



# SUPPLEMENTAL PACKET

## City Council Regular Meeting

Monday, September 25, 2023

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

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### Homer City Hall

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### WORK SESSION

Ordinance 23-49, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 2, Chapters 2.32 Departments and Boards, 2.44 Department of Administration, 2.48 Public Library, and Enacting Chapters 2.46 Department of Information Technology and 2.57 Department of Community Development. City Manager.

- Written public comment Page 2

### REGULAR MEETING

#### Public Hearings

Tasmania Water and Sewer Special Assessment District Final Assessment Roll

- Written public comment Page 6

Ordinance 23-21(S)(A), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 22.10.050 to Specify that Preliminary Plats Approved by the City Shall Include all Development Commitments Made to the City. Davis/Erickson.

- Memorandum CC-23-227 from City Planner as backup Page 7

Ordinance 23-50, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Operating Budget by Appropriating \$10,000 from the General Fund Unassigned Fund Balance to Fund Part of the Homer Small Business Advisor Position for the Alaska Small Business Development Center. Venuti/Erickson.

- Memorandum CC-23-226 from Economic Development Advisory Commission as backup Page 10
- Written public comment Page 11

**From:** [janie leask](#)  
**To:** [Mayor Email](#); [Rachel Lord](#); [Donna Aderhold](#); [Jason Davis](#); [Shelly Erickson](#); [Caroline Venuti](#); [Storm Hansen-Cavasos](#); [Department Clerk](#)  
**Cc:** [Holly Van Pelt](#); [Jim Lavrakas](#); [Paul Allan](#); [Holland Hill](#); [Kathy Vogl](#); [Shan Burson](#); [Jeff Sharp](#); [Janie Leask](#); [Christopher Mullikin](#); [Jeanne Parker](#); [Lawrence Radcliffe](#); [Malcolm Milne](#); [Eric Tutt](#); [Ian Reid](#); [Mike Flora](#); [Dick Dunn](#)  
**Subject:** Public Comments - Monday's Council Meeting  
**Date:** Sunday, September 24, 2023 12:50:21 PM

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## To Mayor Castner and members of the Homer City Council

I'm not able to personally attend Monday's meetings but did want to submit my comments on two items of concern - my neverending quest for a separate department for Parks & Community Recreation, and the future of a multi-purpose recreation center.

Reorganization/Consolidation of Departments.

The reorganization of City Departments is on the agenda for your work session. I reviewed the slides and explanation of the proposed reorganization, specifically moving Community Recreation under Community Development. I also read with interest the comments re: the merger of the Library with IT in which the City Manager stated "the proposal created some controversy and resistance from the Library Advisory Board." Subsequently, the proposed merger was abandoned. Although not as broad in scope as the Library Board, the Pickleball Club is not in support of the proposed merger of Community Recreation into Community Development. What will it take for us to get the attention and ear of the City Manager so that our voice also carries weight?

*(yes, we're willing to be part of a conversation of a larger "Friends of Community Recreation" group . . . see my comments below).*

In his overview and the slides, the City Manager made several statements:

\* that this reorganization "will help focus development in Homer, while also ensuring quality-of-life programming is integrated into our community's growth."

\* that "Community Recreation will benefit from having a dedicated director and additional staff support from the other divisions within Community Development."

\* that "In the long run, I could see this Department (Community Development) split into a Development Services and a Parks & Recreation Department, however, I strongly believe that move would be premature if it happened today."

I don't see a benefit for moving Community Recreation under Community Development and have yet to hear WHY it's not

possible to establish a separate Parks & Recreation Department now. I've heard the "timing" isn't right or that "this is the first step" and now I read that it's "premature" but haven't yet heard the reason WHY. Is it the cost of creating a new department? According to the City Manager, this entire reorganization will cost \$3,500. Community Recreation already has a staff and a Board (PARCAC) - what other expenses would it take?

As directed by Resolution 23-047(S), the staff is charged with developing a 10-year plan for the potential growth and development of a Parks & Rec Department. This plan is due back to the Council in November once it is reviewed by PARCAC. Will this be when this happens - less than two months away? If so, why not now? If not then, when?

As you know, and as I've stated in prior comments, the majority (68%+) of Alaskan communities our size and larger have a dedicated Parks & Recreation department. And, as I've stated before, I feel Community Recreation is being buried with this new reorganization.

Community Recreation is growing (and not just the pickleball program). Please explain just HOW this robust program will receive benefits from this reorganization when it seems like we're currently fighting to get city support every step of the way.

#### **The HERC/New City Recreation Center.**

As discussions move forward regarding a new multipurpose recreation center, there are several issues regarding the potential use of the existing site that need to be addressed - i.e. the contaminants in the HERC, costs/options for demolishing all or a portion of the existing building, and/or building a new facility in a new location. I know you have some answers regarding the level of contaminants.

What has the City done to explore using portions of the existing building, mitigating those portions that can be saved, demolishing parts that can't be, and building an addition onto the existing building vs. erecting a new building at a new location? Maybe it could be an addition that would be a cost-efficient metal building. But why not use the expertise and knowledge of user groups and community residents at the front end of this process. Why not invite them to the table?

Absolutely we'd love to have our dream building, but if we can't then use us to help you design/re-design a building that works. Maybe even one that could be added onto in the future. The existing HERC site truly is the gateway to Homer and is an important statement to residents and visitors alike that community recreation matters.

Furthermore, as a community with limited resources, let's figure out how our recreational needs can be maximized through the use of ALL available facilities including schools, existing buildings, and organizations like the SPARC.

I've heard from several Council members who've stated it would be helpful if there was an official "Friends of Community Recreation" formed. I agree. I see that as a necessary step toward having a multipurpose community center on the 2024 ballot. The Homer Pickleball Club would certainly be a part of any such group. I would love to have another meeting of the user groups to talk about this and any ideas groups may have regarding the existing structure.

Respectfully submitted,

Janie Leask  
Homer Resident  
President, Homer Pickleball Club  
Homer USA Pickleball Ambassador

**From:** [Jim Lavrakas](#)  
**To:** [Mayor Email](#); [Rachel Lord](#); [Donna Aderhold](#); [Jason Davis](#); [Shelly Erickson](#); [Caroline Venuti](#); [Storm Hansen-Cavasos](#); [Department Clerk](#)  
**Subject:** Public comments for Monday council meeting  
**Date:** Sunday, September 24, 2023 1:45:34 PM

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Members,

I would like to second the comments made by Janie Leask regarding the future of Homer Community Recreation, a new Community Rec center, and the offer to join in the discussion concerning these issues.

Thanks.

+++++

Jim Lavrakas  
Homer, AK 99603  
907-299-8393 / cell

September 24, 2023

To Ms. Jacobsen, City Council Members and those Whom it May Concern,

***Tasmania Court Water and Sewer Special Assessment District Final Assessment Roll***

In the notice of public hearing regarding the Tasmania Court Water and Sewer Special Assessment District that was recently delivered to property owners in our neighborhood, it is mentioned that time and method of payment of the final assessment roll will be fixed by resolution following the confirmation of the final roll at the September 25<sup>th</sup> 2023 regular meeting. Further, it is stated that payments may not be required sooner than sixty days after billing and may be paid in full or by other available terms.

I'd like to remind the City Manager, City Engineer and the City Council Members that when the SAD was initially being discussed, the possibility of delaying payment on undeveloped lots until those lots were either developed and hooked up to the new utilities, or until the ownership of the lot was transferred was proposed. Please consider this as the available terms for payment are arranged. Since the cost per lot for the SAD is substantial, the option of a delayed payment on undeveloped lots would greatly reduce the immediate financial burden of this project for several property owners in the neighborhood who own adjoining spare lots.

Respectfully,

Erica Marley



# MEMORANDUM

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**Ordinance 23-21(S)(A), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 22.10.050 to Specify that Preliminary Plats Approved by the City Shall Include all Development Commitments Made to the City. Davis/Erickson.**

**Item Type:** Action Memorandum  
**Prepared For:** Mayor Castner and Homer City Council  
**Date:** September 15, 2023  
**From:** Ryan Foster, AICP, City Planner  
**Through:** Rob Dumouchel, City Manager

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Ordinance 23-21(S)(A) was introduced at the June 26, 2023 regular Council meeting and was sent to the Homer Planning Commission for comment and input. Since the text amendments in Ordinance 23-21(S)(A) is relevant to Public Works, the City Planner forwarded the Ordinance to Jan Keiser, City Engineer and Public Works Director, for review and comment. At the August 16, 2023 regular meeting, Jan Keiser took the Planning Commission through the subdivision process and highlighted weaknesses and recent changes in code, and in the current process, and noted how they could be improved. A work session was held on September 6, 2023 to discuss further and consider draft comments, with the final comments approved at the regular meeting that evening.

## Key Findings of the Planning Commission

- The intent of the ordinance is that there is a concern that there were improvements being missed in the subdivision process and the text change is intended to rectify it.
- A flow chart has been created to visually represent the entire subdivision process based on Jan Keiser' memos and explanation of the process in detail at the August 16, 2023 regular meeting.
- Public Works Director Keiser provided information on the following topics:
  - Was under the belief that a developer could not sell lots within the subdivision until construction of improvements, but can be done with a final plat and subdivision agreement.
  - Kenai Peninsula Borough in accordance with State laws can release a preliminary plat if an agreement is made between the Developer and the City and recorded even when no improvements have been constructed and the Developer can then sell the lots – this is uncommon, but currently City Code as written allows it.

- It has been the practice of Homer Public Works that the Borough would be notified when improvements are completed and then the KPB issue a final plat for recording.
- City Council recently adopted an ordinance requiring a performance guarantee of 150% of the estimated costs of improvements outlined in the Subdivision Agreement.
- The use of Construction Agreements in the past 10 years over Subdivision Agreements
  - Language in the Subdivision Agreement is more defined
  - Includes performance guarantee requirements and provided options for the developer to choose from to provide a requirement
  - Includes specific remedies if the developer defaults
- Council is requiring commitments that are not codified or captured in the Subdivision Agreement
  - It is believed that the City does not have the legal ability to hold developers to requirements that are not in city code or the signed agreement
- Preliminary, Construction and Asbuilts Drawings
  - In the beginning of the process construction drawings are developed by an Engineer, included in the Subdivision Agreement. Inspections are done pursuant to those drawings. Substantial Completion is based on completion of the work contained in those drawings.
  - Final Acceptance and the Warranty Bond is based on the completion of work in the drawings
  - Final Acceptance results in the delivery of the Asbuilts
  - Asbuilts depict all the work that was done, where construction drawings show what is planned to be built. There are always deviations of some kind in the construction process. Waiting until the project is done until recording a plat is contrary to State and City Code.
- Subdivision Agreements are not submitted to the Kenai Borough for review or approval
  - The Borough is supportive of the City of Homer requirements of adding the comments related to requiring a subdivision agreement, drainage, improvements, etc., on the preliminary plat.
    - This presents a good relationship in as much as the Borough will tell the applicant that they will not issue a final plat until the City notifies them that all the improvements have been met per Kenai Peninsula Borough Subdivisions Code 20.60.080 Improvements-Installation agreement required.
- Preliminary Plats now have a time limit of two years to be finalized.
  - The Borough does allow two extensions allowing up to an additional four years, for a total of six years to finalize a plat.
  - If not completed in that timeframe, the entire process must begin again.
- City Attorney has reviewed the Public Works Director's analysis of the process and concurred



***The Planning Commission would like to thank the City Council for bringing forth the issue, as it has been beneficial to review the subdivision process, and would like to present the following recommendations for Ordinance 23-21:***

1. Recommend an effort to reconcile the Homer City Code for development processes including cross references or consolidation of subdivisions and platting which takes place in Title 22 and construction of subdivisions which takes place in Title 11 and clean-up work and reconciliation of language in the city code.
2. Recommend utilizing the following agreements for their intended purpose and define in Homer City Code:
  - a. Subdivision Agreement: requirements for subdivision improvements
  - b. Construction Agreement: constructing infrastructure such as roads and utilities, where the lot lines are not changing
  - c. Installation Agreement: connecting to city water and sewer
3. Recommendation to ensure preliminary plat considerations by the Homer Planning Commission include comments referencing when subdivision, construction or installation agreements are required and sent to the Kenai Peninsula Borough.
4. Recommendation to provide information and training on the subdivision development process to City Council and other relevant city commissions.
5. Create and implement a preliminary plat application form.
6. Request City Council withdraw Ordinance 23-21(S)(A).

**RECOMMENDATION:**

Staff recommends City Council approve the recommended comments of the Planning Commission on Ordinance 23-21 Title 22 Subdivision text amendment.

**ATTACHMENTS:**

Memorandum dated August 7, 2023 (updated September 6, 2023) from Jan Keiser, City Engineer and Public Works Director

Memorandum dated August 9, 2023 from Jan Keiser, City Engineer and Public Works Director  
City of Homer Subdivision Development Process Flow Chart



# MEMORANDUM

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**Ordinance 23-50, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Operating Budget by Appropriating \$10,000 from the General Fund Unassigned Fund Balance to Fund Part of the Homer Small Business Advisor Position for the Alaska Small Business Development Center. Venuti/Erickson.**

**Item Type:** Backup Memorandum  
**Prepared For:** Mayor Castner and Homer City Council  
**Date:** September 25, 2023  
**From:** Economic Development Advisory Commission  
**Through:** Julie Engebretsen, Economic Development Manager

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The Economic Development Advisory Commission discussed ordinance 23-50 during their regular meeting on September 12, 2023. An excerpt of their meeting minutes and motion of support are provided below.

## **NEW BUSINESS**

### A. Alaska Small Business Development Center Advisor Position Funding

Chair Marks reviewed the ordinance listed in the packet, along with her comment that was included in the packet and a letter from a business owner in Homer that uses the services of AKSBDC. She also noted that in the City Council packet there was a second letter of support from Luke Gamble.

KIM/PITZMAN MOVED TO RECOMMEND THE ADOPTION OF ORDINANCE 23-50.  
There was no discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**From:** [mary griswold](#)  
**To:** [Renee Krause](#)  
**Subject:** Fwd: Ord 23-50 Homer business advisor position  
**Date:** Friday, September 22, 2023 3:08:25 PM

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(Please include in the CC supplemental packet)

----- Original Message -----

Subject: Ord 23-50 Homer business advisor position

Date: Thu, 21 Sep 2023 18:03:12 -0400

From: "mary griswold" <mgrt@xyz.net>

To: rachel lord <rachellord@ci.homer.ak.us>, caroline venuti

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<jasondavis@ci.homer.ak.us>, shelly erickson <shellyerickson@ci.homer.ak.us>

I believe in sticking to the budget, as much as practical. I also appreciate the value and validity of off-cycle budget amendments for exceptional and time-sensitive opportunities and needs. I have a very hard time accepting a budget amendment for an item (even at a reduced request) that could not be justified against other items during the last and very recent budget process.

How many of the 119 new businesses benefited by the business advisor since 2020 are in the city?

If the preponderance of these businesses are in the city, my objection to this ordinance would be softened. If most of the businesses are outside the city, competing with city businesses and not contributing city sales taxes, then I believe funding this position would be a very poor investment for the council to approve.