



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue

Homer, Alaska 99603

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(p) 907-235-3130

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Memorandum

Agenda Changes/Supplemental Packet

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: APRIL 27, 2020
SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

COMMITTEE OF THE WHOLE

Discussion Topic 2020 Budget: Memorandum from Mayor Re: Municipal Funding through CARES Act and COVID Mandate 10

REGULAR MEETING

Visitors

Unified Command Update (10 minutes)

Public Hearing

Ordinance 20-19, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 19 to add Chapter 19.01 Closures of Use Areas to Reflect the City Manager's Authority to Close City Parks, Campgrounds, and Public Places in an Emergency or other Exigent Circumstances. City Manager.

Written Public Comments

Pending Business

Resolution 20-008(S), A Resolution of the Homer City Council Designating Homer Spit Amended Lot 31, Known as Seafarer's Memorial, as Green Space and Adopting a Land Management Policy that Preserves Lot 31 for Wildlife and as a Natural Agent for Erosion Mitigation. Evensen/Hansen-Cavasos.

Resolution 20-008(S-2), A Resolution of the Homer City Council Designating Homer Spit Amended Lot 31, Known as Seafarer's Memorial, as Green Space and Adopting a Land Management Policy that Preserves Lot 31 for Wildlife and as a Natural Agent for Erosion Mitigation. Evensen/Hansen-Cavasos.



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MEMORANDUM

Date: April 24, 2020

Subject: Municipal Funding Through CARES Act

To: Homer City Council and City Manager

From: Mayor Castner through the City Clerk

As all of you know, the State has allocated 45% of the \$1.25 billion CARES Act grant to local governments. Homer's posted share is \$7.88 Million. The funds are scheduled to be released in 3 tranches, the first on May 1, 2020. The money must be used by December 30, 2020.

There are many municipalities, including several large boroughs, that do not believe they were fairly funded. We should not assume that are allocations are, at this time, correct.

The money is intended to defer the costs of the COVID outbreak. It cannot be used to replace lost income, but can be used to offset expenses.

The grants will require monthly reporting to the State's Office of Management and Budget (OMB) and precisely describe the expenditures used to cope with the COVID public health emergency. OMB will be providing additional guidance as to allowable and non- allowable expenditures.

There will be some amount available for local grantmaking. AML is working with the Foraker Group to develop grant guidelines. These grants can be made to the population at large, individual businesses, and non- profit entities.

Allowable expenditures also include the payroll costs for keeping people working, and secondary effects to the work force.

It is suggested by AML that we place the money in a separate account to assist in the accounting process.

Also perhaps pending in Congress is a funding bill that will provide money for lost revenues, and some FEMA funding for our expenses to date. The Council may want to consider consolidating the expenses under just one reimbursement program.

Further information will be coming soon through the City's finance department, but I wanted to share the most recent disclosures.

Alaska Essential Services and Critical Workforce Infrastructure Order
(Formerly “Attachment A”)
Amended April 10, 2020

Issued: March 27, 2020

By: Governor Mike Dunleavy
Commissioner Adam Crum, Alaska Department of Health and Social Services
Dr. Anne Zink, Chief Medical Officer, State of Alaska

To prevent the spread of Coronavirus Disease 2019 (COVID-19), the State of Alaska is issuing this Order based on its authority under the Public Health Disaster Emergency Declaration signed by Governor Mike Dunleavy on March 11, 2020.

This Order amends and supersedes the document formerly referenced as “Attachment A,” and continues to apply to any Health Mandate referencing Attachment A or Critical Workforce Infrastructure. This Order remains in effect until amended, rescinded, or superseded by further Order of the Governor.

Functioning critical infrastructure is imperative during the response to the COVID-19 emergency for both public health and safety, as well as community well-being. Certain critical infrastructure industries have a special responsibility in these times to continue operations.

I. MANDATORY CLOSURES

- a. All businesses within Alaska, except those specifically exempted below, are required to cease all activities at facilities located within the state, except Minimum Basic Operations, as defined in Section I.c.
- b. For purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or corporate or entity structure.
- c. “**Minimum Basic Operations**” include the following, provided that employees comply with Social Distancing Requirements as defined in this Section, to the extent possible, while carrying out such operations:
 - i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

II. EXEMPTIONS FOR ESSENTIAL SERVICES AND CRITICAL INFRASTRUCTURE

- a. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).
- b. Quarantine: workers arriving in Alaska from out of state must self-quarantine for 14 days, pursuant to Health Mandate 010. Businesses exempted from Section I are *not* exempt from Health Mandate 010.
- c. Plan Submissions: Businesses with workers who travel from out of state or who travel between communities within the state of Alaska must submit a plan or protocol outlining protocols for avoiding spread of COVID-19 pursuant to Health Mandates 010 and 012. This plan should be submitted to akcovidplans@ak-prepared.com.
- d. Businesses exempted from Section I are strongly encouraged to remain in operation. Such businesses shall, to the extent reasonably feasible, comply with social distancing requirements, by maintaining six-foot social distancing for both employees and members of

Alaska Essential Services and Critical Workforce Infrastructure Order
(Formerly “Attachment A”)
Amended April 10, 2020

- the public, including, but not limited to, when any customers are standing in line.
- e. For purposes of this Order, Essential Services and Critical Infrastructure industries and entities in Alaska include:
- i. **“Healthcare Operations and Public Health,”** which includes:
 - 1. Hospitals, clinics, home healthcare services and providers, mental health providers, dental emergency services, and other healthcare facilities.
 - 2. Pharmacies, companies and institutions involved in the research and development, manufacture, distribution, warehousing, and supplying of pharmaceuticals, biotechnology therapies, consumer health products, medical devices, diagnostics, equipment, services, or any related and/or ancillary healthcare services.
 - 3. Veterinary care and healthcare services provided to animals.
 - 4. Businesses performing mortuary funeral, cremation, burial, cemetery, and related services, including funeral homes, crematoriums, cemetery workers, and coffin makers. These businesses are required to maintain compliance with Health Mandate 011, prohibiting public and private gatherings including funerals.
 - 5. “Healthcare Operations” does **not include** fitness and exercise gyms and similar facilities.
 - 6. Healthcare Operations should comply with Health Mandate 005.
 - ii. **“Critical Infrastructure,”** which includes:
 - 1. **Public Works**, including businesses providing any services or performing any work necessary to the operations and maintenance of public works, such as the Port of Alaska, public works construction, airport operations, water, sewer, gas, electrical, oil production, mining, logging, roads and highways, public transportation, and solid waste collection and removal.
 - 2. **Transportation/Logistics**, including airlines, railroads, taxis, private transportation providers, and public and private mail and shipping services.
 - 3. **Technology/Communications**, including businesses providing any services or performing any work necessary to the operations and maintenance of internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).
 - 4. **Essential Construction**, commercial construction, renovation or repair, including construction of housing.
 - 5. **Critical Manufacturing**, including manufacture of products needed for medical supply chains and supply chains associated with transportation, energy, communications, information technology, food and agriculture, chemical manufacturing, wood products, commodities used as fuel for power generation facilities, operation of dams, water and wastewater treatment, processing of solid waste, emergency services, and defense. Manufacturing of materials and products needed for medical equipment and personal protective equipment. Businesses necessary for mining and production of minerals, oil, and associated essential supply chains.
 - 6. **Food and Agriculture**, including grocery stores, supermarkets, food banks, convenience stores, animal/pet food and supply stores, and other establishments engaged in the retail sale of food, beverages, and other

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Amended April 10, 2020

- household consumer products (such as cleaning and personal care products). This includes stores that sell groceries but also sell other non-grocery products. Food and agriculture, cultivation, including farming, livestock, fishing and processing. This includes manufacturers and suppliers of food and items necessary to support of Food and Agriculture industry.
7. **Home Emergency and Safety**, including establishments that sell products necessary to maintaining the safety, sanitation, and essential operation of residences or provide home emergency/safety equipment and gear including products for personal protection.
 8. **Fishing**, including persons engaged in subsistence fishing and in the fishing industry including the fisherman, processors, guides, and transporters of the fish as well of those under contract with the fisherman, processors, guides, and transporters for provisioning.
- iii. **“Financial services sector,”** which includes workers who are needed to process and maintain systems for processing financial transactions and services, such as payment, clearing and settlement services, wholesale funding, insurance services, and capital markets activities; to provide consumer access to banking and lending services, including ATMs, movement of currency (e.g. armored cash carriers); support financial operations, such as those staffing data and security operations centers; appraisals and titling; and, key third-party providers who deliver core services.
- iv. **“Public Safety,”** which includes:
1. **“First Responders,”** including emergency management, emergency dispatch, and law enforcement.
 2. **“Corrections,”** including Department of Corrections, jails and detention facilities, and probation offices.
 3. **“Government Agencies,”** including Court systems, Office of Children's Services personnel acting in an official capacity, Public agencies responding to abuse and neglect of children, elders, and vulnerable adults, and Department of Defense Personnel returning from temporary duty or engaging in mission essential travel.
- v. **“Essential Governmental Functions,”** which includes all services needed to ensure the continuing operation of government agencies including to provide for the health, safety, and welfare of the public.
- vi. **“Essential Business,”** which includes:
1. Businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 2. Newspapers, television, radio, and other media services;
 3. Gas stations and auto-supply, auto-repair, bicycle-repair, and related facilities;
 4. Hardware stores;
 5. Plumbers, electricians, exterminators, mechanics, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, transportation, and critical infrastructure;

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6. Businesses providing mailing and shipping services, including post office boxes;
7. Educational institutions facilitating distance learning;
8. Laundromats, dry cleaners, and laundry service providers;
9. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out under the restrictions set forth in COVID-19 Health Mandate 003, “Statewide Closure of Restaurants, Bars, Entertainment;”
10. Businesses that supply products needed for people to work from home;
11. Businesses that supply other essential businesses with the support or supplies necessary to operate;
12. Businesses that transport goods to grocery stores, supermarkets, convenience stores, engaged in the retail sale of food, household consumer products, delivery of fuel, or other services directly to residences or other critical industries outlined in this health mandate;
13. Home-based care for seniors, adults, or children;
14. Residential facilities and shelters for seniors, adults, and children;
15. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally-mandated activities;
16. Childcare facilities, subject to new recommendations for increased hygiene and social distancing - Childcare facilities should be used only by those who need childcare to work at a critical job;
17. Fabric stores; and
18. All other businesses that can maintain Social Distancing Requirements (defined below) and prohibit congregations of no more than 10 people in the business at a time (including employees).

III. SOCIAL DISTANCING REQUIREMENTS.

- a. “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer containing at least 60% alcohol, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

IV. FEDERAL GUIDANCE.

- a. This Order incorporates guidance from the Memorandum on Identification of Essential Critical Infrastructure Workers during COVID-19 Response issued by the Cybersecurity and Infrastructure Security Agency of the United States Homeland Security on March 19, 2020. That guidance is located at <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>. This order also incorporates federal guidance from the Department of the Treasury and the Department of Defense that are located at <https://home.treasury.gov/news/press-releases/sm956> and <https://media.defense.gov/2020/Mar/22/2002268024/-1/-1/1/DEFENSE-INDUSTRIAL-BASE-ESSENTIAL-CRITICAL-INFRASTRUCTURE-WORKFORCE-MEMO.PDF>

V. PENALTY FOR NONCOMPLIANCE.

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A violation of a State COVID-19 Health Mandate may subject a business or organization to an order to cease operations and/or a civil fine of up to \$1,000 per violation.

- a. In addition to the potential civil fines noted above, a person or organization that fails to follow the State COVID-19 Health Mandates designed to protect the public health from this dangerous virus and its impact may, under certain circumstances, also be criminally prosecuted for Reckless Endangerment pursuant to Alaska Statute 11.41.250. Reckless endangerment is defined as follows:
 - i. A person commits the crime of reckless endangerment if the person recklessly engages in conduct which creates a substantial risk of serious physical injury to another person.
 - ii. Reckless endangerment is a class A misdemeanor.
- b. Pursuant to Alaska Statute 12.55.135, a defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than one year.
- c. Additionally, under Alaska Statute 12.55.035, a person may be fined up to \$25,000 for a class A misdemeanor, and a business organization may be sentenced to pay a fine not exceeding the greatest of \$2,500,000 for a misdemeanor offense that results in death, or \$500,000 for a class A misdemeanor offense that does not result in death.



STATE OF ALASKA

Department of Health & Social Services

TRAVEL DECLARATION FORM

MANDATORY DECLARATION

FOR ALL PASSENGERS



MANDATORY 14-DAY QUARANTINE FOR ALL INCOMING PASSENGERS

Due to the rapid spread of COVID-19 and the high incidence of travel-related infection, the State of Alaska has instituted a mandatory 14-day quarantine for all incoming passengers. The potential for widespread transmission of COVID-19 by infected individuals entering Alaska threatens the health and well-being of Alaskans, as well as the infrastructure and security of the state. In an abundance of caution and to assist in flattening the curve regarding the spread of COVID-19 in Alaska, the State of Alaska, under its authority to protect the public health, is implementing advanced protocols to ensure all travelers arriving in Alaska participate in 14 consecutive days of self-quarantine to begin immediately upon arrival, allowing for travel from an airport or portage to the designated quarantine location.

Travelers 18 years of age and over must complete and sign their own form.

PLEASE LIST THE SPECIFIC PLACES TRAVELED WITHIN THE PREVIOUS 14 DAYS.

- 1. _____ 2. _____
- 3. _____ 4. _____

FULL NAME (PRINT) _____

HOME ADDRESS _____

CITY _____ STATE _____ ZIP _____

QUARANTINE ADDRESS: _____

CITY _____ STATE _____ ZIP _____

PHONE NUMBER _____ DATE OF ARRIVAL _____

Certificate: Read and Sign: *I swear or affirm, under penalty of perjury, that: the above information I provided on this document is true and correct. I swear I will comply with the self-quarantine regulations as set out in Health Mandate _____.*

WARNING: If you provide false information on this form, you may be convicted of a Class B felony under AS 11.56.200 and/or a Class A misdemeanor under AS 11.56.210. Additionally, due to the imminent danger to the public by the spread of Coronavirus, if you violate the self-quarantine regulations set forth in the mandate, you may also be convicted of a class A misdemeanor which is punishable by a fine of up to \$25,000, or imprisonment of not more than one year, or both pursuant to Alaska Statute 12.55.035 and Alaska Statute 12.55.135. AKCOVIDTravel@ak-prepared.com

SIGNATURE: _____ DATE _____

From: [Grace Steiner](#)
To: [Department Clerk](#)
Subject: Ordinance 20-19 Authority to Close Public Spaces
Date: Monday, April 27, 2020 10:44:21 AM

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

I am contacting you to inform you of my opinion on ordinance 20-19 in regards to closing public spaces.

I would like you to know that I have lost much respect for the Homer City Council as of late, especially once I saw this mandate was being brought up. This is insanity. For you to reach such a state of panic over this is proof of your failure to provide true leadership.

The CDC reported 60,000 people died of the seasonal flu virus in 2018 in the US. As it currently stands 56K covid deaths have been reported. The amount of outrageous fear over a virus that, while contagious, is certainly no more dangerous than any other flu like-virus we have faced is ridiculous.

It is each persons individual responsibility to care for themselves. It is our right to choose whether we want to take our kids to the park, or walk our dogs on the beach. You do not have the right to take that from us.

This ordinance should be removed from the docket, or voted down.

Respectfully,
Grace Steiner

From: [Simpson via City of Homer Alaska Official Website](#)
To: [Renee Krause](#)
Subject: Written Testimony Submittal
Date: Friday, April 24, 2020 10:24:13 PM

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

Written Testimony for Planning Commission

Name: Nathan Simpson
Email: nate.simpson3@gmail.com
Phone: 9072990845
Residency: City Resident

Planning Commission Meeting to Participate In:

Regular Meeting

Mon, 04/27

Public Hearing Comments - Citizens may comment on items scheduled for public hearing. Ordinance 20-19

Written Testimony:

I would like to see a no-vote on Ordinance 20-19. It is too broad and gives too much power to a singular person. As a tax payer to these projects, I should not have MY access to MY public use areas revoked on the whim of one person.

Electronic Signature: Nathan Simpson

Submitted on Friday, April 24, 2020 - 10:24pm

The results of this submission may be viewed at: <https://www.cityofhomer-ak.gov/node/60081/submission/40101>

From: [Steiner via City of Homer Alaska Official Website](#)
To: [Renee Krause](#)
Subject: Written Testimony Submittal
Date: Friday, April 24, 2020 8:30:50 PM

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

Written Testimony for Planning Commission

Name: Tim Steiner
Email: netoak07@gmail.com
Phone: 907-399-3540
Residency: City Resident

Planning Commission Meeting to Participate In:

Regular Meeting

Mon, 04/27

Public Hearing Comments - Citizens may comment on items scheduled for public hearing. 20-19

Written Testimony:

Thank you for taking my comment.

I am against this ordinance. Our public places are an important part of our ability to maintain a healthy state in both body and mind, especially during times of added stress. For many people the ability to get out of doors is vital. In general, I don't think giving one person the ability to severely limit the healthy choices of our citizens would be wise or in the best interest of our community.

Electronic Signature: Tim Steiner

Submitted on Friday, April 24, 2020 - 8:30pm

The results of this submission may be viewed at: <https://www.cityofhomer-ak.gov/node/60081/submission/40081>

43 WHEREAS, Supra-tidal beach berms at Seafarer’s Memorial have been identified as
44 critical environment for migratory and resident shorebirds, and provides wildlife habitat (e.g.,
45 for marine mammals) near the geographical center of Kachemak Bay, which is unique
46 regionally; and

47
48 WHEREAS, Through data collection and ongoing bird counts, this region of the Spit has
49 been identified by Cornell University’s Ornithology Lab as an International Birding Hot Spot
50 location; and

51
52 WHEREAS, Wild bird migration, feeding, and nesting in and around Homer are
53 important economic bases for the City; their presence attracts visitors nationally and
54 internationally; their financial impact is broad and realized via nature or eco-tourism in general
55 as well as special events (such as the annual Shorebird Festival); and

56
57 WHEREAS, The Greater beach of Seafarer’s Memorial is a crucial foundation
58 geologically that provides *coastal sand supply*; its ample sand, pebble and gravel components
59 directly preserve the Homer Spit “system” as a whole and, through natural marine processes,
60 mitigate erosion along easternmost beaches of the Spit including the terminus.

61
62 **WHEREAS, Resolution 96-27 designated a 100’ x 100’ foot area as the Seafarer’s**
63 **Memorial Park.**

64
65 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby designates
66 Homer Spit Amended Lot 31 as green space, but requires no specific signage.

67
68 BE IT FURTHER RESOLVED, that any part of the property that is not developed as of the
69 passage of this resolution shall be maintained in perpetuity as green space and open to the
70 public, free from buildings, parking, camping, hardscaping of any kind, and earthmoving of any
71 kind beyond regular parking space maintenance, which is spatially limited to present 45
72 parking spaces.

73
74 BE IT FURTHER RESOLVED that any new trail development is limited to the public beach
75 access dedicated through the Land and Water Conservation Fund Grant # 02-00430 and
76 defined as the northwestern twenty feet of Lot 31, Homer Spit Amended; being a strip of land
77 twenty feet wide, immediately adjacent and parallel to the northwest property line, and also
78 being immediately adjacent to Lot 27; containing 3,595 square feet, more or less.

79
80 **BE IT FURTHER RESOLVED that this resolution excludes the Seafarer’s Memorial**
81 **as described in Resolution 96-27.**

82
83 PASSED AND ADOPTED by the Homer City Council this ___ day of _____, 2020.

84

CITY OF HOMER

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ATTEST:

KEN CASTNER, MAYOR

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal information: N/A