



Agenda

City Council Regular Meeting

Monday, November 25, 2024 at 6:00 PM

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

Homer City Hall

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

Zoom Webinar ID: 205 093 973 Password: 610853

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

CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

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

- a. Homer City Council Unapproved Special and Regular Meeting Minutes of November 12, 2024. City Clerk. Recommend approval.
- b. Memorandum CC-24-237 from City Clerk re: New Marijuana License Cultivation Facility. Recommend approval.
- c. Memorandum CC-24-238 from Mayor re: Appointment of Theo Noomah to the Economic Development Advisory Commission and Tait Oshetna Ostrom as Student Representative to the Parks, Art, Recreation & Culture Advisory Commission. Recommend approval.
- d. Ordinance 24-64, An Ordinance of the City Council of Homer, Alaska, Extending the Exemption of Work and Seine Skiffs Attached to Motherships from Moorage Fees through 2025. City Manager/Port Director. Introduction November 25, 2024 Public Hearing and Second Reading January 13, 2025.

Memorandum CC-24-239 from Port Director as backup.

- e. Ordinance 24-65, An Ordinance of the City Council of Homer, Alaska Amending the FY25 Capital Budget by Accepting and Appropriating 2018 East Side Set Gillnet (ESSG) and 2020 Upper Cook Inlet (UCI) Salmon Disaster Relief Funds in the Amount of \$20,799.96 to the Port and Harbor

Enterprise Fund. City Manager/Port Director. Introduction November 25, 2024 Public Hearing and Second Reading January 13, 2025.

Memorandum CC-24-240 from Special Projects & Communications Coordinator as backup.

- [f.](#) Ordinance 24-66, An Ordinance of the City Council of Homer, Alaska, Amending the FY25 Capital Budget by Accepting and Appropriating a FY2025 Designated Legislative Grant from the State of Alaska for the Purpose of Additional Match Funds for the US Army Corps of Engineers General Investigation into the Larger Vessel Harbor Expansion and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction November 25, 2024 Public Hearing and Second Reading January 13, 2025.

Memorandum CC-24-241 from Special Projects & Communications Coordinator as backup.

- [g.](#) Resolution 24-118, A Resolution of City Council of Homer, Alaska Establishing the 2025 Regular Meeting Schedule for City Council, Economic Development Advisory Commission, Library Advisory Board, Parks Art Recreation & Culture Advisory Commission, Planning Commission, Port & Harbor Advisory Commission and ADA Advisory Board. City Clerk.

Memorandum CC-24-242 from City Clerk as backup.

- [h.](#) Resolution 24-119, A Resolution of the City Council of Homer, Alaska Amending the Port and Harbor Advisory Commission Bylaws by Updating Article VI, Meetings Requiring a Quorum for Worksessions. City Clerk/Port and Harbor Advisory Commission.

Memorandum CC-24-243 from City Clerk as backup.

- [i.](#) Resolution 24-120, Resolution of the City Council of Homer, Alaska Urging the Governor and the Alaska Legislators to Fully Fund the State of Alaska Municipal Harbor Facility Grant Program in the FY2026 State Capital Budget in Order to Ensure Enhanced Safety and Economic Prosperity Among Alaskan Coastal Communities. City Manager/Port Director.
- [j.](#) Resolution 24-121, Resolution of the City Council of Homer, Alaska, Expressing Support for Raising the Maximum Available Municipal Harbor Facility Grant to \$7,500,000 for Eligible Projects on an Annual Basis. City Manager/Port Director.
- [k.](#) Resolution 24-122, A Resolution of the City Council of Homer, Alaska Awarding a Construction Contract for the Beluga Lift Station Improvement Project to East Road Services, Inc. of Homer, Alaska, in an Amount Not to Exceed \$765,194 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/City Engineer.

Memorandum CC-24-244 from City Engineer as backup.

VISITORS

- [a.](#) Chamber of Commerce Annual Report, Brad Anderson Presenting
- [b.](#) Title 21 Process & Timeline, Shelly Wade, Agnew::Beck Presenting

- c. Harbor Expansion Project Update, HDR Presenting

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

- a. Committee of the Whole Report
- b. Mayor's Report
- c. Borough Report
- d. Planning Commission
- e. Library Advisory Board
- f. Americans with Disabilities Act Compliance Committee
- g. Parks Art Recreation and Culture Advisory Commission
- h. Economic Development Advisory Commission
- i. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

- a. Ordinance 24-58, An Ordinance of the City Council of Homer, Alaska, Amending the FY25 Capital Budget by Accepting and Appropriating a FY 2023 State and Local Cybersecurity Grant Program (SLCGP) Award in the Amount of \$328,943 from the Alaska Division of Homeland Security and Emergency Management for Municipal Cybersecurity Infrastructure Improvements. City Manager/IT Director. Introduction November 12, 2024 Public Hearing and Second Reading November 25, 2024.

Memorandum CC-24-229 from IT Director as backup.

- b. Ordinance 24-59, An Ordinance of the City Council of Homer, Alaska, Amending the FY24 Capital Budget by Appropriating an Additional \$100,000 from the Sewer Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Beluga Lift Station Improvement Project. City Manager/City Engineer. Introduction November 12, 2024 Public Hearing and Second Reading November 25, 2024.

Memorandum CC-24-230 from City Engineer as backup.

- c. Ordinance 24-60, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Section 7.16.020 Operating, Stopping or Parking of Motor Vehicles in Beach Areas Prohibited – Exceptions by Changing the Time Frame Allowing Coal and Sand Collection Access from the Mariner Park Beach Access. City Clerk/Parks, Art, Recreation & Culture Advisory Commission. Introduction November 12, 2024 Public Hearing and Second Reading November 25, 2024.

Memorandum CC-24-231 from City Clerk as backup.

- d. Ordinance 24-61, An Ordinance of the City Council of Homer, Alaska, Amending the FY25 Capital Budget by Appropriating \$2,000,000 from Homer Accelerated Roads and Trails (HART) Fund to the Ohlson Lane and Bunnell Avenue Road Reconstruction Project. City Manager/Public Works Director. Introduction November 12, 2024 Public Hearing and Second Reading November 25, 2024.

Memorandum CC-24-232 from Public Works Director as backup.

- e. Ordinance 24-62(S), An Ordinance of the City Council of Homer Alaska Authorizing the City Manager to Execute and Equipment Lease Purchase Agreement with Caterpillar Financial Services Corporation to Allow for the Lease Purchase of a Road Grader and Amending the FY25 Capital Budget for a Current Year Lease Payment from the General Fund Fleet Capital Asset Repair and Maintenance Allowance (CARMA) Fund and Related Matters. City Manager/Public Works Director.

Memorandum CC-24-236 from Public Works Director as backup.

- f. Ordinance 24-63, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an FY 2024 State Homeland Security Program Grant in the Amount of \$330,628 from the Alaska Division of Homeland Security & Emergency Management (DHS&EM) to Purchase A New Radio Console Dispatch System and a Virtual Law Enforcement Training System for the Homer Police Department, Authorizing a Sole Source Request to Contract with ProComm Alaska for the Radio Console Dispatch System and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Introduction November 12, 2024 Public Hearing and Second Reading November 25, 2024.

Memorandum CC-24-233 from Police Chief as backup.

ORDINANCE(S)

- a. Ordinance 24-67, An Ordinance of the City Council of Homer, Alaska Amending the FY25 Capital Budget by Appropriating an Additional \$100,000 from the Homer Accelerated Roads and Trails (HART) Roads Fund to the Beluga Slough Green Infrastructure Stormwater Treatment System Project. City Manager/Public Works Director. Introduction November 25, 2024 Public Hearing and Second Reading January 13, 2025.

Memorandum CC-24-245 from Public Works Director as backup.

CITY MANAGER'S REPORT

- a. City Manager's Report
- b. Monthly Report FY25 November

PENDING BUSINESS

NEW BUSINESS

- [a.](#) Memorandum CC-24-246 from Council member Aderhold re: Alaska Municipal League 2025 Resolutions Submitted for Member Action at the Annual Business Meeting in December.

RESOLUTIONS

- [a.](#) Resolution 24-123, A Resolution of the City Council of Homer, Alaska, Adopting the Amended Beach Policy and Management Plan to Extend the Period for Coal and Sand Collection and the Policy Audit Review Timeframe. City Clerk/Parks Art Recreation & Culture Advisory Commission.

Memorandum CC-24-247 from Recreation Manager as backup.

- [b.](#) Resolution 24-124, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Pursue the Purchase of Lands for the Purpose of Green Infrastructure Planning, Construction, and Conservation and to Bring Forward the Necessary Ordinances to the City Council. City Manager/Community Development Director.

Memorandum CC-24-248 from Community Development Director as backup.

- [c.](#) Resolution 24-125, A Resolution of the City Council of Homer, Alaska, Extending the Mayor's Declaration of Emergency Until January 14, 2025 Due to the Current and Expected Impacts of the November 2024 Storm Surge and Coastal Erosion Event on the Homer Spit. Mayor/City Council.
- [d.](#) Resolution 24-126, A Resolution of the City Council of Homer, Alaska Requesting the Kenai Peninsula Borough and the State of Alaska Declare a Local Disaster for the Homer Spit as a Result of the Current and Expected Damage from the November 2024 Storm Surge and Coastal Erosion Event on the Homer Coastline. Mayor/City Council.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

COMMENTS OF THE CITY MANAGER

COMMENTS OF THE MAYOR

COMMENTS OF THE CITY COUNCIL

ADJOURNMENT

Next Regular Meeting is **Monday, January 13, 2025 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 24-23 A Special Meeting of the City Council of Homer, Alaska was called to order on November 12, 2024 by Mayor Rachel Lord at 3:30 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 ERICKSON, HANSEN, DAVIS, ADERHOLD, VENUTI

COUNCIL

CANDIDATES: JONATHAN YOUNG, BRADLEY PARSONS, JANETTE KEISER

ABSENT: COUNCIL CANDIDATE BRANDY MCGEE

STAFF: CITY MANAGER JACOBSEN
CITY CLERK KRAUSE
FINANCE DIRECTOR FISCHER
COMMUNITY DEVELOPMENT DIRECTOR ENGBRETSSEN
POLICE CHIEF ROBL
HARBORMASTER CLARKE
PUBLIC WORKS DIRECTOR KORT
CHIEF TECHNOLOGY OFFICER JIRSA
SPECIAL PROJECTS & COMMUNICATIONS COORDINATOR CARROLL
RECREATION MANAGER ILLG

CALL TO ORDER, PLEDGE OF ALLEGIANCE

Mayor Lord called the meeting to order. She noted that Council Candidate Brandy McGee was unable to attend the meeting due to unavoidable changes in her travel plans but has submitted an additional statement as a laydown for Council consideration.

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

Mayor Lord requested a motion and second.

VENUTI/DAVIS MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Heath Smith, city resident, expressed comments on the process of filling the vacancy.

NEW BUSINESS

- a. Memorandum CC-24-228 from City Clerk re: Selection and Appointment of Councilmember to Fill Vacancy

Mayor Lord reviewed the process and her role to keep the Council on time and on topic.

Jonathon Young introduced himself to Council stating that he has lived in the community since taking advantage of an opportunity to be transferred by his employer to manage a medical practice. Mr. Young provided information on his start in civic matters with the short term rentals and housing shortage meetings and becoming a Commissioner on the Economic Development Commission and submitting his application for appointment to Council. Mr. Young stated that he saw himself being involved in the community for 30 to 40 years.

Bradley Parsons introduced himself and expressed his appreciation for Council's service to the Community. He stated that he cares deeply for this community and relocated here to be with his extended family, they chose a location to set roots down as close to central Homer as possible. He explained his desire to have a walkable, vibrant downtown, affordable housing for young families and to protect the environment acknowledging the need for growth. He would like to represent the voices he has heard in the community attending various events.

City Clerk Krause clarified for applicant Jan Keiser that she was setting the timer for two one-minute time periods since she was unable to set the time for a two-minute period.

Jan Keiser introduced herself and provided her top three issues that Council will be faced in the coming year and if called to serve would do her best to help with: Comprehensive Plan re-write and code update and the need to make sure that the comprehensive plan embodies community values while ensuring the code is an effective tool for implementing and enforcing those values; Revenues are declining, but every department has wish lists of needs and wants and the Council will need to prioritize those needs and wants, and there could be some difficult conversations and the last was civil discourse, believing in the power of local government to make that community a better place, they put differences aside long enough to come together to have those difficult conversations to reach common ground.

Mayor Lord noted that each Council member will ask one question and each applicant will have one minute to respond. They will start with Mr. Young first and then rotate through each applicant being first on successive questions.

Councilmember Hansen asked: If selected to be on Council, how will you approach difficult decisions when there's a difference of opinion within our community, and often our Council?

Mr. Young responded that he would make sure the party is being heard and understands the argument, make a plan, and when making the decision, be able to have data to back up any decisions, not make emotional decisions. When making those decisions he would have the data and they could understand why those decisions were made.

Mr. Parsons responded that there have been recent controversial issues in the community, the proposed Doyon project, addressing and approaching growth with part of the community expressing they did not want growth, but noting that it was needed and they need to do it environmentally smart because its happening with cars just driving through Homer.

Ms. Keiser stated she agreed with Mr. Young's response, listening to one's concerns is crucial and essential as is understanding the rule of law. She provided examples of working with the public and explaining what was allowed to be done, and pointing them in the right direction if they wanted to make changes.

Councilmember Venuti asked: Do you think Pioneer Avenue is healthy and successful? If not, what can the Council do to help them and change that?

Mr. Parsons responded that it was healthy, moved vehicles at a moderate pace and provides for some walkability. He continued stating that public parking lots are needed to encourage a more walkability as well as finding a solution to deal with the large trucks that travel up and down Pioneer kicking up dust and noise.

Ms. Keiser responded that it would determine what the definition of success was, if it was moving traffic with modest pedestrian haven then yes it was successful, but when Pioneer Avenue was constructed pedestrian safety was not considered. She then referred to the Transportation plans that were developed, and the desire to increase walkability, noting the need to develop a vibrant commercial area by implementing policy and capital planning.

Mr. Young responded that in his opinion Pioneer was doing better but improvement was needed as a commercial center, noting most of the businesses were non-profits, questioning where there was space for development of economic growth. Mr. Young stated that they need to make sure the update to city code addressed these concerns so businesses can develop strong roots.

Councilmember Aderhold asked: Tax revenues for fiscal year 2024 that ended on June 30th were below what was projected, and we are possibly entering a period of lower revenues. In addition to funding basic government services, we have many capital needs and wants. What are your thoughts on how council prioritizes spending as we work on the fiscal year 2027, 2028 budget?

Ms. Keiser responded that basic services and needs such as water, sewer, plow service and public safety need to be covered, noted that everyone wanted a lively library, community recreation programs, a new recreation center noting that Council will be developing the FY2026-2027 budget and will have to focus on next year is really understanding, drilling down into what Council needs to make sure the city functions effectively, and that will become your budget priority.

Mr. Young agreed with Ms. Keiser statement and added that it was Council's fiduciary responsibility to manage the budgets, reviewing basic core city services, and emergency services first, then expanding to the outer edges of those circles like a Rec center, or beautification of a community all the while keeping in view the projects during the period of tightening resources.

Mr. Parsons responded that he agreed with the other responses noting that decisions made on the remaining funds should be considered with what the community desires, while keeping an eye on the future, noting that there is limited ways to increase the tax base and one those is increasing the population and planning for affordable housing for young families to invest in the future and develop that tax base.

Councilmember Erickson asked: Can you objectively look at the broader city issues and separate your biases to build consensus?

Mr. Young responded that he did not have any preplanned direction he wanted to address if appointed to Council but wanted to address the issues and or problems that are brought forward provide the data that Council can use to make the best decision for the community as a whole. He declared being a team player and not a single sports participant.

Mr. Parsons responded that he did not have an agenda or to push his perspective on the community, he wanted to advocate for the community and advocate for them. Council has heard from him speaking on behalf of various issues He assured Council that he can and will step back, take time to listen to all of the arguments, or agreements, and options, to find one that fits the most needs for the most amount of people. He stated that he conducts himself at work and with family in that manner. He is more reflective and believed that is the person he would be working for with the Council for the community.

Ms. Keiser responded stating her initial aspirations and intent being appointed to the parks and Recreation Commission and quickly learned from the other Commissioners, the public and staff that there was policies and processes on how things were to be done. She reported learning how to work effectively in the new role as a commissioner and imagined that the process would be similar but a step above on Council, noting its about listening and understanding points of view to reach consensus.

Councilmember Davis asked: So how do you feel about restricting and controlling what people in homework can do with their own properties? He prefaced the question with information regarding living outside city limits versus inside city limits and decisions made for the common good.

Mr. Parsons responded that care was needed when dealing with our neighbors, and we need to build some code that protects those, the livability around it. What's wonderful about Alaska is that if you don't want to have city codes or building codes, or any of that you don't have to move very far out of town to find that

b. Swearing in of newly appointed Councilmember

City Clerk Krause swore in newly appointed Councilmember Parsons.

COMMENTS OF THE AUDIENCE

ADJOURNMENT

Mayor Lord noting that she will call for Public Comment at the beginning of the committee of the Whole Meeting at 5:00 p.m. citing that she wanted to keep all meetings on schedule and adjourned the meeting at 4:51 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

RENEE KRAUSE, MMC, CITY CLERK

APPROVED: _____



Memorandum

Marijuana Limited Cultivation Facility Application

Item Type: Action Memorandum
Prepared For: Mayor & City Council
Meeting Date: November 21, 2024
From: Renee Krause, MMC, City Clerk

The City Clerk's Office has been notified by the Alcohol and Marijuana Control Office of a Limited Marijuana Cultivation Facility Application within the City of Homer for the following business:

Type: Limited Marijuana Cultivation Facility
Lic#: 38498
DBA Name: Cosmic Grow
Service Location: 271 E Bunnell Avenue, Homer, AK 99603
Licensee: Cosmic Enterprises, LLC
Designated Licensee: Chris C Long

Staff Recommendation:

Voice non-objection and approval for the Limited Marijuana Cultivation Facility Application.



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce,
Community,
and Economic Development

Alcohol and Marijuana Control Office

550 West 7th Avenue, Suite 1600
Anchorage, AK 99501
Main: 907.269.0350

November 12, 2024

Homer/Kenia Peninsula Borough

VIA Email: mjacobsen@ci.homer.ak.us; rkrause@ci.homer.ak.us; clerk@cityofhomer-ak.gov;
micheletturner@kpb.us; jasper@kpb.us; nscarlett@kpb.us; mboehmler@kpb.us; rraidmae@kpb.us;
slopez@kpb.us; bcarter@kpb.us; jrasor@kpb.us sessert@kpb.us; mjenkins@kpb.us;

License Number:	38498
License Type:	Limited Marijuana Cultivation Facility
Licensee:	Cosmic Enterprises, LLC
Doing Business As:	Cosmic Grow
Physical Address:	271 E Bunnell Avenue Homer, AK 99603
Designated Licensee:	Chris C Long
Phone Number:	419-708-0174
Email Address:	cosmicseaweed@gmail.com

☒ **New Application** ☐ **New Onsite Consumption Endorsement Application (Retail Only)**

AMCO has received a complete application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.025(d)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant. If the protest is a “conditional protest” as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license, but require the applicant to show to the board’s satisfaction that the requirements of the local government have been met before the director issues the license.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a new license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our **November 20th, 2024 meeting**.

Sincerely,

Regina Cruz for, Lizzie Kubitz Acting Director



Alaska Marijuana Control Board

Form MJ-00: Application Certifications

Why is this form needed?

This application certifications form is required for all marijuana establishment license applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306.

This form must be completed and submitted to AMCO's Anchorage office by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) before any license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Cosmic Enterprises LLC	License Number:	38498		
License Type:	Limited Marijuana Cultivation Facility				
Doing Business As:	Cosmic Grow				
Premises Address:	271 E Bunnell Avenue				
City:	Homer	State:	Alaska	ZIP:	99603

Section 2 – Individual Information

Enter information for the individual licensee.

Name:	Chris Long
Title:	Manager, Member

Section 3 – Other Licenses

Ownership and financial interest in other licenses:

Yes No

Do you currently have or plan to have an ownership interest in, or a direct or indirect financial interest in another marijuana establishment license?

☒☐

If "Yes", which license numbers (for existing licenses) and license types do you own or plan to own?

Manufacturing License #19728
Retail License #21417



Alaska Marijuana Control Board

Form MJ-00: Application Certifications

Section 4 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that I have not been convicted of a felony in any state or the United States, including a suspended imposition of sentence, for which less than five years have elapsed from the time of the conviction to the date of this application.

cl

I certify that I am not currently on felony probation or felony parole.

cl

I certify that I have not been found guilty of selling alcohol without a license in violation of AS 04.11.010.

cl

I certify that I have not been found guilty of selling alcohol to an individual under 21 years of age in violation of 04.16.051 or AS 04.16.052.

cl

I certify that I have not been convicted of a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the five years preceding this application.

cl

I certify that I have not been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed within the two years preceding this application.

cl

I certify that my proposed premises is not within 500 feet of a school ground, recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility, as set forth in 3 AAC 306.010(a).

cl

I certify that my proposed premises is not located in a liquor licensed premises.

cl

I certify that I meet the residency requirement under AS 43.23 for a permanent fund dividend in the calendar year in which I am initiating this application.

cl

I certify that all proposed licensees (as defined in 3 AAC 306.020(b)(2)) have been listed on my online marijuana establishment license application. Additionally, if applicable, all proposed licensees have been listed on my application with the Division of Corporations.

cl

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by AMCO is grounds for denial of my application.

cl



Alaska Marijuana Control Board

Form MJ-00: Application Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify and understand that I must operate in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

I certify and understand that I must operate in compliance with each applicable public health, fire, safety, and tax code and ordinance of this state and the local government in which my premises is located.

Read each line below, and then sign your initials in the box to the right of only the applicable statement:

Initials

Only initial next to the following statement if this form is accompanying an application for a marijuana testing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility.

Only initial next to the following statement if this form is accompanying an application for a retail marijuana store, a marijuana cultivation facility, or a marijuana products manufacturing facility license:

I certify that I do not have an ownership in, or a direct or indirect financial interest in a marijuana testing facility license.

All marijuana establishment license applicants:

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

Chris Long

Printed name of licensee

Signature of licensee

License Number: 38498

License Status: New

License Type: Limited Marijuana Cultivation Facility

Doing Business As: Cosmic Grow

Business License Number: 2198521

Designated Licensee: Chris C. Long

Email Address: cosmicseaweed@gmail.com

Local Government: Homer

Local Government 2: Kenai Peninsula Borough

Community Council:

Latitude, Longitude: 59.639470, -151.539520

Physical Address: 261 E Bunnell Avenue
Homer, AK 99603
UNITED STATES

Licensee #1	Entity Official #1
Type: Entity	Type: Individual
Alaska Entity Number: 10183878	Name: Chris C. Long
Alaska Entity Name: Cosmic Enterprises LLC	
Phone Number: 419-708-0174	
Email Address: cosmicseaweed@gmail.com	
Mailing Address: 261 East Bunnell Avenue Homer, AK 99603 UNITED STATES	Email Address: pyrofish13@gmail.com
	Mailing Address: 261 East Bunnell Avenue Homer, AK 99603 UNITED STATES

Note: No affiliates entered for this license.



Alaska Marijuana Control Board Form MJ-02: Premises Diagram

Why is this form needed?

A detailed diagram of the proposed licensed premises is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(8). **All areas designated as the licensed premises of a single license must be contiguous. All diagrams must have the licensed premises area labeled, and outlined or shaded as appropriate.**

What must be submitted with this form?

Applicants must attach multiple diagrams to this form, including (as applicable):

- **Diagram 1:**
A diagram showing only the licensed premises areas that will be ready to be **operational at the time of your preliminary inspection** and license issuance;
- **Diagram 2:**
If different than Diagram 1, a diagram outlining **all areas for which the licensee has legal right of possession** (a valid lease or deed), and clearly showing those areas' relationship to the current proposed licensed premises (*details of any planned expansion areas do not need to be included; a complete copy of Form MJ-14: Licensed Premises Diagram Change or Form MJ-31: Walk-Up or Drive-Through Exterior Window Pick-Up Diagram and Operating Plan must be submitted and approved before any planned expansion area may be added to the licensed premises*);
- **Diagram 3:**
A **site plan or as-built of the entire lot**, showing all structures on the property and clearly indicating which area(s) will be part of the licensed premises;
- **Diagram 4:**
An **aerial photo of the entire lot and surrounding lots**, showing a view of the entire property and surrounding properties, and clearly indicating which area(s) will be part of the licensed premises (*this can be obtained from sources like Google Earth*); and
- **Diagram 5:**
A diagram of the **entire building in which the licensed premises is located**, clearly distinguishing the licensed premises from unlicensed areas and/or premises of other licenses within the building. If your proposed licensed premises is located within a building or building complex that contains multiple business and/or tenants, please provide the addresses and/or suite numbers of the other businesses and/or tenants (*a separate diagram is not required for an establishment that is designating the entire building as a single licensed premises*).

This form, and all necessary diagrams that meet the requirements on Page 2 of this form, must be completed and submitted to AMCO's Anchorage office before any new or transfer license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Cosmic Enterprises LLC	MJ License #:	38498		
License Type:	Limited Marijuana Cultivation Facility				
Doing Business As:	Cosmic Grow				
Premises Address:	271 E Bunnell Avenue				
City:	Homer	State:	Alaska	ZIP:	99603



Form MJ-02: Premises Diagram

Section 2 – Required Information

For your security, do not include locations of security cameras, motion detectors, panic buttons, and other security devices. However, AMCO will require full coverage of the walk-up or drive-through exterior window area as required by 3 AAC 306.380(b) and (g) for marijuana retail establishments. Items marked with a double asterisks (**) are only required for those retail marijuana establishments that are also applying for an onsite consumption endorsement.

The following details must be included in all diagrams:

- ☐ License number and DBA
- ☐ Legend or key
- ☐ Color coding
- ☐ Licensed Premises Area Labeled and Shaded, or Outlined as appropriate
- ☐ Dimensions
- ☐ Labels
- ☐ True north arrow

The following additional details must be included in Diagram 1:

- ☐ Surveillance room
- ☐ Restricted access areas
- ☐ Storage areas
- ☐ Entrances, exits, and windows, including walk-up or drive-through exterior window for marijuana retail establishments
- ☐ Walls, partitions, and counters
- ☐ Any other areas that must be labeled for specific license or endorsement types
- ☐ ** Serving area(s)
- ☐ **Employee monitoring area(s)
- ☐ **Ventilation exhaust points, if applicable

The following additional details must be included in Diagram 2:

- ☐ Areas of ingress and egress
- ☐ Entrances and exits
- ☐ Walls and partitions

The following additional details must be included in Diagrams 3 and 4:

- ☐ Areas of ingress and egress
- ☐ Cross streets and points of reference

The following additional details must be included in Diagram 5:

- ☐ Areas of ingress and egress
- ☐ Entrances and exits
- ☐ Walls and partitions
- ☐ Cross streets and points of reference

Initial:

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

Chris Long

Printed name of licensee

Signature of licensee



Alaska Marijuana Control Board
Form MJ-02: Premises Diagram

Section 3 – Cultivation Applicants ONLY

Review the requirements under 3 AAC 306.420 and 3 AAC 306.430.

3.1. Describe the site of the space(s) the marijuana cultivation facility intends to be under cultivation, including dimensions and overall square footage. Provide your calculations below:

The entire Cosmic Grow cultivation facility will be housed in an 8' x 40' conex with an attached drying room and Mothers/Clone room.

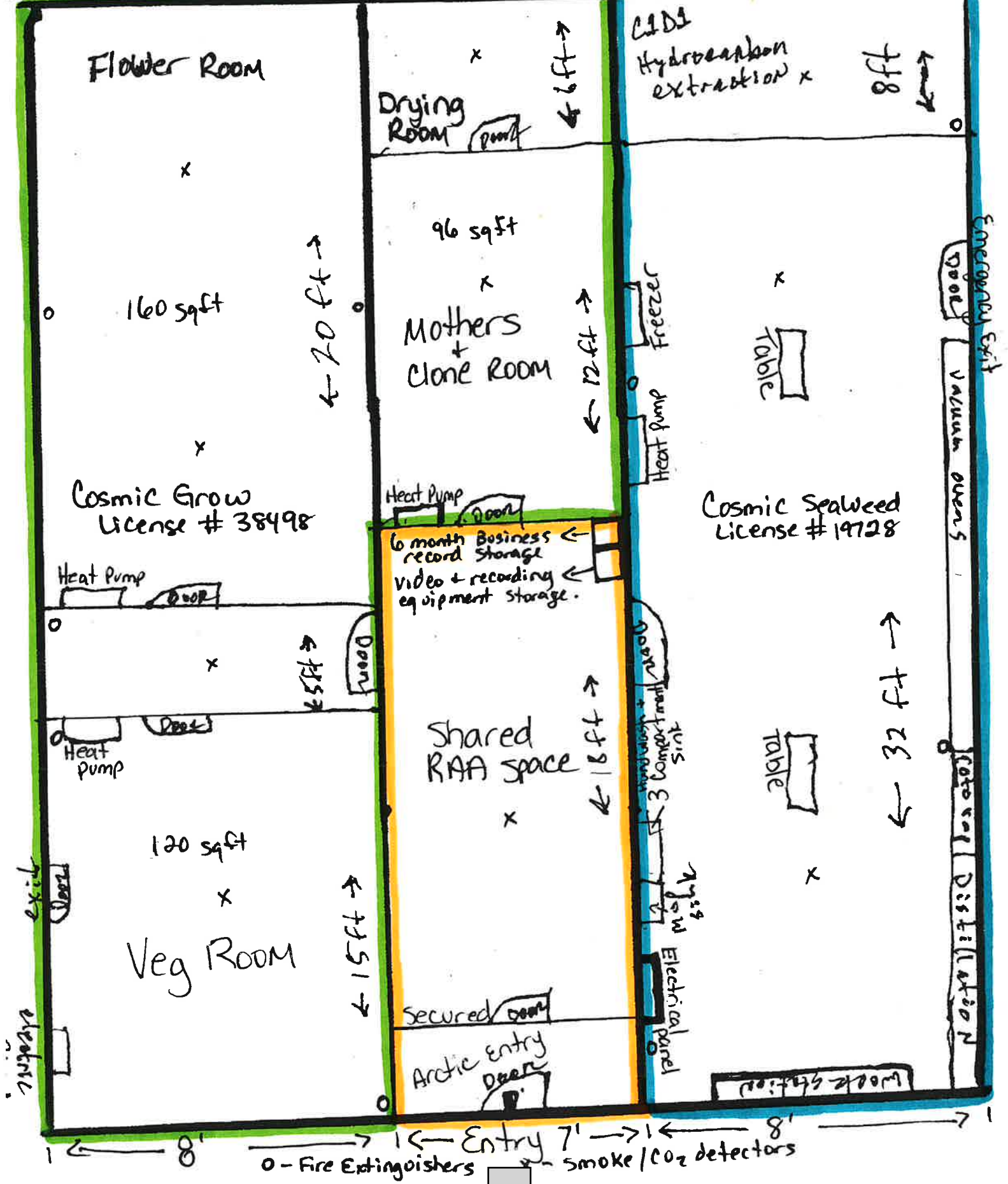
Flower Room - 20' x 8' = 160 sqft

Veg Room - 15' x 8' = 120 sqft

Mothers & Clone Room - 12' x 8' = 96 sqft

The area under cultivation will be 376 sqft.

easment 15 ft
 Restricted Access Area +
 Proposed Licensed premises # 38498
 Shared RAA space 38498 + 19728
 Proposed Licensed premises / Restricted Access Area # 19728
 Diagrams 1, 2 + 5



Cosmic Sealweed LLC
E Bunnell Ave
License # 19728



Cosmic Grow License # 38498
E Bunnell Ave

Diagrams
3+4

Two Sisters Bakery

- proposed Licensed premises / Right to possession - License # 38498
- proposed Licensed premises / Right to possession - License # 19728

Shared space
- Restricted Access Area



Alaska Marijuana Control Board

Form MJ-01: Marijuana Establishment Operating Plan

Why is this form needed?

An operating plan is required for all marijuana establishment license applications. Applicants should review **Title 17.38 of Alaska Statutes** and **Chapter 306 of the Alaska Administrative Code**. This form will be used to document how an applicant intends to meet the requirements of those statutes and regulations. If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020(c).

What must be covered in an operating plan?

Applicants must identify how the proposed premises will comply with applicable statutes and regulations regarding the following:

- Control plan for persons under the age of 21
- Security
- Business records
- Inventory tracking of all marijuana and marijuana product on the premises
- Employee qualification and training
- Health and safety standards
- Transportation and delivery of marijuana and marijuana products
- Signage and advertising

Applicants must also complete the corresponding operating plan supplemental forms (**Form MJ-03, Form MJ-04, Form MJ-05, or Form MJ-06**) to meet the additional operating plan requirements for each license type.

Section 1 – Establishment & Contact Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Cosmic Enterprises LLC	MJ License #:	38498		
License Type:	Limited Marijuana Cultivation Facility				
Doing Business As:	Cosmic Grow				
Premises Address:	271 E Bunnell Avenue				
City:	Homer	State:	Alaska	ZIP:	99603

Mailing Address:	261 E Bunnell Avenue				
City:	Homer	State:	Alaska	ZIP:	99603

Designated Licensee:	Chris Long				
Main Phone:	419-708-0174	Cell Phone:	419-708-0174		
Email:	cosmicseaweed@gmail.com				



Form MJ-01: Marijuana Establishment Operating Plan

Section 2 – Control Plan for Persons Under the Age of 21

2.1. Describe how the marijuana establishment will prevent persons under the age of 21 from gaining access to any portion of the licensed premises and marijuana items:

The entire facility will be designated as a restricted access area and not open to the public. Cosmic Grow will train all employees on procedures and policies to prevent persons under the age of twenty-one (21) from accessing the premises. Cosmic Grow will post a sign at all entries stating, "No one under 21 years of age allowed," "Restricted Access Area," and "Visitors Must Be Escorted." The signs will be at least twelve inches long and twelve inches wide (12" x 12"). The letters will be at least 1/2 inch (0.5") in height and will contrast with the sign's background. Video surveillance cameras will operate 24/7 and capture all activity in the interior and exterior of the premises. Doors will be equipped with audible alarms to prevent illegal or unauthorized access to the facility. Signs will be posted informing the public that they are under video surveillance. Visitors must show valid, government-issued photo identification proving they are over 21 years of age before being permitted to enter the licensed premises. Except for law enforcement, AMCO enforcement, or other authorized individuals, visitors must schedule appointments to be admitted into the building. If underage individuals are discovered on the premises, they will be instructed to vacate the premises immediately. If necessary, law enforcement will be contacted to enforce this policy.

Section 3 – Security

Restricted Access Areas (3 AAC 306.710):

3.1. Describe how you will prevent unescorted members of the public from entering restricted access areas:

Cosmic Grow will post a sign at all entrances stating, "No one under 21 years of age allowed," "Restricted Access Area," and "Visitors Must Be Escorted." All doors will have commercial-grade locks and will remain locked at all times. All employees will have their employee ID badge clearly displayed in a readily accessible location on the licensed premises, and any visitors will be required to wear visitor badges. All visitors must be escorted by the licensee, employee, or agent of the licensee throughout their visit. The surveillance cameras, which are in continuous operation, will monitor all activities in the restricted access areas, as well as the exterior of the premises. This constant vigilance ensures that any unauthorized individuals discovered on the premises will be requested to vacate the premises immediately, or law enforcement will be contacted for assistance.

3.2. Describe your recordkeeping and processes for admitting visitors into and escorting them through restricted access areas:

All visitors except for regulatory agents, AMCO enforcement, or law enforcement must be pre-approved and pre-scheduled to enter the facility. Visitors must show valid, government-issued photo identification showing they are 21 or older. Valid forms of identification are an unexpired, unaltered passport; unexpired, unaltered driver's license, instruction permit, and ID card of any U.S. state or territory, the District of Columbia, or Canadian province; ID cards issued by a state or federal agency authorized to issue driver's licenses or ID cards and tribal ID as outlined in the regulations. All visitors will be given a visitor badge, which they must always display on their person. All employees will have their employee ID badge clearly displayed in a readily accessible location on the licensed premises, and any visitors will be required to wear visitor badges. Visitors will sign into a visitors log, which will show the date, time in and out, and the purpose of their visit (if necessary). All visitors will be escorted by the licensee or an employee at all times, with at most five (5) visitors per staff, licensee, or agent. Immediately after the visit, visitors must return their badges and leave the premises. Visitor logs will be stored as official business records and readily available for review by AMCO enforcement and law enforcement.



Form MJ-01: Marijuana Establishment Operating Plan

3.3. Provide samples of licensee-produced identification badges that will be displayed by each licensee, employee, or agent while on the premises, and of visitor identification badges that will be worn by all visitors while in restricted access areas:

<div><p>Cosmic Grow</p><p>Chris Long Limited Marijuana Cultivation Facility LICENSE # 38498 EMPLOYEE</p></div>	<div><p>Cosmic Grow</p><p>VISITOR</p><p>1</p></div>
--	--

Security Alarm Systems and Lock Standards (3 AAC 306.715):

3.4. Exterior lighting is required to facilitate surveillance. Describe how the exterior lighting will meet this requirement:

Cosmic Grow will install exterior lighting fixtures that will keep the premises well-lit and assist with security surveillance for at least twenty feet (20') from all the building's outer perimeters, paying particular attention to all entry points to the building. The lighting will be installed with protective coverings and at an inaccessible height to discourage vandalism and prevent common obstructions. The licensee, facility manager, or a designated employee will frequently check the exterior lighting to ensure all lights remain fully operational and undamaged.



Form MJ-01: Marijuana Establishment Operating Plan

3.5. An alarm system is required for all license types that must be activated on all exterior doors and windows when the licensed premises is closed for business. Describe the security alarm system for the proposed premises, explain how it will meet all regulatory requirements, and outline your policies and procedures regarding the actions to be taken by a licensee, employee, or agent when the alarm system alerts of an unauthorized breach:

Cosmic Grow or a third-party security agency will install a regulatory-compliant alarm system and perform regular maintenance. The alarm system will be set up with sensors on every exterior door and window. When disturbed, it will set off an audible alarm and notify the licensee and facility manager via an electronic alert sent to their cellular phones. If needed, law enforcement will be contacted. These alarms will be active any time that the facility is closed. The first licensee, facility manager, or employee to arrive in the morning will deactivate the alarm system for business hours. The last licensee, facility manager, or employee to leave the premises will activate the alarm system. In the event of an unauthorized breach, the employees will evacuate all persons from the building and await law enforcement. Once all persons have been evacuated, the licensee, facility manager, or designated employee will take a head count of all employees and any visitors that may have been on the premises to verify that everyone is accounted for. Employees will await any instruction from law enforcement and comply with all directives. Once it is deemed safe to re-enter the premises, the licensee, facility manager, and employees will return, inspect for any property damage or theft, and take inventory. If any property damage or theft occurs, all necessary documentation will be promptly submitted to law enforcement officials and AMCO enforcement. Per AMCO regulations, any event on the licensed premises involving law enforcement will be reported to AMCO enforcement electronically as soon as reasonably practical - within 24 hours of discovery that there has been a theft, diversion, or unexplained disappearance of any marijuana, product, or money.

3.6. Describe your policies and procedures for preventing diversion of marijuana or marijuana product, including by employees:

Video surveillance cameras will continuously monitor all activities inside and outside the licensed premises. The licensee, facility manager, or a designated employee must complete weekly inventory counts to ensure all business records match METRC-generated reports. Weekly counts are documented and maintained as business records and will be available to AMCO enforcement or law enforcement. If it is suspected that a theft, inversion, or diversion has occurred, employees will notify the licensees immediately. Employees will be trained in spotting theft, diversion, and inversion of marijuana. If an employee has been determined to be stealing marijuana or marijuana product, Cosmic Grow will contact local law enforcement and AMCO immediately. Theft will be recorded in Metrc and kept as an official business record.

3.7. Describe your policies and procedures for preventing loitering:

Cosmic Grow will abide by a strict no-loitering policy and promote business practices that discourage loitering. The licensee, facility manager, or a designated employee will perform frequent but random perimeter checks to ensure no loiterers are on the premises. All loiterers will be asked to leave and escorted off the premises. If loiterers do not comply, law enforcement will be contacted for backup. The exterior of the building will be well-lit and equipped with 24/7 video surveillance and signs that state "No Loitering." Signs will also be posted that bring notice to the video surveillance. Employees of Cosmic Grow will view security footage to identify loiterers and potential vandals. Visitors will not be permitted to remain on the premises after their escorted visit and must leave immediately.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

Initials

3.8. I certify that if any additional security devices are used, such as a motion detector, pressure switch, and duress, panic, or hold-up alarm, to enhance security of the licensed premises, I will have written policies and procedures describing their use.



Form MJ-01: Marijuana Establishment Operating Plan

Video Surveillance (3 AAC 306.720):

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

3.9. The video surveillance and camera recording system for the licensed premises covers each restricted access area, and both the interior and exterior of each entrance to the facility.

cl

3.10. Each video surveillance recording: is preserved for a minimum of 40 days, in a format that can be easily accessed for viewing (consistent with the Alcohol & Marijuana Control Office's approved format list); clearly and accurately displays the time and date; and is archived in a format that does not permit alteration of the recorded image.

cl

3.11. The surveillance room or area is clearly defined on the Form MJ-02: Premises Diagram that is submitted with this application.

cl

3.12. Surveillance recording equipment and video surveillance records are housed in a designated, locked, and secure area or in a lock box, cabinet, closet or other secure area where access is limited to the licensee(s), an authorized employee, and law enforcement personnel (including an agent of the Marijuana Control Board).

cl

3.13. Describe how the video cameras will be placed to produce a clear view adequate to identify any individual inside the licensed premises, or within 20 feet of each entrance to the licensed premises:

Outdoor lighting will be positioned along the building to assist with the video surveillance to capture a twenty-foot (20') radius around the exterior of the licensed premises. The cameras will be checked regularly for obstructions and to ensure that the twenty-foot (20') sight line of all entry points to the building remains unencumbered. Continuous-recording video surveillance cameras will be placed strategically to record all restricted access areas of the facility, including all areas where marijuana is grown, harvested, trimmed, packaged, stored, wasted, received, and shipped. The facility's exterior will also have 24-hour video surveillance to monitor all persons who enter and exit the facility. All doors, safes, and marijuana storage areas will have video surveillance coverage to clearly identify the faces of those accessing the areas. A failure notification system will be installed to provide audible and visual notification of any failure in the surveillance system so that it will be promptly addressed. All video surveillance systems will have a backup battery so that in the event of a power outage, all cameras will continue operation for at least one (1) hour. If a power outage lasts longer than one (1) hour, the licensee will contact AMCO enforcement.

3.14. Describe the locked and secure area where video surveillance recording equipment and original copies of surveillance records will be housed and stored, and how you will ensure the area is accessible only to authorized personnel, law enforcement, or an agent of the Marijuana Control Board. If you will be using an offsite monitoring service and offsite storage of video surveillance records, your response must include how the offsite facility will meet these security requirements:

All surveillance records will be stored on-site in a locked cabinet for at least six (6) months. Original copies of surveillance records will be kept for a minimum of five (5) years. Video recordings will be stored as official business records for at least forty (40) days. Surveillance and business records will be managed as official business records, ready to be made available to law enforcement or agents of the Marijuana Control Board. All surveillance footage will be accessible for upload to a separate hard drive if it must be stored longer for criminal, civil, or administrative investigations. All recordings will be date-stamped, time-stamped, and archived in a format that prevents data tampering. Only the licensees will have access to business records; all official business records will be stored separately from any marijuana or currency.



Form MJ-01: Marijuana Establishment Operating Plan

Section 4 – Business Records

Review the requirements under 3 AAC 306.755. All licensed marijuana establishments must maintain, in a format that is readily understood by a reasonably prudent business person, certain business records.

4.1. I certify that the following business records will be maintained and kept on the licensed premises:

Initials

- a. all books and records necessary to fully account for each business transaction conducted under my license for the current year and three preceding calendar years (*records for the last six months must be maintained on the licensed premises; older records may be archived on or off-premises*);
- b. a current employee list setting out the full name and marijuana handler permit number of each licensee, employee, and agent who works at the marijuana establishment;
- c. the business contact information for vendors that maintain video surveillance systems and security alarm systems for the licensed premises;
- d. records related to advertising and marketing;
- e. a current diagram of the licensed premises, including each restricted access area;
- f. a log recording the name, and date and time of entry of each visitor permitted into a restricted access area;
- g. all records normally retained for tax purposes;
- h. accurate and comprehensive inventory tracking records that account for all marijuana inventory activity from seed or immature plant stage until the retail marijuana or retail marijuana product is sold to a consumer, to another marijuana establishment, or destroyed;
- i. transportation records for marijuana and marijuana product, as required by 3 AAC 306.750(f); and
- j. registration and inspection reports of scales registered under the Weights and Measures Act, as required by 3 AAC 306.745.

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4.2. A marijuana establishment is required to exercise due diligence in preserving and maintaining all required records. Describe how you will prevent records and data, including electronically maintained records, from being lost or destroyed:

All business records such as; operational and regulatory documents, recordings, surveillance, financial books, inventory and employment records, logs, manifests, and communications will be stored on-site in a lockable filing cabinet, separate from all storage of marijuana products and currency. Facility records will be managed by Cosmic Grow in accordance with standard retention policies to ensure that business records are stored in a consistent and search-able manner. Only the licensee and authorized employee(s) will have access to the secured storage area and business records. All business records and surveillance video will be available to AMCO enforcement and local law enforcement upon request.



Form MJ-01: Marijuana Establishment Operating Plan

Section 5 – Inventory Tracking of All Marijuana and Marijuana Product

Review the requirements under 3 AAC 306.730. All licensed marijuana establishments must use a marijuana inventory tracking system capable of sharing information with Metrc to ensure all marijuana cultivated and sold in the state, and each marijuana product processed and sold in the state, is identified and tracked from the time the marijuana is propagated from seed or cutting, through transfer to another licensed marijuana establishment, or use in manufacturing a marijuana product, to a completed sale of marijuana or marijuana product, or disposal of the harvest batch of marijuana or production lot of marijuana product.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

5.1. My marijuana establishment will be using Metrc, and if any other tracking software is used, it will be capable of sharing information with Metrc.

ll

5.2. All marijuana delivered to a marijuana establishment will be weighed on a scale registered in compliance with 3 AAC 306.745.

ll

5.3. My marijuana establishment will use registered scales in compliance with AS 45.75.080 (Weights and Measures Act), as required by 3 AAC 306.745.

ll

Section 6 – Employee Qualification and Training

Review the requirements under 3 AAC 306.700. All licensees, and every employee or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or a marijuana product, or who checks the identification of a consumer or visitor, must obtain a marijuana handler permit from the board before being licensed or beginning employment at a marijuana establishment.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

6.1. All licensees, and each employee or agent of the marijuana establishment who sells, cultivates, manufactures, tests, or transports marijuana or marijuana product, or who checks the identification of a consumer or visitor, shall obtain a marijuana handler permit from the board before being licensed or beginning employment at the marijuana establishment.

ll

6.2. Each licensee, employee, or agent who is required to have a marijuana handler permit shall keep that person's marijuana handler permit card in that person's immediate possession (or a valid copy on file on the licensed premises) when on the licensed premises.

ll

6.3. Each licensee, employee, or agent who is required to have a marijuana handler permit shall ensure that that person's marijuana handler permit card is valid and has not expired.

ll

6.4. Describe any in-house training that will be provided to employees and agents (apart from a marijuana handler course):

Cosmic Grow employees, managers, and the licensee must have a current marijuana handler permit before starting employment. Handler cards must be kept current for the duration of employment. The licensee and facility manager will periodically verify that all employee handler cards are current and updated in the business records when renewed. Cosmic Grow training will include but is not limited to internal policies and procedures, employee safety measures, diversion, theft and inversion prevention, cultivation techniques, sanitation, using METRC software, state statutes and regulations, Kenai Peninsula Borough and City of Homer ordinances. Training will commence upon initial employment and will be refreshed as needed.







Form MJ-01: Marijuana Establishment Operating Plan

Section 7 – Health and Safety Standards

Review the requirements under 3 AAC 306.735.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

- 7.1. I understand that a marijuana establishment is subject to inspection by the local fire department, building inspector, or code enforcement officer to confirm that health or safety concerns are not present. 
- 7.2. I have policies regarding health and safety standards (including: ensuring a person with an illness or infection does not come into contact with marijuana or marijuana product; good hygienic practices; cleaning and maintenance of equipment and the premises; pest deterrence; chemical storage; sanitation principles; and proper handling of marijuana and marijuana product) and will take all reasonable measures and precautions to ensure that they are met or exceeded. 
- 7.3. I have policies to ensure that any marijuana or marijuana product that has been stored beyond its usable life, or was stored improperly, is not salvaged and returned to the marketplace. 
- 7.4. I have policies to ensure that in the event information about the age or storage conditions of marijuana or marijuana product is unreliable, the marijuana or marijuana product will be handled in accordance with 3 AAC 306.735(d). 

Answer "Yes" or "No" to each of the following questions:

Yes No

- 7.5. Adequate and readily accessible toilet facilities that are maintained and in good repair and sanitary condition are clearly indicated on my Form MJ-02: Premises Diagram. ☐ ☒
- 7.6. Convenient handwashing facilities with running water at a suitable temperature are clearly indicated on my Form MJ-02: Premises Diagram. ☒ ☐

7.7. If you answered "No" to either 7.5 or 7.6 above, describe how toilet and/or handwashing facilities are made accessible, as required by 3 AAC 306.735(b)(2):

Hand wash facilities are in the co-owned and co-located marijuana product manufacturing facility. Restroom facilities are located in the co-owned retail, next to the proposed cultivation facility.

Section 8 – Transportation and Delivery of Marijuana and Marijuana Products

Review the requirements under 3 AAC 306.750.

8.1. Describe how marijuana or marijuana product will be prepared, packaged, and secured for shipment. Include a description of the type of locked, safe, and secure storage compartments to be used in vehicles transporting marijuana or marijuana product:

METRC will generate a transport manifest accompanying all marijuana in a shipment. The manifest will document the strain name, batch number, weight, name of the transporter, marijuana handler's ID, time of departure, expected delivery time, and the transport vehicle's make, model, and license plate number. The transport vehicle will travel directly between the two destinations without making unnecessary stops. Marijuana will be sealed in containers stored inside the vehicle or in the bed of a truck in a locked storage compartment. The containers will contain up to ten (10) pounds of marijuana for wholesale transactions. At no time will marijuana be visible outside the vehicle. Continued on page 11...



Form MJ-01: Marijuana Establishment Operating Plan

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box: Initials

8.2. The marijuana establishment from which a shipment of marijuana or marijuana product originates will ensure that any individual transporting marijuana shall have a marijuana handler permit required under 3 AAC 306.700.

cl

8.3. The marijuana establishment that originates the transport of any marijuana or marijuana product will use the marijuana inventory tracking system to record the type, amount, and weight of marijuana or marijuana product being transported, the name of the transporter, the time of departure and expected delivery, and the make, model, and license plate number of the transporting vehicle.

cl

8.4. The marijuana establishment that originates the transport of any marijuana or marijuana product will ensure that a complete printed transport manifest on a form prescribed by the board must be kept with the marijuana or marijuana product at all times during transport.

cl

8.5. During transport, any marijuana or marijuana product will be in a sealed package or container in a locked, safe, and secure storage compartment in the vehicle transporting the marijuana or marijuana product, and the sealed package will not be opened during transport.

cl

8.6. Any vehicle transporting marijuana or marijuana product will travel directly from the shipping marijuana establishment to the receiving marijuana establishment, and will not make any unnecessary stops in between except to deliver or pick up marijuana or marijuana product at any other licensed marijuana establishment.

cl

8.7. When the marijuana establishment receives marijuana or marijuana product from another licensed marijuana establishment, the recipient of the shipment will use the marijuana inventory tracking system to report the type, amount, and weight of marijuana or marijuana product received.

cl

8.8. The marijuana establishment will refuse to accept any shipment of marijuana or marijuana product that is not accompanied by the transport manifest.

cl

Section 9 – Signage and Advertising

Review the requirements under 3 AAC 306.770.

9.1. Describe any signs that you intend to post on your establishment, including quantity, dimensions, graphics, and location on your establishment (photos or drawings may be attached):

Cosmic Grow will not be posting any signs with a business name or logo on the exterior of the limited cultivation facility.



Form MJ-01: Marijuana Establishment Operating Plan

9.2. Describe any advertising you intend to distribute for your establishment. Include medium types and business logos (photos or drawings may be attached):

Cosmic Grow may utilize the following medium types when distributing advertisements:

- Newspaper Ads
- Radio Ads
- Social Media to feature specific strains
- Magazine Ads
- Sponsorships and fundraisers
- Website
- Platforms such as LeafLinks, WeedMaps, etc.

All advertisements will contain the five AMCO-required warning statements verbatim

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

Chris Long

Printed name of licensee

Signature of licensee



Form MJ-01: Marijuana Establishment Operating Plan

(Additional Space as Needed):

8.1 Continued: The shipping container will have a label that shows that a licensed testing facility has tested each batch in the shipment and list (1) the date of final testing, (2) the cannabinoid potency profile expressed as a range of percentages that extends from the lowest percentage to highest percentage of concentration for each cannabinoid listed from every test conducted on that strain of marijuana from the same marijuana cultivation facility within the last three months; (3) a statement listing the results of microbial testing; and (4) a statement listing the contaminants for which the marijuana was tested, including molds, mildew, filth, herbicides, pesticides, fungicides, and harmful chemicals. Any packaging done at the facility will be performed in an area specifically set aside for packaging and monitored with 24-hour surveillance. The facility will use certified scales in compliance with the Alaska Weights and Measures Act and will maintain registration and inspection reports at the facility. After agents package marijuana, it will be placed in sanitized, air-tight containers, labeled with all compliant labeling information, and given a bar code for the inventory control system. Plastic packaging will be heat-sealed without an easy-open tab dimple corner or flap. Packaged marijuana will be stored in a secured area until ready for transport. All packaging will be inspected, accepted, or rejected and recorded in the log. The on-site manager will check all final packages to ensure that they will secure marijuana from contamination and not impart toxic or deleterious substances. Labels will include (1) the name and license number of the cultivation facility; (2) the date the marijuana was harvested; (3) the harvest batch number assigned to the marijuana; (4) the date the marijuana was packaged; (5) the net weight and the quantity of usable marijuana packaged in a standard of measure compatible with the inventory tracking system; and (6) a complete list of all pesticides, fungicides, and herbicides used in the cultivation of the marijuana. Cosmic Grow may contract with a third-party transport company and will ensure they have their marijuana handler permits. Cosmic Grow also understands that the transport regulations and requirements apply to in-house transports from the cultivation license to the co-located manufacturing facility and retail store.



Alaska Marijuana Control Board Operating Plan Supplemental Form MJ-04: Marijuana Cultivation Facility

Why is this form needed?

This operating plan supplemental form is required for all applicants seeking a marijuana cultivation facility license and must accompany **Form MJ-01: Marijuana Establishment Operating Plan**, per 3 AAC 306.020(b)(11). Applicants should review **Chapter 306: Article 4** of the **Alaska Administrative Code**. This form will be used to document how an applicant intends to meet the requirements of the statutes and regulations.

If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020 and 3 AAC 306.420(2).

What additional information is required for cultivation facilities?

Applicants must identify how the proposed establishment will comply with applicable regulations regarding the following:

- Prohibitions
- Cultivation plan
- Waste disposal
- Odor control
- Testing procedure and protocols
- Packaging and labeling

This form must be completed and submitted to AMCO's Anchorage office before any new or transfer application for a standard marijuana cultivation facility or limited marijuana cultivation facility license will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Cosmic Enterprises LLC	MJ License #:	38498		
License Type:	Limited Marijuana Cultivation Facility				
Doing Business As:	Cosmic Grow				
Premises Address:	271 E Bunnell Avenue				
City:	Homer	State:	Alaska	ZIP:	99603

**Section 2 – Overview of Operations**

2.1. Provide an overview of your proposed facility's operations. Include information regarding the flow of marijuana from seed or clone to harvest and transfer from your premises:

All marijuana cultivated at Cosmic Grow will be tracked from seed or clone to sale or destruction in METRC. All plants that reach eight (8) inches (or a height as determined by the MCB as regulations are amended) will be tagged and assigned a tracking number. Marijuana will be harvested and grouped into batches of up to ten (10) pounds of individual strains and will be assigned a METRC harvest batch number. A harvest batch representative will be collected from each harvested batch and sent to a licensed testing facility. The remainder of the batch will be segregated until the testing results are received. A transport manifest generated from METRC will be sent with each transfer of marijuana to another licensed facility. Marijuana will be sealed in up to (10) ten-pound containers inside a locked storage compartment within the vehicle for wholesale transactions and up to one-ounce containers for resale by retailers without repackaging. Package labels will include (1) the name and license number of the cultivation facility; (2) the date the marijuana was harvested; (3) the harvest batch number assigned to the marijuana; (4) the date the marijuana was packaged; (5) the net weight and the quality of usable marijuana packaged in a standard of measure compatible with the inventory tracking system; and (6) a complete list of all pesticides, fungicides, and herbicides used in the cultivation of the marijuana.

Section 3 – Prohibitions

Review the requirements under 3 AAC 306.405 and 3 AAC 306.410.

3.1. I certify that the marijuana cultivation facility will not:

Initials

- a. Sell, distribute, or transfer any marijuana or marijuana product to a consumer, with or without compensation;
- b. Allow any person, including a licensee, employee, or agent, to consume marijuana or marijuana product on the licensed premises or within 20 feet of the exterior of any building or outdoor cultivation facility; or
- c. Treat or otherwise adulterate marijuana with any organic or nonorganic chemical or compound to alter the color, appearance, weight, or odor of the marijuana.

Section 4 – Cultivation Plan

Review the requirements under 3 AAC 306.420 and 3 AAC 306.430.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

Initials

4.1. The proposed area(s) for cultivation are clearly identified on the Form MJ-02: Premises Diagram that is submitted with this application.

Answer "Yes" or "No" to the following question:

Yes No

4.2. Will the marijuana cultivation facility include outdoor production?

☐ ☒

If "Yes", describe the outdoor structure(s) or the expanse of open or clear ground and how it is fully-enclosed by a physical barrier:



Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

4.7. Describe the marijuana cultivation facility's irrigation and waste water systems to be used:

Cosmic Grow will be hand-watering the plants. Any type of runoff will be collected in drip trays and will be re-used or evaporate.

Section 5 – Waste Disposal

5.1. Describe how you will store, manage, and dispose of any solid or liquid marijuana waste, including wastewater generated during marijuana cultivation, in compliance with any applicable laws. Include details about the material(s) you will mix with ground marijuana waste and the processes that you will use to make the marijuana waste unusable for any purpose for which it was grown:

Cosmic Grow will be disposing of (1) marijuana that is identified as contaminated, infested, or is otherwise rejected for quality or fails to meet quality testing; (2) waste from marijuana flower, plant material, and trimmings; (3) run off water from cultivation and processing; (4) any other materials or containers in contact with marijuana that risks contamination; (5) any other marijuana deemed as waste by the MCB or director. Marijuana waste will be stored away from all other marijuana under video surveillance. Waste is rendered unusable by grinding and then mixing with other compost-able such as food waste, yard waste, and soil until the final mixture is no more than fifty (50) percent marijuana waste. Management will maintain a log on the status of all marijuana waste, tracking the type, date of disposal, reason for disposal, date it was rendered unusable, and final destination. Waste information will be recorded in the disposal log and securely stored as a business record, available to AMCO upon request. Cosmic Grow will have no waste water as it is collected or recirculated by dehumidifiers.



Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

4.3. Describe the method(s) used to ensure that any marijuana at the marijuana cultivation facility, whether indoors or outdoors, cannot be observed by the public from outside the facility:

Cosmic Grow will ensure that marijuana cannot be visible to the public from any door into the cultivation areas. All entrances and exits will not have a direct view of any marijuana. All movement of marijuana will be discreet. All growing, processing, curing, drying, packaging, and labeling activities will be done inside the facility in a dedicated space not visible from outside. All marijuana will be securely packaged, labeled, and organized for transport within the facility before being transferred to the co-owned and co-located manufacturing facility, retail store or moved to the transport vehicle.

4.4. Describe the marijuana cultivation facility's growing medium(s) to be used:

Cosmic Grow will use either; Coco with mixed hydro clay for root stability and only source Coco that has been pre-tested for heavy metals and other contaminants, perlite or soil.

4.5. Provide the complete product name and EPA registration # (if applicable) for each of the cultivation facility's pesticide and pest control product to be used. All proposed products must be on DEC's list of approved pesticides in the state of Alaska:

Cosmic Grow may utilize any of the approved for use on cannabis pesticides found on DEC's website at any given time, if the need arises.

4.6. Describe all other fertilizers, chemicals, gases, and delivery systems, including carbon dioxide management, to be used at the marijuana cultivation facility:

The following fertilizers from Fox Farm (or an equivalent depending on shipping and availability) will establish the foundation of the (Cosmic Grow fertilizer regiment. Fox Farm Bush Doctor Microbe, Fox Farm Bush Doctor Drench, Fox Farm Grow Big, Botanicure CAL-MAG Plus; Fox Farm. Open Sesame and Fox Farm Beastie Bloomxz; in addition, organic fertilizers will be used as needed to supplement the soil/growing medium. The following are examples of different types of natural organic fertilizers to be used but not limited to Nitrogen: Bat Guano, worm castings and chicken manure, Phosphorus Bone and fish means, banana peels and rock dust, Potassium Kelp, fish meal and wood ash, Magnesium Epsom Salts and dolomite, Calcium Clay, Gypsum and Limestone.



Section 6 – Odor Control

Review the requirements under 3 AAC 306.430.

Answer "Yes" or "No" to the following question:

Yes No

6.1. Have you received an exemption from your local government for the odor control requirement set forth in 3 AAC 306.430(c)(2)?

☐☒

If "Yes", you must be able to certify the statement below. Read the following and then sign your initials in the box:

Initials

I am attaching to this form documentation of my odor control exemption from the local government.

If "No" to question 6.1., describe the odor control method(s) to be used and how the marijuana cultivation facility will ensure that any marijuana at the facility does not emit an odor that is detectable by the public from outside the facility:

Cosmic Grow will install consistent fans that contain charcoal filters. Each of the temperature control fans will have independent scrubbers attached. A "smell log" will also be a common business practice where an employee will walk the property line while attempting to smell marijuana odor. The employee will note if any smell is present, the wind direction, date/time, and action taken. If any odor is detected, filters will be replaced, and additional odor control methods will be installed (if needed). Smell logs will be kept as an official business record.

Section 7 – Testing Procedure and Protocols

Review the requirements under 3 AAC 306.455 and 3 AAC 306.465.

You must be able to certify each statement below. Read the following and then sign your initials in the corresponding box:

Initials

7.1. I understand and agree that the board or director will, from time to time, require the marijuana cultivation facility to provide samples of the growing medium, soil amendments, fertilizers, crop production aids, pesticides, or water for random compliance checks.

7.2. I will ensure that any individual responsible for collecting random, homogenous samples for required laboratory testing under 3 AAC 306.455 will prepare the necessary accompanying signed statement, provide the signed statement to the marijuana testing facility, and maintain a copy as a business record under 3 AAC 306.755.

7.3. Describe the testing procedures and protocols the marijuana cultivation facility will follow:

All harvested marijuana will be processed in up to ten (10) pound batches. Cosmic Grow will collect a harvest batch representative from each batch. The individual responsible for collection will prepare a signed statement showing that each sample represents the harvest batch package, provide the signed statement to the marijuana testing facility, and maintain a copy as a business record. Cosmic Grow will transport all samples to a licensed testing facility in compliance with state regulations and the company's transport policies. Cosmic Grow will ensure that any individual transporting marijuana has a valid marijuana handler permit issued by AMCO. While awaiting the testing results, the remainder of the batch will be segregated in a secured quarantine area. Cosmic Grow will maintain all testing results as part of its official business records. All testing results will be entered into METRC. Cosmic Grow will comply with any request from AMCO for a random sample from any growing medium, soil amendment, fertilizer, crop production aid, pesticide, or water and shall bear the expense for all such requests.



Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

Section 8 – Packaging and Labeling

Review the requirements under 3 AAC 306.470 and 3 AAC 306.475.

Answer "Yes" or "No" to the following question:

Yes No

8.1. Will the marijuana cultivation facility be packaging marijuana for a retail marijuana store to sell to a consumer without repackaging?



If "Yes", describe how the marijuana cultivation facility will ensure that the marijuana sold will meet the packaging requirements in 3 AAC 306.470, and provide a sample label that the facility will use to meet the labeling requirements set forth in 3 AAC 306.475:

Marijuana packaged for retail sale without repackaging shall not exceed one ounce for resale to consumers; the retail marijuana store shall add the retail store's own identifying name or logo and license number. The individual units for retail sale shall not have any cartoon images or other images that target anyone under the age of 21. The required warnings as set out in 3 AAC 306.475 shall be on each retail unit. The shipping container will have a label stating that a licensed testing facility has tested each batch in the shipment and list: (1) the date of final testing; (2) the cannabinoid potency profile, expressed as a range of percentages that extends from the lowest percentage to highest percentage of concentration for each cannabinoid listed from every test conducted on that strain of marijuana from the same cultivation facility within the last three months; (3) a statement listing the results of microbial testing; and (4) a statement listing the contaminants for which the marijuana was tested, including molds, mildew, filth, herbicides, pesticides, fungicides, and harmful chemicals.

Answer "Yes" or "No" to the following question:

Yes No

8.2. Will the marijuana cultivation facility be packaging marijuana in wholesale packages?



If "Yes", describe how the marijuana cultivation facility will ensure that the marijuana sold will meet the packaging requirements in 3 AAC 306.470, and provide a sample label that the facility will use to meet the labeling requirements set forth in 3 AAC 306.475:

Wholesale packages of marijuana will be sold to other licensed facilities in packages up to ten (10) pounds consisting of a single strain or a mixture of strains with strain names identified on the label. Plastic packaging will be heat-sealed without an easy-open tab, dimple, corner, or flap. Packaged marijuana will be stored in a secured area until ready for transport. All packaging will be inspected and then accepted or rejected and recorded in the log. The licensee, a manager or designated staff member will check all final packages to ensure they secure marijuana from contamination and not impart toxic or deleterious substances. Wholesale labels will be checked for (1) the date of final testing and (2) the cannabinoid potency profile, expressed as a range of percentages that extends from the lowest percentage to the highest percentage of concentration for each cannabinoid listed from every test conducted on that strain of marijuana from the same marijuana cultivation facility within the last three months.

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

I certify that as a marijuana cultivation facility, I will submit monthly reports to the Department of Revenue and pay the excise tax required under AS 43.61.010 and AS 43.61.020 on all marijuana sold or provided as a sample to a marijuana establishment, as required under 3 AAC 306.480.

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

Chris Long

Printed name of licensee

Signature of licensee



Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

(Additional Space as Needed):

8.1 Continued: Any packaging done at the facility will be performed in an area specifically set aside for packaging and monitored with 24-hour video surveillance. Packaging will be uniform, with labels secure and prominently displayed. The facility will use certified scales in compliance with the Alaska Weights and Measures Act and will maintain registration and inspection reports at the facility. After agents package marijuana, they will be placed in sanitized, air-tight containers, labeled with all compliant labeling information, and given a bar code for the inventory control system. Plastic packaging will be heat-sealed without an easy-open tab, dimple, corner, or flap. Packaged marijuana will be stored in a secured area until ready for transport. All packaging will be inspected, accepted, rejected, and recorded in the log. The licensee or manager will check all final packages to ensure that they will secure marijuana from contamination and not impart toxic or harmful substances, and no images that appeal to children, such as cartoons or similar images, will be on the packaging. Labels will include (1) the name and license number of the cultivation facility; (2) the date the marijuana was harvested; (3) the harvest batch number assigned to the marijuana; (4) the date the marijuana was packaged; (5) the net weight and the quantity of usable marijuana packaged in a standard of measure compatible with the inventory tracking system; (6) a complete list of all pesticides, fungicides, and herbicides used in the cultivation of the marijuana. Cosmic Grow will use certified scales in compliance with the Alaska Weights and Measures Act and maintain registration and inspection reports at the facility.

8.2 Continued: (3) a statement listing the results of microbial testing; and (4) a statement listing the contaminants for which the marijuana was tested, including molds, mildew, filth, herbicides, pesticides, fungicides, and harmful chemicals. A Metrc-generated tracking label will be affixed to each package. The shipping container will have a label stating that a licensed testing facility has tested each batch in the shipment and list (1) the date of final testing, (2) the cannabinoid potency profile, expressed as a range of percentages that extends from the lowest percentage to highest percentage of concentration for each cannabinoid listed from every test conducted on that strain of marijuana from the same marijuana cultivation facility within the last three months; (3) a statement listing the results of microbial testing; and (4) a statement listing the contaminants for which the marijuana was tested, including molds, mildew, filth, herbicides, pesticides, fungicides, and harmful chemicals. If a wholesale shipment sold to another licensed facility is from a harvest batch not tested for contaminants, a label will be affixed identifying each contaminant.



Alaska Marijuana Control Board

Form MJ-04: Marijuana Cultivation Facility Operating Plan Supplemental

(Additional Space as Needed):

Front of Package	Back of Package																
<p>*window to view product*</p> <p><u>Strain Name</u></p> <p>Indica-Dominant</p> <p>Net Weight: 3.5 g (0.124 oz.)</p> <p>PLACE HOLDER FOR RETAILER TO PUT RETAILER STICKER LABEL</p>	<p>Cultivator: Cosmic Grow License #38498 HB#: northstarvalley252018 Strain: North Star OG</p> <div><p>METRC #: 36B875000036451115AB Testing Lab: ABC Lab License #: Testing Date: 02/05/2018 Fungicides: None Herbicides: None Pesticides: None Cannabinoid Profile: Total THC: XXXX% Total CBD: XXXX% THC: XXXX% CBD: XXXX% THC-A: XXXX% CBD-A: XXXX% CBN: XXXX%</p></div> <p>Alaska Safety Warning: Marijuana has intoxicating effects and may be habit forming and addictive. Marijuana impairs concentration, coordination and judgment. Do not operate a vehicle or machinery under its influence. There are health risks associated with consumption of marijuana. For use only by adults twenty-one and older. Keep out of the reach of children. Marijuana should not be used by women who are pregnant or breast feeding.</p>																
<table><tr><td>Retailer:</td><td>License No:</td></tr><tr><td>Cultivator: Cosmic Grow</td><td>License No: 38498</td></tr><tr><td>Harvest Batch No:</td><td>Package No:</td></tr><tr><td>Net MJ Weight: OZ(g)</td><td>Strain:</td></tr><tr><td>Testing Facility:</td><td>License No:</td></tr><tr><td>THC: THCA: CBD: CBDA: CBN:</td><td></td></tr><tr><td>Microbial Test: Fungicides: Pesticides: Herbicides:</td><td></td></tr><tr><td>Fertilizers: Soil Amendment:</td><td></td></tr></table> <p>Alaska Safety Warning: Marijuana has intoxicating effects and may be habit forming and addictive. Marijuana impairs concentration, coordination and judgment. Do not operate a vehicle or machinery under its influence. There are health risks associated with consumption of marijuana. For use only by adults twenty-one and older. Keep out of the reach of children. Marijuana should not be used by women who are pregnant or breast feeding.</p>		Retailer:	License No:	Cultivator: Cosmic Grow	License No: 38498	Harvest Batch No:	Package No:	Net MJ Weight: OZ(g)	Strain:	Testing Facility:	License No:	THC: THCA: CBD: CBDA: CBN:		Microbial Test: Fungicides: Pesticides: Herbicides:		Fertilizers: Soil Amendment:	
Retailer:	License No:																
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Net MJ Weight: OZ(g)	Strain:																
Testing Facility:	License No:																
THC: THCA: CBD: CBDA: CBN:																	
Microbial Test: Fungicides: Pesticides: Herbicides:																	
Fertilizers: Soil Amendment:																	



Alaska Marijuana Control Board

Form MJ-07: Public Notice Posting Affidavit

Why is this form needed?

A public notice posting affidavit is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(10). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by posting a true copy of the application for ten (10) days at the location of the proposed licensed premises and one other conspicuous location in the area of the proposed premises, per 3 AAC 306.025(b)(1).

This form must be completed and submitted to AMCO's Anchorage office before any new or transfer license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Cosmic Enterprises LLC	License Number:	38498		
License Type:	Limited Marijuana Cultivation Facility				
Doing Business As:	Cosmic Grow				
Premises Address:	271 E Bunnell Avenue				
City:	Homer	State:	Alaska	ZIP:	99603

Section 2 – Certification

I certify that I have met the public notice requirement set forth under 3 AAC 306.025(b)(1) by posting a copy of my application for the following 10-day period at the location of the proposed licensed premises and at the following conspicuous location in the area of the proposed premises:

Start Date: May 24, 2024

End Date: June 3, 2024

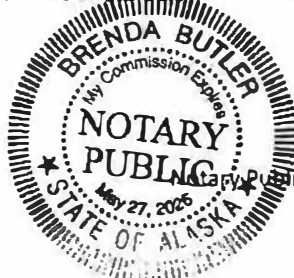
Other conspicuous location: Safeway in Homer - 90 Sterling Highway, Homer, Alaska 99603

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

Signature of licensee

Chris Long

Printed name of licensee



Brenda Butler
Signature of Notary Public

Notary Public in and for the State of

Alaska

My commission expires

May 27, 2025

Subscribed and sworn to before me this

23rd day of August, 2024.



Alaska Marijuana Control Board

Form MJ-08: Local Government Notice

Why is this form needed?

A local government notice is required for all marijuana establishment license applications with a proposed premises that is located within a local government, per 3 AAC 306.025(b)(3). As soon as practical after initiating a marijuana establishment license application, an applicant must give notice of the application to the public by submitting a copy of the application to each local government and any community council in the area of the proposed licensed premises. For an establishment located inside the boundaries of city that is within a borough, both the city and the borough must be notified.

This form must be completed and submitted to AMCO's Anchorage office before any new or transfer license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Cosmic Enterprises LLC	License Number:	38498		
License Type:	Limited Marijuana Cultivation Facility				
Doing Business As:	Cosmic Grow				
Premises Address:	271 E Bunnell Avenue				
City:	Homer	State:	Alaska	ZIP:	99603

Section 2 – Certification

I certify that I have met the local government notice requirement set forth under 3 AAC 306.025(b)(3) by submitting a copy of my application to the following local government (LG) official(s) and community council (if applicable):

Local Government(s): City of Homer/ Kenai Peninsula Borough Date Submitted: 07/02/2024

Name/Title of LG Official 1: Melissa Jacobsen/City Clerk Name/Title of LG Official 2: Michele Turner/Borough Clerk

Community Council: N/A Date Submitted: _____
(Municipality of Anchorage and Matanuska-Susitna Borough only)

You must be able to certify the statement below. Read the following and then sign your initials in the box to the right:

Initials

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

Chris Long

Printed name of licensee

Signature of licensee



Alaska Marijuana Control Board

Form MJ-09: Statement of Financial Interest**Why is this form needed?**

A statement of financial interest completed by each proposed licensee (as defined in 3 AAC 306.020(b)(2)) is required for all marijuana establishment license applications, per 3 AAC 306.020(b)(4). A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's Anchorage office by each proposed licensee before any license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Cosmic Enterprises LLC	License Number:	38498		
License Type:	Limited Marijuana Cultivation Facility				
Doing Business As:	Cosmic Grow				
Premises Address:	271 E Bunnell Avenue				
City:	Homer	State:	Alaska	ZIP:	99603

Section 2 – Individual Information

Enter information for the individual licensee.

Name:	Chris Long				
Title:	Manager, Member				
SSN:		Date of Birth:	10.30.1970		



Alaska Marijuana Control Board

Form MJ-09: Statement of Financial Interest

Section 3 – Certifications

You must be able to certify the statements below. Read the following and then sign your initials in the boxes to the right: **Initials**

I certify that no person other than a proposed licensee listed on my marijuana establishment license application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which a marijuana establishment license is being applied for.

CL

I further certify that any ownership change shall be reported to the board as required under 3 AAC 306.040.

CL

I understand that my fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI), and that I have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record.

CL

The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

I hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

CL

Chris Long

Printed name of licensee

Signature of licensee

Chris Long

State of Alaska
Department of Commerce, Community, and Economic Development
Corporations, Business, and Professional Licensing

Certificate of Organization

The undersigned, as Commissioner of Commerce, Community, and Economic Development of the State of Alaska, hereby certifies that a duly signed and verified filing pursuant to the provisions of Alaska Statutes has been received in this office and has been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Commerce, Community, and Economic Development, and by virtue of the authority vested in me by law, hereby issues this certificate to

Cosmic Enterprises LLC



IN TESTIMONY WHEREOF, I execute the certificate and affix the Great Seal of the State of Alaska effective **January 9, 2022**.

A handwritten signature in black ink, appearing to read "Julie Anderson".

Julie Anderson
Commissioner



THE STATE
of ALASKA

Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806
(907) 465-2550 • Email: corporations@alaska.gov
Website: corporations.alaska.gov

AK Entity #: 10183878
Date Filed: 01/09/2022
State of Alaska, DCCED

FOR DIVISION USE ONLY

Web-1/9/2022 9:55:33 AM

Articles of Organization

Domestic Limited Liability Company

1 - Entity Name

Legal Name: Cosmic Enterprises LLC

2 - Purpose

Any lawful business

3 - NAICS Code

313312 - TEXTILE AND FABRIC FINISHING (EXCEPT BROADWOVEN FABRIC) MILLS

4 - Registered Agent

Name: Chris Long

Mailing Address: 879 Linda Court, Homer, AK 99603

Physical Address: 879 Linda Court, Homer, AK 99603

5 - Entity Addresses

Mailing Address: 879 Linda Court, Homer, AK 99603

Physical Address: 879 Linda Court, Homer, AK 99603

6 - Management

The limited liability company is managed by a manager.

7 - Officials

Name	Address	% Owned	Titles
Chris Long			Organizer

Name of person completing this online application

This form is for use by the named entity only. Only persons who are authorized by the above Official(s) of the named entity may make changes to it. If you proceed to make changes to this form or any information on it, you will be certifying under penalty of perjury that you are authorized to make those changes, and that everything on the form is true and correct. In addition, persons who file documents with the commissioner that are known to the person to be false in material respects are guilty of a class A misdemeanor. Continuation means you have read this and understand it.

Name: Chris Long



THE STATE
of ALASKA

Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806
(907) 465-2550 • Email: corporations@alaska.gov
Website: corporations.alaska.gov

AK Entity #: 10183878
Date Filed: 01/09/2022
State of Alaska, DCCED

FOR DIVISION USE ONLY

Domestic Limited Liability Company

Initial Biennial Report

Entity Name: Cosmic Enterprises LLC

Entity Number: 10183878

Home Country: UNITED STATES

Home State/Prov.: ALASKA

Physical Address: 879 LINDA COURT, HOMER, AK 99603

Mailing Address: 879 LINDA COURT, HOMER, AK 99603

Registered Agent information cannot be changed on this form. Per Alaska Statutes, to update or change the Registered Agent information this entity must submit the Statement of Change form for this entity type along with its filing fee.

Name: Chris Long

Physical Address: 879 LINDA COURT, HOMER, AK 99603

Mailing Address: 879 LINDA COURT, HOMER, AK 99603

Officials: The following is a complete list of officials who will be on record as a result of this filing.

- **Provide all officials and required information. Use only the titles provided.**
- **Mandatory Members:** this entity must have at least one (1) Member. A Member must own a %. In addition, this entity must provide all Members who own 5% or more of the entity. A Member may be an individual or another entity.
- **Manager:** If the entity is manager managed (per its articles or amendment) then there must be at least (1) Manager provided. A Manager may be a Member if the Manager also owns a % of the entity.

Full Legal Name	Complete Mailing Address	% Owned	Manager	Member
Chris Long	879 Linda Court, Homer, AK 99603	100	X	X

If necessary, attach a list of additional officers on a separate 8.5 X 11 sheet of paper.

NAICS Code: 313312 - TEXTILE AND FABRIC FINISHING (EXCEPT BROADWOVEN FABRIC) MILLS

New NAICS Code (optional):

This form is for use by the named entity only. Only persons who are authorized by the above Official(s) of the named entity may make changes to it. If you proceed to make changes to this form or any information on it, you will be certifying under penalty of perjury that you are authorized to make those changes, and that everything on the form is true and correct. In addition, persons who file documents with the commissioner that are known to the person to be false in material respects are guilty of a class A misdemeanor. Continuation means you have read this and understand it.

Name: Chris Long

Pursuant with the Alaska Revised Limited Liability Company Act
Title 10 Chapter 10.50
**LIMITED LIABILITY COMPANY OPERATING AGREEMENT
FOR**

Cosmic Enterprises, LLC

Name Of LLC

AN ALASKA LIMITED LIABILITY COMPANY

THIS OPERATING AGREEMENT ("Agreement") is entered into this 1 day of
January, 2023, by and between the following person(s):

Chris C. Long

First

Middle

Last

First

Middle

Last

First

Middle

Last

First

Middle

Last

(Hereinafter Referred to as the "Parties" or "Members")

All Members in the above-described Limited Liability Company agree as follows;

FORMATION OF LIMITED LIABILITY COMPANY

- I. **FORMATION OF LLC.** The Parties have formed a Limited Liability Company named Cosmic Enterprises, LLC

Name Of LLC

(Hereinafter referred to as the "LLC") in the State of Alaska.
State

The LLC shall be operated by the terms of this Agreement and the applicable laws of the State of Alaska

State

relating to the formation, taxation and operation of a LLC. The Members agree that the LLC shall be taxed as a partnership. The partnership shall be inoperative if there are any provisions of this agreement that may cause the LLC not to be taxed as a partnership.

II. **BUSINESS.** The primary business of the LLC shall be:

All lawful Marijuana Product Manufacturing and Retail

*Primary Business of LLC*The LLC shall be legally allowed to conduct or promote any lawful business or purpose within the State of Alaska*State*

or any other jurisdiction where the LLC may be conducting business activities.

III. **ARTICLES OF ORGANIZATION.** The LLC acting through one of itsMembers named Chris C. Long*First**Middle**Last*

filed Articles of Organization, ("Articles") in the records of the

Alaska*State*Secretary of State on 01/09/2022*Date*

and thus, creating the LLC.

IV. **PLACE OF BUSINESS.** The official place of business of the LLC shall be*Street Address*City of Homer*City*State of Alaska*State*Zip Code 99603*Zip Code*V. **REGISTERED OFFICE.** The official registered office of the LLC shall be
879 Linda Court*Street Address*City of Homer*City*State of Alaska*State*Zip Code 99603*Zip Code*

. If at anytime the registered office should change, all members and necessary government authorities shall be notified.

VI. **REGISTERED AGENT.** The official registered agent of the LLC shall beChris C. Long*First**Middle**Last*

If at anytime the registered agent should change, all members and necessary government authorities shall be notified.

- VII. **FISCAL YEAR.** The LLC’s fiscal and tax year shall end Dec 31.
Date
- VIII. **DURATION.** The LLC will commence business as of the date of filing and will continue in perpetuity.
- IX. **INITIAL MEMBERS.** The initial Members of the LLC, their initial capital contributions, and their percentage interest in the LLC are as follows:

Members	Percentage Interest in LLC	Capital Contribution (If any)
Chris C Long	100%	

- X. **ADDITIONAL MEMBERS.** Upon the consent of a majority of the Members and in compliance with the provisions of this agreement, new members may be admitted.
- XI. **MANAGEMENT.** The Members have elected to manage the LLC as follows (check as appropriate):

☒ The management of the LLC shall be vested in the Members without an appointed manager. The Members shall elect officers who shall manage the company. The President and Secretary may act for and on behalf of the LLC and shall have the power and authority to bind the LLC in all transactions and business dealings of any kind as otherwise provided in this Agreement.

☐ The Members hereby delegate the management of the LLC to Managers(s), subject to the limitations set out in this agreement.

There shall be CL initial Managers.
of Managers

The initial Manager(s) is/are:

Chris C. Long		
First	Middle	Last
First	Middle	Last
First	Middle	Last
First	Middle	Last

A Manager shall hold their position until the Members elect a successor.

The Members shall elect and may remove the Manager(s) by majority vote.

The authority shall be held by the Members to take all necessary and proper actions in order to conduct the business of the LLC.

Any Manager can take any appropriate action on behalf of the LLC, including, but not limited to signing checks, executing leases, and signing loan documents except for decisions concerning distributions.

With or without the notice of a meeting, the action of the Manager shall be based on a majority vote of the Managers when determining the timing and total amount of distribution to the Members.

The compensation to the Manager(s) shall be in the discretion of the majority of the Members of the LLC.

XII. **OFFICERS AND RELATING PROVISIONS.** If the Members decide to manage the LLC, rather than appointing a Manager, the Members shall appoint officers for the LLC and the following provisions shall apply:

- (a) **OFFICERS.** The officers of the LLC shall consist of a president, a treasurer and a secretary, or others that may be elected and appointed by the Members. A Member may hold more than one or all offices. The officers shall supervise the operation of the LLC under the direction and management of the Members, as further described below.

- (b) TERM OF OFFICE/ELECTION. The Members shall elect the officers of the LLC annually by a majority vote. Vacancies may be filled or new offices created and filled at any meeting of the Members. All officers shall hold their office positions unless until their death, removal of office, or resignation. Election or appointment of an officer or agent shall not of itself create a contract right.
- (c) REMOVAL. The Members may decide to remove any officer or agent by a majority vote whenever they decide that the best interest of the company would be served thereby. If a officer or agent is removed, it shall be without prejudice to the contract rights.
- (d) PRESIDENT. The President shall be the chief executive officer of the LLC and shall be present at all meetings of the Members. The president shall have all powers to perform such duties that are outlined in this Agreement.
- (e) THE TREASURER. The Treasurer shall be the chief financial officer of the LLC. The Treasurer is responsible for all funds and securities of the LLC. The Treasurer shall preside at the meeting of the Members when the President is absent. The treasurer must receive and give receipts for moneys due and payable to the LLC from any money source whatsoever, and deposit all such moneys in the name of the LLC in any such money institution, which shall be selected by the Members of the LLC. The Treasurer shall perform all other duties that may be assigned to the office of treasurer by the President or by the Members of the LLC.
- (f) SECRETARY. The Secretary shall keep a time log of the Members meetings in a file provided for that purpose and also see that all notices are duly given in accordance with the provisions of this Agreement or as required by law. The Secretary shall have custody of the LLC records, addresses of Members, Member's resolutions, and other documents to the LLC as true and correct. The Secretary shall preside at the meetings of the Members in the absence of the President and Treasurer and also perform all other duties that may be assigned to the office of secretary by the President or by the Members of the LLC.
- (g) VACANCIES. A vacancy is any office because of death, resignation, removal, and disqualification or otherwise may be filled by the Members for the unexpired portion of the term.

XIII. **MEMBER ONLY POWERS.** Notwithstanding any other provision of this Agreement, only a majority of the Members may: (a) sell or encumber (but not lease) any real estate owned by the LLC, or (b)

incur debt, expend funds, or otherwise obligate the LLC if the debt, expenditure, or other obligation exceeds \$ 20,000.

- XIV. **INTEREST OF MEMBERS.** Each Member shall own a percentage interest on the LLC. The Member's percentage interest shall be based on the amount of consideration that the member has contributed to the LLC and that percentage interest shall control the Member's share of the profit, losses, and distributions of the LLC.
- XV. **CONTRIBUTIONS.** The initial contributions and initial percentage interest of the Members are as set out in this Agreement.
- XVI. **ADDITIONAL CONTRIBUTIONS.** In the case when the Members are called upon by the majority of the Members of the LLC to make additional cash contributions, the additional cash contribution shall be based on the Member's then existing percentage interest. If a Member is unable to meet a cash call, the other Members can contribute the unmet call on a pro rata basis based on the Members' percentage interest at that time, and the percentage interest of each Member will be adjusted accordingly.
- XVII. **PERCENTAGE INTEREST/RECORD OF CONTRIBUTIONS.** This Agreement, any amendment(s) to this Agreement, and all Resolutions of the Members of the LLC shall constitute the record of the Members of the LLC and of their respective interest therein.
- XVIII. **DISTRIBUTIONS.** Distribution of cash and other assets of the LLC (other than in dissolution of the LLC) shall be made in the total amounts and at the times determined by a majority of the Members. Any such distributions shall be allocated among the Members on the basis of the Members' percentage interest in the LLC.
- XIX. **PROFITS AND LOSSES.** On the basis of the Members' percentage interest in the LLC, the profits and losses and all other tax attributes of the LLC shall be allocated among the Members.
- XX. **CHANGE IN INTEREST.** IF during any year there is a change in a Member's percentage interest, the Member's share of the profits and losses and distributions in that year shall be determined under a method which takes into account the varying interest during that year.
- XXI. **VOTING BY MEMBERS.** In relation with each Member's percentage interest, Members shall be entitled to vote on all matters that provide for a vote of the Members.

- XXII. **MAJORITY DEFINED.** The term “Majority” of the Members shall mean a majority of the ownership interest of the LLC as determined by the records of the LLC on the date of the action when used throughout this agreement.
- XXIII. **MAJORITY REQUIRED.** The majority of the Members, based upon their percentage ownership, except as otherwise provided and delegated to the Officers or Managers, shall decide all decisions made.
- XXIV. **MEETINGS.** Meetings of the Members may be called by any member owning 10% or more of the LLC, or, if Managers were selected, by the Manager of the LLC, or if Officers were elected, by any officer.
- XXV. **WRITTEN CONSENT/MEETINGS.** Members or Officers do not have to hold a meeting in order to accomplish an action but evidence of the action shall be recorded and signed by the majority of the Members. Action without a meeting may be evidence by a written consent signed by a majority of the Members, or the President and Secretary.
- XXVI. **MEMBERS HAVE NO EXCLUSIVE DUTY TO LLC.** Members may have other business interest and may participate in other investments in addition to those relating to the LLC. The Members shall not be required to participate in the LLC as their sole and exclusive business. No Member shall be held liability to the LLC or any other Member by participating in outside businesses, investments, or activities.
- XXVII. **DUTIES OF MEMBERS: LIMITATION OF LIABILITY/GOOD FAITH.** All owners of the LLC shall perform their duties in good faith and perform with such care to be in the best interest of the LLC. All Members shall be held responsible if a Member or Officer finds them guilty of fraud, gross negligence, deceit, willful misconduct, or a wrongful taking. No Member or Officer, by reason of being or having been a Member or Officer, shall be liable to the LLC or to any other member or Officer for any loss or damage sustained by the LLC.
- XXVIII. **PROTECTION OF MEMBERS AND OFFICERS.**
- (a) As used herein, the term “Protected Party” refers to the Members and officers of the Company.
- (b) To the extent that, at law or in equity, a Protected Party has duties (including fiduciary duties) and liabilities relating thereto to the LLC or to any other Protected Party, a Protected Party acting under this Agreement shall not be liable to the LLC or to any other Protected Party for good faith reliance on:

- (i) The provisions of this Agreement;
 - (ii) The records of the LLC; and/or
 - (iii) Such information, opinions, reports or statements presented to the LLC by any person as to matters the Protected Party reasonably believes are within such other person's professional or expert competence and who has been selected with reasonable care by or on behalf of the LLC.
- (c) The provisions of this agreement, to the extent that they restrict the duties and liabilities of a Protected Party to the LLC or to any other Protected Party otherwise existing at law or in equity, are agreed by the parties hereto to replace such other duties and liabilities of such Protected Party.

XXIX. INSURANCE AND IDEMNIFICATION.

- (a) Right to Indemnification.
- (i) Any person who is or was a member or officer of the LLC and who is or may be a party to any civil action because of his/her participation in or with the LLC, and who acted in good faith and in a manner which he/she reasonably believed to be in, or not opposed to, the best interest of the LLC may be indemnified and held harmless by the LLC.
 - (ii) Any person who is or was a member or officer of the LLC and who is or may be a party to any criminal action because of his/her participation in or with the LLC, and who acted in good faith and had reasonable cause to believe that the act or omission was lawful, may be indemnified and held harmless by the LLC.
- (b) Non-Exclusivity of Rights. Members and Officers of the LLC shall adopt and enter into indemnification agreements for Members and officers. The right to indemnification and payment of fees and expenses conferred in this section shall not be exclusive of any right which any person may have or hereafter acquire under any statute, provision of this agreement, contract, agreement, vote of members or otherwise.
- (c) Advancement of Expenses. All expenses including legal fees incurred by an indemnified person in defending any proceeding shall be paid in advance of the proceedings

conclusion. Should the indemnified Member or Officer ultimately be determined to not be entitled to indemnification, that member or officer agrees to immediately repay to LLC all funds expended by the LLC on behalf of the member or Officer.

- (d) Effect of Amendment. No amendment, repeal or modification of this Article shall adversely affect any rights hereunder with respect to any action or omission occurring prior to the date when such amendment, repeal or modification became effective.
- (e) Insurance. With a majority vote, the Members may decide to purchase and maintain insurance for the LLC, for its Members and officers, and/or on the behalf of any third party or parties whom the members might determined should be entitled to such insurance coverage.

XXX. **TERMINATION OF MEMBERSHIP.** A Member's interest in the LLC shall cease upon the incidence of one or more of the following events:

- (a) A Member dies
- (b) A Member decides to give notice of withdrawal to the LLC thirty days (30) in advance of the withdrawal date. There is no breach of Agreement when a Member decides to withdraw in this fashion.
- (c) A Member assigns all of his/her interest to a qualified third party.
- (d) There is an entry of an order by a court of competent jurisdiction adjudicating the Member incompetent to manage his/her person or his/her estate.
- (e) In the case of an estate that is a Member, the distribution by the fiduciary of the estate's entire interest in the LLC.
- (f) If within one hundred twenty (120) days after the commencement of any action against a Member seeking reorganization, readjustment, composition, readjustment, liquidation, arrangement, dissolution, or similar relief under any statute, law, or regulation, the action has not been dismissed and/or has not been consented to by a majority of the members.
- (g) If within ninety days (90) after the appointment, without a Member's consent or acquiescence, of a trustee, receiver, or liquidator of the Member or of all or any substantial part of the Member's properties, said appointment is not vacated or within ninety days (90)

after the expiration of any stay, the appointment is not vacated and/or has not been consented to by a majority of the members.

(h) A Member, without the consent of a majority of the Members: (1) makes an assignment for the benefit of creditors; (2) files a voluntary petition in bankruptcy; (3) is adjudicated a bankrupt or insolvent; (4) files a petition or answer seeking for himself any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law or regulation; (5) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against him in any proceeding of the nature described in this paragraph; (6) seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the Member or of all or any substantial part of his properties; or (7) if any creditor permitted by law to do so should commence foreclosure or take any other action to seize or sell any Member's interest in the LLC.

(i) Any of the events provided in applicable code provisions that are not inconsistent with the dissociation events identified above.

XXXI. **ENCUMBRANCE.** With majority consent from the Members, a Member can encumber his LLC interest by a security interest or other form of collateral.

XXXII. **LLC INTEREST.** A Member has no interest in property owned by the LLC. The LLC interest is personal property.

XXXIII. **SALE OF INTEREST.** A Member can sell his LLC interest only as follows:

(a) If a Member decides to sell any part of their interest he/she must first offer their interest to the LLC. The LLC shall have the option to buy the seller's interest at the then existing Set Price as stated in the Agreement. The LLC shall then have to option for 30 days upon receiving the receipt of its intention to buy all, a portion, or none of the offered interest with a majority vote. Closing on the sale shall occur within 60 days (60) from the date that the LLC gives written notice of its intention to buy. The purchase price shall be paid in cash at the closing unless the total purchase price exceeds \$ N/A in which the purchase price shall be paid in _____ (_____) equal quarterly installments beginning at the time of closing. The installment amounts shall be computed by applying the following interest factor to the principle amount: interest compounded quarterly at the Quarterly Federal Short-Term Rate existing at closing

under the Applicable Federal Rates used for purposes of Internal Revenue Code § 1 274(d), or any successor provision.

(b) If the LLC decides not to buy the offered interest of the selling Member, the other Members shall have the right to buy the offered interest at a set price on a pro-rata basis based on the Members' percentage interests at that time. If a Member decides not to buy up to his/her proportional part, the other Members can buy the remaining interest on the same pro rata basis. Members shall have fifteen days (15) from the date the LLC gives its written notice to the selling Member to give the selling Member notice in writing of their intention to buy all, some, or none of the offered interest. The closing shall occur within sixty days (60) from the date that the Members give written notice of their intention to buy. The purchase price from each purchasing member shall be paid in cash at closing.

(c) If the LLC or Members choose not to buy the offered interest, the selling Member has the right to assign the interest to a non-member.

(d) The selling Member must come to a close within ninety days (90) of the date that he/she gave notice to the LLC. If the interest of the selling Member does not close within that time, he/she must start the selling process over.

(e) A non-member purchaser of a member's interest cannot exercise any rights of a member unless a majority of the non-selling Members consent to him becoming a member. The non-member purchaser will be entitled, however, to share in such profits and losses, to receive such distributions, allocations of income, loss, profit, deduction, credit or similar items to which the selling member would be entitled, to the extent of the interest assigned, and will be subject to calls for contributions under the terms of this Agreement. The purchaser shall agree to be subject to all the terms of this Agreement as if he were a Member by purchasing the selling member's interest.

XXXIV. DISSOCIATION. If a Member of the LLC becomes dissociated, the remaining Members shall have the option to purchase the dissociated member's interest at the Set Price in the same fashion as stated in Article 9. The sale will be carried out as if the dissociated Member had notified the LLC of his/her desire to sell all of his/her LLC interest. The date the LLC received the notice as provided in Article 28 triggering the options shall be deemed to be the date that the LLC receives actual notice of the dissociation event.

XXXV. EFFECT OF DISSOCIATION. When a Member becomes dissociated from the LLC they shall not be entitled to receive fair value of their LLC interest solely by virtue of dissociation. If the dissociated Member

still owns interest in the LLC, they shall be entitled to continue to receive such profits and losses. A dissociated Member shall receive similar items to which he would if he/she were a Member but shall not be considered a Member nor have any rights of a Member.

XXXVI. **TERMINATION OF LLC.** Only upon the consent of the majority of the Members can the LLC and its affairs be dissolved.

XXXVII. **FINAL DISTRIBUTIONS.** Upon the ending of the LLC, the assets must be distributed as follows: (a) to the LLC creditors; (b) to Members in satisfaction of liabilities for distributions; and (c) to Members first for the return of their contributions and secondly respecting their LLC interest, in the proportions in which the Members share in profits and losses.

XXXVIII. **RECORDS AND INSPECTION.** The LLC shall maintain at its place of business the Articles of Organization, any amendments thereto, this Agreement, and all other LLC records required to be kept by the Act, and the same shall be subject to inspection and copying at the reasonable request, at the expense, of any Member.

XXXIX. **RECORDS AND INSPECTION.** The LLC shall maintain at its place of business the Articles of Organization, any amendments thereto, this Agreement, and all other LLC records required to be kept by the Act, and the same shall be subject to inspection and copying at the reasonable request, at the expense, of any Member.

XL. **OBTAINING ADDITIONAL INFORMATION.** Each Member of the LLC has the right to reasonably demand information related to the Member's interest as a Member in the LLC including: (a) Business information and the financial condition of the LLC; (b) If available, obtaining copies of the LLC's federal, state, and local income tax returns for each year. (c) Obtaining information in regards to the affairs of the LLC as is just and reasonable.

XLI. **APPLICABLE LAW.** Within the means of the law, this Agreement shall be constructed in accordance with and governed by the laws of the State of Alaska.

XLII. **AMENDMENT.** At any time a Member may wish to propose a new amendment but the other Members can waive it. The Proposing Member shall submit to the Members any such proposed amendment together with an opinion of counsel as to the legality of such amendment and the recommendation of the Member as to its adoption. Once the majority of the Member approves the amendment it shall be in effect. This Agreement may not be amended nor may any

rights hereunder be waived except by an instrument in writing signed by the party sought to be charged with such amendment or waiver, except as otherwise provided in this Agreement.

- XLIII. **COUNTERPARTS.** The instrument may be executed in any number of counterparts each of which shall be considered an original.
- XLIV. **PRONOUNS.** The use of a pronoun shall be deemed to include singular, plural, individuals, feminine, masculine, partnerships or corporation where applicable when referencing to a Member or a Manager.
- XLV. **FURTHER ACTION.** Upon the request by the LLC, each Member has the duty and shall agree to perform all appropriate and necessary assignments within the provisions of this Agreement.
- XLVI. **FACSIMILES.** For purposes of this Agreement, any copy, facsimile, telecommunication or other reliable reproduction of a writing, transmission or signature may be substituted or used in lieu of the original writing, transmission or signature for any and all purposes for which the original writing, transmission or signature could be used, provided that such copy, facsimile telecommunication or other reproduction shall have been confirmed received by the sending Party.
- XLVII. **SPECIFIC PERFORMANCE:** All Members agree that it would be greatly damaging if any of the provisions of this Agreement were not performed to meet their specific performance and that monetary damages would not provide an adequate remedy in such event. If the provisions become breached, the non-breaching Members are entitled to take action in any court of the United States or any state thereof having subject matter to the jurisdiction.
- XLVIII. **METHOD OF NOTICE.** All written notices shall be sent to the address of the LLC at its place of business or to the Member who is set forth on the signature page of this Agreement. All notices shall be effective when received either by hand or receipt of delivery.
- XLIX. **COMPUTATION OF TIME.** In computing any period of time under this Agreement, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.

- L. **ENTIRE AGREEMENT** The undersigned hereby agree, acknowledge, and certify that the foregoing operating agreement is adopted and approved by each member. Each Member agrees to be bound by all of the terms and conditions of this agreement and the formation certificate or articles.

SIGNATURE OF MEMBERS

MEMBER

Signature

Print Name of Member: _____

Address: _____

City, State, Zip: _____, _____, _____

Phone: _____

MEMBER

DocuSigned by:


Signature 0518921A7B4946F...

Print Name of Member: Chris C Long

Address: 879 Linda Court

City, State, Zip: Homer, Alaska, 99603

Phone: 419-708-0174

MEMBER

Signature

Print Name of Member: _____

Address: _____

City, State, Zip: _____, _____, _____

Phone: _____

MEMBER

Signature

Print Name of Member: _____

Address: _____

City, State, Zip: _____, _____, _____

Phone: _____

**COSMIC ENTERPRISES LLC
&
COSMIC SEAWEED LLC
COMMERCIAL LEASE AGREEMENT**

THIS LEASE is made this August 1, 2024, between Cosmic Enterprises LLC, an Alaska Limited Liability Company (hereafter referred to as “Landlord”), and Cosmic SeaWeed, LLC, an Alaska Limited Liability Company, owned by Chris Long, an individual. (hereafter referred to as “Tenant”) The Tenant and Landlord are collectively referred to as the “Parties.” This Agreement to Lease is referred to throughout the Agreement to Lease as “Lease” and/or “Agreement.”

1. Premises. Landlord hereby Leases to Tenant, and Tenant hereby Leases from Landlord the “Premises” located at 261 & 271 E Bunnell Avenue, Homer, AK 99603, with the legal description of: T 6S R 13W SEC 20 Seward Meridian HM 0670365 W R BENSON SUB AMENDED LOT 151.

2. Term.

2.1 Term. The term of this Lease shall be a five (5) year Lease commencing on August 1, 2024 (the “Lease Commencement Date”), with options to renew as provided below. If Tenant complies with its obligations arising pursuant to the terms of this Lease, possession of the Premises shall be provided to Tenant on the Lease Commencement Date.

2.2 Option to Renew. If the Tenant is not in default hereunder, the Tenant or Landlord may renew the Lease upon reaching a mutual written Agreement before the expiration of this Lease at midnight on July 31, 2027; extensions or renewals of this Lease may be subject to terms and conditions different from this Lease Agreement.

2.3 Early Termination. In the event Tenant, despite best efforts and at no fault of its own, is unable to obtain the necessary Alaska state licenses, Kenai Peninsula Borough land use permit approvals, and any requirements set forth by the City of Homer to operate a marijuana establishment [or there are changes in Local, State, or Federal law that make the business of Tenant illegal, Tenant may, at Tenant’s election, be released from the terms of the Lease. In such event, the Landlord shall retain as liquidated damages all payments and deposits paid by or on behalf of the Tenant, and the Tenant shall pay an additional Ten Thousand Dollars (\$10,000.00) to be released from all liabilities and obligations of the Lease. Landlord and Tenant acknowledge that Landlord’s damages in such an event are difficult to precisely measure, but that sum is a fair and reasonable approximation of those damages. This release and liquidated damages provision is not applicable in circumstances other than those expressly set forth in this paragraph.

3. Rent.

3.1 Rent. During the five-year term of this Lease, the Rent shall be Ten Thousand Dollars (\$10,000.00) per month. Tenant shall pay the applicable rent to Landlord at the Landlord’s address specified below, or at such other place as the Landlord may hereinafter designate, on or before

the 1st of each month. The Tenant must also pay all real property tax obligations associated with the Premises Leased.

Rental adjustments are permissible at the discretion of the Landlord.

3.2 Late Payment. Tenant acknowledges that if rent is not paid before the 20th of the month, then Tenant shall be assessed a \$100.00 late fee per day the rent is delayed. Any failure by the Tenant to make a rental payment then due within twenty (20) days after the date due and after the Landlord has provided the Tenant notice of non-payment shall constitute a material default under this Lease, and the Landlord shall have all the rights and remedies specified in this Lease.

4. Landlord's Title – Quiet Enjoyment.

4.1 Landlord's Authority. Landlord represents and warrants to the Tenant that it has the power and authority to execute and deliver this Lease and to carry out and perform all covenants to be performed hereunder.

4.2 Quiet Enjoyment. Landlord covenants that the Tenant, upon paying the rent and all other charges herein provided for and observing and keeping all covenants, Agreements, and conditions of this Lease on its part to be kept, shall quietly have and enjoy the Premises during the term of his Lease.

4.3 Covenant of Use. The Landlord makes no representations or warranties to the Tenant as to the suitability of the Premises for the Tenant's intended purposes. Tenant is responsible for confirming that Tenant's intended use is authorized by applicable law; covenants, conditions, restrictions, and easements affecting title, which may appear in the public record, including those shown on any recorded plat or survey; the Kenai Peninsula Borough Code and any ordinances from the City of Homer. With regard to all such matters, the Tenant is relying on its own investigations and such inspections and studies as it chooses to conduct. The Premises may not be used for any other purpose without written consent from the Landlord.

5. Utilities and Services. Tenant shall procure in its own name and pay promptly when due all charges for all property taxes, sewer, garbage disposal, telephone, electricity, cable, heat, gas, power, and any other utilities, services, or operating expenses and like charges, including any fire protection or security charges, furnished to, or consumed upon the Premises. Landlord shall not be liable for any failure or interruption of utilities or other services to the Premises. Tenant shall coordinate with the electrical utility company to address additional electrical needs. Tenant shall pay for any necessary power upgrades for its product manufacturing use.

6. Taxes and Assessments.

6.1 Real Estate Taxes and Assessments. Tenant shall pay real estate taxes and assessments on the Premises in full before their due date. If the Tenant pays such real estate taxes or assessments late, the Tenant shall also pay any interest, fees, and penalties arising from the late payment. The Tenant shall pay its share for the time they have access to the Premises during the calendar year. The Landlord agrees to ensure that the Tenant receives all invoices or statements for taxes due at least fourteen (14) days before such taxes are due. Upon demand by the Landlord, the Tenant shall provide proof of payment of such taxes and assessments.

If Tenant fails to pay real property taxes and assessments when due, Landlord may, at its option, pay the same, and the amount paid by Landlord, including any interest and penalties thereon, shall immediately be due and payable, with interest at 1.5% per month, or the maximum legal rate if applicable. Such payment by the Landlord shall be in addition to all other remedies that may be available to the Landlord for the default by the Tenant.

Upon receipt, the Landlord shall provide the Tenant with all documents and notices concerning the Premises' change in value (for real estate tax purposes). At Tenant's expense, Tenant may contest any such real property taxes or assessments in any manner permitted by law, in Tenant's name, and whenever necessary and required by law, in Landlord's name. Landlord shall cooperate with Tenant and execute any documents or pleadings required for such purposes, provided that Landlord shall be satisfied that the facts set forth in such documents or pleadings are accurate and that such execution or cooperation does not impose any obligations, expense, or liability on Landlord.

6.2 Additional Taxes. Should there presently be in effect or should there be enacted during the term of this Lease any law, statute, or ordinance levying any tax (other than Federal or State income taxes) directly or indirectly, in whole or in part, upon rents or the income from real estate or rental property, or increasing any such tax, Tenant shall reimburse Landlord monthly, as additional rent, at the same time as minimum rental payments are due hereunder, for the actual amount of all such taxes paid. Tenant shall pay any license or excise fees and occupation taxes covering business conducted in, on, or about the Premises.

7. Repairs, Maintenance, and Condition of Premises.

7.1 Condition of Premises. The Property is Leased as-is. The Landlord is not responsible for theft, damage, or disturbing the Tenant's property.

The Tenant is responsible for environmental remediation as required by State or Local Government regulations or ordinances. The Tenant is solely responsible for ensuring that the process of producing marijuana products does not create any noxious or unpleasant fumes or create a disturbance of any kind for any neighbors or passers-by. The Tenant is responsible for any and all issues that may arise due to the nature of the marijuana product manufacturing industry, including Notices of Violation, City or Borough ordinance compliance, or any other issues.

7.2 Maintenance and Repair. The Tenant shall be responsible for maintaining the structural integrity of the building, the roof, and all mechanical portions of the Premises now existing (heating, plumbing, electrical, etc.) throughout the entirety of the Lease and shall be returned to the Landlord in the same or better condition than initially Leased. The Tenant is responsible for maintaining other internal aspects of the Premises (e.g., light bulb replacement, door replacement, etc.). The Tenant shall also be responsible for snow and ice removal, sanding, and landscaping.

7.3 Alterations, Additions, and Improvements. Tenant, at its sole cost and expense, shall request Landlord to make alterations, additions, and improvements to the Premises with Landlord's prior written consent, which shall not be unreasonably withheld.

7.4 Entry and Inspection. Upon no less than twenty-four hours' notice and compliance with Tenant's marijuana visitor log policy, Tenant will permit Landlord or its agents to enter the Premises during normal business hours, excluding legal holidays, to inspect, clean, repair, alter, or improve the Premises, or to show the Premises to prospective Purchasers or Tenants. In exercising its rights under this section, the Landlord will not unreasonably interfere with the conduct of the Tenant's business.

8. Use of Premises.

8.1 Nature of Use. Tenant shall use the Premises for a retail marijuana store, marijuana product manufacturing and a marijuana cultivation establishment provided all necessary permits and licenses are obtained, including, but not limited to, approvals from the State of Alaska, the Kenai Peninsula Borough, the City of Homer, and any other necessary state and local agencies. The Landlord agrees that the Tenant shall use the Premises to cultivate, produce and sell marijuana and marijuana products.

8.2 Hazardous Substances.

8.2.1 Presence and Use of Hazardous Substances. Unless otherwise set forth in this Section 9.2, Tenant shall not, without Landlord's prior written consent, keep on or around the Premises or Common Areas, for use, handling, disposal, treatment, generation, storage, or sale, and "Hazardous Substance" hereinafter defined as any "Permitted Hazardous Substances" as defined below, which are hazardous or toxic substance, or waste, regulated pursuant to any federal, state or local environmental law, including without limitation, the Clean Air Act, the Clean Water Act, the Toxic Substances Control Act, the Comprehensive Environmental Response Compensation and Liability Act, the Resource Conservation and Recovery Act, the Federal Insecticide, Fungicide, Rodenticide Act, the Safe Drinking Water Act, and the Occupational Safety and Health Act due to its potential harm to health, safety, or welfare of humans or the environment. With respect to any such Hazardous Substance, Tenant shall;

8.2.1.1 Comply promptly, timely, and completely with all governmental requirements for reporting, keeping, and submitting manifests and obtaining and keeping current identification numbers.

8.2.1.2 Submit to Landlord true and correct copies of all reports, manifests, and identification numbers at the same time as they are required to be and are submitted to the appropriate governmental authorities;

8.2.1.3 Within five (5) days of the Landlord's request, submit written reports to the Landlord regarding the Tenant's use, handling, storage, treatment, transportation, generation, disposal, or sale of Hazardous Substances and provide evidence satisfactory to the Landlord of Tenant's compliance with the applicable government regulations;

8.2.1.4 Allow Landlord or Landlord's agent or representative to come on the Premises during business hours and upon reasonable notice to check Tenant's compliance with all applicable governmental regulations regarding Hazardous Substances;

8.2.1.5 Comply with minimum levels, standards, or other performance standards or requirements that may be set forth or established for certain Hazardous Substances (if minimum standards or levels apply to Hazardous Substances present on the Premises, such levels or standards shall be established by an on-site inspection by the appropriate governmental authorities and shall be set forth in an addendum to this Lease); and

8.2.1.6 Comply with all applicable governmental statutes, ordinances, rules, regulations, management plans, and requirements regarding the proper and lawful use, handling, sale, transportation, generation, treatment, and disposal of Hazardous Substances.

Any costs incurred by the Landlord and associated with the Landlord's inspection of the Tenant's Premises and the Landlord's monitoring of the Tenant's compliance with the Section, including the Landlord's attorney's fees and costs, shall be Additional Rent and shall be due and payable to Landlord immediately upon demand by Landlord.

8.2.2 Default.

8.2.2.3 Upon the Tenant's default under this Section, in addition to the rights and remedies set forth elsewhere in the Lease, the Landlord shall be entitled to the following rights and remedies:

- (i) At Landlord's option, to terminate this Lease immediately;
- (ii) To recover any damages associated with the default, including, but not limited to, civil and criminal penalties and fees, loss of business and sales by the Landlord, any damages and claims asserted by third parties, and the Landlord's attorney's fees and costs.

8.3 Disposal of Non-Hazardous Waste Materials. All non-hazardous waste materials shall be disposed of by Tenant properly and in accordance with all applicable laws and regulations

8.4 Compliance with Law. Tenant shall not use the Premises or permit anything to be done in or about the Premises which will in any way conflict with any state law, statute, zoning restriction, ordinance governmental rule or regulation or requirements of duly constituted public authorities now in force or which may hereafter be enacted or promulgated. Tenant shall, at its sole cost and expense, comply with all state laws, statutes, ordinances, and governmental rules, regulations, or requirements now in force or which may hereafter be in force and with the requirements of any board of fire underwriters or other similar body now or hereafter constituted relating to or affecting the condition, use of occupancy of the Premises.

9. Insurance; Indemnity.

9.1 General Liability Insurance. Tenant, at its own expense, shall procure and maintain in effect comprehensive General liability insurance coverage with limits of not less than One Million Dollars (\$1,000,000.00) for bodily and personal injury or death to any one person, with minimum limits of not less than One Million Dollars (\$1,000,000.00) for bodily and personal injury or death to more than one person; and with limits of not less than Five Hundred Thousand Dollars (\$500,000.00) with respect to damage to property. In no event shall the limits of said policies be

considered limiting the liabilities of Tenant under this Lease. The above-stated minimum policy limits shall be subject to periodic review by the Landlord.

9.2 Casualty Insurance. Tenant, at its expense, shall maintain in effect the policies of insurance covering (a) the Premises, Leasehold improvements, fixtures, and equipment located on the Premises, for the full replacement value, and protecting against any peril included within the classification "Fire and Extended Coverage," together with insurance against sprinkler damage (if the building has a sprinkler system installed), vandalism and malicious mischief; and (b) all plate glass on the Premises. The proceeds of such insurance, so long as this Lease remains in effect, shall be used to repair or replace the Premises, Leasehold improvements, fixtures, equipment, and plate glass so insured.

9.3 Worker's Compensation Insurance. Worker's Compensation insurance to at least statutory requirements.

9.4 Insurance Policies. All insurance shall name the Landlord as an additional insured and shall be with companies and with loss-payable clauses satisfactory to the Landlord. Copies of policies or certificates evidencing such insurance shall be delivered to the Landlord by the Tenant. No such policy shall be cancelable or amendable except after thirty (30) days written notice to Landlord.

Whenever the Landlord's reasonable business judgment, good practice, and changing conditions indicate a need for additional and different types of insurance coverage, the Tenant shall obtain such insurance at its expense upon request from the Landlord.

If the Tenant does not maintain or procure required insurance, after 10 days written notice to the Tenant, the Landlord may [but is not required to] procure and obtain such insurance. The cost of any such insurance obtained by the Landlord shall be additional rent, which will be due and payable upon demand.

9.5 Waiver of Subrogation. Landlord and Tenant mutually agree to waive their right of recovery against each other, and their respective officers, employees, or agents, for losses or damages occurring to the Premises, improvements, contents, other property of the waiving Party or under its control, or business interruptions related to the loss or damage to such property. However, the parties agree that this waiver applies only to losses covered by valid and collectible insurance and only to the extent that such insurance applies, not in excess of the amount collectible from such insurance. The waiver shall not apply to damages over the amount collectible from such insurance. Permission to grant this waiver is to be included in the provisions of the insurance policies now carried by both Landlord and Tenant. The continuation of this mutual waiver of subrogation is subject to the insurance continuing to grant this option on renewal policies.

9.6 Indemnification of Landlord. Landlord shall not be liable for any loss, injury, or death to a person or damage to property, in or about the Premises, from any cause, which at any time be suffered by Tenant or by its invitees or employees or agents, except to the extent caused by the sole negligence or willful misconduct of Landlord, its employees, agents, and contractors. The Tenant agrees to indemnify, defend, and save the Landlord, its employees, and its agents harmless

from any claims and expenses, including reasonable attorney's fees and costs and litigation-related expenses arising out of such injury, death, or damage; however, occurring, on or about the Premises.

9.7 Landlord Liability. Tenant shall store its property in and shall occupy the Premises at its own risk and releases Landlord, to the full extent permitted by law, from all claims of every kind resulting in loss of life, personal or bodily injury, or property damage. Landlord shall not be responsible or liable at any time for any loss or damages to the Tenant's equipment, fixtures, or other personal property of the Tenant or to the Tenant's business. Landlord shall not be responsible or liable to Tenant or to those claiming by, through, or under Tenant for any loss or damages to either the person or property of Tenant that may be occasioned by or through the acts or omissions of the person occupying adjacent, connecting, or adjoining Premises. Landlord shall not be responsible or liable for any defect, latent or otherwise, in the Premises or any improvements, equipment, machinery, utilities, appliances, or apparatus thereon. Landlord shall also not be responsible or liable for any injury, loss, or damage to any person or to any property of Tenant or other person caused by or resulting from bursting, breakage or by or from leakage, seam or snow or ice, running or the overflow of water or sewage in any part of said Premises or for any injury or damage caused by or resulting from acts of god or the elements, or for any injury or damage caused by or resulting from any defect in the occupancy, construction, operation or use of any of said Premises, improvements, machinery, apparatus, or equipment by any person or by or from the acts or negligence of any occupant of the Premises.

10. Reconstruction and Restoration.

10.1 Minor Damage. If during the term hereof, the Premises are damaged by fire or other perils covered by the fire and extended coverage insurance on the Premises, and such damage is not "substantial," Landlord shall promptly repair such damage at Landlord's expense after the application of all insurance proceeds. This Lease shall continue in full force and effect.

10.2 Substantial Damage. If during the term hereof, the Premises are destroyed or damaged by fire or other perils covered by the insurance, and if such damage is "substantial," Landlord may at its option either (a) promptly repair such damage at Landlord's expense after the application of all insurance proceeds, in which event this Lease shall continue in full force and effect, or (b) cancel this Lease as of the date of such damage, by giving Tenant written notice of its election within thirty (30) days after the date Tenant notifies the Landlord of such damage.

10.3 Abatement of Rent.

10.3.1 If the Premises are destroyed or damaged and the Landlord repairs or restores them under this section, the Tenant shall continue the operation of this business in the Premises to the extent reasonably practicable. The rent payable hereunder for the period during which such damage, repair, or restoration continues shall be decreased in proportion to the proportion of usable Premises space compared to the total Premises space. The Tenant shall have no claim against the Landlord for any damage suffered by the Tenant because of such damage, destruction, repair, or restoration.

10.3.2 If Landlord shall be obligated to repair or restore the Premises under this Section and shall not commence such repair or restoration within ninety (90) days after such obligation shall accrue, or if the estimated repair time is more significant than 180 days, Tenant may at its option cancel this Lease as of the date of occurrence of such damage by giving Landlord notice of its election to do so at any time prior to the commencement of such repair or restoration and sue for damages cause Tenant by Landlord's breach, and obtain an order specifically enforcing Landlord's obligations to repair and restore. All of the said remedies shall be cumulative.

10.4 Definition of "Substantial." For the purpose of this Section 11, "substantial" damage to the Premises shall mean damage to the Premises the estimated cost of repair of which exceeds fifty percent (50%) of the then estimated replacement cost of the improvements to the Premises, or uninsured or underinsured damage exceeds six (6) months monthly rent in effect. The good faith determination by the Landlord of the estimated repair and replacement cost shall be prima facie evidence for this Section.

11. Condemnation.

11.1 Entire or Substantial Taking. If the entire Premises, or so much thereof as to make the balance not reasonably adequate for the conduct of Tenant's business (notwithstanding restoration by Landlord as herein provided) shall be taken under the power of eminent domain, the Lease shall automatically terminate on the date the condemning authority takes possession,

11.2 Partial Taking. In the event of any taking under the power of eminent domain which does not so result in termination of this Lease, the monthly rental payable hereunder shall be reduced, effective on the date the condemning authority takes possession, in the same portion as the value of the Premises after the taking relates to the value of the Premises before the taking. Landlord shall promptly, at its sole expense, restore the portion of the Premises not taken to as near its former condition as is reasonably possible, and this Lease shall continue in full force and effect.

11.3 Awards. Any award for taking all or any part of the Premises under the power of eminent domain shall be the property of the Landlord, whether such award shall be made as compensation for diminution in value of the Leasehold or for taking of the fee. Nothing herein, however, shall be deemed to preclude Tenant from obtaining, or to give Landlord any interest in, any award to Tenant for loss of or damage to or cost of removal of Tenant's trade fixtures and removable personal property, or for damages for cessation or interruption of Tenant's business.

12. Liens and Encumbrances. Tenant agrees that it will pay all costs for work done or caused to be done by it on the Premises, and Tenant will keep the Premises free and clear of all mechanics and other liens on account of work done for Tenant or persons claiming under Tenant. Should any claim of lien be filed against the Premises or any action affecting the title to such property be commenced, the Party receiving notice of such lien or action shall promptly give the other Party written notice thereof. In the event a dispute between Tenant and a third-party having lien rights arising from work performed for Tenant results in litigation to enforce such lien right in which Landlord or any Party deriving rights from Landlord is named a Party defendant, defense of such action shall, at Landlord's option immediately be assumed by Tenant. Tenant shall appear and defend Landlord and any parties deriving interest through Landlord or shall pay any costs or attorneys' fees

incurred by Landlord or parties deriving interest through Landlord in respect to their own defenses to such action and shall indemnify and hold Landlord and parties deriving interest through Landlord harmless from any judgment arising out of such litigation.

13. Surrender or Premises.

13.1 Surrender of Premises. Tenant shall promptly surrender possession of the Premises to Landlord upon the expiration or prior termination of the Lease. The Premises shall be surrendered in the same condition as they were at the commencement of the Lease term, normal wear and tear excepted, damages covered by insurance excepted, and acts of God or the elements excepted.

13.2 Holding Over. Any holding over by the Tenant after the Lease's expiration or termination shall be construed as a tenancy for a month-to-month, on all of the terms and conditions set forth herein, to the extent not inconsistent with a month-to-month tenancy. During such tenancy, the Tenant agrees to pay the Monthly Rental in effect immediately prior to commencement of the holding over, times 125%.

13.3 Sub-Tenancies. The voluntary or other surrender of this Lease by Tenant, or a mutual cancellation thereof, terminate all and any existing sub-tenancies, or may, at the option of Landlord, operate as an assignment to it of any such sub-tenancies.

14. Default by Tenant.

14.1 Default. The occurrence of any of the following events shall constitute a breach of this Lease by the Tenant.

14.1.1 Failure to Pay Rent. The failure by Tenant to make any payment of Rent or any other payment required to be made by Tenant hereunder, as and when due, where such failure shall continue for ten (10) business days after written notice thereof by Landlord is received by Tenant.

14.1.2 Failure to Perform. The failure by Tenant to observe or perform any of the covenants, conditions, or provisions of this Lease to be observed or performed by the Tenant, other than payment of rent, where such failure shall continue for a period of thirty (30) days after written notice thereof by Landlord is received by Tenant; provided, however, that if the nature of Tenant's default is such that more than thirty (30) days are reasonably required for its cure, then Tenant shall not be deemed to be in default if Tenant commences such cure within said thirty (30) day period and after that diligently prosecutes such cure to completion.

14.1.3 Bankruptcy. The making by Tenant of any general assignment or general arrangement for the benefit of creditors; or by the filing by or against Tenant of a petition to have Tenant adjudged bankrupt, or a petition or reorganization or arrangement under any law relating to bankruptcy (unless, in the case of a petition filed against Tenant, the same is dismissed within sixty (60) days filing); or the appointment of a trustee or a receiver to take possession of substantially all of Tenant's assets located at the Premises or of Tenant's interest in this Lease, where such seizure is not discharged in thirty (30) days after appointment of said trustee or receiver, or the filing of a petition for the appointment of the same, whichever shall first occur.

14.2 Remedies in Default. In the event of any such default or breach by Tenant, Landlord may at any time thereafter, with or without notice or demand and without limiting Landlord in the exercise of a right or remedy which Landlord may have by reason of such default or breach:

14.2.1 Terminate Lease. Terminate Tenant's right to possession of the Premises by any lawful means, in which case this Lease shall terminate, and Tenant shall immediately surrender possession of the Premises to Landlord. In such event, the Landlord shall be entitled to recover from the Tenant all past due rents and other charges; the expenses of reletting the Premises, including necessary renovation and alteration of the Premises, reasonable attorneys' fees, and costs; the worth at the time of award by the court having jurisdiction thereof of the amount by which the unpaid rent and other charges called for herein for the balance of the Lease Term after the time of such award exceeds the amount of such loss for the same period that Tenant proves could be reasonably avoided; and that portion of any leasing commission paid by Landlord and applicable to the unexpired Lease Term of this Lease. Unpaid installments of rent or other sums shall bear interest from the date due at the rate of ten percent (10%) per annum.

14.2.2 Continue the Lease. Maintain Tenant's right to possession, in which case this Lease shall continue in effect whether or not Tenant shall have abandoned or vacated the Premises. In such event, the Landlord shall be entitled to enforce all Landlord's rights and remedies under this Lease, including the right to recover past due rents and other charges, the rent and any other charges as may become due hereunder, and at Landlord's option, to recover the worth at the time of the award by the court having jurisdiction thereof of the amount by which the unpaid rent and other charges called for herein for the balance of the Lease Term after the time of such award exceeds the amount of such loss for the same period that Tenant proves could be reasonably avoided.

14.2.3 Other Remedies. Pursue any other remedy now or hereafter available to the Landlord under the laws or judicial decisions of the State in which the Premises are located, including but not limited to the right to assess against Tenant an amount equal to the reasonable attorneys' fees incurred by Landlord in collecting any rent or other payment due hereunder, which amount shall be due in full within ten (10) days of Tenant's receipt of the assessment by Landlord.

15. Default by Landlord. If Landlord is in default for more than thirty (30) days after receipt of Tenant's notice specifying such default, Tenant may incur any expense necessary to perform any obligation of Landlord specified in such notice and deduct such expense from any sums payable by Tenant under this Lease thereafter to become due or pursue any other remedy available at law, equity or by statute, including, but not limited to, damages and/or the right to terminate said Lease. Provided, however, if the Landlord's obligation is such that more than thirty (30) days are required for its performance, the Landlord shall not be deemed in default if it commences such performance within such thirty (30) day period and diligently prosecutes the same to completion.

Irrespective of anything contained in this Section 16, Tenant may not deduct any expenses against any sums payable by Tenant to Landlord under this Lease unless Tenant gave Landlord at least thirty (30) days' notice in writing of the default and Tenant's intention to incur expense to cure said default. In any event, the Tenant may only deduct the reasonable cost of curing

said default. Further, Tenant's inability to deduct said expense against any sums payable by Tenant to Landlord under this Lease shall not affect any other right or remedy of Tenant. In no event shall the Tenant have the right to terminate this Lease due to the Landlord's default.

16. Miscellaneous.

16.1 Waivers. No waiver by either Party of any provision of this Lease shall be deemed a waiver of any other provision hereof or of any subsequent breach by the breaching Party of the same or any other provision. Landlord's consent to or approval of any act by Tenant requiring Landlord's consent or approval shall not be deemed to render unnecessary the obtaining of Landlord's consent or approval of any subsequent act by Tenant, whether or not similar to the act so consented to or approved.

16.2 Notices. All notices under this Lease shall be in writing and delivered in person or deposited in the United States Mail, certified and postage prepaid and addressed to the address of Tenant or Landlord shown below or at such other address as may be designated by either Party in writing.

16.3 General AMCO required Provisions: The Landlord shall not take into its possession any marijuana and shall contact the State of Alaska Alcohol & Marijuana Control Office (AMCO) before any access to the licensed Premises if the Tenant cannot be reached, abandons the Premises or any similar event. During any entry by the Landlord or its agents on the Premises, the Landlord's agents or employees shall be over the age of 21. They shall comply with the Tenant's visitor policy, show a government-issued ID, wear a visitor badge, remain in the eyesight of a designated Tenant agent, comply with and sign into the log-in sheet, and sign out when leaving the Premises, as is required by the Alaska Marijuana Control Board Regulations. At no time shall the Landlord have more than five persons enter the Premises per one supervising agent of the Tenant.

LANDLORD'S ADDRESS: 879 Linda Court
Homer, AK 99603

TENANT'S ADDRESS: 879 Linda Court
Homer, AK 99603

16.3 Interest on Past Due Obligations. Any amount due from Tenant to Landlord hereunder which is not paid when due shall bear interest at the rate of ten percent (10%) per annum from the date until paid, but the payment of such interest shall not excuse or cure any default by Tenant.

16.4 Construction.

16.4.1 This Lease shall be construed and governed by the laws of the State of Alaska;

16.4.2 The invalidity or unenforceability of any provision hereof shall not affect or impair any other provisions hereof;

16.4.3 The Lease constitutes the entire Agreement of the parties and supersedes all prior Agreements or understandings between the parties concerning the subject matter hereof;

16.4.4 This Lease may not be modified or amended except by written Agreement signed and acknowledged by both parties;

16.4.5 Time is of the essence of this Lease in every provision thereof, and

16.4.6 Nothing contained herein shall create the relationship of a principal ad agent, partnership, or joint venture between the parties. No provision contained herein shall be deemed to create any relationship other than that of Landlord and Tenant.

16.5 **Successor.** Subject to any limitations on assignments herein, all of the provisions of this Lease shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto.

16.6 **Costs and Attorneys' Fees.** If by reason of any breach or default on the part of either Party hereto it becomes necessary for the other Party hereto to employ an attorney, then the non-breaching Party shall have and recover against the other Party in addition to costs allowed by law, reasonable attorneys' fees, and litigation related expenses. The non-breaching Party shall be entitled to recover reasonable actual attorney's fees, costs, and expenses, as provided above, regardless of whether litigation has commenced.

16.7 **Jurisdiction and Venue.** The parties hereto consent to the jurisdiction and venue of the Superior Court in Homer, Alaska.

16.8 **Dispute Resolution.**

16.8.1 **Occasions for Arbitration.** In the event of disputes between the parties related to this Agreement or the transactions or relationships contemplated hereby, such disputes shall be resolved by arbitration in accordance with the provision of this Article, and the parties waive the right to proceed in courts of law or equity as to these matters.

16.8.2 **Procedure.** In the event of such dispute as described in the preceding section, the dispute shall be settled by arbitration administered by the American Arbitration Association under its Commercial Arbitration Rules, and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. All arbitration hearings shall be conducted in Homer, Alaska. Prior to instituting an arbitration proceeding, the parties agree to attempt to settle such dispute or claim through non-binding mediation presided over by a mutually agreeable mediator. The arbitrator's decision shall be final and binding, and no appeal may be taken therefrom. Arbitration shall be conducted under the laws of the state of Alaska. Said decision may be confirmed by a court of law, if necessary, in accordance with the provisions of Alaska law.

16.8.3 **Unlawful Detainer.** Notwithstanding the above arbitration clause, in the event of a failure to pay rent or other failure to perform hereunder by the Tenant, the Landlord shall be entitled to commence eviction proceedings under the unlawful detainer statute.

16.9 Broker. Both parties represent and warrant that no Brokers are owed any commissions in relation to this Lease Agreement.

16.10 Authority. Each individual executing this Lease on behalf of the Tenant represents and warrants that he is duly authorized to execute and deliver this Lease on behalf of the Tenant, in accordance with a duly adopted resolution of the shareholders of the Tenant authorizing and consenting to this Lease; authorizing the specific individuals signing this Lease to execute, acknowledge and deliver the same without the consent of any other shareholder; resolving that such action and execution is in accordance with the Operating Agreement of Tenant; and resolving that this Lease is binding upon Tenant in accordance with its terms.

16.11 Counterparts; Electronically Transmitted Signatures. This Lease may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute the same instrument. Each Party agrees to promptly deliver an executed original to this Agreement with its actual signature to the other Party. Still, a failure to do so shall not affect the enforceability of this Agreement; it is expressly agreed that each Party to this Agreement shall be bound by its own electronically transmitted signature and shall accept the electronic signature of the other Party to this Agreement.

16.12 Entire Agreement. This Lease constitutes and embodies the entire understanding and Agreement of the parties hereto relating to the subject matter hereof – any amendments after the execution date must be made in writing and signed by both parties.

DATED this 24th day of Aug. 2024

LANDLORD:

Cosmic Enterprises LLC

By: Chris Long
Chris Long – Manager, Member

TENANT:

Cosmic SeaWeed LLC

By: Chris Long
Chris Long, Member of CCC Management, LLC - Member

PUBLISHER'S AFFIDAVIT

UNITED STATES OF AMERICA,
STATE OF ALASKA

} SS:

Cara Hall, being first duly sworn, on oath deposes and says:
That I am and was at all times here in this affidavit
mentions, Supervisor of Legals of the Sound Publishing /
Peninsula Clarion, a newspaper of general circulation and
published at Kenai, Alaska, that the advertisement, a
printed copy of which is hereto annexed was published in
said paper on the dates listed below:

Cosmic Enterprises
June 5, 2024
June 12, 2024
June 19, 2024

X Cara Hall

SUBSCRIBED AND SWORN before me on this

20th day of June, 2024.

Donna K Schrader
NOTARY PUBLIC in favor for the State of Alaska.

My Commission expires October 19, 2027

NOTARY PUBLIC
DONNA K SCHRADER
STATE OF ALASKA
My Commission Expires October 19, 2027

Cosmic Enterprises LLC is applying under 3 AAC 306.400(a)(2) for a new Limited Marijuana Cultivation Facility license, license #38498, doing business as Cosmic Grow, located at 261 E Bunnell Avenue, Homer, AK, 99603, UNITED STATES.

Interested persons may object to the application by submitting a written statement of reasons for the objection to their local government, the applicant, and the Alcohol & Marijuana Control Office (AMCO) not later than 30 days after the director has determined the application to be complete and has given written notice to the local government. Once an application is determined to be complete, the objection deadline and application information will be posted on AMCO's website at <https://www.commerce.alaska.gov/web/amco>. Objections should be sent to AMCO at marijuana.licensing@alaska.gov or to 550 W 7th Ave, Suite 1600, Anchorage, AK 99501 and Attorney Jana Weltzin, Esq. at jana@jdwccounsel.com or to 901 Photo Avenue, Second Floor, Anchorage, AK 99503.

Pub: May 25 & Jun 5 & 12, 2024

996583



Thursday, November 21, 2024

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

Renee Krause, City Clerk
City of Homer

RE: New Application for Limited Marijuana Cultivation Facility

Business Name	:	Cosmic Grow
License Location	:	Homer/271 E. Bunnell Ave. Homer AK 99603
License No.	:	38498
License Type	:	Limited Marijuana Cultivation Facility

Dear Ms. Krause,

This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Michele Turner, CMC
Borough Clerk

cc: cosmicseaweed@gmail.com

amco.localgovernmentonly@alaska.gov



MEMORANDUM

Appointment of Tait Oshetna Ostrom as Student Representative to the Parks, Art, Recreation & Culture Advisory Commission and Theo Noomah to the Economic Development Advisory Commission.

Item Type: Action Memorandum
Prepared For: Homer City Council
Date: November 25, 2024
From: Mayor Lord

Theo Noomah is hereby appointed to the Economic Development Advisory Commission to fill the vacancy created with the resignation of Hanh Stephens. Term will expire April 1, 2026.

Tait Oshetna Ostrom is hereby appointed as Student Representative to the Parks, Art, Recreation & Culture Advisory Commission to fill the vacancy created with the resignation of Daisy Walker. Term will expire with graduation.

Recommendation

Confirm the appointment of Tait Oshetna Ostrom to the Parks, Art, Recreation & Culture Advisory Commission as a Student Representative and Theo Noomah to the Economic Development Advisory Commission as a Commissioner.

Attachments:

Theo Noomah Application
Tait Oshetna Ostrom Application



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

SEP 09 2024 PM 04:18
Office of the City Clerk
491 East Pioneer Avenue
Homer, Alaska 99603
Phone: (907) 235-3130
Fax: (907) 235-3143
clerk@cityofhomer-ak.gov

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

Applicant Information

Full Name: Theo Noomah
Physical Address Where you Claim Residency: 1033 MELODY ROSE LN, HOMER AK
Mailing Address: PO Box HOMER AK 99603
City: HOMER State: AK Zip: 99603
Phone Number(s): (907) 299 431
Email: theo.noomah@gmail.com

Advisory Body You Are Requesting Appointment To

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

Please Answer the Following

Are you a City Resident? ☒ Yes ☐ No If yes, how long have you been a City resident? 3 MONTHS
How long have you been a resident of the South Peninsula? 7 MONTHS
3 months, ~20 YEARS TOTAL

Background Information

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

N/A

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

N/A

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

MASTERS OF PUBLIC POLICY, UNIVERSITY OF CHICAGO, 2019

PROFESSIONALLY, I AM A BUSINESS ANALYST & CONSULTANT. I ANALYZE & FORECAST REVENUES, CUSTOMERS, ETC.

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

I HAVE A VERY STRONG UNDERSTANDING OF ECONOMIC DEVELOPMENT POLICY FROM MY EDUCATION. I LOVE HOMER AND I WANT TO SEE IT THRIVE, BUT AS A MILLENNIAL, I SEE MANY OF MY PEERS STRUGGLE TO BE ABLE TO AFFORD A STABLE LIFE IN HOMER. I WOULD LIKE TO SERVE ON THE EDC TO BRING A KNOWLEDGE OF BEST PRACTICES IN ECONOMIC DEVELOPMENT + INSIGHT INTO THE LIVED EXPERIENCE OF YOUNG HOMERITES.

FOR PLANNING COMMISSION ONLY:

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

NO

FOR PORT & HARBOR ADVISORY COMMISSION ONLY:

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

If yes, what is your primary use? ☐ Commercial ☐ Recreational ☐ Other: _____

From: [Application for Appointment to an Advisory Body](#)
To: [Department Clerk](#)
Subject: ** Application for Appointment **
Date: Friday, November 15, 2024 10:00:51 AM

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

Submitted on Friday, November 15, 2024 - 10:00am

Submitted by anonymous user: 74.123.241.6

Submitted values are:

Applicant Information

Full Name Tait Oshetna Ostrom

Physical Address Where you Claim Residency [REDACTED]

[REDACTED]

Mailing Address [REDACTED]

Phone Number(s) 9077443714

Email [REDACTED]

Advisory Bodies Parks, Art, Recreation & Culture
Advisory Commission – Meetings held on the 3rd
Thursday of February through June and August
through November at 5:30 p.m.

Residency

Are you a City Resident? Yes

If yes, how long have you been a City Resident?
Since 2015 when my family moved here from Anchorage.

How long have you been a resident of the South Peninsula Area? Since 2015.

Background Information

Have you ever served on a similar advisory body?
I have never served on a city advisory body before; I would like to get experience being involved with the community.

Other memberships HHS Q1 Honor Roll, Varsity HHS cross-country, skiing, and track + field teams. Special Training & Education Junior at HHS, 3.5 GPA. Why are you interested in serving on the selected Advisory Body?

I want to learn more about the trials, recreation, and culture in the community, and find opportunities to work on trials and get some service hours in for my graduation requirements next school year.

The results of this submission may be viewed at:

<https://www.cityofhomer-ak.gov/node/9051/submission/52651>



MEMORANDUM

Ordinance 24-64, An Ordinance of the City Council of Homer, Alaska, Extending the Exemption of Work and Seine Skiffs Attached to Motherships from Moorage Fees through 2025. City Manager/Port Director.

Item Type: Backup Memorandum
Prepared For: Homer City Council & Mayor Lord
Date: November 12, 2024
From: Bryan Hawkins, Port Director
Through: Melissa Jacobsen, City Manager

This ordinance addresses an oversight from the tariff amendments adopted at the October 28, 2024 City Council Meeting. Adopting Ordinance 24-53 to revise the Homer Port and Harbor Terminal Tariff No. 1, did not address the recommendation from the Port and Harbor Advisory Commission (PHAC) to extend the work skiff exemption to December 31, 2025.

I would like to clarify that staff and the PHAC would like to extend the work and seine skiff exemption in Section 28.03 of the Port and Harbor Terminal Tariff No. 1 to December 31, 2025.

RECOMMENDATION:

Move to recommend Council approval of Ordinance 24-64 adopting the changes to Tariff No. 1.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/Port Director

ORDINANCE 24-64

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
EXTENDING THE EXEMPTION OF WORK AND SEINE SKIFFS
ATTACHED TO MOTHERSHIPS FROM MOORAGE FEES THROUGH
2025.

WHEREAS, Before January 2023 work and seine skiffs that were attached to their mothership in the Homer Harbor were exempt from moorage fees; and

WHEREAS, Ordinance 24-09 amended Tariff No. 1 and removed the work/seine skiff exemption from the tariff; and

WHEREAS, Numerous commercial fishermen testified to the Port and Harbor Advisory Commission (PHAC) during the April meeting to express that this policy change comes at a time when the fishing fleet is facing historic challenges within the industry; and

WHEREAS, The Homer City Council adopted Resolution 24-057 to amend the tariff and reinstate the moorage skiff exemption with an expiration date of December 31, 2024; and

WHEREAS, Resolution 24-108, City Council requested that the Governor of the State of Alaska designate the area of Prince William Sound as an area impacted by an economic disaster; and

WHEREAS, On September 25, 2024, the PHAC passed a motion recommending the removal of the work skiff exemption, while acknowledging the difficult timing and unanimously recommended that the City Council postpone this change to the work skiff rule until December 31, 2025, due to the historically low pink salmon return.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, amends the Homer Tariff No. 1 as follows:

Section 1. Homer Tariff No. 1 is hereby amended to add Section 28.03 that reads as follows:

28.03. *APPLICATION OF RATES/WORK SKIFFS* – Until December 31, 2025, properly registered seine skiffs or work skiffs attached to the mother vessel are not subject to these moorage rates. Work skiff is defined as a boat that is usually carried on the deck or super structure of the mother vessel and is regularly used in the commercial enterprise of the mother vessel. When work /seine skiffs are moored with the mothership, the combined length overall or beam may

not exceed the allowed criteria for the size of stall. If it does exceed, the skiff must be moved to a transient area and moorage fees will apply.

Section 2. This Ordinance is of a permanent and general character.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 13th day of January, 2025.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:



MEMORANDUM

Ordinance 24-65, An Ordinance of the City Council of Homer, Alaska Amending the FY25 Capital Budget by Accepting and Appropriating 2018 East Side Set Gillnet (ESSG) and 2020 Upper Cook Inlet (UCI) Salmon Disaster Relief Funds in the Amount of \$20,799.96 to the Port and Harbor Enterprise Fund. City Manager/Port Director

Item Type: Backup Memorandum
Prepared For: Mayor and City Council
Date: November 14, 2024
From: Jenny Carroll, Special Projects & Communications Coordinator
Through: Melissa Jacobsen, City Manager

We recently received notice from the Alaska Department of Fish and Game (ADF&G) that the City of Homer is eligible to receive a portion of the 2018 East Side Set Gillnet and 2020 Upper Cook Inlet salmon declared disaster relief funding. The distribution is part of the spending plan authored by the ADF&G to provide relief in the form of direct payments to municipalities and boroughs that rely on revenue from Upper Cook Inlet salmon landings and related port and harbor economic activity to support local services.

Typically, revenue from fish landings is generated under the state's Fishery Business Tax, where a 3% tax is applied to shore-based salmon landings, with the revenue shared 50/50 between the state and the municipalities/boroughs where the landings occur. In areas with both a municipality and borough, the revenue is split equally between the two entities.

To be eligible for the disaster relief funding, the City had to have landings of salmon from the two fisheries (based on port landing data), and the loss in gross revenue from these fisheries had to be at least \$400,000 (calculated by subtracting the disaster years' revenue from the average of the previous five years).

The City's allotment, a one-time payment in the amount of \$20,799.96 is a pro-rated percentage of the disaster funding based on each affected community's share of total losses among all eligible communities. There are no stipulations on how the funds are used; communities can use disaster funds however they would have otherwise used collected raw fish taxes.

Recommendation: Accept and appropriate the 2018 East Side Set Gillnet and 2020 Upper Cook Inlet disaster relief funds and authorize the City Manager to execute the appropriate documents.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/Port Director

ORDINANCE 24-65

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING THE FY25 OPERATING BUDGET BY ACCEPTING AND
APPROPRIATING THE 2018 EAST SIDE SET GILLNET (ESSG) AND
2020 UPPER COOK INLET (UCI) SALMON DISASTER RELIEF FUNDS
IN THE AMOUNT OF \$20,799.96 TO THE PORT AND HARBOR
ENTERPRISE FUND.

WHEREAS, The City received notice from the Alaska Department of Fish and Game (ADF&G) that the City of Homer is eligible to receive a portion of the 2018 East Side Set Gillnet and 2020 Upper Cook Inlet salmon declared disaster relief funding; and

WHEREAS, The distribution is part of the spending plan authored by the ADF&G to provide relief in the form of direct payments to municipalities and boroughs that rely on revenue from Upper Cook Inlet salmon landings and related port and harbor economic activity to support local services; and

WHEREAS, The City's allotment, a one-time payment in the amount of \$20,799.96 is a pro-rated percentage of the disaster funding based on each affected community's share of total losses among all eligible communities.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY25 operating budget by accepting and appropriating 2018 East Side Set Gillnet and 2020 Upper Cook Inlet salmon declared disaster relief funding to the Port and Harbor Enterprise fund as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
400	Port & Harbor Operating Fund	\$29,799.96

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 13th day of January, 2025.

CITY OF HOMER

RACHEL LORD, MAYOR

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45 ATTEST:

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48 _____
RENEE KRAUSE, MMC, CITY CLERK

49

50 YES:

51 NO:

52 ABSTAIN:

53 ABSENT:

54

55 First Reading:

56 Public Hearing:

57 Second Reading:

58 Effective Date:



MEMORANDUM

Ordinance 24-66, An Ordinance of the City Council of Homer, Alaska, Amending the FY25 Capital Budget by Accepting and Appropriating a FY2025 Designated Legislative Grant from the State of Alaska for the Purpose of Additional Match Funds for the US Army Corps of Engineers General Investigation into the Larger Vessel Harbor Expansion and Authorizing the City Manager to Execute the Appropriate Documents.

Item Type: Backup Memorandum
Prepared For: Mayor and City Council
Date: November 19, 2024
From: Jenny Carroll, Special Projects & Communications Coordinator
Through: Melissa Jacobsen, City Manager and Bryan Hawkins, Port Director

The City is working in partnership with the US Army Corps of Engineers to complete a General Investigation for a potential expansion of Homer Harbor. Costs for the General Investigation are shared 50% Federal and 50% local sponsor match. The State has partnered with the City to cover half of the local sponsor match.

After the study commenced, the US Army Corps of Engineers expanded the scope and cost of the General Investigation by \$1,154,093 to include two additional activities (geotechnical analysis and ship simulation) so that the study would have sufficient data to develop the most realistic benefit to cost ratio.

The City appropriated their half of the additional local sponsor match requirement (\$288,524) via Ordinance 24-05. Additional State match funds in the amount of \$288,523 were requested from the State by City Council through Resolution 24-012.

We are happy to report that the State funds requested were included in the State's FY25 Capital budget and need to be accepted by the City through a Designated Legislative Grant Agreement 25-DC-081, attached.

Staff recommendation: Accept and appropriate the FY2025 Designated Legislative Grant from the State of Alaska for Additional General Investigation Match Funds.

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 24-66

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING THE FY25 CAPITAL BUDGET BY ACCEPTING AND
APPROPRIATING A FY2025 DESIGNATED LEGISLATIVE GRANT
FROM THE STATE OF ALASKA IN THE AMOUNT OF \$288,523 FOR
THE PURPOSE OF ADDITIONAL MATCH FUNDS FOR THE US ARMY
CORPS OF ENGINEERS GENERAL INVESTIGATION INTO THE
LARGE VESSEL HARBOR EXPANSION.

WHEREAS, Homer's Port and Harbor, originally built in 1963, is a regional
transportation hub serving the needs of commercial vessels operating throughout
Southcentral and Western Alaska in the marine transportation, maritime industrial and
commercial fishing industries; and

WHEREAS, Over time, the increased demand for moorage has outgrown Homer Port
and Harbor's ability to safely and efficiently serve this fleet; and

WHEREAS, To potentially meet the growing needs of our commercial fleet and address
overcrowding and associated navigational safety concerns through a harbor expansion, the
United States Army Corps of Engineers (USACE) initiated a General Investigation (GI) feasibility
study in March 2023 under a \$3 million Federal Cost Share Agreement in which the Federal
match is fifty percent and the local fifty percent match is shared equally between the City and
the State of Alaska; and

WHEREAS, After reaching the study's Alternatives and Measures Milestone, the USACE
project development team updated the PMP to include two additional activities in the GI scope
(geotechnical analysis and ship simulation) so that the study would have sufficient data to
develop the most realistic benefit to cost ratio; and

WHEREAS, Based on a cost estimate provided by the USACE, this additional work comes
with an additional cost of \$1,154,093; and

WHEREAS, Homer City Council Resolution 23-130 agreed to the revised scope and cost
of the GI under the PMP, stating it is prudent to continue to explore options for a harbor
expansion to relieve congestion and improve navigational safety within Homer's Port and
Harbor; and

WHEREAS, Consistent with the shared local match partnership, Homer City Council Ordinance 24-05 appropriated funds in the amount of \$288,524 for fifty percent of the additional required local sponsor match; and

WHEREAS, The City is pleased to have been awarded \$288,523 in additional State of Alaska GI matching funds through a FY2025 State Designated Legislative Grant 25-DC-081, confirming the State's continued active partnership and investment in the study.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY25 Capital Budget by accepting and appropriating a FY2025 Designated Legislative Grant from the State of Alaska in the amount of \$288,523 as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
415-0943	FY25 Designated State of Alaska Legislative Grant 25-DC-081	\$288,523

Section 2. The total project cost budget for the City of Homer is \$2,077,047 as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
415-0943	FY2025 SOA Grant 25-DC-081	\$288,523
415-0943	FY2023 SOA Grant 23-DC-041	\$750,000
456-0380	Port and Harbor Match Reserves	\$288,524
100	General Fund Unassigned Fund Balance	\$750,000

Section 3. The City Manager is hereby authorized to execute the appropriate documents.

Section 4. This ordinance is a budget amendment only, is not of a permanent nature and is a non code ordinance.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 13th day of January, 2025.

CITY OF HOMER

RACHEL LORD, MAYOR

84 ATTEST:

85

86

87 _____
RENEE KRAUSE, MMC, CITY CLERK

88

89 YES:

90 NO:

91 ABSTAIN:

92 ABSENT:

93

94 First Reading:

95 Public Hearing:

96 Second Reading:

97 Effective Date:



DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

Designated Legislative Grant Program
Grant Agreement

Grant Agreement Number 25-DC-081		Vendor Number CIH84724	Amount of State Funds \$288,523.00	
GAE	Appropriation Unit DD8821004	Lapse Date 06/30/2029	Project Title Homer Harbor Expansion General Investigation	
Grantee			Department Contact Person	
Name City of Homer			Name Tracie McMillan	
Street/PO Box 491 E Pioneer Avenue			Title Grants Administrator 1	
City/State/Zip Homer, AK 99603			Street/PO Box 550 W. 7 th Avenue Ste 1650	
Contact Person Jenny Carroll, Public Information Officer			City/State/Zip Anchorage, Alaska 99501	
Phone 907-235-3148		Fax	Phone 907-269-5906	Fax 907-269-4539
Email jcarroll@ci.homer.ak.us			Email tracie.mcmillan@alaska.gov	

AGREEMENT

The Alaska Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs (hereinafter 'Department') and **City of Homer** (hereinafter 'Grantee') agree as set forth herein.

Section I. The Department shall pay the Grantee for the performance of the project work under the terms outlined in this Agreement. The amount of the payment is based upon project expenses incurred, which are authorized under this Agreement. In no event shall the payment exceed **\$288,523.00**.

Section II. The Grantee shall perform all of the work required by this Agreement.

Section III. The work to be performed under this Agreement begins **May 15, 2024**, and shall be completed no later than **June 30, 2029**.

Section IV. The Agreement consists of this page and the following:

ATTACHMENTS

- Attachment A: Scope of Work
1. Project Description
 2. Project Budget
 3. Project Management
 4. Reporting
- Attachment B: Payment Method
- Attachment C: Standard Provisions

AMENDMENTS

Any fully executed amendments to this Agreement

APPENDIX

Appendix A: State Laws and Regulations

Grantee	Department
Signature	Signature
Printed Name and Title Melissa Jacobsen, City Manager	Printed Name and Title Kevin Bartley, Grants Administration Manager
Date	Date

Attachment A Scope of Work

1. Project Description

The purpose of this FY 2025 Designated Legislative Grant in the amount of \$288,523.00 *pursuant to the provisions of AS 37.05.315, Grants to Municipalities, SLA 2024, SB187, Chapter 8, Section 4, Page 47, and Line 31* is to provide funding to City of Homer for the Homer Harbor Expansion General Investigation. The objective of this project is to complete the GI Alternative Evaluation and Analysis Phase of the General Investigation (GI) and Chief's Report as part of an ongoing cost share agreement with the Corps of Engineers, Alaska Division. This phase of the GI report will develop current conditions reports and modeling tools, analyze, evaluate, and compare alternative plans to identify Tentatively Selected Plan (TSP); in addition to preparing a draft Integrated Feasibility Report and Environmental Documentation as well as secure a waiver from ASA(CW) if a locally preferred plan is secured. The GI Feasibility Level Analysis Phase will consider and respond to public, Corps technical, legal, and policy review comments, and develop a cost benefit of project and social, environmental and economic impacts to provide policy compliant recommendations incorporating documentation into the final Integrated Report Package.

This project may include the following items:

- Contractual

Additional expenditures must be reasonable and relative to the project objective and may require preapproval by the department.

No more than five percent (5%) of the total grant award may be reimbursed for administrative expenses for projects involving equipment purchase or repairs and no more than ten percent (10%) of the total grant award may be reimbursed for administrative expenses for all other projects. To be reimbursed for eligible administrative costs, expenses must be reported on the Designated Legislative Grant Financial/Progress Report form.

2. Project Budget

Cost Category	Total Project Costs
Project Funds	\$288,523.00
Administration	\$0.00
Total Grant Funds	\$288,523.00

3. Project Management

This project will be managed by the Grantee.

Signatory authority for execution of the Grant Agreement and subsequent amendments is granted to the chief administrator. For grants appropriated to a municipality, the mayor is the chief administrator unless the municipality operates a managerial form of government; then the city manager/administrator acts as the chief administrator. For named recipients and unincorporated communities, the executive director or highest-ranking official will act as chief administrator.

The chief administrator may delegate authority for executing the Grant Agreement and amendments to others within the Grantee's organization via the Signatory Authority Form. The chief administrator also designates financial and performance progress reporting authority via the Signatory Authority Form. Such delegation is limited to others within the Grantee's organization unless otherwise approved by the Department.

The Grantee must establish and maintain separate accounting for the use of this grant. The use of grant funds in any manner contrary to the terms and conditions of this Grant Agreement may result in the subsequent revocation of the grant and any balance of funds under the grant. It may also result in the Grantee being required to return such amounts to the State.

If applicable under state law, grantees must be registered and in good standing with the Department of Commerce, Community and Economic Development's Division of Corporations, Business and Professional Licensing.

4. Reporting

The Grantee shall submit a Designated Legislative Grant Financial/Progress Report Form provided by the Department each month, or quarterly, with the concurrence of the Department, during the life of the Grant Agreement. Grant Financial/Progress Report Forms are due thirty (30) days after the end of the month or quarter being reported. The report period is the first of the month through the last day of the month. If quarterly reporting is approved, the report period is the first day of the first month through the last day of the third month of the quarter. The final Financial/Progress Reports must be submitted within thirty (30) days following completion of the project.

Attachment B

Payment Method

1. Reimbursement Payment

Upon receiving and approving a Grantee's Financial/Progress Report, the Department will reimburse the Grantee for expenditures paid during the reporting period, in accordance with this Grant Agreement. The Department will not reimburse without approved Financial/Progress Reports, prepared and submitted by the Grantee on the form provided by the Department. Before approving the financial/progress report for payment, the Department may require the Grantee to submit documentation of the costs reported (e.g., copies of vendor billings/invoices and proof of payment, general ledger expenditure report).

2. Advance Payment

In most instances, the Department will make payment to a Grantee on a cost reimbursable basis. If cost reimbursement significantly inhibits the Grantee's ability to implement the project, the Department may advance to the Grantee an amount not to exceed a projected thirty (30) day cash need, or twenty percent (20%) of the amount in Section I, whichever is less.

Before the Department will issue an advance, the Grantee must submit a "Request for Advance Payment" form along with documentation of costs associated with the advance. The "Request for Advance Payment" form can be obtained from the Department electronically or in hard copy.

All advances will be recovered with the Grantee's next Financial/Progress Report form. Should earned payments during the terms of this Grant Agreement be insufficient to recover the full amount of the advance, the Grantee will repay the unrecovered amount to the Department when requested to do so by the Department, or at termination of the Grant Agreement.

3. Withholding of Ten Percent (10%)

The Department may withhold ten percent (10%) of the amount in Section I until the Department determines that the Grantee has satisfactorily completed the terms of this Grant Agreement, including all required reporting of the project.

Attachment C

Standard Provisions

Article 1. Definition

“Department” refers to the Department of Commerce, Community, and Economic Development with the State of Alaska.

Article 2. Indemnification

It is understood and agreed that this Grant Agreement is solely for the benefit of the parties to the Grant Agreement and gives no right to any other party. No joint venture or partnership is formed as a result of the Grant Agreement.

The Grantee, its successors and assigns, will protect, save, and hold harmless the Department and the State of Alaska and their authorized agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the acts or omissions of the Grantee, its subcontractors, assigns, agents, contractors, licenses, invitees, employees, or any person whomever arising out of or in connection with any acts or activities authorized by this Grant Agreement. The Grantee further agrees to defend the Department and the State of Alaska and their authorized agents and employees in any litigation, including payment of any costs or attorney’s fees for any claims or actions commenced thereon arising out of or in connection with acts or activities authorized by this Grant Agreement. This obligation shall not include such claims, costs, damages, or expenses which may be caused by the sole negligence of the Department of the State of Alaska or their authorized agents or employees, provided, that if the claims or damages are caused by or result from the concurrent negligence of (a) the Department and the State of Alaska and their agents or employees, and (b) the Grantee, its agents or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Grantee, or Grantee’s agents or employees.

Article 3. Legal Authority

The Grantee certifies that it possesses legal authority to accept grant funds under the State of Alaska and to execute the project described in this Grant Agreement by signing the Grant Agreement document. The Grantee’s relation to the Department and the State of Alaska shall be at all times as an independent Grantee.

Article 4. Waivers

No conditions or provisions of this Grant Agreement can be waived unless approved by the Department in writing. The Department’s failure to insist upon strict performance of any provision of the Grant Agreement, or to exercise any right based upon a breach thereof, or the acceptance of any performance during such a breach, shall not constitute a waiver of any right under this Grant Agreement.

Article 5. Access to Records

The Department and duly authorized officials of the State of Alaska shall have full access and the right to examine, excerpt, or transcribe any pertinent documents, papers, records, and books of the Grantee, and of persons or organizations with which the Grantee may contract, involving transactions related to the project and this Grant Agreement.

Article 6. Reports

The Grantee, at such times and in such forms as the Department may require, shall furnish the Department with such periodic reports as it may request pertaining to the activities undertaken pursuant to this Grant Agreement, including the final close-out report, the costs and obligations incurred in connection therewith, and any other matters covered by this Grant Agreement.

Article 7. Retention of Records

The Grantee shall retain financial and other records relating to the performance of this Grant Agreement for a period of six years from the date when the final financial status report is submitted to the Department, or until final resolution of any audit findings, claims, or litigation related to the grant.

Article 8. Assignability

The Grantee shall not assign any interest in this Grant Agreement and shall not transfer any interest in the same (whether by assignment or novation).

Article 9. Financial Management and Accounting

The Grantee shall establish and maintain a financial management and accounting system that conforms to generally accepted accounting principles.

Article 10. Program Income

Program income earned during the award period shall be retained by the Grantee and added to the funds committed to the award and used for the purpose and under the conditions applicable to the use of award funds.

Article 11. Amendments and Modifications

The Grantee or the Department may request an amendment or modification of this Grant Agreement. However, such amendment or modification shall not take effect until approved, in writing, by the Department and the Grantee.

Article 12. Procurement

Grantees may utilize their own written procurement procedures, provided they reflect applicable state and local laws and regulations and conform to the standards identified in AS 36.30.

Article 13. State Excluded Parties List Report

The grantee is responsible for ensuring that all sub-grantees or sub-contractors are not listed on the 'Excluded Parties List Report', which identifies those parties excluded from receiving State contracts.

Article 14. Recordkeeping

The Grantee agrees to keep such records as the Department may require. Such records will include information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays and income. They will also include information pertaining to project performance and efforts to comply with the provisions of the Grant Agreement.

Article 15. Obligations Regarding Third-Party Relationships

None of the Work specified in this Grant Agreement shall be contracted by the Grantee without prior approval of the Department. No permission for subcontracting shall create, between the Department or the State of Alaska and the subcontractor, any contract or any relationship.

The Grantee shall remain fully obligated under the provisions of this Grant Agreement notwithstanding its designation of any third party or parties of the undertaking of all or any part of the project described herein. Any subcontractor that is not the Grantee shall be required by the Grantee to comply with all applicable provisions of this Grant Agreement.

The Grantee shall bind all subcontractors to each and every applicable Grant Agreement provision. Each subcontract for work to be performed with funds granted under this Grant Agreement shall specifically include a provision that the Department and the State of Alaska are not liable for damages or claims from damages arising from any subcontractor's performance or activities under the terms of the subcontracts.

Article 16. Conflict of Interest

No officer or employee of the Department; no member, officer, or employee of the Grantee or its designees or agents; no member of the governing body of the jurisdiction in which the project is undertaken or located; and no other official of such locality or localities who exercises any functions or responsibilities with respect to the project during his or her tenure, shall have any personal or pecuniary gain or interest, direct or indirect, in any contract, subcontract, or the proceeds thereof, for work to be performed in connection with the project assisted under this Grant Agreement.

The Grantee shall incorporate, or cause to incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose of this provision.

Article 17. Political Activity

No portion of the funds provided hereunder shall be used for any partisan political activity or to further the election or defeat of any candidate for public office or influence the approval or defeat of any ballot issue.

Article 18. Notices

The Grantee shall comply with all public notices or notices to individuals required by applicable state and federal laws and shall maintain a record of this compliance.

Article 19. Prohibition Against Payment of Bonus or Commission

The assistance provided under this Grant Agreement shall not be used in payment of any bonus or commission for the purpose of obtaining approval or concurrence under this contract provided, however, that reasonable fees of bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as project costs.

Article 20. Termination by Mutual Agreement

This Grant Agreement may be terminated, in whole or in part, prior to the completion of contract project activities when both parties agree that continuation is not feasible or would not produce beneficial results commensurate with the further expenditure of funds. The Department will determine whether an environmental review of the cancellation is required under State and/or Federal law. The parties must agree on the termination conditions, including effective date and the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible. The Department shall make funds available to the Grantee to pay for allowable expenses incurred before the effective date of termination.

Article 21. Termination for Cause

If the Grantee fails to comply with the terms of this Grant Agreement, or fails to use the grant for only those purposes set forth herein, the Department may take the following actions:

- A. Suspension – After notice in writing by certified mail to the Grantee, suspend the grant and withhold any further payment or prohibit the Grantee from incurring additional obligations of grant funds, pending corrective action by the Grantee or a decision to terminate. Response must be received within fifteen (15) days of receipt of the written notice.
- B. Termination – Terminate the grant in whole or in part, at any time before the final grant payment is made. The Department shall promptly notify the Grantee in writing of its determination to terminate, the reason for such termination, and the effective date of the termination. Payments made to the Grantee or recoveries by the Department shall be in accordance with the legal rights and liabilities of the parties.

Article 22. Withdrawal of Funds

In the event funding from the state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Grant Agreement and prior to normal completion, the Department may terminate the agreement, reduce funding, or re-negotiate subject to those new funding limitations and conditions. A termination under this article shall be implemented under the same conditions as a termination under Article 20 of this Attachment.

Article 23. Recovery of Funds

In the event of a default or violation of the terms of the Grant Agreement by the Grantee, the Department may institute actions to recover all, or part of the project funds paid to the Grantee. Repayment by the Grantee of grant funds under this recovery provision shall occur within thirty (30) days of demand.

All remedies conferred on the Department by this agreement, or any other instrument or agreement are cumulative, not exclusive, and may be exercised concurrently or consecutively at the Department's option.

Article 24. Disputes

Except as otherwise provided in this agreement, any dispute concerning a question of fact arising under this agreement that is not disposed of by mutual agreement shall be decided by the Department, which shall reduce its decision to writing and mail, or otherwise furnish a copy thereof, to the Grantee. The decision of the Department shall be final and conclusive.

This "Disputes" clause does not preclude the consideration of questions of law in connection with the decision provided for in the preceding paragraph provided that nothing in the Grant Agreement shall be construed as making final the decisions of any administrative official, representative, or board on a question of law.

Article 25. Jurisdiction

This Grant Agreement shall be governed by the laws and statutes of the State of Alaska. The venue of any suit hereunder may be in the Superior Court for the First Judicial District, Juneau, Alaska.

Article 26. Ownership of Project/Capital Facilities

The Department makes no claim to any capital facilities or real property improved or constructed with funds under this Grant Agreement and, by this grant of funds, does not and will not acquire any ownership interest or title to such property of the Grantee. The Grantee shall assume all liabilities arising from the ownership and operation of the project and agrees to hold the Department and the State of Alaska harmless from any and all causes of action arising from the ownership and operation of the project.

Article 27. Site Control

If the grant project involves the occupancy and use of real property, the Grantee assures that it has the legal right to occupy and use such real property for the purposes of the grant, and further that there is legal access to such property.

As a minimum requirement, the Grantee should obtain a "sufficient interest" that allows the Grantee the right to use and occupy the site for the expected useful life of the building, structure or other improvement. Generally, the interest obtained should be for at least 20 years. A sufficient interest depends upon the nature of the project and the land status of the site.

Article 28. Insurance

The Grantee is responsible for obtaining any necessary liability insurance and maintain in force at all times during the performance of this Grant Agreement the insurance policies identified below. All insurance policies shall comply with, and be issued by insurers licensed to transact the business of insurance under Alaska Statute AS 21. The Grantee shall require any contractor hired to work on the project be licensed, bonded and insured for at least the amount of the project and if appropriate provide and maintain Professional Liability Insurance.

- A. Workers' Compensation Insurance for all employees engaged in work under this Grant Agreement, coverage as required by AS 23.30.045, and; where applicable, any other statutory obligations including but not limited to Federal U.S.L. & H. and Jones Act requirements.
- B. Commercial General Liability Insurance covering all business premises and operations used by the Grantee in the performance of this project and Grant Agreement with coverage limits not less than \$300,000 combined single limit per occurrence and annual aggregates where applicable.
- C. Comprehensive Automobile Liability Insurance covering all vehicles used by the Grantee in the performance of this project and Grant Agreement with coverage limits not less than \$100,000 per person/\$300,000 per occurrence bodily injury and \$50,000.00 property damage.
- D. Professional Liability Insurance covering all errors, omissions or negligent acts of the contractor, subcontractor or anyone directly or indirectly employed by them, made in the performance of this contract which result in financial loss to the State. Limits required are per the following schedule:

Contract Amount Minimum Required Limits

Under \$100,000 \$100,000 per occurrence/annual aggregate

Article 29. Subcontracts for Engineering Services

In the event that the Grantee subcontracts for engineering services, the Grantee will require that the engineering firm certify that it is authorized to do business in the State of Alaska. In the event that the engineering firm is also the project administrator, the Grantee shall require that the bond or insurance shall be for not less than the amount of the entire project.

Article 30. Governing law

This Grant Agreement is governed by the laws of the State of Alaska. The Grantee shall perform all aspects of this project in compliance with the appropriate laws and regulations. It is the responsibility of the Grantee to ensure that all permits required for the construction and operation of this project by the Federal, State, or Local governments have been obtained.

Article 31. Budget Flexibility

Notwithstanding the provisions of Article 11, Attachment C, the Grantee may revise the project budget in Attachment A without a formal amendment to this agreement. Such revisions are limited within each line item to a maximum of ten percent (10%) of the line item or \$10,000, whichever is less, over the entire term of this agreement. Such budget revisions shall be limited to changes to existing budget line items. Budget revisions may not be used to increase any budget item for project administrative expenses. Changes to the budget beyond the limits authorized by this provision may only be made by a formal amendment to this agreement.

Article 32. Equal Employment Opportunity (EEO)

The Grantee may not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood. The Grantee shall post in a conspicuous place, available to employees and applicants for employment, a notice setting out the provisions of this paragraph.

The Grantee shall state, in all solicitations or advertisements for employees to work on state funded projects, that it is an equal opportunity employer (EEO) and that all qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.

The Grantee shall include the provisions of this EEO article in every contract relating to this Grant Agreement and shall require the inclusion of these provisions in every agreement entered into by any of its contractors, so that those provisions will be binding upon each contractor or subcontractor.

Article 33. Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits discrimination against persons with disabilities. Title I of the ADA prohibits discrimination against persons with disabilities in employment and provides that a reasonable accommodation be provided for applicants and employees. Title II of the Act prohibits public agencies from discriminating against individuals with disabilities in the provision of services, programs, or activities. Reasonable accommodation must be made to ensure or allow access to all services, programs, or activities. This section of the Act includes physical access to public facilities and requires that public entities must, if necessary, make modifications to their facilities to remove physical barriers to ensure access by persons with disabilities. All new construction must also be accessible to persons with disabilities. A public entity's subgrantees or contractors must also comply with the ADA provisions. Grantees are responsible for assuring their compliance with the ADA.

Article 34. Public Purposes

The Grantee agrees that the project to which this Grant Agreement relates shall be dedicated to public purposes for its useful life. The benefits of the project shall be made available without regard to race, religion, color, national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood.

If the Grantee is a non-municipal entity and if monies appropriated under this grant constitute the sole or principal funding source for the acquisition of equipment or facilities, the Grantee agrees that in the event a municipal corporation is formed which possesses the power and jurisdiction to provide for such equipment or facilities, the Grantee shall offer, without compensation, to transfer ownership of such equipment or facilities to the municipal corporation.

If the Grantee is a non-profit corporation that dissolves, the assets and liabilities from the grant project are to be distributed according to statutory law, AS 10.20.290-10.20.452.

Article 35. Operation and Maintenance

Throughout the life of the project, the Grantee shall be responsible for the operation and maintenance of any facility, equipment, or other items acquired under this grant.

Article 36. Assurance

The Grantee shall spend monies awarded under this grant only for the purposes specified in this Grant Agreement.

Article 37. Current Prevailing Rates of Wage

Certain grant projects are constrained by the provisions of AS 36. PUBLIC CONTRACTS. To the extent that such provisions apply to the project, which is the subject of this Grant Agreement, the Grantee shall pay the current prevailing rates of wage to employees as required by AS 36.05.010. The Grantee also shall require any contractor to pay the current prevailing rates of wage as required by AS 36.05.010.

Article 38. Severability

If any provision under this Grant Agreement or its application to any person or circumstance is held invalid by any court of rightful jurisdiction, this invalidity does not affect other provisions of the contract agreement which can be given effect without the invalid provision.

Article 39. Performance

The Department's failure to insist upon the strict performance of any provision of the Grant Agreement or to exercise any right based upon breach thereof or the acceptance of any performance during such breach shall not constitute a waiver of any rights under this Grant Agreement.

Article 40. Sovereign Immunity

If the Grantee is an entity which possesses sovereign immunity, it is a requirement of this grant that the Grantee irrevocably waive its sovereign immunity with respect to state enforcement of this Grant Agreement. The waiver of sovereign immunity, effected by resolution of the entity's governing body, is herein incorporated into this Grant Agreement.

Article 41. Audit Requirements

The Grantee must comply with the audit requirements of the Alaska Administrative Code set forth in **2AAC45.010. AUDIT REQUIREMENTS**. An entity that expends a cumulative or total, equal to the state single audit threshold during the fiscal year is required to have a state single audit. A copy of the most current **2AAC45.010** adopted regulations is available at the Alaska Department of Administration's State Single Audit website: <http://doa.alaska.gov/dof/ssa/index.html>.

Current audit compliance supplements and guides specific to programs under AS 37.05.315 Grants to Municipalities, AS 37.05.316 Grants to Named Recipients, and AS 37.05.317 Grants to Unincorporated Communities can be found at http://doa.alaska.gov/dof/ssa/audit_guide.html.

Article 42. Close-Out

The Department will advise the Grantee to initiate close-out procedures when the Department determines, in consultation with the Grantee, that there are no impediments to close-out and that the following criteria have been met or soon will be met:

- A. All costs to be paid with grant funds have been incurred with the exception of close-out costs and any unsettled third-party claims against the Grantee. Costs are incurred when goods and services are received, or contract work is performed.
- B. The last required performance report has been submitted. The Grantee's failure to submit a report will not preclude the Department from effecting close-out if it is deemed to be in the State's interest. Any excess grant amount that may be in the Grantee's possession shall be returned by the Grantee in the event of the Grantee's failure to finish or update the report.
- C. Other responsibilities of the Grantee under this Grant Agreement and any close-out agreement and applicable laws and regulations appear to have been carried out satisfactorily or there is no further State interest in keeping the grant open for the purpose of securing performance.

Appendix A

State Laws and Regulations and Permits

Grantees are responsible for all applicable state laws, regulations and permits; including but not limited to the following list which most commonly affects Grantees.

Municipality Public Facility Operations and Maintenance—AS 37.05.315(c)

In accepting a grant under AS 37.05.315 for construction of a public facility, a municipality covenants with the State that it will operate and maintain the facility for the practical life of the facility and that the municipality will not look to the State to operate or maintain the facility or pay for its operation or maintenance. This requirement does not apply to a grant for repair or improvement of an existing facility operated or maintained by the State at the time the grant is accepted if the repair or improvement for which the grant is made will not substantially increase the operating or maintenance costs to the State.

Restriction on Use—AS 37.05.321

A grant or earnings from a grant under AS 37.05.315 - 37.05.317 may not be used for the purpose of influencing legislative action. In this section “influencing legislative action” means promoting, advocating, supporting, modifying, opposing, or delaying or seeking to do the same with respect to any legislative action but does not include the provision or use of information, statistics, studies, or analyses in written or oral form or format. A grant or earnings from a grant made under AS 37.05.315 - 37.05.317 may not be used for purposes of travel in connection with influencing legislative action unless pursuant to a specific request from a legislator or legislative committee.

Hiring Preferences—AS 36.10

This chapter of the Alaska Statutes applies to grants for public works projects and requires compliance with the hiring preferences under AS 36.10.150 – 36.10.175 for employment generated by the grant.

Historic Preservation Act—AS 41.35

This chapter of the Alaska Statutes applies to public construction of any nature undertaken by the State, or by a governmental agency of the State, or by a private person under contract with or licensed by the State or a governmental agency of the State. The Department of Natural Resources must be notified if the construction is planned for an archaeological site. The Department of Natural Resources may stop the construction to determine the extent of the historic, prehistoric, or archaeological values.

Fire Protection—AS 18.70

This chapter of the Alaska Statutes requires the Alaska Department of Public Safety (the State Fire Marshal) to adopt regulations (currently in the form of Uniform Fire Code, as amended) establishing minimum standards for:

1. Fire detection and suppression equipment;
2. Fire and life safety criteria in commercial, industrial, business, institutional, or other public buildings used for residential purposes containing four or more dwelling units;
3. Any activity in which combustible or explosive materials are stored or handled in commercial quantities;
4. Conditions or activities carried on outside a building described in (2) or (3) likely to cause injury to persons or property.

Procurement Preference for State Agricultural and Fisheries Products—AS 29.71.040

This chapter of the Alaska Statutes applies to municipalities that use state funds to purchase agricultural and fisheries products. The law requires:

1. When agricultural products are purchased, only such products harvested in the state shall be purchased whenever priced no more than seven percent above products harvested outside the state, and of like quality compared with agricultural products harvested outside the state.
2. When fisheries products are purchased, only fisheries products harvested or processed within the jurisdiction of the state shall be purchased whenever priced no more than seven percent above products harvested or processed outside the jurisdiction of the state, available, and of like quality compared with fisheries products harvested or processed outside the jurisdiction of the state.

Alaska Product Preferences—AS 36.15

This chapter of the Alaska Statutes applies to projects financed by state money in which the use of timber, lumber, and manufactured lumber products is required, only timber, lumber and manufactured lumber projects originating in this state from local forests shall be used wherever practicable. The law requires the insertion of this clause in calls for bids and in all contracts awarded.

Permits and Environmental Procedures

The Alaska Department of Environmental Conservation (ADEC) regulates all activities in Alaska that might pollute the air, water, or soil. There are dozens of ADEC permits related to constructing and operating public buildings. The law requires the following permits, including others designated by the commissioner. The following list is not intended to be all-inclusive.

- Air Emissions Permit
- Anadromous Fish Protection Permit
- Authorization for Tidelands Transportation
- Brine or Other Saltwater Waste Disposal Permit
- Burning Permit during Fire Season
- Coal Development Permit
- Critical Habitat Area Permit
- Dam Construction Permit
- Driveway Permit
- Encroachment Permit
- Miscellaneous State Land Use Permit
- Mineral and Geothermal Prospecting Permits
- Occupied Tide and Submerged Land
- Open Burning Permit
- Permit for Use of Timber or Materials
- Permit to Appropriate Water
- Pesticides Permit
- Preferred Use Permit
- Right-of-Way and Easement Permits
- Solid Waste Disposal
- Special Land Use Permit
- State Game Refuge Land Permit
- State Park Incompatible Use Permit
- Surface Oiling Permit
- Surface Use Permit
- Tide and Submerged Lands Prospecting Permit
- Tidelands Permit
- Tidelands Right-of-Way or Easement Permit
- Utility Permit
- Wastewater Disposal Permit
- Water Well Permit



MEMORANDUM

Resolution 24-118, A Resolution of the City Council of Homer, Alaska Approving the 2025 Regular Meeting Schedule for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks Art Recreation and Culture Advisory Commission, Planning Commission, Port and Harbor Advisory Commission, and Americans with Disabilities Act Advisory Board. City Clerk.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and Homer City Council
Date: November 25, 2024
From: Renee Krause, MMC, City Clerk

Pursuant to Homer City Code 1.14.020 Notice-Regular meetings, City Council adopts a resolution setting out the days of each month, time, and location of City Council and City's Boards and Commissions regular meetings for the upcoming year.

In prior years the City Council held one meeting on the fourth Monday in November to allow for attendance at the Alaska Municipal League (AML) Annual Conference in early November, and one meeting the second Monday in December when they adopted the calendar year budget.

In 2022 AML changed the Annual Conference dates to December and the City has transitioned to a fiscal year budget schedule. Because of this change Council has adopted resolutions to change their meeting schedules in 2022 and 2023 to hold two regular meetings in November and no meetings in December. This change is carried forward in the 2025 meeting schedule resolution.

Boards and Commissions reviewed their annual meeting schedules and recommended schedule changes are reflected in the 2025 meeting schedule resolution. Board and Commission minutes excerpts are included below. Any proposed amendments are reflected in Resolution 24-118.

ADA Advisory Board

*November 14, 2024 Regular Meeting
New Business*

A. *2025 Regular Meeting Schedule
Memorandum from City Clerk*

PARSONS/SAFRA MOVED TO APPROVE THE DRAFT RESOLUTION MEETING SCHEDULE AS WRITTEN, AND FORWARD THE RECOMMENDATION TO CITY COUNCIL.

There was discussion on amending the meeting schedule to accommodate the work load since the Board was required to annually review the transition plans and they had the harbor access projects that they were working on.

PARSONS/SAFRA MOVED TO AMEND THE MEETING SCHEDULE TO ADD JANUARY, MARCH AND SEPTEMBER PLUS THE TASKS OF ANNUAL TRANSITION PLAN REVIEW AND HARBOR ACCESS PROJECTS.

There was a brief discussion on being able to pencil into their personal schedules the second Thursday at 4:00 p.m. monthly and meeting for less time rather than meeting fewer times annually but for a longer period of time.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PARSONS/SAFRA MOVED TO ADOPT THE MEETING SCHEDULE AS AMENDED AND FORWARD TO CITY COUNCIL FOR APPROVAL.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Economic Development Advisory Commission

November 12, 2024 Regular Meeting
New Business

- B. 2025 Meeting Calendar
Memorandum EDC-24-019 from Deputy City Clerk as backup

AREVALO/YOUNG MOVED TO APPROVE THE MEETING SCHEDULE DRAFT RESOLUTION

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Library Advisory Board

November 19, 2024 Regular Meeting
New Business

- C. Library Advisory Board 2025 Meeting Schedule

Chair Baily introduced the topic and requested a motion.

There was a brief discussion on the Board making amendments to a Resolution from Council.

CARSSOW/MCKINNEY MOVED TO AMEND THE MEETING SCHEDULE TO STRIKE DECEMBER 17TH AND INSERT DECEMBER 16TH.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

KUSZMAUL/CARSSOW MOVED TO RECOMMEND THE ADOPTION OF THE 2025 MEETING SCHEDULE TO CITY COUNCIL AS AMENDED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Parks Art Recreation and Culture Advisory Commission

October 17, 2024 Regular Meeting

New Business

- A. 2025 Advisory Bodies Meeting Schedule- Review and Approval
Memorandum from City Clerk as backup

Chair Lewis opened topic for discussion.

Commissioner Keiser asked for clarification on meeting dates, after noticing the Commission doesn't meet three months out of the year.

PARSLEY/ARCHIBALD MOVED TO ADOPT AND RECOMMEND CITY COUNCIL APPROVE THE 2025 ADVISORY BODY MEETING SCHEDULE AS PRESENTED.

There was no discussion

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Planning Commission

*November 6, 2024 Regular Meeting
New Business*

B. Planning Commission 2025 Meeting Schedule
Memorandum PC-24-043 from Deputy City Clerk as backup

H. SMITH/CONLEY MOVED TO APPROVE THE RESOLUTION AS IS AND RECOMMEND ADOPTION BY CITY COUNCIL.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Port & Harbor Advisory Commission

*November 20, 2024 Regular Meeting
New Business*

E. 2025 Meeting Calendar
Memorandum PHC-24-027 from Deputy City Clerk as backup
*SHAVELSON/ZEISET MOVED TO APPROVE THE DRAFT RESOLUTION MEETING SCHEDULE AS WRITTEN, AND
RECOMMENDED ADOPTION BY CITY COUNCIL.*

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RECOMMENDATION: Adopt the resolution approving the 2025 Regular Meeting Schedule for City Council, Boards and Commissions as amended.

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 24-118

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
ESTABLISHING THE 2025 REGULAR MEETING SCHEDULE FOR CITY
COUNCIL, ECONOMIC DEVELOPMENT ADVISORY COMMISSION,
LIBRARY ADVISORY BOARD, PARKS ART RECREATION AND
CULTURE ADVISORY COMMISSION, PLANNING COMMISSION,
PORT AND HARBOR ADVISORY COMMISSION, AND AMERICANS
WITH DISABILITIES ACT (ADA) ADVISORY BOARD.

WHEREAS, Pursuant to Homer City Code (HCC) Section 1.14.020, the City Council annually sets the schedule for regular and some special meetings, noting the dates, times and places of the City Council, Planning Commission, Advisory Commissions and Boards; and

WHEREAS, The public is informed of such meetings through notices located at the City Clerk's Office, Clerk's Calendar on KBBI, the City Clerk's Website, and postings at the Public Library; and

WHEREAS, HCC 1.14.020 - 040 states that meetings may be advertised in a local paper of general circulation at least three days before the date of the meeting and that special meetings should be advertised in the same manner or may be broadcast by local radio at least twice a day for three consecutive days or two consecutive days before the day of the meeting plus the day of the meeting; and

WHEREAS, HCC 1.14.010 notes that the notice of meetings applies to the City Council and all commissions, boards, committees, subcommittees, task forces and any sub-unit of the foregoing public bodies of the City, whether meeting in a formal or informal meeting; that the failure to give the notice provided for under this chapter does not invalidate or otherwise affect any action or decision of a public body of the City; however, this sentence does not change the consequences of failing to give the minimum notice required under State Statute; that notice will ordinarily be given by the City Clerk; and that the presiding officer or the person or persons calling a meeting are responsible for notifying the City Clerk of meetings in sufficient time for the Clerk to publish notice in a newspaper of general circulation in the City; and

WHEREAS, This Resolution does not preclude additional meetings such as emergency meetings, special meetings, worksessions, and the like; and

WHEREAS, Council adopted Resolution 06-144 on October 9, 2006 establishing the Regular Meeting site for all bodies to be the City Hall Cowles Council Chambers.

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council, that the 2025 meeting schedule is established for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks Art Recreation and Culture Advisory Commission, Planning Commission, Port and Harbor Advisory Commission, and the American with Disabilities Act (ADA) Advisory Board of the City of Homer, Alaska, as follows:

HOLIDAYS – City Offices closed:

January 1, New Year's Day, Wednesday	February 17, Presidents' Day, third Monday	March 31, Seward's Day, last Monday	May 26, Memorial Day, last Monday	July 4, Independence Day, Friday	September 1, Labor Day, first Monday
October 17*, Alaska Day Friday	November 11, Veterans Day, Tuesday	November 27 Thanksgiving Day, Fourth Thursday	November 28, Friday, the day after Thanksgiving	December 25, Christmas, Thursday	

*If a holiday is on a Sunday, the following Monday is observed as the legal holiday; if on a Saturday, the preceding Friday is observed as the legal holiday pursuant to the City of Homer Personnel Rules and Regulations.

CITY COUNCIL (CC)

January 13, 27	February 10, 24	March 10, 24	April 14, 28	May 12, 27*	June 9, 23
July 28**	August 11, 25	September 8, 22	October 7 Election	October 13, 27 Oath of Office October 13	Canvass Board October 10
November 4 Runoff Election	November 10, 24	December ***If needed			

*Second meeting in May will be held on a Tuesday due to Memorial Day

**There will be no First Regular Meeting in July.

*** The City Council will not schedule a regular meeting in December to allow for attendance at AML Annual Conference and may hold Special Meetings as needed.

City Council's Regular Committee of the Whole Meetings at 5:00 p.m. to no later than 5:50 p.m. prior to every Regular Meeting which are held the second and fourth Monday of each month at 6:00 p.m. Council will not conduct a First Regular Meeting in July or a meeting in December.

ECONOMIC DEVELOPMENT ADVISORY COMMISSION (EDC)

January 14	February 11	March 11	April 8	May 13	June 10
July 8	August 12	September 9	October 14	November 12*	December 10

*Wednesday meeting day due to Veteran's Day Holiday

Economic Development Advisory Commission Regular Meetings are held on the second Tuesday of each month at 6:00 p.m.

LIBRARY ADVISORY BOARD (LAB)

January 21	February 18	March 18	April 15	May 20	
	August 19	September 16	October 21	November 18	December 17 16

Library Advisory Board Regular Meetings are held on the third Tuesday of January through May and August through December at 5:30 p.m.

PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION (PARC)

	February 20	March 20	April 17	May 15	June 19
	August 21	September 18	October 16	November 20	

Parks, Art, Recreation and Culture Advisory Commission Regular Meetings are held on the third Thursday February through June and August through November at 5:30 p.m.

PLANNING COMMISSION (PC)

January 2**, 15	February 5, 19	March 5, 19	April 2, 16	May 7, 21	June 4, 18
July 16*	August 6, 20	September 3, 17	October 1, 15	November 5*	December 3*

*There will be no First Regular Meeting in July or Second Regular Meetings in November and December.

**Meeting is on Thursday, due to the holiday.

Planning Commission Regular Meetings are held on the first and third Wednesday of each month at 6:30 p.m.

PORT AND HARBOR ADVISORY COMMISSION (PHC)

January 22	February 26	March 26	April 23	May 28	June 25
July 23	August 27	September 24	October 22	November 12*	December 10*

Port and Harbor Advisory Commission Regular Meetings are held on the fourth Wednesday of month January through October and the second Wednesday of November and December at 5:30 p.m.

AMERICANS WITH DISABILITIES ACT (ADA) ADVISORY BOARD (ADAAB)

<u>January 9</u>	February 13	<u>March 13</u>	April 10	May 8	June 12
July 10	August 14	<u>September 11</u>	October 9	November 13	

The Americans with Disabilities Act (ADA) Advisory Board Regular Meetings are held on the second Thursday at 4:00 p.m. in the months of February, April through August, October and November, with additional meetings called as needed.

PASSED AND ADOPTED by the Homer City Council this 25th day of November, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

Fiscal Impact: Advertising of meetings in regular weekly meeting ad and advertising of any additional meetings.



MEMORANDUM

Resolution 24-119, A Resolution of the City Council of Homer, Alaska Amending the Port and Harbor Advisory Commission Bylaws under Article VI – Meetings Requiring a Quorum for Worksessions. City Clerk.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and Homer City Council
Date: November 25, 2024
From: Renee Krause, MMC, City Clerk

At their May 22, 2024 regular meeting the Port and Harbor Advisory Commission approved amendments to their bylaws under VI-Meetings to require a quorum for worksessions, and conducted a second reading for their bylaw amendments on September 25, 2024.

Excerpts of the minutes of those meetings follow.

May 22, 2024 approved minutes:

- 9.B. *Amendments to Port & Harbor Advisory Commission Bylaws
Memorandum PHC-24-007 from Deputy City Clerk as backup*

ZEISET/BRADSHAW MOVED TO UPDATE THE BYLAWS WITH THE STAFF RECOMMENDATION OF REQUIRING A QUORUM FOR THE PURPOSE OF CONDUCTING A WORK SESSION AND TO FORWARD THE RECOMMENDATION TO CITY COUNCIL.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

September 25, 2024 unapproved minutes:

- 9.A. *Annual Review of Bylaws
Memorandum PHC-24-019 from Deputy City Clerk as backup*

Chair Siekaniec introduced the item by reading of the title, noting that it was the Commission's second time looking at the bylaw amendments before sending them to Council.

ZEISET/FRIEND MOVED TO FORWARD THE UPDATED BYLAWS TO CITY COUNCIL FOR THEIR REVIEW AND APPROVAL.

Commissioner Shavelson shared his confusion with the requirement of a quorum for a worksession, stating that it sets the bar higher to hold a worksession with the requirement of a quorum.

Chair Siekaniec requested the Clerk to perform a roll-call vote.

VOTE: YES: VELSKO, ZEISET, FRIEND, SIEKANIEC, PITZMAN

VOTE: NO: SHAVELSON

Motion carried.

Recommendation

Adopt Resolution 24-119.

**CITY OF HOMER
HOMER, ALASKA**

City Clerk/
Port & Harbor
Advisory Commission

RESOLUTION 24-119

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING THE PORT AND HARBOR ADVISORY COMMISSION
BYLAWS BY UPDATING ARTICLE VI MEETINGS, REQUIRING A
QUORUM FOR WORKSESSIONS.

WHEREAS, The Port & Harbor Advisory Commission Bylaws were updated in 2023; and

WHEREAS, There was an oversight in the amendment noting that a quorum was
required for worksessions; and

WHEREAS, The Commission introduced the amendment at the regular meeting on May
22, 2024 and passed the amendment by a majority at the regular meeting on September 25,
2025.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby
amends the Port and Harbor Advisory Commission Bylaws by updating Article VI, Meetings
requiring a quorum for worksessions.

PASSED AND ADOPTED by the Homer City Council this 25th day of November, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER PORT & HARBOR ADVISORY COMMISSION
BYLAWS**

ARTICLE I – NAME AND AUTHORIZATION

This organization shall be called the Port and Harbor Advisory Commission, established via Ordinance 73-1, existing by virtue of the provisions of Chapter 2.64 of the Homer Municipal Code, and exercising the powers and authority and assuming the responsibilities delegated under said Code. The following bylaws were adopted on June 12, 2023 and shall be in effect and govern the procedures of the Port and Harbor Advisory Commission.

ARTICLE II – PURPOSE

Section 1. Act in an advisory capacity to the City Manager and the City Council on the problems and development of the City port and harbor facilities. Consideration may include the physical facilities, possible future development and recommendations on land use within the port and harbor areas.

Section 2. Direct recommendations regarding the operation and maintenance of the facilities to the City Manager via memorandum from the Port and Harbor Advisory Commission.

Section 3. Consider any specific proposal, problem or project as directed by the City Council and any report or recommendations thereon shall be made directly to the Council, unless otherwise directed by the Council.

ARTICLE III – MEMBERSHIP

Section 1. The Commission shall consist of seven members comprised of at least five (5) members that reside inside city limits. Members shall be nominated by the Mayor and confirmed by City Council to serve for three-year terms to expire on February 1st of designated years.

Section 2. Notice of term expirations will be delivered to members by the City Clerk's Office. Members wishing to continue services upon the completion of a three-year term must submit a reappointment application to the City Clerk's Office, which is subject to review by the Mayor and confirmed by City Council. There are no limits on the number of terms a member may serve.

Section 3. Members may not have alternates. If a position is vacated during a term, it shall be filled for the unexpired term by an appointee selected by the Mayor and confirmed by City Council.

Section 4. A member's appointment is vacated under the following conditions:

- A member fails to qualify to take office within 30 days after their appointment;
- A member resigns;
- A member is physically or mentally unable to perform the duties of the office;
- A member is convicted of a felony or of an offense involving a violation of their oath of office; or
- A member has three consecutive unexcused absences, or misses half of all meetings within an appointment year, whether excused or unexcused.

Section 5. The Mayor may appoint, subject to confirmation by the City Council, one City Council member and one Homer area high school Student Representative to serve as consulting, non-voting

members. The Mayor, City Manager, and Port Director/Harbormaster may serve as non-voting, consulting members.

ARTICLE IV – OFFICERS

Section 1. A Chairperson and Vice-Chairperson shall be elected from among the appointed commissioners at the regular February meeting of the Commission.

Section 2. Officers shall serve a term of one year from the February meeting at which they are elected, and until their successors are duly elected. Officers may be re-elected in subsequent years.

Section 3. The Chairperson shall preside at all meetings of the Commission, authorize calls for any special meetings, execute all documents authorized by the Commission, serve as ex officio/voting member of all committees, and generally perform all duties associated with that office.

Section 4. In the event of the absence, or disability of the Chairperson, the Vice-Chairperson shall assume and perform the duties of the Chair. If both the Chairperson and Vice-Chairperson are absent, and a quorum of four members are present, the senior member shall assume and perform the duties and functions of the Chair.

ARTICLE V – CITY STAFF ROLES

Section 1. The staff liaison, assigned by the City Manager, shall assist the Chairperson in setting meetings, preparing agendas, and other documentary material, and coordinating the acquisition of needed materials and training. The staff liaison shall submit reports and recommendations for those agenda items requiring decisions or recommendations by the Commission. Other staff having experience, education, and professional training in the subject matter may provide input into the reports and recommendations, or may provide supplemental information. The information submitted may be oral, written or graphic, or some combination of all.

Section 2. The City Clerk shall designate a recording clerk to take minutes for the Commission and serve as the Commission’s parliamentary advisory pursuant to AS 29.20.380(10) and HCC 2.12.010, and assist the Chairperson with the conduct of the meeting.

ARTICLE VI – MEETINGS

Section 1. Regular meetings shall be open to the public and held on the fourth Wednesday of January through October at 5:30 p.m.; and the second Wednesday of November and December at 5:30 p.m. in the designated location and shall be posted for public information as required by Homer City Code and Alaska State Statutes.

Section 2. Special meetings and Worksessions may be called by the staff liaison, Chair, or a majority of the Commission. Notice of such meetings shall be posted in the same manner as that for regular meetings.

Section 3. A quorum for the transaction of business at any meeting shall consist of four members. For purposes of determining the existence of a quorum, consulting members shall not be counted.

Worksessions ~~do not~~ require a quorum, however, no action may be taken at a worksession; items on the agenda are for discussion only.

Section 4. Any member who is unable to attend a meeting, whether regular or special, shall contact the Clerk in advance no later than two hours prior to the scheduled meeting time for excusal.

Section 5. Meeting agenda deadline is at 5:00 p.m. the Wednesday preceding the meeting. Allowances will be made for holidays.

Section 6. The order of business for the regular meetings shall include, but not be limited to, the following items, which shall be covered in the sequence shown, as far as circumstances permit. Agenda shall be posted for public information as required by Homer City Code and Alaska State Statutes.

CITY LOGO	NOTICE OF MEETING REGULAR MEETING AGENDA	DEPT. CONTACT INFO (City Clerk's Office)
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NAME OF BODY

DAY OF WEEK, DATE, AND TIME OF MEETING

PHYSICAL LOCATION OF MEETING & MEETING ROOM

1. CALL TO ORDER
2. AGENDA APPROVAL
3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA (3 minute time limit)
4. RECONSIDERATION
5. APPROVAL OF MINUTES
6. VISITORS/PRESENTATIONS (Chair set time limit not to exceed 20 minutes. Public may not comment on the visitor or the visitor's topic until audience comments. No action may be taken at this time.)
7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS
8. PUBLIC HEARING (3 minute time limit)
9. PENDING BUSINESS
10. NEW BUSINESS
11. INFORMATIONAL MATERIALS (No action may be taken on these matters, for discussion only.)
12. COMMENTS OF THE AUDIENCE (3 minute time limit)
13. COMMENTS OF THE CITY STAFF
14. COMMENTS OF THE COUNCILMEMBER/MAYOR
15. COMMENTS OF THE COMMISSION (includes Comments of the Chair since they are part of the commission.)
16. ADJOURNMENT Next regular meeting is scheduled for _____. (Note any other worksessions, special meetings, committee meetings etc.) All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. (The meeting may be scheduled for the Conference Room or virtually.)

Section 7. Per Resolution of the City Council (Resolution 06-115(A)), Public Testimony shall normally be limited to three minutes per person. Exceptions may be provided for at the Chairperson's discretion or by a majority vote of the members in attendance.

Section 8. Recorded minutes shall be made available by the City Clerk's Office to the Commission prior to the next meeting and a record of all voting will be included in the minutes of each meeting. Minutes shall be available to the public as required by Homer City Code and Alaska State Statutes.

Section 9. Teleconference participation is allowed per the rules and limitations set forth in Homer City Code 2.58.060.

ARTICLE VII – GENERAL OPERATING PROCEDURES

Section 1. The Commission shall abide by the current edition of Robert’s Rules of Order insofar as it is consistent with the Commission’s bylaws, other provisions of Homer City Code, or standing rules. In all other cases, bylaws, the code, or the standing rule shall prevail. This includes, but is not limited to, HCC 1.18 Conflicts of Interest, Partiality, and Code of Ethics; HCC 2.58 Boards and Commissions; HCC 2.64 Port and Harbor Advisory Commission; and the Open Meetings Act – AS 44.62.310-312.

Section 2. Each member, including the chairperson, shall vote, and shall not abstain from voting, unless such member claims a conflict of interest, or has an excused absence, in which event the member shall be excused from voting. The member shall then state for the record the basis for the abstention. Four affirmative votes are required to pass a motion. Voting will be by a roll call vote, the order to be rotated; or by unanimous consent if no objection is expressed. Voting by proxy or absentee is prohibited.

Section 3. Any rule or resolution of the Commission, whether contained in these Bylaws or otherwise, may be suspended temporarily in connection with business at hand; and such suspension to be valid; may be taken only at a meeting at which at least four of the members of the Commission shall be present, and two-thirds of those present shall so approve.

Section 4. Training sessions developed or arranged by the City Clerk and approved by the City Manager shall be mandatory unless a member’s absence is excused by the Chairperson. The City Manager and/or City Clerk, in their discretion and in consultation with the City Attorney as needed, may develop model procedures to be used as a guide for the Commission.

ARTICLE VIII – COMMITTEES

Section 1. Committees of one or more members for such specific purposes as the business of the Commission will only become active upon approval of Council. A memorandum and resolution will go before Council outlining the reason, tasks assigned and termination date. Committees shall be considered to be discharged upon completion of the purpose for which it was appointed, and after its final report is made to and approved by the Commission.

Section 2. All committees shall make a progress report to the Commission at each of its meetings.

ARTICLE IX – BYLAW AMENDMENTS

The Bylaws may be amended at any meeting of the Commission by a majority plus one of the members, provided that notice of said proposed amendment is given to each member in writing. The proposed amendment shall be introduced at one meeting and action shall be taken at the next Commission meeting. Amendments to bylaws shall be effective upon approval of the amendments by City Council via resolution.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Port Director

RESOLUTION 24-120

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
URGING THE GOVERNOR AND ALASKA STATE LEGISLATORS TO
FULLY FUND THE STATE OF ALASKA MUNICIPAL HARBOR FACILITY
GRANT PROGRAM IN THE FY 2026 STATE CAPITAL BUDGET IN
ORDER TO ENSURE ENHANCED SAFETY AND ECONOMIC
PROSPERITY AMONG ALASKAN COASTAL COMMUNITIES.

WHEREAS, The majority of the public boat harbors in Alaska were constructed by the
State during the 1960s and 1970s; and

WHEREAS, These harbor facilities represent critical transportation links and are the
transportation hubs for waterfront commerce and economic development in Alaskan coastal
communities; and

WHEREAS, The harbor facilities in Alaska are ports of refuge for ocean going vessels,
serve as essential transportation hubs to coastal Alaskan communities for supplies, trade in
goods and services, and as connections to the world market for our exports and imports; and

WHEREAS, The State of Alaska over the past nearly 30 years has transferred ownership
of most of these State-owned harbors, many of which were at, or near the end of their service
life at the time of transfer, to local municipalities; and

WHEREAS, Municipalities took over this important responsibility even though they
knew that these same harbor facilities were in poor condition at the time of transfer due to the
state's failure to keep up with deferred maintenance; and

WHEREAS, Consequently, when local municipal harbormasters formulated their annual
harbor facility budgets, they inherited a major financial burden that their local municipal
governments could not afford; and

WHEREAS, In response to this financial burden, the Governor and the Alaska Legislature
passed legislation in 2006, supported by the Alaska Association of Harbormasters and Port
Administrators, to create the Municipal Harbor Facility Grant program via Alaska Statute
29.60.800; and

WHEREAS, The Alaska Department of Transportation and Public Facilities (AKDOT/PF)
utilizes a beneficial administrative process to review, score and rank applicants to the
Municipal Harbor Facility Grant Program, since state funds may be limited; and

WHEREAS, For each harbor facility grant application, municipalities have committed to invest 100% of the design and permitting costs and 50% of the construction cost; and

WHEREAS, The municipalities of Unalaska, Sitka and Juneau have committed to contribute half of their project cost in local match funding for FY2025 towards harbor projects of significant importance locally as required by the Municipal Harbor Facility Grant Program; and

WHEREAS, Completion of these harbor facility projects is dependent on the 50% match from the State of Alaska's Municipal Harbor Facility Grant Program; and

WHEREAS, During the last fifteen years the Municipal Harbor Facility Grant Program has only been fully funded twice; and

WHEREAS, A survey done by the Alaska Municipal League of Alaska's ports and harbors found that, from the respondents, the backlog of projects necessary to repair and replace former State-owned harbors has increased to at least \$500,000,000; and

WHEREAS, Given that Alaska is a maritime state and that our harbors are foundational to both our way of life and the economy of this great State, it is in the public's best interest to maintain this critical infrastructure by using State, Local and Federal funds to recapitalize the crucial harbor moorage infrastructure statewide.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby urges the Governor and the Alaska Legislature fully fund the State of Alaska's Municipal Harbor Facility Grant Program in the FY 2026 State Capital Budget in order to ensure enhanced safety and economic prosperity among Alaskan coastal communities.

PASSED AND ADOPTED by the Homer City Council this 25th day of November, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

Fiscal Note: NA

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Port Director

RESOLUTION 24-121

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
EXPRESSING SUPPORT FOR RAISING THE MAXIMUM AVAILABLE
MUNICIPAL HARBOR FACILITY GRANT TO \$7,500,000 FOR
ELIGIBLE PROJECTS ON AN ANNUAL BASIS.

WHEREAS, Senate Bill 291 established the Municipal Harbor Facility Grant Program on July 1, 2006, in which the total amount of grant money made available to a municipality was limited to not exceed \$5,000,000 in a fiscal year; and

WHEREAS, The Municipal Harbor Facility Grant is the single most significant funding tool available to Alaskan Harbormasters to plan, maintain and recapitalize port and harbor infrastructure; and

WHEREAS, Testimony from a legislator advocate stated “SB291 would establish the municipal harbor facility grant fund to which the Legislature would make an annual appropriation from the watercraft fuel tax account and from the state portion of the fisheries business tax. Both sources come from the marine industry, so harbor users would generate the revenue for the program”; and

WHEREAS, Senate Bill 291 was envisioned to cap the funds that can be used per community per year at \$5 million so that a large community could not take all the available funds in any given year; and

WHEREAS, The expectation is that communities would establish, maintain, and run an enterprise fund into perpetuity; and

WHEREAS, The State of Alaska over the past nearly 30 years has transferred ownership of most of these State-owned harbors, many of which were at or near the end of their service life at the time of transfer, to local municipalities; and

WHEREAS, These harbor facilities continue to require substantial municipal financial investment to maintain; and

WHEREAS, Construction, shipping and mobilization costs to remote portions of Alaska have outpaced the national consumer price index since the pandemic; and

WHEREAS, The United States Bureau of Labor Statistics Consumer Price Index calculator indicates that \$5 million in July 2006 when Senate Bill 291 was enacted would be inflated to \$7,511,000 as of July 2023.

WHEREAS, The City of Homer urges the Governor and Alaska Legislature to Amend Alaska Statutes 29.60.800 raising the maximum Harbor Facility Grant Fund Award to \$7,500,000 per eligible project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska supports raising the maximum available Municipal Harbor Facility Grant to \$7,500,000 for eligible projects on an annual basis.

PASSED AND ADOPTED by the Homer City Council this 25th day of November, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

Fiscal Note: NA



MEMORANDUM

Resolution 24-122, A Resolution of the City Council of Homer, Alaska Awarding a Construction Contract for the Beluga Lift Station Improvement Project to East Road Services, Inc. of Homer, Alaska, in an Amount Not to Exceed \$765,194 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/City Engineer.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and City Council
Date: November 19, 2024
From: Leon Galbraith, P.E., City Engineer
Through: Melissa Jacobsen, City Manager

Background:

The Beluga Sewage Lift Station is a major piece of the City's sewer system, transporting all sewage from the Spit as well as the Lakeshore Drive/Ocean Drive neighborhoods. The mechanical/electrical components as well as the concrete structure comprising this lift station, have seriously corroded and are continuing to do so. Rehabilitation is necessary to extend the useful life of this lift station and protect the neighborhoods it serves. RESPEC Engineering was hired to perform the final design, which they completed in May 2024.

Resolution 24-004 approved Public Works to apply for a loan from the Alaska Department of Environmental Conservation through their State Revolving Fund Program. This loan comes with \$500,000 in principal forgiveness subsidy, which is a portion of the loan that the City won't have to pay back, and, for all practical purposes, functions as a grant.

The budgeted amount for construction of the lift station improvements including the loan subsidy is \$708,000, and Ordinance 24-59 will add another \$100,000 to the construction budget for a total of \$808,000.

East Road Services, Inc., of Homer, Alaska was the single project bidder and put forward an amount of \$765,194.

Recommendation:

That the City Council award the construction of the Beluga Lift Station Improvements Project to East Road Services, Inc.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/City Engineer

RESOLUTION 24-122

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
AWARDING A CONSTRUCTION CONTRACT FOR THE BELUGA LIFT
STATION IMPROVEMENT PROJECT TO EAST ROAD SERVICES, INC.
OF HOMER, ALASKA, IN AN AMOUNT NOT TO EXCEED \$765,194
AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND
EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The FY25 Capital Budget includes \$208,000 from the Sewer CARMA Fund;
and

WHEREAS, The project has received a \$500,000 Alaska Department of Environmental
Conservation (ADEC) loan with principal forgiveness subsidy; and

WHEREAS, Contingent upon the adoption of Ordinance 24-59 the project budget will
receive another \$100,000 for the construction phase; and

WHEREAS, The Invitation to Bid was advertised in the Homer News on October 10 & 17,
2024, submitted to three plans rooms in the State and posted to the City's website; and

WHEREAS, On October 25, 2024 at 2:00 p.m. one bid was received and determined to be
responsive to the needs of the city.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
awards the construction contract for the Beluga Lift Station Improvement Project to the firm
of East Road Services, Inc., of Homer, Alaska for an amount not to exceed \$765,194 and
authorizes the City Manager to negotiate and execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 25th day of November, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

45 Fiscal Note: See Memorandum CC-24-244.
46

Project Timeline

Featuring major milestones. For simplicity, smaller deliverables and activities are not included, including the visitor survey, business survey, Meeting in a Box, individual stakeholder meetings, key informant interviews, etc.

Progress to Date
December 2023: Signed contract
January 2024: Kickoff project, develop Public Participation Plan (PPP); Steering Committee (SC) member appointment
February 2024: Refine PPP, prep for community kickoff
March 2024: Visit #1 March 25-29
April 2024: Develop Community Snapshot; existing plans review (updates are ongoing)
May 2024: Survey launches; release Snapshot to public; visit #2 May 13-17
June 2024: Survey open; scope growth scenarios
July 2024: Survey closes, begin analysis; start with growth scenarios methodology
August 2024: Create growth scenarios; finish survey analysis
September 2024: Continue developing growth scenarios; met with commissions and committees; release business survey results
October 2024 : Continue developing growth scenarios and outreach; Community Work Session

Updated 11/5/24, for City Council

Phase 1: Comprehensive Plan Revision	2024				2025			
	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR
Public Participation	Survey results; updates to City commissions and committees	Visit #3 Oct. 22-24			additional dates TBD			
Growth Scenarios	Refine; staff review	Public launch	Public review; finalize scenarios					
Draft Plan <i>(includes future land use map, development strategies, action plan template)</i>				Plan drafting, staff review <i>(accounts for holidays, review)</i>	Public review draft in January			
Final Plan					Comment period start	Comment period deadline; consider revisions based on feedback	Final plan	Adoption process TBD
Ongoing: outreach and documentation; work sessions and/or monthly updates to the Steering Committee, Planning Commission, and City Council								

Steering Committee Roles: advisory body to support public involvement and review all key products

Phase 2: Title 21 Code Rewrite	
Contract goes through Dec. 2025.	
Kickoff & work plan	Review of current code

**Request for Proposals
By the City of Homer, Alaska
Professional Services to Update the
City of Homer's Comprehensive Plan and Title 21 Zoning and Planning Code**

The City of Homer, Alaska is requesting proposals from qualified firms who were pre-qualified as result of the City's earlier Request for Statements of Qualification process. Proposals from firms who have not been pre-qualified will not be accepted.

The following subjects are discussed in this Request for Proposal (RFP) to assist you in preparing your proposal.

- I. Introduction
- II. Scope of Services
- III. General Requirements
- IV. Proposal Format and Content
- V. Evaluation Criteria and Selection Process
- VI. Schedule

I. Introduction

The City of Homer is soliciting proposals from prequalified teams to produce a comprehensive plan and fully update Homer City Code Title 21, Zoning and Planning Code. These documents will help guide future development and growth for the City of Homer with an outlook of 20 years.

The City of Homer is growing up. We are a relatively young city facing a transition point in our history. We are an eclectically developed pioneer community at the end of the road in Alaska, on its way to becoming a more intentionally developed small city, endeavoring to be best in class for municipal governance, services, and quality of life. Homer is a very significant city in Alaska, in part, because we are the transition point between the road system and numerous off-road communities. We also have a highly active port & harbor which is likely to experience a significant expansion during the Comprehensive Plan's useful life.

The City of Homer is motivated to become the best small city in Alaska, and it all starts with planning. We are extremely excited to conduct a significant update to our Comprehensive Plan and Title 21 Zoning and Planning Code. It is important to understand that this update is not about maintaining the status quo, it is about transformative change as it relates to land use, while still maintaining Homer's community character.

The first Homer Comprehensive Plan was adopted in 1954. The most current comprehensive plan received a technical update in 2018. Since 1999, the City has adopted a Non-Motorized Trails and Transportation Plan, a Transportation Plan, Homer Spit Comprehensive Plan, and the Town Center Development Plan, which are additional components to the Comprehensive Plan.

The City of Homer expects that public involvement will be a grass-roots effort emphasizing outreach to, and contribution from, a variety of stakeholders, including citizens, businesses, community groups/organizations, local agencies, City Advisory Bodies, and the City Council. The City further expects the community participation plan will be innovative and consider the use of focus groups, as well as, intensive short-term teams or work groups, such as workshops, to identify issues, create a community vision, and to assist in establishing the goals and objectives.

The goal is for both phases (Phase I: The Comprehensive Plan and Phase II: Title 21, Zoning and Planning Code update) to be completed within two years after award of the contract; however, complex issues may require more in-depth study, which may result in an extension of the completion date and negotiation to amend the contract.

As in many Alaskan communities, the summer months are the “busy months” for Homer residents. One distinctive aspect of Homer is that many seasonal business operators live elsewhere during the winter months. The Proposer should develop a schedule that is flexible enough to allow busy residents and business owners/operators the opportunity for significant input throughout the planning process, while recognizing the seasonal nature of the community.

II. Scope of Services

The project consists of furnishing all labor, materials, equipment, tools, supervision, and other facilities necessary to develop a Homer Comprehensive Plan and a Title 21 Zoning and Planning Code Update as a two-phased project in accordance with the standards and criteria of the City of Homer.

Phase I: Comprehensive Plan

The project goals for updating the comprehensive plan are:

1. Create a fully updated Comprehensive Plan.
2. Determine the best approaches to the topics of housing, parking, density, form/layout, building height, sustainability, mobility/connectivity, and coordinating with the motorized and non-motorized transportation (the Master Transportation Plan is currently being updated).
3. Identify strategic actions that the City can proactively engage in to ensure the success of the Comprehensive Plan, e.g., site acquisition, infrastructure investment, etc.
4. Provide a vision and guidance for the Phase II update of the Title 21 Zoning and Planning Code.
5. Conduct public and key stakeholder outreach to better inform and guide the Comprehensive Plan.
6. Align the Comprehensive Plan with other City plans such as Master Transportation Plan, Capital Improvement Plan, and City Council Goals.
7. Deliver the Comprehensive Plan to the Planning Commission, Economic Development Commission, and City Council public hearings for recommendation and approval.
8. City staff will provide project support with a project manager, participation/facilitation in outreach events, and information/feedback to consultants.

The development of the Homer Comprehensive Plan will include, but not be limited to, the following tasks:

Task 1. Background Research and Analysis

In Task 1, the consultant will complete a review of all-relevant planning, financial, and development documents that relate to development, planning regulation, and protection of Homer’s built and natural environment. Examples of such documents include:

- 2018 Homer Comprehensive Plan Update

- Town Center Development Plan
- Homer Spit Comprehensive Plan
- Community Design Manual
- ADA Transition Plans
- Climate Action Plan
- Long Range Transportation Plan
- 2005 Homer Area Transportation Plan (currently being updated)
- Non-Motorized Transportation and Trails Plan (currently being updated)
- Adopted Water and Sewer Master Plan
- Census and growth projections
- Homer City Code (in particular Title 21 Zoning and Planning Code)
- Capital Improvement Plan/Legislative Requests/State Transportation Improvement Program Requests
- City of Homer Annual Budget
- Beach Policy
- Homer Land Allocation Plan
- 2022 Local Hazard Mitigation Plan
- State of Alaska tourism information
- State of Alaska planning enabling legislation
- Review of KPB planning and platting powers, with city granted planning powers of the city and extraterritorial power over the Bridge Creek Water Protection District

At the completion of Task 1 the consultant should be knowledgeable with the history, social and land use development patterns, culture, environmental opportunities/challenges, development constraints, infrastructure, and fiscal issues facing the City of Homer.

Task 2. Public Participation Process

The design of an effective public participation process is a critical element for the successful completion of the Homer Comprehensive Plan and Title 21, Zoning and Planning Code Updates. The consultant shall design and implement a public participation process that ensures members of the public are actively involved in the planning effort. The consultant should identify methods that do not require long standing commitments of time by members of the public yet provide for meaningful input. The use of charrettes/workshops, open houses, work sessions, online web pages/surveys, focus groups, and study circles or other suitable methods is encouraged. The consultant will work with City staff throughout the public participation process, to provide:

- Meeting Coordination
- Facilitation of Meetings
- Open Houses
- Advertisements
- Informational Handouts
- Newsletters and Other Mailings
- On-going Updates

The proposal shall identify the Public Participation Team that will be responsible for the production, publication, and distribution of informational materials and mailings. The Proposal shall include a Public Participation Matrix, which identifies the expected points of engagement with the public, identifying the recommended roles for City staff, community stakeholders, and the consultant personnel.

Task 3. Site Analysis and Identification of Issues and Concerns

Task 3 utilizes information from the background research, site visits, and constraints mapping to analyze, and create maps and analysis illustrating the City's existing conditions. The mapping and analysis shall include:

- Brief Study Area Overview
- Key Demographic Considerations (summary of existing demographic information such as population, employment, housing, and projections)
- Existing Land Use(s)
- Existing Zoning
- Land Use and Community Design (including density, layout, and form)
- Housing
- Mobility and Transportation Network including parking
- Infrastructure (Gray and Green)
- Sustainability
- Environmental Issues/Hazards/Constraints including Flood Regulations
- Public Facilities and Services
- Recreation Facilities
- Economic Development/Opportunities
- Local Government Boundaries
- Slope Hazard Analysis

Key issues, concerns, and constraints shall be identified.

Task 4. Preparation of Goals, Objectives, and Recommendations

Based upon the information obtained in the previous tasks, the consultant shall collaborate with the community to develop goals, objectives, and recommendations.

Task 5. Development or re-development strategies

In addition, the consultant shall prepare an overall development and/or redevelopment strategy and more specific policies for the use of the land – utilization of city owned land, land acquisition and/or disposal strategies, infrastructure improvements, commercial areas, public open space, and facilities.

Task 6. Preparation of Future Growth and Development Alternatives

The consultant shall review projections of future population and economic growth and the resulting impact on land use and development patterns. Alternatives will include evaluation and discussion of future development, redevelopment, conservation practices, and impacts on public infrastructure.

The alternatives shall be described in both a narrative and graphic/mapping manner. The purpose of these alternatives is to allow the public to become more aware of the impacts of future growth in Homer and to assist in developing goals, objectives, and recommendations. The identification of the most preferred development scenario is part of this task.

Task 7. Recommendations for Implementation

Task 7 shall consist of preparing recommendations for achieving the goals, objectives, and recommendations of the Comprehensive Plan Update. Standard implementation techniques such as zoning and subdivision regulation changes should be considered, as well as other techniques such as growth management, impact fees, encouraging walkable development centers or nodes, etc. In addition, this task shall result in the following:

- A timeframe for identified actions.
- A table allocating responsibilities for actions among the various governmental agencies and where applicable, not-for-profit organizations having interests in conducting the programs.
- A schedule of proposed Capital Improvement Projects.
- A general description of any land use development regulations or incentives that may be adopted by the City to achieve the goals, policies, and guidelines set forth in the plan.
- A description of other procedures that the City may use in monitoring and evaluating the implementation of the plan.
- A statement describing proposed programs of public services or changes in existing programs to include estimates of the needed increase in personnel, equipment, supplies, and related matters.
- The proposed development criteria to be incorporated into any recommended or existing land development regulations.
- Identification of potential funding sources for projects or other issues identified during the planning process.
- A description of measures to be implemented to promote economic, social, and environmental sustainability.

Task 8: Presentations

The consultant will be required to undertake a series of presentations at various stages of the planning effort to the Planning Commission and City Council. The purpose of these presentations is to provide information and obtain feedback. The consultant is also expected to present the plan when formally reviewed and considered by the Planning Commission and City Council. Presentations to other boards and commissions, such as the Economic Development Advisory Commission; Parks, Art, Recreation, and Culture Advisory Commission; and Port and Harbor Commission may be warranted. A minimum of six presentations should be included with the possibility of more to be negotiated.

Task 9: Final Plan

Draft a final Comprehensive Plan based on findings from Tasks 1-8 working closely with City staff and providing an opportunity for public review and comments on draft version(s).

Project Schedule

The proposal should include a schedule of major milestones for a one-year project for Phase I. The City anticipates the schedule should include, but not be limited to, the following stages:

- Project Start-Up
- Task 1 – Data Collection, Background Research and Analysis
- Task 2 – Public Participation Process
- Task 3 – Site Analysis and Identification of Issues and Concerns
- Task 4 – Preparation of Goals, Objectives, and Recommendations
- Task 5 – Development or re-development strategies

- Task 6 – Preparation of Future Growth and Development Alternatives
- Task 7 – Recommendations for Implementation
- Task 8 – Presentations
- Task 9 – Final Plan

Deliverables

All documents, reports, studies, illustrations, and maps are to be produced in a digital and PDF format. Information will be transferred to the City electronically and 25 hard copies will also be provided. All deliverables will be considered Works for Hire; that is, owned by the City of Homer upon payment of consultant's invoices.

Website with hyperlinks (to be kept current through the end of the consultant's contract)

Draft and Final Documents:

- Formatted for an 8 1/2" x 11" Document with 3-ring binder
- Provide all electronic files used in the creation of the report and illustrations such as GIS Shapefiles, Word files, PDFs, PowerPoint, InDesign, Illustrator, Sketchup, etc.
- Monthly status reports

Maps in Documents should meet the following specifications:

- ESRI GIS Mapping Products
 1. ESRI Shapefile Format and any associated ArcGIS/ArcMap project files/.mxd. An Adobe PDF file is also required of any GIS map product.
 2. All GIS data should be geo-referenced to NAD27, Alaska State Plane Zone 4
- Color
- 11" x 17", folded (maximum size for inclusion in a bound document)

Phase II: Title 21 Zoning & Planning Code Update

The project goals for updating the Title 21 Zoning and Planning code are:

1. Modernize the code by bringing the standards up to date by applying measures that reflect contemporary best practices, land use trends, and market demands, while improving efficiency and user friendliness into the code.
2. Identify best code format and create a new code that enables development to take place as a mixture of uses, rather than large areas of single land use or Greenfield development.
3. Align with and implement the vision of the Comprehensive Plan.
4. Conduct all public and key stakeholder outreach to better inform and guide the updated Title 21 Zoning and Planning Code.
5. Align the updated Title 21 Zoning and Planning Code to support implementation of related City plans such as Transportation Master Plan, Stormwater, and Water/Sewer Plan.
6. Present the updated Title 21 Zoning and Planning Code to the Planning Commission and City Council public hearings for recommendation and approval.
7. City staff will provide project support with a project manager, participation/facilitation in outreach events, and information/feedback to consultants.

The development of the Title 21 Zoning and Planning Code should include, but not be limited to, the

following tasks:

Task 1. Data Collection, Background Research and Analysis

Conduct analysis utilizing existing maps for future development and/or potential infill and utilizing feedback from City staff along with constraints mapping. Existing conditions analysis and mapping should include the following (much of this task can utilize information developed in Phase I of the project):

- Key Demographic Considerations (summary of existing demographic information such as population, employment, housing, and projections)
- Existing Land Use(s)
- Existing Zoning
- Mobility and Transportation Network
- Infrastructure
- Environmental Conditions/Constraints

Task 2. Technical Review of Existing Code and Recommendations

Conduct a technical review to evaluate the strengths and limitations of the current Title 21 Zoning and Planning Code and make preliminary recommendations for updating and making the document consistent with overall City policies, including the goals of the Comprehensive Plan. Provide a review based on discussions with and feedback received from code administrators and code users including City staff, design professionals, and the local development community. The Project Team should also draw from its planning experience with other communities and knowledge of land use regulatory tools. The review should evaluate the suitability of the existing Zoning and Planning Code by determining deficiencies and inadequate elements that may create inconsistent interpretations. Submit a diagnostic report that also identifies the steps required to make the Zoning and Planning Code consistent with existing practices in the City, as well as national best practices.

Task 3. Public Participation Process

Provides for public/stakeholder participation to create the overall guiding vision for the new Zoning Code. This shall include providing for a public review of the draft code, as well as a public hearing process at the Planning Commission and City Council.

Task 4. Preparation of Vision, Values, Goals, Objectives, and Recommendation for Code Type

Recommend the best code format and draft a new code that enables the vision and goals of the Comprehensive Plan to be implemented, while considering alignment with other City plans and goals. Modernize the code by bringing the standards up to date by applying measures that reflect contemporary best practices, land use trends, and market demands, while improving efficiency and user friendliness into the code. Consider future development to take place as a mixture of uses, rather than large areas of single land use or Greenfield development.

Task 5. Draft Code

Draft a new code based on findings from Tasks 1-4 working closely with City staff and providing an opportunity for public review and comments of draft version(s). Provide how the draft code will be reviewed by legal experts.

Task 6. Presentations

The consultant is required to undertake a series of presentations at various stages of the planning effort to the Planning Commission and City Council. The purpose of these presentations is to provide information and obtain feedback. The consultant is also expected to present the code when formally reviewed and considered by the Planning Commission and City Council. Presentations to other boards and commissions, such as the Economic Development Advisory Commission; Parks, Art, Recreation, and Culture Advisory Commission; ADA Advisory Board and Port and Harbor Commission may be warranted. A minimum of four presentations should be included (identifying whether they are in-person or virtual) with the possibility of more to be negotiated.

Task 7. Final Code

Draft a final Zoning and Planning Code based on findings from Tasks 1-6, working closely with City staff and providing an opportunity for public review and comments of draft version(s).

Project Schedule

The proposal should include a schedule of major milestones for a 1-year project for Phase II. The City anticipates the schedule should include, but not limited to, the following stages:

- Project Start-Up
- Task 1 – Data Collection, Background Research and Analysis
- Task 2 – Technical Review of Existing Code and Recommendations
- Task 3 – Public Participation Process
- Task 4 – Preparation of Vision, Values, Goals, Objectives, and Recommendation for Code Type
- Task 5 – Draft Code
- Task 6 - Presentations
- Task 7 – Final Code

Deliverables

All documents, reports, studies, illustrations, and maps are to be produced in a digital and PDF format. Information will be transferred to the City electronically and 25 hard copies will also be provided. All work products will be considered Works for Hire; that is, owned by the City of Homer once the consultant's invoices are paid.

Website with hyperlinks (maintained through the end of the consultant's contract)

Draft and Final Documents:

- Formatted for an 8 1/2" x 11" Document with 3-ring binder
- Provide all electronic files used in the creation of the report and illustrations such as GIS Shapefiles, Word files, PDFs, PowerPoint, InDesign, Illustrator, Sketchup, etc.
- Publish Code online
- Monthly status reports

Maps in Documents should meet the following specifications:

- ESRI GIS Mapping Products

1. ESRI Shapefile Format and any associated ArcGIS/ArcMap project files .mxd). An Adobe PDF file is required of any GIS map product.
 2. All GIS data should be geo-referenced to NAD27, Alaska State Plane Zone 4
- Color
 - 11" x 17", folded (maximum size for inclusion in a bound document)

III. General Requirements

The following information is presented as a general guideline for the preparation of the proposals, though not intended to be an exhaustive list of project requirements.

- A. It is the responsibility of the Proposers to estimate the actual level of effort required to complete the work.
- B. Homer will provide Over the Shoulder review of draft planning documents to provide timely comment and input.
- C. All deliverables shall be in a format and on media approved by the City. Upon completion, the City of Homer shall be furnished with digital files of all documents.

IV. Proposal Format and Content

Direct questions regarding this proposal to Ryan Foster, Special Projects Coordinator, City of Homer, (907) 299-8529 or rfoster@ci.homer.ak.us.

Proposals, which do not address the items listed in this section, may be considered incomplete and may be deemed non-responsive by the City.

PROPOSAL FORMAT

- A. Letter of Transmittal
- B. Proposed Work Plan
 1. Include a Work Plan that illustrates how you will perform the Work and demonstrates your understanding of the project
 2. Include a proposed schedule demonstrating how you anticipate the Work will flow so you can complete the project in a timely manner.
 3. Include a communication strategy for project management and include any methods such as meetings, monthly reports, videoconferencing, FTP data transfer sites, and project websites.
 4. Identify major challenges that might interfere with your ability to complete the project in a timely manner.
- C. Fee Proposal and Rate Schedule
 1. Submit a Fee Proposal to perform the Scope of Services described in your Work Plan.
 2. Provide an exact statement of the services to be provided within the fees proposal and fee schedule to be used in billing for services, including out-of-scope services.
 3. Provide a Fee Schedule showing fully loaded billing rates for the personnel who will be working on the Project.

- D. Submit one (1) original and four (4) hard copies of the completed Proposal in a sealed, opaque envelope marked as follows:

City of Homer
Comprehensive Plan and Title 21 Zoning and Planning Code Update

PROPOSAL DATED _____, 2023.

Proposals will have the Proposers name and address in the upper left corner. The Proposals shall be addressed to:

City of Homer, City Clerk's Office
491 East Pioneer Avenue
Homer, Alaska 99603

Proposals shall be received at the office of the City Clerk until **4:30 PM, January 20, 2023**. Any proposals not received by the date and time stated and marked with the City Clerk's Office stamp will not be considered.

V. Evaluation Criteria and Selection Process

The City of Homer reserves the right to reject any and all proposals submitted and shall not be liable for any costs incurred by any proposer in response to this solicitation or for any work done prior to the issuance of a notice to proceed.

A selection committee will evaluate the proposals and make a recommendation to the City Manager. The committee will use the following criteria in deriving a numerical score for each proposal:

a. **Work Plan.** The various elements of the Work Plan will be evaluated for clarity, effectiveness, and compliance with RFP requirements.

Task 1	100 Points
Task 2	100 Points
Task 3	100 Points
Task 4	100 Points
Task 5	100 Points
Task 6	100 Points
Task 7	100 Points

b. **Schedule.** The Proposer's Schedule will be evaluated for its expected ability to achieve the effectiveness results in a timely manner. 200 Points

c. **Price.** Evaluated based on the do not exceed amount of \$650,000 100 Points

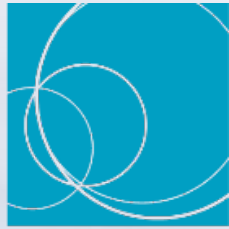
TOTAL POSSIBLE POINTS = 1000

VI. Schedule

Proposals due:	4:30 pm	Date: January 20, 2023
Proposal Review Period:		Date: January 23-February 8, 2023
Notice of Intent to Award contract:		Date: February 9-10, 2023
City Council Award:		Date: February 27, 2023

Notice to proceed/Contract Signing
Completion of contract:

Date: February 28-March 3, 2023
Date: Two year or as extended



AGNEW
::BECK

Homer Comprehensive Plan Rewrite and Title 21 Zoning and Planning Update

Proposal for Professional Services from Agnew::Beck Consulting

Submitted January 20, 2023 to the City of Homer



Stantec



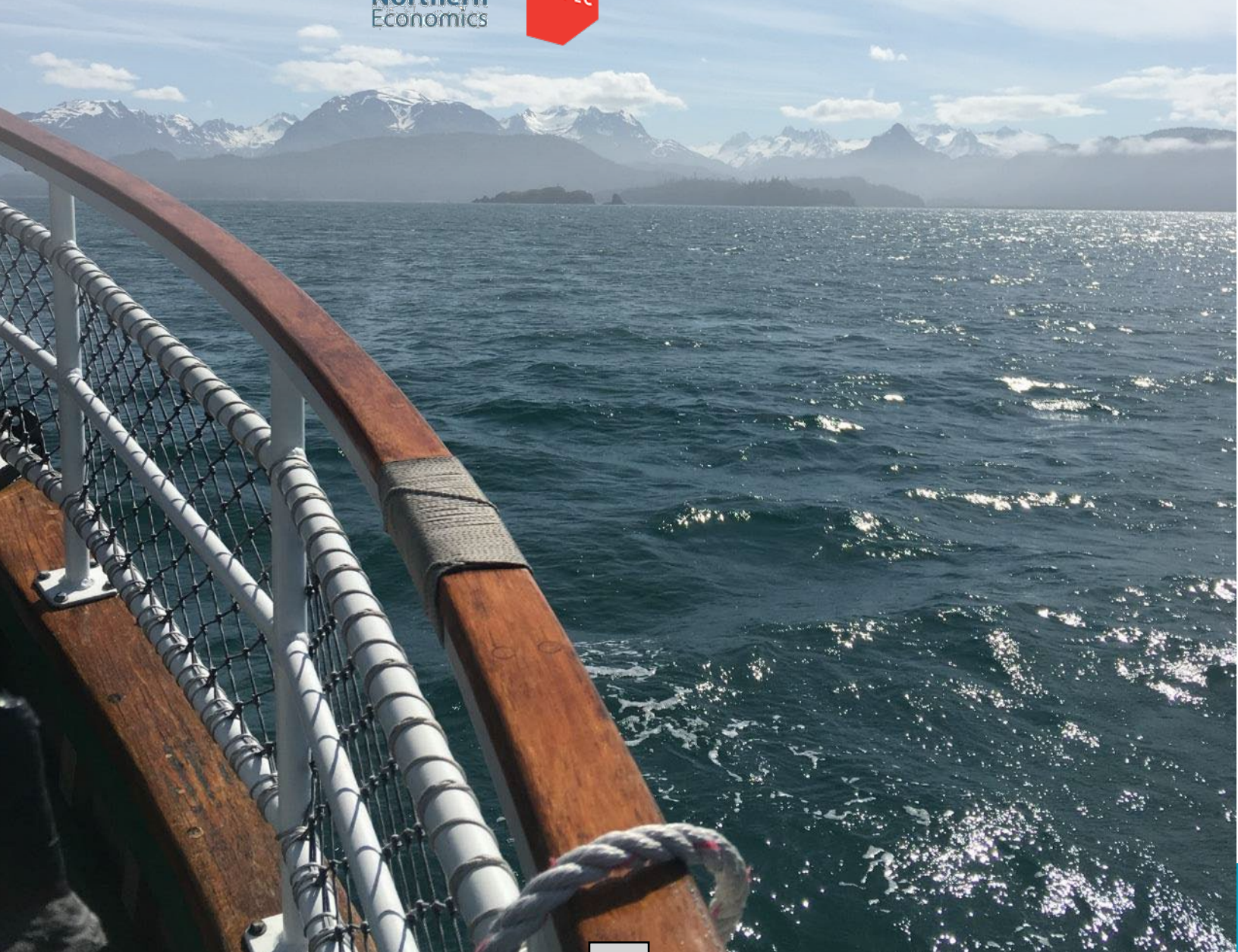
Northern
Economics



KINNEY
ENGINEERING, LLC



Corvus
Design



Letter of Transmittal



January 20, 2023

Ryan Foster, Special Projects Coordinator
City of Homer, City Clerk's Office
491 East Pioneer Avenue
Homer, Alaska 99603

Dear Ryan:

We are pleased to submit our team's proposal to update Homer's Comprehensive Plan and Title 21 Zoning and Planning Code. We would be honored to partner with the City's elected and appointed officials, staff, residents, businesses, landowners, and other stakeholders to prepare a new plan that helps sustain what is best about Homer today and makes the most of future opportunities.

We understand the Homer community is looking for a trusted partner to facilitate an update of your comprehensive plan to establish **current vision, goals, and objectives for Homer's future and an update of the zoning code to implement that vision**. We understand the importance of this project and the need to build a widely supported, forward looking comprehensive plan that can guide transformative change. At the same time, the plan and resulting zoning code updates will seek to maintain Homer's character that makes it a place where residents chose to live, where businesses can thrive, where visitors want to come, and where Alaskans will know and appreciate Homer as one of the best, if not *the* best, small city in the state.

We have assembled an Alaska team with a **multidisciplinary background** – ranging from land use, mapping, port and harbor infrastructure to community outreach, redevelopment, funding research, and land use code. This will allow us to work with the community to identify key trends, challenges, and opportunities; find common ground among diverse views; and build a widely supported plan with compelling goals, practical strategies, and measurable anticipated outcomes.

We were excited to read in the RFP of Homer's expectation of **robust community outreach** during this effort. Our experience leading public involvement processes during these types of projects is unmatched. We are skilled at utilizing many different methods and strategies to capture interest, engage the community, and solicit feedback, including how to adapt outreach strategies during the busy summer season, and how to engage seasonal stakeholders and residents. You will see in this proposal specific examples of how we have successfully done this for projects in coastal communities like Cordova and Petersburg. We are Alaskans who understand the ebb and flow of life here and know how to be creative, flexible, and engaging in public involvement processes.

Our **experience with coastal communities and waterfront planning in Alaska** also includes waterfront plans and code development projects in Petersburg, Dillingham, Kodiak, Sitka, Saint Paul Island, Unalaska, and Cordova. More recently, we have been facilitating intensive **adaptation/coastal resilience planning**

with communities statewide, in which we coordinate multi-partner dialogues on climate change-related needs and solutions.

We appreciate that you have already found our team qualified to respond to this proposal during the first round of RFQ responses. We've focused this proposal on our team's scope of work and examples of our experience with relevant projects that demonstrate a consistent track record of **successful, community-supported, unanimously adopted plans**. These include recent comprehensive or area plans for the Northwest Arctic Borough (adopted in 2021), City of Cordova (adopted in 2019), Kenai Peninsula Borough (adopted in 2019), Fairbanks North Star Borough (Eielson Regional Growth Plan in 2018, Salcha-Badger Road Area Plan in 2019), Petersburg Borough (adopted in 2016) and City of North Pole (adopted in 2016). Our team also supported the City of Homer in developing the previous Homer Comprehensive Plan, and many team members have recent or current projects in Homer today. We have enjoyed working with Homer over the years and would begin this project with a strong starting enthusiasm for and knowledge of the community.

In Phase II of this project, we will work with the City to update its zoning standards. The code update presents an opportunity to clarify Homer's regulations, eliminate redundancy, evaluate and address barriers to land use and development, and streamline the permitting process. Most importantly, the City's phased schedule allows us to capture the community's vision and goals in the comprehensive plan process and translate those desires into updated zoning standards and review procedures.

We acknowledge receipt of the RFP as well as addendums No. 1. to the RFP dated December. 29, 2022 and No. 2 dated January 16, 2023. Agnew::Beck Consulting holds Alaska Business License number 291349. Agnew::Beck is a women-owned business and a certified Disadvantaged Business Enterprise (DBE). Our Vendor Tax ID Number is 54-2076437.

Again, we are excited to partner with the Homer community on the Comprehensive Plan and Zoning and Planning Code update and are honored to submit this proposal.

Sincerely,



Shelly Wade, Principal::Owner, shelly@agnewbeck.com

Agnew::Beck Consulting | 645 G Street, Suite 200 | Anchorage, AK 99501
907.222.5424 | www.agnewbeck.com

"The process that transpired has been one of thoughtfulness, thoroughness, and inclusion by all. From the initial team development, group feedback and public solicitation for comment, there has been considerable care to hear EVERYONE's voice. I have enjoyed participating in this process and appreciate the consideration for diversity in thoughts and concerns as they developed the plan for the area."

"This is a very well thought out plan with many hours of work by this team. Led by Shelly Wade, top notch work in trying to get as much input from the community as possible. The folks from the Borough have all worked hard, too. I give kudos to the Borough for hiring these consultants for this job...As a former appraiser for the Assessor for 20 years, former real estate agent and a resident of North Pole for the last 38 years, I ask you, please give careful consideration to this plan."

-Public comments in support of plan adoption, sent to the Fairbanks North Star Borough Planning Commission and Assembly

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Phase I: Comprehensive Plan

Project Understanding

This section presents our understanding of and general approach to the City of Homer Comprehensive Plan Update, including a detailed methodology we have successfully implemented in other communities. For each project, we have applied this general approach, but have also worked closely with our clients and local bodies of community representatives to individualize process subtasks, activities, and products to engage the community and other stakeholders effectively and efficiently toward plans that accurately reflect where they want their community to be 5, 10, 15, and 20 years from now.

Our proposed approach reflects our strong familiarity with Homer; one of our team members, Kinney Engineering, is currently working with the community to update the 2023 Homer Transportation Plan. Another partner, RESPEC, includes an engineer who resides in Homer. The proposed approach includes a range of creative and proven strategies that are grounded in our experience working with midsize Alaska communities – specifically, with thriving coastal communities that are intensely reevaluating development goals, and strategically planning for a future in a rapidly-changing economy and environment.



Proposed Work Plan

Task 0. Project Start Up and Ongoing Project Management

Responsibility	Timeline and Deliverables
<ul style="list-style-type: none">• Lead: Agnew::Beck Consulting• Support: All other team members will review and confirm the work plan and participate in project check-ins	<ul style="list-style-type: none">• March 2023: Facilitate kickoff meeting with city staff, including agenda development and meeting documentation with action items and assignments identified.• April 2023: Prepare and finalize a project work plan identifying phase I team roles and responsibilities, core team composition, communication preferences, and a detailed project timeline.• March 2023 – March 2025: Conduct weekly status reporting to the City and communication regarding any anticipated changes in project scope, budget, or timeline.• Ongoing: Ongoing project management tasks including team coordination/communications, invoicing, budget management, etc.

The Agnew::Beck project manager and other key team members will meet virtually for kickoff meeting. This initial meeting will help set the foundation for the work plan to include the following key topics:

- Roles and Responsibilities – Define the roles, responsibilities, and expectations of the contracting team, the city project manager, the Planning Committee, the Economic Development Committee, and the Homer City Council. Confirm leads and lines of accountability for all tasks and deliverables.
- Communications and Ongoing Project Management – Identify preferred methods for project communications, including weekly email and/or virtual (e.g., Zoom) project updates, and a proposed schedule for status updates with advisory bodies and the City Council. Most of these meetings will be conducted virtually.
- Project Status Tracking – Confirm the tools used to track project process. Agnew::Beck uses real-time, interactive project management tools that allow clients, staff, and partners to track and evaluate progress as the project moves forward.
- Detailed Project Schedule – Develop a timeline highlighting key milestones, intermediary goals, internal review deadlines, and a preliminary calendar for meetings and outreach activities. This tool will be an ongoing reference for the project team and the City to keep the project on time and within scope.

We understand that clear assignments and lines of communication will be important both to manage our multi-firm team and ensure the City and our team are aligned. To that end, we recommend establishing a “core team” of key planning department and contractor team members that will communicate and meet regularly to discuss project status, review relevant planning documents, and proactively address next steps and phases of the planning process.

In the kickoff meeting, we also anticipate outlining what will become the public participation plan and schedule for this process, identifying goals and target audiences for initial and ongoing engagement. Potential stakeholders include: residents, businesses, community groups, city departments and commissions, Tribes and Tribal organizations, federal and state agencies, landowners, and other stakeholders (outlined in more detail in Task 2). Early engagement will set the tone for the rest of the process and ensure ample opportunities for input about what will ultimately be included and prioritized in the plan. At the kickoff meeting we will

develop an initial list of organizations and individuals to engage with during the project, which will be refined through the development of the public participation plan in Task 2.

The initial kickoff meeting will also be an opportunity for our contracting team to learn more about the outcomes and lessons learned from relevant recent and concurrent planning efforts. This will ensure we are building from relevant efforts and that the different processes are in alignment.

Task 0 also involves confirming the membership, roles and responsibilities, and potential schedule of engagement with the City Planning Commission and Economic Development Commission. These groups will work with our team and city staff as advisory committees to guide, evaluate, and approve the direction and completion of the plan. For example, prior to public distribution, the commissions will review and discuss draft planning products to ensure that what is presented to the community is meaningful and complete. We have successfully worked with advisory groups across many planning projects to leverage their knowledge and perspectives. When helpful and appropriate, we also provide educational information to build advisory group capacity in their role as community representatives in the planning process; this has been especially helpful for advisory group members who are new to planning initiatives.



Task 1: Background Research and Analysis

Responsibility	Timeline and Deliverables
<ul style="list-style-type: none"> • Lead: Agnew::Beck • Support: All other team members will participate and support this task based on subject matter expertise 	<ul style="list-style-type: none"> • May 2023: Summary of key findings from the literature review, including key components, data, and policies. • May 2023: Socioeconomic profile with summary of relevant demographic and economic trends. • June 2023: A brief and visually oriented “community snapshot” with a summary of key demographic and economic trends, community values, challenges, and potential priorities.

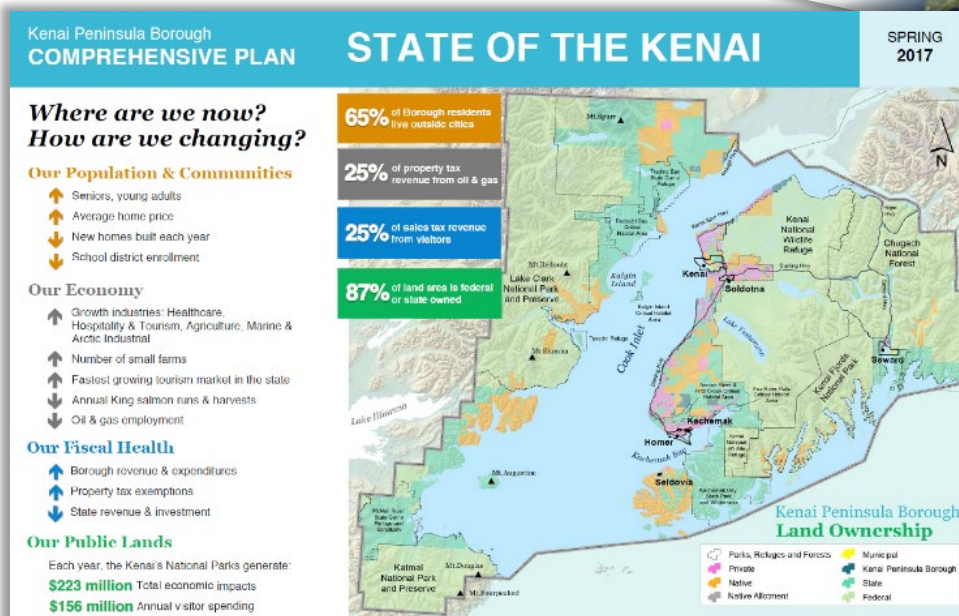
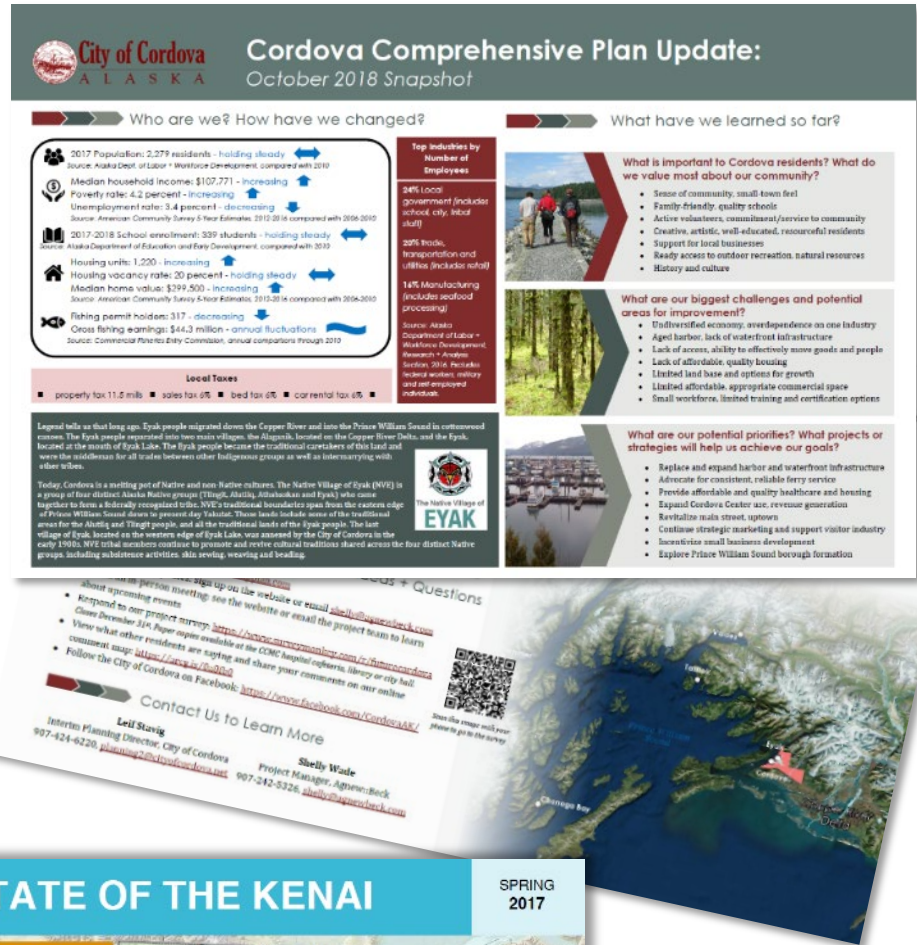
Concurrent with preparation for the public participation process outlined in Task 2, our team will conduct research on a range of community trends and issues. We will review relevant planning documents, including the 2018 Comprehensive Plan, existing development and transportation plans (and those currently being updated), the Climate Action Plan, Homer City Code, the City’s annual budget, as well as other housing, transportation, utility, human services, economic development plans, and additional relevant regional, state, or federal plans, including the list identified in the RFP. Our team will summarize key components of past plans, identifying data and policies that might be re-evaluated or further developed through this project. We will also work with city staff to identify the status of strategies and actions from the 2018 Plan.

Northern Economics will support this task with development of a socioeconomic profile of Homer, historical and projected population for the Kenai Peninsula Borough and Homer, and a summary of Homer’s fiscal position. The profile will be data-rich and focused to set the stage for the comprehensive plan and help the City and its residents to understand the social and economic context in which decisions are made. The fiscal summary will include a high-level summary of historical revenues and expenses for the City, along with more detail and a discussion about the current budget. In addition to presenting “raw” fiscal information, we will provide information adjusted for inflation and population that can be used to understand how priorities and spending have changed over time to reflect residents’ needs and demands for City-provided services and infrastructure. The primary data sources for this summary will be the City’s historical audits and current budget, which will be accessed via the Alaska Department of Commerce, Community, and Economic Development’s website. We will also work with City of Homer staff as needed to address questions and add to the discussion.

This research will contribute to a summary of key demographic trends, development patterns and constraints, community values, infrastructure, fiscal issues, challenges, and potential opportunities that our team will synthesize into a brief and visually oriented “community snapshot.” The snapshot will serve as a guide and tool for engaging stakeholders during the first round of public participation activities and will be designed for

use in multiple forums and formats. Examples of similar “community snapshots” from the Cordova and Kenai Peninsula Borough Comprehensive Plan Updates are included here.

Kinney Engineering will also contribute their knowledge on Homer’s policies, plans, design standards, environment, and fiscal issues through the firm’s work on the 2023 Homer Transportation Plan.



Task 2: Public Participation Process

Responsibility	Timeline and Deliverables
<ul style="list-style-type: none"> • Lead: Agnew::Beck • Support: All other team members will participate and support this task based on subject matter expertise and relationships within the community 	<ul style="list-style-type: none"> • April 2023: Public participation plan that identifies a refined timeline for community engagement; outreach strategies; key stakeholders to engage; and a list of potential interview and survey questions. • April 2023: Project website goes live. The website will be updated regularly (quarterly at a minimum) throughout the length of the project. • Ongoing: Outreach materials as identified in the public participation plan, including project presentation slides, informational flyers, social media content, e-newsletters, and other tools. • Ongoing: Documentation of engagement efforts, including meeting notes, survey results, and photos.

An effective stakeholder and public participation process draws out diverse perspectives from a broad cross-section of the community. We hope to incorporate public knowledge and previous work, recognizing that broad support is necessary for plan approval and implementation. We see the comprehensive planning process as a tool for increased self-determination and self-governance: a way for residents, businesses, and leaders to make well-informed decisions that help guide community growth and change. We aim to make the process fast-paced, invigorating, exciting and rewarding. We find our approaches and enthusiasm can be contagious; the process can be enjoyable and produce effective, impactful results.

At the outset of the planning process, we will create and refine a public participation plan. The public participation plan will guide the public involvement process. Below is a sample table of contents for the public participation plan based on a similar planning effort:

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Members of the project team live, work, and play in Homer. As a result, we can be available as needed for in person meetings, focus groups, interviews, and other activities. In addition, we propose the following rounds of more intensive in person engagement, when additional members of the project team will travel to Homer. We propose up to six rounds of meetings in Phase 1.

- **Meetings Round 1: Introductory Work Session #1 (April 2023).** See Task 8 for detailed description. This first community visit is also an opportunity for additional members of our team to build on our existing knowledge of the people and important places through walking and vehicle tours and observations with planning department staff and other community leaders.
- **Meetings Round 2: Visioning (May 2023).** After a second work session/check-in with the core team (in which we will share relevant updates, next steps, and make final preparations for this second round of in-person activities), we will facilitate a community visioning session. The visioning session will build on other comprehensive plan launch activities to widely market and invite resident participation in the planning process, and more specifically, to work together to articulate a clear community vision for the future of Homer. The vision statement will identify the desired future direction of the community and will serve as a focal point for goals, policies, and decisions. This meeting will also be an opportunity to share an overview of the project purpose, timeline, ways to be involved, and to collect input on key issues and opportunities the plan should address. We aim to provide a range of opportunities for stakeholders to define what they see as the key trends, challenges, and opportunities facing the community. This round of meetings could also coincide with a set of focus groups, one-on-one interviews, opportunistic discussions at existing community and/or organizational meetings and events, and youth engagement with middle and high schoolers before they begin their summer break.
- **Meetings Round 3: Focused Work Sessions (August 2023).** This round of outreach will be focused on convening a series of work sessions with focus area specific representatives; possible work session topics could include housing, fisheries, child care, environmental protection, agriculture, health care, tourism, education, and workforce development. We will work with the core team and Planning Commission to determine the most effective way(s) to promote these activities and ensure robust representation attendance and participation, including a direct focus on gathering input from summer season recreation and tourism guides, outfitters, and visitors. In round 3, we will also be sharing findings from the growth scenarios, and start to identify development and redevelopment opportunities to explore further in Task 5. The third and fourth community visits will also provide an opportunity to gather valuable input from summer season employers, workers, and visitors. As directed by the core team, we may also take advantage of summer activities and events to broadly promote the comprehensive planning process and to gather additional input toward the development of plan goals, strategies and priorities.
- **Meetings Round 4: Plan Direction (September 2023).** This round of participation invites the community to shape the plan's overall emerging goals and strategies, starting with a core team work session. In this phase of engagement, we will continue to work with a broad range of stakeholders in a variety of venues, with possibilities ranging from community walks to interactive online maps with a survey to setting up a table at a community event or hosting a community open house. With this as a reference, we will begin to confirm the direction of the plan on key policy topics. Our team will bring a set of base maps illustrating existing land uses and other features to aid in discussions; it will also be used as the basis for a future land use map or other helpful/relevant maps.

- **Meetings Round 5: Plan Review and Refinement (November 2023).** This fifth round of community engagement will coincide with the release of the draft plan, core team and community work sessions and other stakeholder conversations to share and refine the contents of the draft plan. The focus of these discussions will be defining and/or confirming the highest priority strategies and identifying ways to measure future progress towards plan objectives. Examples could include measurable objectives for efficiencies in service delivery, capacity for residential development, improving trail systems and circulation, completion of road projects, or increases in the number of new and/or expanded businesses and other economic investments and growth in the community.
- **Meetings Round 6: Adoption Hearing (February 2024).** Described under Task 8. In this task, members of our team will travel to Homer to support plan adoption.

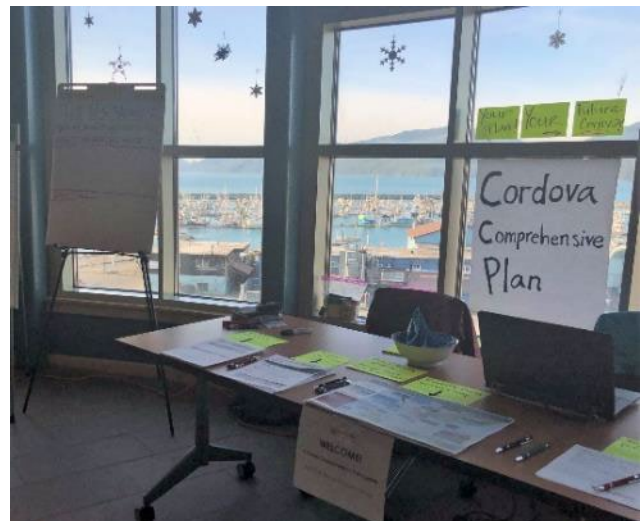
We will work closely with the planning department and the core team to determine the appropriate time and setting for each community visit and related activities, taking care to avoid conflicts with other events. When possible and appropriate, we will use existing community events and organizational meetings to gather input on the plan. We will consult with the core team about how to ensure diverse geographic and demographic participation and to determine the most effective outreach method for residents and specific stakeholder groups. We will also work directly with the planning department to identify opportune times for updates and progress reports to the Planning Commission, Economic Development Commission, and City Council; this ensures continued education, engagement, and support for the planning process from all key bodies.

We propose the following innovative tools to ensure the community is actively engaged in the planning process. We will work with the core team and Planning Commission to refine this list, if needed, to encourage and ensure robust public participation and to guarantee the plan truly represents community voices. We have used these tools successfully in previous and existing comprehensive and area planning efforts.

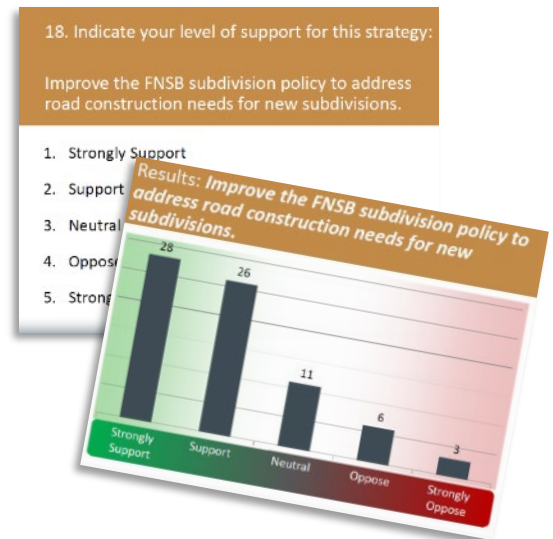
- **Existing Community Meetings.**

Whenever possible and appropriate, we will go to where residents and other stakeholders gather to learn, listen, share and get direct input on their desired future direction for Homer. We will work with the core team to determine the most appropriate ways to connect with and solicit feedback from constituents, neighbors, and agencies. Potential groups include the Homer City Council, Planning Commission, the Economic Development Advisory Commission, Parks, Art, Recreation, and Advisory Commission;

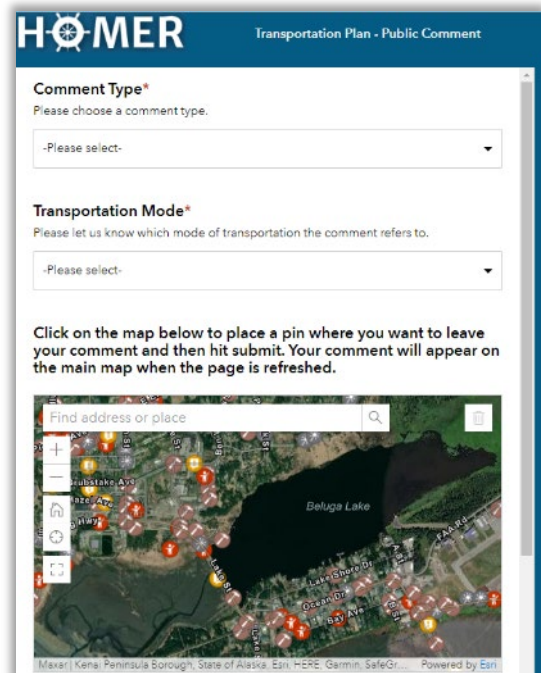
Port and Harbor Commission; Homer Chamber of Commerce & Visitor Center; the Ninilchik Traditional Council, and more. *For example, as part of the Fairbanks North Star Borough Comprehensive Economic Development Strategy (CEDS) Update, we held over 30 conversations with diverse groups. In addition to meeting with municipal boards and commissions, our project team attended meetings with the Greater Fairbanks Chamber of Commerce, the Greater Fairbanks Board of Realtors, the University of Alaska Fairbanks Student Government, and the Interior Delegation to give project updates and gather feedback; you can view results from many of the meetings at fnsbcds.com.*



- Community Open House.** Community meetings create space for education and idea sharing. Events can range from open format meetings with free movement of participants around tables with interactive installations, to small group facilitations or structured presentations and discussion. We recommend a more informal open house early in the process with interactive visioning activities, followed by structured community meeting(s) later to share and collect feedback on emerging results. *For example, in the Fairbanks North Star Borough community of Salcha, we held an initial map-based open house early in the Salcha-Badger Road Area Plan process. Participants could indicate on a map where they would like to see future residential, commercial, industrial, recreation/open space and other infrastructure growth and/or improvements. A subsequent well-attended community meeting toward the end of the process included large group presentations and audience response questions to collect feedback from all participants on their support for draft priority strategies.*
- Community Events.** To accommodate summer and fall outreach during typically busy months for residents, our team will attend community events to discuss the plan, listen to residents' ideas and feedback, and capture thoughts in writing on posters, comment cards, and post it notes. This can also include more casual engagement at community events such as farmer's markets, the 4th of July parade, the Kachemak Bay Shorebird Festival, the Kachemak Bay Wooden Boat Festival, the Kenai Peninsula State Fair, the Seldovia Summer Solstice Festival, and the Homer Winter Carnival Celebration. This could also include more casual engagement, such as a table at the grocery store, or collaborating with the port and harbor staff to coffee, donuts at the harbor dock and capture input from fishermen. *For example, during the Cordova Comprehensive Plan Update, our team set up a table at one of the community's largest annual events, the Iceworm Festival. Outreach materials included an interactive survey at the Cordova Center, the heart of the community and festival events. By having a presence at a large community event, where residents were gathered with family, friends and neighbors to recreate and socialize, we were able to get input from residents who might not have otherwise known of or participated in the planning process.*
- Focus Area, Topic or Stakeholder-Specific Work Sessions and Small Group Discussions.** Small group conversations offer valuable qualitative data and provide a forum for participants to share their individual experiences and perspectives. These subject-specific work sessions with key Homer stakeholder groups will help our team further understand the collective needs and concerns of stakeholders on key topics such as land use, housing, and workforce development. *For example, on the Kenai Peninsula Borough Comprehensive Plan Update, we brought together borough, state, federal and non-profit land use and environmental planners, and members of the conservation and development communities to review and discuss draft land use and environmental policies. Over the course of the project we held discussions or interviews with more than 50 small groups.*



- **Youth Engagement.** Thoughtfully and deliberately engaging youth during the planning process ensures that the voices of younger residents and future leaders are captured in the plan. We propose working closely with Homer schools to schedule an interactive planning session with high school students that would invite them to describe their experience of and vision for Homer. *For example, on the North Pole Community Strategic Plan, we worked with the North Pole High School to facilitate a conversation with junior and high school students to learn about their perspective on life in North Pole, including what they loved most about their community, how the school and community could better prepare them for life after high school, and what would keep them in or bring them back to North Pole if they leave to seek further education or training.*
- **Web-Based Mapping.** Our team will use ArcGIS Online as one component of public outreach. By hosting an interactive map of the community, we can solicit public comments on specific elements of the community that are geocoded by location, allowing us to identify site-specific issues, needs and themes. *For example, team member Kinney Engineering used online ESRI maps to gather information from residents as part of the 2023 Homer Transportation Plan Update.*
- **Interviews.** Interviewing community leaders and stakeholders provides useful context and helps identify preliminary issues, opportunities, and priorities. For the Homer Comprehensive Plan process, we anticipate conducting up to thirty one-on-one interviews with key city staff (planning department, administration, capital facilities, public works and public utilities, public safety), adjacent landowners (e.g., Cook Inlet Region, Incorporated and other Alaska Native entities, Tribes and partners, U.S. Forest Service, State of Alaska, Kenai Peninsula Borough), housing and real estate representatives, business owners and employers (including members of the fishing, tourism, construction, telecommunications, health care, and childcare industries), transportation stakeholders (Alaska Department of Transportation and Public Facilities, Alaska State Ferry/Alaska Marine Highway System, cruise ship industry, Alaska Railroad), and educators (Kenai Peninsula Borough School District). *For example, our team conducted over 20 in-depth interviews with stakeholders, business owners and community leaders to learn about community challenges, priorities and suggestions for the Cordova Comprehensive Plan.*
- **Public Notices, Advertisements, Radio Announcements, and Local Radio Programs.** We will take the opportunity when appropriate to share information via radio announcements, local news articles and/or participating in live local radio programs. *For example, on the Cordova Comprehensive Plan, we partnered with the City Planner to participate in two local radio shows (KCHU and KLAM/KCDV) to share information about the purpose of the planning process and to encourage residents to participate in a community survey.*
- **Social Media.** Our team will work with the planning department to post relevant updates, including project milestones and opportunities for community input, on appropriate social media outlets. Outreach and information-sharing through Facebook and other avenues can spread the word about upcoming events, share interesting findings from our research, gather input from users with online polls, and inform the public of each step in the process. *For example, on the Kenai Peninsula Borough*



Comprehensive Plan Update, Project Manager Shelly Wade was interviewed about the comprehensive plan process by the Borough Mayor during a Facebook Live event. That engagement sparked additional input from residents on the draft plan and added over 20 new members to the e-newsletter.

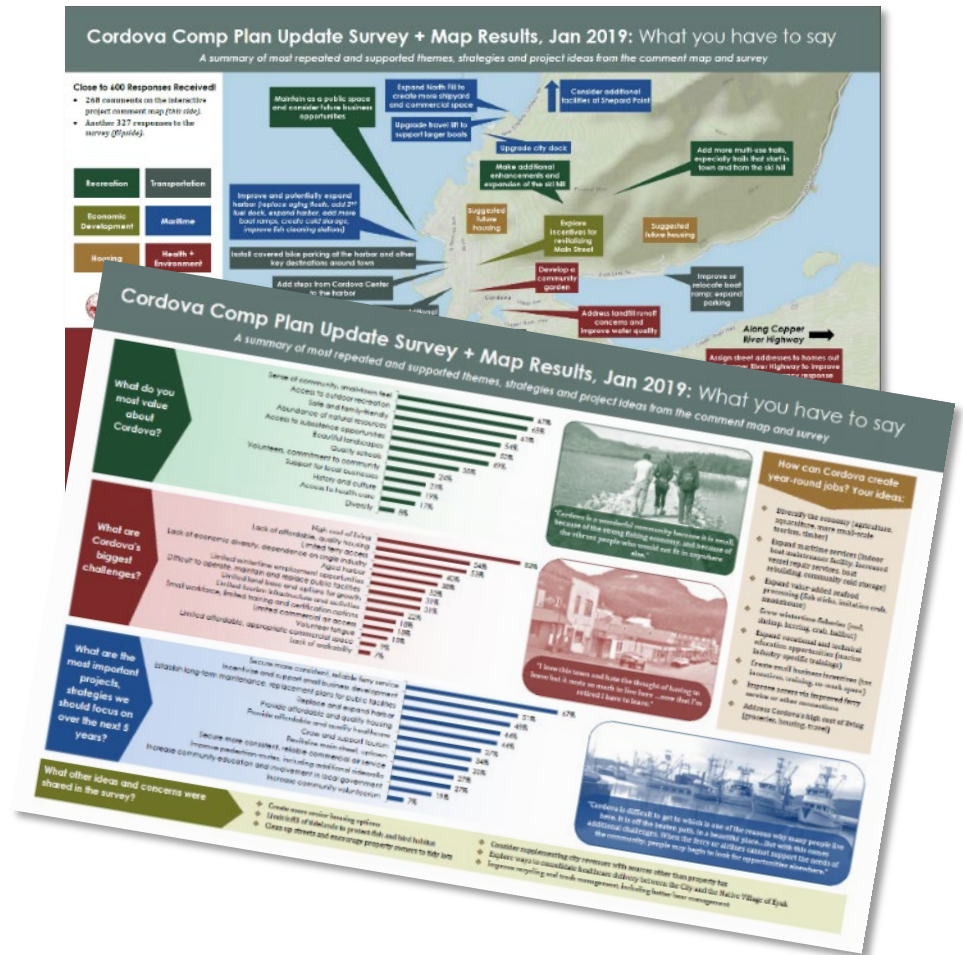
- Postcards, Newsletters, E-Newsletters.** We will develop and send up to six e-newsletters for consistent and efficient project communications with residents and stakeholders. We will begin by creating a contact list and an e-newsletter template using the communication platform Mailchimp. We will continue to update the contact list with new subscribers throughout the planning effort. We will also design and coordinate the mailing of at least one postcard to all landowners within city boundaries.¹ While printing and distributing postcards can be costly and require strategic timing, they are a useful tool for reaching older residents, individuals living in outlying areas, and those who may not be tracking happenings online. *For example, we sent over 1,000 postcards to every P.O. Box in Cordova for the Cordova Comprehensive Plan Update, sharing the project website with a link to the community survey and interactive comment map; we sent another round of postcards announcing the release of the draft plan.*



- Project Website.** Our talented team of graphic design and web developers have created compelling and useful websites; existing live websites include the [Fairbanks North Star Borough Comprehensive Economic Development Strategy \(fnsbceds.com\)](http://fnsbceds.com), the [Fairbanks North Star Borough's Salcha-Badger Road Area Plan \(salchabadgerplan.com\)](http://salchabadgerplan.com) and the [Eielson Regional Growth Plan \(cafbregionalgrowth.org\)](http://cafbregionalgrowth.org). Our visually appealing, easy-to-use websites are important places for residents and other stakeholders to learn more about the planning process, schedule, upcoming meetings, and events. They are also the place where interested parties can sign up for project updates, engage in point-in-time activities, and retrieve plan documents (e.g., project overview, community snapshot, community meeting summaries, draft plan).

¹ Cost of designing and coordinating the postcard are included in our budget; the cost of printing and postage for postcards is not included.

- Survey.** A simple survey can be an effective way to collect feedback on key issues, priorities, and projects. The survey could be distributed electronically, mailed out and/or be made available at key community locations. We would not expect to get a statistically valid sample of the entire population, but enough feedback to assess community perspectives from a cross-section of residents. *For example, we worked closely with city staff to launch a community survey and online interactive comment map for the Cordova Comprehensive Plan (see results snapshot example). We received over 600 responses. We also released a Question of the Month series and worked with the Cordova Chamber of Commerce to develop a visitor survey.*



Throughout the process, we will ensure outreach to key stakeholders with unique perspectives and needs. These include business associations, Alaska Native Tribes and corporations, senior and elder groups, and key federal and state entities. Early engagement with these groups will provide important input to guide the plan. It will also establish a constructive relationship and shared interest in creating a successful plan, as many of these groups will be critical partners in plan implementation.

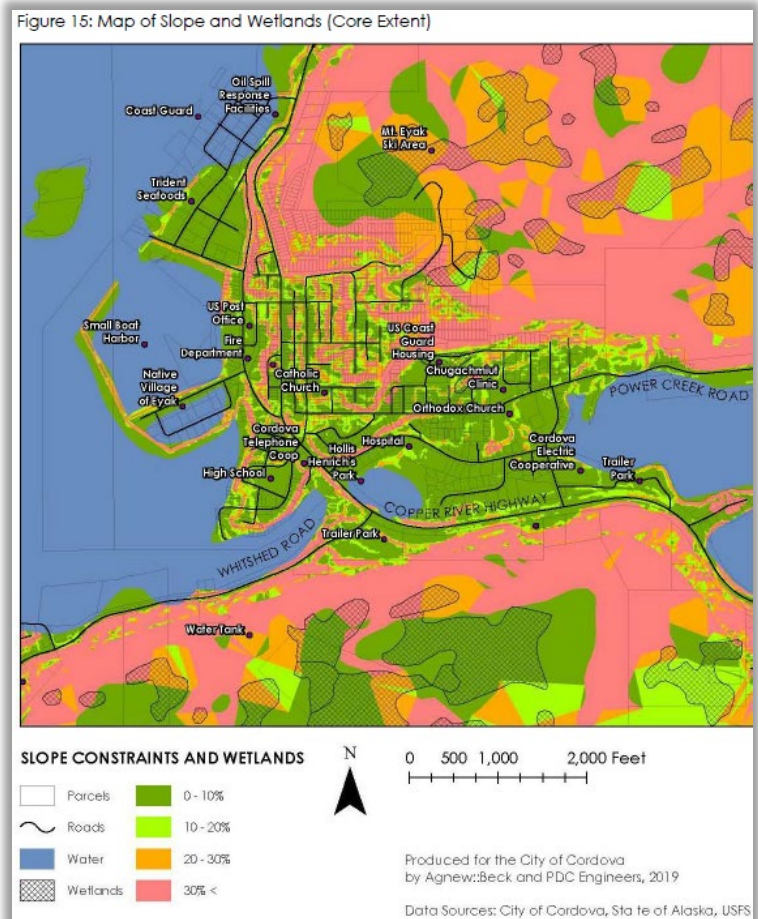
We will continue to engage with the core team, city leadership, city staff, and representatives of other impacted agencies during this task, ensuring the goals and policies in the draft plan are on track and feasible to implement by the City and its partners. We will highlight areas where there is strong support, mixed support, or lack of support among stakeholders, and advise on the best course of action to resolve differences. We anticipate that this communication will be ongoing throughout the drafting process; it will include informal review of the draft plan before the formal public review draft is posted for comment and certainly before the formal public hearing and adoption process.

Task 3: Site Analysis and Identification of Issues and Concerns

Responsibility	Timeline and Deliverables
<ul style="list-style-type: none"> • Lead: Kinney & RESPEC • Support: All other team members will support this task based on subject matter expertise 	<ul style="list-style-type: none"> • April 2023: Develop and finalize map template for look and feel of all project maps. • May 2023: Draft set of maps for sharing and review with city staff and key stakeholders. • July 2023: Updated maps with accompanying narrative analysis to identify key issues, concerns, and constraints. • July 2023: Summary of growth scenario findings.

The RESPEC and Kinney teams will lead this task, building off the findings from the background research and analysis (Task 1) and the public participation process (Task 2). Planning and GIS staff will work closely with the City to obtain all relevant geospatial datasets to complete a thorough desktop analysis to illuminate gaps, needs, and community growth trends, including maps for:

- Study area (site) overview and local governmental jurisdictions
- Housing needs, population growth, and demographic trends
- Existing land use, zoning, and community design considerations
- Motorized and non-motorized transportation infrastructure
- Sustainability and resilience issues and concerns
- Grey and green stormwater infrastructure networks
- Environmental constraints, hazards, and regulations *(example from the City of Cordova Comprehensive Plan shown at right)*
- Existing public facilities and services, including recreational facilities
- Current and future economic development opportunities
- Slope hazard analysis mapping



As part of our May site visit, our team will conduct in-person site visits and meet with key stakeholders in Homer to ground-truth findings from the first round of mapping/analysis and verify identified issues and concerns.

Kinney Engineering will supplement this task by providing local insight and knowledge of Homer's infrastructure. Kinney has been identifying and developing mapping of complex Homer drainage patterns and storm drain/culvert pipes through its term contract projects. Kinney has also been completing a steady stream of pavement restoration, road reconstruction, and new roadways and extensions design in Homer. Kinney is currently performing similar work on the 2023 Homer Transportation Plan. As a result, Kinney brings familiarity with Homer's existing maps and as-built roads, city utility, and private utility information and will provide thorough identification of areas of concern.

In addition to mapping, our collective team will share and get community input on potential growth scenarios that will compare and consider existing and anticipated capacity with anticipated and desired residential, commercial, industrial, recreational, and related infrastructure land use needs (see also Task 6). These growth scenarios will be shared with the project core team and used to guide conversations around Homer's future during in person community engagement.

Task 4: Preparation of Goals, Objectives, and Recommendations

Responsibility	Timeline and Deliverables
<ul style="list-style-type: none"> • Lead: Agnew::Beck • Support: All other team members will support this task based on subject matter expertise 	<ul style="list-style-type: none"> • October 2023: Draft future land use map. • November 2023: Public review draft of the comprehensive plan that highlight community agreed upon goals, objectives, and recommended strategies. Related materials will include a visually interesting executive summary and set of detailed appendices with supportive background and reference materials.

We develop plans that are action oriented. The plan contents and format should provide city leadership, staff, and residents with a decision-making tool and a mechanism for tracking and reporting on plan progress. This approach is different from the many comprehensive plans that are hundreds of pages long, with thorough documentation of conditions that ultimately distract from the heart of the plan: vision, goals, objectives, strategies, priorities, actions, responsible entities and partners, and quantifiable progress measures. The overall purpose of Task 4 is to synthesize the work completed in previous tasks to prepare draft goals, objectives, and recommended strategies.

Our approach is to develop three primary products:



Executive Summary

Offers a condensed, graphically rich summary of the plan, including the community's vision and key policies (goals and core policies) for achieving that vision, including a future land use map.



Core Comprehensive Plan

A succinct, clear, and concise plan to guide decision-making with a full list of policies. This includes additional information on the process, area, and key issues informing plan policies.



Appendices

Include background and contextual information used to inform plan policies and plan implementation, such as land use, housing, economic data, summaries of public input, and best practices.

The plan will be visually compelling to read, with maps and graphics throughout. Below is a list of possible content and questions to explore within each of the key topics for this task:

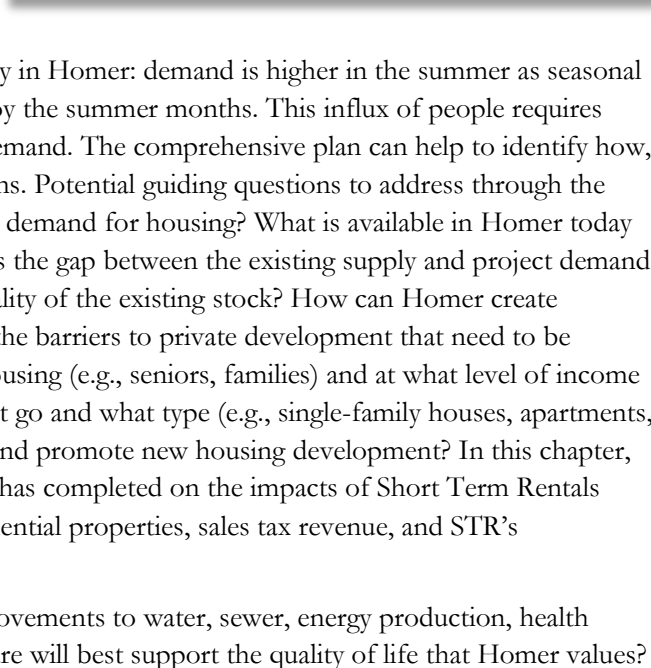
Vision and Broad Goals | A compelling, concise community vision statement, along with goals that reflect the community's top needs, based on community input and stakeholder engagement. Priority strategies to reach these goals will be fleshed out in the sections below and in the summary implementation chapter.

Land Use | Homer has a limited land base and natural constraints such as the tsunami inundation zone. Developing a land use strategy will be essential to this planning process and will serve to identify areas for growth potential, as well as a comprehensive approach for redevelopment and adaptive reuse of existing land. This chapter will also lay a foundation for Phase 2, Zoning and Planning Code Update.

Potential guiding questions include: How is growth happening today given the environmental and land use constraints? How can future land use policies better plan for both infill in established areas and growth? How will land use decisions affect the cost of community services and facilities, such as water and sewer or snow

This chapter will include a future land use map that broadly recommends land use classifications for all lands within city boundaries. *An example future land use map from the Fairbanks North Star Borough's Salcha-Badger Road Area Plan is on the right.*

Public Services and Infrastructure | Which improvements to water, sewer, energy production, health services, child care, or other community infrastructure will best support the quality of life that Homer values?



What are the community's critical maintenance needs? What can the community afford? How can Homer expand the community's capacity to develop and sustain key community services and infrastructure?

Transportation | Homer's small land area and limited road system are the site for robust movement of people, goods, equipment, and freight. Especially during the summer months, and along the waterfront, Homer is bustling with pedestrians, cars, trailers, boats, RVs, and ferries. For roads and related infrastructure, we know from our current work in the community that the City is undergoing a robust planning effort to improve streets, upgrade underlying infrastructure, and preserve the road network's connectivity by updating the 2005 Homer Area Transportation Plan. We also understand the City is updating its Non-Motorized Transportation and Trails Plan, both of which will likely present specific strategies for consideration in the comprehensive plan. Specific questions to consider include: What is the existing and projected level of use for Homer's existing transportation facilities? Which connection or circulation challenges or opportunities should be prioritized or addressed? What are the needs of residents who live in Anchor Point, Kachemak, and surrounding villages or neighborhoods and commute to Homer for work and services? Which design and facility improvements will facilitate snow movement, removal, and storage? For pedestrians, which strategies can increase access to and connections between local sidewalks and trails and community facilities and amenities? For both motorized and non-motorized trail users, what are the opportunities for access and connections between trails?

Economic Development | As the City of Peonies and Halibut Fishing Capital of the World, the comprehensive plan can prioritize actions and strategies for Homer that focus on supporting current industries while identifying opportunities for desired growth and diversification. What are Homer's unique economic strengths? Which opportunities are most viable for expanding the local economy? Which steps are needed to strengthen the economy and improve resilience to withstand economic disruptions? Potential guiding questions to address for example sectors include:



- **Tourism:** To what extent is the Homer community seeking growth in the tourism and outdoor recreation economy? If growth is desired, what does that growth look like? Which infrastructure and services will contribute to the speed and type of growth the community envisions? Is there more that could be done to harness the interest of visitors to stay and spend money at Homer's businesses through increased attractions or through more winter offerings?
- **Agriculture:** How can Homer support the growing agricultural sector, including beekeeping, farmers markets, and peonies? What steps are needed to promote food security in the community? How does the community prioritize land use for agricultural uses that serve visitors and residents?
- **Maritime:** What are the existing opportunities to expand the ship building, commercial fishing, and other maritime-related industries in Homer? For example, are there additional fisheries, value-added processing opportunities, emerging mariculture opportunities, or infrastructure investments that could grow the fisheries and maritime sector?
- **Education and Workforce Development:** What are the attributes of the Homer workforce? Are graduating youth and residents prepared for and able to access local employment opportunities? What workforce development gaps exist today? How can Homer address the need to replace aging workers? What can Homer do to address barriers to retaining and attracting workers to Homer, such as the availability and cost of housing and child care?

Health and Wellness | Which projects will help Homer meet community wellness goals? Are there critical gaps in health and wellness service delivery? As Alaska's population ages, will Homer need to take specific

steps to prepare for and support the increasing number of seniors who may be living in the community over the coming years? How can the community address the lack of available space for the hospital to expand? This section will provide a high-level assessment of local and regional health care and social services, the availability and effectiveness of local health care, and an overview of the community's medical, behavioral and wellness needs.

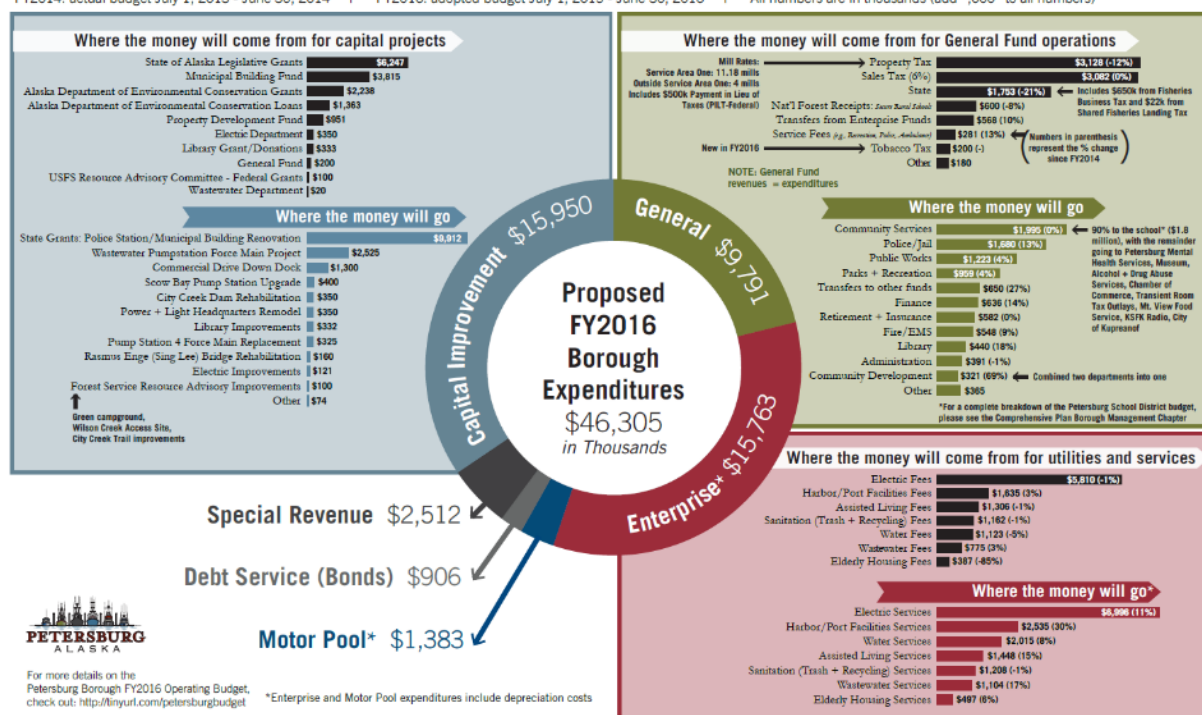
Sustainability, Resilience and Climate Change | Which environmental and economic threats are most relevant to Homer? Which climate changes can Homer anticipate in the coming years, such as changes in precipitation, vegetation, storm intensity, and marine and terrestrial environments? How can Homer prepare for these changes and promote adaptation and resilience?

Quality of Life | What do residents value about living in Homer? How can these features be enhanced and protected? What makes it challenging to live in Homer? What recreation, trail, and park opportunities are available and what is missing? What is the status of access points for key parks/recreation facilities and open space? What improvements are needed to increase bike and pedestrian access and safety throughout town?

Financial Considerations | This chapter could include a discussion of the City's fiscal position and an analysis of trends in the revenues received from different sources (e.g., enterprise funds, general fund tax revenues, state shared taxes, school district). The analysis would highlight changing revenue sources and identify areas where diversification may be needed. It would also inform taxpayers about how and where funding is generated, as well as identifying vulnerabilities and providing guidance on long-term sustainability for local government and public facilities. The analysis could be supplemented with detailed infographics that clearly and efficiently communicate a "snapshot" of the City's current fiscal status. The State's fiscal situation and cuts to local support funds has had a lasting impact on communities around the state, and the analysis would seek to communicate the importance of revenue diversification and sustainability in an uncertain environment. *For example, we created a similar graphic for the Petersburg Borough Comprehensive Plan (below); the Finance Director used it extensively in engagements with the public and the Borough Assembly.*

HOW DOES THE MONEY WORK? The Ins and Outs of your Borough Budget

FY2014: actual budget July 1, 2013 - June 30, 2014 | FY2016: adopted budget July 1, 2015 - June 30, 2016 | All numbers are in thousands (add "0,000" to all numbers)



Task 5: Development or Re-Development Strategies

Responsibility	Timeline and Deliverables
<ul style="list-style-type: none"> • Lead: Corvus • Support: All other team members will support this task based on subject matter expertise 	<ul style="list-style-type: none"> • November 2023: Draft development and redevelopment strategies, to be incorporated as part of the public review draft of the comprehensive plan. This will include recommended strategies for: <ul style="list-style-type: none"> • Utilization of city owned land • Land acquisition • Land disposal • Infrastructure improvements • Development and redevelopment strategies for commercial areas, public spaces, and facilities

Identifying and refining development and redevelopment strategies will be an iterative task throughout the comprehensive plan process. This will initially use public engagement efforts in Task 2 to understand what is working and what is not working in Homer. This is the best way to get a feeling for the barriers that exist (both real and perceived), as well as the opportunities that the community would like to see.

Our team develops similar strategies in most of our planning projects for Alaska communities. For example, In the Fairbanks North Star Borough’s Salcha-Badger Road Area Plan, our team informed development and redevelopment strategies this way:

- We started with a snapshot of existing land use conditions, trends, and growth potential. These include mapping that show land ownership, boundaries, utility boundaries, and other features that form natural boundaries. This section also included “Development Capability Maps” (see example on the following page) that show the degree of physical constraints for development. We detailed current residential, commercial, and industrial uses as well as public and institutional uses and other applicable categories like agricultural and forestry uses.
- We considered community survey results related to land use. This section included questions from our public participation process about how residents view current land use regulation and activities that should be encouraged or discouraged when considering future development.
- The final section in developing strategies detailed a summary of land use issues and needs. This is the section that answers the question, “how can we sustain and improve what residents most value about the area while supporting anticipated growth or encouraging growth for economic development?”

Development Capability Map Process (Salcha Badger Road Area Plan)

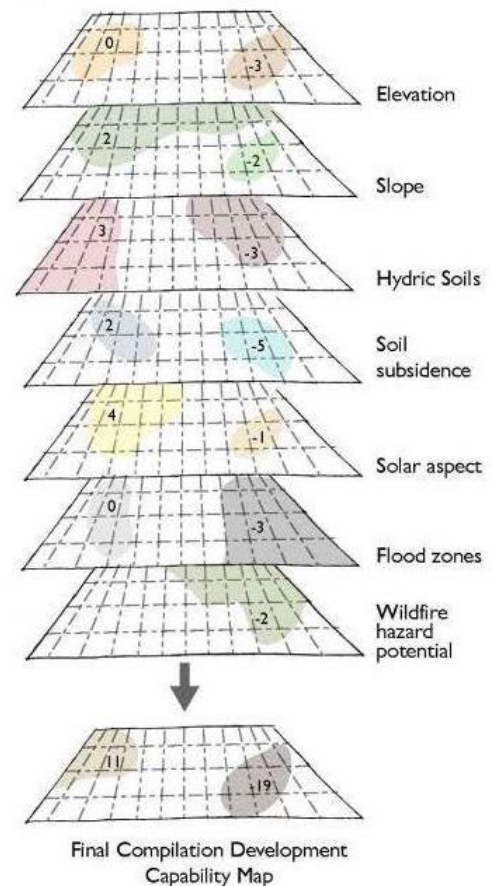
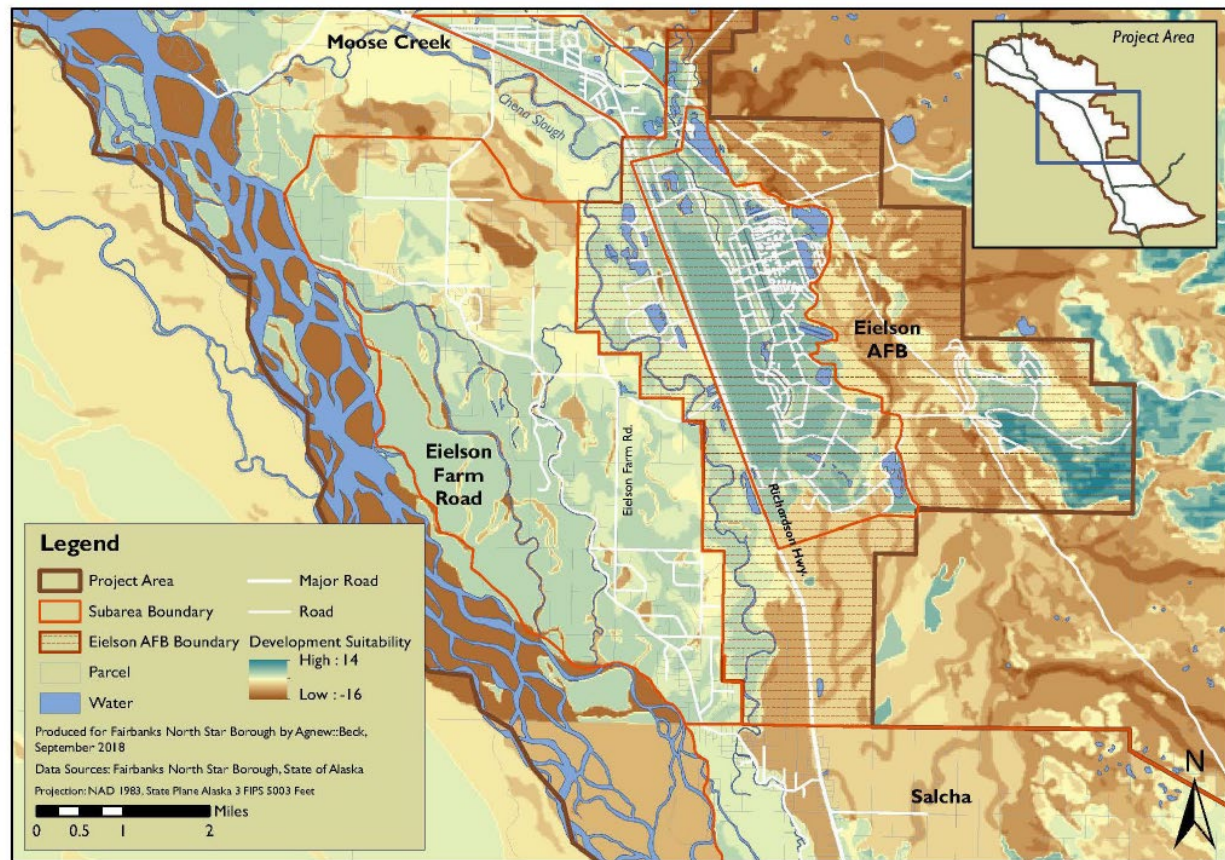


Figure 45: Development Capability in the Moose Creek, Eielson Farm Road and Eielson AFB Subareas



Beyond examining the generalized climate of zoning, codes, permitting, and other existing factors that shape land development, infrastructure, and community space use and strategies for their improvement, we will also review the essential relationships that move a project from identifying a need through the ribbon cutting. For certain projects, the City of Homer will be the lead. For others, the City will help facilitate development by others. As mentioned within the RFP, a component of this will be policy considerations for the use, acquisition, and disposal of city land. The right development, in the right location, by the right entity is the key to achieving the goals of a comprehensive plan. Homer needs to be equipped with the strategies and policies that will allow it to effectively react to the opportunities and challenges of plan implementation.

Development strategies will position Homer to be strategic about public and private investments and growth, especially where opportunities exist. These strategies will relate to all aspects of the comprehensive plan, with measurable outcomes for providing benefits for: livelihood; environmental quality, service delivery, and energy efficiency; spatial form and infrastructure; financial resources; and governance.

These development and redevelopment strategies will have the following characteristics:

- Internal consistency. Recommended strategies will follow the plan’s vision and analysis of the City's strengths, weaknesses, opportunities, and threats.
- Targeted scope. We will identify and apply prioritization criteria to identify the most important strategies.
- Measurable achievement. Each strategy will include results-oriented indicators.

- Clearly defined targets and responsibilities. Responsibility for implementation is clearly defined against definitive targets and timelines.
- Constant vision and a flexible framework. The recommended strategic framework is flexible enough to adapt to changing conditions and tactics, but the vision remains constant over the life of the plan.

For development strategies to be effective, they will need ongoing nurturing and support through:

- Budgets that reflect strategic priorities. The City's budgeting and investment strategies must fund and reinforce redevelopment strategies.
- Extended ownership. The comprehensive planning process needs to create broad ownership for its vision and strategies to ensure that it remains effective beyond the tenure of planning staff and elected officials.
- Partnerships and synergies. Organizations and agencies beyond the City will be essential partners.
- Incentives. While removing real (and perceived barriers) to development will be essential, incentives may also be necessary to initiate change.
- Quick wins. Prioritizing development outcomes that have significant returns on effort will be critical.
- Market based. Strategies should help deliver solutions that overcome market obstacles and financial feasibility limitations to the delivery of new real estate projects.



This task will build from the visioning work sessions and discussions with the planning team to understand what type of development is desired and recommended in and around Homer, as well as what types have market viability; What type of land use makes the most sense for the community and which ones have the potential to be successful?

Our planning team will work with the City to identify which redevelopment tools would be most effective in meeting the community's overarching vision, and specific land use, housing, recreation, and other goals. Part of this work would include interviewing several developers regarding what tools and incentives would improve feasibility and result in more housing or commercial development.

Development strategies related to economic and market conditions, climate resilience, waterfront development, and public infrastructure will also be explored, supported by the expertise of our team members from RESPEC. Our team members from Kinney Engineering will be able to share their knowledge of transportation related issues and non-motorized improvements into the comprehensive plan development strategies. Kinney's history of work on roadway, trail and drainage projects throughout Homer provides

knowledge on what infrastructure improvements could most benefit the City and where they should be located. Kinney’s experience with DOT&PF, U.S. Army Corps of Engineers, and the state permitting requirements provides our team insight to the barriers faced with acquisition or disposal of land in Homer. *See below for an example of redevelopment tools referenced within the draft Fairbanks Downtown Plan. As part of this task, our team would research and recommend tools relevant for Homer.*

Potential Future Redevelopment Tools



Tax exemptions and property tax relief. The FNSB passed a Multi-Family Housing tax exemption in 2022 whereby multi-unit housing developments can receive a time-limited tax exemption from property taxes for new housing units, with the length of the exemption increasing as units increase.



Community Development Financial Institutions (CDFIs). CDFIs can be used to provide loan products to support construction, rehabilitation, and other activities that promote economic growth and meet community needs such as quality, affordable housing. Fairbanks Neighborhood Housing Services historically maintained a CDFI loan fund and has indicated plans to reactivate the CDFI.



Public purpose designation. FNSB could identify a list of foreclosed properties and their locations, refining the list to those in especially desirable redevelopment locations. The Assembly could designate one or more of these properties with a public purpose designation, taking steps to dismiss past taxes due and investing funds in cleanup. The FNSB could then put the property(ies) out for a competitive bid with proposed designation for a specified purpose such as housing or a mixed-use development.



Incentives for cleaning up properties. Downtown partners could implement creative clean up incentives such as establishing community cleanup days in designated areas with free dump access, dumpsters, and assistance with removal of derelict vehicles on a rotating schedule in priority locations. This could also include waiving property taxes for deteriorated properties that are actively being improved through a tax abatement strategy.



Opportunity Zone (OZ). A census tract within Downtown Fairbanks was established as one of 25 Opportunity Zones (OZ) in Alaska in 2018. The OZ program was created by the 2017 Tax Cuts and Jobs Act. In areas with the OZ federal designation, investors can take advantage of a tax credit for eligible investments made in the area.



Military Facility Zone (MFZ). The Alaska Housing Finance Corporation (AHFC) designated the City of Fairbanks a MFZ in October 2022. This allows investors to take advantage of AHFC’s Military Facility Zone Program, which provides an additional loan financing option for building housing in the area. The goal of the program is to expand infrastructure to support military and civilian residents in areas close to military installations. The program runs through June 2024.

Task 6: Preparation of Future Growth and Development Alternatives

Responsibility	Timeline and Deliverables
<ul style="list-style-type: none"> • Lead: Kinney and RESPEC • Support: All other team members will support this task based on subject matter expertise 	<ul style="list-style-type: none"> • July 2023: Three development scenarios/alternatives that show different levels of development for Homer. • September 2023: Identification of a “most preferred” alternative.

Our team will utilize our respective expertise to develop three specific alternatives that address possible future growth scenarios for the City of Homer. The data collection associated with this task will happen concurrently with Task 1: Background Research and Analysis.

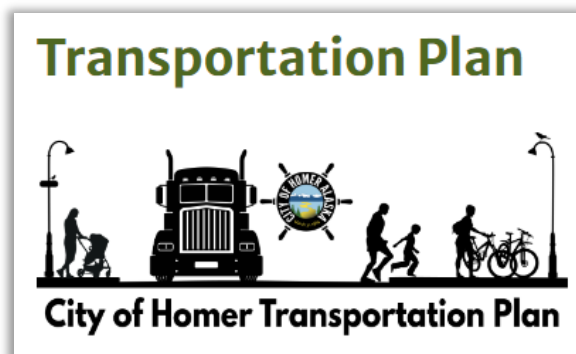
Our team will review projections of future population and economic growth to understand impacts on the built environment, public services, and resident quality of life. This analysis will include impacts on infrastructure, including water and wastewater systems, roads and sidewalks, public facilities, and housing; potential policies and practices to support conservation and climate resilience; and needed expansions of community and recreational amenities.

Kinney Engineering has been technically immersed in the last three major Homer transportation planning efforts, including the ongoing Homer Master Transportation Plan which will be completed in 2023 and integrated into the comprehensive plan. With this

experience, our team will be able to provide traffic planning and analysis to support future growth projections and development alternatives for Homer roads and other sites. Kinney has recently inventoried all Homer area city and DOT&PF roadways and learned of concerns and future development needs on each of these roads. We know where traffic calming, truck routes, and added pedestrian facilities are desired throughout Homer. We will work with stakeholders to develop the three growth scenarios and build and

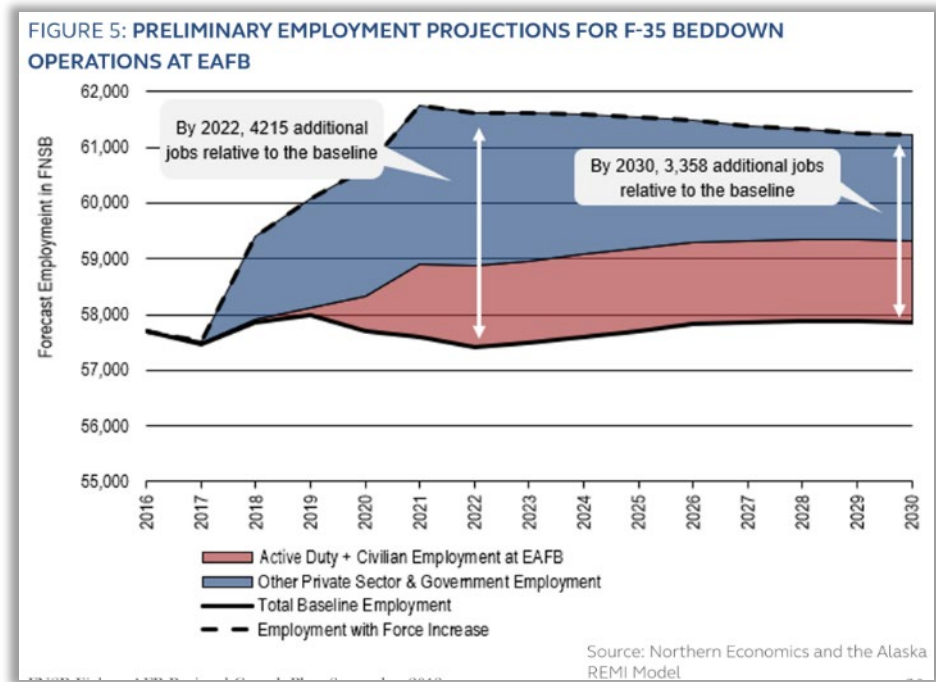
validate an existing conditions model of Homer infrastructure. Field investigations may include vehicular volume data, considering summer and winter needs, pedestrian/bike volume data, crash data, and parking. Analysis may include items such as level of service, connectivity, and safety, as well as the needs of vehicles, peds, bikes, alternative modes, and parking. We can then build future conditions models for each growth scenario alternative. This will involve analyzing operations and safety for each growth scenario and identifying where future safety and operations fall short of goals and objectives. Kinney will also identify wayfinding signage needs and streetscape element improvements needed, including a planning level estimate of benefits.

This task will be started early in the process, building immediately from Tasks 1 and 3, so that alternatives can be shared with the public as engagement tools to assist in developing the goals, objectives, and recommendations in Task 4. Our team will outline these three alternatives in an easy-to-read graphic and map heavy format to best inform and engage the public and solicit feedback. The future alternatives will help the community visualize what Homer’s future could look like as the City matures and grows. Public meetings and



engagement will take place to share the potential future alternatives and gather feedback to identify a preferred development scenario that captures a shared vision for Homer's future growth and development.

In addition to our local experience doing this type of work for Homer, we have done this critical analysis with the Fairbanks North Star Borough as they address growth and development (3,300 new residents over the next two to three years related to the arrival of two F-35 jet squadrons on Eielson Air Force Base). The graphic on the right shows estimated employment projections resulting from the F-35 Beddown, as captured in the Eielson Regional Growth Plan Executive Summary.



Task 7: Recommendations for Implementation

Responsibility	Timeline and Deliverables
<ul style="list-style-type: none">• Lead: Agnew::Beck• Support: All other team members will support this task based on subject matter expertise	<ul style="list-style-type: none">• December 2023: Develop action plan template and identify emerging priority strategies within the public review draft of the comprehensive plan.• January 2024: Develop draft action plan.• February 2024: Finalize action plan.

Throughout the planning process, our team will be focused on successful plan implementation outcomes. We will work hard to ensure the final plan is useful, practical, and provides the community with tools for immediate action. Our experience working on similar projects in Alaska and the Lower 48 have demonstrated that even the most robust planning efforts and products benefit from the inclusion of a dedicated task aimed at immediate implementation of plan priorities that result in **successful, tangible wins that the community can build on** for further implementation.

The RFP is clear that the City would like specific outcomes in this task, including timelines, schedules, implementation leads, proposed develop criteria, and identification of potential funding sources. We propose developing an action plan that identifies specific next steps to implement priority strategies identified within the comprehensive plan. This action plan will consider existing and anticipated resources and will provide direction to city leadership, staff, and partners. The action plan will also identify potential funding sources to support implementation. The action planning component of this task will require close coordination with city staff and the project core team to understand and document the availability of city resources (staff capacity, policies, funding) to support implementation and to identify opportunities for private sector and other partner involvement in implementation. It will be critical to engage with local and regional partners, including the private sector, to provide input on the draft action plan, to ensure that implementation is a collective community effort, not exclusively the responsibility of the City.

The public review draft of the comprehensive plan will include a list of proposed strategies within each focus area, including preliminary identification of priority strategies. During the public review period, we will collect input from stakeholders and the public to confirm the list of priority strategies. As we review and confirm the priority strategies during the public review period, we will begin to build out the action plan. The planning team will conduct supplemental research and outreach, as necessary, to develop action plan recommendations. Our collective team brings a wealth of experience to support implementation of many types of projects. For example, Agnew::Beck has prepared business plans and feasibility assessments for dozens of community facilities from police and fire stations, health clinics, and community centers to visitor information centers, recreation facilities and museums, and Agnew::Beck's grant writing efforts have raised more than \$200 million for community and organizational capital projects and programs. Agnew::Beck has also facilitated many types of housing projects, including feasibility analyses, modeling housing development scenarios, advising redevelopment projects, and helping partners develop affordable housing programs such as Pay for Success, Housing First and Built for Zero. Agnew::Beck has a robust history working with regional housing authorities, housing developers, tribally designated housing entities, municipalities, and other groups around Alaska to conduct research on both the demand and supply sides of housing, and to offer concrete recommendations to improve the availability of appropriate, affordable housing for residents. We will apply

this experience to support the City of Homer with building out implementation recommendations for priority strategies within the comprehensive plan.

The following shows an example action plan from the recently completed Fairbanks North Star Borough Comprehensive Economic Development Strategy (CEDS):

Strategy #4: Develop a Resilient Power Grid – Collaborate with other Railbelt utilities to achieve a resilient, efficient power grid that can better integrate future renewable energy sources for power generation.

Capital Project?	Action	Lead	Support	Estimated Resources	Target Completion
✓	a. Add an additional 45-50 MW of battery storage to help regulate variable power load from renewables and create backup power during outages/disruptions.	GVEA	AEA, U.S. Department of Energy (DOE)	\$70-\$75 million	2025
✓	b. Upgrade existing Railbelt intertie from 138 kV to 230 kV.	Railbelt utilities	AEA, Denali Commission, GVEA, FCAC	\$170 million	TBD
✓	c. Complete planning for and construct the Roadbelt intertie, a 230kV line connecting Anchorage to Fairbanks along the Richardson and Glenn Highways (see the Denali Commission Roadbelt Intertie Project Report here for more information).	Roadbelt Electric Reliability Organization (ERO)	AEA, utility providers, municipalities, Denali Commission, Tribes, FEDC	\$1 billion (\$566 M for Sutton to Delta Junction)	2025
✓	d. Identify opportunities to collaborate with other sectors (e.g., shared utility easements with telecommunications).	GVEA	IGU, broadband providers, permitting departments of state and federal agencies, Denali Commission, Golden Heart Utilities, FCAC	Varies	Ongoing

Following completion of the action plan, our team will work with city staff to ensure that priority capital projects are captured within the City’s schedule of proposed Capital Improvement Projects.

To support implementation, the comprehensive plan will also include a detailed description of other procedures that the City may use in monitoring and evaluating the implementation of the plan. This could include identification of a process for gauging community satisfaction with plan progress. Homer residents should be regularly encouraged to share comments, questions, and concerns on plan contents and implementation, and more importantly, to get involved in plan implementation.

We have a demonstrated track record of successfully assisting communities with **implementation** following the completion of a **community comprehensive plan**. Examples include:

- Kenai Peninsula Borough (KPB) Comprehensive Plan → Development of the **KPB Communications Strategy**.
- Petersburg Borough Comprehensive Plan → Facilitated/developed **Petersburg Borough land use code revisions** and just launched the **Petersburg Housing Needs Assessment**.
- North Pole Comprehensive Strategic Plan → Conducted **landowner re-zoning outreach** and **retail needs survey**.
- Fairbanks North Star Borough (FNSB) Eielson Regional Growth Plan → Managed and facilitated the **Salcha-Badger Road Area Plan**.
- St. Paul Island Comprehensive Economic Development Strategy → Development of the **St. Paul Island Visitor Study** and **grant funding research and grant writing for the City of Saint Paul Island**.
- Northwest Arctic Borough Comprehensive Plan → Development of the **Northwest Arctic Borough Public Safety Strategic Plan**.

Task 8: Presentations

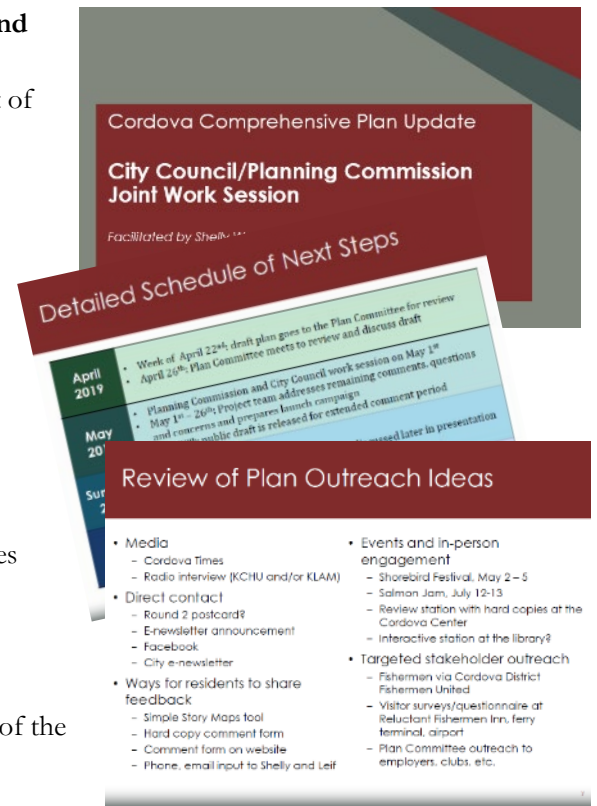
Responsibility	Timeline and Deliverables
<ul style="list-style-type: none"> • Lead: Agnew::Beck • Support: All other team members will support this task based on subject matter expertise 	<ul style="list-style-type: none"> • April 2023: Introductory work session for City Council, Planning Commission, Economic Development Commission, and city staff. • May– December 2023: Quarterly meetings and work sessions with the City Council and Planning Commission. • February 2024: Support city staff to prepare for and present at hearing and adoption meetings. • Ongoing: Meeting materials (including presentation slides, agendas, supplemental handouts) for each meeting, and meeting summaries following each meeting.

Our team will prepare presentations at a variety of stages throughout the process. These will primarily focus on presentations to the Planning Commission and City Council to provide updates on our team’s efforts, review draft materials, help identify priorities, and promote participation in the planning effort.

We proposed an initial **comprehensive planning orientation and work session** with the City Council, Planning Commission, Economic Development Commission, and city staff at the outset of the process. Agnew::Beck conducted similar trainings as part of comprehensive planning efforts with the City of Cordova, the Northwest Arctic Borough, and the Kenai Peninsula Borough to share educational information on the purpose, structure, benefits, and legal aspects of comprehensive plans, including relevant insights from other communities, best practices, and recommendations on how to create a successful comprehensive plan, from draft report to implementable, tangible outcomes. These sessions create a shared understanding of the planning process and outcomes and can also answer questions regarding components and requirements. These work sessions help build consensus and enthusiasm for the planning effort. These dialogues help all parties understand their role in the planning process, including their role in advocating and implementing the plan.

Potential work session topics include:

- Refine the overarching objectives and desired outcomes of the comprehensive planning process.
- Review the “usability” of the current 2018 Homer Comprehensive Plan. Has the plan been a helpful tool for the City? Which components have been most useful? What could be improved? In reviewing the 2018 goals, policies, and recommendations – which have been completed, which are still of interest, and which actions no longer make sense or are of concern to the community?
- Define the final product(s) that will work best for the City. Which critical issues should the plan address?
- Discuss and refine the City’s objectives and timeline for the public participation plan.



- Share success stories and lessons learned from other comprehensive and strategic plans in Alaska.
- Discuss respective roles and responsibilities in preparing the plan, including the public's role in the process, refining plan components, and implementing the plan.
- Define which would be the best overall measures of project success for Homer.

We will be available to provide written and/or verbal presentations to the City Council and Planning Commission throughout the process. We will prepare formal project presentations and work sessions on a quarterly basis, with a minimum of six meetings. Some of these may be held as joint work sessions, while others will be conducted separately. Prior to major public participation initiatives such as community meetings, we will conduct a test run of our proposed process with the Planning Commission to review and refine our approach, if needed, prior to engaging the public. At least one of the meetings will be dedicated to reviewing emerging findings from the site analysis and mapping tasks. We will work closely with city staff to prepare for and develop accompanying materials for these presentations and to meet packet publishing deadlines. While some of these presentations to the City Council and Planning Commission meetings will be done virtually, we will work to align our in-person visits with existing meetings when possible to maximize in-person engagement.



As part of this task, our team will work with city staff to shepherd the final plan through the formal hearing and adoption process. We will assist with the preparation of handouts and presentations, and can be available in Homer to support presentations, answer questions or concerns as they arise, help document comments and refine the plan as needed. We have successfully prepared for and supported municipal staff with many work sessions and public hearings, resulting in a solid track record of unanimous adoption of comprehensive plans over the past five years.

As identified in Task 2, we also anticipate many presentations to other groups in the community. For example, we anticipate engaging with groups such as the Economic Development Advisory Commission, Parks, Art, Recreation, and Advisory Commission; Port and Harbor Commission; Homer Chamber of Commerce & Visitor Center; and the Ninilchik Traditional Council. We find this type of engagement is crucial in building partnerships and interest in the process and gaining insights and feedback we may not otherwise receive through our planned public participation process.

This task will be supported using materials prepared in Task 2, such as PowerPoints, which will be customized for each presentation. In addition to slides, we will utilize visually compelling handouts such as the community snapshot discussed in Tasks 2 and 3. The snapshot will condense key findings from background research, mapping, and other activities, and will serve as a conversation guide. An example from the Northwest Arctic Borough is shared on the following page.



Northwest Arctic Borough 2030: Planning for Our Future

Winter 2021

Aarigaa Taikuu

Who are we? How have we changed?

Trends from 2010 ~ 2019

Our Population

- ➔ Borough population
- ↑ Median age – though still younger than the state
- ↑ School district enrollment

Our Economy

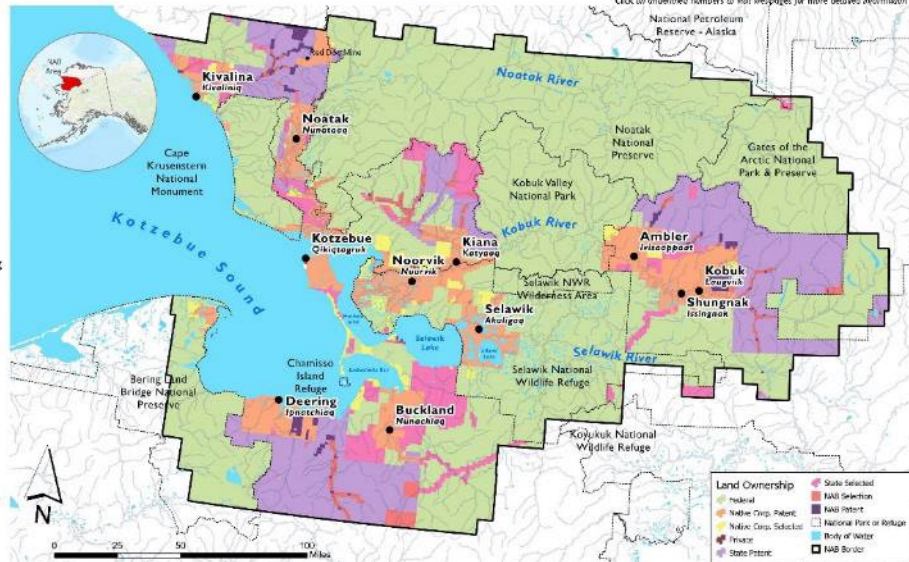
- ↑ Private employment
- ↓ Government employment
- ↑ Wages
- ↑ Jobs in Mining, Transportation & Warehousing
- ↓ Jobs in Leisure & Hospitality, Information (data, telecommunications)

Our Borough's Fiscal Health

- ↑ Payments from the Red Dog Mine
- ↑ Overall General Fund revenues
- ➔ General Fund expenditures
- ↑ Fund balances (savings)

Sources: U.S. Census American Community Survey, Alaska Department of Education & Early Development Data Center, U.S. Bureau of Labor Statistics, State of Alaska Department of Commerce, Community and Economic Development Division of Community and Regional Affairs

85% Inupiat 403 pounds subsistence harvests per person annually 11 Tribes, 10 Municipalities \$4-\$8 M invested annually in NAB communities through the Village Improvement Fund 35,899 square miles of land 3,560 miles of coastline 66% of land federally owned



What does the 2030 Comprehensive Plan do?

Brings us together, as a region.

Creates better communities.

Guides our community and regional leaders.

Helps us preserve what we value most about the region.

How?

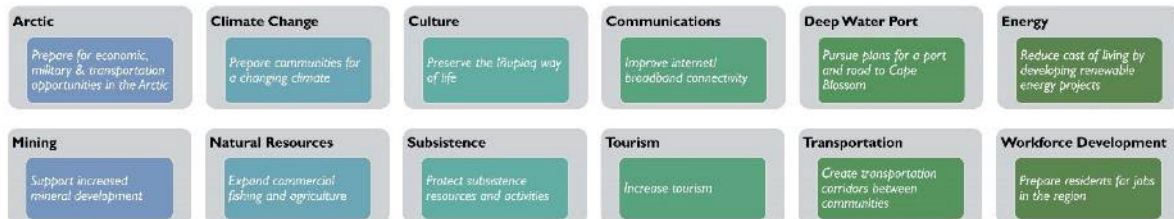
- By gathering data, local knowledge, population and economic projections, and public input.
- By creating a regionwide roadmap to guide decision-making, funding and development efforts over the next 10 years.

What is our timeline?

The project kicked off in fall 2020 → → A draft plan will be released in summer 2021 → → The plan will be finalized in fall 2021.

What have we heard so far & what are your priorities?

We have learned a lot from initial conversations with NAB leaders, residents and research.



What do you think and what are your priorities?

1. Take this 5-minute survey: <https://www.surveymonkey.com/r/nab2030>

2. Contact us: Eva Aqimayuk Harvey, NAB Planning Director
Phone: 907-412-3033 | Email: eharvey@nwabor.org



Scan this image with your phone to go to the survey

Take the survey. Be eligible to win a Bering Air freight gift card, \$50 gift card toward your local store, 10 gallons of gas, 10 gallons of stove oil, traditional art from Sulvanich Art Gallery and more!

LEARN MORE – Visit and sign up for updates on the NAB 2030 Comprehensive Plan website: <https://nwab2030.org/>

Task 9: Final Plan

Responsibility	Timeline and Deliverables
<ul style="list-style-type: none"> • Lead: Agnew::Beck • Support: All other team members will support this task based on subject matter expertise 	<ul style="list-style-type: none"> • January 2024: Summary of public comments received during the public review period, with a proposed set of amendments/recommendations for addressing public comments. • January 2024: Meeting with city staff and the Planning Commission to review and discuss proposed next steps and prepare for the adoption process. • February 2024: Finalized comprehensive plan (by February 1). • March 2024: Final transfer of all relevant files to the city clerk and planning department.

We will release the public review draft to the public no later than December 1, 2023, with a comment period of at least 30 days. After the public review period has ended, we will compile all public comments into a tracker tool that categorizes each comment by commenter name/organization, date, relevant page number(s), and topic. We will meet with the core team and the Planning Commission for a work session to review a summary of public comments and proposed next steps, including any necessary plan revisions and preparations for the adoption hearings. Feedback from these meeting will inform development of the final plan.

We will work with planning department staff and the city clerk to comply with formal plan introduction and adoption requirements. We will attend the adoption hearings, and if desired, provide a short presentation of the plan process and key components (e.g., public participation process, vision, goals, priority strategies). Our team has also provided helpful input on ordinances and resolutions of adoption. If desired, we can provide that level of input to planning department staff. After adoption, we will work with planning department staff and the city clerk to insert a signed resolution of adoption into the final plan. We will then send out a final e-newsletter, notifying contacts of the approval and availability of the final plan. Finally, we will ensure timely transfer of all relevant files to the city clerk and planning department.

"I think you did an excellent job in putting this together and seeking comments and involvement from the community. It is well presented, readable, and I believe very accurate in assessing Cordova's strengths and challenges."

"First, my overall comment is that the draft plan exceeds my expectations for readability and its action orientation. I believe it will be very useful in the coming years!"

"Great job putting the draft plan together. It's a beautiful, detailed, and well thought out document. I especially liked the integration of the quotes from people who participated in the process."

-Feedback received during Cordova Comprehensive Plan Update public comment period, Summer 2019



Phase II: Title 21 Zoning and Planning Code Update

Project Understanding

Our team understands that the code revision project will include a public engagement component that will involve residents, community groups, staff from city departments, the Planning Commission, the City's hearing officer(s), and representation from businesses and development entities so that the resulting code and map revisions reflect various perspectives, consider individuals' needs and aspirations, and account for local values.

We understand that the project will start with an assessment of the City's existing regulatory framework and initial recommendations for improvements, a review and analysis of other regulatory and policy documents (e.g., Town Center Development Plan, Long-Range Transportation Plan, etc.), refinements and updates to the official zoning maps, and assistance with final adoption. All these efforts will implement the goals and policies from the updated comprehensive plan and to respond to local sentiments of how the community wants Homer to evolve for the next 20-plus years.



Proposed Work Plan

Our team will complete the following tasks as part of the project scope. We will act as partners with city staff to ensure that the code and map amendments align with the community's values and implement the goals and vision from the new comprehensive plan. Specifically, our team will analyze the current Title 21 Zoning and Planning Code, implement a community engagement plan, write the code and adapt map revisions, document stakeholder feedback, and assist with the adoption process. We have structured the scope of work to coincide with the tasks outlined in the RFP.

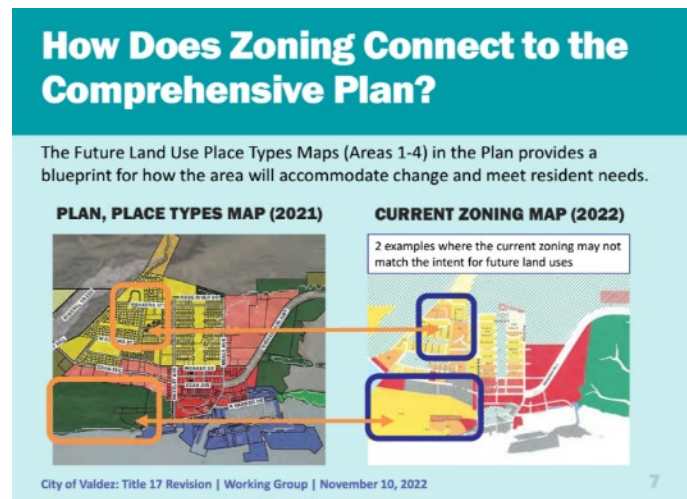
Task 1: Data Collection, Background Research and Analysis

Responsibility	Timeline and Deliverables
<ul style="list-style-type: none">• Lead: Stantec• Support: Agnew::Beck	<ul style="list-style-type: none">• March 2024: Facilitate kickoff meeting with city staff, including agenda development and meeting documentation with action items and assignments identified.• March 2024: Prepare and finalize a project work plan for phase II identifying team roles and responsibilities, communication preferences, and a detailed project timeline.• April 2023: Prepare and finalize a project work plan identifying phase I team roles and responsibilities, core team composition, communication preferences, and a detailed project timeline.• April 2024: Summary of key findings and emerging recommendations from the data collection, background research, and analysis.• Ongoing: Ongoing project management tasks including team coordination/communications, invoicing, budget management, etc.

Our team will review, assess, and document the City's policy and regulatory documents (including those documents outlined in the RFP announcement) to serve as baseline data for any potential code and map amendments. We will prepare a concise report of its findings and preliminary recommendations to improve the City's regulatory framework. The following lists the approach we will use in this task. An analysis report (code audit) will be provided as part of Task 2.

- **Kick-off Meeting** – Our team will begin the Title 21 Planning and Zoning Code update phase with a project kick-off meeting with city staff to review the scope, define roles, confirm the project schedule, and define the methodology. These details will be confirmed in a work plan, which will be drafted and shared with city staff for review and approval. As part of the kickoff meeting the team will also facilitate a discussion for staff to share their observations, ideas, needs, and desires for the code components; this will provide the foundation for the code format, its contents, and overall expectations. A detailed staff listening session is included in in Task 2.
- **Roles and Responsibilities** – Define the roles, responsibilities and expectations of the contracting team, the city project manager, the Planning Committee, the Economic Development Committee, and the Homer City Council. Confirm leads and lines of accountability for all tasks and deliverables.
- **Communications and Ongoing Project Management** – Identify preferred methods for project communications, including weekly email and/or virtual (e.g., Zoom) project updates, and a proposed schedule for status updates with advisory bodies and the City Council. Most of these meetings will be conducted virtually.

- **Detailed Project Schedule** – Develop a timeline highlighting key milestones, intermediary goals, internal review deadlines, and a preliminary calendar for meetings and outreach activities. This tool will be an ongoing reference for the project team and the City to keep the project on time and within scope.
- **Information Request** – We will work with city staff to identify and provide which specific policy and regulatory documents will be reviewed; we recognize the City may want to include documents and topics in addition to those listed in the RFP and that our team may have recommendations for additional documents.
- **Demographics and Market Considerations** – Our team will review and summarize key community conditions identified during the comprehensive plan update, noting conditions relating to housing, household income, land use needs, and growth projections. This information will allow us to understand the unique community needs as they relate to land use allowances and development standards (e.g., creating allowances for the unique industries in Homer and the population’s housing needs).
- **Comprehensive Plan** – Our team will already have a thorough knowledge of the updated comprehensive plan document to understand the community’s long-range vision for the City as it relates to land use, development form, and preservation but we will continuously refer to the plan to make sure our work in this phase is aligning with the plan’s goals and priorities. We will list each of the Land Use Designations (or future term) described in the new comprehensive plan document and the corresponding land uses and development forms. We will also identify key goals and actions that directly relate to and guide the code and map revisions process. *In the images on the right, we share how the Valdez Comprehensive Plan is informing the Valdez Zoning Code update currently underway as part of a kickoff meeting with the working group.*
- **Mobility Network and Design Standards** – We will review and document the City’s current mobility networks through a planning-level analysis using Geographic Information Systems (GIS) and site observation; we anticipate using the same datasets used in the comprehensive plan update (Phase 1) for efficiency purposes. Our team will identify potential inconsistencies between street designs and size and the land use designations where they pass through. We will also



review and summarize Homer's current street and mobility-related standards and identify potential refinements to make those facilities better support the intended land use and neighborhood character for Comprehensive Plan Land Use Designations. We understand these standards may be in a separate plan or manual other than Title 21.

- **Other Policy and Technical Documents** – We will review and summarize the following plans, highlighting recommendations that specifically impact or inform zoning regulations:
 - Community Design Manual
 - Town Center Development Plan
 - Non-Motorized Transportation and Trails Plan
 - Local Hazard Mitigation Plan
 - Americans with Disabilities Act (ADA) Transition Plans

Task 2: Technical Review of Existing Code and Recommendations

Responsibility	Timeline and Deliverables
<ul style="list-style-type: none"> • Lead: Stantec • Support: Agnew::Beck 	<ul style="list-style-type: none"> • May 2024: Code audit of current Title 21 Zoning and Planning Code, including a Zoning Map with notes that identify areas and parcels that are inconsistent with the Land Use Place Types map with potential district recommendations. • June 2024: Diagnostic report identifying steps needed to update the code.

Our team will review and assess the standards and requirements listed in Title 21 Zoning and Planning of the Homer Municipal Code. The Team will prepare a code audit report that:

- Summarizes the current requirements,
- Identifies methods to align the code with the updated comprehensive plan goals and actions,
- Identifies inconsistencies, weaknesses, and areas that are difficult to interpret, and
- Provides initial recommendations to improve the code in terms of clarity, organization, and effectiveness in producing desired outcomes. Recommendations will be further explored in the subsequent diagnostic report.

The Title 21 code audit will review and summarize, at a minimum, the following topics:

- **Zoning and Land Use Allowances** – Our team will compare the current zoning districts with the Land Use Designation listed in the new comprehensive plan. We will compare the existing zones to each Land Use Designation by summarizing the allowable land uses (and their review procedures) for each. This process is aimed to identify potential inconsistencies between zoning and the new Comprehensive Plan Land Use Designations.
- **Zoning/Dimensional Standards** – We will summarize the dimensional standards for each zone (e.g., setbacks, height limits, etc.) and identify potential conflicts, as well as alignments, with the corresponding Land Use Designations. This analysis will serve as a baseline for potential regulatory revisions or parts of the code to continue/maintain that are working well today. We will identify opportunities for refinements that would make the code align with goals and policies outlined in the updated comprehensive plan.
- **Parking** – Our team will review and summarize the current parking requirements in terms of dimensional and design requirements (i.e., stall and driveway sizes) and minimum parking ratios by use (i.e., parking quantities). We will also identify potential conflicts between parking requirements and the intended character for specific Land Use Designations, as well as local goals and objectives around parking, particularly in relation to redevelopment.
- **Specific Use and Conditional Use Standards** – Our team will review and summarize the requirements and limitations that may be applicable to specific land uses (or conditional uses in Homer) which are normally intended to protect surrounding properties from negative impacts and address compatibility concerns. We will recommend additional uses to allow more flexibility in the code, and other potential regulatory refinements to achieve better compatibility amongst neighboring uses. A particular focus will be on housing, mixed-use, industrial, and marine-oriented land uses.

- **Non-Conforming Situations** – We will review and summarize the current standards, allowances, and limitations relating to non-confirming situations, identifying unclear code provisions, and recommend ways to better accommodate beloved land uses and structures while striving for regulatory compliance as these situations evolve.
- **Administration and Procedures** – Our team will review and summarize the current administrative and review procedures for the various land use and zoning applications in the City. We will also identify processes that are not well defined in the current code. We will also identify potential revisions that would clarify the processes, streamline desired development, and provide more review for land uses and development types that may pose compatibility concerns at certain locations.
- **Title 22 Subdivisions** – Our team will review Title 22 Subdivision of the Municipal Code and provide recommendations on potential revisions that would streamline the review process and eliminate redundancy or conflicts with Title 21.
- **Zoning Map** – We will conduct a comparative analysis of Homer’s current zoning map with the Land Use Designations map (or new equivalent) from the updated comprehensive plan document. Our team will note areas on the zoning map that do not align with and/or conflict with the Land Use Designations map and provide potential district or boundary options. We will also identify potential overlay zones and locations pursuant to the updated comprehensive plan. We will create the zoning map using geographic information systems (GIS) software.
- **Staff Listening Session** – We will host a listening session with city staff to:
 - i. Understand challenges in code implementation and application.
 - ii. Discuss areas to streamline the review processes.
 - iii. Identify opportunities to increase land use flexibility (while protecting neighborhood character).
 - iv. Highlight opportunities to improve design and dimensional standards, and other ideas to improve how Homer regulates development.
- **Focus Group Meeting** – To obtain insights from the local development community and design professionals, we will facilitate a focus group meeting, either virtually or in person. During this meeting, we will pose questions related to what is working with the code, what is not working, development trends, and what needs to change.

- **Diagnostic Report** – Once the code audit is complete, we will create a diagnostic report that documents all the summaries and analysis and provides recommendations for improving the code.

Identification of an opportunity site in the Mill Bay Road Corridor Area-Wide Planning Study Framework Plan and Planning Initiatives, produced for the Kodiak Island Borough in 2020



4. Existing vacant site (OS #3) next to the existing Safeway shopping center; 5. Existing aerial vicinity around the Safeway shopping center (Planned Employment Activity Node and Commerce Activity Node) at Mill Bay Road and Von Sheele Way; 6. A concept plan illustrates a potential infill & redevelopment scenario (for planning purposes only)

Task 3: Public Participation Process

Responsibility	Timeline and Deliverables
<ul style="list-style-type: none"> • Lead: Agnew::Beck • Support: Stantec 	<ul style="list-style-type: none"> • March 2024: Public participation plan that identifies a timeline for stakeholder and community engagement; outreach strategies; and a list of potential interview and survey questions. • Ongoing: Outreach materials as identified in the public participation plan, including presentation slides, e-newsletters, press releases, and other tools. • Ongoing: Documentation of engagement efforts, including meeting notes.

Our team will create a simple public participation plan that will define the community engagement methods and activities for the code revision phase. The public participation plan will build upon the community feedback obtained through the updated comprehensive plan update process and provide other methods to engage with a wide variety of community members, staff, residents, local stakeholders, and industry advisors. At a minimum, the public participation plan will include listening sessions with city staff (prioritizing Planning, Public Works, and Parks), work sessions with the Planning Commission, an in-person community workshop, and a working group of community representatives and city staff. The following further describes the components of the public participation plan.

- **Code Working Group** – Our team will assist the City in forming an official code working group comprised of representatives from city departments, residents, development entities, businesses, community organizations, and brokers or realtors. The code working group will be the core recommendation body for the code and map update project. Our team will facilitate monthly working group meetings to present code sections, potential code revisions, and seek feedback from the group. Our team will work with the City to recruit participants, convene meetings, develop meeting materials and exhibits, and document participant feedback from each meeting.
- **Comprehensive Plan Community Feedback Review** – Our team will review the community feedback documentation from the comprehensive plan update process. We will summarize the key themes as it relates to the code and map revision project.
- **Planning Commission** – We will facilitate at least two work sessions with the Planning Commission to obtain recommendations and feedback on the potential code and map revisions. At the beginning of the process, our team will host an idea-generating workshop with the commission to obtain their feedback on improving the regulatory and land use framework. We will structure the discussion by topics relating to land use and development, so the discussion is organized with a clear format. Toward the end of the process, we will host another workshop with the commission to present the draft code and map revisions and solicit commissioner feedback on the proposed amendments. We will document commissioner feedback and work closely with staff to perform

Get Involved

Share Your Comments

Have ideas about what Valdez's new zoning code should look like? What challenges have you had using the current code, or an idea for a new development that isn't possible right now? We want to hear your thoughts! Please use the box below to send our project team your comments.

Name

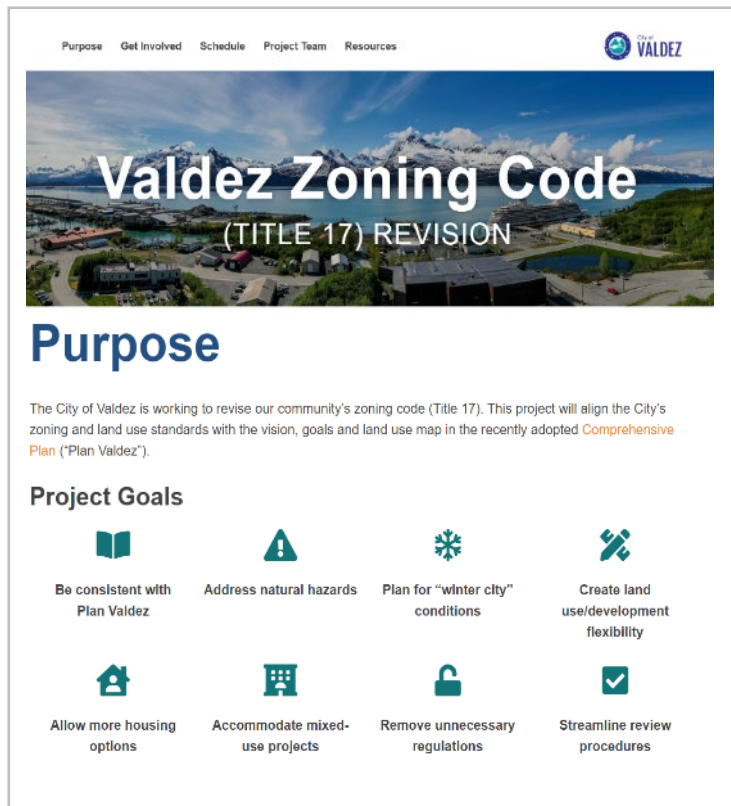
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additional revisions to the draft document package. As an option, this could occur as a joint workshop with City Council and members of the Planning Commission.

- **Community Workshop** – After the code working group reaches consensus on key code provisions, we will host an in-person community workshop with city staff to educate stakeholders on the project objectives, communicate the draft regulatory changes, and obtain participant feedback on the draft revisions. This workshop could be supplemented by smaller focus groups on key topics such as housing, as well as a series of pop-ups at key community locations (grocery stores, farmer’s markets, docks).
- **Project Promotion and Advertising Support** – Our team will provide project information and advertising support to city staff throughout the revision process to inform residents and stakeholders of engagement events and to inform the community of the project’s advancement. This could include drafting press releases, social media content, and e-newsletters.
- **Website** – We will expand on the original comprehensive planning website to add a dedicated page with information about the zoning and planning code update. The website will remain a key tool for learning about the project, reviewing draft products, viewing meeting notes, and identifying opportunities for the public to get involved. *See screenshot of the website for the Valdez Zoning Code update, visible at zoningvaldez.com.*



Task 4: Preparation of Vision, Values, Goals, Objectives, and Recommendations for Code Type

Responsibility	Timeline and Deliverables
<ul style="list-style-type: none"> • Lead: Stantec • Support: Agnew::Beck 	<ul style="list-style-type: none"> • August 2024: Summary of recommendations to code format/structure, code components, and regulatory topics, to include a best practices zoning code comparison summary.

Using the code audit, diagnostic report, public engagement results, input from the working group, and discussions with staff, our team will prepare recommendations for the format and structure of the new code. The type of code recommended will:

- **Align** with the vision, goals, and objectives of the updated comprehensive plan. The zoning code is the most direct implementation tool of the comprehensive plan and must align with other plans related to transportation, stormwater, and utility infrastructure. This means more than just making sure the zoning map is consistent with the land use recommendations in the comprehensive plan; it also means that the regulations in each of the zoning districts further the goals of the plan. Opportunities to do this may include updates to permitted and conditional uses, site design standards, bulk and dimensional standards, and more.
- Use **national best practices**. Based on our nationwide experience, we will compile a list of up to four zoning codes from other cities that could be models for Homer's regulatory framework. We will summarize these listing each jurisdiction and a summation of key elements and topics that would be conducive to Homer. While not a detailed code analysis, these examples can help inform changes and identify models for Homer.
- Make **mixed use** the path of least resistance. Homer is not a suburban community with large amounts of greenfields ready for development. Its zoning code should reflect the City's current and desired character. Growth in Homer will likely involve adaptive reuse of existing structures, redevelopment, and infill, as these are key options for Homer to grow and thrive while minimizing outward expansions of the urban footprint. To this end, we will discuss with the code working group whether Homer should consider a code structure that makes use of form-based principles; a focus on the form of development and less on the uses that go on inside the buildings.

In addition to overall structure recommendations, our team will provide an outline of the proposed code by components and regulatory topics. We will structure the code outline so that staff and the public can easily navigate it. Before the bulk of the code writing takes place in Task 5, the City will review and approve the structure. *Below we have included a sample proposed unified development code structure, developed as part of a zoning code update process for the City of Brooklyn Park.*

Proposed Unified Development Code Structure

Article 1. General Provisions

Article 2. Zoning Districts

Article 3. Permitted Uses

- A. Permitted Use Table
- B. Use Specific/ Performance Standards

Article 4. Development Standards

- A. Dimensional Standards
- B. Building Form Standards
- C. Connectivity and Circulation
- D. Parking and Loading
- E. Landscaping
- F. Screening and Fences
- G. Signs*
- H. Stormwater Management*
- I. Sustainability Standards
- J. Design Standards
- K. Exterior Lighting
- L. Housing and Property Maintenance Code*
- M. Plat Design*
- N. Maintenance and Operating Standards

Article 5. Administration and Procedures

- A. Summary Table (new feature)
- B. Reviewers and Decision-Makers (new feature)
- C. Review and Approval Procedures
 - a. Comprehensive Plan adoption or amendment
 - b. UDC Text or zoning map amendment
 - c. Subdivision plat approval or amendment*
 - d. Vacation of Street*
 - e. Variance (sign, lot, structure)
 - f. Conditional use
 - g. Interim use
 - h. Temporary use
 - i. Site plan
 - j. Administrative Review
 - k. Zoning permit
 - l. Building permit*
 - m. Certificate of occupancy*
 - n. Accessory home share permit (Airbnb)
- D. Nonconformities
- E. Enforcement and Penalties

Article 6. Definitions

- A. Rules of Constructions
- B. Definitions

Appendix: Zoning Map

WORK PLAN | 25

Task 5: Draft Code

Responsibility	Timeline and Deliverables
<ul style="list-style-type: none"> • Lead: Stantec • Support: Agnew::Beck 	<ul style="list-style-type: none"> • October 2024: Internal draft of Title 21 – Zoning and Planning Code document using Microsoft Word. • November 2024: Public review draft of Title 21 – Zoning and Planning Code document using Microsoft Word.

Our team will build from efforts in Tasks 1 through 4 and our professional experience to perform revisions to Title 21 – Zoning and Planning of the Municipal Code. Based on a preliminary review of the current code and contemporary zoning practices, we anticipate a complete rewrite of the Title 21. Our team will follow the City-approved document format as defined in Task 4. We will present each section to the code working group and perform additional text and map refinements based on participant feedback. We will focus the code refinements and revisions on the following topics:

- **Administration and Enforcement** – Revise the City’s administration, enforcement, and review procedures to provide clarity on the process, submittal requirements, and the associated decision-making bodies (i.e., staff review vs. public hearings). Our team will create a development review matrix that lists each application with the associated review procedures and decision-making body. We will use the feedback from the staff listening session (Task 3) to respond to the City’s internal processes and staff capacity for each application review. We will refine the descriptions and duties for each decision-making body (e.g., Planning Commission, Hearings Officer, Staff, City Council, etc.).
- **Zoning Districts** – Our team will revise the City’s zoning districts and standards to align with the corresponding Land Use Designations from the comprehensive plan in terms of allowable uses, development scale, building types, and dimensional standards (e.g., setbacks, height, building types, etc.). We will update the zoning districts pursuant to the following:
 - Update the district descriptions to coincide with the associated Land Use Designations described in the updated comprehensive plan.
 - Update density requirements in each district to allow for housing options consistent with the comprehensive plan’s goals and objectives.
 - Create a “Table of Allowable Uses” listing the land uses permitted by zoning district and the type of review required (e.g., administrative, or conditional use review) in one, user-friendly matrix. Particular attention will be paid to expanding mixed-use options and supporting adaptive reuse, infill, and redevelopment projects; these would be linked with appropriate design standards in other sections of the code.
 - Create a “Table of Dimensional Standards” that list the setbacks, lot dimensions, and structural height limitations for each district in a single consolidated matrix.
 - Write additional development criteria/standards for specific zoning districts that warrant unique design considerations (e.g., district(s) comprising the Town Center and waterfront areas may require pedestrian-oriented design standards).
 - Author new zoning district (and overlay) descriptions and standards as recommended in the updated comprehensive plan and approved in Task 4.
- **Supplemental Standards** – We will develop code amendments and additions to other code sections that address development elements such as parking, landscaping, buffering, circulation/access, and amenities.

- *Parking:* Align the land use categories with the Table of Uses (discussed above) and recommend parking ratios that align with best practices and/or code working group recommendations.
- *Landscaping:* Write landscaping standards that would be applied to property frontages for certain uses and buffering standards for abutting land uses with different intensities and/or near environmentally sensitive resources.
- *Measurements:* As appropriate, provide revisions to the methodology and calculation provisions of the code (e.g., setback and height measurements, density calculations, fences and wall allowances, and intersection visibility).
- *Signs:* Update the City's signage requirements, so the standards work with other code revisions and the allowable signage corresponds to the Comprehensive Plan's Land Use Designations (e.g., planned mixed-use areas may include limitations on sign types and sign face area).
- *Design:* As appropriate, develop building design standards for select areas of the Homer so that new projects contribute to the community's desired character for those locations.
- **Specific Use Standards** – We will revise standards that are applicable to specific land uses aimed to achieve compatibility with surrounding properties and the community's preferred development character. This work will be focused on those uses and development types listed in Division IV of Title 21. Based on code working group feedback, our team may write unique standards for up to eight (8) additional specific land uses (e.g., multi-family/apartment buildings, mixed-use projects, industrial operations, short-term rentals, bed and breakfast, home occupations etc.).
- **Variance, Adjustments and Nonconforming Situations** – We will update and refine the allowances, limitations, criteria, and procedures for variances and nonconforming situations that would allow for the reasonable use, expansion, and preservation of existing structures and established land uses within the City. Based on staff and code working group recommendations, the Team will write a process and terms for administrative review of minor deviations from the City's zoning requirements (i.e., Administrative Adjustments as an alternative process to a Variance).

The planning team will meet with our internal legal experts as well as the city attorney at several stages during the code development process. First, the overall structure and table of contents will be discussed and edited per attorney review. As we draft each chapter, we will review against Alaska State Statute, recent case law, and legal precedents to ensure that the code is defensible. Finally, we will provide each chapter of the code to the attorney as they are drafted, so that comments and concerns can be addressed before the public review draft is released.

See extract on the right for an example of proposed code edits from the Kodiak Island Borough Mill Bay Road Corridor Area-Wide Planning Study Strategies and Action Plan for off-street parking requirements.

TABLE 1

Permitted Uses	Required Off-Street Parking Spaces
Single-family dwellings	3 per dwelling unit
Two-family dwellings	3 per dwelling unit
Multifamily dwellings: (12-units or less)	2-1.5 per dwelling unit
Multifamily dwellings: (more than 12-units)	1.5 per dwelling unit
Aircraft hangars (used for any purpose)	1 per 700 square feet of gross floor area
Auto, boat and recreational vehicle sales	1 per 3,000 square feet of gross lot area, but not less than 5 spaces
Auto, boat, and recreational service garages, gas stations , repair shops, and accessory installation shops	4 spaces per stall service bay, 1 per service bay (each bay included as one space) . No vehicle in the custody of the business for service, repairs, storage, sales or other purpose may be stored in a public right-of-way.
Banks	1 per 300 square feet of gross floor area 1 per 1,000 square feet of gross floor area
Bed and breakfasts	In addition to the off-street parking requirements of KIBC 17.175.040 for a single-family dwelling, up to 2 guest rooms must provide 1 additional parking space; with 3 to 4 guest rooms must provide 2 additional parking spaces; and a bed and breakfast with 5 guest rooms must provide 3 additional parking spaces <u>1.0 per room</u>
Bowling alleys	4 for each alley or lane

****DRAFT**** Proposed Code Amendments (2020-01-02)

Task 6: Presentations

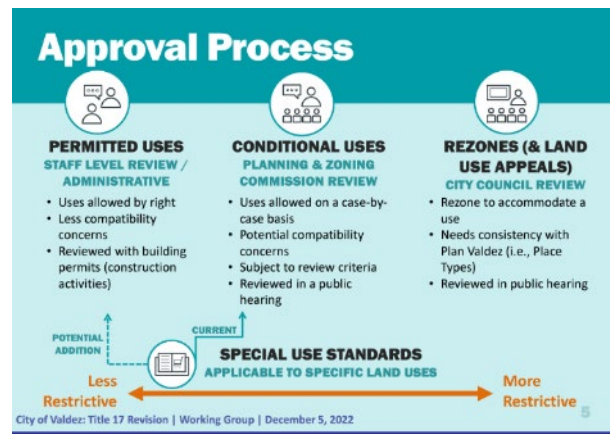
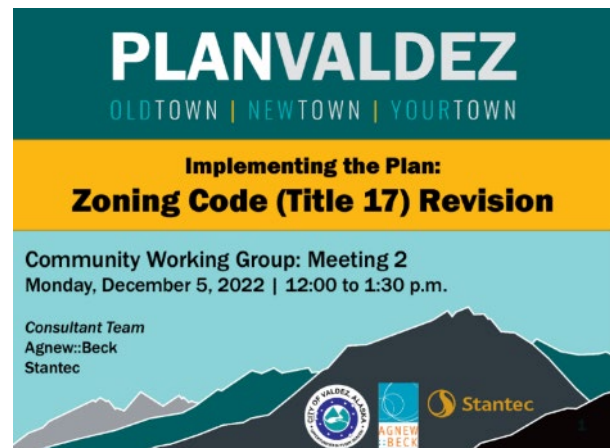
Responsibility	Timeline and Deliverables
<ul style="list-style-type: none"> • Lead: Stantec • Support: Agnew::Beck 	<ul style="list-style-type: none"> • March 2024 – January 2025: Quarterly meetings and work sessions with the Planning Commission and other boards and commissions as identified in the public participation plan. • January 2025: Final code presentations to the Planning Commission and City Council. • Ongoing: Meeting materials (including agendas, cover memos or reports, and code sections) for staff review prior to each meeting.

To assist with the code development and implementation process, we will collaborate with city staff to present information at various stages of the process to a variety of boards and commissions. The presentations will be highly graphic and concisely convey information about the code – see examples on the right from the City of Valdez Zoning Code Revision process, which is currently underway.

We will provide quarterly presentations to the Planning Commission and other boards and commissions as determined during the public participation plan phase (at least four presentations total). The first and last presentation will be in person; interim updates may be virtual.

We will support staff throughout the adoption process, providing code documents, staff reports, and preparing and facilitating presentations to the Planning Commission and City Council. In this scope we assume all public hearings will take place in person. Specifically, we will support the adoption process in the following ways:

- **Staff Report** – Our team will co-author the project staff report that will be used in the adoption process.
- **Staff Meetings** – We will meet with staff once prior to each meeting to review packet materials and goals for each presentation.
- **Planning and Zoning Presentation** – We will present the new ordinance and zoning map at a Planning Commission meeting where the commission will make a recommendation to City Council on adoption of the ordinance.



Current Conditional Uses	
Discussion: What stands out to you?	
<p><u>Notable uses requiring a public hearing:</u></p> <ol style="list-style-type: none"> 1. Animal hospitals 2. Assembly halls 3. Bakeries* 4. Boarding houses 5. Bowling alleys* 6. Religious institutions* 7. Childcare centers* 8. Community buildings 9. Eating and drinking establishments* 	<ol style="list-style-type: none"> 10. Grocery stores* 11. Gyms 12. Libraries and museums 13. Government offices 14. Mobile home courts 15. Multi-family dwellings* 16. Retail paint 17. Playgrounds 18. Schools 19. Rental cabins 20. Veterinary
City of Valdez: Title 17 Revision Working Group December 5, 2022	
*in certain districts	

We will encourage code working group participation at the Planning Commission meeting to help speak to the process and demonstrate support.

- **Public Hearing** – We will provide an updated staff report to the City Council for the public hearing, including a summary of public comments and feedback from the Planning Commission. Team members will be present at the hearing to provide a presentation and respond to questions. Much like the Planning Commission meeting, we will encourage code working group members to attend the public hearing.
- **City Council Adoption** – Finally, we will provide a staff report summarizing the public hearing and make a final presentation to the City Council for adoption of the code and zoning map.

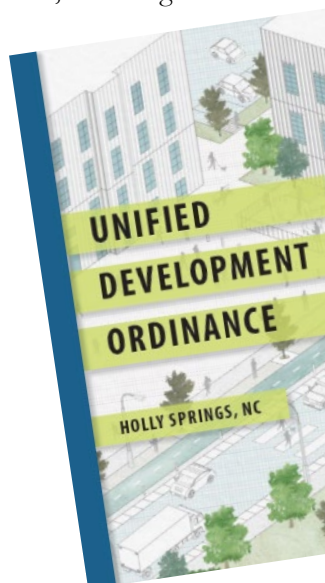
Task 7: Final Code

Responsibility	Timeline and Deliverables
<ul style="list-style-type: none"> Lead: Stantec Support: Agnew::Beck 	<ul style="list-style-type: none"> December 2024: Summary of public comments received during the public review period, with a proposed set of amendments/recommendations for addressing public comments. December 2024: Meeting with city staff and the code working group to review and discuss proposed next steps and prepare for code review/approval. February 2025: Finalize the code and updated zoning map. February 2025: Final transfer of all relevant files to the city clerk and planning department.

We will release a public review draft of the proposed code to the public with a comment period of at least 30 days. After the public review period has ended, we will compile all public comments into a tracker tool that categorizes each comment by commenter name/organization, date, page number(s), and topic. We will meet with city staff and the code working group for a work session to discuss a summary of public comments and proposed next steps, including any necessary revisions and preparations. Task 6 details how our team will work with the City to formally present the proposed code to the Planning Commission and City Council.

At the end of the process, our team will prepare a final, clean version of Title 21 in Microsoft Word format. The final code will incorporate staff and code working group comments. We will summarize the code revisions in an easy to read and understandable memorandum. We will also create a final zoning map that depicts the recommended zoning district and name revisions that would align with the Land Use Place Designations defined for the updated comprehensive plan.

We will then send out a final e-newsletter, notifying contacts of the approval and availability of the finalized code. Finally, we will ensure timely transfer of all relevant files to the city clerk and planning department, including maps in both PDF and MXD (GIS shapefile) formats.

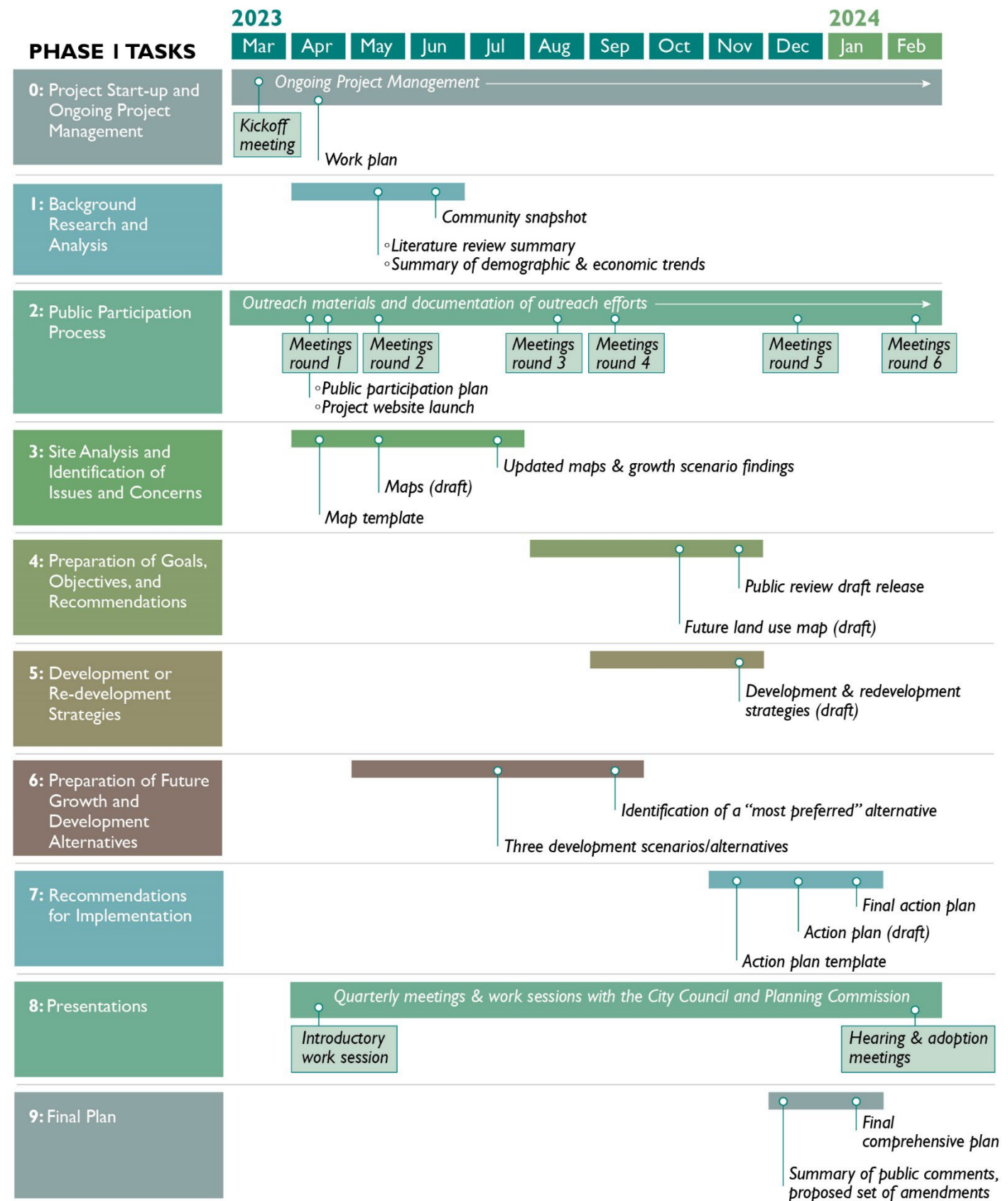


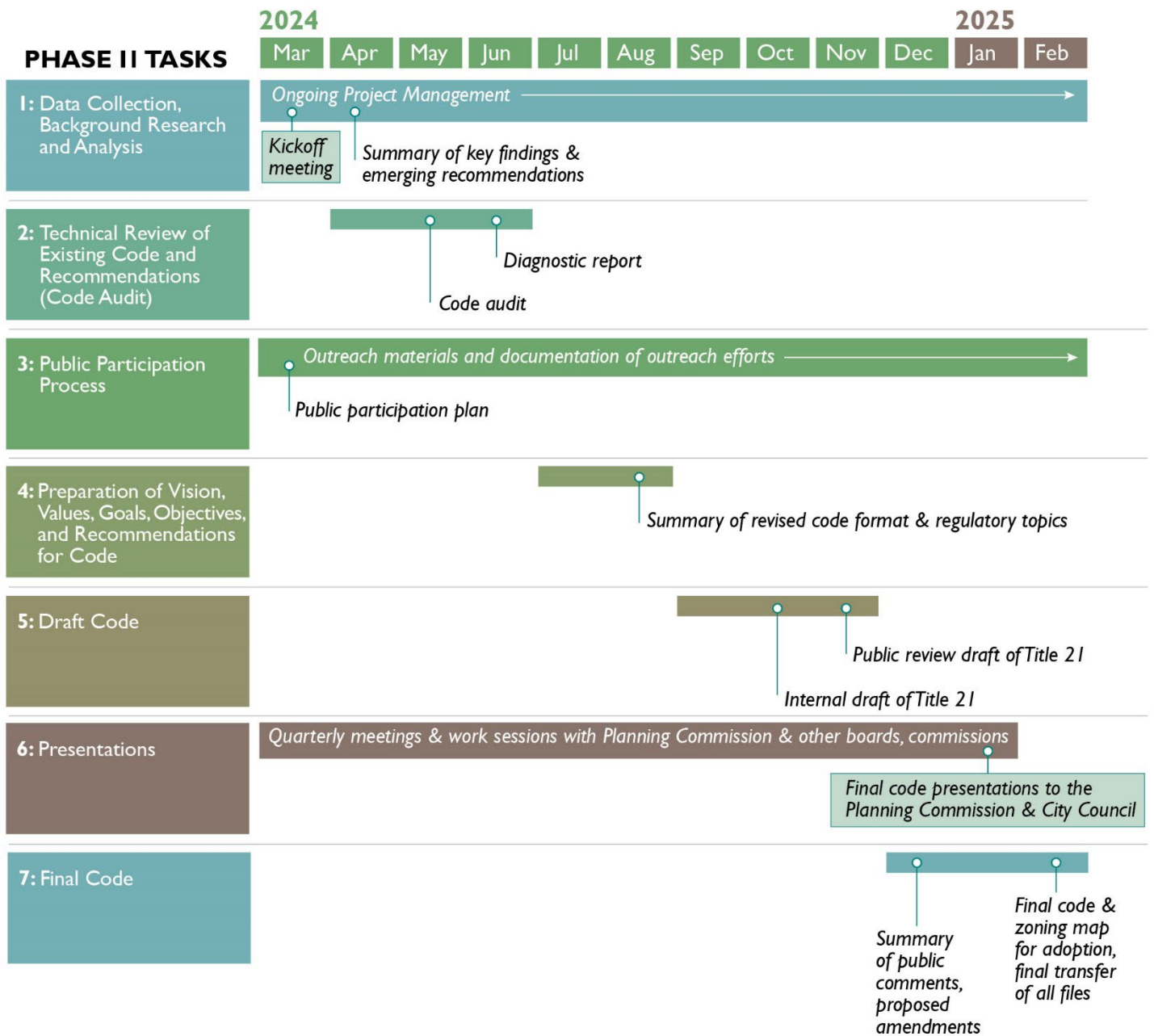
	RESIDENTIAL USE DISTRICTS					COMMERCIAL & MIXED-USE DISTRICTS				EMPLOYMENT / CAMPUS USE DISTRICTS				ADDITIONAL STANDARDS
PROPOSED DISTRICTS	RR	SR	NR	NCR	MXR	NMX	DMX	RMX	CB	SP (CD ONLY)	IVMX	BRT	HI (CD ONLY)	
Campground	**SUP	--	--	--	--	--	--	--	--	--	--	--	--	
Entertainment Facility (Outdoor)	SUP	--	--	--	--	--	--	--	--	--	--	--	--	
Fitness Facilities/Studios	--	--	--	--	P	P	P	P	P	--	P	--	--	
Golf Course	CD	CD	CD	CD	CD	--	--	--	--	--	--	--	--	
Recreation Facility, Indoor	PS	PS	PS	PS	PS	PS	PS	PS	PS	P	PS	--	--	
Recreation Facility, Outdoor (<50 acres)	PS	PS	PS	PS	PS	PS	PS	PS	PS	--	PS	--	--	
Recreation Facility, Outdoor (>50 acres)	CD	CD	CD	CD	CD	CD	CD	CD	CD	P	CD	--	--	
Shooting Range (Outdoor)	SUP	--	--	--	--	--	--	--	--	--	--	--	--	
Agriculture, Manufacturing, and Distribution Uses														3.3.8
Agricultural Uses (General)	P	--	--	--	--	--	--	--	--	--	--	--	--	
Agricultural Uses (Intensive)	SUP	--	--	--	--	--	--	--	--	--	--	--	--	
Data Centers	--	--	--	--	--	--	--	--	--	--	--	P	P	
Distribution and Logistics	--	--	--	--	--	--	--	--	--	--	PS	PS	PS	
Heavy Manufacturing	--	--	--	--	--	--	--	--	--	--	--	--	P	
Landfill	--	--	--	--	--	--	--	--	--	--	--	--	CD	
Light Manufacturing and Warehousing	--	--	--	--	--	--	--	--	--	--	P	P	P	
Neighborhood Manufacturing	--	--	--	--	--	PS	PS	PS	PS	--	P	P	P	
Research and Development Facilities	--	--	--	--	--	--	--	--	--	P	P	P	P	
Resource Extraction	--	--	--	--	--	--	--	--	--	--	--	--	CD	
Storage, Self-Service	--	--	--	--	--	--	--	--	--	--	--	--	PS	
Infrastructure Uses														3.3.9
Airport, Public or Private	SUP	--	--	--	--	--	--	--	--	--	--	--	--	
Infrastructure/Utilities (Major)	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	P	SUP	P	P	

KEY: P - Permitted Use; PS - Permitted Use with Additional Standards; A - Accessory Use; SUP - Special Use Permit
CD - Conditional Zoning District Only

Schedule

Our team is confident we can meet the required timeframe for this process. Our proposed staff have sufficient availability to begin this project in early March 2023. Our proposed schedule, as depicted below by Phase, meets the City’s intended timeline.





Communication Strategy for Project Management

See Proposed Work Plans, Task 0 (Phase I) and Task 1 (Phase 2) for a description of our team's project management communication strategy.

Potential Challenges

Our team has identified potential challenges and how we would address throughout the work plan above; in addition, the following are some broad challenges that will be important to consider throughout the process.

- **Ongoing COVID-19 and health concerns:** We've continued to work with communities across the state that have implemented adaptations not only for ongoing COVID concerns, but also in light of the recent respiratory syncytial virus (RSV) outbreak and influenza season. Our team is prepared to execute a public participation plan with creative implementation of both virtual and in-person events; we can quickly adapt as conditions change. For example, in August 2020, Agnew::Beck successfully modified an economic development-focused Yukon Kuskokwim CEDS regional work session to be entirely virtual, with nearly 100 participants from across the YK region and other parts of Alaska and the Lower 48. We know health concerns and how communities address them can change rapidly and we recognize the flexibility it takes to continue a project's progress in response to unexpected events.
- **Avoiding Duplication:** We recognize that businesses, organizations, and community members have recently engaged in the update processes for the Homer Area Transportation Plan, Non-Motorized Transportation and Trails Plan, and other planning efforts. It will be important to build from this past work, avoid duplication, use clear branding to distinguish this project from others, and strategically engage stakeholders throughout the comprehensive plan and zoning and planning code update processes.
- **Planning Commission and City Council Schedules:** Planning Commission and City Council agendas can fill up quickly. It is essential these advisory and governing bodies are engaged throughout the process; however, we recognize there are often competing demands on their schedules. Our team will work closely with city staff to engage the Planning Commission and City Council in strategic and meaningful ways. Ideas for addressing these capacity issues include: ensure at least one planning commissioner sit on the project core team (Phase I) and the project code working group (Phase II); provide short written or verbal updates at existing meetings, with joint work sessions at strategic points in the planning process; work with city staff (including the clerk's office) to communicate needs early, and be flexible during the adoption phase to ensure the Planning Commission and City Council have sufficient time to consider the plan. We recognize that plan adoption in particular can sometimes take months depending on the busyness of these groups, and are prepared to amend our schedule, if needed.
- **Scope Management:** At the beginning of a project, and sometimes mid-way, it is not uncommon for the scope of a project to change as new information is available, or to accommodate community needs. However, changes in scope can have an impact on a project's budget and timeline, and it is important to set up a clear process for addressing and mitigating the overall impact of changes. The Agnew::Beck project manager will work directly with the client project manager to identify and discuss potential scope changes as needed to achieve the project's objectives. The Agnew::Beck project manager will also alert the client project manager of any perceived changes or risks to scope immediately. Our team will work with the client project manager to document any agreed-upon changes to the project scope, and the corresponding changes in budget and timeline. Agnew::Beck uses flexible, easily updated web-based project management tools that makes it easy for all team members to track and evaluate progress in real time.

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Get Involved

Share Your Comments

Have ideas about what Valdez's new zoning code should look like? What challenges have you had using the current code, or an idea for a new development that isn't possible right now? We want to hear your thoughts! Please use the box below to send our project team your comments.

Name

Email

Message

Send



MEMORANDUM

Ordinance 24-58 to Accept and Appropriate an FFY 2023 State and Local Cybersecurity Grant Program Grant in the Amount of \$328,943 to Complete a Cybersecurity Projects

Item Type: Backup Memorandum
Prepared For: Mayor and City Council
Date: November 12, 2024
From: Bill Jirsa, Chief Technology Officer
Through: Melissa Jacobsen, City Manager

I am pleased to report that the City of Homer has been awarded a FFY2023 State and Local Cybersecurity Grant Program (SLCGP) grant from the Alaska Division of Homeland Security and Emergency Management in the amount of \$328,943. This grant program supports state, local, and territorial governments in managing and reducing systemic cyber risk.

The SLCGP funds awarded to the City of Homer will support two activities: \$25,000 for the development of a formal cybersecurity plan and \$303,943 for infrastructure projects aimed at enhancing the City's cybersecurity resilience. Both initiatives address priorities identified in a comprehensive cybersecurity risk assessment conducted in 2024.

That assessment, based on the National Institute of Standards and Technology (NIST) Cybersecurity Framework—a widely adopted standard for managing cybersecurity risk—highlighted critical areas where action is needed. While some improvements, like adopting new policies and procedures, can be implemented at minimal cost, others require substantial investment in equipment, software, and configuration to address the growing scope and complexity of digital threats. This grant provides an extraordinary opportunity to address cybersecurity gaps that may otherwise be financially out of reach for the City.

The Alaska Division of Homeland Security and Emergency Management has matched federal funds for this grant, so it requires no match from the City. City staff will take responsibility for the operation and maintenance of new infrastructure. While these projects will expand maintenance and replacement obligations for the City over the long run, the investment is balanced by a considerable reduction in risk to critical systems and public data. Proactively addressing these vulnerabilities not only helps to mitigate future cybersecurity threats but also reduces the potential costs and disruptions associated with cyber incidents.

Recommendation: Accept and appropriate the FFY 2023 State Homeland Security and Emergency Management SLCGP Grant in the amount of \$328,943.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Chief Technology Officer

ORDINANCE 24-58

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING THE FY25 CAPITAL BUDGET BY ACCEPTING AND
APPROPRIATING A FFY 2023 STATE AND LOCAL CYBERSECURITY
GRANT PROGRAM (SLCGP) AWARD IN THE AMOUNT OF
\$328,943.00 FROM THE ALASKA DIVISION OF HOMELAND
SECURITY AND EMERGENCY MANAGEMENT FOR MUNICIPAL
CYBERSECURITY INFRASTRUCTURE IMPROVEMENTS.

WHEREAS, the City of Homer recognizes the importance of maintaining robust
cybersecurity measures to protect municipal operations and services; and

WHEREAS, the Alaska Division of Homeland Security and Emergency Management
(DHS&EM) offers grants through the State and Local Cybersecurity Grant Program (SLCGP) to
assist local governments with managing and reducing systemic cyber risk; and

WHEREAS, through a comprehensive cybersecurity risk assessment, the City of Homer
identified the need to implement cybersecurity infrastructure improvements to enhance
security and resilience of municipal information technology systems; and

WHEREAS, the City of Homer applied for and has been awarded a FFY 2023 SLCGP grant
in the amount of \$328,943.00 for the purpose of creating a cybersecurity plan and
implementing other cybersecurity infrastructure projects to maximize the City's ability to
protect valuable resources and assets within our information systems.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. That the FFY2022/2023 State Homeland Security & Emergency Management
award of \$328,943.00 from the State and Local Cybersecurity Grant Program is hereby accepted
and appropriated as follows and that the City Manager is authorized to execute the appropriate
documents.

Revenue:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
156-XXXX	DHS&EM FFY2023 State and Local Cybersecurity Grant Program Grant	\$328,943.00

Expenditure:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
156-XXXX	Cybersecurity Plan	\$ 25,000.00
156-XXXX	Cybersecurity Infrastructure Upgrades	\$303,943.00

Section 3. This is a budget amendment ordinance, is temporary in nature and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 25th day of November, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

YES:

NO:

ABSTAIN:



ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

State of Alaska Division of Homeland Security and Emergency Management Under US Department of Homeland Security Federal Emergency Management Agency Grant Programs Directorate						Page 1 of 8	
						FEDERAL AWARD DATE	
						September 19, 2024	
						FEDERAL GRANT PROGRAM	
						2024 State Homeland Security Program	
OBLIGATING AWARD DOCUMENT						FEDERAL GRANT NUMBER	
						EMW-2024-SS-05168	
RECIPIENT NAME AND ADDRESS		BUDGET/PERFORMANCE PERIOD		AMENDMENT		CFDA: 97.067	
City of Homer 491 East Pioneer Ave. Homer, AK 99603		FROM: October 1, 2024		AMENDMENT #:		AWARD AMOUNT	
		TO: September 30, 2026		EFFECTIVE DATE:			
				STATE PROGRAM NUMBER		24SHSP-GY24	
UEI NUMBER		QPAPRFMET7Q1		FUNDING ALLOCATION			
EIN		92-0030963		PLANNING		EXERCISE	
METHOD OF PAYMENT		Electronic		TRAINING		EQUIPMENT \$330,628.00	
PURPOSE OF AWARD							
The attached Project Budget Details is the funding allocation. Grant program guidelines and federal, state, and local contracting and procurement compliance requirements apply.							
GRANT REQUIREMENTS AND PROGRAM TERMS AND CONDITIONS							
The acceptance of a grant from the United States government creates a legal duty on the part of the recipient to use the funds or property made available in accordance with the conditions of the grant [GAO Accounting Principles and Standards for Federal Agencies, Chapter 2, Section 16.8(c)]. See attached for continued Grant Requirements and Program Terms and Conditions.							
SPECIAL CONDITIONS (Grant funds cannot be expended until these conditions have been met. See Obligating Award for details.)							
See Attached							
AGENCY INFORMATION							
ADDRESS Division of Homeland Security and Emergency Management PO Box 5750 JBER, AK 99505-5750		WEBSITE		http://ready.alaska.gov			
		EMAIL		mva.grants@alaska.gov			
		PHONE		(907) 428-7000			
		FAX		(907) 428-7009			
STATE PROJECT MANAGER		PHONE		FAX		EMAIL	
Jennifer Bond		(907) 428-7000		(907) 428-7009		mva.grants@alaska.gov	
AGENCY APPROVAL				RECIPIENT ACCEPTANCE			
NAME AND TITLE OF APPROVING AGENCY OFFICIAL				NAME AND TITLE OF AUTHORIZED RECIPIENT OFFICIAL			
Tiffany D. Peltier, Administrative Operations Mgr.				City Manager			
SIGNATURE OF APPROVING AGENCY OFFICIAL				SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL			
		DATE				DATE	
		11/19/24					
FOR STATE USE ONLY							
Vendor Number:		CIH84724		Date Returned			
Fund	Unit	AR Unit	Object	Activity	Function	Program	PPC
1004	2001	099180010	7001	2012	24SHSPHOMR	25HSP2024	GYSHSP

Program Requirements

(A) Monies may not be obligated outside of the time period as stated on the grant document. An obligation occurs when funds are encumbered, as with a purchase order and/or commitment of salaries and benefits. All obligated and encumbered funds must be liquidated within 45 days of the end of the performance period (unless otherwise specified in the Program Terms and Conditions) when the *Final Performance Progress Reports* are due.

(B) The signature of the signatory officials on this award certifies that all financial expenditures, including all supporting documentation submitted for reimbursement, have been incurred by the jurisdiction, and are eligible and allowable expenditures consistent with the grant guidelines for this project. The jurisdiction shall follow the financial management requirements imposed on them by the Division of Homeland Security and Emergency Management (DHS&EM).

(C) The signature of the signatory officials on this award attests to the jurisdiction's understanding, acceptance, and compliance with Acknowledgment of Federal Funding; Lobbying; Debarment, Suspension, EHP, BABAA, and other responsibility matters; Drug-free Workplace; Conflict of Interest, and Non-Supplanting certifications. Federal funds will not be used to supplant state or local funds. Federal funds may be used to supplement existing funds to augment program activities and not replace those funds that have been appropriated in the budget for the same purpose. Potential supplanting may be the subject of application and pre-award, post-award monitoring, and audit. Any cost allocable to a particular Federal award or cost objectives under the principles provided in 2 CFR Part 200, subpart E, may not be charged to other Federal awards to overcome fund deficiencies.

(D) The jurisdiction shall ensure the accounting system used allows for separation of fund sources. These grant funds cannot be commingled with funds from other federal, state or local agencies, and each award is accounted for separately.

(E) The jurisdiction shall comply with the requirements under 2 CFR 25.110, to maintain and keep jurisdiction information current within the System of Award Management (SAM). Also, the jurisdiction has the requirement to be non-delinquent to the Federal government as required in OMB Circular A-129. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments.

(F) The jurisdiction shall comply with Federal Laws and Regulations: *Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975, Americans with Disabilities Act of 1990*. Per *Executive Order 13166*, the jurisdiction will take reasonable steps to ensure Limited English Proficient (LEP) persons have meaningful access to its programs and activities. The jurisdiction is required to comply with any applicable provisions of the Buy American Act (41 U.S.C. Sections 8301 – 8305). *Executive Order 13347 Individuals with Disabilities in Emergency Preparedness* requires government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism. *Executive Order 13224* prohibits transactions with and support to organizations associated with terrorism. Energy Policy and Conservation Act, National Environmental Policy Act (NEPA) of 1969 and the Coastal Wetlands Planning, Protection, and Restoration Act of 1990 (as applicable.) The USA PATRIOT Act of 2001, Trafficking Victims Protection Act of 2000, Hotel and Motel Fire Safety Act of 1990, and the Fly America Act of 1974. Subrecipients who collect Personally Identifiable Information (PII) are required to have a publicly available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate. All recipients must comply with statutory requirement for whistleblower protections (if applicable) at 10 U.S.C 2409, 41 U.S.C 4712, and 10 U.S.C 2324, 41 U.S.S 4304 and 4310. All recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R Part 19 and other applicable statutes, regulations, and guidance governing the participants of faith-based organizations in individual DHS programs.

(G) The jurisdiction certifies that it has an *Affirmative Action Plan/Equal Employment Opportunity Plan*. An EEOP is not required for subrecipients under \$25,000.00 or fewer than 50 employees.

(H) The jurisdiction certifies that its employees are eligible to work in the U.S. as verified by Form I-9, Immigration & Naturalization Service Employment Eligibility.

(I) It is the responsibility of the jurisdiction as the subrecipient of these federal funds to fully understand and comply with the requirements of:

1. Administrative requirements
2 CFR Part 200 *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*
<https://ecfr.io/Title-2/Part-200>
2. Cost Principles
2 CFR Part 200 Subpart E Cost Principles
[Title 2 Part 200 Subpart E - Code of Federal Regulations \(ecfr.io\)](https://ecfr.io/Title-2/Part-200/Subpart-E)
3. Audit Requirements
2CFR Part 200 Subpart F Audit Requirements
[Title 2 Part 200 Subpart F - Code of Federal Regulations \(ecfr.io\)](https://ecfr.io/Title-2/Part-200/Subpart-F)
 - a. Federal: The applicant agrees that, as a condition of receiving any federal financial assistance, a Single audit of those federal funds will be performed, if required by law, and further agrees it will comply with all applicable audit requirements.

- b. State: If the applicant is an entity that received state financial assistance the applicant shall submit to the State Coordinating Agency, within one year after the end of the audit period, an annual audit report covering the audit period as required by 2 AAC 45.010.
- c. Subrecipients identified as "non-compliant" by the Alaska Dept. of Administration, Division of Finance, Single Audit Coordinator shall be subject to the following grant payment restrictions:
 - 1) The Division of Homeland Security & Emergency Management (DHS&EM) will not process grant payments of any nature directly to the subrecipient.
 - 2) Subrecipients will be required to fully comply with the Single Audit requirements as specified by the Alaska Dept. of Administration, Division of Finance, Single Audit Coordinator.
 - 3) Subrecipients will provide compliance evidence to DHS&EM from the State Audit Coordinator before any payment will be processed.
 - 4) DHS&EM may process on-behalf-of (OBO) payments to vendors for costs directly associated to the scope of work on approved awards.
 - 5) Performance periods will not be extended due to a subrecipient's failure to comply with Single Audit requirement.
 - 6) Payments made in error to subrecipients that are "non-compliant" must be repaid to the State of Alaska within 90 days of receipt of notice from DHS&EM.
4. Procurement and Contracts. Contracts must be of a reasonable cost, generally be competitively bid, and must comply with Federal, State, and local procurement standards. Detailed requirements for eligible procurement methods and contract types can be found in 2 CFR Part 200 Subpart D. The applicant agrees to review and follow procurement and contract requirements necessary for compliance with the grant program. Further, the applicant understands that failure to comply with these requirements may result of loss of funding for the entire project.
 - a. Debarred/Suspended Vendors. As required by Executive Orders 12549 and 12689, Debarment and Suspension, and implemented at 2 CFR Part 180, the applicant certifies that it and its principals:
 - 1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency
 - 2) Have not within a three-year period preceding this award been convicted of a or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public a public (Federal ,State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - 3) Are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
 - 4) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause of default. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.
 - 5) Domestic Preferences for Procurement. As appropriate and to the greatest extent consistent with law, state and non-state entities should, to the greatest extent practicable under its FEMA award, provide a preference for the purchase of goods, products or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award. 2 C.F.R. § 200.322 also provides specific definitions for "Produced in the United States" and "manufactured products" that states should review.
5. Conflict of Interest
2 CFR Part 200.112 – the jurisdiction must disclose in writing to DHS&EM any potential conflict of interest per the applicable Federal awarding agency policy in the award's performance period.
6. False Claims Act, Program Fraud Civil Remedies, and Mandatory Disclosures
 - A. 31 U.S.C. §3729, no recipient of federal payments shall submit a false claim for payment.
 - B. 38 U.S.C. §3801-3812, details the administrative remedies for false claims and statements made.
 - C. 2 CFR Part 200.113 – the jurisdiction must disclose, in a timely manner and in writing to DHS&EM, all violations of Federal criminal law involving fraud, bribery, or gratuity potentially affecting the award.
7. Technology Requirements
28 FR Part 23, Criminal Intelligence System Operating Policies
8. Research and Development (R&D) Requirements
Grants awarded to DHS&EM are not R&D
9. Duplication of Benefits
2 CFR Part 200, Subpart E, Cost Principles
10. Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. §5121-5206, and Related Authorities, where applicable.

11. Reducing Text Messaging while Driving.
All recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.
12. Reporting of Matters Related to Recipient Integrity and Performance
If the total value recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R Part 200, Appendix XII.
13. Reporting Subawards and Executive Compensation
All recipients are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 C.F.R Part 170, Appendix A.
14. SAFECOM
All recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.
15. All recipients must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.
16. John S. McCain National Defense Authorization Act of Fiscal Year 2019. Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. The statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors– prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.
17. Recipients, subrecipients, and their contractors and subcontractors are subject to the Build America, Buy America Act (BABAA), which was enacted as part of the Infrastructure Investment and Jobs Act §§ 70901-70927, Pub. L. No. 117-58 (2021); and EO 14005, Ensuring the Future is Made in All of America by All of America's Workers. See OMB Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.

SHSP Program Terms and Conditions

The total allocation of the 2024 State Homeland Security Program awarded to the Division of Homeland Security and Emergency Management (DHS&EM) is \$4,362,750.00, under *Federal Grant EMW-2024-SS-05168, CFDA# 97.067*. The City of Homer has been awarded \$330,628.00 which shall be used to support activities essential to the ability of states, territories, and urban areas to prevent, protect against, mitigate, respond to, and recover from terrorist attacks and other all-hazards events. The instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO and State program guidance. The performance period of this grant award is October 1, 2024 through September 30, 2026. Project conditions must be completed by this date. The City of Homer cannot sub-grant all or any part of this award to any other entity or organization. All awards require confirmation within the first reporting quarter that activities toward projects will be made, or DHS&EM may execute de-obligation of the funds.

(A) Changes to Award: All change requests must be submitted in writing, or electronically to the DHS&EM Project Manager, accompanied by a justification narrative and budget/spending plan, for review and approval. Changes must be consistent with the scope of the project and grant guidelines. Requests for changes will be considered only if the reporting requirements are current, and if terms and conditions have been met at the time of the request. Changes in the programmatic activities, or purpose of the project, changes in key persons specified on the grant award, contractual services for activities central to the purposes of the award, requests for additional funding, change in project site, or release of special conditions may result in an amendment to this award. No transfers of funds between budget categories will be authorized, only de-obligation of funds, except on a case-by-case basis.

(B) Reporting Requirements: The City of Homer shall submit timely quarterly *Performance Progress Reports* and *Financial Progress Reports* to the Project Manager at DHS&EM. Instructions and blank forms are located electronically at <https://www.ready.alaska.gov/Grants>, and may be reproduced. Jurisdictions must check the web site quarterly for the most current forms. Use of outdated forms will not be accepted. Quarterly reports are due:

Number of Scheduled Report Due	Jurisdiction Performance Period	Performance Progress and Financial Progress Report Due Dates
1	10/1/2024 - 12/31/2024	01/20/2025
2	1/1/2025 - 3/31/2025	04/20/2025
3	4/1/2025 - 6/30/2025	07/20/2025
4	7/1/2025 - 9/30/2025	10/20/2025
5	10/1/2025 - 12/31/2025	01/20/2026
6	1/1/2026 - 3/31/2026	04/20/2026
7	4/1/2026 - 6/30/2026	07/20/2026
8	7/1/2026 - 9/30/2026	10/20/2026
9	Final Report	11/15/2026

Invoices with progress reports will be submitted to DHS&EM by the due date as specified in the above schedule. Should the grant period be extended for any reason, a modified report schedule will accompany the award amendment.

The *Performance Progress Report* (PPR) contains an AK-PPR-A cover page form and an AK-PPR-B Program Indicators form. Both forms must be completed and submitted by the report due date. Requests for grant extensions, budget adjustments, project realignments, and significant problems or delays are reported on the AK-PPR-A. An AK-PPR-A must be submitted even if no additional information is required. The AK-PPR-B shall describe the progress and percent completed of projects and detail any related expenditures submitted on the *Financial Progress Report*. The *Financial Progress Reports* shall describe the status of the funds, show encumbrances, and receipts of program income, cash or in-kind contributions to the project, whether or not a local match is required. A final PPR is a summary report, showing project completion, evaluating project activities and measuring performance against project goals for the entire performance period, and is required in addition to the last quarterly PPR. An *After-Action Report/Improvement Plan* (AAR/IP) is required within 30 days of the conduct of an exercise.

(C) Signatory Requirements: The primary Signatory Official, Project Manager and Financial Officer as listed on the *Signatory Authority Form* must sign the original obligating award document and any amendments. Delegates may sign quarterly and final reports, however, the signatures of the Project Manager, Signatory Official and the Financial Officer must be three different signatures.

(D) Reimbursements: Submit on the *Financial Progress Report* form. Reimbursement shall be based upon authorized and allowable expenditures consistent with project narrative and budget detail and grant guidelines, and submission of timely quarterly *Performance Progress* and *Financial Progress Reports*. Payments may be withheld pending correction of deficiencies or for use of outdated forms. Reimbursement of expenditures may be requested at any time within the performance period. Expenditures must be supported with source documentation (e.g., copies of invoices, receipts, timesheets with name/wage/hours, cost allocation, warrants, etc.), method of solicitation must be documented with a *Procurement Method Report*, and documentation of payment must be included. Reimbursable expenses include:

- **Personnel Costs:** Payroll reports signed and certified by the Chief Financial Officer that capture the employee's name, position, coded allocation to the project, and amount paid are acceptable. Staff may not self-certify their own time and wages. The City of Homer shall retain all supporting payroll records, including time and attendance records signed by the employee and supervisor and copies of warrants as per the recordkeeping requirements in Section O. Limited to 50 percent for employees assigned to program management functions, not operational duties. The limit does not apply to contractors.

- **Contracts:** All sole-source procurements, single vendor responses to a competitive bid, and service contracts of any value require DHS&EM pre-approval prior to implementation. Final signed copies of all contracts are required for submission to DHS&EM with the request for reimbursement. Please review the Procurement Method Report for specific requirements.
- **Program Income and Local Match:** Program income may be used to supplement project costs, reduce project costs, or may be refunded to the federal government, and must be used for allowable program costs and be expended prior to requests for reimbursement. Local matching funds must clearly support the source, the amount, and the timing of all matching contributions.
- **Equipment:** Allowable equipment categories are listed on the web-based Authorized Equipment List (AEL) on the Responder Knowledge Base (RKB). Documentation is required per instructions attached to DHS&EM quarterly reports.
- **Travel:** Travel must be listed in the approved budget.
- **Training:** Requires DHS&EM pre-approval prior to registering or participating in training opportunities.
- **Exercise:** Requires submission of an AAR/IP within 30 days after the conduct of the exercise.
- **Food and Beverages:** All food and/or beverage expenses require pre-approval by DHS&EM and are only allowable costs if related to a grant-funded sheltering exercise, such as a Mass Care Shelter Exercise where food is prepared as part of the exercise objectives in evaluating food preparation capabilities.

(E) Non-reimbursable Expenses:

- Reimbursable training and related travel costs, not pre-approved by DHS&EM
- Construction and renovation
- Indirect costs
- Management and Administration (M&A) costs to manage sub-contracts
- Supplanting
- Maintenance and/or wear and tear costs of general use vehicles (e.g., construction vehicles), medical supplies, and emergency response apparatus (e.g., fire trucks, ambulances) Maintenance and/or wear and tear costs of general use vehicles and emergency response apparatus during exercises.
- Equipment purchased for an exercise cannot be used for permanent installation and/or beyond the scope of the conclusion of the exercise.
- Hiring of sworn public safety officers to fill traditional public safety duties or to supplant traditional public safety positions and responsibilities
- Weapons, weapons accessories, ammunition
- Entertainment and sporting events
- Personal items such as laundry, personal hygiene items, magazines, in-room movies, personal travel
- Travel insurance, visa, and passport charges
- Lodging costs in excess of federal per diem, as appropriate
- Lodging fees associated with violation of the lodging facility's policies, such as smoking in a non-smoking room
- Lunch when travel is wholly within a single day
- Stand-alone working meals
- Bar charges, alcoholic beverages
- Tips
- Finance, late fees, or interest charges
- Lobbying, political contributions, legislative liaison activities
- Organized fundraising, including salaries of persons while engaged in these activities
- Land acquisition
- Organizational Costs
- Expenditures not supported with appropriate documentation when submitted for reimbursement. Only properly documented expenditures will be processed for payment. Unsupported expenditures will be returned to the jurisdiction for resubmission.

(F) Property and Equipment Management: The City of Homer shall maintain an effective property management system; safeguards to prevent loss, damage or theft; maintenance procedures to keep equipment in good condition; and disposition procedures. A *Property Inventory Report* must be submitted to DHS&EM annually each **June 20**, and continued submission is required annually until final disposition of the equipment. No equipment purchased with these grant funds may be assigned to other entities or organizations without written approval from DHS&EM, prior to the jurisdiction's encumbrance or expenditure for that equipment. Management of property and equipment shall be in accordance with state laws and procedures as outlined, and 2 CFR Subpart D (200.210-200.316). For items over \$5,000.00, a Single Equipment Reporting Form must be submitted at the time of reimbursement at the time of reimbursement request

(G) Build America, Buy America Act (BABAA): The City of Homer must comply with the Build America, Buy America Act (BABAA), which was enacted as part of the Infrastructure Investment and Jobs Act §§ 70901-70927, Pub. L. No. 117-58 (2021); and EO 14005, Ensuring the Future is Made in All of America by All of America's Workers. See OMB Memorandum M-22-11, Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.

None of the funds provided under this program may be used for a project for infrastructure unless the iron and steel, manufactured products, and construction materials used in that infrastructure are produced in the United States.

The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

(H) Procurement: A *Procurement Method Report* documenting method of solicitation is required for reimbursement for every procurement (with the exception of local advertising, legal notices and travel arrangements). Contractors that develop or draft specifications, requirements, *Statements of Work* (SOW), and/or *Requests for Proposals* (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Local bidder's preference is not allowed for federally funded procurements. Procurement transactions shall be conducted to provide maximum open and free competition. Pre-approvals may be required at multiple steps in the procurement process. Please see the Procurement Method Report for additional details.

(I) Contracts: Any contract entered into during this grant period shall comply with local, state and federal government contracting regulations. To the extent that subrecipients of a grant use contractors, subrecipients shall use small, minority, women-owned or disadvantaged business concerns and contractors to the extent practicable. Contracts for professional and consulting services must include local, state and federal government required

contract language, a project budget, and require pre-approval by DHS&EM prior to implementation. Contract deliverables must meet the intent of the grant application and grant requirements. Justification is required for compensation for individual consultant services, which must be reasonable and consistent with the amount paid for similar services in the market place. Detailed invoices and time and effort reports are required for consultants. A *Procurement Method Report* documenting method of solicitation is required for reimbursement for every procurement.

(J) Use of DHS Seal, Logo, and Flags: All subrecipients must obtain DHS&EM approval before using the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags of likenesses of Coast Guard officials.

(K) Publications and Copyright: All recipients must affix the applicable copyright notices of 17 U.S.C. § 401 or 402 and an acknowledgment of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations) Publications created with funding under this grant should prominently contain the following statement: ***This document was prepared under a grant from the Federal Emergency Management Agency (FEMA)'s Grant Programs Directorate, U.S. Department of Homeland Security and the Alaska Division of Homeland Security and Emergency Management. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA's Grant Programs Directorate, the U.S. Department of Homeland Security, or the State of Alaska.***

(L) Acknowledgement of Federal Funding: All subrecipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

(M) Federal Debt Status: All subrecipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424, item number 17, for additional information and guidance.

(N) False Claims Act and Program Fraud Civil Remedies: All subrecipients must comply with the requirements of 31 U.S.C. § 3729, which set forth that no subrecipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812, which details the administrative remedies for false claims and statements made.

(O) Recordkeeping Requirements: Grant financial and administrative records shall be maintained for a period of three (3) years following the date of the closure of the grant award or audit if required. Time, effort, personnel, and payroll records must be maintained for all individuals reimbursed under the award. Property and equipment records shall be maintained for a period of three (3) years following the final disposition, replacement, or transfer of the property and equipment.

(P) Performance Measures: Quarterly Progress Reports shall demonstrate performance and progress relative to:

1. Acceptable performance on applicable critical tasks in Exercises using approved scenarios
2. Progress in achieving project timelines and milestones identified in the Quarterly Activities Plan
3. Percent measurable progress toward completion of the project
4. How funds have been expended during the reporting period, and explain expenditures related to the project

(Q) Subrecipient Monitoring Policy: Periodic monitoring is required to ensure that program goals, objectives, timelines, budgets and other related program criteria are being met. DHS&EM reserves the right to periodically monitor, review and conduct analysis of the City of Homer's financial, programmatic and administrative policies and procedures such as, accounting for receipts and expenditures, cash management, maintaining adequate financial records, means of allocating and tracking costs, contracting and procurement policies and records, payroll records and means of allocating staff costs, property/equipment management system(s), progress of project activities, etc. This may include desk and field audits. Technical assistance is available from DHS&EM staff. The Monitoring Policy is available in the Grants Management Handbook.

(R) Penalty for Non-Compliance: For the reasons listed below, special conditions may be imposed, reimbursements may be partially or wholly withheld, the award may be wholly or partly suspended or terminated, or future awards, reimbursements and award modifications may be withheld. DHS&EM may institute the following, but is not limited to, withholding authority to proceed to the next phase of a project, requiring additional or more detailed financial reports, additional project monitoring, and/or establish additional prior approvals. DHS&EM shall notify the City of Homer of its decision in writing stating the nature and the reason for imposing the conditions/restrictions, the corrective action required and timeline to remove them, and the method of requesting reconsideration of the imposed conditions/restrictions. The City of Homer must respond within five (5) days of receipt of notification:

1. Unwillingness or inability to attain project goals
2. Unwillingness or inability to adhere to Special Conditions or Grant Assurances.
3. Failure or inability to adhere to grant guidelines and federal compliance requirements
4. Improper procedures regarding contracts and procurements
5. Inability to submit reliable and/or timely reports
6. Management systems which do not meet federal required management standards

(S) Termination for Cause: If performance is not occurring as agreed, the award may be reduced or terminated without compensation for reduction or termination costs. DHS&EM will provide five (5) days notice to the City of Homer stating the reasons for the action, steps taken to correct the problems, and the commencement date of the reduction or termination. DHS&EM will reimburse the City of Homer only for acceptable work or deliverables, necessary and allowable costs incurred through the date of reduction or termination. Final payment may be withheld at the discretion of DHS&EM until completion of a final DHS&EM review. Any equipment purchased under a terminated grant may revert to DHS&EM at the option of DHS&EM.

(T) Termination for Convenience: Any project may be terminated upon convenience, in whole or in part, for the convenience of the Government. The U.S. Department of Commerce and the DHS&EM, by written notice, may terminate this grant, in whole or in part, when it is in the Government's interest. Allowable costs obligated and/or incurred through the date of termination shall be reimbursed. Any equipment purchased under a terminated grant may revert to DHS&EM at the option of DHS&EM.

(U) Project Implementation: Due to the competitiveness of the 2024 State Homeland Security Program, approved projects must be ready-to-go. Project implementation shall begin within the first reporting quarter.

1. If a project cannot be operational within the first reporting quarter of the approved award date, the subrecipient should notify DHS&EM of the implementation delay and expected starting date. At the discretion of DHS&EM, the grant award is subject to cancellation, and funds may be de-obligated and reallocated to other projects if project implementation is unjustifiably delayed.

(V) The City of Homer shall comply with the requirements and restrictions of the Federal Fiscal Year (FFY) 2024 State Homeland Security Program (HSGP) Program Guidance, State Overview and Guidelines, State Preparedness Report, and the State Homeland Security Strategy. By signing this obligating award document, the City of Homer certifies it has read, understood, and accepted these documents as binding.

(W) No funds will be reimbursed until City of Homer fiscal and programmatic representatives attend a 2024 Grant Kick-Off Meeting to be held electronically in November 2024.

(X) The City of Homer must complete a Quarterly Activities Plan by January 20, 2025. Information on this requirement will be emailed and provided at the 2024 Grant Kick-Off meeting.

(Y) The City of Homer must attend the state's Multi-Year Integrated Preparedness Planning Workshop (IPPW), to be held in conjunction with the 2025 Preparedness Conference, and develop a local jurisdiction Multi-Year Integrated Preparedness Plan (IPP) to be submitted to DHS&EM by March 1, 2025.

(Z) The City of Homer must complete DHS&EM NIMS Implementation Questionnaire to demonstrate continued utilization and work towards the NIMS Implementation Objectives.

(AA) The City of Homer must complete the Nationwide Cybersecurity Review (NCSR) by December 31, 2024. More information on this online self-assessment will be provided at the 2024 Kick-Off Meeting and can be found in the 2024 HSGP NOFO: [Fiscal Year 2024 Homeland Security Grant Program Notice of Funding Opportunity \(alaska.gov\)](#).

Special Conditions

(A) The City of Homer shall not undertake any project having the potential to impact Environmental or Historic Preservation (EHP) resources without the prior approval of FEMA, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings, structures, and objects that are 50 years old or greater. The City of Homer must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground-disturbing activities occur during project implementation, the City of Homer must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the City of Homer will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Any construction activities that have been initiated without the necessary EHP review and approval will result in a non-compliance finding and will not be eligible for FEMA funding. The City of Homer must submit an Environmental Historic Preservation (EHP) Statement of Work Request for the following project(s):

1. Police Dept Dispatch System
2. Virtual Law Enforcement Training System

We certify we have read, understood, and accept the Grant Terms and Conditions, the Grant Requirements, and Assurances and Agreements, and Special Conditions in accordance with this Award.

Project Manager's Signature

Chief Financial Officer's Signature

Signatory Official's Signature



Project Budget Details
2024 State Homeland Security Program
Homer, City of
Reported Revision 0

PBD #	Expense Category	Solution Area	Discipline		Budgeted Cost	PBD Amount Spent	PBD Balance
1	Equipment	Interop.Communications	Law Enforcement	State:	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> EHP	<input type="checkbox"/> Canceled	<input type="checkbox"/> BABAA		Federal:	\$240,128.00	\$0.00	\$240,128.00
Item: Police Dept Dispatch System							
Description: Purchase of a dispatch system for the police department.							
Investment: Equipment and Capital Projects							
2	Equipment	Intervention	Law Enforcement	State:	\$0.00	\$0.00	\$0.00
<input checked="" type="checkbox"/> EHP	<input type="checkbox"/> Canceled	<input type="checkbox"/> BABAA		Federal:	\$90,500.00	\$0.00	\$90,500.00
Item: Virtual Law Enforcement Training System							
Description: Purchase of a virtual training system for law enforcement.							
Investment: Equipment and Capital Projects							
				Adjusted Grant Total	Total PBD Allocations	Total Expenses	Summary Balance
State:				\$0.00	\$0.00	\$0.00	\$0.00
Federal:				\$330,628.00	\$330,628.00	\$0.00	\$330,628.00
Grand Total:				\$330,628.00	\$330,628.00	\$0.00	\$330,628.00



MEMORANDUM

Ordinance 24-59, An ordinance of the City Council of Homer, Alaska Amending the FY24 Capital Budget by Appropriating an Additional \$100,000 from the Sewer Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Beluga Lift Station Improvement Project. City Manager/City Engineer.

Item Type: Backup Memorandum
Prepared For: City Council
Date: October 30, 2024
From: Leon Galbraith, P.E., City Engineer
Through: Melissa Jacobsen, City Manager

- I. **Issue:** The purpose of this Memorandum is to recommend appropriating an additional \$100,000 from the Sewer CARMA fund to the Beluga Lift Station Improvement project.
- II. **Background:** The Beluga Sewage Lift Station is a major piece of the City's sewer system, transporting all sewage from the Spit as well as the Lakeshore Drive/Ocean Drive neighborhoods. The mechanical/electrical components as well as the concrete structure comprising this lift station, have seriously corroded and are continuing to do so.¹ Rehabilitation is necessary to extend the useful life of this lift station and protect the neighborhoods it serves. In late 2020, the City commissioned HDL Engineering (HDL) to provide a preliminary design, which was completed in April 2021. RESPEC Engineering was then hired to perform the final design, which they completed in May 2024.

The project is funded by a combination of the Sewer CARMA and principal forgiveness subsidy from the Alaska Department of Environmental Conservation (ADEC). Resolution 24-004

¹ All the sewage from the Spit flows through this lift station. In the winter flows on the Spit are substantially reduced, which means sewage sits in the pipes longer than it does in the summer. This pooling gives the sewage time to generate substantial volumes of hydrogen sulfide, a powerfully corrosive and dangerous gas. When you walk by the lift station and smell rotten eggs, you are smelling low concentrations of hydrogen sulfide. Over time, the acid has caused the concrete structure of the lift station to crack, spall and otherwise deteriorate. This is putting the structure at increasing risk of failure. Likewise, the acid adversely affects the valves, pipes, controls and other mechanical/electrical systems, decreasing their useful life.

approved Public Works to apply for a loan from the ADEC through their State Revolving Fund Program. This loan comes with \$500,000 in principal forgiveness subsidy, which is a portion of the loan that the City won't have to pay back, and, for all practical purposes, functions as a grant.

In addition to the funds from ADEC, Ordinance 24-36 appropriated \$208,000 from the Sewer CARMA fund. This was based off of the latest Engineer's estimate, which placed the total cost of construction at \$708,000.

We conducted an open market procurement for construction in accordance with HCC 3.16.040. On October 25, 2024 one bid was received from East Road Services, Inc. in the amount of \$765,194. The difference between the amount budgeted for the project and the bid is \$57,194. We don't have time to rebid the project to try to stay within budget because the project construction needs to be completed before Memorial Day. This is because part of the project involves the construction of a temporary sewage bypass while the sewer main is being rerouted and the lift station is lined and the additional sewer usage on the Spit after Memorial Day would be a major obstacle to the temporary sewer bypass.

The overage in the bid was initially surprising because an earlier design iteration Engineer's estimate had been for a construction cost of \$569,000. Public Works requested that RESPEC revise their estimate upwards because projects were consistently coming in over their Engineer's estimates. The revised cost estimate, for \$708,000 included a 25% contingency to help account for unexpectedly high bid results. Normally contingencies in Engineer's estimates at final design are negligible, but with inflation being as great a concern as it has been lately, the 25% contingency made sense.

The reasoning behind the increased cost the American Iron and Steel (AIS) requirement to use iron and steel products that are produced in the United States for the construction, alteration, maintenance, or repair of a public water system or treatment works. This requirement is imposed by ADEC as a condition of their loan to the City, ADEC gets the money for their State Revolving Fund from the Environmental Protection Agency (EPA), and any project that uses federal money must comply with AIS requirements. The cost of project materials increased by approximately a third due this requirement.

- III. Recommendation:** That the City Council appropriate the \$100,000 from the Sewer CARMA fund to the Beluga Lift Station Improvement project. While only \$57,194 is required to award the construction contract to our single bidder, this project is unique and may result in unanticipated construction expenses. The contingency amount will allow for funding change orders that may arise, that will be reported out to Council per the Procurement Policy. Any remaining funds at the completion of the project will remain in the Sewer CARMA fund.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
City Engineer

ORDINANCE 24-59

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE FY25 CAPITAL BUDGET BY APPROPRIATING AN
ADDITIONAL \$100,000 FROM THE SEWER CAPITAL ASSET REPAIR
AND MAINTENANCE ALLOWANCE (CARMA) FUND FOR THE
BELUGA LIFT STATION IMPROVEMENT PROJECT.

WHEREAS, Ordinance 24-36 appropriated \$208,000 from the Sewer CARMA fund for the
purpose of construction work associated with rehabilitation of the Beluga Slough Lift Station;
and

WHEREAS, Resolution 24-004 authorized the City Manager to apply for State Revolving
Loan Funds from the Alaska Department of Environmental Conservation in the amount of
\$2,937,353 for Beluga Lift Station Improvements with a principal forgiveness subsidy in the
amount of \$500,000; and

WHEREAS, The total budget for the project is \$708,000; and

WHEREAS, The City conducted a publicly advertised bid in accordance with HCC
3.16.040, with bids being submitted on Friday, October 25, 2024; and

WHEREAS, One bid was submitted in the amount of \$765,194 and the increase in cost is
due to the State Revolving Fund American Iron and Steel (AIS) requirement to use iron and
steel products that are produced in the United States for the construction, alteration,
maintenance, or repair of a public water system or treatment works; and

WHEREAS, Rebidding the project risks putting the project behind schedule because
bypass pumping and all construction needs to be completed before Memorial Day, 2025 when
sewer usage on the Spit will greatly increase; and

WHEREAS, This appropriation includes \$57,194 for the increased cost of construction
and \$42,806 in contingency funds due to the critical nature of the project; and

WHEREAS, The Beluga Lift Station is a major piece of the City's sewer system
transporting all sewage from the Spit as well as the Lakeshore Drive/Ocean Drive
neighborhoods; and

WHEREAS, For a variety of reasons, the hydrogen sulfide gas in this wastewater produce sulfuric acid, which is an acid that eats metal and concrete, causing the structure of the lift station as well as the mechanical/electrical components to corrode; and

WHEREAS, Rehabilitation is necessary to extend the useful life of this lift station and protect the areas it serves.

NOW, THEREFORE, The City of Homer Ordains:

Section 1. The Homer City Council hereby amends the FY25 Capital Budget by appropriating \$100,000 as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
256-0379	Sewer CARMA	\$100,000

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 25th day of November, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

CITY OF HOMER FINANCIAL SUPPLEMENT

PROJECT NAME	Additional Funding - Rehabilitation of Beluga Lift Station	DATE	11/05/2024
DEPARTMENT	Public Works	SPONSOR	City Manager/PW Director
REQUESTED AMOUNT	\$ 100,000		

DESCRIPTION	<p>Ordinance 24-36 appropriated \$208,000 from the Sewer CARMA fund for the purpose of construction work associated with rehabilitation of the Beluga Slough Lift Station. Resolution 24-004 authorized the City Manager to apply for State Revolving Loan Funds from the Alaska Department of Environmental Conservation in the amount of \$2,937,353 for Beluga Lift Station Improvements with a principal forgiveness subsidy in the amount of \$500,000. The total budget for the project is \$708,000. The City conducted a publicly advertised bid in accordance with HCC 3.16.040, with bids being submitted on Friday, October 25, 2024. One bid was submitted in the amount of \$765,194 and the increase in cost is due to the State Revolving Fund American Iron and Steel (AIS) requirement to use iron and steel products that are produced in the United States for the construction, alteration, maintenance, or repair of a public water system or treatment works.</p> <p>This appropriation includes \$57,194 for the increased cost of construction and \$42,806 in contingency funds due to the critical nature of the project.</p>
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FUNDING SOURCE(S)	OPERATING	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	0%	0%	0%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	0%	0%	0%	100%

FUNDING SOURCE 1: SEWER CARMA (256-0379)		FUNDING SOURCE 2:		FUNDING SOURCE 3:	
Current Balance	\$ 1,177,470	Current Balance	_____	Current Balance	_____
Encumbered	\$ 481,684	Encumbered	_____	Encumbered	_____
Requested Amount	\$ 100,000	Requested Amount	_____	Requested Amount	_____
Other Items on Current Agenda	\$ 0	Other Items on Current Agenda	_____	Other Items on Current Agenda	_____
Remaining Balance	\$ 595,786	Remaining Balance	_____	Remaining Balance	_____
FUNDING SOURCE 4:		FUNDING SOURCE 5:		FUNDING SOURCE 6:	
Current Balance	_____	Current Balance	_____	Current Balance	_____
Encumbered	_____	Encumbered	_____	Encumbered	_____
Requested Amount	_____	Requested Amount	_____	Requested Amount	_____
Remaining Balance	_____	Remaining Balance	_____	Remaining Balance	_____

Project	Ordinance	Encumbrance	FY Expire
Beluga Lift Station	24-36	208,000	FY27
Sewer SCADA Upgrades (split 50/50)	24-24	37,500	FY27
Fleet Replacement (E-117)	23-23(A-3)	50,000	FY26
Launch Ramp Lift Station Enclosure	23-23(A-3)	13,000	FY26
WWTP Digester Blowers	23-23(A-3)	46,700	FY26
Transfer Switch, STP	23-23(A-3)	38,500	FY26
Vehicle Replacement (E-131, E-130, E-114)	23-23(A-3)	31,562	FY26
Beluga Lift Station	23-23(A-3)	21,112	FY26
Rehab of Electrical Control Works for Lift Stations	22-80	10,311	FY25
Repair Pond Liner at Sewer Treatment Plant	21-36(S-2)(A)	25,000	FY25

481,684



MEMORANDUM

Ordinance 24-60, An Ordinance of the City Council of Homer Alaska Amending Homer City Code Section 7.16.020 Operating, stopping or parking of motor vehicles in beach areas prohibited – Exceptions by Changing the Time Frame Allowing Coal and Sand Collection Access from the Mariner Beach Access. City Clerk/Parks, Art, Recreation & Culture Advisory Commission.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and City Council
Date: November 12, 2024
From: Renee Krause, MMC, City Clerk
Through: Melissa Jacobsen, City Manager

Background:

At the regular meeting on May 16, 2024 Commissioner Keiser requested the Commission to consider a request from a member of the public to be given a special permit so he could collect coal from the prohibited areas from April 1st through September 30th. The Commission was provided the current Beach Policy and Management Plan, Ordinance16-05(A) and several memorandums supporting the current policy. This topic was postponed at the request of the Commission to the June meeting as it was determined that the required three-year audit/review of the Policy was due and the Commission was not prepared to perform that full policy review.

At the regular meeting on June 20, 2024 the Commission postponed discussion and review of the Beach Policy and Management Plan until their regular meeting in October due to the number of priority projects and topics on the next several agendas and the Commission did not meet in July.

At their regular meeting on October 17, 2024 the Commission conducted their review and considered the request for a Special Permit from a member of the community to allow coal and sand collection in prohibited areas and after considering the recommendation from the Chief of Police, supported by the Recreation Manager, Parks Maintenance, and City Clerk recommended extending the period of time that coal collection was allowed in specific areas.

The Commission supported the staff recommendation to amend the audit/review timeframe from every three years to as needed but expressed concerns regarding amending it could make it a monthly topic.

The Commission approved the amendments to the Beach Policy and Management Plan by motion the excerpt of the minutes have been provided as an attachment.

The amended Beach Policy and Management Plan is to be adopted by resolution which will be on the November 25, 2024 meeting agenda contingent upon adoption of Ordinance 24-60 by Council.

Recommendation: Approve Ordinance 24-60 Amending Homer City Code Section 7.16.020 Operating, stopping or parking of motor vehicles in beach areas prohibited – Exceptions by Changing the Time Frame Allowing Coal and Sand Collection Access from the Mariner Beach Access.

Attachments:

Memorandum PARC-24-033 with attachments

Memorandum PARC-24-042

Meeting Minutes for May 16, 2024, June 20, 2024, October 17, 2024



MEMORANDUM

Amending the Beach Policy and Homer City Code to Allow Vehicular Access by Special Permit to Closed Areas of the Beach

Item Type: Action Memorandum
Prepared For: Parks, Art Recreation and Culture Advisory Commission
Date: May 7, 2024
From: Janet Keiser, Commissioner
Through: Mike Illg, Recreation Manager/PARC Staff Liaison

Commissioner Keiser has requested this item for consideration of the Commission:

Background submitted by Commissioner Keiser:

John Fouts is a 76+ year old gentleman who's been heating his house, 10 miles past Fritz Creek, for over 50 years, with coal. He drives his truck on the beach between Bishop's Beach and beyond, sometimes driving in the no-drive zones, to get the coal. While he can burn wood in his stove, it is easier to use coal because he doesn't have to buck up and chop the coal.

Sometime recently, he was driving on the beach, in the no-drive zone. A couple of people spotted him, yelled at him, and called the police. When he got back to the Bishop's Beach access, there was a squad car waiting for him. He was given a ticket. He's worried about his ability to get the coal he needs to heat his house. Most years, he can collect all the coal he needs in the winter. He can go through 3-4 buckets of coal a day. Last winter, there was little to no coal on the beach because of the winds we had all winter. He was out there chopping coal out of the ice, in the blowing snow, to get what he could. Even so, he didn't get enough to get him through the winter. When he runs out of coal, he has to go out and chop wood, regardless of the weather. He said it almost killed him.

I'm remembering the Eagle Lady, who fed the eagles out on the Spit. She did it for years, becoming a local legend. When they made feeding the eagles illegal, she was given a special permit to continue to feed the eagles until she died.

How about if the Commission supports providing Mr. Fouts a special permit to collect coal, in view of his age and traditional practice that goes back 50 years? There'd be no danger of widespread abuse of this special permit because few other people would be able to cite this long history of continuously collecting coal.

I tried to think of a solution that wouldn't open up the beach to racing 4-wheelers. I think the Special Permit idea would be a reasonable accommodation for him that wouldn't cause much harm. He goes out there maybe every 10 days or so.

Requirements:

If the Commission adopts the recommendation the following actions will be required:

- Amending the Beach Policy to include a section on Special Permits that includes the process and application.
 - A Resolution would be needed to have Council adopt the amendment so a Councilmember would need to be a sponsor.
- Amending Homer City Code 7.16 to address the Special Access Permit
 - An ordinance would be required to allow a special permit to be issued
- A recommendation to City Council in support of issuing a special permit to allow vehicles on the beach April 1-September 30th for the purpose of collecting coal would be required in addition to the resolution and ordinance.

Recommendation:

PARCAC discuss implementing a Special Access Permit.

Attachments Provided by Staff:

Excerpt from the City of Homer Beach Policy pages 8, 9, 10, 11, 12, 13, 14

Ordinance 16-05 (S-2)(A-2)

Memorandum 15-131 from Chief Robl dated July 15, 2015

Memorandum 16-031 from City Attorney dated August 26, 2015

Memorandum 20-109 from Interim City Manager dated July 17, 2020

Amendments
made to Sections 1c2
upon codification 3/11/16
J. J. J.

**CITY OF HOMER
HOMER, ALASKA**

Lewis

ORDINANCE 16-05(S-2)(A-2)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE 1.16.040, DISPOSITION OF
SCHEDULED OFFENSES—FINE SCHEDULE, ENACTING HOMER
CITY CODE CHAPTER 7.16, VEHICLES IN BEACH AREAS, AND
REPEALING HOMER CITY CODE CHAPTER 19.16, VEHICLES ON
HOMER SPIT BEACH, TO RESTRICT THE OPERATION, STOPPING
AND PARKING OF MOTOR VEHICLES IN BEACH AREAS.

THE CITY OF HOMER ORDAINS:

Section 1. Subsection (c) of Homer City Code 1.16.040, Disposition of scheduled offenses—fine schedule, is amended by adding new lines to read as follows:

Code Section	Description of Offense	Fine		
		1st offense	2nd offense	3rd & subsequent offenses
7.16.020	Motor vehicle in beach area	\$25	\$250	\$500
7.04.030 7.16.030	Motor vehicle on storm berm	\$25	\$250	\$500

Section 2. Homer City Code Chapter 7.16, Vehicles in Beach Areas, is enacted to read as follows:

7.16.010 Definitions.

In this chapter:

“Beach area” means all of the following, whether publicly or privately owned: submerged land, tideland, and the zone of sand, gravel and other unconsolidated materials that extends landward from the elevation of mean high water to the place where there is a marked change in material or physiographic form.

“Berm” means a natural, linear mound or series of mounds in a beach area composed of sand, gravel, or both, generally paralleling the water at or landward of the elevation of mean high water.

“Motor vehicle” means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over land, that is self-propelled except by human or animal power.

35 "Storm berm" means a berm formed by the upper reach of storm wave surges or the
36 highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and
37 other waterborne materials. A beach area may have more than one storm berm.

38 "Submerged land" means land covered by tidal water from the elevation of mean low
39 water seaward to the corporate boundary of the city.

40 "Tideland" means land that is periodically covered by tidal water between the
41 elevation of mean high water and mean low water.

42
43 7.16.020 Operating, stopping or parking of motor vehicles in beach areas prohibited;
44 Exceptions.

45 a. Except as provided in subsections b through d of this section, no person may
46 operate, stop or park a motor vehicle within or upon any beach area.

47 b. A person may operate, stop or park a motor vehicle within and upon the beach area
48 east of a line extending south from the southern end of a line extending south from the
49 southern end of the vacated easement formally known as Shirlene Circle, and within and
50 upon the beach area west of Bishops Beach Park Access.

51 c. A person may operate, stop or park a motor vehicle within and upon the beach area
52 between the south end of Mariner Park beach to the east end of the seawall from October 31
53 through March 1 solely for the purpose of gathering sand and coal.

54 d. An owner of property immediately adjacent to a beach area may operate, stop and
55 park a motor vehicle within or upon a beach area as is reasonably necessary to maintain the
56 owner's property, in accordance with the terms of a permit issued for that purpose by the
57 chief of police.

58 e. Nothing in this section permits a person to operate, stop or park a motor vehicle
59 within or upon privately owned property in a beach area without the permission of the
60 property owner.

61
62 7.16.030 Operating, stopping or parking of motor vehicles on storm berms prohibited.
63 No person may operate, stop or park a motor vehicle upon a storm berm.

64
65 7.16.040 Impoundment authorized.

66 A vehicle that is stopped or parked in violation of this chapter may be impounded as
67 provided in HCC Chapter ~~7.08~~ 7.10

68
69 Section 3. Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, is repealed.

70
71 Section 4. This Ordinance is of a permanent and general character and shall be
72 included in the City Code.

73
74 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 22 day of
75 February 2016.

CITY OF HOMER

Mary E. Wythe
MARY E. WYTHE, MAYOR

ATTEST:

Melissa Jacobsen
MELISSA JACOBSEN, CMC, ACTING CITY CLERK



AYES: 6
NOES: 0
ABSTAIN: 0
ABSENT: 0

First Reading: 01/25/16
Public Reading: 02/08/16
Second Reading: 02/22/16
Effective Date: 02/23/16

Reviewed and approved as to form:

Mary K. Koester
Mary K. Koester, City Manager

Thomas F. Klinkner
Thomas F. Klinkner, City Attorney

Date: 2.24.16

Date: 2-26-16



CITY OF HOMER

POLICE DEPARTMENT

4080 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

Memorandum 15-131

DATE: July 7, 2015
TO: City Manager Koester
FROM: Mark Robl, Chief of Police
SUBJECT: Beach Enforcement Regulations

The Parks and Rec Commission has recommended closing Homer's Beaches to vehicle use most of the year, with limited vehicle use of some beaches for coal gathering during the fall and winter months. They have suggested utilizing the Kachemak Critical Habitat Area (KBCHA), regulations as an enforcement tool.

The Critical Habitat Area Designations are utilized by the Alaska Department of Fish and Game, Division of Habitat to protect and preserve habitat areas deemed to be especially crucial to the perpetuation of fish and wildlife. The laws associated with the enforcement of these regulations are promulgated in the section of statutes relating to fish and game enforcement. The enforcement of this section is the responsibility of the state. We have never taken enforcement action in this area and I strongly suggest we do not do so.

The City has some options it could consider if it chooses to implement the commission's recommendations. First; we could block off all access points to the beaches and only allow access through controlled gates to property owners and maintenance personnel. Second; I recommend we modify HCO 19.16.030, Use of Vehicles Prohibited, to include all other beach areas we want to prohibit vehicle use on. This could include all beaches within the city limits and will provide a proper enforcement tool for use by the police department.

If council decides to restrict beach access, I recommend the city contact the state and request enforcement of the KBCHA regulations. Council should be aware the state has issued a permit to allow motorized vehicle use of some of our beach areas for 2015. (See Special Area Permit 15-V-005-GP-SA, attached.) This permit authorizes vehicle use in the KBCHA between Miller's Landing and the Fox River Trail, between Anchor Point and Bidarki Creek and two other areas in Kachemak Bay. This permit is reissued every year and has been for over ten years.

Any plan involving permits to use beach areas for varied purposes results in more work for someone in the city work force. Given our current budget situation and staffing issues, we are ill-equipped to handle any options council chooses requiring significant staff time. We could make a limited permit system work for the specific purpose of allowing land owners to access their private property. We could structure it similar to the burn permit system which is easy for the users and takes very minimal staff time. Restricting vehicle access to



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of
Fish and Game

DIVISION OF HABITAT
Kenai Peninsula Office

514 Funny River Road
Soldotna, Alaska 99669-8255
Main: 907.714.2475
Fax: 907.260.5992

SPECIAL AREA PERMIT 15-V-0005-GP-SA

ISSUED: December 16, 2014
EXPIRES: December 31, 2015

General Public:

Re: Kachemak Bay Critical Habitat Area – Limited Off-road Use of Motorized Vehicles

In response to public need for access within and through the Kachemak Bay Critical Habitat Area (KBCHA), the Alaska Department of Fish and Game (ADF&G), Division of Habitat has determined that both the public interest and the proper protection of fish and wildlife and their habitat would be served through issuance of a General Permit (5 AAC 95.770) authorizing certain off-road motorized vehicle use in the KBCHA. This general permit authorizes the use of any off-road wheeled and tracked vehicles, 10,000 pounds or less gross vehicle weight, on all unvegetated KBCHA tidelands below mean high tide within four corridors: (1) between Anchor Point and Bidarki Creek; (2) between Miller's Landing and the Fox River Trail; (3) between Martin River and Bear Cove; and, (4) between Seldovia and the portion of Kasitsna Bay, west of the entrance to Jakalof Bay (see enclosed map). Motorized vehicle use in these corridors is for the purpose of providing normal personal and recreational transit within and through the KBCHA.

The KBCHA was created pursuant to AS 16.20.590 to protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose. This activity is not expected to adversely impact important habitat values.

In accordance with 5 AAC 95.770, the department hereby issues a Special Area Permit to the general public for off-road use of motorized vehicles in the KBCHA subject to the following stipulations:

1. The off-road use of vehicles greater than 10,000 pounds gross vehicle weight, and the use of construction equipment, including tracked or excavating equipment are not included in this authorization.
2. Harassment of wildlife, including any activity that displaces wildlife, is prohibited, excepting legal and permitted hunting, fishing, and gathering of fish and game.

3. No vehicle shall be operated below the ordinary high water line (vegetation line) of any river, lake, or stream specified to contain anadromous fishes.
4. No fuel shall be stored, nor vehicles leaking fuels, oils, hydraulic, or cooling fluids shall be operated on the tidelands of the KBCHA.

The vehicle owner and the operator are responsible for the actions of persons who participate in the approved activity. For any activity that requires an individual Special Area Permit, as identified in 5 AAC 95.20, the individual shall notify the Division of Habitat, at the above letterhead address or telephone number, and obtain written approval in the form of an individual Special Area Permit prior to commencement of the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of 5 AAC 95. Please be advised that this determination applies only to activities regulated by the Division of Habitat. This determination does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The permittee shall mitigate any adverse effect upon fish or wildlife, their habitat, or any restriction or interference with public use that the commissioner determines may be expected to result from, or which actually results from, the permittee's activity, or which was a direct result of the permittee's failure to: 1) comply with a permit condition or a provision of 5 AAC 95; or 2) correct a condition or change a method foreseeably detrimental to fish and wildlife, or their habitat.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

Sincerely.

Sam Cotten, Acting Commissioner



By: Ginny Litchfield
Kenai Peninsula Area Manager
ADF&G, Habitat Division

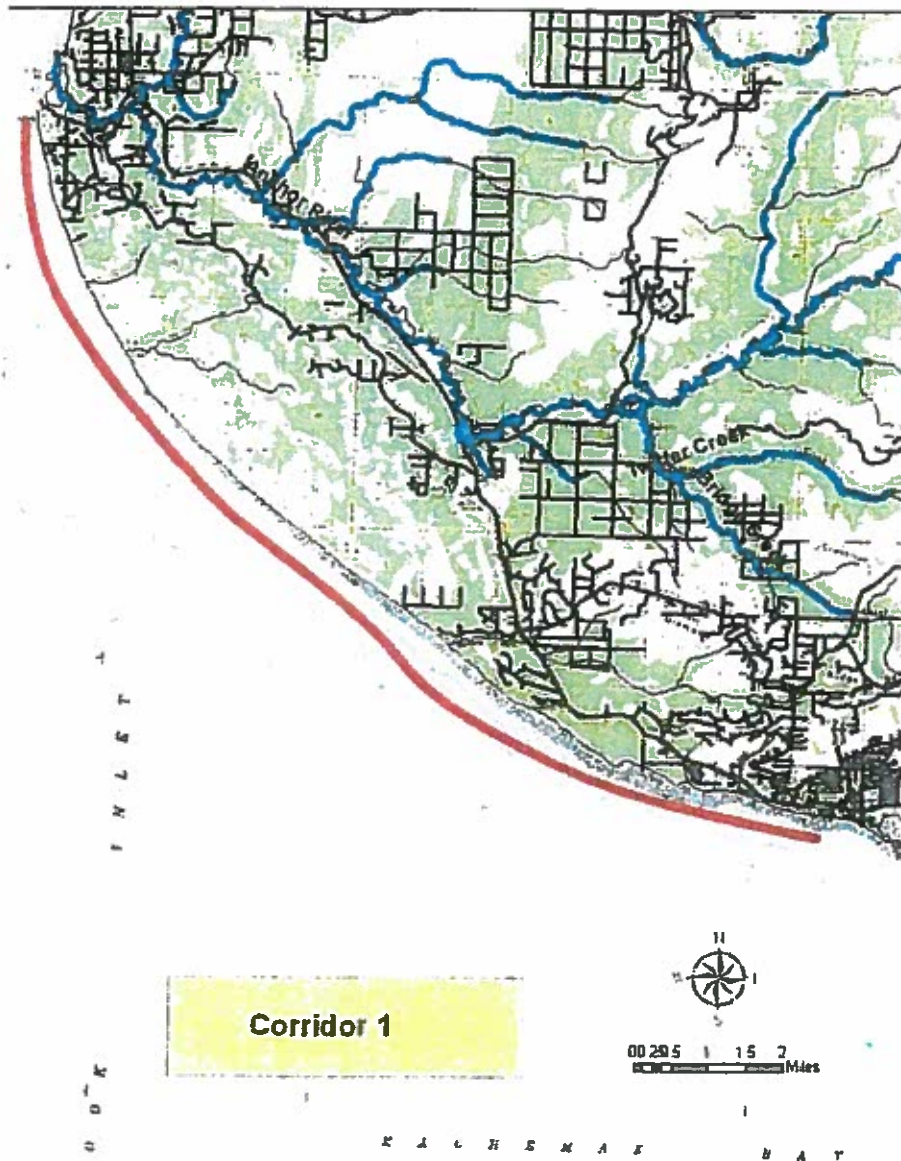
Enclosures: Maps

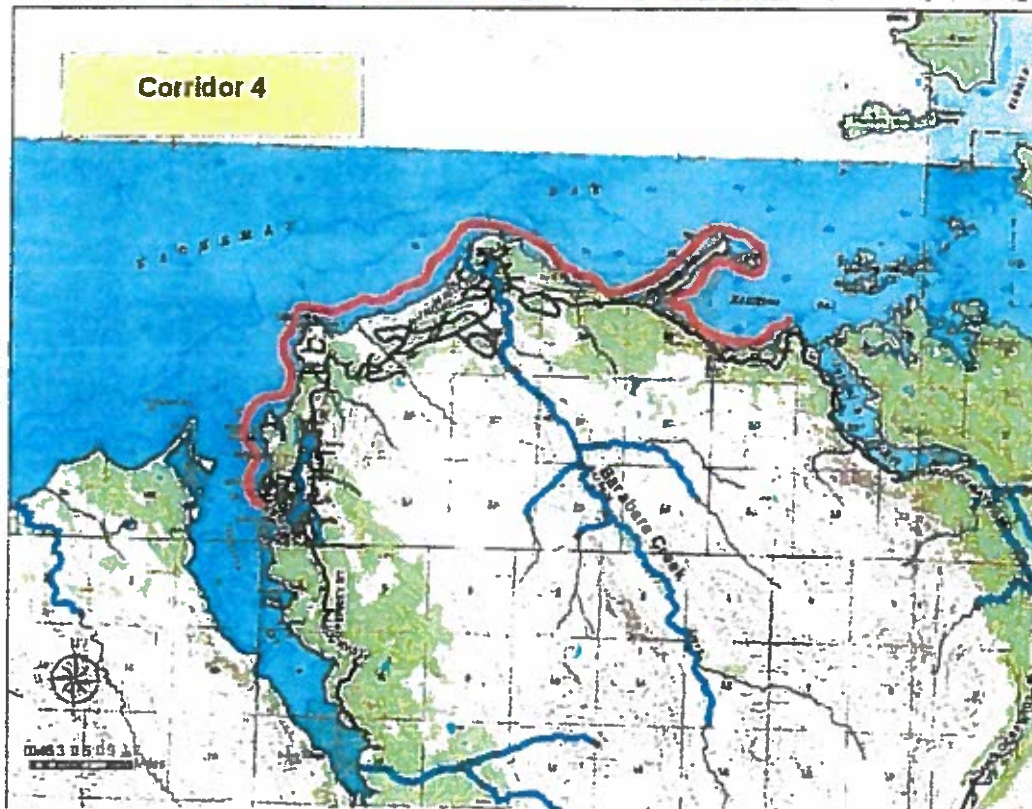
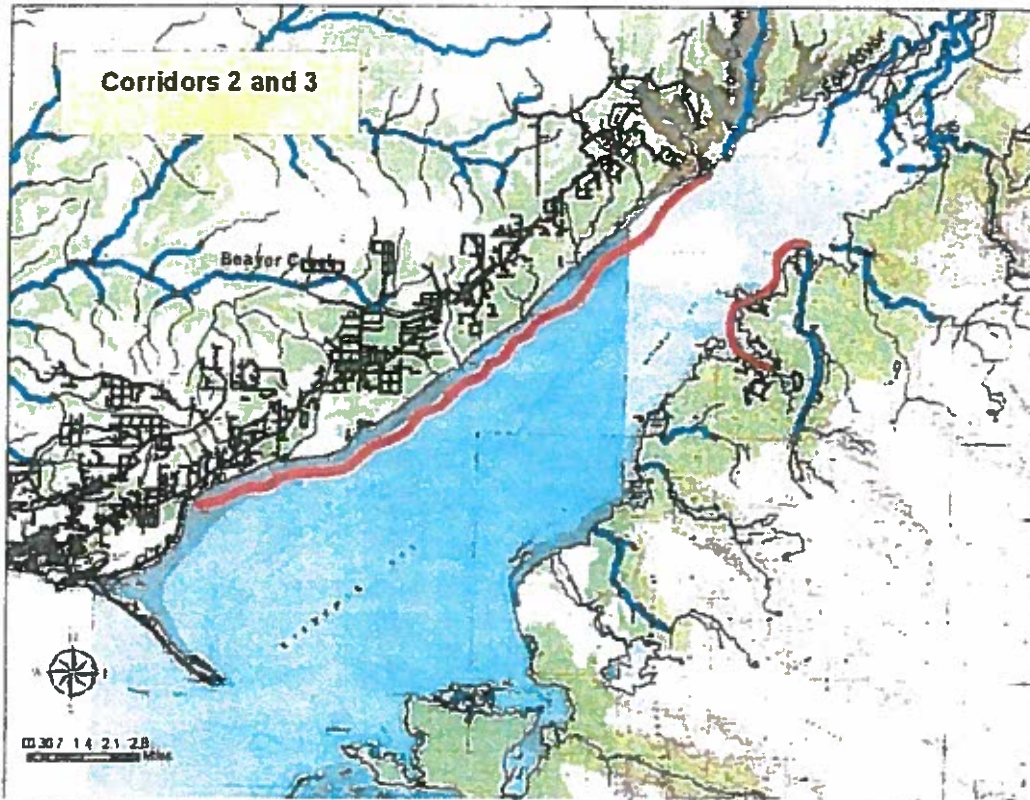
cc: KRC File

By email only:

AWT Homer
ADF&G Homer, Anch.

COE – KFO





Title 5 . Fish and Game

Chapter 95 . Fish and Game Habitat

Section 420. Activities requiring a special area permit

5 AAC 95.420. Activities requiring a special area permit

(a) No person or governmental agency may engage in the following uses or activities within a special area without first obtaining a special area permit following the procedures of 5 AAC 95.700 - 5 AAC 95.760:

- (1) construction, placement, or continuing use of any improvement, structure, or real property within a special area;**
- (2) destruction of vegetation;**
- (3) detonation of an explosive other than a firearm;**
- (4) excavation, surface or shoreline altering activity, dredging, filling, draining, or flooding;**
- (5) natural resource or energy exploration, development, production, or associated activities;**
- (6) water diversion or withdrawal;**
- (7) off-road use of wheeled or tracked equipment unless the commissioner has issued a general permit under 5 AAC 95.770;**
- (8) waste disposal, placement, or use of a toxic substance;**
- (9) grazing or animal husbandry; and**
- (10) any other activity that is likely to have a significant effect on vegetation, drainage, water quality, soil stability, fish, wildlife, or their habitat, or which disturbs fish or wildlife other than lawful hunting, trapping, fishing, viewing, and photography.**

(b) The commissioner makes the final determination as to whether a specific activity is subject to the provisions of this chapter.

History: Eff. 6/5/86, Register 98

Authority: AS 16.05.020

AS 16.05.050

AS 16.05.251

AS 16.05.255

AS 16.20.060

AS 16.20.094

AS 16.20.096

AS 16.20.162

AS 16.20.530



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Memorandum 16-031

**TO: KATIE KOESTER
CITY MANAGER, CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: REGULATION OF MOTORIZED VEHICLES ON BEACHES

FILE NO.: 506,742.1003

DATE: AUGUST 26, 2015

This memorandum supplements and replaces my memorandum of August 18, 2015, on this subject, providing supporting citations and a more detailed analysis of the relationship between City regulation of motorized vehicle use in beach areas and state regulation of activities in beach areas within the Kachemak Bay Critical Habitat Area ("KBCHA"). I begin by discussing what constitutes the "beach area" under the current Homer City Code and proposed Ordinance 15-29, the geographic terms conventionally used to categorize the components of the "beach area," and how those terms are related to property boundaries in the "beach area." I then describe state regulation of motorized vehicle use in the KBCHA, and compare it to the regulation of motorized vehicle use under proposed Ordinance 15-29.

What is the "Beach Area"? Both current HCC 19.16.020 and proposed Ordinance 15-29 define the term "beach area" to include "the zone of sand, gravel and other unconsolidated materials that extends landward from the low water line to the place where there is a marked change in material or physiographic form." This definition differs from the usual categorization of areas along a shoreline: (i) the area below the elevation of mean low water, referred to as "submerged lands"; (ii) the area between the elevations of mean low water and mean high water, referred to as "tidelands"; and (iii) the area above the elevation of mean high water, referred to as "uplands".¹ The "beach area" as defined in HCC 19.16.020 and proposed Ordinance 15-29 begins at the elevation of mean low water—the boundary between submerged lands and tidelands—and extends landward to a "place where this is a marked change in material or physiographic form"—the bottom of road and other embankments on the Spit, and the toe of the bluff at most other locations—which includes uplands above the elevation of mean high water as well as tidelands.

¹ *City of Saint Paul v. State, Dept. of Natural Resources*, 137 P.3d 261, 262 (Alaska 2006).

Property Ownership in the "Beach Area." Subject to the exception discussed below, the City owns the tidelands within the beach area,² while most of the uplands within the beach area are privately owned.³ In most cases, the boundary between tideland and upland property is "ambulatory," moving seaward or landward with the erosion or accretion of material on the beach that determines the current mean high water line.⁴ The exception to this general rule occurs when the mean high water line changes as the result of a sudden subsidence or uplifting of the beach area caused by an event such as an earthquake. In such a case, the boundary of property ownership continues to be located at the mean high water line that existed before the sudden subsidence or uplifting event.⁵ This exception may affect property boundaries in beach areas in the City that experienced sudden subsidence during the 1964 earthquake. Where such subsidence occurred, the boundary of an upland parcel may extend seaward of the current mean high water line, resulting in private ownership of some beach areas that presently are tidelands. Determining the precise boundary of property ownership in such cases would require a detailed investigation of changes in the beach area topography at and after events such as the 1964 earthquake.

Regulation of Motorized Vehicle Use in the KBCHA. The KBCHA initially included all beach areas within the City that are below mean high water.⁶ In 2014, the legislature excluded certain areas on the north side of the Spit in and around the Homer Harbor from the KBCHA.⁷ This was done to accommodate the long-term docking of a jack-up rig at the Deep Water Dock, which it was believed otherwise would conflict with the regulations governing the KBCHA.⁸

Two regulations govern activities in the KBCHA. One regulation, 5 AAC 95.610, adopts by reference the goals and policies of the Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan (the "Plan"). Although the Plan provides that off-road use of motorized vehicles generally is not permitted in the KBCHA, the Plan states that it does not apply to City of Homer lands.⁹ Thus, the Plan's provisions regarding off-road use of motorized vehicles do not apply to beach areas in the City.

² Before Alaska statehood, the federal government owned all of the tide and submerged lands in Alaska. Upon Alaska's admission as a state, the Alaska Statehood Act transferred tide and submerged lands to the State of Alaska. *City of St. Paul*, 137 P.3d at 262 n. 1. The state later transferred to the City the tide and submerged lands located within the City limits.

³ Upland parcels owned by the City are identified in the City's Land Allocation Plan.

⁴ *DeBoer v. United States*, 653 F.2d 1313, 1314-1315 (9th Cir. 1981).

⁵ *Honsinger v. State*, 642 P.2d 1352, 1354 (Alaska 1982).

⁶ AS 16.20.590(a).

⁷ Ch. 3 SLA 2014, enacting AS 16.20.590(b).

⁸ 5 AAC 95.420(a)(5) requires a special area permit for "natural resource or energy exploration, development, production or associated activities" in the KBCHA.

⁹ "The plan does not apply to federal or municipal lands within the critical habitat areas." Plan, p. 1. "Both state land and private land are included in the critical habitat areas but

The other regulation, 5 AAC 95.420, requires a special permit from the Commissioner of Fish and Game to engage in certain activities in the KBCHA. Among those restricted activities is "off-road use of wheeled or tracked equipment unless the commissioner has issued a general permit under 5 AAC 95.770."¹⁰ The restrictions in 5 AAC 95.420 are not subject to an exception for City of Homer lands, and therefore apply within the beach areas in the City that lie within the KBCHA. However, the Commissioner of Fish and Game has invoked the exception in 5 AAC 95.420(a)(7) by issuing a general permit under 5 AAC 95.770 that permits the off-road use in the KBCHA of vehicles of 10,000 pounds or less gross vehicle weight on unvegetated tidelands below mean high tide in motorized vehicle corridors that extend westward from Bidarki Creek and eastward from Miller's Landing, to provide "normal personal and recreational transit."¹¹

Comparing Proposed Ordinance 15-29 to the KBCHA Regulations. Proposed Ordinance 15-29 would permit motorized vehicle use in beach areas (i) on the southern side of the Spit from October 1 through March 31, and (ii) by owners of property immediately adjacent to a beach area as reasonably necessary to maintain the owner's property, in accordance with the terms of a permit issued for that purpose by the chief of police. There are three distinct parts to the relationship between the permission of motorized vehicle use under proposed Ordinance 15-29 and the state's regulation of motorized vehicle use in the KBCHA:

- To the extent that Ordinance 15-29 permits motorized vehicle use in beach areas above the mean high water line, it does not conflict with the state's regulation of motorized vehicle use in the KBCHA, as beach areas above the mean high water line lie outside the KBCHA.
- To the extent that proposed Ordinance 15-29 permits motorized vehicle use in beach areas below the mean water line, it does not conflict with the Plan as incorporated in 5 AAC 95.610, because the Plan does not apply to City of Homer lands.
- The permission of motorized vehicle use in beach areas below the mean water line in proposed Ordinance 15-29 does conflict with 5 AAC 95.420(a)(7), which prohibits such use except under the general permit for motorized vehicle use in the areas west of Bidarki Creek and east of Miller's Landing.

TFK/lcj

municipal (City of Homer and City of Seldovia tidelands) and federal lands are not under critical habitat area authority." Plan, p. A-1.

¹⁰ 5 AAC 95.420(a)(7).

¹¹ Special Area Permit 15-V-0005-GP-SA, issued December 16, 2014.



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 20-109

TO: Mayor Castner and Homer City Council
FROM: Rick Abboud, Interim City Manager
DATE: July 17, 2020
SUBJECT: Backup Information Concerning the City's Beach Policy

PARCAC reviews the City of Homer's Beach Policy every two years as part of their Commission activities. The next scheduled review of the document is November 2020. Should Council wish to revisit vehicular use on Homer beaches either sooner than what is scheduled or with a new management approach, a resolution of the City Council providing direction to PARCAC would be appropriate. Under *HCC 2.60.040 Duties and responsibilities of the Commission*, the Commission acts in an advisory capacity on matters involving public beaches. The City's Beach Policy currently in effect can be found online here: https://www.cityofhomer-ak.gov/sites/default/files/fileattachments/city_clerk039s_office/page/6550/beach_policy_042516.pdf. This policy was developed in consultation with PARCAC; an abbreviated history of how this policy came to be is provided below.

History:

In June 2001, the Beach Policy Task Force made final recommendations to the City. These recommendations included limitations on where vehicles could travel on Homer's beaches, recognition of the importance of beach and storm berms, and new rules about driftwood harvesting. At the time, these were very large changes for public beach use and behavior. The recommendations were formatted into a Beach Policy document adopted by Council under Resolution 2001-44(A). Other actions included amending Homer City Code Title 7 regarding vehicles on beach areas, definitions, and the harvest of driftwood.

The 2001 policy was then reviewed in 2005 by PARCAC. From 2014 to 2016 under Council's direction, PARCAC again reviewed and made revisions to the beach policy in a yearlong public process. There was general public consensus that coal gathering was important, so Mariner Park Beach is open in the winter (only) for coal gathering.



Red = No vehicles
Yellow = Vehicles only under the terms of HCC 7.16,
Seasonal coal gathering



There was also consensus that if the eastern portion of Bishops' Beach were to be closed, then the western portion should be open both for coal gathering and to provide the ability to drive to Anchor Point or out the beach (as people have done here since the mining and homestead era). A gate was installed to block cars from traveling east to Beluga Slough.

Vehicles are allowed west from Bishop's Beach Park access, and prohibited to the east.

For the Kachemak Drive Area, it is still legal to drive on the beach, but there are no public access points. The state placed a gate at the top of the airport, and a key is available for land owners by request. Using the state access point also entails trespass on private property. It is not often used.



Below is a selected history of the 2014-2016 process.

https://www.cityofhomer-ak.gov/sites/default/files/fileattachments/memo/4851/memo_15-102_beach_policy.pdf

https://www.cityofhomer-ak.gov/sites/default/files/fileattachments/memo/8904/memo_16-031_beach_policy_kbcha_legal_memo.pdf



MEMORANDUM

Beach Policy Review – Special Permit Coal Collection

Item Type: Recommendation
Prepared For: Parks, Art Recreation and Culture Advisory Commission
Date: June 14, 2024
From: Renee Krause, MMC, Acting City Clerk

Summary

This item was postponed from the May meeting to be included in a full review of the Beach Policy.

It is recommended that the Commission periodically review documents related to items that are under the Commission purview to make sure that the content is still relevant or requires updating. It is also an opportunity for Commissioners to become familiar with the various policies and standard operating procedures that the various departments and relevant staff refer to when dealing with various attributes of their duties and or the public.

Commissioners should consider the following request for special allowance and or consideration of vehicular use in prohibited areas for the collection of coal as outlined in Memorandum PARC-24-033 and make a recommendation by motion.

Commissioners are requested to review the policy and provide any recommendations for amendments in the form of a motion. These will be discussed and voted on by the Commission as a whole and a Public Hearing will be held on the recommended changes if any to allow the public to comment.

The Beach Policy is one document that the Commission actually holds a Public Hearing on any amendments prior to submitting to City Council for approval.

Recommendation

Review and make a recommendation on issue regarding Special Access Permits related to Coal Collection and any other additional amendments needed as determined by the Commission.

CALL TO ORDER

Session 24-05, a Regular Meeting of the Parks, Art, Recreation and Culture Advisory Commission was called to order by Chair David Lewis at 5:30 p.m. on May 16, 2024 from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. The Commission met at 4:30 p.m. for a worksession with Agnew::Beck on the Comprehensive Plan Update.

PRESENT: COMMISSIONERS ARCHIBALD, HARRALD, LEWIS, KEISER, ROEDL, PARSLEY

ABSENT: COMMISSIONER FAIR (EXCUSED)

STAFF: ACTING CITY CLERK KRAUSE
RECREATION MANAGER ILLG
PARKS MAINTENANCE COORDINATOR FELICE

AGENDA APPROVAL

KEISER/ARCHIBALD MOVED TO AMEND THE AGENDA TO POSTPONE NEW BUSINESS ITEM D TO THE JUNE AGENDA.

There was a brief discussion of the Commission's responsibility to review the Beach Policy every two years and it would be appropriate to address the subject in the broader sense of the policy review.

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

Motion carried.

ARCHIBALD/HARRALD MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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

Scott Adams, city resident, commented in support of the proposed Karen Hornaday Master Plan.

Melissa Jacobsen, Interim City Manager, commented on the budget requests under Memorandum PARC-24-034 for Additional Parks Maintenance Personnel providing clarification on funding.

VISITORS/PRESENTATIONS (10 minute time limit)

A. Kachemak Nordic Ski Club

Bob Glen, president of the Nordic Ski Club, and Anna McCarthy discussed the construction of an equipment shed to store the club's ski equipment. The club, which promotes Nordic skiing through 90

kilometers of trails and various events, including Junior Nordic programs for 175 kids, spends a significant portion of its budget on ski equipment. The decision to build the shed was prompted by the need to protect the equipment from the elements, particularly during winter, and was made possible by a change in management and volunteer efforts from Dave Brann. The shed will be located near the Rogers Loop trailhead on city property.

RECONSIDERATION

CONSENT AGENDA All items on the consent agenda are considered routine and non-controversial by the Parks Art Recreation & Culture Advisory Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

- A. Unapproved Meeting Minutes for April 18, 2024

ARCHIBALD/HARRALD MOVED TO APPROVE THE CONSENT AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

STAFF & COUNCIL REPORT/COMMITTEE REPORTS (5 minute time limit)

- A. Parks Monthly Report – April/May 2024
Memorandum PARC-24-029 from Parks Maintenance Coordinator Felice

Parks Maintenance Coordinator Felice reviewed his report and noted the following:

- the new tractor was delivered and is in use
- A track grader was employed for the Karen Hornaday park road and its doing fine for now but not sure how long it will last since Little League has started.
- Serve the City event is this weekend (April 20th) and working on the coordination
- New swing set installed at Ben Walters Park and swings will be hung on Monday April 22
- Working on electric and lighting for Karen Hornaday Park

Mr. Felice facilitated a discussion on Parks Staffing and lowered seasonal staffed.

- B. Community Recreation Report – May 2024
Memorandum PARC-24-030 from Recreation Manager Illg

Mr. Illg provided highlights on the following:

- use of the Mobi mats that were requisitioned by the ADA Advisory Board
- Birding Backpacks
- new Youth Volleyball game schedule
- Youth Recreational Summer Programming, Gymnastics and Tumbling opportunity provided by a new business, Frontier Tumbling
- Safe and Healthy Kids Fair was off the charts this year and commended the organizers.
- Part-time Rec person and seasonal person until June

C. PARCAC Staff Liaison Report – May 2024

Memorandum PARC-24-031 from Recreation Manager Illg as backup.

Recreation Manager Illg reviewed his report noting that council adopted the resolution approving fees and that they will be bringing forward a budget request for bringing the part time person into full time by using the funding for seasonal temporary staffing.

PUBLIC HEARING

PENDING BUSINESS (15 minute time limit)

A. Performance of A SWOT Analysis and Creating a Strategic Plan

Memorandum PARC-24-032 re: Setting Priorities

Mr. Illg reported that he has facilitated discussions with various entities that are willing to work within the budget. He has narrowed it down to Wellspring.

Commissioner Harrald supported that option noting the company was great to work with.

Discussion ensued on the intent of the worksession by the Commission and that none of the commissioners did their homework on prioritizing the proposed strategic goals. They discussed having a worksession prior to the next meeting.

ARCHIBALD/HARRALD MOVED TO HAVE A WORKSESSION TO REVIEW AND DISCUSS THE PROPOSED STRATEGIC PLAN.

Discussion on Commissioners submitting their prioritized review to the Clerk by June 12th.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. Karen Hornaday Park Master Plan
Memorandum PARC 24-036 from Community Development Director as backup

Chair Lewis introduced the item and deferred to Community Development Director Engebretsen

Ms. Engebretsen reviewed the proposed draft of the Karen Hornaday Park Master Plan.

Discussion and points made on the plan were as follows:

- Have ADA Parking at trails and paths
- Cost estimates needed
- Geotechnical Reports needed for the proposed access road on the west side
- Restrooms will be in place this summer
- Addressing the “low hanging fruit” method of items in the plan
- Drainage issues
- Running electrical to the area between the two upper fields
- Seasonal Traffic Calming measures
- Corvus Design to attend June meeting

NEW BUSINESS (15-20 minute time limit)

- A. Recommendation to Propose the City Construct a Pedestrian Trail and Viewing Platform in the South B Street Right of Way.

Memorandum PARC 24-035 from Commissioner Keiser as backup

Chair Lewis introduced the item by reading of the title and invited Commissioner Keiser to present her request to the Commission.

Commissioner Keiser explained that the city has the right of way and can construct a pedestrian pathway to a viewing platform to replace the one that was removed.

Commissioner Archibald noted that it is a platted road and has been used as a social trail.

Discussion facilitated by Staff ensued on the concept and feasibility. Staff stated that the Commission can make a motion to request City Council approve the Commission’s request and direct staff. The Commission cannot direct staff to perform the work.

ARCHIBALD/ PARSLEY MOVED TO SUBMIT A MEMORANDUM TO CITY COUNCIL REQUESTING STAFF TO CONDUCT THE FEASIBILITY OF CONSTRUCTING A PEDESTRIAN PATHWAY AND VIEWING PLATFORM IN THE B STREET RIGHT OF WAY SOUTH OF BAY AVENUE.

There was no discussion.

VOTE. NON-OBJECTION UNANIMOUS CONSENT.

Motion carried.

B. Comprehensive Plan Update Recommendations

Chair Lewis introduced the item by reading of the title and open the floor to discussion and recommendations by the Commission.

Discussion facilitated by the Chair made points on the following:

- top three recommendations are related to Parks and outdoor/indoor recreation
- Parks and Recreation deserve their own section within the Comp Plan rewrite
- Planning Commission and Parks Art Recreation & Culture should have a joint worksession
- A memorandum can be provided to the planning regarding comments from the commission
- Pending business item a future meeting
 - o Review the document and determine what items go into the section

C. Mid Biennial Budget Amendment - Parks FTE and Community Recreation Equipment
Memorandum PARC-24-034 from Commissioner Keiser as backup.
Budget Request form - Community Recreation for Equipment

Chair Lewis introduced the item by reading of the title and deferred to Commissioner Keiser

Commissioner Keiser commented on her memo noting that the Commission can submit memorandums to Council in support of budget requests.

HARRALD/ARCHIBALD MOVED TO RECOMMEND CITY COUNCIL AMEND THE OPERATING BUDGET TO ADD ONE FTE TO PARKS MAINTENANCE.

A brief discussion was entertained on the comments of Interim City Manager Jacobsen regarding funding and PARCAC responsibility.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HARRALD/ROEDL MOVED TO REQUEST CITY COUNCIL AMEND THE CAPITAL BUDGET BY \$4500 TO PURCHASE A VOLLEYBALL NET SYSTEM.

D. Amending the Beach Policy and Homer City Code to Allow Vehicular Access by Special Permit to Closed Areas of the Beach.

Memorandum PARC 24-033 from Commissioner Keiser as backup

Excerpt from City of Homer Beach Policy pgs 8-14

Memorandum 15-131 from Chief Robl dated July 7, 2015

Memorandum 16-031 from City Attorney dated August 26, 2015

Ordinance 16-05 (S-2)(A-2) Vehicles on Beaches

Memorandum 20-109 from Interim City Manager/City Planner dated July 17, 2020

Chair Lewis noted that this item was postponed to the June meeting.

E. Long Term Memorandum of Agreement with Kachemak Nordic Ski Club

Memorandum PARC 24-037 from Community Development Director as backup

Chair Lewis requested a motion and second.

Commissioner Harrald requested clarification on the project as reflected in the CIP versus what is being proposed in the new amended agreement.

HARRALD/ROEDL MOVED TO SUPPORT THE AMENDMENT TO THE MEMORANDUM OF AGREEMENT WITH KACHEMAK NORDIC SKI CLUB.

There was a brief discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

F. Welcome New Commissioner, Lucas Parsley

The Commission expressed a warm welcome to Commissioner Parsley.

G. Letter to the Editor Topic Recommendation

The Commission discussed various topics for Commissioner Keiser to write a draft Letter to the Editor. She will provide a draft for the June meeting approval.

INFORMATIONAL MATERIALS

A. PARCAC Annual Calendar 2024

B. City Manager's Report for City Council May 13, 2024

Commissioner Harrald commented on errors in the date shown on the Annual Calendar and speaking at the next Council meeting.

COMMENTS OF THE AUDIENCE (3 minute time limit)

Scott Adams, city resident, expressed his appreciation for the Commission discussion on the B Street proposed project, Harbor revenues for the Haul Out Facility versus the camping and he has requested the funding information used for the purchase of the parcels, private campgrounds charge \$100 a night and not everyone can afford. He has been a proponent on using existing facilities and commented on the need for a full recreational facility. He recounted the revenues made by camping.

COMMENTS OF THE MAYOR/COUNCILMEMBER (If Present)

COMMENTS OF THE CITY STAFF

Acting City Clerk Krause noted it was a fun meeting as always.

Recreation Manager Illg noted that it was a good meeting.

COMMENTS OF THE COMMISSION

Commissioner Keiser commented that it was a pleasure working with everyone on the Commission.

Commissioner Archibald expressed his appreciation for staff and commented it was a good meeting.

Chair Lewis noted that they got through all the items and it was still before 8 pm

Commissioners Harrald and Roedl did not comment.

ADJOURNMENT

There being no further business to come before the Commission Chair Lewis adjourned the meeting at 7:55 p.m. The next Regular Meeting is **Thursday, June 20, 2024 at 5:30 p.m.** A worksession is scheduled for 4:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar.

Renee Krause, MMC, Acting City Clerk

Approved:_____

Borough, crafting the Letter to be neutral not literal with the use of the word “shabby”. Further recommendations were made on the proposed “letter to the editor” to address the recent accomplishments and donations and that the Clerk can make the edits and submit for publication.

HARRALD/ROEDL MOVED TO ACCEPT THE LETTER TO THE EDITOR WITH THE AMENDMENTS PROVIDED.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. Memorandum PARC-24-042 re: Beach Policy Review and Special Permits

Vice Chair Archibald introduced the item and opened the floor for discussion.

Discussion ensued on the following:

- Having a worksession on the beach policy
- The process involved in making amendments to the policy
- Having a discussion when interested people will be available to attend a meeting to provide comment.
- Receiving input from the Police Department and Port & Harbor

HARRALD/ROEDL MOVED TO POSTPONE DISCUSSION ON THE BEACH POLICY TO SEPTEMBER MEETING.

Mr. Foust arrived and proceeded to speak from the audience and was provided clarification by Vice Chair Archibald when the appropriate time to comment on the topic would not be now but during Comments of the Audience stating that he was not present when the earlier opportunity was available.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

E. Memorandum PARC-24-044 re: Vessel Haul Out Recommendation

Vice Chair Archibald introduced the item by reading of the title and opened the floor for discussion.

Recreation Manager Illg reviewed the memorandum outlining the actions requested by the Commission.

Discussion was facilitated by Staff with points made on the following:

- Line 56 - Delete the words, “Moral obligation” and amend to state “Strong financial benefit to ensure this is available and accessible.”
 - o This statement could be debated regarding the financial benefits of the vessel haul out proceeds;
- State the questions listed in the proposed memo as bullet points not questions
- Quality of life impacts
 - o Camping creates memorable experiences

STAFF & COUNCIL REPORT/COMMITTEE REPORTS (5 minute time limit)

- A. Parks & Trails Report for September 2024
Memorandum from Parks Maintenance Coordinator as backup.

Parks Coordinator Felice reviewed his report for the Commission noting the following:

- Maintenance on the road up to Karen Hornaday Park to help with rain and drainage
- Trail maintenance in preparation for winter including cutting back brush on trails
- West lot, Lucky Shot, and Story Trail are completed
- Bayview Park: Walkway to be paved by East Road Services, playground and swing set are installed, concrete is set
- Jack Gist: Water and sewer hookups are in place for restrooms, fall cleanup on fields
- Winter prep around the city: transplanted peonies, wrapped flower beds and barrels, ditching alongside Ben Walters Trail

- B. Community Recreation Report for October 2024
Memorandum from Recreation Manager as backup.

Recreation Manager Illg reported on the following:

- Purchase of score clock console at Homer High School for Adult Basketball League
- Rec Champions met to talk about the multi-use community center. Investigating HEA property, city's town center property, borough land behind Homer Middle School, focusing on cost for water, sewer, and electric for each site.
- Local community members working with the Homer Foundation to potentially start a 'Friend of the Community Center' organization
- Update on attendance to National Recreation Parks Association Conference in Atlanta, Georgia

Mr. Illg responded to questions on the potential lots for the Community Center and if assessment of each lot is allowing for future growth.

- C. Staff Report for September 2024
Memorandum from Recreation Manager as backup

Recreation Manager Illg reviewed his report for the Commission noting the upcoming City Council worksession on October 28 to talk about the Land Allocation Plan. He noted the Commission had made some recommendations, as well as the Port and Harbor Commission. Mr. Illg concluded with indication of a potential worksession in 2025 to discuss the property more specifically.

PUBLIC HEARING

PENDING BUSINESS (15 minute time limit)

- A. Beach Policy Review
Memorandum from Recreation Manager as backup

Chair Lewis introduced the topic and deferred to Recreation Manager Illg.

Mr. Illg reported reaching out to multiple staff from different departments to review the beach policy for potential proposals and changes. Mr. Illg received feedback from Police Chief Robl including a recommendation to consider changing the access dates from October 1st through March 31st to September 15th through April 15th. He noted there were conversations with staff to strike audit and review of beach access points and documentation from 'every 3 years' to 'as needed.' Mr. Illg also reminded the Commission of any proposed changes brought forward would need final approval by City Council due to changes needed in city code.

Chair Lewis opened discussion of Beach Policy.

Commissioner Archibald brought up concern over 'as needed' wording of audit and review of beach access points and documentation.

Commissioner Harrauld agreed with this point, expressing concerns that the beach policy review would turn into a monthly discussion issue.

Commissioner Parsley asked the last time the beach policy was reviewed since being created; discussion followed including last amendment date.

ARCHIBALD/KEISER MOVED TO CHANGE THE DATES OF OPEN VEHICLE ACCESS TO SEPTEMBER 15TH THROUGH APRIL 15TH.

There was a brief discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

KEISER/ARCHIBALD MOVED TO CHANGE THE AUDIT REVIEW OF UPDATES TO THE BEACH POLICY FROM 'EVERY 3 YEARS' TO 'AS NEEDED' TO ADDRESS CHANGED CIRCUMSTANCES.

There was no discussion

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. City of Homer PARC SWOT Analysis- Review and Discussion

Chair Lewis introduced topic for discussion.

Commission agreed analysis was time well spent and information gathered will be helpful in forward thinking for the City. The Commission noted the information will be utilized creatively to build capacity and funding in the future with further discussion revolved around the term 'underlying contradictions' in terms of budget challenges and scale back, possible existing revenue streams, and organizational structure.

KEISER/ARCHIBALD MOVED TO ACCEPT THE SWOT ANALYSIS DATED AUGUST 15, 2024 AND FORWARD TO THE CITY COUNCIL.

There was no discussion

**CITY OF HOMER
HOMER, ALASKA**

City Clerk/
Parks Art Recreation &
Culture Advisory Commission

ORDINANCE 24-60

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING HOMER CITY CODE SECTION 7.16.020 OPERATING,
STOPPING OR PARKING OF MOTOR VEHICLES IN BEACH AREAS
PROHIBITED – EXCEPTIONS BY CHANGING THE TIME FRAME
ALLOWING COAL AND SAND COLLECTION ACCESS FROM MARINER
BEACH ACCESS.

WHEREAS, Historically Bishop’s Beach and Mariner Park Beach have been two of
several beaches where members of the community have collected coal and sand; and

WHEREAS, Ordinance 16-13 amended Title 7 to allow motor vehicles to operate from
Mariner Park to the Ocean Drive Loop seawall for the specific period time; and

WHEREAS, Open beach access that promotes usage in a safe, sustainable manner and
recognizes the importance of protecting sensitive wildlife habitat is desirable for the
community.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Section 7.16.020 Operating, stopping or parking of motor
vehicles in beach areas prohibited - Exceptions is hereby amended as follows:

7.16.020 Operating, stopping or parking of motor vehicles in beach areas
prohibited – Exceptions.

a. Except as provided in subsections (b) through (d) of this section, no person may
operate, stop or park a motor vehicle within or upon any beach area.

b. A person may operate, stop or park a motor vehicle within and upon the beach area
east of a line extending south from the southern end of a line extending south from the
southern end of the vacated easement formally known as Shirlene Circle, and within and upon
the beach area west of Bishops Beach Park Access.

c. A person may operate, stop or park a motor vehicle within and upon the beach area
between the south end of Mariner Park beach to the east end of the seawall from ~~October 1st~~

~~through March 31st~~ **September 15th through April 15th** solely for the purpose of gathering sand and coal.

d. An owner of property immediately adjacent to a beach area may operate, stop and park a motor vehicle within or upon a beach area as is reasonably necessary to maintain the owner's property, in accordance with the terms of a permit issued for that purpose by the Chief of Police.

e. Nothing in this section permits a person to operate, stop or park a motor vehicle within or upon privately owned property in a beach area without the permission of the property owner. [Ord. 16-13 § 1, 2016; Ord. 16-05(S-2)(A-2) § 2, 2016].

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 25th day of November, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:



CITY OF HOMER

BEACH POLICY &
MANAGEMENT PLAN

Adopted August 9, 2021

Resolution 21-053

Amended xxxxx





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DEFINITIONS

- A. "Berm" means a natural, linear mound or series of mounds in a beach area composed of sand, gravel, or both, generally paralleling the water at or landward of the elevation of mean high water.
- B. "Storm berm" means a berm formed by the upper reach of storm wave surges or the highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and other water-borne materials. A beach area may have more than one storm berm.
- C. "Submerged land" means land covered by tidal water from the elevation of mean low water seaward to the corporate boundary of the city.
- D. "Tideland" means land that is periodically covered by tidal water between the elevation of mean high water and mean low water.
- E. "Beach area" means all of the following, whether publicly or privately owned: submerged land, tideland, and the zone of sand, gravel and other unconsolidated materials that extends landward from the elevation of mean high water to the place where there is a marked change in material or physiographic form.
- F. "Motor vehicle" means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over land, that is self-propelled except by human or animal power.
- G. "Personal watercraft" means a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power. The vessels are designed to be operated by a person sitting, standing or kneeling.



Grassy area of Beluga Slough where highest tides and storm deposit logs and driftwood. Tall grasses and other plants grow there most of the time, and only at the highest tides and largest storms are logs thrown up on this area of the beach.



INTRODUCTION, PURPOSE, & GOALS

Purpose and Intent

The purpose of the City of Homer Beach Policy and Management Plan is to support the enforcement of existing regulations, proposed new regulations, or actions that may be needed, for the seven areas of beaches in City limits. The intent of the policy is to provide guidance to keep Homer's beaches safe and enjoyable for all users while preserving the natural environment. This document will be reviewed and updated on a bi-annual basis by the Parks, Arts, Recreation, and Culture Advisory Commission or as deemed necessary by City Council.

History

The original Beach Policy Task Force was established in 2000 as the result of strong public concern on the current and future use of Homer beaches. They completed the beach policy in 2001 which was adopted by City Council on June 25, 2001. In 2003, per Ordinance 03-27, the City was awarded a \$75,000 Coastal Impact Assessment grant to fund beach access restriction improvements, regulatory signage, a GIS coastal erosion and beach habitat information mapping project and funds for the 2004 United States Geological Survey sediment transport study camera operation.

The Task Force made further recommendations in 2005 through Memorandum 05-78, and concluded their work. In 2007, City Council adopted Ordinance 07-01(A) which added advising on public beaches to the duties of Parks, Art, Recreation and Culture Advisory Commission. The Commission formed a Beach Committee to update the Beach Policy, which resulted in this document.

In fall of 2014 the Parks, Art, Recreation & Culture Advisory Commission was directed by Council to review and recommend revisions to the Beach Policy. The Commission worked on the policy the first six months of 2015 and made recommendations via Memorandum 15-102. Council adopted Ordinance 16-05 (S-2)(A-2) on February 23, 2016. Ordinance 16-13 then made minor amendments. The Beach Policy was amended to reflect these revisions through Resolution 16-029(S-2). Resolution 17-021 amended the policy for clarity providing corrections for grammar and content. **Ordinance 24-60 amended the timeframe for coal and sand collection,**



*Storm Berm in front of Bishop's Beach Parking Lot
Photo provided by PARCAC Member circa 2000*

Goals of this Policy

❖ Education

Educate beach users by providing signage and beach information at convenient locations.

❖ Safety and Prevention

Limit conflicts between motorized users and pedestrians by encouraging courtesy and common sense.

Protect sensitive beach habitat and wildlife from inappropriate use of beaches - e.g., keep motorized vehicles out of lagoon areas and personal watercraft off beaches.

❖ Enforcement

Ensure adequate staffing on holiday weekends, that regulatory signage is installed where needed so laws can be enforced, and gates are operational to prevent or limit access to sensitive or prohibited areas.



Bishop's Beach has a 2-tier parking area that is delineated by driftwood, rocks, and grassy areas. Vehicle access to the west end (Area 7) is located at the northwest corner of the lower lot and a gate at the southeast end restricts access to the East-end of Ocean Drive Loop Seawall to Bishop's Beach Park (Area 6).



GENERAL POLICY & PLAN FOR ALL HOMER BEACHES

A. Identify and improve beach access points. Heavy impacts are created by a large number of people accessing the beach at a small number of places. By finding, improving, and publishing all public beach access points, this will diffuse the impacts and provide a more enjoyable experience to all.

1. Improve and maintain beach access points.
 - a. Document the known public beach access points and tracks their current status, development, and other notes of interest.
 - b. An audit/review for updates of the beach access points and documentation shall be done **every three years, as needed**
2. Provide signage at selected public access points.

B. Install and maintain signage as needed. Signage shall be positive and informative to encourage courtesy to pedestrians, appropriate pet control and clean up, and indicate where vehicles are permitted. All signage must be installed in a manner that meets the needs of law enforcement.

1. Installed signage shall address the following:
 - a. The berm building process, shore zone wildlife habitat, etc.
 - b. The risks of driving on the beach and the responsibility the owner/driver accepts, specifying that the City shall not be held liable.
 - c. The prohibition of removal and burning of driftwood along the berm, and where campers can locate campfire wood.
 - d. City code prohibitions and applicable fines, so that any violators of the law on City beaches may be ticketed.
2. City shall coordinate with U.S Fish and Wildlife (USFW) on a uniform interpretative signage plan for all City beach parks. Adjust signage language over time to meet changing needs. Include the project in the annual budget.
3. Ensure there are line items in the City's budget for sign repair, updating, and replacement.

*Northwest end of Mariner Park
Signage clearly states City Code and vehicle restrictions, rocks adequately delineate the parking area, and the Alaska flag adds a positive touch.*



C. Be aware of seaward property boundaries when making municipal decisions. Although many believe property lines stop at a water boundary, it has become apparent this is not always the case in Kachemak Bay. Normal property lines next to the ocean are established at mean high tide, and slow erosion does change boundaries. The 1964 earthquake caused the sinking of the Spit and Homer area and the sea flowed over the lowered land. This sudden change is called avulsion and legally does not change land boundaries. However, avulsion does have to be proven which can be difficult without adequate historical records. Common in Alaska, the area below mean high tide is owned by the State of Alaska, and this is true in a few spots in Homer. But generally speaking, the City owns the tidelands below mean high tide.

D. Encourage better enforcement of applicable existing state and local laws. Examples of applicable laws include: HCC 19.08 Campgrounds, HCC 7.16 Vehicles in Beach Areas; HCC18.28.200 Waste or injury to land, and Alaska State Traffic Regulations regarding: DWI, Reckless Driving, Negligent Driving, Basic Speed, and Littering.

1. Evening quiet hours shall be posted and enforced in applicable areas.
2. City driving laws in City beach parking areas and on west Bishop's Beach where driving is permitted shall be enforced.
3. Any observed violations of policies or laws shall be reported to the Homer Police Department.

E. Develop a coordinated public relations campaign. It is important to enlist the public in the campaign to keep our beaches enjoyable for all, to limit the human damage to fragile areas, and to minimize friction between user groups. The City requires everyone's help.

1. Prior to major holiday weekends, beach rules and etiquette in the local newspapers, on social media, and local radio stations shall be advertised.
2. Beach maps and brochures on beach etiquette shall be provided at all City campground facilities, Homer Chamber of Commerce, City Hall, and the Port and Harbor's Office.
3. Beach educational materials shall be distributed to local school district officials to ensure information is included in existing curriculum pertaining to beach activities and field trips.
4. Ensure there are line items in the City's budget for advertising expenses.

F. Perform an annual assessment of beach health and developing impacts.

1. Provide City Council with annual updates from local organizations and entities that support clean-up efforts on city beaches. Host on City Website.
2. On a biannual basis, take photographs of sensitive areas or places and keep a photo record of changes. Host on City website.

G. Driftwood from berm areas should not be removed. Testimony by scientists emphasizes the importance of the natural berm building process to protect the Spit, Mariner Lagoon, and Beluga Slough and provide wildlife habitat. The driftwood plays an important role in building and stabilizing berms and is an esthetic enhancement to the beach. Therefore, it is hoped that providing an alternate source of campfire wood for campers serves the important function of protecting the berms.

1. Prohibit the burning of driftwood from berm areas.
2. Provide alternative wood sources for campfires, or install signage that informs campers where campfire wood can be found.

H. Find ways of supporting beach clean-up.

1. Encourage the elimination of unsightly waste on properties near the beach by working with landowners, particularly in the Louie's Lagoon, Homer Spit, and Mariner Park areas.
2. Support volunteer efforts by providing trash bags for annual clean-up events and dumpsters or trash removal at locations such as Bishop's Beach.
3. Support local organizations and entities that provide clean-up efforts on city beaches. Support may be in the form of providing trash bags, dumpster service at beach parks, and City funding for newspaper advertising educational and beach clean-up activities.

I. Keep cars from encroaching onto beach berms and beaches in city campgrounds, parks, and along the Homer Spit Road.

1. Define parking lots so they do not spread onto the beach.




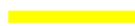

Gates and use of natural vegetation are used to delineate parking lots at parks and beaches at the south end of Mariner Park (top), Southeast end of Bishop's Beach (middle), and Louie's Lagoon parking lot (bottom)



POLICIES & PLANS FOR SPECIFIC AREAS

The following are management plans for specific beach areas, identified as Areas 1 through 7, and follow the beach line from East to West.

Color Key for Area Maps

	No Vehicles Allowed
	Boundary Lines Identified in HCC 7.16
	Vehicles Allowed per HCC 7.16.020 Exceptions

AREA 1

Miller's Landing to East of Airport Beach Access Road

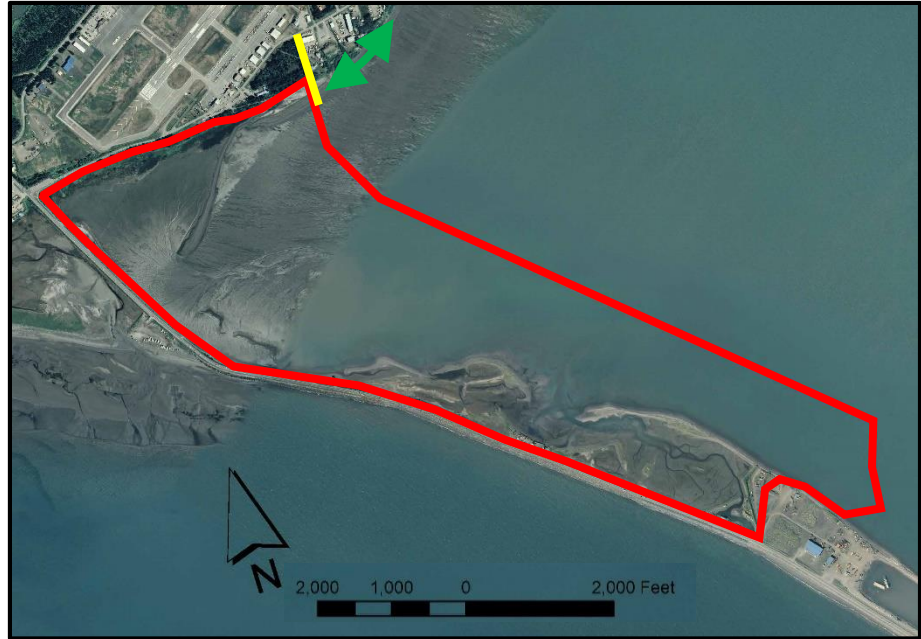
- A. Miller's Landing – Maintain a public viewing spot in the Airport Beach Access Road Right-of-Way off of Kachemak Drive through the use of signage stating the location of the public access. A small parking area may be designated with the use of boulders to discourage trespassing on adjacent properties.
- B. Airport Beach Access Road – Support state efforts to place signage or interpretive displays.
- C. Vehicle use at the bottom of Airport Beach Access Road on the beach is not allowed – Vehicles are allowed east of that area, but there is no public vehicle access point to get to that part of the beach. Land owners, or those with land owner permission, may access the beach from private vehicle access points. Once on the beach, nothing in City laws or policy condones trespassing on adjacent private lands.
- D. Vehicles are allowed on the beach east of the vacated easement (formerly known as Shirlene Circle).



AREA 2

Airport Beach Access Road to North-End of Berm outside of Louie's Lagoon, and Louie's Lagoon

- A. Vehicles are prohibited in this entire area, excluding designated access driveways and parking. Vehicle restriction is necessary to protect the fragile habitats of Mud Bay and Louie's Lagoon.
- B. Maintain signage identifying public pedestrian access points and vehicle parking areas.
- C. Ensure area and easements are zoned for conservation.
- D. Preserve subsistence fishing access through the northern portion of the English Bay property, which traditionally has included pedestrian and vehicle access.



AREA 3

Louie's Lagoon-South to End of Homer Spit, then North to the South-end of Mariner Park

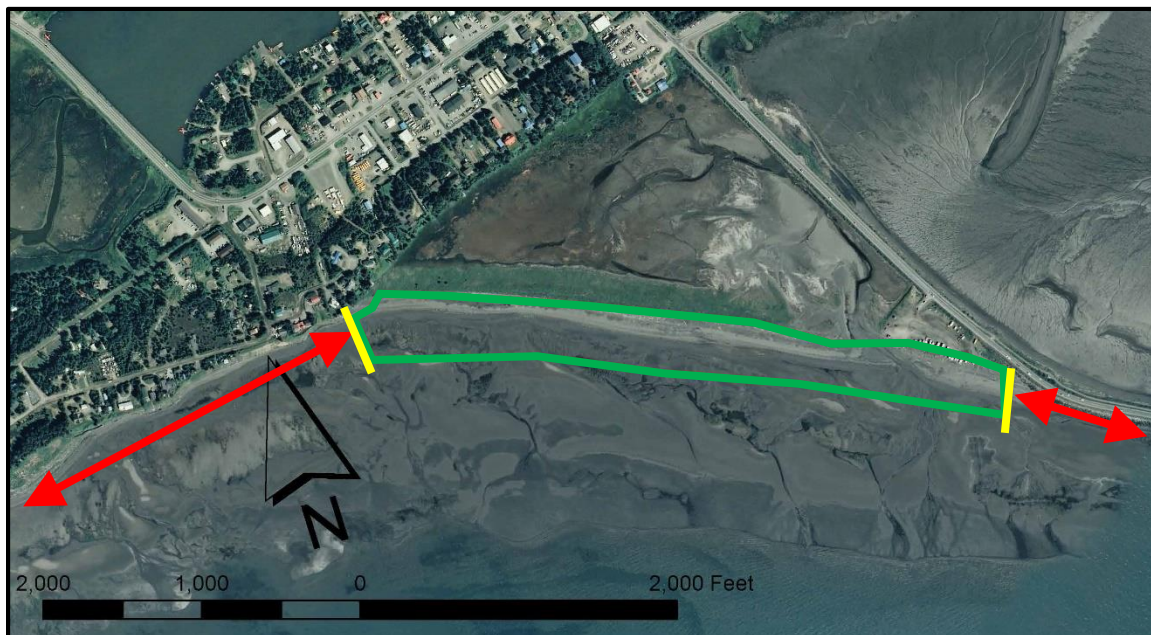
- A. Vehicles are prohibited in this entire area, excluding designated access driveways and parking.



AREA 4

South-end of Mariner Park to East-end of Ocean Drive Loop Seawall

- A. Vehicles are allowed between the south-end of Mariner Park Beach and the east-end of the Ocean Drive Loop seawall from **October 1st through March 31st** **September 15th through April 15th** for the sole purpose of gathering sand and coal. The beach is closed to vehicles at all times for any other purpose.
- B. The area in front of the seawall west to the Beluga Slough outfall is closed to vehicles.
- C. Mariner Park Campground and day-use area has defined campsites and controlled vehicle access to the beach through the use of logs, rocks, and a gate. Maintain the campground and these measures as they provide protection to the berm, encouraging natural vegetation growth.



AREA 5

Mariner Park Lagoon and Storm Berm

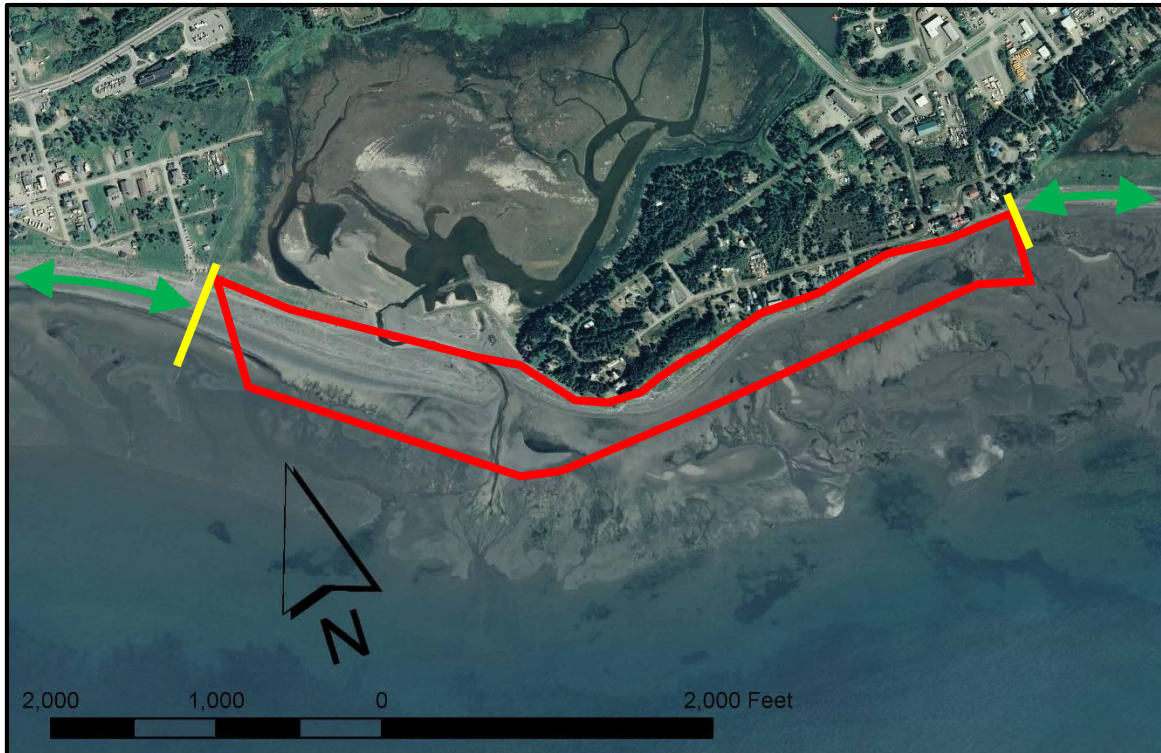
- A. Vehicles are prohibited in this entire area.
- B. Ensure there are line items in the City's budget to dredge Mariner Slough on a biennial year period.



AREA 6

East-end of Ocean Drive Loop Seawall to Bishop's Beach Park

- A. Vehicles are prohibited in this area.
- B. Maintain the gate and rocks at Bishop's Beach Park to physically block access to vehicles.
- C. Support U.S. Fish and Wildlife efforts to protect berm and promote rye grass/driftwood build-up.
- D. Support U.S. Fish and Wildlife's efforts to develop a plan to maintain the ecological integrity of their educational reserve, including possible conservation zoning.



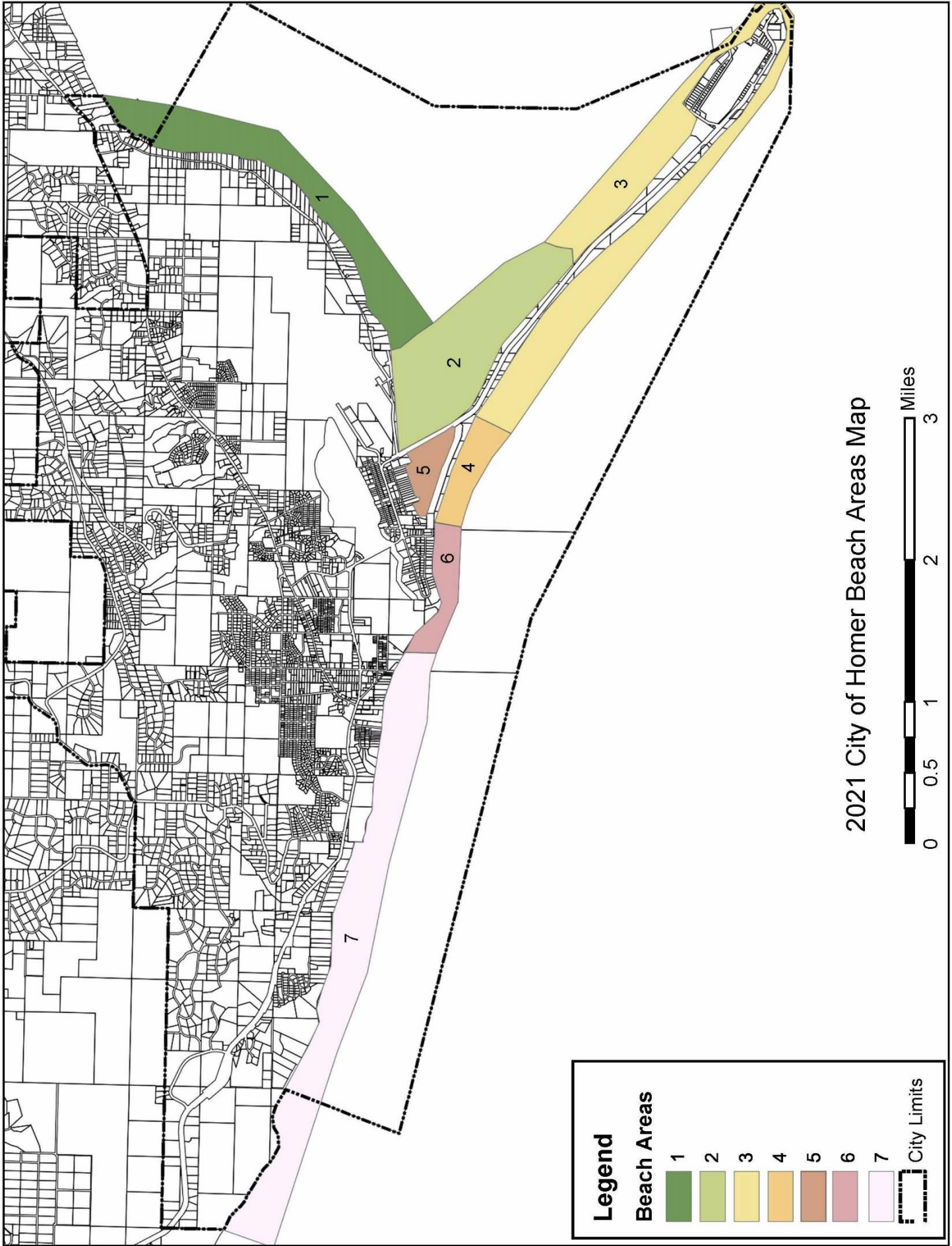
AREA 7

Bishop's Beach Park Access-West to Homer City Limits

- A. This is a heavily used area and has the greatest potential for conflicts between user groups.
- B. Ensure there is adequate parking and signage at Bishop's Beach Park and in the area. Wayfinding signage may direct people to nearby public parking (e.g., Homer Chamber of Commerce, Islands and Ocean Visitor Center).
- C. Vehicles are allowed west from Bishop's Beach Park access and prohibited to the east. Posted signage shall warn drivers to proceed at their own risk.
- D. Improve erosion control and maintain beach access points.

- E. Work with property owners and interested volunteers to remove derelict vehicles from City beaches. Owner will be responsible for the costs and removal of vehicle(s).







MEMORANDUM

Ordinance 24-61, An Ordinance of the City Council of Homer, Alaska Amending the FY25 Capital Budget by Appropriating \$2,000,000 from the Homer Accelerated Roads and Trails (HART) Fund to the Ohlson Lane and West Bunnell Avenue Road Reconstruction Project. City Manager/Public Works Director.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and Homer City Council
Date: October 15, 2024
From: Daniel Kort, Public Works Director
Through: Melissa Jacobsen, City Manager

Issue: Construction funds needed for the Ohlson Lane and West Bunnell Avenue Road Reconstruction Project.

Background:

This project began with a design and study by Nelson Engineering in 2023 which recommended that Public Works Department reconstruct the subgrade for Ohlson Lane and West Bunnell Avenue. On January 3, 2024, Nelson Engineering completed a 95% design for the subject project. Public Works expecting to receive the 100% design drawings in approximately one month. According to the cost estimate attached to the 95% design, the project will cost a total of \$2,370,409 to construct.

In addition to needed road improvement, this project will:

- Replace the 59-year-old cast iron pipe that is near the end of its service life and is prone to failure. This is an opportunity to replace the aging infrastructure to avoid having to dig up the newly constructed road in the near future to either repair or replace the pipe.
- Construct storm sewer in conjunction with the new curb for the street. The storm drain is being built to improve storm drainage issues in this neighborhood as well as to accommodate the projects new curb, curb bulb-outs for traffic calming and street parking.

Public Works submitted questionnaires to the Alaska Department of Environmental Conservation (ADEC) to apply for loans to cover both the water main replacement and storm drain portions of the construction project from the Alaska Drinking Water Fund and Alaska Clean Water Fund respectively. The ADEC added both the water main replacement and storm drain to their project priority list and both projects are 100% covered by principal forgiveness subsidy in the following amounts:

Ohlson & Bunnell Water Main Replacement: \$491,400

Ohlson & Bunnell Storm Drain Construction: \$324,000

The loan forgiveness totals to \$815,400 in loan subsidy which will cover a portion of the construction costs for the subject project. There are currently no other funds allocated for this construction project, meaning that to date, the City will be responsible for funding the balance of approximately \$1,555,009. That amount is expected to increase based on the 100% design, and current trends of cost increases.

Recommendation:

Public Works recommends that \$2,000,000 be allocated from the HART Roads Fund to cover construction costs for the Ohlson Lane and Bunnell Avenue Road Reconstruction Project.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 24-61

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE FY25 CAPITAL BUDGET BY APPROPRIATING
\$2,000,000 FROM THE HOMER ACCELERATED ROADS AND TRAILS
(HART) ROAD FUND TO THE OHLSON LANE AND BUNNELL
AVENUE ROAD RECONSTRUCTION PROJECT.

WHEREAS, Nelson Engineering has completed a 95% Design for the Ohlson Lane and Bunnell Avenue Road Reconstruction Project and the 100% design is in process; and

WHEREAS, The Engineer's cost estimate submitted with the 95% design estimates the total construction cost at \$2,370,409; and

WHEREAS, The Public Works Department anticipates the revised total construction cost estimate to be approximately \$2,850,000; and

WHEREAS, No City funds have been budgeted for construction; and

WHEREAS, Public Works submitted questionnaires to the Alaska Department of Environmental Conservation to receive loans for a water main replacement and construction of a storm drain that are both part of this project; and

WHEREAS, The water main replacement and the storm construction are listed on the ADEC's intended use plans for 2025 in the amounts of \$491,400 and \$324,000 respectively; and

WHEREAS, ADEC has assigned principal forgiveness subsidy to both projects that will cover 100% of both ADEC loans; and

WHEREAS, The intent of this ordinance is to appropriate \$2,000,000 of HART Roads funds based on current estimates to ensure project funding and to ensure the City doesn't lose the benefit of the \$815,400 principal forgiveness for the storm water improvement and water line replacement which are necessary components of the project.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY25 Capital Budget by appropriating \$2,000,000 as follows:

Transfer from:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
160	HART Road Fund	\$2,000,000

Transfer to:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
215-XXXX	Ohlson Lane/Bunnell Avenue Road Reconstruction	\$2,000,000

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 25th day of November, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

CITY OF HOMER FINANCIAL SUPPLEMENT

PROJECT NAME	Ohlson Ln/Bunnell Ave Road Reconstruction	DATE	11/05/2024
DEPARTMENT	Public Works	SPONSOR	City Manager/PW Director
REQUESTED AMOUNT	\$ 2,000,000		

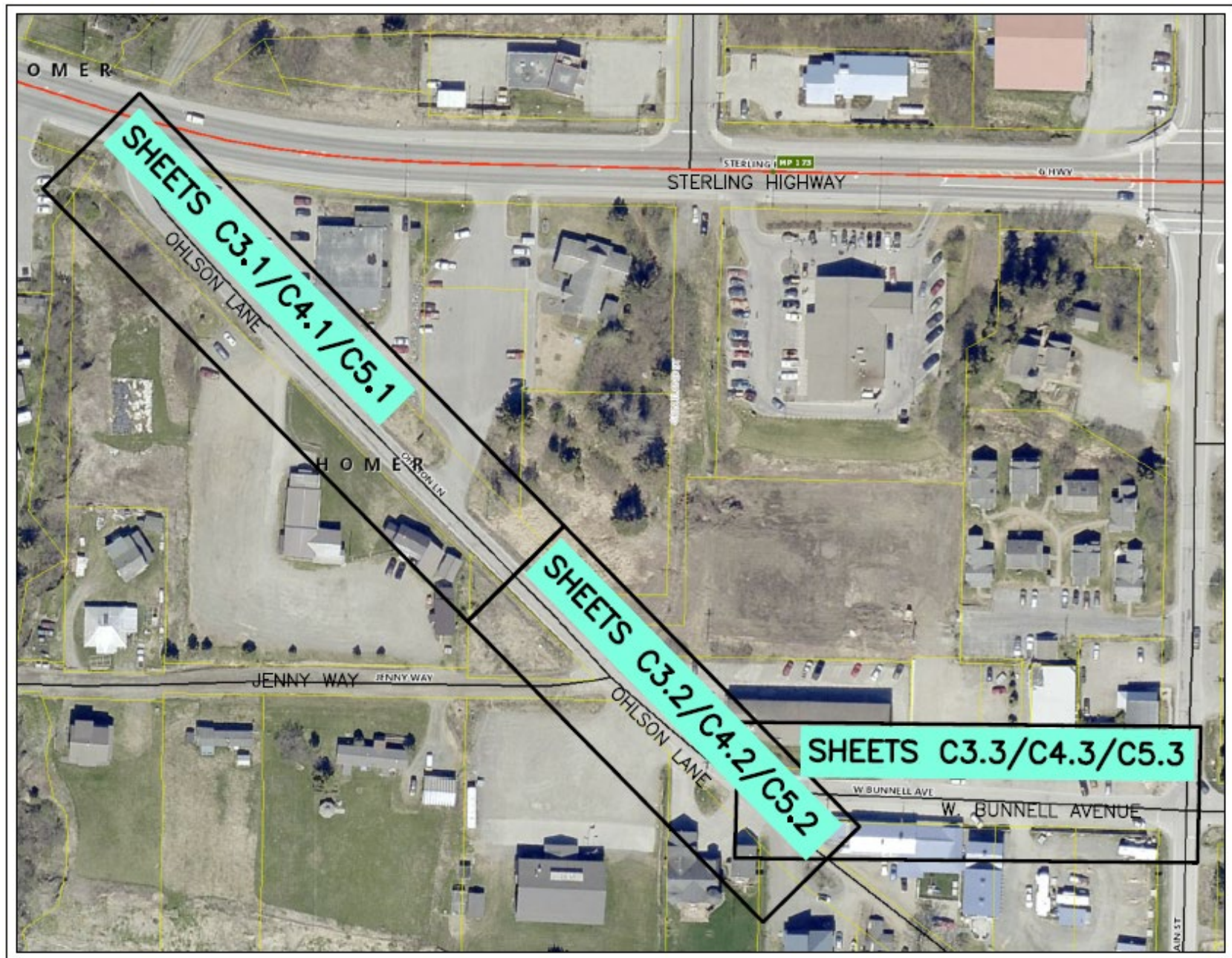
DESCRIPTION	<p>Nelson Engineering has completed a 95% Design for the Ohlson Lane and Bunnell Avenue Road Reconstruction Project and the 100% design is in process. The Engineer's cost estimate submitted with the 95% design estimates the total construction cost at \$2,370,409. The Public Works Department anticipates the revised total construction cost estimate to be approximately \$2,850,000.</p> <p>The intent of this ordinance is to appropriate \$2,000,000 of HART Roads funds based on current estimates to ensure project funding and to ensure the City doesn't lose the benefit of the \$815,400 principal forgiveness for the storm water improvement and water line replacement which are necessary components of the project.</p>
-------------	---

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

FUNDING SOURCE 1: HART Roads (160)		FUNDING SOURCE 2:		FUNDING SOURCE 3:	
Current Balance	\$ 5,078,117	Current Balance	_____	Current Balance	_____
Encumbered	\$ 2,914,817	Encumbered	_____	Encumbered	_____
Requested Amount	\$ 2,000,000	Requested Amount	_____	Requested Amount	_____
Other Items on Current Agenda	\$ 0	Other Items on Current Agenda	_____	Other Items on Current Agenda	_____
Remaining Balance	\$ 163,300	Remaining Balance	_____	Remaining Balance	_____
FUNDING SOURCE 4:		FUNDING SOURCE 5:		FUNDING SOURCE 6:	
Current Balance	_____	Current Balance	_____	Current Balance	_____
Encumbered	_____	Encumbered	_____	Encumbered	_____
Requested Amount	_____	Requested Amount	_____	Requested Amount	_____
Remaining Balance	_____	Remaining Balance	_____	Remaining Balance	_____

Project	Ordinance	Encumbrance	FY Expire
SS4A Grant Match	24-49	14,510	FY27
Speed Monitoring Devices	24-46	40,000	FY27
Bayview Park Renovation Project - Accessibility	24-42, 23-23(A-3)	82,000	FY26/FY27
FY25 Operating Budget Transfer - Roads Maintenance	24-24(A)	1,161,227	FY25
Green Infrastructure Research - Appraisals	24-24(A)	50,000	FY27
Green Infrastructure Research	24-24(A)	10,000	FY27
Ground Water Research	24-24(A)	35,000	FY27
Mt Augustine Surface Water	23-23(A-3)	193,000	FY26
Bunnell Ave Road Restoration Project - Design	23-23(A-3)	50,000	FY26
Beluga Slough Green Infrastructure Project	23-23(A-3)	125,900	FY26
Ben Walters Sidewalk Construction	23-23(A-3)	374,440	FY26
8005 - Svedlund-Herndon Sidewalk Design	23-23(A-3)	20,150	FY26
Iris Court Drainage	23-23(A-3)	240,000	FY26
Kachemak Sponge Green Infrastructure Project Property	23-23(A-3)	418,100	FY26
Vehicle Replacement (E-130 and E-114)	23-23(A-3)	37,625	FY26
Lane Dividers for West Fairview / Eric Lane	23-23(A-3)	6,000	FY26
Adams Lane Path	23-23(A-3)	55,000	FY26
Master Transportation Plan Update	22-38	1,865	FY25

2,914,817





MEMORANDUM

Ordinance 24-62, An Ordinance of the City Council of Homer, Alaska, Amending the FY25 Capital Budget by Authorizing the Purchase of a Road Grader in the amount of \$428,076 from General Fund Fleet Capital Asset Repair and Maintenance Allowance (CARMA) Fund, and Authorizing the City Manager to Apply for Financing to Lease over 7 years. City Manager/Public Works Director.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and Homer City Council
Date: November 7, 2024
From: Daniel Kort, Public Works Director
Through: Melissa Jacobsen, City Manager

Background:

The City currently owns and uses five graders. This chart is information from the FY24/25 capital budget document-

EQ OPS	E169	1980 CAT 12G GRADER - Herdon Grader	1980	20	3	
EQ OPS	E164	1994 720A CHAMPION GRADER	1994	20	5	Replaced Transmission 2022, Became back-up 2023
EQ OPS	E168	2002 163H AWD CAT GRADER	2002	20	4	Needs Replacement by 2026
EQ OPS	E180	2021 CAT 160 AWD GRADER	2021	20	2	
	E181	2022 CAT 160 AWD GRADER	2022	20	1	Replacement for E164

E169 is a small 1980's grader. It functions as a spring breakup grader that is used as the ground softens and frost boils start to surface in the roads. Its light weight helps retain the integrity of the roads when spring plowing is needed or early season grading is required and the road is unable to support the weight of the larger graders.

E164 is a 1994 model grader that has served the City well and is currently functioning as a backup grader. It has had and continues to have significant transmission issues and requires continual maintenance to serve as a backup grader.

E180 and 181 are newer graders that are running well and should do well in their 20-year lifespan.

E168 is a 2002 model that has passed its 20-year mark and is showing its age in transmission leakage to the point the operators carry a jug of transmission fluid with them in order to plow an entire snow event and have to scrape the ice off the interior of the windows of the cab while on their routes.

The purpose of this ordinance is to appropriate funds to lease a new 2024 model 160-15AWD grader under a government contract. The lease term is seven years at a 5.49% interest rate and the City would own the grader interest rate at the end of the term. According to the NC Machinery representative the lease will be through Caterpillar and the CAT Finance Government Lease has a non-appropriations clause which allows the City to return the machine to NC Machinery if for some reason the funds aren't appropriated in order to continue the lease during the length of the contract.

The Homer Accelerated Roads and Trails (HART) Fund has a provision for equipment purchases and Council has approved this in the past to purchase a grader. However, a fair amount of HART Roads funding has been appropriated in recent years to fund various projects, and there are other projects on the immediate horizon that will require HART Roads funding to complete. As of October 9th the remaining available balance in the fund is approximately \$2.1 million (per financial supplement attached to Ordinance 24-49).

Public Works Fleet CARMA has a balance to accomplish the first annual payment. Going forward a budgeted transfer will be necessary to fund future payments.

From a road maintenance and rolling stock perspective, graders E168, 180, and 181 (E164 is the backup) are used for winter maintenance and snow plowing city roads around and within our subdivisions. There are three winter plowing routes and typical snow event requires 14-16 hours of operator time to complete. With the addition of new subdivisions within the City over the past few years, the requirement for plowing is growing and Public Works will likely be establishing a fourth route soon. Reliable equipment is necessary for the operators to complete their routes safely, timely and efficiently.

With the lease purchase of the 2024 grader, E168 will move to the backup grader position and E164 will be sold through surplus at the next available opportunity.

Recommendation: Adopt an ordinance authorizing the purchase of a 2024 model 160-15AWD grader.

EXHIBIT 2
Concluding Payment Schedule to
Government Agreement

Quote Number.....4768355

Dated _____, 20__
between
Caterpillar Financial Services Corporation
and
CITY OF HOMER

Description of Unit: 160-15AWD Motor Grader:

Number of Payments Made	Beginning Balance	Payment Amount	Balloon	Interest	Interest Rate	Concluding Payment (*)
1	428,076.00	71,380.22	0.00	0.00	5.49	356,695.78
		-----	-----	-----		
total		71,380.22	0.00	0.00		
2	356,695.78	71,380.22	0.00	19,582.60	5.49	304,898.16
		-----	-----	-----		
total		71,380.22	0.00	19,582.60		
3	304,898.16	71,380.22	0.00	16,738.91	5.49	250,256.85
		-----	-----	-----		
total		71,380.22	0.00	16,738.91		
4	250,256.85	71,380.22	0.00	13,739.10	5.49	192,615.73
		-----	-----	-----		
total		71,380.22	0.00	13,739.10		
5	192,615.73	71,380.22	0.00	10,574.61	5.49	131,810.12
		-----	-----	-----		
total		71,380.22	0.00	10,574.61		
6	131,810.12	71,380.22	0.00	7,236.38	5.49	67,666.28
		-----	-----	-----		
total		71,380.22	0.00	7,236.38		
7	67,666.28	71,380.22	0.00	3,714.88	5.49	0.94
		-----	-----	-----		
total		71,380.22	1.00	3,714.88		
8	0.94	0.00	1.00	0.05	5.49	(0.01)
		-----	-----	-----		
total		0.00	1.00	0.05		
total		499,661.54	1.00	71,586.53		

(*)Does not include any rent payment or other amount then due.

Initialed: _____
(Lessee)

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 24-62(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AUTHORIZING THE CITY MANAGER TO EXECUTE AN EQUIPMENT-
LEASE PURCHASE AGREEMENT WITH CATERPILLAR FINANCIAL
SERVICES CORPORATION TO ALLOW FOR THE LEASE PURCHASE
OF A ROAD GRADER AND AMENDING THE FY25 CAPITAL BUDGET
FOR A CURRENT YEAR LEASE PAYMENT FROM THE GENERAL
FUND FLEET CAPITAL ASSET REPAIR AND MAINTENANCE
ALLOWANCE (CARMA) FUND; AND RELATED MATTERS.

WHEREAS, The City of Homer, Alaska ("City"), Public Works Department, is responsible
for road maintenance within the City; and

WHEREAS, To assist in road maintenance, the City purchased three road graders in
years 2022 (E181), 2021 (E180), and 2002 (E168); and

WHEREAS, Costs of repair and maintenance of the road grader purchased in 2002 (E168)
continue to escalate; Public Works has identified this road grader in need of replacement by
2026; and

WHEREAS, There is an opportunity to purchase a new CAT 160AWD road grader be
means of an equipment lease purchase financing arrangement, with a term of seven (7) years
during which each annual lease payment is subject to a current year appropriation by City
Council; the City would own the subject road grader at the end of the lease term, subject to
terms and conditions set forth in the equipment-lease purchase agreement; and

WHEREAS, The cost of the new CAT 160AWD road grader is Four Hundred Twenty-Eight
Thousand Seventy-Six and no/100 Dollars (\$428,076.00); annual lease payments are estimated
to be no more than Seventy-One Thousand Three Hundred Eighty and 22/100 Dollars
(\$71,380.22).

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby authorizes the City Manager to execute
and deliver an equipment lease purchase agreement with Caterpillar Financial Services
Corporation for the lease purchase of a CAT 160AWD road grader subject to the following: (i)
lease purchase term shall not exceed seven (7) years; (ii) annual lease payments shall be

subject to appropriation by the City Council; and (iii) annual lease payments shall not exceed Seventy-One Thousand Three Hundred Eighty and 22/100 Dollars (\$71,380.22).

Section 2. The Homer City Council hereby amends the FY25 Capital Budget by appropriating Seventy-One Thousand Three Hundred Eighty and 22/100 Dollars (\$71,380.22) as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
152-0383	Public Works Fleet CARMA	\$71,380.22

Section 3. 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 _____, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

CITY OF HOMER FINANCIAL SUPPLEMENT

PROJECT NAME	Purchase of Road Grader - Leasing	DATE	10/22/2024
DEPARTMENT	Public Works	SPONSOR	City Manager/PW Director
REQUESTED AMOUNT	\$ 71,380		

DESCRIPTION	<p>The Public Works Department is responsible to provide winter road maintenance that includes snow plowing. The City has three graders purchased in 2022 (E181), 2021 (E180), and 2002 (E168). The E168 grader is aged and has suffered continual transmission failures in recent years and is identified as needing replacement by 2026. There is an opportunity to purchase a new CAT 160AWD grader through a government contract that offers a lease option that would be beneficial to the City as it provides a low interest rate, will create a less immediate impact to the City's finances with a large expenditure, and the City will own the grader at the end of the term.</p> <p>The annual payment is \$71,380.22 per year for seven years.</p>
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FUNDING SOURCE(S)	OPERATING	GF CARMA	PW FLEET CARMA	PORT RESERVES	WATER CARMA
	0%	0%	100%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	0%	0%	0%	0%

FUNDING SOURCE 1: Public Works Fleet CARMA		FUNDING SOURCE 2:		FUNDING SOURCE 3:	
Current Balance	\$ 279,783	Current Balance	_____	Current Balance	_____
Encumbered	\$ 127,269	Encumbered	_____	Encumbered	_____
Requested Amount	\$ 71,380	Requested Amount	_____	Requested Amount	_____
Other Items on Current Agenda	\$ 40,000	Other Items on Current Agenda	_____	Other Items on Current Agenda	_____
Remaining Balance	\$ 41,134	Remaining Balance	_____	Remaining Balance	_____
FUNDING SOURCE 4:		FUNDING SOURCE 5:		FUNDING SOURCE 6:	
Current Balance	_____	Current Balance	_____	Current Balance	_____
Encumbered	_____	Encumbered	_____	Encumbered	_____
Requested Amount	_____	Requested Amount	_____	Requested Amount	_____
Remaining Balance	_____	Remaining Balance	_____	Remaining Balance	_____

Projected Mileage for a Three Grader Snow Removal Operation

Mileage assesment accounts for total passes required to clear each road of snow as well as comuting to, from and between maintained roads

City Grader Route

Plow Miles	42.64
Commute Miles	7.96
Total Miles	50.6

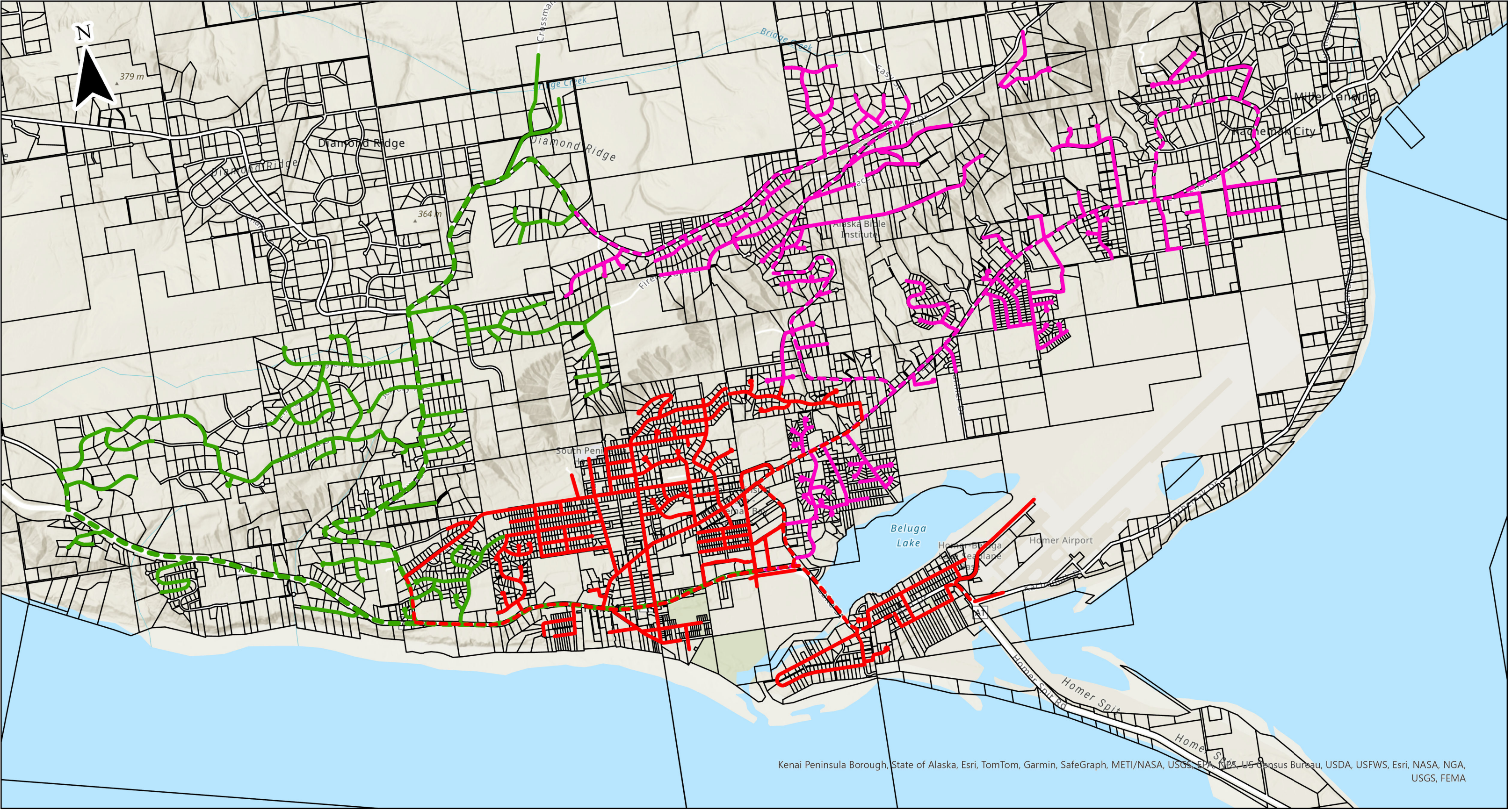
West Grader Route

Plow Miles	28.21
Commute Miles	14.28
Total Miles	42.49

East Grader Route

Plow Miles	37.47
Commute Miles	16.42
Total Miles	53.89

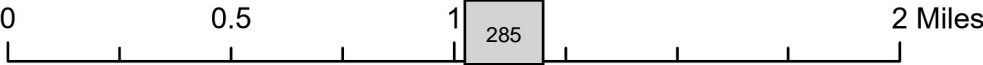
Grand Total Miles	146.98
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Kenai Peninsula Borough, State of Alaska, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, EPA, KPS, US Census Bureau, USDA, USFWS, Esri, NASA, NGA, USGS, FEMA

Proposed 3 Grader Route Snow Removal Operation

ROUTE		
City Grader	East Grader	West Grader
MileageType	MileageType	MileageType
--- Commute	--- Commute	--- Commute
--- Plow	--- Plow	--- Plow



Public Works Department
10/28/2024



MEMORANDUM

Ordinance 24-63, Accepting and Appropriating an FY 2024 State Homeland Security Program Grant in the Amount of \$330,628 from the DHS&EM to Purchase A New Radio Console Dispatch System and a Virtual Law Enforcement Training System for the Homer Police Department, Authorizing a Sole Source Request to Contract with ProComm Alaska for the Radio Console Dispatch System. City Manager/Police Chief.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and City Council
Date: November 4, 2024
From: Mark Robl, Chief of Police
Through: Melissa Jacobsen, City Manager

We recently received notification that our grant applications for this year's Homeland Security Grant Program have been approved. We have been awarded \$240,128 to replace our Dispatch Console Systems and an additional \$90,500 to fund the purchase of a Virtual Law Enforcement Training System. The amount awarded will fully fund all of the costs for these projects. I request we obtain Council permission to accept these funds and provide sole source purchase authorization to ProComm Alaska for the Dispatch Console replacements.

The operating system controlling our three dispatch consoles is obsolete. The Motorola equipment it consists of is no longer supported by Motorola. Some of the critical parts for this system are no longer available. Should one or two of these items fail, this system would be inoperable. Work around's for the failure could be impossible. It is imperative we upgrade the operating system. The new console system can easily be upgraded or expanded and has the ability to be remotely controlled if the need ever arises.

The Virtual Law Enforcement Training system will be used to teach use of force techniques to officers. With it we can train officers to escalate their use of force in a given situation and deescalate it as needed. The system consists of virtual reality headsets worn by the officers, various use of force tools that integrate with the system and a computer. The program can be modified to include our use of force policy requirements, our use of force tools, state laws and changes to those laws. Virtual reality use of force training is widely recognized as the most effective way to train officers in this critical area and monitor the effectiveness of our use of force training.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Police Chief

ORDINANCE 24-63

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA ACCEPTING AND APPROPRIATING AN FY 2024 STATE HOMELAND SECURITY PROGRAM GRANT IN THE AMOUNT OF \$330,628 FROM THE ALASKA DIVISION OF HOMELAND SECURITY & EMERGENCY MANAGEMENT (DHS&EM) TO PURCHASE A NEW RADIO CONSOLE DISPATCH SYSTEM AND A VIRTUAL LAW ENFORCEMENT TRAINING SYSTEM FOR HOMER POLICE DEPARTMENT, AUTHORIZING A SOLE SOURCE REQUEST TO CONTRACT WITH PROCOMM ALASKA FOR THE RADIO CONSOLE DISPATCH SYSTEM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, DHS&EM makes Homeland Security Grant funds available to municipalities to address capability gaps and vulnerabilities to enhance a City's ability to prevent, protect against, respond to and recover from all hazard events; and

WHEREAS, The City's public safety radio communication system is integral to the City of Homer's local and inter-agency response capabilities; and

WHEREAS, The City of Homer's current radio console dispatch system is no longer supported by the manufacturer and is at risk of parts failure that could shut the City's dispatch operation down with little to no recourse; and

WHEREAS, modern law enforcement requires advanced training capabilities to prepare officers for diverse and challenging scenarios while minimizing risk and training costs; and

WHEREAS, A portable virtual reality training system will greatly improve officer capabilities, responsiveness, decision-making, de-escalation techniques and field safety in a safe, cost effective and efficient manner; and

WHEREAS, A portable virtual reality training system can be made available to other law enforcement agencies for their use and for commonality of training between agencies, which is of great benefit when there is a multiagency response; and

WHEREAS, Aside from interoperable communications, commonality of training is absolutely the number one best thing we can do to ensure rapid, effective and safe resolutions to situations that require multiple agency response.

WHEREAS, The City applied for and is pleased to have been awarded FY2024 Homeland Security Program grant funds in the amount of \$330,628 to procure and install these two systems; and

WHEREAS, Motorola equipment is the only equipment that will interface properly with the City's existing communications system and allow the dispatch console system functionality to remain the same; and

WHEREAS, The radio equipment must meet P25 Standards and ProComm Alaska is Motorola's only certified APCO P25 Systems Specialist in the State of Alaska; and

WHEREAS, ProComm Alaska is the only firm in the State of Alaska authorized as a full service manufacturer's representative for Motorola equipment, and has serviced City of Homer communications equipment for over thirty years, a sole source contract with ProComm is justified.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY25 Capital Budget by accepting and appropriating a FY2024 State Homeland Security Program Grant of \$330,628 from the Alaska Division of Homeland Security and Emergency Management as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
151-XXXX	Dispatch Console System	\$240,128
151-XXXX	Virtual Law Enforcement Training System	\$ 90,500

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

Section 3. That the City Manager is authorized to request approval from DHS&EM and upon approval enter into a sole source contract with ProComm Alaska to purchase, program and install the dispatch console system equipment.

Section 4. This ordinance is a budget amendment only, is not of a permanent nature and is a non code ordinance.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 25th day of November, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

Introduction:

Public Hearing:

Second Reading:

Effective Date:



MEMORANDUM

Ordinance 24-67, An Ordinance of the City Council of Homer, Alaska Amending the FY2025 Capital Budget By Appropriating An Additional \$100,000 From the HART Roads Fund to the Beluga Slough Green Infrastructure Stormwater Treatment System Project.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and City Council
Date: November 14, 2024
From: Daniel Kort, Public Works Director
Through: Melissa Jacobsen, City Manager

I. Issue: The purpose of this Memorandum is to request an additional appropriation of \$100,000 from the HART Roads Fund to the Beluga Slough Green Infrastructure Stormwater Treatment System Project.

II. Background:

At its regular meeting of April 10, 2023, the City Council passed Ordinance 23-16(S) authorizing funding to support the Beluga Slough Green Infrastructure Storm Water Treatment System (Project) as follows:

a.	\$153,307	2023-2025 Alaska Clean Water Actions (ACWA) Grant
b.	\$81,313	HART Road Fund
c.	<u>\$25,869</u>	Employee wages as in-kind services
	\$260,489	Total Project Cost

The project intent is to develop a storm water treatment unit that filters out particulates, dissolved metals and other contaminants that storm water carries, before the water is discharged into the Beluga Slough on its way to Kachemak Bay.

The funding for this project has not fallen into place as originally planned. Some of matching funds which Public Works said would come from City staff hours actually came from Coble Geophysical Services instead. These expenses were coded to the Public Works operating budget (GL# 100-0177-5210).

The City of Homer has never designed or built any infrastructure of this nature before and there were unforeseen complications in the design causing design expenses for the first reporting period that were greater than expected. Additionally, City staff hours spent on the project were less than projected, therefore the Public Works Department utilized the additional work done by Coble Geophysical Services to fulfill the grant match obligations.

At its regular meeting of February 26, 2024, the City Council passed Resolution 24-026, which approved a change order to Coble Geophysical Services for this project. At the time, the estimate contained an error in the Project Costs associated with Coble Geophysical Services shown previously as \$87,217. The Project Cost list below shows the Coble Geophysical error corrected to \$90,876.87.

Project Costs		
	Coble Geophysical Services - Design Services	\$90,876.87
	Jay Rand - Concrete Vault Construction	\$85,000.00
	Fritz Creek Welding - Vault Materials	\$18,000.00
	Overflow Pipe	\$10,000.00
	Installation Contractor (Vendor TBD)	\$20,000.00
	City Staff (in-kind services)	\$25,869.00
	Total	\$249,745.87

This summary of Project Costs is over a year old and it no longer reflects current project costs. Public Works produced the following updated list in October, 2024:

Project Costs		
	Coble Geophysical Services - Design Services	\$90,876.87
	Bishop Engineering – Structural Design	\$6,000.00
	Jay Rand - Concrete Vault Construction	\$85,000.00
	Fritz Creek Welding - Vault Materials	\$18,000.00
	Homer Marine LLC - Construct Cover	\$15,000.00
	Excavation Contractor TBD - Excavation and Misc Construction	\$75,000.00
	City Staff (in-kind services)	\$25,869.00
	Total	\$315,745.87

Based on the updated project cost estimate, the projected budget shortfall is \$55,256.87. This project is very unique and under a short timeline requiring winter construction and significant dewatering costs due to its proximity to the adjacent flooded Beluga Slough and wetlands, therefore there is uncertainty of actual costs until the project is bid. Additionally, most of the projects the Public Works Department have bid out this year have come in well over the Engineer's Estimates even with generous contingencies. Given the current bidding climate, the Public Works Department believes it is advisable to have a contingency to account for higher than expected bids or unforeseen change orders, which is why this Ordinance requests an additional appropriation of \$100,000.

- III. RECOMMENDATIONS:** That the City Council appropriates an addition of \$100,000 from the HART Roads Fund to the Beluga Slough Stormwater Treatment System Project.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 24-67

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING THE FY25 CAPITAL BUDGET BY APPROPRIATING AN
ADDITIONAL \$100,000 FROM THE HOMER ACCELERATED ROADS
AND TRAILS (HART) ROADS FUND TO THE BELUGA SLOUGH
GREEN INFRASTRUCTURE STORMWATER TREATMENT SYSTEM
PROJECT.

WHEREAS, The Alaska Department of Environmental Conservation (ADEC) administers
the Alaska Clean Water Actions (ACWA) grant program that provides funding for projects that
support local stewardship of clean waters; and

WHEREAS, The Beluga Slough Green Infrastructure Storm Water Treatment System
reduces sediments and contaminants in storm water runoff before it discharges into the
natural wetlands of Beluga Slough and into the waters of Kachemak Bay, a designated critical
habitat area; and

WHEREAS, The City accepted the grant from ADEC in the amount of \$153,307 with
Ordinance 23-16(S) and appropriated local matching funds totaling \$107,182 for a total project
appropriation of \$260,489; and

WHEREAS, The total cost for the project was previously estimated at \$222,086 in
Resolution 24-026; and

WHEREAS, The cost estimated in Resolution 24-026 included a figure of \$20,000 for an
“Installation Contractor” that was based off of old typical construction prices and is now
outdated; and

WHEREAS, Public Works created a new estimate in October, this year, which estimates
the cost of the installation contractor at \$75,000 and the total project cost at \$315,746; and

WHEREAS, Construction project bids across the state have consistently exceeded the
Engineer’s Estimates.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY25 Capital Budget by appropriating an additional \$100,000 as follows:

Transfer from:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
160	HART Roads	\$100,000

Transfer to:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
151-7027	Beluga Slough Green Infrastructure Stormwater Treatment System – ACWA Grant	\$100,000

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

Section 3. This is a budget amendment ordinance, is temporary in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 13th day of January, 2025.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

CITY OF HOMER FINANCIAL SUPPLEMENT

PROJECT NAME	Additional Funding - Beluga Slough Green Infrastructure (ACWA Grant)	DATE	11/21/2024
DEPARTMENT	Public Works	SPONSOR	City Manager/PW Director
REQUESTED AMOUNT	\$ 100,000		

DESCRIPTION	<p>The ADEC administers the ACWA grant program that provides funding for projects that support local stewardship of clean waters. The Beluga Slough Green Infrastructure Storm Water Treatment System reduces sediments and contaminants in storm water runoff before it discharges into the natural wetlands of Beluga Slough and into the waters of Kachemak Bay, a designated critical habitat area.</p> <p>The City accepted the grant from ADEC in the amount of \$153,307 with Ordinance 23-16(S) and appropriated local matching funds totaling \$107,182 for a total project appropriation of \$260,489. The total cost for the project was previously estimated at \$222,086 in Resolution 24-026. Public Works created a new estimate in October, this year, which estimates the total project cost at \$315,746.</p>
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FUNDING SOURCE(S)	OPERATING	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	0%	0%	0%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	100%	0%	0%	0%

FUNDING SOURCE 1: HART Roads (160)	FUNDING SOURCE 2:	FUNDING SOURCE 3:
Current Balance \$ 5,090,105	Current Balance _____	Current Balance _____
Encumbered \$ 2,914,817	Encumbered _____	Encumbered _____
Requested Amount \$ 100,000	Requested Amount _____	Requested Amount _____
Other Items on Current Agenda \$ 2,000,000	Other Items on Current Agenda _____	Other Items on Current Agenda _____
Remaining Balance \$ 75,288	Remaining Balance _____	Remaining Balance _____
FUNDING SOURCE 4:	FUNDING SOURCE 5:	FUNDING SOURCE 6:
Current Balance _____	Current Balance _____	Current Balance _____
Encumbered _____	Encumbered _____	Encumbered _____
Requested Amount _____	Requested Amount _____	Requested Amount _____
Remaining Balance _____	Remaining Balance _____	Remaining Balance _____

Project	Ordinance	Encumbrance	FY Expire
SS4A Grant Match	24-49	14,510	FY27
Speed Monitoring Devices	24-46	40,000	FY27
Bayview Park Renovation Project - Accessibility	24-42, 23-23(A-3)	82,000	FY26/FY27
FY25 Operating Budget Transfer - Roads Maintenance	24-24(A)	1,161,227	FY25
Green Infrastructure Research - Appraisals	24-24(A)	50,000	FY27
Green Infrastructure Research	24-24(A)	10,000	FY27
Ground Water Research	24-24(A)	35,000	FY27
Mt Augustine Surface Water	23-23(A-3)	193,000	FY26
Bunnell Ave Road Restoration Project - Design	23-23(A-3)	50,000	FY26
Beluga Slough Green Infrastructure Project	23-23(A-3)	125,900	FY26
Ben Walters Sidewalk Construction	23-23(A-3)	374,440	FY26
8005 - Svedlund-Herndon Sidewalk Design	23-23(A-3)	20,150	FY26
Iris Court Drainage	23-23(A-3)	240,000	FY26
Kachemak Sponge Green Infrastructure Project Property	23-23(A-3)	418,100	FY26
Vehicle Replacement (E-130 and E-114)	23-23(A-3)	37,625	FY26
Lane Dividers for West Fairview / Eric Lane	23-23(A-3)	6,000	FY26
Adams Lane Path	23-23(A-3)	55,000	FY26
Master Transportation Plan Update	22-38	1,865	FY25

2,914,817



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Lord and Homer City Council
FROM: Melissa Jacobsen, City Manager
DATE: November 21, 2024
SUBJECT: City Manager's Report for November 25, 2024 Council Meeting

Harbor Float Replacement Not Selected for Competitive Port Infrastructure Development Program Grant Funding

I regret to inform the City Council that our application for the Homer Harbor Critical Float Replacement project was not selected for federal grant funding through the FY24 Port Infrastructure Development Program (PIDP). The following link will take you to the Maritime Administration's awards announcement:

<https://www.maritime.dot.gov/newsroom/investing-america-biden-harris-administration-announces-nearly-580-million-ports>. The only large project awarded in Alaska was for the Don Young Port of Alaska to replace a cargo terminal. Five small awards, ranging from \$9 million to \$11 million were also awarded to Alaska projects.

This was the City's second submission to the program. Our FY23 application scored well and made it to the Secretary of Transportation's desk, and revisions were made to the FY24 application based on agency feedback and suggestions from the Maritime Administration's Pacific Northwest and Alaska Gateway director, but was ultimately not awarded funding. Funding of the PIDP under the Federal Infrastructure Improvement and Jobs Act will continue through 2026; staff will request a debrief from the Agency to learn about areas to improve competitiveness of a potential third application, which could potentially be requesting a lower grant amount for System 4 only.

The Homer Harbor Critical Float Replacement Project was successful in garnering Denali Commission and potentially appropriation funding for design, environmental review and permitting activities, which could help another application's PIDP competitiveness. Staff is currently working with the Denali Commission on a grant award agreement, which will come to Council for consideration in early 2025. Maintaining the port and harbor float system infrastructure is a top priority, and we remain committed to seeing these improvements through. As we look ahead, we recognize the valuable role our Congressional Delegation plays in federal funding decisions. Engaging our federal legislative advocates more extensively in future grant applications may help strengthen our position in these competitive processes.

Utility Billing Software

The City has successfully transitioned to Xpress Bill Pay to accept secure online water and sewer bill payments. Customers are encouraged to pay their utility bill online automatically, and those who already had autopay set up will need to set up an Xpress Bill pay account before December 15th when the next bills are due. Easy to follow instructions are on the City's website <https://www.cityofhomer-ak.gov/finance/create-log-and-make-utility-payments-xpress-bill-pay> or contact the Finance Department at 907-435-3114 during regular business hours.

November 16 Storm Surge and Coastal Erosion

On Saturday afternoon, November 16th, the west side of the Homer Spit was hit with a 23-foot-high tide and strong southwesterly winds sending waves up and over the Homer Spit Road damaging the road, depositing debris on the bike path across the street, damaging buildings, and severely eroding an area of the beach past just past the revetment wall.

We really appreciate the State's quick and coordinated response to make repairs to road, and QAP and their team who were quick to staff up and get rock delivered and placed to secure the roadway. I'd like to give a shout out to our Fire Department, Police Department, Port and Harbor and Public Works staff for their speedy response to manage traffic immediately following the tidal event and to respond at the affected areas to ensure utilities were intact and look for immediate potential safety issues. A team from State Emergency Operations Center and Kenai Peninsula Borough Office of Emergency Management were onsite Wednesday to conduct a preliminary assessment and initiate coordination with other entities who can assist with recovery.



Attachment:

- Revised FY26/27 Budget Development Schedule
- Employee Anniversaries December

City of Homer
REVISED Budget Development Schedule
for Fiscal Year 2026 and 2027

Dates	Event
July 2024	Begin FY26/27 budget discussions with departments
7/22/2024	Budget Development Schedule delivered to Council
August - October 2024	Budget Worksessions (Council and Commissions)
10/28/2024	Committee of the Whole, Council to discuss budget priorities for the coming year
	Regular Meeting, Public Hearing - public input on budget priorities for the coming year
Beginning of November 2024	Submit to departments, budget work sheets including salary and fringe benefit costs
11/25/2024	During Committee of the Whole, Council to discuss Revenue Sources for General Fund and preliminary budget assumptions.
End of December 2024	Departmental Draft Budget and narratives to Finance
January 2025	City Manager - Begin Budget Review with Finance Director and Department Heads
1/20/2025	Worksession (4-7pm) - Department Budget Discussions
2/3/2025	Worksession (4-7pm) - Department Budget Discussions
2/10/2025	Worksession - Utility Rate Model Discussion
2/24/2025	Worksession - Utility Rate Model Discussion (if needed)
3/24/2025	Worksession - Reserved for Budget Discussions
4/14/2025	City Manager's Budget (Proposed Budget) and Utility Rate Model to Council
	Committee of the Whole, Council to discuss budget
	Regular Meeting - Public Hearing
4/28/2025	Committee of the Whole, Council to discuss budget
	Regular Meeting - to introduce Budget Ordinance and Fee/Tariff Ordinances
5/12/2025	Committee of the Whole, Council to discuss budget
5/27/2025	Committee of the Whole, Council to discuss budget
	Regular Meeting - Public Hearing
6/9/2025	Regular Meeting - Public Hearing & FY 26/27 Budget Adoption



MEMORANDUM

December Employee Anniversaries

Item Type: Informational Memorandum
Prepared For: Mayor Lord and City Council
Date: November 20, 2024
From: Andrea Browning, HR Director
Through: Melissa Jacobsen, City Manager

I would like to take the time to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

Mark Robl	Police	40	Years
Bryan Hawkins	Port	25	Years
Todd Cook	Public Works	15	Years
Sean Perry	Police	10	Years
Mike Zelinski	Public Works	10	Years
Josh Mershon	Port	5	Years
Regina Johanos	Library	4	Years
Jenna Luchaco	Public Works	3	Years
Del Masterhan	Port	3	Years
Matt Dominguez	IT	2	Years

General Fund
Expenditure Report
Actuals through October 2024
33% Fiscal Year Elapsed

Current Fiscal Analysis

	FY25 ADOPTED BUDGET	FY25 YTD ACTUAL	
		\$	%
<u>Revenues</u>			
Property Taxes	\$ 4,225,672	\$ 3,874,053	92%
Sales and Use Taxes	9,296,032	3,779,409	41%
Permits and Licenses	41,723	14,427	35%
Fines and Forfeitures	8,381	1,404	17%
Use of Money	0	0	
Intergovernmental	746,338	90,570	12%
Charges for Services	445,762	177,637	40%
Other Revenues	-	27,130	
Airport	202,406	59,012	29%
Operating Transfers	1,568,082	20,710	1%
Total Revenues	\$ 16,534,397	\$ 8,044,352	49%
<u>Expenditures & Transfers</u>			
Administration	\$ 2,201,751	\$ 692,122	31%
Clerks/Council	942,104	234,361	25%
Planning	446,281	121,916	27%
Library	1,126,251	376,424	33%
Finance	948,850	261,233	28%
Fire	1,973,062	648,096	33%
Police	4,416,940	1,711,506	39%
Public Works	3,663,001	1,043,309	28%
Airport	239,580	56,983	24%
City Hall, HERC	190,449	54,452	29%
Non-Departmental	191,000	166,000	87%
Total Operating Expenditures	\$ 16,339,269	\$ 5,366,403	33%
Transfer to Other Funds			
Leave Cash Out	\$ 178,375	\$ -	0%
Other	6,752	-	0%
Total Transfer to Other Funds	\$ 185,128	\$ -	0%
Transfer to CARMA			
General Fund Fleet CARMA	\$ -	\$ -	0%
General Fund CARMA	-	-	0%
Seawall CARMA	10,000	-	0%
Total Transfer to CARMA Funds	\$ 10,000	\$ -	0%
Total Expenditures & Transfers	\$ 16,534,397	\$ 5,366,403	32%
Net Revenues Over (Under) Expenditures	\$ 0	\$ 2,677,948	

These numbers are preliminary and are subject change

Water and Sewer Fund
Expenditure Report
Actuals through October 2024
33% Fiscal Year Elapsed

Current Fiscal Analysis

	FY25		FY25 YTD	
	ADOPTED		ACTUAL	
	BUDGET		\$	%
<u>Revenues</u>				
Water Fund	\$ 2,494,551	\$ 1,016,546	41%	
Sewer Fund	2,213,812	827,374	37%	
Total Revenues	\$ 4,708,362	\$ 1,843,920	39%	
<u>Expenditures & Transfers</u>				
<u>Water</u>				
Administration	\$ 350,977	\$ 141,958	40%	
Treatment Plant	726,654	215,748	30%	
System Testing	36,000	6,838	19%	
Pump Stations	123,793	25,576	21%	
Distribution System	393,195	128,559	33%	
Reservoir	19,191	3,360	18%	
Meters	288,507	20,410	7%	
Hydrants	214,868	57,650	27%	
<u>Sewer</u>				
Administration	\$ 348,160	\$ 139,992	40%	
Plant Operations	938,779	224,595	24%	
System Testing	18,000	4,075	23%	
Lift Stations	230,206	64,293	28%	
Collection System	378,085	125,929	33%	
Total Operating Expenditures	\$ 4,066,415	\$ 1,158,982	29%	
Transfer to Other Funds				
Leave Cash Out	\$ 12,216	\$ -	0%	
GF Admin Fees	-	-	0%	
Other	15,597	-	0%	
Total Transfer to Other Funds	\$ 27,813	\$ -	0%	
Transfers to CARMA				
Water	\$ 325,376	\$ -	0%	
Sewer	288,758	-	0%	
Total Transfer to CARMA Funds	\$ 614,134	\$ -	0%	
Total Expenditures & Transfers	\$ 4,708,362	\$ 1,158,982	25%	
Net Revenues Over(Under) Expenditures	\$ 0	\$ 684,938		

Port and Harbor Fund
Expenditure Report
Actuals through October 2024
33% Fiscal Year Elapsed

Current Fiscal Analysis

	FY25	FY25 YTD	
	ADOPTED BUDGET	ACTUAL	
		\$	%
<u>Revenues</u>			
Administration	\$ 640,736	\$ 276,496	43%
Harbor	4,045,337	2,924,363	72%
Pioneer Dock	302,106	129,368	43%
Fish Dock	578,477	401,732	69%
Deep Water Dock	188,651	105,503	56%
Outfall Line	4,800	-	0%
Fish Grinder	7,390	6,460	87%
Load and Launch Ramp	130,000	54,027	42%
Total Revenues	\$ 5,897,497	\$ 3,897,948	66%
<u>Expenditures & Transfers</u>			
Administration	\$ 1,227,954	\$ 492,900	40%
Harbor	1,658,848	548,042	33%
Pioneer Dock	89,120	33,028	37%
Fish Dock	817,052	233,808	29%
Deep Water Dock	107,656	44,949	42%
Outfall Line	13,500	2,370	18%
Fish Grinder	45,150	13,462	30%
Harbor Maintenance	558,501	178,765	32%
Main Dock Maintenance	54,546	15,741	29%
Deep Water Dock Maintenance	65,046	17,150	26%
Load and Launch Ramp	141,549	56,326	40%
Total Operating Expenditures	\$ 4,778,920	\$ 1,636,541	34%
Transfer to Other Funds			
Leave Cash Out	\$ 49,513	\$ -	0%
GF Admin Fees	-	-	0%
Debt Service	0	-	0%
Other	380,573	-	0%
Total Transfer to Other Funds	\$ 430,086	\$ -	0%
Transfers to Reserves			
Harbor	\$ 688,491	\$ -	0%
Load and Launch Ramp	-	-	0%
Total Transfer to Reserves	\$ 688,491	\$ -	0%
Total Expenditures & Transfers	\$ 5,897,496	\$ 1,636,541	28%
Net Revenues Over(Under) Expenditures	\$ 0	\$ 2,261,407	

These numbers are preliminary and are subject change

3rd Quarter LOB Taxable Sales
Presented November 25, 2024

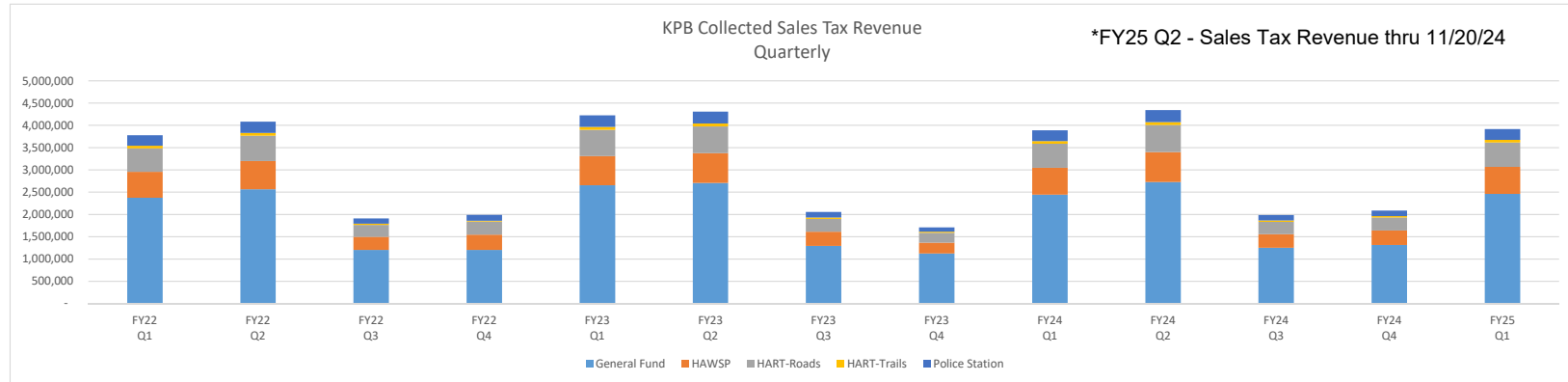
	2021	2022	2023	2024	% Δ 2024 - 2023	% Δ 2024 - 2022
ADMINISTRATIVE, WASTE MAN	319,357	411,171	408,620	565,757	38%	38%
AGRICULTURE, FORESTRY, FI	229,967	243,794	270,470	387,232	43%	59%
ARTS AND ENTERTAINMENT	890,193	962,325	977,761	823,794	-16%	-14%
CONSTRUCTION CONTRACTING	498,507	542,719	480,553	510,205	6%	-6%
EDUCATIONAL SERVICES	52,725	49,170	53,224	69,680	31%	42%
FINANCE AND INSURANCE	22,441	30,338	29,991	48,182	61%	59%
GUIDING LAND	191,761	431,323	614,679	643,571	5%	49%
GUIDING WATER	10,161,673	10,564,073	9,290,007	9,331,002	0%	-12%
HEALTH CARE AND SOCIAL AS	112,550	106,697	80,186	66,645	-17%	-38%
HOTEL/MOTEL/BED & BREAKFA	10,715,989	11,699,086	11,177,711	11,626,592	4%	-1%
INFORMATION	716,705	648,062	593,485	569,864	-4%	-12%
MANAGEMENT OF COMPANIES	-	-	-	-	0%	0%
MANUFACTURING	898,587	903,454	873,877	929,761	6%	3%
MINING/QUARRYING	42,077	53,690	48,945	57,761	18%	8%
PROFESSIONAL, SCIENTIFIC	845,396	1,216,499	1,023,485	831,301	-19%	-32%
PUBLIC ADMINISTRATION	2,921,998	2,755,313	3,170,817	3,328,383	5%	21%
REMEDIATION SERVICES	-	-	-	-	0%	0%
RENTAL COMMERCIAL PROPERT	106,388	124,515	118,040	121,580	3%	-2%
RENTAL NON-RESIDENTAL PRO	211,167	236,468	240,463	543,816	126%	130%
RENTAL OF SELF-STORAGE &	683,119	773,572	815,676	777,199	-5%	0%
RENTAL PERSONAL PROPERTY	287,696	301,216	296,687	334,858	13%	11%
RENTAL RESIDENTAL PROPERT	2,102,877	2,246,912	2,385,607	2,357,451	-1%	5%
RESTAURANT/BAR	11,636,609	13,334,326	13,237,809	14,376,966	9%	8%
RETAIL TRADE	41,858,634	45,495,038	44,921,217	42,974,873	-4%	-6%
SERVICES	3,167,874	3,204,448	3,197,744	3,040,812	-5%	-5%
TELECOMMUNICATIONS	495,054	544,317	444,439	351,520	-21%	-35%
TELECOMMUNICATIONS-CABLE	2,386	2,577	2,983	4,857	63%	89%
TIMBERING	-	-	-	-	0%	0%
TRANSPORTATION AND WAREHO	2,062,215	2,156,710	2,002,828	2,267,707	13%	5%
UTILITIES	1,958,574	1,911,593	2,040,563	1,666,923	-18%	-13%
WHOLESALE TRADE	298,619	368,760	418,400	429,358	3%	16%
TOTAL	93,491,138	101,318,165	99,216,266	99,037,650	-0.18%	-2.25%
Applied Sales Tax 4.85%	4,534,320	4,913,931	4,811,989	4,803,326	(8,663)	(110,605)

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.

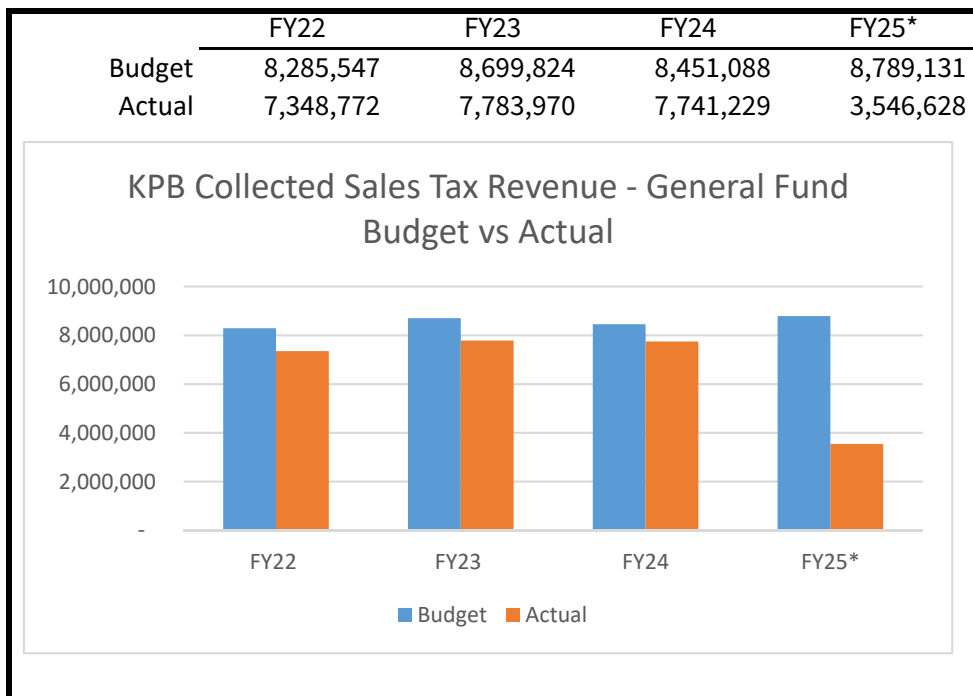
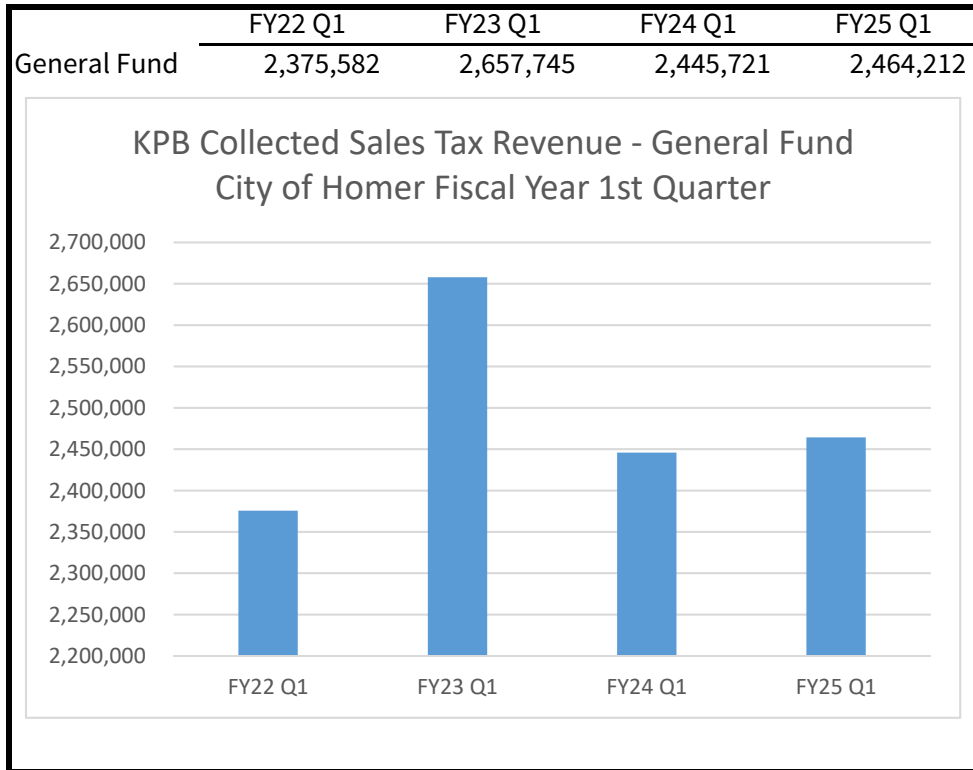
This chart represents taxable sales that are collected by KPB and does not include taxable sales collected by ARSSTC.

KPB Collected Sales Tax Revenue
Presented November 25, 2024

	FY22 Q1	FY22 Q2	FY22 Q3	FY22 Q4	FY23 Q1	FY23 Q2	FY23 Q3	FY23 Q4	FY24 Q1	FY24 Q2	FY24 Q3	FY24 Q4	FY25 Q1	FY25 Q2*	FY25 Q3	FY25 Q4
General Fund	2,375,582	2,568,192	1,201,806	1,203,192	2,657,745	2,710,419	1,293,744	1,122,062	2,445,721	2,730,658	1,250,091	1,314,759	2,464,212	1,082,416	-	-
HAWSP	584,159	631,523	295,526	343,171	653,544	666,497	318,134	244,631	601,407	671,473	307,399	323,301	605,954	266,168	-	-
HART-Roads	525,744	568,370	265,973	292,569	588,189	599,847	286,320	220,168	541,266	604,326	276,660	290,971	545,358	239,551	-	-
HART-Trails	58,416	63,152	29,553	18,032	65,354	66,650	31,813	24,463	60,141	67,147	30,740	32,330	60,595	26,617	-	-
Police Station	233,664	252,609	118,210	137,268	261,418	266,599	127,253	97,852	240,563	268,589	122,960	129,321	242,381	106,467	-	-
Total	\$ 3,777,565	\$ 4,083,846	\$ 1,911,069	\$ 1,994,232	\$ 4,226,250	\$ 4,310,011	\$ 2,057,265	\$ 1,709,176	\$ 3,889,097	\$ 4,342,194	\$ 1,987,850	\$ 2,090,683	\$ 3,918,501	\$ 1,721,219	\$ -	\$ -



General Fund
KPB Collected Sales Tax Revenue
Presented November 25, 2024



*FY25 - Sales Tax Revenue thru 11/20/24



MEMORANDUM

Alaska Municipal League 2025 Resolutions Submitted for Member Action at the Annual Business Meeting in December.

Item Type: Action Memorandum
Prepared For: Mayor Lord and City Council
Date: November 25, 2024
From: Councilmember Aderhold

The Alaska Municipal League membership discusses and votes on resolutions at the business meeting on December 13, 2024, following the annual meeting. Resolutions that pass represent the issues staff and board will focus on during the upcoming legislative session. In recent years, I have been the only Homer elected official to attend the board meeting and I have voted for or against resolutions (or not voted at all) based on my best understanding of how Homer City Council has discussed aspects of various issues represented in the resolutions.

A better way to understand the council's views on the resolutions is for the body to review the resolutions and discuss them during a regular meeting. So, attached, here they are for our review and discussion. This is the smallest number of resolutions I have seen since I started paying attention to these things. I've also attached the packet of past resolutions that are being carried forward because they remain relevant and current policy and position statements for your review and understanding (no discussion or vote needed on these).

Our discussion may include general discussion, amendments our body would like to see made to any of the resolutions, and guidance on how the body would like the Homer representative present at the meeting should vote on each resolution. Note that we submitted two of the five.

Recommendation:

Discuss and provide guidance on how the Homer representative at the business meeting should vote on each resolution



ALASKA MUNICIPAL LEAGUE

2025 Resolutions

For Member Action:

Upon Approval by Resolutions Committee

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WHEREAS, public charter schools and Tribal compact schools meet the diverse needs of students and their parents and guardians across the state; and

WHEREAS, charter schools are required to comply with district policies and regulations and charter schools create a financial obligation for local tax payers; and

WHEREAS, pupil enrollment in charter schools and Tribal compact schools does not change the overall amount of state funding available for public education but does reduce local school districts' ability to take advantage of economies of scale.

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League calls on DEED to perform an assessment of the demand for charter schools and an assessment of the financial impacts to the public education system of opening new charter schools and Tribal compact schools; and

BE IT FURTHER RESOLVED that the Alaska Municipal League opposes changes to the charter school creation process that eliminate the control of local school districts to approve new charter schools.

308

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WHEREAS, Alaska’s rural communities experience the highest levels of water insecurity in the United States due to the absence or deterioration of infrastructure and high operating costs, of which a significant portion is the cost of staffing,

WHEREAS, reduced utility revenues combined with increasing inflation make it difficult for communities to properly operate and maintain their water and wastewater systems;

WHEREAS, the Village Safe Water Act, in AS 46.07.020, instructs the Alaska Department of Environmental Conservation to assure that there is at least one facility for safe water and hygienic sewage disposal in each village and;

WHEREAS, the Village Safe Water Act, in AS 46.07.050(b), gives the Alaska Department of Environmental Conservation the authority to make grants to the governing bodies of water and wastewater facilities that do not have sufficient financial resources to operate and maintain the facility; and

WHEREAS, the Alaska Department of Environmental Conservation has developed an Affordability Framework to assess the ability of households in Village Safe Water program communities to afford residential water and sewer rates, and which classifies communities as Low, Medium, or High Burden.

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League calls on the legislature to appropriate \$10 million for grants for the operations of village water and wastewater facilities in High Burden communities; and

BE IT FURTHER RESOLVED that the Alaska Municipal League supports legislation that will increase the size of villages that qualify for programs under the Village Safe Water Act from a population of 1,000 to 1,500.

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WHEREAS, waste management is an essential government service provided by local governments to protect public health, control blight, and provide quality of life; and

WHEREAS, Alaskans generate over 15 million pounds annually of spent electronics that require expensive and specialized waste management resources and incur a significant future municipal cost through hastened need for capital funding of landfill closure and new site planning; and

WHEREAS, electronics contain toxic chemicals harmful to human health and subsistence resources, such as lead, cadmium, mercury, flame retardants, and PFAS, and these chemicals leach out as the landfilled electronics age, potentially flowing to nearby land, creeks, ponds, rivers, and bays that provide drinking water and important subsistence resources; and

WHEREAS, Class II and III rural landfills serve a third of all Alaskans, are unique to Alaska due to engineering and economy of scale considerations and are not designed to contain this leachate; and

WHEREAS, at least 150 communities are within one mile of their Class III landfill, where burning waste in passive steel containers called burnboxes is a common least-cost waste management strategy through which residents can be exposed to product chemicals; and

WHEREAS, electronics are proposed to be listed as a hazardous waste under the pending State of Alaska Hazardous Waste Program, potentially increasing the cost of electronics disposal; and

WHEREAS, 27 states have Product Stewardship laws that result in electronics manufacturers paying for all or part of their state's electronics recycling with residents in those states experiencing no associated increase in the cost for their electronics; and

WHEREAS, a Statewide Electronics Product Stewardship Program can be implemented without the levy of fees, taxes, or Alaska retail business burden; and

WHEREAS, the State of Alaska can develop a Product Stewardship program without administrative cost to the State, and municipalities are not beholden to participate in, or administer, the Program.

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League supports a comprehensive statewide Product Stewardship Program for electronic recycling to substantially reduce local and regional government waste management costs as well as public health risks to their constituency.

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Resolution #2025-04

A resolution supporting an amendment to Alaska Statute 29.71.800 to allow for web based public notice.

WHEREAS, Alaska municipalities take many actions that require public notice, including public meetings, public hearings, elections, assessment districts, property taxes, land and surplus sales, among others; and

WHEREAS, Alaska Statute (AS) Title 29 mandates that public notices be published and section 29.71.800 (18) state that “published” means appearing at least once in a newspaper of general circulation distributed to the municipality or, if there is no newspaper of general circulation distributed in the municipality, posting in three public places for at least five days; and

WHEREAS, newspapers throughout Alaska are reducing their physical paper publication dates or fail to publish public notices due to staff shortages, inhibiting municipalities’ governing bodies’ ability to take action at their regularly scheduled meetings; and

WHEREAS, many newspapers now publish online and municipalities publish public notices on their websites, a format that is becoming a common method for the public to access information; and

WHEREAS, it would be a great service to Alaska municipalities for section 29.71.800 (18) to amend “published” to include allowance for online public notice to achieve public notice requirements.

NOW THEREFORE BE IT RESOLVED that AML requests that the Alaska State Legislature amend the definition of “published” in AS 29.71.800 (18) to include allowance for web based public notice to achieve municipal public notice requirements.

SUBMITTED BY: CITY OF HOMER
RESOLUTIONS COMMITTEE ACTION:
BUSINESS COMMITTEE ACTION:

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WHEREAS, for decades Public Libraries Assistance (PLA) grants have supported libraries across Alaska with \$6,000 to \$7,000 in annual funding; and

WHEREAS, The Statewide Library Electronic Doorway (SLED) has provided Alaskans with access to online resources and databases for learning that would otherwise be unaffordable to their local libraries; and

WHEREAS, the budget for the Division of Libraries, Archives and Museums reduced all PLA grants to \$1,829 in August 2024 before reversing those cuts, while SLED funding has been reduced from \$500,000 to \$369,514 in FY 2025; and

WHEREAS, the impacts of PLA funding cuts to libraries statewide varies from reductions in purchases of new materials to full closure, depending on the size and funding sources of individual libraries; and

WHEREAS, loss of SLED funding means that all public libraries in the state will have to eliminate significant online resources available to Alaska residents.

NOW THEREFORE BE IT RESOLVED that AML urges the Alaska State Legislature to maintain funding for PLA grants and SLED at FY 2024 levels.

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ALASKA MUNICIPAL LEAGUE

**Resolutions and
Policy & Positions Statement**

Passed by AML Membership

**Included in Consent Agenda
No Action: Recommended by Members**

Principles and Policy Statements

Alaska Municipal League

Approach

- Principles reflect long-standing commitments
- Policy Statements provide general guidance
- Resolutions call for direct and urgent action

Updates

- Reduce duplication
- Identify specifics as much as possible
- Active voice

Principles

- Ensure that policies of the state provide for maximum local self-government.
- Remove inequitable tax burdens and maintain local revenue authorities.
- Maintain and increase revenue sharing as an investment in and partnership with municipalities.
- Expect sufficient and inflation-proofed State funding for basic public needs and State obligations.
- Services that are delivered by local governments on behalf of the State should be fully funded by the State.
- Preserve the tax base of local governments.
- Provide resources and technical assistance that enhance the capacity of communities.

Policy Statements

Municipal Governance

- Oppose State management of municipal sales tax and the preemption of local rates and exemptions.
- Reimburse the value of all mandatory exemptions; or make these optional and/or needs-based.
- Increase the States capacity and competency for tax assessment and analysis.
- Reduce administrative burdens, including by removing paperwork and reporting requirements.
- Require that legislation includes a municipal and/or school district implementation impact and fiscal note.
- Expand municipal authorities and increased self-governance.
- Increase capacity-building for governance and financial management competency and capabilities.
- Accelerate the transfer of State lands to municipal governments; manage land bank for future boroughs.
- Foster municipal-Tribal collaboration.

Community Revenues and Fees

- Return Community Assistance annual distribution to \$60 million in FY26; increase according to inflation.
- Allow CAP to earn interest or investment returns.
- Adjust Community Assistance applications to be biannual based on good standing.
- Remove CIP requirement for applications.

- Ensure distribution of CAP funds, grants, pass-through funding, and other payments within 30 days.
- Reduce state agency fees applicable to municipal governance and school districts.
- Increase methods to waive debt, forgive loans, or otherwise bolster financially stressed communities.
- Reduce interest rate penalties found in AS 26.45.500(b) and other statutes to be consistent with market rates.

Public Employee Benefits

- Full State funding for State-mandated presumptions of compensability through the creation of a Presumption Trust.
- Reduce or remove costs associated with termination studies and late payment.
- Work actively to decrease the overall unfunded liability of PERS/TRS.
- Oppose any cost shift to local governments of the State's on-behalf payment (over 22%).
- Return to a defined benefit plan as a significant tool for recruitment and retention.
- Provide other tools that might contribute to greater employee benefits.
- Provide additional technical assistance to Tier 4 employees for long-term planning.
- Use fiscal year windfalls to decrease debt obligation for long-term sustainability.

Fiscal Policy

- Oppose cost-shifting of State expenses and programs to municipalities.
- Maintain an adequate level of essential State services.
- Develop a broad-based tax to increase State revenue, consistent with a budget that supports municipal and resident needs and fulfills statutory and Constitutional obligations.
- Inflation-proof statewide spending obligations, ensure sufficient and growing capital budget, and ensure that a spending cap does not disproportionately impact local governments and school districts.
- Continue to utilize a sustainable draw on earnings of the Alaska Permanent Fund.
- Maintain an investment and management strategy for PCE that results in appropriate capitalization of the PCE endowment and Community Assistance Fund.

Public Safety

- Increase State funding for municipal public safety obligations, including LEO training, operations of Community Jails, and prosecutors and public defenders.
- Increase tools available for public safety recruitment and retention, including sharing candidates and background checks.
- Strengthen rural public safety, including increasing VPSO presence, encouraging partnerships between municipal and Tribal governments, and providing pathways for greater local governance.
- Decrease access to and impacts from opioids and other substances and implement and strengthen local partnerships.
- Provide funding of the administrative costs of municipal hosting of E911 systems or explore statewide service and fee structure.
- Elevate input from local governments in emergency and resilience planning and ensure state budgets and policy supports adequate and timely state resources to support local emergency response.

- Decrease crime and reduce high rates of recidivism including education and substance abuse treatment.
- Increase funding for and development of Crisis Now programs.
- Increase funding for the Alaska Land Mobile Radio (ALMR) system, including the funds needed to upgrade to the latest hardware and software.

Economic Development

- Invest in and develop policy that increases funding for, access to, and affordability of childcare and housing.
- Increase investment in training and workforce development for residents.
- Provide resources for local economic development planning, including local economic diversification and small business development strategies.
- Provide State support to sustain local economies, improve quality of life, and reduce regulatory burdens.
- Support local control of licensing that contributes to economic activity, including that of alcohol, and reconsider State-level population limits that bypass local planning and zoning commission responsibilities.
- Increase direct connections to EDA, or otherwise be represented by regional economic or planning organizations.
- Increase responsible resource development and reduce investment barriers alongside improved environmental risk management.
- Maintain the authority of local governments to tax the extraction or production of local resources, including travel and tourism, for general purposes of government.
- Promote the adoption of PILT agreements to the extent that these promote resource development and meet local responsibilities to tax.
- Maintain the structure of the Oil & Gas Property Tax, to the extent that local rates are not reduced in any way.
- Increase compliance with bycatch regulations, including from trawlers in the Gulf, recognizing the broader impacts on resident access.

Infrastructure

- Provide resources and support for municipalities to better access grant opportunities, including to remove barriers of cost, timing, match, and complexity.
- Increase the availability of and funding for teacher and public safety housing.
- Support State middle-mile investments that improve access to affordable, high-speed broadband, and foster the establishment of regional or local broadband planning committees.
- Recognize and identify ways to address aging transportation, energy, and water/sewer infrastructure, including by offsetting operational or maintenance costs.
- Support short-term and long-term strategies for the development of broadband and cellular coverage in Alaska, and planning efforts thereof.
- Provide resources for community relocation, adaptation, and resilience efforts, and climate action plans.
- Increase the State capital budget to address deferred maintenance, including through mechanisms such as general obligation bonds.
- Provide technical assistance and investment in energy projects, processes and programs that decrease energy costs and improve access to renewables.
- Reimburse municipal debt or investments in energy including by utilizing PCE savings.

- Develop energy corridors and regional energy projects that facilitate grid resilience.
- Encourage adequate funding and use of the Renewable Energy Fund and AIDEA investments to promote renewable energy project developments.
- Ensure the sustainability of the ferry system, such that it maintains frequent, consistent, and reliable year-round ferry service.
- Oppose the transfer of maintenance responsibilities to municipalities as the requirement for road and airport projects.
- Enable the ability for locally delivered, federally funded project management by local governments.
- Waive DOT&PF ICAP rates on pass-through funding to local governments, including for transit programs.
- Appropriately fund ADF&G and increased investment in fisheries monitoring, research, impact analysis, and outreach.
- Continue investment in port and harbor infrastructure, and the development of an Alaska Ports Strategy.
- Fully fund (equal to municipal match commitments) the Harbor Matching Grant program.
- Take an active role in federal fisheries management, including bycatch, and clean water, including through transboundary negotiations.
- Reinstate the Municipal Matching Grant program to help municipalities match or supplement local and federal funding.
- Leverage federal funding to ensure that all communities with more than 25 residents have access to clean drinking water and sanitation.
- Provide State funding for improvements to and maintenance of facilities to comply with the Clean Water Act, including those facilities that need 301h waivers for 401 certification.
- Continue to invest in Village Safe Water and the State Revolving Loan Fund and expand outreach and utilization.
- Provide clean water to PFAS-affected communities, help communities manage solid waste impacted by PFAS, and clean up and remediate PFAS-contaminated sites.
- Fund a water and wastewater operator subsidy and support operator certification to increase the pool of qualified operators.

Education

- Adequately invest in early childhood education.
- Adequately invest in career and technical education to prepare, attract and retain qualified local educators.
- Support educational accountability and assessment that meets or exceeds federal requirements and maximizes local control.
- Increase and inflation-proof the BSA, consistent with higher costs experienced by school districts, including to consider and address drivers such as health care costs, fuel prices, and property insurance costs.
- Increase investment in school construction and deferred maintenance, including by providing a Base Facilitation Allocation.
- Increase implementation of charter school opportunities within the system of public education currently in place, including ensuring local school board approvals that reflect budget considerations and local investment.
- Oppose forced consolidation of school districts and support negotiated efficiencies of operation.

- Continue a well-funded school bond debt reimbursement program, including the annual and full distribution of the States reimbursement.
- Ensure the university system has adequate resources so that it is capable of delivering educational opportunities, vocational training, workforce development, and credible research.
- Support culturally relevant curriculum development responsive to local decision-making.
- Increase budget certainty for school districts and local governments, including through prompt payment, inflation-proofing formula funds, and avoiding delayed budget decisions.

Resolution #2019-03 A resolution in support of the development of a Community Dividend.

WHEREAS, community revenue sharing began in 1969 to help ease fiscal problems facing local governments, stabilize or reduce local property taxes, encourage local provision of public services, and stabilize local budgets and planning; and

WHEREAS, revenue sharing has undergone significant and dramatic changes since 1969, leading to a situation in 2004 where all revenue sharing programs were proposed for elimination after years of reductions, which corresponded to increased property taxes, elimination of municipal services, and reduced capacity; and

WHEREAS, the State of Alaska exempts itself from local taxes even though it uses local services and approximately \$1.6 billion (2023) in property taxes are paid by local taxpayers to subsidize State operations; and

WHEREAS, the Alaska Municipal League has been firm in its advocacy for the absolute necessity of a form of and enough revenue sharing that strengthens the capacity of municipal governments, alleviates the need for higher local taxes, and bolsters the delivery of public services; and

WHEREAS, the recent fiscal crisis experienced by the State of Alaska made apparent the reality of cost-shifting to municipalities and the potential for State reductions to municipal budgets, particularly in the form of reduced or eliminated revenue sharing; and,

WHEREAS, uncertainty at the State level – due either to limits to annual appropriations or the mechanism by which current Community Assistance funding is currently secured – necessitates a new way to approach revenue sharing; and

WHEREAS a community dividend is a feasible method with which to reimburse local government for State tax exemptions, fund local contributions to education, replace revenue sharing or community assistance, and keep Alaska's promises;

WHEREAS, the earnings from the Alaska Permanent Fund are a credible and sustainable vehicle for such funding; and

WHEREAS, the Alaska State Legislature considered this question in 2006, with support from many stakeholders, including the Alaska State Chamber of Commerce; and

WHEREAS, a community dividend meets the State's obligation to municipal governments and provides a sustainable pathway for maximizing local government.

NOW, THEREFORE BE IT RESOLVED, that the Alaska Municipal League encourages the Alaska State Legislature to consider the development of a Community Dividend.

Updated December 2024.

Adopted by the majority of AML members at the Annual Business Meeting, November 16, 2018.

Resolution #2019-04 A resolution requesting that the Alaska State Legislature fund the Senior Citizen's/Disabled Veteran's property tax exemption as required in AS 29.45.030(g).

WHEREAS, in the 1980s, the State of Alaska imposed a mandate that required all municipalities that levy a property tax, to exempt the first \$150,000 value of primary homes belonging to seniors and disabled veterans, from that property tax; and

WHEREAS, property tax exemptions raise the property tax liability to those individuals who do not receive the benefits of those exemptions; and

WHEREAS, the State of Alaska also passed law in statute that requires the State to reimburse municipalities for those exemptions; and

WHEREAS, the State and Legislature have not funded this program and the municipal reimbursement since 1997; and

WHEREAS, the State of Alaska has continued to require municipal exemptions; and

WHEREAS, one of the primary duties of a municipality is to levy taxes in support of its corresponding obligations to provide public services, and most importantly public education; and

WHEREAS, municipalities have the best understanding of citizen concerns and priorities, municipal budgets and should have sole authority to identify the need for and grant exemptions; and

WHEREAS, Community Assistance provided to 164 municipalities has decreased to \$30 million per year, the Senior Citizen's/Disabled Veteran's Property Tax exemption is now costing the 18 municipalities that levy a property tax a total of over \$105 million per year (2023).

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League requests that the Alaska State Legislature fund the Senior Citizen's/Disabled Veteran's Property Tax exemption as required in AS 29.45.030(g).

Updated December 2024.

Adopted by the majority of AML members at the Annual Business Meeting, November 16, 2018.

Resolution #2019-06 A resolution supporting legislation adopting real property sales disclosure in Alaska.

WHEREAS, the Alaska Municipal League supports the goal to promote the fair and equitable distribution of the property tax burden which funds local governments; and

WHEREAS, Alaskans, municipalities, and the State benefit from the assessment of fair and equitable values of real property within all taxing jurisdictions in the State of Alaska; and

WHEREAS, an assessor is required, per AS 29.45.110, to assess all property at full and true value, as of January 1 of the assessment year. The full and true value is the estimated price that the property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer both conversant with the property and with prevailing general price levels; and

WHEREAS, while the legal mandate for assessment at full and true value exists, the sales data that is necessary to determine full and true value is not readily available due to the lack of sales disclosure in the State of Alaska; and

WHEREAS, the Legislative Research Services Division reports that Alaska is one of six states for which sales disclosure for property exchanges are not disclosed; and

WHEREAS, data is currently obtained from requests for voluntary sales information through questionnaires mailed in many jurisdictions, which result in incomplete, unreliable, and in some cases translated to inaccurate reflections of actual market value; and

WHEREAS, sales disclosure would assist in the fair distribution of the tax burden to all taxpayers and would enhance the accuracy and the timeliness of assessments; and

WHEREAS, sales disclosure would enhance the ability of assessment professionals to meet the full and true value mandate and would also aid the public in obtaining information in order to interact within local real estate markets; and

WHEREAS, the lack of sales data in some jurisdictions limits the ability to fairly distribute the tax burden and also to fund local services; and

WHEREAS, sales disclosure would enable property owners to gather data to provide support for legally entitled property tax appeals under AS 29.45.190; and

WHEREAS, the Legislature has preempted the authority of municipal governments to tax real estate transfers, ensuring that the data made available by mandatory disclosure cannot be used to tax property owners.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League urges the Alaska State Legislature to enact legislation requiring disclosures of all real property sales in the State of Alaska.

Updated December 2024.

Adopted by the majority of AML members at the Annual Business Meeting, November 16, 2018.

Resolution #2019-08 A resolution supporting the State's implementation of a broad-based tax.

WHEREAS, in response to a fiscal crisis caused by low oil prices and other circumstances, the State of Alaska has made significant headway in decreasing the overall size of government by reducing agency and programmatic spending; and

WHEREAS, in 2018 the Alaska State Legislature took a positive step toward addressing additional revenue by allowing access to excess earning of the Permanent Fund; and

WHEREAS, there remains a gap between revenues and current expenses, and an even more significant gap between revenues and the ability of the State to address fundamental challenges facing Alaska, including but not limited to public safety, education, infrastructure, and energy; and

WHEREAS, the Alaska Municipal League in 2016 submitted a Sustainability Plan to the Legislature, some of which has been addressed;

WHEREAS, the Alaska Municipal League has supported the implementation of a broad-based tax as part of a sustainable fiscal plan; and

WHEREAS, the Alaska Municipal League understands an income tax as being able to capture revenue from out- of-state employees, which is 20% of Alaska's total payroll, is least regressive, and give Alaskans a direct interest in state governance; and

WHEREAS, the Alaska Municipal League believes that a statewide sales tax would 1) be feasible where no current sales tax exists, but 2) may erode the municipal tax base, thereby shifting revenue from one level of government to another, while undercutting the ability of local governments to deliver essential services; and

WHEREAS, municipalities across Alaska have identified continued challenges related to increased expenses and community needs; and

WHEREAS, municipalities across Alaska are concerned that lack of revenue at the State level will result in the inability to address essential public services that are important to Alaskans and to Alaskan businesses.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League supports the State's consideration of a broad-based tax; and

BE IT FURTHER RESOLVED that the Alaska Municipal League stands ready to work with the Alaska State Legislature to mitigate potential negative impacts, as necessary.

Adopted by the majority of AML members at the Annual Business Meeting, November 16, 2018.

Resolution #2019-09 A resolution requesting that Title 29 be amended to remove the audit requirement for Community Assistance, and provide a one-time waiver of past audit requirements, thereby releasing all outstanding Community Revenue Sharing/Assistance funds.

WHEREAS, Alaska's municipal governments consider community revenue sharing, now known as Community Assistance, an essential and fundamental component of their annual budget; and

WHEREAS, municipalities are diverse and wide-ranging in their population size, budget composition, and state and federal statutory and regulatory requirements; and

WHEREAS, AS 29.180.020 outlines the requirements necessary to receive Community Assistance funding, including, "if the municipality is a borough, unified municipality, or first-class city, a copy of the annual audit reviewed by a certified public accountant"; and

WHEREAS, the cost of completing an audit consistent with this requirement may represent 30- 50% of the annual funding received by a municipality from Community Assistance; and

WHEREAS, the bulk of these municipalities are already required to complete an audit based on other state and federal funding requirements, and submission to DCRA can be encouraged; and

WHEREAS, for the remainder, the audit requirement presents an additional bureaucratic burden that requires municipal governments to allocate funding to its fulfillment and away from delivery of services in the public benefit; and

WHEREAS, there are more effective and cost-efficient ways in which to assure DCRA of a community's overall health and compliance capabilities; and

WHEREAS, the State has withheld and currently withholds payment of Community Revenue Sharing and now Community Assistance when the audit requirement, among others, is not met; and

WHEREAS, many municipalities are desperately in need of access to those funds, which assist in general operations, strengthening administrative capacity, and contributing to education, energy and public safety needs; and

WHEREAS, alleviating the costs of compliance for municipal governments increases overall the economic health of the state, decreases the need for increased local taxes, and reduces programmatic costs within the State.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League requests that the Alaska State Legislature amend Title 29 to remove the audit requirement for Community Assistance, and provide a one-time waiver of past audit requirements, thereby releasing all outstanding Community Revenue Sharing/Assistance funds.

Adopted by the majority of AML members at the Annual Business Meeting, November 16, 2018.

Resolution #2020-01 A resolution encouraging the Legislature to meet as the Assembly of the Unorganized Borough, and to take up its governance as required by the Constitution.

WHEREAS, Article 10 of the State Constitution describes one purpose of the State as to provide for maximum local self-government with a minimum of local government units, and to prevent duplication of tax-levying jurisdictions; and

WHEREAS, furthermore, Article 10 requires that the entire state be divided into organized and unorganized boroughs; and

WHEREAS, Article 10 dictates the responsibility of the Legislature to function as the assembly of unorganized boroughs, including to allow maximum local participation and responsibility, and to exercise any power or function of an organized borough; and

WHEREAS, the fundamental responsibilities of an organized borough are to provide for planning and platting, education, and taxation; and

WHEREAS, the Legislature has not operated in its history as an assembly of the unorganized borough, nor fully taken up those responsibilities; and

WHEREAS, it can be argued that while the Legislature has delegated responsibility for planning to various state agencies and education to the Department of Education, there remains the issue of taxation; and

WHEREAS, it is a principle of the Alaska Municipal League that the state should not compel organization; and

WHEREAS, it is clearly the responsibility of the Legislature to address 1) the number of unorganized boroughs, consistent with common interests, and 2) education, planning and taxation within the unorganized boroughs; and

WHEREAS, acting in this capacity provides a meaningful and transparent process to maximize local participation and responsibility.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League encourages the Legislature to meet as the Assembly of the Unorganized Borough, and to take up its governance as required by the Constitution.

Adopted by the majority of AML members at the Annual Business Meeting, November 22, 2019.

Resolution #2020-04 A resolution opposing any increase to the required minimum local contribution or decreases to State funding levels; removing the maximum local contribution allowable; and considering Impact Aid as part of the local contribution.

WHEREAS, public education is a State obligation included in Article 7 of the Constitution; and

WHEREAS, the State delegates some of its responsibility to local governments, including education powers – and funding roles – to all boroughs, and home rule and first-class cities; and

WHEREAS, education is one of the largest State budget items, and is by far the largest budget item for those local governments with education powers; and

WHEREAS, as part of the funding formula designed by the State, a minimum local contribution of 2.65 mils (or equivalent) is required; and

WHEREAS, many local governments contribute beyond what is required, but at least nine contribute below 4 mils; and

WHEREAS, increases to the local contribution will mean trade-offs for each local government, who must choose between increasing taxes and decreased spending on other essential programs, including public safety and infrastructure; and

WHEREAS, five local governments currently fund their schools to the cap (2023), and should be given the opportunity to contribute as they wish, consistent with local control; and

WHEREAS, federal Impact Aid is distributed to school districts by the U.S. Dept. of Education to make up for the loss of property tax revenue due to tax-exempt federal property, and to compensate them for continued provision of education for federally connected children; and

WHEREAS, the State considers Impact Aid part of its contribution to education, and if it were counted as part of the local contribution, local spending on education would increase from 40% to 53% of what the State spends overall; and

WHEREAS, instead of shifting the cost of education – and the State’s responsibilities – to local governments, the State should give greater flexibility to local governments to give as they are able, even as the State ensures adequate levels of funding.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League opposes any increase to the required local contribution for education funding or reductions to the adequacy of State funding of education; and

BE IT FURTHER RESOLVED, that the Alaska Municipal League supports removing the cap on local government contributions and counting Federal Impact Aid as part of the local government contribution.

Updated December 2023.

Adopted by the majority of AML members at the Annual Business Meeting, November 22, 2019.

Resolution #2020-06 A resolution in support of economic, resource and infrastructure development that benefits local governments, the State of Alaska, and Alaska residents.

WHEREAS, the Act of Statehood was only granted to Alaska in 1959, after the commercial discovery of oil led Congress to finally vote in favor of Alaska's statehood, believing that the State could have a healthy economy through development of its natural resources; and

WHEREAS, Alaska depends on responsible development of its natural resources to expand and support its economy, and the right to taxation of the reserved value and production of those resources is reserved to the State; and

WHEREAS, Article VIII of our State constitution mandates that Alaska develop its resources to the maximum benefit of all Alaskans; and

WHEREAS, those benefits include thousands of family wage jobs in Alaska, contributions to two-thirds of the Alaskan economy, as much as ninety percent of State general fund revenues; and

WHEREAS, State revenue contributes to State responsibilities, including public education, the university, public welfare, and public health; and

WHEREAS, in some communities, resource development is the sole or major contributor to local government, providing needed government services to area residents; and

WHEREAS, infrastructure development enables effective resource production and reduces the transaction costs of development; and

WHEREAS, investments by and collaboration between the State, local and federal governments, alongside industry, contribute to infrastructure development, and economic development more broadly; and

WHEREAS, that partnership enables not only continued and new responsible resource development to occur, but makes possible new and different economic development opportunities; and

WHEREAS, Alaska's local governments are committed to strengthening the relationships they have with oil and gas, mining, fishing, timber, and tourism industries.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League supports economic, resource and infrastructure development that benefits local governments, the State of Alaska, and Alaska residents.

Adopted by the majority of AML members at the Annual Business Meeting, November 22, 2019.

Resolution #2020-08 A resolution encouraging the State of Alaska to develop a plan to transfer authority to accept federal funds from the State directly to local governments or their designee.

WHEREAS, approximately \$60 million is transferred annually from the Federal government to the State for distribution to local governments; and

WHEREAS, the State collects about \$80 million annually in taxes on local economic activity that have revenue sharing statutes attached to them; and

WHEREAS, the nearly \$150 million in funds held by the State for distribution to local governments accrues interest earnings that are not added to the amounts available for distribution; and

WHEREAS, PILT funding of nearly \$33 million and Secure Rural Schools funding (within the Unorganized Borough) represents examples of federal funding for local governments that unnecessarily goes to the State for distribution; and

WHEREAS, the Community Assistance funding is formula-driven, similar to calculations made for PCE distribution; and

WHEREAS, Shared Fish Taxes, Aviation Motor Fuels Tax, and the Commercial Vessel Passenger Tax all represent examples of taxes collected by the State but with Statutes that direct some portion to be shared with local governments; and

WHEREAS, hundreds of millions of dollars of funding that will ultimately be distributed to local governments rests with the State for anywhere between three and six months; and

WHEREAS, in an environment of fiscal austerity, fund and grant management should be considered an area where the State can reduce its footprint; and

WHEREAS, local governments have the capacity, individually or collectively, to effectively manage these funds and their reporting; and

WHEREAS, reducing the State's role as middleman is one way in which to right size state government even as the State strengthens local governments.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League encourages the State of Alaska to develop a plan to transfer authority to accept federal funds from the State directly to local governments or their designee.

Updated December 2023.

Adopted by the majority of AML members at the Annual Business Meeting, November 22, 2019.

Resolution #2020-09 A resolution supporting the effort to maximize local self-government, respect local control, and encourage the State to provide funding for the adoption of powers and incorporation, including borough formation where feasible.

WHEREAS, Alaska's Article 10 on local government requires the State to provide for maximum local self-government (with a minimum of local government units and to prevent duplication of tax-levying jurisdictions); and

WHEREAS, the context within which this was written included examples from other states of multiple tax-levying entities with overlapping authority, from school districts to cities and utilities; and

WHEREAS, the State has kept its framework for local government fairly straightforward, with classes of cities and boroughs that have non-duplicative responsibilities; and

WHEREAS, there remain numerous communities that have not incorporated, including within the Unorganized Borough, which itself remains unincorporated; and

WHEREAS, AML has prioritized over its history a principle of local control, which should be understood as the belief that State government should not direct or restrict municipal decision-making; and

WHEREAS, local control is different than a community's interest in incorporating as a city or a region as a borough; and

WHEREAS, in fact, an unincorporated city or borough is ceding local control for State management, and depriving residents of maximum local self-government; and

WHEREAS, one role of the State may be to incentivize incorporation or organization of the city and borough, including to encourage and provide resources for the adoption of additional powers; and

WHEREAS, municipal governments in Alaska provide important services to residents, including public safety, education, public infrastructure, and quality of life programs; and

WHEREAS, during periods of fiscal uncertainty, active and healthy local governments can provide the backstop on loss of services and continue to maintain community and economic development.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League supports the effort to maximize local self-government, respect local control, and encourage the State to provide additional resources for the adoption of powers and incorporation, including borough formation where feasible.

Adopted by the majority of AML members at the Annual Business Meeting, November 22, 2019.

Resolution #2020-10 A resolution supporting reform of the USDA Forest Service Secure Rural Schools program to include long-term certainty and sustainability of funding.

WHEREAS, A March 2017 Report by the Congressional Research Service confirmed 61% of all land (224.2 Million Acres) in Alaska is owned by the federal government; 57% (129 Million Acres) of which is managed by agencies with preservation and conservation of land as core mission components, and will likely never be available for development; and

WHEREAS, the Secure Rural Schools and Community Self-Determination Act (SRS) was enacted in 2000 to financially assist counties with public, tax-exempt forestlands; and

WHEREAS, critical services at the county level have historically been funded in part with a 25 percent share of timber receipts from federal U.S. Forest Service lands and a 50 percent share of timber receipts from federal Oregon and California Grant Lands managed by the U.S. Bureau of Land Management; and

WHEREAS, as those revenues have fallen or fluctuated due to reduced timber harvest and market forces, SRS payments helped bridge the gap to keep rural schools open, provide road maintenance, support search and rescue efforts and other essential county services; and

WHEREAS, since enacted in 2000, SRS has provided more than \$7 billion in payments to more than 700 counties and 4,400 school districts in more than 40 states to fund schools and essential services like roads and public safety; and

WHEREAS, local governments in Alaska use the SRS funding to supplement transportation funding, and school operations and capital project needs; and

WHEREAS, the elimination of SRS would have an immediate and detrimental effect on the school system and on local transportation infrastructure; and

WHEREAS, local governments who experienced the loss of these funds would be faced with choices of increased taxes or the loss of jobs, including at schools; and

WHEREAS, a short-term solution for SRS should result in continued funding over the next two years, and a long-term fix must account for the sustainability of the program; and

WHEREAS, a sustainable program may include funding features such as a forest visitor fee, or consolidation within the PILT formula, as an additional factor, or may require a large set-aside that produces a return of sustainable revenue over time.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League supports reform of the USDA Forest Service Secure Rural Schools program to include long-term certainty and sustainability of funding.

Adopted by the majority of AML members at the Annual Business Meeting, November 22, 2019.

Resolution #2020-11 A resolution in support of reform of the PILT funding formula to extend multipliers to smaller population counties (boroughs), and permanently authorizing the program.

WHEREAS, through the federal PILT payment, the Department of Interior provides revenue to counties and county equivalents, such as boroughs, to compensate for nontaxable federal acreage within their respective jurisdictions; and

WHEREAS, in Alaska, PILT funding is distributed not only to boroughs but also to cities within the unorganized borough, and in 2023 was valued at \$35,448,677; and

WHEREAS, many Alaska boroughs and cities fund the provision of fire and emergency medical response services to the federal lands and infrastructure as well as providing other services, such as solid waste, public safety, and transportation; and

WHEREAS, the numerous nightly camping and lodging offerings located on federal lands are exempt from local taxation; and

WHEREAS, while the annual number of visitors to these federal lands number over 2,920,250, according to the National Park Service, PILT payments are calculated on the local government's year round population, which in many cases can be fewer than 2,000 residents; and

WHEREAS, the National Association of Counties (NACo) has found that the current PILT formula places counties and boroughs with populations under 5,000 in an unfavorable position in relation to counties with populations greater than 5,000; and

WHEREAS, at their Annual Conference in July 2018, NACo adopted a resolution titled "Resolution on Amendments to PILT Population Caps"; and

WHEREAS, this resolution "supports amending the PILT formula to extend the population multipliers to include additional multipliers for local governments with populations in the range 4,000, 3,000, 2,000 and 1,000"; and

WHEREAS, this amendment increases total PILT funding for numerous Alaska local governments; and

WHEREAS, changes to the PILT formula will strengthen the capacity for partnerships that develop at the local level, it will improve the local government's ability to support tourism and access within federal lands, and it will increase community and economic development.

NOW, THEREFORE BE IT RESOLVED, the Alaska Municipal League supports reform of the PILT funding formula to extend multipliers to smaller population counties (boroughs), including through federal legislation as that addressed within the Small County PILT Parity Act; and

BE IT FURTHER RESOLVED, that AML supports permanent reauthorization of the PILT program.

Updated December 2023

Adopted by the majority of AML members at the Annual Business Meeting, November 22, 2019.

Resolution #2020-14 A resolution opposing any State action that would diminish the ability of local governments to tax or receive a share of State tax on local economic activity.

WHEREAS, actions by the State to eliminate or reduce the sharing of taxes on local economic activity threatens the sustainability of cities and boroughs in Alaska; and

WHEREAS, the Petroleum Property Tax recognizes the value of oil and gas property, the benefits to industry of offering this tax credit, and that the State already collects royalty and production taxes on oil and gas development; and

WHEREAS, local governments should benefit from that taxable property, avoid duplicate taxes on the oil and gas industry, and invest in public infrastructure that supports continued development; and

WHEREAS, the revenue from the Petroleum Property Tax is a fundamental component of the budgets of those who receive it, including more than 80% of some; and

WHEREAS, the Shared Fish Tax, similarly, works to avoid duplicate taxes on industry and provides revenue that local governments can use to improve local infrastructure; and

WHEREAS, moreover, the Statutes providing for the Shared Fish Tax actually allow for 100% to be shared, beyond the 50%, indicating full recognition of the value this revenue has for local governments; and

WHEREAS, there are many other arrangements whereby the State collects a tax on local economic activity and shares it with local governments; and

WHEREAS, sharing of that revenue reflects a partnership between the State and local government that predates Statehood; and

WHEREAS, local governments object to the scale and scope of the State's actions, the time available in which to respond, and the lack of negotiation; and

WHEREAS, local governments understand the fiscal challenges facing the State, but that State sustainability cannot come at the expense of local governments.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League opposes any State action that would diminish the ability of local governments to tax or receive a share of State tax on local economic activity.

Adopted by the majority of AML members at the Annual Business Meeting, November 22, 2019.

Resolution #2020-16 A resolution opposing any further reductions to Community Assistance and in support of an appropriation to the Community Assistance Fund that would bring the Fund total back up to \$90 million.

WHEREAS, the veto of \$30 million to recapitalizing the Community Assistance Fund directly affects the operations of local governments by reducing the formula-driven distribution in FY24 by a third; and

WHEREAS, Community Assistance (known formerly as Community Revenue Sharing) represents a decades-long partnership between local governments and the State of Alaska; and

WHEREAS, that partnership is a recognition of the State's retention of royalty and production rights on resource development, that local tax bases would not be able otherwise to ensure operations, and the need to deliver essential public services outside of State government; and

WHEREAS, Community Assistance has seen continued degradation over the years, including in the last five by 50%, or if measured from FY20 to FY85 and adjusting for inflation, the value of Community Assistance should be 984% greater than it currently is; and

WHEREAS, Community Assistance represents as much as 80% of some local government budgets, and for 100 communities greater than 20%; and

WHEREAS, when Community Assistance was zeroed out in the early 2000s, 14 local governments ceased day- to-day operations; and

WHEREAS, the formula of the Community Assistance Fund determines the annual payment to communities, with a payout of a third of available funds; and

WHEREAS, by not recapitalizing the fund, the payment to local governments will be reduced from \$30 million in FY23 to \$20 million in FY24.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League opposes any reductions to Community Assistance and supports an appropriation to the Community Assistance Fund that would bring the Fund total back up to \$90 million.

Adopted by the majority of AML members at the Annual Business Meeting, November 22, 2019.

Resolution #2020-17 A resolution supporting Amendments to AS 29.45.500 to Require Municipalities to Pay Reasonable Interest on Tax Refunds.

WHEREAS, Alaska Statute 29.45.500 requires municipalities to pay interest on certain taxes it refunds to taxpayers, including taxes refunded after “a remittance by a taxpayer through error”; and

WHEREAS, the statute presently requires municipalities to pay interest fixed at 8%; and

WHEREAS, 8% is not presently a market interest rate, and is grossly excessive to fairly compensate taxpayers for the lost time-value of money; and

WHEREAS, in recognition of the fact that market interest rates fluctuate, the Alaska State Legislature has in other circumstances, such as for pre-judgment interest awarded in lawsuits under AS 09.30.070, tied interest rates to the “12th Federal Reserve District discount rate in effect on January 2 of the year”; and

WHEREAS, interest required to be paid by municipalities to taxpayers should likewise be tied to a market index; and

WHEREAS, municipalities should not be required to pay non-market interest rates when refunding taxes it receives from taxpayers due to an error of the taxpayer (and not of the municipality).

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League supports an amendment to AS 29.45.500 to require municipalities to pay interest at a reasonable, market- based rate in circumstances where it is required to pay interest on tax refunds.

Adopted by the majority of AML members at the Annual Business Meeting, November 22, 2019.

Resolution #2021-01 A resolution in support of a legislative process that recognizes local governments as inherent partners in the delivery of State objectives.

WHEREAS, there are 165 incorporated city and borough governments in Alaska, acting as political subdivisions of the State; and

WHEREAS, through Constitutional and statutory authority, local governments have the State's powers and responsibility to tax and deliver services in the public interest; and

WHEREAS, there is no formal mechanism for local governments to contribute to the development of the Governor's budget, wherein agencies, OMB, and the Governor develop budgets that directly impact local governments but without their input; and

WHEREAS, throughout a legislative session, local government officials are directed to provide input as part of the "public" comment process; and

WHEREAS, the Legislature has committees in the Senate and House that are dedicated to Community and Regional Affairs, but are potentially underutilized in developing an agenda that helps the Legislature understand the condition of communities; and

WHEREAS, the Governor's office often has a dedicated staff member acting as their lead for local governments relations, but the equivalent does not exist within the Legislature; and

WHEREAS, local government leaders are in a good position to contribute meaningfully to policy development and budget decisions, understanding both impact and local variation.

NOW, THEREFOR BE IT RESOLVED that AML recommends that:

- Legislative leadership name Committee members or staff that will serve as local government liaisons, assisting in sharing local government information with legislators as appropriate; and
- A joint session of the Legislature be called to have addressed each year the Condition of Communities; and
- In cooperation with AML, the House and Senate Community and Regional Affairs committee chairs, and other Committee chairs as appropriate, establish a session and/or interim agenda that provides legislators, agencies, and the public with greater awareness of local government issues; and
- The Legislature establish a dedicated opportunity for local government contributions as part of all committee processes, prior to and outside the public comment process, including as a more formal component of invited testimony.

Adopted by the majority of AML members at the Annual Business Meeting, November 20, 2020.

Resolution #2021-03 A resolution in support of State policy and budget development that reflects a sustainable draw from the Permanent Fund's Earnings Reserve.

WHEREAS, the State has undergone significant and continuing fiscal challenges for at least the last five years; and

WHEREAS, deficit spending has contributed to loss of emergency reserves once found within the Constitutional Budget Reserve and Statutory Budget Reserve, both of which are at this point depleted; and

WHEREAS, of general fund revenues, competing priorities result in increased potential for the State to incur reductions to core programs that local governments and residents depend on; and

WHEREAS, those same budgetary pressures increase the likelihood the State may choose to shift costs to local governments, hoping that they will pick up the State's obligations; and

WHEREAS, lawmakers have a range of appropriation powers and tools at their disposal to meet this fiscal challenge; and

WHEREAS, one of the available options to lawmakers are the uncommitted funds held within the Earning Reserve Account (ERA), estimated to be approximately \$1.1 billion (October 2024); and

WHEREAS, the funds are accessible to lawmakers through a simple majority vote, though we understand that for every \$1 billion in funds drawn down today, the result is \$50 million less available in future years; and

WHEREAS, it may be tempting to utilize these funds for short-term needs, outside the current structure of a 5% POMV draw that makes available sustainable revenue to fund the State's obligations; and

WHEREAS, an unstructured draw has the potential to destabilize future budgets, pushes challenges to and impacts future generations, and leaves unresolved the many critical needs related to public health and welfare, public safety and education, and infrastructure; and

WHEREAS, while conditions have continued to deteriorate such that the State's fiscal situation is increasingly dire and additional solutions need to be presented as viable options, it remains critical that the State identify the means by which it addresses these issues; and

WHEREAS, a sustainable draw is a component of a sustainable State fiscal policy that includes revenues and expenditures that have been balanced, emergency reserves replenished, and a fund balance established.

NOW, THEREFORE BE IT RESOLVED that AML commends to the Governor and Legislature support for State policy and budget development that reflects a sustainable draw from the Permanent Fund's Earnings Reserve.

Updated December 2024.

Adopted by the majority of AML members at the Annual Business Meeting, November 20, 2020.

Resolution #2021-06 A resolution supporting a statewide comprehensive Alaska health initiative.

WHEREAS, the State of Alaska is facing a billion-dollar budget deficit and is examining ways to balance the State's budget and reduce state spending; and

WHEREAS, the State of Alaska faces a public health crisis, which is requiring extensive scaling up of the public health infrastructure in response; and

WHEREAS, there is the potential for leveraging increased public health capacity to meet additional needs of Alaskans, which may contribute as well to addressing State and local government costs; and

WHEREAS, the State of Alaska currently has some of the highest per capita rates of substance abuse and tobacco use in the nation; and

WHEREAS, the State of Alaska has some of the highest rates of domestic violence, sexual assault, suicide, child abuse and neglect, accidental death rates, obesity and sexually transmitted diseases in the nation; and

WHEREAS, data from the 2023 Alaska Kids Count Report ranks Alaska 38th in the nation for children's well-being based on 16 benchmarks related to quality of life, 27th in the nation for health, 48th in the nation for education, and 46th in the nation for economic well-being; and

WHEREAS, children who experience abuse or neglect are approximately nine times more likely to become involved in criminal activity, thus burdening the legal and prison systems than children who do not experience child abuse or neglect; and

WHEREAS, Alaska's public health crisis impacts almost all state department operations and budgets, costs the State of Alaska millions of dollars every year, and damages the state's economy by limiting productive contributions that healthier citizens could have made; and

WHEREAS, the State of Alaska has made attempts to combat some of these public health challenges but success may depend on a more coordinated and intensive approach; and

WHEREAS, the State of Alaska should identify ways in which a comprehensive state-wide public health initiative could be paid for, with an appropriate return on that investment; and

WHEREAS, substantially reducing the State of Alaska's public health issues will reduce the need for programs and services and result in significant cost savings to the State.

NOW, THEREFORE BE IT RESOLVED, that the Alaska Municipal League supports a comprehensive statewide healthy Alaska initiative that aims to leverage current investments in the public health infrastructure to substantially reduce our public health issues and reduce the state's operating budget as programs and services are no longer needed to address preventable problems.

Updated December 2023.

Adopted by the majority of AML members at the Annual Business Meeting, November 20, 2020.

Resolution #2021-07 A resolution requesting renewed State support and increased funding for local emergency planning committees and preparedness.

WHEREAS, the State has a long history of providing support for local emergency preparedness; and

WHEREAS, local preparedness contributes to the ability of the State to respond effectively in the case of a crisis; and

WHEREAS, State support has come in the form of technical resources, as well as financial aid that helps local governments form and sustain local emergency planning committees; and

WHEREAS, the State had conducted some of this collaboration through DMVA's Local Emergency Planning Committees; and

WHEREAS, in FY19 the State funded LEPCs at \$298,500, in FY20 all of the LEPC funding of \$225,000 was vetoed from the State's budget, and in FY20 eliminated from the budget entirely; and

WHEREAS, the justification for those reductions note that "communities can apply for grants through other sources including DCCED and the federal government" and that "the State's fiscal reality dictates a reduction in expenditures;" and

WHEREAS, many local governments were unable to sustain LEPCs on their own, and were not able to identify grants corresponding to this need, while others saw their preparedness reduced dramatically; and

WHEREAS, the COVID-19 public health emergency highlighted challenges related to these gaps, wherein lack of funding resulted in a less effective response than could otherwise have been in place; and

WHEREAS, Alaska's public safety and health are dependent on strong public institutions that are able to 1) communicate local, on the ground information to state and federal decision makers, 2) engage with and partner at the State and federal level; and 3) assist in implementing state and federal guidance; and

WHEREAS, while recognizing the State's fiscal reality, the COVID-19 public health emergency and economic crisis, 2019 earthquakes and fire season, and future emergencies necessitate capacity at the local level that assists in the State response; and

WHEREAS, the State investment in local planning efforts saves the State time and funding later during an actual emergency, as systems are in place to coordinate response.

NOW, THEREFORE BE IT RESOLVED that AML requests renewed State support and increasing funding for local emergency planning committees and preparedness.

Updated December 2023.

Adopted by the majority of AML members at the Annual Business Meeting, November 20, 2020.

Resolution #2021-08 A resolution in support of a balanced approach to addressing the State of Alaska's deficit and continuing fiscal challenges.

WHEREAS, in 2016 AML presented a Sustainability Plan as the result of a year's worth of Committee work, and carefully evaluating the options at the time; and

WHEREAS, the Plan included creation of the POMV, changes to the PFD formula, broad based taxes, and additional revenue measures; and since then, the POMV has been implemented and some small reductions have been made to expenditures; and

WHEREAS, while the level of State spending on State government has remained about the same, much of its savings have been achieved by cost-shifting to local governments; and

WHEREAS, since 2016 the State has spent down almost the entirety of its savings and there are few options remaining that don't include broad based revenue measures, use of the remaining funds that have been held within the Earnings Reserve account, additional cost- shifting, or dramatic reductions to spending; and

WHEREAS, as local government officials who similarly have to make hard choices in balancing local budgets, our members recognize the inherent challenges, fraught politics, and social and economic impacts; and

WHEREAS, Alaska's cities and boroughs – as political subdivisions of the State – depend on a State government that has the resources available to deliver its Constitutional and statutory obligations, including in partnership with local governments; and

WHEREAS, the deterioration of the State's fiscal condition materially threatens the sustainability of local governments in Alaska; and

WHEREAS, Alaska's residents, businesses, and local governments expect action by the Governor and Legislature that balance the State's budget using the myriad tools of government – right-sizing programs, broad-based taxation, and strategic spending; and a balanced approach is crucial and will require reexamination of current approaches.

NOW, THEREFORE BE IT RESOLVED that AML supports a balanced approach to addressing the State of Alaska's deficit and continuing fiscal challenges, including by addressing the following:

- Broad-based taxation (personal and corporate income, sales, and property)
- Additional revenue measures tied to use (motor fuel, marijuana, tobacco, alcohol) or resource
- A stable PFD formula consistent with a sustainable draw from the Earnings Reserve.
- Potential reductions to the State budget irrespective of fund source
- Negotiating solutions to devolve responsibilities, and foster public-private partnerships

BE IT FURTHER RESOLVED that AML suggests the following criteria be used in evaluating the efficacy of these options:

- The effective date of broad-based taxation should be consistent with economic recovery, including to phase in over time – these programs take time to implement
- Social and economic modeling should accompany individual options and the combination of options, with consideration given to the impact on the tax base, equity, and distribution

- Local governments are diverse in their ability to sustain cost-shifting or cuts, and that variability will need to be taken into account
- Negotiated solutions are different than unfunded mandates, and must include a level of funding that can be leveraged at the local level

Adopted by the majority of AML members at the Annual Business Meeting, November 20, 2020.

Resolution #2021-09 A resolution in support of increased funding for community and regional jails, and a base level of funding for Village Police Officers.

WHEREAS, Alaska has a unified court system, and the criminal justice system is the obligation of the State; and

WHEREAS, local governments have the option to adopt police powers, with more than 70 having done so; and local law enforcement enforces State and municipal law; and

WHEREAS, the State has separated local law enforcement into two classes, one of which is Village Police Officers (VPOs), who have different training requirements than other public safety professionals in the state, but very similar responsibilities to other local law enforcement, and more responsibility than Village Public Safety Officers (VPSOs) who received more training; and

WHEREAS, the State invests \$14 million in the VPSO program (2023), a necessary component of the overall public safety system in Alaska, for about the same number of officers as VPOs, which it contributes nothing to; and

WHEREAS, increasing public attention on public safety, including recruitment and retention, hiring practices and training, performance and outcomes, and operations, necessitates an increased level of commitment to and investment in these systems; and

WHEREAS, at the same time, 15 local governments provide community and regional jails on behalf of the State's criminal justice system; and these jails are an integral part of local and state law enforcement; and

WHEREAS, State funding for community and regional jails was static for seven years is still below FY15 levels in 2023; and in many cases, State funding is only 50% of the full cost of managing the jail on the State's behalf, and in all cases deficient; and

WHEREAS, if local governments are to effectively deliver public safety in Alaska, then the State must better contribute to their ability to do so; and

WHEREAS, additional State investment is needed to improve and adjust to the demands of these roles, to attract and retain qualified officers, and to expand training and preparedness.

NOW, THEREFORE BE IT RESOLVED that AML calls on the Governor and Legislature to fully fund community and regional jails, requiring at least an additional \$5 million more than the \$14 million currently budgeted; and

BE IT FURTHER RESOLVED that funding should be appropriated in support of Village Police Officers, to include at least coverage of police professional liability insurance, travel for training and training expenses, and a base level of pay, the estimated total of which will represent half of what the State invests in the VPSO program.

Updated December 2023.

Adopted by the majority of AML members at the Annual Business Meeting, November 20, 2020.

Resolution #2021-11 A resolution in support of full funding for the State of Alaska Municipal Harbor Facility Grant Program in the FY26 State Capital Budget.

WHEREAS, the Alaska Municipal League recognizes the majority of the public boat harbors in Alaska where constructed by the State during the 1960s and 1970s; and

WHEREAS, these harbor facilities represent critical transportation links and are the transportation hubs for waterfront commerce and economic development in Alaskan coastal communities; and

WHEREAS, these harbor facilities are ports of refuge and areas for protection for ocean-going vessels and fishermen throughout the State of Alaska, especially in coastal Alaskan communities; and

WHEREAS, the State of Alaska over the past nearly 30 years has transferred ownership of most of these State- owned harbors, many of which were at or near the end of their service life at the time of transfer, to local municipalities; and

WHEREAS, the municipalities took over this important responsibility even though they knew that these same harbor facilities were in poor condition at the time of transfer due to the state's failure to keep up with deferred maintenance; and

WHEREAS, consequently, when local municipal harbormasters formulated their annual harbor facility budgets, they inherited a major financial burden that their local municipal governments could not afford; and

WHEREAS, in response to this financial burden, the Governor and the Alaska Legislature passed legislation in 2006, supported by the Alaska Association of Harbormasters and Port Administrators, to create the Municipal Harbor Facility Grant program, AS 29.60.800; and

WHEREAS, the Alaska Municipal League is pleased with the Department of Transportation and Public Facilities administrative process to review, score and rank applicants to the Municipal Harbor Facility Grant Program, since state funds may be limited; and

WHEREAS, for each harbor facility grant application, these municipalities have committed to invest 100% of the design and permitting costs and 50% of the construction cost; and

WHEREAS, the municipalities of Sitka, Whittier and Juneau have committed to contribute half of their project cost in local match funding for FY2025 towards harbor projects of significant importance locally as required in the Harbor Facility Grant Program; and

WHEREAS, completion of these harbor facility projects is all dependent on the 50% match from the State of Alaska's Municipal Harbor Facility Grant Program; and

WHEREAS, during the last fifteen years the Municipal Harbor Facility Grant Program has only been fully funded twice; and

WHEREAS, a survey done by the Alaska Municipal League of Alaska's ports and harbors found that from the respondents, the backlog of projects necessary to repair and replace former State-owned harbors has increased to at least \$500,000,000; and

WHEREAS, given that Alaska is a maritime state and that our harbors are foundational to both our way of life and the economy of this great State it is in the public's best interest to maintain this critical

infrastructure by using State, Local, and Federal funds to recapitalize the crucial harbor moorage infrastructure statewide.

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League urges full funding by the Governor and the Alaska Legislature for the State of Alaska's Municipal Harbor Facility Grant Program in the FY 2026 State Capital Budget in order to ensure enhanced safety and economic prosperity among Alaskan coastal communities.

Updated December 2024.

Adopted by the majority of AML members at the Annual Business Meeting, November 20, 2020.

Resolution #2021-13 A resolution in support of establishing standards and regulations for unorganized boroughs.

WHEREAS, the Alaska Municipal League supports the idea of “maximum local self- government”; and

WHEREAS, Article 10, Section 3 of the Alaska Constitution requires the Legislature set policy for the establishment, alteration, and nature of Boroughs; and

WHEREAS, the legislature has not yet enacted standards and procedures for the establishment of unorganized boroughs and the lack of such standards and procedures precludes a meaningful determination of whether an unorganized area has attained the fiscal and administrative capacity to support areawide functions; and

WHEREAS, if such standards existed, an unorganized area could be signaled to form an organized borough when it achieved the administrative and fiscal capacity to support areawide functions.

NOW THEREFORE BE IT RESOLVED, that the Alaska Municipal League supports establishing standards and regulations for unorganized boroughs.

Adopted by the majority of AML members at the Annual Business Meeting, November 20, 2020.

Resolution #2021-21 A resolution requesting that the Legislature review and make optional exemptions that are more appropriately decided at the local level.

WHEREAS, increasingly, local governments are expected to fulfill State responsibilities that the State can no longer afford; and

WHEREAS, in order to meet these obligations, local governments must have the tools at their disposal necessary to deliver essential services and ensure that the corresponding tax burden does not fall disproportionately on the rest of the tax base; and

WHEREAS, the State's exemptions of certain types of property affect the ability of local governments to deliver essential services; and

WHEREAS, mandatory exemptions result in a more limited tax base, and the tax rate more heavily burdening only certain portions of a city or borough's residents; and

WHEREAS, in particular, an exemption of household furniture and personal effects (29.45.030(a)(2)) is better determined at the local level; and

WHEREAS, in particular, the undeveloped value of natural resources in place is reserved to taxation by the State, even as the impact and benefit may be managed also at the local level, and local control of taxation may increase the viability of a project; and

WHEREAS, in particular, the exemption (29.45.030(a)) of AIDEA land and the Alaska Railroad (42.40.910) – two public corporations that maintain a business model similar to that of any private corporation – are inconsistent with a public purpose; and

WHEREAS, broad age-based exemptions do not take into account the need or lack thereof of those residents, which runs counter to best practices, and in the development of mandatory age-based exemptions the State committed to reimbursement and has not since 1985, now valued at more than \$90 million.

NOW, THEREFORE BE IT RESOLVED that AML requests that the Governor and Legislature review all mandatory exemptions affecting local governments and were found to be beneficial pass legislation that makes optional, needs-based, and/or locally determined those accounted for above.

Adopted by the majority of AML members at the Annual Business Meeting, November 20, 2020.

Resolution #2022-04 A resolution encouraging the RCA and Legislature to make adjustments to the Power Cost Equalization program for communities and utilities that are moving towards energy independence using renewable generation.

WHEREAS, the Alaska Municipal League supports the idea of “maximum local self- government”; and

WHEREAS, the stated purpose of the PCE program is to provide benefits to rural communities by lowering the electricity costs paid by customers, which in turn helps to ensure the sustainability of remote economies dependent on available, reliable, and centralized power; and

WHEREAS, the PCE program subsidizes the electric rates for the first 750 monthly, residential kWhs to levels comparable to those paid by consumers in Anchorage, Fairbanks, and Juneau, as well as provides some additional financial support to cover a portion of the electrical costs for community facilities; and

WHEREAS, the PCE program provides benefits to these rural communities based on a formula which is heavily weighed by the cost and quantity of diesel fuel used to produce energy in the communities; and

WHEREAS, some rural communities are increasing the use of renewable energy sources to reduce and/or replace traditional diesel power systems, and now realizing there is a disincentive to do so given the current PCE regulations; and

WHEREAS, as an example, since 2017 the City of King Cove and its residents are not receiving any PCE support because their two hydro facilities are producing about 85% of their annual electric demand of approximately 5 MWhs; and

WHEREAS, decreasing the dependence on diesel-generated power while incurring new debt costs for the development of these renewable energy production does not appear to be equitably considered in the current PCE regulations; and

WHEREAS, PCE regulations allow for an annual depreciation value of up to 50 years on the capital investments/ loans for these facilities and the inclusion of annual interest paid on these long term debts, however, this ends up being only a modest annual expenditure “savings” compared to the avoided diesel fuel costs and does not appear to get equitably considered in the current PCE regulations; and,

WHEREAS, AML’s current Policy Statement on Energy states “Support for vetting of and investing in energy projects, processes and programs that decrease energy costs; reimburse municipal debt or investments corresponding to and by utilizing PCE savings.”

WHEREAS, under current PCE reimbursement, the revenue from sales of excess electricity from intermittent generation, like wind, for the purposes like distributed thermal storage are disincentivized, since these sales cannot be subtracted from non-fuel expenses for purposes PCE reimbursement; and,

WHEREAS, the equivalent revenue sale of waste heat from diesel generation can be subtracted from non-fuel expense for purposes of PCE reimbursement; and,

WHEREAS, the additional revenue from sale of excess renewable generation for heating are also counted against the household cap for PCE reimbursement, further decreasing PCE reimbursement; and,

WHEREAS, the current structure of PCE reimbursement for heating disincentivizes innovative approaches to renewables integration and decreasing diesel dependence that otherwise offer the opportunity to reduce the household energy burden of heating oil; and,

NOW, THEREFORE BE IT RESOLVED that AML supports and advocates for the reform of the PCE program to make the necessary modifications to allow for a more equitable treatment of the annual debt costs for these renewable energy investments vis-a-vis the tradeoff of replacing annual diesel fuel costs; and,

BE IT FURTHER RESOLVED that AML supports and advocates for a “renewable energy debt reimbursement factor’ be added to the PCE regulations which includes: a) criteria regarding the size and annual production of the renewable energy facility; b) establish a benchmark for a required annual amount of community/utility electricity produced with renewable energy production; and c) establish a factor that considers the amount of avoided annual diesel costs resulting from the renewable energy source compared to the annual debt costs to displace these diesel costs; and,

BE IT FURTHER RESOLVED that AML supports and advocates for PCE regulation to allow that revenue from the sale of excess renewable generation for heating be subtracted from non-fuel expenses for purposes of PCE reimbursement; and,

BE IT FURTHER RESOLVED that AML supports and advocates for PCE regulation to allow the exemption of otherwise curtailed KwHs sold for heating from the 750 KwH household cap for PCE.

Updated December 2024.

Adopted by the majority of AML members at the Annual Business Meeting, November 17, 2021.

Resolution #2023-01 A resolution calling for legislation to protect public interest by lessening the burden of commercial public records requests on Alaska’s local governments.

WHEREAS, the Alaska Public Records Act aims to promote government transparency by laying out requirements for public records requests for state agencies and local governments; and

WHEREAS, commercial firms, which send blanket requests for public records nationally, have proliferated with the development of the internet and since passage of the Act; and

WHEREAS, the Alaska Public Records Act currently requires local governments to provide up to five hours of staff time monthly for all requestors before fees can be assessed for a request – a requirement that national, commercial data firms take advantage of at the public’s expense; and

WHEREAS, these requests use up valuable staff time in local governments across the state who have few employees, impeding the provision of key government services; and

WHEREAS, many states make provisions for the difference between individual, media, and commercial requests, and in- and out-of-state requests, with a fee and time structure responsive thereto; and

WHEREAS, the many local governments that have not already established their own processes for accepting requests, such as a request form, are potentially in violation of the Act if they do not respond to the flood of generic, spam-like email public records requests being distributed by these commercial firms and entities outside the state; and

WHEREAS, the U.S. Office of Management and Budget (OMB) established Fee Guidelines for the Freedom of Information Act that establishes a distinct Commercial Use Requestor fee category for these requests, which establishes fees for public records requests by those who seek records for “a use or purpose that furthers the commercial, trade, or profit interests of the requester”; and

WHEREAS, the OMB Fee Guidelines could be used as a framework for local governments and state agencies to be adequately compensated for work provided to commercial data firms, if the Alaska Public Records Act were amended to allow this.

NOW, THEREFORE BE IT RESOLVED, that the Alaska Municipal League supports amendments to the Alaska Public Records Act that protect public interest by lessening the burden of commercial or blanket public records requests on Alaska’s local governments; and

BE IT FURTHER BE IT RESOLVED, that the Alaska Municipal League encourages the State to consider other actions that might help local governments manage invasive public records requests that take advantage of current public records laws without providing public benefit.

Adopted by the majority of AML members at the Annual Business Meeting, December 9, 2022.

Resolution #2023-02 A resolution in support of reducing the number of required city council officials from seven to three in communities under 1,000, via referendum or other mechanisms.

WHEREAS, Title 29 requires that second class cities have city councils of seven members; and

WHEREAS, the intent of the statute is to ensure appropriate representation within a community and avoid conflicts of interest in decision-making; and

WHEREAS, the number of seats on a governing body is variable, otherwise, with home rule or first class cities able to have as few as five, and some assemblies as large as 12; these are fairly responsive to population; and

WHEREAS, in many counties across the nation, decision-making is accomplished with just three county commissioners while maintaining transparent and accountable governance; and

WHEREAS, seven council members may make sense in larger communities but becomes problematic in smaller; and

WHEREAS, in a community of 1,000 with 500 adults of voting age, the council is .01% and in a community of 40 with voting-age adults at 20, the council is 35% of the community; and

WHEREAS, community leadership in small communities is limited not just by population but by the multiple leadership roles that may co-exist, including as tribal council members, Village Corporation board members, utility managers, and others, including at the City; and

WHEREAS, having a one-size fits all approach of seven council members may mean that some communities are never able to fill all seven seats, and are less likely to meet quorum; and

WHEREAS, local governments may be more effectively governed with a council that is more responsive to the size of the community and the availability of council members; and

WHEREAS, a smaller council in small communities can be more flexible in meeting regularly, more responsive to community needs, maintain accountability and transparency, and be in a stronger position to complete financial and governance requirements of the State.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League supports the amendment of Title 29 to allow for council seats that are responsive to community size and need, and which may range from three to seven; and

BE IT FURTHER RESOLVED that a formula may be established in law or provided for as an option based on referendum by residents.

Adopted by the majority of AML members at the Annual Business Meeting, December 9, 2022.

Resolution #2023-03 A resolution urging the Governor and Legislature to exercise oversight of the Local Boundary Commission, to meet the Constitutional obligation for maximum local self-government.

WHEREAS, Article X of the Alaska Constitution obligates the State to provide for maximum local self-government, and Alaska's economy depends on well-supported local self- governance, which is more effective at adaptively meeting community needs than state or federal intervention; and

WHEREAS, the status quo has left communities in the unorganized borough without the tools to consider or pursue incorporation, the State has left communities to cede local control for State management, thus depriving residents of maximum local self-governance and its benefits, and Alaska's communities are required to depend on the State to establish or amend their boundaries and status, even as local governments are providing essential services in the face of changing conditions, fiscal uncertainty, and global instability; and

WHEREAS, the Alaska Constitution created the Local Boundary Commission as the mechanism by which municipal boundaries are confirmed, and which the Legislature and Governor set policy, composition, and procedure for; and

WHEREAS, the Alaska Constitution's framers intended the Commission to bring flexibility, adaptability, and rationality to local government boundaries by analyzing proposed changes fairly and objectively consistent with maximum local self-government and the Constitution; and

WHEREAS, the Legislature and Commission set the precedent of using the legislative review method as the primary procedure for Commissioners' consideration of annexation, ensuring that the framers' vision for the local boundary process was implemented accurately; and

WHEREAS, by veering from precedent and disregarding their obligation to a fair and objective process, the Commission has created a process that does not result in greater local self-governance, deterring communities from seeking boundary changes, growth, and incorporation.

NOW, THEREFORE BE IT RESOLVED, that the Alaska Municipal League urges the Governor and Legislature to exercise oversight and review policy of the Local Boundary Commission, including confirmation by the Legislature of Commissioners; and

BE IT FURTHER RESOLVED that the Alaska Municipal League urges sitting and prospective Commissioners to the Local Boundary Commission to consider their procedures and decision- making to ensure the fairness and objectivity required of them; and

BE IT FURTHER RESOLVED that State policymakers revisit how they can support well- reasoned annexation, incorporation, and borough formation to meet the obligation for maximum local self-government, the Mandatory Borough Act, and the intent of the Constitution.

Adopted by the majority of AML members at the Annual Business Meeting, December 9, 2022.

Resolution #2023-04 A resolution supporting the sustainability of Community Assistance.

WHEREAS, Community Assistance (known formerly as Community Revenue Sharing) represents a decades-long partnership between local governments and the State of Alaska; and

WHEREAS, that partnership is a recognition of the State's retention of royalty and production rights on resource development, that local tax bases would not be able otherwise to ensure operations, and the need to deliver essential public services outside of State government; and

WHEREAS, Community Assistance has seen continued degradation over the years, including in 2015 a reduction of 50%, and if measured from FY20 to FY85 and adjusting for inflation, the value of Community Assistance should be 984% greater than it currently is; and

WHEREAS, Community Assistance represents as much as 80% of some local government budgets, and for 100 communities greater than 20%; and when Community Assistance was zeroed out in the early 2000s, 14 local governments ceased day-to-day operations; and

WHEREAS, the formula of the Community Assistance Fund determines the annual payment to communities, with a payout of a third of available funds; and the availability of funds designated in statute to recapitalize Community Assistance is based on the waterfall of earnings from the PCE Endowment; and

WHEREAS, when earnings are less than needed, it has been the policy choice of the current administration to fund less than what is needed for full recapitalization, which has resulted in payments to communities that are increasingly inadequate; and

WHEREAS, when this intergovernmental transfer or resource sharing does not occur it requires local governments to consider other revenue mechanisms, such as taxes, or diminishes their ability to provide services; and

WHEREAS, at the same time, inflation has negatively impacted the purchasing power of this annual transfer, thereby negating some of the benefits that local governments might otherwise expect; and

WHEREAS, it would require legislation to address the fact that the Community Assistance Fund does not retain its earnings and payments aren't inflation adjusted; and

WHEREAS, the Alaska Municipal League believes that community revenue sharing is a critical way in which the State can contribute to local governments' ability to deliver on obligations of education, public safety, infrastructure, and economic development.

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League requests of the Legislature statutory changes that ensure the capitalization of the Community Assistance Fund and enable it to grow through earnings; and

BE IT FURTHER RESOLVED that the Legislature include in legislation the ability to increase payments to local governments that account for inflation and include additional transfers to compensate local governments for their provision on behalf of the state of basic obligations (police, jails, etc.), reimbursements (bond debt), or unfunded mandates (mandatory exemptions).

Adopted by the majority of AML members at the Annual Business Meeting, December 9, 2022.

Resolution #2023-05 A resolution opposing any changes to PERS/TRS that increase the unfunded liability and supporting additional State contributions that reduce the non-state employer share in order to increase the efficacy of recruitment and retention in Alaska.

WHEREAS, the State-managed pension system PERS/TRS is a critical tool for recruitment and retention in Alaska; and

WHEREAS, not only do PERS payments represent a significant portion of a local government's or school district's personnel budget but it places constraints on local governments and other employers that lessen their ability to successfully recruit and retain staff; and

WHEREAS, the State does not currently pay for termination studies or costs, and reductions in its workforce shift costs to the additional state contribution (future costs) and onto the balance sheets of all employers; and

WHEREAS, the current unfunded liability is more than \$5 billion, and the pension plan itself is less than 70% funded, even as gains have been made in more recent years; and

WHEREAS, while currently there exists only a defined contribution pension option, there are increasingly calls for a defined benefit option presented as a solution to hiring and retention by school districts and public safety professionals; and

WHEREAS, there is merit to an argument that defined benefit is a preferred employee retirement plan; and

WHEREAS, it is also true that this is not the only option, and that for employers required to fund the net pension liability of the plan when assumptions fail, it is a risk-filled proposition; and

WHEREAS, the majority of what employers contribute to PERS/TRS (of the 22%) is for past cost, essentially trying to pay down the unfunded liability that was created in past years; and

WHEREAS, if the 22% were reduced, either based on higher levels of fundedness or by the State taking on an increased share as costs are reduced, then employers would have greater flexibility to fund beyond Tier IV requirements and/or to contribute to a deferred compensation plan; and

WHEREAS, the current law reduces the additional state contribution as the fundedness of the plan improves, without adjusting the non-state employer cap (unless the total cost falls below that cap); and

WHEREAS, a system of adjusting accordingly would ensure the State is always contributing an appropriate level while non-state employers have the opportunity to see benefits that could accrue to employees; and

WHEREAS, a change to current law could include a sliding scale for the non-state employer share such that it represents the actual cost and then an amount distant from the total cost that is otherwise contributed to by the State through its additional contribution; and

WHEREAS, this can be thought of in terms of a floor for non-State employers of the actual cost, for which their contribution could not be adjusted below, but the floor for the State to not be limited by the non-State employer cap of 22%; and

WHEREAS, the State's additional contribution would be maintained and increased relative to or expressed as a larger percentage of the past service cost; and

WHEREAS, under this formation, employers would have greater flexibility, and be in a better position to consider new pension plans or retirement benefits; and

WHEREAS, to the extent that new plans are proposed by the State then they should be optional at the employer level, segregated in their liability, and come with an additional state contribution to past costs that meaningfully reduces the overall net pension liability of all employers.

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League supports reform to PERS that includes a complete pay-down of the unfunded liability; and

BE IT FURTHER THEREFORE BE IT RESOLVED that the Alaska Municipal League supports all tools possible for recruitment and retention and expresses concern about the introduction of a defined benefit plan to PERS/TRS, without the State addressing current net pension liability; and

BE IT FURTHER RESOLVED that the Legislature should amend statute to accommodate a reduction to the non-state employer cap, such that it reduces in relation to the total cost while the additional state contribution is maintained at levels that advance the reduction of the unfunded liability; AND

BE IT FURTHER RESOLVED that the Alaska Municipal League conditionally requests that the State also conduct termination studies, small or struggling employers be allowed to opt out of the system, and that the high interest rate on non-payment be eliminated.

Updated December 2024.

Adopted by the majority of AML members at the Annual Business Meeting, December 9, 2022.

Resolution #2023-06 A resolution expressing concern about consideration of a State spending cap.

WHEREAS, AML has advocated for a sustainable fiscal policy for more than a decade, and most recently this has referenced “Eight Stars of Gold,” an eight-point fiscal plan that recognizes the trade-offs necessary to achieve such a goal; and

WHEREAS, while this includes new revenues, efficient delivery of government services, partnerships with local governments and nonprofits, effective use of Permanent Fund earnings, and addressing our infrastructure needs and Constitutional obligations, it recognizes that a spending cap may be part of the negotiated solutions; and

WHEREAS, local governments are apprehensive about a cap on State spending that may result in limiting the provision of State services, inhibiting partnerships at the local level, and which could decrease State investments into capital needs; and

WHEREAS, local governments are also very experienced with tax, revenue, or spending caps at the local level, which are direct expressions of local resident will that come with potential reductions in services and unmet need, and active engagement; and

WHEREAS, AML’s fiscal policy working group identified the best spending cap as a broad- based tax, inasmuch as it results in a stable funding stream that can be anticipated and projected out into future years without the instability experienced with a resource tax; and

WHEREAS, research has proven that citizens are much more actively engaged in State decision- making when they are also taxpayers, and cognizant of budget implications; and

WHEREAS, a challenging aspect of implementation of a spending cap is that determining a baseline is difficult, and for as much as State spending in one year may look high, averaged over time it becomes standard, or if low spending over time feels like a new standard, it may not reflect the deficiency relative to need; and

WHEREAS, even basing a cap on economic activity may fail to recognize and account for a baseline of need at the beginning or how to adjust in times of economic challenge; and

WHEREAS, establishing a spending cap now will need to take into account infrastructure deficits, economic goals, and policy goals; and

WHEREAS, at the local level, a fund balance policy is an effective tool, such that when there are funds in excess of the budget they are intentionally set aside for a variety of purposes, but also there are bounds for a minimum and maximum; and

WHEREAS, it should be understood that a spending cap should come as part of a comprehensive policy, may result in prescriptive spending that does not meet the needs of Alaskans, and in other states has had unintended consequences; and

WHEREAS, a spending cap is not an effective answer to insufficient revenues, nor does it necessarily pave the way for the establishment of sustainable revenue sources.

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League would consider with caution a State spending cap, expect to be active in any negotiated solution, and in that consideration would prioritize the ability of the State to meet its Constitutional obligations, address years of insufficient spending on capital and operating needs, and resolve at the same time other systemic issues of the State, including

its unfunded pension liability, inconsistent approach to public safety and education, and infrastructure deficit; and

BE IT FURTHER RESOLVED that a broad-based tax and fund balance policy may achieve the same goals, and AML is willing to work with the Legislature to share best practices experienced at the local level that can apply at the State.

Adopted by the majority of AML members at the Annual Business Meeting, December 9, 2022.

Resolution #2023-07 A resolution to support full funding of State-directed presumptions of liability, including the consideration of a Trust to support local government employers impacted thereby.

WHEREAS, according to AS 23.30.121 compensation is required for disability as a result of the diseases described in section (b) of this statute; and

WHEREAS, the Alaska Municipal League members are the largest employers of these firefighters in Alaska, who are disproportionately affected by these diseases due to the nature of their employment; and

WHEREAS, the majority of their worker's compensation insurance is provided by pooled public insurance entities, for whom even few claims on limited assets may result in destabilization; and

WHEREAS, the presumption of compensability by the State is an unfunded obligation for local governments to bear, and it has been found that a state's presumption of compensability elsewhere in the nation has risked the insurance coverage of those employees; and

WHEREAS, the Alaska Municipal League is strongly supportive of mechanisms that improve and redress the health of all employees, and while health insurance and programs are the correct way to address health inequities and disease, may be supportive of State presumption of compensability to the extent it is funded by the State; and

WHEREAS, the State's presumption of compensability is a clear prioritization by the State of the health of its public safety, a prioritization that should result in appropriate levels of resourcing to match the commitment; and

WHEREAS, the State should provide a reliable funding stream from which to compensate Alaska's public safety professionals and volunteers, and there are models elsewhere to establish a Trust that would fulfill this obligation; and

WHEREAS, the State – in placing a priority on the health and well-being of firefighters – may express that priority by making contributions to a Trust that reflect the potential costs of the presumptions that have been enacted, and

WHEREAS, the State would place funding in a designated fund, or account, for workers compensation claims submitted under AS 23.30.121(b), from which the State would reimburse the individual, employer, or insurance carrier.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League requests that the State entrust funds to manage the potential risk associated with these presumptions and join municipal employers in supporting the health and safety of our public safety professionals.

Adopted by the majority of AML members at the Annual Business Meeting, December 9, 2022.

Resolution #2023-08 A resolution supporting the establishment of public safety matching funds by the State.

WHEREAS, it is the State's constitutional obligation to provide for public health and public wellness, which should be understood to include the provision of public safety through sufficient law enforcement, fire and emergency response, and corrections; and

WHEREAS, as political subdivisions of the State, local governments take on the majority of these responsibilities, with the vast majority of police occurring locally, including 40 local governments with police departments, and many other communities with police powers that translate into the hiring of Village Police Officers; and

WHEREAS, it is also true that many local governments have been unable to identify the resources necessary to establish or strengthen local law enforcement; and

WHEREAS, in communities without local law enforcement, it is the responsibility of the State Troopers to deliver public safety, and the Department of Public Safety bears the costs of delivery of law enforcement in some of the most populated and the most remote areas of the state; and

WHEREAS, there is an inconsistent application of public safety in Alaska, which may not produce the desirable outcomes expected by residents or envisioned in the Constitution, and that inconsistency – where in most areas the State pays the entirety of the costs and lack of capacity may not ensure adequate law enforcement, while in others local governments pick up the entirety of the costs, save the State money in doing so, and are responsive to local public safety needs – is not fair to the State, nor local governments; and

WHEREAS, one way in which to address this while maintaining local control over the decision whether to take on police powers, or not, is for the State to establish a basic minimum resource obligation that it will provide to cities and boroughs in Alaska for law enforcement; and

WHEREAS, essentially, the Legislature may determine in statute a mechanism by which to establish the potential for a transfer of funds to a local government that has taken or takes on police powers and establishes adequate policing within its jurisdiction; and

WHEREAS, this incentive should be consistent with variables that include total population and standards for officer per capita, and these can be thought of in terms of matching funds, as part of a community dividend, or added to Community Assistance, and may be scalable by need and over time.

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League encourages the Legislature to develop a mechanism to incentivize and reimburse local governments for the implementation of police powers and provision of public safety on behalf of the State.

Adopted by the majority of AML members at the Annual Business Meeting, December 9, 2022.

Resolution #2023-09 A resolution in support of accelerating the transfer of State lands to local governments, completing the municipal lands program, and waiving additional survey costs.

WHEREAS, local governments are responsible for more land management than the State of Alaska, with the bulk of these lands found within borough boundaries, and

WHEREAS, boroughs have the statutory responsibility for planning and platting of not just their lands, but State lands as well, and local planning commissions are also responsible for working with federal land managers; and

WHEREAS, borough planning and platting authority is a power devolved from the State, and is a responsibility, then, that the State no longer performs, thus saving the State costs involved; and

WHEREAS, increasing local control of lands within municipal boundaries has a significant impact on their ability to promote economic development and may contribute to cost savings for the State; and

WHEREAS, the Municipal Land Entitlement Program provides Alaskans local governance by determining municipal land entitlements and transferring lands to municipalities under the Municipal Entitlement Act; the program is housed in the Department of Natural Resources and is governed by AS 29.65.010-29.65.130; and

WHEREAS, about 1.35 million acres of State land will eventually be transferred to municipal ownership through this program; and

WHEREAS, of the land transferred to date, municipalities have sold about 140,000 acres to private owners – that means that local governments have been able to move about 22% of their lands into private hands; and

WHEREAS, survey costs are high, requirements are onerous, and agency work slow; it is difficult to move from land approved by the State to land available for sale and streamlining this process, reducing barriers and costs, and increasing timeliness would facilitate development; and

WHEREAS, there remain 136,000 acres of land waiting for entitlement, which is land that local governments are depending on to develop, and which would increase their land available to meet a variety of needs; and

WHEREAS, there is an insufficient amount of vacant, unappropriated, unreserved (VUU) lands available for new borough formation; and

WHEREAS, the Alaska Lands Act requires some portion of this land to be available for borough formation, and the State may not have allocated enough of this for the remaining unorganized boroughs; and

WHEREAS, the State may need to consider a set aside, now, to benefit those areas of the state that may have an interest in borough formation but no available VUU lands; if the State has insufficient land available for these purposes, it may need to compensate unorganized boroughs accordingly; and

WHEREAS, local governments are the most direct beneficiaries of private development, have the most at stake and therefore the most interest in a process that works well; and

WHEREAS, political subdivisions of the State determine appropriate levels of service and infrastructure maintenance responsibilities for residential and commercial properties, ensuring a uniform level of

platting that corresponds to planning, zoning, and the needs of the local governments and property owners, accomplished in cooperation with developers; and

WHEREAS, there exist numerous options for strengthening State-local cooperation on lands development, including:

- Lease-share agreements for large tracts
- State seat on planning/platting commissions and/or Joint Lands Commission
- Streamlined planning/platting processes between local governments
- Cost-share for access improvements
- Long-term planning processes
- Remote access requirements – waiver on standards within State Statute and Code
- Include boroughs as part of Agency review
- Municipal Entitlement Lands transfers
- State to complete surveying process
- Sale/lease of state lands for disposal to private owners

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League supports the State establishing ways in which lands may be transferred more expeditiously to local governments and in support of future organization; and

BE IT FURTHER RESOLVED that a joint, high-level collaborative effort between local governments and the State may facilitate this process and will require active engagement by the Legislature.

Adopted by the majority of AML members at the Annual Business Meeting, December 9, 2022.

Resolution #2023-10 A resolution supporting State provision of non-federal match for local government infrastructure projects, and to address gaps in federal infrastructure funding.

WHEREAS, recent federal infrastructure investments provide Alaska's State, local, and Tribal governments with a once in a generation opportunity to make formative change and address incredible need; and

WHEREAS, discretionary, competitive grants for local and Tribal governments are a significant part of the new laws, however, many smaller governments lack the capacity or resources to compete and execute federal funding; and

WHEREAS, the infrastructure needs of communities in Alaska extend beyond the scope of federal programs in areas such as housing, public safety facilities, school facilities, and recreation and quality of life infrastructure; and

WHEREAS, the State is in a position to identify and coordinate those community needs.

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League encourages the State to leverage federal infrastructure investment by providing access to funds that could be used for non-federal match by local governments; and

BE IT FURTHER RESOLVED that the Alaska Municipal League supports the identification of methods to make funding available for community facilities that might not otherwise be available through federal infrastructure investment.

Adopted by the majority of AML members at the Annual Business Meeting, December 9, 2022.

Resolution #2023-11 A resolution supporting the ability for school districts to more efficiently deliver education to changing school populations by consolidating facilities without penalty.

WHEREAS, the Alaska Department of Labor & Workforce Development projects that Alaska's population of children aged 0 to 19 will decrease by six percent by 2050; and

WHEREAS, local governments are responsible for the majority of school districts in Alaska and contribute 35 percent of education funding; and

WHEREAS, this contribution represents the largest expenditure of those local governments with school districts; and

WHEREAS, school districts vary by size and population trend, with some growing and others declining, which requires a State approach that funds maintenance and construction on the one hand, and incentivizes change otherwise; and

WHEREAS, the State appropriates funds for school construction and major maintenance as available, and school construction and major maintenance funding has diminished over the years, and generally not fully funded the entirety of the need; and

WHEREAS, the State has on average only funded 8% of school construction and major maintenance; and

WHEREAS, school bond debt reimbursement has increasingly been unfunded, and that cost shifted to local governments, and there is currently a moratorium; and

WHEREAS, when a school district faces declining enrollment and increased costs of maintenance, it may be in a community's best interest to consolidate its school facilities; and

WHEREAS, there do not exist incentives for encouraging school districts to reimagine or redevelop schools in response to population change other than growth; and

WHEREAS, the school size multiplier in the current funding formula (AS 14.17.410(b)(1)(A) and AS 14.17.450) penalizes a school district for consolidating facilities; and

WHEREAS, local governments and school districts are committed to efficient and effective delivery of public education but thereby constrained by State statute.

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League supports amendments to the funding formula to reduce penalties for consolidation of school facilities within a district and to increase incentives thereof.

Adopted by the majority of AML members at the Annual Business Meeting, December 9, 2022.

Resolution #2023-12 A resolution requesting that the State increase and inflation-proof the BSA and implement a more equitable local funding mechanism than the required local contribution.

WHEREAS, it is the State's constitutional obligation to establish and maintain a system of public schools; and

WHEREAS, the State currently provides only 64% of education funding, while local government contributions and local impact aid make up the remainder; and

WHEREAS, as part of the funding formula designed by the State, a minimum local contribution of 2.65 mils (or equivalent) is required; and

WHEREAS, federal Impact Aid is intended to be distributed directly to school districts impacted by federal lands and activities, and to supplement local budgets; and

WHEREAS, education is by far the largest budget item for those local governments with education powers, and is required of all boroughs, and home rule and first class cities in the Unorganized Borough; and

WHEREAS, increasing local contributions to keep pace with rising costs means trade-offs for each local government, including increasing taxes and decreased spending on other essential programs, such as public safety and infrastructure; and

WHEREAS, the State's fiscal challenges increase the potential for additional costs to fall on boroughs, and home rule or first class cities in the Unorganized Borough; and

WHEREAS, instead of shifting the cost of education – and the State's responsibilities – to local governments, the State should give greater flexibility to local governments to give as they are able, while the State simultaneously ensures adequate levels of funding, and

WHEREAS, the State has not increased the BSA corresponding to higher costs and inflation.

NOW, THEREFORE BE IT RESOLVED that AML requests the State raise and inflation proof the BSA; and

BE IT FURTHER RESOLVED, that AML encourages the State to pursue a more equitable and inclusive means of funding education than is currently raised through the required local contribution.

Adopted by the majority of AML members at the Annual Business Meeting, December 9, 2022.

Resolution #2023-13 A resolution supporting the reduction of the interest rate on bulk fuel loans to not more than 2% and increasing the cap on funding as or when fuel prices increase.

WHEREAS, the State provides an important service in providing capital to local governments that have a limited tax base, and this is especially true when considering purchases such as that of bulk fuel, which communities depend on to ensure their residents have sufficient supply over the course of the year; and

WHEREAS, these purchases happen annually, often as part of a single barge delivery, with price set upon delivery and fixed at that resale rate over the course of the year; and

WHEREAS, very few local governments have access to the capital needed to pay for the entirety of the delivery at once and recouping the expense occurs over a long period of time; and

WHEREAS, fuel prices are significantly higher in much of rural Alaska than elsewhere in the state or nation, and especially this year, with the high rate of inflation and supply chain issues, as well as high oil prices, the cost to communities may well be beyond reach; and

WHEREAS, the State's bulk fuel revolving loan fund is limited to \$750,000, which in a high price environment may be insufficient; and

WHEREAS, as prices increase and there is greater need for the service, and the total borrowed increases, the State's administrative fee as a percentage of loan should be considered an unnecessary burden; and

WHEREAS, the State is in a position to provide for its administration of this service out of general funds, and should not pass costs to local governments; and

WHEREAS, aggregating purchasing will allow communities to take advantage of economies of scale; and

WHEREAS, State costs transferred to local governments result in less capacity at the local level to deliver essential services, and/or the need for greater revenues through taxes or fees, which means higher costs for residents that are already paying some of the highest fuel prices in the nation; and

WHEREAS, the State can consider removing and reducing fees associated with the service as of significant public benefit at a time when Alaskans are struggling to keep up with the uncertainty of the global and local market.

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League encourages the State to remove or significantly reduce any fees associated with the bulk fuel revolving loan fund, and increase the total amount available to borrow, including to additionally capitalize it as needed and explore aggregated purchasing.

Updated December 2024.

Adopted by the majority of AML members at the Annual Business Meeting, December 9, 2022.

Resolution #2023-15 A resolution supporting statutory change to allow for the implementation of Regional Transportation Planning Organizations (RTPOs).

WHEREAS, a Regional Transportation Planning Organization (RTPO) is an organization that identifies local transportation needs, conducts planning, assists local governments, and supports the statewide transportation planning process in nonmetropolitan regions of a State; and

WHEREAS, RTPOs benefit rural regions (those without a Metropolitan Planning Organization, which only exist in Anchorage, Fairbanks, and soon the Mat Su Borough) by instilling a systematic transportation planning process, involving local officials in decision making, and providing a means to establish regionally unique priorities; and

WHEREAS, at States' discretion, federal funding may be used to support RTPOs, and State and local contributions ensure that sufficient resources empower effective planning; and

WHEREAS, the existence of an RTPO makes prioritized projects more competitive under many federal funding programs; and

WHEREAS, federal surface transportation law defines RTPOs very specifically and RTPOs must be designated by their state's governor to be considered an RTPO under the federal definition; and

WHEREAS, legislation for a statutory change may be required for the implementation of RTPOs in Alaska.

NOW THEREFORE BE IT RESOLVED that the Alaska Municipal League supports statutory changes to allow the implementation of RTPOs and encourages appropriate levels of funding provided by the State to ensure necessary levels of staffing and planning resources.

Adopted by the majority of AML members at the Annual Business Meeting, December 9, 2022

Resolution #2024-01 A resolution in support of possible legal action to determine the full extent of the State’s constitutional obligation to provide for a system of public education.

WHEREAS, it is the State’s constitutional obligation to establish and maintain a system of public schools; and

WHEREAS, the value of the Base Student Allocation and Pupil Transportation Funding programs have eroded due to inflation and have been in decline since 2009; and

WHEREAS, school districts face increasing energy, maintenance, personnel, and insurance costs; and
WHEREAS, local governments cover an increasingly larger portion of education funding; and

WHEREAS, the State has underfunded school construction and major maintenance for decades, with fewer than 20% of identified priorities addressed on average; and

WHEREAS, local governments have insufficient resources to address capital needs of the State’s schools, especially in Regional Education Attainment Areas, which are the responsibility of the Department of Education and Early Development; and

WHEREAS, increasing local contributions to keep pace with rising costs means trade-offs for each local government, including increasing taxes and decreased spending on other essential programs, such as public safety and infrastructure; and

WHEREAS, the ending of the school bond debt reimbursement program has further limited the opportunity to jointly address the needs of schools; and

WHEREAS, education is by far the largest budget item for those local governments with education powers, and is required of all boroughs, and home rule and first class cities in the Unorganized Borough; and

WHEREAS, the education funding formula designed by the State results in Alaska remaining one of the few states that implements an equalization formula so that it can use federal impact aid to offset its own obligations, and which is meant for localities; and

WHEREAS, AML has a resolution in place correctly identifying Impact Aid as local; and

WHEREAS, the local contributions plus required State funding are no longer adequate to maintain Alaska’s schools, with many districts facing school closures, growing class sizes, and the loss of valuable educational programs due to budget cuts.

NOW THEREFORE BE IT RESOLVED that AML would consider providing support to members in relation to litigation that clarifies and/or establishes the responsibility of the State of Alaska to fund public education adequately and equitably, including for school construction and maintenance; and

BE IT FURTHER RESOLVED that the outcome of this litigation should determine the scope of local government’s ability to contribute to local educational attainment and activities beyond the obligation of the State.

Updated December 2024.

Adopted by the majority of AML members at the Annual Business Meeting, December 8, 2023.

Resolution #2024-03 A resolution in support of a strategic workforce recruitment and retention effort by and with the State of Alaska to correct high public sector vacancy rates.

WHEREAS, national employment data show that private employment has fully recovered from pre-pandemic levels, while state and local public employment remains below pre-pandemic numbers; and

WHEREAS, the State of Alaska is operating with an average vacancy rate of 13.9% over the past year (October 2024) with some agencies, such as the Alaska Marine Highway System, facing vacancy rates greater than 50% at times; and

WHEREAS, the current vacancy rates impede the ability of the State of Alaska and local governments to provide public services to Alaskans, lower the State of Alaska's contributions to PERS, and hurt the economy; and

WHEREAS, the State of Alaska and local governments play key roles in implementing the provisions of the Bipartisan Infrastructure Law and Inflation Reduction Act and obtaining funding for and building once-in-a-generation infrastructure projects; and

WHEREAS, the public sector faces specific barriers to hiring, like burnout, long hiring processes, and pay competition with the private sector.

NOW THEREFORE BE IT RESOLVED that AML encourages the State of Alaska to address vacancy rates within State agencies; and

BE IT FURTHER RESOLVED that the State's efforts be coordinated with local governments to implement complementary workforce recruitment and retention strategies within cities and boroughs.

Updated December 2024.

Adopted by the majority of AML members at the Annual Business Meeting, December 8, 2023.

Resolution #2024-04 A resolution in support of requiring the Legislature to include fiscal notes that quantify costs to municipalities and school districts in legislation that impacts these entities.

WHEREAS, an “unfunded mandate” is any statute, administrative regulation, or order that demands action from a subordinate government without adequate provision for funding the cost to the subordinate government of implementing the demanded action; and

WHEREAS, unfunded mandates are a problem because the federal and state governments have tended to balance their budgets on the backs of subordinate governments, thereby shielding themselves from taking the fiscal responsibility for their own policy and program decisions; and

WHEREAS, from a purely political standpoint, an unfunded mandate can ensure that the blame for higher taxes or service cuts falls to local elected officials rather than the government that made the decision; and

WHEREAS, unfunded mandates are a threat to municipal and school district governance and operations in Alaska; and

WHEREAS, additional requirements of a municipality or school district, when not reimbursed, result in a loss of capacity to deliver public services to community members and students; and

WHEREAS, AS 24.08.035 requires that bills and resolutions carry fiscal notes that contain an estimate of the cost that would result from enactment for the current fiscal year and for five fiscal years in the future; and

WHEREAS, this statute limits those estimates to the cost to the State of Alaska alone, excluding costs that may fall to local governments and school districts to bear, obfuscating the true cost of enacting legislation.

NOW THEREFORE BE IT RESOLVED that AML supports legislation that requires the State of Alaska and Alaska State Legislature to include municipal and school district fiscal notes as part of its process in evaluating legislation that impacts local governments and public education.

Adopted by the majority of AML members at the Annual Business Meeting, December 8, 2023.

Resolution #2024-05 A resolution in support of legislation that requires prompt payment of contracted and formula funding obligations, including the distribution of Community Assistance.

WHEREAS, AS 36.90.200 requires the State of Alaska to pay contractors performing construction or public works activities in a timely manner; and

WHEREAS, this statute introduces penalties for non-compliance, including interest on non-payment, which reimburses the contractor for opportunity costs or additional burdens experienced; and

WHEREAS, the need for prompt payment extends well-beyond construction contracts and should be broadly applicable to all grantees and contractors of the State; and

WHEREAS, the State disburses money in multiple ways to many entities, including to healthcare organizations and non-profits receiving Medicaid reimbursement, and to local governments through programs like Community Assistance; and

WHEREAS, chronic delays in government payments are a serious problem for communities across the country, as well as in Alaska, with private, public, and nonprofit providing crucial health and human services to their communities; and

WHEREAS, many of these entities operate with less than 90 days in cash reserves, and some with little or none - "reimbursable" grant agreements require them to fund all the costs of services for 30 to 90 days before they can even invoice for payment; and

WHEREAS, delayed payments create hardships for organizations' ability to operate effectively, and extended delays jeopardize the health and well-being of those they serve on behalf of state agencies, as well as threaten the providers' financial stability and solvency, often forcing them to exhaust reserves and resort to lines of credit; and

WHEREAS, municipalities and other entities suffer due to delays in disbursements that may make them unable to fulfill their own obligations and provide their own services; and

WHEREAS, local governments have reported delayed payments that have affected property insurance renewals, payroll and project payments, delayed construction and maintenance activities, delayed bulk fuel commitments and contracting, inability to reflect non-federal match for federal grants; and

WHEREAS, there is an opportunity cost that comes with non-payment as well, especially when reserves have to be used that lessen investment returns, and otherwise interest and fees may compound non-payment; and

WHEREAS, it is in the State's interest to ensure the solvency and sustainability of public, private, and nonprofit organizations and can facilitate this by ensuring prompt payment.

NOW, THEREFORE BE IT RESOLVED, that AML requests that the Alaska State Legislature pass legislation requiring the State of Alaska to provide prompt payments in all of its contracted and formula obligations, grants, or transfers; and

BE IT FURTHER RESOLVED that State agencies should increase their ability to meet this duty and ensure appropriate levels of capacity to do so.

Adopted by the majority of AML members at the Annual Business Meeting, December 8, 2023.

Resolution #2024-06 A resolution in support of expanded funding for NOAA and partners to complete mapping and bathymetry of Alaska’s coastal zone.

WHEREAS, Alaska’s 66,000 miles of coastline are the longest of any state in the nation – and more than the rest of the nation combined – and are important places for economic activity, community development, transportation, and subsistence; and

WHEREAS, completed mapping and bathymetry is especially lacking for Alaska and for the Alaskan Arctic, which lack the comprehensive shoreline and nearshore maps available to much of the rest of the nation; and

WHEREAS, informed decisions and improved safety in the coastal zone depend heavily on accurate and up-to- date coastal mapping data; and

WHEREAS, community resilience to coastal hazards such as flooding, erosion, and tsunami begins with mapping data to establish baseline conditions and model change; and

WHEREAS, increased efforts to map Alaska’s coastal zone will lead to improved access to and utilization of data; and

WHEREAS, mapping will bolster the shipping and fishing economy through safer maritime navigation; and

WHEREAS, mapping will ensure more resilient coastal economies through flood and wave impact modeling, data-driven coastal infrastructure development, improved emergency planning, and more effective community management plans; and

WHEREAS, the November 2019 Presidential Memorandum on Ocean Mapping of the United States Exclusive Economic Zone and the Shoreline and Nearshore of Alaska calls for the National Oceanic and Atmospheric Administration (NOAA), the State of Alaska, and the Alaska Mapping Executive Committee (AMEC) to develop an Alaska coastal mapping strategy; and

WHEREAS, sufficient funding will lead to seamless and accurate coastal mapping data that will support the State of Alaska, local governments, Alaska’s economy, Tribes, national security, and the environment.

NOW THEREFORE BE IT RESOLVED that AML requests that Congress allocate the resources necessary to complete the goals and objectives outlined in Mapping the Coast of Alaska: A 10-Year Strategy in Support of the United States Economy, Security, and Environment by 2030; and

BE IT FURTHER RESOLVED in order to further the mission of NOAA in Alaska, we call upon the federal government to provide housing for NOAA employees, including in Ketchikan, the homeport of the NOAA research vessel Fairweather.

Adopted by the majority of AML members at the Annual Business Meeting, December 8, 2023.

Resolution #2024-07 A resolution in support of changes to HUD regulations to increase participation of Alaska local governments in HUD-funded programs.

WHEREAS, Alaska's existing housing stock is overcrowded, energy inefficient, and aging rapidly, while new housing construction is unable to keep up with demand, leading to a growing housing shortage across the state; and

WHEREAS, the shortage of housing means families struggle to find safe, stable, affordable housing, straining their physical and mental health; and

WHEREAS, the shortage of housing affects the ability of communities to recruit and retain professionals, including teachers, public safety officers, and healthcare workers, leading to worsening economic outcomes; and

WHEREAS, the U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) Entitlement Program exists to create transformative impact within communities, improve the lives of residents, especially those with low- and moderate-income levels, and develop strategies that bring partners and resources together; and

WHEREAS, Anchorage is the only Alaska city large enough to receive money directly from this program, receiving \$1.8 million in FFY 2024, or 0.05% of the national total; and

WHEREAS, the State of Alaska is awarded funding for the balance of the state, receiving \$2.7 million in FFY 2024, or 0.08% of the national total;

WHEREAS, HUD's 2023 Annual Homelessness Assessment Report to Congress shows that with a rate of 36 homeless individuals per 10,000 people, Alaska finds itself in the 7th position nationwide and that Alaska has seen a notable increase, with a 12.7% growth in homelessness since 2022, the 17th highest increase among all states; and

WHEREAS, in many communities across the state there are no emergency shelters, no vacancies of habitable structures, and the environmental conditions are so harsh that living outdoors results in freezing to death; and

WHEREAS, local governments continue to develop innovative solutions to the housing crisis, yet find themselves unable to access CDBG funds.

NOW THEREFORE BE IT RESOLVED that AML requests that the U.S. Department of Housing and Urban Development update the CDBG funding formulas and expand other programs to address the needs of small and rural communities in Alaska that are otherwise excluded.

Updated December 2024.

Adopted by the majority of AML members at the Annual Business Meeting, December 8, 2023.

Resolution #2024-08 A resolution requesting the Alaska State Legislature encourage economic development through housing investments and policymaking.

WHEREAS, some estimates show the national shortage of affordable housing is 7.2 million, with an estimated 27,500 new housing units needed in Alaska over the next ten years;

WHEREAS, Alaska's rising rent, cost of building, and remodeling makes it one of the most expensive markets nationwide, causing a barrier to attract and retain workforce and Alaskan youth; and

WHEREAS, historically, the State of Alaska has played a role in encouraging housing development through loans or bonding via state agencies like AHFC; and

WHEREAS, the creation of Housing Alaskans: A Public-Private Partnership (HAPPP) in 2022, Alaska was one of the last states in the country without a statewide housing trust; and

WHEREAS, multiple committees in the Legislature address housing, including Labor and Commerce, State Affairs, and Community and Regional Affairs, with no singular Legislative committee tackling this issue in a systemic way; and

WHEREAS, the lack of available land, which could be alleviated by land transfers from the state and federal governments, and expensive infrastructure such as water, sewer, and road access, causes overcrowding and under development in communities; and

WHEREAS, Alaska's housing issues are at the intersection of workforce and economic development, family and youth retention and homelessness, and solving our housing issues can help to alleviate these matters.

NOW, THEREFORE BE IT RESOLVED AML encourages the Alaska Legislature to make meaningful investments into the statewide housing trust, HAPPP; and create a time-limited Legislative Committee to explore statewide housing solutions with actionable goals; and

BE IT FURTHER RESOLVED, AML encourages the Alaska Legislature to assist in making developable land available to local governments to spur housing construction; and create an infrastructure revolving fund focused on water, sewer, and roads to assist in development of the land.

Adopted by the majority of AML members at the Annual Business Meeting, December 8, 2023.

Resolution #2024-09 A resolution requesting the Alaska State Legislature assist communities in addressing homelessness.

WHEREAS, housing is the solution to homelessness, but until our housing shortage is addressed, local governments must look at making investments in emergency shelter and other support; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) defines homelessness as: individuals or families who lack a fixed, regular, and adequate nighttime residence; individuals or families who are temporarily couch surfing; unaccompanied youth under 25 years of age who are unstably housed; and individuals or families fleeing or attempting to flee domestic violence and have no other residence; and

WHEREAS, the unduplicated statewide total count of clients within the Alaska Homeless Management Information System from August 2022 to August 2023 is 17,796 individuals; and

WHEREAS, tens of thousands of individuals and families have received some type of rental, utility or energy assistance that keeps them out of homelessness, but the recent growth in annual rent increases is putting the efficacy of these efforts in jeopardy; and

WHEREAS, a recent visit by HUD Secretary Fudge highlighted the need for review of HUD funding formulas and the negative and inequitable impact they have on Alaska; and

WHEREAS, communities, whether through local governments or through philanthropy, have made significant investments to address homelessness across the state; and

WHEREAS, emergency shelter includes large congregate shelter, non-congregate shelter, churches, or other smaller facilities serving many different populations; and

WHEREAS, line-item budget vetoes of the State of Alaska FY20 budget led to a reduction in shelter capacity throughout the state, highlighting the fragility of operational funding; and

WHEREAS, there are limits on local government capacity to take on operational costs of shelter, especially winter shelter, but are making investments across the system and need help from the State of Alaska to make these investments sustainable long term; and

WHEREAS, the Alaska Council on the Homeless is responsible for updating and reporting on activities and goals of the 2009 Alaska Plan to End Long Term Homelessness; and

WHEREAS, HUD reports that several studies have found that, compared with the treatment first model, Housing First approaches offer greater long-term housing stability, especially among people experiencing chronic homelessness.

NOW, THEREFORE BE IT RESOLVED that AML supports the Alaska Legislature invest in regular operational funding for emergency shelters across the state; and

BE IT FURTHER RESOLVED that AML requests that the governor task the Alaska Council on the Homeless to update Alaska's Plan to End Long Term Homelessness and encourages the update to adopt the housing first model and provide a continuum of services and an exit strategy with measurable, trackable outcomes.

Updated December 2024.

Adopted by the majority of AML members at the Annual Business Meeting, December 8, 2023.

Resolution #2024-10 A resolution requesting the Alaska State Legislature approve an infrastructure general obligation bond for the 2026 election.

WHEREAS, ports, harbors, bridges, and roads are critical infrastructure for residents and businesses, and serve important functions such as: food security, fuel delivery, transportation and logistics, resource extraction, commercial fishing, tourism, hospitality, national security, and military preparedness; and

WHEREAS, Alaska has the most miles of coastline of any U.S. state, and communities maintain a total of 40 port and harbor facilities; and

WHEREAS, there is a critical need for coastal infrastructure repair and maintenance in Alaska, according to the Report Card for Alaska's Infrastructure 2021 by the Alaska Section of the American Society of Civil Engineers, awarded Alaska a grade of "D+" to its ports and harbors; and

WHEREAS, the Bipartisan Infrastructure Law (BIL), signed November 2021, authorizes \$1.2 trillion dollars of much-needed federal infrastructure investment, including over \$17 billion in funding for ports and maritime infrastructure over five years; and other financing such as the Transportation Infrastructure Finance and Innovation Act (TIFIA) loan program may be available but requires a dedicated fund source; and

WHEREAS, in August 2023, U.S. Department of Transportation Secretary Pete Buttigieg visited several communities across Alaska to recognize recent investments and understand Alaska's unique geography, environment, and logistical challenges, speaking on multiple occasions to Alaska's reliance on maritime infrastructure and scale of investment needed; and

WHEREAS, federal infrastructure programs provide an opportunity to improve the state's aging infrastructure, but Alaska communities have limited capacity to fund the match amounts required by federal grants; and

WHEREAS, a 2011 study on Alaska's ports and harbors recommended the State of Alaska create a Transportation Infrastructure Development Program to create a comprehensive baseline assessment of coastal infrastructure and state funding of such infrastructure; and

WHEREAS, the State of Alaska has supported infrastructure projects across the state through voter-approved general obligation bonds, with a total of 51 bond packages being approved since statehood totaling \$2.2 billion, including a 2010 bond package for education infrastructure; and

WHEREAS, the State Legislature must approve a general obligation bond package during the 34th Legislative Session for a bond package to appear on the 2026 ballot; and;

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League supports the legislature and administration funding critical infrastructure throughout the state with general obligation bonds and other or braided state and federal funding, including BIL grant funding, TIFIA financing, and other capital sources that leverage local match funding and revenue streams.

Updated December 2024.

Adopted by the majority of AML members at the Annual Business Meeting, December 8, 2023.

Resolution #2024-11 A resolution requesting the Alaska State Legislature invest resources to address the state’s behavioral health needs, from crisis response to community-based services.

WHEREAS, the Alaska Behavioral Health Systems Assessment (2016) estimated that approximately one in four Alaska adults and youth live with one or more behavioral health conditions; and addressing behavioral health needs, at a population and community level, are a form of public health, from promoting mental health and well-being to having appropriate crisis response training and services; and

WHEREAS, the Alaska Constitution requires the State of Alaska to “provide for the promotion and protection of public health” (Article VII, Section 4), and the State has statutory responsibility for ensuring mental health services are provided, while Title 29 provides for certain types of local governments to adopt health powers, but only some local governments have taken on this authority, and most lack the necessary resources to implement an effective program; and

WHEREAS, since 2018 multiple partners are working together to improve Alaska’s system of care that responds to people experiencing a behavioral health crisis following the nationally recognized Crisis Now model, which implements a continuum of services; and

WHEREAS, some Alaska communities are leading local implementation of the Crisis Now model, including mobile crisis response teams in Anchorage, Fairbanks and Mat-Su, and crisis stabilization centers in Anchorage and Juneau, and other communities are exploring local services following the Crisis Now model; and the 988 Suicide & Crisis Lifeline was implemented in Alaska in July 2022, and the Alaska Legislature has already made investments to implement Crisis Now at a local level with \$8 million in capital funding; and

WHEREAS, communities look to State leadership and investment to address system-wide behavioral health needs, to ensure a stronger and more coordinated continuum of services that bridges the needs and complements investments at the local level;

NOW, THEREFORE BE IT RESOLVED the Alaska Municipal League requests that the Alaska Legislature increase investments in Crisis Now, both at the statewide system level with investments such as permanent funding to operate the 988 Crisis Lifeline, and additional targeted investments to assist local communities in building out their own behavioral health services; and

BE IT FURTHER RESOLVED, AML requests that the Alaska Legislature address gaps in the overall behavioral health continuum of services, including investments in workforce and housing, and removing regulatory barriers and programmatic inefficiencies.

Adopted by the majority of AML members at the Annual Business Meeting, December 8, 2023.



MEMORANDUM

Resolution 24-123, A Resolution of the City Council of Homer Alaska Adopting the Amended City of Homer Beach Policy and Management Plan to Extend the Period for Coal & Sand Collection and the Policy Audit Review Timeframe. City Clerk/Parks Art Recreation & Culture Advisory Commission.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and Homer City Council
From: Mike Illg, Recreation Manager
Thru: Melissa Jacobsen, City Manager
Date: October 22, 2024

Background Information:

At the October 17, 2024 regular Parks, Arts, Recreation & Culture Advisory Commission (PARCAC) meeting, the Commission reviewed the City of Homer Beach Policy and Management Plan to consider the concept of establishing a “special permit” process to allow qualified citizens the ability to collect coal year round from approved beach areas. This proposal was reviewed by staff within Public Works Department, Police Department, Clerk’s Department, Community Development/Planning Department, Administration Department and the City Manager and it was staff’s recommendation not to establish a special permit process for this purpose.

In lieu of establishing a special permit process, staff recommended expanding the access dates within AREA 4 “South-end of Mariner Park to East-end of Ocean Drive Loop Seawall” from the existing October 1st through March 31st timeframe to *September 15th through April 15th*.

POLICIES & PLANS FOR SPECIFIC AREAS (page 10 of Beach Policy document)

AREA 4 South-end of Mariner Park to East-end of Ocean Drive Lop Seawall

- A. *Vehicles are allowed between the south-end of Mariner Park Beach and the east-end of the Ocean Drive Loop seawall from ~~October 1st through March 31st~~ to **“September 15th through April 15th”** for the sole purpose of gathering sand and coal. The beach is closed to vehicles at all times for any other purpose.*

An additional amendment to the Homer Beach Policy and Management Plan was to change the audit and review language to strike “done every three years” and replace with “as needed”.

GENERAL POLICY & PLAN FOR ALL HOMER BEACHES (on page 5 Beach Policy document)

Under A. 1. “b”

*An audit/review for updates of the beach access points and documentation shall be done ~~every three years~~ to “**as needed**”.*

In summary, PARCAC was unanimous with the following recommendations:

- Not to establish a Special Permit for beach access.
- Change the access date for Area 4 from October 1st through March 31st to *September 15th through April 15th*.
- Language changes: An audit/review for updates of the beach access points and documentation shall be done ~~every three years~~ “*as needed*”.

Recommendation: Approve the resolution to adopt the amended City of Homer Beach Policy and Management Plan.

Attachments:

Parks, Art, Recreation and Culture Advisory Commission

- Unapproved Meeting Minutes for October 17, 2024
- Approved Meeting Minutes for June 20, 2024
- Approved Meeting Minutes for May 16, 2024

CALL TO ORDER

Session 24-05, a Regular Meeting of the Parks, Art, Recreation and Culture Advisory Commission was called to order by Chair David Lewis at 5:30 p.m. on May 16, 2024 from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar. The Commission met at 4:30 p.m. for a worksession with Agnew::Beck on the Comprehensive Plan Update.

PRESENT: COMMISSIONERS ARCHIBALD, HARRALD, LEWIS, KEISER, ROEDL, PARSLEY

ABSENT: COMMISSIONER FAIR (EXCUSED)

STAFF: ACTING CITY CLERK KRAUSE
RECREATION MANAGER ILLG
PARKS MAINTENANCE COORDINATOR FELICE

AGENDA APPROVAL

KEISER/ARCHIBALD MOVED TO AMEND THE AGENDA TO POSTPONE NEW BUSINESS ITEM D TO THE JUNE AGENDA.

There was a brief discussion of the Commission's responsibility to review the Beach Policy every two years and it would be appropriate to address the subject in the broader sense of the policy review.

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

Motion carried.

ARCHIBALD/HARRALD MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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

Scott Adams, city resident, commented in support of the proposed Karen Hornaday Master Plan.

Melissa Jacobsen, Interim City Manager, commented on the budget requests under Memorandum PARC-24-034 for Additional Parks Maintenance Personnel providing clarification on funding.

VISITORS/PRESENTATIONS (10 minute time limit)

A. Kachemak Nordic Ski Club

Bob Glen, president of the Nordic Ski Club, and Anna McCarthy discussed the construction of an equipment shed to store the club's ski equipment. The club, which promotes Nordic skiing through 90

kilometers of trails and various events, including Junior Nordic programs for 175 kids, spends a significant portion of its budget on ski equipment. The decision to build the shed was prompted by the need to protect the equipment from the elements, particularly during winter, and was made possible by a change in management and volunteer efforts from Dave Brann. The shed will be located near the Rogers Loop trailhead on city property.

RECONSIDERATION

CONSENT AGENDA All items on the consent agenda are considered routine and non-controversial by the Parks Art Recreation & Culture Advisory Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

- A. Unapproved Meeting Minutes for April 18, 2024

ARCHIBALD/HARRALD MOVED TO APPROVE THE CONSENT AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

STAFF & COUNCIL REPORT/COMMITTEE REPORTS (5 minute time limit)

- A. Parks Monthly Report – April/May 2024
Memorandum PARC-24-029 from Parks Maintenance Coordinator Felice

Parks Maintenance Coordinator Felice reviewed his report and noted the following:

- the new tractor was delivered and is in use
- A track grader was employed for the Karen Hornaday park road and its doing fine for now but not sure how long it will last since Little League has started.
- Serve the City event is this weekend (April 20th) and working on the coordination
- New swing set installed at Ben Walters Park and swings will be hung on Monday April 22
- Working on electric and lighting for Karen Hornaday Park

Mr. Felice facilitated a discussion on Parks Staffing and lowered seasonal staffed.

- B. Community Recreation Report – May 2024
Memorandum PARC-24-030 from Recreation Manager Illg

Mr. Illg provided highlights on the following:

- use of the Mobi mats that were requisitioned by the ADA Advisory Board
- Birding Backpacks
- new Youth Volleyball game schedule
- Youth Recreational Summer Programming, Gymnastics and Tumbling opportunity provided by a new business, Frontier Tumbling
- Safe and Healthy Kids Fair was off the charts this year and commended the organizers.
- Part-time Rec person and seasonal person until June

C. PARCAC Staff Liaison Report – May 2024

Memorandum PARC-24-031 from Recreation Manager Illg as backup.

Recreation Manager Illg reviewed his report noting that council adopted the resolution approving fees and that they will be bringing forward a budget request for bringing the part time person into full time by using the funding for seasonal temporary staffing.

PUBLIC HEARING

PENDING BUSINESS (15 minute time limit)

A. Performance of A SWOT Analysis and Creating a Strategic Plan

Memorandum PARC-24-032 re: Setting Priorities

Mr. Illg reported that he has facilitated discussions with various entities that are willing to work within the budget. He has narrowed it down to Wellspring.

Commissioner Harrald supported that option noting the company was great to work with.

Discussion ensued on the intent of the worksession by the Commission and that none of the commissioners did their homework on prioritizing the proposed strategic goals. They discussed having a worksession prior to the next meeting.

ARCHIBALD/HARRALD MOVED TO HAVE A WORKSESSION TO REVIEW AND DISCUSS THE PROPOSED STRATEGIC PLAN.

Discussion on Commissioners submitting their prioritized review to the Clerk by June 12th.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. Karen Hornaday Park Master Plan
Memorandum PARC 24-036 from Community Development Director as backup

Chair Lewis introduced the item and deferred to Community Development Director Engebretsen

Ms. Engebretsen reviewed the proposed draft of the Karen Hornaday Park Master Plan.

Discussion and points made on the plan were as follows:

- Have ADA Parking at trails and paths
- Cost estimates needed
- Geotechnical Reports needed for the proposed access road on the west side
- Restrooms will be in place this summer
- Addressing the “low hanging fruit” method of items in the plan
- Drainage issues
- Running electrical to the area between the two upper fields
- Seasonal Traffic Calming measures
- Corvus Design to attend June meeting

NEW BUSINESS (15-20 minute time limit)

- A. Recommendation to Propose the City Construct a Pedestrian Trail and Viewing Platform in the South B Street Right of Way.

Memorandum PARC 24-035 from Commissioner Keiser as backup

Chair Lewis introduced the item by reading of the title and invited Commissioner Keiser to present her request to the Commission.

Commissioner Keiser explained that the city has the right of way and can construct a pedestrian pathway to a viewing platform to replace the one that was removed.

Commissioner Archibald noted that it is a platted road and has been used as a social trail.

Discussion facilitated by Staff ensued on the concept and feasibility. Staff stated that the Commission can make a motion to request City Council approve the Commission’s request and direct staff. The Commission cannot direct staff to perform the work.

ARCHIBALD/ PARSLEY MOVED TO SUBMIT A MEMORANDUM TO CITY COUNCIL REQUESTING STAFF TO CONDUCT THE FEASIBILITY OF CONSTRUCTING A PEDESTRIAN PATHWAY AND VIEWING PLATFORM IN THE B STREET RIGHT OF WAY SOUTH OF BAY AVENUE.

There was no discussion.

VOTE. NON-OBJECTION UNANIMOUS CONSENT.

Motion carried.

B. Comprehensive Plan Update Recommendations

Chair Lewis introduced the item by reading of the title and open the floor to discussion and recommendations by the Commission.

Discussion facilitated by the Chair made points on the following:

- top three recommendations are related to Parks and outdoor/indoor recreation
- Parks and Recreation deserve their own section within the Comp Plan rewrite
- Planning Commission and Parks Art Recreation & Culture should have a joint worksession
- A memorandum can be provided to the planning regarding comments from the commission
- Pending business item a future meeting
 - o Review the document and determine what items go into the section

C. Mid Biennial Budget Amendment - Parks FTE and Community Recreation Equipment
Memorandum PARC-24-034 from Commissioner Keiser as backup.
Budget Request form - Community Recreation for Equipment

Chair Lewis introduced the item by reading of the title and deferred to Commissioner Keiser

Commissioner Keiser commented on her memo noting that the Commission can submit memorandums to Council in support of budget requests.

HARRALD/ARCHIBALD MOVED TO RECOMMEND CITY COUNCIL AMEND THE OPERATING BUDGET TO ADD ONE FTE TO PARKS MAINTENANCE.

A brief discussion was entertained on the comments of Interim City Manager Jacobsen regarding funding and PARCAC responsibility.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HARRALD/ROEDL MOVED TO REQUEST CITY COUNCIL AMEND THE CAPITAL BUDGET BY \$4500 TO PURCHASE A VOLLEYBALL NET SYSTEM.

D. Amending the Beach Policy and Homer City Code to Allow Vehicular Access by Special Permit to Closed Areas of the Beach.

Memorandum PARC 24-033 from Commissioner Keiser as backup

Excerpt from City of Homer Beach Policy pgs 8-14

Memorandum 15-131 from Chief Robl dated July 7, 2015

Memorandum 16-031 from City Attorney dated August 26, 2015

Ordinance 16-05 (S-2)(A-2) Vehicles on Beaches

Memorandum 20-109 from Interim City Manager/City Planner dated July 17, 2020

Chair Lewis noted that this item was postponed to the June meeting.

E. Long Term Memorandum of Agreement with Kachemak Nordic Ski Club

Memorandum PARC 24-037 from Community Development Director as backup

Chair Lewis requested a motion and second.

Commissioner Harrald requested clarification on the project as reflected in the CIP versus what is being proposed in the new amended agreement.

HARRALD/ROEDL MOVED TO SUPPORT THE AMENDMENT TO THE MEMORANDUM OF AGREEMENT WITH KACHEMAK NORDIC SKI CLUB.

There was a brief discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

F. Welcome New Commissioner, Lucas Parsley

The Commission expressed a warm welcome to Commissioner Parsley.

G. Letter to the Editor Topic Recommendation

The Commission discussed various topics for Commissioner Keiser to write a draft Letter to the Editor. She will provide a draft for the June meeting approval.

INFORMATIONAL MATERIALS

A. PARCAC Annual Calendar 2024

B. City Manager's Report for City Council May 13, 2024

Commissioner Harrald commented on errors in the date shown on the Annual Calendar and speaking at the next Council meeting.

COMMENTS OF THE AUDIENCE (3 minute time limit)

Scott Adams, city resident, expressed his appreciation for the Commission discussion on the B Street proposed project, Harbor revenues for the Haul Out Facility versus the camping and he has requested the funding information used for the purchase of the parcels, private campgrounds charge \$100 a night and not everyone can afford. He has been a proponent on using existing facilities and commented on the need for a full recreational facility. He recounted the revenues made by camping.

COMMENTS OF THE MAYOR/COUNCILMEMBER (If Present)

COMMENTS OF THE CITY STAFF

Acting City Clerk Krause noted it was a fun meeting as always.

Recreation Manager Illg noted that it was a good meeting.

COMMENTS OF THE COMMISSION

Commissioner Keiser commented that it was a pleasure working with everyone on the Commission.

Commissioner Archibald expressed his appreciation for staff and commented it was a good meeting.

Chair Lewis noted that they got through all the items and it was still before 8 pm

Commissioners Harrald and Roedl did not comment.

ADJOURNMENT

There being no further business to come before the Commission Chair Lewis adjourned the meeting at 7:55 p.m. The next Regular Meeting is **Thursday, June 20, 2024 at 5:30 p.m.** A worksession is scheduled for 4:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar.

Renee Krause, MMC, Acting City Clerk

Approved:_____

Borough, crafting the Letter to be neutral not literal with the use of the word “shabby”. Further recommendations were made on the proposed “letter to the editor” to address the recent accomplishments and donations and that the Clerk can make the edits and submit for publication.

HARRALD/ROEDL MOVED TO ACCEPT THE LETTER TO THE EDITOR WITH THE AMENDMENTS PROVIDED.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. Memorandum PARC-24-042 re: Beach Policy Review and Special Permits

Vice Chair Archibald introduced the item and opened the floor for discussion.

Discussion ensued on the following:

- Having a worksession on the beach policy
- The process involved in making amendments to the policy
- Having a discussion when interested people will be available to attend a meeting to provide comment.
- Receiving input from the Police Department and Port & Harbor

HARRALD/ROEDL MOVED TO POSTPONE DISCUSSION ON THE BEACH POLICY TO SEPTEMBER MEETING.

Mr. Foust arrived and proceeded to speak from the audience and was provided clarification by Vice Chair Archibald when the appropriate time to comment on the topic would not be now but during Comments of the Audience stating that he was not present when the earlier opportunity was available.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

E. Memorandum PARC-24-044 re: Vessel Haul Out Recommendation

Vice Chair Archibald introduced the item by reading of the title and opened the floor for discussion.

Recreation Manager Illg reviewed the memorandum outlining the actions requested by the Commission.

Discussion was facilitated by Staff with points made on the following:

- Line 56 - Delete the words, “Moral obligation” and amend to state “Strong financial benefit to ensure this is available and accessible.”
 - o This statement could be debated regarding the financial benefits of the vessel haul out proceeds;
- State the questions listed in the proposed memo as bullet points not questions
- Quality of life impacts
 - o Camping creates memorable experiences

STAFF & COUNCIL REPORT/COMMITTEE REPORTS (5 minute time limit)

- A. Parks & Trails Report for September 2024
Memorandum from Parks Maintenance Coordinator as backup.

Parks Coordinator Felice reviewed his report for the Commission noting the following:

- Maintenance on the road up to Karen Hornaday Park to help with rain and drainage
- Trail maintenance in preparation for winter including cutting back brush on trails
- West lot, Lucky Shot, and Story Trail are completed
- Bayview Park: Walkway to be paved by East Road Services, playground and swing set are installed, concrete is set
- Jack Gist: Water and sewer hookups are in place for restrooms, fall cleanup on fields
- Winter prep around the city: transplanted peonies, wrapped flower beds and barrels, ditching alongside Ben Walters Trail

- B. Community Recreation Report for October 2024
Memorandum from Recreation Manager as backup.

Recreation Manager Illg reported on the following:

- Purchase of score clock console at Homer High School for Adult Basketball League
- Rec Champions met to talk about the multi-use community center. Investigating HEA property, city's town center property, borough land behind Homer Middle School, focusing on cost for water, sewer, and electric for each site.
- Local community members working with the Homer Foundation to potentially start a 'Friend of the Community Center' organization
- Update on attendance to National Recreation Parks Association Conference in Atlanta, Georgia

Mr. Illg responded to questions on the potential lots for the Community Center and if assessment of each lot is allowing for future growth.

- C. Staff Report for September 2024
Memorandum from Recreation Manager as backup

Recreation Manager Illg reviewed his report for the Commission noting the upcoming City Council worksession on October 28 to talk about the Land Allocation Plan. He noted the Commission had made some recommendations, as well as the Port and Harbor Commission. Mr. Illg concluded with indication of a potential worksession in 2025 to discuss the property more specifically.

PUBLIC HEARING

PENDING BUSINESS (15 minute time limit)

- A. Beach Policy Review
Memorandum from Recreation Manager as backup

Chair Lewis introduced the topic and deferred to Recreation Manager Illg.

Mr. Illg reported reaching out to multiple staff from different departments to review the beach policy for potential proposals and changes. Mr. Illg received feedback from Police Chief Robl including a recommendation to consider changing the access dates from October 1st through March 31st to September 15th through April 15th. He noted there were conversations with staff to strike audit and review of beach access points and documentation from 'every 3 years' to 'as needed.' Mr. Illg also reminded the Commission of any proposed changes brought forward would need final approval by City Council due to changes needed in city code.

Chair Lewis opened discussion of Beach Policy.

Commissioner Archibald brought up concern over 'as needed' wording of audit and review of beach access points and documentation.

Commissioner Harrauld agreed with this point, expressing concerns that the beach policy review would turn into a monthly discussion issue.

Commissioner Parsley asked the last time the beach policy was reviewed since being created; discussion followed including last amendment date.

ARCHIBALD/KEISER MOVED TO CHANGE THE DATES OF OPEN VEHICLE ACCESS TO SEPTEMBER 15TH THROUGH APRIL 15TH.

There was a brief discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

KEISER/ARCHIBALD MOVED TO CHANGE THE AUDIT REVIEW OF UPDATES TO THE BEACH POLICY FROM 'EVERY 3 YEARS' TO 'AS NEEDED' TO ADDRESS CHANGED CIRCUMSTANCES.

There was no discussion

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. City of Homer PARC SWOT Analysis- Review and Discussion

Chair Lewis introduced topic for discussion.

Commission agreed analysis was time well spent and information gathered will be helpful in forward thinking for the City. The Commission noted the information will be utilized creatively to build capacity and funding in the future with further discussion revolved around the term 'underlying contradictions' in terms of budget challenges and scale back, possible existing revenue streams, and organizational structure.

KEISER/ARCHIBALD MOVED TO ACCEPT THE SWOT ANALYSIS DATED AUGUST 15, 2024 AND FORWARD TO THE CITY COUNCIL.

There was no discussion

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City Clerk/Parks, Art,
Recreation and Culture
Advisory Commission

RESOLUTION 24-123

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
ADOPTING THE AMENDED CITY OF HOMER BEACH POLICY AND
MANAGEMENT PLAN TO EXTEND THE PERIOD FOR COAL AND
SAND COLLECTION AND THE POLICY AUDIT REVIEW TIMEFRAME.

WHEREAS, City Council adopted the current City of Homer Beach Policy and
Management Plan with Resolution 21-053; and

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
ADOPTING THE AMENDED CITY OF HOMER BEACH POLICY AND
MANAGEMENT PLAN TO EXTEND THE PERIOD FOR COAL AND
SAND COLLECTION AND THE POLICY AUDIT REVIEW TIMEFRAME.

- Section - General Policy and Plan for all Homer Beaches
 - A.1.b. An Audit/review for updates of the beach access points and documentation shall be done every three years **conducted as needed or as directed by City Council.**
- Policies and Plans for Specific Areas, Area 4, South End of Mariner Park to East End of Ocean Drive Loop Seawall,
 - A. Vehicles are allowed between the south-end of Mariner Park Beach and the east-end of the Ocean Drive Loop Seawall from October 1st

45 ~~through March 31st~~ **September 15th through April 15th** for the sole
46 purpose of gathering sand and coal. The beach is closed to vehicles at all
47 times for any other purpose.

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49 PASSED AND ADOPTED by the Homer City Council this 25th day of November, 2024.

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51 CITY OF HOMER

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54 _____
55 RACHEL LORD, MAYOR
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59 ATTEST:

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61 _____
62 RENEE KRAUSE, MMC, CITY CLERK
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64 Fiscal Note: N/A



CITY OF HOMER

BEACH POLICY &

MANAGEMENT PLAN

Adopted August 9, 2021

Resolution 21-053





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DEFINITIONS

- A. "Berm" means a natural, linear mound or series of mounds in a beach area composed of sand, gravel, or both, generally paralleling the water at or landward of the elevation of mean high water.
- B. "Storm berm" means a berm formed by the upper reach of storm wave surges or the highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and other water-borne materials. A beach area may have more than one storm berm.
- C. "Submerged land" means land covered by tidal water from the elevation of mean low water seaward to the corporate boundary of the city.
- D. "Tideland" means land that is periodically covered by tidal water between the elevation of mean high water and mean low water.
- E. "Beach area" means all of the following, whether publicly or privately owned: submerged land, tideland, and the zone of sand, gravel and other unconsolidated materials that extends landward from the elevation of mean high water to the place where there is a marked change in material or physiographic form.
- F. "Motor vehicle" means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over land, that is self-propelled except by human or animal power.
- G. "Personal watercraft" means a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power. The vessels are designed to be operated by a person sitting, standing or kneeling.



Grassy area of Beluga Slough where highest tides and storm deposit logs and driftwood. Tall grasses and other plants grow there most of the time, and only at the highest tides and largest storms are logs thrown up on this area of the beach.



INTRODUCTION, PURPOSE, & GOALS

Purpose and Intent

The purpose of the City of Homer Beach Policy and Management Plan is to support the enforcement of existing regulations, proposed new regulations, or actions that may be needed, for the seven areas of beaches in City limits. The intent of the policy is to provide guidance to keep Homer's beaches safe and enjoyable for all users while preserving the natural environment. This document will be reviewed and updated on a bi-annual basis by the Parks, Arts, Recreation, and Culture Advisory Commission or as deemed necessary by City Council.

History

The original Beach Policy Task Force was established in 2000 as the result of strong public concern on the current and future use of Homer beaches. They completed the beach policy in 2001 which was adopted by City Council on June 25, 2001. In 2003, per Ordinance 03-27, the City was awarded a \$75,000 Coastal Impact Assessment grant to fund beach access restriction improvements, regulatory signage, a GIS coastal erosion and beach habitat information mapping project and funds for the 2004 United States Geological Survey sediment transport study camera operation.

The Task Force made further recommendations in 2005 through Memorandum 05-78, and concluded their work. In 2007, City Council adopted Ordinance 07-01(A) which added advising on public beaches to the duties of Parks, Art, Recreation and Culture Advisory Commission. The Commission formed a Beach Committee to update the Beach Policy, which resulted in this document.

In fall of 2014 the Parks, Art, Recreation & Culture Advisory Commission was directed by Council to review and recommend revisions to the Beach Policy. The Commission worked on the policy the first six months of 2015 and made recommendations via Memorandum 15-102. Council adopted Ordinance 16-05 (S-2)(A-2) on February 23, 2016. Ordinance 16-13 then made minor amendments. The Beach Policy was amended to reflect these revisions through Resolution 16-029(S-2). Resolution 17-021 amended the policy for clarity providing corrections for grammar and content.



*Storm Berm in front of Bishop's
Beach Parking Lot
Photo provided by PARCAC
Member circa 2000*

Goals of this Policy

❖ Education

Educate beach users by providing signage and beach information at convenient locations.

❖ Safety and Prevention

Limit conflicts between motorized users and pedestrians by encouraging courtesy and common sense.

Protect sensitive beach habitat and wildlife from inappropriate use of beaches - e.g., keep motorized vehicles out of lagoon areas and personal watercraft off beaches.

❖ Enforcement

Ensure adequate staffing on holiday weekends, that regulatory signage is installed where needed so laws can be enforced, and gates are operational to prevent or limit access to sensitive or prohibited areas.



Bishop's Beach has a 2-tier parking area that is delineated by driftwood, rocks, and grassy areas. Vehicle access to the west end (Area 7) is located at the northwest corner of the lower lot and a gate at the southeast end restricts access to the East-end of Ocean Drive Loop Seawall to Bishop's Beach Park (Area 6).



GENERAL POLICY & PLAN FOR ALL HOMER BEACHES

A. Identify and improve beach access points. Heavy impacts are created by a large number of people accessing the beach at a small number of places. By finding, improving, and publishing all public beach access points, this will diffuse the impacts and provide a more enjoyable experience to all.

1. Improve and maintain beach access points.
 - a. Document the known public beach access points and tracks their current status, development, and other notes of interest.
 - b. An audit/review for updates of the beach access points and documentation shall be **done every three years, conducted as needed or as directed by City Council.**
2. Provide signage at selected public access points.

B. Install and maintain signage as needed. Signage shall be positive and informative to encourage courtesy to pedestrians, appropriate pet control and clean up, and indicate where vehicles are permitted. All signage must be installed in a manner that meets the needs of law enforcement.

1. Installed signage shall address the following:
 - a. The berm building process, shore zone wildlife habitat, etc.
 - b. The risks of driving on the beach and the responsibility the owner/driver accepts, specifying that the City shall not be held liable.
 - c. The prohibition of removal and burning of driftwood along the berm, and where campers can locate campfire wood.
 - d. City code prohibitions and applicable fines, so that any violators of the law on City beaches may be ticketed.
2. City shall coordinate with U.S Fish and Wildlife (USFW) on a uniform interpretative signage plan for all City beach parks. Adjust signage language over time to meet changing needs. Include the project in the annual budget.
3. Ensure there are line items in the City's budget for sign repair, updating, and replacement.



*Northwest end of Mariner Park
Signage clearly states City Code and
vehicle restrictions, rocks adequately
delineate the parking area, and the
Alaska flag adds a positive touch.*

C. Be aware of seaward property boundaries when making municipal decisions. Although many believe property lines stop at a water boundary, it has become apparent this is not always the case in Kachemak Bay. Normal property lines next to the ocean are established at mean high tide, and slow erosion does change boundaries. The 1964 earthquake caused the sinking of the Spit and Homer area and the sea flowed over the lowered land. This sudden change is called avulsion and legally does not change land boundaries. However, avulsion does have to be proven which can be difficult without adequate historical records. Common in Alaska, the area below mean high tide is owned by the State of Alaska, and this is true in a few spots in Homer. But generally speaking, the City owns the tidelands below mean high tide.

D. Encourage better enforcement of applicable existing state and local laws. Examples of applicable laws include: HCC 19.08 Campgrounds, HCC 7.16 Vehicles in Beach Areas; HCC18.28.200 Waste or injury to land, and Alaska State Traffic Regulations regarding: DWI, Reckless Driving, Negligent Driving, Basic Speed, and Littering.

1. Evening quiet hours shall be posted and enforced in applicable areas.
2. City driving laws in City beach parking areas and on west Bishop's Beach where driving is permitted shall be enforced.
3. Any observed violations of policies or laws shall be reported to the Homer Police Department.

E. Develop a coordinated public relations campaign. It is important to enlist the public in the campaign to keep our beaches enjoyable for all, to limit the human damage to fragile areas, and to minimize friction between user groups. The City requires everyone's help.

1. Prior to major holiday weekends, beach rules and etiquette in the local newspapers, on social media, and local radio stations shall be advertised.
2. Beach maps and brochures on beach etiquette shall be provided at all City campground facilities, Homer Chamber of Commerce, City Hall, and the Port and Harbor's Office.
3. Beach educational materials shall be distributed to local school district officials to ensure information is included in existing curriculum pertaining to beach activities and field trips.
4. Ensure there are line items in the City's budget for advertising expenses.

F. Perform an annual assessment of beach health and developing impacts.

1. Provide City Council with annual updates from local organizations and entities that support clean-up efforts on city beaches. Host on City Website.
2. On a biannual basis, take photographs of sensitive areas or places and keep a photo record of changes. Host on City website.

G. Driftwood from berm areas should not be removed. Testimony by scientists emphasizes the importance of the natural berm building process to protect the Spit, Mariner Lagoon, and Beluga Slough and provide wildlife habitat. The driftwood plays an important role in building and stabilizing berms and is an esthetic enhancement to the beach. Therefore, it is hoped that providing an alternate source of campfire wood for campers serves the important function of protecting the berms.

1. Prohibit the burning of driftwood from berm areas.
2. Provide alternative wood sources for campfires, or install signage that informs campers where campfire wood can be found.

H. Find ways of supporting beach clean-up.

1. Encourage the elimination of unsightly waste on properties near the beach by working with landowners, particularly in the Louie's Lagoon, Homer Spit, and Mariner Park areas.
2. Support volunteer efforts by providing trash bags for annual clean-up events and dumpsters or trash removal at locations such as Bishop's Beach.
3. Support local organizations and entities that provide clean-up efforts on city beaches. Support may be in the form of providing trash bags, dumpster service at beach parks, and City funding for newspaper advertising educational and beach clean-up activities.

I. Keep cars from encroaching onto beach berms and beaches in city campgrounds, parks, and along the Homer Spit Road.

1. Define parking lots so they do not spread onto the beach.




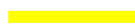

Gates and use of natural vegetation are used to delineate parking lots at parks and beaches at the south end of Mariner Park (top), Southeast end of Bishop's Beach (middle), and Louie's Lagoon parking lot (bottom)



POLICIES & PLANS FOR SPECIFIC AREAS

The following are management plans for specific beach areas, identified as Areas 1 through 7, and follow the beach line from East to West.

Color Key for Area Maps

	No Vehicles Allowed
	Boundary Lines Identified in HCC 7.16
	Vehicles Allowed per HCC 7.16.020 Exceptions

AREA 1

Miller's Landing to East of Airport Beach Access Road

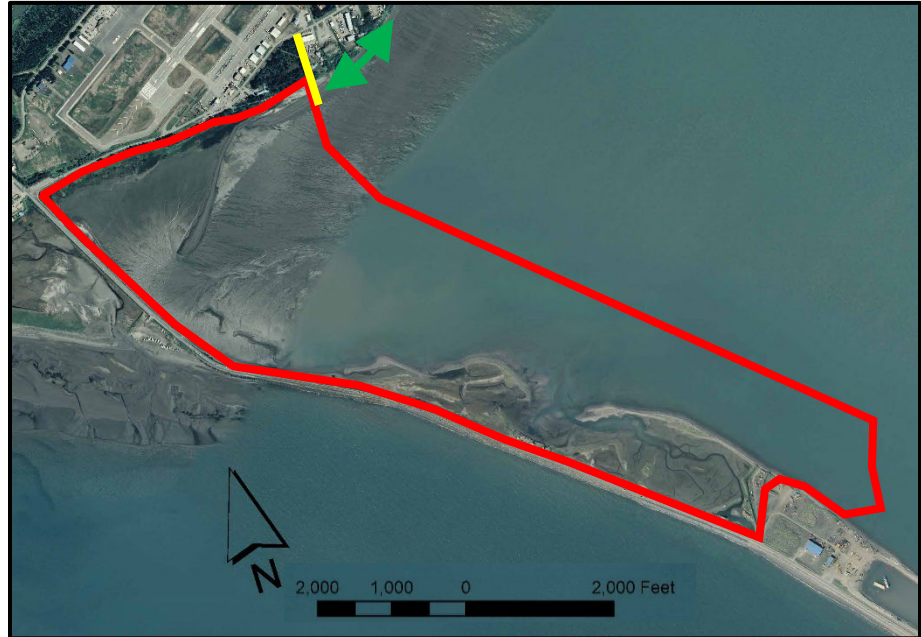
- A. Miller's Landing – Maintain a public viewing spot in the Airport Beach Access Road Right-of-Way off of Kachemak Drive through the use of signage stating the location of the public access. A small parking area may be designated with the use of boulders to discourage trespassing on adjacent properties.
- B. Airport Beach Access Road – Support state efforts to place signage or interpretive displays.
- C. Vehicle use at the bottom of Airport Beach Access Road on the beach is not allowed – Vehicles are allowed east of that area, but there is no public vehicle access point to get to that part of the beach. Land owners, or those with land owner permission, may access the beach from private vehicle access points. Once on the beach, nothing in City laws or policy condones trespassing on adjacent private lands.
- D. Vehicles are allowed on the beach east of the vacated easement (formerly known as Shirlene Circle).



AREA 2

Airport Beach Access Road to North-End of Berm outside of Louie's Lagoon, and Louie's Lagoon

- A. Vehicles are prohibited in this entire area, excluding designated access driveways and parking. Vehicle restriction is necessary to protect the fragile habitats of Mud Bay and Louie's Lagoon.
- B. Maintain signage identifying public pedestrian access points and vehicle parking areas.
- C. Ensure area and easements are zoned for conservation.
- D. Preserve subsistence fishing access through the northern portion of the English Bay property, which traditionally has included pedestrian and vehicle access.



AREA 3

Louie's Lagoon-South to End of Homer Spit, then North to the South-end of Mariner Park

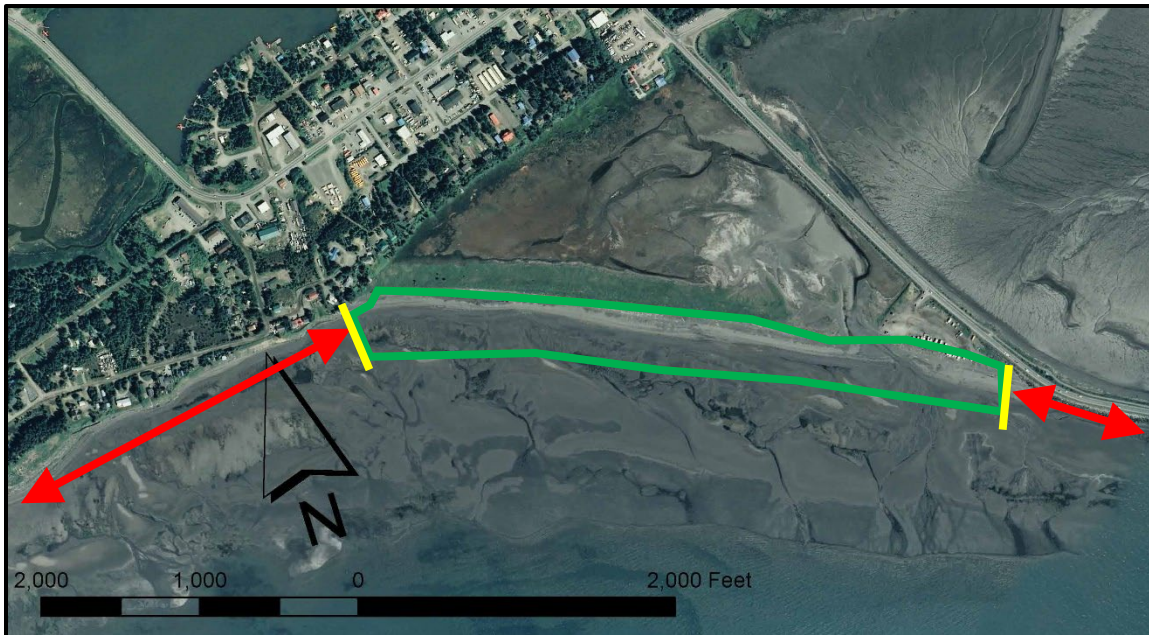
- A. Vehicles are prohibited in this entire area, excluding designated access driveways and parking.



AREA 4

South-end of Mariner Park to East-end of Ocean Drive Loop Seawall

- A. Vehicles are allowed between the south-end of Mariner Park Beach and the east-end of the Ocean Drive Loop seawall from ~~October 1st through March 31st~~ **September 15th through April 15th** for the sole purpose of gathering sand and coal. The beach is closed to vehicles at all times for any other purpose.
- B. The area in front of the seawall west to the Beluga Slough outfall is closed to vehicles.
- C. Mariner Park Campground and day-use area has defined campsites and controlled vehicle access to the beach through the use of logs, rocks, and a gate. Maintain the campground and these



measures as they provide protection to the berm, encouraging natural vegetation growth.

AREA 5

Mariner Park Lagoon and Storm Berm

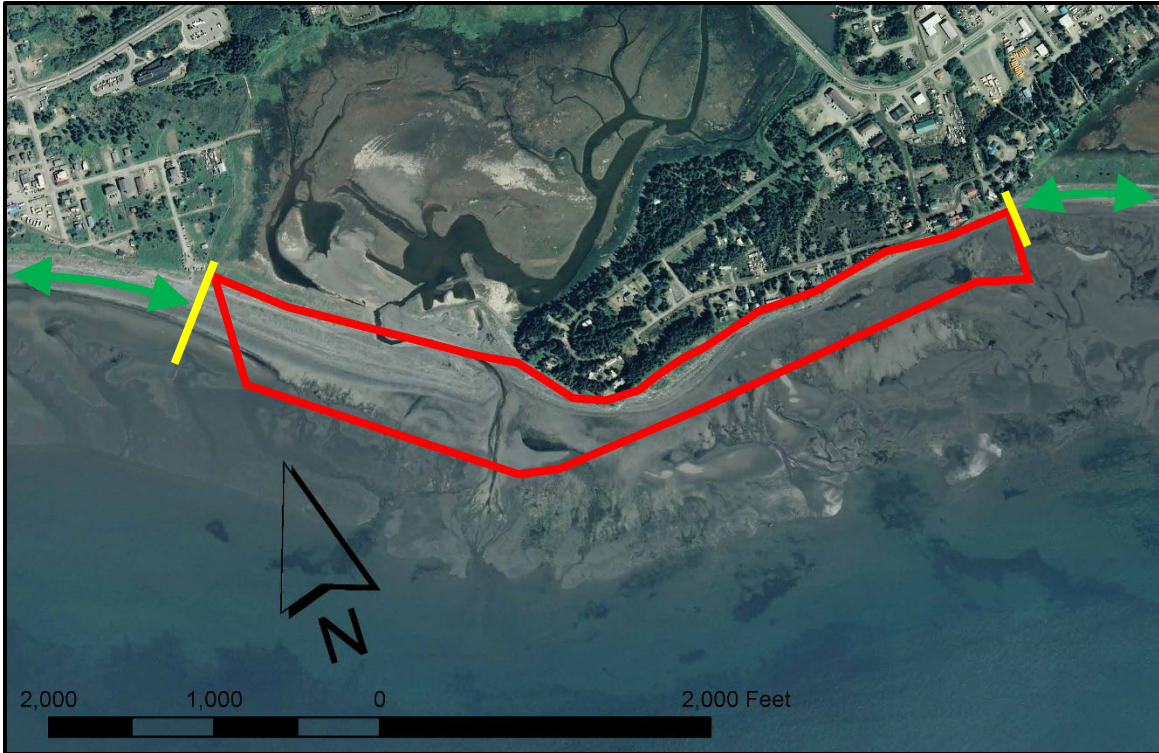
- A. Vehicles are prohibited in this entire area.
- B. Ensure there are line items in the City's budget to dredge Mariner Slough on a biennial year period.



AREA 6

East-end of Ocean Drive Loop Seawall to Bishop's Beach Park

- A. Vehicles are prohibited in this area.
- B. Maintain the gate and rocks at Bishop's Beach Park to physically block access to vehicles.
- C. Support U.S. Fish and Wildlife efforts to protect berm and promote rye grass/driftwood build-up.
- D. Support U.S. Fish and Wildlife's efforts to develop a plan to maintain the ecological integrity of their



educational reserve, including possible conservation zoning.

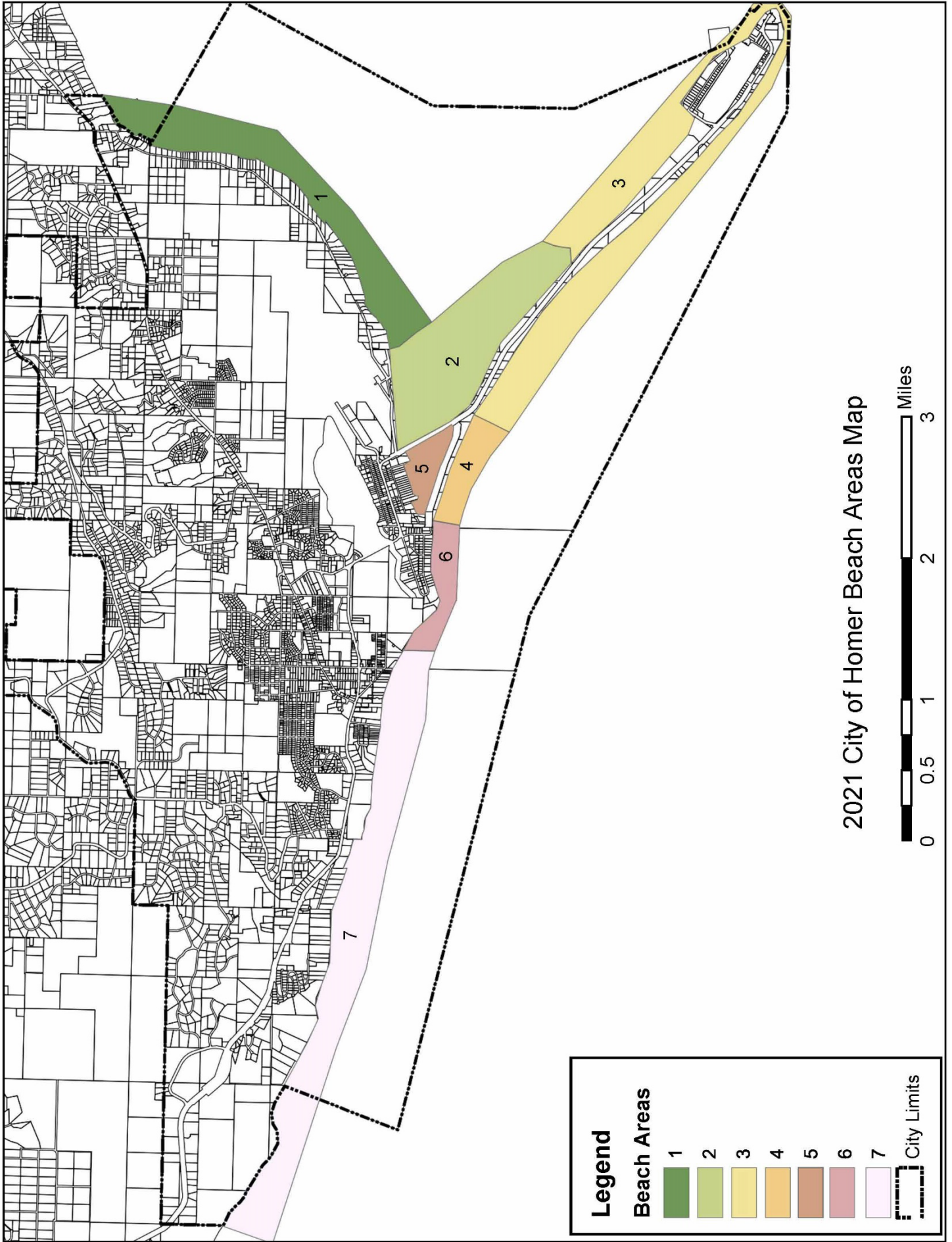
AREA 7

Bishop's Beach Park Access-West to Homer City Limits

- A. This is a heavily used area and has the greatest potential for conflicts between user groups.
- B. Ensure there is adequate parking and signage at Bishop's Beach Park and in the area. Wayfinding signage may direct people to nearby public parking (e.g., Homer Chamber of Commerce, Islands and Ocean Visitor Center).
- C. Vehicles are allowed west from Bishop's Beach Park access and prohibited to the east. Posted signage shall warn drivers to proceed at their own risk.
- D. Improve erosion control and maintain beach access points.

- E. Work with property owners and interested volunteers to remove derelict vehicles from City beaches. Owner will be responsible for the costs and removal of vehicle(s).





2021 City of Homer Beach Areas Map

0 0.5 1 2 3 Miles

Legend

Beach Areas

1	2	3	4	5	6	7

City Limits



MEMORANDUM

Resolution 24-124, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Pursue the Purchase of Lands for the Purpose of Green Infrastructure Planning, Construction, and Conservation and to Bring Forward the Necessary Ordinances to the City Council. City Manager/Community Development Director.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and Homer City Council
Date: November 12, 2024
From: Julie Engebretsen, Community Development Director
Through: Melissa Jacobsen, City Manager

Purpose

The purpose of this memorandum and resolution are twofold: to seek Council authorization to move forward on land purchases and to notify Council that additional City funding will be required for some of these purchases. This memorandum and resolution provide an opportunity for Council to ask questions and discuss the project outside of any specific land purchase actions. Appropriate ordinances will follow this resolution.

Green Infrastructure Background

Council heard presentations from the Public Works Department on the opportunity to use green infrastructure to handle storm water management in several locations in Homer. Council added these projects to the Capital Improvement Plan as a top 5 project in fall of 2021 and began funding project work by early 2022. One of these projects was the “Kachemak Sponge,” more specifically called the Kachemak Drive Peatlands Water Quality Improvement Project.

Peatlands Project

This project currently has two phases: storm water treatment design and land acquisition, followed by final design and construction. For the first phase of the project, the City of Homer in partnership with the Kachemak Bay Research Reserve was awarded a NOAA grant in 2023 (Ordinance 23-46). The grant includes the design of a storm water treatment system to serve Homer’s primary industrial area out East End Road near the Northern Enterprises Boat Yard, as well as land acquisition for conservation parcels. This treatment system design is based on a similar system in Finland that shares Alaska’s cold climate and peat soils. The storm water treatment design relies on preserved wetlands and peatlands (a type of wetland) to absorb the storm water. Therefore, a major component of the

grant and this project phase is purchasing lands not only for future construction of storm water infrastructure, but for large areas of wetlands and peatlands to receive these waters.

There are two types of land acquisition for this project: grant-funded and City-funded.

- Grant funds will be used to buy land that is primarily going to be preserved. The grant has adequate funding to purchase all nine of these conservation properties.
- City funds are required to purchase the remaining four properties that will have constructed storm water works such as sediment settling and treatment ponds. Additional funds of approximately \$130,000 are needed to purchase all these lands.

Why is Additional City Funding Required?

When the City scoped the project and was awarded the grant, the City capital budget included \$418,100 in HART Road Funds for property purchase (Ordinance 23-23). As property values have increased, this will not be sufficient for purchasing these properties and conducting due diligence. Additionally, because the overall project design has been refined (as planned), and replatting originally driven by the grant is no longer required (and would be an unnecessary use of funds), there are two additional parcels of Borough property that the City will need to purchase with City funds. Staff estimates Council will need to approve an additional \$130,000 for the land acquisition phase of the project to move forward.

Phase 2

The next phase of the project will include final designs, bid documents and construction of storm water infrastructure. The City does not have a current construction cost estimate, but costs could range from \$4,000,000 to \$8,000,000 or more, depending on how far in the future construction occurs and the final project designs. Future funding sources may include federal appropriations grants, City funds, and the State of Alaska DEC Clean Water Revolving Loan funds. This project has previously been included in the state's Intended Use Plan, indicating potential future success. Without purchasing and securing land now, the City will lose the opportunity to provide green infrastructure storm water treatment based on the current designs.

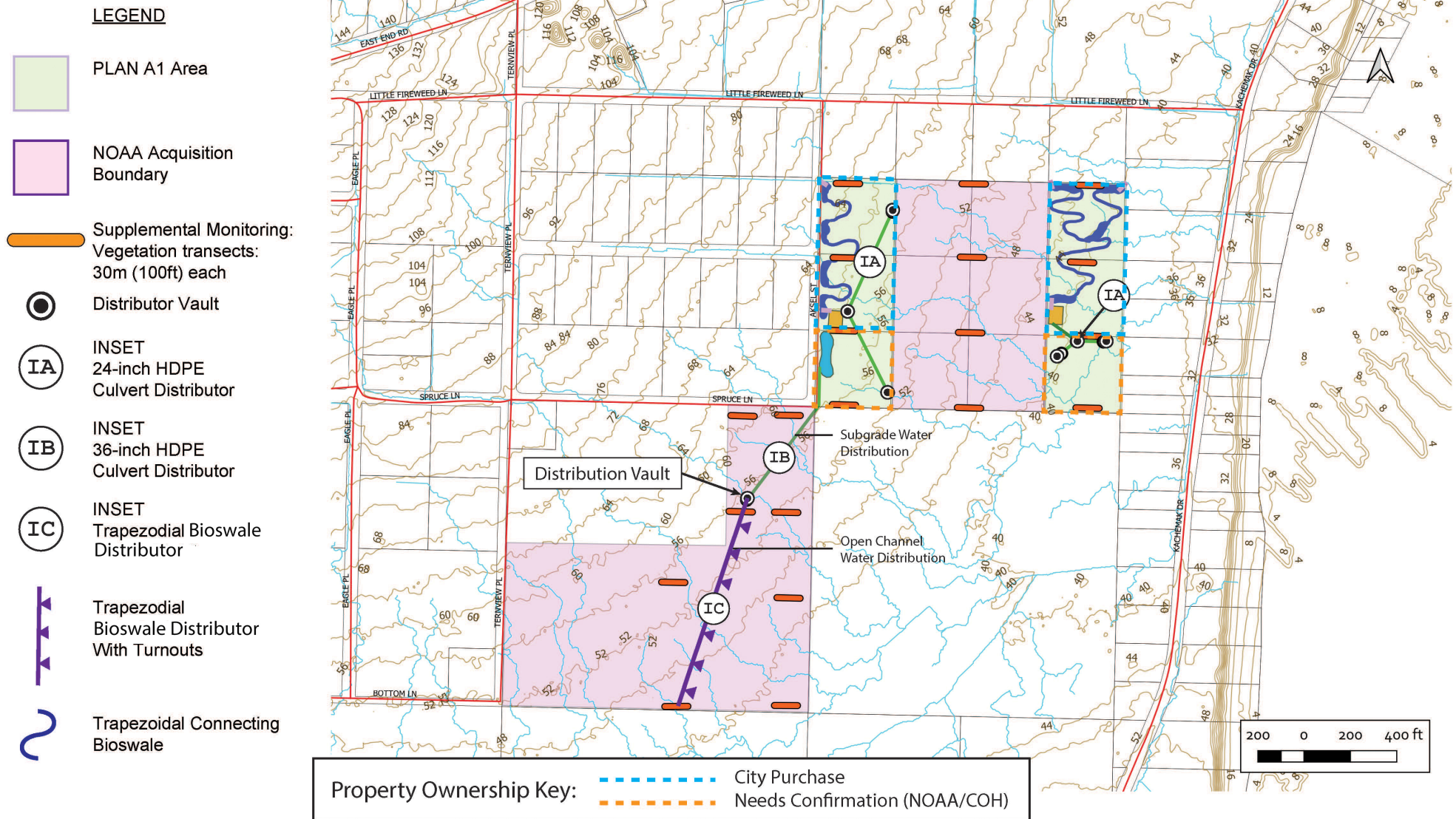
Attachments

Map showing grant-funded and City-funded property acquisition
(Parcels with dashed blue outline are proposed City funded purchases for future constructed storm water works. Other parcels are grant funded for conservation and limited storm water infrastructure)

RECOMMENDATION:

Adopt Resolution 24-124.

Acquisition Map - PLAN A1: Option A



CLIENT
City of Homer
Homer Public Works Dept
3575 Heath St
Homer, AK 99603

PROJECT
Kachemak Sponge Wetlands
Stormwater Treatment System

DRAWN BY

DESCRIPTION
Kachemak Sponge Wetlands Stormwater Treatment System Acquisition Map

FIGURE 02

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Community Development Director

RESOLUTION 24-124

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
AUTHORIZING THE CITY MANAGER TO PURSUE THE PURCHASE
OF LANDS FOR THE PURPOSE OF GREEN INFRASTRUCTURE
PLANNING, CONSTRUCTION AND CONSERVATION AND TO BRING
FORWARD THE NECESSARY ORDINANCES TO THE CITY COUNCIL.

WHEREAS, The City Council adopted Ordinance 23-46, accepting and appropriating a
sub recipient grant in the amount of \$1,171,410 for the Kachemak Sponge Green
Infrastructure Storm Water Treatment System; and

WHEREAS, The NOAA grant funds will cover some property acquisition and the design
of a green infrastructure storm water project; and

WHEREAS, The FY 2024 Capital Budget included \$418,100 in HART Roads funds for the
purchase of lands that are required for the project but not grant eligible; and

WHEREAS, The City wishes to negotiate with property owners in good faith and
additional City funds will be required to purchase properties; and

WHEREAS, With Council approval of this resolution, staff will pursue purchase of lands
and bring forward the appraise ordinances.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby
authorizes the City Manager to pursue the purchase of lands for the purpose of Green
Infrastructure planning, construction, and conservation and bring forward the necessary
ordinances to City Council.

PASSED AND ADOPTED by the Homer City Council this 25th day of November, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

43 ATTEST:

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45 _____

46 RENEE KRAUSE, MMC, CITY CLERK

47

48 Fiscal information: \$130,000 Unbudgeted, \$418,100 Budgeted. Unbudgeted portion to come
49 from HART Roads.

**CITY OF HOMER
HOMER, ALASKA**

Mayor/City Council

RESOLUTION 24-125

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
EXTENDING THE MAYOR'S DECLARATION OF EMERGENCY UNTIL
JANUARY 14, 2025 DUE TO THE CURRENT AND EXPECTED
IMPACTS OF THE NOVEMBER 2024 STORM SURGE AND COASTAL
EROSION EVENT ON THE HOMER SPIT.

WHEREAS, The City of Homer located within the Kenai Peninsula Borough is a political
subdivision of the State of Alaska; and

WHEREAS, The Homer Spit Road, running the length of the 4.5 mile Homer Spit is a
critical infrastructure corridor supporting the Homer Port and Harbor, State and Federal assets
and the regional economy through essential recreational, commercial, industrial and
residential activities, including cargo transportation for communities throughout southcentral
and western Alaska and utilities for communities on the south side of Kachemak Bay; and

WHEREAS, High tides coupled with strong westerly winds seasonally drive strong storm
surges onto the western side of the Homer Spit; and

WHEREAS, A strong westerly wind event coupled with an estimated 23.2 foot high tide
on November 16, 2024 damaged the Homer Spit Road, public and private property, threatened
utilities, and resulted in major erosion of the approximately a mile and a half of beach; and

WHEREAS, The Mayor of the City of Homer issued a Declaration of Local Emergency on
November 17, 2024 due to the current and expected impacts of the coastline along the Homer
Spit Road; and

WHEREAS, The Declaration activated the City's emergency response plan and requests
disaster assistance from the Kenai Peninsula Borough and the State of Alaska by making
resources available as needed for the ongoing response and recovery from the current and
potential impacts, to provide individual assistance for affected businesses and individuals, and
technical expertise and guidance to help the City in its repose and recovery from this event;
and

WHEREAS, The following conditions exist: the extent of damage from the recent 20+
foot high tides is extraordinary; the Homer Spit Road was damaged; buildings on the west side
of the Homer Spit received significant damage; large rocks and excessive debris was pushed
over the road and onto the walking trail on the east side of the Homer Spit by the significant
wave activity; public utilities were exposed; and momentous amounts of beach material
eroded from under building structures, the road bed, destroyed public camping areas; and

WHEREAS, Given the severity of this storm surge and coastal erosion event and potential for near future events with 20+ foot tides expected in mid-December 2024, late January/early February 2025 and beyond, the City of Homer requests Kenai Peninsula Borough, State, and Federal assistance in the initial emergency response phase and the recovery phase.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby extends the declaration of local disaster in the City of Homer per AS 26.23.140 until January 14, 2025. A copy of this Resolution will be filed promptly with the Kenai Peninsula Borough and the Alaska Division of Homeland Security and Emergency Management.

PASSED AND ADOPTED by the Homer City Council this 25th day of November, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

Fiscal note: N/A

**CITY OF HOMER
HOMER, ALASKA**

Mayor/City Council

RESOLUTION 24-126

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
REQUESTING THE KENAI PENINSULA BOROUGH AND THE STATE
OF ALASKA DECLARE A LOCAL DISASTER FOR THE HOMER SPIT AS
A RESULT OF THE CURRENT AND EXPECTED DAMAGE FROM THE
NOVEMBER 2024 STORM SURGE AND COASTAL EROSION EVENT
ON THE HOMER COASTLINE.

WHEREAS, The City of Homer located within the Kenai Peninsula Borough is a political
subdivision of the State of Alaska; and

WHEREAS, The Homer Spit Road, running the length of the 4.5 mile Homer Spit is a
critical infrastructure corridor supporting the Homer Port and Harbor, State and Federal assets
and the regional economy through essential recreational, commercial, industrial and
residential activities, including cargo transportation for communities throughout southcentral
and western Alaska and utilities for communities on the south side of Kachemak Bay; and

WHEREAS, High tides coupled with strong westerly winds seasonally drive strong storm
surges onto the western side of the Homer Spit; and

WHEREAS, In recognition of importance of the Homer Spit as a transportation and
economic hub, in the 1980's the US Army Corps of Engineers and the State of Alaska placed a
rock revetment to protect the Spit and the Homer Spit Road (the terminus of State of Alaska
Route 1) from coastal erosion caused by storm surges; and

WHEREAS, While the 40+ year old revetment wall has done well at protecting the road,
a changing pattern of more frequent and intense storm surge events has accelerated erosion
on the Homer Spit to the point where a strong westerly wind event coupled with an estimated
23.2 foot high tide on November 16, 2024 breached the revetment damaging the Homer Spit
Road, public and private property, threatened utilities, and resulted in major erosion of the
approximately a mile and a half of beach beyond the revetment wall; and

WHEREAS, The revetment wall terminates at approximately midway down the Homer
Spit Road leaving the remaining area of the Homer Spit exposed to direct impact of wave
activity on City owned and privately owned land on the west side of the Homer Spit; and

WHEREAS, The Mayor of the City of Homer issued Declaration of Local Emergency on
November 17, 2024 due to the current and expected impacts on the Homer Spit; and

WHEREAS, The Declaration activated the City's emergency response plan and requests disaster assistance from the Kenai Peninsula Borough and the State of Alaska by making resources available as needed for the ongoing response and recovery from the current and potential impacts, to provide individual assistance for affected businesses and individuals, and technical expertise and guidance to help the City in its repose and recovery from this event; and

WHEREAS, The following conditions exist: the extent of damage from the recent 20+ foot high tides is extraordinary; the Homer Spit Road was damaged; buildings on the west side of the Homer Spit received significant damage; large rocks and excessive debris was pushed over the road and onto the walking trail on the east side of the Homer Spit by the significant wave activity; public utilities were exposed; and momentous amounts of beach material eroded from under building structures, the road bed, destroyed public camping areas; and

WHEREAS, Declarations of Local Disaster by the Kenai Peninsula Borough and the Governor of the State of Alaska will enable the mobilization of resources and support necessary to address the ongoing emergency and mitigate future risks.

NOW THEREFORE BE IT RESOLVED that the City Council of Homer, Alaska requests that the Kenai Peninsula Borough Assembly and the Governor of the State of Alaska declare a local disaster emergency to exist per AS 26.23.140, to provide State public assistance and individual assistance as may be available, assistance for current storm surge and coastal erosion damage and disaster mitigation, and to request additional assistance from the federal government.

PASSED AND ADOPTED by the Homer City Council this 25th day of November, 2025.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

Fiscal note: N/A