



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

City of Homer Agenda

**City Council Special Meeting
Monday, November 08, 2021 at 6:00 PM
In Person at City Hall Cowles Council Chambers
By Zoom Webinar**

<https://cityofhomer.zoom.us/j/205093973?pwd=UmhJWEZ3ZVdvdDkxZ3NtbldlNINXQT09>

Or Dial: +1 669 900 6833 or +1 253 215 8782 or Toll Free 877 853 5247 or 888 788 0099

Webinar ID: 205 093 973 Passcode: 610853

CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

MAYORAL PROCLAMATIONS AND RECOGNITIONS

- a. Recognition of Heath Smith's service as City Council Member for the City of Homer
- b. Recognition of South Peninsula Hospital Health Care Workers

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

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

- [a.](#) Homer City Council Unapproved Special and Regular Meeting Minutes of October 25, 2021. City Clerk. Recommend Adoption.
- [b.](#) Memorandum 21-194 from Mayor Castner Re: Appointment of Luke Gamble to the Economic Development Advisory Commission. Recommend approval.
- [c.](#) Memorandum 21-195 Re: Liquor License Renewal for Grog Shop East End. Recommend approval.
- [d.](#) Ordinance 21-67, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating Grants from the Institute of Museum and Library Services in the Amount of \$25,091 for Purchase and Installation of Little Libraries and WI-Fi Upgrades at the Library. City Manager/Library Director. Recommended dates Introduction November 4, 2021 Public Hearing and Second Reading December 13, 2021.

Memorandum 21-196 from Library Director as backup

- e. Resolution 21-078, A Resolution of the City Council of Homer, Alaska Confirming the Assessment Roll, Establishing Dates for Payment of Special Assessments and Establishing Delinquency, Penalty, and Interest Provisions for the Seawall Improvement Special Assessment District for Armor Rock Toe Improvements. City Clerk. Recommend adoption.

Memorandum 21-192 from Public Works Director as backup

Memorandum 21-189 from Public Works Director as backup

- f. Resolution 21-079, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Apply and Accept a Loan from the State of Alaska Department of Environmental Conservation, Alaska Drinking Water Fund, in an Amount not to Exceed \$86,250 to Finance Costs of the Public Works Department's Computerized Maintenance Management System (CMMS). City Manager/Public Works Director. Recommend Adoption.

Memorandum 21-197 from Public Works Director as backup

- g. Resolution 21-080, A Resolution of the City Council of Homer, Alaska Amending the Port and Harbor Advisory Commission Bylaws Regarding Teleconferencing, Attendance, Vacancies, City Staff Roles, and Rules of Order for Boards and Commissions by amending articles titled Membership, Meetings, Bylaw Amendments; adding articles titled City Staff Roles and General Operating Procedures; and removing the article titled Teleconferencing. City Clerk. Recommend adoption.

Memorandum 21-198 from Port and Harbor Advisory Commission

- h. Resolution 21-081, A Resolution of the City Council of Homer, Alaska Establishing a Regular Quarterly Report from the Southern Kenai Peninsula Opioid Task Force/All Things Addiction on the Southern Kenai Peninsula to the Homer City Council for 2022. Aderhold. Recommend adoption.

VISITORS

- a. South Peninsula Hospital Annual Report to Council - Ryan Smith, CEO (10 minutes)
- b. COVID-19 Agency Update Derotha Ferraro, South Peninsula Hospital Director of Public Relations & Marketing and Lorne Carroll, State of Alaska Public Health Nurse III (10 minutes)

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

- a. Committee of the Whole Report
- b. Mayor's Report

- c. Borough Report
- d. Library Advisory Board
- e. Planning Commission
- f. Port and Harbor Advisory Commission
- g. Prince William Sound Regional Citizens Advisory Council Written Report

PUBLIC HEARING(S)

- a. Ordinance 21-64, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating an FY 2021 State Homeland Security Grant in the Amount of \$142,132 for a Bi-Directional Amplifier System for Homer Police Department and Microwave Links for Homer’s Repeaters. City Manager. Introduction October 25, 2021 Public Hearing and Second Reading November 22, 2021.

Memorandum 21-179 from Police Chief as backup

- b. Ordinance 21-65, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget and Appropriating an Additional \$45,000 from the General Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund for a Total Expenditure of \$120,000 to Replace and Upgrade Departmental Servers across City Departments. City Manager/Library Director. Introduction October 25, 2021 Public Hearing and Second Reading November 22, 2021.

Memorandum 21-180 from Library Director as backup

- c. Ordinance 21-66, An Ordinance of the City Council of Homer, Alaska Extending the Time Limit to Upgrade and Replace the City’s Microwave Wide-Area Network through December 31, 2023. City Manager/Library Director. Introduction October 25, 2021 Public Hearing and Second Reading November 22, 2021.

Memorandum 21-181 from Library Director as backup

ORDINANCE(S)

CITY MANAGER'S REPORT

- a. City Manager's Report

PENDING BUSINESS

- a. Ordinance 21-63, An Ordinance of the City Council of Homer, Alaska Settling the Current and Future Distributions of Income and Debt in the Natural Gas Distribution Special Assessment Bond Sinking Fund. Mayor. Introduction October 11, 2021 Public Hearing and Second Reading October 25, 2021.

Ordinance 21-63(S), An Ordinance of the City Council of Homer, Alaska Settling the Current and Future Distributions of Income and Debt in the Natural Gas Distribution Special Assessment Bond Sinking Fund. Mayor/City Manager.

Memorandum 21-200 from City Manager as backup
Memorandum 21-191 from City Manager as backup
Memorandum 21-187 from Finance Director as backup

b. Memorandum 21-183 from City Clerk Re: Selection/Appointment of Mayor Pro Tem 2021/2022.

c. Resolution 21-075, A Resolution of the City Council of Homer, Alaska Designating Signatories of City Accounts and Superseding any Previous Resolution so Designating. City Manager.

NEW BUSINESS

RESOLUTIONS

a. Resolution 21-082, A Resolution of the City Council of Homer, Alaska Acknowledging the Results of the Invitation to Bid for City Owned Cold Storage Seasonal Rental Units. City Clerk.

Memorandum 21-199 from Port Director as backup

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

COMMENTS OF THE CITY MANAGER

COMMENTS OF THE MAYOR

COMMENTS OF THE CITY COUNCIL

ADJOURNMENT

Next Regular Meeting is Monday, December 13, 2021 at 6:00 p.m., Committee of the Whole at 5:00 p.m. and a Worksession November 22, 2021. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 21-27 a Special Meeting of the Homer City Council was called to order on October 25, 2021 by Mayor Ken Castner at 4:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

ABSENT: COUNCILMEMBER DAVIS (excused)

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN

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

LORD/ADERHOLD MOVED TO APPROVE THE AGENDA

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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

PENDING BUSINESS

NEW BUSINESS

- a. Memorandum 21-175 from City Clerk re: Request for Executive Session Pursuant to AS 44.62.310 (C)(1 & 3) Matters, the Immediate Knowledge of Which would Clearly have an Adverse Effect upon the Finances of the Government Unit, Pending Litigation, and Attorney/Client Privilege. (VanZant et al vs City of Homer 3HO-20-00251 CI)

LORD/ADERHOLD MOVED TO RECESS INTO EXECUTIVE SESSION PURSUANT TO AS 44.62.310 (C)(1 & 3) MATTERS, THE IMMEDIATE KNOWLEDGE OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT UPON THE FINANCES OF THE GOVERNMENT UNIT, PENDING LITIGATION, AND ATTORNEY/CLIENT PRIVILEGE, REGARDING VANZANT ET AL VS CITY OF HOMER.

There was no discussion.

VOTE: YES: VENUTI, ERICKSON, ADERHOLD, LORD

Motion carried.

Mayor Castner noted for the record City Manager Dumochel, Public Works Director Keiser, City Attorney Gatti and Attorney Bowman from JDO, and Jim Wilkins with AMLJIA will attend the executive session.

Council went into executive session at 4:07 p.m. and the meeting resumed at 4:49.

Councilmember Lord reported Council met in executive session with the staff and those noted for the record, and the Council provided direction to our Attorneys on the case VanZant et al v. City of Homer.

COMMENTS OF THE AUDIENCE

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 4:52 p.m. The next Regular Meeting is Monday, November 22, 2021 at 6:00 p.m., Committee of the Whole at 5:00 p.m. and a Worksession September 9, 2021 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved:_____

Session 21-28 a Regular Meeting of the Homer City Council was called to order on October 25, 2021 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

ABSENT: COUNCILMEMBER DAVIS (excused)

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON
PERSONNEL DIRECTOR BROWNING
PUBLIC WORKS DIRECTOR KEISER
CITY ATTORNEY GATTI

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

Mayor Castner read the following changes and supplemental items: **CONSENT AGENDA** Homer City Council Unapproved Special Meeting Minutes of September 20, 2021 and Regular Meeting Minutes of September 27 and October 11, 2021. City Clerk. Copy of October 11, 2021 Regular Meeting Minutes; Memorandum 21-176 from Mayor Castner Re: Appointments to the Parks Art Recreation & Culture Advisory Commission. Copy of Memorandum 21-176 **VISITORS** COVID-19 Agency Update – Derotha Ferraro, South Peninsula Hospital Public Information Officer and Kenai Peninsula Homeless Coalition Strategic Plan – Tim Navarre **ANNOUNCEMENTS PRESENTATIONS AND REPORTS** Planning Commission written report **PUBLIC HEARINGS** Seawall Improvement Special Assessment District Final Assessment Roll - Memorandum 21-192 and revised final assessment roll from Public Works Director, and Written Public Comments and Correspondence; Ordinance 21-62, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 9 Taxation-Generally to Enact Section 9.04.044 Annual Tax Levy-Registered Aircraft to Provide for a Flat Tax on Aircraft. Memorandum 21-193 from City Clerk as backup and written public comments; Ordinance 21-63, An Ordinance of the City Council of Homer, Alaska Settling the Current and Future Distributions of Income and Debt in the Natural Gas Distribution Special Assessment Bond Sinking Fund. Memorandum 21-191 from City Manager as backup.

LORD/ADERHOLD 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

Larry Slone commented in support of Resolution 21-077 awarding the contract for the HERC to Stantec. Stantec did a thorough review of the HERC building several years back in expectation of it being utilized as the Public Safety Building. The HERC Task Force used that information as one of their primary sources for determining the physical condition of the building. He feels they would continue to do a professional job.

Chris Newby commented regarding Resolution 21-057(S) and reiterated the request that his property be included in the improvement district. He doesn't understand why it can't be included when the property was included in the Natural Gas Special Assessment District upon their request.

Scott Adams, city resident, commented in disagreement to paying Stantec \$75,000. They should have plans on the foundation and what the area has for material. They were the only people to respond and feels they were heavy handed on the price.

RECONSIDERATION

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

- a. Homer City Council Unapproved Special Meeting Minutes of September 20, 2021 and Regular Meeting Minutes of September 27 and October 11, 2021. City Clerk. Recommend adoption.
- b. Memorandum 21-176 from Mayor Castner Re: Appointments to the Parks Art Recreation and Culture Advisory Commission. Recommend approval.
- c. Memorandum 21-177 from Deputy City Clerk Re: Approval of Liquor License Renewal for Sweetgale Wines, LLC and Salty Dawg Saloon. Recommend approval.
- d. Memorandum 21-178 from City Clerk Re: Travel Authorization for Mayor Castner and Councilmembers Aderhold, Lord, and Davis to attend the Alaska Municipal League Annual Local Government Conference in Anchorage, Alaska November 14-18, 2021. Recommend approval.

Moved to New Business item b. Aderhold.

- e. Memorandum 21-184 from City Manager Re: Disposal of Surplus Library Equipment. Recommend approval.

- f. Ordinance 21-64, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating an FY 2021 State Homeland Security Grant in the Amount of \$142,132 for a Bi-Directional Amplifier System for Homer Police Department and Microwave Links for Homer's Repeaters. City Manager. Recommended dates Introduction October 25, 2021 Public Hearing and Second Reading November 22, 2021.

Memorandum 21-179 from Police Chief as backup

- g. Ordinance 21-65, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget and Appropriating an Additional \$45,000 from the General Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund for a Total Expenditure of \$120,000 to Replace and Upgrade Departmental Servers across City Departments. City Manager/Library Director. Recommended dates Introduction October 25, 2021 Public Hearing and Second Reading November 22, 2021.

Memorandum 21-180 from Library Director as backup

- h. Ordinance 21-66, An Ordinance of the City Council of Homer, Alaska Extending the Time Limit to Upgrade and Replace the City's Microwave Wide-Area Network through December 31, 2023. City Manager/Library Director. Recommended dates Introduction October 25, 2021 Public Hearing and Second Reading November 22, 2021.

Memorandum 21-181 from Library Director as backup

- i. Resolution 21-074, A Resolution of the City Council of Homer, Alaska Approving the Homer Public Library Donor Recognition Policy. City Clerk/Library Director. Recommend adoption.

Memorandum 21-182 from Library Director as backup

Item d. moved to New Business item B. Aderhold.

City Clerk Jacobsen read the consent agenda and recommendations.

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

There was no discussion.

VOTE: NO OBJECTION. UNANIMOUS CONSENT

Motion carried.

VISITORS

- a. COVID Agency Update – Derotha Ferraro South Peninsula Hospital Public Information Officer (10 minutes)

Derotha Ferraro South Peninsula Hospital (SPH) Public Information Officer reported Alaska is still at red alert level and reviewed case counts on the State’s COVID-19 Dashboard. She reviewed SPH statistics for the week ending October 19th with five new COVID admissions, seven emergency room visits, and 24 monoclonal antibody infusions. Testing positivity rate has hovered between 8 and 10% since August, but over the weekend it jumped to 14%. She highlighted the emergency relief traveler that have been welcomed to the hospital seven CNA’s and seven nurses. She reported on upcoming vaccine booster events and groups eligible to receive boosters, and anyone who needs transportation to the event can call 235-0235 to help get that set up. Ms. Ferraro reported the FDA meets tomorrow to review Pfizer vaccination for children 5 to 11 years old, it’s the first of four steps. The Health Fair ends November 5th and this Friday there will be a pop up test and vaccine event in Anchor Point.

- b. Kenai Peninsula Homeless Coalition Strategic Plan – Tim Navarre (10 minutes)

Tim Navarre and Leslie Rohr reported on the Coalition’s strategic plan framework. They addressed the estimated homeless population for the Kenai Peninsula, a breakdown of reasons for homelessness by percentage, and announced upcoming community discussions throughout the Peninsula scheduled for November 15th through 18th. Additional information is available at www.kenaipeninsulahomeless.org

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

- a. Committee of the Whole Report

Councilmember Lord reported Council discussed Ordinance 21-63 regarding the natural gas fund.

- b. Mayor's Report

Mayor Castner implored everyone to have late fall patience and tolerance with the Safeway parking lot. This isn’t a decision made by local management, parking lot decisions are made by people far away. They wished they had gotten their wetlands permit earlier so they could have finished the new parking lot first, but they had to put in their new amenities while it’s still warm enough for concrete to setup. It doesn’t pay anyone to get angry at our friends and neighbors who work at Safeway in our town, they had nothing to do with it. The City of Homer wasn’t making them to do it. Safeway expanded their parking lot so they had to come into compliance.

- c. Borough Report

Kenai Peninsula Borough Assembly Member Lane Chesley reported he and Assembly Member Cox are introducing an ordinance to provide code amendments regarding the Borough Planning Commission membership and apportionment.

d. Planning Commission

Planning Commission Chair Scott Smith reported on the items in his written report that were included in the Council packet.

e. Economic Development Advisory Commission (EDC)

EDC Chair Karin Marks reported they should be finalizing their Strategic Goals and Plan at their November meeting and will be sharing them with Council, along with accomplishments related to their current plans and goals. They are continuing work on the Wayfinding and Streetscape Plan and are very serious about the plan reflecting the feel of Homer and making it work for all. Kenai Peninsula Center Director for the Alaska Small Business Development Center Cliff Cochran reported on the Homer Business Advisor Funding and the EDC plans to send their recommendations to Council after their November meeting. Mrs. Marks also reported briefly as the Homer Representative to KPEDD and provided an update on their ongoing work.

f. Parks Art Recreation and Culture Advisory Commission (PARCAC)

PARCAC Commissioner Robert Archibald reported the Commission heard from Dr. Marley who continues to propose the City purchase of his property along the Sterling Highway for park land. They also heard from Kachemak City Mayor Bill Fry who gave an update on their park improvements, and from Barb Seaman who presented about Green Cemeteries. He commented on business they're working on including the Lend a Leash Program, a possible in-kind donation for the Kachemak City Park project, and Dr. Marley's proposal.

g. Port and Harbor Advisory Commission

h. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported on the Committee's work reviewing data and photographs from their park and campground site visits that were conducted by various members of the Committee, PARCAC, and City Staff and prioritizing areas for accessibility improvements to bring them into ADA compliance over time. Their prioritization is 1. Karen Hornaday Park and Campground, 2. Bayview Park, 3. Bishops Beach Park, 4. Mariner Park, 5. Fishing Hole Campground, 6. Jack Gist Park, 7. Ben Walters Park, 8. WKFL Park. They're also planning to invite the Seafarers Memorial Park Committee to a future meeting to talk about ADA considerations for that area. She was happy to report it's their first time as a full committee in over a year and they have some talented new members.

PUBLIC HEARING(S)

- a. Seawall Improvement Special Assessment District Final Assessment Roll

Mayor Castner opened the public hearing.

Chris Newby, property owner in the district, commented that the lineal feet calculations of the assessments may be in error, and he doesn't fully understand how the quantities are calculated and finalized, so he'd like a good explanation on that. He addressed other concerns that other neighbors have expressed is maintenance costs, and projected performance of the wall as sand is building up and a major weakness in a structure like that is overtopping.

Pat Irwin, property owner in the district, echo's Mr. Newby's comments, particularly related to the lineal feet calculations.

There were no further comments and the hearing was closed.

At request of the Mayor, Public Works Director Keiser commented there are discrepancies related to of city right of way that will be corrected. She also explained the property owners may be noticing the platted width of their lots is not the same as the linear footage of wall frontage. That's because the platted width is in a straight line and the linear footage of armor rock revetment in front of their property is at an angle and therefore is longer. The quantity was computed by having a surveyor at the project regularly taking a survey before rock was placed; also surveying during the work because that's how the construction contractor was paid for the volume of rock; and then a final survey at the end to determine the final quantity of rock placed. Regarding maintenance, the marine engineer who designed the facility visited the revetment when it was done, and some of the property owners were there as well, he climbed around the rock and said it was exactly what he had in mind. They anticipated the sand building up in the summer and anticipate some the sand buildup will wash away with the winter tides and storms. He was happy with the way the wall is holding up so far, some rocks had slid off so East Road Services came out and plucked the rocks off the beach and placed them back into niches in the wall. The design engineer expected that would happen and that we'd need to provide maintenance once before the winter storms and once after, and they've done it once in the summer and again today. The cost is nominal at approximately \$1200 the first time and today it took about half a day, so should be slightly less. It's anticipated that over time the rocks will settle in and find their place and this will happen less often. This isn't warranty work, the rock wall was built as per spec, the wall is acting as the design engineer expected it to, and what we're seeing out there is normal. She'll adjust the roll to account for the 30 feet and adjustments to projected assessments. She noted they'd also be going into the maintenance service district assessment roll and adjusting it to do this twice a year maintenance work.

She also commented regarding the letter from the Renner's that was included. She explained we feels our computation of the amount we were able to document and should be credited to them is reasonable and sound. However it is a policy decision for the Council to make on how much of a credit they're willing to provide. At one time Council agreed to a higher amount as a possible credit, but we were unable to document that, however if Council feels it has benefit for the overall greater good we'd support that. If the credit to the Renner's changes then the assessment roll will change, we are assigning the amount credited to all the remaining properties so their assessments are slightly increased to account for the credit.

- b. Ordinance 21-61, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget and Appropriating an Additional \$30,953 for a Total Expenditure of \$128,953 Divided Equally between the Water and Sewer Capital Asset Repair and Maintenance Allowance Funds for East Hill Road City Utility Betterments as part of the Alaska Department of Transportation and Public Facilities Repaving Project. City Manager/Public Works Director. Introduction October 11, 2021 Public Hearing and Second Reading, October 25, 2021.

Memorandum 21-172 from Public Works Director as backup

Mayor Castner opened the public hearing.

Scott Adams, city resident, commented he'd like the City to take this further to provide water to properties annexed back in 2002 on the deal that water was the main issue for Homer. We haven't seen services move and he'd like see additional utilities so they can tie in.

There were no further comments and the hearing was closed.

LORD/ADERHOLD MOVED TO ADOPT ORDINANCE 21-61 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Erickson asked if this should be postponed until spring since work on East Hill has been postponed and there will likely be further cost adjustments.

Mayor Castner invited Public Works Director Keiser to respond. She explained that these betterments can't be adjusted at this time to address water at upper East Hill, the betterments are to adjust existing manholes, valve boxes and other existing appurtenances. It's a good idea and we can look at what we might be able to do to facilitate some of the main extensions that have been forecasted. Regarding funding, we've been told by AKDOT that our commitment to funding is necessary for them to continue with their funding commitments from their funding sources. She doesn't recommended postponing.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Ordinance 21-62, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 9 Taxation-Generally to Enact Section 9.04.044 Annual Tax Levy-Registered Aircraft to Provide for a Flat Tax on Aircraft. Mayor. Introduction October 11, 2021, Public Hearing and Second Reading October 25, 2021.

Ordinance 21-62(S), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 9 Taxation-Generally to Enact Section 9.04.044 Annual Tax Levy-Registered Aircraft to Provide for a Flat Tax on Aircraft. Mayor.

Memorandum 21-193 from City Clerk as backup
Memorandum 21-186 from City Manager as backup

Mayor Castner opened the public hearing.

Larry Slone, city resident, commented in support of the clarifications in Ordinance 21-62(S).

Gary Porter commented regarding the possible economic contributions that the Homer Airport and aviation community can give. He thinks amending the taxation will benefit city. We're currently missing a piece of aviation industry that would provide year round jobs. He provided a study that was done for the Mat-Su Borough in 2014 and highlighted points in the study regarding economic benefits. This ordinance change could help change our economic base and is worthy of consideration.

Judy Miller commented in support of the ordinance. She's a small airplane owner and there's a need for the ability to have annual maintenance done here in Homer, and she thinks this change will help with that.

Scott Adams commented in support of a flat tax for aircraft, it was helpful when happened in the late 90's or early 2000's for fishing vessels. He thinks it's a great idea.

Heidi Browning with Maritime Helicopters commented they echo the comments of others and added that the current tax structure discourages basing more valuable aircraft within the City year round. As the Mayor noted at the last meeting, there's the issue of parity where aircraft are being treated differently from other business property in Homer. She thinks with this bringing us in line with the Borough, it will make this a more appealing base location for operators and bring some of that annual maintenance back into Homer.

Stephanie Greer commented in support of the ordinance. She's an air taxi operator who takes her aircraft to Anchorage for maintenance. She think is a good opportunity to support the aviation trade.

Karin Marks, city resident and member of the EDC, commented aviation along with maritime trades are naturals to grow the year round jobs that would create year round residents, and help improve the base economy of the community. She would like to see this supported.

There were no further comments and the hearing was closed.

LORD/ADERHOLD MOVED TO ADOPT ORDINANCE 21-62 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

LORD/VENUTI MOVED TO SUBSTITUTE ORDINANCE 21-62(S) FOR 21-62.

There was no discussion on the motion to substitute.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/LORD MOVED TO AMEND LINES 58 AND 62 TO STRIKE HOMER ASSESSING STAFF AND REPLACE IT WITH KENAI PENINSULA BOROUGH ASSESSING STAFF.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There were comments in support of adopting the ordinance. Question was raised regarding the effective date and Mayor Castner explained it can't be retroactive and would go into effect for 2022 tax year.

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

Motion carried.

- d. Ordinance 21-63, An Ordinance of the City Council of Homer, Alaska Settling the Current and Future Distributions of Income and Debt in the Natural Gas Distribution Special Assessment Bond Sinking Fund. Mayor. Introduction October 11, 2021 Public Hearing and Second Reading October 25, 2021.

Memorandum 21-191 from City Manager as backup
Memorandum 21-187 from Finance Director as backup

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

LORD/ADERHOLD MOVED TO ADOPT ORDINANCE 21-63 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Aderhold noted their discussion at Committee of the Whole and Council generally felt there is additional information needed for the Council and public to better understand what's happening with this ordinance. They intend to postpone this until the next meeting when they'll have the information available.

ADERHOLD/LORD MOVED TO POSTPONE THIS TO THEIR NEXT MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Mayor Castner called for a 10 minute recess at 7:48 p.m. and called the meeting back to order at 7:58 p.m.

ORDINANCE(S)

CITY MANAGER'S REPORT

a. City Manager's Report

City Manager Dumochel reported the State of Alaska Division of Homeland Security and Emergency Management has assigned a contractor to help Homer with an updated to its All Hazard Mitigation Plan. It's a FEMA requirement that we have this in place to get certain grant funding, and the contractor has asked administration to build a small team to help consult on the project. Councilmember Erickson expressed interest in participating. He noted the FCC mandated that all Alaska phone calls require the full 10 digit phone number, so remember to add the 907 to all local calls. There is no change to 911. He also recognized City Clerk Jacobsen for achieving the Certified City Manager designation through Arizona State University.

Councilmember Aderhold acknowledged PARCAC Commissioner Deb Lowney and Parks Superintendent for their awards and City Clerk Jacobsen for her certification. She saw the half-pipe over the weekend and people were already using it. Regarding the DOT response to Resolution 21-065, she spoke with staff last week and perhaps meeting with Jocelyn Billoon about the topic and adding the project to the Capital Improvement Plan. The letter didn't address the option to work within the existing right-of-way.

Councilmember Venuti thanked KBBI for airing their Committee of the Whole meeting at 5:00 p.m. when the chambers was closed due to COVID. We appreciate them as our public radio.

PENDING BUSINESS

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

Memorandum 21-190 from Public Works Director as backup
Memorandum 21-148 from Public Works Director as backup

LORD/ADERHOLD MOVED TO POSTPONE RESOLUTION 21-057(S) TO DECEMBER 13, 2021.

There was brief comment that this done was at the request of staff in their backup memo.

Public Works Director commented this will allow time to get more certainty about their cost information and address some of the comments made at the public hearing related to minimizing impacts to the wetlands using some alternative construction means.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

- a. Memorandum 21-183 from City Clerk Re: Selection/Appointment of Mayor Pro Tem 2021/2022

Councilmembers made nominations for Mayor Pro-Tem. There was discussion with the City Attorney that voting by secret ballot isn't in alignment with the Open Meetings Act.

HANSEN-CAVASOS MOVED TO SELECT COUNCILMEMBER ERICKSON AS MAYOR PRO-TEM.

There was no second.

VENUTI/LORD MOVED TO SELECT COUNCILMEMBER ADERHOLD AS MAYOR PRO-TEM.

There was no discussion.

VOTE: YES: LORD, VENUTI, ADERHOLD
NO: ERICKSON, HANSEN-CAVASOS

Motion failed.

LORD/VENUTI MOVED TO POSTPONE THIS ACTION TO THEIR NEXT MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- d. Memorandum 21-178 from City Clerk Re: Travel Authorization for Mayor Castner and Councilmembers Aderhold, Lord, and Davis to attend the Alaska Municipal League Annual Local Government Conference in Anchorage, Alaska November 14-18, 2021.
Lord Venuti

LORD/ADERHOLD MOVED TO ADOPT MEMORANDUM 21-178 BY READING OF TITLE ONLY.

LORD/VENUTI MOVED TO AMEND TO INCLUDE SHELLY ERICKSON TO ATTEND AML.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended

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

Motion carried.

RESOLUTIONS

- a. Resolution 21-075, A Resolution of the City Council of Homer, Alaska Designating Signatories of City Accounts and Superseding any Previous Resolution so Designating City Manager. Recommend adoption.

LORD/VENUTI MOVED TO POSTPONE TO THEIR NEXT MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Resolution 21-076, A Resolution of the City Council of Homer, Alaska Amending the City Council Meeting Schedule to hold a Special Meeting on November 8, 2021, Cancel the Regular Meeting on November 22, 2021, and Conduct a Worksession on November 22, 2021 at 4:00 p.m. if needed for the Planning and Conceptual Design of a Multi-Use

facility on the Homer Education and Recreation Campus Planning. City Manager/City Clerk.

Memorandum 21-185 from City Clerk as backup

LORD/VENUTI MOVED TO ADOPT RESOLUTION 21-076 BY READING OF TITLE ONLY AND TO RESCHEDULE ALL MATTERS SCHEDULED FOR NOVEMBER 22ND TO NOVEMBER 8TH.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Resolution 21-077, A Resolution of the City Council of Homer, Alaska Awarding the Contract for Planning and Conceptual Design of a Multi-Use facility on the Homer Education and Recreation Campus to Stantec in the Amount of \$75,000 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager.

Memorandum 21-188 from Deputy City Planner/Public Works Director as backup

LORD/ADERHOLD MOVED TO ADOPT RESOLUTION 21-077 BY READING OF TITLE ONLY.

Mayor Castner asked what part of this contract requires negotiation. City Manager Dumouchel explained there will be negotiation, the \$75,000 is an up-to amount. It was advertised as a Request for Qualifications so there are details to be worked out.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

Scott Adams, city resident, commented he approached Council over five years ago about the Baycrest Subdivision and St. Augustine. He's attended meetings and met with Planning and Public Works Staff over the course of those years and he knows plenty of people who have been impacted since 95 when the road was put in. He noted Memorandum 19-004 and the beehive improvements that were proposed, and then reasons why they weren't. He disagrees with the reasons because the water that comes out of the storm drain that goes across private property to a ditch on Mt. Augustine ends up in the same area. He'd like to see that solution taken care of and the project done because the City wants a grand slam instead of a base hit, and work on the issue further. When he addressed the Planning Commission he didn't realize one of the Councilmembers had been on the Planning Commission who said he knew about the subdivision but had never been down there. It's frustrating when people in charge are

supposed to look at things that affect the neighborhood, he doesn't feel that's being taken care of.

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen reviewed openings on the Library Advisory Board and Economic Development Advisory Commission, and the Kenai Peninsula Economic Development District Board.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel had no comments.

COMMENTS OF THE MAYOR

Mayor Castner thanked everyone who serves on the Commissions and Advisory Boards, it's a tremendous amount of work. The Council couldn't operate without having the help of these groups. He thanked the Council for their thoughtful legislation tonight. It was a good and productive meeting.

COMMENTS OF THE CITY COUNCIL

Councilmember Erickson congratulated Matt Steffy and Deb Lowney on their awards, they've done some incredible work around here. There are 4 hours left to go online and give your opinion on the bycatch dealing with halibut out in the gulf, it's important to provide input if you're familiar with the regulations. Trick or Treating is coming up, be careful of all the little ones out in the dark.

Councilmember Aderhold shared an experience attending a public meeting as a member of the public that didn't properly follow a public process, and went interestingly haywire. She appreciates that Council follows Roberts Rules of Order and speak to each other with respect.

Councilmember Venuti noted evenings are getting darker and wants everyone to be safe on Halloween. There are a lot of dirty and burnt out headlights and encouraged listeners to clean and replace burnt out headlights as we go into winter. She congratulated City Clerk Jacobsen, she agreed it was a good meeting tonight, and appreciates the work of the Commissions.

Councilmember Lord congratulated Matt Steffy, Deb Lowney, and City Clerk Jacobsen, she's proud of the work everyone does, and she really enjoys the public testimony. She said she was in Anchorage at the State Harbormasters Association Meeting as their staff person. The Association is an industry non-profit that's been around for over 40 years and over 90% of the

state's harbors are members, along with support industries. It's not super exciting to be in person at an event in Anchorage, but they're masking and being as safe as they possibly can be. She appreciates the deduction it takes to run public services and maintain infrastructure whether its roads, utilities, or our port and harbor, it takes a lot.

Councilmember Hansen-Cavasos thanked City Clerk Jacobsen for her help this evening, and thanked everyone who commented tonight.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 8:30 p.m. The next Regular Meeting is Monday, November 8, 2021 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 21-194

TO: HOMER CITY COUNCIL
FROM: MAYOR CASTNER
DATE: NOVEMBER 4, 2021
SUBJECT: APPOINTMENT OF LUKE GAMBLE TO THE ECONOMIC DEVELOPMENT
ADVISORY COMMISSION

Luke Gamble is appointed to the Economic Development Advisory Commission to fill the seat vacated by George Hall. The terms will expire April 1, 2024.

Recommendation

Confirm the appointment of Luke Gamble to the Economic Development Advisory Commission.



Advisory Body Application

For Appointment to Committees, Commissions, Board & Task Forces

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

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

Applicant Information		
Full Name:	Luke Thomas Gamble	
Physical Address Where you Claim Residency:	377 Rangeview Ave	
Mailing Address:	PO BOX 2442	
City:	State:	Zip:
Homer	AK	99603
Phone Number(s):	907-399-2046	
Email:	LTGAMBLE@GMAIL.COM	

Advisory Body You Are Requesting Appointment To
<input type="checkbox"/> Planning Commission – Held on the first and third Wednesday of each month at 6:30 p.m. and Worksessions at 5:30 p.m. prior to each meeting. There is no first Regular Meeting in July or second Regular Meetings in November and December
<input type="checkbox"/> Parks, Art, Recreation & Culture Advisory Commission – Held on the third Thursday February through June and August through November at 5:30 p.m.
<input type="checkbox"/> Port & Harbor Advisory Commission – Held on the fourth Wednesday of the following months: January, February, March, April, September, October, and December at 5:00 p.m.; and May, June, July, and August at 6:00 p.m.
<input checked="" type="checkbox"/> Economic Development Advisory Commission – Held on the second Tuesday of each month at 6:00 p.m.
<input type="checkbox"/> Library Advisory Board – Held on the first Tuesday of the following months: February, March, April, May, August, September, October, November, and December at 5:30 p.m.
<input type="checkbox"/> Other – Please Indicate _____

Please Answer the Following
Are you a City Resident? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, how long have you been a City resident? <u>currently, 5+ years</u>
How long have you been a resident of the South Peninsula? 23 ea? <u>35 years</u>

Background Information

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

n/a

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

Homer Chamber of Commerce, Member (2020-2021)

AKSBDC, Member (2020-2021)

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

Studied at Alaska Pcaific University- Business. Community Housing Development Organizational Trainings - KPHI, AHFC, HUD.

Experienced in grant writing and finance. I am a 3rd generation Homer entrepreneur, I currently own the Duncan House Diner.

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

I am a business owner in Homer, I have a vested interest in seeing our community be successful as a whole.

This is an opportunity for me to lend my voice to the greater discussion of how our City will be shaped

regarding the overall community health of our area. Having grown up in Homer navigating childhood, being a young adult

, a parent, business owner and coach/volunteer, I have a fairly good sense of the activities, areas, businesses,

our community offers. In my last three years I purchased and developed the Duncan House Diner. This has been a

particularly difficult time for our community, but also is an opportunity for growth. I believe that through clear and

honest communication, being transparent, and having a vision for the future we can help our entire community

prosper. Regarding future goals or projects: we must find a new balance in our community as it grows,

additional affordable housing is not available and we need it to be to attract and retain new members

to our community. Affordable, stable housing will be the #1 factor in developing a vibrant economic future for Homer.

FOR PLANNING COMMISSION ONLY:

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

FOR PORT & HARBOR ADVISORY COMMISSION ONLY:

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

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



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 21-195

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK
DATE: NOVEMBER 3, 2021
SUBJECT: LIQUOR LICENSE RENEWALS FOR GROG SHOP

The City Clerk's Office has been notified by the AMCO Board of Liquor License Permit Renewals for a Package Store within the City of Homer, for the following licenses:

License Type: Package Store
License #: 2301
DBA Name: Grog Shop East End
Service Location: 3125 E End Rd
Homer, AK 99603
Licensee: MSA, Inc.
Contact Person: Melvyn Strydom

RECOMMENDATION: Voice non objection and approval for the Liquor License Renewals and Premise Change Application. Fiscal Note: Revenues.



City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

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

Memorandum

TO: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

FROM: RYAN BROWNING, LIEUTENANT HOMER POLICE

CC: LISA LINEGAR, COMMUNICATIONS SUPERVISOR

DATE: NOVEMBER 3, 2021

SUBJECT: LIQUOR LICENSE RENEWAL APPLICATION FOR GROG SHOP EAST END

The Police Department does not have any objections to the below renewal.

License Type: Package Store
License #: 2301
DBA Name: Grog Shop East End
Service Location: 3125 East End Road
Homer, AK 99603
Licensee: MSA, Inc.
Contact Person: Melvyn Strydom



October 25, 2021

City of Homer

Kenai Peninsula Borough

Via Email: clerk@cityofhomer-ak.gov; [mjacobson@ci.homer.ak.us](mailto:mjacobsen@ci.homer.ak.us); mjenkins@kpb.us; jvanhoose@kpb.us;
[sness@kpb.us](mailto:ssness@kpb.us); btaylor@kpb.us; maldridge@kpb.us; ncarver@kpb.us; slopez@kpb.us
jblankenship@kpb.us; tshassetz@kpb.us

Re: Notice of 2022/2023 Liquor License Renewal Application

License Type:	Package Store	License Number:	2301
Licensee:	MSA Inc.		
Doing Business As:	Grog Shop East End		

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

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

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

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

2301

XXXX

LIQUOR LICENSE

2022 - 2023

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

ISSUED
10/25/2021
ABC BOARD

TEMPORARY

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2024 UNLESS DATED BELOW

TYPE OF LICENSE: Package Store

LICENSE FEE: \$1,500.00

1150

CITY / BOROUGH: Homer
Kenai Peninsula Borough

D/B/A: Grog Shop East End
3125 E End Rd.

Mail Address:
MSA, Inc.
369 E Pioneer Avenue
Homer, AK 99603

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

Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD



DIRECTOR

04-900 (REV 7/21)

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

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

2301

XXXX

LIQUOR LICENSE

2022 - 2023

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

ISSUED
10/25/2021
ABC BOARD

TEMPORARY

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2024 UNLESS DATED BELOW

TYPE OF LICENSE: Package Store

LICENSE FEE: \$1,500.00

CITY / BOROUGH: Homer
Kenai Peninsula Borough

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

Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

COPY

DIRECTOR

D/B/A: Grog Shop East End
3125 E End Rd.

Mailing Address:
MSA, Inc.
369 E Pioneer Avenue
Homer, AK 99603

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

04-900 (REV 7/21)



Alaska Alcoholic Beverage Control Board

2022-2023 Master Checklist: Renewal License Application

Doing Business As:	Grog Shop East End	License Number:	2301
License Type:	Package Store		
Examiner:	<i>Kns S.</i>	Transaction #:	100285502

Document	Received	Completed	Notes
AB-17: Renewal Application	10/19	<i>10/25/21</i>	
App and License Fees	10/19	<i>10/25/21</i>	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement			
AB-25: Supplier Cert (WS)			
AB-29: Waiver of Operation			
AB-30: Minimum Operation			
AB-33: Restaurant Affidavit			
COI / COC / 5 Star / FAA Cert			
FP Cards & Fees / AB-08a			
Late Fee			

Names on FP Cards:	
--------------------	--

	Yes	No	N/A
CBPL Entity Printout included?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Business License Copy included?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Background(s) Completed & Date: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Special Consideration: _____ Board Meeting Date: *1-18-2022*

LGB Sent Date: *10/25/2021* LGB Deadline Date: _____

LGB 1 Name: *Homer* LGB 2 Name: *KP B*

Waive
 Protest
 Lapsed
 Waive
 Protest
 Lapsed



Alaska Alcoholic Beverage Control Board

Form AB-17b: 2022/2023 Package Store Renewal Application

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

Establishment Contact Information

Licensee (Owner):	MSA, Inc.	License #:	2301
License Type:	Package Store		
Doing Business As:	Grog Shop East End		
Premises Address:	3125 E. End Road		
Local Governing Body:	City of Homer		
Community Council:	None		

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

Mailing Address:	369 E. Pioneer Avenue				
City:	Homer	State:	Alaska	ZIP:	99603

Section 1 – Licensee Contact Information

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

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

Contact Licensee:	Melvin Strydom	Contact Phone:	907.235.5101
Contact Email:	alaskamsa@gmail.com		

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

Name of Contact:	Heidi Stage	Contact Phone:	907.235.5101
Contact Email:	alaskamsa@gmail.com		

Name of Contact:		Contact Phone:	
Contact Email:			

Section 2 – Written Order Information

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in calendar years 2022 and/or 2023?

AMCO

OCT 19 2021

YES

NO



Form AB-17b: 2022/2023 License Renewal Application

Section 3 – Entity or Community Ownership Information

Sole Proprietors should skip this Section.

Use the link from Corporations, Business and Professional Licensing (CBPL) below to assist you in finding the Entity #.

<https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	87422D
-----------------------	--------

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

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

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

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

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

Name of Official:	Meluyn Strydom				
Title(s):	President / Secretary	Phone:	907.235.5101	% Owned:	100
Mailing Address:	61447 E. Skyline Drive				
City:	Homer	State:	Alaska	ZIP:	99603

Name of Official:					
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	

Name of Official:					
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	

AMCO



Form AB-17b: 2022/2023 License Renewal Application

Section 4 – Sole Proprietor Ownership Information

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

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

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

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

This individual is an: Applicant Affiliate

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

This individual is an: Applicant Affiliate

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

Section 5 – License Operation

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

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

Section 6 – Violations and Convictions

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

Yes No

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

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



Form AB-17: 2022/2023 License Renewal Application

Section 7 – Certifications

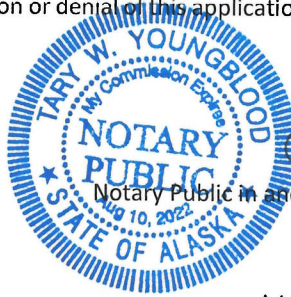
As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, are true, correct, and complete.

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

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

Melvyn Strydom
 Signature of licensee

MELVYN STRYDOM
 Printed name of licensee



Tary W. Youngblood
 Signature of Notary Public

Notary Public in and for the State of: Alaska

My commission expires: 8/10/22

Subscribed and sworn to before me this 14 day of OCT, 2021

All renewal and supplemental forms are available online

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

FOR OFFICE USE ONLY

License Fee:	\$ <u>1500</u>	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$ <u>1800⁰⁰</u>

Department of Commerce, Community, and Economic Development
CORPORATIONS, BUSINESS & PROFESSIONAL LICENSING

[State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database Download / Corporations / Entity Details](#)

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	MSA, INC.

Entity Type: Business Corporation

Entity #: 87422D

Status: Good Standing

AK Formed Date: 6/22/2004

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2024

Entity Mailing Address: 369 E PIONEER AVE, HOMER, AK 99603

Entity Physical Address: 61477 SKYLINE DR., 369 E. PIONEER AVE., C/O THE GROG SHOP, HOMER, AK 99603

Registered Agent

Agent Name: Melvyn Strydom

Registered Mailing Address: 369 E PIONEER AVE, HOMER, AK 99603

Registered Physical Address: 369 E PIONEER AVE, HOMER, AK 99603

Officials

AK Entity #	Name	Titles	Owned
	MELVYN STRYDOM	Director, President, Shareholder, Treasurer, Secretary	100.00

Show Former

Filed Documents

Date Filed	Type	Filing	Certificate
6/22/2004	Creation Filing	Click to View	
11/10/2006	Biennial Report	Click to View	
3/15/2009	Biennial Report	Click to View	
1/04/2010	Biennial Report	Click to View	
12/26/2011	Biennial Report	Click to View	
10/04/2013	Biennial Report	Click to View	
6/29/2015	Change of Officials	Click to View	
11/28/2015	Biennial Report	Click to View	
10/08/2017	Biennial Report	Click to View	
12/19/2017	Change of Officials	Click to View	
10/04/2019	Biennial Report	Click to View	
10/14/2021	Biennial Report	Click to View	

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[State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database Download / Business License / License #955886](#)

LICENSE DETAILS

License #: 955886

[Print Business License](#)

Business Name: GROG SHOP EAST END

Status: Active

Issue Date: 03/17/2011

Expiration Date: 12/31/2022

Mailing Address: 369 E PIONEER AVE
HOMER, AK 99603

Physical Address: 369 E. Pioneer Ave., c/o The Grog S
c/o The Grog Shop
HOMER, AK 99603-2101

Owners

MSA, INC.

Activities

Line of Business	NAICS	Professional License #
42 - Trade	445310 - BEER, WINE, AND LIQUOR STORES	

Endorsements

End #	Issue	Renew	Expiration	Action End	Action Note	Address
1	10/5/2018	10/8/2020	12/31/2022			3125 EAST END RD, HOMER, AK 99603

License Lapse(s)

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

No Lapses on record for the last 4 years.

ORDINANCE REFERENCE SHEET
2021 ORDINANCE
ORDINANCE 21-67

An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating Grants from the Institute of Museum and Library Services in the Amount of \$25,091 for Purchase and Installation of Little Libraries and WI-Fi Upgrades at the Library.

Sponsor: City Manager/Library Director

1. City Council Special Meeting November 8, 2021 Introduction

Memorandum 21-196 from Library Director as backup

**CITY OF HOMER
HOMER, ALASKA**

City Manager/Library Director

ORDINANCE 21-67

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA ACCEPTING AND APPROPRIATING GRANTS FROM THE INSTITUTE OF MUSEUM AND LIBRARY SERVICES IN THE AMOUNT OF \$25,091 FOR PURCHASE AND INSTALLATION OF LITTLE LIBRARIES AND WI-FI UPGRADES AT THE LIBRARY.

WHEREAS, The Institute of Museum and Library Services (IMLS) is a federal government agency that supports libraries nationwide; and

WHEREAS, IMLS received American Rescue Plan Act (ARPA) funds that are being distributed to museums and libraries through grants; and

WHEREAS, Through IMLS the library received two grants to be used as follows:

- The ARPA Easy Grant provides \$2,500 for purchasing library materials and \$3,450 for purchasing and installing little libraries at Mariner Park, the Fishing Hole, Karen Hornaday Park, Bishop’s Beach and WKFL Park.
- The ARPA Project Grant provides \$19,141 to upgrade the wi-fi equipment at the library building and purchase 10 wireless hotspots for checkout. It also funds a one-year data plan for each hotspot.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates grants from the IMLS in the amount of \$25,091 to the Homer Public Library for the purposes as follows:

Revenue:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
	Little Libraries Program	\$5,950

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
	Library Wi-Fi Upgrade & 10 Wireless Hotspots	\$19,141

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

43 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this __ day of _____, 2021.

44

45

46

CITY OF HOMER

47

48

49

50

KEN CASTNER, MAYOR

51

52 ATTEST:

53

54

55

56 MELISSA JACOBSEN, MMC, CITY CLERK

57

58

59 YES:

60 NO:

61 ABSENT:

62 ABSTAIN:

63

64 Introduction:

65 Public Hearing:

66 Second Reading:

67 Effective Date:



Memorandum 21-196

TO: Homer City Council

THROUGH: Robert Dumouchel, City Manager

FROM: David Berry, Library Director

DATE: November 2, 2021

SUBJECT: ARPA Grants to Library

I am pleased to report that Homer Public Library (HPL) has been awarded two grants from the Institute of Museum and Library Services (IMLS). The IMLS is a federal government agency that supports libraries nationwide. In this case, the funding for the two grants ultimately comes from the American Rescue Plan Act of 2021 (ARPA).

The two grants are as follows:

- The ARPA Easy Grant provides \$2,500 for purchasing library materials and \$3,450 for purchasing and installing little libraries at Mariner Park, the Fishing Hole, Karen Hornaday Park, Bishop's Beach and WKFL Park.
- The ARPA Project Grant provides \$19,141 to upgrade the wi-fi equipment at the library building and purchase 10 wireless hotspots for checkout. It also funds a one-year data plan for each hotspot.

The little libraries project is a collaboration between HPL and the City Parks Department. Each library is an all-weather cabinet with a couple of bookshelves inside. Library staff will provide donations to refill the libraries as needed, while parks personnel will handle stocking the cabinets and packing them up for the winter (at least at the campground locations). This project expands on the existing little library outside the HPL building.

The wi-fi improvements replace aging equipment and upgrade the existing 802.11ac network to the 802.11ax standard, which provides higher bandwidth, tighter security and the ability to accommodate more simultaneous users.

COVID demonstrated the importance of providing internet access to patrons without a home connection. Following the lead of the Anchorage Public Library, HPL will purchase ten wireless hotspots and a one-year data plan for them. The hotspots will be available for checkout and can be used with the library's existing laptops.

RECOMMENDATION

Adopt an ordinance accepting the ARPA funds.

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

City Clerk

3
4 **RESOLUTION 21-078**

5
6 A RESOLUTION OF THE HOMER CITY COUNCIL CONFIRMING THE
7 ASSESSMENT ROLL, ESTABLISHING DATES FOR PAYMENT OF
8 SPECIAL ASSESSMENTS AND ESTABLISHING DELINQUENCY,
9 PENALTY, AND INTEREST PROVISIONS FOR THE SEAWALL
10 IMPROVEMENT SPECIAL ASSESSMENT DISTRICT FOR ARMOR
11 ROCK TOE IMPROVEMENTS.
12

13 WHEREAS, In compliance with Homer City Code Chapter 17, Improvement Districts, the
14 Homer City Council created a Seawall Improvement Special Assessment District on July 1, 2020
15 via Resolution 20-062, for armor rock toe improvement with the benefitted property owners
16 assuming 100% of the cost of the improvements based on linear footage of benefitted
17 property; and
18

19 WHEREAS, Then Notice of Public Hearing and Notice of Right to Object dated October
20 8, 2021 was mailed to property owners in the district advising that written objections must be
21 filed with the City Clerk no later than October 25, 2021; and
22

23 A public hearing was held on October 25, 2021 to hear objections to the formation of
24 such district; and
25

26 WHEREAS, The Seawall Improvement Special Assessment District improvements were
27 completed and accepted by Public Works for City maintenance; and
28

29 WHEREAS, The final assessment roll as presented by the City Clerk and reviewed and
30 corrected where necessary and attached hereto as Attachment A, is hereby confirmed as the
31 official assessment roll for the Seawall Improvement Special Assessment District and the
32 Mayor and Clerk shall be directed to sign same.
33

34 NOW, THEREFORE, BE IT RESOLVED that on or before 5:00 p.m. on March 1, 2022 all
35 assessments in the Seawall Improvement Special Assessment District shall become due and
36 payable in full. All assessments not paid in full by this date shall be considered delinquent and
37 in default and shall have added a penalty the rate of ten and one half percent (10.5%) per
38 annum until paid. The principal amount of the assessment shall also draw interest at a rate of
39 one and one half percent (1.5%) per annum for the seawall assessment until paid. Should
40 default occur, the City of Homer will institute a civil action for a foreclosure of the assessment
41 lien. Foreclosure shall be against all property on which assessments are in default. All costs
42 including collection and legal fees resulting from such action, shall be added and incorporated
43 into the assessed amount due plus interest and penalties and shall be reimbursed from the
44 proceeds of foreclosure sale of the assessed real property.

45
46 BE IT FURTHER RESOLVED that an optional thirty (30) year payment plan for the seawall
47 assessments is offered whereby the assessments may be paid in equal yearly installments plus
48 interest of one and one half percent (1.5%) per annum on the unpaid balance of the
49 assessment. The first such installment shall be due and payable without interest on or before
50 5:00 p.m. March 1, 2022 and each installment thereafter shall be due on or before March 1, of
51 each year, plus interest on the unpaid balance of the assessment. If any annual installment
52 payment is not received when due, the entire outstanding principal amount of the assessment
53 shall be in default and shall be immediately due and payable. The entire outstanding
54 assessment principal (including the annual installment) shall have added a penalty of ten and
55 one half percent (10.5%) on the outstanding principal. The principal shall draw an additional
56 interest at the rate of ten and one half percent (10.5%) per annum until paid. Should default
57 occur, the City will institute civil action for foreclosure of the assessment lien. Foreclosure shall
58 be against all property on which assessments are in default. All costs including collection and
59 legal fees resulting from such action shall be added and incorporated into the assessed
60 amount due plus interest and penalties, and shall be reimbursed from the proceeds of
61 foreclosure sale of the assessed real property.

62
63 PASSED AND ADOPTED by the Homer City Council on this 8th day of November, 2021.

64
65 CITY OF HOMER

66
67 _____
68 KEN CASTNER, MAYOR

69 ATTEST:

70
71 _____
72 MELISSA JACOBSEN, MMC, CITY CLERK

73
74 Fiscal Note: Total design and construction project costs are \$ 780,118.57; 100% of this cost
75 (plus a 5% City administration fee).

FINAL ASSESSMENT ROLL

PROJECT NAME: Seawall Improvement Special Assessment District

DATE: November 4, 2021

TOTAL PROJECT: **\$780,118.57**

Districts shall be assessed based on direct wall frontage of each. TOTAL SHARE: **\$780,118.57**

	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	PROPERTY OWNER SHARE OF ASSESSMENT & DIRECT WALL LINEAR FOOTAGE (LF)
A	NEWBY REVOCABLE TRUST P.O. BOX 1124 HOMER, AK 99603-1124	T 6S R 13W SEC 29 Seward Meridian HM 0003415 OSCAR MUNSON SUB LOT 35 & 36 KPB # 17718019	\$460,900	\$89,927.21 <u>\$88,649.84</u> - 200 LF
B	SZAJKOWSKI COMMUNITY PROPERTY TRUST 869 OCEAN DRIVE LOOP HOMER, AK 99603-7920	T 6S R 13W SEC 29 Seward Meridian HM 0003415 OSCAR MUNSON SUB LOT 37 KPB # 17718016	\$488,500	\$44,963.61 <u>\$44,324.92</u> - 100 LF
		CITY OF HOMER		\$13,489.08 <u>\$13,297.48</u> - 30 LF
C	HUEPER, MARILYN & PAUL 895 OCEAN DRIVE LOOP HOMER, AK 99603-7920	T 6S R 13W SEC 29 Seward Meridian HM 0003415 OSCAR MUNSON SUB LOT 38 KPB #17717701	\$595,300	\$49,459.94 <u>\$48,757.41</u> - 110 LF
D	2016 NORMAN W SCHUMACHER REVOCABLE TRUST 917 OCEAN DRIVE LOOP HOMER, AK 99603-7920	T 6S R 13W SEC 29 Seward Meridian HM 0003415 OSCAR MUNSON SUB LOT 39 KPB #17717702	\$182,600	\$51,708.15 <u>\$49,643.91</u> - 112 LF
E	IRWIN, PATRICK L, SARNS-IRWIN KATHLEEN 939 OCEAN DRIVE LOOP HOMER, AK 99603-7920	T 6S R 13W SEC 29 Seward Meridian HM 0003415 OSCAR MUNSON SUB LOT 40 KPB #17717703	\$129,000	\$44,963.61 <u>\$44,324.92</u> - 100 LF
F	GREEN MAN TRUST 425 G STREET, STE 650 ANCHORAGE, AK 99501-2160	T 6S R 13W SEC 29 Seward Meridian HM 0003415 OSCAR MUNSON SUB LOT 41 KPB #17717704	\$46,900	\$44,963.61 <u>\$44,324.92</u> - 100 LF
G	PFEFFER MARK E. REVOCABLE TRUST 425 G STREET STE 210 ANCHORAGE, AK 99501	T 6S R 13W SEC 29 Seward Meridian HM 0003415 OSCAR MUNSON SUB LOT 42 KPB #17717705	\$33,900	\$44,963.61 <u>\$44,324.92</u> - 100 LF

FINAL ASSESSMENT ROLL

PROJECT NAME: Seawall Improvement Special Assessment District

DATE: November 4, 2021

TOTAL PROJECT: **\$780,118.57**

Districts shall be assessed based on direct wall frontage of each. TOTAL SHARE: **\$780,118.57**

	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	PROPERTY OWNER SHARE OF ASSESSMENT & DIRECT WALL LINEAR FOOTAGE (LF)
H	CITY OF HOMER 491 E. PIONEER AVE HOMER, AK 99603	T 6S R 13W SEC 29 Seward Meridian HM 0003415 OSCAR MUNSON SUB LOT 43 KPB #17717706	\$2,100	\$44,963.61 <u>\$44,324.92</u> - 100 LF
I	CITY OF HOMER 491 E. PIONEER AVE HOMER, AK 99603	T 6S R 13W SEC 29 Seward Meridian HM 0003415 OSCAR MUNSON SUB LOT 44 KPB #17717707	\$2,600	\$44,963.61 <u>\$57,622.39</u> - 100 <u>130</u> LF
		CITY OF HOMER		\$26,978.16 <u>\$26,594.95</u> - 60 LF
J	JUMP CHARLENE A PO BOX 2714 HOMER AK 99603-2714	T 6S R 13W SEC 20 & 29 Seward Meridian HM 0850114 OSCAR MUNSON SUB NO 18 LOT 45-A KPB # 17717904	\$259,500	\$44,963.61 <u>\$44,324.92</u> - 100 LF
K	GOODE LARRY JACK LIVING TRUST BOURGEOIS SUNNY DEE 41751 E HILL RD # 2 HOMER AK 99603-9314	T 6S R 13W SEC 20 & 29 Seward Meridian HM 0850114 OSCAR MUNSON SUB NO 18 LOT 45B KPB # 17717903	\$480,100	\$62,949.05 <u>\$62,054.89</u> - 140 LF
L	KING LAWRENCE A & SHARON S 6296 E MOUNTAIN VIEW AVE SELMA CA 93662-9503	T 6S R 13W SEC 21 Seward Meridian HM BEGINNING AT CORNER OF SEC 20 21 28 & 29 T HENCE N 64 DEG 10 MIN E 50.00 FT TH S 64 DEG 10 MIN E 50.00 FT TH EAST 35.00 FT TH N 0 DEG 05 MIN W 450.00 FT TH WEST 125.00 FT TH S 0 DEG 05 MIN E 450.00 FT TO THE POB KPB # 17923036	\$430,500	\$58,452.69 <u>\$56,735.90</u> - 130 LF
M	WINNE-WILSON VICTORIA, WINNE CLARK PO BOX 15112 FRITZ CREEK AK 99603-6112	T 6S R 13W SEC 21 Seward Meridian HM 0860087 TAMIAN SUB LOT 1 KPB # 17923026	\$320,000	\$33,722.70 <u>\$33,243.69</u> - 75 LF

FINAL ASSESSMENT ROLL

PROJECT NAME: Seawall Improvement Special Assessment District

DATE: November 4, 2021

TOTAL PROJECT: **\$780,118.57**

Districts shall be assessed based on direct wall frontage of each. TOTAL SHARE: **\$780,118.57**

	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	PROPERTY OWNER SHARE OF ASSESSMENT & DIRECT WALL LINEAR FOOTAGE (LF)
N	LAWER DAVID A & ROXANNA E 1273 BANNISTER DR ANCHORAGE AK 99508-3923	T 6S R 13W SEC 21 Seward Meridian HM 0860098 SEABREEZE SUB LOT 5 KPB # 17923028	\$248,200	\$33,722.70 <u>\$33,243.69</u> - 75 LF
Z	RENNER MARTIN & HEATHER M 811 OCEAN DRIVE LOOP HOMER AK 99603-7920	T 6S R 13W SEC 29 Seward Meridian HM 0003415 OSCAR MUNSON SUB LOT 34 KPB # 17718013	\$470,000	\$44,963.61 <u>\$44,324.92</u> - 100 LF



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum 21-192

TO: Rob Dumouchel, City Manager

FROM: Janette Keiser, PE, Director of Public Works

DATE: October 21, 2021

SUBJECT: Homer Seawall Armor Rock Revetment Project –Adjusted Final Assessment Roll to Correct Mathematical Discrepancies

Issue: The purpose of this Memorandum is to disclose some mathematical errors on the Final Assessment Roll previously submitted.

Background:

After I submitted the Final Assessment Roll for the Armor Rock project, Mr. John Szajkowski, one of the property owners, brought to several mathematical discrepancies to my attention. Specifically, there were some discrepancies in the computation of the length of frontage on the Armor Rock Revetment.

For example, the length of one of the City of Homer properties was listed at 100 linear feet. The actual length of frontage on the Armor Rock Revetment is 130 feet. This is because the platted width of that lot is a line that runs straight from east to west 100 feet. The Armor Rock Revetment in front of that lot does not run in a straight line. Rather, it runs in a slanted line, which makes the linear feet of frontage on the revetment longer than the platted width.

We have double-checked the other lot dimensions and have adjusted the Final Assessment Roll to correct the dimensions on seven lots, which, except for that one City lot, had deviations of ten feet or less. The adjusted assessment cost per square foot is \$449.83. The attached spreadsheet showing what the final assessment values will be, reflects these corrections. When the time comes for the Council to take action on the Final Assessment Roll, these are the numbers we will be recommending.

I want to thank Mr. Szajkowski for bringing this matter to my attention and I apologize to the property owners for the errors.



Memorandum 21-189

TO: Rob Dumouchel, City Manager
 FROM: Janette Keiser, PE, Director of Public Works
 DATE: September 22, 2021
 SUBJECT: Homer Seawall Armor Rock Revetment Project – Total Project Cost and Final Assessment Roll

Issue: The purpose of this Memorandum is to report on the Total Project Cost for the Seawall Armor Rock Revetment Project and present a Final Assessment Roll.

Background:

Resolution 20-092(A) approved the Special Assessment District and established the budget in the amount of \$945,661. Here’s how the final costs compare with the budgeted costs:

	Budget	Final
• Pre-construction – Survey, Design	\$ 42,571 ¹	\$ 52,292.22 ²
• Construction Contract	\$570,518	\$573,518.00 ³
• Allowance for add’l armor rock (to 1’ tolerance)	\$279,072	\$ 84,429.50 ⁴
• Inspection	\$ 28,500	\$ 26,020.00
• Preparation of existing wall	<u>\$ 25,000</u>	<u>\$ 20,198.60⁵</u>
	\$945,661 ⁶	\$ 756,458.32
Credit to Renner for existing rock	<u>\$ 36,000⁷</u>	<u>\$ 23,660.25</u>
Total Project Cost	\$981,661	\$ 780,118.57

¹ The original design contract authorized by Ordinance 20-30(A) was \$47,484.

² This includes \$9,721 for the initial Study, which led to the Armor Rock Revetment Project. The ADEC has approved including the cost of the study in the ADEC financing.

³ A change order was issued in the amount of \$3,000 for the purpose of integrating rock, which had been acquired by one of the property owners and placed against the existing seawall, into the revetment’s design cross-section.

⁴ Psenak was able to stay within the neat line of the design cross-section more tightly than we expected.

⁵ Most of this involved filling in “sink holes” on the top of the wall with filter fabric, rock spalls and dredge spoils.

⁶ This amount was authorized by Resolution 20-096 to be financed through the ADEC loan.

⁷ Authorized by Ord 20-71

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

3 City Manager/
4 Public Works Director

5 **RESOLUTION 21-079**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
8 AUTHORIZING THE CITY MANAGER TO APPLY AND ACCEPT A LOAN
9 FROM THE STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL
10 CONSERVATION, ALASKA DRINKING WATER FUND, IN AN
11 AMOUNT NOT TO EXCEED \$86,250 TO FINANCE COSTS OF THE
12 PUBLIC WORKS DEPARTMENT'S COMPUTERIZED MAINTENANCE
13 MANAGEMENT SYSTEM (CMMS).
14

15 WHEREAS, The Homer City Council adopted Resolution 21-062 and Resolution 21-063
16 awarding contracts to Antero and HDR respectively, for products/services to update the Public
17 Works Department's Computerized Maintenance Management System (CMMS); and
18

19 WHEREAS, The Alaska Department of Environmental Conservation (ADEC) has awarded
20 the City a Principal Forgiveness Subsidy in the amount of \$75,000 to be applied for Sustainable
21 Infrastructure Planning Projects (SIPP), such as the CMMS; and
22

23 WHEREAS, The pathway for receiving this Subsidy runs through a loan from the ADEC's
24 Drinking Water State Revolving Fund; that is, the City needs to apply for the loan, acquire the
25 product/services, pay for them, apply for reimbursement from the loan and at that time, the
26 Principle Forgiveness Subsidy is applied by the ADEC; and
27

28 WHEREAS, Since the total cost of the CMMS project is \$86,250 and the Principle
29 Forgiveness Subsidy will cover \$75,000, the remaining \$11,250 will be divided between the
30 HART Road Fund, the Water Capital Asset Repair and Maintenance Allowance (CARMA) Fund,
31 and the Sewer CARMA Fund, as originally scheduled.
32

33 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska authorizes
34 the City Manager to apply for, and accept, a loan from the State of Alaska Department of
35 Environmental Conservation's Drinking Water State Revolving Fund, in an amount not to
36 exceed \$86,250, for purposes of paying for the costs of the Public Works' CMMS.
37

38 PASSED AND ADOPTED by the Homer City Council this 8th day of November, 2021.
39

40 CITY OF HOMER

41
42 _____
43 KEN CASTNER, MAYOR

44

45 ATTEST:

46

47

48 _____

49 MELISSA JACOBSEN, MMC, CITY CLERK

50

51 Fiscal Note: N/A



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum 21-197

TO: City Council
THROUGH: Robert Dumouchel, City Manager
FROM: Janette Keiser, PE, Public Works Director
DATE: October 20, 2021
SUBJECT: CMMS Software – ADEC Loan

Summary: The purpose of this memorandum is to explain why the City needs to apply for a loan from the AK Department of Environmental Conservation (ADEC) for the Public Works Department's Computerized Maintenance Management System (CMSS).

Background: A CMMS is software designed to track and monitor preventive maintenance of most Public Works assets, such as heavy equipment and rolling stock as well as mechanical and electrical equipment. The upgrade of CMMS software was approved in the FY 22 Capital Budget. Further, the City Council adopted Resolution 21-062 and Resolution 21-063 to Antero and HDR respectively, for products/services to update the Public Works Department's CMMS.

The ADEC notified us that the City will be awarded a \$75,000 Principal Forgiveness Subsidy for Sustainable Infrastructure Planning Projects (SIPP). The CMMS Software Project is a qualifying project.

To get this subsidy, we need to go through the ADEC's Clean Water State Revolving Fund process. This means the City needs to apply for a loan, acquire the product/services, pay for them, apply for reimbursement from the loan and at that time, the Principle Forgiveness Subsidy is applied by the ADEC. The loan application process requires staff to document the governing body's authorization to submit such the loan application. Thus, we need a City Council Resolution specifically authorizing staff to submit a loan application for the CMMS.

The total cost of the CMMS project is \$86,250. The Principle Forgiveness Subsidy will cover \$75,000 and the remaining \$11,250 will be divided between the HART Road Fund, the Water CARMA Fund, and the Sewer CARMA Fund, as was originally scheduled.

Recommendation: That the City Council adopt the Resolution authorizing staff to apply for a loan from the ADEC Drinking Water State Revolving Fund in the amount of \$86,250 for the CMMS.



October 29, 2021

Jan Keiser, Public Works Director
City of Homer
3575 Heath Street
Homer, AK 99603

Dear Ms. Keiser:

Thank you for submitting questionnaires for the planning projects listed below. The Alaska State Revolving Fund Program’s State Fiscal Year 2022 (SFY22) Project Priority List for the Alaska Drinking Water Fund (ADWF) has been updated to include these projects.

The complete Project Priority List and the Intended Use Plan can be found online at:
<https://dec.alaska.gov/water/technical-assistance-and-financing/state-revolving-fund/intended-use-plans/>.

Score	Project Name	Assistance Amount	Proposed Loan Forgiveness
50	Asset Management System Upgrade	\$86,250	\$37,500
50	Water System Model Upgrade	\$93,150	\$37,500

The proposed planning projects have been identified to receive a total of \$75,000 in loan forgiveness. In order to retain eligibility for this loan forgiveness, a loan application for each project must be submitted by April 30, 2022. If an application is not submitted for this project by that date, the loan forgiveness funds may be made available to the next highest ranked eligible project on the SFY22 Project Priority List.

As mentioned in the Intended Use Plan, projects may remain on the Project Priority List for a maximum of two years. These projects will retain the same score originally assigned unless a revised questionnaire is submitted and reviewed. If applications have not been submitted for these projects within two years from the date that the project questionnaires were submitted, the projects will be removed from the list and new questionnaires will be required to relist the project. Based on the submittal date for these questionnaires, these projects may remain on the list until August 31, 2023.

If you have questions about how to complete the loan application process, please contact me or Josh Alvey at josh.alvey@alaska.gov.

Sincerely,

Peggy Ulman
SRF Program Coordinator
peggy.ulman@alaska.gov
907-334-2681

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

3 City Clerk/Port & Harbor
4 Advisory Commission

5 **RESOLUTION 21-080**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE PORT AND HARBOR ADVISORY COMMISSION
9 BYLAWS REGARDING TELECONFERENCING, ATTENDANCE,
10 VACANCIES, CITY STAFF ROLES, AND RULES OF ORDER FOR
11 BOARDS AND COMMISSIONS BY AMENDING ARTICLES TITLED
12 MEMBERSHIP, MEETINGS, BYLAW AMENDMENTS; ADDING
13 ARTICLES TITLED CITY STAFF ROLES AND GENERAL OPERATING
14 PROCEDURES; AND REMOVING THE ARTICLE TITLED
15 TELECONFERENCING.
16

17 WHEREAS, Ordinance 21-50(S)(A) amending City Code regarding teleconferencing,
18 attendance, vacancies, City staff roles, and rules of order for boards and commissions was
19 adopted by City Council September 13, 2021; and
20

21 WHEREAS, With City Code amended, the City Clerk's Office revised the PHC bylaws to
22 incorporate new and existing City Code, ensure that the layout and contents are consistent
23 with Robert's Rules of Order, and include any other revisions needed for clarity; and
24

25 WHEREAS, Article III – Members is amended to address what happens at the expiration
26 of a commissioner's term, term limits, alternates, what happens if a seat is vacated during an
27 unfinished term, and what constitutes a vacancy; and
28

29 WHEREAS, Article V – City Staff Roles is added to provide information on the duties of
30 the staff liaison and recording clerk; and
31

32 WHEREAS, Article VI – Meetings is amended for better organization of existing sections,
33 revisions to the sample agenda, and to address attendance and teleconferencing; and
34

35 WHEREAS, Article VII – General Operating Procedures is added for better organization
36 of existing sections, to clarify what policies and bodies of rules the commission abides by, and
37 address voting rules and commission training; and
38

39 WHEREAS, Article IX – Bylaw Amendments is amended for better organization of
40 existing sections; and
41

42 WHEREAS, The article titled Teleconferencing is removed since teleconference
43 participation is now referenced in Article VI – Meetings and defined under HCC 2.58.060; and
44

45 WHEREAS, The Port and Harbor Advisory Commission introduced the amendments at
46 their September 22, 2021 regular meeting and approved the amendments at a second meeting
47 on October 27, 2021, in accordance with their bylaws.
48

49 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska amends the
50 Port and Harbor Advisory Commission Bylaws regarding teleconferencing, attendance,
51 vacancies, city staff roles, and rules of order for boards and commissions by amending articles
52 titled Membership, Meetings, Bylaw Amendments; adding articles titled City Staff Roles and
53 General Operating Procedures; and removing the article titled Teleconferencing.
54

55 PASSED AND ADOPTED by the Homer City Council this 8th day of November, 2021.
56

57 CITY OF HOMER
58

59
60 _____
61 KEN CASTNER, MAYOR
62

63 ATTEST:
64

65
66 _____
67 MELISSA JACOBSEN, MMC, CITY CLERK
68

69 Fiscal note: N/A



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 21-198

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: PORT & HARBOR ADVISORY COMMISSION

THRU: RACHEL TUSSEY, CMC, DEPUTY CITY CLERK II

DATE: OCTOBER 28, 2021

SUBJECT: PORT AND HARBOR ADVISORY COMMISSION BYLAW AMENDMENTS

At the Port and Harbor Advisory Commission's August 25th regular meeting, the commission reviewed and made comments on a draft ordinance that would amend City Code regarding teleconferencing, attendance, vacancies, City staff roles, and rules of order for boards and commissions. Those amendments, including the feedback received from all the advisory bodies, were adopted by City Council via Ordinance 21-50(S)(A) at their September 13th regular meeting. Now that HCC has been amended, the next step is to revise the commission's bylaws so they do not conflict with code.

The PHC introduced and discussed the attached draft bylaws at their September 22nd regular meeting, and held a second reading and review at their October 27th regular meeting. The draft bylaws that are attached incorporate new and existing City Code, ensure that the layout/contents are consistent with Robert's Rules of Order, and include any organizational edits proposed by the Clerk's Office.

The draft bylaws were approved by the commission unanimously with no further discussion at their October 27, 2021 meeting.

RECOMMENDATION

Approve Resolution 21-0xx adopting the amended Port and Harbor Advisory Commission Bylaws.

Attached: DRAFT PHC Bylaws
Current PHC Bylaws – Adopted June 28, 2021

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

ARTICLE I – NAME AND AUTHORIZATION

This organization shall be called the Port and Harbor Advisory Commission, established via Ordinance 73-1, existing by virtue of the provisions of Chapter 2.64 of the Homer Municipal Code, and exercising the powers and authority and assuming the responsibilities delegated under said Code. The following bylaws were adopted on _____, 2021 and shall be in effect and govern the procedures of the Port and Harbor Advisory Commission.

ARTICLE II – PURPOSE

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

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

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

ARTICLE III – MEMBERSHIP

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

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

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

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

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

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

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

ARTICLE IV – OFFICERS

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

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

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

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

ARTICLE V – CITY STAFF ROLES

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

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

ARTICLE VI – MEETINGS

Section 1. Regular meetings shall be open to the public and held on the fourth Wednesday of January, February, March, April, September, and October at 5:00 p.m.; the fourth Wednesday of May, June, July, and August at 6:00 p.m.; and the second Wednesday of December at 5:00 p.m. in the designated location and shall be posted for public information as required by Homer City Code and Alaska State Statutes.

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

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

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

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

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

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

CITY LOGO	NOTICE OF MEETING REGULAR MEETING AGENDA NAME OF BODY DAY OF WEEK, DATE, AND TIME OF MEETING PHYSICAL LOCATION OF MEETING & MEETING ROOM	DEPT. CONTACT INFO (City Clerk’s Office)
-----------	------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------

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

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

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

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

ARTICLE VII – GENERAL OPERATING PROCEDURES

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

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

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

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

ARTICLE VIII – COMMITTEES

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

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

ARTICLE IX – BYLAW AMENDMENTS

The Bylaws may be amended at any meeting of the Commission by a majority plus one of the members, provided that notice of said proposed amendment is given to each member in writing. The proposed amendment shall be introduced at one meeting and action shall be taken at the next Commission meeting.

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

ARTICLE I – NAME AND AUTHORIZATION

This organization shall be called the Port and Harbor Advisory Commission, established via Ordinance 73-1, existing by virtue of the provisions of Chapter 2.64 of the Homer Municipal Code, and exercising the powers and authority and assuming the responsibilities delegated under said Code. The following bylaws were adopted on June 28, 2021 and shall be in effect and govern the procedures of the Port and Harbor Advisory Commission.

ARTICLE II – PURPOSE

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

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

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

ARTICLE III – MEMBERS

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

Section 2. One City Council member and one Homer area high school Student Representative may be appointed by the Mayor, subject to confirmation by the City Council, as consulting, non-voting members.

Section 3. The Mayor, City Manager, and Port Director/Harbormaster may serve as non-voting, consulting members of the Commission.

Section 4. A commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission. The Commission shall declare a vacancy when the person appointed:

- Fails to qualify to take office within 30 days after their appointment;
- Resigns and the resignation is accepted;
- Is physically or mentally unable to perform the duties of their office;
- Misses two (2) consecutive regular meetings unless excused;
- Is convicted of a felony.

ARTICLE IV – OFFICERS

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

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

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

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

ARTICLE V – MEETINGS

Section 1. Regular meetings shall be open to the public and held on the fourth Wednesday of January, February, March, April, September, and October at 5:00 p.m.; the fourth Wednesday of May, June, July, and August at 6:00 p.m.; and the second Wednesday of December at 5:00 p.m. in the designated location and shall be posted for public information as required by Homer City Code and Alaska State Statutes.

Section 2. Meeting agenda deadline is at 5:00 p.m. the Wednesday preceding the meeting. Allowances will be made for holidays.

Section 3. The order of business for the regular meetings shall include, but not be limited to, the following items, which shall be covered in the sequence shown, as far as circumstances permit. Agenda shall be posted for public information as required by Homer City Code and Alaska State Statutes.

NAME OF BODY	DATE OF MEETING
PHYSICAL LOCATION OF MEETING	DAY OF WEEK AND TIME OF MEETING
HOMER, ALASKA	MEETING ROOM

NOTICE OF MEETING
REGULAR MEETING AGENDA

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA. (3 MINUTE TIME LIMIT)
4. RECONSIDERATION
5. APPROVAL OF MINUTES or CONSENT AGENDA
6. VISITORS (Chair set time limit not to exceed 20 minutes) (Public may not comment on the visitor or the visitor's topic until audience comments.) No action may be taken at this time.
7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/BOROUGH REPORTS (Chair set time limit not to exceed 5 minutes.)
8. PUBLIC HEARING (3 MINUTE TIME LIMIT)
9. PLAT CONSIDERATION (Planning Commission only)
10. PENDING BUSINESS or COMMISSION BUSINESS

11. NEW BUSINESS or COMMISSION BUSINESS
12. INFORMATIONAL MATERIALS (NO ACTION MAY BE TAKEN ON THESE MATTERS, THEY MAY BE DISCUSSED ONLY).
13. COMMENTS OF THE AUDIENCE (3 MINUTE TIME LIMIT)
14. COMMENTS OF THE CITY STAFF (not required) (Staff report may be at this time in the agenda.)
15. COMMENTS OF THE COUNCILMEMBER (If one is assigned)
16. COMMENTS OF THE CHAIR (May be combined with COMMENTS OF THE COMMISSION/BOARD since the Chair is a member of the Commission/Board.)
17. COMMENTS OF THE COMMISSION
18. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR _____ note any worksessions, special meetings, committee meetings etc. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. (Sometimes the meeting is scheduled for the Conference Room)

Contact info for the department constructing the agenda. Example: City Clerk's Office, clerk@ci.homer.ak.us, 235-3130.

Section 4. Per Resolution of the City Council (Resolution 06-115(A)), Public Testimony shall normally be limited to three minutes per person. Exceptions may be provided for at the Chair's discretion or by a majority vote of the board members in attendance.

Section 5. Special meetings and Worksessions may be called by the Port Director/Harbormaster, Chair, or a majority of the Commission. Worksessions do not require a quorum, however, no action may be taken at a worksession; items on the agenda are for discussion only. Notice of such meetings shall be posted in the same manner as that for regular meetings.

Section 6. A quorum for the transaction of business at any meeting shall consist of four members. For purposes of determining the existence of a quorum, honorary members shall not be counted.

Section 7. Four affirmative votes are required to approve any action before the Commission and shall constitute the meaning of "majority vote". The Chairperson may vote upon, and may move or second a proposal before the Commission.

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

Section 9. The Commission shall abide by existing Alaska State Law, Borough Code of Ordinance, where applicable, and Homer City Code, as well as Robert's Rules of Order, current edition, in so far as this treatise is consistent with Homer City Code.

ARTICLE VI – COMMITTEES

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

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

ARTICLE VII – BYLAW AMENDMENTS

Section 1. The Bylaws may be amended at any meeting of the Commission by a majority plus one of the members, provided that notice of said proposed amendment is given to each member in writing. The proposed amendment shall be introduced at one meeting and action shall be taken at the next Commission meeting.

Section 2. Any rule or resolution of the Commission, whether contained in these Bylaws or otherwise, may be suspended temporarily in connection with business at hand; and such suspension to be valid; may be taken only at a meeting at which at least four of the members of the Commission shall be present, and two-thirds of those present shall so approve.

ARTICLE VIII – TELECONFERENCING

Section 1. Teleconference meetings:

- a. The preferred procedure for a Commission meeting is that all members be physically present at the designated time and location for the meeting. However, physical presence may be waived and a member may participate in a meeting by Teleconference. This allowance is limited to two (2) meetings per year.
- b. There must be a quorum of members physically present in addition to the telephonic member.
- c. A Commissioner participating by teleconference shall be deemed to be present at the meeting for all purposes.
- d. In the event the Chair participates telephonically, the Vice-Chair shall run the meeting.

Section 2. Teleconference procedures:

- a. A Commissioner who cannot be physically present for a regularly scheduled meeting shall notify the Clerk at least five days prior to the scheduled meeting time of their intent to appear telephonically.
- b. The Clerk shall notify the other Commissioners of the Commissioner's intent to appear by teleconference three days prior to the scheduled meeting time.
- c. The means used to facilitate a teleconference meeting must enable each Commissioner appearing telephonically to clearly hear, and be heard by, all other Commissioners, and members of the public. The Clerk shall note in the attendance record all Commissioners appearing telephonically.

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

RESOLUTION 21-081

A RESOLUTION OF THE CITY COUNCIL OF HOMER ALASKA
ESTABLISHING A REGULAR QUARTERLY REPORT FROM THE
SOUTHERN KENAI PENINSULA OPIOID TASK FORCE/ALL THINGS
ADDICTION ON THE SOUTHERN KENAI PENINSULA TO THE
HOMER CITY COUNCIL FOR 2022.

WHEREAS, The Homer City Council has taken a strong interest in preventing the spread of the opioid epidemic in Homer starting with quarterly worksessions on the topic in 2016; and

WHEREAS, Council adopted Resolution 18-002 establishing a regular quarterly report from the Southern Kenai Peninsula (SKP) Opioid Task Force that continued through 2019; and

WHEREAS, SKP Opioid Task Force reported to Council quarterly and the reports included task force updates, notice of community events and programs available, and testimony from people in recovery and families of those in recovery or who have lost loved ones to overdose; and

WHEREAS, SPK Opioid Task Force reports were put on hold in 2020 as the City and the Task Force focused on navigating the COVID-19 pandemic; and

WHEREAS, The SKP Opioid Task Force remains active, meeting on a monthly basis with work groups to tackle various actionable areas; and

WHEREAS, The SKP Opioid Task Force has expanded its focus to include other aspects of addiction and now calls itself All Things Addiction on the SKP; and

WHEREAS, Homer continues to suffer impacts from the state wide opioid epidemic and experiences drug related crimes and overdose incidents; and

WHEREAS, Methamphetamine use, alcoholism, and other forms of addiction also remain prevalent in Homer; and

WHEREAS, Reports from the SKP Opioid Task Force/All Things Addiction on the SKP to City Council provide an opportunity for the Council and the community to stay abreast of their work and for the Task Force to solicit the assistance of Council when appropriate; and

42 WHEREAS, Establishing the SKP Opioid Task Force/All Things Addiction on the SKP as a
43 regular quarterly visitor will continue to educate and spread the message of Hope and
44 Recovery in and around our community.

45
46 NOW, THEREFORE, BE IT RESOLVED that the Opioid Task Force/All Thins Addiction on
47 the SKP be scheduled as a quarterly visitor to report to the Homer City Council for 2022.

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49 PASSED AND ADOPTED by the Homer City Council on this 8th day of November, 2021.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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57 ATTEST:

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61 MELISSA JACOBSEN, MMC, CITY CLERK

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63 Fiscal Note: N/A

To
The City of Homer
Mayor Castner
City Council Members

October 25,2021

Subject: Releasing Nov. 1: ADEC Proposed Changes to Oil Spill Prevention and Response Regulations

In early 2020, the City of Homer provided input to the Alaska Department of Environmental Conservation (ADEC) during their oil discharge prevention and contingency plan public scoping. Your input helped ensure that Alaskans' voices are heard. **ADEC has announced their proposed changes to regulations resulting from the public scoping will be released for public comment in early November.**

ADEC has already stated the public comment period will be open for 90 days with no extensions. The Council will be working as quickly as possible to review the proposed changes and provide our input to those interested in providing their own public comments.

Background:

In October 2019, ADEC solicited public comments on areas where Alaska oil spill regulations and statutes could be streamlined. Specifically, ADEC focused on [18 AAC 75, Article 4](#) and [Alaska Statute 46.04 \(AS 46.04\)](#), which deal with oil discharge prevention and contingency plan requirements. At that time, ADEC Commissioner Jason Brune issued a press release stating that he had heard "contingency plans were unnecessarily burdensome while lacking environmental benefits," and to achieve Governor Dunleavy's goal of Alaska being open for business, ADEC was beginning a scoping process seeking input from the public on these regulations and statutes.

ADEC received over 350 comments from approximately 130 parties, which can be viewed on [ADEC's public scoping page](#) under [Public Comments](#). As can be seen from reviewing these comments, the majority support maintaining current regulation standards and oppose any changes that would weaken regulations. Commissioner Brune has reported that he and his staff met on a weekly basis for several months in 2020 to review comments received. The proposed regulatory changes, anticipated to be released on November 1, are the result of what he and his team put together from that effort.

Concerns:

PWSRCAC remains concerned that this reform initiative could result in changes that weaken the world-class oil spill prevention and response system in Prince William Sound. Alaska's statutes and regulations have been in place for over 30 years, protecting Alaska and ensuring that industry and responders maintain vigilant in preventing and responding to spills. Industry has operated successfully with these safeguards in place and these statutes and regulations are one of the main reasons Prince William Sound has not suffered a catastrophic oil spill since 1989.

Next steps:

PWSRCAC intends to review the draft regulatory changes, prepare our own comments, and provide additional information to the public. We intend to focus our outreach on assisting the public in understanding the implications of any proposed regulatory changes and forming meaningful comments that support maintaining strong oil spill prevention and response requirements in Alaska. PWSRCAC encourages interested parties statewide to likewise review the draft for issues relevant to their respective regions.

Note: ADEC has informed us that there are currently no changes to laws anticipated at this time. While regulation changes, like those about to be proposed, can be made by the agency that oversees them (in this case ADEC), state statutes (laws) can only be amended by the State Legislature.

PWSRCAC will provide updates by email as information becomes available. More information on this topic can be found on [the Council's website](#).

Again, thank you for your previous public comments on this important issue. We hope the City of Homer will stay engaged and consider providing input during the upcoming public comment period as well.

Robert Archibald
City of Homer Representative
Prince William Sound Regional
Citizens Advisory Council

ORDINANCE REFERENCE SHEET
2021 ORDINANCE
ORDINANCE 21-64

An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating an FY 2021 State Homeland Security Grant in the Amount of \$142,132 for a Bi-Directional Amplifier System for Homer Police Department and Microwave Links for Homer's Repeaters.

Sponsor: City Manager

1. City Council Regular Meeting October 25, 2021 Introduction
Memorandum 21-179 from Police Chief as backup
2. City Council Special Meeting November 8, 2021 Public Hearing and Second Reading

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 21-64

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA ACCEPTING AND APPROPRIATING AN FY 2021 STATE HOMELAND SECURITY PROGRAM GRANT IN THE AMOUNT OF \$142,132 FOR A BI-DIRECTIONAL AMPLIFIER SYSTEM FOR HOMER POLICE DEPARTMENT AND MICROWAVE LINKS FOR HOMER'S REPEATERS.

WHEREAS, The Alaska Division of Homeland Security and Emergency Management (DHS&EM) makes funds available to strengthen a City's ability to prevent, protect against, respond to and recover from all hazard events; and

WHEREAS, Effective emergency response operations are dependent on the delivery of timely communications; and

WHEREAS, The City recently became aware of two vulnerabilities in the City's emergency response communications systems that compromise delivery of timely communications, namely:

- Very low radio signal strength within the new Homer Police Department building, which jeopardizes officer and public safety if personnel are unable to pick up radio traffic when inside the building; and
- The one existing microwave link to one of Homer's repeater sites has insufficient capabilities to carry radio control, data, video and voice traffic for Homer Police Department and the other repeater site lacks a microwave link; and

WHEREAS, Purchasing and installing a bi-directional amplifier system in the Homer Police Department will strengthen signals to allow reliable communication between portable radios inside the building and the ALMR sites outside the building; and

WHEREAS, Purchasing and installing microwave links and IP radio gateways at two of Homer's repeater sites provides necessary communications capability and backup; and

WHEREAS, The City is pleased to have been awarded \$142,132 from the DHS&EM to purchase and install a Bi-directional amplifier system at the Police Department and microwave links for Homer's repeaters.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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Section 1. The Homer City Council hereby accepts and appropriates an FY2021 State Homeland Security Program Grant to the City of Homer in the amount of \$142,132 for the purposes as follows:

Revenue:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
	FY21 State Homeland Security Grant Program	\$142,132

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
	Homer Police Department Bi-Directional Amplifier System	\$101,556
	Microwave Links and IP Radio Gateways for Homer’s Repeaters	\$ 40,576

Section 2. Homer City Council hereby authorizes The City Manager is authorized to execute the appropriate documents.

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

Section 4. Sole source procurement from the manufacturer is hereby authorized.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this __ day of _____, 2021.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

- 85 YES:
- 86 NO:
- 87 ABSENT:
- 88 ABSTAIN:
- 89
- 90 Introduction:
- 91 Public Hearing:
- 92 Second Reading:
- 93 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Police Department

625 Grubstake Avenue
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

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

MEMORANDUM 21-179

DATE: 10-8-2021

FROM: Chief Robl

TO: City Manager Dumouchel

SUBJ: Grant Acceptance / Sole Source Purchase Approval

We have received a grant from Homeland Security to fund the purchase of a bi-directional amplifier system for the Police Station and two microwave links. These items will make significant improvements to our public safety radio system. The grant provides full funding for these projects. I request we obtain council permission to accept these grants and approve a sole source purchase for the associated equipment items and the installation to ProComm Alaska.

After moving into our new police station we discovered our radio signal strength inside of the building to be very low. This results in officers inside of the building to not receive radio transmissions on their portable radios. An officer can be just about anywhere within the building and not receive a dispatch to a 911 call or hear another officers call for help. The most effective, safe and reliable way to address this situation is to install a bi-directional amplifier system within the building which will amplify the radio signal strength to ensure effective and complete two way radio communications regardless of the officers' location.

Our public safety radio system essentially consists of our dispatch center and two outlying repeater sites. One of the sites is on the Homer Spit and the other is on Skyline Drive. Both sites contain repeaters for the police department and the fire department. For optimum system performance, radio signals should go back and forth between dispatch and the repeaters via microwave links with enough bandwidth to handle radio control and full data, video and audio signal transmission. Currently, one of our microwave links is old and does not provide the bandwidth we need. We do not have a microwave link to the second site and are only able to link with it via direct radio transmissions thereby severely restricting the capabilities of the site. Installing new microwave links with IP radio gateways will provide us with full system capability through all of our repeaters.

We request to sole source these projects to ProComm Alaska. Our entire radio system is built with Motorola brand equipment. ProComm is the only Motorola dealer in the state with fully trained and certified technicians meeting FCC and APCO requirements. ProComm has furnished and installed all of our equipment and they do all of our annual preventative maintenance and tuning. ProComm is uniquely qualified to complete these two projects for us and is the only radio service provider in Alaska capable of doing so and successfully integrating the new equipment into our existing system.

ORDINANCE REFERENCE SHEET
2021 ORDINANCE
ORDINANCE 21-65

An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget and Appropriating an Additional \$45,000 from the General Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund for a Total Expenditure of \$120,000 to Replace and Upgrade Departmental Servers across City Departments.

Sponsor: City Manager/Library Director

1. City Council Regular Meeting October 25, 2021 Introduction
Memorandum 21-180 from Library Director as backup
2. City Council Special Meeting November 8, 2021 Public Hearing and Second Reading

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

3 City Manager/
4 Library Director

5 **ORDINANCE 21-65**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
8 AMENDING THE FY22 CAPITAL BUDGET AND APPROPRIATING AN
9 ADDITIONAL \$45,000 FROM THE GENERAL FUND CAPITAL ASSET
10 REPAIR AND MAINTENANCE ALLOWANCE (CARMA) FUND FOR A
11 TOTAL EXPENDITURE OF \$120,000 TO REPLACE AND UPGRADE
12 DEPARTMENTAL SERVERS ACROSS CITY DEPARTMENTS.

13
14 WHEREAS, The City of Homer relies on various arrays of servers for file storage and
15 communications; and

16
17 WHEREAS, These servers reached the end of their normal service life in calendar year
18 2020 and their storage capacity is no longer sufficient for the City's needs; and

19
20 WHEREAS, The Homer City Council allocated \$75,000 in the FY 2020 Capital
21 Improvements budget and Ordinance 21-19 for replacing and upgrading these servers; and

22
23 WHEREAS, Official quotes obtained from the supplier bring the total cost for both
24 phases of the project to roughly \$120,000; and

25
26 WHEREAS, Phase I of the project, which replaces and upgrades servers at City Hall, has
27 begun; and

28
29 WHEREAS, Phase II, which will replace and upgrade equipment at other departments
30 across the City, remains suspended pending allocation of sufficient funds.

31
32 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

33
34 Section 1. The Homer City Council hereby appropriates an additional \$45,000 from General
35 Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund as follows:

36
37

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
156-0375	Departmental Servers Replacement and Upgrade	\$45,000

38
39
40 Section 2. This ordinance is a budget amendment only, is not of a permanent nature and
41 is a non code ordinance.
42

43 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of _____, 2021.

44

45

46

CITY OF HOMER

47

48

49

KEN CASTNER, MAYOR

50

51

52 ATTEST:

53

54

MELISSA JACOBSEN, MMC, CITY CLERK

56

57 YES:

58 NO:

59 ABSTAIN:

60 ABSENT:

61

62 First Reading:

63 Public Hearing:

64 Second Reading:

65 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Homer Public Library

500 Hazel Avenue
Homer, AK 99603

library@cityofhomer-ak.gov

(p) (907)-235-3180

(f) (907)-235-3136

Memorandum 21-180

TO: Homer City Council

THROUGH: Robert Dumouchel, City Manager

FROM: David Berry, Library Director

DATE: October 11, 2021

SUBJECT: Phase II of Citywide Server Upgrades

The City Council previously adopted Ordinance 21-19, allocating a total of \$75,000 for upgrading departmental servers across all of Homer. The work is necessary to ensure the City's network can continue to meet demand for security, data storage and records retention, and to avoid breakdowns in aging equipment.

Phase I of that project, which covers the servers at City Hall, has begun. Orders have been placed and the equipment should arrive in early 2022.

Phase II upgrades the servers in other departments, but due to rapidly changing prices in electronics markets, the original cost estimates are out of date. The good news is that we now have hard quotes for the cost of upgrading, and prices can be locked in if funding is allocated before the end of November. If funding is approved, equipment would arrive at virtually the same time.

RECOMMENDATION

Allocate an additional \$45,000 to complete the entire server upgrade project.

ORDINANCE REFERENCE SHEET
2021 ORDINANCE
ORDINANCE 21-66

An Ordinance of the City Council of Homer, Alaska Extending the Time Limit to Upgrade and Replace the City's Microwave Wide-Area Network through December 31, 2023.

Sponsor: City Manager/Library Director

1. City Council Regular Meeting October 25, 2021 Introduction
Memorandum 21-181 from Library Director as backup
2. City Council Special Meeting November 8, 2021 Public Hearing and Second Reading

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Library Director

ORDINANCE 21-66

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
EXTENDING THE TIME LIMIT TO UPGRADE AND REPLACE THE
CITY'S MICROWAVE WIDE-AREA NETWORK THROUGH DECEMBER
31, 2023.

WHEREAS, The departments of the City of Homer are connected through a microwave Wide-Area Network (WAN), which carries data over secure links and provides reliable communications between buildings; and

WHEREAS, Ordinance 18-44(A) allocated \$130,000 for upgrading and replacing aging equipment in the WAN; and

WHEREAS, This project was put on hold by construction work on the new police station, then by Resolution 20-050, and further delayed by the need to carry out projects directly related to COVID-19; and

WHEREAS, The original appropriation is set to lapse on Dec. 31, 2021.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. That the original appropriation for the microwave WAN upgrade, authorized by Ordinance 18-44(A), be extended through Dec. 31, 2023.

Section 2. 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 ____ day of _____, 2021.

CITY OF HOMER

KEN CASTNER, MAYOR

43 ATTEST:
44
45 _____
46 MELISSA JACOBSEN, MMC, CITY CLERK
47
48 YES:
49 NO:
50 ABSTAIN:
51 ABSENT:
52
53 First Reading:
54 Public Hearing:
55 Second Reading:
56 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Homer Public Library

500 Hazel Avenue
Homer, AK 99603

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(p) (907)-235-3180

(f) (907)-235-3136

Memorandum 21-181

TO: Homer City Council

THROUGH: Robert Dumouchel, City Manager

FROM: David Berry, Library Director

DATE: October 11, 2021

SUBJECT: Microwave WAN Network

Ordinance 18-44(A) appropriated \$130,000 for upgrading the City's Microwave Wide-Area Network (WAN), which carries official data traffic between City buildings. The project was put on hold pending the completion of the new police station, then put on hold again by Resolution 20-050, and delayed further by the exigencies of COVID-19.

Preliminary work has begun, including mapping existing and potential infrastructure sites and modelling path loss (that is, the predicting the signal strength over distance). All regulatory requirements have been identified. Going forward, the IT division anticipates soliciting bids during the winter of 2021-22 and hopefully beginning construction in summer 2022.

RECOMMENDATION

Extend the original appropriation through Dec. 31, 2023.

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

City Manager

3
4 **ORDINANCE 18-44(A)**

5
6 AN ORDINANCE OF THE HOMER CITY COUNCIL APPROPRIATING
7 FUNDS FOR THE CALENDAR YEAR 2019 FOR THE GENERAL FUND,
8 THE WATER FUND, THE SEWER FUND, THE PORT/HARBOR FUND,
9 CAPITAL PROJECTS, AND INTERNAL SERVICE FUNDS.

10
11 THE CITY OF HOMER ORDAINS:

12
13 Section 1. Pursuant to the authority of Alaska Statutes Title 29, the following
14 appropriations are made for the calendar year ending December 2019:

15

16	General Fund	\$12,250,363
17	Water Fund	\$ 2,116,651
18	Sewer Fund	\$ 1,772,014
19	Port/Harbor Fund	\$ 4,750,515
20	Capital Projects	<u>\$ 858,024</u>
21		
22	Total Expenditures	\$21,747,567
23		
24	Internal Service Funds	\$2,143,964

25

26 Section 2. The amounts appropriated by this ordinance are appropriated to the objects
27 and purposes stated in the adopted budget.

28
29 Section 3. Grant funds. (a) If grant funds that are received during the fiscal year exceed
30 the amounts of such funds appropriated by this ordinance by not more than \$25,000, the
31 affected appropriation is increased by the amount of the increase in receipts.

32 (b) If grant funds that are received during the fiscal year exceed the amounts
33 appropriated by this ordinance by not more than \$25,000, the appropriation from city funds
34 for the affected program may be reduced by the excess if the reduction is consistent with
35 applicable federal and state statutes.

36 (c) If grant funds that are received during the fiscal year fall short of the amounts
37 appropriated by this ordinance, the affected appropriation is reduced by the amount of the
38 shortfall in receipts.

39
40 Section 4. Donations or charitable contributions. If donations or contributions are
41 received during the fiscal year that exceed the amounts of such funds appropriated by this

42 ordinance by not more than \$5,000, the affected appropriation is increased by the amount of
43 the increase in receipts.

44
45 Section 5. A copy of the adopted budget shall be certified by the City Clerk and filed in
46 the office of the City Clerk.

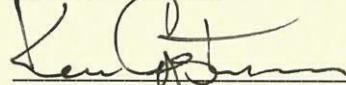
47
48 Section 6. The supporting Line Item Budget detail as presented by the Administration
49 and reviewed by the City Council is incorporated as part of this Budget Ordinance.

50
51 Section 7. The property tax mill levy is set at 4.5 mills for 2019.

52
53 Section 8. This Ordinance is limited to approval of the Budget and appropriations for
54 Calendar Year 2019, is a non code Ordinance and shall become effective January 1, 2019.

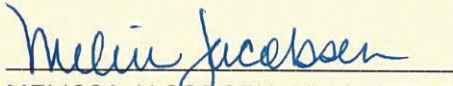
55
56 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 10th day of December, 2018.

57
58 CITY OF HOMER



59
60 KEN CASTNER, MAYOR

61
62 ATTEST:



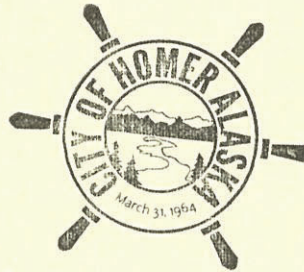
63
64 MELISSA JACOBSEN, MMC, CITY CLERK

65
66
67
68 YES: 5

69 NO: 0

70 ABSTAIN: 0

71 ABSENT: 1



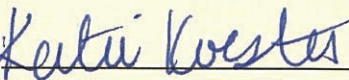
72
73 First Reading: 10-22-18

74 Public Hearing: 11-26-18, 12-10-18

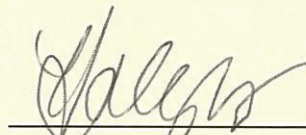
75 Second Reading: 12-10-18

76 Effective Date: 01-01-19

77
78 Reviewed and approved as to form:



79
80 Katie Koester, City Manager



81
82 Holly C. Wells, City Attorney

83 Date: 1-15-19

Date: 1-28-19



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: November 3, 2021
SUBJECT: City Manager's Report for November 8, 2021 Council Meeting

North Pacific Update

After some delays, Alaska Scrap has begun dismantling the Vessel North Pacific. They are breaking apart the vessel and then transporting scrap steel to a pile on the chip pad. The steel will be broken down to a size that can be resold and other refuse will go to a transfer station. The vessel could be broken down as quickly as within the next week depending on weather and staffing.



Meeting with USCG Rear Admiral Moore

City staff were recently invited to have a discussion with U.S. Coast Guard Rear Admiral Nathan Moore. RADM Moore is the Commander of the 17th Coast Guard District and is responsible for Coast Guard operations throughout Alaska, the North Pacific Ocean, the Arctic Ocean, and the Bering Sea. We had a very productive discussion where RADM Moore was able to share current Coast Guard goals and objectives for our region, and

we were able to bring him up to speed on Homer-issues which include the large vessel harbor expansion. We look forward to continuing to work with RADM Moore and his staff in the future.

Skate Park Update

As a follow up to my update at the October 25th meeting, both skate park half pipes are now assembled, installed, and in operation at the HERC campus. Thanks again to the Friends of the Homer Skate Park, the Homer Foundation, and community members who contributed to the project!



All-Hazard Mitigation Plan Update Kickoff Meeting

The City is working with AECOM Technical Services to update our All-Hazard Mitigation Plan. AECOM was contracted by the State of Alaska Division of Homeland Security and Emergency Management to update the City’s existing plan to fulfill current FEMA criteria. Hazard Mitigation Plans identify hazards which routinely impact a community, defines those hazards so community members understand their nature, determine impact locations within the community, describe their potential impact extent, and identify mitigation opportunities. Having an active plan can make the City eligible for mitigation grants. A kickoff meeting was held for Homer’s All-Hazard Mitigation Plan update on November 2nd. The planning team includes: Councilmember Erickson, City Planner Rick Abboud, Fire Chief Mark Kirko, Public Works Director Jan Keiser, Scott Mullen from South Peninsula Hospital, and Janna Davis from Homer Electric Association.

Council Chambers Audio

The City has taken delivery of the final pieces of a new microphone system for the dais in Council Chambers. This upgrade is expected to improve audio in the room, online, and to help with better camera tracking. The IT-team has made plans to complete the installation between the November and December Council meetings. We are expecting the rewiring and installation to take approximately three weeks with completion occurring right after Thanksgiving.

Code Blue Ambulance Grant

Alaska’s Code Blue grant program, which helps Alaskan communities fund essential EMS equipment and transportation needs, has funding available this year and opened a brief grant application window. The Volunteer Fire Department has prepared grant application materials requesting funding to support the purchase of a new ambulance. If successful, it will defray the costs of replacing Medic 1 which had a target replacement date of 2022 according to the fleet replacement schedule published in the FY20/21 Budget.

2021 Camping Season is Complete

The City's camping season ended on October 31st. The City will not be hosting off-season campers this year. I will include a report on the 2021 season with a future City Manager's report.

Personnel Updates

Public Works: Public Works welcomed Pedro Ochoa as its new Building Maintenance Technician I. Pedro, a member of the Alaska Army National Guard's Infantry Airborne, has worked for the City of Homer for multiple years as a temporary employee, first with the PW Water & Sewer Department and most recently with Port & Harbor. Pedro is a graduate of Homer High School and has an Associates of Arts degree from the UAA's Kachemak Bay Campus. Pedro is an elite runner, having represented the National Guard in marathon events across the country.

Library: Homer Public Library is pleased to welcome Cinda Nofziger as our new Youth Services Librarian! Cinda has experience in both public and academic libraries in a variety of locations, including Wyoming and Michigan, and has worked with children over a range of ages. She also has ties to Homer, with family in the local area and many fond memories of visiting here as a child. While all timelines are subject to interference from COVID, having Cinda on the team lets us plan for bringing back regular storytimes and expanding our programs for children and young adults.

Attachment:

November Employee Anniversaries



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: MAYOR CASTNER AND CITY COUNCIL
FROM: Andrea Browning
DATE: November 8, 2021
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	24	Years
Jenna deLumeau	Finance	12	Years
Ian Overson	Police	10	Years

ORDINANCE REFERENCE SHEET
2021 ORDINANCE
ORDINANCE 21-63

An Ordinance of the City Council of Homer, Alaska Settling the Current and Future Distributions of Income and Debt in the Natural Gas Distribution Special Assessment Bond Sinking Fund.

Sponsor: Mayor

1. City Council Regular Meeting October 11, 2021 Introduction
2. City Council Regular Meeting October 25, 2021 Public Hearing and Second Reading (Second Reading postponed to November 8, 2021)

Memorandum 21-187 from Finance Director as backup
Memorandum 21-191 from City Manager as backup

3. City Council Special Meeting November 8, 2021 Second Reading

Memorandum 21-200 from City Manager as backup

**CITY OF HOMER
HOMER, ALASKA**

Mayor

ORDINANCE 21-63

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
SETTLING THE CURRENT AND FUTURE DISTRIBUTIONS OF
INCOME AND DEBT IN THE NATURAL GAS DISTRIBUTION SPECIAL
ASSESSMENT BOND SINKING FUND.

WHEREAS, Ordinance 21-13, adopted on March 8, 2021, the City of Homer (“City”) authorized the retirement of debt to the Kenai Peninsula Borough in the amount of \$2,512,000; and

WHEREAS, Ordinance 21-13 appropriated funds that included the Free Main Allowance (FMA) collected prior to December 31, 2020, the principal and interest payments from the gas line assessments made prior to December 31, 2020 and other funds that were included in the Sinking Bond Fund; and

WHEREAS, The final settlement of debt to the Kenai Peninsula Borough allowed the City to remove the restrictions on \$1,270,000 which had been used as payment surety (Bond) as a condition of the loan; and

WHEREAS, Ordinance 21-13 required the City Treasurer to inform the Council as to various balances associated with the Gas Line Project and Fund 175; and

WHEREAS, The Bond balance at 7/01/2021 is \$-0-, as restrictions against \$1,270,00 have been removed and the funds are in the General Fund – Fund Balance; and

WHEREAS, The Loan amount at 7/01/2021 to the Kenai Peninsula Borough is \$-0-; and

WHEREAS, The City, following the debt retirement and as of 07/01/2021, is owed \$336,056 for funds advanced; and

WHEREAS, The balance of the Free Main Allowance at 7/01/2021, and as reflected in the first two quarterly payments in 2021, is \$20,337; and

WHEREAS, The uncollected assessments at 07/01/21 are \$1,369,011 of which \$161,188 are doubtful; and

WHEREAS, All remaining receivables in the Natural Gas Distribution Special Assessment Bond Sinking Fund are now available to the City as unrestricted income.

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NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. All payments into the Natural Gas Distribution Special Assessment Bond Sinking Fund are income to the City of Homer.

Section 2. The City Treasurer shall first transfer revenues in the Natural Gas Distribution Special Assessment Bond Sinking Fund to retire the debt to the City.

Section 3. Following debt retirement, the City Treasurer shall annually transfer, on or before October 1 of each calendar year, the accumulated revenues in the Natural Gas Distribution Special Assessment Bond Sinking Fund to the General Fund – Fund Balance

Section 4. This is a budget amendment ordinance only, is not permanent in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2021.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

**CITY OF HOMER
HOMER, ALASKA**

Mayor/City Manager

ORDINANCE 21-63(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
SETTLING THE CURRENT AND FUTURE DISTRIBUTIONS OF
INCOME AND DEBT IN THE NATURAL GAS DISTRIBUTION SPECIAL
ASSESSMENT BOND SINKING FUND

WHEREAS, Ordinance 13-02 created the City of Homer Natural Gas Distribution Special Assessment District; and

WHEREAS, Ordinance 13-03(S)(2) authorized the City to issue a Natural Gas Distribution Special Assessment Bond in the principle amount of not to exceed \$12,700,000 to finance the design and construction of natural gas distribution improvements in the City; and

WHEREAS, The City and Enstar signed an agreement titled “Natural Gas Distribution System Extension Contribution in Aid of Construction Agreement for the City of Homer Natural Gas Distribution Special Assessment District” (2013 Enstar Agreement) in 2013; and

WHEREAS, The natural gas distribution system extension, owned by Enstar, was successfully constructed and put into operation; and

WHEREAS, The City has appropriated an additional \$663,119 to natural gas-related expenses from the General Fund (\$301,097), Utility Fund (\$95,023), and Harbor Fund (\$266,999) since 2012; and

WHEREAS, The City has collected both annual assessment payments from property owners and a quarterly refund from Enstar known as free main allowance payments which is based on calculations contained within §602 of Enstar’s Tariff; and

WHEREAS, Ordinance 15-17(S) permitted the City to prepay principal of the Natural Gas Distribution Special Assessment Bond; and

WHEREAS, Ordinance 16-43 provided for the creation of a Natural Gas Distribution Special Assessment Bond Sinking Fund; and

WHEREAS, Ordinance 21-13 appropriated an amount not to exceed \$2,512,000 from the Natural Gas Distribution Special Assessment Bond Sinking Fund to retire the debt that was utilized for the construction of the natural gas distribution line; and

42 WHEREAS, The City’s Finance Department used \$2,459,945 to pay off the bond as
43 directed, which included the entirety of the \$1,971,808 in free main allowance which had been
44 collected by the City since the initiation of the project; and

45
46 WHEREAS, On-time assessment payments will continue until September 1, 2024 and
47 Free Main Allowance payments will continue for 10 calendar years after construction; and

48
49 WHEREAS, Late assessment payments are likely to continue well beyond 2024; and

50
51 WHEREAS, There is value in planning for the end phase of the Natural Gas Distribution
52 Special Assessment Bond Sinking Fund to ensure that surplus funds are put to appropriate
53 uses; and

54
55 WHEREAS, The 2013 Enstar Agreement allows free main allowance to be put towards
56 whatever the City “determines to be appropriate”; and

57
58 WHEREAS, The City Council has determined it is appropriate to direct excess funds to
59 the General Fund where it can be used for purposes beneficial to the entire City.

60
61 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

62
63 Section 1. Once any debt within the Natural Gas Distribution Special Assessment Bond
64 Sinking Fund is retired, all payments into the Natural Gas Distribution Special Assessment
65 Bond Sinking Fund are income to the City of Homer.

66
67 Section 2. Following debt retirement, the City Treasurer shall annually transfer, on the
68 business day following the passage of the Resolution accepting the basic financial statements,
69 the accumulated revenues in the Natural Gas Distribution Special Assessment Bond Sinking
70 Fund to the General Fund – Fund Balance.

71
72 Section 3. This is a budget amendment ordinance only, is not permanent in nature, and
73 shall not be codified.

74
75 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2021.

76
77 CITY OF HOMER
78
79
80 _____
81 KEN CASTNER, MAYOR

82 ATTEST:
83 _____
84 MELISSA JACOBSEN, MMC, CITY CLERK

- 85 YES:
- 86 NO:
- 87 ABSTAIN:
- 88 ABSENT:
- 89
- 90 First Reading:
- 91 Public Hearing:
- 92 Second Reading:
- 93 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 21-200

TO: Mayor Castner and Homer City Council
 FROM: Rob Dumouchel, City Manager
 DATE: November 2, 2021
 SUBJECT: Update to Ordinance 21-63

At the October 25th Council meeting, the Council chose to postpone a decision on Ordinance 21-63 to our November meeting. During Committee of the Whole, there was a lot of discussion regarding the ordinance and the type of information that would be required for the Council to get to a point where they would be willing to adopt Ordinance 21-63. Inspired by that discussion, I have created a substitute ordinance which hopefully provides the information the Council was seeking in order to more confidently make a decision on the matter. The substituted memo ultimately does the same thing as the original draft, however, it takes a different pathway to explaining the concept. This memo contains some discussion of the substitute ordinance.

Natural Gas Line Bond and Special Assessment District Origins

Ordinance 13-02 created the Natural Gas Distribution Special Assessment District and Ordinance 13-03(S)(2) authorized the bond for up to \$12,700,000. The City signed an agreement with Enstar in 2013 which defined our contribution in aid of construction. The natural gas distribution system extension was constructed thereafter. Enstar owns, operates, and maintains the main.

Free Main Allowance

Enstar provides a refund to the City called a free main allowance (FMA) when new customers connect to the gas line. FMA is explained in more detail in §602 Enstar's tariff (attached to this document). It is also discussed in section 11 of the agreement between the City and Enstar which was signed in 2013 (also attached). The City will receive FMA payments for ten calendar years following construction.

Year	FMA Payments	Year	FMA Payments
2015	\$1,302,822	2019	\$114,996
2016	\$169,998	2020	\$88,006
2017	\$130,242	2021 (to date)	\$38,961
2018	\$144,120	TOTAL	\$1,989,145

There is not much guidance in the tariff or the City’s contract with Enstar regarding use of FMA. Our agreement has the following language:

*The CITY may distribute the refund entitlements, credit the refund against assessments due the CITY under the HSAD, make special assessment bond payments (related to financing the HSAD), deposit the refund in a fund used as security for said special assessment bonds, **or may make such use of the refund as it determines to be appropriate** (emphasis added).*

To date, the only thing on which the City has spent FMA funds is the payoff of the gas line bond earlier in 2021. \$1,971,808 of the \$2,459,945 payoff came from FMA.

Additional Natural Gas-Related Appropriations

Throughout the life of the gas line, the City has put approximately \$663,119 from non-gas line-related funds into supporting gas line-related purposes. These investments include paying assessments, retrofitting facilities, etc. The table below identifies some of the known appropriations.

Ordinance	General Fund	Utility Fund	Harbor Fund
Ord. 12-46	\$50,165		
Ord 13-19(A)(S)	\$148,319	\$76,461	
Ord 14-07	\$34,089		
Ord 14-22(A)		\$18,562	\$64,708
Ord 15-21	\$68,524		\$202,291
TOTAL	\$301,097	\$95,023	\$266,999

Staff Recommendation: Adopt Ordinance 21-63(S)

Enclosures:

1. Excerpt of Enstar Tariff (§602)
2. 2013 Contract with Enstar
3. Gas Fund 175 Spreadsheet from Finance Department



ENSTAR Natural Gas Company

§602 Extension of Mains

§602a **General**

The Utility will construct the facilities necessary to extend a Gas Distribution Main (a “Main Extension”) to any location within its certificated area if the Main Extension is economically feasible and does not cause an unreasonable added cost burden to be borne by existing Customers. With the exception of Feeder Mains described in Section 602f(4) below, each Main Extension must be considered individually for economic feasibility. A Main Extension may involve one or more Participants.

§602b **Costs to Construct**

The Utility will calculate the costs to construct each Main Extension. These costs are based on the facilities necessary to provide service and include Mains, underground service pipes, meters, regulators, etc., as well as the engineering and supervision necessary to design and construct the facilities to meet all legal and safety requirements (including applicable overhead costs).

§602b(1) Standard Construction Costs

In calculating the costs to construct a Main Extension, the Utility will use the Standard Construction Costs (Sheet 236) applicable for the year of construction.

On or before May 1 of each year, the Utility will, by tariff advice letter, file the Standard Construction Costs applicable for the next calendar year. The Standard Construction Costs filed will be calculated by using the actual average cost per foot of the construction of two-inch Main Extensions for the previous five years subject to a 10% increase limitation over the previous approved cost per foot. For example, if the approved Standard Construction Cost for a given year (Year 1) is \$20.00 per foot, and the calculated five year average for the next year (Year 2) is \$23.00, the 10% increase limitation would apply and the new revised Standard Construction Cost for the next year (Year 2) would be \$22.00. Further, when computing the Standard Construction Cost for Year 3, the increase limitation will be based upon the revised Standard Construction Cost for Year 2 of \$22.00.

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ENSTAR Natural Gas Company

§602b(2) Charges in Excess of Standard Costs

The Utility may include Charges in Excess of Standard Costs in its calculation of the cost to construct a Main Extension for items which are particularly unique to that Main Extension and which could cause an undue additional cost burden to be borne by existing Customers if only Standard Construction Costs were used. Examples of such unique charges would include, but are not limited to, costs for: the construction of river or stream crossings; construction in swamp, hard rock, or frozen ground areas; construction and permitting in ecologically fragile areas; road bores, open cut crossings, asphalt removal and replacement; or, construction in the right-of-way of a limited access highway. Charges for these items will be based on the Utility's current engineering cost estimates.

§602b(3) Mains in Excess of Two Inches

If the size of the Main Extension that is required for service is in excess of two inches, the cost to construct will be based on the Utility's estimate of actual construction costs. If the actual cost of construction is less than the Utility's estimate, then the difference will be refunded to the Participant.

§602b(4) Cost of System Upgrade

Charges in excess of Standard Construction Costs may include the cost of a system upgrade if it is incidentally the result of a potential Customer's (or Participant's) addition to the system and the potential Customer has a load requirement that is not comparable to those in the area being served by the facilities requiring upgrade.

Pursuant to:
U-99-93(2) / U-99-94(2)

Effective May 16, 2001

Issued By: ENSTAR Natural Gas Company, A Division of SEMCO ENERGY, Inc.

By:


Daniel M. Dieckgraeff

Title: Vice President, Rates and Planning



ENSTAR Natural Gas Company

§602b(5) Calculation

For Main Extensions utilizing Standard Construction Costs, the costs to construct a Main Extension will be the total of the footage for a two-inch Main necessary to provide service multiplied by the applicable Standard Construction Cost plus any Charges in Excess of Standard Costs. For Main Extensions requiring pipe in excess of two inches, the costs to construct the Main Extension will be calculated in accordance with Section 602b(3) above.

§602c **Free Main Allowance**

In determining if a Main Extension is economically feasible, the Utility will calculate a Free Main Allowance. This allowance is an estimate of the amount of Main expenditure that can be incurred for an “average” Customer of each class without significant adverse effect to the existing Customer base.

§602c(1) Standard Load Allowances

In calculating the Free Main Allowance for a Main Extension, the Utility will use the Standard Load Allowances (Sheet 236) applicable for the year of construction. On or before May 1 of each year, the Utility will, by tariff advice letter, file Standard Load Allowances and supporting documentation applicable for the next calendar year. The Standard Load Allowances will be the actual average embedded plant cost per Customer for each Customer class as of the end of the prior calendar year less that prior calendar year’s cost per Customer (by class) for meter assemblies and Service Lines. These per Customer costs will be calculated using the methodology accepted by the Commission in the Utility’s most recent cost of service study. For computing average loads the Utility will use the following:

		<u>2021</u>	<u>2022</u>		C
<i>§602c(1)(a)</i>	Average G1 load	143	143	Mcf per year	
<i>§602c(1)(b)</i>	Average G2 load	371	373	Mcf per year	I
<i>§602c(1)(c)</i>	Average G3 load	1,169	1,173	Mcf per year	I
<i>§602c(1)(d)</i>	Average G4 load	7,370	7,408	Mcf per year	I

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ENSTAR Natural Gas Company

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§602c(2) Calculation

The Utility will compute a Free Main Allowance for each Participant that is anticipated to connect directly to and begin taking service (thereby becoming a consuming Customer) from the proposed Main Extension at the time of construction. The allowance is the product of the Participant's estimated permanent annual load multiplied by the applicable Standard Load Allowance in effect.

§602d Evaluation of Economic Feasibility

§602d(1) If the costs to construct a Main Extension as computed in Section 602b above do not exceed the sum of the Free Main Allowance for all Participants anticipated to become consuming Customers on the Main Extension at the time of construction, the Main Extension is considered economically feasible.

§602d(2) If the costs to construct a Main Extension as computed in Section 602b above exceed the total of the Free Main Allowance for all Participants anticipated to become consuming Customers on the Main Extension at the time of construction, the Utility may require an Advance of the cost of the Main Extension above the total of the Free Main Allowances from the Participants.

Tariff Advice No. 221-4

Effective

MAY 14, 2012

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Daniel M. Dieckgraeff

Title: Manager, Rates and Regulatory Affairs

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ENSTAR Natural Gas Company

§602e Main Extension Advances

Main Extension Advances may be in the form of a Main Extension Deposit or a Main Extension Contribution in Aid of Construction. The Utility may require a Contribution in Aid of Construction when the estimated total load during the life of the Main Extension is insufficient to avoid an undue cost burden on existing Customers.

§602e(1) Calculation of Initial Advance

The initial Main Extension Advance is calculated by taking the excess of the costs to construct over the total of the Free Main Allowance for all Participants anticipated to become consuming Customers on the Main Extension at the time of construction. This is the total Advance required for the entire Main Extension.

Normally, the total Advance required for the entire Main Extension is divided by the total number of Participants. However, the Participants can agree to unequal individual Advances, as long as the sum of all of the Advances equals the total Advance required for the entire Main Extension. The individual Advances for a Feeder Main are calculated as provided in Section 602f(4) below.

Pursuant to:
U-99-93(2) / U-99-94(2)

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§602e(2) Customer Additions

§602e(2)(a) Any previously paid Main Extension Advances for a completed Main Extension, except a Feeder Main, must be recomputed when a new consuming Customer who was not a Participant in the Main Extension is added in the calendar year of construction and for two full calendar years following. The new consuming Customer will become a Participant and will be required to pay, as a Main Extension Advance, a prorated share of the original Main Extension Advance. The Utility will calculate the new consuming Customer's Free Main Allowance using the applicable Standard Load Allowances in effect at the time the new consuming Customer joins the system.

§602e(2)(b) Any new consuming Customers added to the Main Extension after two full calendar years following the calendar year of construction will not be required to pay a prorated share of the original Main Extension Advance.

§602e(3) Refunds

§602e(3)(a) Refunds will be calculated for those Participants who made Main Extension Advances except for Feeder Mains, prorata, equal in total to the amount of Advances received from new Participants plus the Free Main Allowance from new consuming Customers directly served by the Main Extension during the calendar year of its construction and for two full calendar years following. These refunds will be calculated and paid by the Utility annually by April 1 based upon the prior year's Participant and Customer additions to the Main Extension.

Pursuant to:
U-99-93(2) / U-99-94(2)

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§602e(3)(b) After the two full calendar years following the calendar year of construction, refunds will be calculated for those Participants who have Main Extension Advances on the Main Extension except for Feeder Mains, prorata, equal in total to the amount of the Free Main Allowance for each new consuming Customer directly served by the Main Extension until all of the Advance has been refunded or until the end of ten full calendar years following the calendar year of construction, which ever occurs earlier. These refunds will be calculated and paid by the Utility quarterly within one month following the end of the calendar quarter based upon the previous calendar quarter's Customer additions to the Main Extension.

§602e(3)(c) After the end of ten full calendar years following the calendar year of construction:

§602e(3)(c)(i) For Main Extension Deposits, the entire remaining Advance shall be refunded by the first of April of the eleventh year.

§602e(3)(c)(ii) For Main Extension Contributions in Aid of Construction, all remaining portions of the Advance become non-refundable.

§602e(3)(d) In no case may the amount of the refund or the amount totally refunded exceed the amount of the original Advance.

§602e(3)(e) After April First of each year, any Participant with an outstanding Main Extension Advance may request a report of Customers added to the Main Extension in the preceding calendar year.

§602e(4) Interest

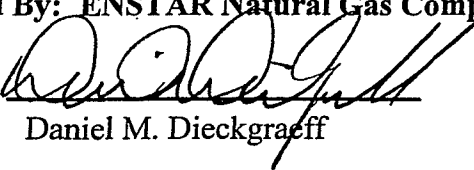
The Utility shall not pay interest on Main Extension Advances.

Pursuant to:
U-99-93(2) / U-99-94(2)

Effective May 16, 2001

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By:


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ENSTAR Natural Gas Company

§602f Types of Main Extension Advances

Main Extension Advances generally fall into one of the following general categories. Each type can be either a Deposit or a Contribution in Aid of Construction.

§602f(1) Standard Main Extension Advance

A standard Main Extension Advance generally involves a group of property owners who have joined together to request gas service to their properties without the help of a Governmental agency. The costs to construct are calculated in accordance with Section 602b above and the total Advance is calculated as provided for in Sections 602c through 602e above.

Pursuant to:
U-99-93(2) / U-99-94(2)

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ENSTAR Natural Gas Company

§602f(2) Developing Subdivisions

Main Extensions into an area that is being subdivided or developed (a "Developing Subdivision") for either residential or commercial construction, which contemplate the installation of an integrated system to serve an entire subdivision or a portion of a subdivision being developed in stages, will be constructed at the sole discretion of the Utility. The agreements for this type of Main Extensions are generally entered into with a developer.

§602f(2)(a) The Utility will calculate the costs to construct in accordance with Section 602b above.

§602f(2)(b) The Utility will calculate any necessary Advances in accordance with Sections 602c through 602e above except that:

§602f(2)(b)(i) The total Advance calculated in accordance with Section 602e(1) (i.e., for the entire project) shall be paid by the developer.

§602f(2)(b)(ii) The refunds provided for in Section 602e(3) shall be calculated for and paid to the developer. If an additional Customer generates a refund of Free Main Allowance only, the refund will be paid on a quarterly basis similar to that outlined in Section 602e(3)(b).

Pursuant to:
U-99-93(2) / U-99-94(2)

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By: 
Daniel M. Dieckgraeff

Title: Vice President, Rates and Planning



ENSTAR Natural Gas Company

§602f(3) Special Assessment or Local Improvement Districts

Under AS 29.46, local governmental bodies may form a special assessment district, also known as a local improvement district (LID). The Utility may enter into an agreement with a sponsoring government body (SGB) for the purpose of extending natural gas service into a LID.

§602f(3)(a) The Utility will calculate the costs to construct in accordance with Section 602b above.

§602f(3)(b) The Utility will calculate any necessary Advances in accordance with Sections 602c through 602e above, except that:

§602f(3)(b)(i) The total Advance calculated in accordance with Section 602e(1) (i.e., for the entire project) shall be paid by the SGB.

§602f(3)(b)(ii) The refunds provided for in Section 602e(3) shall be calculated for and paid to the SGB. If a new consuming Customer generates a refund of Free Main Allowance only, the refund will be paid on a quarterly basis similar to that outlined in Section 602e(3)(b).

§602f(3)(c) The SGB shall pay the Advance within thirty days of receipt of notification of completion and an invoice for the Advance from the Utility. Any amount of the Advance not paid to the Utility and outstanding after thirty days will be subject to interest.

§602f(3)(d) Annually, the SGB will provide the Utility with a sworn verification that refunds made to SGB for the previous year under Section 602e(3) have been applied on behalf of the individual Participants in accordance with the SGB's ordinances and resolutions that authorized the LID and this Section 602f(3).

Pursuant to:
U-99-93(2) / U-99-94(2)

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ENSTAR Natural Gas Company

§602f(4) Feeder Mains

A Feeder Main is a Gas Distribution Main that extends through a sparsely inhabited area and links a populated area downstream to the Utility's system supply. It is not economically feasible on its own, and in the view of the Utility, would result in an inequitable apportionment of costs if the Advance necessary were borne exclusively by the Participants directly connecting to the Feeder Main.

To prevent inequity, the Utility will allocate the Feeder Main Advance to the Participants directly connecting to the Feeder Main and to Participants on Main Extensions constructed downstream of the Feeder Main.

§602f(4)(a) The Utility will calculate the costs to construct in accordance with Section 602b above.

§602f(4)(b) The provisions of Section 602e above will generally apply to Feeder Main Extension Advances except as provided below:

§602f(4)(b)(i) The Utility will estimate the number of Participants it expects to connect directly to the Feeder Main, and the number of Participants it expects on Main Extensions constructed downstream of the Feeder Main in the year of construction and for four full calendar years thereafter.

§602f(4)(b)(ii) The total Advance for the Feeder Main calculated in accordance with Section 602e(1) will be divided by the total number of estimated Participants determined in Sub-Section 602f(4)(b)(i) above to determine the "Feeder Main Component".

Pursuant to:
U-99-93(2) / U-99-94(2)

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§602f(4)(b)(iii) The Feeder Main Component will be collected from each Participant who directly connects to the Feeder Main or participates in any Main Extension constructed downstream of the Feeder Main who relies upon the Feeder Main for gas service until the total Advance is collected.

§602f(4)(b)(iv) The Feeder Main Component will be a non-refundable Contribution in Aid of Construction. There will be no refunds of the Feeder Main Component.

§602f(4)(c) Participants on Main Extensions constructed downstream of the Feeder Main will not be required to have a separate Main Extension Agreement for the Feeder Main Component. The Feeder Main Component will be separately identified and explained in the Agreement for the downstream Main Extension.

§602f(4)(d) A Developing Subdivision or a Local Improvement District Main Extension constructed downstream of the Feeder Main must add to its cost a Feeder Main Component for each of the lots or Participants (as appropriate) involved in such Main Extension.

Pursuant to:
U-99-93(2) / U-99-94(2)

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ENSTAR Natural Gas Company

§602g Participant Construction

The Utility may, at its discretion, allow Participants, or their appointed agents, to perform a portion of the trenching and backfilling of a Main Extension. The Utility will establish in writing, standards of performance, safety, inspection, insurance and bonding which must be complied with prior to commencement and acceptance of any Participant trenching and backfilling.

The Utility will credit the Participant's Main Extension Advance or Contribution in Aid of Construction for the amount of work performed by the Participant and accepted by the Utility. In no case will this credit be in excess of the Utility's estimated cost to trench and backfill the extension less the cost of inspection nor will the credit exceed the amount of the total Main Extension Deposit or Contribution in Aid of Construction for that given extension.

Failure of a Participant, or the Participant's appointed agent, to comply with the standards as set forth by the Utility may result in additional charges by the Utility against the Main Extension cost to construct and the Participant's Main Extension Deposit or Contribution in Aid of Construction. The Utility is not obligated to accept or provide gas service through any facilities that do not meet its construction standards.

Pursuant to:
U-99-93(2) / U-99-94(2)

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ENSTAR Natural Gas Company

§602h Ownership

At all times the Utility shall own, operate and maintain all gas distribution facilities up to the Point of Delivery regardless of whether the facilities have been constructed using Participant supplied trenching and backfilling, Main Extension Deposits, or Contributions in Aid of Construction, or were part of a LID.

§602i Initiation of Line Construction

No line construction or clearing or right-of-way shall be initiated under this section until all required Advances, contributions, Deposits, easements, permits and related documents have been received by the Utility, properly signed and executed, except as provided in Section 602f(3)(c).

§602j Easements and Rights-of-Way

The Participant shall grant the Utility specific easements and rights-of-way necessary for a proper gas Service Connection to that Participant's location. Failure on the part of the Participant to grant such easements and rights-of-way constitutes grounds for the Utility to refuse to construct the Main Extension.

Pursuant to:
U-99-93(2) / U-99-94(2)

Effective May 16, 2001

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ENSTAR Natural Gas Company

§602k Main Extension Agreement

Each Main Extension requiring payment shall be in writing and shall set forth the amount of the Deposit or Contribution required, the terms and conditions of payment, the terms under which refunds will be made and other relevant information. The agreement will also provide that a Participant who has made a Deposit may request an annual report of the consuming Customers added to the Main Extension. The agreement shall be signed by the Utility and by the Participant (or the Participant's authorized representative), or in the case of a LID Main Extension, the SGB's authorized representative.

§602l Waivers

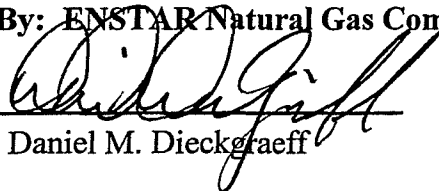
In those unusual circumstances where the Utility believes that application of its Gas Main Extension policy outlined above will result in an inequitable apportionment of costs to one or more Participants (or its existing Customers), the Utility may modify the application of its tariff provision as necessary to remove the inequity by entering into an agreement with the Participant(s) and reporting the agreement to the Commission.

Pursuant to:
U-99-93(2) / U-99-94(2)

Effective May 16, 2001

Issued By: ENSTAR Natural Gas Company, A Division of SEMCO ENERGY, Inc.

By:


Daniel M. Dieckgraeff

Title: Vice President, Rates and Planning

**NATURAL GAS DISTRIBUTION SYSTEM EXTENSION CONTRIBUTION IN AID OF
CONSTRUCTION AGREEMENT FOR THE CITY OF HOMER NATURAL GAS
DISTRIBUTION SPECIAL ASSESSMENT DISTRICT**

1 THIS AGREEMENT made this 20th day of March, 2013, by and between ENSTAR Natural
2 Gas Company, a division of SEMCO Energy, Inc., whose address is 3000 Spenard Road, P. O. Box
3 190288, Anchorage, Alaska 99519-0288 (hereafter "ENSTAR"), and the City of Homer, whose
4 address is 491 East Pioneer Avenue, Homer, Alaska 99603 (hereafter "CITY").
5

6 WHEREAS, ENSTAR is a gas distribution public utility which provides natural gas service
7 subject to tariff on file with the Regulatory Commission of Alaska and is authorized to provide said
8 service within the CITY, and
9

10 WHEREAS, the CITY is in the process of forming a natural gas distribution special
11 assessment district (hereafter "HSAD") consisting of the lots and tracts within the CITY area as
12 shown on Attachment "A", for the purpose of installing a natural gas distribution system extension
13 (hereafter "System"), and
14

15 WHEREAS, the System, which will be an extension of ENSTAR's existing system, will be
16 constructed and ultimately the responsibility of, and be owned and operated by ENSTAR, its
17 successors or assigns, and,
18

19 WHEREAS, said System must be installed to ENSTAR's specifications, by ENSTAR or by
20 a contractor approved by ENSTAR in order for ENSTAR to connect to the System and to assume
21 full responsibility for the System, and
22

23 WHEREAS, Section 602 of ENSTAR's tariff governs System extensions.
24

25 NOW THEREFORE, in consideration of the premises ENSTAR and the CITY agree as
26 follows:
27

28 1. For a contribution in aid of construction (CIAC) in an amount not to exceed
29 \$12,160,632 calculated in accordance with Section 602 of ENSTAR's tariff and subject to the
30 provisions below, ENSTAR will construct an extension of its natural gas distribution system of
31 approximately 392,000 feet of 2" High Density Polyethylene Pipe to allow service to all lots and
32 tracts within the HSAD as depicted on Attachment "A" to this Agreement. ENSTAR may elect (but
33 shall not be obligated) to construct the System to accommodate future customer load, but all costs to
34 accommodate future load in excess of the CIAC stated above will be borne solely by ENSTAR.
35 This Agreement does not provide for the connection of a service line from the System to the
36 property owner or customer's facilities. The cost, terms and conditions for the connection of a
37 service line is governed by a separate Service Line Agreement between ENSTAR and the individual
38 property owner or customer which must be executed before natural gas can be provided to said
39 facilities. The not to exceed CIAC referenced above is an estimate calculated in accordance with
40 Section 602 of ENSTAR's Tariff. This is a total project cost estimate used to calculate property
41 assessments in the HSAD and for the purposes of seeking project financing. The parties agree to the
42 following provisions with respect to the CIAC.

43 (a) Construction of the System will occur in two Phases. Phase I is planned for
44 the 2013 construction season and Phase II is planned for the 2014 construction season. The not to

**NATURAL GAS DISTRIBUTION SYSTEM EXTENSION CONTRIBUTION IN AID OF
CONSTRUCTION AGREEMENT FOR THE CITY OF HOMER NATURAL GAS
DISTRIBUTION SPECIAL ASSESSMENT DISTRICT**

1 exceed CIAC applies to the total System and to both Phases and construction seasons. ENSTAR
2 agrees that if construction is delayed and cannot be completed until 2015, the not to exceed CIAC
3 and the final CIAC based upon the actual costs described below apply and remain in effect.

4 (b) ENSTAR agrees that if the total project cost exceeds the not to exceed CIAC,
5 it will be responsible for the excess, and will not ask the CITY for an additional contribution.

6 (c) ENSTAR agrees that the actual CIAC may be less than the not to exceed
7 CIAC. In accordance with the provisions of Section 7 below, ENSTAR agrees to invoice the CITY
8 for its actual costs of construction on a time and materials basis. For the purposes of this contract,
9 actual cost means:

10 (1) Labor costs for work performed by ENSTAR employees plus
11 allowable administrative and construction overheads at the rates established by the State of Alaska
12 Annual Systems Audit for 2013 reimbursable construction projects.

13 (2) The actual contract cost for installation of pipe by a qualified third-
14 party contractor. ENSTAR agrees that there will be no mark-ups, overhead or profit charged on
15 third-party contracts.

16 (3) The actual contract cost of all other third-party contracts, including,
17 but not limited to, surveyors. ENSTAR agrees that there will be no mark-ups, overhead or profit
18 charged on third-party contracts.

19 (4) The actual cost of all project materials, plus a markup on material
20 handled by ENSTAR employees to compensate ENSTAR for its administrative and construction
21 overheads at the rates established by the State of Alaska Annual Systems Audit for 2013
22 reimbursable construction projects. ENSTAR agrees that inventory overheads will not apply if
23 materials are delivered directly to the construction site.

24 (d) The CITY reserves the right to examine or audit all financial records directly
25 related to this project and the invoices submitted to the CITY. This includes, but is not limited to,
26 contracts, invoices, timesheets, and other relevant documents.

27
28 2. ENSTAR shall perform, or have performed, all studies, analyses, engineering,
29 contracting, acquisition, construction, supervision, testing, acceptance and other acts necessary to
30 construct the System.

31
32 3. ENSTAR shall install the System within existing easements and right-of-ways where
33 natural gas lines may be installed or it will obtain easements as needed where existing easements
34 and right-of-ways are not adequate. ENSTAR's inability to secure the necessary easements and/or
35 right-of-ways shall be considered reasonable cause under paragraph 15 of this Agreement.

36
37 4. ENSTAR shall own the System; however, if at any time before the end of the useful
38 life of the System, ENSTAR or its successors or assigns formally abandons natural gas service to
39 any lot or tract shown on Attachment "A," excluding abandonment of service lines or related plant
40 then, ENSTAR shall, upon written demand by the CITY, convey to the CITY all of ENSTAR's
41 rights, title and interest in that part of the System abandoned, including any unrefunded construction
42 deposits.

**NATURAL GAS DISTRIBUTION SYSTEM EXTENSION CONTRIBUTION IN AID OF
CONSTRUCTION AGREEMENT FOR THE CITY OF HOMER NATURAL GAS
DISTRIBUTION SPECIAL ASSESSMENT DISTRICT**

1 5. The CITY makes no warranties of title, quality or fitness for a particular use and
2 specifically denies any warranty or responsibility of any kind with respect to the engineering,
3 construction, location, condition or completeness of the System.
4

5 6. ENSTAR shall assume full responsibility for all aspects of the System, including but
6 not limited to the System's maintenance, upkeep and safety. ENSTAR agrees to maintain and
7 operate the System at ENSTAR's sole expense for the useful life of the System or until gas service
8 is discontinued in accordance with applicable law. Additionally, excluding incidents which arise in
9 whole or in part from the negligent acts or omissions of the CITY or its personnel that cause bodily
10 injury or death or physical damage to tangible property, ENSTAR agrees to indemnify, save, hold
11 harmless and defend the CITY for and from any and all claims, charges and suits arising in whole or
12 in part out of the engineering, construction, location, operation, use or any condition of the System,
13 or arising from ENSTAR's failure to obtain necessary permits, authorizations, or failure to comply
14 with any federal, state or local law applicable to the Agreement, or arising out of any other action or
15 failure to act by ENSTAR related to the System.
16

17 7. The CITY shall pay ENSTAR, in total, no more than the not to exceed CIAC set out
18 in paragraph 1 above. The actual CIAC may be less and will be based upon actual costs incurred as
19 described in Section 1 above. The parties have a mutual interest to ensure that the project proceeds
20 expeditiously and efficiently. Therefore, the City agrees to advance funds in three lump sum
21 installments in calendar year 2013. On or about March 25, 2013, the City will provide a lump sum
22 in the amount of \$2,000,000 to facilitate pre-construction activities including, but not limited to,
23 permitting, surveying, engineering, design and procurement. This date is subject to final approval of
24 the financing documents by a lending institution, the City Council, and the availability of the bond
25 proceeds. Notwithstanding a written authorization to proceed from the CITY, until ENSTAR has
26 received this initial advance of \$2,000,000, ENSTAR shall not be obligated to commence pre-
27 construction activities.
28

29 Provided that ENSTAR first has notified the City that ENSTAR has signed a construction contract
30 with a third-party contractor, the City will forward a second lump sum in the amount of \$3,000,000
31 no later than June 3, 2013. Notwithstanding a written authorization to proceed from the City, until
32 ENSTAR has received this second advance payment of \$3,000,000, ENSTAR shall not be obligated
33 to commence installation of natural gas distribution mains.
34

35 Finally, the City shall forward a third lump sum payment in the amount of \$2,000,000 no later than
36 August 5, 2013. If the third advance is not made by August 5, 2013, ENSTAR may cease all
37 construction activities until such payment is actually received by ENSTAR.
38

39 The foregoing advance payments will be made in 2013 for a total of \$7,000,000. If the project is
40 terminated for any reason, ENSTAR will refund any unused balance within thirty (30) days of
41 contract termination.
42

43 Beginning in 2014, after all funds advanced in 2013 are exhausted, ENSTAR shall invoice the
44 CITY each month during construction of the System for actual costs for ENSTAR labor, project

**NATURAL GAS DISTRIBUTION SYSTEM EXTENSION CONTRIBUTION IN AID OF
CONSTRUCTION AGREEMENT FOR THE CITY OF HOMER NATURAL GAS
DISTRIBUTION SPECIAL ASSESSMENT DISTRICT**

1 materials, and contractor work incurred during the preceding month. Save and except for portions
2 of an invoice that are disputed in good faith, payments are to be made within thirty (30) days of
3 receipt by the CITY of an ENSTAR invoice until the project is deemed complete, or the CIAC
4 amount in paragraph 1 has been paid in full. Any amount outstanding after thirty (30) days will
5 accrue interest at the rate of 10.5% percent per annum. In the event that all or a portion of any
6 invoice (except for any portion of the invoice that is disputed in good faith) is not paid within forty-
7 five (45) days from receipt of billing, ENSTAR may suspend all construction activities until the past
8 due balance has been paid in full.
9

10 8. For the purposes of conforming with the section of ENSTAR's tariff governing
11 System extensions (Section 602), the HSAD will be considered a developing subdivision. The
12 CITY will be analogous to a developer for the purposes of payment and refund of the CIAC outlined
13 in paragraph 1 above.
14

15 9. The HSAD is designed and engineered to accommodate a single service line and
16 meter to each lot and tract shown in Attachment "A." In the event a tract or parcel is subdivided
17 into multiple lots, or a tract or parcel is developed in a manner requiring multiple meters or service
18 lines, ENSTAR, in its sole discretion, may require payment for a separate main extension and/or
19 reinforcement costs.
20

21 10. ENSTAR, in its sole discretion, may elect to treat property outside of the HSAD as
22 shown in Attachment "A" as property not eligible for connection to the HSAD without payment for
23 a separate main extension and/or reinforcement costs. Alternatively, ENSTAR may elect to connect
24 such property to the System installed under the terms of this Agreement. In that event, property
25 outside of the HSAD shall be treated as property that has not contributed to the cost of the System.
26 Accordingly, if the property is connected during the calendar year of construction, or within two (2)
27 full years following the year of construction, the property owner or customer will be required to pay,
28 as a main CIAC, a prorated share of the original CIAC prior to connection to the System, as outlined
29 in Section 602e(2)(a) of ENSTAR's tariff. Any deposits collected from outside the HSAD plus the
30 Free Main Allowance (FMA) attributable to the new customer will be refunded pro rata to the CITY
31 and any new customer who has paid a deposit by February 1 for the previous year's new customer
32 additions.
33

34 11. Refunds:

35 (a) The Main Extension CIAC collected from a new Participant (as described in
36 paragraph 10 above) plus the FMA attributable to the new Participant will be calculated and paid by
37 ENSTAR annually on a pro rata basis to the CITY and any new Participant having paid a Main
38 Extension CIAC. These will be paid by April 1 and be based upon the prior year's Participant
39 additions to the Main Extension.

40 (b) Refunds not involving the collection of a CIAC will be calculated for the
41 CITY and those Participants who have Main Extension Advances on the Main Extension, except for
42 Feeder Mains, prorata, equal in total to the amount of the Free Main Allowance for each new
43 consuming Customer directly served by the Main Extension (not already included in a refund made
44 under paragraph 11(a) above) until all of the CIAC portion of the Advance has been refunded or

**NATURAL GAS DISTRIBUTION SYSTEM EXTENSION CONTRIBUTION IN AID OF
CONSTRUCTION AGREEMENT FOR THE CITY OF HOMER NATURAL GAS
DISTRIBUTION SPECIAL ASSESSMENT DISTRICT**

1 until the end of ten (10) full calendar years following the calendar year of construction, whichever
2 occurs earlier. These refunds will be calculated and paid by ENSTAR quarterly within one month
3 following the end of the calendar quarter and will be based upon the previous calendar quarter's
4 Customer additions to the Main Extension.

5 (c) After the end of ten (10) full calendar years following the calendar year of
6 construction the entire remaining amount of the CIAC shall become non-refundable and the
7 property of ENSTAR.

8 (d) ENSTAR may offset against any portion, or all, of any Main Extension
9 CIAC, or any refund of a Main Extension CIAC, for any or all outstanding monies due ENSTAR by
10 the CITY.

11 (e) This Main Extension CIAC shall bear no interest and in no case may the
12 amount of the refund or the amount totally refunded exceed the amount of the original CIAC.

13 (f) After April 1st of each year, the CITY may request a report of Customers
14 added, in the preceding calendar year, to an outstanding Main Extension CIAC.

15 (g) The CITY may distribute the refund entitlements, credit the refund against
16 assessments due the CITY under the HSAD, make special assessment bond payments (related to
17 financing the HSAD), deposit the refund in a fund used as security for said special assessment
18 bonds, or may make such use of the refund as it determines to be appropriate.

19
20 12. The CITY shall indemnify, hold harmless, save and defend ENSTAR from any and
21 all claims, charges and suits arising out of the formation of the HSAD, the collection of the HSAD
22 assessments by the CITY and claim for a refund by a property owner if such claim arises from a
23 property within the HSAD/Special Assessment District and asserts misuse or misappropriation of
24 refunds paid to the CITY under the provisions of this Agreement.

25
26 13. Subject to the provisions of Section 7 above relating to advance payments, this
27 Agreement becomes effective on the date it is fully executed, provided ENSTAR shall not proceed
28 with the construction of the System until written authorization to proceed has been received from
29 the CITY, and provided further, if the CITY is unable to secure financing for the project at what the
30 CITY Council determines are reasonable terms and conditions, or if the CITY Council does not
31 form the HSAD, the CITY may cancel this Agreement. If an HSAD is canceled by the CITY, the
32 CITY agrees to reimburse, upon demand by ENSTAR, all expenses and costs related to construction
33 of the System, incurred after the receipt of written authorization to proceed.

34
35 14. Subject to the provisions of Section 7 above relating to advance payments, upon
36 receipt of written authorization to proceed and certification of funding availability satisfactory to
37 ENSTAR, ENSTAR shall proceed expeditiously with surveys, acquisition of permits and
38 easements, and other actions necessary to begin the project. However, should adverse weather
39 conditions render completion of the project either too costly or impractical in ENSTAR's judgment,
40 ENSTAR may delay completion of the project until the following construction season, unless prior
41 to construction start-up, the CITY cancels this Agreement pursuant to paragraph 15 below. If
42 project completion is delayed under the provisions of this paragraph, ENSTAR agrees that the not to
43 exceed CIAC remains in effect.
44

**NATURAL GAS DISTRIBUTION SYSTEM EXTENSION CONTRIBUTION IN AID OF
CONSTRUCTION AGREEMENT FOR THE CITY OF HOMER NATURAL GAS
DISTRIBUTION SPECIAL ASSESSMENT DISTRICT**

1 15. This Agreement is entered into based upon an estimate of actual construction costs.
2 If for any reasonable cause ENSTAR is unable to begin constructing the System during the 2013
3 construction season, either party may cancel this Agreement or may negotiate a new price consistent
4 with the same methodology as described in this agreement as determined for the following year. In
5 this paragraph, "reasonable cause" means a delay that is caused by a "Force Majeure Event" as
6 defined in paragraph 26 below, or any other event or condition that another provision of this
7 Agreement identifies as reasonable cause for the purpose of this paragraph.
8

9 16. ENSTAR shall be responsible for obtaining all permits, easements, authorizations,
10 labor, materials, contracts and other things and actions necessary to construct the System.
11 ENSTAR's inability to secure the necessary permits, easements, authorizations, labor, materials or
12 contracts shall be considered reasonable cause under paragraph 15 of the Agreement.
13

14 17. The CITY will be allowed to participate in ENSTAR's typical processes associated
15 with subcontracting the services to third-party contractors. Selection of any contractor, however,
16 will be the sole responsibility of ENSTAR. In the selection process, preference will be given to a
17 qualified bidder with the lowest bid. ENSTAR agrees to publish public notice in a newspaper of
18 general circulation in the Homer area when soliciting bids from third-party contractors. In no event,
19 however, shall this Section 17 be interpreted to require ENSTAR to deviate from its normal
20 procedure for accepting and awarding contracts.
21

22 18. Pursuant to Section 602f(3)(d) of ENSTAR's tariff, the CITY will annually provide
23 ENSTAR with a sworn verification that refunds to the CITY for the previous year made pursuant to
24 ENSTAR tariff Section 602e(3) have been applied on behalf of individual Participants in
25 accordance with the CITY's ordinances and resolutions that authorized the HSAD.
26

27 19. This Agreement is binding on the successors, assigns and legal representatives of the
28 parties.
29

30 20. Notice under this Agreement may be mailed or emailed to the contact person listed
31 below.
32

City of Homer

Contact Person: Walt Wrede, City Manager
491 E. Pioneer Avenue
Homer, Alaska 99603
Office Phone: (907) 235-8182 x2222
Cell Phone: (907) 391-1201
Email: wwrede@ci.homer.ak.us

ENSTAR Natural Gas Company,
a division of SEMCO Energy, Inc.
Contact Person: Vin Robinson, P.E.
P. O. Box 190288
Anchorage, Alaska 99519-0288
Office Phone: (907) 334-7712
Cell Phone: (907) 230-4464
Email: vin.robinson@enstarnaturalgas.com

33 21. This is the entire Agreement between the parties about the subject matter of this
34 transaction and all prior agreements, understandings and representations, whether oral or written,

**NATURAL GAS DISTRIBUTION SYSTEM EXTENSION CONTRIBUTION IN AID OF
CONSTRUCTION AGREEMENT FOR THE CITY OF HOMER NATURAL GAS
DISTRIBUTION SPECIAL ASSESSMENT DISTRICT**

1 about this subject matter are merged into and superseded by this written Agreement. It may not be
2 modified except in writing signed by both parties.
3

4 22. No failure or delay by any party in exercising any right under this Agreement shall
5 operate as a waiver of that right, nor shall any partial exercise of a right preclude any further
6 exercise of that or any other right. The rights shall be cumulative and not exclude any rights or
7 remedies provided by law.
8

9 23. The parties to this Agreement make no representation (except as expressly stated
10 herein) or warranty of any kind or nature, directly or indirectly, express or implied, as to any matter
11 whatsoever, including merchantability or fitness for a particular purpose.
12

13 24. This Agreement shall be construed under the laws of Alaska. Any dispute hereunder
14 will be resolved by the Alaska Superior Court at Anchorage. However, this clause shall not be
15 interpreted to affect the primary jurisdiction of the Regulatory Commission of Alaska.
16

17 25. Neither ENSTAR nor the CITY shall be liable to the other for exemplary, punitive,
18 incidental or consequential damages (including without limitation lost profits or revenues) resulting
19 from or arising out of this Agreement, whether the claim is based in contract, tort, strict liability or
20 any other legal theory or principle.
21

22 26. No delay or failure of performance by ENSTAR or the CITY, or the agents, directors,
23 officers, employees and contractors of either, shall constitute a default hereunder or give rise to any
24 claim for damages if and to the extent that such delay or failure is caused by Force Majeure
25 affecting that party's ability to perform. "*Force Majeure Event*" means any event that directly or
26 indirectly renders a Party unable, wholly or in part, to perform or comply with any obligation,
27 covenant or condition in this Agreement if the event, or the adverse effects of the event, is outside of
28 the control of, and could not have been prevented by, the affected Party with reasonable foresight, at
29 reasonable cost, and by the exercise of reasonable diligence in good faith, and is not attributable to
30 the negligence or willful misconduct of the affected Party. Force Majeure Events include without
31 limitation the following events (to the extent they otherwise satisfy the definition):

32 (a) act of God, fire, lightning, landslide, earthquake, storm, hurricane, hurricane
33 warning, flood, high water, washout, explosion or well blowout;

34 (b) strike, lockout or other industrial disturbance, act of the public enemy, war,
35 military operation, blockade, insurrection, riot, epidemic, arrest or restraint by government of
36 people, terrorist act, civil disturbance or national emergency;

37 (c) the inability of the affected Party to acquire, or the delay on the part of the
38 affected Party in acquiring materials, supplies, machinery, equipment, servitudes, right-of-way
39 grants, pipeline shipping capacity, easements, permits or licenses, approvals or authorizations by
40 regulatory bodies or oil and gas lessors needed to enable the Party to perform;

41 (d) breakage of or accident to machinery, equipment, facilities, or lines of pipe,
42 and the repair, maintenance, improvement, replacement, test, or alteration to the machinery,
43 equipment, facilities, or lines of pipe, and the freezing of a well or line of pipe, well blowout, or the
44 partial or entire failure of a Gas well; or

**NATURAL GAS DISTRIBUTION SYSTEM EXTENSION CONTRIBUTION IN AID OF
CONSTRUCTION AGREEMENT FOR THE CITY OF HOMER NATURAL GAS
DISTRIBUTION SPECIAL ASSESSMENT DISTRICT**

1 (e) act, order, or requisition of any governmental agency or acting governmental
2 authority, or any governmental law, proration, regulation, or priority.
3

4 This Force Majeure provision shall not apply to payment when due of money that is owed by one
5 party or to the other under the terms of this Agreement.
6

7 27. ENSTAR and the CITY are independent entities and are not the agent, partner or
8 employee of the other.
9

10 28. Nothing in this Agreement is intended to benefit any third party not a signatory
11 hereto.
12

13 29. The parties recognize that this Agreement is the product of the joint efforts of the
14 parties and agree that it shall not be construed against one party or the other as a result of the
15 preparation, submittal or other event of negotiation, drafting or execution hereof.
16

17 30. In the event of any action, or any judicial proceedings, or if the parties agree to
18 arbitration proceedings to resolve any dispute under this Agreement, or to enforce any term of this
19 Agreement, or to protect or preserve any rights under this Agreement, the prevailing party shall be
20 entitled to an award of its actual reasonable costs and actual reasonable attorney fees incurred.
21

22 31. Each person signing this Agreement warrants that he or she has authority to sign the
23 Agreement.
24

25 32. Neither party shall assign this Agreement without the prior written consent of the
26 other, which consent shall not be unreasonably withheld. Notwithstanding the foregoing, and
27 subject to the provisions of Section 17 above, the CITY agrees that ENSTAR may assign portions of
28 the Work to qualified subcontractors without the consent of the CITY.
29

30 33. Additional Terms.

31 (a) The CITY represents and warrants that neither federal Davis Bacon wages
32 nor Alaska 'Little Davis Bacon' wages' (AS 36.05) apply to this project.

33 (b) ENSTAR will not be required to provide revegetation in areas where working
34 in previously disturbed soils.

35 (c) ENSTAR will follow all federal, state, municipal and local codes and
36 regulations in the installation and preparation of the pipeline extension.

37 (d) ENSTAR shall prepare its own SWPPP to ensure adequate coverage for
38 ENSTAR's scope of work.

39 (e) ENSTAR believes (but does not warrant) that this Agreement does not
40 require the review or approval of the Regulatory Commission of Alaska.
41
42

NATURAL GAS DISTRIBUTION SYSTEM EXTENSION CONTRIBUTION IN AID OF
CONSTRUCTION AGREEMENT FOR THE CITY OF HOMER NATURAL GAS
DISTRIBUTION SPECIAL ASSESSMENT DISTRICT

1 34. By signing, the CITY acknowledges having read and understood each and every term
2 and condition of this Agreement.

3
4 CITY OF HOMER

5
6
7
8 By: Walt White

9
10 Its: CITY MANAGER

11
12 Date: MARCH 20, 2013

13
14
15
16
17 ENSTAR NATURAL GAS COMPANY,
18 a division of SEMCO Energy, Inc.

19
20
21
22 By: M. Colleen Starnay

23
24 Its: President

25
26 Date: March 14, 2013

27
28
29
30
31
32 Fund Certification \$12,160,632
33 -Subject to Special Assessment Bonds to be issued.

34
35
36
37 Laurie Moore
38 Finance Director

City of Homer
 GAS - Reconciliation
 Thru 6/30/2021

Fund 175 - GAS												
Reconciliation												
Sources/Uses	Dept #		2013	2014	Subtotals	2015	2016	2017	2018	2019	2020	2021
KPB Loan Revenues	375	4524	8,809,368.00	3,550,020.00	12,359,388.00	-	-	-	-	-	-	-
Interest Income	375	4801	97.45	3,504.72		282,539.39	355,112.19	257,339.45	227,867.68	164,568.94	127,685.47	70,000.00
Assessment Revenue	375	4518	-	-		4,924,924.04	1,238,321.96	1,296,048.80	889,891.02	929,793.87	808,142.20	502,000.00
FMA Revenue	375	4902	-	-		-	-	-	-	-	-	1,971,808.00
Sub Total (375)			8,809,465.45	3,553,524.72		5,207,463.43	1,593,434.15	1,553,388.25	1,117,758.70	1,094,362.81	935,827.67	2,543,808.00
Wages	375	5100	(138,224.97)	(47,335.11)	(185,560.08)	(1,547.00)	-	-	-	-	-	-
Misc Expenses	375	5200	(26,286.55)	(3,463.57)	(29,750.12)	(14,947.36)	-	-	(1,351.86)	(1,189.11)	-	-
Professional Fees	375	5210	(5,345.96)	(1,282.05)	(6,628.01)	(8,897.00)	-	-	(1,904.68)	(99,540.92)	(2,349.68)	(25.00)
Construction/Equip	375	5261	(23,066.33)	(5,832.83)	(28,899.16)	-	-	-	-	-	-	-
Payments to Enstar	377	5261	(7,000,000.00)	(5,085,632.00)	(12,085,632.00)	-	-	-	-	-	-	-
Debt - Principal	375	5607	-	-		(4,094,163.16)	(3,686,458.92)	(502,520.00)	(516,428.08)	(536,818.79)	(559,717.09)	(2,459,945.08)
Debt - Interest	375	5608	-	(307,933.49)		(587,127.45)	(313,541.08)	(179,638.12)	(165,730.04)	(145,339.33)	(122,441.03)	(50,681.59)
Law suit	375	5624	-	-		(42,500.00)	-	-	-	-	-	-
Sub Total			(7,192,923.81)	(5,451,479.05)	(12,336,469.37)	(4,749,181.97)	(4,001,904.68)	(684,137.80)	(685,414.66)	(782,888.15)	(684,507.80)	(2,510,651.67)
Net Assets			1,616,541.64	(1,897,954.33)		458,281.46	(2,408,470.53)	869,250.45	432,344.04	311,474.66	251,319.87	33,156.33
Beginning Fund Balance			-	1,616,541.64		(281,412.69)	176,868.77	(2,233,601.76)	(1,364,351.31)	(932,007.27)	(620,532.61)	(369,212.74)
Audit adjustments to fund balance			-	-		-	(2,000.00)	-	-	-	-	-
Ending Fund Balance			1,616,541.64	(281,412.69)		176,868.77	(2,233,601.76)	(1,364,351.31)	(932,007.27)	(620,532.61)	(369,212.74)	(336,056.41)



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
 FROM: Rob Dumouchel, City Manager
 DATE: October 25, 2021
 SUBJECT: Additional Information for Ordinance 21-63

Legislative History

Quite a few actions have been taken by past Councils related to the natural gas line, the table below provides a brief overview of relevant ordinances. The ordinance numbers are hyperlinked to more information related to each ordinance on the City's website.

Ordinance #	Ordinance Name	Fiscal Notes
12-46	An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$50,165 from the General Fund Balance to Carry Out the Requirements of Homer City Code Title 17 Entitled Improvement Districts and to Implement a Public Information Strategy Related to the Proposed Natural Gas Special Assessment District. City Manager.	\$50,165 from General Fund
13-01(A)(S)	An Ordinance of the Homer City Council Amending HCC 17.04.190 to Provide for Deferral of Special Assessments for Low Income Residents. Burgess.	Approximately 6 parcels deferred at this time (OCT21)
13-03(S)(2)	An Ordinance of the City Council of Homer, Alaska, Authorizing the City to Issue a Natural Gas Distribution Special Assessment Bond in the Principal Amount of Not to Exceed \$12,700,000 to Finance the Design and Construction of Natural Gas Distribution Improvements in the City, Fixing Certain Details of Such Bond and Authorizing Its Sale; and Repealing HCC Chapter 17.08. City Manager.	Allowed the City to borrow up to \$12,700,000
13-09	An Ordinance of the City Council of Homer, Alaska, Appropriating Funds and Establishing a Project Budget for Administration and Direct Services Provided in Support of the Homer Natural Gas Distribution System Special Assessment District. City Manager.	Set \$539,368 budget for administrative and direct services to the SAD
13-19(A)(S)	An Ordinance of the City Council of Homer, Alaska, Amending the 2013 Operating Budget to Provide for Natural Gas Conversions to City Buildings by Appropriating \$224,780 from Various City Reserve Funds. City Manager/Public Works Director.	\$148,319 from general reserves (what would be CARMA today); \$48,461 from Sewer Reserves;

		\$28,000 from Water Reserves
14-07	An Ordinance of the City Council of Homer, Alaska, Amending the 2014 Operating Budget by Appropriating \$34,089 from the Airport Reserve Fund for the Replacement of the Boilers at the Airport Terminal and Authorizing the City Manager to Execute All Appropriate Documents. City Manager/Public Works Director.	\$34,089 to support conversion of the Airport to natural gas
14-22(A)	An Ordinance of the City Council of Homer, Alaska Amending the FY 2014 Operating Budget to Provide for Natural Gas Conversions to City Buildings by Appropriating \$83,270 from Various City Reserve Funds. City Manager/Public Works Director.	\$18,562 from Water Reserves; \$64,708 from Harbor Reserves;
15-11	An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Section 17.04.100, Subdivision After Levy of Assessments, to Provide for Subdivisions of Property Subject to Natural Gas Distribution Assessments. City Manager.	
15-17(S)	An Ordinance of the City Council of Homer, Alaska, Amending Ordinance 13-03(S)(2) to Permit the City to Prepay Principal of the Natural Gas Distribution Special Assessment Bond Authorized by Ordinance 13-02(S)(2), and Authorizing an Amendment to the Loan Agreement Between the City and the Kenai Peninsula Borough Regarding the Bond. City Manager.	Added language allowing pre-payment of principal
15-21	An Ordinance of the City Council of Homer, Alaska, Amending the FY 2015 Operating Budget by Appropriating \$277,335.45 to Pay for Homer Natural Gas Special Assessment District Assessments of 85 City Lots From Various City Reserve Funds. City Manager.	\$3,262.77 from Animal Shelter Reserve; \$3,262.77 from City Hall Reserve; \$32,627.70 from General Fund Reserve; \$13,051.08 from Library Reserve; \$6,525.54 from Park Reserve; \$1,631.39 from Police Reserve; \$1,631.39 from Fire Reserve; \$6,525.54 from Public Works Reserve; \$202,291.74 from Harbor Reserve
15-27	An Ordinance of the City Council of Homer, Alaska, Providing a Procedure for the Council to Consider Whether to Exclude Certain Properties From the Homer Natural Gas Distribution Special Assessment District. Burgess.	
15-38	An Ordinance of the Homer City Council Amending the FY 2015 Operating Budget by Appropriating \$42,500 From the Homer Natural Gas Special Assessment District Account for Settlement Costs in the Castner vs. City of Homer Court Case Challenging Assessments for Condominiums Within the District. City Manager.	\$42,500 lawsuit settlement
16-03(S)	An Ordinance of the City Council of Homer, Alaska Amending Ordinance 13-03(S)(2) to State the Actual Principal Amount of, and Change the Payment Dates for, the Natural Gas Distribution Special	Adjusts bond amount to \$12,359,388

	Assessment Bond Authorized by Ordinance 13-02, and Authorizing an Amendment to the Loan Agreement Between the City and the Kenai Peninsula Borough Regarding the Bond. City Manager.	
16-43	An Ordinance of the City Council of Homer, Alaska, Amending Ordinance 13-03(S)(2) to Change the Terms for Adjusting the Amortization of Principal of the Natural Gas Distribution Special Assessment Bond Authorized by Ordinance 13-02, and Authorizing an Amendment to the Loan Agreement Between the City and the Kenai Peninsula Borough Regarding the Bond. City Manager.	Provides for the creation of a Natural Gas Distribution Special Assessment Bond Sinking Fund
16-44(A)	An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 17.04.190, Entitled “Deferment of Assessment Payments for Low Income Residents,” by Permitting Assessment Deferral Applicants to Apply for a Deferral in Any Year an Applicant is Eligible for the Deferral Regardless of Whether or Not the Applicant Applied for Deferral in the Initial Year of Assessment. City Manager.	Approximately 6 parcels deferred at this time (OCT21)
17-15	An Ordinance of the City Council of Homer, Alaska, Updating and Clarifying the Implementation of a Penalty and Interest Structure for Special Assessments in the Homer Natural Gas Distribution Special Assessment District That Became Delinquent on or After July 1, 2016, and Provided Terms for Reinstatement on or After July 1, 2016 of Assessments That Became Delinquent Before That Date, and the Policies and Procedures for Waiving Penalties on Delinquent Special Assessment Payments if They Meet Certain Requirements, and Creating an Appeal Process for Waiver Denials to the Board of Adjustment. Aderhold.	Clarifies penalties
19-56	An Ordinance of the City Council of Homer, Alaska Moving Expenditures in the Amount of \$92,852.24 Previously Allocated from the General Fund Operating Fund to now be Allocated from the Natural Gas Line Capital Project Fund for Legal and Travel Related Expenses Associated with ENSTAR Tariff Filing 310-4. Mayor.	\$92,852.24 from Gas Line Fund
21-13	An Ordinance of the City Council of Homer, Alaska Appropriating an Amount not to Exceed \$2,512,000 from the Natural Gas Distribution Special Assessment Bond Sinking Fund to Retire the Debt to the Kenai Peninsula Borough that was Utilized for the Construction of the Homer Natural Gas Distribution Line. Mayor/City Manager.	\$2,512,000 to pay off bond

Natural Gas Distribution Special Assessment District Closeout

Those properties in the District have until September 1, 2024 to pay off their assessments. Approximately 1,043 of 3,788 parcels still owe money to the City (approximately \$1,288,894 of the original \$12,359,388). Staff expects to keep the fund open well beyond September 2024 as late payments and deferrals will continue to come in to the City. Ordinance 21-63, proposed by the Mayor, doesn’t close the gas line fund. It does however create a mechanism to ensure that we are revisiting this account annually to ensure that the City does not build up a balance within the account that is not put to a generally beneficial use.



City of Homer

www.cityofhomer-ak.gov

Finance Department

491 East Pioneer Avenue
Homer, Alaska 99603

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(p) 907-235-8121

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Memorandum 21-187

TO: Mayor Castner and Homer City Council

THROUGH: Rob Dumouchel, City Manager

FROM: Elizabeth Walton, Finance Director

DATE: October 7, 2021

SUBJECT: Natural Gas Fund Supplemental Information

The purpose of this memo is to provide Council with additional information related to the Natural Gas Fund.

Background:

On March 8, 2021, Homer City Council adopted Ordinance 21-13, which directed the Finance Department to retire the debt obligation with the Kenai Peninsula Borough regarding the Natural Gas Line. Ordinance 21-13 also directed the Finance Department to provide Council with a fund financial summary.

On September 20, 2021, the Finance Department met with Mayor Castner and City Manager Dumouchel to discuss the fund financial summary reporting to Council. The main focus of the meeting was to determine the necessary future appropriations and to develop a future plan for the fund. Ordinance 21-63 is the resulting product from this discussion.

Fund Overview Questions:

Question 1: What financial activity takes place in the Natural Gas Fund (Fund 175)?

Answer: The Natural Gas Fund was setup to record capital project costs, debt obligation costs, Free Main Allowance deposits, and Special Assessment District revenues.

Question 2: What is the financial position of the Natural Gas Fund? When will the fund balance turn positive?

Answer: As of 12/31/20, the Gas fund had a negative fund balance of \$369,213. We anticipate at least one more calendar year (2 more audits) with a negative fund balance due to the prepayment of debt. Finance recommends not appropriating any transfers from this fund until there is sufficient fund balance.

Question 3: What funding sources did the City utilize to retire the debt obligation with the Kenai Peninsula Borough?

Answer: The primary funding source utilized for the debt retirement was the Free Main Allowance (balance as of January 2021 distribution was \$1,972,000). The full payoff amount was \$2,511,190.83. A funding gap of \$539,190.83 was created in this transaction. This gap was essentially advanced by the City. This gap and FY 2021 activity has decreased the fund balance to a negative \$336,056 (unaudited). Assessment revenue will continue to come in to cover this payment advance.

Question 4: What are the demographics for the Special Assessment District (SAD)?

Answer: There were a total of 3,788 parcels originally assessed in the SAD and currently there are 1,043 parcels still owing money. Of these parcels: 993 are current on a payment plan, 50 have never paid, and 137 parcels are in late status. There are 2,745 parcels that are paid in full.

Question 5: How was the doubtful amount derived?

Answer: The doubtful amount (\$161,188) stated in Ordinance 21-63 was approximated by multiplying the 50 parcels that have never paid by the original assessment amount. This value will not be seen in the financial statements, as it is not accounting standards to generate an allowance for doubtful accounts for special assessment districts. We are optimistic that this amount won't be as significant due to our ability to collect on assessments when properties are sold.

Question 6: What does proposed Ordinance 21-63 do?

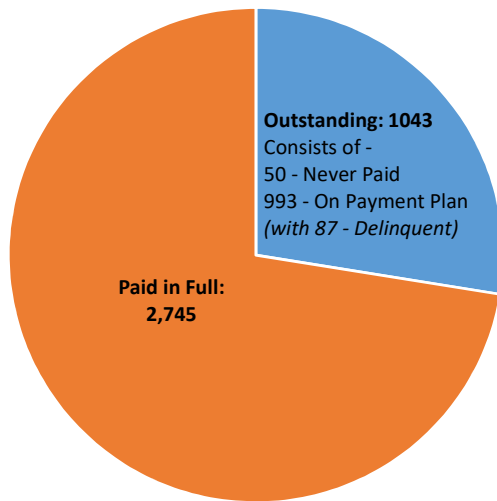
Answer: As written, Ordinance 21-63 directs the Finance Department to wait until the fund balance for the Natural Gas Line fund turns positive (paying off all obligations to the City). At this point, the Finance Department is to annually transfer excess funds (those above \$0) to the General Fund Fund Balance.

NATURAL GAS ASSESSMENTS

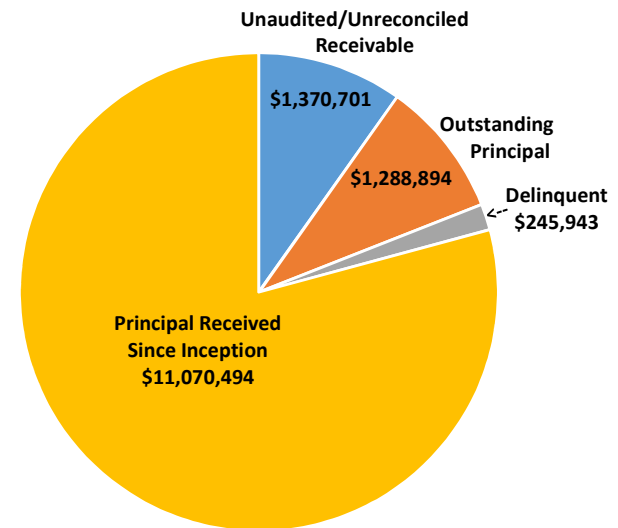
Date: 15-Oct-21

Original Receivable Amt.	Original # Parcels	Approximate Unaudited/Unreconciled Receivable 7/31/21*	Approximate Principal Outstanding	Approximate # Parcels Still Owing	#Parcels Never Paid	Amount Delinquent*	#Parcels Delinquent	# Parcels Paid in Full	#Parcels on Pmt. Plan	Approximate Principal Received Since Inception
\$12,359,388	3788	\$1,370,701	\$1,288,894	1043	50	\$245,943	137	2745	993	\$11,070,494

Natural Gas Parcels Report
Original # Parcels - 3,788
as of 7/31/21



Natural Gas Figures - Approximates
Original Receivable Amount - \$12,359,388
As of 7/31/21



Per Reso 15-17; District began 2015 ends 2024.

Original #s not refactored for condo lawsuit or for any exempting legislature that came after.

Delinquent parcels includes the 50 Never Paid, many only behind one payment and many missing various payments.

50 Never paid include many State properties and a handful of deferred (a few approved this year and some unapplied for currently, but were approved in prior years).

Unaudited/Unreconciled Receivable: General Ledger and Accounts Receivable - January - June 2021

Outstanding Principal: Amount due on payment plans.

Delinquent: Amount late on payment plan.

Never Paid: Those who have never paid on assessment.

**Includes interest & late fees charged.*

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

3 Mayor/City Manager

4 **ORDINANCE 21-13**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 APPROPRIATING AN AMOUNT NOT TO EXCEED \$2,512,000 FROM
8 THE NATURAL GAS DISTRIBUTION SPECIAL ASSESSMENT BOND
9 SINKING FUND TO RETIRE THE DEBT TO THE KENAI PENINSULA
10 BOROUGH THAT WAS UTILIZED FOR THE CONSTRUCTION OF THE
11 HOMER NATURAL GAS DISTRIBUTION LINE.
12

13 WHEREAS, By Ordinance 13-03(S)(2), adopted on February 25, 2013, the City of Homer
14 (“City”) authorized the issuance of a Natural Gas Distribution Special Assessment Bond in the
15 principal amount not to exceed \$12,700,000, and the delivery of a Loan Agreement (“Loan”)
16 between the City and the Kenai Peninsula Borough (“Borough”); and
17

18 WHEREAS, By Ordinance 15-17(S), adopted June 15, 2015, the City amended Ordinance
19 13-03(S)(2) to provide for the prepayment of the principal of the Bond; and
20

21 WHEREAS, By Ordinance 16-03(S), adopted January 25, 2016, the City amended
22 Ordinance 13-03(S)(2) to state the Bond amount to be \$12,359,388, and to establish a Loan
23 payment regime of making 9 equal annual payments ending in September, 2024; and
24

25 WHEREAS, By Ordinance 16-43, adopted August 22, 2016, the City amended Ordinance
26 13-03(S)(2) to create a special trust fund designated as the “City of Homer Natural Gas
27 Distribution Special Assessment Bond Sinking Fund” (“Sinking Fund”) allowing for
28 prepayment of the Loan from the Borough and recalibration of yearly payments; and
29

30 WHEREAS, The Sinking Fund contains assessment payments, including interest,
31 income from the Sinking Fund capital, and hypothecation of other City funds including Enstar’s
32 payments of the Free Main Allowance (“FMA”); and
33

34 WHEREAS, It is in the City’s best financial interest to retire the loan as soon as the debt
35 has been reduced to be less than the Sinking Fund balance available in any calendar year; and
36

37 WHEREAS, The funds available and projected to be collected in 2021 exceed the amount
38 of the loan; and
39

40 WHEREAS, Retirement of the Loan in March, 2021 will save the City a significant amount
41 of interest that is not otherwise offset by interest earnings available to the City.
42

43 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
44

45 Section 1. The City of Homer's Natural Gas Distribution Special Assessment Bond
46 Sinking Fund schedule of payments is hereby amended by appropriating up to \$2,512,000 to
47 retire the Loan debt obligation to the Kenai Peninsula Borough.
48


<u>Account</u>	<u>Description</u>	<u>Amount</u>
175-0375	City of Homer Natural Gas Distribution Special Assessment Bond Sinking Fund	\$2,512,000

49
50
51
52
53 Section 2. On or before July 1, 2021, the City Treasurer shall provide the Homer City
54 Council with a summary compilation of the costs and cost allocations funded by, A) the Bond,
55 and B) The Loan, and C) The Free Main Allowance, and D) uncollected assessments. Costs
56 include the cost of construction, interest payments paid in excess of interest payments
57 received, and any other costs that can be appropriately allocated to the project or the
58 capitalization of the Bond or Fund.
59

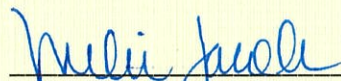
60 Section 3. This is a budget amendment ordinance only, is not permanent in nature, and
61 shall not be codified.
62

63 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 8th day of Mar, 2021.
64

65 CITY OF HOMER

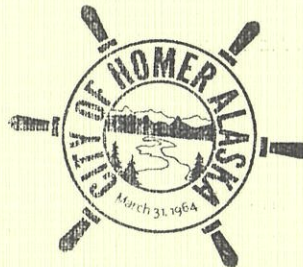
66
67
68 
69
70 KEN CASTNER, MAYOR

71 ATTEST:

72 
73
74 MELISSA JACOBSEN, MMC, CITY CLERK
75

76 YES: 5
77 NO: 0
78 ABSTAIN: 0
79 ABSENT: 1
80

81 First Reading: 2-22-21
82 Public Reading: 3-8-21
83 Second Reading: 3-8-21
84 Effective Date: 3-9-21





City of Homer

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Office of the City Clerk

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Memorandum 21-183

TO: MAYOR CASTNER AND CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: OCTOBER 15, 2021

SUBJECT: SELECTION/APPOINTMENT OF MAYOR PRO TEMPORE 2021/2022

Per Homer City Code 2.08.080, Mayor's absence: At the first meeting of the Council following certification of the municipal election each year, there shall be appointed a Mayor Pro Tempore, by majority vote of the Council, to act as Mayor during the Mayor's temporary absence or disability.

Pursuant to Council's Operating Manual: A Mayor Pro Tem shall be elected by the majority of the Homer City Council. The term of the Mayor Pro Tem shall be until the call for election by the Homer City Council of a New Mayor Pro Tem. The Mayor Pro Tem shall, in the absence of the Mayor, act as Mayor of the City of Homer as though they themselves had taken the Oath of Office of Mayor with all duties, responsibilities and powers of the office of the Mayor of the City of Homer. The Mayor Pro Tem, when acting in that capacity, does not lose the privilege or duty to vote as a Councilmember.

Pursuant to Council's Operating Manual: Council Seat- Customarily the selection is by seniority. Senior members may choose a different seat prior to the junior members being seated. The Mayor Pro Tempore shall have first seating choice and then the Senior Councilmembers and so on and so forth. (Resolution 04-89)

RECOMMENDATION: Councilmember _____ is selected/appointed as Mayor Pro Tempore for the City of Homer for 2021/2022.

After Council selects the Mayor Pro Tempore they may have first seat choice, including remaining where they are currently seated.

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 21-075

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

WHEREAS, Councilmember _____ was appointed as Mayor Pro Tempore for
2021/2022, effective October 25, 2021; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the
designated signatories, effective October 25, 2021 are as follows with the number of
signatories defined:

On the regular Wells Fargo Bank Alaska checking account that the following are the designated
signatories for this account, with dual signatures required for checks over \$5,000; on the
investment accounts with Alaska Municipal League, Time Value Investments, Wells Fargo Bank
Alaska, and other institutions, and for Department of Administration Grants and other grants,
one of the following authorized signatories or the dual electronic authorization system is
required for all transactions:

KEN CASTNER, MAYOR
ROBERT DUMOUCHEL, CITY MANAGER
_____, MAYOR PRO-TEMPORE
MELISSA JACOBSEN, CITY CLERK/ACTING CITY MANAGER
ELIZABETH WALTON, FINANCE DIRECTOR/TREASURER

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 25th day of October,
2021.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 21-082

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
ACKNOWLEDGING THE RESULTS OF THE INVITATION TO BID FOR
CITY OWNED COLD STORAGE SEASONAL RENTAL UNITS.

WHEREAS, In accordance with the Procurement Policy an Invitation to Bid for City Owned Cold Storage Seasonal Rental Units was advertised in the Homer News on October 7 and 14, 2021 and posted on the City of Homer website; and

WHEREAS, Bids were due on November 4, 2021 and ___ bids were received; and

WHEREAS, There are eight 8'x10' units and one 22'x10' unit located at the City Ice Plant on the Fish Dock and sealed bids that include a completed cold storage unit agreement were due Thursday, November 4, 2021; and

WHEREAS, The season shall start no later than March 15th and ends as early as October 20th and no later than November 5th.

NOW, THEREFORE, BE IT RESOLVED the City Council of Homer, Alaska acknowledges the results of the City Owned Cold Storage Seasonal Rental Units to ___ renters.

PASSED AND ADOPTED by the Homer City Council on this 8th day of November, 2021.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A