



Agenda

City Council Regular Meeting

Tuesday, November 12, 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 Regular Meeting Minutes for October 28, 2024. City Clerk. Recommend approval.
- b. Memorandum CC-24-224 from City Clerk re: Travel Authorization for Mayor and Council Members to Attend the AML Annual Conference being held December 9-13, 2024 in Anchorage, Alaska.
- c. 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.
- d. 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.

- e. 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.

- f. 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.

- g. 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 Seven (7) Years. City Manager/Public Works Director. Recommended dates Introduction November 12, 2024 Public Hearing and Second Reading November 25, 2024.

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

- h. 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.

- i. Resolution 24-115, A Resolution of the City Council of Homer, Alaska, Designating Signatories of City Accounts and Superseding Any Previous Resolutions So Designating. City Manager/Finance Director.

- [j.](#) Resolution 24-116, A Resolution of the City Council of Homer Alaska Approving the Renewal of a Lobbyist Contract with J & H Consulting, LLC of Juneau, Alaska for a Term of One Year, Commencing on December 15, 2024 and Ending on December 15, 2025 in the Amount of \$42,000 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager.

Memorandum CC-24-234 from City Manager as backup.

- [k.](#) Resolution 24-117, A Resolution of the City Council of Homer, Alaska, Proclaiming November 30, 2024 as Small Business Saturday and Encouraging Support of Small Businesses Throughout the Year. Mayor.

VISITORS

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

- a. Special Meeting Report
- b. Committee of the Whole Report
- c. Mayor's Report
- d. Borough Report
- e. Planning Commission

PUBLIC HEARING(S)

- [a.](#) Ordinance 24-56, An Ordinance of the City Council of Homer, Alaska Amending the FY25 Capital Budget by Accepting and Appropriating a State of Alaska Public Library Assistance Grant for FY25 in the Amount of \$5,171 for Books and Materials. City Manager/Library Director. Recommended dates: Introduction October 28, 2024 Public Hearing and Second Reading November 12, 2024.

Memorandum CC-24-222 from Library Director as backup.

- [b.](#) Budget Priorities FY2026/FY2027

Memorandum CC-24-235 from City Manager as backup.

ORDINANCE(S)

CITY MANAGER'S REPORT

- [a.](#) City Manager's Report
- b. FY2025 First Quarter Report - *Please refer to the Supplemental Packet*

PENDING BUSINESS

NEW BUSINESS

- [a.](#) Memorandum CC-24-227 from Councilmember Aderhold re: Harbor Liability Insurance Requirements Adopted by Ordinance 24-53.

RESOLUTIONS

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, November 25, 2024 at 6:00 p.m. Committee of the Whole at 5:00 p.m. A Joint Worksession with the Economic Development Advisory Commission is scheduled for Monday, November 18, 2024 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 24-22 a Regular Meeting of the City Council of Homer, Alaska was called to order on October 28, 2024 by Mayor Rachel Lord at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

STAFF: CITY MANAGER JACOBSEN
CITY CLERK KRAUSE
FINANCE DIRECTOR FISCHER
COMMUNITY DEVELOPMENT DIRECTOR ENGBRETSSEN
CITY PLANNER FOSTER
POLICE CHIEF ROBL
PORT DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR KORT
CHIEF TECHNOLOGY OFFICER JIRSA
SPECIAL PROJECTS & COMMUNICATIONS COORDINATOR CARROLL
RECREATION MANAGER ILLG
FIRE CHIEF KIRKO

CALL TO ORDER, PLEDGE OF ALLEGIANCE

Councilmember Aderhold had requested participation by electronic means and timely notice was provided.

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

Mayor Lord read the supplemental items into the record: **CONSENT AGENDA** Item a. Homer City Council Unapproved Regular Meeting Minutes for the October 14, 2024. Corrected Minutes and requested a motion.

VENUTI/DAVIS MOVED TO AMEND THE AGENDA UNDER ANNOUNCEMENTS / PRESENTATIONS / REPORTS TO HEAR ITEM D. BOROUGH REPORT FIRST.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ADERHOLD/VENUTI MOVED TO AMEND THE AGENDA TO ADD EMERGENCY ORDINANCE 24-57 AS ITEM A. UNDER ORDINANCES.

There was no discussion.

VOTE. NON-OBJECTION UNANIMOUS CONSENT.

Motion carried.

There were no further amendments.

VENUTI/DAVIS MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

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

- a. Homer City Council Unapproved Regular Meeting Minutes for October 14, 2024. City Clerk. Recommend approval.

Councilmember Aderhold moved to New Business item b.

- b. Memorandum CC-24-220 from City Clerk re: Liquor License Renewal for Homeslice Pizza. Recommend approval.
- c. Memorandum CC-24-221 from Mayor re: Reappointment of Robert Archibald and David Lewis to PARCAC. Recommend approval.
- d. Ordinance 24-56, An Ordinance of the City Council of Homer, Alaska Amending the FY25 Capital Budget by Accepting and Appropriating a State of Alaska Public Library Assistance Grant for FY25 in the Amount of \$5,171 for Books and Materials. City Manager/Library Director. Recommended dates: Introduction October 28, 2024 Public Hearing and Second Reading November 12, 2024.

Memorandum CC-24-222 from Library Director as backup.

- e. Resolution 24-113, A Resolution of the Homer City Council Approving the City of Homer 2024 Land Allocation Plan. City Manager.

Memorandum CC-24-225 from Community Development Director as backup.

City Clerk Krause read the Consent Agenda as amended into the record.

DAVIS/ERICKSON MOVED TO ADOPT THE CONSENT AGENDA AS READ.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS (10 minutes per visitor)

Mayor Lord introduced the topic and invited Jodi Stuart and Jessica Schultz to make their presentation.

Ms. Schultz provided her presentation the displayed the services CARTS provides and the numerous improvements that have been implemented over the 23 years since CARTS was founded. She noted the results of a recent survey that received 300 responses with 50% of those responses from Homer and Anchor Point areas.

Ms. Schultz responded to questions from Council regarding:

- Students using CARTS and members of the Community teachers she did not have specifics but can provide that at a later date.
- Contact information
- Are they trying to increase and provide services for the Southern Peninsula.
- Organizations interest in bringing services to the Southern Peninsula is appreciated and funding mechanisms to be able to provide services. For Carts to Expand there must be Community Buy in.

- b. Fire Chief Cicciarella Service Acknowledgement - Mayor Micciche and Special Projects & Constituent Relations Cannava Presenting

Due to Inclement weather this presentation was canceled and will be conducted at a date to be determined and arranged by the Kenai Peninsula Borough Mayor's Office.

- c. State of Alaska Department of Transportation & Public Facilities - Erosion Mitigation on the Homer Spit – Sean Holland Central Region Director presenting

Mayor Lord introduced the topic and invited Sean Holland to speak on the topic.

Mr. Holland provided information on his role and steps taken to establishing a Central Office on the Kenai Peninsula starting first with construction, design, planners, urgent need regarding the erosion is not an immediate need, goal is to have a contractor on board in a month to make immediate repairs to get through the winter and allow the Department time to design the bigger project. He stated that they do have the armor rock and will be extending the design that was implemented in 2014. Mr. Holland responded to questions from Council on the following:

- adding rip rap provides downstream effects to erosion of the land under boardwalks.
 - o that leads to the larger project of how to effect sustainable repair.
- Comments from DOT in the past, "it is not the state's problem until it hits the state's property" the municipality and private property owners have lost property as it goes further toward the end of the spit there is even higher value municipal, private property and state properties involved or affected by the erosion.
- Funding Sources

Mr. Jason Baxley provided the Airport project update, reporting the following:

- Will continue to work on the NAV aids hoping to complete this in November
 - o Installation of the NAV aids
- Importing materials
- Working with the city to update the map
- Additional Issues that the City should be aware of

Council member Erickson expressed appreciation for the contractors and truck drivers for the information and consideration during the project.

Mr. Holland in response to questions regarding the Kachemak Drive Resurfacing Project responded that they are looking at a more robust project for Kachemak Drive and the Sterling Highway project MP157-top of Baycrest, Sterling Hwy-Baycrest Hill to Kachemak Drive which started out just as a resurfacing project but have found drainage replacement that is required and the All Ages and Abilities Pathway noting that the design hasn't started yet as they need to meet with the City and refine the scope of work, it is listed as a \$5 million budget with the expectation of completion in a few years.

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

a. Worksession Report

City Manager Jacobsen reported on the presentation on the Land Allocation Plan by Community Development Director Engebretsen and no amendments were recommended at this time, staff will be doing some research and drafts of recommendations after the Comprehensive Plan Re-write is completed and bring it back before Council. They also discussed budget priorities of Council to get their items that they wanted to focus on and conducting a Strategic Planning and or Visioning Session.

b. Committee of the Whole Report

Councilmember Aderhold, moved the minutes to the regular agenda, ordinance 24-51 rezoning concerns with a property that involves steep slopes and during the comp plan, Emergency Ord 24-57 to repair sewer lines at the Fire Department, Ordinance 24-54 Fleet Replacement for the Police, Budget Priorities for FY26/27, CARMA funding Levels, separate budget talks on water and sewer and

c. Mayor's Report

Mayor Lord reported receiving a letter from Senate President Stevens which was provided in the packet, attending the Harbor Association Conference, Amy Woodruff, a city employee out at the port was named 2024 Employee of the Year. She also attended the Comp Plan Community Worksession and the Steering Committee meeting the following day. She expressed looking forward to working with the Commissions & Boards and meeting with the Chairs of those bodies and planning the Council strategic planning and visioning.

d. Borough Report

Kelly Cooper, Assembly Representative reported on the improvements within CARTS, new Assembly member Willy Dunn seated, Assembly reorganized she is vice chair, creation of a tourism task force with two seats available and congratulated the Homer High Mariners on their State Championship.

e. Library Advisory Board

Doug Baily, chair, welcomed the New Mayor and re-elected Councilmembers, reminded the Council of the needed replacement of siding for the Library, and noted that the budget will track along the lines of the previous budget but addressed inflation and they relocated the copy machine to the open area so they can have another study room.

f. Planning Commission Report

g. Comprehensive Plan Steering Committee Report

Kathy Carssow, chair, reported on the recent Comp Planning Community Worksession, noting it was attended by approximately 90 people, they reviewed the scenarios at the meeting of the committee the following day. Members Erickson and Arevalo volunteered to contact and get feedback from the Fisheries/Fishing Community, the online survey regarding the scenarios will be available shortly; their next meeting is 8:00 am on December 2nd and will be undertaking the review of the draft documents, each member will have individual chapters, January meeting date us TBD and late January is when the draft plan will be issued for Public Review. Final Steering meeting in March. She expressed her appreciation for the private groups such as the Stormwater Group and Guiding Growth.

City Manager Jacobsen responded to the question regarding additional expense to the city with the extension of the time frame and that there was none at this time but if it does she would provide that information to Council.

h. Parks, Art, Recreation & Culture Advisory Commission

Jan Keiser, commissioner, filling in for Chair David Lewis, reported that the Commission received a report from Finance Director Fischer on the budgeting process and outlook, Mike Illg and Chad Felice will be joining together to bring forward a budget; the Commission reviewed the Beach Policy since it was due and coincided with a public request to amend the restriction of vehicles on the beach in restricted areas. She noted that the Commission agreed to an amendment to the time period to collect coal. The Commission has been working for several months on the strategic plan and received the results of the SWOT Analysis and threats are more wants and resources, parks are shabby. Ms. Keiser then reported the reopening of Bayview Park, expressed appreciation for all those that assisted and a big thank you to the Rotary Club for their donation of playground equipment.

i. Lunch with A Councilmember Report

Mayor Lord provided a brief report noting that topics covered crosswalks, safety and where NARCAN kits were available.

j. Champions Report

i. Finance

ii. Harbor

iii. Recreation

Mayor Lord requested Council to consider the membership of these Champion groups.

PUBLIC HEARING(S)

- a. Ordinance 24-48, An Ordinance of the City Council of Homer, Alaska Amending the FY25 Capital Budget by Accepting and Appropriating a State of Alaska Online with Libraries Grant for FY25 in the Amount of \$6,462 for Internet Service. City Manager/Library Director. Recommended dates: Introduction October 14, 2024 Public Hearing and Second Reading October 28, 2024.

Memorandum CC-24-208 from Library Director as backup.

Mayor Lord introduced the item and opened the public hearing. Seeing and hearing no one wishing to provide testimony, he closed the public hearing and requested a motion and second.

ERICKSON/DAVIS MOVED TO ADOPT ORDINANCE 24-48 BY READING OF TITLE FOR SECOND AND FINAL READING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- b. Ordinance 24-49, An Ordinance of the City Council of Homer, Alaska Amending the FY25 Capital Budget to Appropriate \$14,510 from the Homer Accelerated Roads and Trails (HART) Roads Fund for a Safe Street 4 All Safety Action Plan Grant Match. City Manager/Community Development Director. Recommended dates: Introduction October 14, 2024 Public Hearing and Second Reading October 28, 2024.

Memorandum CC-24-209 from Community Development Director as backup.

Mayor Lord introduced the item and opened the public hearing. Seeing and hearing no one wishing to provide testimony, he closed the public hearing and requested a motion and second.

DAVIS/ERICKSON MOVED TO ADOPT ORDINANCE 24-49 BY READING OF TITLE FOR SECOND AND FINAL READING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- c. Ordinance 24-50, An Ordinance of the City Council of Homer, Alaska, Amending the FY25 Capital Budget by Appropriating \$10,000 from the General Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund for Construction Work for the Re-establishment of the Beluga Slough Outlet. City Manager/Public Works Director. Recommended dates: Introduction October 14, 2024 Public Hearing and Second Reading October 28, 2024.

Memorandum CC-24-210 from Public Works Director as backup.

Mayor Lord introduced the item and opened the public hearing. Seeing and hearing no one wishing to provide testimony, he closed the public hearing and requested a motion and second.

ERICKSON/DAVIS MOVED TO ADOPT ORDINANCE 24-50 BY READING OF TITLE FOR SECOND AND FINAL READING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- d. Ordinance 24-51, An Ordinance of the City Council of Homer, Alaska, Amending the Homer City Zoning Map to Rezone a Portion of the Rural Residential (RR) Zoning District to Medical (M) Zoning District. City Planner/Planning Commission. Recommended dates: Introduction October 14, 2024 Public Hearing and Second Reading October 28, 2024.

Memorandum CC-24-211 from City Planner as backup.

Mayor Lord introduced the item and opened the public hearing. Seeing and hearing no one wishing to provide testimony, he closed the public hearing and requested a motion and second.

ERICKSON/DAVIS MOVED TO ADOPT ORDINANCE 24-51 BY READING OF TITLE FOR SECOND AND FINAL READING.

There was a brief discussion and comments regarding potential slides and safety issues.

VOTE. NO. VENUTI, ERICKSON, ADERHOLD, DAVIS, HANSEN

Motion failed.

- e. Ordinance 24-52, An Ordinance of the City Council of Homer, Alaska, Amending the FY25 Capital Budget by Transferring \$15,000 within the General Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund. City Manager/Finance Director. Recommended dates: Introduction October 14, 2024 Public Hearing and Second Reading October 28, 2024.

Memorandum CC-24-212 from City Manager as backup.

Mayor Lord introduced the item and opened the public hearing. Seeing and hearing no one wishing to provide testimony, he closed the public hearing and requested a motion and second.

ERICKSON/DAVIS MOVED TO ADOPT ORDINANCE 24-52 BY READING OF TITLE FOR SECOND AND FINAL READING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- f. Ordinance 24-53, An Ordinance of the City Council of Homer, Alaska Adopting the Revised Port of Homer, Alaska Tariff No.1. City Manager/Port Director. Recommended dates: Introduction October 14, 2024 Public Hearing and Second Reading October 28, 2024.

Memorandum CC-24-213 from Port Director as backup.

Mayor Lord introduced the item and opened the public hearing. Seeing and hearing no one wishing to provide testimony, he closed the public hearing and requested a motion and second.

DAVIS/EVENUTI MOVED TO ADOPT ORDINANCE 24-53 BY READING OF TITLE FOR SECOND AND FINAL READING.

Councilmember Venuti commented on the work that was involved in the amending of the document.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- g. Ordinance 24-54, An Ordinance of the City Council of Homer, Alaska Amending the FY25 Capital Budget by Appropriating \$150,000 from the Police Fleet Capital Asset Repair and Maintenance Allowance Fund for the Purchase of Two Police Patrol Vehicles. City Manager/Police Chief. Recommended dates: Introduction October 14, 2024 Public Hearing and Second Reading October 28, 2024.

Memorandum CC-24-214 from Police Chief as backup.

Memorandum CC-24-226 from City Manager as backup.

Mayor Lord introduced the item and opened the public hearing. Seeing and hearing no one wishing to provide testimony, he closed the public hearing and requested a motion and second.

ERICKSON/DAVIS MOVED TO ADOPT ORDINANCE 24-54 BY READING OF TITLE FOR SECOND AND FINAL READING.

Discussion on the ordinance focused on using all the funds, leaving no buffer with the outlook of lowered revenue, value of receiving the information; clarification that the manufacturer only issues opening times to order the police vehicles; receiving the fleet schedule so that they can appropriately budget in the replacement of the vehicles; concern where the city is at with CARMA and how they will refill the accounts and that the amount does more than purchase two new vehicles but everything that goes into them.

VOTE. UNON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- h. Ordinance 24-55, An Ordinance of the City Council of Homer, Alaska Amending the FY25 Capital Budget by Appropriating \$40,000 from the Public Works Fleet Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purpose of Repairing the Boiler in City Steam Truck E176. City Manager/Public Works Director. Recommended dates: Introduction October 14, 2024 Public Hearing and Second Reading October 28, 2024.

Memorandum CC-24-215 from Public Works Director as backup.

Mayor Lord introduced the item and opened the public hearing. Seeing and hearing no one wishing to provide testimony, he closed the public hearing and requested a motion and second.

DAVIS/ERICKSON MOVED TO ADOPT ORDINANCE 24-55 BY READING OF TITLE FOR SECOND AND FINAL READING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- a. Emergency Ordinance 24-57, An Emergency Ordinance of the City Council of Homer, Alaska Appropriating \$60,000 from General Fund Capital Asset Repair and Maintenance (CARMA) Fund for the Purpose of the Repairing Sewer Lines at the Homer Volunteer Fire Department. City Manager.

Mayor Lord introduced the item by reading of the title and requested a motion and second.

VENUTI/DAVIS MOVED TO APPROVE EMERGENCY ORDINANCE 24-57.

Discussion included points of being able to have local services available to effect a repair and why the emergency ordinance was required.

City Attorney Gatti commented on the code requirements that allowed the emergency ordinance.

VOTE. YES. VENUTI, ADERHOLD, DAVIS, ERICKSON, HANSEN.

Motion carried.

CITY MANAGER'S REPORT

- a. City Manager's Report

City Manager Jacobsen noted her reported and provided additional comments on the following topics:

- Ohlson Lane Bunnell Avenue due to the funding request which will be brought forward at the November 12th meeting, there is a little over \$800K that was available for Water and Sewer
- Lease purchase option to obtain a grader, she recounted the issues with existing graders, noted the City Attorney was reviewing the legal aspects of the lease purchase
- Application for Council vacancy errors and put the option before the Council regarding extending it through Friday, noting it will not delay the seating a new member.
 - o Council agreed to err to the side of caution and extended to Friday.
- clarification on the actions and questions from the previous appointment conducted in 2021 and that the information will be provided to Council prior to the meeting by the City Clerk.
- Clarification was provided to Council on the funding for storm drain work in Old Town.

- b. General Fund Expenditure Report FY25 Actuals Through September 2024

PENDING BUSINESS

NEW BUSINESS

- a. Memorandum CC-24-223 from City Clerk Re: Selection of Mayor Pro Tempore for 2024/2025.

DAVIS/VENUTI MOVED TO APPOINT COUNCILMEMBER ADERHOLD AS MAYOR PRO TEMPORE.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

APPOINTED Councilmember Aderhold as Mayor Pro Tempore

Council members chose to stay in the same seat with the exception of Councilmember Venuti will be moving to the right one seat which was formerly occupied by Mayor Lord.

b. Homer City Council Unapproved Regular Meeting Minutes for October 14, 2024 Corrected Minutes.

Mayor Lord requested a motion and second.

VENUTI/ERICKSON MOVED TO ACCEPT THE CORRECTED MINUTES FOR THE OCTOBER 14, 2024

A brief discussion on inclusion of the mayor with the Councilmembers in the attendance section of the minutes as he was not considered a part of Council.

The Clerk will make that correction.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

- a. Resolution 24-114, A Resolution of the Homer City Council Urgently Calling for the Alaska Department of Transportation and Public Facilities and the United States Army Corps of Engineers to Implement Emergency Repairs and the Cooperative Implementation of a Long Term Erosion Mitigation and Maintenance Plan to Stabilize Erosion Conditions on the Homer Spit. Mayor/City Manager/Port Director.

Mayor Lord introduced the topic and the issues that brought this forward.

ERICKSON/VENUTI MOVE TO ADOPT RESOLUTION 24-114 BY READING OF TITLE ONLY.

Discussion ensued on the previous attempts to work with the Department of Transportation for the cooperative partnership for the Spit Road, expressions of appreciation for the Mayor bringing this forth and working to bring all parties together to address the erosion issues on the Homer Spit and the importance of working together to mitigate the problems in a highly effective manner.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Krause announced the availability of early voting at City Hall from 9:00 a.m. to 4:00 p.m. through the end of the week and Monday, Election day was next Tuesday and the available openings for Student Representatives on the Economic Development and Parks Art Recreation & Culture Advisory Commissions.

COMMENTS OF THE CITY MANAGER

City Manager Jacobsen expressed that it has been a busy couple of weeks since the last meeting and she has learned quite a bit about vehicles, road graders, plumbing, cast iron pipes, chaining, slip lining and still loves coming to work. She expressed her appreciation for the staff and departments with their help in getting her up to speed on everything and looks forward to seeing everyone at the Grand Re-Opening Ceremony for Bayview Park at 1:30 p.m. on Wednesday, October 30th.

COMMENTS OF THE MAYOR

Mayor Lord shared that her family really enjoys this time of year and expressed her appreciation for the Chamber of Commerce conducting the Fall Festival, The Refuge and Islands & Oceans Visitor Center puts on an incredible, creepy, crawly discovery lab that was really fun. She wished everyone a safe and fun Halloween and congratulated the Homer High Mariners on their success acknowledging that that was due to the important support from the families and kids supporting athletic programs in the schools.

COMMENTS OF THE CITY COUNCIL

Councilmember Aderhold expressed she will be returning on Thursday and had obtained her fill of heat, alpacas, chickens and other fun things and will see everyone soon.

Councilmember Venuti commented on the enjoyment and fun there was to have while serving on the City Council, she acknowledged the work and the process that is followed to conduct a well-orchestrated meeting especially when viewing democracy in action. Ms. Venuti thanked everyone for being a part of that process, likening it to a dance. She announced that she will be making comments about fun things for the remainder of the meetings so that the public is aware it is not all drudgery, they do have a good time and like each other. Ms. Venuti announced the benefit for the Homer Food Pantry, November 8, 2024 11a.m. to 2:00 p.m., the Empty Bowl Project, for \$40 you receive an artisan crafted bowl by a local potter, get it filled with homemade soup, bread and dessert, it is held at the Methodist Church, a fun event for everyone.

Councilmember Davis expressed his appreciation for the Chamber of Commerce hosting the Fall Festival noting it was well attended, there was a 5K run conducted by the Running Club in which he attended. He announced that the General Election was a week out and on Tuesday, October 29th a Forum for State Representative will be held at the Homer Public Library and thanked the Mayor for her sweetness.

Councilmember Erickson commented on losing another long standing member of the community, Sam Beachy, who founded Beachy Construction and expressed her appreciation for his generosity to the community and recalled her experience visiting the Ginger Bee Donut Shop and that there will be a memorial on Sunday. She further noted all the kind recollections from people that she has heard, the houses he has built and friendships developed. Ms. Erickson stated that Homer has lost another piece of their history and town. She mentioned that during this time of the year when it gets dark and people struggle with the holidays and encouraged

everyone to be kind and safe while driving as not everyone is wearing light and reflective clothing while walking and riding their bikes.

Councilmember Hansen commented on attending the celebration for Erica Walli on Saturday noting that there were about 300 persons in attendance. She then noted that she was contacted by the American Legion Riders regarding a fund raiser for Todd Cook and his family noting his recent loss. The event will be a Spaghetti Feed on November 8, 2024 5:00 p.m. to 7:00 p.m. You can place an order for pickup as well. Ms. Hansen announced that November 8-9 will be the Homer Mariner Wrestling Tournament and encouraged everyone to attend and support the kids.

ADJOURNMENT

Mayor Lord adjourned the meeting at 8:02 p.m. The next regular meeting is Tuesday, November 12, 2024 at 6:00 p.m., Committee of the Whole at 5:00 p.m. A Special Meeting at 3:30 p.m. All meetings are 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

Authorizing travel for the Mayor and up to Six Council Members to attend the Alaska Municipal League Annual Conference in Anchorage, Alaska, December 9-13, 2024.

Item Type: Action Memorandum
Prepared For: Mayor Lord and Homer City Council
Date: October 18, 2023
From: Renee Krause, MMC, City Clerk

The Alaska Municipal League (AML) 74th Annual Local Government Conference is scheduled in Anchorage, Alaska, December 9-13, 2024, in Anchorage, Alaska.

The AML is a voluntary, nonprofit, nonpartisan, statewide organization of 140 cities, boroughs, and unified municipalities, representing over 97 percent of Alaska's residents. Originally organized in 1950, the League of Alaska Cities became the Alaska Municipal League in 1962 when boroughs joined the League.

Meetings include Newly Elected Officials (NEO), Alaska Conference of Mayors, board committees and meeting with Legislators.

Cost estimates for travel include round trip airfare from Homer to Anchorage at \$340 per person or mileage at \$0.655 per mile, and room rates at \$149-\$169 plus tax per night. Per diem is \$58 per day, for three meals. Conference registration for NEO only is virtual at no cost or \$125 in person. Conference registration is \$350, and Alaska Conference of Mayors is \$125.

RECOMMENDATION:

Approve travel for Mayor and Council Members to attend the AML Annual Conference in Anchorage Alaska.

Alaska Municipal League 74th Annual Local Government Conference
DRAFT Agenda

Wednesday, November 20 - VIRTUAL

- 9:00am Newly Elected Officials Training via Zoom
- **Budgets and Government Accounting**
 - **Lobbying Effectively**
- Noon Break for lunch
- 1:00pm Newly Elected Officials Training via Zoom
- **Ethics and Conflict of Interest**
 - **Introduction to Title 29 or Title 29 for Experts**
- 4:30pm Adjourn

Monday, December 9

Affiliate Sessions

- AMMA – Managers Kahtnu 2
- AAMC – Clerks Tikahtnu C/D
- AMAA – Attorneys Tikahtnu E/F
- AAAO – Assessors Kahtnu 1

Newly Elected Officials

Tikahtnu B

- 8:30am Welcome and Introductions
- 9:00am **Reviewing the Fundamentals of Elected Office**
- **Quasi-Judicial Role and Ex-Parte Contact**
 - **Open Meetings Act**
- Noon Lunch – Introduction to the Alaska Municipal League
- 1:00pm **Reviewing the Fundamentals of Elected Office**
- **Roles and Responsibilities of Municipal Officials**
 - **Parliamentary Procedure**
- 3:00pm **Q&A and Discussion**
- 4:30pm Adjourn
- 5:30pm **ACoM – President’s Legislative Reception** Tikahtnu B
- First-time Attendees, Newly Elected Officials, Mayors + Legislators

Tuesday, December 10

Affiliate Sessions

- AMMA – Managers Kahtnu 2
- AAMC – Clerks Ballroom C/D
- AMAA – Attorneys Ballroom E/F
- AAAO – Assessors Kahtnu 1

Alaska Conference of Mayors

Ballroom B

8:00am Breakfast

9:00am **Welcome Remarks and Introductions**

10:30am **NLC Economic Insights Presentation**

Noon Lunch & Roundtable Discussions

1:00pm **Workplace Culture**

3:00pm **ACoM Annual Business Meeting**

ACoM President

- Guidelines
- Potential Policy Statements
- Election of Officers

4:30pm Adjourn

5:00pm **Alaska Municipal Health Trust Annual Meeting**

K'enakatnu 6

Attended by current plan participants for annual business meeting of Trustees; open to everyone. Light appetizers provided.

6:00pm **Alaska Municipal Clerks - Annual Banquet**

Ballroom A

Wednesday, December 11

7:00 am Registration open

8:00 am **Breakfast**

9:00 am **Opening Session**

- **Welcome**
- Land Acknowledgement
- Pledge of Allegiance
- **Welcome – Suzanne LaFrance, Mayor, Municipality of Anchorage**
- **Welcome – Mayor David Sander, NLC President**
- **Welcome – NACo President**
- **Members of the Congressional Delegation – *video addresses***

9:45 am **AML – Year in Review**

Tikahtnu Ballroom

10:15 am *Break*

10:15 am	Getting ready for the 34th Legislature	Tikahtnu Ballroom
	<ul style="list-style-type: none"> • Meet your Legislature – invitations extended to legislators-elect 	
11:45 am	Lunch & Keynote	Tikahtnu Ballroom
	<ul style="list-style-type: none"> • Noah Galloway 	
1:15 pm	<i>Break</i>	Foyer
1:30 pm	Concurrent Sessions	
	<ul style="list-style-type: none"> • Working in a Winter Wonderland: Snow Strategies • Intregrating Land Use, Housing, Policy, & Zoning (#buildingcodes) • Police Accreditation • Municipal Family of Plans & the Planning Process • Grant Management Lif Cycle 	
2:45 pm	<i>Networking Break</i>	Exhibit Hall
3:00 pm	Concurrent Sessions	
	<ul style="list-style-type: none"> • Relevant Rules & Regulations • Strategic Planning & Being Strategic with CIPs • Using AI in Local Government • Finding Funding and Partnerships is Unlikely Places • Teamwork Makes the Dream Work 	
4:15 pm	Exhibitor Showcase	
4:30 pm	Music & Networking in the AMLounge	
4:30 pm	ARSSTC Annual Meeting – 5 year Birthday Bash!	K'enakatnu 6
4:30 pm	Committee Meetings	Kahtnu 1
	<i>The AML Legislative and Resolutions Committee will conduct this formal meeting to 1) review and provide for members' consideration legislation that impacts local governments, and 2) develop and approve AML 2024 resolutions, for action at the Annual Business Meeting.</i>	
	<ul style="list-style-type: none"> • Legislative Committee • Resolutions Committee 	
5:00 pm	Nominating Committee	Kahtnu 1
	<i>The AML Nominating Committee will conduct this formal meeting to develop and approve the final candidate slate for the AML board of directors.</i>	
4:30 pm	ARSSTC Annual Meeting	Kahtnu 1
5:30 pm	Community Block Party and Silent Auction	Tikahtnu A
7:30 pm	Adjourn Day One	

Thursday, December 12

7:30 am	Registration	
7:30 am	Breakfast and AML-JIA Business Meeting	Tikahtnu Ballroom
8:30 am	Announcements	
8:45 am	Concurrent Sessions <ul style="list-style-type: none">• Workforce-Doing Less with Less and how to Prioritize• Innovative Delivery of Public Safety: Behavioral Health Initiatives• Competitive Bidding Processes• Where are all the planners + Planning Methodologies for planners• Drafting Short Term Rental Regulations	
10:15 am	<i>Networking Break</i>	
10:30 am	Concurrent Sessions <ul style="list-style-type: none">• Assessment & Property Tax: What you Need to Know• Tourism: Do Healthy Public Pocketbooks Make Healthy Communities?• How Technology Can Support the Municipal Process• Grant Management: What Funding Agencies want you to know• Collaboration in Process	
11:45 am	<i>Break</i>	
12:00 pm	Annual Awards Luncheon <ul style="list-style-type: none">• Elected Official of the Year• Municipal Employee of the Year• Vic Fischer Lifetime Service Award• Emerging Municipal Leader Award• Municipal Innovation Awards	Tikahtnu Ballroom
1:00 pm	AML Membership Announcements <ul style="list-style-type: none">• Resolution Committee – update to members on 2025 resolutions submitted• Nominating Committee – update to members on the slate of AML Board candidates• Board Candidates – candidate one-minute intros	Tikahtnu Ballroom

- 1:30 pm **Concurrent Sessions**
- Public “camping” A Post-Grant’s Pass world, Managing Instability
 - Tax Trends & Marketplace Facilities
 - Safer Streets are for Everyone; Where Transportation & Land Use Meet
 - Public Comment: The Good, The Bad, The Legal
 - NLC’s Opportunity Atlas
- 2:45 pm Ice Cream Social and Exhibitor Drawing
- 3:15 pm **Concurrent Sessions**
- Asset Management
 - Housing Action Plans & the Need for Localized Data
 - Role of Local Governments in Child Care Investment
 - Health Impact Assessments
 - Communication Strategizing
- 4:30pm **Music & Networking in the AMLounge**
- 5:30 pm **Game Night!**
A fun event to socialize and reconnect.
- 8:00 pm Adjourn Day Two

Friday, December 13

- 7:30 am Breakfast
- 8:00 am **AMLIP Annual Meeting** **Tebughnenq 3-5**
Jointly with the Alaska Government Finance Officers Association
Investment Outlook - Key Bank
 - Alaska Permanent Capital Management
 - AMLIP Board Elections
- 9:00 am **Alaska Municipal League Annual Business Meeting** **Tebughnenq 3-5**
AML Board President’s Report
Director’s Report
Elections
Vote for new board members and officers;
Legislative and Resolutions Committee
 - Legislative Positions
 - Resolutions**Election Results**
Announcements
- 11:30 am **Adjourn Annual Conference**



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:



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	<u>Additional Funding - Rehabilitation of Beluga Lift Station</u>	DATE	<u>11/05/2024</u>
DEPARTMENT	<u>Public Works</u>	SPONSOR	<u>City Manager/PW Director</u>
REQUESTED AMOUNT	<u>\$ 100,000</u>		

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
[Signature]

**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

Date: 2.24.16

Thomas F. Klinkner
Thomas F. Klinkner, City Attorney

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

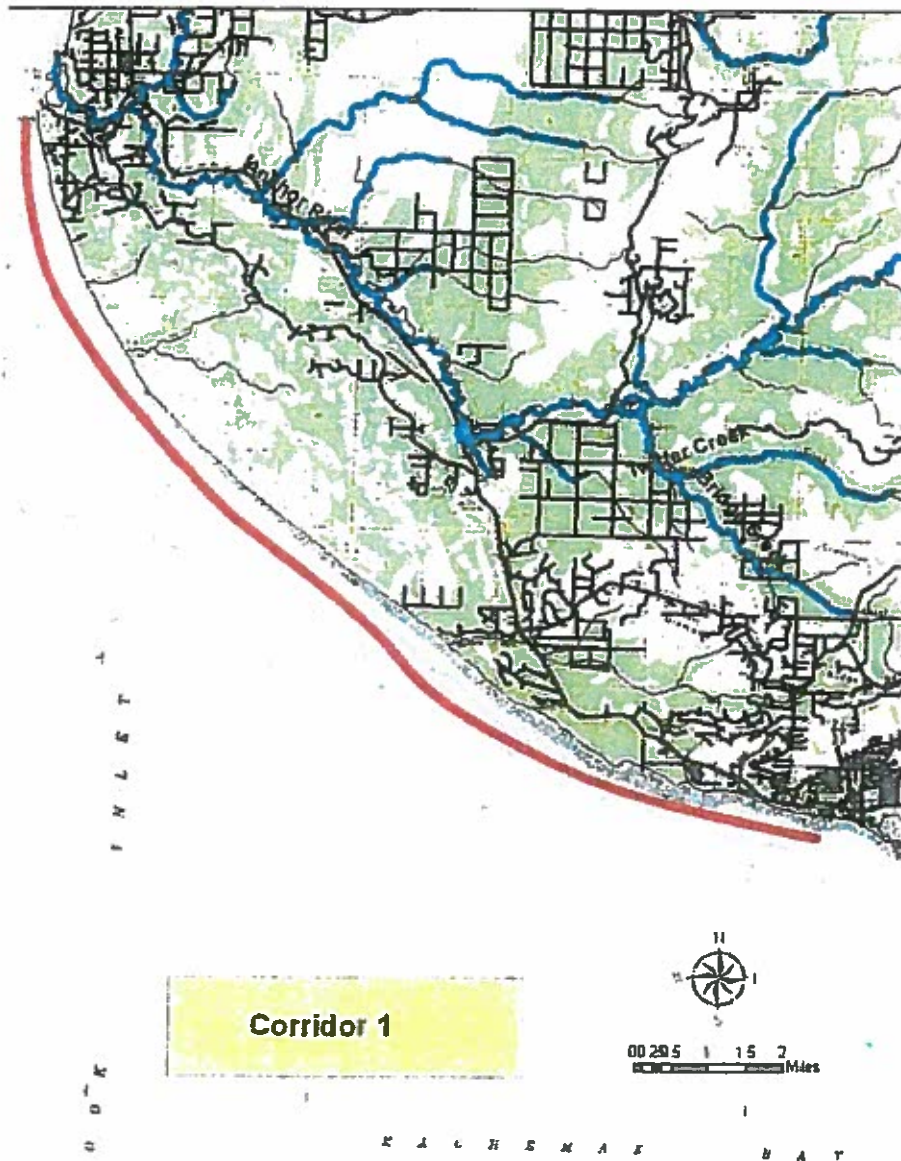
Enclosures: Maps

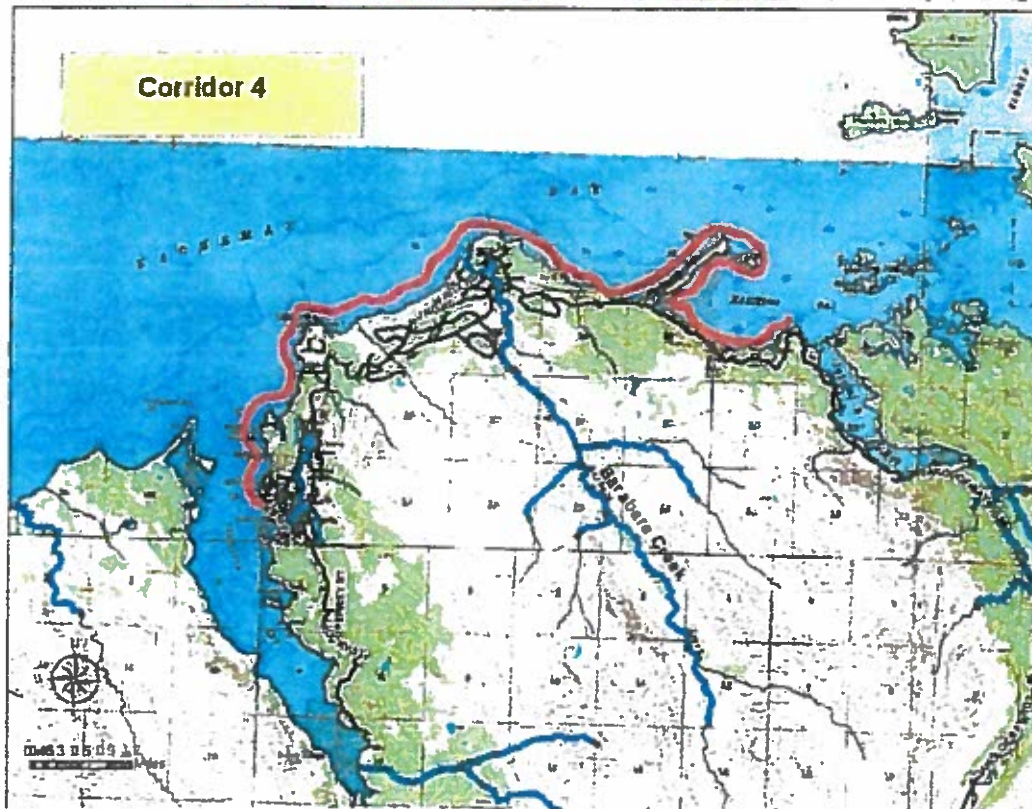
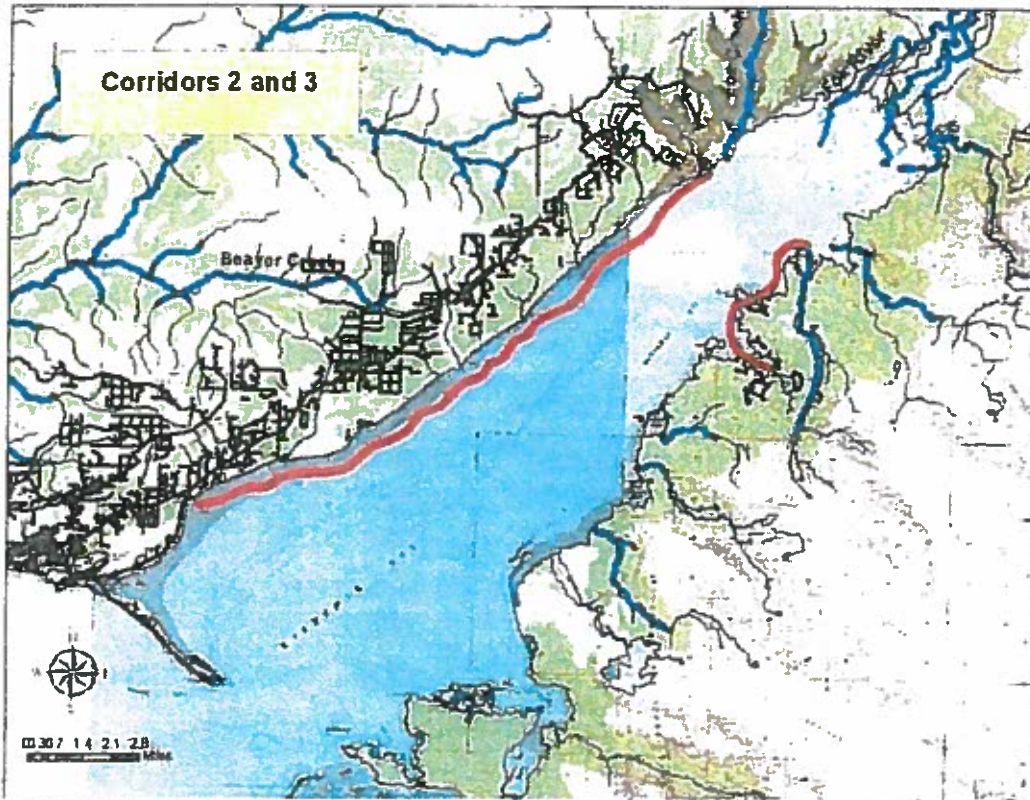
cc: KRC File

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



Birch Horton Bittner & Cherot

a professional corporation

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

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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.

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

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:_____

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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, 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.

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:

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.

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

Resolution 24-xxx





TABLE OF CONTENTS

TABLE OF CONTENTS	1
DEFINITIONS	2
INTRODUCTION, PURPOSE, & GOALS.....	3
GENERAL POLICY & PLAN FOR ALL HOMER BEACHES.....	5
POLICIES & PLANS FOR SPECIFIC AREAS.....	8
BEACH AREA MAP.....	13



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.




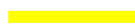

Gates and use of natural vegetation are used to delineate parking lots at parks and beaches at the south end of Mariner Park (top), Southeast end of Bishop's Beach (middle), and Louie's Lagoon parking lot (bottom)



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

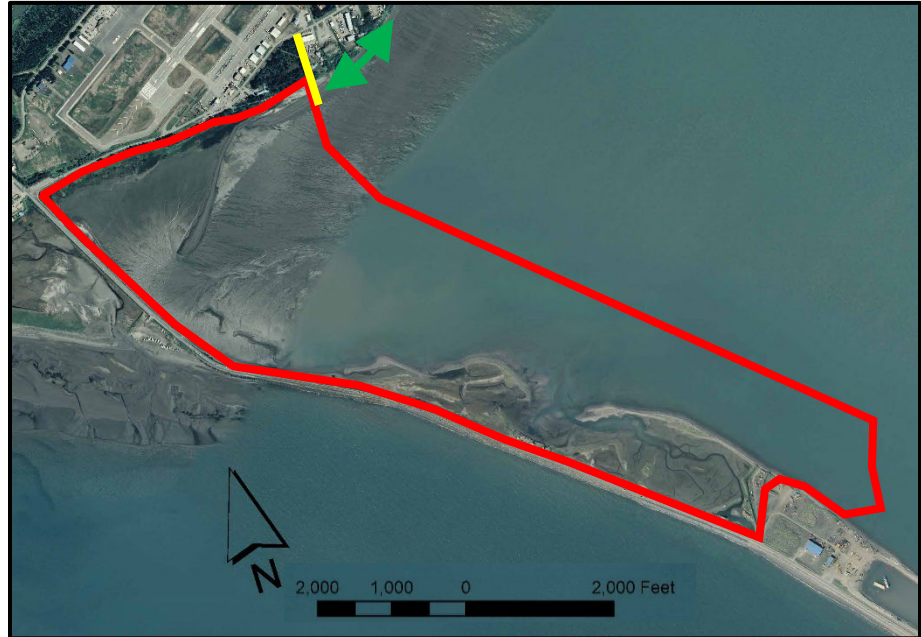
- A. Miller's Landing – Maintain a public viewing spot in the Airport Beach Access Road Right-of-Way off of Kachemak Drive through the use of signage stating the location of the public access. A small parking area may be designated with the use of boulders to discourage trespassing on adjacent properties.
- 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

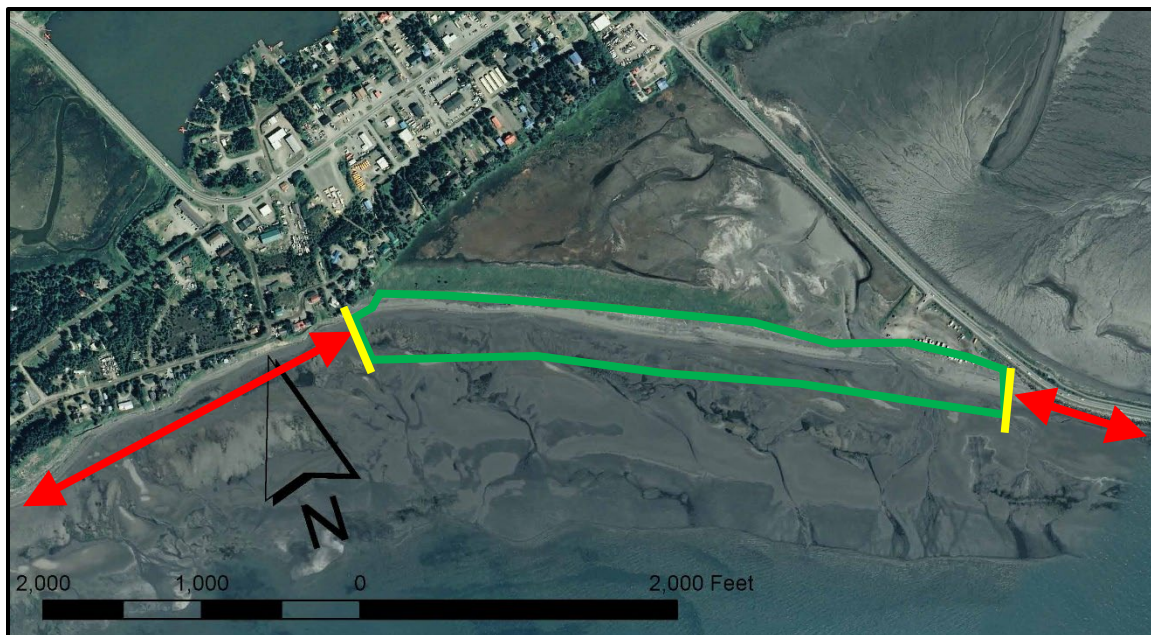
- A. Vehicles are prohibited in this entire area, excluding designated access driveways and parking.



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

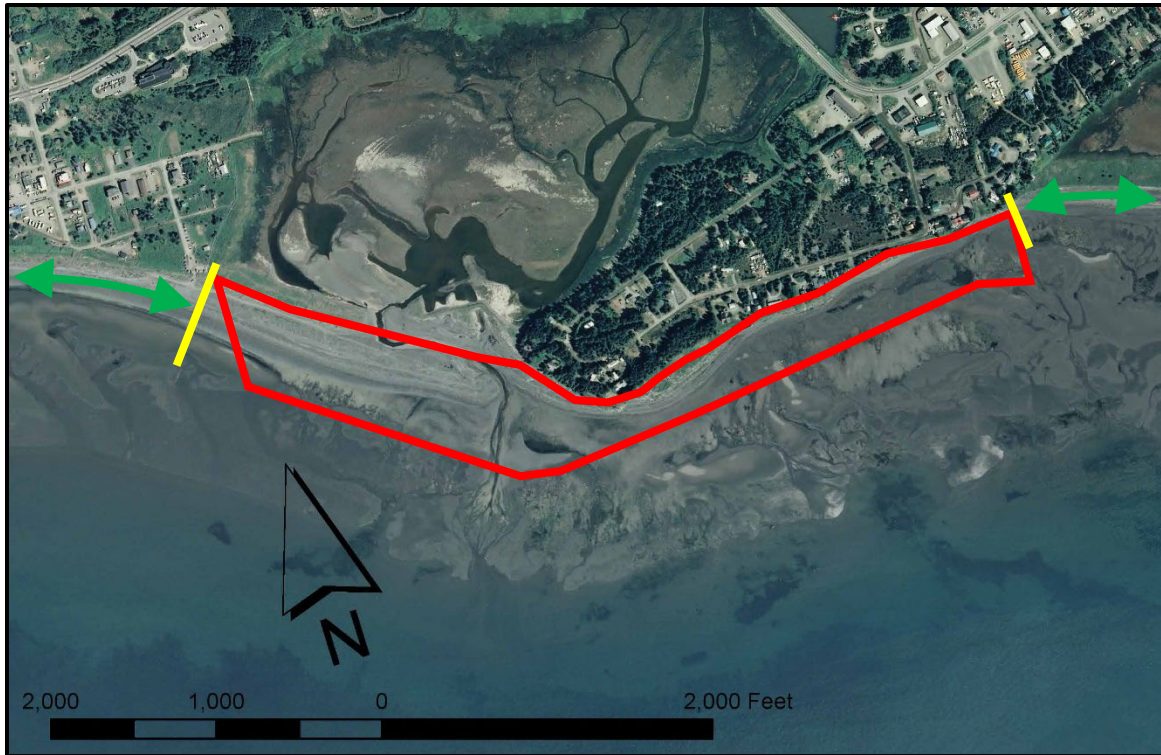
- A. Vehicles are prohibited in this entire area.
- B. Ensure there are line items in the City's budget to dredge Mariner Slough on a biennial year period.



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.

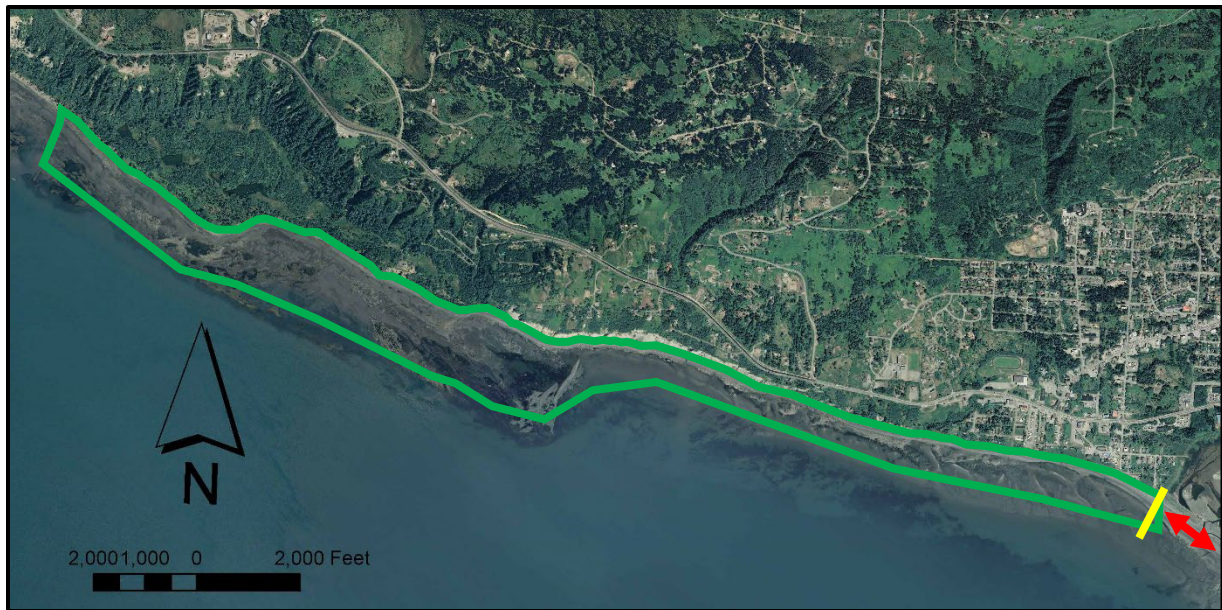


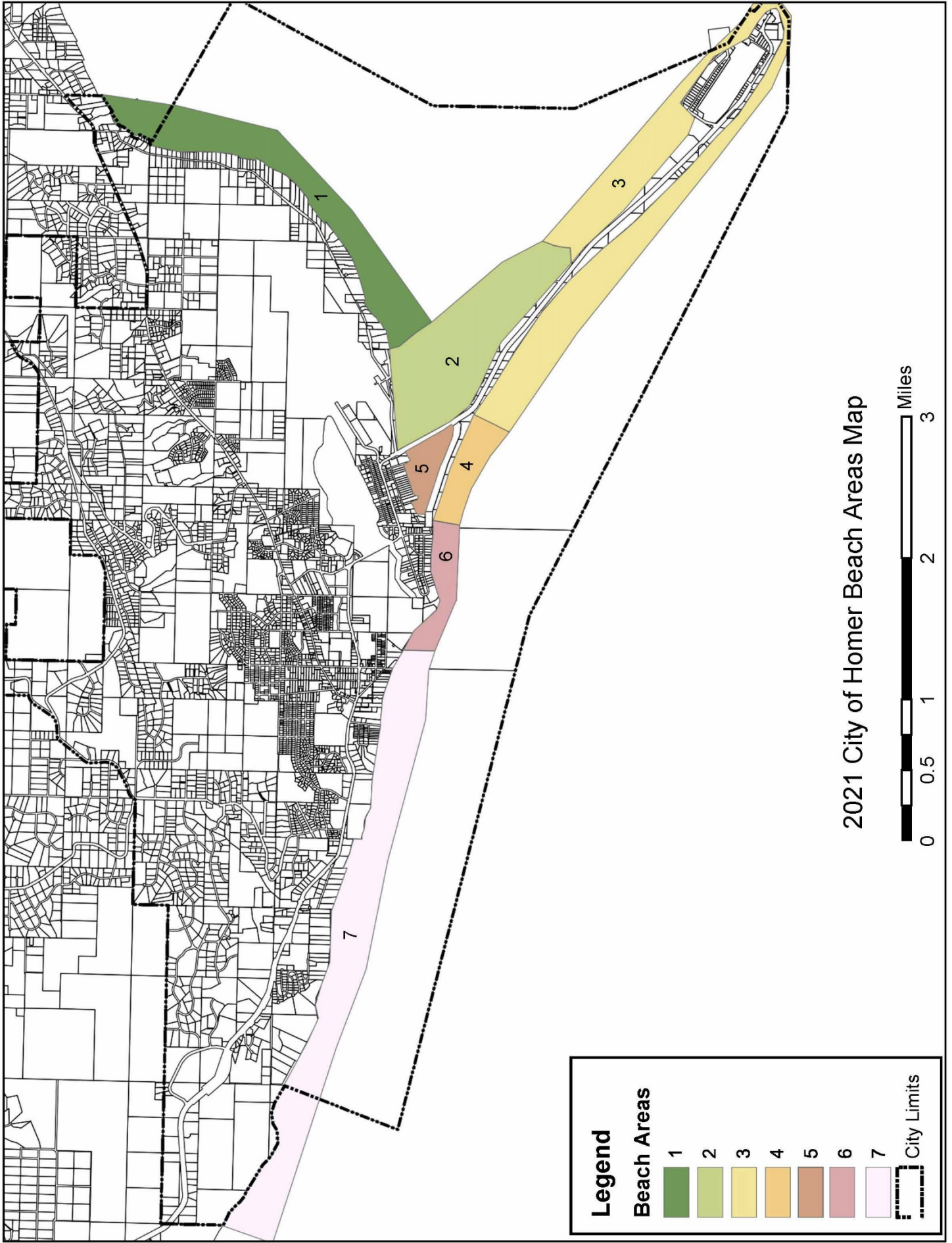
AREA 7

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

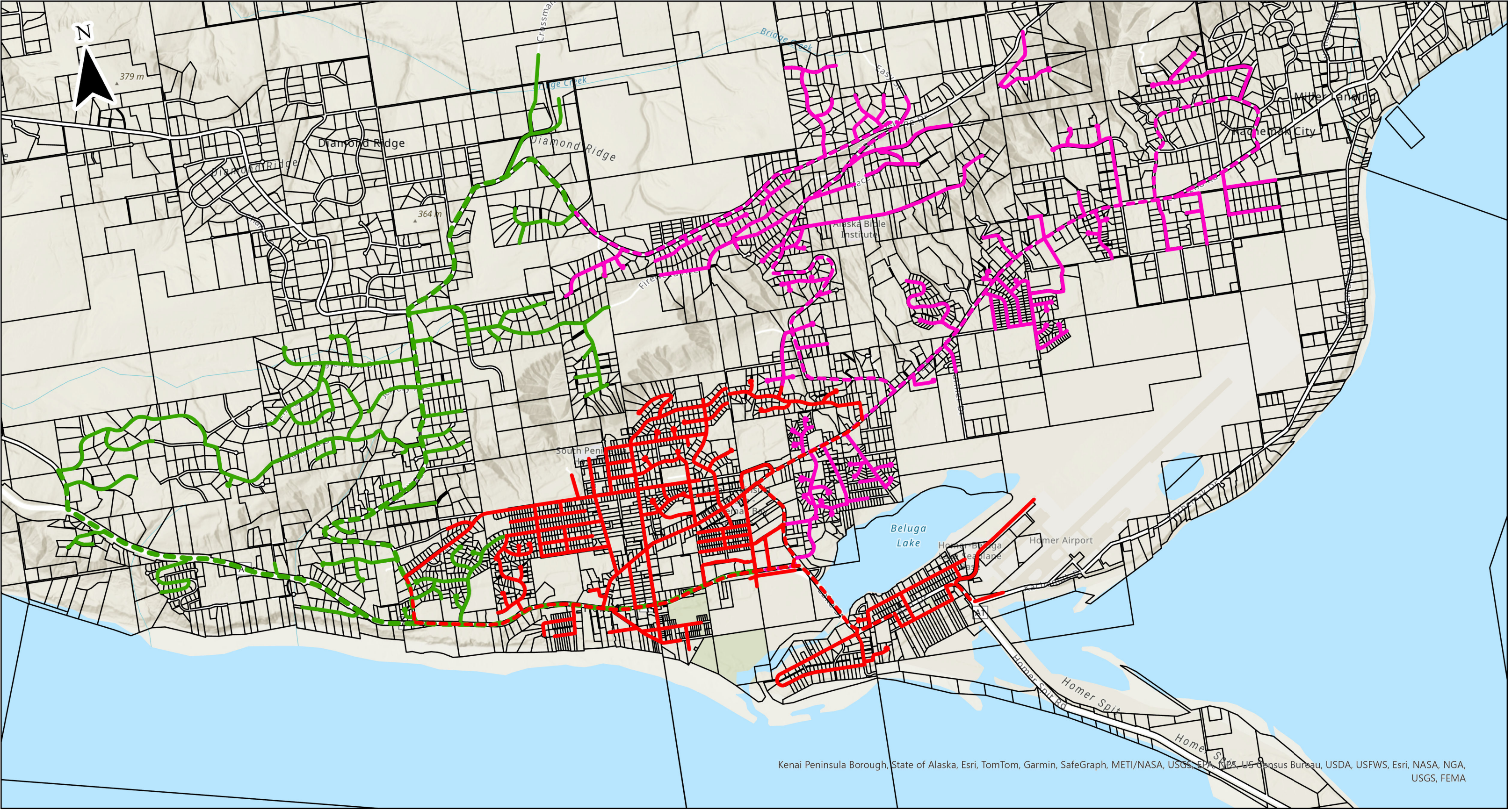
Dated _____, 20__
between
Caterpillar Financial Services Corporation
and
CITY OF HOMER

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.

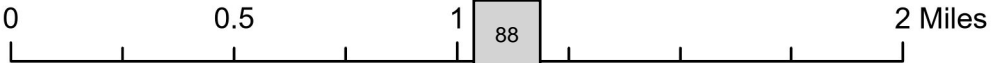
Initialed: _____
(Lessee)



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

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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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

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.

WHEREAS, The Public Works Department is responsible to provide winter road
maintenance that includes snow plowing; and

WHEREAS, The City has three graders purchased in 2022 (E181), 2021 (E180), and 2002
(E168); and

WHEREAS, The E168 grader is aged and has suffered continual transmission failures in
recent years and is identified as needing replacement by 2026; and

WHEREAS, 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; and

WHEREAS, The annual payment is \$71,380.22 per year for seven years.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY25 Capital Budget by
appropriating \$71,380.22 as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
152-0383	Public Works Fleet CARMA	\$71,380.22

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of _____, 2024.

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ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

CITY OF HOMER

RACHEL LORD, MAYOR

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	_____



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:

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Finance Director

RESOLUTION 24-115

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
DESIGNATING SIGNATORIES OF CITY OF HOMER ACCOUNTS AND
SUPERSEDING ANY PREVIOUS RESOLUTIONS SO DESIGNATING.

WHEREAS, Rachel Lord was elected Mayor at the Regular Municipal Election October 1, 2024; and

WHEREAS, Councilmember Donna Aderhold was appointed as Mayor Pro Tempore for 2024/2025, effective October 28, 2024.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that for banking purposes, the persons listed hereinafter are authorized as signers on accounts of the City of Homer, with dual signatures required for checks over \$5,000 as follows:

RACHEL LORD, MAYOR
DONNA ADERHOLD, MAYOR PRO-TEMPORE
MELISSA JACOBSEN, CITY MANAGER
JULIE ENGBRETSSEN, ACTING CITY MANAGER
ELIZABETH FISCHER, FINANCE DIRECTOR/TREASURER
JENNA DELUMEAU, DEPUTY TREASURER

PASSED AND ADOPTED by the City Council of Homer, Alaska this 12th day of November, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

Fiscal Note: N/A



MEMORANDUM

Resolution 24-116, A Resolution of the City Council of Homer Alaska Approving the Renewal of a Lobbyist Contract with J & H Consulting, LLC of Juneau, Alaska for a Term of One Year, Commencing on December 15, 2024 and Ending on December 15, 2025 in the Amount of \$42,000 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager.

Item Type: Backup Memorandum
Prepared For: Mayor and City Council
Date: October 28, 2024
From: Melissa Jacobsen, City Manager

The City engaged J & H Consulting at the end of 2020 to be the City's lobbying firm in Juneau. Over the years, this relationship has been very successful. J & H have been very effective at making connections for the City, and they assist the City in setting up appointments with Legislators, State, and Federal agencies to promote and advocate for City interests. They provide Council regular legislative updates when the State Legislature is in session in Juneau. We have also achieved some victories in State budget cycles with the State appropriations of \$750,000 and most recently \$288,523 towards the Homer Harbor Expansion General Investigation, funding of the Municipal Harbors Grant Program and an increase in the State's community jails budget.

Last year they additionally arranged for a lobbying trip to Washington, D.C., which helped secure Federal continuation funding for the General Investigation from the U.S. Army Corps of Engineers FY24 Discretionary Work Plan funds and highlighted other City capital priority projects seeking Congressionally Directed Spending.

Draft contract is attached as backup as well.

Staff Recommendation: Approve the resolution to renew a one-year contract with J & H Consulting for 2025.

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 24-116

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
APPROVING THE RENEWAL OF A LOBBYIST CONTRACT WITH J & H
CONSULTING, LLC OF JUNEAU, ALASKA, FOR A TERM OF ONE
YEAR COMMENCING ON DECEMBER 15, 2024 AND ENDING
DECEMBER 15, 2025 IN THE AMOUNT OF \$42,000 AND
AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE
THE APPROPRIATE DOCUMENTS.

WHEREAS, In 2020 the City issued a request for proposals for lobbying services and as a
result approved a one year contract with J & H Consulting with Resolution 20-120; and

WHEREAS, Throughout the subsequent contract years, J & H Consulting has gotten to
know City issues and capital project needs, advocated successfully for capital projects and
legislation on behalf of the City of Homer, as well as the Large Vessel Harbor Expansion General
Investigation; and

WHEREAS, Per the terms of the contract, performance may be extended for additional
periods by written contract of both parties and as approved by City Council via resolution; and

WHEREAS, Funds were allocated in the FY 24/25 budget for lobbying services and it is in
the City's best interest to retain J & H Consulting to continue their work in advocating for the
City of Homer at the State Capitol; and

WHEREAS, This award is not final until notice is received by J & H Consulting, LLC of
Juneau, Alaska, from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
approves the contract for Lobbyist for the City of Homer to the firm of J & H Consulting, LLC of
Juneau, Alaska, for a term of one year commencing on December 15, 2024 and ending on
December 15, 2025 in the amount of \$42,000 and authorizes the City Manager to negotiate and
execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 12th day of November, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

Fiscal Note: Ordinance 23-20(A) and 24-23(A) appropriated \$63,000 from General Fund (\$51,000 to 100-0100-5248, \$12,000 to 100-0110-5248); \$56,000 remains. Ordinance 23-20(A) and 24-23(A) appropriated \$42,000 from Port Fund (400-0600-5248); \$35,000 remains. Ordinance 24-23(A) appropriated \$2,000 from Utility Fund (\$1,000 to 200-0400-5248, \$1,000 to 200-0500-5248); \$2,000 remains.

CONTRACT FOR PROFESSIONAL SERVICES

This Contract, effective as of December 15, 2024, is between the City of Homer (hereinafter referred to as "Client"), 491 E. Pioneer Avenue, Homer, Alaska 99603, and J & H Consulting, LLC (hereinafter referred to as "Contractor"), P.O. Box 23293 Juneau, Alaska 99802.

RECITALS

WITNESSETH that:

Whereas, the need for such a Contract has been deemed necessary by Client; and

Whereas, Client is entering into this Contract by direct negotiations and not by competitive bid because this is a contract for professional consulting services and Client has determined that it is not feasible to solicit these services through the competitive bidding process due to the professional nature of the services and the specific qualifications required of the Contractor; and

Whereas, Contractor is willing to undertake the performance of this Contract under its terms.

AGREEMENT

For consideration received, recited herein, Contractor agrees to provide services to Client and/or its designated representative, as set forth in the Statement of Work and as cited in the Proposal submitted in response to the Request for Proposals for Lobbyist Services issued by the Client, included as part of this document as Exhibit A.

PERIOD OF PERFORMANCE

Subject to either party's right to terminate, the period of performance under this Contract shall commence on December 15, 2024 and expire on December 15, 2025.

Performance may be extended for additional periods by written contract of both parties and as approved by City Council via resolution.

TERMS

For services rendered under this Contract, Client agrees to compensate Contractor the sum total of \$42,000 to be paid in monthly payments of \$3,500.00 by the fifteenth day of the month beginning January 15, 2025 for services rendered the prior 30 day period.

Contractor agrees to make one trip to Homer at Contractors expense to consult with the Council and staff and familiarize themselves with the City of Homer goals.

Contractor specifically recognizes that the limitation upon this Contract is essential and expressly agrees to be bound thereby.

INDEMNIFICATION

Contractor shall indemnify and hold harmless Client for any and all liability or claim for injury to persons or damage to property arising out of Contractor's performance or non-performance of this Contract.

Client shall indemnify and hold harmless Contractor for any and all liability or claim for injury to persons or damage to property arising out of Client's performance or non-performance of this Contract.

ASSIGNMENT AND SUBCONTRACTS

This is a Contract for professional services and no portion of this Contract may be assigned, delegated, or sub-contracted without the written permission of Client or its designee.

Client is aware of the previous and current existence of contracts between Contractor and entities listed in the proposal submitted and included as Exhibit A.

TAXES

Contractor is, for all purposes, including taxes, worker's compensation, and insurance an independent Contractor and not Client's employee.

Contractor agrees to make all Social Security, federal or state tax payments or other payments as required by law.

REPORTING REQUIREMENTS

Contractor is responsible to meet all reporting deadlines as required by the Alaska Public Offices Commission with regard to "Lobbyist" Reports and filings.

Client is responsible to meet all reporting deadlines as required by the Alaska Public Offices Commission with regard to "Employer of Lobbyist" Reports and filings.

COMPLETE CONTRACT

This Contract contains the complete agreement concerning the arrangement between the parties and shall, as of the effective date, supersede all other contracts between the parties.

The parties stipulate and agree that neither of them has made any representation with respect to the subject matter of this Contract or any other representations except as are specifically set forth herein, and that neither of them has relied upon any representations in entering into this Contract, except as are specifically set forth herein.

Each of the parties acknowledges that they have relied on their own judgment in entering into this Contract.

STATEMENT OF WORK

Contractor shall perform the following services for Client for the duration of this Contract:

1. Work to secure capital and/or operating budget funding as requested by Client;
2. Develop political strategy tailored to meet the specific objectives of Client;
3. Identification of and monitoring the progress of all legislation introduced or proposed for introduction in the Alaska Legislature which may affect Client;
4. Provide Bi-weekly and ad hoc reporting to Client and in sufficient detail to keep Client reasonably apprised of the status and likelihood of passage of such legislation;
5. Evaluation of all relevant legislation and advisory to Client of circumstances which may necessitate the written testimony or presence of Client in Juneau to lobby, testify, or otherwise act to protect the interests of Client;
6. Engagement with members of the Legislature and Administration on behalf of Client on all proposed legislation, regulations and executive actions affecting Client, and coordination with other industry lobbyists and associations when strategically advantageous to Client;
7. Coordination and organization of Client visits to Juneau, if required, during the legislative session, including meetings and/or social functions with key public officials.

Client and/or its designees shall be responsible for the following:

1. Provide Contractor with all legislative and administrative priorities and pertinent information necessary for legislative committee and administrative hearings and meetings;
2. Organize and provide technical support to promote Client's goals, i.e. professional testimony;
3. Be available to provide timely input and testimony either via teleconference or in person before legislative committees and administration officials relative to Client's priorities.

CONFLICT RESOLUTION PROCEDURES

Contractor shall communicate, coordinate, and report to Client as required under this Contract. Except as otherwise provided, if Contractor receives instruction from other clients that Contractor reasonably, in good faith, believes to be contradictory to instructions provided by Client on a specific issue, Contractor shall declare a conflict by giving notice thereof to each client. After giving said notice of conflict, Contractor shall not carry out any of the duties, tasks, or functions requested by any of the contradictory instructions.

Contractor will assist in conciliation efforts to resolve client differences. Said failure to act shall not constitute a breach of this Contract nor shall it decrease the Contract sum payable to Contractor hereunder.

Contractor shall refrain from so acting until such time as Contractor receives non-contradictory written instructions on the same subject from each client, or from one of said clients who represents to Contractor that the officials have conferred and are now in agreement as to how to proceed.

Contractor shall then carry out said instructions as otherwise required by this Contract. Regardless of the existence of a specific conflict, Contractor shall continue to perform all other duties required under this Contract that are not involved in the conflict.

TERMINATION

This Contract may be terminated by either party for any reason upon sixty (60) days written notice; in the event such notice is given by either party during the year in which this agreement is in effect, compensation will be pro-rated for the portion that this Contract was in effect.

Any notice of termination by Contractor shall be executed by Contractor. Any notice of termination by Client shall be executed by the City Manager of the City of Homer.

GENERAL CONDITIONS

Contractor's and Client's performance under this Contract shall comply with all applicable statutes, regulations, ordinances, policies and ethical rules.

No waiver of any provision of this Contract shall be effective unless in writing signed by both parties. The failure by any party to object to non-performance of, or to seek to compel performance of, an obligation under this Contract shall not constitute a waiver of any subsequent breach of the same or any different obligation.

The laws of the State of Alaska shall govern the rights and duties of the parties under this Contract. Venue for any action or proceeding arising from this Contract shall be in the state court in Homer, Alaska.

This Contract and the exhibits to it, constitute the entire agreement between the parties, superseding all previous representations, discussions and any verbal agreements between them.

This Contract may not be modified, limited or added to except in writing signed by both parties.

Notices concerning this Contract shall be given by the parties in writing and shall be personally delivered or mailed to a party at the address set out above. Notice shall be complete when delivered.

If any provision of this Contract is held to be unenforceable, in whole or in part, such holding will not affect the validity of the other provisions of this Contract.

This Contract constitutes the complete and entire statement of all terms, conditions and representations of the agreement between the parties with respect to its subject matter.

IN WITNESS WHEREOF, the parties have executed this Contract and represent that they have the express authority to sign on behalf of the respective agency or party listed below.

CONTRACTOR:
J & H Consulting, LLC

CLIENT:
City of Homer

Christine Hess, Member

Melissa Jacobsen, City Manager

Date: _____

Date: _____



WHAT IS SMALL BUSINESS SATURDAY®?

Celebrating its 15th year on November 30, 2024, Small Business Saturday, founded and proudly backed by American Express, has illuminated the significance of supporting small, independently owned businesses across the country. Falling between Black Friday and Cyber Monday, it's a day dedicated to supporting the local small businesses that help create jobs, boost the economy, and keep communities thriving across the country.

WHY SUPPORT SMALL BUSINESS SATURDAY?

- Demonstrates a conscious commitment to the communities in which we live.
- Creates goodwill within the communities.
- When we support small businesses, we help create jobs and local communities preserve their unique culture.

2023 SMALL BUSINESS SATURDAY FACTS:

- In 2023, U.S. consumers reported spending an estimated \$17 billion at independent retailers and restaurants on Small Business Saturday.¹
- Elected officials in all 50 states, Washington, D.C. and Puerto Rico championed Small Business Saturday.
- 716 local governments issued proclamations in support of Small Business Saturday covering all 50 states and Washington, D.C.
- American Express enlisted the support of nearly 50 large companies, known as Corporate Supporters, to help drive excitement for and promote Small Business Saturday.
- The Small Business Saturday Coalition, comprised of national, state and local associations that help coordinate activities for Small Business Saturday with small

¹ The American Express 2023 Small Business Saturday Consumer Insights Survey was conducted by Teneo on behalf of American Express. The study is a nationally representative sample of 2,483 U.S. adults 18 years of age or older. The sample was collected using an email invitation and an online survey. The study gathered self-reported data and does not reflect actual receipts, sales or American Express Card Member spending data. It was conducted anonymously on November 26, 2023. The survey has an overall margin of error of +/- 2.0%, at the 95% level of confidence. Projections are based on the current U.S. Census estimates of the U.S. adult population, age 18 years and over.



business owners and consumers, had over 160 organizations help spread the Shop Small® message.

- According to the 2023 Small Business Saturday Consumer Insights Survey, 61% of consumers strongly agreed that they found a small business or independently owned restaurant on Small Business Saturday where they are likely to return and become a regular customer.¹

JOIN THE COALITION:

Building on the success of previous years, the Coalition of supporters are more committed than ever. This includes support from advocacy organizations that join the initiative to motivate constituents through incentives and offers to not only Shop Small on November 30, 2024, but Shop Small all year long.

The coalition will be led by Women Impacting Public Policy, a business advocacy organization representing small businesses. [Join Us!](#)

Contact Info:

Small Business Saturday Program

Women Impacting Public Policy

Phone: 415-878-1576 | Email: sbscoalition@wipp.org

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 24-117

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
PROCLAIMING NOVEMBER 30, 2024 AS SMALL BUSINESS
SATURDAY AND ENCOURAGING SUPPORT OF SMALL BUSINESSES
THROUGHOUT THE YEAR.

WHEREAS, The City of Homer, Alaska celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, According to the United States Small Business Administration, there are 34.7 million small businesses in the United States, small businesses represent 99.7% of firms with paid employees, small businesses are responsible for 61.1% of net new jobs created since 1995, and small businesses employ 45.9% of the employees in the private sector in the United States; and

WHEREAS, Sixty-eight cents (\$0.68) of every dollar spent at a small business in the United States stays in the local community, every dollar spent at small businesses creates an additional forty-eight cents (\$0.48) in local business activity as a result of employees and local businesses purchasing local goods and services; and

WHEREAS, Fifty nine percent (59%) of United States consumers aware of Small Business Saturday shopped or ate at a small, independently owned retailer, or restaurant on Small Business Saturday in 2023; and

WHEREAS, The City of Homer supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

WHEREAS, Advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of Homer, Alaska hereby proclaim November 30, 2024 as

SMALL BUSINESS SATURDAY

BE IT FURTHER RESOLVED, the Mayor and City Council urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday – celebrating its 15th year in 2024 – and *Shop Small* throughout the year.

PASSED AND ADOPTED by the Homer City Council this 12th day of November, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

Fiscal information: NA



MEMORANDUM

Ordinance 24-56, An Ordinance of the City Council of Homer, Alaska, Amending the FY25 Capital Budget by Accepting and Appropriating a State of Alaska Public Library Assistance Grant for FY25 in the Amount of \$5,171 for Books and Library Materials. City Manager/Library Director.

Item Type: Backup Memorandum
Prepared For: Homer Mayor and City Council
Date: October 15, 2024
From: Library Director Dave Berry
Through: City Manager Melissa Jacobsen

As you are aware, Homer Public Library was awarded a Public Libraries Assistance (PLA) grant this year, as in every year going back decades. The grant is used for purchasing library materials.

The library was initially awarded \$1,829, far short of the usual \$7,000, due to changes in the budget of the Division of Libraries, Archives and Museums in Juneau. Following public outcry, the division has found enough funds to restore the PLA grant to its normal levels.

Council has previously accepted the original \$1,829. On October 15, 2024, we received a supplemental award letter for a further \$5,171, bringing the total to the usual \$7,000. The grant requires a 1-for-1 match, which is fully covered by the library's operating budget.

RECOMMENDATION:

Accept the funds from the Public Libraries Assistance grant.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Library Director

ORDINANCE 24-56

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE FY25 CAPITAL BUDGET BY ACCEPTING AND
APPROPRIATING A STATE OF ALASKA PUBLIC LIBRARY
ASSISTANCE GRANT FOR FY25 IN THE AMOUNT OF \$5,171 FOR
BOOKS AND LIBRARY MATERIALS.

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

WHEREAS, The State awarded the grant in two payments, the first in the amount of \$1,829 and the second in the amount of \$5,171; and

WHEREAS, Homer City Council has previously accepted the initial award of \$1,829; and

WHEREAS, The required total match of \$7,000 is funded in the FY2025 budget.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates a State of Alaska Public Library Assistance Grant in the amount of \$5,171 for books and library materials as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
157-7100	State of Alaska Public Library Assistance Grant	\$5,171

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

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of _____, 2024.

CITY OF HOMER

RACHEL LORD, MAYOR

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ATTEST:

RENEE KRAUSE, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Education
& Early Development

DIVISION OF LIBRARY, ARCHIVES & MUSEUMS

P.O. Box 110571
Juneau, Alaska 99811-0571
Main: 907.465.4837
Fax: 907.465.2151

October 15, 2024

The **Public Library Assistance (PLA) second grant payout** for FY2025 for Homer Public Library will be **\$5171**. We are pleased your library is eligible to receive this supplemental operating grant so that you can provide the best possible service to your library patrons.

In order to receive your grant money, please return the attached grant agreement within thirty days of this award letter. Two different people (the librarian and the appropriate legal authority) must sign the grant agreement, since it is a legal document committing your library to certain obligations in return for receiving the public library assistance grant. Once we have your agreement, we will be able to electronically deposit your grant award (or mail a paper check in specific instances).

Librarians and officials should carefully note and follow the regulations governing the administration of this grant. To remain eligible for future grants, I have highlighted some of the most important grant requirements:

- Meet the four statutory requirements:
 - Maintain a Collection for Lending
 - Provide Interlibrary Loan
 - Provide Reference
 - Offer Children's Programming
- Submit the online Alaska Public Library Report for this fiscal year grant by **September 1, 2025, using the grant budget included in the FY2025 PLA Grant application**. Copies of the grant budget and a budget revision form, to be used if needed, are attached.
- Spend **at least 50% of the combined FY2025 award amount** on library materials and online services to total **\$3,500**.
- Be open 48 weeks and the appropriate number of hours for your population and type of library (weeks closed because of natural disasters will be waived).
- Attend **at least 6 hours of continuing education** (CE) during the current two-year cycle (7/1/2023-6/30/2025).

Please note that in addition to the above requirements, non-profit and school/public libraries have additional requirements. Non-profit organizations must have at least quarterly (4) public board meetings and **submit minutes** to the State Library. School libraries must execute and keep in force a **binding legal agreement** between the school district and the public library governing body. The governing body of the public library may be the municipal assembly, an advisory board appointed by the municipal assembly, or the board of directors of a non-profit corporation.

The State Library audits the records of selected libraries at the end of the grant year and reclaims any grant funds not properly accounted for. Also, any portion of this grant money not spent or encumbered by June 30, 2025, should be returned to the State Library. You may request a brief extension to spend unused FY2025 grant funds.

Please return your signed agreements to Kate Enge at eed.library.grants@alaska.gov. Questions should be directed to Kate at 907-465-2271 or the email above. Thank you!

Sincerely,

Kate Enge
Grants and Continuing Education Librarian
Alaska State Library

Alaska Public Library Assistance Grant Agreement FY2025

This agreement made and entered into on Tuesday, October 15, 2024, by and between the **Alaska State Library**, hereafter referred to as the Grantor; and the **Homer Public Library**, hereafter referred to as the Grantee.

Whereas, the State of Alaska has appropriated funds for public library assistance; and whereas, the application of the Grantee for a grant for public library assistance has been approved. NOW THEREFORE, for and in consideration of the mutual covenants herein contained the parties hereto agree as follows:

The Grantor will agree to:

1. Furnish funds in the amount of **\$ 5171** (dispersed after the agreement is received).
2. Provide advisory services in furtherance of the grant project.
3. Acknowledge the Grantee's eligibility for additional grants and services.

The Grantee will agree to:

Provide at least the following services free to residents of the municipality or community:

- Establish and maintain a **collection** of books and other materials for loan;
- Provide access to **interlibrary loans**;
- Provide **reference** information; and
- Provide **programming for children**.

Abide by the conditions set forth in its application, guidelines, and approved by the Grantor, including:

- Expend at least **at least 50% of the combined FY2025 award amount** on library materials and online services for each outlet totaling \$3,500.
- The number and timing of **open hours**;
- The existing and ongoing **educational requirements** for the library director.
- Have **trained paid or volunteer staff on duty** in the library during the scheduled open hours.

Maintain accurate financial records for auditing purposes.

- Return any grant funds **unexpended or unencumbered** by June 30, 2025, and all funds for which there is no proper accounting.
- Receive prior approval from the Grantor for **any line item change** that exceeds 10% of the line item, except that no prior approval is required for: Line item changes of less than \$100; or line item changes that add funds to library materials and online services.
- **Expend local funds** in FY2025 of at least **\$5171** for project purposes. Repay any portion of grant funds that have not actually been matched by local funds over the course of the grant period. Local fund match can include volunteer service as described in the Guidelines.
- Expended funds must be clearly attributable to **public library (not school) services and operations**.

Uphold specific governance requirements

- Non-profits will maintain "**Good Standing**" with the State and **submit minutes** of required quarterly public board meetings.
- School/public libraries will have **an agreement** between the school district and the public library governing body.

Submit reports, certifications, and contact information such as:

- The online **Alaska Public Library Report (APLR)** by September 1, 2025.
- The follow-up **signed certification** for the APLR
- Any changes in director or library **contact information** within 30 days.

Funding for this grant is dependent on the following source:

Library GF	PLA25-Homer-SUP	\$5171
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By accepting this award or agreement, the grantee may become subject to the audit requirements of State of Alaska Administrative code 2 AAC 45.010. As a result, the grantee may be required to provide for an audit and to permit independent auditors to have access to their records and financial statements. The grantee should consult with an independent auditor for assistance in determining audit requirements for each fiscal year.

The undersigned understands and agrees to the conditions of this agreement. Both signatures are required.

For the Library

For the Legal Entity

Signature

Signature

Title

Date

Title

Date

MAIL TO: Library Grants Coordinator Alaska State Library,
P.O. Box 110571, Juneau, AK 99801, SCAN TO library.grants@alaska.gov, or FAX to 907-465-2151



MEMORANDUM

Public Hearing on FY26/27 Budget Priorities

Item Type: Informational Memorandum
Prepared For: Mayor Lord and Homer City Council
Date: November 6, 2024
From: Melissa Jacobsen, City Manager

As part of the biennial budget planning process there are public hearings scheduled to allow for public input on matters specific to budget preparation.

Council held a discussion at their last work session and Committee of the Whole on budget priorities for the FY26/27 biennial budget and this public hearing is scheduled to take input from the public on this topic.

No action is necessary on this matter.

RECOMMENDATION: Conduct a public hearing to take public input

ATTACHMENTS:

FY26/27 Budget Development Schedule

City of Homer
Preliminary 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
Mid-January 2025	Compile data and return copy to departments for review
End of January 2025	City Manager - Budget Review with Finance Director and Department Heads
2nd February 2025 Meeting	City Manager's Budget (Proposed Budget) and Utility Rate Model to Council
	Committee of the Whole, Council to discuss budget
	Regular Meeting - Public Hearing
1st March 2025 Meeting	Committee of the Whole, Council to discuss budget
	Regular Meeting - to introduce Budget Ordinance and Fee/Tariff Ordinances
2nd March 2025 Meeting	Committee of the Whole, Council to discuss budget
1st April 2025 Meeting	Committee of the Whole, Council to discuss budget
	Regular Meeting - Public Hearing
2nd April 2025 Meeting	Regular Meeting - Public Hearing & FY 26/27 Budget Adoption



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 6, 2024
SUBJECT: City Manager's Report for November 12, 2024 Council Meeting

Bayview Park Grand Re-Opening Celebration

On October 30, 2024, we celebrated the grand reopening of Bayview Park with a festive ribbon-cutting ceremony and cups of hot cocoa! Thank you to everyone who joined us—it was inspiring to see so much community involvement in bringing this project to life. The park was closed for just over a month—from September 26 to October 30—and has reopened with several exciting upgrades, including ADA-compliant parking, an accessible pathway, new playground equipment, and fresh mulch. We extend our deepest thanks to those who made these improvements possible:

- **Alaska Department of Health**, for their Healthy Equitable Communities grant.
- **Kachemak Bay Rotary Club**, for generously donating playground equipment.
- **Community members** who collaborated with design contractor Peter Briggs of Corvus Design to shape the park's vision.
- **City's ADA Advisory Board and Independent Living Center**, for consulting on accessibility features.
- **Homer City Council**, for approving Homer Area Roads and Trails (HART) funding, which helped complete the park's drainage, accessible parking, and entrance trail. (HART is a voter-approved tax initiative dedicated to enhancing Homer's roads and trails.)
- **Parks Art Recreation and Culture Commission**, who invested considerable time in planning and design.

We also acknowledge our fantastic contractors, Corvus Design and East Road Services, who worked alongside City staff from the Community Development and Public Works Departments to make this project a reality. Thank you all for creating a beautiful, accessible space for our community!



Fish Grinding Building Replacement Project Update

After Council approved the grant amendment to add construction activities to the Alaska Department of Fish & Game Cooperative Agreement to replace the City's Fish Grinding Building, we hit the ground running to be able to complete construction before fishing season gets going again in the spring. Contractors began demolition of the old building the week of October 12, and Beachy construction's sub-contractor Richards Masonry arrived on site the last week of October to begin building the walls of the new grind shack.



Alaska Association of Harbormasters and Port Administrator's Employee of the Year at the 2024



At the Alaska Association of Harbormasters and Port Administrator's Annual Conference that recently concluded in Homer, Amy Woodruff was awarded Port of Homer Employee of the Year. In her position as Administrative Supervisor, Amy manages a diverse set of responsibilities that connect all divisions within the Port, ensuring efficient handling of billing and payables. The AAHPA award acknowledged Amy's enthusiasm and remarkable technological skills that have propelled Homer Port & Harbor forward in terms of efficiency and accountability. In addition, it was also recognized her invaluable involvement and contributions to the Homer Harbor Expansion General Investigation study and the Federal grant application to the Port Infrastructure Development Program for float system replacement, which showcases her exceptional ability to juggle multiple projects simultaneously while managing her daily office responsibilities. Congratulations Amy!

Comment Period for the Comp Plan Rewrite Growth Scenarios Available Online Through Nov 15

The Growth Scenarios that debuted at the October 22, 2024 Community Work Session as part of the Homer Comprehensive Plan were made available on the Homer Comp Plan Update website November 1 for the public to be able to view and provide comment. The public can review the scenarios and provide your feedback through the link: <https://homercompplanupdate.com/>. Comments on the Growth Scenarios are being accepted through November 15th. The online feedback, and the feedback received from over 90 Homer residents who attended the Community Work Session, will be used to improve the Growth Scenarios Report Card and related materials, and help identify elements of a "preferred scenario" that we will use to inform the revised Comprehensive Plan (slated for release in January 2025).

Homer Spit Road Erosion

We're keeping a watchful eye on the areas of the Spit Road that are being impacted by erosion from recent high tide and wind events. We'll be experiencing another large tide cycle November 13-19 and if that coincides with high winds from the south west further damage may likely occur along the road. The Spit Road is a state owned road and Port Director Hawkins has been in contact with our local AK Highway Supervisor to keep AKDOT looped in to respond

as best they can. City departments including Police, Fire, Port, and Public Works are communicating internally on response planning as well.

Controlled Burn of Brush Pile on Homer Spit

The City is conducting a controlled burn of a brush pile on the Homer Spit, June 12th through the 15th. This is a routine clean-up operation that happens about every other year for driftwood that has been pulled out of the harbor and some brush from Public Works. The fire has been permitted and is being carefully monitored, so while folks may see smoke, there is no need to contact the Fire Department.

HERC Update

The City had a successful application to the State of Alaska's Department of Environmental Conservation (DEC) Brownfields Assessments and Cleanup Service (DBAC). The State pays and manages all the tasks. The work outlined in the attached letter will help prepare the City to apply for future EPA funding. Federal Grant opportunities next year are anticipated to be the last of the large federal funding opportunities for brownfield cleanup work. The State's work will help the City have a more complete application next year.

Work Session with the Economic Development Advisory Commission

Council will hold a joint work session with the EDC on Monday November 18th. If there is something you'd like to discuss at that work session, please let staff know.

Homer Spit Road Erosion

We're keeping a watchful eye on the areas of the Spit Road that are being impacted by erosion from recent high tide and wind events. We'll be experiencing another large tide cycle November 13-19 and if that coincides with high winds from the south west further damage may likely occur along the road. The Spit Road is a state owned road and Port Director Hawkins has been in contact with our local AKDOT Highway Supervisor to keep AKDOT looped in to respond as best they can. City departments including Police, Fire, Port, and Public Works are communicating internally on response planning as well.

Imitation is the Highest Form of Flattery

Harbor Staff had some fun on Halloween with an unexpected trick for their boss. Some of the team dressed up as "Bryan in the office", "Bryan in the field", and "Bryan giving a Harbor tour". Can you spot the real Bryan?



Attachments:

- November Employee Anniversaries
- Veterans Day recognition of City staff (supplemental packet)
- Approval letter for HERC Site Characterization Work Plan



City of Homer

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Office of the City Manager

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(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: MAYOR LORD AND CITY COUNCIL
FROM: Andrea Browning
DATE: November 12, 2024
SUBJECT: November Employee Anniversaries

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.

Dave Shealy	Police	27	Years
Jenna deLumeau	Finance	15	Years
Ian Overson	Police	13	Years
Shawn Krause	Public Works	5	Years
Cinda Nofziger	Library	3	Years
Wesley Breshears	Public Works	1	Year
Samantha Jacobsen	Port	1	Year
River Mann	Port	1	Year
Lori Pond	Admin	1	Year
Lisa Twitchell	Public Works	1	Year



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Environmental
Conservation

DIVISION OF SPILL PREVENTION AND RESPONSE
Contaminated Sites Program

PO Box 111800
Juneau, Alaska 99811-1800
Main: 907.465.5250
Fax: 907.465.5262

File: 2314.38.043
Hazard ID: 27933

October 24, 2024

Sent via electronic mail

Julie Engebretsen
Director of Community Development
City of Homer
491 E Pioneer Ave
Homer, AK 99603
Jengebretsen@ci.homer.ak.us

Re: ADEC Approves the Response to Comments, dated April 26, 2023

Dear Ms. Engebretsen,

The Alaska Department of Environmental Conservation (DEC) Contaminated Sites Program (CSP) received the *Site Characterization Work Plan*, dated October 9th, 2024 and submitted to the department the same date. The work plan is approved.

The work plan proposes the advancement of 80 test holes using hand tools. Soils will be field screened at 6 inches, 1 foot below ground surface (bgs) and 2 feet bgs using an x-ray fluorescence (XRF) device. The 40 samples with the highest XRF results will be submitted for laboratory analysis for lead and RCRA metals, 8 soil samples will be submitted for PCBs. An additional 4 duplicate samples will be submitted blind. If any soil field screening samples exceed 100 milligrams per kilogram (mg/kg) for lead, two samples will be submitted for analysis of Toxic Characteristic Leaching Procedure. An additional 10 soils samples will be collected to analysis of asbestos.

BGES is proposing to undertake a comprehensive inspection of HERC 1 for lead-based paint, asbestos and PCB-containing materials. An XRF will be used to identify lead-based paint, and any samples of suspected asbestos containing materials will be collected using wet methods for laboratory analysis. A report detailing the above site characterization activities will be submitted to DEC at the finalization of field activities. Additionally, BGES will work with the community of Homer to draft an Analysis of Brownfields Cleanup Alternatives.

You can reach me by phone at (907) 465-5368 or by email at: Flannery.ballard@alaska.gov with any questions.

Sincerely,

Flannery Ballard
Environmental Program Specialist III

Cc: Marc Thomas (DEC)
Daniel Kort (City of Homer)
Jennifer Carroll (City of Homer)
Rose Kayotuk (BGES)
Bob Braunstin (BGES)
Carson Kent (BGES)



MEMORANDUM

Harbor Liability Insurance Requirements Approved by Ordinance 24-53

Item Type: Action Memorandum
Prepared For: Mayor Lord and Homer City Council
Date: November 5, 2024
From: Donna Aderhold, Councilmember

The City Council passed Ordinance 24-53, adopting revised Port of Homer Terminal Tariff No. 1, at our October 28, 2024, regular meeting. Section 5.05 of the ordinance (see page 269-270, lines 84-94 of the October 28 regular meeting packet) states that “vessel owners using the City of Homer’s Terminal Facilities are required to carry liability insurance with a minimum of \$300,000 coverage and add the City as a certificate holder. ...”

Liability insurance is important for vessel owners to carry for their own protection. However, for small private vessels not used for any commercial purpose and that are not likely to cause damage to harbor facilities, is \$300,000 too much to require? What is fair and reasonable? What is the cost to the vessel owner of carrying \$300,000 in liability insurance? What is required at similar sized harbors in Alaska?

The meeting minutes from the Port and Harbor Commission’s September 25, 2024, meeting when the draft ordinance was discussed (see page 267 of the October 28 regular meeting packet) states that “There was a brief discussion regarding moorage, the right to deny access to vessels who don’t have insurance and the work skiff exemption.” The minutes do not include the nature of the Commission’s discussion regarding insurance requirements.

I am interested in asking the Port and Harbor Advisory Commission to revisit Section 5.05 of the Port of Homer Terminal Tariff No. 1 as it relates to small, privately owned vessels that are not used for commercial purposes and to discuss the questions listed above and provide City Council with answers to the questions and a draft ordinance amending this section of the tariff if that is warranted by the end of March 2025.

Recommendation: Discuss memorandum and vote on whether to send the memorandum to the Port and Harbor Advisory Commission for review and consideration.