount assessed against the property, and the assessed value of the property as determined by the Borough Assessor.

b. Council shall certify the assessment roll by resolution.

c. Prior to certifying the assessment roll, Council shall hold a hearing. All record owners in the proposed district will have an opportunity to raise objections to the assessment roll at the hearing. At least 15 days before the hearing, the City Clerk shall send written notice of the hearing on the certification of the assessment roll by certified mail to each record owner appearing on the assessment roll and publish notice of the hearing in a newspaper of general circulation in the City. [Ord. 19-23(S-2)(A) § 5, 2019].

**17.02.080 Certification of assessment roll.**

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 are 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. [Ord. 19-23(S-2)(A) § 5, 2019].

**17.02.090 Payment.**

a. In the resolution certifying the assessment roll, Council shall fix the time or times when assessments or assessment installments are due, the amount of penalty on a delinquent payment and the rate of interest on the unpaid balance of an assessment. An assessment that is to be paid in a single payment shall not be due before 60 days after billing.

b. Within 30 days after fixing the time when payment of the assessments is due, the Finance Director shall mail a statement to the record owner of each assessed property identifying the property and stating the assessment amount, the payment due date, and the amount of the penalty on a delinquent payment. Within five days after mailing the statements, the Finance Director shall publish notice of mailing the statements in a newspaper of general circulation in the City. [Ord. 19-23(S-2)(A) § 5, 2019].

**17.02.100 Subdivision after levy of assessments.**

a. Except as otherwise provided in this section or required by a governing tariff, a “subdivided property connection fee” shall be paid before subdivided lots may be connected to an improvement for which the original assessment was levied.

- b. The “subdivided property connection fee” shall only be required when the original assessment on the pre-subdivided lot was apportioned equally between parcels and was not apportioned based upon lot size or area.
- c. The amount of the “subdivided property connection fee” shall be equal to the amount of the original assessment adjusted by the increase in the number of parcels.
- d. If the original assessment was payable in installments, the City may enter into a written agreement for the payment of the connection fee in installments on terms that are substantially the same as those authorized for the payment of the original assessment, secured by a deed of trust on the parcel.
- e. Upon the subdivision of a property assessed as a single parcel in the natural gas district improvements where assessments were levied in an equal amount per parcel (i.e., without regard to parcel area, dimension or other characteristic), the assessment levied on the property that is to be subdivided shall be paid in full before the recording of the final plat. No parcel that results from the subdivision shall be subject to assessment for the improvements, but shall be charged for connecting to the improvements in accordance with the tariff of the public utility that provides natural gas service to the parcel.
- f. Subdivisions of lots included in the original assessment shall only incur the “subdivided property connection fee” when the subdivision of the lot occurs on or before the date the total assessment for the district is paid in full.
- g. All subdivided property connection fees collected under this section shall be deposited in the Homer accelerated water sewer program fund. [Ord. 19-23(S-2)(A) § 5, 2019].

**17.02.120 Reassessment.**

- a. Council shall within one year correct any deficiency in a special assessment found by a court, under the procedure for certification of the assessment roll in this chapter.
- b. Payments on the initial assessment are credited to the property upon reassessment. The reassessment becomes a charge upon the property notwithstanding failure to comply with any provision of the assessment procedure. [Ord. 19-23(S-2)(A) § 5, 2019].

**17.02.130 Objection and appeal.**

- a. An assessment may only be contested by a person who filed a written objection to the assessment roll before its certification. Council’s decision regarding an objection to the assessment roll is final and may be appealed to the Superior Court within 30 days after the date of certification of the assessment roll.
- b. If no objection is filed or appeal taken within the time provided in this section, the assessment procedure shall be considered regular and valid in all respects. [Ord. 19-23(S-2)(A) § 5, 2019].

**17.02.140 Interim financing.**

- a. Council may provide by resolution or ordinance for the issuance of notes to pay the costs of an improvement from the special assessments for that improvement. The notes shall bear interest at a rate or rates authorized by the resolution or ordinance, and shall be redeemed either in cash or bonds for the improvement project.
- b. Notes issued against assessments shall be claims against the assessments that are prior and superior to a right, lien or claim of a surety on the bond given to the City to secure the performance of the contract for construction of the improvement, or to secure the payment of persons who have performed work or furnished materials under the contract.
- c. The Finance Director may accept notes against special assessments on conditions prescribed by the Council in payment of:
  - 1. Assessments against which the notes were issued in order of priority;
  - 2. Judgments rendered against property owners who have become delinquent in the payment of assessments;and

3. Certificates of purchase when property has been sold under execution or at tax sale for failure to pay the assessments. [Ord. 19-23(S-2)(A) § 5, 2019].

**17.02.150 Special assessment bonds.**

a. Council by ordinance may authorize the issuance and sale of special assessment bonds to pay all or part of the cost of an improvement in a special assessment district. The principal and interest of the bonds shall be payable solely from the special assessments levied against property in the district. The assessment shall constitute a sinking fund for the payment of principal and interest on the bonds. The benefited property may be pledged by the Council to secure payment of the bonds.

b. On default in a payment due on a special assessment bond, a bondholder may enforce payment of principal, interest, and costs of collection in a civil action in the same manner and with the same effect as actions for the foreclosure of mortgages on real property. Foreclosure shall be against all property on which assessments are in default. The period for redemption is the same as for a mortgage foreclosure on real property.

c. Before the Council may issue special assessment bonds, it shall establish a guarantee fund and appropriate to the fund annually a sum adequate to cover a deficiency in meeting payments of principal and interest on bonds if the reason for the deficiency is nonpayment of assessments when due. Money received from actions taken against property for nonpayment of assessments shall be credited to the guarantee fund. [Ord. 19-23(S-2)(A) § 5, 2019].

**17.02.160 Time limit for special assessment districts.**

a. If five or more years elapse between the creation of a special assessment district and the City contracting for construction of the improvement, the City may not enter into the contract unless the Council by resolution extends the period for entering into the contract by not more than an additional five years.

b. Before the Council acts on a resolution under subsection (a) of this section, the City Clerk shall mail notice of the resolution to each current record owner of property listed on the preliminary assessment roll that the City will not contract for construction of the improvement in the district unless the resolution is adopted. The notice also shall include an updated copy of the preliminary assessment roll. [Ord. 19-23(S-2)(A) § 5, 2019].

**17.02.170 Water and sewer connections required.**

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

**17.02.190 Hardship deferrals.**

a. A person may obtain a deferment of assessment payments under this section if the person:

1. Has an annual family income that is less than 125 percent of the current U.S. Health and Human Services Poverty Guidelines for Alaska;

2. Is the record owner of the assessed property, and permanently resides in a single-family dwelling on the property; and

3. Is not determined by the City, after notice and hearing, to have been conveyed the property primarily for the purpose of obtaining the deferment.

b. A person seeking deferment of an assessment payment shall file a written application with the Finance Director supported by documentation showing that the applicant meets the criteria in subsection (a) of this section. A person requesting an assessment payment deferment the first year the assessment is levied must file an application for deferment with the City no more than 15 days after receiving the initial assessment. A person requesting an assessment payment deferment under this section in any year after the first year must file an application for deferment no later than April 15th of the year for which the deferment is sought. A person must file an application each year for which deferment is sought and shall be required to prove eligibility for deferment as of January 1st of each year for which a deferment is requested. Within the same year, the City for good cause shown may waive the claimant's failure to make timely application and approve the application as if timely filed.



c. A person who receives an assessment payment deferment shall execute a deed of trust on the property subject to assessment, together with a promissory note payable to the City on demand, to secure the eventual payment of the deferred payment.

d. A deferred assessment payment shall be immediately due and payable upon the earlier to occur of the following events:

1. The sale or lease of the assessed property; or
2. The death of both the deferred assessment applicant and the applicant's surviving spouse, if any.

e. Except for assessments imposed upon the natural gas assessment district, hardship deferrals are not available from assessment payments for the infrastructure of a privately owned utility. [Ord. 19-23(S-2)(A) § 5, 2019].

**17.02.200 Payment in lieu of assessment.**

a. The purpose of an in lieu of assessment is to allow the City to respond to changing circumstances and allow a lot outside a special assessment district access to an improvement after the formation of the District. It provides a mechanism for the City to be compensated for access to the improvement while maintaining an incentive for the formation of future special assessment districts. An in lieu of assessment should be used infrequently and only in furtherance of this purpose.

b. A payment in lieu of assessment may be available to owners of property outside a special assessment district who want to connect to the improvement funded by a special assessment district. In order to qualify for connection to an improvement under this section, the record owner of the property and the City shall enter into a written agreement. The record owner shall agree in writing to:

1. Pay the full and actual costs of extending the benefit of the improvement onto their property; and
2. Pay in full the property's prorated share of the assessed improvement.

c. The Public Works Director retains authority to deny a request for extension of an improvement under this section.

d. A payment in lieu of assessment must be paid in an equal or shorter period than the term of the original assessment.

e. Property accessing an improvement under this section may be included in a special assessment district for the same service created in the future. If a property is included in an assessment district under this subsection, the property will receive a credit towards the total assessment equal to (1) the amount of the "in lieu of assessment" already paid for the property or (2) the amount of the assessment levied on the property in the future special assessment district, whichever amount is less. [Ord. 19-23(S-2)(A) § 5, 2019].



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

CITY OF HOMER

### NOTICE OF RIGHT TO OBJECT

\_\_\_\_\_ IMPROVEMENT  
SPECIAL ASSESSMENT DISTRICT

#### SPECIAL ASSESSMENT DISTRICT:

\_\_\_\_\_ IMPROVEMENT SPECIAL ASSESSMENT DISTRICT, affecting the property described on the Preliminary Assessment Roll.

On \_\_\_\_\_ the Homer City Council Initiated the \_\_\_\_\_ 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 \_\_\_\_\_ 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](mailto:clerk@ci.homer.ak.us)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020

Renee Krause, MMC, Deputy City Clerk

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



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Public Works

3575 Heath Street  
Homer, AK 99603

[publicworks@cityofhomer-ak.gov](mailto:publicworks@cityofhomer-ak.gov)

(p) 907- 235-3170

(f) 907-235-3145

## Memorandum 20-098

TO: Mayor Castner and Homer City Council  
THROUGH: Rick Abboud, Acting City Manager  
FROM: Jan Keiser, PE, JD, Director of Public Works  
DATE: June 25, 2020  
SUBJECT: Brief Legislative History of Ocean Drive Seawall

To the best of staff's abilities, below lists out a historical overview of the Seawall, relying on prior legislation to help document major points in time. Further, we know there have been two litigation cases concerning the Seawall and staff are tracking down more information concerning them.

September 25, 2000 City Council passed Resolution 00-89(A), creating the Ocean Drive Loop Bluff Erosion Control Improvement District. This was initiated by a petition of a number of property owners, received by the City in May 2000 asking the City to create an improvement district, "*with the understanding that in all likelihood they [property owners] will be assuming 100% of the project cost...*" This appears to be the first time the City passed legislation related to this project.

2002 The seawall was constructed in 2002 by Phukan, Inc. using fiberglass sheet piles, some of which are still visible. In April 2002, the City acquired a permit from the Army Corps of Engineers to "install a 2000' sheet pile seawall and backfill with dredged material, involving a total discharge of approximately 7,030 cubic yards, placed approximately 0.46 acre, below the high tide line of Kachemak Bay." According to the language of Ordinance 06-53(S), the structure "*experienced immediate challenges primarily due to several storm events that occurred during construction*" and has required continued maintenance ever since.

2003 Through Resolution 03-143, the final assessment role for the Ocean Drive Bluff Erosion Control Improvement Project was set at \$1,014,032. In June of 2004, Resolution 04-54 was passed, which established the interest rate for the district at 6.5%.

2006 The City passed Ordinance 06-53(S), which created the Ocean Drive Loop Special Service District as a means to help the property owners get funding to make repairs to the seawall. The City on at least a couple occasions suggested the property owners create a homeowners' association. (There was mention of an earlier district called the "Ocean Drive Loop Bluff Erosion Control Improvement/Assessment District.")

April 12, 2010 City Council passed Ordinance 10-19, which abolished the Ocean Drive Loop Special Service District that had been set up in Ordinance 06-53(S). The City had been collecting property taxes, per this District for "*funding the operation of the seawall*" but evidently, the property owners never set up the

homeowner’s association. The Ordinance abolished the district and discontinued collecting property taxes. The Ordinance 10-19 states,

*“The Council finds that it would be in the best interest of the City to allow the owners of property in the District to determine among themselves what collective arrangements, if any, to make for funding the operation of the seawall, without the involvement of the City as a taxing authority...”*

January 4, 2012 In response to a notice of noncompliance issued by the Corps, the City applied to modify the Corps Permit on January 4, 2012. The Corps denied this modification request with a response stating the Corps would give “favorable consideration to a permit transfer request from a home owners association or similar entity that can conduct the necessary maintenance on the seawall.”

January 23, 2012 City Council passed [Emergency] Ordinance 11-49(S), to “immediately establish a new differential tax zone” known as the Ocean Drive Loop Special Service District. According to the “whereas” clauses in Ord. 11-49(S), this was done because

*“[S]ome property owners...continue to assert that the City is responsible for maintaining the seawall, and have induced the Army Corps of Engineers to require the City to repair damage to the seawall under the terms of the permit the Corps issued to the City for the seawall...”*

The Special Service District was created to raise tax revenues from benefitted property owners to support maintenance and repair of the seawall they own which is located on their properties.

July 23, 2012 City Council passes Ord. 12-29, removing Lot 34 of the Oscar Munson Subdivision from the Ocean Drive Loop Special Service District. This request was made by the former property owners because the property owners represented to the Corps and City that they intended to operate and maintain the part of the Seawall that was located on their property.

2017 Major repairs were done

2018 More major repairs were done

January 28, 2019 City Councilmembers Aderhold and Smith, as well as City Manager Katie Koester and City Engineer Carey Meyer participated in a neighborhood meeting. “The main goal of the meeting was to do some collective problem solving...about how to extend the life of the seawall...” Ms. Koester shared that she would “bring an ordinance before Council on March 26 requesting funds from the Seawall maintenance account to hire an engineering firm that specializes in coastal engineering...” to evaluate solutions for the wall. The group agreed to do this.

2019 As a result of the January 28 meeting, Ordinance 19-13 was adopted to hire a coastal engineering firm “to perform a coastal engineering study of the deteriorating seawall and provide potential concept for long term shore protection...” The motion passed and a contract with HDR, Inc. was so executed. HDR Inc. participated in a follow up meeting with community members to go over the recommended options outlined in the report. The installation of armor stone was the recommendation that received general consensus from the group.

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

Lord

3  
4 **RESOLUTION 20-061**

5  
6 A RESOLUTION OF THE HOMER CITY COUNCIL AMENDING THE  
7 SMALL BUSINESS ECONOMIC RECOVERY GRANT (SBERG)  
8 PROGRAM TO CLARIFY ELIGIBILITY REQUIREMENTS RELATED TO  
9 DELINQUENT STATUS WITH THE KENAI PENINSULA BOROUGH  
10 TAX DEPARTMENT AND REQUESTING A REVIEW OF AUDIT  
11 REQUIREMENTS AND CITY PROCESS FROM STAFF.  
12

13 WHEREAS, The City Council passed Resolution 20-057 on June 8, 2020 establishing the  
14 City’s Small Business Economic Recovery Grant (SBERG) Program to assist small businesses  
15 within the City of Homer with economic recovery as a result of the COVID-19 pandemic; and  
16

17 WHEREAS, The intention of the SBERG program is to create a straightforward  
18 mechanism to provide these grants with as few roadblocks as possible for business owners;  
19 and  
20

21 WHEREAS, One of the SBERG eligibility requirements set through Resolution 20-057 is  
22 that a business “must not be delinquent on payments and filed returns with the Kenai  
23 Peninsula Borough Tax Department with no missed filings or balance due on record” ; and  
24

25 WHEREAS, In a memorandum from the Acting City Manager dated June 16, 2020 that  
26 summarized borough-wide communication regarding CARES Act funds, feedback from the  
27 Borough was “There could be a substantial number of entities that are delinquent, quite  
28 possibly due to COVID-19”; and  
29

30 WHEREAS, The KPB Tax Department is working earnestly during this difficult economic  
31 time to establish payment plans with businesses and assist them with compliance on an  
32 extended timeline, though the technical status for these responsive businesses may still be  
33 “delinquent”; and  
34

35 WHEREAS, Also in the June 16, 2020 memo is a section on accountability, noting that all  
36 spending of CARES Act funding will be subject to federal audit and the steps the Borough is  
37 taking to “assist grantees in being accountable in how they use the funds” as well as assuring  
38 staff support for not only the mobilization but also the demobilization of their grant  
39 program(s); and  
40

41 WHEREAS, The City of Homer will be held to the same audit requirements and  
42 accountability standards as the Borough, and will similarly be liable for misspent funds and/or  
43 lacking documentation.  
44

45 NOW THEREFORE BE IT RESOLVED that the City Council of Homer, Alaska, strikes the  
46 SBERG Policy Eligibility Requirement #4 and replaces it with “Must not be delinquent with the  
47 Kenai Peninsula Borough Tax Department as a result of a lien or violation of payment plan.”  
48

49 BE IT FURTHER RESOLVED that the City Council requests an action plan from City  
50 Administration at the July 27, 2020 Council meeting outlining the steps to accountability that  
51 would satisfy a federal audit for the spending of all CARES Act funds, including plans for  
52 engagement with grantees and record-keeping.  
53

54 PASSED AND ADOPTED by the Homer City Council this 1<sup>th</sup> day of July, 2020.  
55

56 CITY OF HOMER  
57

58 \_\_\_\_\_  
59 KEN CASTNER, MAYOR

60 ATTEST:

61 \_\_\_\_\_  
62  
63 MELISSA JACOBSEN, MMC, CITY CLERK



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum

TO: Mayor Casnter and Homer City Council  
FROM: Rick Abboud, Acting City Manager  
DATE: June 25, 2020  
SUBJECT: July 1<sup>st</sup> City Manager's Report

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### Capital Projects and Resolution 20-050

The memo and spreadsheet detailing capital projects recommended for delay or continuation was provided last minute to Council in the June 22 supplemental packet. I want to ensure Council has had a moment to review this information and offer input if needed and have reattached the associated documents. Please see the attached memo and spreadsheet.

### Alaska Food Hub and HERC

A request for use of the HERC (specifically a portion of the upstairs classroom and hallway) on a weekly basis was received by the Alaska Food Hub this past Monday. The City passed Resolution 18-006 which limited HERC use (for the gymnasium and adjacent classroom) for community recreation programs. Since the Food Hub's request is for a regular weekly use of the facility, I am recommending a short-term lease approach. Once a lease application has been submitted and reviewed by staff, resolutions both approving of the short-term lease and modifying Resolution 18-006 to permit the HERC to be used for non-community recreation purposes may be necessary. There are other organizations that may also want to use the HERC in the future if policies concerning the building change.

### Seawall Special Assessment District (SAD) Petition Update

Resolution 20-060 is before Council at Wednesday's meeting and if passed, will be Council's authorization to initiate the SAD process for the seawall toe improvements. An application to initiate a SAD was also received by a benefitted property owner on June 9<sup>th</sup>. If the resolution before Council fails tonight, the City will send out a petition to initiate a SAD as requested by the property owner per the process outlined under HCC 17.02.040 – Initiation of a Special Assessment District.

### Enclosures:

1. Capital Projects Memo and Spreadsheet
2. HERC excerpt from 2020 Land Allocation Plan, Resolutions 13-095 and 18-006





# City of Homer

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Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum

TO: Mayor Castner and Homer City Council  
FROM: Rick Abboud, Acting City Manager  
DATE: June 19, 2020  
SUBJECT: Follow-Up to Resolution 20-050 – Capital Projects

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Council directed the City Manager to work with Departments and assess approved capital projects in order to protect the fiscal health of the City and the City's ability to continue providing essential services. Through this effort, I am using staff recommendations to delay 10 capital projects listed below until FY2021 (1 project no longer requires funding) with all others detailed in the attached spreadsheet permitted to proceed. Almost all capital projects for the years 2018-2020 are included because capital projects, once approved, have a lifespan of three years. I have also presented approved projects for 2021, since any 2018-2020 delayed projects may have a trickledown effect on work slated for next year. I welcome and encourage Council's input regarding projects recommended for delay or for those recommended to proceed. Administration and Finance will then revisit this topic with Council after the first and second fiscal quarters' revenue is booked to determine if projects recommended for delay can resume or if additional delay of projects is needed.

As an aside, mid-year adjustments typically have occurred in August or later (after review of the 2<sup>nd</sup> Quarter Sales Tax Report is complete and staff have a general a sense of the audit). Additionally, budget amendments can occur throughout the year. Any funding requests made will take into account the direction provided by Resolution 20-050.

I have also reported the ways in which departments are addressing a conservative fiscal approach to their operating needs in the June 22 Manager's Report and will share additional input provided by Department Heads on this topic to Council in future Manager's Reports.

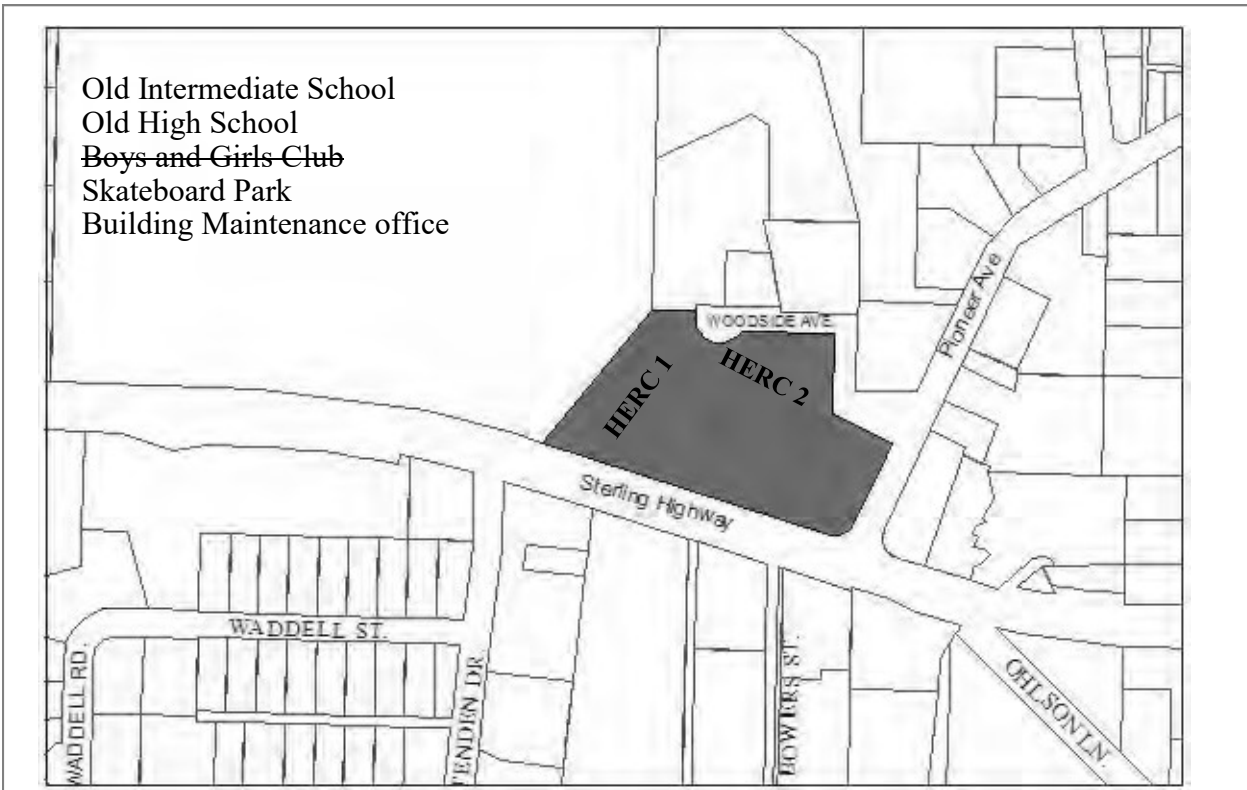
### Projects Recommended for Delay Until 2021

<b>Department</b>	<b>Project</b>	<b>Cost</b>	<b>Funding Source</b>	<b>Comment</b>
PW- Parks	Kachemak Bay points of entry signs	\$750	156-0385	Funding no longer needed.
P&H	Escape Ladders	\$40,000	456-0380	This \$40,000 was an approved budget item in our 2019 budget but not used because we received an appropriation in 2018 for \$37,299 that allowed us to buy before Tariffs on Stainless Steel took effect, saving the Enterprise a 20% increase in project costs.
P&H	Ramp 3 parking lot drainage improvement	\$24,500	456-0380	Recommend that we postpone this project until spring of 2021, not essential.
Econ. Dev./Planning	Hiring a consultant to develop a wayfinding/streetscape plan	\$50,000	160-0375; 165-0375	Given Homer's low visitor numbers this year, and the difficulty of convening groups for public input on the plan, recommend delay until 2021.
HPD	Cell phone replacement	\$12,320	156-0394	This project is important but can be delayed.
PW-GF	Hornaday Park Main Restroom Prelim Design	\$15,000	156-0395	Work has not started. This cost is for design only.
PW- Parks	Ballfield Maintenance (#1 of 6)	\$20,000	156-0385	Not started. Can be delayed.
PW-Parks	Pioneer Ave Banners	\$10,000	156-0385	Not started. Can be delayed.
PW-Parks	Fire rings	\$10,000	156-0385	Not started. Can be delayed.
P&H/Council	Spit Parking Study	\$20,000	156-0387	Recommend delaying project till 2021 as this summer's activity not representative of an average year.
P&H	1995 Grove Manlift MV11	\$30,000		Recommend that we postpone this project for a year.

City of Homer 2018-2021 Approved Capital Projects and Pending Projects												
Department	2018 Capital Project	Council Approved Amount	Is project currently underway? Are majority of project funds from other sources? Is project necessary for public safety and welfare? Is project self-recommended to your department? Can you delay this project? Please provide justification for your response. If project is already complete, write "completed".	2019 Capital Project	Council Approved Amount	Is project currently underway? Are majority of project funds from other sources? Is project necessary for public safety and welfare? Is project self-recommended to your department? Can you delay this project? Please provide justification for your response. If project is already complete, write "completed".	2020 Capital Project	Council Approved Amount	Is project currently underway? Are majority of project funds from other sources? Is project necessary for public safety and welfare? Is project self-recommended to your department? Can you delay this project? Please provide justification for your response. If project is already complete, write "completed".	2021 Capital Project	Council Approved Amount	Is project currently underway? Are majority of project funds from other sources? Is project necessary for public safety and welfare? Is project self-recommended to your department? Can you delay this project? Please provide justification for your response. If project is already complete, write "completed".
SPC	WAD for Police Chief	\$48,000	Completed	Police Office Vehicle 2	\$48,000	Completed	Cell Phone Replacement	\$12,000	Not started. This project is important but can be delayed.			
	20th Change for the New Police Station	\$473,000	Completed	Police Laptop Replacement	\$12,000	Completed	Microphone Link Replacement - Phase 1	\$12,000	Not started. Waiting to see if funding can be secured through application to ADA grant. This project is important for use for the Police Station.			
	Traffic Speed Monitoring Device	\$5,000	Completed	Project Management, Design Support, Early Site Cost Construction and Land Purchase Management Associated with the New Homer Police Station Project	\$1,007,000	Completed	Radio 2 Dispatch Workstations	\$48,000	These workstations have been ordered. They are arriving next week and will be going into the new building.			
	Continued Investigation and Site Search for new police station	\$7,500	Completed	Complete the New Homer Police Station Project	\$1,385,000	Under completion						
				Shipping of Two New Police Vehicles	\$36,000	Completed						
Police	License management software	\$3,000	Completed				Motor Security Kiosk Counter Door	\$3,000	Not started. This is a security feature for the Clerk's office. The kiosk will be used to store the Clerk's office license plates during after hour meetings and events when Clerk's office staff are not present.			
							Records Storage Space/Document Management System	\$8,000	Not started. Many city records are maintained independently in paper form in the Clerk's office. In preparation for the city's centralized storage area, investing in a document management system will allow city records to be stored electronically and allow users to access the records directly from the document management system making a more efficient use of staff time. These programs can also be set up to include a records retention component that will aid in streamlining our current retention process day to day.			
P	Chapel Server and storage refresh	\$26,000	Not started. Tying this purchase with the Departmental Server purchase will save the city some money on the purchase and make this budget target. Additional money may be needed to complete this project. Current server needs to be replaced later than Spring 2021. Not proceeding with City records, data, and over all other security posture in alignment with the COVID-19 city's relying on technology more than ever. Paper records are ready no longer an option for daily use.	General Microsoft 365	\$130,000	Not started. This was planned to be completed this summer once and the system requires the new police station to be complete. Not pursuing this as it impacts the city's internal network capacity and resilience. Delay is not advised.	Departmental Servers	\$50,000	Not started. No progress due to COVID response. Not proceeding with City records, data, and over all other security posture in alignment with the COVID-19 city's relying on technology more than ever. Paper records are ready no longer an option for daily use. Will purchase departmental server with Chapel server/storage refresh.			
SPC	Trucks for Aggs	\$4,000	Completed	New command vehicle	\$75,000	Command vehicle and response unit 2 as a command vehicle project is almost complete and coming in very close to budget of \$60,000 for completion of both. The remaining work can be completed until later in 2020 or 2021.	Truck Replacement	\$15,000	Completed and came in under budget.	Lighting Upgrade	\$24,000	Not started. This project can be postponed if necessary.
				Response vehicle 2 as a command vehicle	\$60,000	Not started. See above comment.	Cell phone charging equipment, SCAAR replacement	\$7,000	The #1 Grant was submitted for this project in February to cover 95% of the cost. We expected to hear about the awarding of this grant by September 2020 however, with the COVID-19 situation we are experiencing the award announcements are expected to be delayed. We had very optimistic that we will be approved for the grant funding and will not need full funding from City funds but if we do not get the grant we will need to purchase the SCAAR as ours are no longer compliant and this is a needed requirement for public safety.	Normal Imaging Camera	\$4,000	Not started. This project is not recommended for postponement as it is a personal safety equipment directly related to the safety.
				Emergency repairs to Fire Hall	\$100,000	Completed				Truck Truck Replacement	\$95,000	This project is not recommended to be postponed. HFD has a very aged fleet that is already behind the recommended replacement schedule. HFD is concerned that the amount allocated for this project does not accurately represent what will be needed to replace this work. Staff will come back to Council if additional budgetary authority is necessary.
				Safety Equipment	\$30,000	Completed						
SPC	1/2 of Van Truck	\$113,334	Completed	Leaf maintenance equipment	\$200,000	Equipment has either been purchased or ordered.	Roof replacement	\$150,000	Roof replacement is 98% complete. Gutters would require a \$2000 charge order. We recommended the gutters be installed at this time. Cost of roof had was \$100,000 as we are still within budget, even with the gutters.	400 CAT GRADER	\$200,000	This is necessary for public safety & welfare. We use the grader for summer and winter street work.
	Brush Cutter	\$78,000	Completed. This was a cutting head, not a self-contained machine.	Airport security camera	\$200,000	Not started. RFP for airport and library security cameras is 98% complete but has not been released. Public safety risk for this project has been considered.	Mattress Road Gas Line Rehabilitation	\$200,000	Work is not yet complete - but must be done per AD regulation. We dug a ditch and decreased the cover over an Enbridge gas pipe. We dug a ditch to reach the deeper pipe.			
	City Hall Roof Design	\$5,000	Completed	City Hall Roof Replacement Project	\$229,410	Completed	Pool Island Replacement	\$85,000	This work has not yet started, but some progress needs to be made before the start. We will need to spend \$20K on cathodic protection design and construction, water 2 years.			
	Brush Cutter	\$28,000	Completed. This is the "arm" that attaches the cutting head to the motor.	Design terminal roof replacement	\$13,000	Completed	Remedial Park Main Restroom Problem	\$15,000	Work has not started. This need for design work.			
	Resistor Hydraulic WRENCH L	\$12,000	Completed	Security camera replacement	\$100,000	represents extra costs related to the Airport Security Camera project. RFP for airport and library security cameras is 98% complete but has not been released. Public safety risk for this project has been considered.	2018 BUSES VAC TRUCK BRAKES MODIFICATION	\$60,000	total cost is \$25K split between 3 funds. This is necessary in order to continue to use the vehicle.			
				Inventory replacement	\$6,000	This is an accounting equipment - represents PPW's inventory of solvent, gasoline, etc.	2020 John Deere Backhoe	\$50,000	total cost is \$25K split between 3 funds. The machine has been ordered. Vendor is willing to finance the equipment, but Finance Department that, unless financing is needed, to purchase the vehicle.			
				Inventory policy change authorizing	\$12,110	This is an accounting equipment - represents PPW's inventory of solvent, gasoline, etc.	Patrolman Asphalt Mixer	\$28,600	total cost is \$28K split between 3 funds. Completed.			
				SD equipment replacement	\$6,811	Completed	Pass through funds for ADOIT Lake Street Project	\$10,820	to be reimbursed by ADOIT.			
				ADOT Lake Street Project	\$85,000	City to be reimbursed for this expense through ADOIT.	Ballfield Maintenance (84 of \$)	\$20,000	Not started. Can be delayed.			
Parks	Southpark Bay Points of Entry Signs (3)	\$7,000	Not started. Funding no longer needed.				Power Pole Barriers	\$10,000	Not started. Can be delayed.			
							Ball Field	\$10,000	Not started. Can be delayed.			
SPC	1/2 of Van Truck	\$286,000	Completed	Signage POC at DTP	Completed	Completed	Commercial Motor Replacement	\$80,000	Completed. The remaining 10% for some operational material has been purchased with installation.	Video loggers for leak detection	\$38,000	Will evaluate project at end of year beginning of 2021.
	Pressure Reducing Valves	\$21,000	Completed	1 van low cab pickup with flat bed	\$49,000	Completed	March Repair CR Junction Enclosure	\$11,000	Completed. The remaining 10% for some operational material has been purchased with installation.			
	Replacement material for city loads	\$10,000	Underway	1 low pickup with flat bed	\$49,000	Completed	1/2 water and oil meters	\$18,000	Required to meet regulatory requirements.			
	Bridge Creek Watershed Preservation	\$13,414	Completed. Construction completed on Henry Hills road property	CR station safety hardware	\$20,000	Completed	WV water and oil meters	\$48,500	Completed			
	18 station electrical components	\$14,500	Underway - installed multiple 18 stations.	Weathering Gas Tables	\$10,000	Completed	Gas detection system	\$4,000	Completed			
	Structural enclosure for parking area	\$7,500	Completed	Muffin microwave cabinet	\$50,400	Completed	Change for WTP	\$10,000	Required for public welfare. This needs to be done every two years and we are up.			
	Drift air meter at WW	\$1,500	Completed	Flat bed with tool box and headache rack	\$6,000	Completed	Custries Blasting Equipment	\$12,500	Completed			

Department	2018 Capital Project	Council Approved Amount	In project currently underway? Are majority of project funds from other sources? Is project necessary for public safety and welfare? Is project self-recommended to your district not meeting the above mentioned statements? Can you delay this project? Please provide justification for your response. If project is already complete, write "completed."	2018 Capital Project	Council Approved Amount	In project currently underway? Are majority of project funds from other sources? Is project necessary for public safety and welfare? Is project self-recommended to your district not meeting the above mentioned statements? Can you delay this project? Please provide justification for your response. If project is already complete, write "completed."	2020 Capital Project	Council Approved Amount	In project currently underway? Are majority of project funds from other sources? Is project necessary for public safety and welfare? Is project self-recommended to your district not meeting the above mentioned statements? Can you delay this project? Please provide justification for your response. If project is already complete, write "completed."	2021 Capital Project	Council Approved Amount	In project currently underway? Are majority of project funds from other sources? Is project necessary for public safety and welfare? Is project self-recommended to your district not meeting the above mentioned statements? Can you delay this project? Please provide justification for your response. If project is already complete, write "completed."
	High-contrast high computer at 31P	\$40,000	Completed	Water Treatment Plant Chlorine Control Unit	\$23,000	Completed	Missing failed hose motor at sewer plant	\$1,000	Required for workforce safety. This item is not budgeted but is needed.			
	Wastewater Treatment Plant PMAC Rehabilitation Project	\$92,000	Completed	SP PMAC control system upgrade	\$85,000	Completed	2018 SOWER VAC TRUCK BROWS M2000/2700	\$10,000	Total cost is \$23K split between 3 funds. This is necessary in order to improve to use the vehicle.			
	14 Station Electrical Components	\$12,000	Underway - involves multiple RH stations	1/2 ton pick up truck	\$35,000	Completed	M20 John Deere Backhoe	\$110,000	Total cost is \$20K split between 3 funds. The machine has been purchased. Vendor is waiting to finance the equipment, but Finance recommends that, unless financing is needed, to purchase the vehicle outright.			
				OS equipment replacement	\$33,430	Completed	Redstone Asphalt Mixer	\$53,130	Completed. Total cost is \$26K split between 3 funds.			
HAZ	Public restrooms system	\$15,000	Applied for EDA grant funding. Project is an essential maritime safety tool as it will greatly improve our VHF capabilities for our Port/Harbor employees in the field by easily extending our VHF communication range thus creating an direct public safety benefit for mariners and commercial harbor users and if approved, I approved the majority of project funds will come from the EDA grant.	Disinfectant Ladders	\$40,000	Not used because we retained an appropriation in 2018 for \$17,200 that allowed us to buy before Turb in our Operations Street (look ahead) using the Enterprise 4-100 increase in project costs.	Pin Grinder Outfall Line Pump	\$18,000	It is very important that we have a backup-outfall line pump in stock as this equipment essential to our operations on the Spill. All permits for an outage are processed through the fish order and then through the DEC approved outfall line into the bay. Because these permits are expensive and take weeks for us to receive we must have a spare on the shelf ready to be installed in case of a breakdown. Public works never received the outfall line on an order.	Commercial Barge Ramp Improvement	\$6,000	Deny it is to the asphalt at the bottom of the ramp and we will evaluate during the next entrance tide series to determine if we can get out of the repair for another year.
	Truck replacement 2WD	\$10,000	Completed	Fire cart rebuild	\$25,000	Project is not currently underway. Maintenance staff are working to source a 6th compliant replacement engine, in a source to the new EPA standards due to the fact that the fire fighting equipment is outdated.	Drive Pile Replacement	\$8,000	Recommend we re-evaluate in October for a end of year purchase if possible.	Spill Conting Plan	\$25,000	Will evaluate project's ability to occur in 2021 at end of year. Spill between Harbor Reserve and Piering Reserves.
	Harbor Log the response upgrade	\$22,000	Completed	Truck mounted sanding unit	\$10,000	Project Complete	Electrical Loadbank Testing Equipment	\$6,000	Recommend we re-evaluate in October for a end of year purchase if possible.			
	Fast system escape ladders	\$45,280	Completed	Ramp 2 parking lot drainage	\$24,000	Recommend that we postpone this project until spring of 2021, not enough	Spill Parking Stairs	\$20,000	Recommend delaying project till 18 2021 as this summer's activity cost reimbursement is not enough.			
	Purchase of Escape Ladders for Homer Harbor Long Pier	\$17,200	Completed	Installation of the Spill Fish Stranding Job Station	\$31,200	Completed	2018 Volvo M2000 M21	\$100,000	Recommend that we postpone this project for a year we can receive reimbursement from another grant.			
	Reduction of the Barge 2 Harbor Facilities Prevention Facilities	\$15,511	Completed	Consultation Contract that Evaluates Options and Cost Recommendations for Optimizing and Upgrading the Ice Plans	\$40,000	Completed	Pass through funds for deep water dock project	\$100,000	Project started and will be reimbursed by vessel owner's insurance			
	Section 22 Planning Assistance to States Program Funds for Large Inland Harbor Pollution Project	\$0,000	Completed	Deep water dock contingency planning	\$10,000	Completed	Reinstating and conducted a Cargo General Investigation Study for the Homer Large Vessel Port Expansion	\$750,000	Set aside as a commitment, awaiting match from ADOT (270K) and state (250,000)			
	Reduce wastewater on the fish docks	\$62,200	Completed	Harbor Barge Mooring Facility	\$42,400	Costs estimated and project will be closed out by June 30						
				Purchasing and installing fencing for large dock cargo lanes	\$19,200	Completed						
ARCAC	Water trail pavilion to fish docking table	\$12,500	Completed									
Library				Library Security Camera	\$20,000	Not started. RFP for this service will also include Airport Security Cameras. This is a public safety issue for the library, since the existing security camera system has reduced functionality.	Library Technology Upgrade	\$20,000	We are in the process of applying for a CARES Act grant through the Institute of Museum and Library Services (IMLS). If approved, the grant would provide 100% of the funding for a series of upgrades to library technology, including 1. extending wireless coverage to the library building, 2. purchasing laptops for checkout, 3. purchasing hotspots for checkout, 4. purchasing self-checkout machines for use inside the building, 5. covering the library's circulation system from barcode-and-qr-code to radio frequency ID (RFID) technology, and 6. replacing the existing genre management software with a system that can accept remote printing. The grant application is due June 12. The funding decision is announced in August, and the project would be underway September 2020-August 2022. (P20000)			
				Additional funding for security camera replacement	\$10,000	See above.						
Central	Traffic Calming and Safety Improvements on Kenai-Homer Park Road	\$48,100	Completed	2017 Governor Fund Surplus to Public Safety	\$200,000	Completed						
	Upgrade Recording System	\$4,100	Completed	City Camera System	\$15,000	Completed						
	Technical assistance with HRC	\$3,000	Completed	ADA Accessible trail on City/HRCC	\$15,000	Completed						
	LED light Conversion at 4 City facilities	\$4,500	Complete - have to finish conversion on Harbormaster's Office	HRCC demo study	\$35,000	Project complete						
ADA	Professional Design of an ADA Accessible Trail on City of Homer Property located at 7th Ave O Seward-Eskdaleton	\$5,000	Completed				ADA Handicap/ADA vehicle parking improvement	\$14,500	Per ADA Coordinator Jackson, it is necessary for public safety and welfare for citizens with mobility issues, accessible parking is mandated by the ADA, and the parking on the spit is out of compliance with the ADA.			
Planning				Using a consultant to develop a working/draft landscape plan	\$50,000	Not started. Consultant is on order for next fiscal year, and the difficulty of convincing groups for public input on the plan, the consultant delay until 2021. Ratched through HAAC.	HAAC Hazard Analysis and a Coastal Erosion study	\$20,000	HAAC projects that are funded by EDA without the use of any City funds (not on the capital project list).	Spill Conting Plan	\$25,000	See Plan comment on project.
							Hazard Mitigation Plan Update	N/A	Having Director Abdoal working on getting an update from the State with the State disaster working with some FEMA funds and manager of this project they have already accepted. Again not on capital project list.			
Projects that will require City funds if grants awarded (PENDING)							Water trailer (Lifted): Professional Project		Require EDA match for this. The grant application agreement states it requires 50% match of \$151,250. The City has \$200,000 set aside as an approved reserve project in the 2019 budget but still need to and received council approval to apply for a Municipal Harbor grant which obligates the City to receive 50% of \$151,250 if the State can contribute to half of the agreement.			
							Port & Harbor Communications upgrade project	N/A	2019 EDA Cluster grant application due that requires 25% local match of \$16,370. The communications upgrade was originally funded in 2017 for 100% by Harbor Reserve to \$15,000 (on and unexpended) and just recently council approved on to apply for a Cluster grant which will enable the City to receive our own share to replace and replace our hardware that are no longer serviceable if we win the grant the additional \$20,000 will come out of HR Reserve to complete the project. The EDA grant for HR Communications will go before the EDA Reserve Review Committee the beginning of July. If funded, we could be hearing about that soon with grant agreement proposed to be set in November and be set to get an ordinance to Council in December.			

Department	2018 Capital Project	Council Approved Amount	Is project currently underway? Are majority of project funds from other sources? Is project necessary for public safety and welfare? Is project still recommended to your despite not meeting the above mentioned statements? Can you delay this project? Please provide justification for your response. If project is already complete, write 'completed.'	2019 Capital Project	Council Approved Amount	Is project currently underway? Are majority of project funds from other sources? Is project necessary for public safety and welfare? Is project still recommended to your despite not meeting the above mentioned statements? Can you delay this project? Please provide justification for your response. If project is already complete, write 'completed.'	2020 Capital Project	Council Approved Amount	Is project currently underway? Are majority of project funds from other sources? Is project necessary for public safety and welfare? Is project still recommended to your despite not meeting the above mentioned statements? Can you delay this project? Please provide justification for your response. If project is already complete, write 'completed.'	2021 Capital Project	Council Approved Amount	Is project currently underway? Are majority of project funds from other sources? Is project necessary for public safety and welfare? Is project still recommended to your despite not meeting the above mentioned statements? Can you delay this project? Please provide justification for your response. If project is already complete, write 'completed.'
							New Water Transmission Main Replacement Project	no match required	2020 Council funding application approved in round 1, no match required, but they require further staff time, environmental or engineering design work to get to final funding approval, still waiting for FEMA to move onto next steps in the process.			



**Designated Use:** City Facility and other city lands

**Acquisition History:** Given to the City by KPB. Old Middle School and HS. Reso 98-63

**Area:** 4.3 acres

**Parcel Number:** 17510070

**2019 Assessed Value:** \$4,724,700 (Land \$724,700 Structure, built in 1956 25,000 sq ft \$4,000,000)

**Legal Description:** HM2000022 T06S R13W S19 TRACT 2 HOMER SCHOOL SURVEY 1999 CITY ADDN

**Zoning:** Central Business District

**Wetlands:** Creek on western edge

**Infrastructure:** Paved access and parking. Water and Sewer.

**Notes:**

- Skateboard Park on premises.
- Deed restrictions removed by Kenai Peninsula Borough, fall 2014
- HERC 1 is the larger building
- HERC 2 is the smaller building that contains PW Maintenance

**Finance Dept. Code:** 170.0032 175.100.05

**CITY OF HOMER  
HOMER, ALASKA**

Lewis

**RESOLUTION 13-095**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY MANAGER TO KEEP THE HOMER EDUCATION AND RECREATION COMPLEX (HERC) GYMNASIUM OPEN FOR PICKLEBALL, BASKETBALL, AND OTHER COMMUNITY RECREATION PROGRAMS THAT REQUIRE ONLY MINIMAL HEAT AND UTILITIES UNTIL SUCH TIME AS THE BUILDING IS DEMOLISHED.

WHEREAS, The City of Homer does not have the funds to refurbish the HERC Building or to operate and maintain it and it has been unsuccessful in identifying a suitable use for it going forward; and

WHEREAS, At a recent CIP Planning workshop, the City Council decided that it was in the best interest of the community to demolish the building and use the land as the site of a proposed new public safety building; and

WHEREAS, There are a number of steps which must be taken before the building can be demolished including identifying the funding for demolition and selecting a contractor through the City's procurement procedures; and

WHEREAS, Minimal heat must be maintained in the building whether it is in use or not in order to prevent pipes from freezing and snow from accumulating on the flat roof; and

WHEREAS, Pickleball, adult basketball, and other City of Homer Community Recreation Programs are very popular and make a large contribution to community health and the quality of life; and

WHEREAS, These programs involve vigorous physical activity and do not require heat above the minimal setting already used to keep the building in "warm status"; and

WHEREAS, Advocates for these programs have requested that the gymnasium remain open with minimal heat and utilities until such time as the building is demolished.

NOW THEREFORE BE IT RESOLVED that the Council finds that the gymnasium remains an asset for as long as the HERC building remains standing and that it would be in the best interest of the community to use it provided that maintenance and utility costs are minimal; and

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager to keep the HERC gymnasium open for pickleball, basketball, and other City of Homer Community Recreation Programs that require only minimal heat and utilities until such time as the building is demolished.

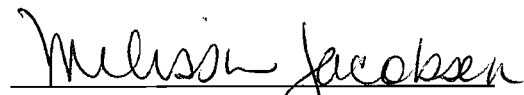
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PASSED AND ADOPTED by the Homer City Council this 23<sup>rd</sup> day of September, 2013

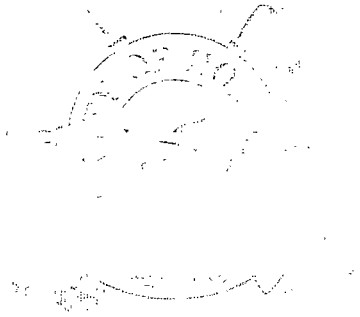
CITY OF HOMER

  
\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

  
\_\_\_\_\_  
MELISSA JACOBSEN, CMC  
DEPUTY CITY CLERK

**Fiscal Note:** Estimated additional \$15,000 for electric and maintenance; \$7,500 in 2013 and \$7,500 in \$2014.





**CITY OF HOMER  
HOMER, ALASKA**

Lord

**RESOLUTION 18-006**

A RESOLUTION OF THE HOMER CITY COUNCIL AMENDING RESOLUTION 13-095 AUTHORIZING THE CITY MANAGER TO KEEP THE HOMER EDUCATION AND RECREATION COMPLEX (HERC) GYMNASIUM OPEN FOR COMMUNITY RECREATION PROGRAMS THAT REQUIRE ONLY MINMAL HEAT AND UTILITIES UNTIL SUCH TIME AS THE BUILDING IS DEMOLISHED TO INCLUDE THE ADJACENT CLASSROOM AS USABLE SPACE FOR COMMUNITY RECREATION ACTIVITIES.

WHEREAS, Resolution 13-095 limited the use of the Homer Education and Recreation Complex (HERC) to only Community Recreation activities and only in the gym; and

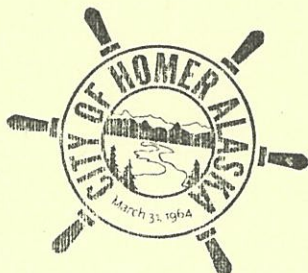
WHEREAS, It is the City's understanding from correspondence from the State of Alaska Fire Marshall that opening the adjacent classroom (former shop room) to a maximum of 30 occupants would require minimal upgrades that can be absorbed within the existing budget; and

WHEREAS, Opening up this classroom to Community Recreation activities will allow expanded opportunities in Homer for recreation such as Zumba and martial arts classes, among other activities; and

WHEREAS, Using the adjacent classroom space will not incur any additional operating cost beyond lighting allowing the building to remain in "warm status" with minimal heat.

NOW, THEREFORE, BE IT RESOLVED that the Resolution 13-095 is amended to include the adjacent classroom as usable space for Community Recreation activities.

BE IT FURTHER RESOLVED that the City Manager is authorized to contact the State of Alaska Fire Marshall and make necessary improvements to the space to comply with a maximum occupancy of 30 as long as improvements can be absorbed within existing budget.



CITY OF HOMER

  
BRYAN ZAK, MAYOR

*Mayor Pro Tem*

43 ATTEST:

44

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46



47

MELISSA JACOBSEN, MMC, CITY CLERK



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Homer City Council

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 20-094

TO: Mayor Castner and Homer City Council

FROM: Councilmembers Aderhold and Venuti

DATE: June 25, 2020

SUBJECT: Letter to Governor Dunleavy requesting consultation in developing a Homer-specific COVID-19 mitigation plan

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The Mayor and City Councilmembers have received numerous requests from constituents to take action on the recent outbreak of COVID-19 cases in and near Homer. At recent city council meetings, the mayor and city council members have discussed the issue and asked for support from State of Alaska Chief Medical Officer Anne Zink in measures the city can implement as a first class city that does not have health powers. During our June 22 meeting we discussed formally requesting support from Governor Dunleavy on implementing health measures.

Following our June 22 meeting, Councilmembers Aderhold and Venuti worked with city staff to evaluate the best method to move forward with this request and determined that a request that the state consult with city EOC staff and partners (SPH and public health nurses) on a mitigation plan that the state could issue on our behalf provided the most flexibility at this time. The plan development process would provide the ability of city staff and partners to work through a variety of scenarios and develop measures that make sense for our community.

Acting City Manager Abboud's report in our June 22 meeting packet included several examples of measures taken in other communities around Alaska. The most relevant to our circumstances (Seward and Whittier) are included as backup for your further review.

This is a fast moving subject and councilmembers Aderhold and Venuti may learn more between packet deadline and our July 1 meeting which we can share in the supplemental packet or during the meeting.

Recommendation: Discuss letter and vote.



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-8121  
(f) 907-235-3140

1

2 July 1, 2020

3

4 Office of the Governor

5 P.O. Box 110001

6 Juneau, Alaska 99811-0001

7

8 RE: Request for State Consultation in Developing Homer-specific COVID-19 Mitigation  
9 Plan

10 Dear Governor Dunleavy,

11 The City of Homer thanks you and your administration for early implementation of  
12 statewide health mandates in response to the COVID-19 pandemic that minimized the  
13 number of illnesses, hospitalizations, and deaths in Alaska. The early action allowed  
14 hospitals and state agencies to prepare, municipal incident command teams and  
15 emergency operations centers (EOCs) to establish, essential and other businesses and  
16 organizations to develop and implement operational plans, and Alaska residents to  
17 develop an understanding of the novel coronavirus and methods to maintain personal  
18 and community safety and health.

19 Since state health mandates were lifted during May as part of the Reopen Alaska  
20 Responsibly plan, Homer's City Council and EOC have become alarmed by the outbreak  
21 of cases in our city and elsewhere on the southern Kenai Peninsula for which Homer  
22 serves as a hub. The southern Kenai Peninsula accounts for 2% of Alaska's population,  
23 but carries 10% of the State's COVID-19 cases. Recently, Homer's infection rate was  
24 three times that of Anchorage, initiated by an outbreak that followed gatherings during  
25 Memorial Day weekend.

26 Since the start of the pandemic in Alaska, Homer's EOC has successfully coordinated  
27 access to resources to implement mitigation mandates and managed a robust area-  
28 wide public information campaign with positive messaging about methods to protect  
29 our community through a variety of media including messaging on lighted signs along  
30 major roadways. Yet, out of state travelers are entering our city and not abiding by  
31 mandates to test and/or quarantine. Large gatherings have occurred in which  
32 participants do not maintain physical distance or wear masks. Individuals choose to

33 not wear masks when shopping at local businesses and sometimes become highly  
34 agitated when asked by a business to wear a mask.

35 Because of the current outbreak in our area, Homer’s public library remains largely  
36 closed to the public, though many in our community rely on the library for computer  
37 and internet access. The city continues to implement measures to safely open other city  
38 buildings (such as City Hall and Harbormaster’s Office) but is reluctant to unnecessarily  
39 expose city employees to infection.

40 As a first class city, Homer does not have health powers and cannot implement a city-  
41 wide mitigation plan on our own. The Department of Health and Social Services has  
42 made it clear through the Reopen Alaska Responsibly process that you are willing to  
43 work with individual communities to support local mitigation needs. Homer’s City  
44 Council requests that you assign staff to consult with city staff and unified command  
45 team members (including South Peninsula Hospital and Homer-based state public  
46 health nurses) to develop a Homer-specific mitigation plan that you can issue on our  
47 behalf. Such a plan will provide the City of Homer the flexibility to respond when the  
48 local situation worsens but State COVID-19 metrics and mitigation approach remain  
49 unchanged.

50 As you and your staff have wisely said many times, “open is not over.” In Homer we are  
51 open and the pandemic is definitely not over! We want Homer to remain open for our  
52 local businesses and our residents and visitors to move around our city as freely as  
53 possible while looking out for each other’s health and safety. We need the state’s  
54 support in developing a mitigation plan. Together we will make a difference.

55 CITY OF HOMER

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Ken Castner, Mayor

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62 Enclosures: City of Whittier COVID 19 Recovery Plan; City of Seward COVID 19  
63 Recovery Plan; Code Orange Rules

64 cc: Adam Crum, Commissioner, Department of Health and Social Services  
65 Dr. Anne Zink, Chief Medical Officer, Department of Health and Social Services

- 66           Derotha Ferraro, PIO, South Peninsula Hospital
- 67           Lorne Carroll, Public Health Nurse, Homer Public Health Center

**From:** [Ken Castner](#)  
**To:** [Melissa Jacobsen](#)  
**Subject:** FW: Masks for COVID-19  
**Date:** Thursday, June 25, 2020 3:52:34 PM

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Please include in the packet with Donna's resolution.  
Thank you.

Ken Castner, Mayor  
City of Homer

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**From:** Kaitlynn Gist [kaitlynn.gist@gmail.com]  
**Sent:** Thursday, June 25, 2020 1:41 PM  
**To:** Ken Castner  
**Subject:** Masks for COVID-19

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

Dear Mr. Ken Castner,

My name is Kaitlynn Gist. I will be a junior at Kenai Central High School in the fall. I am writing to ask that you consider mandating that masks be worn in Homer.

I am very concerned about the recent spike in cases in the state, specifically on the Kenai Peninsula. I believe that one of the reasons that the Kenai Peninsula is seeing this spike, more so than other places throughout our state, is our proximity to so many outdoor activities. We have great fishing and camping here. Because people have been cooped up for a couple months, they want to get out and enjoy the outdoors. The issue comes with how people who visit us behave. They come into our local stores and do not wear masks. They have large groups at campgrounds. Once COVID-19 is spread to people in the community, it continues to spread. The community also does not wear masks, thereby continuing the spread when they are asymptomatic. I went on a two night camping trip to Homer during the week following Memorial Day. Everyone in my family wore masks when we were in public locations. During the two-night stay, I only saw three people the entire time wearing masks. This number includes store employees. In the Kenai-Soldotna area, there are large groups of people who go to parks, large groups of people on the beach, large groups of people in stores, and large groups of people petitioning for different representatives, very few of which are wearing masks. The state of Alaska has said that they trust Alaskans to make smart decisions. Based on these two scenarios, however, it is clear that Alaskans are not making smart decisions.

This past week, I read about the Anchorage School District's plans for the fall. The low-risk plan, meaning that schools would proceed as if there is not a COVID-19 threat, requires that there be 14 consecutive days in which no new COVID-19 cases are reported. Since Alaska has been on an uphill climb in case numbers, this seems unlikely to occur. I have read in the Peninsula Clarion that the five largest school districts in the state meet weekly to

coordinate plans for the fall. This makes me believe that Anchorage School District and Kenai Peninsula Borough School District will have similar, if not the same, plans for the fall. I am an avid school lover. I participate in academic-based extracurricular activities. Next year, I am supposed to be a state officer for Educators Rising Alaska, a student-led organization that focuses on preparing high school students for careers in education. As a state officer, I am supposed to do a lot of intrastate travel, including to Dillingham, Anchorage, and Juneau. I realize that in the current scenario, many of these things I am looking forward to will likely not proceed as planned. I am also supposed to be the secretary for the junior class in student council. In this position, I have the opportunity to attend a conference in Homer and help to run the school's snack shack at all home football games in order to make money for the junior class's large events. Most of these events will not happen unless we reduce the number of COVID-19 cases.

Multiple studies have found that COVID-19 cases are reduced drastically when everyone in the community wears face masks. If everyone in the Kenai Peninsula were to wear face masks, we could follow the governor's mandates of reopening without seeing the spike that we have recently seen on the peninsula. At what point does the right to not wear a mask infringe on students' right to feel safe and have a quality education?

Alaskans have had their chance at making good choices. At this time, the government needs to step in and take action. I have already reached out to Dr. Anne Zink about mandating masks in the state. She informed me that the Governor's office is where mandating decisions are made. She also informed me that local governments can make their own rules. Please mandate masks being worn in public locations in the Kenai Peninsula Borough because we can help to flatten the curve and Alaskans have had the opportunity to make smart choices. If we do not flatten the curve to zero, students will again have to forfeit what is left of great educational opportunities this next school year.

Sincerely,

Kaitlynn Gist

[kaitlynn.gist@gmail.com](mailto:kaitlynn.gist@gmail.com)