



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

City of Homer Agenda

**City Council Regular Meeting
Monday, March 14, 2022 at 6:00 PM
Cowles Council Chambers and via Zoom Webinar**

CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

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

- a. Homer City Council Unapproved Regular Meeting Minutes of February 28, 2022. City Clerk. Recommend adoption.
- b. Memorandum 22-037 from City Clerk Re: Liquor License Approval for Detour Food & Drink. Recommend approval.
- c. Ordinance 22-13, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 21.57 Large Retail and Wholesale Stores, Eliminating Maximum Parking Requirement. Planning Commission. Recommended dates Introduction March 14, 2022 Public Hearing and Second Reading March 29, 2022.

Memorandum 22-038 from City Planner as backup.

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

Memorandum 22-039 from City Manager as backup.

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

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

Memorandum 22-041 from City Manager as backup.

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

VISITORS

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

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

- a. Committee of the Whole Report
- b. Worksession Report
- c. Mayor's Report
- d. Borough Report
- e. Planning Commission
 - i. Memorandum from Planning Commission Re: Building Codes
 - ii. Planning Commission Written Report
- f. Economic Development Advisory Commission

PUBLIC HEARING(S)

ORDINANCE(S)

CITY MANAGER'S REPORT

- a. City Manager's Report

PENDING BUSINESS

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

Memorandum 22-042 from City Clerk as backup

NEW BUSINESS

RESOLUTIONS

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

Memorandum 22-043 from Public Works Director as backup.

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

Memorandum 22-043 from Public Works Director as backup.

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

Memorandum 22-043 from Public Works Director as backup.

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

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 Tuesday, March 29, 2022 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 22-04 a Regular Meeting of the Homer City Council was called to order on February 28, 2022 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
DEPUTY CITY PLANNER & SPECIAL PROJECTS COORDINATOR ENGBRETSSEN
COMPTROLLER DELUMEAU
INFORMATION TECHNOLOGY ANALYST SULCZYNSKI
CITY ATTORNEY GATTI

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

Mayor Castner announced the supplemental items: **Consent Agenda** Memorandum 22-031 from Deputy City Clerk Re: Liquor License Renewal for Harbor Grill. Memo from HPD and Letter from KPB Expressing Non-objection as backup; **Visitors** HERC Conceptual Planning Presentation handout; **City Manager's Report** Thank you letter from Center for Alaskan Coastal Studies.

ADERHOLD/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Karin Marks, city resident and Economic Development Advisory Commission Chair, commented in support of Resolution 22-016 adopting the Wayfaring and Streetscape Plan. She shared appreciation to the Commissioners and staff for their work on the project, and they enjoyed working with Corvus Design. She thanked Council for their discussion at Committee of the Whole and she feels this is a wonderful plan that deals with branding and has been set up so that it can accommodate all the concerns that were expressed.

Janie Leisk, city resident, appreciates the progress being made with the HERC project and she looks forward to the presentation tonight.

RECONSIDERATION

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

- a. Homer City Council Unapproved Regular Meeting Minutes of February 14, 2022. City Clerk. Recommend adoption.
- b. Memorandum 22-030 from Mayor Castner Re: Appointment of Nona Safra to the Americans with Disabilities Act Compliance Committee. Recommend approval.
- c. Memorandum 22-031 from Deputy City Clerk Re: Liquor License Renewal for Harbor Grill. Recommend approval.
- d. Resolution 22-014, A Resolution of the City Council of Homer, Alaska Awarding a Contract for Professional Real Estate Services to MacSwain Associates, LLC of Anchorage, Alaska, in the Amount of \$64,500 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend Adoption.

Memorandum 22-032 from Public Works Director as backup.

- e. Resolution 22-015, A Resolution of the City Council of Homer, Alaska Authorizing Task Orders to Coble Geophysical Services, Bishop Engineering, and Homer Soil and Water Conservation for Technical Services to Support the Green Infrastructure and Storm Water Program, and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-033 from Public Works Director as backup.

City Clerk Jacobsen read the consent agenda and recommendations.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

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

Lorne Carroll, Public Health Nurse for the State of Alaska, started with a brief overview of cases worldwide, then addressed cases over the last year on the Southern Kenai Peninsula. He shared

new tools that the CDC has recently released that show COVID-19 community levels by county or borough. He also reviewed hospital capacity around the state, what to do if you test positive for COVID-19, and vaccine primary series schedules by brand.

Derotha Ferraro, SPH Director of Public Relations & Marketing, reported on current testing and vaccination numbers, the Test and Vaccine Clinic hours, and confirmed that masking is still required at the hospital. She noted the next report will mark the beginning of the third year of reporting to Council.

b. Wayfinding and Streetscape Plan - Peter Briggs, Corvus Design (15 Minutes)

Peter Briggs with Corvus Design reviewed the Wayfinding and Streetscape Plan that was included in the packet and answered questions from Council.

c. Homer Education & Recreation Campus (HERC) Conceptual Plans - Ryan Cooper, Environmental Scientist, Giovanna Gambardella, Project Manager, Erik Dukes, Architecture, and Nancy Casey, Planning & Design, Stantec (15 Minutes)

Ryan Cooper, Environmental Scientist, Giovanna Gambardella, Project Manager, Erik Dukes, Architecture, and Nancy Casey, Planning & Design presented the redevelopment of the Homer Education and Recreation Campus conceptual plan that was included in the supplemental packet and answered questions from Council.

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

a. Committee of the Whole Report

Councilmember Aderhold reported Council discussed Resolution 22-015 and the technical work for the green infrastructure sites, Resolution 22-016 adopting the Wayfinding and Streetscape Plan, and AML Travel Reports. They also heard public comment regarding the Grand Juries in the State of Alaska.

b. Worksession Report

City Manager Dumouchel reported Council had a presentation from Elena Suleimani, Geophysical Institute, University of Alaska Fairbanks regarding tsunami hazards in Homer. There was a lot of discussion and there is work that remains to be done at the staff level related to evacuation lines. He expects to have a staff recommendation to Council in a few months.

c. Mayor's Report

Mayor Castner thanked everyone who went to Juneau last week. They received confirmation from Senator Stevens and Miccichi that the matching money for the harbor expansion study will be included in capital budget. The Councilmembers worked hard and met with a lot of people and were lobbied on the general obligation bond. He thanked the Borough Assembly Members who

were there and visited senate members on the finance committee to lobby for our harbor expansion project.

- d. Borough Report
- e. Library Advisory Board

Library Advisory Board (LAB) Member Marcia Kuszmaul reported at their last meeting they received and update on the western lot trail project at the library and were presented the Wayfaring and Streetscape Plan. They discussed their 2022 goals that include advocating for the library budget, implementing their planned giving program, exploring opportunities to increase and improving library service especially to students and underrepresented user groups, and actively recruiting a new board member for the LAB. They also discussed the city code updates for special events and food trucks.

- f. Planning Commission
 - i. Planning Commission Report
- g. Parks Art Recreation and Culture Advisory Commission

Parks Art Recreation and Culture Advisory Commission Chair David Lewis reported the Commission heard reports from staff members, discussed the Wayfinding and Streetscape Plan, HERC Mutil-Use Community Center Update, the code updates for special events and mobile food trucks, an art donation for the Homer Municipal Art Collection, Non-Motorized Trails and Transportation Plan update, and Green Cemeteries.

- h. Port and Harbor Advisory Commission
 - i. AML Travel Reports

Mayor Castner called for a recess at 7:42 p.m. and called the meeting back to order at 7:52 p.m.

PUBLIC HEARING(S)

- a. Ordinance 22-10, An Ordinance of the City Council of Homer, Alaska Allocating payment of the City's Assessments for the Seawall Improvement Special Assessment District equally between the Homer Accelerated Roads and Trails (HART) Road Fund, the Water Capital Asset Repair and Maintenance Allowance Fund and the Sewer Capital Asset Repair and Maintenance Allowance Fund (CARMA). City Manager/Public Works Director. Introduction February 14, 2022. Public Hearing and Second Reading February 28, 2022.

Memorandum 22-024 from Public Works Director as backup

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 22-10 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Ordinance 22-11, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 17 Public Assessments Under Chapter 17.01 General Provisions and Chapter 17.02 Special Assessment Districts. City Clerk. Introduction February 14, 2022 Public Hearing and Second Reading February 28, 2022.

Ordinance 22-11(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 17 Public Assessments Under Chapter 17.01 General Provisions and Chapter 17.02 Special Assessment Districts. City Clerk.

Memorandum 22-034 from City Clerk as backup.

Memorandum 22-025 from City Clerk as backup.

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

ADERHOLD/ERICKSON MOVED TO ADOPT ORDINANCE 22-11 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

ADERHOLD/ERICKSON MOVED TO SUBSTITUTE ORDINANCE 22-11(S) FOR 22-11.

There was no discussion on the motion to substitute.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

LORD/ERICKSON MOVED TO AMEND ITEM D AT LINE 175 TO ADD AFTER THE WORD DISTRICT “AS WELL AS THE PUBLIC WORKS DIRECTOR’S FINDINGS THAT EXPLAIN WHY THE RECOMMENDED ASSESSMENT ALLOCATION METHOD WILL CREATE THE FAIREST DISTRIBUTION OF COSTS”;

Councilmember Lord noted this was discussed at their last meeting in terms of flexibility and ensuring the City documents findings when approving an assessment method in an improvement plan.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

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

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

Motion carried.

- c. Ordinance 22-12, An Ordinance of the City Council of Homer, Alaska, Amending The FY22 Capital Budget by Appropriating \$22,004.80 from the Fire Department Donation Account for the Purchase of Workout Equipment for the Fire Department Membership. City Manager/Fire Chief. Introduction February 14, 2022, Public Hearing and Second Reading February 28, 2022

Memorandum 22-026 from Fire Chief as backup.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 22-12 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

- a. City Manager's Report

City Manager Dumouchel addressed items in his written report including the recent lobbying trip to Juneau and thanked all who participated. He also touched on the renewal of the city's Tsunami Ready Community status and an upcoming surplus equipment sale.

PENDING BUSINESS

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

Memorandum 22-035 from City Clerk as backup.

ADERHOLD/ERICKSON MOVED TO POSTPONE RESOLUTION 21-073 TO MARCH 29, 2022.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

RESOLUTIONS

- a. Resolution 22-016, A Resolution of the City Council of Homer, Alaska Adopting the City of Homer Wayfinding and Streetscape Plan. Venuti.

Memorandum 22-036 from Deputy City Planner & Special Projects Coordinator as backup.

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 22-016 BY READING OF TITLE ONLY.

Councilmember Venuti acknowledged that in the report they've address all the entries to Homer, including by car, plane, and ferry, so when people arrive they're able to associate those signs with others they'll see around town. She noted the idea for the benches, which she likes, and encouraged Council to support this tonight.

Councilmember Lord noted they had extensive conversation at Committee of the Whole and earlier with the consultant's presentation. She supports the resolution and the Wayfinding and Streetscape Plan as presented. She hopes they continue to get updates in regard to how the prototype signs work and if there are updates needed to ensure contractors are getting appropriate and accurate information.

Councilmember Davis also appreciates the plan and shared concern about vehicular neighborhood identification gateways. He feels they will have such an impact on the perceptions of our city and what it feels like to live here. He would feel more comfortable for public comment on the graphics and look of those signs.

Councilmember Lord shared that this is something that has been discussed for a few years now, and there will be people who love the signs and people who don't. She feels the opportunity has existed for people to comment on the signs.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

David Haeg, non-resident, continued his comments he started at the Committee of the Whole related to concerns about the Grand Jury system. He cited the Grand Jury handbook related to Grand Jury investigations and processes, and noted that Alaska's Constitutional Convention backed up what's in the Grand Jury Handbook. He provided a copy of a public petition that called

for Grand Jury investigation into evidence that Grand Jury investigations were being illegally and unconstitutionally stopped, and into evidence that the original Grand Juries were stopped from investigating.

Don Fritz, non-resident, commented the Funny River Community Association started a review of information related to what Mr. Haeg addressed and how many of them had experienced similar issues related to Grand Juries.

Wayne Aderhold, city resident, commented regarding earlier comments about the flat roof for the proposed multi- use center, and his experience working with the school district on roofs for schools. He addressed safety concerns for flat versus pitched roof, and snow and ice sliding from pitched roofs. Flat roofs are safer but have to be designed to accommodate snow loads.

Adele Person, city resident, commented regarding the need to build sidewalks in the neighborhoods that are being developed, she's surprised there aren't codes in place to require this. She addressed the need for sidewalks so kids can walk safely to school and the high cost to retrofit sidewalks on existing streets, and she encouraged making changes to code and city plans regarding sidewalks.

Heath Smith, city resident, thanked the Economic Development Advisory Commission for fulfilling part of our Comprehensive Plan. He commented he and Councilmember Lord engaged with Public Works and staff on establishing corridors that provide walkability and bikeability. The proposed site plans for the HERC facility look really good but he shares concerns regarding the cost, and noted areas for Council to look at for cost savings.

Julie Engebretsen, city employee and project manager of the HERC project, shared her appreciation of hearing people having the dialog they were hoping to create with the HERC project. It's a big building and is a lot of money. She hopes there will be good community conversation about right sizing both the budget and the building. She reviewed upcoming events where people can see plans and provide feedback.

David Brittingham commented in support of issues raised regarding the Grand Jury investigations.

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen announced openings on the Library Advisory Board, the ADA Compliance Committee, and the Port and Harbor Advisory Commission. Mayor Castner added there's an opening for a city representative on the Cook Inlet Aquaculture Association Board.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel noted city job openings posted on the City website. He shared the new name of the HERC project, the Pioneer Gateway Redevelopment Project, and he wants people to keep in mind it's a 50+ year commitment. It's the gateway to Pioneer Avenue and anchor to downtown. He doesn't want overdo it, but doesn't want to under-do it. He's seen a project like this go the wrong way and doesn't want to see it happen here. Earlier comments about maintenance and operation are very valid. This process started from public engagement and he looks forward to more of it and we'll be back to Council in April to see what direction they want to go.

COMMENTS OF THE MAYOR

Mayor Castner commented during COVID he spent time doing some number crunching and found the initial cost of any project represents about 12% of the lifetime cost of the project. So where does the other 88% come from over the course of time to support it. It will be a constant struggle to find the money to build and figuring out how we'll maintain it. The amicus brief and evidence for the Cook Inlet Fishery was accepted by the Federal Court, so it's on the docket and that's good news. Lastly he mentioned how Council struggled through the police station and fire station, and like those projects were separated to reach settlement, he's confident the imaginations of this town can work through those problems.

COMMENTS OF THE CITY COUNCIL

Councilmember Aderhold shared her excitement that Nona Safra has been appointed to the ADA Compliance Committee, her experience will be very helpful for the committee. There is still one open seat to fill and encouraged interested people apply.

Councilmember Hansen-Cavasos said she's really excited to see the plans regarding recreation, that's a big point for her with her kids and options for our locals.

Councilmember Davis commented it was great to have the opportunity to visit Juneau with delegation. It was his first time at our capital so it was very educational. In addition to the lobbying they did, he had the opportunity to testify before the house labor and commerce committee, which was an interesting experience.

Councilmember Erickson commented about the upcoming Snomads Fun Run fundraiser. They're working hard to preserve access to the backlands for different types of user groups. More information is on their website. Someone broke into her house and stole three family rings, and she encouraged paying attention to what's happening in your neighborhoods, and watch out for each other. She thanked DOT for their hard work in patching the holes on East Hill, and shared that she's sold Homer Tours to Chad and Crisi Matthews.

Councilmember Venuti shared she has relatives who belong to Kampgrounds of America and shared the first page of the KOA book this year is Homer. She also shared Councilmember Davis' Sweetgales Mead Works and Cider House won best in show at the 2022 Texas Mead Cup. Both of those things will invite people to come to our beautiful town. She shared her appreciation to

Deputy City Planner and Special Projects Coordinator Julie Engebretsen for her work with the Commissions on the projects they discussed tonight.

Councilmember Lord thanked everyone for a great meeting, there was a lot of interesting stuff. Juneau was great and at the end of her AML report are links to how anyone can participate. She was able to join in on a number of meetings with legislators from around the state. It was great to spend time with our lobbyists, and have an insider look and voice at the Capital. City Manager Dumouchel and Special Projects & Communications Coordinator Jenny Carroll were very well prepared and she heard appreciation from multiple legislators for the handouts and leave behinds they prepared, and the detailed information about our projects. Regarding sidewalks, she echoes comments made earlier this evening about needing to plan for sidewalks. She know some work is being done by staff on city plans, but it's a safety concern, and a quality of life concern, and at the end day the public pay for it in some way. It should just be done up front.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 8:40 p.m. The next Regular Meeting is Monday, March 14, 2022 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 22-037

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: MARCH 9, 2022
SUBJECT: LIQUOR LICENSE RENEWALS FOR DETOUR FOOD & DRINK

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

License Type: Restaurant Eating Place/Public Convenience
License #: 5819
DBA Name: Detour Food & Drink
Service Location: 4400 Homer Spit Road
Homer, AK 99603
Licensee: Y&C, LLC
Contact Person: Kum Ho Yang

RECOMMENDATION: Voice non objection and approval for the Liquor License Renewal Application.

Fiscal Note: Revenues.



February 25, 2022

Kenai Peninsula Borough/ City of Homer

ViaEmail:jshewell@kpb.us;cjackinsky@kpb.us;maldridge@kpb.us;ncarver@kpb.us;
slopez@kpb.us; jblankenship@kpb.us; assemblyclerk@kpb.us; [mjacobson@ci.homer.ak.us](mailto:mjacobsen@ci.homer.ak.us);
clerk@cityofhomer-ak.gov

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Restaurant Eating Place/ Public Convenience	License	5819
Licensee:	Y & C LLC		
Doing Business As:	Detour Food & Drink		

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

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

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

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

2/25/2022

ABC BOARD

LIQUOR LICENSE

2022 - 2023

TEMPORARY

5819

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

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2024 UNLESS DATED BELOW

TYPE OF LICENSE: Restaurant/Eating
Convenience

[Empty box]

LICENSE FEE: \$600.00

1138

CITY / BOROUGH: Homer
Kenai Peninsula Borough

D/B/A: Detour Food & Drink
4400 Homer Spit Road

Mail Address:
Y & C LLC
4400 Homer Spit Road
Homer, AK 99603

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

[] Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

DIRECTOR

04-900 (REV 7/21)

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

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

2/25/2022

ABC BOARD

LIQUOR LICENSE

2022 - 2023

TEMPORARY

5819

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

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2024 UNLESS DATED BELOW

TYPE OF LICENSE: Restaurant/Eating
Convenience

[Empty box]

LICENSE FEE: \$600.00

CITY / BOROUGH: Homer
Kenai Peninsula Borough

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

[] Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

COPY

DIRECTOR

D/B/A: Detour Food & Drink
4400 Homer Spit Road

Mailing Address:
Y & C LLC
4400 Homer Spit Road
Homer, AK 99603

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

04-900 (REV 7/21)



Alcohol and Marijuana Control Office
 550 W 7th Avenue,
 Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-17: 2022/2023 General Renewal Application

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

Establishment Contact Information

Licensee (Owner):	Y & C LLC	License #:	5819
License Type:	RESTAURANT EATING PLACE/PUBLIC CONVENIENCE		
Doing Business As:	DETOUR FOOD & DRINK		
Premises Address:	4400 HOMER SPIT RD. HOMER, AK 99603		
Local Governing Body:	KENAI PENINSULA BOROUGH / HOMER		
Community Council:	HOMER		

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

Mailing Address:	4400 HOMER SPIT RD		
City:	HOMER	State:	AK
ZIP:	99603		

Section 1 – Licensee Contact Information

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

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

Contact Licensee:	KUM HO YANG	Contact Phone:	(714)797-3343
Contact Email:	joohee.yang@gmail.com		

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

Name of Contact:	HOJIN PARK	Contact Phone:	(907)350-9292
Contact Email:	hojinp.cpa@gmail.com		

Name of Contact:		Contact Phone:	
Contact Email:			

Name of Contact:		Contact Phone:	
Contact Email:			



Alaska Alcoholic Beverage Control Board

Form AB-17: 2022/2023 License Renewal Application

Section 2 – Entity or Community Ownership Information

Sole Proprietors should skip this Section.

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

Alaska CBPL Entity #: 10094600

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

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

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

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

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

Table with 4 rows and 5 columns: Name of Official (KUM HO YANG), Title(s) (MEMBER), Phone (714)797-3343, % Owned (50), Mailing Address (4400 HOMER SPIT RD), City (HOMER), State (AK), ZIP (99603)

Table with 4 rows and 5 columns: Name of Official (JO JA YANG), Title(s) (MEMBER), Phone (714)797-3343, % Owned (50), Mailing Address (4400 HOMER SPIT RD), City (HOMER), State (AK), ZIP (99603)

Table with 4 rows and 5 columns: Name of Official, Title(s), Phone, % Owned, Mailing Address, City, State, ZIP



Form AB-17: 2022/2023 License Renewal Application

Section 3 – Sole Proprietor Ownership Information

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

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

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

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

This individual is an: Applicant Affiliate

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

This individual is an: Applicant Affiliate

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

Section 4 – License Operation

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

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

Section 5 – Violations and Convictions

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

Yes No

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

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



Alaska Alcoholic Beverage Control Board
Form AB-17: 2022/2023 License Renewal Application

Section 6 - Certifications

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

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

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

[Signature]
 Signature of licensee
KUM HO YANG
 Printed name of licensee

[Signature]
 Signature of Notary Public
 Notary Public in and for the State of: California

My commission expires: Oct. 27, 2024



Subscribed and sworn to before me this 10th day of December, 2021.

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

All renewal and supplemental forms are available online

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

FOR OFFICE USE ONLY

License Fee:	\$ 600	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$ 900

Details

ENTITY DETAILS

Name(s)

Type

Legal Name

Name

Y & C LLC

Entity Type: Limited Liability Company

Entity #: 10094600

Status: Good Standing

AK Formed Date: 11/13/2018

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2024

Entity Mailing Address: 4400 HOMER SPIT RD, HOMER, AK 99603

Entity Physical Address: 4400 HOMER SPIT RD, HOMER, AK 99603

Registered Agent

Agent Name: Grace Chun

Registered Mailing Address: 4400 HOMER SPIT RD, HOMER, AK 99603

Registered Physical Address: 4400 HOMER SPIT RD, HOMER, AK 99603

Officials

AK Entity #	Name	Titles	<input type="checkbox"/> Show Former	Owned
	Jo Ja Yang	Member		50.00
	Kum Ho Yang	Member		50.00

Filed Documents

Date Filed	Type	Filing	Certificate
11/13/2018	Creation Filing	Click to View	Click to View
11/13/2018	Initial Report	Click to View	
6/17/2019	Change of Officials	Click to View	
12/24/2019	Biennial Report	Click to View	
10/26/2021	Biennial Report	Click to View	

[Close Details](#)

[Print Friendly Version](#)

License Detail

LICENSE DETAILS

License #: 2101564

[Print Business License](#)

Business Name: Detour Food and Drink

Status: Active

Issue Date: 03/27/2020

Expiration Date: 12/31/2023

Mailing Address: 4400 Homer Spit Road
Homer, AK 99603

Physical Address: 4400 Homer Spit Road
Homer, AK 99603

Owners

Y & C LLC

Activities

Line of Business

72 - Accommodation and Food Services

NAICS

722110 - FULL-SERVICE RESTAURANTS

Professional License #

Endorsements

No Endorsements Found

License Lapse(s)

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

No Lapses on record for the last 4 years.

[Close License Detail](#)

[Print Friendly Version](#)



City of Homer

www.cityofhomer-ak.gov

Police Department

625 Grubstake Avenue
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

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

Memorandum

TO: MELISSA JACOBSEN, MMC, CITY CLERK
FROM: RYAN BROWNING, LIEUTENANT
CC: MARK ROBL, POLICE CHIEF
DATE: MARCH 9, 2022
SUBJECT: LIQUOR LICENSE RENEWAL DETOUR FOOD & DRINK

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

License Type: Restaurant Eating Place/Public Convenience
License #: 5819
DBA Name: Detour Food & Drink
Service Location: 4400Homer Spit Road
Homer, AK 99603
Licensee: Y&C, LLC
Contact Person: Kum Ho Yang



Office of the Borough Clerk

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

Johni Blankenship, MMC
Borough Clerk

2/28/2022

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

Homer City Hall
City of Homer Clerk

RE: Non-Objection of Application

Licensee/Applicant	:	Y & C LLC
Business Name	:	Shogun Seafood & Steak BBQ Restaurant
License Type	:	Restaurant/Eating Places - Public Convenience
License Location	:	4400 Homer Spit Road, Homer, AK 99603, City of Homer
License No.	:	5819
Application Type	:	License Renewal

Dear Ms. Jacobsen,

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

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

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/JS

Encl.

cc: HOPE.M.YANG@GMAIL.COM;

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-13

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 21.57 Large Retail and Wholesale Stores, Eliminating Maximum Parking Requirement.

Sponsor: Planning Commission

1. City Council Regular Meeting March 14, 2022 Introduction

Memorandum 22-038 from City Planner as backup

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

4 Planning Commission

5 **ORDINANCE 22-13**
6
7

8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
9 AMENDING HOMER CITY CODE CHAPTER 21.57 LARGE RETAIL AND
10 WHOLESALE STORES, ELIMINATING MAXIMUM PARKING
11 REQUIREMENT.
12

13 WHEREAS, The 2018 Comprehensive Plan Chapter 4 Goal 3, Objective A states, “Create
14 a clear, coordinated regulatory framework that guides development;” and
15

16 WHEREAS, The 2018 Comprehensive Plan Chapter 4 Goal 3, Objective A,
17 Implementation Strategies states, “Review rules and regulation options with consideration of
18 operational constraints and community acceptance;” and
19

20 WHEREAS, It has been found that the maximum parking allowance for Large Retail and
21 Wholesale Stores is inadequate to support summertime customer demands for grocery stores;
22 and
23

24 WHEREAS, The limitation of maximum parking requirements for Large Retail and
25 Wholesale stores is inconsistent with the permitted uses for parking lots and garages; and
26

27 WHEREAS, The elimination of maximum allowances for Large Retail and Wholesale
28 Stores will be more consistent with other parking regulations found in the Homer City Code;
29 and

30 WHEREAS, The proposed ordinance overcomes operational constraints and fills
31 expectations of the community.
32

33 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
34

35 Section 1. Homer City Code 21.57, is hereby amended to read as follows:
36

37 Chapter 21.57.150 Parking
38

39 ~~a. Parking lots for large retail and wholesale development shall not exceed the minimum~~
40 ~~number of spaces required by Chapter 21.55 HCC by more than 10 percent.~~
41

42 ~~a~~b. All parking lots will be posted “No Overnight Camping Permitted” as required by HCC
43 19.08.030.

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be. Where practical, no more than 50 percent of the required parking area for the development shall be located between the front facade of the building and the abutting streets or adjacent to arterials.

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

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

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 22-038 (PL 22-01)

TO: MAYOR CASTNER, AND HOMER CITY COUNCIL

FROM: RICK ABOUD, AICP, CITY PLANNER

DATE: FEBRUARY 18, 2022

SUBJECT: ELEIMINATION OF MAXIMUM PARKING REQUIREMENTS FOR LARGE RETAIL AND WHOLESALE STORE

A recent Conditional Use Permit (CUP) for an expansion of a grocery store required that the long-time store achieve compliance with the Large Retail Standards found in code. This was likely the first time the requirement for spaces to not exceed 110% of the minimum required under the Parking Code (HCC 21.55) has been applied. While the idea of minimizing surface parking has merit, it has been found to not be practical in application for several reasons outlined in Staff Report 22-11.

The CUP provided an example of just how the code standard, in this instance, did not provide for adequate parking for summer demands and can be circumvented by other allowances for parking lots in the Central Business District (CBD). This particular store does own an adjacent parcel and was allowed by code to develop an additional parking lot to serve their customers. In the end, the store will be able to provide their desired amount of parking once the lot is complete.

The item was the subject of two meetings of the Commission, including a public hearing at the February 16th meeting. In consideration of local concerns regarding the adequacy of parking for our local grocery store's proven summer demands, the Homer Planning Commission recommends that the Homer City Council adoption the draft ordinance.

Attachments

Planning review of code amendment
Draft Ordinance
SR 22-09 & minutes
SR 22-11 & minutes

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

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

Staff: The proposed amendment is consistent with Chapter 4, Goal 3, Objective A; “create a clear, coordinated regulatory framework that guides development.” Implementation strategies for this item includes the consideration of operational constants and community acceptance for rules and regulations.

b. Will be reasonable to implement and enforce.

Staff: The proposed amendment does not present a challenge to implement and enforce.

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

Staff: The amendment will promote public health safety and welfare by not introducing the need to park illegally or in places of parking lots not designed for parking and needed for circulation.

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

Staff: The ordinance has been reviewed for consistency with other wording and provisions of the title and been found to not introduce conflicts.

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

4 Planning Commission

5 **ORDINANCE 22-XX**
6
7

8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
9 AMENDING TITLE 21.57 LARGE RETAIL AND WHOLESALE STORES,
10 ELIMINATING MAXIMUM PARKING REQUIREMENT.
11

12 WHEREAS, The 2018 Comprehensive Plan Chapter 4 Goal 3, Objective A states, “Create
13 a clear, coordinated regulatory framework that guides development;” and
14

15 WHEREAS, The 2018 Comprehensive Plan Chapter 4 Goal 3, Objective A,
16 Implementation Strategies states, “Review rules and regulation options with consideration of
17 operational constraints and community acceptance;” and
18

19 WHEREAS, It has been found that the maximum parking allowance for Large Retail and
20 Wholesale Stores is inadequate to support summertime customer demands for grocery stores;
21 and
22

23 WHEREAS, The limitation of maximum parking requirements for Large Retail and
24 Wholesale stores is inconsistent with the permitted uses for parking lots and garages; and
25

26 WHEREAS, The elimination of maximum allowances for Large Retail and Wholesale
27 Stores will be more consistent with other parking regulations found in the Homer City Code;
28 and

29 WHEREAS, The proposed ordinance overcomes operational constraints and fills
30 expectations of the community.
31

32 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
33

34 Section 1. Homer City Code 21.57, is hereby amended to read as follows:
35

36 Chapter 21.57.150 Parking
37

38 ~~a. Parking lots for large retail and wholesale development shall not exceed the minimum~~
39 ~~number of spaces required by Chapter 21.55 HCC by more than 10 percent.~~
40

41 ~~a~~**b.** All parking lots will be posted “No Overnight Camping Permitted” as required by HCC
42 19.08.030.
43

44 **b.** Where practical, no more than 50 percent of the required parking area for the development
45 shall be located between the front facade of the building and the abutting streets or adjacent
46 to arterials.

47
48 Section 2. This Ordinance is of a permanent and general character and shall be
49 included in the City Code.

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51
52 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of _____, 2022.

53
54 CITY OF HOMER
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56 _____
57 KEN CASTNER, MAYOR
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60 ATTEST:
61
62 _____
63 MELISSA JACOBSEN, MMC, CITY CLERK
64

65
66 YES:
67 NO:
68 ABSTAIN:
69 ABSENT:
70
71 First Reading:
72 Public Hearing:
73 Second Reading:
74 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 22-09

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: February 2, 2022
SUBJECT: Maximum Parking for Large Retail

Introduction It has been requested through Council Member/City Manager request, that the Planning Commission review issues surrounding large retail parking requirements, specifically concerns of the development of the Safeway parking lot.

Analysis Last year we took a look at the entirety of the Large Retail code and had a few items to work out. At this time, I wish to look exclusively at parking issues.

21.57.150 Parking.

a. Parking lots for large retail and wholesale development shall not exceed the minimum number of spaces required by Chapter 21.55 HCC by more than 10 percent.

b. All parking lots will be posted “No Overnight Camping Permitted” as required by HCC 19.08.030.

c. Where practical, no more than 50 percent of the required parking area for the development shall be located between the front facade of the building and the abutting streets or adjacent to arterials.

Maximum Parking Allowances for Large Retail

The issue that is most brought up is that the number of parking spaces are inadequate to support the traffic that the store generates. I do believe that this issue could be a nearly untenable issue in the summer peak, if not for the allowance to construct an adjacent parking lot on a separate lot.

Safeway may have had a few challenges since it was constructed, but it also had atypical pressures such as, parking spaces being taken up by construction workers and equipment. I have not found my use of the parking lot inhibited and I frequently stop there 3 times a week.

But I do sympathize with the issues that will likely show themselves in the summer when demand is high.

Additionally, I object to the inconsistency of the code. This is the only type of development that is restricted in this way (Not to exceed more than 10% of minimum requirements) and it can be overcome by development on a neighboring lot. I do not think that it produces any consistent result (just as Safeway demonstrates). It is actually a rare thing in Homer for someone to propose developing parking well beyond the minimums, it is an expensive venture. Frequently, businesses desire to develop less than the minimum.

I do recommend that the Commission give serious consideration to eliminating the maximum allowance for large retail parking. It would be more consistent with code and would eliminate the development of alternative plans such as Safeway has done in creating a 'stand-alone' parking lot that could be of any dimensions.

Design

Also brought up is difficulties with the parking islands. It has been difficult for some to get used to the islands and claims have been made that they are the cause of accidents.

f. Landscaping Requirements. All development shall conform to the following landscaping requirements:

1. Landscaping shall include the retention of native vegetation to the maximum extent possible and shall include, but is not limited to, the following:

a. Buffers.

i. A buffer of three feet minimum width along all lot lines where setbacks permit; except where a single use is contiguous across common lot lines, such as, but not limited to, shared driveways and parking areas. Whenever such contiguous uses cease the required buffers shall be installed.

ii. A buffer of 15 feet minimum width from the top of the bank of any defined drainage channel or stream.

b. Parking Lots.

i. A minimum of 10 percent of the area of parking lots with 24 spaces or more shall be landscaped in islands, dividers, or a combination of the two;

ii. Parking lots with 24 spaces or more must have a minimum 10-foot landscaped buffer adjacent to road rights-of-way;

iii. Parking lots with only one single-loaded or one double-loaded aisle that have a 15-foot minimum landscaped buffer adjacent to road rights-of-way are exempt from the requirement of subsection (f)(1)(b)(i) of this section.

I have a really hard time processing this one. I do not see how navigating islands should introduce difficulties that would not be encountered if the spaces were taken up by vehicles. It may have caught some by surprise, as no plantings have been established and they may have been obscured by snow.

We may be able to take some considerations for alternative options, if an existing business does not have the room to meet minimum parking requirements when required to conform to the 10% landscaped in buffers or islands. I also support the contention that one might be able to trade off some buffers for islands and such, if difficulties are demonstrated.

The tough part here is that, I do not see that there is/was much of any alternative that was justifiable for the Safeway lot. They really do not have any options that would not have significantly altered the parking lot. They were able to meet parking minimums with the landscaping included. With the development of the neighboring parking lot, they will not lose parking spaces compared to what was previously provisioned.

There are reason why we support landscaping in parking lots. Landscaped parking lots enhance the aesthetics of a property, provide shade protection, and can reduce impervious surface through environmental design.

I do entertain thoughts of the provisioning of landscaping in parking lots in concern of the possible expansion of existing businesses. Perhaps there are other tradeoffs?

Staff Recommendation Discuss and make recommendation for further actions.

1. Should parking lot maximums, which apply only to large retail, be removed from code?
2. Are there landscaping tradeoffs for business that want to expand, but are limited by parking lot landscaping requirements?

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

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

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

City Planner Abboud confirmed.

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

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

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

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

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

City Planner Abboud reviewed his staff report for the Commission.

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

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

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

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was a brief discussion on the outcome of the changes to the Safeway parking lot changes and stormwater runoff, and possible fees such as charged in land poor communities and this factor is a big discussion and being looked at by the City.

Vice Chair Highland requested clarification on the second recommendation in Staff Report 22-09.

City planner Abboud stated it may be nice to have something on the record to bring this topic back before the commission.

BENTZ/VENUTI MOVED TO POSTPONE FURTHER DISCUSSION ON LANDSCAPING UNTIL BROUGHT BACK BY STAFF.

There was no further comments.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. City Manager's Report for January 10 & 24, 2022 City Council Meeting
- B. Kenai Peninsula Borough Notice of Decisions

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY STAFF

Deputy City Clerk Krause complimented Vice Chair highland on conducting a good meeting, it was very interesting and welcomed back Commissioner Barnwell.

COMMENTS OF THE COMMISSION

Commissioner Venuti complimented Commissioner Highland on conducting a great meeting.

Commissioner Chiappone echoed those sentiments.

Commissioner Bentz commented that on reflection of the various topics they discussed tonight lead back to resiliency and she was able to take some management level FEMA courses about building Community resilience with nature based solutions recently and there's resources out there to start thinking about the normal planning processes that cities have and how those plans can align and integrate different strategies to thread together some of these ideas that we're talking about like



City of Homer

www.cityofhomer-ak.gov

Planning

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Homer, Alaska 99603

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Staff Report PL 22-11

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: February 16, 2022
SUBJECT: Maximum Parking for Large Retail

Introduction

In consideration of experiences of our local Safeway grocery store's need to provide parking for customers year-round, the Commission has reconsidered the policy found in Homer City Code (HCC) for Large Retail and Wholesale Store that limit the allowance for parking spaces to not exceed the minimum required by more than 10%.

Analysis

We have found several factors to reconsider limiting the amount of parking allowed at Large Retail and Wholesale stores. While the concept of limiting the size of parking lots, especially those that are likely to be underutilized, seems to be a worthy goal, we have found that it is not practical when it has been indicated that the restriction is not adequate to serve demand and conflict with other policy.

The Safeway store has demonstrated a demand for parking well beyond the limitations in code. During the summer the parking lot frequently utilizes parking spaces that equal 30% above the maximum currently allowed in code. There does seem to be local factors contributing to the demand and constraints.

- There is no mass transportation options in Homer. Taxi is generally the only transportation option as no bus route exists. This does not significantly decrease the need for parking and contributes traffic to the parking lot.
- Homer does not have significant nearby population that would walk to the store. Those that do walk face challenges due to the changes in grade and may have to walk up hills that may be difficult for many, who will generally resort to driving to the store.
- The population outside Homer is considerable compared to in-town populations and Homer has a great deal of tourists in the summer. These populations are dependent of the use of cars and the services provided at the grocery store and contribute to parking demands.

- The store itself is smaller than comparable stores that provide the same products & services. This does seem to be an anomaly, as other newer and remodeled grocery stores are larger and would require more spaces due to larger floor areas.
- Homer does not allow on-street parking. On-street parking might be able provide an option for overflow parking, but this is not a viable option and not many opportunities exist that would reasonably support the use.

The policy itself is inconsistent.

- Large Retail and Wholesale Stores are the only category that is limited in this way. No other use in code is limited in maximum.
- Parking lots are an allowed use in the Central Business District (CBD). The CBD is arguably the most attractive district to operate a large retail operation and the outright allowance for a parking lot with no limitations on the numbers of stalls conflicts with the restriction. This has played out as Safeway is developing a parking lot on the adjoining lot as allowed in code and has provided a way to circumvent the restriction.

Due to the factors listed above, an amendment to eliminate the parking maximum for Large Retail and Wholesale Store is being proposed.

Staff Recommendation

Conduct public hearing and make recommendation to the City Council for adoption.

Attachment

~~Draft Ordinance~~

same as
attached to
Memo PL 22-01

City Planner Abboud reviewed his staff report that was included in the packet. He commented further on the following:

- comments made at the worksession by the public regarding drainage
- adding funds to the Land Fund and the benefits to replenish that account
- possible funding for stormwater and building code as a result of the Hazard Mitigation Plan update
- Rural Residential Rezone update process and expectations of the benefits to update this in code
- Complaints received by the City Manager on noise from Airbnb's and the question on how to manage this since Homer has literally hundreds of these seasonal rentals
 - o checking on the validity of the complaints
 - o Homer is not a "spring break location"
 - o concerns regarding the removal from the market for year round rentals
 - o reinforcement for the rezoning and will assist in creating more housing to be built

City Planner Abboud facilitated questions and responded to questions on the timeline for the presentation of the draft Hazard Mitigation Plan; building code; green infrastructure funding; details on the projects selected will need input from the Public Works Director; the public works campus relocation is a slow moving long range plan; vacation rental businesses are or should be licensed and remitting sales tax.

PUBLIC HEARINGS

A. Staff Report 22-11, draft Ordinance 22-xx Eliminating Maximum Parking Requirements for Large Retail and Wholesale Stores

Chair Smith introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 22-11 for the Commission noting the following:

- no mass or public transportation offered in Homer besides taxi's
- does not decrease the need for parking
- residents do not walk to the store due to location and topography
- considerable patronage by non-city residents, visitors and tourists
- policy itself is inconsistent, only large retail and wholesale stores are limited in the maximum
- Parking lots are an allowed use in the CBD and can be constructed without the limitation

Chair Smith opened the public hearing and having no one present in the audience in person and members of the audience attending by Zoom did not use the raise hand icon he closed the public hearing.

Chair Smith requested a motion and second.

HIGHLAND/VENUTI MOVED TO ADOPT STAFF REPORT 22-11 AND FORWARD TO CITY COUNCIL THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21-57 LARGE RETAIL AND WHOLE SALE STORES, ELIMINATING THE MAXIMUM PARKING REQUIREMENT.



Commissioner Highland noted that the Commission discussed this topic thoroughly and did not believe that there was anything additional to discuss.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 22-12 Coastal Bluff Analysis

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

City Planner Abboud reviewed his staff report at the worksession and provided a summary of what was discussed:

- work out issues insuring the setback is from the face or edge of the structure
- definition for “edge and maybe a measurement section to make sure this is not compromised by other measurements
- displaying 60 foot setbacks west of West Hill Road
- Shoring up definitions of bluff edge which include eliminating the word bluffs so it is not confused with regulations of other bluffs that they deal with
- adding a section or some definitions pertaining to the Marine Erosion and distance from the marine area that this will apply to
- possibly incorporating some measure of mean high water
- working with Commissioner Bentz to define the language for the above

Chair Smith noted that staff has requested motion for recommended setback and locations but was unsure if they were ready to do that at this time and requested further input from the Commission.

Commissioner Bentz stated that she agreed with the idea of a 40 foot setback for all areas of Homer east of West Hill and then a 60 foot setback for areas west of West Hill Road. She expressed that if they wanted to make the motion as a Commission about just that number of feet for the setback, and then opined that it would be useful to make a motion to request staff to provide an ordinance with proposed language for review at the next meeting. Ms. Benz further stated that just incorporating those key bullet points that City Planner Abboud just give us an overview of, in the language, will help and having it before us in a draft ordinance form will be really helpful as far as making decisions in the future.

City Planner Abboud stated that he was unsure if a draft ordinance could be ready by the March 2nd meeting as he will be taking some time off and Planning Staff will have other time commitments.

BENTZ/VENUTI MOVED TO RECOMMEND 40 FEET AS A SETBACK FOR LOCATIONS IN HOMER EAST OF WEST HILL AND THE STERLING HIGHWAY INTERSECTION AND 60 FEET SETBACK FOR LOCATIONS WEST OF THE INTERSECTION OF WEST HILL ROAD AND THE STERLING HIGHWAY.

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-14

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 5.24 Fireworks, Repealing Chapter 19.02 Large Special Events and Reenacting Chapter 5.46 Special Events, and Amending Section 1.16.040, Disposition of Scheduled Offences-Fine Schedule.

Sponsor: City Manager

1. City Council Regular Meeting March 14, 2022 Introduction

Memorandum 22-039 from City Manager as backup

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

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

3 City Manager

4 **ORDINANCE 22-14**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE CHAPTER 5.24 FIREWORKS,
8 REPEALING CHAPTER 19.02 LARGE SPECIAL EVENTS AND
9 REENACTING AS CHAPTER 5.46 SPECIAL EVENTS, AND AMENDING
10 SECTION 1.16.040, ENTITLED "DISPOSITION OF SCHEDULED
11 OFFENSES – FINE SCHEDULE."
12

13 WHEREAS, Chapter 19.02 is in need of a comprehensive rewrite to bring the special
14 event permit process up to-date and better define which events require an event permit; and
15

16 WHEREAS, The subject matter of Chapter 19.02 is better suited for Title 5 Health and
17 Public Safety as special and/or larger events may impact public health and safety; and
18

19 WHEREAS, Chapter 5.24.050 is in need of amendment to reflect the revised special event
20 permit process for authorized firework exhibits.
21

22 WHEREAS, Chapter 1.16.050 is in need of amendment to reflect the revised code citation
23 and to increase the fine for non-compliance.
24

25 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
26

27 Section 1. Homer City Code 5.24.050, entitled "Exceptions for authorized exhibits –
28 Permits required" is hereby amended as follows:
29

30 5.24.050 Exceptions for authorized exhibits – Permits required.
31

32 a. Fireworks may be used for public exhibits by fair associations, amusement parks and other
33 organizations or groups of individuals if: **a Special Event permit is first obtained from the**
34 **City Manager per the permitting process under HCC 5.46.**
35

36 1. A permit is first obtained from the City Clerk upon payment of a permit fee in an amount
37 determined by Council resolution and set forth in the City of Homer fee schedule, per
38 exhibit or continuous series of exhibits; such permit to be applied for not less than 30 days
39 prior to such exhibit or series of exhibits; and
40

41 2. A bond is filed with the City, in the amount of at least \$500.00, to insure payment of all
42 damages to persons or property caused by any exhibit. A bond will not be required if the

43 holder of the permit has in effect a liability insurance policy which accomplishes the same
44 purpose as the bond.

45

46 ~~b. No permit issued under this section shall be transferable.~~

47

48 Section 2. Homer City Code Chapter 19.02, entitled "Large Special Events", is hereby
49 repealed and reenacted as Chapter 5.46, entitled "Special Events", to read as follows:

50

51 **Chapter 5.46 SPECIAL EVENTS**

52

53 **Sections:**

54 **5.46.010 Definitions.**

55 **5.46.020 Intent.**

56 **5.46.030 Permit required.**

57 **5.46.040 Application procedure.**

58 **5.46.050 Action on permit application and general standards**

59 **5.46.060 Revocation of permit.**

60 **5.46.070 Payments for City services and facilities.**

61 **5.46.080 Insurance.**

62 **5.46.090 Violation – Penalty.**

63 **5.46.100 Appeal of decision.**

64

65 **5.46.010 Definitions.**

66

67 **As used in this chapter, the words and phrases defined in this section shall have the**
68 **meaning stated.**

69

70 **“Anticipated attendance” means the largest number of persons, including participants**
71 **and spectators, that the Sponsor reasonably expects to congregate at a single time and**
72 **location during a special event.**

73

74 **“Demonstration” means an assembly of persons for purposes of expressive activity that**
75 **occupies, or travels on, any street in a manner that does not comply with generally**
76 **applicable traffic regulations; or occupies a public park or other public facility or**
77 **property.**

78

79 **“Emergency services” means the public organizations that respond to and deal with**
80 **emergencies when they occur, especially those that provide police, ambulance, and**
81 **firefighting services.**

82

83 **“Special event” means a parade, performance, concert, sporting event, fair, ceremony**
84 **or other public assembly, for which persons congregate in a street, right-of-way, park, or**
85 **other public or private property in the City.**

86
87 **“Sponsor” means the person or persons who organize, present or promote a special**
88 **event.**

89
90 **5.46.020 Intent.**

91
92 **The intent of this chapter is to protect general health and safety of the public within the**
93 **City of Homer, while allowing and regulating special events which may be beneficial to**
94 **the City and its residents.**

95
96 **5.46.030 Permit required.**

97
98 **a. No sponsor may promote, advertise or sell admission to a special event without first**
99 **having obtained a permit from the City under this chapter. Approval of a special event**
100 **application and the issuance of a special event permit shall be required for any of the**
101 **following:**

102
103 **1. Outdoor concerts and festivals;**

104
105 **2. Carnivals, rides, circuses, zoos, or animal exhibitions;**

106
107 **3. Events on City property where the anticipated attendance is expected to exceed the**
108 **standard capacity for that facility or property as determined by the City Manager or**
109 **designee;**

110
111 **3. Events that take place within the City and/or State rights-of-way;**

112
113 **4. Events that are held on private property within City limits that do not have the**
114 **parking capacity to accommodate the anticipated attendance and will impact the**
115 **road right-of-way for emergency service access;**

116
117 **5. Firework displays or events that incorporate large fires/pyrotechnics of any kind;**
118 **or**

119
120 **6. Other special events which are similar to and compatible with those listed above,**
121 **pending approval by the City Manager.**

122
123 **b. The following are exempt from the permit requirement of this chapter:**
124

- 125 **1. A funeral procession.**
126
127 **2. A special event that is held entirely within a privately-owned property and does not**
128 **meet the permit requirements under this section.**
129
130 **3. A special event that is held within a permanent facility, such as an auditorium,**
131 **theater, church or athletic field, that is specifically designed and intended for the**
132 **activities comprising the event, and that:**
133
134 **a. Has the capacity to accommodate the anticipated attendance at the special**
135 **event, including compliance with maximum occupancy permitted by State or local**
136 **fire officials; and**
137
138 **b. Has sufficient off-street parking to accommodate the anticipated attendance at**
139 **the special event, according to the standards prescribed in HCC Title 21.**
140
141 **4. A special event that is sponsored by a duly organized neighborhood or**
142 **homeowners' association, occurs entirely within the area where the association's**
143 **members reside, generates minimal traffic outside that area, is attended only by the**
144 **association's members and their guests, and does not benefit any other organization.**
145
146 **5. An event that is sponsored by or under the control of the City or through a**
147 **memorandum of understanding or agreement with the City.**
148
149 **6. A demonstration; provided that the Chief of Police is notified of the route or location**
150 **of the demonstration at least 48 hours before the commencement of the**
151 **demonstration.**

152
153 **5.46.040 Application procedure.**
154

155 **a. The sponsor shall submit a special event permit application to the City Manager on a**
156 **form provided by the City not less than 14 business days before the commencement of**
157 **the special event, and shall contain at a minimum the following:**
158

- 159 **1. Contact information including a functional telephone number for the sponsor.**
160
161 **2. For sponsors who are not a natural person: the sponsor entity's organization form,**
162 **the state in which the entity is organized, and the names of the principal officers of**
163 **the entity.**
164
165 **3. The name of an individual, including their 24-hour telephone number(s), who will**
166 **be the on-site point of contact for the sponsor at all times of the special event from**

167 **the commencement of on-site preparations until all on-site cleanup and restoration**
168 **work is completed at the conclusion of the special event.**

169
170 **4. Proposed date(s) and hour(s) of operation of the special event.**

171
172 **5. A complete description of the special event which:**

173
174 **a. Describes the proposed activity or activities with a summary and the use of**
175 **visual aids such as maps/overviews, diagrams, or illustrations;**

176
177 **b. Gives an anticipated attendance for each day of the special event;**

178
179 **c. Demonstrates to the satisfaction of the City Manager that the sponsor has an**
180 **effective plan for satisfying the criteria under Section 5.46.050; and**

181
182 **d. Provides any additional information requested in the permit application or by**
183 **the City Manager, including without limitation plans for parking, traffic control,**
184 **sanitation, and security as appropriate to the nature of the special event.**

185
186 **6. Permit application fee that the City Council establishes by resolution.**

187
188 **b. For special events that the City Manager determines may have a more significant**
189 **impact on the safety of the community, the City Manager may impose additional**
190 **requirements, with proof and/or payment to accompany the special event permit**
191 **application to the City Manager. Additional requirements may include:**

192
193 **1. Certificate of insurance as required by Section 5.46.080.**

194
195 **2. For sponsors who are not a natural person: proof that the entity is in good standing**
196 **in its state of organization and qualified to conduct its activity in the State of Alaska.**

197
198 **3. If a special event imposes substantial demands on City services or facilities:**
199 **payment for the necessary additional City services or facilities and/or performance**
200 **bond, as required by Section 5.46.070.**

201
202 **5.46.050 Action on permit application and general standards.**

203
204 **a. The City Manager may approve a complete and timely submitted application for a**
205 **special event permit upon finding that the special event will not be detrimental to the**
206 **public's health, safety, or convenience. In order for a permit to be approved, the special**
207 **event must:**

209 **1. Minimize interference with the enjoyment of neighboring uses and protect**
210 **neighboring uses from nuisances or hazardous features;**

211
212 **2. Not create hazardous vehicular or pedestrian traffic patterns or result in traffic in**
213 **excess of the capacity of surrounding rights-of-way or property serving the use;**

214
215 **4. Not create diversion of City resources that would unreasonably interfere with the**
216 **maintenance of regular City service levels;**

217
218 **5. Accommodate the anticipated number of attendees of the special event through the**
219 **availability of adequate restroom facilities or temporary structures such as portable**
220 **toilets with established handwashing stations; refuse management facilities; and safe**
221 **and maneuverable access for emergency services, pedestrians, patron vehicles**
222 **including off-street parking, and other necessary facilities and services as determined**
223 **by the City Manager;**

224
225 **6. Be removed and the site be restored to the original or better condition on or before**
226 **the expiration date of the permit;**

227
228 **7. Have obtained written permission from the property owner(s) where operating;**

229
230 **8. Be registered to collect sales tax within the Kenai Peninsula Borough, if required;**

231
232 **9. Be in compliance with requirements for any business license or other permits which**
233 **may be prescribed by any Federal, State or local statutes, ordinances, rules or**
234 **regulations; and**

235
236 **10. Be in compliance with all other applicable laws, codes, and statutes of any**
237 **jurisdiction as appropriate to the specific activities associated with the proposed**
238 **special event.**

239
240 **b. The City Manager may impose any special conditions necessary to ensure that the**
241 **intent and general standards of this section are satisfied.**

242
243 **5.46.060 Revocation of permit.**

244
245 **a. The City Manager may revoke a special event permit if it is determined that the conduct**
246 **of the operation(s) is not in compliance with either the terms and/or conditions of the**
247 **permit or the provisions of this chapter.**

248
249 **b. Except in the circumstances described in subsection (c) of this section, the City**
250 **Manager shall not revoke a permit without first providing notice and an opportunity for**

251 **a review under this subsection. The City Manager shall notify the sponsor of the grounds**
252 **for revoking the permit, and of the sponsor’s right to request a review on the revocation.**
253 **The sponsor may obtain a revocation review by requesting a meeting in writing at the**
254 **office of the City Manager within the time prescribed in the revocation notice.**

255
256 **c. If the City Manager determines that the grounds for revoking a permit constitute an**
257 **immediate danger to public health or safety, the City Manager may revoke the permit**
258 **without prior notice or meeting. Promptly after revoking a permit under this subsection,**
259 **the City Manager shall give the sponsor notice in accordance with subsection (b) of this**
260 **section, and schedule a review on the revocation.**

261
262 **5.46.070 Payments for City services and facilities.**

263
264 **a. If the City Manager determines that a special event will require additional support**
265 **services or facilities from the Police, Fire, Public Works, Administration, or any other City**
266 **department, the City Manager shall so notify the sponsor, with an estimate of the cost of**
267 **such additional services. Upon receipt of such notice, the sponsor shall pay to the City an**
268 **amount equal to 50 percent of such estimated cost. The sponsor shall pay to the City the**
269 **remainder of the total actual cost of such additional services or facilities within 30 days**
270 **after the last day of the special event.**

271
272 **b. In addition to requiring payment for additional City services or facilities under**
273 **subsection (a) of this section, the City Manager may require a sponsor to submit to the**
274 **City a deposit to cover the estimated cost of cleaning and restoring City property after a**
275 **special event. The deposit shall be refunded to the sponsor to the extent that it is not**
276 **applied to pay the cost of cleaning and restoring City property used during the special**
277 **event.**

278
279 **c. If the City Manager has cause to doubt a sponsor’s financial capability to pay any**
280 **amount required under this section, the City Manager may require the sponsor to provide**
281 **a performance bond before issuing the permit for the special event.**

282
283 **5.46.080 Insurance.**

284
285 **a. The City Manager may require that the sponsor acquire insurance coverage and provide**
286 **a certificate of insurance with the special event permit application. Any required**
287 **insurance shall include the following:**

288
289 **1. Comprehensive commercial general liability with coverage limits up to \$1,000,000**
290 **combined single limit per occurrence and aggregate, including premises-operations,**
291 **independent contractors, products/completed operations, broad form property**
292 **damage, blanket contractual and personal injury endorsements.**

293
294 **2. Comprehensive automobile liability covering all owned, hired and non-owned**
295 **vehicles that the sponsor uses in connection with the special event, with coverage**
296 **limits up to \$1,000,000 per occurrence.**

297
298 **3. Worker’s compensation insurance as required by AS 23.30.045 for all employees of**
299 **the sponsor and its contractors engaged in work on the special event.**

300
301 **4. Name the City as additional insured and contain an appropriate waiver of**
302 **subrogation in favor of the City.**

303
304 **b. The sponsor shall maintain the required insurance coverage in force at all times from**
305 **the commencement of on-site preparations until all on-site cleanup and restoration work**
306 **is completed after the conclusion of the special event.**

307
308 **5.46.090 Violation – Penalty.**

309
310 **The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC**
311 **1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must**
312 **appear in court and, if convicted, is subject to the general penalty as provided in HCC**
313 **1.16.010 unless another penalty is specifically provided.**

314
315 **5.46.100 Appeal of Decision**

316
317 **Judicial review by the superior court of a final decision on a special permit issued by the**
318 **City may be had by filing a notice of appeal in accordance with the applicable rules of**
319 **court governing appeals in civil matters. The notice of appeal shall be filed within 30 days**
320 **of notice of the final decision on the permit. Appeals of special event permits are heard**
321 **solely on the administrative record which shall be prepared by the City. A copy shall be**
322 **filed in the superior court within 30 days after the appellant pays the estimated cost of**
323 **preparing the complete or designated record or files a corporate surety bond equal to the**
324 **estimated cost.**

325
326 Section 3. Homer City Code 1.16.040, entitled “Disposition of scheduled offenses – Fine
327 schedule” is hereby amended as follows:
328

HCC 19.02.020 <u>5.24</u>	Large Special event – Permit required	\$1000.00
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329
330 Section 4. This ordinance is of a permanent and general character and shall be codified
331 in Homer City Code.
332

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

334

335

CITY OF HOMER

336

337

KEN CASTNER, MAYOR

338

339

340 ATTEST:

341

342

343 MELISSA JACOBSEN, MMC, CITY CLERK

344

345 YES:

346 NO:

347 ABSENT:

348 ABSTAIN:

349

350 First Reading:

351 Public Hearing:

352 Second Reading:

353 Effective Date:



City of Homer

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Memorandum 22-039

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: February 1, 2022; Updated March 2, 2022
SUBJECT: Special Events Code Update

Homer's current special events code is not a great fit for the events that are actually happening all year within city limits. A team of staff, along with Councilmembers Venuti and Hansen-Cavasos, collaborated on potential solutions via a comprehensive code update for special events. The proposal in Ordinance 22-XX will repeal Homer City Code (HCC) Chapter 19.02 Large Special Events and create Chapter 5.46 Special Events as its replacement. Additionally, the ordinance will make a modification to HCC Chapter 5.24 Fireworks.

Background

In early 2021 I asked the Council if there would be interest in updating the special events code. I had observed that our code wasn't fitting our needs very well and that it would benefit from some modifications. Councilmembers Venuti and Hansen-Cavasos volunteered to work with me on this topic. On the staff side, I built a team that included Chief Robl, Jenny Carroll (Special Projects Coordinator), Rachel Tussey (Deputy Clerk), Julie Engebretsen (Deputy Planner), Matt Steffy (Parks Superintendent), and Mike Illg (Community Recreation Manager). We held a kick off meeting that covered Special Events (HCC 19.02), Mobile Food Service (HCC 8.11), and Fireworks (HCC 5.24). Mobile Food Service (food trucks) will be covered in a separate memo.

At the Special Events kick off meeting, the team had the following goals for the special events update project:

- To build code and processes that are a good fit for the events held in Homer (and the events we want to be held in Homer)
- Set events up for success without creating administrative barriers that are great enough to make organizers not want to host events in Homer
- Make Homer a preferred location for high quality events on the Kenai Peninsula
- Enhance public safety related to events in the community

The team identified issues with the code, generated some ideas for improvements, and discussed thoughts on topics like thresholds for permits, public versus private spaces, where in HCC special events should be located, what should be required in permit applications, parking, and fees. After meeting and getting input from our Council sponsors, the team worked on rewriting the code. This has been a project that has been making slow but steady progress in the background as we've worked on other higher priorities the past year.

Update Notes

The draft in ordinance 22-XX makes a number of changes. The following will give a high-level overview:

- **Change from Large Special Events to Special Events:** The existing code was targeted at events of over 500 people. There are many special events that are much smaller than 500 people which have potential to have a significant impact on public safety, traffic circulation, etc. The update does a better job of addressing these smaller events.
- **Moves special events from Title 19 Parks, Campgrounds and Public Places to Title 5 Health and Public Safety:** This is a more logical location for special events and highlights the City’s public safety interest in issuing permits.
- **Intent:** Adds a section regarding the intent of this chapter “to safeguard and protect the enjoyment of private property and general health and safety of the public within the City of Homer, while allowing and regulating special events which may be beneficial to the City and its residents.”
- **Clarifies what types of events require permits:** The existing code is limited to “large special events” which have an anticipated attendance of 500 or more persons. The proposed code includes: outdoor concerts and festivals; carnivals, rides, circuses, zoos, or animal exhibitions; events on City property where the anticipated attendance is expected to exceed the standard capacity for that facility (thresholds set by staff); events in a right-of-way; events on private property that expect to impact road rights-of-way with parking overflow; fireworks displays and other events with large fires or pyrotechnics; and other events similar to those listed.
- **Application lead time:** Existing code asks for an application to be submitted 120 days before an event, the proposed code reduces that requirement to 14 days.
- **High impact events:** The proposed code makes it clear that events which are determined to be particularly impactful on the community may have their permits issued with conditions.
- **Findings for approval:** The proposed code has ten conditions which must be considered for the City Manager to approve a special event permit.
- **Insurance:** When insurance is required by the City, the proposed code adds a requirement to name the City as additional insured and contain an appropriate waiver of subrogation in favor of the City.
- **Appeals:** The proposed ordinance gives direction as to how a special event applicant or permit holder would appeal a decision to either not grant a permit or revoke a permit.
- **Fine:** The proposed ordinance would modify HCC 1.16.040 to change the fine from “large special event” to just “special event.” The fine is set at \$1000.
- **Fireworks:** The proposed ordinance modifies HCC 5.24.050 removing the requirement to obtain a fireworks permit from the City Clerk and file a bond with the City. Instead, it requires a special event permit.

In conjunction with the code update, staff also produced a pair of flow charts to help special event sponsors understand whether they will be required to file for a permit or not. These flow charts will be used create application forms and a website resource.

Staff Recommendation: Introduce and adopt Ordinance 22-XX

Update 2MAR22: Deputy City Planner and Special Projects Coordinator Julie Engebretsen presented this proposed code update to various committees/commissions for comment. There were many questions, and the update was generally well received. There were a few items worth clarifying after having discussions with interested commissioners and the Chamber of Commerce:

- Permit Fees – there is no permit fee in the fee schedule for a special events permit. Administration is not recommending instituting a fee at this time.
- Staff Time – the ability to charge for staff time has existed as long as the special event code has existed, however, it is very seldom used. We expect to continue to offer limited support to community events like those hosted by the Chamber of Commerce and the New Year’s Eve fireworks. This ability to charge for staff time remains in the update with the expectation that in the future there may be large events, particularly private, for-profit, ticketed events, that exclude the general public and do not provide a significant enough public benefit to receive City staff support without full compensation for time and/or supplies.
- Fines – the maximum fine was increased to \$1000 to act as a deterrent to those who would commit egregious violations of the code and cause public health and safety difficulties as a result. This is not a fine that we expect to commonly use, but there may be rare situations in the future in which we would benefit from having this tool available.

CITY PROPERTY / ROW

If you are planning an event entirely within a facility designed for such use, or that occurs within an organized neighborhood that generates minimal traffic outside the area, or is sponsored by the City under a Memorandum of Agreement or a funeral procession

NO

These are exempt activities. No Special Event Permit required.

Event sponsor must obtain a special event permit from the City before promoting, advertising or selling admission. Applications are to be submitted no less than 14 business days before the commencement of the special event.

Link to Special Events Permt
*Specialized agreement for filming

If you are planning a:
Parade or march in City or State Right-of-Way
Outdoor Concert/Fesitval or Fair
Carnival, rides, circus, zoo or animal exhibit
Fireworks or pyrotechnic display
Commercial Filming or video taping
CLICK HERE

Will food truck/s will be present?

NO

Link to Mobile Food Service Permit info.

YES

Check all that apply

Anticipated attendance may exceed venue capacity and/or could impact vehicular or pedestrian traffic patterns

YES

Event sponsor must obtain a special event permit from the City before promoting, advertising or selling admission. Submit application no less than 14 business days before commencement of the event.

NO

Event sponsor must obtain a special event permit from the City for the event. Submit application no less than 14 business days before commencement of the event.

Planning a smaller event on City property?
CLICK HERE

There will be a bonfire or fire larger than 3' x 3'

YES

No Special Event Permit required
Courtesy notification to HPD requested.
Reminder about noise ordinance/quiet hours in parks

NO

There will be amplified music

YES

Event sponsor must obtain a special event permit from the City before promoting, advertising or selling admission.

NO

There will be fireworks

YES

For all NO answers, Thank you, no special event permit required. Info about noise ordinance.

NO

There will be food truck/s

NO

YES

Link to Mobile Food Service Permit info.

PRIVATE PROPERTY within City Limits

Check all that apply

Cars will be parking on both sides of the street for this event
or this event is a block party that will block a street

YES

Access for emergency vehicles must be maintained on all city streets.
Special event permit & parking plan approval required.

NO

Contact name, phone number & email
Date, times and location of temporary parking
Estimated # of cars
Reviewed by HVFD & HPD

There will be a bonfire or fire larger than 3' x 3'

YES

Burn permit required for fires over 3'x3'.
Please note: Fires larger than 3'x3' and/or fireworks are not allowed during times of burn suspensions or bans.

NO

Link to Burn Permit.

There will be amplified music

YES

Courtesy notification to HPD requested.
Reminder about noise ordinance.

NO

Contact name, phone number & email
Date, times and location

There will be fireworks

YES

Permit required per City Code

Link to Special Event or Fireworks permit

NO

For all NO answers, Thank you, no special event permit required.
Info about noise ordinance.

- ***FILMING**
 - Application/Review Form Required
 - General Liability Release
 - May require Permit depending on scope

Special Event Permitting FAQ

Q: How do I know if I need a Special Event Permit?

If your plan includes holding an event in whole or in part on public property or on private property and it affects the ordinary use of public streets, right-of-ways, park facilities, sidewalks or may require additional city services than would normally be provided (such as police escorts, traffic control, sanitation, and cleanup work required to support the event), you may need a special event permit.

To help you identify if a permit is needed and what kind, we ask you to [click here](#). (link to infographic overview and special events online tool)

Q: Why do I need to apply for a Special Event Permit?

- To assure that an activity meets legal requirements of the use of public land and right of ways.
- To assure the City that adequate services such as traffic control, sanitation, solid waste and public safety issues are addressed.

Q: Do I need to submit a special event application if my event is not open to the public?

Your event may still require a Special Event permit even if it is not open to the public. If your event will have a public impact (i.e. Street Parking, Traffic) or change the use of or exceed the occupancy of the building hosting the event.

Q: How do I Apply for a Special Event Permit?

The City of Homer has an online permit application. Go to [link]. The online application tool will guide you through the process.

You can also download and print a hard copy. Paper applications can be submitted by email to cdrais@ci.homer.ak.gov, or they can be dropped off at City Hall, Monday-Friday, 8:00 AM-5:00 PM. Assistance can be obtained by contacting the City Manager's office at 907-435-3102 Monday - Friday 8:00 a.m. to 5:00 p.m.

The application is to be filed a minimum of 14 business days prior to event to ensure adequate time is available for the City's to review and issue a permit. Staff may follow up with you if there are questions following review. Your timely application also provides you an opportunity to address or correct any issues that may be needed and insure you have time to obtain any additional permits from other agencies.

Q: Can I promote my event before I get a permit?

No. Please do not publicize your event before you receive the Special Event Permit.

Q: What conditions may be required as part of your permit?

The type and scope of your special event will determine what will be required. A Right-of-Way Use Permit from the State, a parking or traffic control plan or additional sanitation facilities are examples of conditions that may be required. The Special Event Permit application will supply you with a list of any conditions your event will need to meet.

The applicant has sole responsibility for obtaining any additional permits, insurance coverage and complying with the City's Special Events Ordinance and conditions of the Special Event Permit.

Q: Do I need insurance for my event?

Q: What if I want to serve alcohol at my event?

Q: Do I need a permit to do filming on City property?



Memorandum 22-040

TO: Mayor Castner and Homer City Council
THROUGH: Rob Dumouchel, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: March 3, 2022
SUBJECT: Ordinances amending Mobile Food and Special Event Permits

I attended a meeting at each City Commission and the Library Advisory Board to provide an overview of the two draft ordinances. The Commissions all appreciated the work involved, and the streamlining of City permit processes. Excerpts of their meetings minutes are provided below.

I spoke with the Planning Commission at a work session (3/2/22). No minutes are taken at work sessions. The Planning Commission asked questions and was supportive of the changes.

Economic Development Advisory Commission 2/8/22

Chair Marks introduced the item by reading the title and deferred to Deputy City Planner and Special Projects Coordinator Engebretsen and Deputy City Clerk Tussey to begin discussion.

Ms. Engebretsen and Ms. Tussey spoke to the background of the large special event code and reasoning for amending it, the proposed event permit decision tree, and City staff's plan to build an online interactive Frequently Asked Questions page that would guide individuals to the information they need depending on the event they're planning. Commissioners voiced overall support of the special event code amendments. In response to questions and concerns regarding the updates to food truck code, Ms. Engebretsen explained how the existing code and process was very restrictive and expensive, and how the revised code makes getting a food truck permit easier. Discussion included the following topics:

- Permit should require, at a minimum, showing proof of the applicant's Department of Environmental Conservation (DEC) certificate; Commissioner Gamble supports removing barriers for businesses but thinks skipping over health and safety safeguards is short-sighted; Commissioner Speakman agreed, noting the DEC permitting process is pretty extensive.
- The new process will only require the applicant states they have a copy of their business license and sales tax abilities but will not require proof of it; commissioners and staff discussed how the City is not an enforcement agency and how tedious other community's process is to verify this information; agreement that checkboxes on the application is sufficient.

- Removing the section of code that protected established restaurants from food truck competition. This topic went through extensive discussion at the City Staff level and it was determined the City does not regulate how many liquor licenses or restaurants there can be in a proximity to one another for standard businesses, and so in the spirit of the free market the proposed code does not intend to regulate food trucks as it has in the past. Any issues with food trucks being on private property is up to the owner of that property.
- Support for the “free market” concept, brings up the question why does the City regulate food trucks at all? Point made that it’s coming from the same chapter as Itinerant Merchants and gives the City a right to deny illegitimate businesses from coming into the community, such as shady asphalt businesses. Food truck permits are a pretty standard thing in other municipalities, and gives some concept of who is in your down doing food services, coming from a health, welfare, and safety perspective.
- Concerns that by reducing the revenue from permits we’re now losing a large amount of money due to the amount of staff time/labor put into the permitting process. Staff reasoned it would likely be less time-consuming because the new regulations will be easier to understand (therefore less staff time explaining the process), be more accessible online, less permitting barriers, and a simple \$50 fee can be paid over the phone.
- Reiteration of full support for removing excessive barriers, such as requiring finger-printing, using checkboxes on the form to determine eligibility and that revisions to code can always be done at a later time if needed. GAMBLE/BROWN MOVED TO SUPPORT THE HOMER CITY CODE AMENDMENTS REGARDING SPECIAL EVENTS AND MOBILE FOOD SERVICES AND RECOMMEND APPROVAL BY CITY COUNCIL. There was no discussion. VOTE: NON OBJECTION: UNANIMOUS CONSENT. Motion carried.

Library Advisory Board 2/15/22

Chair Finn introduced the agenda item by reading the title and deferred to Deputy City Planner and Special Projects Coordinator Engebretsen. Ms. Engebretsen spoke to the proposed amendments to City Code regarding special events and food truck permitting in relation to the library and events that could potentially take place at the library. She facilitated discussion with the board and responded to questions on:

- Scenarios when permits would be required since many library events are organized through the Friends of the Homer Library or library staff.
- How demonstrations and marches are addressed in City Code and the permitting process. FAIR/KUSZMAUL MOVED TO SUPPORT THE HOMER CITY CODE AMENDMENTS REGARDING SPECIAL EVENTS AND MOBILE FOOD SERVICES AND RECOMMEND ADOPTION BY CITY COUNCIL.

Boardmember McKinney clarified with City staff that the LAB was supporting the code amendments, not approving them, and will then go to City Council for adoption. Ms. Engebretsen and Deputy City Clerk Tussey noted any further revisions to the documents would be before Council for consideration, the large amount of staff input that went into writing them, and how the proposed amendments will streamline the special event process. Boardmember Dolma commented the new 14 day application period is appreciated if you’re

in a creative role; it feels less daunting than the 120 days. Boardmember Kuszmaul voiced her support for the amendments. She commented how the amendments seemed appropriate in regards to freedom of speech and demonstrations; her concerns were if a demonstration would be shut down if it ended up being larger than the organizers had anticipated. Ms. Engebretsen explained how the permitting process and code addresses that and why the revised decision tree includes notices to Public Safety staff even if a large event permit is not required. Chair Finn confirmed with staff what other advisory bodies were providing comments on the topic. VOTE: NON-OBJECTION: UNANIMOUS CONSENT. Motion carried

Parks, Art, Recreation and Culture Advisory Commission 2/17/2022

Deputy City Planner Engebretsen provided a summary review of the information in the packet. She noted the following in addition to the information provided:

- City of Homer is the most difficult and most expensive community
- Lengthy process for a Special Event
- Changes to City Code
- Process outlined in a flow chart format
- Clarifies how a Special Event will be conducted in the City's Parks
- Food Trucks will be wrapped into MOU's that organizations such as Little League have with the city.

Commissioners commented in support of the changes presented. HARRALD/ARCHIBALD MOVED THAT THE COMMISSION SUPPORTS THE PROPOSED CHANGES AS PRESENTED AND RECOMMENDS FORWARDING TO CITY COUNCIL FOR PUBLIC HEARING AND ADOPTION. VOTE. NON-OBJECTION. UNANIMOUS CONSENT. Motion carried.

Port and Harbor Advisory Commission 2/23/22 * City Manager Dumouchel, Julie Engebretsen and Christine Drais subsequently met with the Homer Chamber of Commerce Executive Director Brad Anderson and Port and Harbor Commission Chair Crisi Matthews to further discuss concerns. There are addressed in the manager's memo accompanying the special event permit ordinance.

Vice Chair Ulmer introduced the item by reading the title and deferred to Deputy City Planner and Special Projects Coordinator Engebretsen.

Ms. Engebretsen provided an overview of the proposed amendments to City Code regarding special events and food truck permitting in relation to the harbor.

Commissioner Matthews raised concerns that the new code for special event permits would cause undue burdens on local organizations and individuals who plan events that can potentially bring revenue to Homer. She pointed out the code verbiage that allows the City Manager to impose additional costs for City staff time and insurance requirements.

Ms. Engebretsen responded, noting:

- How many of the events used as examples would not be required to get a permit under the new code/process;
- That events that do require a permit, such as ones that impact the Right-of-Ways, are already doing the things outlined in the new code (that has not changed, it's just been clarified better);
- How the City is trying to be more mindful of what's happening on our properties. She explained how the potential fees are at the City Manager's discretion and would only apply to really large events that would cost the City a lot of money in staff time; that will not be the case for many of our community events. Right now we do not have the tools, as a landowner, in place to protect our City parks and facilities from events that could have the potential to damage them with little repercussions.

Deputy City Clerk Tussey reiterated Ms. Engebretsen's points, how the amendments streamline the special event permitting process, and shared her experiences with processing special event permits during her time as Acting City Manager Assistant.

Commissioner Matthews opined there are some things that need to be clear and cleaned up. She highlighted some events, such as the Peony Festival or firework events, that would now have to budget more due to the costs associated with getting a special event permit. Ms. Engebretsen reiterated that many of those events are already required under the existing code to have permits and submit insurance requirements; that is not changing with the new code amendments and she does not see where event planners will have to pay an extra \$1,000. The intent is to have language that says "yes you're going to do this big thing and you're going to have to provide some insurance".

At Commissioner Matthews' request for more clarification from someone at City Hall, Ms. Engebretsen suggested a separate meeting where she, staff, and the City Manager can discuss it further. There was discussion on what that meeting would entail and other community events that Commissioner Matthews feels will be effected by the code change.

Student Representative Stonorov left the meeting at 6:04 p.m.

Commissioner Matthews inquired on the proposed food truck code. Her understanding of health department regulations is that food trucks had to remain a set distance away from established restaurants. Ms. Engebretsen explained that City Code has a rule regarding distance but one was not found in Alaska State Statutes. Commissioner Matthews said she would follow up on that requirement. Commissioner Matthews questioned how the new code applies to Farmer's Market stands. Ms. Engebretsen explained how those uses fall under different Planning and Zoning rules pertaining to outdoor markets and the need for itinerant merchant licenses, and the rules imposed by the farmer's market organizers. Ms. Engebretsen also clarified that food trucks used at large events, such as the Food Truck Festival that Commissioner Matthews used in her example, would not be required to get a mobile food permit as they would be covered under the Chamber's special event permit. She further clarified that events such as the Homer Little Leagues are covered under a Memorandum of Agreement they have with the City to use the park facilities. Commissioner Matthews brought up food trucks in the Right-of-Ways, such as out on the Spit. Ms. Engebretsen noted anyone using the State's Right-of-Way would need a permit from the State, and how the City cannot

charge for the use of it. Commissioner Matthews reiterated her concerns with the vagueness of the code as a person who is trying to build business/economy and as a commissioner.

Commissioner Shavelson shared an observation of his time living in larger cities that had many ice cream and food vendors on bicycles and push-carts. He opined it was reasonably foreseeable to see similar vendors on the Spit and suggested that be considered when determining the definition of mobile food services.

ORDINANCE REFERENCE SHEET
2022 ORDINANCE
ORDINANCE 22-15

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 8.11
Mobile Food Service

Sponsor: City Manager

1. City Council Regular Meeting March 14, 2022 Introduction

Memorandum 22-041 from City Manager as backup

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

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

3 City Manager

4 **ORDINANCE 22-15**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE CHAPTER 8.11 MOBILE FOOD
8 SERVICE.

9
10 WHEREAS, Chapter 8.11, adopted in 1983, is in need of a rewrite to reflect current
11 regulations and health, welfare and safety concerns; and

12
13 WHEREAS, The permitting and tracking responsibility for Mobile Food Service permits
14 will change from the Police Department to the City Manager or designee; and

15
16 WHEREAS, Chapter 8.11.080 Violation and Penalty, and 8.11.085 Appeal of Decision
17 have been updated to be consistent with current city codes and policies; and

18
19 WHEREAS, Changes to Chapter 8.11 will result in regulation that allows for streamlined
20 administration and enforcement.

21
22 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

23
24 Section 1. Homer City Code Chapter 8.11 Mobile Food Service is hereby amended as
25 follows:

26 Chapter 8.11
27 MOBILE FOOD SERVICE

28 Sections:

29 8.11.010 Applicable State law incorporated. **Intent**

30 8.11.020 Definition.

31 8.11.030 License – Required.

32 8.11.040 License – Application – Contents. **Permit – Application – Referral – Fees.**

33 8.11.050 License – Application – Referral – Fees. **Permit Terms**

34 ~~8.11.060 – Applicability and incorporation by reference of sections of Chapter 8.08 HCC.~~

35 ~~8.11.070 – Conduct of business.~~

36 8.11.080 Violation – Penalty.

37 **8.11.085 Appeal of Decision**

38
39 8.11.010 Applicable State law incorporated.

40 ~~All statutes of the State of Alaska and any rules or regulations adopted by any State agency~~
41 ~~pertaining to public nuisances, food and food service establishments, public health and~~
42 ~~public sanitation applicable to a mobile food service, with particular reference but not~~

~~Strike out~~ is deleted language, **bold underline** is new language

43 limited to AS Titles 17 and 18, as amended, and 18 AAC 31.600 et seq., as amended, are
44 incorporated by this reference as though fully set forth in this chapter.

45
46 **The intent of this chapter is to safeguard and protect the general health and safety of the**
47 **public within the City of Homer, while allowing and regulating mobile food service**
48 **operations which may be beneficial to the City and its residents.**

49
50 8.11.020 Definition.
51 For the purpose of this chapter, “mobile food service” means a self-contained food service
52 establishment that is designed to be readily moveable from location to location, without
53 being permanently affixed to any site or permanently connected to any water or sewer utility
54 service.

55
56 8.11.030 ~~License~~**Permit** – Required.
57 No person may operate a mobile food service as defined in this chapter within the City
58 without first obtaining a mobile food service ~~license~~ **permit** from the Homer Police
59 Department **City Manager or designee.**

60
61 **Exemptions. The permitting requirements of this chapter do not extend to isolated or**
62 **casual sales of personal goods, wares, vehicles, animals, etc., or to the sale of similar**
63 **items at such functions as garage sales, flea markets, and bazaars, events permitted**
64 **under HCC 5.46 Special Events, nor to activities conducted at conferences that cater to a**
65 **specialized audience. A commercial fisherman who has a valid commercial fishing**
66 **license issued by the State of Alaska and who has completed and filed with Alaska**
67 **Department of Fish and Game the forms required to qualify as a “catcher-seller” shall**
68 **be exempt from this chapter.**

69
70 **8.11.0315 General standards**

71
72 **The following general standards shall apply as requirements for the operation of mobile**
73 **food service in the City of Homer. The owner/operator of the mobile food service shall:**

- 74
75 **1. Be registered to collect sales tax with the Kenai Peninsula Borough;**
76
77 **2. Have obtained permission from the property owner where operating;**
78
79 **3. Be located in a zone district in which mobile food service is a permitted use, or in**
80 **any specific location authorized as part of an approved special event permitted under**
81 **HCC 5.46;**
82
83 **4. Not create hazardous traffic patterns for vehicles or pedestrians;**
84

85 **5. Not diminish the ability of others to conduct business, through excessive noise,**
86 **odor, or other occurrence;**

87
88 **6. Provide for the collection and removal of all waste from the site at the end of**
89 **each day of operation;**

90
91 **7. Be in accordance with the regulations found in the City's Sign Code;**

92
93 **8. Post in a conspicuous place, able to be observed by the general public, both the**
94 **permit issued from the Alaska Department of Environmental Health (for mobile food**
95 **services involved in the preparation of foods or beverages) and the mobile food service**
96 **permit issued by the City of Homer (if applicable);**

97
98 **9. Ensure that, with the exception of generators, all operations, merchandise and**
99 **services provided by and related to the mobile food service be contained in or attached**
100 **to the unit.**

101
102 **10. If authorized to operate in a right-of-way or on City property, hold a certificate of**
103 **insurance indicating that the owner/operator's operation of a mobile food service is**
104 **covered by liability insurance that meets or exceeds the following:**

<u>Personal Injury (each occurrence)</u>	<u>\$100,000</u>
<u>Aggregate Products (each occurrence)</u>	<u>\$100,000</u>
<u>Property Damage (each occurrence)</u>	<u>\$50,000</u>

106
107 8.11.040 License—Application—Contents. **Permit – Application – Referral – Fees.**

108
109 Every application for a mobile food service license shall contain the information required for
110 applications for a license under HCC 8.08.030 and, in addition, every applicant shall submit:

111
112 a. Proof satisfactory to the Homer Police Department that the applicant has obtained the
113 necessary licenses and permits from all governmental agencies having jurisdiction over such
114 business. The applicant shall submit a copy of his State business license with the application.

115
116 b. Documentary proof to the Homer Police Department indicating that the mobile food
117 service is covered by liability insurance as follows:

118
119 1. Personal injury (each occurrence), \$100,000;

- 120
121 2. ~~Aggregate products (each occurrence), \$100,000;~~
122
123 3. ~~Property damage (each occurrence), \$50,000.~~

124
125 c. ~~In addition to such proof of insurance, the applicant shall agree in writing to hold the City~~
126 ~~harmless against all claims of whatever kind including any legal defense costs resulting from~~
127 ~~the business activities carried on under the mobile food service license.~~

128
129 **Unless waived by the City Manager as part of a permitted special event under HCC 5.46,**
130 **a valid permit is required prior to operating a mobile food service in the City. An**
131 **application for a mobile food service permit shall be submitted to, and approved by, the**
132 **City of Homer and shall contain the following:**

- 133
134 **1. Completed application form, as provided by the City of Homer;**
135
136 **2. Application fee as set out in the City of Homer Fee Schedule;**
137
138 **3. If operating in a right-of-way or on City property, proof of insurance;**

139
140 8.11.050 License—Application—Referral—Fees. **Permit Terms.**

141
142 a. ~~Upon receipt of the application described in HCC 8.11.040, the original shall be referred to~~
143 ~~the Chief of Police or designee who shall carry out an investigation, and approve or~~
144 ~~disapprove such application under the procedures set forth in HCC 8.08.040.~~

145
146 b. ~~For each license issued under this chapter, the fee shall be the amount as set forth in the~~
147 ~~most current City of Homer fee schedule annually. All licenses expire on December 31st of the~~
148 ~~year issued.~~

149
150 **The mobile food service permit shall expire at the end of the calendar year of issuance.**

151
152 **a. Revocation for Noncompliance. The City Manager, or designee, may revoke a**
153 **mobile food service permit if it is determined that the conduct of the operation(s) is not**
154 **in compliance with either the terms and conditions of the permit, or the provisions of**
155 **the Municipal Code. The permit may be revoked immediately, including during the**
156 **operation of the mobile food service.**

157
158 8.11.060 ——— ~~Applicability and incorporation by reference of sections of Chapter 8.08 HCC.~~
159 ~~HCC 8.08.050, 8.08.070, 8.08.080, 8.08.100, 8.08.110, 8.08.120 and 8.08.140 are incorporated~~
160 ~~by this reference and shall apply to licenses obtained under this chapter. [Ord. 83-10(S) § 1,~~
161 ~~1983].~~

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~~8.11.070 ——— Conduct of business.~~

~~a. A mobile food service may be operated in conformity with the Homer Zoning Code, from:~~

~~1. Private property or leased land, provided the owner or lessor has first granted permission in writing to the operator.~~

~~2. Public streets, alleys or rights of way at least 15 feet from the traveled portion thereof, for a period not exceeding 24 hours. The Chief of Police or designee may grant permission to operate for a longer period of designated time.~~

~~b. A mobile food service may not be operated in front of or immediately adjacent to an established business offering the same or similar commodities from a fixed location, unless a designated vendor parking area has been named.~~

~~c. No person may operate a mobile restaurant inside the boundaries of a municipal park or campground unless such operation is permitted under ordinance, regulation or other lawful authority.~~

~~d. On the Homer Spit, no licensee shall be permitted to operate in any congested area, to include areas designated as public parking, campgrounds, parks or open space or where his operation might impede or inconvenience the public.~~

8.11.080 Violation – Penalty.

The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

The following actions are unlawful and considered a minor offense as defined in HCC 1.16.040:

- 1. Operating a mobile food service without obtaining a valid city mobile food service permit or special event waiver under HCC 5.46;**
- 2. Operating a mobile food service in violation of any of the general standards set forth in HCC 8.11.035;**
- 3. Selling or attempting to sell food and/or beverage, merchandise or other services on foot or from a motor vehicle, trailer, tent or other temporary facility that does not qualify as a mobile food service and is not exempted in HCC 8.11.030.**

The owner, agent, or contractor of a mobile food service where a violation has been committed or exists, shall be punished by a fine as provided in HCC 1.16040. Each and

204 **every day that the violation continues shall be deemed a separate and distinct violation.**
205 **All remedies and penalties provided for in this chapter shall be cumulative and not**
206 **exclusive.**

207
208 **8.11.085 Appeal of Decision.**

209 **Judicial review by the superior court of a final decision on a mobile food service permit**
210 **issued by the City may be had by filing a notice of appeal in accordance with the**
211 **applicable rules of court governing appeals in civil matters. The notice of appeal shall be**
212 **filed within 30 days of notice of the final decision on the permit. Appeals of mobile food**
213 **service permits are heard solely on the administrative record which shall be prepared**
214 **by the City. A copy shall be filed in the superior court within 30 days after the appellant**
215 **pays the estimated cost of preparing the complete or designated record or files a**
216 **corporate surety bond equal to the estimated cost.**

217
218 Section 2. This ordinance is of a permanent and general character and shall be
219 codified in Homer City Code.

220
221 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of ____, 2022.

222
223 CITY OF HOMER
224
225
226 _____
227 KEN CASTNER, MAYOR

228 ATTEST:
229
230 _____
231 MELISSA JACOBSEN, MMC, CITY CLERK

232
233 YES:
234 NO:
235 ABSENT:
236 ABSTAIN:
237
238 First Reading:
239 Public Hearing:
240 Second Reading:
241 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 22-041

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: February 1, 2022
SUBJECT: Mobile Food Service (Food Truck) Code Update

Homer City Code (HCC) Chapter 8.11 covers Mobile Food Service, otherwise known as food trucks. Mobile Food Services are relatively popular in Homer and add character to the City's restaurant scene. They also provide an avenue for entrepreneurs to start small food businesses. It is not uncommon for a Mobile Food Service operation to lead to an investment in a brick-and-mortar restaurant.

In reviewing HCC 8.11, there are some items that require modification to ensure that our Mobile Food Service permitting program fits today's food truck scene and is not creating unnecessary barriers to the operation of these businesses.

This review and update of HCC 8.11 was paired with the review and update of HCC 19.02 for special events. Often Mobile Food Services are conjoined with special events and it made sense to update the two chapters simultaneously. Please note that we will be waiving Mobile Food Service Permits for special events permitted under HCC 5.46 (assuming adoption), although all the general standards for Mobile Food Services will still apply. See Memorandum 22-XX for more information on the initiation of the special events code update project.

Mobile Food Service Issues

Staff, along with Councilmembers Venuti and Hansen-Cavasos, note a number of issues within our Mobile Food Service permitting program that required review. Namely permit pricing, application requirements, and formalizing access to City property during permitted special events.

Update Notes

The draft in ordinance 22-XX makes a number of changes. The following will give a high-level overview:

- **Changes the permitting body from the Police Department to the City Manager or Designee:** Permitting of Mobile Food Services, which are frequently located on private property, is largely a zoning clearance process under this updated chapter. I intend to delegate permitting authority to the Planning Division.
- **Creation of a General Standards section:** This section sets clear standards for operations to include requirements that a Mobile Food Service owner/operator register to collect sales tax; have property owner permission to operate at their location; be in appropriately zoned or permitted locations; not

create traffic hazards, not negatively impact other businesses through noise, odor, etc.; provide waste collection and removal; comply with City sign code; post their Alaska Department of Environmental Health and City of Homer permits; contain all operations (excluding generators) within the Mobile Food Service unit; and, if authorized to operate in a right-of-way or on City property, hold a certificate of insurance that meets standards set by the City.

- **Update to Permit Application Requirements:** This update streamlines the requirements to the completion of an application, payment of a fee set in the fee schedule, and proof of insurance (if operating in a right-of-way or on City property).
- **Removes HCC section 8.11.060:** This section connected HCC Chapter 8.11 to Chapter 8.08 Itinerant or Transient Merchants. This is no longer an appropriate connection.
- **Removes HCC section 8.11.070:** This section was focused on conduct of the business. It required Mobile Food Services to be operated in conformity with the zoning code; prohibits operating in front of or immediately adjacent to a business offering the same or similar commodities in a fixed location; prohibits operations in parks; and prohibits operation in congested areas of the Homer Spit. This section is removed from the proposed ordinance for the following reasons:
 - **Zoning Code:** Already applies
 - **Operating Next to Similar Business:** Most Mobile Food Services operate on private property, I don't want to encourage the City to decide what specific businesses can exist on what parcels. If the zoning code allows the use, and a Mobile Food Service that can meet the City's permitting requirements while having permission to operate on private property, then they should be able to compete and operate at that location.
 - **Parks:** The update to the special events code would allow operating a Mobile Food Service in a park as part of a permitted special event, or with other authorization from the City Manager (an example would be a specific Mobile Food Service could be approved to operate during regular baseball league games).
 - **Homer Spit:** Mobile Food Services can only operate on private property or in locations authorized by the City. The general standards in the proposed HCC 8.11.035 replace the need for this specific language.

Separate from Ordinance 22-XX is Resolution 22-XX which will modify the Fee Schedule. That Resolution will move Mobile Food Services from the Homer Police Department section to the Planning and Zoning Section of the Fee Schedule. It also reduces the permit fee from \$400 (\$390 permit plus a \$10 application fee) to \$50. This brings our program in line with both Kenai and Soldotna.

Staff Recommendation: Introduce and adopt Ordinance 22-XX



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Memorandum PL 22-02

TO: CITY MANAGER DUMOUCHEL, MAYOR CASTNER, AND HOMER CITY COUNCIL

FROM: HOMER PLANNING COMMISSION

THRU: RICK ABOUD, AICP, CITY PLANNER

DATE: MARCH 3, 2022

SUBJECT: BUILDING CODES

The Homer Planning Commission recommends that City Administration and the Homer City Council start a process to give all due consideration for the adoption of local building codes in Homer. The recommendation to adopt building codes is found in Homer's Comprehensive Plan and fills gaps in the regulatory environment.

Building codes contribute to implementing the 2018 Homer Comprehensive Plan. The plan calls to "consider the regional and global impacts of development in Homer" (Chapter 4, Goal 1, Objective D) and to "Encourage high-quality site design and buildings" (Chapter 4, Goal 3, Objective B). Implementation items include the adoption of Building Codes for energy efficiency (1-D-4) and in relation to desired high quality development (3-B-1).

The discussion of local building codes has been a prevalent reoccurring concern of the Planning Department and Planning Commission for many years. Currently, no inspections are required for single family dwellings or multi-family dwellings consisting of 3 or more units and they are not required to obtain a Certificate of Occupancy. While Alaska Housing Finance Corporation does have a requirement for private inspection of dwellings they finance, not all homes are built using these loans.

Structures supporting commercial use and multi-family dwelling supporting 4 or more units are required to have a plan review by the State Fire Marshal. The process of Fire Marshal plan review can take quite a bit of time, no inspections are performed during construction, and no occupancy certificates are issued while review is limited to that which is necessary to confirm fire and life safety. Fire Marshal inspections in Homer are very limited. Inspectors do not have a local presence and may be unfamiliar with activities and structures may be in use prior to their completion.

The Commission feels it is time to ensure the measures of safety gained by the adoption of building codes, which are found in other First Class communities on the Kenai Peninsula such as the cities of Seward, Soldotna, and Kenai. The Commission also wishes to express their concerns for the efficient implementation of local building codes to avoid an undue burden to property developers or the citizens of Homer. All due considerations should be given to methods of implementation including weighing the benefits of private contractors versus public employees for the maximization of savings and efficiency.

Attachments

Staff Report PL 22-14 and Planning Commission Meeting Minutes of Feb. 16, 2022

Staff Report PL 22-18 and Planning Commission Meeting Minutes of March 3, 2022



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Staff Report PL 22-14

TO: HOMER PLANNING COMMISSION
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: FEBRUARY 16, 2022
SUBJECT: BUILDING CODES

Introduction

The Planning Commission requested an item be added to the agenda considering the development of a building code in Homer.

Analysis

In the office and at the Planning Commission, we constantly discuss issues that could be addressed with building codes.

The most reoccurring subject is around safety. While most all bank financed structures require inspection by private building inspectors, many types of structures are not and they may be the most prone to be hazardous. Alternative structures and those that use nontraditional building materials are rarely inspected. While a structure may have an initial inspection, future alteration or repair may not.

Our commercial structures are required to have their plans reviewed by the state Fire Marshal, but no comprehensive inspection may ever be done and occupancy certificates are not issued. A commercial building may not be finished, but is being used for business.

If you have ever looked for a house to buy in Homer, you are well aware of the great amount of shoddy work that may have been performed in the past and may never know until something happens or is uncovered. Without listing all that I have found, it includes literally everything from foundation to roof, poor material, poor workmanship, and just plain wrong is common. In my newly renovated house I live in, the plumber (said licensed contractor) had installed a new boiler on the floor, with a sticker clearly visible stating that it must be placed 18" above the floor, and that is just the obvious!

Adopting building codes protects properties from natural and man-made hazards. Once adopted, they provide allowances for savings related to risk management. Community discounts are derived from better insurance ratings (ISO) and discounted FEMA flood insurance.

Building codes contribute to energy savings and reduce carbon dioxide emissions. Codes are updated every three years to incorporate the latest in technology and safety provisions.

Locally administrated building programs can be efficient and save time when compared to submitting plans to the state. Local review and inspection insures that we create safe structures that are not in use until they are completed and not a risk to occupants.

Building codes save money

Up-to-date building codes can lead to valuable operational cost-savings for building owners. The Department of Energy estimates that in all climate zones, costs associated with the energy efficiency improvements required in the 2009 and 2012 codes have paybacks between one and two years. This means that builders, performing at the 2006 code level, are forcing their buyers to pay 50 percent more to heat, light and cool their homes than would be the case if they had used the 2012 code. The \$2,000 or \$3,000 extra in initial costs the builder experiences pales in significance compared to the tens of thousands in reduced energy costs the building owners or residents will experience over the building's useful life (<https://www.eesi.org/papers/view/the-value-and-impact-of-building-codes>).

Staff Recommendation

Since this is the first time the subject has been part of the Commission agenda, I did not draft a document for recommendation to the Council. I would like to have a discussion about the reasoning and make comments on issues that should be presented in support of the idea of adopting building codes. Please discuss and make recommendation.

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

VOTE. YES. CHIAPPONE, HIGHLAND, VENUTI, SMITH

VOTE. NO. CONLEY, BENTZ, BARNWELL

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

Motion carried.

NEW BUSINESS

A. Staff Report 22-14, Building Codes

Chair Smith introduced the item by reading of the title.

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

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

Discussion was facilitated and focused on the following:

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

Further comments were expressed by Commissioners on the following:

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

- condemning buildings or ensuring nice, safe housing
- the City has limited supply of buildable lots
- Most efficient way possible for the city but this will be driven by Administration and City Council
- Cost benefit comparison
- Overall goal for the community
- It is unusual for a community the size of Homer not to have an adopted building code
- This is not an issue to be hashed out by the Commission and will be developed by Administration.
- The Commission has heard many times over the last several years that certain issues are to be and best dealt with by building code
- Redundancy – if the banks are requiring inspections then it seems the City can just require the inspections

City Planner Abboud stated he will put this information into a memorandum to the City Council and Administration as it is not planning related and he will make sure it includes the concerns of the Commission. This does not relate to zoning code and he will not recommend building code or details as it falls under the administration and he is not qualified to do the work required. This will require structure outside of planning and zoning. The communication will include the reasons cited by the Commission to supported adopting a building code.

Chair Smith recounted his personal experience and if there was an adopted building code they might not have incurred the repair costs that they have on a three year old home. He further noted that they had omitted certain inspections assuming such a new home would be built in accordance with industry standards.

Commissioner Bentz expressed her appreciation for the City Planner keeping the scope of the Commission's work and where it needs to go and recapped the reasons supporting adoption of a building code as they can save lives, due to safety and they can be developed adopted and enforced efficiently using city resources and the resources of the local professional community.

INFORMATIONAL MATERIALS

- A. City Manager's Report for Feb. 14, 2022
- B. Kenai Peninsula Borough Notice of Decisions
- C. 2022 Meeting Deadlines Schedule
- D. 2021 Permit Report
- E. Planning Commission Calendar

City Planner Abboud commented on the Commission Calendar items and progress.

COMMENTS OF THE AUDIENCE



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Staff Report PL 22-18

TO: HOMER PLANNING COMMISSION
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: MARCH 3, 2022
SUBJECT: BUILDING CODES

Introduction

The Planning Commission has requested their desire for the adoption of building codes in Homer

Analysis

Homer is an anomaly for cities of its size to not have adopted building codes. The Commission continues to make recommendations regarding building and site development that are traditionally administered by a building department. These amendments have had to be fit into zoning code, which is not the recommended tool for these regulations.

Issues continue to present themselves in support of building codes, such as the uneven regulation of structures in Homer. In the name of ensuring equal levels of safety and to address local circumstances, it is time to adopt building codes.

The creation and administration of Building Codes will be found outside of Title 21. The City Administration will have the duty to propose a Building Department and present its structure and budget for approval of the City Council.

A communication to the Administration and City Council has been drafted for your review. It is based on the many conversations that have taken place at the Commission.

Staff Recommendation

Please review the draft memo and suggest edits, if any, and recommend that it be forwarded to the Administration and City Council.

Attachments

Draft memo

Commissioner Conley declared he had a conflict of interest.

HIGHLAND/VENUTI MOVED THAT COMMISSIONER CONLEY HAS A CONFLICT OF INTEREST.

Commissioner Conley stated that he is employed by Bayweld but personally he would not financially benefit more than his employment.

VOTE. NO. VENUTI, SMITH, CHIAPPONE, BARNWELL.

VOTE. YES. HIGHLAND.

Motion failed.

Deputy City Planner Engebretsen declared that in accordance with city code she does not have a conflict as the parties involved relationship is not as defined in Homer City Code. She explained that the applicants were her husband's grandfather's brother.

Deputy City Planner Engebretsen reviewed and provided a summary of Staff Report 22-17 for the commission.

Chair Smith opened the public comment period and having no public present he closed the public comment period and requested a motion.

HIGHLAND/VENUTI - MOVED TO ADOPT STAFF REPORT 22-17 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO MOVE A LOT LINE SHARED BY TWO PARCELS WITH THE FOLLOWING COMMENT:

1. DISPLAY A 15 FOOT UTILITY EASEMENT ADJACENT TO ALL RIGHTS OF WAY.

There was a discussion on the lot line placement and the distance from the structure and any possible encroachments and the Borough does not allow the moving of lot lines if there will be an encroachment.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report 22-18, Building Codes

Chair Smith Introduced the item by reading of the title and invited Deputy City Planner Engebretsen to speak to the staff report.

Deputy City Planner Engebretsen reported that a memorandum was provided for the commission review and requested a motion of approval and forward to City Council. She noted that a typographical error on second to last line on the first page should have the word "are" inserted after the word "Homer".

Commissioner Highland reported an additional typographical error on page two, second to last line, the word should be “versus” not “verses”.

Commissioners reviewed and made the following comments on the content of the memorandum as follows:

- the tone of the memorandum is conversational and the specific recommendation is not clear
- there has been a lot of discussion and not all commissioners are supportive of establishing a building code
- it is defined in the memorandum that there are additional ways that issues could be addressed
- having clear language that the Commission specifically recommends the use of contractors as opposed to implanting building codes
- reviewing options and performing additional analyses on the pros and cons between the options that may be available versus another layer of bureaucracy

Deputy City Planner Engebretsen provided two points in response as follows:

- City Council was going to have a visioning session in mid-March and if the Commission would like them to have a conversation on Building Codes then passing this memorandum tonight is important so that it can be placed in the next Council packet. Holding it over to the March 16th Commission meeting is too late and they could potentially lose a year of opportunity on getting it on Council’s agenda for action.
- The Planning Department is at its limit on what it can do in-house. Analyzing this in order for something to happen further, City Council will need to approve funding no matter what is decided. The Commission needs to make a motion that they find this item important and that there are different models that can be reviewed and not sure which model would be the best.

HIGHLAND/BARNWELL MOVED TO ADOPT STAFF REPORT 22-18 AND FORWARD THE DRAFT MEMORANDUM TO CITY COUNCIL AND ADMINISTRATION ON IMPLEMENTATION OF LOCAL BUILDING CODES.

Further discussion on the following points ensued:

- concerns of how sustainable a building department would be
- added costs on the contractors
- getting input from the business community in the implementation of building codes and how that would affect them
- expressing a strong belief that it can be and has been done by private businesses since 1994
- Concerns on efficiencies and effectiveness being conducted by a municipal building department compared to private businesses
- this is not a quick process and there will be plenty of opportunity in the future for public comment and testimony
- potential hiring of a consultant as the Planning department is not qualified to draft this language
- this item and subject is beyond the purview of the Planning Commission and while financial aspects may be of a concern the big picture is what the Commission should be focused on
- Specificity is important but to introduce the topic there is enough information contained in the memorandum as presented
- Public hearings will be conducted on funding aspects and regulations in city code

VOTE. NON-OBJECTION. UANNIMOUS CONSENT.

Motion carried.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. City Manager's Report for Feb. 28, 2022
- B. Planning Commission Calendar

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY STAFF

Deputy City Planner Engebretsen commented on the lack of training scheduled from the Borough due to Mr. Huff moving to Homer Electric Association but reminded them of the opportunities offered through the planning conference. She expressed her appreciation for a short meeting.

Deputy City Clerk Krause expressed that she wanted to have Ms. Engebretsen conduct their future commission meetings as she conducts a very efficient and organized meeting.

COMMENTS OF THE COMMISSION

Commissioner Venuti expressed his appreciation for Ms. Engebretsen doing a good job and extended his appreciation to Ms. Krause as well. It was a very interesting meeting.

Commissioner Highland echoed Commissioner Venuti's sentiments regarding staff.

Commissioner Chiappone thanked Ms. Engebretsen for a good meeting. He further commented on the wayfinding and related his experience growing up in Niagara Falls and repeatedly having to direct tourists to the falls, so he appreciated the work done on the signage.

Commissioner Barnwell stated that he was very excited about the Wayfinding Plan and complimented Ms. Engebretsen on a fine piece of work as well as the work of the consultant. He stated that it was exciting to see that come to fruition. Mr. Barnwell expressed his opinion that the Commission did the right thing by approving to forward the Memorandum to City Council and believed it was a good way to get things started and that this was a very good meeting.

Commissioner Conley commented that it was an informative meeting, and thanked the staff.

Chair Smith echoed the Commissioners sentiments on a very good meeting, and expressed his experience traveling and finding your way around a town with proper signage versus one that does not have appropriate signage. He expressed his appreciation for the group efforts and the input from the Commissioners.



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Memorandum

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: HOMER PLANNING COMMISSION
DATE: MARCH 8, 2022
SUBJECT: HOMER PLANNING COMMISSION REPORT

Attending: Commissioners Highland, Venuti, Barnwell, Chiappone, Conley and Smith
Deputy City Clerk Renee Krause and Deputy City Planner Julie Engebretsen.

Absent: Commissioner Bentz was excused.

Work Session Report

Special Events and Food Truck Permitting: DCP Engebretsen presented proposed updates related city code which includes: 1) making Homer a preferred location on the Kenai Peninsula, 2) removing difficult administrative barriers, and 3) enhancing public safety. Homer Planning Commission (HPC) agrees these updates will be good and beneficial to the community.

Wayfinding and Streetscape: DCP Engebretsen presented near-final updates to the proposal. HPC is very supportive of the conceptual plan and designs.

Regular Session Report

Agenda: Approved

Public Comments: None

Reconsiderations: None

Consent Agenda: Approved

Presentations: None

Reports:

Staff Report 22-15 City Planner's Report: DCP Engebretsen highlighted HERC progress, Planning Commissioner Training, Zoning Changes and EDC developments.

Public Hearings:

Staff Report 22-16, Storage Container Dwellings

DPC Engebretsen briefly covered the report. Following a brief discussion, Motion to forward the draft ordinance to City Council was approved unanimously.

Plat Considerations:

Staff Report 22-17 Puffin Acres Bayweld 2022 Replat.

Commissioner Conley declared a possible conflict of interest. Motion was presented. Following a brief discussion and vote, Motion was defeated.

DPC Engebretsen presented proposed changes to the Bay Weld property. Motion was presented and passed unanimously.

Pending Business:

Staff Report 22-18, Building Codes

DPC Engebretsen briefly reported on the stage this effort is at. Some Commissioners expressed concerns of not having enough information of what having a Building Department and actual Building Codes might look like. Realizing that this stage is only to get this item for consideration onto Council's table, Motion to forward possible implementation of Local Building Codes was presented and passed unanimously.

New Business: None

Comments of the Audience: None

Comments of the Staff/Commission:

Commissioner Smith shared that he will be out of State during the next meeting, but will try to attend via Zoom.



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Memorandum

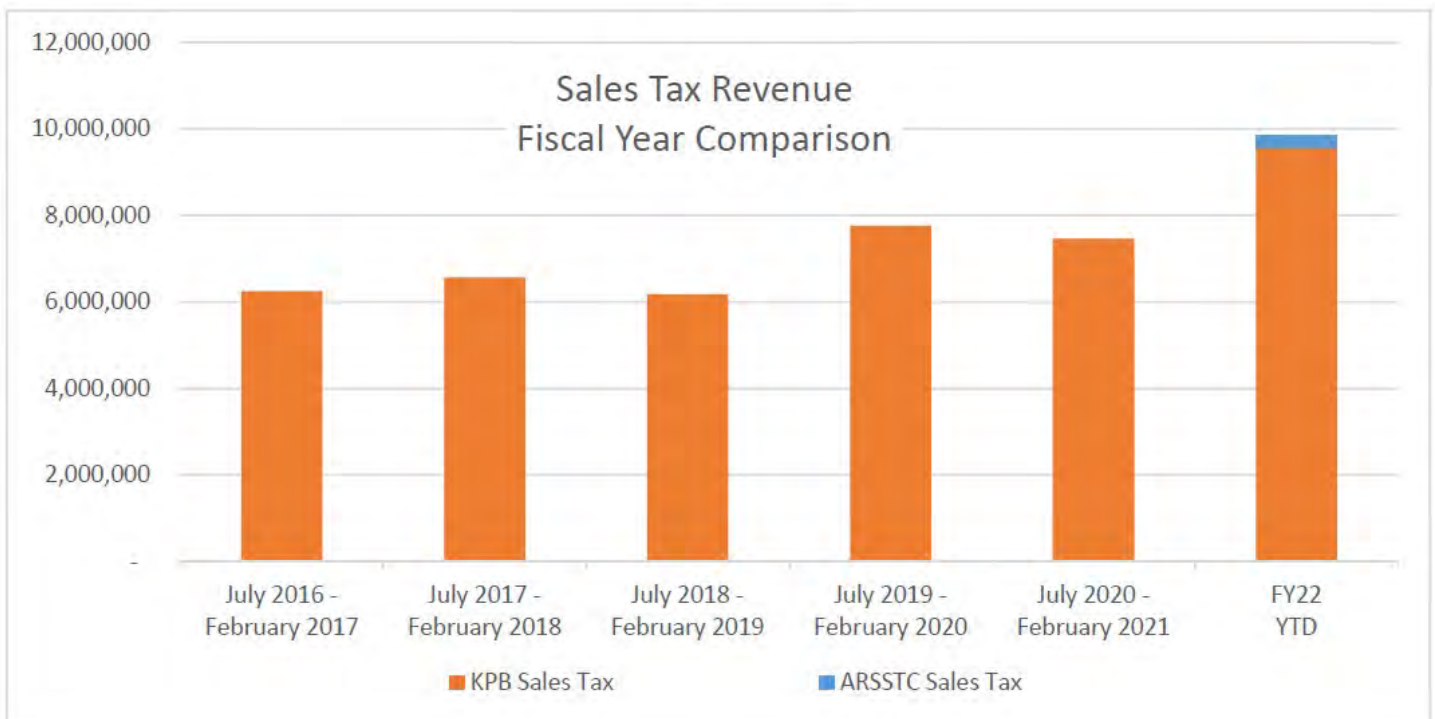
TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: March 10, 2022
SUBJECT: City Manager's Report for March 14, 2022 Council Meeting

Pioneer Gateway Redevelopment Project

Following the presentation at the February 28th Council meeting, staff worked with Stantec to initiate a plan that includes a scaled down option for the HERC site. The deliverable will include one additional building plan and a cost estimate for a smaller building. These items will be provided to Council and posted on the project website when available (anticipated in March). Since the meeting, staff has been hosting public engagement opportunities. We will provide a report to Council on that public process at the next Council meeting.

Sales Tax Update

We continue to experience very strong sales tax numbers here in Homer. Attached to this report is information provided by the Finance Director related to our regular and remote sales tax numbers. The 4th quarter of calendar year 2021 had \$40M in taxable sales, which brought us up to \$235M in taxable sales for calendar year 2021 and an estimated \$11.4 in sales tax revenue to the City. FY22 year to date is similarly strong as shown in the chart below. As part of the preparation for the midbiennium budget adjustment, we are reforecasting sales tax revenue and I expect to share those numbers at the next Council meeting on March 29th.



Bridge Creek and Kachemak Drive Properties Acquired

Council passed Ordinance 22-01(A) appropriating funds to acquire two parcels and two easements in the Bridge Creek Watershed. We were able to complete the acquisition of the parcels before the end of February. Remaining is the acquisition of easements on related properties which will be completed once the snow melts and surveyors can get better access to the properties. Council also passed Ordinance 21-72 that allowed us to acquire tax foreclosed property from the Kenai Peninsula Borough. Those two parcels are also now under City ownership.

BIL Funding Opportunities

Staff have been researching the Bipartisan Infrastructure Law (BIL) and are beginning the process of identifying which of the competitive grant opportunities for local governments align with City projects, and which make sense to target. Of particular interest are Transportation and Resilience grant opportunities, as well as potential opportunities afforded through increases for Alaska's Clean Water and Drinking Water State Revolving Funds. I will have staff attending an Infrastructure Grant Symposium sponsored by Senator Lisa Murkowski on April 11th and an Infrastructure Planning and Assistance workshop on April 12th to learn more and meet folks at the various federal agencies administering these grant programs. To maximize our efforts, I will likely be coming to Council for funding to contract professional services for grant writing assistance and technical expertise for cost benefit analysis, detailed engineering/plans, and cost estimates as required by granting agencies.

Redistribution of ARPA NEU Funds

The Alaska Division of Community and Regional Affairs recently sent notification that Homer will receive an additional \$3,845.46 in American Rescue Plan Act (ARPA) non-entitlement unit (NEU) funding for local governments. The additional allotment reflects a per capita redistribution of \$115,868.29 remaining in the NEU account after six Alaskan municipalities declined to take distributions.

Cybersecurity

On Feb. 14, the EPA and one of our security-monitoring services alerted the City to possible nationwide cyberattacks on municipal infrastructure, particularly water treatment facilities. In response, the IT division took steps to strengthen the security on City-owned equipment. We have also seen increased efforts to break into other City systems, and in coming months the City will work to progressively improve its defenses.

All-Hazards Mitigation Plan Update

The All-Hazards Mitigation Plan is nearing completion. Our FEMA-provided consultant has circulated a draft to the review team (which includes Councilmember Erickson), and we're taking a hard look at the document. I expect we'll have something to share with Council in the very near future.

Tsunami Follow Up

Following the presentation by Dr. Elena Sulemani, staff held discussions the next morning with her and Logan Stolpe from the National Weather Service related to tsunami evacuations lines. We are working on mapping the evacuation line for the city. We are also working on content for the Homer-specific tsunami brochure. I'll continue to update Council as this project progresses.

Meeting with Alaska Department of Fish and Game

Staff from my office, the Harbor, and Public Works met with representatives from Alaska Department of Fish and Game to discuss the Nick Dudiak Fishing Lagoon. We mainly focused on dredging and improved ADA access. I expect that we will be coming back to Council later this year with a request for funding to support the engineering of an improved ADA access solution with the intent of using the design as a tool to help staff apply for grants to upgrade the facility in the future.

Enclosures:

1. Memo and spreadsheets related to Calendar Year 2021 Sales Tax Data



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Memorandum

TO: Mayor Castner and Homer City Council
THROUGH: Rob Dumouchel, City Manager
FROM: Elizabeth Walton, Finance Director
DATE: March 10, 2022
SUBJECT: Calendar Year 4th Quarter Sales Tax Analysis

The purpose of this memo is to provide contextual information associated with taxable sales figures for the 4th quarter of calendar year 2021 (now 2nd quarter of fiscal year 2022 with the change in City fiscal year which went into effect on July 1, 2021). Also provided in this memo is an analysis of sales tax revenue received to date for Fiscal Year 2022.

Basic Sales Tax Information:

Sales tax is one of the primary drivers of revenue for the General Fund as it represents roughly 46% of total projected revenue for the FY22 budget. Consumers in Homer pay a sales tax rate of 7.85%. Of that, 3% goes to the Kenai Peninsula Borough while the other 4.85% is remitted to the City of Homer. The majority of City sales tax (3%) collected goes to the General Fund to cover the expenses associated with providing core services. Other dedicated purposes of the City of Homer share of sales tax are as follows: HART (0.75%), HAWSP (0.75%), Public Safety Operations and Infrastructure (0.35%).

Sales Tax Destination	Sales Tax Amount Charged to Consumers*
Kenai Peninsula Borough	3%
Homer General Fund	3%
Homer Accelerated Roads and Trails	.75%
Homer Accelerated Water and Sewer Program	.75%
Homer Police Station	.35%

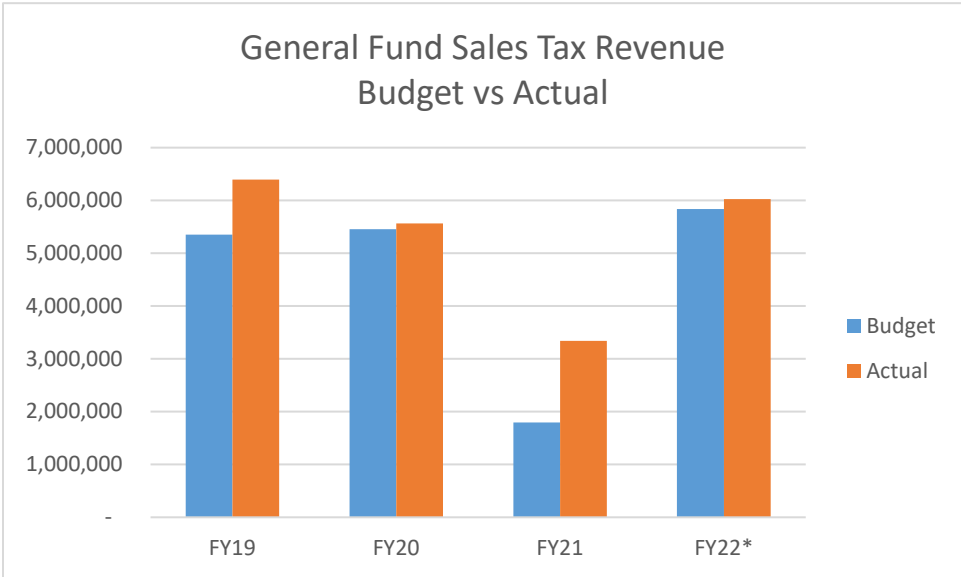
*Sales tax is only charged on the first \$500 of a single purchase

An important reminder is that the City of Homer does not collect sales tax directly. The City elects for the Kenai Peninsula Borough to collect, administer and then remit sales tax revenue to us. KPB remits sales tax revenue to the City on a monthly basis, but there is a two month "lag" in the revenue received. This means that the revenue that is received by the City in one month is not a reflection on sales tax actually earned in that particular month. Finance

makes an accounting entry at the end of the year to adjust for this delay. This is important to keep in mind when comparing sales tax revenue received vs. taxable sales.

General Fund Sales Tax Revenue Analysis:

The General Fund budgeted sales tax for FY22 is \$5,837,403, with an additional \$207,225 budgeted for remote sales tax. Actual current data for FY22 (July 1, 2021 – February 28, 2022) reports that the City’s General Fund has received \$6,027,408 in sales tax and \$161,867 in remote sales tax. The City has already received \$190,005 over budget expectations with sales tax revenue collected by the Kenai Peninsula Borough. If current trends continue, the City should have no issue meeting remote sales tax budget expectations for FY22, as the General Fund has received 78% of budgeted remote sales tax.



***FY22 data is reflective of sales tax revenue received July 2021 – February 2022.**

Enclosures:

Accompanying this memo are four documents to help provide context to the historical trends associated with sales tax revenue.

Attachment A provides a data set of Line of Business (LOB) taxable sales for the 4th quarter going back to 2016. The LOB categories are determined and reported by the Kenai Peninsula Borough. The biggest dollar share in taxable sales has historically come from the Retail Trade sector and this quarter is no different. This sector experienced a 8% increase comparative to the 4th quarter in 2020 and a 18% increase over 2019. Most of the sectors tied closely with the tourism industry rebounded in 2021 comparative to 2020 and came back in line (and above) with taxable sales in 2019. Overall, the City experienced a roughly 12% increase in taxable sales comparative to the 3rd quarter in 2020 and a 16% increase over 2019.

Attachment B provides a data set comparing the LOB taxable sales on a quarterly basis back to 2017.

Attachment C provides a data set of sales tax revenue collected on a quarterly basis going back to 2017. The sales tax data is broken out by the funds that received a portion of the total revenue. One thing to note is that HART sales tax was diverted into the General Fund for

fiscal years 2016-2018. In 2019, HART began receiving their respective share of the overall revenue. Also to note in 2019, the sales tax rate increased to fund debt service payments and maintenance of the police station facility.

Attachment D provides a data set of sales tax revenue collected for the period of July – February of each year going back to 2016. The purpose of this chart is to provide current fiscal year to date sales tax revenue comparison with previous years using the same time interval (July – December).

Attachment A
 LOB Taxable Sales
 Calendar Year 4th Quarter
 Presented March 10, 2022

	2016	2017	2018	2019	2020	2021	% Δ 2021 - 2020	% Δ 2021 - 2019
ADMINISTRATIVE, WASTE MAN	224,073	164,649	155,250	166,876	152,225	229,764	51%	38%
AGRICULTURE, FORESTRY, FI	22,190	49,869	37,022	44,149	41,097	47,153	15%	7%
ARTS AND ENTERTAINMENT	268,703	328,352	277,357	303,677	145,134	259,658	79%	-14%
CONSTRUCTION CONTRACTING	406,932	372,787	386,079	364,590	487,741	538,442	10%	48%
EDUCATIONAL SERVICES	73,547	66,973	78,859	90,528	58,566	52,301	-11%	-42%
FINANCE AND INSURANCE	16,324	30,128	27,189	26,563	25,265	20,505	-19%	-23%
GUIDING LAND	500	5,898	-	-	477	99	-79%	0%
GUIDING WATER	78,346	117,984	134,694	120,809	193,829	368,104	90%	205%
HEALTH CARE AND SOCIAL AS	63,034	54,418	50,658	38,063	16,437	16,517	0%	-57%
HOTEL/MOTEL/BED & BREAKFA	1,712,384	1,641,953	1,455,582	1,734,109	1,710,573	2,195,084	28%	27%
INFORMATION	1,043,506	985,693	1,008,965	992,162	710,741	696,968	-2%	-30%
MANAGEMENT OF COMPANIES	-	-	-	-	-	-	0	0%
MANUFACTURING	326,180	318,410	339,803	406,462	428,970	381,130	-11%	-6%
MINING/QUARRYING	-	-	150	19,981	21,611	21,916	1%	10%
PROFESSIONAL, SCIENTIFIC	647,970	700,387	680,434	635,037	763,313	801,164	5%	26%
PUBLIC ADMINISTRATION	1,188,557	999,094	1,143,132	1,022,188	874,562	1,262,184	44%	23%
REMEDATION SERVICES	-	-	-	-	-	-	0%	0%
RENTAL COMMERCIAL PROPERT	59,815	61,466	64,428	60,191	71,944	93,266	30%	55%
RENTAL NON-RESIDENTAL PRO	171,965	146,382	148,707	126,417	96,490	132,963	38%	5%
RENTAL OF SELF-STORAGE &	385,338	284,593	276,934	294,635	322,683	337,600	5%	15%
RENTAL PERSONAL PROPERTY	147,841	150,791	157,676	174,262	192,495	190,524	-1%	9%
RENTAL RESIDENTAL PROPERT	1,052,578	1,140,120	1,089,752	1,116,156	1,140,114	1,174,940	3%	5%
RESTAURANT/BAR	3,149,958	3,337,515	3,482,700	3,501,273	2,851,904	3,827,710	34%	9%
RETAIL TRADE	14,894,226	15,948,127	17,314,037	18,463,774	20,013,292	21,707,718	8%	18%
SERVICES	1,708,265	2,078,565	2,071,964	2,001,089	2,059,134	2,246,554	9%	12%
TELECOMMUNICATIONS	430,659	440,014	534,464	334,477	462,880	528,912	14%	58%
TELECOMMUNICATIONS-CABLE	130	2,771	519	429	1,932	1,680	-13%	292%
TIMBERING	-	-	500	-	-	-	0%	0%
TRANSPORTATION AND WAREHO	144,554	178,728	168,374	165,792	252,295	190,942	-24%	15%
UTILITIES	1,993,120	2,156,588	2,045,862	2,028,860	2,365,856	2,437,793	3%	20%
WHOLESALE TRADE	404,805	421,454	355,568	223,920	208,920	257,298	23%	15%
TOTAL	30,615,500	32,183,709	33,486,659	34,456,469	35,670,480	40,018,888	12%	16%
Applied Sales Tax 4.85%	1,484,852	1,560,910	1,624,103	1,671,139	1,730,018	1,940,916	210,898	269,777

*Effective January 1, 2019 the sales tax rate for the City of Homer was increased from 4.5% to 4.85%. The applied rate of 4.85% is used here for comparison puposes only. This value is derived by mutiplying the total taxable sales by the sales tax rate.

This chart represents taxable sales that are collected by KPB and does not include taxable sales collected by ARSSTC.

Attachment B
LOB Taxable Sales
Calendar Year - Quarterly
Presented March 10, 2022

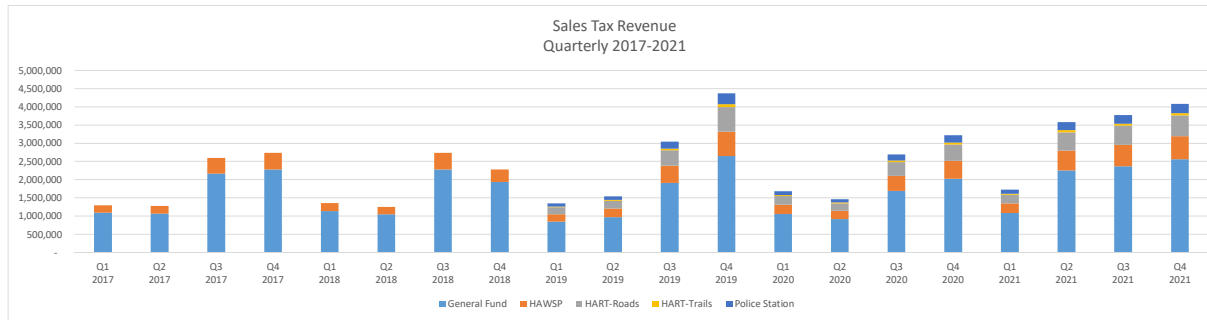
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
	2017	2017	2017	2017	2018	2018	2018	2018	2019	2019	2019	2019	2020	2020	2020	2020	2021	2021	2021	2021
ADMINISTRATIVE, WASTE MAN	207,412	305,688	336,793	164,649	155,528	203,986	204,971	155,250	136,996	211,749	202,322	166,876	126,571	115,955	162,542	152,225	158,366	200,697	317,064	229,764
AGRICULTURE, FORESTRY, FI	14,600	144,996	205,859	49,869	33,710	203,853	234,217	37,022	640,248	160,020	202,286	44,149	18,712	111,415	187,204	41,097	18,509	163,842	221,045	47,153
ARTS AND ENTERTAINMENT	249,016	472,227	674,135	328,352	249,287	501,469	737,507	277,257	253,475	548,940	731,228	303,677	216,312	165,688	477,017	145,134	147,074	514,908	879,483	259,658
CONSTRUCTION CONTRACTING	484,978	438,379	381,548	372,787	315,934	409,170	385,926	386,079	333,640	373,100	336,222	364,590	367,431	392,005	397,914	487,741	491,123	416,849	473,646	538,442
EDUCATIONAL SERVICES	71,272	52,994	53,633	66,973	61,687	54,866	55,190	78,859	58,316	56,928	75,184	90,528	72,931	42,283	44,879	58,566	53,019	44,623	52,725	52,301
FINANCE AND INSURANCE	19,204	23,980	28,566	30,128	27,385	25,820	25,924	27,189	28,275	36,654	29,481	26,563	26,553	19,785	40,410	25,265	24,390	25,729	22,441	20,505
GUIDING LAND	-	94,324	169,829	5,898	-	105,778	228,047	-	-	125,677	258,602	-	-	42,822	79,186	477	-	88,796	188,069	99
GUIDING WATER	36,497	2,697,548	6,158,152	117,984	79,447	2,869,368	6,061,804	134,694	187,753	2,985,820	5,988,975	120,809	110,697	1,359,274	4,822,074	193,829	274,578	4,896,767	9,582,806	368,104
HEALTH CARE AND SOCIAL AS	77,243	126,554	134,541	54,418	80,890	95,062	80,786	50,658	78,958	62,473	45,090	38,063	21,795	15,422	28,941	16,437	11,280	52,394	112,550	16,517
HOTEL/MOTEL/BED & BREAKFA	1,532,096	4,558,923	7,153,924	1,641,953	1,490,223	4,422,516	7,518,922	1,455,582	1,543,084	4,629,194	8,375,973	1,734,109	1,279,481	2,828,851	6,389,397	1,710,573	1,865,239	6,938,219	10,468,820	2,195,084
INFORMATION	1,020,993	1,084,186	1,093,603	985,693	972,981	1,061,677	1,031,736	1,008,965	984,852	978,052	1,037,924	992,162	983,669	883,165	935,171	710,741	669,902	747,268	716,705	696,968
MANAGEMENT OF COMPANIES	-	-	-	-	-	-	-	-	-	126,214	311,026	-	-	10,508	-	-	-	-	-	-
MANUFACTURING	225,385	503,806	633,841	318,410	249,843	530,866	641,802	339,803	281,903	756,819	715,234	406,462	344,961	505,214	687,424	428,970	417,190	713,612	850,127	381,130
MINING/QUARRYING	500	-	-	-	-	-	150	150	150	1,150	10,926	-	3,220	14,961	26,838	21,611	3,618	28,586	42,077	21,916
PROFESSIONAL, SCIENTIFIC	698,422	708,767	771,398	700,387	691,012	756,620	770,672	680,434	648,929	785,571	761,163	635,037	702,504	767,048	823,623	763,313	856,513	857,983	819,924	801,164
PUBLIC ADMINISTRATION	1,100,333	1,309,629	2,560,676	999,094	816,016	1,427,693	2,458,720	1,143,132	829,528	1,432,737	2,845,900	1,022,188	971,581	1,368,423	3,105,875	874,562	866,942	1,466,313	2,921,998	1,262,184
REHABILITATION SERVICES	32,666	-	-	-	38,717	-	-	-	33,767	-	-	-	-	-	-	-	-	-	-	-
RENTAL COMMERCIAL PROPERT	58,558	96,775	101,707	61,466	69,250	85,800	130,158	64,428	196,565	99,765	95,207	60,191	58,935	80,696	81,163	71,944	62,633	72,545	92,538	93,266
RENTAL NON-RESIDENTIAL PRO	128,347	180,793	246,013	146,382	144,070	187,303	238,829	148,707	138,064	184,240	234,955	126,417	92,816	90,896	129,139	96,490	89,296	155,709	201,955	132,963
RENTAL OF SELF-STORAGE &	201,259	248,428	561,005	284,593	232,561	265,933	528,323	276,934	217,415	272,863	537,757	294,635	231,287	271,739	570,643	322,683	230,502	289,507	683,119	337,600
RENTAL PERSONAL PROPERTY	138,081	197,202	242,233	150,791	148,701	210,142	259,883	157,676	141,046	221,419	229,691	174,262	165,835	194,678	216,695	192,495	172,735	214,495	287,696	190,524
RENTAL RESIDENTIAL PROPERT	1,035,396	1,512,623	1,835,339	1,140,120	1,146,434	1,638,398	1,880,675	1,089,752	1,077,295	1,632,238	1,834,018	1,116,156	1,101,887	1,402,570	1,708,348	1,140,114	1,085,363	1,703,802	2,044,382	1,174,940
RESTAURANT/BAR	2,787,404	6,211,565	8,780,547	3,337,515	3,101,373	6,773,895	9,542,688	3,482,700	3,179,549	6,848,886	9,553,633	3,501,273	2,514,895	3,762,292	6,529,920	2,851,904	2,841,878	8,170,597	11,337,427	3,827,710
RETAIL TRADE	12,505,192	24,992,523	30,421,714	15,948,127	12,769,708	27,043,054	34,053,544	17,314,037	14,151,272	29,033,873	34,490,183	18,463,774	15,612,943	27,598,497	34,754,701	20,013,292	17,584,839	34,839,450	41,805,658	21,707,718
SERVICES	1,799,351	2,703,585	2,645,475	2,078,565	1,894,742	2,768,109	2,305,938	2,071,964	1,749,125	2,701,456	2,586,137	2,001,089	1,608,833	2,196,866	2,465,235	2,059,134	1,742,283	2,875,372	2,980,616	2,246,554
TELECOMMUNICATIONS	408,560	430,719	428,326	440,014	449,669	469,468	511,781	534,464	401,118	337,618	332,138	334,477	335,461	440,569	468,600	462,880	446,343	490,947	495,505	528,912
TELECOMMUNICATIONS-CABLE	627	1,811	2,771	-	574	1,202	1,305	519	495	6,282	691	429	861	516	809	1,932	694	1,389	2,386	1,680
TIMBERING	500	-	430	-	-	-	500	505	505	-	-	-	-	-	-	-	-	-	-	-
TRANSPORTATION AND WAREHO	190,285	780,040	1,569,692	178,728	177,563	853,236	1,545,966	168,374	196,800	925,578	1,410,586	165,792	195,409	347,778	1,072,654	252,295	201,873	1,209,752	1,918,578	190,942
UTILITIES	2,322,217	1,992,650	1,795,759	2,156,588	2,445,497	2,058,123	1,787,390	2,045,862	2,503,521	2,114,534	1,727,760	2,028,860	2,710,459	2,187,539	1,812,700	2,365,856	2,683,123	2,348,284	1,958,574	2,437,793
WHOLESALE TRADE	262,379	317,823	214,032	421,454	325,567	355,069	298,755	355,568	296,494	398,831	280,016	223,920	273,328	338,319	291,360	208,920	303,219	450,299	295,931	257,288
TOTAL	27,609,373	52,187,369	69,200,581	32,183,709	28,168,369	55,378,476	73,491,609	33,486,659	30,290,138	58,049,081	75,240,308	34,456,469	30,149,367	47,565,777	68,310,460	35,670,480	33,302,524	69,978,734	91,773,846	40,018,888
Applied Sales Tax 4.85%*	1,339,055	2,531,087	3,356,228	1,560,910	1,366,166	2,685,856	3,564,343	1,624,103	1,469,072	2,815,380	3,649,155	1,671,139	1,462,244	2,306,940	3,313,057	1,730,018	1,615,172	3,393,969	4,451,032	1,940,916

*Effective January 1, 2019 the sales tax rate for the City of Homer was increased from 4.5% to 4.85%. The applied rate of 4.85% is used here for comparison purposes only. This value is derived by multiplying the total taxable sales by the sales tax rate.

This chart represents taxable sales that are collected by KP&B and does not include taxable sales collected by ARSSTC.

Attachment C
Sales Tax Revenue
Calendar Year - Quarterly
Presented March 10, 2022

	Q1 2017	Q2 2017	Q3 2017	Q4 2017	Q1 2018	Q2 2018	Q3 2018	Q4 2018	Q1 2019	Q2 2019	Q3 2019	Q4 2019	Q1 2020	Q2 2020	Q3 2020	Q4 2020	Q1 2021	Q2 2021	Q3 2021	Q4 2021
General Fund	1,098,377	1,068,738	2,167,895	2,282,295	1,136,958	1,049,686	2,285,324	1,937,016	848,744	972,481	1,917,010	2,656,754	1,058,824	921,925	1,694,506	2,026,245	1,085,933	2,257,774	2,375,582	2,568,192
HAWSP	203,692	213,799	433,683	456,366	227,446	209,988	457,167	349,894	208,708	239,135	471,396	663,850	260,367	226,703	416,682	498,129	267,033	546,802	584,159	631,523
HART-Roads	-	-	-	-	-	-	-	-	187,837	215,221	424,256	675,890	234,330	204,033	375,014	448,446	240,329	500,650	525,744	568,370
HART-Trails	-	-	-	-	-	-	-	-	20,871	23,913	47,140	81,879	26,037	22,670	41,668	49,942	26,703	63,208	58,416	63,152
Police Station	-	-	-	-	-	-	-	-	83,483	95,654	188,558	297,006	104,147	90,681	166,673	199,252	106,813	218,721	233,664	252,609
Total	\$ 1,302,069	\$ 1,282,537	\$ 2,601,579	\$ 2,738,660	\$ 1,364,404	\$ 1,259,673	\$ 2,742,491	\$ 2,286,910	\$ 1,349,642	\$ 1,546,404	\$ 3,048,360	\$ 4,375,378	\$ 1,683,704	\$ 1,466,011	\$ 2,694,542	\$ 3,222,014	\$ 1,726,812	\$ 3,587,155	\$ 3,777,565	\$ 4,083,846



Key Points:

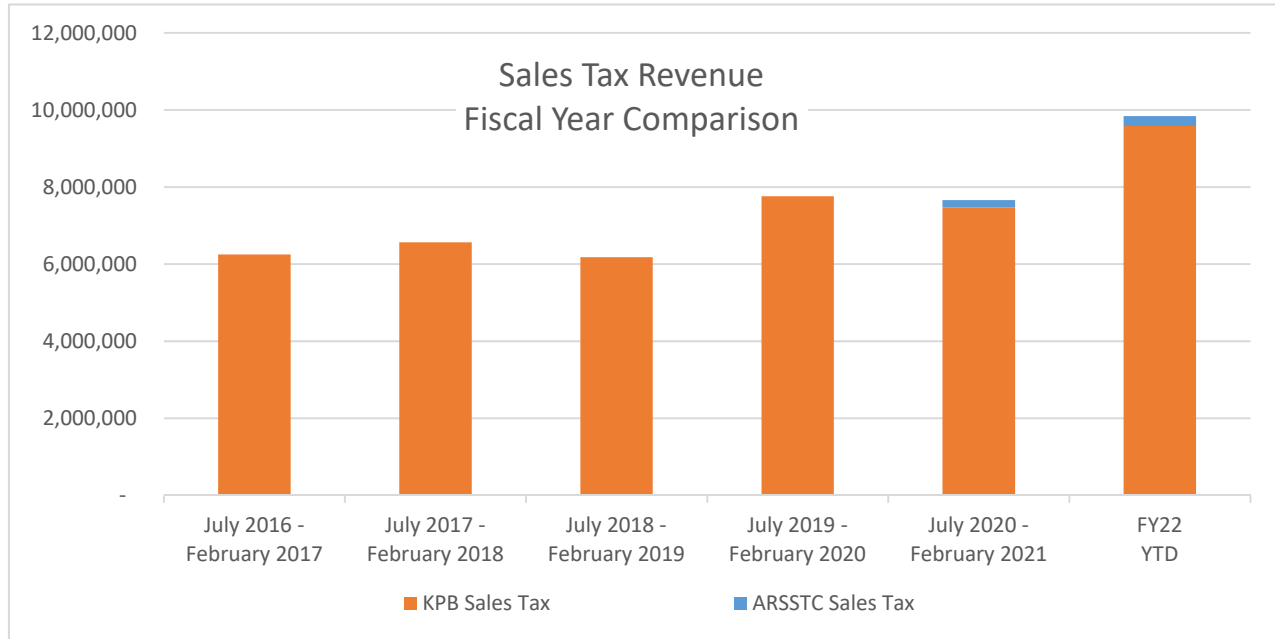
- HART Sales Tax was diverted into the General Fund from 2016-2018
- Sales Tax increased in 2019 to fund debt service payments associated with Police Station bond

Attachment D

Sales Tax Revenue
Fiscal Year Comparison
Presented March 10, 2022

KPB Sales Tax	July 2016 - February 2017	July 2017 - February 2018	July 2018 - February 2019	July 2019 - February 2020	July 2020 - February 2021	FY22 YTD
General Fund	5,222,439	5,473,039	4,946,880	4,788,287	4,696,372	6,027,408
HAWSP	1,028,809	1,094,668	985,227	1,187,997	1,154,718	1,482,150
HART-Roads	-	-	160,349	1,147,623	1,039,376	1,333,935
HART-Trails	-	-	17,817	134,294	115,601	148,215
Police Station	-	-	71,266	506,665	461,887	592,860
Total	6,251,248	6,567,707	6,181,538	7,764,865	7,467,953	9,584,568

ARSSTC Sales Tax	July 2016 - February 2017	July 2017 - February 2018	July 2018 - February 2019	July 2019 - February 2020	July 2020 - February 2021	FY22 YTD*
General Fund					130,154	161,867
HAWSP					26,480	39,803
HART-Roads					23,832	35,823
HART-Trails					2,648	3,980
Police Station					10,592	15,921
Total					193,707	257,396



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

3 City Manager/
4 Public Works Director

5 **RESOLUTION 21-057(S-2)**
6

7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
8 ACKNOWLEDGING THE SUFFICIENCY OF THE BUNNELL
9 AVENUE/CHARLES WAY WATER AND SEWER IMPROVEMENT
10 SPECIAL ASSESSMENT DISTRICTS AND APPROVING THE
11 IMPROVEMENT PLANS, ESTIMATED COST OF IMPROVEMENTS
12 AND ASSESSMENT METHODOLOGIES.
13

14 WHEREAS, City Council initiated Special Assessment Districts water and sewer
15 improvements for Bunnell Avenue/Charles Way by Resolution 21-030; and
16

17 WHEREAS, The Bunnell Avenue/Charles Way Water and Sewer Special Assessment
18 District boundaries includes property fronting Bunnell Avenue and Charles Way; and
19

20 WHEREAS, A neighborhood meeting was held on May 27, 2021 where property owners
21 were provided conceptual cost estimates for water and sewer, proposed district maps, and
22 property owner assessment projections; and
23

24 WHEREAS, A Notice of Public Hearing for August 9, 2021 and Notice of Right to Object
25 and was mailed to property owners on June 4, 2021 in accordance with Homer City Code
26 17.02.050; and
27

28 WHEREAS, The deadline to receive written objections was August 8, 2021 and two
29 written objections were received, with one additional object coming in after the deadline; and
30

31 WHEREAS, Pursuant to HCC 17.02.050 (b) if owners of real property that would bear 50
32 percent or more of the assessed cost of the improvement file timely written objections, the
33 Council may not proceed with the improvement unless it revises the improvement plan to
34 reduce the assessed cost to less than 50% of the assessed cost of the improvement; and
35

36 WHEREAS, At the August 9, 2021 public hearing two property owners provided written
37 and verbal comments in support of using a benefitted area methodology of assessment and
38 Public Works recommended using the befitted area methodology for assessing properties with
39 proposed Resolution 21-057; and
40

41 WHEREAS, One property owner in the area of the district requested their parcel be
42 included after review of the proposed assessment boundary Public Works determined the
43 property is substantially removed from the proposed boundary; and
44

45 **WHEREAS, The Public Works Department has recommended that the Benefitted**
46 **Area method of assessment be used as the most equitable method because it would**
47 **account for the benefit to City-owned Bishop’s Beach Park, one of the City’s most popular**
48 **parks; and**
49

50 **WHEREAS, Homer City Code 17.01.010 allows the use of the Benefitted Area**
51 **method of computation, where approved by the City Council; and**
52

53 **WHEREAS, Homer City Code further allows the City Council to include, as part of**
54 **the method of computation, only the first 200 feet of those lots, which are at least 50**
55 **percent larger than the average lots in the Special Assessment Districts; and**
56

57 **WHEREAS, The Public Works Department asked to postpone action on the**
58 **proposed water and sewer districts so it could do preliminary engineering to refine the**
59 **design and construction strategies to validate costs and reduce environmental impact;**
60 **and**
61

62 **WHEREAS, At their October 25, 2021 regular meeting City Council postponed action**
63 **on Resolution 21-057(S) to allow for notice to property owners of the change to the**
64 **benefitted methodology and an opportunity to object; and**
65

66 **WHEREAS, Notices were sent by the City Clerk’s office on November 16 and**
67 **November 24, 2021 and _____ objections were received; and**
68

69 WHEREAS, Council finds the petition bears sufficient support and that the water and
70 sewer improvements are necessary and to the benefit of the properties included in Attachment
71 “A”; and
72

73 WHEREAS, The properties will be assessed using the benefitted area methodology.
74

75 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska
76 acknowledges the sufficiency of the Bunnell Avenue/Charles Way Improvement Special
77 Assessment Districts and approves the improvement plans, estimated cost of improvements,
78 and **benefitted area** assessment methodologies, as applied to the first 200 feet of any lots at
79 least 50% larger than the average lot.
80

81 PASSED AND ADOPTED by the Homer City Council this 13th day of December, 2021.

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94

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: HAWSP



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 22-042

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
THROUGH: ROBERT DUMOUCHEL, CITY MANAGER
DATE: MARCH 4, 2022
SUBJECT: RESOLUTION 21-057(S-2) BUNNELL AVENUE/CHARLES WAY SAD

Resolution 22-017 has been drafted for consideration of a hybrid method of assessment for the Bunnell Avenue/Charles Way SAD.

Recommendation: Vote down Resolution 21-057(S-2) and consider Resolution 22-017.

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

3 City Manager/
4 Public Works Director

5 **RESOLUTION 22-017**
6

7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
8 ACKNOWLEDGING THE SUFFICIENCY OF THE BUNNELL
9 AVENUE/CHARLES WAY WATER AND SEWER IMPROVEMENT
10 SPECIAL ASSESSMENT DISTRICTS AND APPROVING THE
11 IMPROVEMENT PLAN, ESTIMATED COST OF IMPROVEMENTS AND
12 ASSESSMENT METHODOLOGY.
13

14 WHEREAS, The Homer City Council adopted Resolution 21-030 initiating the process to
15 form the Bunnell Avenue/Charles Way Water and Sewer Special Improvement Districts
16 (Bunnell Avenue/Charles Way SAD); and
17

18 WHEREAS, The Bunnell Avenue/Charles Way Water and Sewer SAD boundaries includes
19 property fronting Bunnell Avenue and Charles Way; and
20

21 WHEREAS, A neighborhood meeting was held on May 27, 2021 where property owners
22 were provided conceptual cost estimates for water and sewer, proposed district maps, and
23 property owner assessment projections; and
24

25 WHEREAS, A Notice of Public Hearing for August 9, 2021 and Notice of Right to Object
26 and was mailed to property owners on June 4, 2021 in accordance with Homer City Code
27 17.02.050; and
28

29 WHEREAS, Pursuant to HCC 17.02.050 (b) if owners of real property that would bear 50
30 percent or more of the assessed cost of the improvement file timely written objections, the
31 Council may not proceed with the improvement unless it revises the improvement plan to
32 reduce the assessed cost to less than 50% of the assessed cost of the improvement; and
33

34 WHEREAS, The deadline to receive written objections was August 8, 2021 and two
35 written objections were received, with one additional object coming in after the deadline; and
36

37 WHEREAS, Following the public hearing at the August 9, 2021 regular City Council
38 meeting Council postponed action on Resolution 21-057 to provide the Public Works Director
39 the opportunity to consider amending the boundaries and assessment methodology, and
40 consider existing service through spaghetti for some properties; and
41

42 WHEREAS, Action on this matter was further postponed to provide written public notice
43 on different iterations of assessment methodologies for property owner consideration; and
44

45 WHEREAS, On February 10, 2022 the City Clerk's Office mailed notice to property owners
46 in the Bunnell Avenue/Charles Way SAD of a proposed hybrid method of assessment, an
47 informational memorandum from the Public Works Director, preliminary assessment roll, and
48 a statement of objection to special assessment district with a deadline of 5:00 p.m. March 14,
49 2022 to object; and
50

51 WHEREAS, To date, one objection has been received; and
52

53 WHEREAS, Resolution 21-057(S-2) proposing a benefitted method of assessment was
54 voted down on March 14, 2022 to take up this resolution recommending the hybrid method of
55 assessment.
56

57 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska
58 acknowledges the sufficiency of the Bunnell Avenue/Charles Way SAD.
59

60 BE IT FURTHER RESOLVED that the City Council hereby approves the improvement
61 plan, estimated costs of improvement as follows:
62

- 63 • The estimated cost of the sewer improvements is \$514,153 with property owners paying
64 75% (\$385,615) and the Homer Accelerated Water and Sewer Program (HAWSP) paying
65 25% (\$128,538) of the costs; and
- 66 • The estimated cost of the water improvements, including the \$225,097 Principal
67 Forgiveness Subsidy, is \$248,097, with property owners paying 75% (\$186,073) and the
68 Homer Accelerated Water and Sewer Program (HAWSP) paying 25% (\$62,024) of the
69 costs.
70

71 BE IT FURTHER RESOLVED the assessment method will be a hybrid method based on
72 the following findings of the Public Work Director:
73

74 **Finding #1** – The Hybrid Method results in the fairest distribution of costs among the
75 private property owners. We did some sensitivity analysis to find the fairest distribution
76 of costs. We computed what the assessments would be using Equal Share Method and
77 the Benefitted Area Method, limiting the application of the Benefitted Area Method to
78 the Developable Area, as provided in HCC 17.01.010. Then, we created a Proposed
79 Assessment Roll, which applies the lesser computation for a particular property. For
80 the smaller lots, the lesser computation is the Benefitted Area Method. For the larger
81 lots, the lesser computation is the Equal Share Method. The Benefitted Area Method
82 penalizes the larger lots who will receive no greater benefit for their higher assessment.

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Finding #2 – The Hybrid Method does not unreasonably penalize the City as the owner of Bishop’s Beach Park. The Hybrid Method results in a proposed assessment for the City, which is about 15% higher than what it would be under the Benefitted Area Method. This is appropriate as this park, one of Homer’s most popular, provides community-wide benefit.

PASSED AND ADOPTED by the Homer City Council this _____ day of _____, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: HAWSP \$128,538 –Sewer and \$62,024 - Water



Memorandum 22-043

TO: City Council

THROUGH: Rob Dumouchel, City Manager

FROM: Janette Keiser, PE, Director of Public Works

DATE: February 15, 2022

SUBJECT: Recognizing the sufficiency of the Charles Street/Bunnell Ave Water & Sewer Special Assessment Districts

I. Issue: The purpose of this Memorandum is to recommend that the City Council recognize the sufficiency of the Charles Street/Bunnell Avenue Water & Sewer Special Assessment Districts.

II. Background

The 27 properties involved in the proposed special assessment districts currently rely on on-site sewage disposal systems, hauled water and/or “spaghetti lines”. One of the property owners filed a petition to create special assessment districts to bring City water and sewer to the neighborhood. On May 10, 2021, the City Council passed Resolution 21-030 initiating the process for creating the districts.

The project is challenging because of the neighborhood’s geography – flat ground, high water table and surrounding wetlands. Plus, it is a mixed-use neighborhood, with seasonal homes, full-time residents, multiple businesses, undeveloped areas and a popular City park. Since the adoption of Resolution 21-030, we’ve held multiple neighborhood meetings, talked with individual property owners, as well as heard multiple public testimonies at City Council meetings to better understand the neighborhood’s needs and concerns. In response to this outreach, we’ve conducted preliminary engineering to better understand the neighborhood’s technical constraints and experimented with multiple assessment strategies. This work has led us to adopt the following strategies:

- a. **Boundaries of the District.** We have limited the size of the District to properties, which would newly benefit from City water and sewer; that is, we excluded properties, which are already served by City water and sewer via a “spaghetti line”, which was permitted and inspected by the City.
- b. **Spaghetti Lines.** We plan to re-purpose two existing “spaghetti lines” by connecting the new main extensions to them, thereby reducing costs and environmental impact.
- c. **Disruption to Wetlands.** Multiple residents expressed concern that construction would adversely affect the neighborhood’s extensive wetlands. We have re-aligned the water/sewer main routes

to avoid the most sensitive part of the wetlands, next to Beluga Slough. Further, we plan to use “directional drilling” rather than open trenching to install most of the water/sewer main extensions. These strategies will minimize environmental impact.

- d. **Method of Assessment Recommendation and Findings.** We are recommending a Hybrid Method that blends elements of the Equal Share and the Benefitted Area methods of assessment computation, based on the following Findings:
1. **Finding #1** – The Hybrid Method results in the fairest distribution of costs among the private property owners. We did some sensitivity analysis to find the fairest distribution of costs. We computed what the assessments would be using Equal Share Method and the Benefitted Area Method, limiting the application of the Benefitted Area Method to the Developable Area, as provided in HCC 17.01.010. Then, we created a Proposed Assessment Roll, which applies the lesser computation for a particular property. For the smaller lots, the lesser computation is the Benefitted Area Method. For the larger lots, the lesser computation is the Equal Share Method. The Benefitted Area Method penalizes the larger lots who will receive no greater benefit for their higher assessment.
 2. **Finding #2** – The Hybrid Method does not unreasonably penalize the City as the owner of Bishop’s Beach Park. The Hybrid Method results in a proposed assessment for the City, which is about 15% higher than what it would be under the Benefitted Area Method. This is appropriate as this park, one of Homer’s most popular, provides community-wide benefit.
- e. **Expanded Financing.** We will be installing the E-One units for existing buildings as part of the project. This should make the costs eligible for the long term financing and thus, more affordable for existing homes and businesses. It also ensures that opportunities for contamination from existing outhouses and sewage tanks is eliminated.
- f. **Grant.** The “Principal Forgiveness” subsidy, in the amount of \$225,000 for the water line is still available from the AK Dept. of Environmental Conservation (ADEC).

III. Public Notice

On or about November 16, 2021, the City Clerk’s office and Public Works sent the property owners listed on the original Preliminary Assessment Roll, updated information about the status of the project and a revised Preliminary Assessment Roll. Another notice was sent in early January with a second revised Preliminary Assessment Roll. Another mailing was sent in late January with a third revised Preliminary Assessment Roll and a final notice was sent out in February, using the Hybrid Method.

IV. Recommendation

That the City Council pass the proposed resolution recognizing the sufficiency of the Charles Street/Bunnell Avenue Water and Sewer Special Assessment Districts, using the Hybrid Method of assessment that combines the Benefitted Area Method and the Equal Share Method.

STATEMENT OF OBJECTION

TO SPECIAL ASSESSMENT DISTRICT

SPECIAL ASSESSMENT DISTRICT: **Bunnell Ave/Charles Way Water & Sewer Improvement Special Assessment District**

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

WR Benson Subd Amended, Lot 150
KPB Parcel ID# 17716414
CONNOLLY

I/We object to the **Bunnell Ave/Charles Way Water & Sewer Improvement Special Assessment District.**

Reasons/Comments: I CAN NOT AFFORD THE COSTS &
AM NOT IN NEED OF THESE IMPROVEMENTS.

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

NANCY C CONNOLLY FEB 21, 2022
(Print Name) (Signature) (Date)

NANCY C. CONNOLLY *Nancy C Connolly* 2/21/2022
(Print Name) (Signature) (Date)

(Print Name) (Signature) (Date)

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

TO FILE AN OBJECTION COMPLETE THIS FORM AND RETURN IT TO THE OFFICE OF THE CITY CLERK NO LATER THAN MARCH 14, 2022 AT 5:00 P.M.

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



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

February 10, 2022

Dear Property Owner,

The Charles Way/Bunnell Avenue Water and Sewer Special Assessment District (SAD) has been amended to a hybrid method that uses benefitted area and equal shares methods to assess property owners in the proposed district.

A notice of public hearing and right to object was mailed to property owners in the Charles Way/Bunnell Avenue Water and Sewer SAD on June 3, 2021 and a public hearing was held on August 9, 2021. City Council has continued to postpone action on this matter to allow Public Works time to consider property owner feedback and assessment scenarios for this district.

A resolution to acknowledge the sufficiency of the Charles Way/Bunnell Avenue Water and Sewer SAD and approving the improvement plan, estimated cost of improvement, and assessment methodology will be before Council at their regular meeting on March 14, 2022. The meeting begins at 6:00 p.m. and will be conducted in person at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and virtually by Zoom Webinar ID: 205 093 973 and Passcode: 610853.

If you object to the updated hybrid method of assessments for the Charles Way/Bunnell Avenue Water and Sewer SAD, please put your objections in writing on the form included and return it to the City Clerk's office before 5:00 p.m. on Monday, March 14, 2022. You may submit it by email to clerk@ci.homer.ak.us, by fax 907-235-3143, or deliver it to City Hall. There are drop boxes at both entrances City Hall for delivery after hours. There is an opportunity to make verbal comments regarding the SAD at the meeting in person or by Zoom.

The City Council Agenda Packet and copies of the resolution and supporting documents will be posted on the City of Homer website by the end of day, Thursday, March 10, 2022.

Please feel free to contact me at the phone number or email above if you have questions.

Respectfully,

Melissa Jacobsen, City Clerk

Encl: Memorandum from Public Works Director Keiser
Water & Sewer Methodology Spreadsheets
Revised Preliminary Assessment Roll



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum

TO: Property Owners in Bunnell Road/Charles Way Neighborhood
FROM: Janette Keiser, PE, Director of Public Works
DATE: January 19, 2022
SUBJECT: Another Update – Charles Way /Bunnell Ave Water & Sewer Special Assessment Districts

Purpose of Memorandum: The purpose of this memorandum is to provide an update on the Bunnell Avenue/Charles Way Water and Sewer Improvement Special Assessment Districts.

Method of Assessment. In a continuing effort to address the concerns of property owners regarding the proposed assessment roll, I've developed a Hybrid Solution. This solution has never been used before and will require City Council approval.

The Hybrid Solution computes the proposed assessments using the Equal Share method and the Benefitted Area method and adopts whichever computation is lower. For most of the properties, the Benefitted Area method is the lowest cost option. For the larger properties, the Equal Share method is the lowest cost option. The City's, as its share of the property owner assessments, absorbs what's left over, as its share of the property owner assessments.

The Hybrid Solution has the following benefits:

1. The proposed assessments to the smaller lots is smaller than the Equal Share method, recognizing their much benefitted area.
2. The proposed assessments for the larger lots are capped at their Equal Share method, so they are not penalized for being larger in size.
3. The City's share of the property owner assessments is larger than any individual property owner, acknowledging the much larger benefit to the entire community. But the incremental increase is not substantial, all things considered.

Thank you for being patient as I think through this process. I will be recommending the Hybrid Solution to the City Council when they next consider this matter, which will be March 14, 2022.

Property Owner Share
City (HAWSP) Share

\$224,960
\$74,987

Estimated Water Assessments

Equal Share =
224,960/19=\$11,840

Legal Description	KPB Parcel ID #	Owner	Frontage (ft)	Lot Area (SF)	Benefitted Area* (acres)	Estimated Assessment Based on Benefitted Area Method	Assessment based on lessor of Equal Share Method or Benefitted Area Method.
3 WR Benson Subd Amended, Lot 154	17716418	Dam Revocable Trust	50	7500	7500	\$4,977	\$ 4,977
4 WR Benson Subd Amended, Lot 153	17716417	Guetschow	50	7500	7500	\$4,977	\$ 4,977
5 WR Benson Subd Amended, Lot 152	17716416	Logan	50	7500	7500	\$4,977	\$ 4,977
6 WR Benson Subd Amended, Lot 151	17716415	Long	50	7500	7500	\$4,977	\$ 4,977
7 WR Benson Subd Amended, Lot 150	17716414	Connolly	50	7500	7500	\$4,977	\$ 4,977
14 WR Benson Subd Amended, Lot 162	17716444	Lindsey/Savidge	50	7500	7500	\$4,977	\$ 4,977
15 WR Benson Subd, 2008 Replat, Lot 165-A	17716452	Johnson	100	15000	15000	\$9,955	\$ 9,955
16 WR Benson Subd Amended, Lot 167	17716439	Larson/Raupp	50	7500	7500	\$4,977	\$ 4,977
17 WR Benson Subd Amended, Lot 168	17716438	Baughner	50	7500	7500	\$4,977	\$ 4,977
18 WR Benson Subd Amended, Lot 169	17716437	Baughner	50	7500	7500	\$4,977	\$ 4,977
19 WR Benson Subd Amended, Lot 171	17716435	Vernon	50	7500	7500	\$4,977	\$ 4,977
20 WR Benson Subd Amended, Lot 172	17716434	Vernon	50	7500	7500	\$4,977	\$ 4,977
21 WR Benson Subd Amended, Lot 173	17716433	Logan IRA LLC	50	7500	7500	\$4,977	\$ 4,977
22 WR Benson Subd Amended, Lot 174	17716432	Logan IRA LLC	50	7500	7500	\$4,977	\$ 4,977
23 WR Benson Subd Amended, Lot 175	17716431	Hillstrand	50	7500	7500	\$4,977	\$ 4,977
24 WR Benson Subd Amended, Lot 176	17716430	Hillstrand	50	7500	7500	\$4,977	\$ 4,977
25 Bishop's Beach Park	17714010	City of Homer	494	150718	150718	\$100,025	\$ 116,664
26 Portion of Government Lot 2, T 6S R 13W S 20	17714009	Johnson	200	108464	40782	\$27,065	\$ 11,840
27 Portion of Government Lot 2, T 6S R 13W S 20	17714008	Vann Revocable Trust	400	54450	19970	\$13,253	\$ 11,840
			1944	441132	338970	\$224,960	\$ 224,960

* Benefitted Area is limited to (1) the front 200 feet of the lot and (2) "Developable Area"

20 yr financing, interest rate 2%,

Property Owner Share \$313,666
 City (HAWSP) Share \$104,555

Estimated Sewer Assessments

Legal Description	KPB Parcel ID #	Owner	Lot Area (SF)	Benefitted Area* (SF)	Estimated Assessment based on Benefitted Area Method	Assessment based on lessor of Equal Share Method or Benefitted Area Method.
3 WR Benson Subd Amended, Lot 154	17716418	Dam Revocable Trust	7500	7500	\$7,097	\$ 7,097
4 WR Benson Subd Amended, Lot 153	17716417	Guetschow	7500	7500	\$7,097	\$ 7,097
5 WR Benson Subd Amended, Lot 152	17716416	Logan	7500	7500	\$7,097	\$ 7,097
6 WR Benson Subd Amended, Lot 150	17716414	Connolly	7500	7500	\$7,097	\$ 7,097
10 WR Benson Subd Amended, Lot 162	17716444	Lindsey/Savidge	7500	7500	\$7,097	\$ 7,097
11 WR Benson Subd, 2008 Replat, Lot 165-A	17716452	Johnson	15000	15000	\$14,194	\$ 14,194
12 WR Benson Subd Amended, Lot 167	17716439	Larson/Raupp	7500	7500	\$7,097	\$ 7,097
13 WR Benson Subd Amended, Lot 168	17716438	Baughner	7500	7500	\$7,097	\$ 7,097
14 WR Benson Subd Amended, Lot 169	17716437	Baughner	7500	7500	\$7,097	\$ 7,097
15 WR Benson Subd Amended, Lot 171	17716435	Vernon	7500	7500	\$7,097	\$ 7,097
16 WR Benson Subd Amended, Lot 172	17716434	Vernon	7500	7500	\$7,097	\$ 7,097
17 WR Benson Subd Amended, Lot 173	17716433	Logan IRA LLC	7500	7500	\$7,097	\$ 7,097
18 WR Benson Subd Amended, Lot 174	17716432	Logan IRA LLC	7500	7500	\$7,097	\$ 7,097
19 WR Benson Subd Amended, Lot 175	17716431	Hillstrand	7500	7500	\$7,097	\$ 7,097
20 WR Benson Subd Amended, Lot 176	17716430	Hillstrand	7500	7500	\$7,097	\$ 7,097
21 Bishop's Beach Park	17714010	City of Homer	150718	150718	\$142,622	\$ 165,260
22 Portion of Government Lot 2, T 6S R 13W S 20	17714009	Johnson	108464	40782	\$38,591	\$ 17,426
23 Portion of Government Lot 2, T 6S R 13W S 20	17714008	Vann Revocable Trust	54450	19,970	\$18,897	\$ 17,426
			433632	331470	\$313,666	\$ 313,666

Equal Share =
 313,666/18=\$17,426

* Benefitted Area is limited to (1) the front 200 feet of the lot and (2) "Developable Area".

AMENDED PRELIMINARY ASSESSMENT ROLL (Hybrid Method 02/10/22)

PROJECT NAME: Bunnell Avenue/Charles Way Water & Sewer Improvement Special Assessment District DATE: June 3, 2021

TOTAL ESTIMATED PROJECT WATER: ~~\$509,167~~ ~~\$473,787~~ **\$525,637** TOTAL ESTIMATED PROJECT SEWER: ~~\$631,834~~ ~~\$514,153~~ **\$418,221**

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

HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) SHARE: WATER: ~~\$212,608~~ ~~\$186,073~~ **\$224,960** SEWER: ~~\$473,875~~ ~~\$385,615~~ **\$313,666**
 ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRINCIPAL FORGIVENESS GRANT: WATER PROJECTS ONLY: \$225,690

PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT	ASSESSED ESTIMATED PROPERTY ASSESSMENT METHOD
3 DAM REVOCABLE TRUST 2019 1477 BAY AVE HOMER AK 99603-7941	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 154 #17716418	\$52,600	Water \$7874 \$4,359 \$4,977 Sewer \$20603 \$9,249 \$7,097	
4 GUETSCHOW RUBEN PO BOX 1071 PAHOA HI 96778-1071	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 153 #17716417	\$47,900	Water \$7874 \$4,359 \$4,977 Sewer \$20603 \$9,249 \$7,097	
5 LOGAN CHRISTINA ARLYNE LOGAN CHRISTINA 2303 TULIK DR ANCHORAGE AK 99517-1132	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 152 #17716416	\$45,900	Water \$7874 \$4,359 \$4,977 Sewer \$20603 \$9,249 \$7,097	
6. LONG CHRIS 879 LINDA CT HOMER, AK 99603-7222	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 151 #17716415	\$244,200	Water \$7874 \$4,359 \$4,977 (Property has sewer)	
7 CONNOLLY NANCY C 303 TORQUAY CT UNIT B RIDGE NY 11961-8358	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 150 #17716414	\$49,600	Water \$7874 \$4,359 \$4,977 Sewer \$20603 \$9,249 \$7,097	
14 LINDSEY RONALD J SAVIDGE BARBARA A PO BOX 1867 HOMER AK 99603-1867	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 162 #17716444	\$85,900	Water \$7874 \$4,359 \$4,977 Sewer \$20603 \$9,249 \$7,097	

AMENDED PRELIMINARY ASSESSMENT ROLL (Hybrid Method 02/10/22)

PROJECT NAME: **Bunnell Avenue/Charles Way Water & Sewer Improvement Special Assessment District** DATE: **June 3, 2021**

TOTAL ESTIMATED PROJECT WATER: ~~\$509,167~~ ~~\$473,787~~ **\$525,637** TOTAL ESTIMATED PROJECT SEWER: ~~\$631,834~~ ~~\$514,153~~ **\$418,221**

Districts shall be assessed 75% property owner share of the project. Benefitted property owners will be required to pay that portion of the cost through the formation of a Special Assessment District:
 WATER: ~~\$212,608~~ ~~\$186,073~~ **\$224,960** SEWER: ~~\$473,875~~ ~~\$385,615~~ **\$313,666**

HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) SHARE: WATER: ~~\$70,869~~ ~~\$62,024~~ **\$74,987** SEWER: ~~\$157,958~~ ~~\$128,538~~ **\$104,555**
 ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRINCIPAL FORGIVENESS GRANT: WATER PROJECTS ONLY: \$225,690

	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT ASSESSMENT METHOD
15	JOHNSON PAUL MATTHEW 124 E 23 RD AVE ANCHORAGE, AK 99503-2010	T 6S R 13W SEC 20 Seward Meridian HM 2008066 W R BENSON'S SUB 2008 REPLAT LOT 165-A #17716452	\$186,200	Water \$7874 \$8,717 \$9,955 Sewer \$20603 \$18,498 \$14,194
16	LARSON BJORN & RAUPP SASHA H PO BOX 1435 HOMER AK 99603-1435	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 167 #17716439	\$51,500	Water \$7874 \$4,359 \$4,977 Sewer \$20603 \$9,249 \$7,097
17	BAUGHER TINA M 209 W DIMOND BLVD STE 4 ANCHORAGE AK 99515-1932	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 168 #17716438	\$50,700	Water \$7874 \$4,359 \$4,977 Sewer \$20603 \$9,249 \$7,097
18	VERNON ROBERT GORDON PO BOX 3 HOMER AK 99603-0003	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 169 #17716437	\$43,300	Water \$7874 \$4,359 \$4,977 Sewer \$20603 \$9,249 \$7,097
19	LOGAN IRA LLC 2303 TULIK DR ANCHORAGE AK 99517-1132	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 171 #17716435	\$157,400	Water \$7874 \$4,359 \$4,977 Sewer \$20603 \$9,249 \$7,097
20	LOGAN IRA LLC 2303 TULIK DR ANCHORAGE AK 99517-1132	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 172 #17716434	\$41,300	Water \$7874 \$4,359 \$4,977 Sewer \$20603 \$9,249 \$7,097
21	LOGAN IRA LLC 2303 TULIK DR ANCHORAGE AK 99517-1132	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 173 #17716433	\$175,200	Water \$7874 \$4,359 \$4,977 Sewer \$20603 \$9,249 \$7,097
22	LOGAN IRA LLC 2303 TULIK DR ANCHORAGE AK 99517-1132	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 174 #17716432	\$58,100	Water \$7874 \$4,359 \$4,977 Sewer \$20603 \$9,249 \$7,097

AMENDED PRELIMINARY ASSESSMENT ROLL (Hybrid Method 02/10/22)

PROJECT NAME: Bunnell Avenue/Charles Way Water & Sewer Improvement Special Assessment District DATE: June 3, 2021

TOTAL ESTIMATED PROJECT WATER: \$509,167-\$473,787 **\$525,637** TOTAL ESTIMATED PROJECT SEWER: \$631,834 \$514,153 **\$418,221**

Districts shall be assessed 75% property owner share of the project. Benefitted property owners will be required to pay that portion of the cost through the formation of a Special Assessment District:
 WATER: \$212,608-\$186,073 **\$224,960** SEWER: \$473,875-\$385,615 **\$313,666**

HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) SHARE: WATER: \$70,869 \$62,024 **\$74,987** SEWER: \$157,958-\$128,538 **\$104,555**
 ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRINCIPAL FORGIVENESS GRANT: WATER PROJECTS ONLY: \$225,690

PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT ASSESSMENT METHOD
23 HILLSTRAND NANCY PO BOX 7 HOMER AK 99603-0007	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 175 #17716231	\$102,100	Water \$7874 \$4,359 \$4,977 Sewer \$206603- \$9,249 \$7,097
24 HOMER CITY OF 491 E PIONEER AVE HOMER AK 99603-7624	T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 176 #17716430	\$36,000	Water \$7874 \$4,359 \$4,977 Sewer \$206603- \$9,249 \$7,097
25	T 6S R 13W SEC 20 Seward Meridian HM PTN GL 2 BEGIN S 1/16 CORNER SECS 19 & 20 & NW CORNER LOT 2 TH S 89 DEG 57'30" E 600 FT ALONG N BOUND LT 2 TO POB TH S 0 D EG 2' E 391 FT TO CORNER 2 ON MHW KACHEMAK BAY TH S 59 DEG 30' E 150 FT TO CORNE R 3 TH N 38 DEG 0' E 592.6 FT TO CORNER 4 TH N 89 DEG 57'37" W ALONG N BOUNDRY O F GL 2 494.3 FT TO POB SAVE & EXC THAT PTN DESCRIBED IN W/D 88 @ 820 #17714010	\$593,900	Water \$7874- \$23,700- \$100,025 \$116,670 Sewer \$206603- \$102,613- \$142,622 \$165,260
26 JOHNSON PAUL MATTHEW 124 E 23RD AVE ANCHORAGE, AK 99503-2010	T 6S R 13W SEC 20 Seward Meridian HM PTN GL 2 BEGIN 400 FT E OF 1/16 CRNR COMMON TO SEC 19 & 20 TH E 200 FT ALONG N BOUND OF GL 2 TH S TO BEACH LINE TH W 200 F T TH 339 FT N TO POB #17714009	\$4,300	Water \$7874 \$23,700- \$27,065 \$11,840 Sewer \$206603- \$50,293- \$38,591 \$17,426
27 VANN REVOCABLE TRUST PO BOX 561 KASLOF AK 99610-0561	T 6S R 13W SEC 20 Seward Meridian HM PTN GL 2 BEGIN INTERSECTION OF N BOUNDARY LT 2 & RR ROW THE TO PT 400 FT FROM 1/16 CRNR TH S TO BEACH TH NW 100 FT TH N T O NORTH SIDE OF OLD RR ROW TH NW TO POB #17714008	\$248,000	Water \$7874 - \$39,924- \$13,253 \$11,840 Sewer \$206603- \$84,722- \$18,897 \$17,426

CITY OF HOMER
PROPERTY OWNER'S

STATEMENT OF OBJECTION

TO SPECIAL ASSESSMENT DISTRICT

SPECIAL ASSESSMENT DISTRICT: **Bunnell Ave/Charles Way Water & Sewer Improvement Special Assessment District**

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

I/We object to the **Bunnell Ave/Charles Way Water & Sewer Improvement Special Assessment District.**

Reasons/Comments: _____

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

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

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

TO FILE AN OBJECTION COMPLETE THIS FORM AND RETURN IT TO THE OFFICE OF THE CITY CLERK NO LATER THAN MARCH 14, 2022 AT 5:00 P.M.

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

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

3 City Manager/
4 Public Works Director

5 **RESOLUTION 22-018**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
8 AUTHORIZING THE CITY MANAGER TO APPLY FOR TWO LOANS
9 FROM THE STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL
10 CONSERVATION (ADEC) UNDER ITS ALASKA DRINKING WATER
11 FUND PROGRAM IN AN AMOUNT NOT TO EXCEED \$473,787 TO
12 FINANCE COST OF WATER IMPROVEMENTS AND ITS CLEAN
13 WATER FUND PROGRAM IN AN AMOUNT NOT TO EXCEED \$514,153
14 TO FINANCE THE COST OF SEWER IMPROVEMENTS, EACH FOR
15 THE BENEFIT OF THE BUNNELL AVE/CHARLES WAY WATER AND
16 SEWER IMPROVEMENT PROJECTS.

17
18 WHEREAS, Bunnell Ave/Charles Way water and sewer improvement projects (together,
19 the "Project") include the following work: design, bid, and construct water distribution
20 infrastructure improvements located in the City of Homer, Alaska ("City"); and
21

22 WHEREAS, The Bunnell Ave/Charles Way Water and Sewer Improvement Special
23 Assessment District ("Bunnell Ave/Charles Way SAD") was created by Resolution 22-017,
24 adopted by the City Council on March 14, 2022; and
25

26 WHEREAS, The City seeks to secure necessary financial assistance for purposes of
27 designing, bidding and constructing the Project; and
28

29 WHEREAS, The State of Alaska, Department of Environmental Conservation ("ADEC")
30 may have available funding for Project costs through its Alaska Drinking Water Fund Program
31 and Clean Water Fund Program; and
32

33 WHEREAS, ADEC has included the Charles Street/Bunnell Avenue water line on the
34 quarterly update of the FY 22 Alaska Drinking Water Fund Priority List, with Principal
35 Forgiveness in the amount of \$225,690, and the Charles Street/Bunnell Ave sewer line on the
36 quarterly update of the FY 22 Alaska Clean Water Fund Priority list; and
37

38 WHEREAS, The requested ADEC Drinking Water Fund loan amount would be in the not
39 to exceed principal amount of \$473,787 for the water improvements to be repaid over no more
40 than a 20-year term, with a finance rate calculated pursuant to 18 AAC 76.255 (for an ADEC
41 Drinking Water Fund loan); and
42

43 WHEREAS, The requested Clean Water Fund loan amount would be in the not to exceed
44 principal amount of \$514,153 for the sewer improvements to be repaid over no more than a
45 20-year term, with a finance rate calculated pursuant to 18 AAC 76.080 (for an ADEC Clean
46 Water Fund loan); and

47
48 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby
49 authorizes the City Manager to apply for two loans from the State of Alaska Department of
50 Environmental Conservation, consisting of (i) a Drinking Water Fund loan in an amount not to
51 exceed the principal amount of \$473,787 for Project water improvements, and (ii) a Clean Water Fund
52 loan in an amount not to exceed the principal amount of \$514,153 for Project sewer improvement.
53 These two loan requests are for the benefit of the Bunnell Ave/Charles Way SAD.

54
55 Recitals to this resolution are hereby incorporated into this resolution as if fully set forth
56 herein.

57
58 Terms not otherwise defined in this resolution shall have the meanings set forth in the
59 recitals to this resolution.

60
61 PASSED AND ADOPTED by the Homer City Council this ____ day of March, 2022.

62
63 CITY OF HOMER
64
65
66 _____
67 KEN CASTNER, MAYOR
68

69 ATTEST:
70
71
72 _____
73 MELISSA JACOBSEN, MMC, CITY CLERK
74

75 Fiscal Note: N/A

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

3 City Manager/
4 Public Works Director

5 **RESOLUTION 22-019**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
8 AUTHORIZING THE CITY MANAGER TO ISSUE TASK ORDERS TO
9 BISHOP ENGINEERING FOR THE DESIGN OF THE WATER AND
10 SEWER PROJECTS FOR THE BUNNELL AVE/CHARLES WAY WATER
11 AND SEWER SPECIAL ASSESSMENT DISTRICT.
12

13 WHEREAS, The City Council authorized the creation of the Bunnell Ave/Charles Way
14 Water and Sewer Special Assessment District (“Bunnell Ave/Charles Way SAD”) with Resolution
15 22-0xx; and
16

17 WHEREAS, The City Council authorized the City Manager to apply for ADEC Drinking
18 Water and Clean Water Loans for financing the projects with Resolution 22-018; and
19

20 WHEREAS, The City Council approved a short term contract for Professional
21 Engineering Services with Bishop Engineering with Resolution 20-107; and
22

23 WHEREAS, Bishop Engineering performed the preliminary engineering work for the
24 proposed water/sewer districts as well as final design work for a private water/sewer project
25 in the same neighborhood; and
26

27 WHEREAS, Task orders are needed in the amount of \$21,300 for the design of the water
28 project and \$9,000 for the design of the sewer project for the Bunnell Ave/Charles Way SAD.
29

30 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby
31 authorizes the City Manager to issue task orders to Bishop Engineering for the design of the
32 water and sewer projects for the Bunnell Ave/Charles Way SAD.
33

34 PASSED AND ADOPTED by the Homer City Council this ____ day of March, 2022.
35

36 CITY OF HOMER
37

38 _____
39 KEN CASTNER, MAYOR

40 ATTEST:

41 _____
42
43 MELISSA JACOBSEN, MMC, CITY CLERK
44

45 Fiscal Note: HAWSP



Address: PO Box 2501, Homer, AK 99603-2501 • Telephone: (907) 299-7609 • Website: www.bishop-engineering.com

December 8, 2021

Ms. Janette Keiser, PE
Public Works Director
City of Homer
3575 Heath Street
Homer, AK 99603

**RE: Professional Civil Engineering Design Services (Task Order 7)
Charles Way and East Bunnell Avenue Water and Sanitary Sewer Main Extensions**

Dear Ms. Keiser:

BISHOP ENGINEERING, LLC is pleased to submit this proposal to provide professional engineering services for the development of plans specifications and estimate (PS&E) for the extension of the City's water distribution and sanitary sewer mains to residences and businesses along East Bunnell Avenue and Charles Way. We provided a conceptual layout for both improvements under Task Order 6 for consideration by the City and will design the improvements based upon those plans as accepted or revised per the City review. We will provide Plans, Specifications, and Estimate for both the water distribution and sanitary sewer main extensions in a single project. We have developed the following work tasks to complete the PS&E and submit the documents to DEC for final approval to construct.

Scope of Work Tasks:

1. Review existing conditions and asbuilts of the existing water distribution and sanitary sewer improvements, complete a desktop geotechnical evaluation, and review City-provided design survey information (by Geovera).
2. Prepare 35% preliminary design plans (line, grade, and typical sections), and preliminary cost estimate. Submit for review.
3. Prepare 95% pre-final design plans (line, grade, typical sections and details), and cost estimate. Use City of Homer Standard Construction Details/Specification to the greatest extent possible.
4. Prepare a 100% bid ready design (final plans, engineers cost estimate).
5. Prepare a single SWPPP for the project for use by the City when filing a NOI with ADEC.
6. All plans on 11" x 17" pdfs. Final submittal of plans in pdf and AutoCAD formats.
7. For now, project does not include bidding and construction assistance.

Schedule:

1. Tasks 1 and 2 will be completed by January 21, 2022 assuming an NTP by December 20, 2021.

2. Task 3 will be completed by March 25, 2022 assuming two weeks for review by the City of the 35% plan submittal.
3. Task 4 will be completed by April 22, 2022 assuming two weeks for review by the City of the 95% plan submittal.
4. Tasks 5 and 6 will be completed by May 27, 2022 and parallel with the ADEC review and issuance of the approval to construct the project.

Fee:

The total engineering fee for the completion of all tasks for the water main extension is \$21,300.00. The total engineering fee for the completion of all tasks for the sewer main extension is \$9,000.00. Invoicing will be monthly and per task completed during the subject month and separated by water and sewer efforts. Additional costs we've identified to be paid by the City include estimated totals of \$1,200 for ADEC wastewater engineering review for the sewer main and \$500 for ADEC drinking water engineering review for the water main.

Feel free to call me with any questions you may have at (907) 299-7609.

Respectfully,

A handwritten signature in blue ink, appearing to read "John S. Bishop", with a stylized flourish extending to the right.

John S. Bishop, SE, PE

BISHOP ENGINEERING, LLC

TASK ORDER #7 (WATER MAIN)

Charles Way and East Bunnell Avenue Water Distribution Main Extension - Design

BISHOP ENGINEERING, LLC			
		John Bishop, SE Senior Civil Engineer	
		\$150.00/hr	
PART 2.0 - SCOPE OF SERVICES TO BE PERFORMED BY ENGINEER			
TASK NO.	DESCRIPTION	HOURS	COST
1	Review existing conditions, complete a desktop geotechnical evaluation, and review City-provided additional design survey info.	6	\$900.00
2	Prepare 35% preliminary design plans (line, grade, and typical sections), and preliminary cost estimate. Submit for review.	42	\$6,300.00
3	Prepare 95% pre-final design plans (line, grade, typical sections and details), and cost estimate using Homer Standard Specs/Details.	68	\$10,200.00
4	Prepare a 100% bid ready design (final plans, engineers cost estimate).	12	\$1,800.00
5	Prepare a SWPPP for the project for inclusion in the bid documents and for use by the City when filing a NOI with ADEC.	8	\$1,200.00
6	All plans on 11" x 17" pdfs. Final submittal of plans in pdf and AutoCAD formats.	6	\$900.00
7	No bidding and construction assistance.	0	\$0.00
TOTAL LABOR AT LOADED RATE		142	\$21,300.00

TASK ORDER #7 (SEWER MAIN)

Charles Way and East Bunnell Avenue Sanitary Sewer Main Extension - Design

BISHOP ENGINEERING, LLC		
	John Bishop, SE Senior Civil Engineer	
	\$150.00/hr	
PART 2.0 - SCOPE OF SERVICES TO BE PERFORMED BY ENGINEER		
TASK NO.	DESCRIPTION	HOURS
		COST
1	Review existing conditions, complete a desktop geotechnical evaluation, and review City-provided additional design survey info.	2
2	Prepare 35% preliminary design plans (line, grade, and typical sections), and preliminary cost estimate. Submit for review.	18
3	Prepare 95% pre-final design plans (line, grade, typical sections and details), and cost estimate using Homer Standard Specs/Details.	28
4	Prepare a 100% bid ready design (final plans, engineers cost estimate).	12
5	Prepare a SWPPP for the project for inclusion in the bid documents and for use by the City when filing a NOI with ADEC.	0
6	All plans on 11" x 17" pdfs. Final submittal of plans in pdf and AutoCAD formats.	0
7	No bidding and construction assistance.	0
TOTAL LABOR AT LOADED RATE		60
		\$9,000.00

**CITY OF HOMER
HOMER, ALASKA**

Davis/Erickson

RESOLUTION 22-020

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
EXPRESSING THE IMPORTANCE OF THE ALASKA CONSTITUTION
AND THE GRAND JURY SYSTEM.

WHEREAS, The Constitution of the State of Alaska is the foundational document protecting the State and its citizens; and

WHEREAS, Its provisions have been carefully crafted by our founding fathers and mothers to provide guidance to State institutions and officials to protect individual liberty, resources, and to establish a government operating with three separate but co-equal branches commonly known as the executive, legislative and judiciary each with functions designed to operate in the public interest; and

WHEREAS, Grand juries are an important, constitutionally provided, feature of State government with the power “to investigate and make recommendations concerning the public welfare or safety”; and

Whereas, If Alaska citizens have concerns about the functioning of any one of the three branches of State government they should petition the appropriate authority to conduct a review of those concerns within the State governmental structure responsible for conducting such reviews.

NOW THEREFORE BE IT RESOLVED that the Homer City Council supports the foregoing principles and recognizes the right of all Alaskans to rely on State government institutions to be responsive to legitimate citizen concerns.

PASSED AND ADOPTED by the Homer City Council this ___ day of _____, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A