



AGENDA

City Council Regular Meeting

Monday, January 9, 2023 at 6:00 PM

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

Homer City Hall

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

Zoom Webinar ID: 205 093 973 Password: 610853

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1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual)
3. **MAYORAL PROCLAMATIONS AND RECOGNITIONS**
4. **PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA** (The public may comment for three minutes on agenda items not schedule for public hearing.)
5. **RECONSIDERATION**
6. **CONSENT AGENDA** (Items listed below will be enacted by one motion. If 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.)
 - 6.A. Homer City Council Unapproved Regular Meeting Minutes of November 28, 2022. City Clerk. **Page 5 - 18**
[November 28, 2022 Unapproved Minutes](#)
 - 6.B. Reappointment of Ian Pitzman and Bruce Friend to the Port and Harbor Advisory Commission. Mayor. **Page 19 - 23**
[Agenda Item Report - CC-23-010 - Pdf](#)
 - 6.C. Ordinance 23-01, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Renewing the Appropriation of Funds in the Amount of \$750,000 from the General Fund Fund Balance for the Purpose of Reinitiating and Conducting a U.S. Army Corps of Engineers General Investigation Study for the Homer Large Vessel Port Expansion. City Manager. **Page 24 - 27**
[Agenda Item Report - CC-23-001](#)
 - 6.D. Ordinance 23-02, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating an Amount not to Exceed \$70,000 Divided Equally Between the Homer Accelerated Roads and Trails (HART) Trails Fund and the Land Reserves to Purchase **Page 28 - 68**

a 4.53 Acre Parcel in the Bridge Creek Watershed Protection District.
Aderhold.

[Agenda Item Report - CC-23-002](#)

- 6.E. Ordinance 23-03, An Ordinance of the City Council of Homer, Alaska **Page 69 - 75**
Amending the FY23 Capital Budget by Appropriating \$24,000 from the United States Coast Guard (USCG) Hickory Maintenance Reserves for the Purpose of Contracting with Alaska Industrial Services for Fender Repairs to the Hickory Berth and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Port Director.

[Agenda Item Report - CC-23-003](#)

- 6.F. Ordinance 23-04, An Ordinance of the City Council of Homer, Alaska **Page 76 - 80**
Amending the FY23 Capital Budget by Appropriating \$38,775 from the Port Reserves for the Purpose of Purchasing Two Additional Parking Pay Kiosks and UPSafety Parking Management Software Package. City Manager/Port Director.

[Agenda Item Report - CC-23-009](#)

- 6.G. Resolution 23-001, A Resolution of the City Council of Homer, Alaska **Page 81 - 83**
Confirming the City Manager's Appointment of Melissa Jacobsen as Acting City Manager for Calendar Year 2023. City Manager.

[Agenda Item Report - CC-23-004](#)

- 6.H. Resolution 23-002, A Resolution of the City Council of Homer, Alaska **Page 84 - 85**
Confirming the Appointment of Elizabeth Walton as Treasurer and Jenna DeLumeau as Deputy Treasurer for Calendar Year 2023. City Manager.

[Agenda Item Report - CC-23-005](#)

- 6.I. Resolution 23-003, A Resolution of the City Council of Homer, Alaska **Page 86 - 89**
Adopting an Alternative Allocation Method for the FY23 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in FMA 14: Cook Inlet Area. City Manager.

[Agenda Item Report - CC-23-006](#)

- 6.J. Resolution 23-004, A Resolution of the City Council of Homer, Alaska **Page 90 - 93**
Approving a Contract Amendment with Homer Animal Services, LLC which allows for the Retention of Fees for Services Provided by Homer Animal Services, LLC Staff and Authorizes the City Manager to Negotiate and Execute the Appropriate Documents. City Manager.

[Agenda Item Report - CC-23-007](#)

- 6.K. Resolution 23-005, A Resolution of the City Council of Homer, Alaska **Page 94 - 103**
Supporting the Recertification of the Prince William Sound Regional

Citizens Advisory Council by the United States Coast Guard through PWSRCAC Recertification Docket USCG-2022-0707. Aderhold.

[Agenda Item Report - CC-23-008](#)

7. VISITORS

8. ANNOUNCEMENTS/PRESENTATIONS/REPORTS (5 minutes each)

8.A. Committee of the Whole Report

8.B. Mayor's Report

8.C. Borough Report

8.D. Planning Commission Report

8.E. Port & Harbor Advisory Commission Report

8.F. AML Travel Report

[Erickson Travel Report](#)

[Aderhold Travel Report](#)

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9. PUBLIC HEARING(S)

9.A. Ordinance 22-70, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code, Section 21.60.100 Signs Exempt from Regulation to Exempt Signs Not Visible from Public Rights of Way. Lord.

[Agenda Item Report - CC-23-012](#)

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10. ORDINANCE(S)

11. CITY MANAGER'S REPORT

11.A. City Manager's Report

[City Manager's Report](#)

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12. PENDING BUSINESS

12.A. Ordinance 22-72, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 20 Animals, Sections 20.04.020 Definitions, 20.08.010 Animals At Large, 20.08.040 Nuisance Animals And 20.32.020 Fine Schedule to Refine the Definition of "At Large", Clarify Areas Where Animals Are To Be On Leash At All Times and Amend Related Fines. Venuti/Erickson

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Ordinance 22-72(S), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 19, Parks, Campgrounds, and Public Places and Section 19.08.070, Certain Acts Prohibited; Section 19.20.020 General Rules, and Title 1, General Provisions, Section 1.16.040 Disposition of Scheduled Offenses. City Manager.

[Agenda Item Report - CC-23-013](#)

13. NEW BUSINESS

- 14. RESOLUTIONS**
- 15. COMMENTS OF THE AUDIENCE** (The public may comment for three minutes on any topic.)
- 16. COMMENTS OF THE CITY ATTORNEY**
- 17. COMMENTS OF THE CITY CLERK**
- 18. COMMENTS OF THE CITY MANAGER**
- 19. COMMENTS OF THE MAYOR**
- 20. COMMENTS OF THE CITY COUNCIL**
- 21. ADJOURNMENT** Next Regular Meeting is Monday, January 23, 2022 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska

Session 22-24 a Regular Meeting of the City Council of Homer, Alaska was called to order on November 28, 2022 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, DAVIS, ERICKSON, LORD, VENUTI

ABSENT: COUNCILMEMBER HANSEN (excused)

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON
PUBLIC WORKS DIRECTOR KEISER
CITY PLANNER ABBODD
NETWORK ADMINISTRATOR SULCZYNSKI
CITY ATTORNEY GATTI

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

Mayor Castner Mayor announced the supplemental items: CONSENT AGENDA Application for Appointment to the Port & Harbor Advisory Commission as an attachment to Memo 22-209 ANNOUNCEMENTS PRESENTATIONS & REPORTS EDC Power Point Presentation PUBLIC HEARINGS Memorandum 22-210 from City Clerk with Proposed Amendments to Ordinance 22-74 and Ordinance 22-78 and Written Public Comment on Ordinance 22-78 and Ordinance 22-79.

ADERHOLD/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA (The public may comment for three minutes on agenda items not schedule for public hearing.)

Malcolm Milne commented on behalf of the North Pacific Fisheries Association (NPFA) in support of Resolution 22-092 supporting conservation and mitigation efforts in the crab fishery.

RECONSIDERATION

CONSENT AGENDA (Items listed below will be enacted by one motion. If 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 Council Member.)

- A. Homer City Council Unapproved Regular Meeting Minutes of November 14, 2022. City Clerk. Recommend adoption.
- B. Memorandum 22-190 from City Clerk re: Travel Authorization for Mayor Castner to Attend the Alaska Conference of Mayors on December 6, 2022 and Council Members Aderhold, Davis, and Erickson to attend the Alaska Municipal League Annual Conference December 7-9, 2022 in Anchorage, Alaska and Council Member Aderhold's attendance at the North Pacific Fisheries Management Council Meetings through December 11, 2022. Recommend approval.
- C. Memorandum 22-202 from City Clerk Re: Liquor License Renewals for Land's End and La Baleine Cafe. Recommend approval.
- D. Memorandum 22-209 from Mayor Castner re: Appointment of Lacey Velsko to the Port and Harbor Advisory Commission. Recommend approval.
- E. Resolution 22-085, A Resolution of the City Council of Homer, Alaska Approving the 2023 Meeting Schedule for City Council, Economic Development Advisory Commission, Library Advisory Board, Parks Art Recreation and Culture Advisory Commission, Planning Commission, Port and Harbor Advisory Commission, and Americans with Disabilities Act Advisory Board. City Clerk. Recommend adoption.

Memo 22-203 from Deputy City Clerk as backup.

Memo 22-204 from City Clerk as backup.

- F. Resolution 22-086, A Resolution of the City Council of Homer, Alaska Authorizing the City to Apply for a FEMA Building Resilient Infrastructure & Communities Grant to Adopt and Implement International Building Code Edition 2021. City Manager. Recommend adoption.

Memo 22-205 from Special Projects Coordinator as backup.

- G. Resolution 22-087, A Resolution of the City Council of Homer, Alaska Authorizing a Task Order to HDR Engineering in an Amount not to exceed \$32,000 for Grant Writing Services for a FY2023 Federal RAISE Planning Grant to Support Homer's Non-Motorized Transportation Infrastructure and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 22-206 from Special Projects & Communications Coordinator as backup.

- H. Resolution 22-088, A Resolution of the City Council of Homer, Alaska Approving the Bylaws of the American's with Disabilities Act (ADA) Advisory Board. City Clerk/ADA Advisory Board. Recommend adoption.

- I. Resolution 22-089, A Resolution of the City Council of Homer, Alaska Approving a Contract with Kachemak Electric Co. of Kenai, Alaska in the Amount of \$271,517 for the Rehabilitation of the Electrical Control Works for the City's Sewage Lift Stations Project and Authorizing the City

Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-198 from Public Works Director as backup.

- J. Resolution 22-090, A Resolution of the City Council of Homer, Alaska Approving a Contract with North Pacific Advisors, LLC of Anchorage, Alaska for Land Appraisal Services and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 22-207 from Deputy City Clerk as backup.

- K. Resolution 22-091, A Resolution of the City Council of Homer, Alaska Providing Comments to the Alaska Department of Transportation & Public Facilities Request for Scoping Comments for the Sterling Highway Mile Post 169 to 175 Pavement Preservation Project. City Manager/Public Works Director. Recommend adoption.
- L. Resolution 22-092, A Resolution of the City Council of Homer, Alaska Encouraging the North Pacific Fisheries Management Council to Immediately Adopt Fishery Conservation and Mitigation Measures to Facilitate the Restoration of the Direct Bering Sea Crab Fisheries. Mayor/Aderhold. Recommend adoption.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VISITORS

- A. Semester by the Bay Intern Presentation - Madeline Butz, Climate Action Champion (10 minutes)

Madeline Butz presented to Council on her time as intern with Public Works. She shared her work project related to sustainability and climate change in Homer and reviewed the information she developed that can be found on the Public Works webpage.

ANNOUNCEMENTS/PRESENTATIONS/REPORTS (5 minutes each)

- A. Committee of the Whole

Council Member Aderhold reported the Council discussed Ordinance 22-82 adding two Fire/EMT personnel at the fire department, Ordinance 22-80 funding lift station electronics, and Ordinance 22-79 funding HDR services as owners representative for the new large vessel harbor project.

B. Mayor's Report

Mayor Castner commented regarding his work in preparing Resolution 22-092 and opened the floor to Tim Navarre to present the Industry Days Award to South Peninsula Hospital.

C. Borough Report

D. American's with Disabilities Act (ADA) Advisory Board

Council Member Aderhold reported the Board approved their meeting schedule and bylaws, which were approved on tonight's consent agenda, and briefly discussed how the Board can help businesses understand the benefits of ADA compliance.

E. Economic Development Advisory Commission
Memorandum Re: Year in Review

Economic Development Advisory Commission Chair Karin Marks and Economic Development Manager Julie Engebretsen presented to Council on the EDC Year in Review summary that was provided in the Julie & Karin presented the Council's packet and supplemental packet.

F. Library Advisory Board

Library Advisory Board Chair Kate Finn reported at their last meeting they had a high number of public present in person and on zoom to share comments on both sides regarding removing certain items from the children's section of the library. She was pleased that everyone was respectful in their exchange and explained that the Board will take this back up at their next meeting on January 17th. The Giving Tree is set up at the Library, there is a book magnifying machine on loan thanks to the Independent Living Center, and the Library Endowment Fund has received an anonymous donation that will match donations to the Endowment Fund up to \$2500 through the month of December.

G. Parks Art Recreation & Culture Advisory Commission

Parks Art Recreation and Culture Advisory Commissioner Robert Archibald reported the Commission heard from the Finance Director regarding the budget, the Community Recreation Specialist reported on their programs and building usage, and the Public Works Director reported on ongoing projects. The Karen Hornaday Park Master Plan is due for a revision, a timeline is set, qualified landscape architect firms have been identified. This is the first step in developing an up to date plan for the park. The Parks Superintendent reported the Mariner Park Beach is open to the seawall for collection of coal, and winter work that's planned. They heard from the Director of Homer Animal Services on animal control issues in the city and the Commission continues to work on code amendments regarding animals on leashes.

PUBLIC HEARING(S)

A. Ordinance 22-74, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget by Appropriating \$7,400 from the Port Reserve Fund to Repair and Replace the City Ice

Plant's Ammonia Lines and Valves and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents to Contract with Alaska Industrial Services for the Repair. City Manager/Port Director. Introduction November 14, 2022 Public Hearing and Second Reading November 28, 2022.

Memorandum 22-192 from Port Director/Harbormaster as backup.

Mayor Castner opened the public hearing.

Malcolm Milne commented on behalf of the NPFA in support of Ordinance 22-74, the ice plant is an integral part of the commercial fishing industry in Homer.

There were no further comments and the hearing was closed.

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 22-74 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

ADERHOLD/LORD MOVED TO AMEND ORDINANCE 22-74 TO MAKE THE CURRENT SECTION 2 A NEW SECTION 3 AND A NEW SECTION 2 TO READ - THE CITY MANAGER IS AUTHORIZED TO NEGOTIATE AND EXECUTE A CONTRACT WITH ALASKA INDUSTRIAL SERVICES FOR INSTALLATION OF THE REQUIRED AMMONIA LINES AND VALVES.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was no discussion.

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

Motion carried.

- B. Ordinance 22-75, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget by Accepting and Appropriating a Matching Grant from the State of Alaska Municipal Harbor Grant Program in the Amount of \$366,000 for the Harbor Basin Cathodic Protection Project and Appropriating an Additional \$174,050.90 from the Port Reserve Fund to fulfill the City's 50% Match Requirement. City Manager/Port Director. Introduction November 14, 2022 Public Hearing and Second Reading November 28, 2022.

Memorandum 22-193 from Port Director as backup.

Mayor Castner opened the public hearing.

Crisi Matthews, Port and Harbor Commissioner, commented the Commission unanimously supports the project.

There were no further comments and the hearing was closed.

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 22-75 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Council Member Lord shared the history of the State Harbor Matching Grant Program that was put into place in 2006.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- C. Ordinance 22-76, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an FY 2022 State Homeland Security Grant in the Amount of \$43,702.43 from the Alaska Division of Homeland Security & Emergency Management (DHS&EM) to Upgrade the City's Radio Communication System, Authorizing a Sole Source Request to Contract with ProComm Alaska and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction November 14, 2022 Public Hearing and Second Reading November 28, 2022.

Memorandum 22-194 from Police Chief as backup.

Mayor Castner opened the public hearing.

There were no public comments and the hearing was closed.

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 22-76 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Council Member Lord acknowledge the time it takes to prepare for grants and thanked staff for their work.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- D. Ordinance 22-77, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget by Appropriating \$25,000 from the Homer Accelerated Roads and Trails (HART) Road Fund for an On-Call Services Contract with the Kachemak Bay Conservation Society and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Introduction November 14, 2022 Public Hearing and Second Reading November 28, 2022.

Memorandum 22-195 from Public Works Director as backup.

Mayor Castner opened the public hearing.

Malcolm Milne, non-resident, questioned what the City gets out of this expenditure and what expertise the Kachemak Bay Conservation Society (KBSC) has for the items mentioned in the materials.

There were no further comments and the hearing was closed.

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 22-77 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

At the request of Council Member Erickson, Public Works Director Keiser explained the City is working with several groups related to the green infrastructure and conservation topics. KBSC has expertise in public education, engagement, and community outreach on the benefits of green infrastructure and how to go about it. Public outreach and education is very time consuming and the City doesn't have the time, staff, or expertise to engage in it ourselves so this is a good deal for the City.

Council Member Lord commented it's new over the last few years that we've been using professional services for more things. She supports this as City staff can only do so much, and she's enjoyed the Public Work Department utilizing the services of local smaller nonprofits. She asked if during the budget process if there could be a summary of funds from the City going back into the community for these projects.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- E. Ordinance 22-78, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget by Appropriating \$49,690 from the Port and Harbor Reserves for the Design of Parking Improvements to the Parking Lots at the Boathouse Pavilion, Seafarer's Memorial, and Harbor Ramps Three and Four and Authorizing the a Task Order to HDL Engineering to Complete the Work. City Manager/Port Director. Introduction November 14, 2022 Public Hearing and Second Reading November 28, 2022.

Memorandum 22-196 from Port Director as backup.

Mayor Castner opened the public hearing.

Crisi Matthews, Port and Harbor Advisory Commission Chair, commented this is a budget amendment as work is done based on the parking study that was completed. The Commission's intention is that work is being implemented in phases based on the amount of income received from paid parking.

Bruce Friend, Port and Harbor Advisory Commissioner, commented in support. The public is calling for attention to parking, especially in the summer. This will have year round benefits.

Malcolm Milne commented on behalf of the NPFA in support of Ordinance 22-78. He highlighted the information in the back up of a motion by the Port and Harbor Advisory Commission to allow stall slip holders and marine tradesmen a discount on season passes and short term parking.

There were no further comments and the hearing was closed.

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 22-78 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

ADERHOLD/LORD MOVED TO AMEND ORDINANCE 22-78 LINES 22 THROUGH 26 TO READ - WHEREAS, REVENUES FROM DAY USE FEE PARKING IN THE LOTS THAT ADJOIN THE STATE RIGHT OF WAY MAY ONLY BE USED FOR TO REIMBURSE THE PORT ENTERPRISE FUND FOR PARKING IMPROVEMENTS; AND WHEREAS, THOSE REVENUES WILL BE TRANSFERRED BACK INTO THE PORT RESERVES TO REIMBURSE THE ENTERPRISE FOR THE INFRASTRUCTURE IMPROVEMENT EXPENDITURE AT THE END OF THE YEAR BUDGET CLOSE OUT; AND

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Council Member Aderhold acknowledged Mr. Milne's comments and the Port and Harbor Advisory Commission's comments regarding relief for increased parking fees to the people who use and pay for the harbor. She thinks Council understands from the materials that the Commission is talking about that and it would be figured out at a later stage and warrants good consideration.

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

Motion carried.

- F. Ordinance 22-79, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget by Appropriating \$408,073 from the Port Reserves for an Owner's Representative for the New Large Vessel Harbor and Issuing a Task Order to HDR to Provide Owner's Representative Services. City Manager/Port Director. Introduction November 14, 2022 Public Hearing and Second Reading November 28, 2022.

Memorandum 22-197 from Port Director as backup.

Mayor Castner opened the public hearing.

Casey Siekaniec, Port and Harbor Advisory Commissioner, commented in support of Ordinance 22-79. After hearing the proposal from HDR he feels it will be worth the investment to relieve staff of some of the work and they bring a lot of experience with these types of projects.

Crisi Matthews, Port and Harbor Advisory Commission Chair, noted Commissioners Shavelson and Pitzman, and Planning Commissioner Brad Conley weren't able to attend but share support for this project. She shared efforts of the Commission coordinating a Think Tank to see this ACOE study forward for the port expansion project.

Bruce Friend, Port and Harbor Advisory Commissioner, commented in support of Ordinance 22-79 and contracting with HDR. This project will make a lot of difference to a lot of people and the investment with HDR will be a big part of its success.

Karin Marks, city resident and Economic Development Advisory Commission Chair, commented she participated with the Think Tank that drew a group of interesting people together and their consideration on how this project will affect economic development for our area. She shared her support for Ordinance 22-79 and contracting with HDR.

Malcolm Milne commented on behalf of the NPFA in support of Ordinance 22-79. They look forward to participating in the efforts as commercial fishermen.

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 22-79 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Council Member Erickson appreciates where we're going with this and commended the Port and Harbor for their efforts to move forward with the harbor expansion. She also looks forward to the next project of float replacement.

Council Member Lord supports the harbor expansion project and she appreciates the feedback from HDR at Committee of the Whole to help them better understand what HDR's role will be as owner's representative.

Council Member Venuti shared her support and appreciation for the feedback from HDR.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- G. Ordinance 22-80, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget by Appropriating \$271,517 from the Sewer Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Rehabilitation of the Electrical Control Works for the City's Sewage Lift Stations. City Manager/Public Works Director. Introduction November 14, 2022 Public Hearing and Second Reading November 28, 2022.

Memorandum 22-198 from Public Works Director as backup.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 22-80 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- H. Ordinance 22-81, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget by Accepting and Appropriating a Reimbursable Code Blue Grant in the Amount of \$55,000 and Appropriating an Amount not to exceed \$300,000 from the General Fund Fleet Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purchase of an Ambulance. City Manager/Fire Chief. Introduction November 14, 2022 Public Hearing and Second Reading November 28, 2022.

Memorandum 22-199 from City Manager as backup.

Mayor Castner opened the public hearing.

Jake Richter, Fire Department Employee, commented in support of Ordinance 22-81 and shared briefly regarding the need for a new ambulance.

There were no further comments and the hearing was closed.

Council Member Venuti commented in support of the ordinance. She shared some experiences with the older ambulance and understanding of the need to purchase a new vehicle.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Mayor Castner opened the floor to City Manager Dumouchel and Fire Chief Kirko to share their presentation regarding Ordinance 22-81 and 22-82.

City Manager Dumouchel and Fire Chief Kirko reviewed their presentation that was included in the packet regarding the need for the City to purchase a new ambulance and the strong need for additional personnel at the fire department to help ensure adequate response to emergencies.

- I. Ordinance 22-82, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Operating Budget by Appropriating \$652,500 from the General Fund Unassigned Fund Balance to Fund Two Full-Time Firefighter/EMT Positions through the end of FY25. City Manager. Introduction November 14, 2022 Public Hearing and Second Reading November 28, 2022.

Memorandum 22-199 from City Manager as backup.

Mayor Castner opened the public hearing.

Jaclyn Arndt, Fire Department employee, commented in support of Ordinance 22-82. Over her 9 years she's seen a steady increase of emergency calls with our growing population and a decrease in number of volunteers, creating increased stress on the staff and volunteers. These two positions will allow them to meet the minimum of having two people on staff at all times. She shared her experience of wait times for a second person to respond and how impacts their customer service to the community.

Kaleb Harvey explained he's a former volunteer who is now serving as a temporary part time Fire Department employee and will return to volunteer status. He commented in support of Ordinance 22-82 and shared that having these positions would be very valuable to the department.

Eric Schultz, Deputy Fire Chief of Kachemak Emergency Services, commented in support of Ordinance 22-82 and shared how labor intensive undertaking fire and EMS work is. It's imperative that the department have adequate crews at the station ready to go.

Robert Archibald, city resident, commented in support of Ordinance 22-82. He's been a marine firefighter for a long time, its labor intense, traumatic, and you can't do it with a short staff. The population is growing in Homer and it's time to address this.

Joe Kahles, Deputy Fire Chief, commented in support of Ordinance 22-82. He addressed the Fire Department's service and response capabilities, sharing how over the holiday weekend they had one person at the station the entire time. He explained two call outs that occurred simultaneously with the limited staff and the implications of that scenario.

Jake Richter, Fire Department Employee, commented in support of Ordinance 22-82 and shared about the recent Bunnell Street fire. There were two people in the building who were able to escape on their own, which was extremely fortunate. He, Jaclyn Arndt, and a volunteer were the first on scene at the fire and that is not adequate response to have effectively rescued them. They need more instructors and paid staff to maintain the volunteer service.

Devin Fairbanks, Fire Department employee, commented in support of Ordinance 22-82. A minimum of two personnel are required to drive an ambulance and to enter a structure. There are training requirements members and volunteers have to accomplish to better support the community and also a need for coverage for people to be able to take time off. He doesn't see volunteers going away, but the department needs enough staffing to more effectively operate. Two additional staff is a step in the right direction.

Franco Venuti, city resident, commented in support of Ordinance 22-82 and shared his recent experience of requiring EMT care after a serious fall. He praised the response team for their work and encouraged the funding of the additional staff.

There were no further comments and the hearing was closed.

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 22-82 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Council Member Lord thanked everyone for their testimony, it's important to have this information to help her and others understand the full picture. A question was raised earlier about what we're doing to incentivize more volunteerism, which is an issue for a lot of organizations, and she's understanding that maintaining high morale is one of the best things we can do for people in our community that we are asking to show up and serve every day, whether paid or volunteer. She hears loud and clear the need for two more paid staff. She appreciates the plan that's put forward to cover the cost and have to figure out how it will be absorbed into the operating budget.

In response to the Mayor, City Manager Dumouchel explained the ordinance shows the funding accounts that will be impacted and funds will be moved over year by year into the budget.

Council Member Erickson shared her appreciation of the Fire Department staff and volunteers. She understands the strain of being on call constantly and how wearing that can be. She realizes having two people on staff at the department is important and she supports it. She'd like feedback in the next three months or so on what they as a Council can be doing to give the department the resources to get volunteers. It's bigger than just the two positions.

Council Member Davis thanked everyone for their compelling testimony. He questioned why other departments are funded through a mil rate. City Manager Dumochel explained that unincorporated area departments are funded through a mil rate for the service area.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Dumouchel highlighted the sales tax for the fiscal year first quarter, noting the 6.5% increase over the prior year. He also touched on the sulfur shipment that moved through our port, and a transportation plan update, last meetings audio mishap and work to address it, and an upcoming worksession with the Port and Harbor Commission to re-visit their vision for the port and harbor expansion.

PENDING BUSINESS

- A. Resolution 22-074, A Resolution of the City Council of Homer, Alaska Adopting the City of Homer 2022 Non-Motorized Transportation and Trails Implementation Plan. City Manager/Public Works Director.

Mayor Castner announced the motion on the floor from October 24th to adopt Resolution 22-074 by reading of title only and opened the floor for discussion.

Council Member Aderhold thanked staff for the updated materials.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. Ordinance 22-70, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code, Section 21.60.100 Signs Exempt from Regulation to Exempt Signs Not Visible from Public Rights of Way. Lord. Introduction October 24, 2022, Referred to Planning Commission, Public Hearing and Second Reading November 28, 2022.

Memorandum 22-208 from City Planner as backup.

Memorandum 22-179 from Council Member Lord as backup.

LORD/ADERHOLD MOVED TO POSTPONE TO JANUARY 9, 2023.

Council Member Lord noted there wasn't enough time to schedule a public hearing with the Planning Commission and bring the ordinance back to this meeting.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

RESOLUTIONS

COMMENTS OF THE AUDIENCE (The public may comment for three minutes on any topic.)

Jan Knutson, Visitor Center Director, invited everyone to attend the annual Chamber Tree Lighting and thanked the sponsors of the event.

COMMENTS OF THE CITY ATTORNEY

Attorney Gatti wished everyone happy Thanksgiving.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen announced an opening on the ADA Advisory Board and wished everyone a wonderful holiday season.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel encouraged interested people to look at the two new fire positions that will be posted on the City's website and thanked Council for their support.

COMMENTS OF THE MAYOR

Mayor Castner commented regarding the significant amount of volunteerism in our community.

COMMENTS OF THE CITY COUNCIL

Council Member Hansen congratulations to the Fire Department for their new positions and is proud they passed Ordinance 22-82.

Council Member Erickson wished everyone Merry Christmas and happy holidays. They've started raising money for the New Year's Eve fireworks display so there will be a lot of good stuff happening in December.

Council Member Davis commented as Council's liaison to the Chamber, that they did a great job on the Shop Local Saturday booklets, it helped bring a lot of people out. He wished everyone happy holidays.

Council Member Aderhold shared about her visit to Texas, and she's looking forward to getting back to Homer. She wished everyone happy holidays.

Council Member Venuti shared that tonight she heard hope for the future by voting for the Fire Department and the Port and Harbor and some long range future plans. She's happy to see Lacey Velsko will be serving on the Port and Harbor Advisory Commission. She wished everyone Merry Christmas. She thanked Mayor and Council Member Aderhold for Resolution 22-092 supporting conservation and mitigation efforts in the crab fishery.

Council Member Lord thanked Lacey Velsko for applying to the Port and Harbor Advisory Commission and Parks and Recreation for the Turkey Trot. She encouraged people to see the Nutcracker, it's her families first time performing. She wished everyone happy solstice and holidays. She wished her daughter Linnea Happy Birthday on Wednesday.

ADJOURNMENT

There being no further business to come before the Council Mayor Castner adjourned the meeting at 8:38 p.m. The next Regular Meeting is Monday, January 9, 2023 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: _____



AGENDA ITEM REPORT

Reappointment of Ian Pitzman and Bruce Friend to the Port and Harbor Advisory Commission. Mayor.

Item Type: Action Memorandum
Prepared For: City Council
Meeting Date: 09 Jan 2023
Staff Contact: Ken Castner, Mayor
Department: City Council
Attachments: [Friend Application](#)
[Pitzman Application](#)

Summary Statement:

Ian Pitzman and Bruce Friend are re-appointed to the Port & Harbor Advisory Commission. Their terms will expire February 1, 2026.

Staff Recommendation:

Confirm the re-appointment of Ian Pitzman and Bruce Friend to the Port and Harbor Advisory Commission.

Attachments:

[Friend Application](#)
[Pitzman Application](#)

Office of the City Clerk
 Page 2 of 5
 491 East Pioneer Avenue
 Homer, Alaska 99603
 Phone: (907) 235-3130
 Fax: (907) 235-3143
clerk@cityofhomer-ak.gov



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

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 reappointed by the Mayor and your reappointment is confirmed by the City Council.

Applicant Information

Full Name: Bruce Friend

Physical Address Where you Claim Residency: 5015 S/AURN Drive Homer, AK 99603

Mailing Address: PO Box 103

City: Homer State: AK Zip: 99603

Phone Number(s): 907 250-4033

Email: bruce.friend@gmx.com

Advisory Body You Are Requesting Reappointment To

- Planning Commission
- Parks, Art, Recreation & Culture Advisory Commission
- Port & Harbor Advisory Commission
- Economic Development Advisory Commission
- Library Advisory Board
- ADA Advisory Board
- Other - Please Indicate _____

Please Answer the Following

Do you have a current Public Official Conflict of Interest Disclosure Statement on file with the City Clerk as required by HCC 1.18.043? Yes No

What resident type is your current seat? City Resident Non-City Resident

Has your residency changed since your last appointment? Yes No

How long have you served on this advisory body? 6 months

Please list any current memberships or organizations that you belong to related to the advisory body you serve on:

Homer Marine Trades, Board Member

Please explain why you wish to be reappointed to the Advisory Body to which you currently serve. This may include information on accomplishments or projects completed, future goals for the body, or any additional information that may assist the Mayor in the decision making process. You may attach an additional page if needed.

I am very interested in community service and feel my experience and lifetime on the water would serve the position well.

I see Homer as an important & vital community with tremendous potential for its citizenry. As the planning begins in earnest and long term goals get determined, I see this as a once in a lifetime opportunity to do it Right.

REB



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

Office of the City Clerk
Page 4 of 5
491 East Pioneer Avenue
Homer, Alaska 99603
Phone: (907) 235-3130
Fax: (907) 235-3143
clerk@cityofhomer-ak.gov

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

Applicant Information

Full Name: Ian Christian Pitzman
Physical Address Where you Claim Residency: 4254 Suedlund Circle
Mailing Address: 4254 Suedlund Circle
City: Homer State: AK Zip: 99603
Phone Number(s): 907-299-1159
Email: ian@fortunesa.net

Advisory Body You Are Requesting Reappointment To

- Planning Commission
- Parks, Art, Recreation & Culture Advisory Commission
- Port & Harbor Advisory Commission
- Economic Development Advisory Commission
- Library Advisory Board
- ADA Advisory Board
- Other - Please Indicate _____

Please Answer the Following

Do you have a current Public Official Conflict of Interest Disclosure Statement on file with the City Clerk as required by HCC 1.18.043? Yes No

What resident type is your current seat? City Resident Non-City Resident

Has your residency changed since your last appointment? Yes No

How long have you served on this advisory body? 2 yrs

Background Information

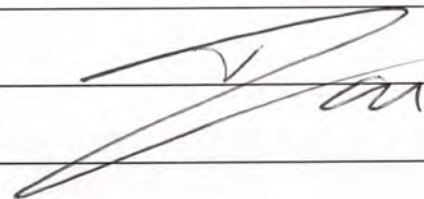
Page 5 of 5

Please list any current memberships or organizations that you belong to related to the advisory body you serve on:

United Fishermen of Alaska, North Pacific Fisheries Association, Homer Marine Trades, United Cude Inlet Dredge Association, Bristol Bay Fishermen Association

Please explain why you wish to be reappointed to the Advisory Body to which you currently serve. This may include information on accomplishments or projects completed, future goals for the body, or any additional information that may assist the Mayor in the decision making process. You may attach an additional page if needed.

I have a strong interest in the operation & growth of the Homer Harbor both as a citizen and as a boat owner. The port expansion project is underway and I am motivated to continue to contribute to that work. I have a good understanding of the needs and wants of the large vessel sector of the harbor users, in particular.





AGENDA ITEM REPORT

Ordinance 23-01, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Renewing the Appropriation of Funds in the Amount of \$750,000 from the General Fund Fund Balance for the Purpose of Reinitiating and Conducting a U.S. Army Corps of Engineers General Investigation Study for the Homer Large Vessel Port Expansion. City Manager.

Item Type:	Ordinance
Prepared For:	Mayor and City Council
Meeting Date:	09 Jan 2023
Staff Contact:	Rob Dumouchel, City Manager
Department:	Administration
Fiscal Impact:	\$750,000
Attachments:	Ordinance 23-01

Summary Statement:

In 2020, City Council approved Ordinance 20-06 which appropriated \$750,000 towards the City's share of a \$3M General Investigation into the large vessel port expansion by the Army Corps of Engineers. The investment shown by Ordinance 20-06 has been a powerful tool in communicating the depth of Homer's support for the project.

As Council appropriations only last for three years, it is time to renew this appropriation to ensure the funds remain available for the General Investigation which is on track to get underway in calendar year 2023 (at this time we're waiting for the federal budget to be approved which currently includes the federal match to go with the \$1.5M already set aside by Homer and the State of Alaska).

Financial Impact:

Renewing \$750,000 appropriation approved by Ordinance 20-06.

Staff Recommendation:

Introduce Ordinance 23-01 January 9, 2023 Public Hearing and Second Reading January 23, 2023.

Attachments:

[Ordinance 23-01](#)

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 23-01

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY23 CAPITAL BUDGET BY RENEWING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$750,000 FROM THE GENERAL FUND FUND BALANCE FOR THE PURPOSE OF REINITIATING AND CONDUCTING A U.S. ARMY CORPS OF ENGINEERS GENERAL INVESTIGATION STUDY FOR THE HOMER LARGE VESSEL PORT EXPANSION.

WHEREAS, The City Council has identified the Homer Large Vessel Port Expansion as its top priority Capital Improvement Project (CIP) for many years; and

WHEREAS, The project will require a total of \$3 million through a 50/50 state/local and federal match to proceed; and

WHEREAS, In 2020 the City Council approved Ordinance 20-06 which appropriated funds totaling \$750,000 towards a general investigation of the Large Vessel Port Expansion; and

WHEREAS, In 2022 the City successfully lobbied the State of Alaska to also appropriate \$750,000 via a designated legislative grant towards a general investigation of the Large Vessel Port Expansion which was accepted and appropriated by Ordinance 22-64; and

WHEREAS, Senator Murkowski has included first year funding for the General Investigation as a Congressional Designated Spending request which currently resides in the draft federal budget; and

WHEREAS, The City's appropriation is expiring and needs to be renewed to ensure the funds remain available as we expect the General Investigation to begin in calendar year 2023.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The FY23 capital budget is hereby amended to renew the appropriation of \$750,000 from the general fund fund balance for the purpose of reinitiating and conducting an Army Corps of Engineers General Investigation Study for the Homer Large Vessel Port Expansion as follows:

	<u>Fund</u>	<u>Description</u>	<u>Amount</u>
43			
44	100	U.S. ACE General Investigation Study -	\$750,000
45		Large Vessel Port Expansion	
46			

47 Section 2. This is a budget amendment ordinance and shall not be codified.

48

49 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA THIS ___ day of _____, 2023.

50

51 CITY OF HOMER

52

53 _____

54 KEN CASTNER, MAYOR

55

56 ATTEST:

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59 _____

60 MELISSA JACOBSEN, MMC, CITY CLERK

61

62 YES:

63 NO:

64 ABSENT:

65 ABSTAIN:

66

67 First Reading:

68 Public Hearing:

69 Second Reading:

70 Effective Date:



AGENDA ITEM REPORT

Ordinance 23-02, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating an Amount not to Exceed \$70,000 Divided Equally Between the Homer Accelerated Roads and Trails (HART) Trails Fund and the Land Reserves to Purchase a 4.53 Acre Parcel in the Bridge Creek Watershed Protection District. Aderhold.

Item Type: Ordinance
Prepared For: Mayor and City Council
Meeting Date: 09 Jan 2023
Sponsor: Donna Aderhold, Council Member
Department: City Council
Fiscal Impact: \$70,000
Attachments: [Ordinance 23-02](#)
[Maps](#)
[Plat](#)
[Hillshade Map](#)
[KPB Tax Assessment Info](#)
[Title Report](#)

Summary Statement:

Introduction

Ordinance 21-01(A) adopted January 24, 2022 authorized the purchase of two properties within the Bridge Creek Watershed Protection District, as well as the acquisition of two drainage easements. One of the property owners, Jay Farmwald, was instrumental in working with the City and the longtime owners of these lots to facilitate these transactions. When the City Council held the public hearing on the ordinance, Councilwoman Aderhold mentioned it would be beneficial to vacate the cul-de-sac between these lots, as there is a creek running through what would be an eventual turn around area. Mr. Farmwald pursued this idea and began working with another adjacent land owner (Frommer) to see if they were interested in selling. City ownership of this additional lot would allow the City to replat the properties, vacate the entire cul-de-sac, and result in the creek not being located in a dedicated right-of-way. Due to Mr. Farmwald's efforts, the property owner (Frommer) and the City have reached a purchase agreement for the subject property. Please see attached map.

After the land sale is complete, staff can work with Mr. Farmwald on a platting action to vacate the cul-de-sac. Mr. Farmwald would be a party in the platting action and has offered to split the platting costs with the City, up to \$5,000. This platting action would net the City an additional four tenths of an acre (17,000 square feet) and place the portion of the creek into City ownership.

Property Description

40958 Farmwald Circle, 4.525 acres. See attached KPB Tax Assessment Information. The property is generally upland with a small portion of the lot that contains discharge slope wetlands. There is a very small cabin currently on the property which the City may remove in the future to prevent unauthorized use. The KPB taxed assessed values in this area are very low and also do not take into account that this specific property has legal and physically constructed access. The City's broker Angie Newby and staff feel the purchase price is reasonable given the current high cost of real estate in the greater Homer area. Additionally, significant effort was made to negotiate the purchase price down.

Closing Conditions

At the beginning of negotiations it was determined there are(?) some junk cars currently located on the property. It is a condition of sale that these cars be removed from the site; staff will verify their removal prior to closing.

Financial Impact:

Funding

Funding for Ordinance 23-03 would be divided between two funds: Land Reserves and HART Trails. The subject property has a driveway constructed to it and to the property, which could easily serve as a future trailhead to the 200 plus acres the City owns north of the Bridge Creek Reservoir. To date, no other purchases the City has made in this part of the watershed have the potential to be a good trailhead. While there are no immediate plans to construct a formal trailhead or trail system, this is an opportunity to purchase a lot with a constructed driveway and protect additional creek corridor to protect lands in the watershed as well as create future recreational opportunities.

Costs

The purchase price of the property is \$55,000 with closing costs of \$5,725 on the transaction. Platting costs would be in the range of \$5,000 to \$10,000. Staking of property corners would be required, which would raise the costs to that of more than a basic plat. Therefore, staff is requesting funding in the amount of \$70,000 to reasonably cover all the expected costs. As noted before, Mr. Farmwald intends to split the platting cost with the City, up to \$5,000.

Recommendation:

Introduce Ordinance 23-02 January 9, 2023, Public Hearing and Second Reading January 23, 2023

Attachments:

[Ordinance 23-02](#)

[Maps](#)

[Plat](#)

[Hillshade Map](#)

[KPB Tax Assessment Info](#)

[Title Report](#)

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

ORDINANCE 23-02

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE FY23 CAPITAL BUDGET BY APPROPRIATING AN AMOUNT NOT TO EXCEED \$70,000 DIVIDED EQUALLY BETWEEN THE HOMER ACCELERATED ROADS AND TRAILS (HART) TRAILS FUND AND THE LAND RESERVES TO PURCHASE A 4.53 ACRE PARCEL IN THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT.

WHEREAS, Acquiring land in the Bridge Creek Watershed allows for protection to the City’s water quality and quantity; and

WHEREAS, Lot 6, Bridge Creek Cooperative Subdivision is adjacent to two lots recently purchased by the City with Ordinance 22-01 and is a location where a trailhead can be created to access to the many acres surrounding the reservoir that are owned by the City; and

WHEREAS, The City will work with the neighboring property owner to complete a platting action to vacate the cul-de-sac that crosses a tributary to Bridge Creek; and

WHEREAS, This ordinance includes funds to purchase the land, including closing costs, and funds for the platting action.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The FY23 capital budget is hereby amended by appropriating not more than \$70,000 divided equally between the HART Trails fund and the Land Reserves for the purchase of T6S R13W SEC4 Seward Meridian HM0810005 Bridge Creek Cooperative Subdivision Lot 6 as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
150	Land Reserves	\$35,000
165	HART Trails	\$35,000

Section 2. The City Manager is hereby authorized to negotiate and execute the appropriate documents for the purchase of the property and to engage in the necessary platting action with the neighboring property owner to vacate the cul-de-sac that abuts subdivision lots 7, 6, 2 and 3.

43 Section 3. This is a budget amendment ordinance and shall not be codified.

44

45 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA THIS ___ day of _____, 2023.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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52 ATTEST:

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54

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56 _____
MELISSA JACOBSEN, MMC, CITY CLERK

57

58 YES:

59 NO:

60 ABSENT:

61 ABSTAIN:

62

63 First Reading:

64 Public Hearing:

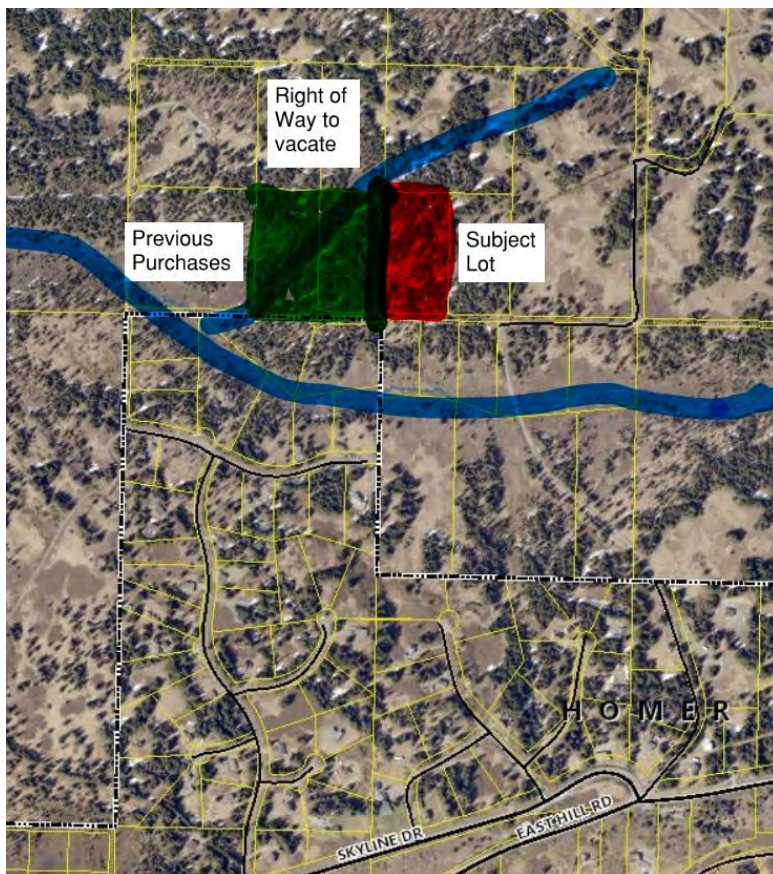
65 Second Reading:

66 Effective Date:

City of Homer – Bridge Creek Watershed Protection District in Yellow. Subject Area is marked in red.



Subject Property Map – Green lots are City owned, red is the subject Lot. The street to be vacated bisects the Red and Green lots. Blue lines represent creeks.



CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADVISE AND GRANT ALL RIGHTS TO THE SUBDIVISION AND DEDICATE ALL RIGHTS OF WAYS AND GRANT ALL RIGHTS TO THE SUBDIVISION TO THE BRIDGE CREEK COOPERATIVE, INC.

Signature
 BRIDGE CREEK COOPERATIVE, INC.
 2335 KIMBERLE COURT
 ANCHORAGE, ALASKA 99504
 BY: R. CLAUDON
 SECRETARY, B.C.C. INC.

NOTARY'S ACKNOWLEDGEMENT

ON THIS DAY OF August, 1980, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF ALASKA, PERSONALLY APPEARED R. CLAUDON AND JAY A. ANNALDO WHOSE NAMES AND ADDRESSES ARE SET FORTH IN THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION. I KNOW THEM AND BELIEVE THEM TO BE THE SAME AS THEIR NAMES AND VOLUNTARILY ACT WITH MY HAND AND ORIGINAL SEAL.

Signature
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA REGIONAL PLANNING COMMISSION AT THE MEETING OF July 22, 1980 AT MEAD PENINSULA REGIONAL

BY: *Signature*

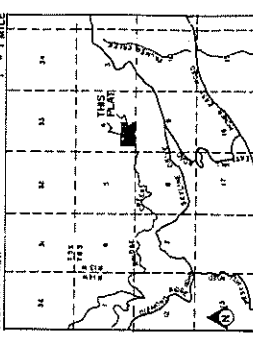


CERTIFICATE OF SURVEY

THE UNDERSIGNED REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT THE CORNERS AND MONUMENTS HAVE BEEN LOCATED AND ESTABLISHED AND THAT DIMENSIONS SHOWN HEREON ARE TRUE AND CORRECT.

DATE July 22, 1980
 LYNN P. WALLACE, R.L.S.
 4104-S

VICINITY MAP



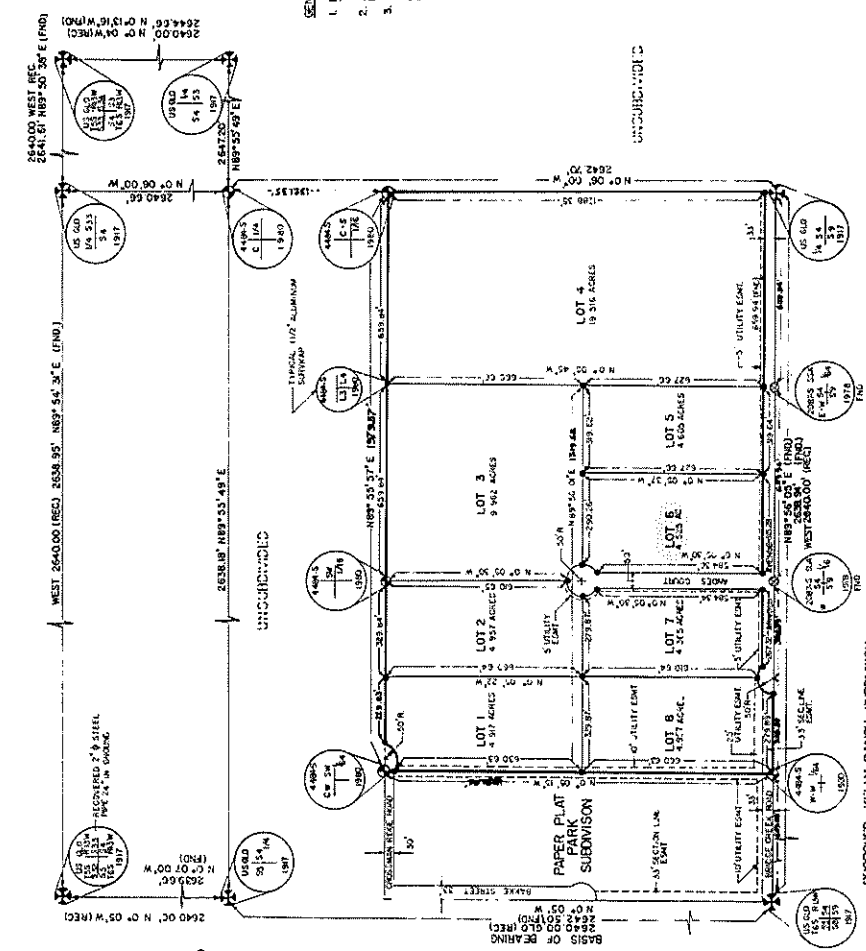
BRIDGE CREEK COOPERATIVE SUBDIVISION

CONTAINS 60.044 ACRES MORE OR LESS

A SUBDIVISION OF

E 34, 614, 614, SEC. 4
 T 63, R 34, S 34, ALASKA

OWNER:	HMER	BRD	JTL ENGINEERING CO.
ENGINEER:	BRIDGE CREEK COOPERATIVE, INC. (B.C.C. INC.)	SCALE	1" = 200'
2335 KIMBERLE COURT ANCHORAGE, AK 99504	TOTAL LOTS	8	DRAWN F.N.D.
			DATE
			AUGUST 1, 1980
			NOT LOYETT



- GENERAL NOTES**
1. RECORD REVISION WAS TAKEN FROM THE U.S.F.L.S. TOWNSHIP PLAT OF B.C.C. ALYKA, S.M. ALASKA.
 2. ALL WASTE DISPOSAL SETBACKS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
 3. BUILDING SETBACKS - A SETBACK OF 20 FEET IS REQUIRED FROM AND TO THE RIGHT-OF-WAY UNLESS A LESSOR FROM AND TO THE RIGHT-OF-WAY SOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

- LEGEND**
- ✦ ORIGINAL 1917 US GLO BRASS CAP MONUMENTS, RECOVERED.
 - ⊙ BERTHSEN 4-1/2" 30' ALUMINUM FEDERAL MONUMENTS, SET THIS SURVEY.
 - 1/2" X 24" REBAR WITH 1 1/2" ALUMINUM SURKAP SET
 - ALL CORNERS, UNLESS OTHERWISE NOTED.
 - ⊙ 1 1/2" 30' ALUMINUM FEDERAL MONUMENTS, FOUND THIS SURVEY.

81-5
 RECORDED - RECD 10 -
 HMER
 1-80-81
 9-85 (1)
 1-86-B
 SALTZMAN

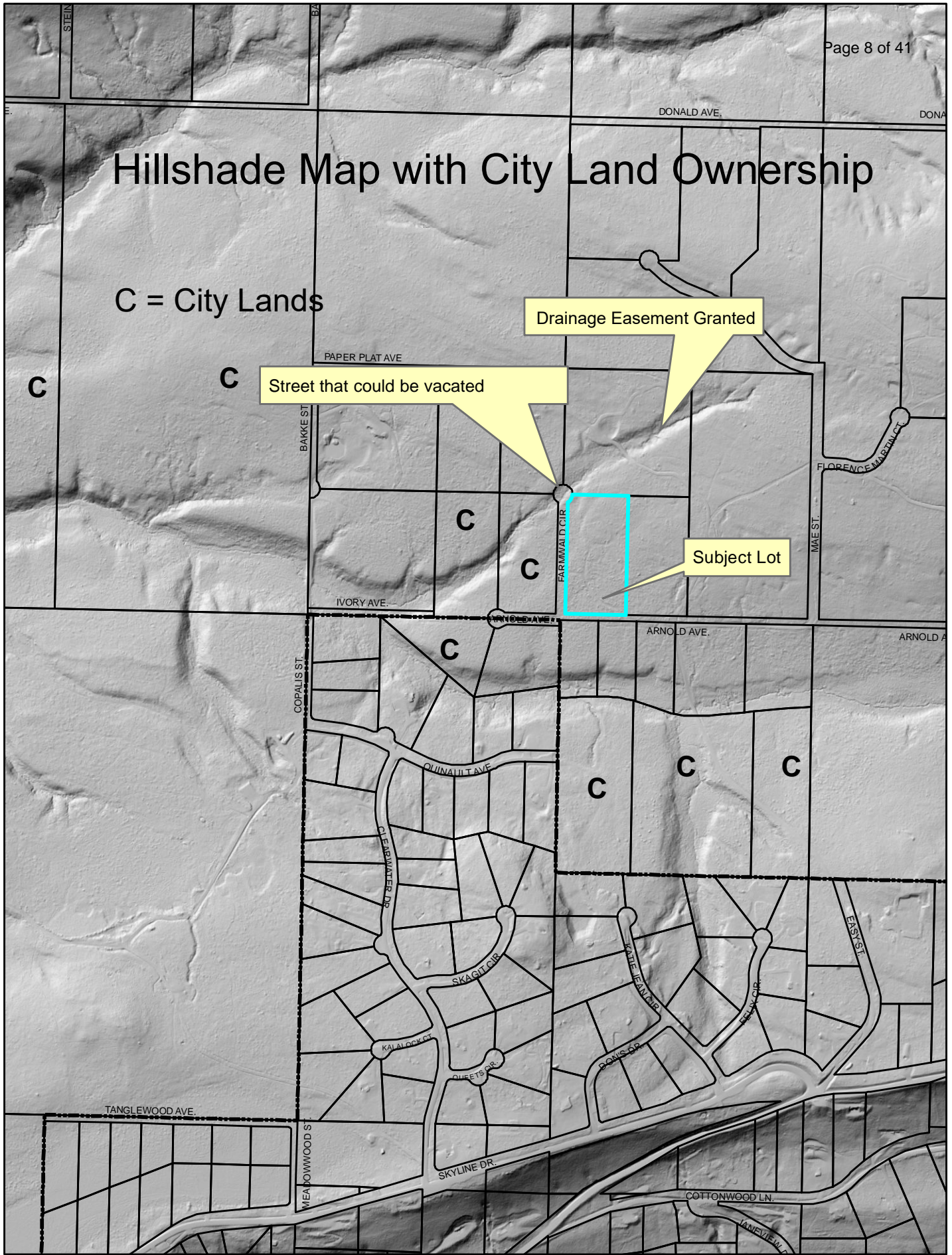
Hillshade Map with City Land Ownership

C = City Lands

Drainage Easement Granted

Street that could be vacated

Subject Lot





Kenai Peninsula Borough

Assessing Department
144 N. Binkley Street
Soldotna AK 99669

General Information

FROMMER MELISSA M 75-5863 KUAKINI HWY APT 332 KAILUA KONA, HI 96740-2138	Property ID	17370005
	Address	40958 FARMWALD CIR
	Document / Book Page	20150038480
	Acreage	4.5300

Owners

Property ID	Display Name	Address
17370005	FROMMER MELISSA M	75-5863 KUAKINI HWY APT 332

Legal Description

Description
T 6S R 13W SEC 4 Seward Meridian HM 0810005 BRIDGE CREEK COOPERATIVE SUB LOT 6

Value History

Year	Reason	Assessed		
		Land	Structures	Total
2022	Main Roll Certification	\$20,200	\$800	\$21,000
2021	Main Roll Certification	\$18,600	\$900	\$19,500
2020	Main Roll Certification	\$18,600	\$900	\$19,500
2019	Main Roll Certification	\$19,200	\$1,000	\$20,200
2018	Main Roll Certification	\$19,200	\$1,000	\$20,200
2017	Main Roll Certification	\$35,500	\$1,100	\$36,600
2016	Main Roll Certification	\$16,400	\$500	\$16,900
2015	Main Roll Certification	\$16,400	\$400	\$16,800
2014	Main Roll Certification	\$16,400	\$400	\$16,800
2013	Main Roll Certification	\$16,400	\$400	\$16,800
2012	Main Roll Certification	\$16,400	\$400	\$16,800
2011	Main Roll Certification	\$17,400	\$500	\$17,900
2010	Main Roll Certification	\$17,400	\$500	\$17,900
2009	Main Roll Certification	\$17,400	\$12,700	\$30,100
2008	Main Roll Certification	\$16,500	\$12,100	\$28,600
2007	Main Roll Certification	\$12,700	\$10,900	\$23,600
2006	Main Roll Certification	\$12,700	\$3,300	\$16,000
2005	Main Roll Certification	\$12,700	\$2,900	\$15,600
2004	Main Roll Certification	\$12,500	\$3,200	\$15,700
2003	Main Roll Certification	\$12,500	\$3,200	\$15,700
2002	Main Roll Certification	\$12,500	\$3,200	\$15,700
2001	Main Roll Certification	\$12,500	\$3,200	\$15,700

R01 - Extension Details	
<p>Address 40958 FARMWALD CIR</p>	<div style="border: 1px solid gray; padding: 5px;"> <p style="color: red; font-size: small;">Scale: 5 ft</p> </div>

Improvements							
Code	Year	Bldg	Length	Width	Units	Unit Type	Value
MACHINE	1982	R01	14.00	12.00	168	SF	800

Land Details					
Primary Use	Land Type	Acres	Eff Frontage	Eff Depth	Asd Value
	Residential Rural/Res T	4.5300	0.00	0.00	\$20,200



Kachemak Bay Title Agency,
Inc.
3733 Ben Walters Lane, Suite
1
Homer, AK 99603
Phone - (907) 235-8196
Fax - (907) 235-2420

COMMITMENT FOR TITLE INSURANCE

TO:

Selling Agent:

Homer Real Estate
601 E. Pioneer Ave, Suite 202
Homer, AK 99603

Attn: Angie Newby
Re: 40958 Farmwald Cir., Homer, AK 99603

FOR QUESTIONS REGARDING THIS COMMITMENT, PLEASE CONTACT:

Kachemak Bay Title Agency, Inc.
3733 Ben Walters Lane, Suite 1
Homer, AK 99603

Closer: Heather Lewis
File No.: 38569
Phone No.: (907) 235-8196
Fax No.: (907) 235-2420
Email: heather@kbaytitle.com

Kachemak Bay Title Agency, Inc.
3733 Ben Walters Lane, Suite 1
Homer, AK 99603

Title Officer: Mary Frengle
File No.: 38569
Phone No.:
Fax No.:
Email: mary@kbaytitle.com

ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)

ISSUED BY
STEWART TITLE GUARANTY COMPANY

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, STEWART TITLE GUARANTY COMPANY, a Texas corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I - Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Countersigned by:



Authorized Countersignature





Frederick H. Eppinger
President and CEO



David Hisey
Secretary

Kachemak Bay Title Agency, Inc.
3733 Ben Walters Lane, Suite 1
Homer, AK 99603
(907) 235-8196

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1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
- i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
- j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.

2. If all of the Schedule B, Part I - Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- a. the Notice;
- b. the Commitment to Issue Policy;
- c. the Commitment Conditions;
- d. Schedule A;
- e. Schedule B, Part I - Requirements;
- f. Schedule B, Part II - Exceptions; and
- g. a countersignature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.

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5. LIMITATIONS OF LIABILITY

- a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I - Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II - Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
- e. The Company is not liable for the content of the Transaction Identification Data, if any.
- f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM

- a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
- c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- d. The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. CLAIMS PROCEDURES

This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.

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10. CLASS ACTION

ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.

11. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

STEWART TITLE GUARANTY COMPANY

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at Stewart Title Guaranty Company, P.O. Box 2029, Houston, Texas 77252-2029.

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**ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)
SCHEDULE A**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

Issuing Agent: Kachemak Bay Title Agency, Inc.
Issuing Office: 3733 Ben Walters Lane, Suite 1, Homer, AK 99603
Issuing Office's ALTA® Registry ID: 020006
Loan ID Number:
Commitment Number: 38569
Issuing Office File Number: 38569
Property Address: 40958 Farmwald Cir., Homer, AK 99603
Revision Number:

1. **Commitment Date:** December 16, 2022 at 8:00 A.M.

2. **Policy to be issued:** **Proposed Amount of Insurance**
(a) 2021 ALTA® Owner's Policy - Standard \$55,000.00
Premium: \$422.00

Proposed Insured: CITY OF HOMER

(b) 2021 ALTA® Loan Policy N/A

Proposed Insured:

3. **The estate or interest in the Land at the Commitment Date is:**

Fee Simple

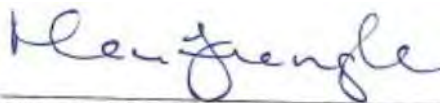
4. **The Title is, at the Commitment Date, vested in:**

Melissa M. Frommer

5. **The Land is described as follows:**

Lot Six (6), BRIDGE CREEK COOPERATIVE SUBDIVISION, according to Plat No. 81-5, in the Homer Recording District, Third Judicial District, State of Alaska.

STEWART TITLE GUARANTY COMPANY



Authorized Countersignature

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ALTA Commitment for Title Insurance Schedule A (07-01-2021)



**ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)
SCHEDULE A**

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STEWART TITLE GUARANTY COMPANY

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ALTA Commitment for Title Insurance Schedule A (07-01-2021)

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**ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)
SCHEDULE B PART I**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Requirements

File No.: 38569

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

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ALTA Commitment For Title Insurance Schedule B I (07-01-2021)

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**ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)
SCHEDULE B PART II**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Exceptions

File No.: 38569

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. Rights or claims of parties in possession not shown by the Public Records.
3. Easements, or claims, of easement, not shown by the Public Records.
4. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the Land.
5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
6. Taxes or special assessments which are not shown as existing liens by the Public Records.
7. (a) Unpatented mining claims; (b) Reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
8. Rights of the state or federal government and/or public in and to any portion of the land for right of way as established by federal statute RS 2477 (whether or not such rights are shown by recordings of easements and/or maps in the public records by the State of Alaska showing the general location of these rights of way).
9. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
10. RESERVATIONS and exceptions as contained in U.S. Patent, and/or acts authorizing the issuance thereof.
11. **DELINQUENT TAXES DUE** the taxing authority noted below for the year and amount indicated :
Taxing Authority: KENAI PENINSULA BOROUGH
Year: 2022
Original Amount: \$247.80 DELINQUENT, PLUS PENALTY AND INTEREST THEREON

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AK ALTA Commitment For Title Insurance Schedule B II (07-01-2021)

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**ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)
SCHEDULE B PART II**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Exceptions

NOTE: For current payoff information, contact the Kenai Peninsula Borough at (907) 262-4441. Refer to Tax Account No. 173-700-05.

12. **EASEMENTS, SET-BACKS AND DEDICATIONS** as delineated on Plat No. 81-5.
13. **EFFECT** of the notes on said Plat No. 81-5.
14. **SUBJECT TO A ROAD RESERVATION** of 33 feet along each side of the section line as created by 43 U.S.C. 932.
15. **EASEMENT** for water course over that portion of the premises which lies within the lines of the herein named creek and to any changes in the boundary lines of said creek, as it now exists, by natural causes:
Creek: Bridge Creek
16. **EASEMENT** for electric lines or system and/or telephone lines together with right to enter, maintain, repair and clear shrubbery:
Recorded: August 13, 1963
Volume/Page: 30/34
Granted To: Homer Electric Association, Inc.
Affects: General Easement, no definite location disclosed
17. **RESERVATION** of oil, gas and mineral rights constructive notice of which is given by recital in deed:
Recorded: July 21, 1975
Volume/Page: 82/438

FURTHER, no other examination of the excepted title to minerals has been made herein and no insurance nor responsibility therefore is implied or assumed.

18. **DEED OF TRUST**, including terms and provisions thereof, to secure an indebtedness of the amount herein stated and for any other amounts payable under the terms thereof:
Amount: \$29,000.00
Dated: December 18, 2015
Recorded: December 23, 2015
Serial No.: 2015-003849-0
Trustor: Melissa M. Frommer
Trustee: First American Title
Beneficiary: Steven Dennis Whiting

THE AMOUNT NOW SECURED by said Deed of Trust and the terms upon which the same can be discharged or assumed should be ascertained from the holder of the indebtedness secured.

19. **PROPER SHOWING** of the authorization for the proposed transaction by the herein named party according to its operating agreement, constitution, charter, discipline or by-laws, including authorization for the party or parties acting on its behalf:
Party: The City of Homer

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File No. 38569

AK ALTA Commitment For Title Insurance Schedule B II (07-01-2021)



**ALTA COMMITMENT FOR TITLE INSURANCE (07-01-2021)
SCHEDULE B PART II**

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Exceptions

PROPOSED INSURED: City of Homer, and we find no unsatisfied judgments or tax liens against the above named in the Homer Recording District.

2022 Assessed Values as follows for:
Land: \$20,200.00
Improvements: \$800.00
Total: \$21,000.00
TCU #: 81

NOTE: These values are being provided as a courtesy for informational purposes only and will not be finalized or certified by the Assessor's office until June 1 of current year.

NOTE: IN THE EVENT THIS TRANSACTION FAILS TO CLOSE, a cancellation fee of \$263.00 will be charged in accordance with our rate schedule, due and payable within 30 days.

NOTE: Investigation should be made to determine if there are any service, installation, maintenance or construction charges for sewer, water or electricity.

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AK ALTA Commitment For Title Insurance Schedule B II (07-01-2021)

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STG Privacy Notice Stewart Title Companies

WHAT DO THE STEWART TITLE COMPANIES DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of the Stewart Title Guaranty Company and its title affiliates (the Stewart Title Companies), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Stewart Title Companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information.	Do we share	Can you limit this sharing?
For our everyday business purposes — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
For our marketing purposes — to offer our products and services to you.	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies. <i>Our affiliates may include companies with a Stewart name; financial companies, such as Stewart Title Company</i>	Yes	No
For our affiliates' everyday business purposes — information about your creditworthiness.	No	We don't share
For our affiliates to market to you — For your convenience, Stewart has developed a means for you to opt out from its affiliates marketing even though such mechanism is not legally required.	Yes	Yes, send your first and last name, the email address used in your transaction, your Stewart file number and the Stewart office location that is handling your transaction by email to optout@stewart.com or fax to 1-800-335-9591.
For non-affiliates to market to you. Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

SHARING PRACTICES

How often do the Stewart Title Companies notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How do the Stewart Title Companies protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer, file, and building safeguards.
How do the Stewart Title Companies collect my personal information?	We collect your personal information, for example, when you <ul style="list-style-type: none"> ▪ request insurance-related services ▪ provide such information to us We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

Contact us: If you have any questions about this privacy notice, please contact us at: Stewart Title Guaranty Company, 1360 Post Oak Blvd., Ste. 100, Privacy Officer, Houston, Texas 77056

Privacy Notice for California Residents

Pursuant to the California Consumer Privacy Act of 2018 ("CCPA"), Stewart Information Services Corporation and its subsidiary companies (collectively, "Stewart") are providing this **Privacy Notice for California Residents** ("CCPA Notice"). This CCPA Notice supplements the information contained in Stewart's existing privacy notice and applies solely to all visitors, users and others who reside in the State of California or are considered California Residents ("consumers" or "you"). Terms used but not defined shall have the meaning ascribed to them in the CCPA.

Information Stewart Collects

Stewart collects information that identifies, relates to, describes, references, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer, household, or device. Most of the information that Stewart collects in the course of its regular business is already protected pursuant to the Gramm-Leach-Bliley Act (GLBA). Additionally, much of this information comes from government records or other information already in the public domain. Personal information under the CCPA does not include:

- Publicly available information from government records.
- Deidentified or aggregated consumer information.
- Certain personal information protected by other sector-specific federal or California laws, including but not limited to the Fair Credit Reporting Act (FCRA), GLBA and California Financial Information Privacy Act (FIPA).

Specifically, Stewart has collected the following categories of personal information from consumers within the last twelve (12) months:

Category	Examples	Collected?
A. Identifiers.	A real name, alias, postal address, unique personal identifier, online identifier, Internet Protocol address, email address, account name, Social Security number, driver's license number, passport number, or other similar identifiers.	YES
B. Personal information categories listed in the California Customer Records statute (Cal. Civ. Code § 1798.80(e)).	A name, signature, Social Security number, physical characteristics or description, address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, or health insurance information. Some personal information included in this category may overlap with other categories.	YES
C. Protected classification characteristics under California or federal law.	Age (40 years or older), race, color, ancestry, national origin, citizenship, religion or creed, marital status, medical condition, physical or mental disability, sex (including gender, gender identity, gender expression, pregnancy or childbirth and related medical conditions), sexual orientation, veteran or military status, genetic information (including familial genetic information).	YES
D. Commercial information.	Records of personal property, products or services purchased, obtained, or considered, or other purchasing or consuming histories or tendencies.	YES
E. Biometric information.	Genetic, physiological, behavioral, and biological characteristics, or activity patterns used to extract a template or other identifier or identifying information, such as, fingerprints, faceprints, and voiceprints, iris or retina scans, keystroke, gait, or other physical patterns, and sleep, health, or exercise data.	YES
F. Internet or other similar network activity.	Browsing history, search history, information on a consumer's interaction with a website, application, or advertisement.	YES
G. Geolocation data.	Physical location or movements.	YES
H. Sensory data.	Audio, electronic, visual, thermal, olfactory, or similar information.	YES
I. Professional or employment-related information.	Current or past job history or performance evaluations.	YES
J. Non-public education information (per the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g, 34 C.F.R. Part 99)).	Education records directly related to a student maintained by an educational institution or party acting on its behalf, such as grades, transcripts, class lists, student schedules, student identification codes, student financial information, or student disciplinary records.	YES
K. Inferences drawn from other personal information.	Profile reflecting a person's preferences, characteristics, psychological trends, predispositions, behavior, attitudes, intelligence, abilities, and aptitudes.	YES

Stewart obtains the categories of personal information listed above from the following categories of sources:

- Directly and indirectly from customers, their designees or their agents (For example, realtors, lenders, attorneys, etc.)
- Directly and indirectly from activity on Stewart's website or other applications.
- From third-parties that interact with Stewart in connection with the services we provide.

Use of Personal Information

Stewart may use or disclose the personal information we collect for one or more of the following purposes:

- To fulfill or meet the reason for which the information is provided.
- To provide, support, personalize, and develop our website, products, and services.
- To create, maintain, customize, and secure your account with Stewart.
- To process your requests, purchases, transactions, and payments and prevent transactional fraud.
- To prevent and/or process claims.
- To assist third party vendors/service providers who complete transactions or perform services on Stewart's behalf.
- As necessary or appropriate to protect the rights, property or safety of Stewart, our customers or others.
- To provide you with support and to respond to your inquiries, including to investigate and address your concerns and monitor and improve our responses.
- To personalize your website experience and to deliver content and product and service offerings relevant to your interests, including targeted offers and ads through our website, third-party sites, and via email or text message (with your consent, where required by law).
- To help maintain the safety, security, and integrity of our website, products and services, databases and other technology assets, and business.
- To respond to law enforcement or regulator requests as required by applicable law, court order, or governmental regulations.
- Auditing for compliance with federal and state laws, rules and regulations.
- Performing services including maintaining or servicing accounts, providing customer service, processing or fulfilling orders and transactions, verifying customer information, processing payments, providing advertising or marketing services or other similar services.
- To evaluate or conduct a merger, divestiture, restructuring, reorganization, dissolution, or other sale or transfer of some or all of our assets, whether as a going concern or as part of bankruptcy, liquidation, or similar proceeding, in which personal information held by us is among the assets transferred.

Stewart will not collect additional categories of personal information or use the personal information we collected for materially different, unrelated, or incompatible purposes without providing you notice.

Disclosure of Personal Information to Affiliated Companies and Nonaffiliated Third Parties

Stewart does not sell your personal information to nonaffiliated third parties. Stewart may share your information with those you have designated as your agent in the course of your transaction (for example, a realtor or a lender). Stewart may disclose your personal information to a third party for a business purpose. Typically, when we disclose personal information for a business purpose, we enter a contract that describes the purpose and requires the recipient to both keep that personal information confidential and not use it for any purpose except performing the contract.

We share your personal information with the following categories of third parties:

- Service providers and vendors (For example, search companies, mobile notaries, and companies providing credit/debit card processing, billing, shipping, repair, customer service, auditing, marketing, etc.)
- Affiliated Companies
- Litigation parties and attorneys, as required by law.
- Financial rating organizations, rating bureaus and trade associations.
- Federal and State Regulators, law enforcement and other government entities

In the preceding twelve (12) months, Stewart has disclosed the following categories of personal information for a business purpose:

- Category A: Identifiers
- Category B: California Customer Records personal information categories
- Category C: Protected classification characteristics under California or federal law
- Category D: Commercial Information
- Category E: Biometric Information
- Category F: Internet or other similar network activity
- Category G: Geolocation data
- Category H: Sensory data
- Category I: Professional or employment-related information
- Category J: Non-public education information
- Category K: Inferences

Consumer Rights and Choices

The CCPA provides consumers (California residents) with specific rights regarding their personal information. This section describes your CCPA rights and explains how to exercise those rights.

Access to Specific Information and Data Portability Rights

You have the right to request that Stewart disclose certain information to you about our collection and use of your personal information over the past 12 months. Once we receive and confirm your verifiable consumer request, Stewart will disclose to you: Page 25 of 41

- The categories of personal information Stewart collected about you.
- The categories of sources for the personal information Stewart collected about you.
- Stewart's business or commercial purpose for collecting that personal information.
- The categories of third parties with whom Stewart shares that personal information.
- The specific pieces of personal information Stewart collected about you (also called a data portability request).
- If Stewart disclosed your personal data for a business purpose, a listing identifying the personal information categories that each category of recipient obtained.

Deletion Request Rights

You have the right to request that Stewart delete any of your personal information we collected from you and retained, subject to certain exceptions. Once we receive and confirm your verifiable consumer request, Stewart will delete (and direct our service providers to delete) your personal information from our records, unless an exception applies.

Stewart may deny your deletion request if retaining the information is necessary for us or our service providers to:

1. Complete the transaction for which we collected the personal information, provide a good or service that you requested, take actions reasonably anticipated within the context of our ongoing business relationship with you, or otherwise perform our contract with you
2. Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for such activities.
3. Debug products to identify and repair errors that impair existing intended functionality.
4. Exercise free speech, ensure the right of another consumer to exercise their free speech rights, or exercise another right provided for by law.
5. Comply with the California Electronic Communications Privacy Act (Cal. Penal Code § 1546 *seq.*).
6. Engage in public or peer-reviewed scientific, historical, or statistical research in the public interest that adheres to all other applicable ethics and privacy laws, when the information's deletion may likely render impossible or seriously impair the research's achievement, if you previously provided informed consent.
7. Enable solely internal uses that are reasonably aligned with consumer expectations based on your relationship with us.
8. Comply with a legal obligation.
9. Make other internal and lawful uses of that information that are compatible with the context in which you provided it.

Exercising Access, Data Portability, and Deletion Rights

To exercise the access, data portability, and deletion rights described above, please submit a verifiable consumer request to us either:

- Calling us Toll Free at 1-866-571-9270
- Emailing us at Privacyrequest@stewart.com
- Visiting <http://stewart.com/ccpa>

Only you, or someone legally authorized to act on your behalf, may make a verifiable consumer request related to your personal information. You may also make a verifiable consumer request on behalf of your minor child.

To designate an authorized agent, please contact Stewart through one of the methods mentioned above.

You may only make a verifiable consumer request for access or data portability twice within a 12-month period. The verifiable consumer request must:

- Provide sufficient information that allows us to reasonably verify you are the person about whom we collected personal information or an authorized representative.
- Describe your request with sufficient detail that allows us to properly understand, evaluate, and respond to it.

Stewart cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

Making a verifiable consumer request does not require you to create an account with Stewart.

Response Timing and Format

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to an additional 45 days), we will inform you of the reason and extension period in writing.

A written response will be delivered by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

Stewart does not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

Non-Discrimination

Stewart will not discriminate against you for exercising any of your CCPA rights. Unless permitted by the CCPA, we will not:

- Deny you goods or services.
- Charge you a different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

Changes to Our Privacy Notice

Stewart reserves the right to amend this privacy notice at our discretion and at any time. When we make changes to this privacy notice, we will post the updated notice on Stewart's website and update the notice's effective date. **Your continued use of Stewart's website following the posting of changes constitutes your acceptance of such changes.**

Contact Information

If you have questions or comments about this notice, the ways in which Stewart collects and uses your information described here, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: Toll Free at 1-866-571-9270

Website: <http://stewart.com/ccpa>

Email: Privacyrequest@stewart.com

Postal Address: Stewart Information Services Corporation
Attn: Mary Thomas, Deputy Chief Compliance Officer
1360 Post Oak Blvd., Ste. 100, MC #14-1
Houston, TX 77056

STG Privacy Notice 2 (Rev 01/26/09) Independent Agencies and Unaffiliated Escrow Agents

WHAT DO/DOES THE Kachemak Bay Title Agency, Inc. DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of Kachemak Bay Title Agency, Inc., and its affiliates (" N/A "), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as Kachemak Bay Title Agency, Inc., need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information	Do we share?	Can you limit this sharing?
For our everyday business purposes — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
For our marketing purposes — to offer our products and services to you.	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies.	Yes	No
For our affiliates' everyday business purposes — information about your creditworthiness.	No	We don't share
For our affiliates to market to you	Yes	No
For non-affiliates to market to you. Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

Sharing practices

How often do/does Kachemak Bay Title Agency, Inc. notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How do/does Kachemak Bay Title Agency, Inc. protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal and state law. These measures include computer, file, and building safeguards.
How do/does Kachemak Bay Title Agency, Inc. collect my personal information?	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> • request insurance-related services • provide such information to us <p>We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.</p>
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

Contact Us

If you have any questions about this privacy notice, please contact us at: Kachemak Bay Title Agency, Inc., 3733 Ben Walters Lane, Suite 1, Homer, AK 99603



File for Record at Request of:
First American Title Insurance Company

AFTER RECORDING MAIL TO:

Name: Melissa M. Frommer

Address: 75-5863 Kuakini Hwy Apt. 332
Kailua Kona, HI 96740-2138

File No.: 0222-2572225 (CL)

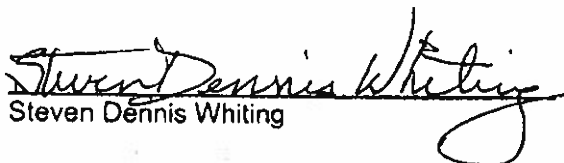
STATUTORY WARRANTY DEED

THE GRANTOR, **Steven Dennis Whiting**, whose mailing address is **3705 Arctic Blvd, Anchorage, AK 99503-5774**, for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**, in hand paid, conveys and warrants to **Melissa M. Frommer**, residing at **75-5863 Kuakini Hwy Apt. 332, Kailua Kona, HI 96740-2138**, the following described real estate, situated in the **HOMER** Recording District, **THIRD** Judicial District, State of **Alaska**:

Lot 6, BRIDGE CREEK COOPERATIVE SUBDIVISION, according to the official plat thereof, filed under Plat Number 81-5, Records of the HOMER Recording District, THIRD Judicial District, State of Alaska.

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

Dated: December 23, 2015.


Steven Dennis Whiting

0222-2572225 (CL)

Statutory Warranty Deed-continued

December 18, 2015

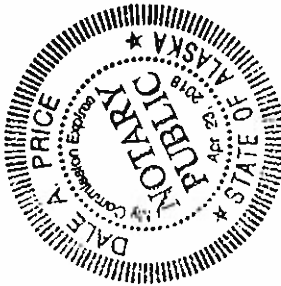
STATE OF Alaska)
) SS.
 Third Judicial District)

THIS IS TO CERTIFY that on this 22 day of December, 2015, before me the undersigned Notary Public, personally appeared **Steven Dennis Whiting**, known to me and to me known to be the individual(s) described in and who executed the foregoing instrument and he/she/they acknowledged to me that he/she/they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal.



Notary Public in and for Alaska
 My commission expires 4/23/2018





File for Record at Request of:

First American Title Insurance Company

AFTER RECORDING MAIL TO:

Name: First National Bank Alaska

Address: PO Box 100720

Homer, AK 99603

File No.: **0222-2572225 (CL)**

DEED OF TRUST

THIS DEED OF TRUST, made this **Eighteenth day of December, 2015**, between **Melissa M. Frommer**, herein called "Trustor", whose mailing address is **75-5863 Kuakini Hwy Apt. 332, Kailua Kona, HI 96740-2138**; **First American Title**, herein called "Trustee"; and **Steven Dennis Whiting**, herein called "Beneficiary", whose mailing address is **3705 Arctic Blvd, Anchorage, AK 99503-5774**.

WITNESSETH: That Trustor grants, bargains, sells and conveys to Trustee in trust with power of sale, that property in the **HOMER** Recording District, **Third** Judicial District, State of Alaska:

Lot 6, BRIDGE CREEK COOPERATIVE SUBDIVISION, according to the official plat thereof, filed under Plat Number 81-5, Records of the HOMER Recording District, THIRD Judicial District, State of Alaska.

For the purpose of securing:

1. Performance of each agreement of Trustor herein contained.
2. Payment of the indebtedness evidenced by one Promissory Note of even date herewith, in the Principal sum of **\$29,000.00** payable to Beneficiary or order and all extensions, renewals or replacements of said Note, which if not sooner paid, is due and payable in full on or before the **Twenty-fourth day of December, 2020**.

Trustor agrees:

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Deed of Trust-continued

December 18, 2015

1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefore; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to maintain in an orderly manner, paint, repair, keep free of freezing and do all other acts which from the character of use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.
2. To provide, maintain and deliver to Beneficiary fire and extended coverage insurance policies with loss payable to Beneficiary in an amount not less than full insurable value. All insurance shall be carried in companies approved by Beneficiary, shall be for such period of time as shall be acceptable to Beneficiary, with loss payable clauses (without contribution) in favor or, and in form satisfactory to Beneficiary and shall provide that it may not be canceled without thirty (30) days prior notice to Beneficiary. To deliver all insurance policies to Beneficiary, which delivery shall constitute an assignment to Beneficiary of all return premiums. In the event of foreclosure of this Deed of Trust or other transfer of title of said property in extinguishments of some or all of the obligations secured by the Deed of Trust, all interest of Trustor in any insurance policies in force shall pass to the purchaser or the Trustee. To pay to Beneficiary as Beneficiary may require a reasonable fee to cover costs of substituting policies in the event Trustor replaces any policy prior to its expiration. Trustor will reimburse Beneficiary for any premiums paid for such insurance by Beneficiary upon Trustor's default in so insuring the buildings or other improvements or default in assigning and delivering such insurance policies to Beneficiary so endorsed. The amount applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Trustor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.
3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including costs of evidence of title and attorneys' fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear, and in any suit brought by Beneficiary to foreclose this Deed of Trust.
4. To pay in full at least thirty (30) days before delinquent all rents, taxes, assessments and encumbrances, charges or liens with interest, that may now or thereafter be levied, assessed or claimed upon said property or any part thereof, which at any time appear to be prior or superior hereto for which provision has not been made heretofore, and upon request to exhibit to Beneficiary official receipts therefore, and to pay all taxes imposed upon, reasonable costs, fees

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Deed of Trust-continued

December 18, 2015

and expenses of this Trust. To the extent that reserves are available from those accumulated under paragraph 2 above, Trustor shall have the benefit of said reserves for the purpose of paying said taxes or assessments.

5. To repay immediately after written notice to Trustor all sums expended or advanced hereunder by or on behalf of Beneficiary or Trustee, with interest from the date of such expenditure or advance at the rate of interest provided for in the Promissory Note secured by this Deed of Trust until paid, and repayment thereof shall be secured by this Deed of Trust. Failure to repay such expenditure or advance and interest thereon within ten (10) days of the mailing of such notice will, at Beneficiary's option, constitute an event of default hereunder, or, Beneficiary may, at its option commence an action against Trustor for the recovery of such expenditure or advance and interest thereon, and in such event Trustor agrees to pay, in addition to the amount of such expenditure or advance, all costs and expenses incurred in such action, together with a reasonable attorneys' fee.

6. Should Trustor fail to make any payment or do any act as herein provided, the Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Trustor and without releasing Trustor from any obligation hereof, may make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof. Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or power of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such power, pay necessary expenses, employ counsel and pay his reasonable fees.

7. Should said property or any part or appurtenance thereof or right or interest therein be taken or damaged by reason of any public or private improvement, condemnation proceeding (including change of grade), fire, earthquake or other casualty, or in any other manner, Beneficiary may, at its option, commence, appear in and prosecute, in its own name, any action or proceeding, or make any compromise or settlement, in connection with such taking or damage, and obtain all compensation, awards or other relief therefore. All such compensation, awards, damages, rights of action and proceeds, including the proceeds of any policies of insurance affecting said property, are hereby assigned to Beneficiary, which may, after deducting therefrom all its expenses, including attorneys' fees, release any monies so received by it, or apply the same on any obligations secured by this Deed of Trust or apply the same to the repair or restoration of said property, as it may elect. Trustor further assigns to Beneficiary any return premiums or other repayments upon any insurance at any time provided for the benefit of Beneficiary, refunds or rebates made of taxes or assessments on said property, and Beneficiary may at any time collect said return premiums, repayments, refunds, rebates, etc., notwithstanding that no sum secured by this Deed of Trust be overdue when such right to collection be asserted. Trustor also agrees to execute such further assignments of any such

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Deed of Trust-continued

December 18, 2015

compensation award, damages, rebates, return of premiums, repayments, rights of action and proceeds as Beneficiary or Trustee may require.

8. Time is of the essence hereof in connection with all obligation of the Trustor under this Deed of Trust and the Promissory Note secured hereby. By accepting payment of any obligation secured by the Deed of Trust after its due date, Beneficiary does not waive its right either to require prompt payment when due of all other obligations so secured or to declare default for failure so to pay.

9. Trustee may, at any time upon written request of Beneficiary, and upon payment of its fees and presentation of this Deed of Trust and the Promissory note secured hereby for endorsement in case of full reconveyance, for cancellation and retention, without affecting the liability of any person for the payment of any obligations secured by this Deed of Trust: (a) consent to the making of any map or plat of the property; (b) join in granting any easement or creating any restriction thereof; (c) join any subordination or other agreement affecting this Deed of Trust or the lien or charge thereof; (d) reconvey, without warranty, all or any part of the property. The Trustee in any reconveyance may be described as the "person or persons legally entitled thereto," and the recitals therein of any matters or facts shall be conclusive proof of the truthfulness thereof. Trustor agrees to pay a reasonable Trustee's fee for full or partial reconveyance, together with a recording fee if Trustee, at its option, elects to record said reconveyance.

10. In case of a sale under this Deed of Trust, the said property, real, personal and mixed, may be sold in one parcel or in separate parcels and in such order as Trustee shall determine.

11. The holder of this Deed of Trust, in any action to foreclose it, shall be entitled (without notice and without regard to the adequacy of any security for said debt) to the appointment of a receiver of the rents, issues and profits of said property and such receiver shall have, in addition to all the rights and powers customarily given to and exercised by such receiver, all the rights and powers granted to Beneficiary by the covenants contained in paragraph 13 hereof.

12. As additional security for the payment of all obligations secured by this Deed of Trust, all Trustor's rents, issues and profits of said property and the right, title and interest of the Trustor in and under all leases now or hereafter affecting said property, are hereby assigned and transferred to Beneficiary, and Trustor hereby gives to and confers upon Beneficiary the right, power and authority, during the continuance of these Trusts, to collect and receive the rents, issues and profits of said property, reserving unto Trustor the right, prior to the occurrence of an event of Default under this Deed of Trust to collect and receive such rents, issues and profits of Trustor receivable from or in respect to said property which it shall be permitted to collect hereunder shall be received by it in trust to pay the usual and reasonable operating expenses of, and the taxes upon, said property and the sums owing to Beneficiary as they may become due

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Deed of Trust-continued

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and payable as provided in this Deed of Trust or in the Promissory Note secured hereby or in any modification of either.

13. Upon the occurrence of any event of default under this Deed of Trust, Beneficiary may, at its option, without demand or notice and at any time, either in person, by agent, or by a receiver to be appointed by a court, and without regard for the adequacy of any security for the obligation secured by this Deed of Trust, enter upon and take possession of said property, or any part thereof, and let said property, or any part thereof, making therefore such alterations as it finds necessary, in its own name sue for or otherwise collect such rents, issues and profits including those past due and unpaid and apply the same, less costs and expenses of operation and collection, including reasonable attorneys' fees, upon any obligations secured by this Deed of Trust in such order as Beneficiary may determine, and terminate in any lawful manner and tenancy or occupancy of said property, or any part thereof, exercising with respect thereto any right or option available to Trustor. From and after the occurrence of an event of default under this Deed of Trust, if any owner of said property shall occupy said property, or any part thereof, such owner shall pay to Beneficiary in advance on the first day of each month a reasonable rental for the space so occupied, and upon failure to do so Beneficiary shall have the right to remove such owner from said property, or any part thereof, by any appropriate action or proceeding.

14. The entering upon and taking possession of said property, the collection of such rents, issues, and profits, or the proceeds of fire and other insurance policies or compensation or awards for any taking or damage of said property, and the application or release thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

15. All obligations secured by this Deed of Trust shall become immediately due and payable, at the option of Beneficiary, without demand or notice, after any of the following occur, each of which shall be an event of default: (a) Default by Trustor in the payment of any obligation secured by this Deed of Trust or in the performance or observance of any agreement contained herein; or (b) Any assignment made by Trustor or the then owner of said property for the benefit of creditors; or (c) Any of the following shall occur, with respect to said property, Trustor or the then owner of said property: (i) the appointment of a receiver, liquidator, or trustee who is not discharged within thirty (30) days after such appointment (ii) the adjudication as a bankrupt or insolvent; (iii) the filing of any Petition for Bankruptcy, reorganization or arrangement under the Bankruptcy Act which is not dismissed within thirty (30) days of such filing; (iv) the institution of any proceeding for dissolution or liquidation which is not dismissed or abandoned within thirty (30) days of such institution; (v) if Trustor be unable, or admit in writing an inability, to pay its debts as they mature; (vi) a default in any provision of any other instrument which may be held by Beneficiary as security for said note, the terms and conditions of which are incorporated herein by reference as though fully set forth herein. No waiver by



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Deed of Trust-continued

December 18, 2015

Beneficiary of any default on the part of Trustor shall be construed as a waiver of any subsequent default hereunder.

In the event of such default Beneficiary may, at its option, execute or cause Trustee to execute a written notice of such default and of its election to cause said property to be sold to satisfy the obligations secured by this Deed of Trust, and shall cause such notice to be recorded in the office of the recorder of each recording district in which said property or some part thereof is situated. Notice of sale having been given as then required by law and not less than the time then required by law having elapsed after recordation of such notice of default, Trustee, without demand or notice, shall sell said property in accordance with the laws of the State of Alaska (A.S. 34.20.070-.135 as now enacted, or hereafter amended), and the uniform commercial Code of the State of Alaska where applicable, at the time and place of sale fixed by it in such notice of sale, at public auction to the highest and best bidder for cash in lawful money of the United States, payable at time of sale. In the event no time period is provided by law for such notice, then Beneficiary shall cause notice of sale to be given thirty (30) days prior to said sale. Trustee may postpone sale of all or any portion of said property by public announcement at such time and place of sale, and from time to time thereafter may postpone such sale by public announcement at the time fixed by the preceding postponement. Any person except Trustee, but including Trustor or Beneficiary, may bid at such sale. Trustee shall deliver to the purchaser at such sale its deed without any covenant or warranty expressed or implied, which deed shall convey to such purchaser the interest in the property which Trustor had or had the power to convey at the time of its execution of this Deed of Trust, and such as it may have acquired thereafter. The recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Trustee shall apply the proceeds of sale as follows: (1) To the expenses of sale, including all costs, fees and expenses of Trustee and of this trust, cost of evidence of title, and reasonable attorneys' fees in connection with such sale; (2) To the obligations secured by this Deed of Trust; and (3) The surplus, if any, to the person or persons legally entitled thereto pursuant to such Deeds of Trust Act. The Power of Sale conferred by this Deed of Trust and by such Deeds of Trust Act is not an exclusive remedy, and when not exercised, Beneficiary may foreclose this Deed of Trust as a mortgage.

16. If from any circumstances whatever fulfillment of any provision of this Deed of Trust or the note secured by this Deed of Trust at the time performance of such provisions shall be due shall constitute usury, then the obligation to be fulfilled shall be reduced so as not to constitute usury, so that in no event shall any exaction be possible under this Deed of Trust or under Promissory Note secured hereby that would constitute usury, but such obligation shall be fulfilled to the maximum lawful extent. The provisions of this paragraph shall control every other provision of this Deed of Trust and said Note.



0222-2572225 (CL)

Deed of Trust-continued

December 18, 2015

17. In the event that this Deed of Trust is foreclosed as a mortgage and said property sold at a foreclosure sale, the purchaser may, during any redemption period be allowed, make such repairs or alterations on said property as may be reasonably necessary for the proper operation, care, preservation, protection and insuring thereof. Any sums so paid together with interest thereon from the time of such expenditure at the rate of interest provided for in the amount required to be paid for redemption from such sale.

18. Trustor agrees that in the event default occurs and reinstatement is claimed by Trustor under the provisions of any law permitting reinstatement upon payment of all sums then due, Beneficiary shall designate an attorney or other professional help for the assistance of the Trustee and the cost and fees of any such attorney or professional help together with all other expenses incurred as a result of the default and foreclosure proceedings, shall be deemed Trustee's costs and shall be paid by the Trustor directly to the Beneficiary as a condition precedent to the reinstatement.

19. This Deed of Trust applies to, insures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the holder and owner, including pledgee of the Promissory Note secured by this Deed of Trust, whether or not named as a beneficiary herein, or, if said Note has been pledged, the pledgee thereof. In this Deed of Trust, whenever the context so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

20. Trustee accepts this Trust when this Deed of Trust, duly executed and acknowledged, is made a public record as provided by law. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Trustor, Beneficiary or Trustee shall be a party unless brought by Trustee.

21. Beneficiary may, from time to time, as provided by statute, appoint another Trustee in place and stead of Trustee herein named, and thereupon, the Trustee herein named shall be discharged and Trustee so appointed shall be substituted as Trustee hereunder with the same effect as if originally named Trustee herein.

22. If two or more persons be designated as Trustee herein, any or all powers granted herein to Trustee may be exercised by any one of such persons, if the other person or persons is unable, for any reason, to act, and any recital of such inability in any instrument executed by any of such persons shall be conclusive against Trustor, his heirs and assigns.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.



0222-2572225 (CL)

Deed of Trust-continued

December 18, 2015

In the event the property described herein, or any interest therein, is sold or otherwise transferred without the Beneficiary's prior written consent, then all sums secured by this Deed of Trust shall become immediately due and payable at the option of the Beneficiary.

Dated: 12-19-15, 20 15.

Melissa Frommer
Melissa M. Frommer



STATE OF)
) ss.
)

THIS IS TO CERTIFY that on this 19th day of **December, 2015**, before me the undersigned Notary Public, personally appeared **Melissa M. Frommer**, known to me and to me known to be the individual(s) described in and who executed the foregoing instrument and he/she/they acknowledged to me that he/she/they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

Agnes Montesa
Notary Public in and for Hawaii
My commission expires 6/24/19

NOTARY CERTIFICATION

Doc. Description: Deed of Trust

Doc. Date: 12/19/15 # of Pages: 8 Third Circuit

Agnes Montesa
Agnes Montesa 12/19/15
Signature Date



30673
K-10601

BOOK 82 PAGE 435
Homer Recording District

STATUTORY WARRANTY DEED

The Grantors, GLEN DILLARD and CARMEN DILLARD, husband and wife, for and in consideration of TEN (\$10.00) DOLLARS and other valuable considerations to them in hand paid, GRANT, CONVEY and WARRANT to WILLIAM H. RUDOLPH, KURT W. STENEHJEM, PETER M. KAUFMANN, WENDY C. ERD, and JAY A. FARMWALD, all single persons, (see below for interests) all that certain real property situate in the Homer Recording District, Third Judicial District, State of Alaska, more particularly described as follows, to-wit:

The South one-half of the Southwest one-quarter, (S 1/2, SW 1/4) Section 4, Township 6 South, Range 13 West, Seward Meridian, in the Homer Recording District, Third Judicial District, State of Alaska.

Subject to all easements, reservations and restrictions contained in patent or otherwise of record.

Grantors RESERVE, however, a one-half (1/2) interest in all gas and mineral rights.

DATED this 19th day of May, 1975.

William H. Rudolph, as to 5/16ths interest; Glen Dillard
Peter M. Kaufmann and Wendy C. Erd, as to 5/16ths interest; Kurt W. Stenehjem, Glen Dillard
as to 4/16ths interest; and Jay A. Carmen Dillard
Farmwald, as to 2/16ths interest. Carmen Dillard

STATE OF ~~OREGON~~)
COUNTY OF Chas Harbor) ss.

THIS IS TO CERTIFY that on this 19 day of May, 1975, before me, the undersigned Notary Public, personally appeared Glen Dillard and Carmen Dillard, to me known to be the individuals described in and who executed the foregoing instrument; and acknowledged to me that they signed the same freely and voluntarily for the uses and purposes therein set forth.

WITNESS my hand and official seal.

Robt W Johnson
Notary Public in and for Washington
My commission expires: Dec. 24, 1976

75-001423
8-ly

RECORDED
HOMER RECORDING
DISTRICT

JUL 21 10 50 AM '75

REQUESTED BY atg
ADDRESS Kenda



LAW OFFICES OF
EDGAR PAUL BOYKO
AND ASSOCIATES
309 G STREET
ANCHORAGE AK 99501
TELEPHONE 272-3484

Return to:
Security Title & Trust
1000 10th Ave
Anchorage, Alaska 99501
272-4721

D11B

HOMER

BOOK 30 PAGE 94
Homer Recording District

Serial No. 68-735

RIGHT-OF-WAY AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, (whether one or more)

(unmarried) (husband and wife) for a good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant unto the HCV R.E.L. PICO ASSOCIATION, INC., a corporation, whose postoffice address is Homer Alaska, and to its successors or assigns, the right to enter upon the lands of the undersigned, situated in the Third Judicial District, Territory of Alaska, and more particularly described as follows:

SW 1/4
of section 4, Township 65S, Range 131W of the Second Meridian,

and to construct, operate and maintain on the above-described lands, and/or in or upon all streets, roads or highways abutting said lands, an electric transmission or distribution line or system, and to cut and trim trees and shrubbery to the extent necessary to keep them clear of said electric line or system and to cut down from time to time all dead, weak, leaning or dangerous trees that are tall enough to strike the wires in falling.

The undersigned covenant that they are the owners of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 27th day of August, 1946.

Erling O. Broderson (s)
(s)

Signed, sealed and delivered in the presence of:

Paula H. ...
R.W. ...

UNITED STATES OF AMERICA)
Territory of Alaska) ss.

RECORDED - FILED
Homer REC. DIST.
DATE 8-13-46
TIME 10:30 A.M.
INDEXED BY NEA
INDEXED BY Homer, Alaska

THIS IS TO CERTIFY that on this 27th day of Aug, 1946 before me, the undersigned, a notary public in and for the Territory of Alaska, personally appeared:

Erling O. Broderson
each to me personally known and to me known to be the individual(s) described in and who executed the foregoing instrument of writing and each acknowledged to me that he/she signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on the day and year in this certificate first above written.



Paula H. ...
Notary Public for Alaska
My commission expires _____
Go to ...

744

Instrument #744

Anchorage 09412

Received District Land Office
Anchorage, Alaska, February 23, 1943, 8:30 a.m.

THE UNITED STATES OF AMERICA,
To all to whom these presents shall come, Greetings:

WHEREAS, A Certificate of the Register of the Land Office at Anchorage, Alaska, has been deposited in the General Land Office, whereby it appears that pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain", and the acts supplemental thereto, the claim of Erling O. Broderson, has been established and duly consummated, in conformity to law, for the southwest quarter of Section four in Township six south of Range thirteen west of the Seward Meridian, Alaska, containing one hundred sixty acres, according to the Official Plat of the Survey of the said land, on file in the General Land Office;

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States. And there is also reserved to the United States a right of way for the construction of railroads, telegraph and telephone lines, in accordance with the Act. of March 12, 1914 (38 Stat. 305).

IN TESTIMONY WHEREOF, I, Franklin D. Roosevelt, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the eighteenth day of November in the year of our Lord one thousand nine hundred and forty-two and of the Independence of the United States the one hundred and sixty-seventh.

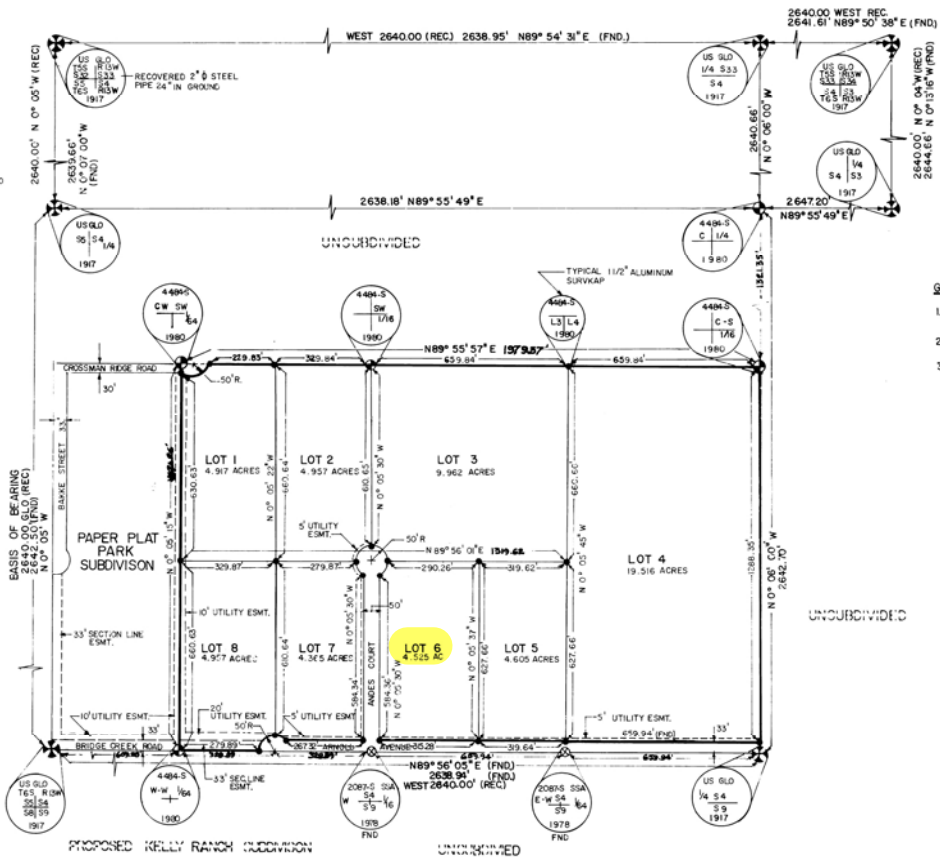
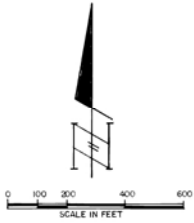
By the President: Franklin D. Roosevelt
By: s/ Ruth W. Talley, Secretary

(SEAL)

s/ R. S. Clinton
Chief, Patents Division
General Land Office

RECORDED: Patent Number 1115296

FILED FOR RECORDING: March 26, 1953
1:00 p.m.
No. 744



- LEGEND**
- ⊗ ORIGINAL 1917 U.S. G.L.D. BRASS CAP MONUMENTS, RECOVERED.
 - ⊙ BERTNSEN A-1 30" ALUMINUM FEDERAL MONUMENTS, SET THIS SURVEY.
 - 1/2" X 24" REBAR WITH 1 1/2" ALUMINUM SURKAP SET ALL CORNERS, UNLESS OTHERWISE NOTED.
 - ⊗ BERTNSEN A-1 30" ALUMINUM FEDERAL MONUMENTS, FOUND THIS SURVEY.

GENERAL NOTES

1. RECORD INFORMATION WAS TAKEN FROM THE U.S.P.L.S. TOWNSHIP PLAT OF T.6S, R.13W, S.M., ALASKA.
2. ALL WASTE DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
3. BUILDING SETBACKS - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE ALL RIGHT-OF-WAYS AND GRANT ALL EASEMENTS TO USE SHOWN.

BRIDGE CREEK COOPERATIVE INC.
2936 KIMBERLIE COURT
ANCHORAGE, AK 99504

BY: *Ingrid R. Clauson* R. CLAUSON PRESIDENT, B.C.C. INC.
Jay A. Farnwald JAY A. FARNWALD SECRETARY, B.C.C. INC.

NOTARY'S ACKNOWLEDGEMENT

ON THIS 5 DAY OF November, 1980, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF ALASKA, PERSONALLY APPEARED Jay A. Farnwald AND Ingrid R. Clauson TO ME KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION, ACKNOWLEDGE TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE AND VOLUNTARY ACT WITNESS MY HAND AND OFFICIAL SEAL.

14-17-1982
MY COMMISSION EXPIRES

Philip A. Lovett
NOTARY PUBLIC FOR ALASKA

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF May 12, 1980.

KENAI PENINSULA BOROUGH

BY: *Philip Waring*



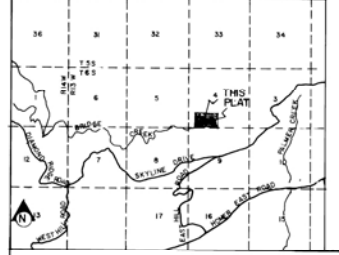
CERTIFICATE OF SURVEY

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT THIS SURVEY HAS BEEN COMPLETED BY ME, OR UNDER MY DIRECT SUPERVISION AND THAT THE CORNERS AND MONUMENTS HAVE BEEN LOCATED AND ESTABLISHED AND THAT DIMENSIONS SHOWN HEREON ARE TRUE AND CORRECT.

2019-12-20
DATE

Lynn P. Wallace
LYNN P. WALLACE, R.L.S.
4484-S

VICINITY MAP



BRIDGE CREEK COOPERATIVE SUBDIVISION
A SUBDIVISION OF
E 3/4, S 1/2, SW 1/4, SEC. 4
T. 6S, R. 13W, S.M., ALASKA
CONTAINING 60.044 ACRES MORE OR LESS

OWNER: BRIDGE CREEK COOPERATIVE INC. (B.C.C. INC.)	GRID HOMER SCALE 1" = 200'	JTL ENGINEERING CO. BOX 8094 ANCHORAGE, ALASKA 99508
2936 KIMBERLIE COURT ANCHORAGE, AK 99504	TOTAL LOTS 8	DRAWN F.N.D. DATE AUGUST 1, 1980
		CHECKED T. LOVETT

81-5
RECORDED - FILED 10-
Werner
1-30-81
9-45-81
KFB
Sullivan



AGENDA ITEM REPORT

Ordinance 23-03, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$24,000 from the United States Coast Guard (USCG) Hickory Maintenance Reserves for the Purpose of Contracting with Alaska Industrial Services for Fender Repairs to the Hickory Berth and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Port Director.

Item Type: Ordinance
Prepared For: Mayor and City Council
Meeting Date: 09 Jan 2023
Staff Contact: Bryan Hawkins, Port Director/Harbormaster
Department: Port & Harbor
Fiscal Impact: \$24,000
Attachments: [Ordinance 23-03](#)
[Memorandum Re: Hickory Berth Fender Repairs](#)
[Estimates](#)

Summary Statement:

See attachments from Port Director/Harbormaster Hawkins

Staff Recommendation:

Introduce Ordinance 23-03 January 9, 2023, Public Hearing and Second Reading January 23, 2023

Attachments:

[Ordinance 23-03](#)
[Memorandum Re: Hickory Berth Fender Repairs](#)
[Estimates](#)

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Port Director

ORDINANCE 23-03

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY23 CAPITAL BUDGET BY APPROPRIATING \$24,000 FROM THE UNITED STATES COAST GUARD (USCG) HICKORY MAINTENANCE RESERVES FOR THE PURPOSE OF CONTRACTING WITH ALASKA INDUSTRIAL SERVICES FOR FENDER REPAIRS TO THE HICKORY BERTH AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The Coast Guard leases berth space on the West side of the Pioneer dock to moor their vessel the USCGC Hickory; and

WHEREAS, As part of their priority use agreement for the Hickory Berth space, a portion of funds, paid monthly by the Coast Guard, is set aside in a separate City account (415-0397) for use in the event of any required maintenance or repairs which has a current available balance of approximately \$170,000; and

WHEREAS, Upon Port maintenance’s last inspection the following repairs were noted as needed for 3 of the hickory berth’s 30,000 lbs. fenders: corroded welds- need to be scoured and replaced, replace corroded fender resting tabs with new ½” flanges and gussets ; and

WHEREAS, A scope of work and request for quote was sent to each of the 4 local companies/individuals that have the equipment and expertise to complete such a repair; and

WHEREAS, Two entities were unresponsive, BP welding submitted a quote of \$11,310 per fender, and Alaska Industrial Services came in with a quote of \$8,000 per fender ; and

WHEREAS, The City has had a positive working relationship with Alaska Industrial Services on past projects and they came is as the lowest bid at \$24,000 total project cost; and

NOW, THEREFORE, The City of Homer Ordains:

Section 1: The FY23 Capital Budget is hereby amended by appropriating \$24,000 from the USCG Hickory Maintenance Reserves for the purpose of contracting with Alaska Industrial Services for fender repairs to the Hickory berth and authorizing the City Manager to execute the appropriate documents, as follows:

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<u>Fund</u>	<u>Description</u>	<u>Amount</u>
415-0397	Hickory berth fender repair	\$24,000

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2023.

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

www.cityofhomer-ak.gov

Port and Harbor Page 4 of 7

4311 Freight Dock Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

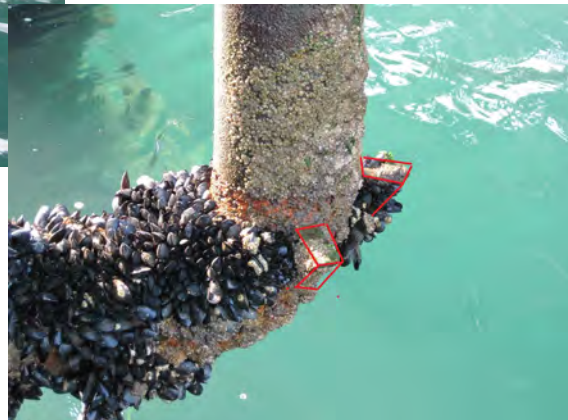
(f) 907-235-3152

Memorandum

TO: CITY COUNCIL & MAYOR CASTNER
THRU: ROB DUMOUCHEL, CITY MANAGER
FROM: BRYAN HAWKINS, PORT DIRECTOR
DATE: JANUARY 3 2023
SUBJECT: HICKORY BERTH FENDER REPAIRS

The Coast Guard (CG) leases berth space on the west side of the Pioneer Dock to moor their 225' Cutter. In the contract between the City and CG it was agreed that the Port would perform the maintenance on the floating camel fendering system. As part of that agreement, a portion of the funds paid monthly by the Coast Guard is set aside in a separate city account for use in the event of any required maintenance or repairs. City finance reports that this special account has a current available balance of approximately \$170,000.

When port maintenance staff conducted their most recent assessment of the berth, it was noted that the weld seams at the bottom of the camel slide pipes on 3 of the fender units have rotted away and need rebuilt (as shown in the photo below)



Additionally, the tabs that the Camel slides rest on have been likewise corroded and need replacing:

Each of the fenders is 35ft long and weighs approximately 30,000 lbs. There are a limited pool of available contractors who have the experience and equipment to complete such a job.

Scope of Work includes:

- 1) Unfasten the fenders from the dock
- 2) Use a crane to pull the fenders off the pin piles and lay them on the dock
- 3) Secure the pin piles while the welding is being done
- 4) Repair the welds, and replace the resting tabs preferably with a flange
- 5) Re-install the fenders



Staff reached out to 4 local such agencies/individuals with the following scope of work outlined and details of the job. Of the 4, Homer Steel Fabricators and D&D Fabricators did not submit a quote, BP welding submitted a quote of \$11,310 per fender, and Alaska Industrial Services(AIS) came in with a quote of \$8,000 per fender. AIS had the lowest bid and has satisfactorily completed projects for the City in the past.

The Coast Guard vessel is currently out, with its arrival back to the Hickory berth expected in May of 2023. We would like to complete all repair work before its return, so that the contractor can have unimpeded access to the needed project areas.

Recommendation

Council approval of Ordinance 23-04 appropriating \$24,000 from special account 415-0397 for Hickory berth fender repair and award of contract to lowest bidder, AIS, to complete the work.

Attached Estimate from Alaska Industrial Services LLC
 Estimate from BP Welding

Alaska Industrial Services, LLC
 PO Box 2684
 Homer, AK 99603
 +1 9073991060
 alaskaindustrialservice@gmail.com

ADDRESS

City of Homer Port and Harbor
 4311 Freight Dock Road
 Homer, Alaska 99603

Quote 1009

DATE 10/25/2022

EXPIRATION DATE 11/30/2022

PO #

Hickory Berth Fender

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	Services- Job Rate	Price per fender: Disconnect fender from dock and place on top of dock. Scarf old welds off guide rails and reeled. Install stops on bottom of guide pipes. Pick and reinstall on pin and reattach to dock.	1	8,000.00	8,000.00T

SUBTOTAL 8,000.00

TAX 0.00

TOTAL \$8,000.00

Accepted By

Accepted Date

BP Welding
 PO BOX 15213
 Fritz Creek, AK 99603-6213
 (907) 738-9936

ESTIMATE

Page 7 of 7

City of Homer Harbormaster's Office
 ATTN Aaron Glidden
 4667 Homer Spit Rd Ste 3
 Homer, AK 99603

Estimate # 0000031
Estimate Date 11/11/2022

Item	Description	Unit Price	Quantity	Amount
	Estimate for Coast Guard Hickory: Unfasten fender from the dock, Crane service to pull the fender off of the pin piles and lay it on dock, Secure the pin piles while welding being done Repair the welds and replace the resting tabs with a 1/2" flange and 3 gussets, hot stick galvanize, Reinstall fender	125.00	32.00	4,000.00
	Materials and consumables : flange, hot gal-viz, PPE, grinding discs, welding consumables, etc	560.00	1.00	560.00
	equipment rentals: crane service 2 days	6750.00	1.00	6,750.00
 <u>NOTES:</u> This is an estimate for work done on one fender.				
Subtotal				11,310.00
Total				11,310.00
Amount Paid				0.00
Estimate				\$11,310.00



AGENDA ITEM REPORT

Ordinance 23-04, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$38,775 from the Port Reserves for the Purpose of Purchasing Two Additional Parking Pay Kiosks and UPSafety Parking Management Software Package. City Manager/Port Director.

Item Type:	Ordinance
Prepared For:	Mayor and City Council
Meeting Date:	09 Jan 2023
Staff Contact:	Bryan Hawkins, Port Director/Harbormaster
Department:	Port & Harbor
Fiscal Impact:	\$38,775
Attachments:	Ordinance 23-04

Summary Statement:

Background/Project Updates

The port has been working on many pieces of a large parking improvement project on the Spit to improve the parking lots, expand paid parking areas, and support better parking management.

As one part of this project, City Council passed Ordinance 22-78(A) at their November 28 meeting, which approved the appropriation of \$49,690 from the port reserves for the civil engineering design improvements for the Boat House Pavilion and Seafarer's memorial parking areas, as well as the areas between Ramp 3 and 4. Public works has since issued a task order to HDL, one of the City's contracted engineers, to complete this design work and that portion of the project is currently in process. With that portion moving ahead, staff are working on some of the other needed components for the project.

Parking support components

To stay on schedule, the 2 additional pay kiosks (one for Sea Farer's memorial parking area and one between ramps 3 and 4) will need to be ordered soon to allow for shipping times and assure they arrive to Homer in time for the install. The cost of the 2 kiosks is quoted at \$22,870.75.

The second support component needed is a way to manage the increased work load/enforcement requirement of doubling the Spit's paid parking footprint. It currently takes two dedicated parking enforcement officers to manage the summer parking season. Enforcement is done on foot, citations are written by hand, payments are made in person or over the phone individually, and late fee letters are created, tracked, and hand mailed by staff. As we move forward with increased parking improvements and management, the current system of enforcement will become untenable. As with the pay kiosks, compatibility was the high priority guiding factor of these single source purchase quotes. The City currently has ten(10) T2

kiosks at an infrastructure investment of around \$70-100K. It was important for the Port that we find a compatible system.

Staff researched several staffing and management software combinations and recommend implementing a parking management software called UPSafety that is completely compatible with our current T2 city pay kiosks. Below are some of the main benefits:

- Consolidates the data - puts parking passes, citations, payments, etc. into one location, streamlining record keeping requirements and allowing for a faster response in the field
- Frees up valuable resources - In the current system, Police Dispatch supplies vehicle and registered owner information to parking enforcement officers issuing citations. Dispatch does this on top of their other emergency services duties. The software system can provide that vehicle registration information and free up police time. The software itself was actually developed by retired law enforcement, in part to address this admin burden U.S. wide. The Homer PD has reviewed the software and is supportive and excited about its capabilities.
- Better Customer Interfaces - Has an online payment portal. Customers will be able to purchase passes, pay for daily parking, and/or pay citations directly from their phones or computer devices.
- Data analysis- Having the data in one place allows opportunity for better analysis of patterns and growth which will help with parking development in the future to find the best use of the limited space.

The training, software/hardware integration, and equipment package for the parking citation management system is \$15,904. In following years, the annual maintenance/support fee for the system is \$7,176. In this first year, the Port hope to not hire any additional parking enforcement officers. Staff will test to see how much the management software assists the current two seasonal officers in managing the doubled, expanded area and examine results.

Financial Impact:

The total cost for both of the needed parking support components (2 kiosks and the management software) is **\$38,775**. As with the other components (design, engineering, and construction) of this overall Spit parking improvement project, this cost would qualify for DOT's approved use of parking revenues collected on these City/DOT shared land ownership lots that allows for managing agencies to pay themselves back for any improvements. Using the parking study conducted by HDL for projected estimates, the Port Reserves would pay itself back for the whole project cost (of which this a part) in approx. 3 to 7 * seasons with the predicted revenues from the expanded/improved lots

**dependent on the set cost of the daily parking fee rate (i.e. \$5 per day,\$10 per day, etc.)*

Staff Recommendation:

Introduce Ordinance 23-04 January 9, 2023, Public Hearing and Second Reading January 23, 2023

Attachments:

[Ordinance 23-04](#)

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Port Director

ORDINANCE 23-04

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE FY23 CAPITAL BUDGET BY APPROPRIATING
\$38,775 FROM THE PORT RESERVES FOR THE PURPOSE OF
PURCHASING TWO ADDITIONAL PARKING PAY KIOSKS AND
UPSAFETY PARKING MANAGEMENT SOFTWARE PACKAGE.

WHEREAS, Using the recommendations from the recent parking study provided by HDL Engineering Consultants, the port has been working on a multi phased spit parking project to improve parking lots, expand paid parking areas, and support better parking management; and

WHEREAS, The City currently has ten T2 brand pay station kiosks that it uses for its parking and camping needs and the Port wants to stay compatible with the existing infrastructure in regards to additional infrastructure purchases; and

WHEREAS, Two additional pay kiosks are needed for the planned expanded paid parking areas as well as a better customer interface support software that can help with enforcement of the expanded paid parking footprint; and

WHEREAS, UPSafety has a comprehensive parking management and enforcement software, training and equipment package that is well recommended and that is also compatible with the City's current T2 infrastructure; and

WHEREAS, The total cost for these two kiosks is \$22,870.75 and the UPSafety package costs \$15,904 for a total cost of \$38,775; and

WHEREAS, Revenues generated from these day use fee parking areas that adjoin the State Right-of-Way (ROW) may only be used for parking improvements and reimbursement for such improvements per AKDOT policy; and

WHEREAS, Revenues from parking areas adjoining State ROW shall be transferred to the Port Reserves at the end of each year budget close out to reimburse the enterprise fund for all infrastructure improvement expenditures tied to this parking improvement project.

NOW, THEREFORE, The City of Homer Ordains:

43 Section 1. The FY23 Capital Budget is hereby amended by appropriating \$38,775 from
44 the Port Reserves for the purpose of purchasing two parking pay kiosks and UPSafety parking
45 management software package as follows:

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<u>Fund</u>	<u>Description</u>	<u>Amount</u>
456-0380	Parking support	\$38,775

50 Section 2. And hereby authorizes the City Manager to negotiate and execute the
51 appropriate documents.

52

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

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56 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____,
57 2023.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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63 ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

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67
68 YES:

69 NO:

70 ABSTAIN:

71 ABSENT:

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73 First Reading:

74 Public Hearing:

75 Second Reading:

76 Effective Date:



AGENDA ITEM REPORT

Resolution 23-001, A Resolution of the City Council of Homer, Alaska Confirming the City Manager's Appointment of Melissa Jacobsen as Acting City Manager for Calendar Year 2023. City Manager.

Item Type: Resolution
Prepared For: Mayor and Council
Meeting Date: 09 Jan 2023
Staff Contact: Rob Dumouchel, City Manager
Department: Administration
Attachments: [Resolution 23-001](#)

Summary Statement:

Pursuant to Homer City Code 1.20.010(b) the City Manager shall annually appoint an Acting City Manager, subject to the City Council confirmation, which is revocable at any time by the Council.

Staff Recommendation:

Adopt Resolution 23-001

Attachments:

[Resolution 23-001](#)

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 23-001

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
CONFIRMING THE CITY MANAGER'S APPOINTMENT OF MELISSA
JACOBSEN AS THE ACTING CITY MANAGER FOR CALENDAR YEAR
2023.

WHEREAS, Homer City Code 1.20.010(b) states that the City Manager shall annually
appoint an Acting City Manager, subject to the City Council confirmation which is revocable at
any time, by the Council; and

WHEREAS, Pursuant to Homer City Code Section 1.20.010(b) the Acting City Manager
shall assume the duties and powers of the City Manager in their absence; and

WHEREAS, Reviews of City emergency plans related the COVID-19 pandemic have
highlighted a need for an order of succession beyond the Acting City Manager appointment
required by Homer City Code 1.20.010(b).

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council that Melissa Jacobsen is
hereby appointed by City Manager Rob Dumouchel and confirmed by the Homer City Council
to serve as Acting City Manager in the City Manager's absence for the Calendar Year 2023.

BE IT FURTHER RESOLVED that if both the City Manager and the Acting City Manager
are not available for duty, the role of Acting City Manager will be held by the next available
department head from the list below (ranked by tenure with the City of Homer):

1. Police Chief Mark Robl
2. Harbormaster Brian Hawkins
3. Finance Director Elizabeth Walton
4. Fire Chief Mark Kirko
5. Public Works Director Jan Keiser

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 9th day of January
2023.

CITY OF HOMER

KEN CASTNER, MAYOR

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44 ATTEST:

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47 MELISSA JACOBSEN, MMC, CITY CLERK

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49 Fiscal Note: N/A



AGENDA ITEM REPORT

Resolution 23-002, A Resolution of the City Council of Homer, Alaska Confirming the Appointment of Elizabeth Walton as Treasurer and Jenna DeLumeau as Deputy Treasurer for Calendar Year 2023. City Manager.

Item Type: Resolution
Prepared For: Mayor and City Council
Meeting Date: 09 Jan 2023
Staff Contact: Rob Dumouchel, City Manager
Department: Administration
Attachments: [Resolution 23-002](#)

Summary Statement:

Pursuant to Homer City Code 1.34.010 the City Manager appoints the Treasurer and Deputy Treasurer. The appointments shall be confirmed by the Council annually during the first meeting in January and whenever the appointment becomes vacant or whenever the City Manager deems it appropriate to change the appointment.

Staff Recommendation:

Adopt Resolution 23-002

Attachments:

[Resolution 23-002](#)

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 23-003

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
CONFIRMING THE APPOINTMENT OF ELIZABETH WALTON AS
TREASURER AND JENNA DE LUMEAU AS DEPUTY TREASURER FOR
CALENDAR YEAR 2023.

WHEREAS, Homer City Code §1.34.010 states that the Treasure and Deputy Treasurer shall be appointed by and serve at the pleasure of the City Manager, that the Treasurer and Deputy Treasurer shall be confirmed by the Council annually during the first meeting in January and whenever the appointment becomes vacant or whenever the City Manager deems it appropriate to change the appointment; and

WHEREAS, Pursuant to HCC §1.34.010, City Manager Robert Dumouchel hereby provides notice of Elizabeth Walton as Treasurer and Jenna de Lumeau as Deputy Treasurer for the Calendar year 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska confirms the appointment of Elizabeth Walton as Treasurer and Jenna de Lumeau as Deputy Treasurer for the Calendar Year 2023.

PASSED AND ADOPTED by the Homer City Council this 9th day of January, 2023.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: NA



AGENDA ITEM REPORT

Resolution 23-003, A Resolution of the City Council of Homer, Alaska Adopting an Alternative Allocation Method for the FY23 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in FMA 14: Cook Inlet Area. City Manager.

Item Type: Resolution
Prepared For: Mayor and City Council
Meeting Date: 09 Jan 2023
Staff Contact: Rob Dumouchel, City Manager
Department: Administration
Attachments: [Resolution 23-003](#)

Summary Statement:

The City of Homer receives revenue from the State of Alaska for fish tax collected by the State in two different ways. The Department of Revenue distributes “Raw Fish Tax” from licensed seafood processors, floating processors and seafood exporters to eligible municipalities. These funds, when received by the City of Homer, are allocated to Fish Dock Revenues.

The second way the City of Homer receives fish tax revenue is through the Alaska Department of Commerce, Community, and Economic Development (ADCCED). ADCCED receives 50% of the undistributed Raw Fish Tax from the Department of Revenue to distribute through a program known as the Shared Fisheries Business Tax Program. The purpose of this program is to provide for a sharing of state fish tax collected outside municipal boundaries with municipalities that have been affected by fishing industry activities. For the Cook Inlet Fisheries Management Area, of which the City of Homer is a part, there are ten communities that will receive a shared portion of that collected shared fish tax. The ten communities are the Municipality of Anchorage, Homer, Kachemak, Kenai, Kenai Peninsula Borough, Seldovia, Seward, Soldotna, Houston, and Palmer.

A Resolution from the Homer City Council is required annually to receive these funds. If any of the communities listed above do not apply by the deadline in March of 2023, then the funds will be reallocated to communities that did apply.

Staff Recommendation:

Adopt Resolution 23-003

Attachments:

[Resolution 23-003](#)

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 23-003

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY23 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN FMA 14: COOK INLET AREA.

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 23 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2021 from fisheries business activities; and

WHEREAS, 3 AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community, and Economic Development; and

WHEREAS, 3 AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community, and Economic Development, of alternative methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and

WHEREAS, The Homer City Council proposes to use an alternative allocation method for allocation of FY23 funding available within the FMA 14: COOK INLET AREA in agreement with all municipalities in this area participating in the FY23 Shared Fisheries Business Tax Program.

NOW THEREFORE BE IT RESOLVED that the Homer City Council by this resolution certifies that the following alternative allocation method fairly represents the distribution of significant effects during 2021 of fisheries business activity in FMA 14: COOK INLET AREA:

All municipalities share equally 50% of allocation; all municipalities share remaining 50% on a per capita basis.

PASSED AND ADOPTED by the City Council of Homer, Alaska this 9th day of January 2023.

CITY OF HOMER

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KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: Previous year's Acct. No. 400-0603-4206 and budgeted for previous years.



AGENDA ITEM REPORT

Resolution 23-004, A Resolution of the City Council of Homer, Alaska Approving a Contract Amendment with Homer Animal Services, LLC which allows for the Retention of Fees for Services Provided by Homer Animal Services, LLC Staff and Authorizes the City Manager to Negotiate and Execute the Appropriate Documents. City Manager.

Item Type: Resolution
Prepared For: Mayor and Council
Meeting Date: 09 Jan 2023
Staff Contact: Rob Dumouchel, City Manager
Department: Administration
Attachments: [Resolution 23-004](#)

Summary Statement:

The City of Homer's Animal Shelter is operated under a contract held by Homer Animal Services, LLC (formerly known as Alaska Mindful Paws). They also provide animal control services in partnership with the Homer Police Department. The services received by the City and the community at large are high quality and of a high quantity considering the size of the organization. In 2022, January through November, the shelter fielded 269 complaints, took in 124 strays, had 67 animals surrendered to the shelter, reunited 77 animals with their owners, and facilitated 127 adoptions. It is very important that the relationship between the City and the animal shelter be equitable and sustainable to ensure that this service can be offered well into the future.

In 2021, Council approved Resolution 21-088 which provided a contract adjustment that included a 5% increase for Calendar year 2022 and a 3% increase for calendar year 2023 to help account for impacts related to inflation. Even with the increases, the Animal Shelter struggles to afford the labor and services required to maintain the very high standards they've exhibited since taking on the animal services contract with the City. While a larger conversation about animal shelter funding is necessary as we move into the FY24/25 budget cycle, I've identified an area in which we can increase revenue to the Animal Shelter without increasing the City's direct investment in fees for service.

At this time, the Animal Shelter's staff is required by contract to collect fees on behalf of the City for services they provide to include licensing, adoptions, impound fees, etc. (Appendix A, Section IX). All of that money is then forwarded to the City's General Fund. This creates a unique disincentive for the Animal Shelter to encourage the use of certain services. For instance, an increase in licensing results in more work for the shelter, but no additional income because it is all directed to the City instead.

I propose that the City continue to set fees via the fee schedule for Animal Control, however, those fees should be kept by the Animal Shelter to support the services they provide to the City. While this will be a small reduction in revenues to the City (~\$14,000-17,000), it could give the Animal Shelter some fiscal relief without drawing from existing General Fund Fund Balance.

Staff Recommendation:

Adopt Resolution 23-004

Attachments:

[Resolution 23-004](#)

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 23-004

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA APPROVING A CONTRACT AMENDMENT WITH HOMER ANIMAL SERVICES, LLC WHICH ALLOWS FOR THE RETENTION OF FEES FOR SERVICES PROVIDED BY HOMER ANIMAL SERVICES, LLC STAFF AND AUTHORIZES THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE APPROPRIATE DOCUMENTS

WHEREAS, A contract for operation and management was awarded to Alaska Mindful Paws via Resolution 16-104; and

WHEREAS, A five year contract renewal and amendment was approved by Council via Resolution 18-0872; and

WHEREAS, Alaska Mindful Paws became Homer Animal Services, LLC in 2020; and

WHEREAS, A contract amendment increasing the contract amount for animal shelter operations was approved via Resolution 21-088; and

WHEREAS, Homer Animal Services, LLC is seeking additional financial assistance to continue to provide high quality animal control services to the public; and

WHEREAS, the retention of service fees by Homer Animal Services, LLC is a way for the City to increase revenues to the animal shelter that is driven by how active their team is in providing services to the public.

NOW, THEREFORE BE IT RESOLVED that the City Council of Homer, Alaska approves a contract amendment with Homer Animal Services, LLC which allows the animal shelter operator to retain fees for service beginning January 1, 2023, and authorizes the City Manager to negotiate and execute the appropriate documents.

PASSED AND ADOPTED by the City Council of Homer, Alaska this 9th day of January 2023.

CITY OF HOMER

KEN CASTNER, MAYOR

43 ATTEST:

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46 MELISSA JACOBSEN, MMC, CITY CLERK

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48 Fiscal Note: Animal Shelter Fees



AGENDA ITEM REPORT

Resolution 23-005, A Resolution of the City Council of Homer, Alaska Supporting the Recertification of the Prince William Sound Regional Citizens Advisory Council by the United States Coast Guard through PWSRCAC Recertification Docket USCG-2022-0707. Aderhold.

Item Type: Resolution
Prepared For: Mayor and City Council
Meeting Date: 09 Jan 2023
Sponsor: Donna Aderhold, Council Member
Department: City Council
Attachments: [Resolution 23-005](#)
[PWSRCAC Request for Support](#)

Summary Statement:

See attached request for support.

Staff Recommendation:

Adopt Resolution 22-005

Attachments:

[Resolution 23-005](#)

[PWSRCAC Request for Support](#)

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

RESOLUTION 23-005

AN RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
SUPPORTING THE RECERTIFICATION OF THE PRINCE WILLIAM
SOUND REGIONAL CITIZENS' ADVISORY COUNCIL BY THE UNITED
STATES COAST GUARD THROUGH PWSRCAC RECERTIFICATION
DOCKET USCG-2022-0707

WHEREAS, The Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) was created in 1989, and has since maintained its certification through the United States Coast Guard (USCG) in 1990 as mandated by the Oil Pollution Act of 1990; and

WHEREAS, USCG requires the recertification of a Regional Citizens' Advisory Council for Prince William Sound annually with the third year recertification requiring comments from the public; and

WHEREAS, PWSRCAC was created to provide citizens a voice in promoting the environmentally safe operation of the Valdez Marine Terminal and associated tankers; and

WHEREAS, The City of Homer, Alaska, has been a member entity of the PWSRCAC since its creation; and

WHEREAS, The City of Homer and its residents experienced the effects of the *Exxon Valdez* oil spill; and

WHEREAS, PWSRCAC works with industry and regulators to ensure response readiness, evaluate risks, and propose solutions to problems that arise; and

WHEREAS, PWSRCAC maintains two weather buoys in Port Valdez to improve understanding of weather conditions that could affect marine vessel safety and movement of spilled oil that could affect environmentally sensitive sites in the area, and PWSRCAC shares data collected by the buoys with the Alaska Ocean Observing System and the National Oceanic and Atmospheric Administration; and

WHEREAS, PWSRCAC is monitoring efforts to address the substantial tank vent damage that occurred at the Valdez Marine Terminal in February and March 2022, and the subsequent work by Alyeska Pipeline Services Company, and state and federal regulators to investigate the incident, repair the vents, and prevent recurrence; and

43 WHEREAS, PWSRCAC has asked the Alaska Department of Environmental Conservation
44 to take steps to ensure the secondary containment systems around crude oil storage tanks at
45 the Valdez Marine Terminal will prevent water contamination following investigations that
46 demonstrated there were cracks and holes in the liner, and PWSRCAC is contracting with a
47 geotechnical engineering expert to identify non-destructive methods to evaluate secondary
48 containment liners; and

49
50 WHEREAS, PWSRCAC continues long-term environmental monitoring, initiated in 1993,
51 to monitor hydrocarbons and their effects in the region and sensitive species that could be
52 impacted by an oil spill or oil spill response efforts; and

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54 WHEREAS, PWSRCAC monitors hydrocarbon spill drills, exercises, and training events
55 as well as responses to actual incidents; and

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57 WHEREAS, PWSRCAC reviews and comments on changes to oil spill prevention and
58 response plans that cover the Valdez Marine Terminal and tankers that transit Prince William
59 Sound; and

60
61 WHEREAS, PWSRCAC sponsored a study of devices used to deploy a messenger line, the
62 first step in setting up a tow line between a rescue tug and tanker in distress, and conducted
63 field trials to test various devices to develop a set of recommendations that will be shared with
64 industry and regulators; and

65
66 WHEREAS, PWSRCAC commissioned the Alaska Vocational Technical Center Marine
67 Training Center to develop a ship handling course specific to Alaska with scenarios based on
68 real activities and using high-resolution data; and

69
70 WHEREAS, PWSRCAC commissioned a report documenting the current state and
71 history of developing sensitive area protection strategies for the Copper River Delta and Flats
72 region; and

73
74 WHEREAS, PWSRCAC has proven to be critically important in the continued
75 environmentally safe operation of the Valdez Marine Terminal and its associated tankers and
76 is becoming ever more important as facilities and equipment age.

77
78 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, supports
79 the recertification of PWSRCAC by the USCG as the Regional Citizens' Advisory Council for
80 Prince William Sound and entities affected by the *Exxon Valdez* oil spill.

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82 PASSED AND ADOPTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 9th day of
83 January, 2023.

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: N/A

Dear Homer City Council Member Aderhold,

Each year, the U.S. Coast Guard (USCG) is required to review the certification for the Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) under the Oil Pollution Act of 1990. Every three years, of which this is one, a more extensive application process is conducted, followed by a public comment period.

In November, PWSRCAC submitted our application for review and the public comment period has now opened. **It is extremely important that the USCG hears from our stakeholders, partners, and the public during this process and we are hoping The City of Homer would be willing to provide a letter of support.**

The letter doesn't need to be long – just a few paragraphs emphasizing how important the work of PWSRCAC is to preventing oil spills like the Exxon Valdez and ensuring a prompt, effective cleanup should a similar event happen in the future. We have attached some sample text for your reference and encourage those using the sample language to personalize it as that will carry more weight.

Letters need to reach the USCG by **February 8, 2023, and should reference “PWSRCAC Recertification Docket USCG-2022-0707,”** which is the document number of the Coast Guard’s Federal Register notice about our recertification.

The preferred method for comments to be submitted is through the Federal Register portal: <https://www.regulations.gov/document/USCG-2022-0707-0001>. Once there, click on the blue “Comment” button under the notice title.

Comments may also be sent to:
Commander, 17th Coast Guard District (dpi)
PO Box 25517
Juneau, AK 99802
Attn: LT Benjamin Bauman
Inspections & Investigations

Or LT Benjamin Bauman at Benjamin.A.Bauman@uscg.mil.

If you have any questions, please don't hesitate to contact me
Thank you for considering our request,

Regards,

Robert Archibald
PO Box 2460
Homer, AK. 99603
(907) 299-0852

Sample base text for letter of support:

The [organization] City of Homer supports recertification of the Prince William Sound Regional Citizens' Advisory Council (PWSRCAC).

The PWSRCAC was established after the Exxon Valdez oil spill and has worked diligently since then to fulfill its mission: citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers.

PWSRCAC works with industry and regulators to ensure response readiness, evaluate risks, and propose solutions. We hope you will recertify PWSRCAC as the citizens' advisory group for Prince William Sound.

Examples of PWSRCAC work that can be referenced:

Monitoring weather in Prince William Sound: The Council maintains two weather buoys in Port Valdez: one near the terminal, the other near the Valdez Duck Flats. These buoys will improve understanding of weather conditions in Port Valdez that could affect marine vessel safety and movement of spilled oil, as well as help with decisions regarding the timing of protecting environmentally sensitive sites in the area. The Council works with the Alaska Ocean Observing System and the National Oceanic and Atmospheric Administration's PORTS® (Physical Oceanographic Real Time System) to share the data collected by these buoys.

Monitoring of snow damage to crude oil storage tank vents: The Council has been monitoring efforts to address the substantial tank vent damage that occurred at the Valdez Marine Terminal in February and March of 2022, and the subsequent work by Alyeska and state and federal regulators to investigate this incident, repair the vents, and prevent a reoccurrence. While no substantial injuries were associated with this event, and no fire or explosion occurred, the Council believes this event was a near miss and could have resulted in devastating consequences. The subsequent actions taken by Alyeska, and state and federal regulators, will be critical to ensure that such snow damage does not occur to the tank vents or other critical infrastructure at the terminal in the future.

Ensuring the adequacy of secondary containment liners: The steel crude oil storage tanks at the Valdez Marine Terminal are required to have secondary containment systems around them in order to protect ground and surface water from contamination in the event of an oil spill. Part of those systems is a liner that is supposed to hold spilled oil until it can be cleaned up. Investigations from 2014-2017 showed that there were cracks and holes in the liner, indicating it may not prevent water contamination if a spill occurred from one of the large crude tanks. The Council has asked the Alaska Department of Environmental Conservation (ADEC) to take steps to ensure the liner would prevent such water contamination. Additionally, the Council is contracting with a geotechnical engineering expert to identify non-destructive methods to evaluate the secondary containment liner and determine how much of the liner should be tested in order to have confidence in the results.

Environmental monitoring: PWSRCAC continues its Long-Term Environmental Monitoring Program (LTEMP), initiated in 1993, to monitor hydrocarbons and their effects in our region. The Council also supports citizen-based monitoring efforts in its region, particularly for the invasive European green crab and invasive tunicates. The Council has continued its work monitoring sensitive species in Prince William Sound that may be impacted and could use additional protection during an oil spill response. The second of three anticipated years of at-sea marine bird surveys took place in March 2022, identifying important wintertime nearshore habitat and areas of high bird density. The fourth and final year of aerial forage fish surveys was conducted in June 2022. “Forage fish” are species that are preyed on by larger predators, and include Pacific herring, Pacific sand lance, capelin, and candlefish.

Monitoring of cleanup drills and spill response: PWSRCAC devotes considerable effort to monitoring drills, exercises, and training events, as well as the responses to actual incidents, which fortunately are relatively rare in Prince William Sound. Staff often participate as a member of drill planning teams along with ADEC, USCG, and industry, and drill monitoring reports are prepared by staff and contractors. When significant spills occur, Council staff, Board members, and volunteers work with Alyeska staff to understand why they occurred and how Alyeska would prevent similar incidents in the future.

Review of Valdez Marine Terminal and Prince William Sound Tanker Oil Spill Contingency Plans: As part of our OPA 90 mandate, PWSRCAC reviews and comments on changes to oil spill prevention and response plans that cover the Valdez Marine Terminal and tankers that transit Prince William Sound. PWSRCAC participates in a workgroup consisting of industry, regulators, and stakeholders, which meets on a quarterly basis to discuss conditions of approval and improvements to the terminal plan. Additionally, PWSRCAC participates on drill and exercise design teams with industry and regulators that test response readiness. In 2022, the Council commissioned a report that documented the history of the oil discharge prevention and contingency plan for Prince William Sound oil tankers.

Testing devices used to deploy messenger lines: Passing a messenger line is the first step in setting up a tow line between a rescue tug and a tanker in distress. This can be a difficult and dangerous task. In 2021, the Council sponsored a study of devices used to deploy a messenger line. In 2022, field trials testing various devices were conducted as follow up to recommendations included in the original study. Results will be used to develop a set of recommended practices that will be shared with industry and regulators.

Course on shiphandling customized for Alaska: In 2022, the Council commissioned AVTEC Maritime Training Center in Seward, Alaska, to develop a shiphandling course specific to Alaska. This new coursework will better prepare mariners for handling vessels in Prince William Sound and Alaska. The scenarios are based on real activities and use high-resolution data previously funded by the Council. AVTEC was notified in April 2022 that both the basic and advanced shiphandling courses received approval by the U.S. Coast Guard and was subsequently add to the AVTEC schedule.

Oil spill planning for the Copper River Delta and Flats: The Council commissioned a report documenting the current state and history of developing sensitive area protection strategies (also known as geographic response strategies or GRS) for the Copper River Delta and Flats region. The goal of this project was to better understand what drove the development of these past strategies, what exercise activity and training had occurred in this region to date, and what content is still relevant today. The Council would like to see this information updated and once again referenced in Prince William Sound Area contingency planning documents.

**CITY OF HOMER
HOMER, ALASKA**

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RESOLUTION 20-018

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA SUPPORTING THE RECERTIFICATION OF THE PRINCE WILLIAM SOUND REGIONAL CITIZENS ADVISORY COUNCIL BY THE UNITED STATES COAST GUARD TO BE THE REGIONAL CITIZENS ADVISORY COUNCIL FOR PRINCE WILLIAM SOUND AND AFFECTED ENTITIES BY THE TANKER EXXON VALDEZ OIL SPILL.

WHEREAS, The Prince William Sound Regional Citizens Advisory Council (PWSRCAC) was created in 1989 and certified by the United States Coast Guard (USCG) in 1990 as mandated by the Oil Pollution Act of 1990; and

WHEREAS, The USCG requires the recertification of a Citizens Advisory Council annually with the third year recertification requiring comments from the public; and

WHEREAS, The PWSRCAC was created to provide citizens a voice in promoting the environmentally safe operation of the Valdez Marine Terminal and associated tankers; and

WHEREAS, The City of Homer, Alaska, has been a member entity of the PWSRCAC since its creation; and

WHEREAS, The City of Homer, Alaska, experienced the effects of the Tanker Exxon Valdez Oil Spill; and

WHEREAS, The City of Homer, Alaska, recognizes the value in citizen input on the environmentally safe operation of the Valdez Marine Terminal and its associated tankers.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska supports the recertification of the PWSRCAC as its Regional Citizens Advisory Council promoting the Environmentally Safe Operation of the Valdez Marine Terminal and associated tankers.

PASSED AND ADOPTED by the City Council this 10th day of February, 2020.



CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK



Memorandum

TO: Mayor Castner and Homer City Council
FROM: Council Member Erickson
DATE: December 12, 2022
SUBJECT: AML Travel Report

I would like to thank the City for allowing me to go and be a part of the AML conference this year. I really enjoyed the new venue.

It is always good to go and get a sense of what the Municipalities and State are working on. The following are my highlights and take away from a very packed schedule of events.

1. The Keynote Speaker, Matt Lehman really put perspective on community, and how we as leaders need to build the trust back between the community and government. I found it quite interesting that the word that was most used to describe the state of our communities was “Frustrated”. What was even more interesting was that his last 12 seminars around the US was the same word.

How do we as a community earn back the trust of each other, being able to look at each other in the eye with genuine friendship and care and not worry about how someone doesn’t like us anymore because of how we view the issues surrounding us? Do we really listen to each other, or as one elder from up north said, “or are we listening to respond”? What are our core values as a City that keeps us in a healthy emotional place with all different kinds of people, beliefs, ethics etc.? How can we have community dialogue that everyone participates in, not just like minded groups of people?

2. The next major topic was about Grants. With the Transportation Bill, come lots of money. The take away from this is:

a. Lots of unknowns –

b. That Grants have to have matches. In the early process we need to show that we have the match money available. In my mind that means that we have to set aside a huge amount of money to be able to apply for these grants of major importance to the City, (Harbor Float replacement, The new Harbor expansion, Water line replacement etc). What is a reasonable amount to have on hand, so we are able to jump at the small window of opportunity to apply for the Grants, that come up without warning. This is something the Council needs to address immediately.

c. While the intentions are great to help out our communities, there are many communities like ours with worthy projects and the COMPETITION for those grants is fierce. With short lead time to have the grant submitted, it is imperative that we are very proactive in the projects that we desperately need the funds to help us take care of our infrastructure needs (Port, water/sewer, or big ticket items).

3. AML is great way to meet people of influence within the government and it was a pleasure to talk with many that are working on different items. I was able to speak to Workman's Comp, DNR and trail maintenance, Childcare needs. It was also good to get to know fellow elected officials.

4. The major topic that always came around was that "People had lost trust in the government." How do we change that? I believe that it is imperative that we respect each others opinion and not judge from what side of the political spectrum we lean. We need to see each other as our friends and neighbors. Put down the swords that have been dividing us as a community, and ask how can we work together on these issues. Start from the place we agree on and work out from there versus trying to work from the place we disagree. Find that common ground. What I am finding is, that perspective is needed, and that presumption is often wrong. We agree more than we disagree... it is just how we get to the same end result. Let's have conversations without anger and judgement. Love peace and pursue it.



Memorandum

TO: Mayor Castner and Homer City Council
FROM: Council Member Aderhold
DATE: December 27, 2022
SUBJECT: AML Travel Report

Thank you for the opportunity to attend the Alaska Municipal League (AML) conference December 6-9, 2023 and testify on behalf of the city at the North Pacific Fishery Management Council (NPFMC) meeting on December 8 and 10, 2023. AML is a great opportunity to learn the latest information related to municipal governance and connect with elected officials from communities around Alaska. The NPFMC addressed many issues during their meeting, including issues Homer City Council has weighed in on, a Bering Sea red king crab Savings Area rule request and snow crab rebuilding analysis and Cook Inlet salmon Fishery Management Plan amendment.

AML Takeaways

During the opening session, AML Executive Director Nils Andreassen held a one-on-one chat with Tyson Gallagher, Governor Dunleavy's chief of staff about the governor's priorities during his new term. My key takeaway from this discussion was Mr. Gallagher stating that Governor Dunleavy plans to grow the economy, create jobs, and have fish in the rivers. Nils then held brief one-on-one chats with several legislators about their priorities during the upcoming legislative session: Sen. Andy Josephson (Anchorage), Sen. Calvin Schrage (Anchorage), Rep. Bryce Edgmon (Dillingham), and Rep. James Kaufman (Anchorage). It was interesting to hear each of these legislators speak on their backgrounds, present their priorities in relation to AML, and share their perspectives on what good governance looks like.

Some of the topics during the opening session that may affect Homer include the following:

- Recent federal spending laws were intended to benefit local governments in several ways, though federal grants will continually become more competitive as more local governments figure out the system. There are resources to support municipalities in seeking federal funds for local projects.
- PERS, and the proportion paid by municipalities, needs to be fixed. With the current significant reduction in state and university employees and static numbers of municipal employees, municipalities are taking on more and more responsibility for funding PERS and it is not sustainable.
- There are several issues related to the Alaska Department of Transportation and public Facilities (DOT&PF):
 - Road construction costs are now exceeding local planning budget estimates because of inflation
 - DOT&PF is more and more interested in transferring maintenance and ownership of state roads to municipalities
 - Contingency amounts required at the beginning of design and construction are now higher
 - AML has teamed with DOT&PF for federal infrastructure grants to municipalities

Matt Lehrman, Social Prosperity Partners, presented on the topic “from conflict to conversation” with 6 steps to better public dialog (this was a fantastic presentation):

1. Own leadership imperative
 - a. The purpose of local government is to enable individuals to join together in recognizing and solving community problems. (join together being key words)
2. Champion community values
 - a. What are the City of Homer’s core values? Should we establish our core values?
3. Give them what they want
 - a. What do people want from civic engagement?
 - b. Sometimes disagreement is disagreeable
 - c. Can’t be angry all the time
 - d. Be accountable
4. Convene courageous conversation
 - a. Hold real community conversations
 - b. Idea from one community: Topics on the Move (TOM) van with “white board” on the side where people can write their issues and ideas on the van
5. Avoid binary choices
 - a. Public dialog should not be about wins and losses
 - b. End with respect and people being heard
6. Invest in a healthy future
 - a. What bad habits should we stop modeling?
 - b. How do we inspire civic mindedness in future generations?

Those of us who attended AML attempted to spread out and attend different breakout sessions, though this did not always work if breakout sessions did not relate well to topics of interest for Homer. Here’s a brief overview of the breakout sessions I attended:

- Broadband Planning and Implementation
 - There are four pots of funding outlined in IJA with \$60 billion divided among them: Tribal Connectivity Program, Broadband Equity Access and Deployment (BEAD)—broadband should cost the same anywhere in Alaska, Digital Access—everyone should have access to the internet, and Middle Mile—fill in infrastructure gaps over distances
 - The Alaska Office of Broadband (within Department of Commerce, Community, and Economic Development) which was established through HB 363 is still being staffed and is in early days. \$100 million of BEAD funding set aside for each state and territory, \$5 million has been authorized to Alaska so far. There is a 5-year action plan to improve broadband in Alaska. Alaskans are either served, underserved, or unserved by broadband in Alaska. The Federal Communication Commission (FCC) has published a map showing in the US that fall into each category. The State of Alaska has challenged many locations on the map that are shown as served.
 - The Governor’s Task Force on Broadband report is available online. The report defines gaps, targets unserved and underserved populations and locations, identifies middle mile needs, and states a preference for fiber optic over microwave for middle mile upgrades.
 - The Rasmuson Foundation is administering the Digital Equity program for Alaska. Covered populations include those over 60, people who are incarcerated, veterans, people with disabilities, people who experience language barriers, racial or ethnic minorities, and rural residents.
 - FCC’s affordability program subsidizes internet for low-income individuals and families.
- Managing Effectively through Community Growth
 - Three speakers presented on municipal growth issues in recent years.

- Sitka recently developed a tourism master plan in response to a drastic increase in the number of cruise ship passengers coming to Sitka.
- The Mat-Su Borough has long been the fastest growing area of Alaska. The borough currently has 110,000 residents and the population is expected to double by 2050. They are experiencing numerous planning and zoning, stormwater management, land use conflict issues.
- An increase in independent travelers associated with the pandemic is one of the reasons short term rental issues have increased across Alaska.
- Kodiak is experiencing aging harbor issues because all of its harbor infrastructure is the same age after it was destroyed in the 1964 earthquake.
- The Sterling Highway Cooper Landing bypass project has led to the need for a master plan for Unit 395, a 1,000-acre parcel transferred from the state to the Kenai Peninsula Borough. Most folks in Cooper Landing understand they need new and affordable housing but what they want for the parcel is recreation.
- Work Shield – Protecting People, Organizations, and Cultures
 - Work Shield is a human resources program municipalities (and companies) can subscribe to for Equal Employment Opportunity Commission Title VII issues (harassment, bullying, and discrimination of various types).
 - Employees report issues through Work Shield. As a third-party, attorneys investigate each report and provide recommendations to the employer HR department within 5 days. All reports are investigated and are not lost when other HR issues take priority within a municipality. Investigations conducted by neutral parties.
 - Work Shield is now an AML shared service.
- Short Term Rentals – GovOS Demo
 - GovOS has developed a comprehensive software system for managing short term rentals within a municipality. This session was a demonstration of the software and Q&A on how the company can support municipalities in developing short term rental regulations.
 - Through August, Alaska experienced 29% growth in short term rentals.
 - GovOS and its software help municipalities understand the short term rental landscape within the community, the software can notify properties so they know ordinances, and there is a feedback loop for long term success.
 - GovOS provides ordinance consultation. They have a compliance dashboard based on the codes and ordinances of an individual municipality.

NPFMC testimony

Homer City Council passed Resolution 22-092 in November. The resolution encouraged NPFMC to immediately adopt fishery conservation and mitigation measures to facilitate the restoration of the directed Bering Sea Crab fisheries. I provided testimony to the NPFMC on December 8 under their agenda item “Red King Crab Savings Area Emergency Rule Request” that was consistent with the resolution and written testimony submitted by Mayor Castner ahead of NPFMC’s deadline (December 2). The Alaska Bering Sea Crabbers had submitted a petition asking the Department of Commerce and National Marine Fisheries Service to close the Red King Crab Savings Area in the Bering Sea to all fishing gear from January through June 2023. NPFMC voted not to close the area to all fishing gear. The testimony I provided also related to the next agenda item “Snow Crab Rebuilding Analysis”, but I did not testify specifically on that topic.

Homer City Council has weighed in numerous times regarding the Cook Inlet salmon fishery management plan issue, including having our attorney submit an amicus brief on the Cook Inlet Drift Association’s lawsuit on the previous fishery management plan decision. I provided testimony to the NPFMC on December 10 under their agenda item “Cook Inlet Salmon FMP Amendment”. The judge’s ruling in the lawsuit requires NPFMC to develop a workable solution to management of the Cook Inlet drift fishery that crosses state and federal waters. The NPFMC will discuss this issue further at their next meeting in February 2023.



AGENDA ITEM REPORT

Ordinance 22-70, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code, Section 21.60.100 Signs Exempt from Regulation to Exempt Signs Not Visible from Public Rights of Way. Lord.

Item Type: Ordinance
Prepared For: Mayor and City Council
Meeting Date: 09 Jan 2023
Sponsor: Rachel Lord, Council Member
Department: City Council
Attachments: [Ordinance 22-70](#)
[Planning Commission Backup](#)
[Memo 22-208 Pl 22-13 Exempt Sign](#)
[Memo 22-179 Amending 21.60.100](#)

Summary Statement:

See attached information regarding Ordinance 22-70.

The Planning Commission recommends amending the title to strike the word visible and replace it with legible.

Staff Recommendation:

Ordinance 22-70 Introduction October 24, 2022, Public Hearing and Second Reading Postponed to November 28 and Referred to Planning Commission. Public Hearing and Second Reading Postponed to January 9, 2023.

Attachments:

[Ordinance 22-70](#)
[Planning Commission Backup](#)
[Memo 22-208 Pl 22-13 Exempt Sign](#)
[Memo 22-179 Amending 21.60.100](#)

**CITY OF HOMER
HOMER, ALASKA**

Lord

ORDINANCE 22-70

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE SECTION 21.60.100, SIGNS EXEMPT
FROM REGULATION TO EXEMPT SIGNS NOT VISIBLE FROM
PUBLIC RIGHTS OF WAY.

WHEREAS, The purposes of the City of Homer’s sign regulation are outlined in Homer City Code (HCC) 21.60.020 which states, “The purposes of this sign code are: to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment and the City’s ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.”; and

WHEREAS, If a sign is not visible from the public right-of-way, its regulation is not justified under these stated purposes; and

WHEREAS, Numerous other communities in Alaska with sign codes explicitly exempt signs which are not visible from the public right-of-way; and

WHEREAS, The City of Homer should also clearly exempt signs that are not visible from the public right-of-way to reduce regulatory burden and confusion and to focus City resources where there is a public nexus.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.60.100, Signs exempt from regulation under this chapter, is amended to read as follows:

The following signs shall be exempt from regulation under this chapter:

- a. Any sign bearing only a public notice or warning required by a valid and applicable Federal, State, or local law, regulation, or ordinance.
- b. Any emergency warning sign erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within a public right-of-way.
- c. ~~Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is~~

[Bold and underlined added. Deleted language stricken through.]

45 ~~located.~~ **Any sign that is not legible from the public right-of-way.**

46

47 d. Works of art that do not contain a commercial message.

48

49 e. Holiday lights between October 15th and April 15th.

50

51 f. Traffic control signs on private property, such as a stop sign, a yield sign, and similar signs,
52 the face of which meets Department of Transportation standards and that contain no
53 commercial message of any sort.

54

55 g. Signs in existence before February 11, 1985, but such signs shall not be replaced, moved,
56 enlarged, altered, or reconstructed except in compliance with this chapter.

57

58 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

59

60 Section 3. This ordinance is of a permanent and general character and shall be included
61 in the City code.

62

63 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ____ day of
64 _____ 2022.

65

66 CITY OF HOMER

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69 _____
KEN CASTNER, MAYOR

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71 ATTEST:

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75 _____
MELISSA JACOBSEN, MMC, CITY CLERK

76

77 YES:

78 NO:

79 ABSTAIN:

80 ABSENT:

81

82 First Reading:

83 Public Reading:

84 Second Reading:

85 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Planning
Page 4 of 22

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Homer, Alaska 99603

Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

MEMORANDUM PL 23-01

TO: MAYOR CASTNER AND THE HOMER CITY COUNCIL
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: DECEMBER 21, 2022
SUBJECT: SIGNS NOT LEGIBLE FROM THE RIGHT-OF-WAY

After concern of the legality of signs that are not legible from the right-of-way due to distance or size, an amendment was proposed to make signs exempt from the sign code.

Staff report 22-66 replies to the concern presented. The Commission found it acceptable to exclude these signs from the sign code and made a motion to change the wording of the title to reference 'legible' as opposed to 'visible' to avoid confusion as to the intent of the ordinance.

The Commission held a public hearing on September 21st. With six Commissioners present, the Commission voted in unanimously support of the ordinance and recommends that the Homer City Council adopt the draft ordinance with the amended title.

Attachments:

Amended Draft Ordinance

Staff Reports 22-66, attachments, meeting minutes, and public comment

From: [Rick Abboud](#)
To: [Renee Krause](#)
Subject: FW: PC public comment Ord 22-70
Date: Tuesday, December 6, 2022 3:06:34 PM

From: mary griswold <mgrt@xyz.net>
Sent: Friday, December 2, 2022 7:17 PM
To: Department Planning <Planning@ci.homer.ak.us>
Cc: Rachel Lord <RachelLord@ci.homer.ak.us>
Subject: Fwd: PC public comment Ord 22-70

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

(I am forwarding this message to planning, as requested, because Clerks and Planner are out of office)

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

Subject: PC public comment Ord 22-70
Date: Fri, 02 Dec 2022 23:12:24 -0500
From: "mary griswold" <mgrt@xyz.net>
To: melissa jacobson <[mjacobson@ci.homer.ak.us](mailto:mjacobsen@ci.homer.ak.us)>
Cc: rabboud@ci.homer.ak.us

To Planning Commission
Re Ordinance 22-70 exempting certain signs

Please amend Ord 22-70 to provide consistent wording whether signs are visible or legible.

The title and whereas clauses refer to signs not visible while the therefore clause refers to signs not legible.

Lord

ORDINANCE 22-70

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE SECTION 21.60.100, SIGNS EXEMPT
FROM REGULATION TO EXEMPT SIGNS NOT ~~VISIBLE~~ **LEGIBLE**
FROM PUBLIC RIGHTS OF WAY.

WHEREAS, The purposes of the City of Homer's sign regulation are outlined in Homer City Code (HCC) 21.60.020 which states, "The purposes of this sign code are: to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions."; and

WHEREAS, If a sign is not visible from the public right-of-way, its regulation is not justified under these stated purposes; and

WHEREAS, Numerous other communities in Alaska with sign codes explicitly exempt signs which are not visible from the public right-of-way; and

WHEREAS, The City of Homer should also clearly exempt signs that are not visible from the public right-of-way to reduce regulatory burden and confusion and to focus City resources where there is a public nexus.

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- c. ~~Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is~~

[Bold and underlined added. Deleted language stricken through.]

50 ~~located.~~ **Any sign that is not legible from the public right-of-way.**

- 51
- 52 d. Works of art that do not contain a commercial message.
- 53
- 54 e. Holiday lights between October 15th and April 15th.
- 55
- 56 f. Traffic control signs on private property, such as a stop sign, a yield sign, and similar signs,
57 the face of which meets Department of Transportation standards and that contain no
58 commercial message of any sort.
- 59
- 60 g. Signs in existence before February 11, 1985, but such signs shall not be replaced, moved,
61 enlarged, altered, or reconstructed except in compliance with this chapter.
- 62

63 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

64

65 Section 3. This ordinance is of a permanent and general character and shall be included
66 in the City code.

67

68 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
69 _____ 2022.

70

71 CITY OF HOMER

72

73 _____
74 KEN CASTNER, MAYOR

75

76 ATTEST:

77

78 _____
79
80 MELISSA JACOBSEN, MMC, CITY CLERK

81

82 YES:

83 NO:

84 ABSTAIN:

85 ABSENT:

86

87 First Reading:

88 Public Reading:

89 Second Reading: Effective

90 Date:

Agenda Item Report PC 22-65

Chair Smith introduced the topic and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-65 and provided highlights on the following:

- Managed to fit in a brief vacation over the recent Thanksgiving holiday
- Reviewed the adopted ordinances by Council
 - o FEMA grant application for adoption of Building Code
- Transportation Planning Public Event
- Review of RFQ's for the Comprehensive Plan and Title 21 Update
- Corps of Engineer as a Visitor scheduled for the January 18th Meeting,
- Hiring of new staff for the Planning Department, Associate Planner Bella Vaz and
 - o Assistant Planner Courtney Dodge
 - One of the first tasks assigned was coordinating the Asbuilts and sending out notices
 - Back log of filing
 - Records Managements for the Department
 - o Associate Planner Vaz
 - Attending FEMA Training for Flood Plain Manager certification
- Update to the Comprehensive Plan
 - o Attendance was encouraged by the Commissioners at the proposed outreach meetings that will be scheduled for the public
- Commission Calendar
- Progress on the new Software

There were no immediate volunteers for the January 9, 2023 Council meeting. It was noted that they did have a Commission meeting prior to each of the Council meetings.

8. PUBLIC HEARING(S)

8. A. Exempt signs Not Visible from Public Rights of Way Agenda Item Report PC 22-66

Chair Smith introduced the item by reading of the title and deferred to City Planner Abboud.

City Planner Abboud provided a summary of Staff Report 22-66 to the Commission. He noted the public comment received regarding verbiage used in the draft ordinance and staff can make that amendment to the words legible and visible. He commented on the following:

- Use of the word visible
- the placement of proposed signage that is not legible from the road should not be subject to the sign code

Chair Smith opened the Public Hearing. He closed the Public Hearing after confirming with the Clerk that no hands were raised from members of the Public attending via Zoom and noting that there were no members of the public present in Chambers.

Chair Smith opened the floor to questions from the Commission.

City Planner Abboud facilitated questions on the following:

- this ordinance will not open the placement of permanent, large, gaudy signage
- this addresses mostly what is known as building marker signage
- additional regulations regarding sign code would still apply
- it applies to signage that was once attached to the building
- clarification on the motions requested from the Commission

HIGHLAND/BARNWELL MOVED TO AMEND LINE 9 TO DELETE THE VISIBLE AND REPLACE WITH THE WORD LEGIBLE

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Smith asked if there was any additional discussion. Hearing none he requested a motion and second.

HIGHLAND/BARNWELL MOVED TO ADOPT STAFF REPORT 22-66 AND RECOMMEND APPROVAL OF ORDINANCE 22-70 AMENDING HOMER CITY CODE 21.60.100 AS AMENDED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

9. PLAT CONSIDERATION(S)

10. PENDING BUSINESS

11. NEW BUSINESS

12. INFORMATIONAL MATERIALS

12. A. City Manager's Reports
City Manager's Report for the November 14, 2022 City Council Meeting
City Manager's Report for the November 28, 2022 City Council Meeting

Chair Smith commented briefly on the sulfur shipment project.

12. B. PC Meeting & City Council Report Calendars
2023 Meeting Dates and Submittal Deadlines
2023 PC Calendar

13. COMMENTS OF THE AUDIENCE



AGENDA ITEM REPORT

Signs Legible from the Rights of Way

Item Type:	Action Memorandum
Prepared For:	Planning Commission
Meeting Date:	07 Dec 2022
Staff Contact:	Rick Abboud, City Planner
Department:	Planning
Attachments:	Memorandum 22-179 Amending 21.60.100 Ordinance 22-70 Amend 21.60.100 Signs Visible from ROW Google Maps example Memorandum PL 22-12 Exempt Sign

Summary Statement:

Introduction

After having a conversation about about replacing a sign that was located nearly 400ft for a right-of-way, an ordinance has been proposed by Councilmember Lord to exclude signs that are not legible from the right-of-way from the sign ordinance.

Policy Implications:

Analysis

This subject has brought up two different answers to the question of replacing a legacy sign that is not legible from a right-of-way. A strict compliance with the sign code might make a sign unacceptable, such as the case where the sign constitutes a second free-standing sign that is prohibited by code. A pragmatic answer might be that a sign not visible/legible from the right-of-way would not be regulated, as it does not convey information to the general public, only those on-site.

As this subject is not spelled out in code, except for reference to signs located inside a building, this amendment was proposed to further clarify the issue. The language, as proposed, would continue to apply to a sign located inside a building, except the standard would move from “not legible from three feet beyond the lot line” to “not legible from the public right-of-way.”

It is reasonable to consider the ability of a sign to convey a message to the general public. My research from the American Planning Association, found in the November 2019 issue of Zoning Practice,

Practice Sign Regulation, states that; “generally, a sign is defined as an object that attracts attention and is visible from a right-of-way.” The proposed ordinance reinforces this concept.

Staff Recommendation:

Review the proposed amendment, hold public hearing, and make recommendation to the City Council for adoption.

Attachments:

[Memorandum 22-179 Amending 21.60.100](#)

[Ordinance 22-70 Amend 21.60.100 Signs Visible from ROW](#)

[Google Maps example](#)

[Memorandum PL 22-12 Exempt Sign](#)



Memorandum 22-179

TO: Mayor Castner and Homer City Council

FROM: Rachel Lord, Councilmember

DATE: October 24, 2022

SUBJECT: Ordinance 22-70 Amending Homer City Code 21.60.100 Regarding Signs Legible from Public Rights of Ways

Background

Thank you for your consideration of Ordinance 22-70. This action was inspired by the sign in front of Paul Banks Elementary, which is almost 400 feet downhill from the public right-of-way (ROW), and impossible to see from the road. It is falling apart and the school staff and Parent Teacher Association would like to replace it. My understanding is that last year they were told by the City that they've already maxed out their sign allotment and so if they took that one down they would not be permitted to replace it. That made no sense to me at all.

I asked City Planner Abboud about this situation and he said that as a matter of practicality, if it's not visible from the right-of-way to the public, it would not be considered a sign subject to regulation under the code. But he noted that he hadn't looked at that specific sign. I went to look at the code to see where that exemption might be explicitly stated, and I found the verbiage about the interior signs only. Nothing about signs not visible from the public ROW.

In this amendment, I am suggesting that we fully replace subsection HCC 21.60.100(c) to limit the City's regulation to signs clearly visible from the public ROW and intended to be viewed by the public. Below I have provided some examples from other Alaskan municipalities sign codes.

While I believe this is a fairly straightforward and simple amendment to code, I look forward to feedback from the Planning Commission. I would like to see the City limit resources to regulating what is in the interest of the public. Signs that cannot be seen by the public from the public right-of-way should be clearly exempt from regulation under Homer City Code.

Wasilla: 16.32.020 Scope.

This chapter shall not regulate: building design; official traffic or government signs; the copy and message of signs; ***signs not intended to be viewed from a public right-of-way***; window displays, product dispensers, and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or noncommercial organization, unless part of a sign; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined in this chapter as a sign. (Ord. 17-09 § 3, 2017; prior code § 16.43.902)

Seward: 15.20.015 - Definitions.

Sign. Any device fixed to, painted on, or incorporated into the building surface; displayed from or within a building or structure; or free-standing upon the site, and **which is (a) visible from a public right-of-way and (b) designed to convey or direct a message to the public concerning the identification of the premises or to advertise or promote the interests of any private or public firm, person or organization.**

Soldotna:

15.08.010 - Administration. C. Scope .1.

General. **The scope of this chapter shall be to regulate signs of a commercial nature intended to be viewed from public rights-of-way.** This code does not regulate government signs; the copy and message of signs; window signs; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or non-commercial organization; gravestones; commemorative plaques; display of addresses; or any display or construction not defined herein as a sign.

**CITY OF HOMER
HOMER, ALASKA**

Lord

ORDINANCE 22-70

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PUBLIC RIGHTS OF WAY.

WHEREAS, The purposes of the City of Homer’s sign regulation are outlined in Homer City Code (HCC) 21.60.020 which states, “The purposes of this sign code are: to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment and the City’s ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.”; and

WHEREAS, If a sign is not visible from the public right-of-way, its regulation is not justified under these stated purposes; and

WHEREAS, Numerous other communities in Alaska with sign codes explicitly exempt signs which are not visible from the public right-of-way; and

WHEREAS, The City of Homer should also clearly exempt signs that are not visible from the public right-of-way to reduce regulatory burden and confusion and to focus City resources where there is a public nexus.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.60.100, Signs exempt from regulation under this chapter, is amended to read as follows:

The following signs shall be exempt from regulation under this chapter:

a. Any sign bearing only a public notice or warning required by a valid and applicable Federal, State, or local law, regulation, or ordinance.

b. Any emergency warning sign erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within a public right-of-way.

~~c. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is~~

[Bold and underlined added. Deleted language stricken through.]

45 ~~located.~~ **Any sign that is not legible from the public right-of-way.**

46

47 d. Works of art that do not contain a commercial message.

48

49 e. Holiday lights between October 15th and April 15th.

50

51 f. Traffic control signs on private property, such as a stop sign, a yield sign, and similar signs,
52 the face of which meets Department of Transportation standards and that contain no
53 commercial message of any sort.

54

55 g. Signs in existence before February 11, 1985, but such signs shall not be replaced, moved,
56 enlarged, altered, or reconstructed except in compliance with this chapter.

57

58 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

59

60 Section 3. This ordinance is of a permanent and general character and shall be included
61 in the City code.

62

63 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this ____ day of
64 _____ 2022.

65

66 CITY OF HOMER

67

68

69 _____
KEN CASTNER, MAYOR

70

71 ATTEST:

72

73

74 _____

75 MELISSA JACOBSEN, MMC, CITY CLERK

76

77 YES:

78 NO:

79 ABSTAIN:

80 ABSENT:

81

82 First Reading:

83 Public Reading:

84 Second Reading:

85 Effective Date:

Google Earth Street View at maximum zoom. On-site sign is found within red box.

Homer, Alaska
Google
Street View - Aug 2009





City of Homer

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Planning
Page 3 of 22
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MEMORANDUM PL 22-12

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: December 7, 2022
SUBJECT: Planning Staff review of draft ordinance exempting signs not legible from the right-of-way.

Planning Staff review per 21.95.040

21.95.040 Planning Department review of code amendment

The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Analysis: The proposed amendment aligns with Goal 3, Objective A, create a clear, coordinated regulatory framework that guides development, specifically, the implementation strategy to “review rules and regulation options with consideration of operational constraints and community acceptance.

Finding 1: The proposed amendment is consistent with the Comprehensive Plan.

b. Will be reasonable to implement and enforce.

Analysis: The proposed ordinance expands upon an existing premise that applies well to working code.

Finding 2: The proposed ordinance will be reasonable to implement and enforce.

c. Will promote the present and future public health, safety and welfare.

Analysis: The proposed ordinance allows for messaging and markers that address those found on a site located well away and not viewable from a public right-of-way.

Finding 3: The proposed ordinance will promote the present and future public health, safety, and welfare.

d. Is consistent with the intent and wording of the other provisions of this title.

Analysis: The ordinance has been reviewed for consistency for its use in title 21 and has not been found to be in conflict with other regulations.

Finding 4: The proposed ordinance is consistent with the intent and wording of other provision in Title 21.

STAFF COMMENTS/RECOMMENDATIONS:

Planning staff has reviewed the ordinance per HCC 21.95.040 and recommends the Planning Commission conduct a public hearing, and recommend approval to the City Council.



City of Homer

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Page 20 of 22
Planning
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MEMORANDUM 22-208 (PL 22-13)

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: November 18, 2022
SUBJECT: Planning Staff review of draft ordinance exempting signs not legible from the right-of-way.

Due to a problem scheduling a public hearing for the item with the Planning Commission, I am unable to present a recommendation to the City Council until their first meeting in January.

At the October 24th meeting of the City Council, I suggested that I would be able to get Planning Commission input on the item and have it back for a second reading at the November 28th meeting of the Council. The Planning Commissions next meeting was scheduled for November 2nd. HCC 21.95.060(a) requires that the Planning Commission review all amendments to Title 21 and HCC 21.95.060(c) requires that they hold a public hearing. Unfortunately the deadline for submittal had already passed as item would have had to been to have been submitted to the newspaper the prior Thursday/Friday to meet noticing requirements.

This item is on the next scheduled Planning Commission meeting held on December 7th, the next opportunity for the Council get the recommendation is January 9th.

STAFF COMMENTS/RECOMMENDATIONS:

Reschedule for second reading January 9th.



Memorandum 22-179

TO: Mayor Castner and Homer City Council

FROM: Rachel Lord, Councilmember

DATE: October 24, 2022

SUBJECT: Ordinance 22-70 Amending Homer City Code 21.60.100 Regarding Signs Legible from Public Rights of Ways

Background

Thank you for your consideration of Ordinance 22-70. This action was inspired by the sign in front of Paul Banks Elementary, which is almost 400 feet downhill from the public right-of-way (ROW), and impossible to see from the road. It is falling apart and the school staff and Parent Teacher Association would like to replace it. My understanding is that last year they were told by the City that they've already maxed out their sign allotment and so if they took that one down they would not be permitted to replace it. That made no sense to me at all.

I asked City Planner Abboud about this situation and he said that as a matter of practicality, if it's not visible from the right-of-way to the public, it would not be considered a sign subject to regulation under the code. But he noted that he hadn't looked at that specific sign. I went to look at the code to see where that exemption might be explicitly stated, and I found the verbiage about the interior signs only. Nothing about signs not visible from the public ROW.

In this amendment, I am suggesting that we fully replace subsection HCC 21.60.100(c) to limit the City's regulation to signs clearly visible from the public ROW and intended to be viewed by the public. Below I have provided some examples from other Alaskan municipalities sign codes.

While I believe this is a fairly straightforward and simple amendment to code, I look forward to feedback from the Planning Commission. I would like to see the City limit resources to regulating what is in the interest of the public. Signs that cannot be seen by the public from the public right-of-way should be clearly exempt from regulation under Homer City Code.

Wasilla: 16.32.020 Scope.

This chapter shall not regulate: building design; official traffic or government signs; the copy and message of signs; ***signs not intended to be viewed from a public right-of-way***; window displays, product dispensers, and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or noncommercial organization, unless part of a sign; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined in this chapter as a sign. (Ord. 17-09 § 3, 2017; prior code § 16.43.902)

Seward: 15.20.015 - Definitions.

Sign. Any device fixed to, painted on, or incorporated into the building surface; displayed from or within a building or structure; or free-standing upon the site, and **which is (a) visible from a public right-of-way and (b) designed to convey or direct a message to the public concerning the identification of the premises or to advertise or promote the interests of any private or public firm, person or organization.**

Soldotna:

15.08.010 - Administration. C. Scope .1.

General. **The scope of this chapter shall be to regulate signs of a commercial nature intended to be viewed from public rights-of-way.** This code does not regulate government signs; the copy and message of signs; window signs; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or non-commercial organization; gravestones; commemorative plaques; display of addresses; or any display or construction not defined herein as a sign.



City of Homer

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(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: January 4, 2023
SUBJECT: City Manager's Report for January 9, 2023 Council Meeting



AMMA and AML Conference

I traveled to Anchorage the week of December 5th to participate in the Alaska Municipal Management Association (AMMA) and Alaska Municipal League (AML) conferences. During the AMMA conference I participated in a panel on Council/Manager relations, gave a presentation on regional networking for City Managers, and was elected Vice President of the organization. During the AML part of the conference, I officially took my seat on the AMLJIA Board of Trustees and attended a number of sessions on local government issues with a nexus to Homer. Joining me were Special Projects Coordinator Jenny Carroll; and Economic Development Manager and member of AML Cities of Opportunity cohort, Julie Engebretsen.

Teleconference with Governor Dunleavy

On November 30th, Mayor Castner, Harbor Commissioner Crisi Matthews, Port Director Bryan Hawkins, and Special Project Coordinator Jenny Carroll had a discussion with Governor Dunleavy regarding the Homer Port

Expansion. The Governor was very supportive of Homer and clearly understands how important our working waterfronts are to the entire State of Alaska. During our meeting he said, “I’ve got to build a State of Alaska for the next 50 years.” I found that sentiment exciting as Homer finds itself on the edge of a major comprehensive plan update and preparing for the transformative change that will come with the expansion of our port and harbor facilities.

Check-in With Representative Vance

Special Projects Coordinator Jenny Carroll and I met with Representative Vance to discuss City goals and the upcoming session in Juneau. We covered topics ranging from the City’s capital improvement needs to community jail funding and speeds on East End Road.

Homer is a StormReady Community

Homer renewed its National Weather Service StormReady Community Certification and its commitment to implement the infrastructure and systems needed to protect lives and property. Special Projects Coordinator Jenny Carroll and Associate Planner Bella Vaz worked with the National Weather Service to have Homer certified as StormReady, adding to our recent TsunamiReady certification. This program works to protect communities from the effects of severe weather through advanced planning, education and awareness. StormReady promotes hazard preparedness to improve public safety before, during and after weather-related emergencies. To be recognized as StormReady, a community must maintain a 24-hour warning point and support emergency operations center (EOC) operations; support ongoing education and outreach; support more than one way of receiving warnings and alerting the public; and develop a formal emergency operations plan and hold annual exercises. The recognition program is valid for four years and can be renewed.

Operational Budget Worksheets Distributed to Leadership Team

In line with our budget development schedule, the Finance Department has distributed budget worksheets to department/division leaders. Once we’ve gone through this internal part of the budget process, we should have a lot more to talk about with Council regarding vision for FY24/25.

Audit Progress

Auditors from BDO will be in Homer this week working with staff on our current audit.

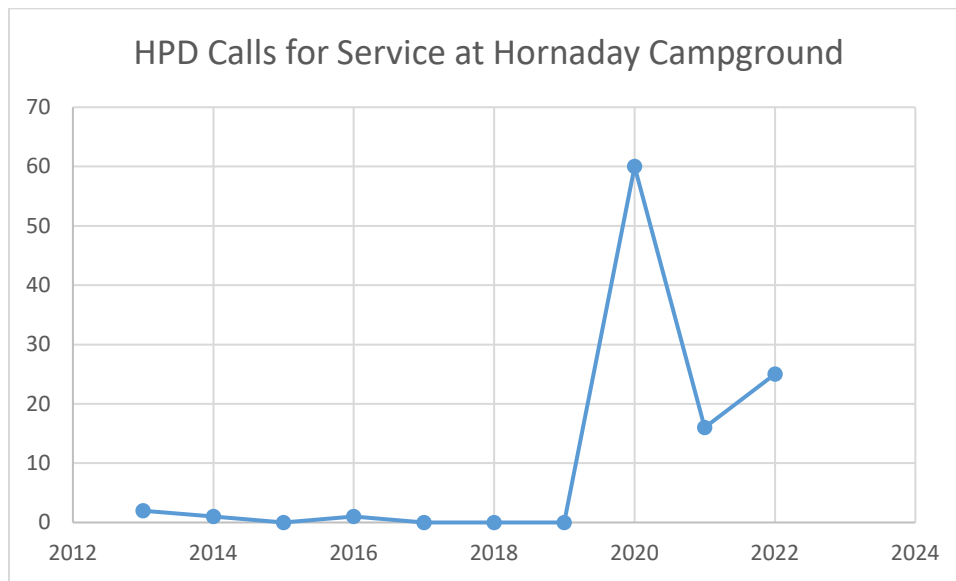
Homer Foundation Funding for Hornaday Park Playground Maintenance and Repair

Last year, the Homer Foundation reached out to my office to discuss ideas for the potential use of approximately \$20,000 in remaining funds from the Homer Playground Project and the Boat House Pavilion. We proposed putting the funds towards repair and replacements of certain pieces of equipment at Hornaday Park playground to include swings, diggers, slides, tire swings, etc. As costs have been volatile, we expect the cost of the project at the time of implementation to exceed the funds available from the Homer Foundation, so we will be asking for an appropriation at a future meeting to ensure we have sufficient funds to complete the upgrades.

Hornaday Park Summer Camping Closure and Master Plan Update

Like last year, I am using my authority under Homer City Code 19.08.030(d) to close all City-operated campgrounds for the winter. Winter camping has been problematic in years past and requires too much staff time to manage successfully. There have traditionally been private sector options for winter camping within City limits, and I expect that will continue to be true this year.

In 2023, I am not planning to re-open Karen Hornaday Park Campground. This is the least popular of our campgrounds, and it has been creating a significant amount of trouble for both the City and nearby residents. I am aware of numerous complaints from the public regarding perceptions of safety at the park. Those perceptions are backed up by the high volume of calls found in the Homer Police Department's (HPD) logs. Since 2020, 101 calls for service have been recorded by HPD at the park. The most common calls are for disturbances, suspicious circumstances, security checks, and welfare checks. HPD has also fielded calls for things like vandalism, harassment, assault, and drug activities. Multiple arrests have been made at the park over the last three years.



Activity at Hornaday Campground spiked in 2020 when it was designated as a free camping spot for those experiencing COVID symptoms. I discontinued the program in 2021, and the calls for service decreased. Unfortunately, calls remain very elevated compared to the very low number of complaints in the years before the free-camping program.

By suspending Hornaday Campground for 2023, it will give City staff a chance to break the cycle of abuse the campground has been facing. At the same time, we will be working with PARCAC on a Karen Hornaday Park Master Plan through which I would hope that we can figure out how we want to best use that space in the future. An improved camping program? A fitness trail with park exercise equipment? Some other yet to be determined use?



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Memorandum

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: January 4, 2023
SUBJECT: 2022 Council Visioning Follow Up #3

Staff continues to work diligently to achieve 2022 Council visioning priorities. This is the third installment of what are intended to be roughly quarterly updates on project progress. It took a little bit of time to get up to speed, but we are now well underway. We're getting a lot of traction on various goals and hitting important check points – RFPs are being issued, grants are being applied for, and applications are being submitted.

- **Fiscal Policy Improvements** – Our project with JDO related to debt service found that we're in a good place for the most part, no observed violations of loan contract terms, but some potential improvements were identified by our legal team. This resulted, in part, in the introduction of Ordinance 22-48 which codified the HAWSP fund as a debt service fund that can also be used for water and sewer improvements (as allowed by the HAWSP manual). This ordinance was suggested and written by our attorneys at JDO. We have also successfully negotiated some contract updates with ADEC across the last few months for future agreements.

We continue to make progress on the procurement policy goal from 2020. The Finance Stakeholder Group has conducted research, including an internal survey, which has been forwarded to my office. Clerk/Deputy Administration Director Melissa Jacobsen has attended procurement training through the Government Finance Officers Association (GFOA) and is working with the Finance Stakeholder Group on getting a draft ready for future consideration by the Council.

In mid-January, I have a finance term contract partner tentatively scheduled to come to Homer for an in-depth systems and workflow analysis.

- **Comprehensive Plan Fast Forward** – After hiring Special Project Coordinator Ryan Foster, we worked on getting the RFQ/RFP sketched out for a firm to help us complete this very large and complicated task. The draft went through review by staff and Councilmembers Aderhold and Davis before it was provided to Council in a Manager's report. We advertised an RFQ that netted us three firms which have been invited to provide a full RFP. We will be back in front of Council once that process is complete.
- **Zoning Code Modernization** – This item is split into two pieces, pre- and post-comprehensive plan. As a pre-comprehensive plan item, the West Hill rezone is complete (Ordinance 22-35). Additionally, the conditional use permit reform project was completed in October (Ordinance 22-68(A)). Ordinance 22-68(A) has been challenged in Superior Court and our legal team is addressing that

complaint. As for post-comprehensive plan zoning, we are including the zoning code in the comprehensive plan RFP for the most streamlined approach to getting this massive project completed.

- **Building Code Adoption and Implementation** – We submitted an application in late December for the BRIC (Building Resilient Infrastructure and Communities) Grant Program through FEMA as a possible source of funding to get our building program off the ground. The response to this application will have a large influence on how we proceed to the next steps. In the meantime, we're also working on permitting concepts for grading, dirt work, and burning which impact the same general stakeholders.
- **Housing Challenges** – The Special Projects Team, along with Economic Development Manager Julie Engebretsen completed a series of meetings about short term rentals with groups such as the Chamber of Commerce, Economic Development Commission, and City Council. As a follow up, this group is looking at hosting a housing workshop in late February/early March to talk about the bigger picture of housing in Homer. Related to STRs, there will be an ordinance introduced at the January 9th meeting to set aside funds for an STR tracking software solution.
- **Water and Sewer Expansion** – Public Works has been putting significant effort into the general concept of expanding our utilities for the last two years. Expect more detailed updates in the future as we work to secure funding for significant expansion opportunities.
- **Expansion of Sidewalks and Trails** – The Main Street sidewalk has been completed and the Master Transportation Plan is underway. In November, Council passed Ordinance 22-42(S-3) which creates new specifications for when new streets are required to provide for non-motorized transportation.
- **Emergency Preparedness and Training** – The All Hazards Plan has been completed and accepted by Council. Likewise, the tsunami brochure design project with UAF has been completed and printed copied distributed. There remains much work to do related to the Emergency Operations Plan (EOP) and future training opportunity development. I have staff actively looking for funding opportunities related emergency preparedness.
- **Public Safety Conversations** – The Volunteer Fire Department hosted an open house in October which brought the public inside the fire hall for a discussion about fire and EMS services here in Homer. The Homer Police Department has had success engaging the public with women's self-defense classes.
- **Volunteer Action Plan** – Special Project Coordinator David Parker was out front on this project collecting data, drafting reports, and building forms and databases for future volunteer programs. Due to the seasonal nature of some of our volunteer programs, we had a hard time getting as much access as we desired to staff during the summer. I am working on getting this effort back underway this winter and wrapped up before the end of the fiscal year.
- **Coast Guard City Designation** – The City's completed application was submitted by Assistant to the City Manager Christine Drais at the end of November 2022. We are waiting on word back from the Coast Guard as to the status of our application.
- **Harbor Float Replacements** – Council passed Ordinance 22-19(A) which made \$56,540 available from the Port Reserves Fund for grant and engineering assistance related to a harbor float

replacement project. While prep work will happen in calendar year 2022, it is likely that any grant submissions will occur in calendar year 2023.

- **Recreation Priorities and Planning** – While this is a bigger conversation than the HERC/Pioneer Gateway Redevelopment Project, much of the general recreation conversation is occurring in parallel to those work sessions/discussions. We did host a presentation by Community Recreation Manager Mike Illg on August 22 that covered the City’s recreational relationship with the Kenai Peninsula Borough School District.
- **Cybersecurity Improvements** – A key part of improving City cybersecurity is having sufficient staff to manage our digital infrastructure. Ordinance 22-20 provided funding for a Network Administrator position. That position was filled internally. A new IT Support Specialist joined the team in December. We also had turnover in the IT Manager position which has been refashioned into a Chief Technical Officer position. That recruitment is ongoing and final interviews are the week of January 9th.

2020 Highlights

- HERC Demolition – demolition of the smaller HERC building went out of bid after we completed one more report on the buildings (at the request of those firms bidding on the project). Expect to hear more soon.
- Stormwater Management Plan and Implementation – we have a grant pending to support the portions of the Kachemak “sponge” stormwater plan and one grant pending for portions of Beluga Slough stormwater treatment system; this is also a top item on the CIP and one we will lobby Juneau to support this year.
- Climate Action Plan – the CAP is intended to be integrated into the Comprehensive Plan which is currently out for RFP
- Wayfinding – Plan was adopted by Council, next steps will involve testing designs and installing prototypes around town
- Water and Sewer Policy
- Procurement Policy – Has been rolled into 2022 goal of financial policy improvements; nearing completion
- Reserve Funding; Election Code; Council Operating Manual; Funding for Large Vessel Harbor Study – Largely complete

2022 Council Priorities

Fiscal Policy Improvements					
Comprehensive Plan Fast Forward		Zoning Code Modernization		Building Code Adoption and Implementation	
Expansion of Sidewalks and Trails			Water and Sewer Expansion		
Housing Challenges			Emergency Preparedness and Training		
Public Safety Conversations	Volunteer Action Plan	Coast Guard City Designation	Harbor Float Replacements	Recreation Priorities and Planning	Cybersecurity Improvements

2020 Council Initiated Priorities

HERC Demolition/Community Recreation Center			Stormwater Management Plan and Implementation		
Climate Action Plan			Wayfinding/Streetscape		
Water and Sewer Policy	Reserve Funding (Water and Sewer)	Election Code	City Council Operating Manual	Procurement Policy	
Funding for Large Vessel Harbor Study					



AGENDA ITEM REPORT

Ordinance 22-72, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 20 Animals, Sections 20.04.020 Definitions, 20.08.010 Animals At Large, 20.08.040 Nuisance Animals And 20.32.020 Fine Schedule to Refine the Definition of “At Large”, Clarify Areas Where Animals Are To Be On Leash At All Times and Amend Related Fines. Venuti/Erickson

Ordinance 22-72(S), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 19, Parks, Campgrounds, and Public Places and Section 19.08.070, Certain Acts Prohibited; Section 19.20.020 General Rules, and Title 1, General Provisions, Section 1.16.040 Disposition of Scheduled Offenses. City Manager.

Item Type: Ordinance
Prepared For: Mayor and City Council
Meeting Date: 09 Jan 2023
Staff Contact: Rob Dumouchel, City Manager
Department: Administration
Attachments: [Ordinance 22-72](#)
[Ordinance 22-22-72\(S\)](#)
[Memo re Ordinance 22-72\(S\)](#)
[Memo 22-182](#)
[Memo 22-181](#)

Summary Statement:

See the attached information regarding Ordinances 22-72 and 22-72(S).

Staff Recommendation:

Ordinance 22-70 Introduction October 24, 2022 postponed to January 9, 2023 and Referred to Parks Art Recreation & Culture Advisory Commission. Public Hearing and Second Reading January 23, 2023.

Attachments:

[Ordinance 22-72](#)

[Ordinance 22-22-72\(S\)](#)

[Memo re Ordinance 22-72\(S\)](#)

[Memo 22-182](#)

[Memo 22-181](#)

**CITY OF HOMER
HOMER, ALASKA**

Venuti/Erickson

ORDINANCE 22-72

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE TITLE 20 ANIMALS, SECTIONS 20.04.020 DEFINITIONS, 20.08.010 ANIMALS AT LARGE, 20.08.040 NUISANCE ANIMALS AND 20.32.020 FINE SCHEDULE TO REFINE THE DEFINITION OF "AT LARGE", CLARIFY AREAS WHERE ANIMALS ARE TO BE ON LEASH AT ALL TIMES AND AMEND RELATED FINES.

WHEREAS, There has been an increase in the number of reports of dogs off leash causing severe disruption and incidents of unfavorable interactions between dogs, humans and wildlife in our parks, campgrounds, and parking lots over the past few years; and

WHEREAS, It is especially problematic when a member of the public requests another dog owner to please restrain their animal, and the situation becomes aggressively confrontational; and

WHEREAS, Current Homer City Code does not provide enough clarity and guidelines on the restraint of animals, definitions of "voice control" and "at large" require amendment; and

~~WHEREAS, Current Homer City Code does not provide enough clarity and guidelines on the restraint of animals, "voice control" has been proven not to work in many interactions, and what it means for an animal to be considered "at large" requires interpretation; and~~

WHEREAS, Enacted measures in current city code and public informational campaigns have been ineffective and failed to encourage positive behavior; and

WHEREAS, Homer Police Department has expressed support for the proposed amendments to city code; and

~~WHEREAS, Amendments in this ordinance provide clarification on the requirements to restrain animals, which further ensure the overall enjoyment and safety of the public in the City of Homer parks, parking lots, campgrounds, and safeguard the areas dedicated as wildlife habitat.~~

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 20.04.020 entitled, "Definitions" is hereby amended as follows:

43 “At large” means that an animal is off the property of its owner, ~~and not physically~~
44 ~~unrestrained by leash or chain.~~ and not under the direct control of a competent person.

45 Section 2. Homer City Code Chapter 20.08.010, entitled “Animals at large” is hereby
46 amended as follows:

47 a. No person may cause or permit an animal to be at large in a public street or alley, or on other
48 public property, ~~this includes such as city parks, campgrounds, parking lots, or designated~~
49 ~~protected wildlife habitat~~ or on private property without the property owner’s consent.

50 Section 3. Homer City Code Chapter 20.08.040 entitled “Nuisance animals” is hereby
51 amended as follows:

52 20.08.040 Nuisance animals.

53 a. No person may cause or permit an animal that the person owns or controls to:

54 1. Annoy another person by interfering with the latter’s sleep, work or reasonable right to
55 peace and privacy by making repeated or continued noise;

56 2. Defecate, dig upon or injure private property owned by another person or a public street,
57 ~~or alley,~~ **park, campground, parking lot, designated protected wildlife habitat** or other
58 public property;

59 3. Frequently or habitually growl, snap at, jump upon or otherwise menace, injure or
60 frighten another person who is not trespassing ~~or otherwise violating the law;~~ or

61 4. Chase, harass, or otherwise disturb or injure wildlife.

62 b. The Animal Control Officer or a peace officer may impound an animal that is engaging in
63 behavior described in subsection (a) of this section. A person, **in accordance with HCC**
64 **20.04.020** may restrain an animal from continuing to engage in behavior described in
65 subsection (a)(4) of this section, and shall promptly surrender any animal so restrained to the
66 Animal Control Officer for impoundment.

67 **c. A violation of subsection (a) of this section for the first conviction shall be punishable**
68 **by a fine of not less than \$50.**

69 ~~e.~~ **d.** A violation of subsection (a) of this section with three or more prior convictions shall be
70 punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended
71 portion of the fine shall not be less than \$100.00. [Ord. 16-38(S)(A) § 4, 2016].

72 Section 4. Homer City Code Chapter 20.32.040 entitled “Fine schedule” is hereby
73 amended as follows:

74 20.32.020 Fine schedule.

75 Citations for offenses listed in this section may be disposed of as provided in AS 12.25.195
76 through 12.25.230, without a court appearance, upon payment of the fine amounts listed

77 below plus the State surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to
 78 the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all
 79 offenses listed below. Citations charging these offenses must meet the requirements of Minor
 80 Offense Rule 3. If a person charged with one of these offenses appears in court and is found
 81 guilty, the penalty imposed for the offense may not exceed the scheduled fine amount plus any
 82 surcharge required to be imposed by AS 12.55.039 and 29.25.074. If an offense in this title is not
 83 listed in the fine schedule, the defendant must appear in court to answer the charges.

Code Section	Code Section Title	Fine per Day
HCC 20.08.010(a)	Animal at large	No prior First conviction \$50; One prior conviction \$100; Two prior convictions \$200
HCC 20.08.010(b)	Unauthorized release of animal from restraint	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200
HCC 20.08.030	Animals on harbor floats	\$25
HCC 20.08.040(a)	Nuisance animals	No prior First conviction \$50; One prior conviction \$100; Two prior convictions \$200
HCC 20.08.070	Female animals in heat	\$100
HCC 20.08.080	Abandonment of animals	\$100
HCC 20.08.090	Maintenance and sanitation	\$100
HCC 20.12.010	License required – Issuance	\$50
HCC 20.12.020	License tag to be worn and displayed	\$50
HCC 20.24.060	Furnishing false information	\$200
HCC 20.28.020	Kennel license – Required	\$100

84
 85 Section 5. This ordinance is of a permanent and general character and shall be
 86 included in city code.

87
 88 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____th day of November,
 89 2022.

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

Introduction:

Public Hearing:

Second Reading:

Effective Date:

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 22-72(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING HOMER CITY CODE TITLE 19, PARKS, CAMPGROUNDS, AND PUBLIC PLACES, SECTION 19.08.070, CERTAIN ACTS PROHIBITED AND SECTION 19.20.020 GENERAL RULES, AND TITLE 1, GENERAL PROVISIONS, SECTION 1.16.040 DISPOSITION OF SCHEDULED OFFENSES.

WHEREAS, There has been an many instances of dogs off leash causing severe disruption in our campgrounds and parks; and

WHEREAS, Current Homer City Code does not provide enough clarity on the restraint of dogs within campgrounds and parks; and

WHEREAS, City staff have requested a clarification of language regarding loose dogs in campgrounds and parks; and

WHEREAS, Enacted measures in current city code and public informational campaigns have failed to encourage positive behavior.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 19.08.070 entitled, "Certain acts prohibited" is hereby amended as follows:

f. Allow any dog owned, harbored, or controlled by a person to be **physically unrestrained and** at large in any City-owned or City-controlled campground. All fecal wastes of any dog discharged or deposited on any lands within a City-owned or City-controlled campground shall be immediately removed by the person owning, harboring, or controlling said animal and shall be deposited in trash receptacles or otherwise stored in containers pursuant to HCC [19.08.080](#);

Section 2. Homer City Code Chapter 19.20.022 entitled, "General rules" is hereby amended as follows:

g. **Dogs may not be physically unrestrained or at large within city parks. Dogs may be restricted from sensitive habitat areas by signage posted by the city.** A person having control or supervision of an animal that excretes feces in a park shall immediately collect and properly dispose of the feces.



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Memorandum

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: October 27, 2022
SUBJECT: Alternative Proposal to Ordinance 22-72

At the October 24th Council meeting, there was an extended discussion in the Committee of the Whole related to Ordinance 22-72 which proposed changes to Title 20 Animals. The item was postponed during the regular meeting for reevaluation after comments were received from the Animal Shelter Director indicating that it was not realistic for her organization to enforce the proposal under the scope of their current contract and staffing. The Animal Shelter's contract includes animal control services, but the City's current contract does not provide sufficient funding for the organization to patrol and enforce the rules suggested in Ordinance 22-72.

After a brief discussion with the Public Works Director and the Animal Shelter Director, I have put together an alternative proposal which instead focused on Title 19 Parks, Campgrounds and Public Places. The focus on Title 19 puts more of the enforcement impetus upon City staff, although Animal Control support would be available in extreme cases.

The amendments I'm proposing are as follows:

HCC 19.08.070 (f): (It shall be unlawful for any person to:) Allow any dog owned, harbored, or controlled by a person to be **physically unrestrained and** at large in any City-owned or City-controlled campground. All fecal wastes of any dog discharged or deposited on any lands within a City-owned or City-controlled campground shall be immediately removed by the person owning, harboring, or controlling said animal and shall be deposited in trash receptacles or otherwise stored in containers pursuant to HCC 19.08.080;

HCC 19.20.020 (g): **Dogs may not be physically unrestrained or at large within city parks. Dogs may be restricted from sensitive habitat areas by signage posted by the city.** A person having control or supervision of an animal that excretes feces in a park shall immediately collect and properly dispose of the feces.

HCC 1.16.040 already includes \$300 fines for violations of 19.08.070(f) and 19.20.020.

My intent with the phrase "physically unrestrained" is that a literal physical connection must exist between dog and handler. Electronic leashes are **not** sufficient as there is no physical connection.

I recommend that this targeted approach to restrict loose dogs in campgrounds and parks be followed by a period of animal control stakeholder engagement and a comprehensive review and update of Title 20 Animals.

Staff Recommendation: Replace Ordinance 22-72 with an updated ordinance focused on Title 19



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Memorandum 22-182

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

THRU: ROB DUMOUCHEL, CITY MANAGER

FROM: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION

DATE: OCTOBER 10, 2022

SUBJECT: ORDINANCE 22-XX, AMENDING CHAPTER 20, ANIMALS SECTIONS 20.04.020 DEFINITIONS, 20.08.010 ANIMALS AT LARGE, 20.08.040 NUISANCE ANIMALS AND 20.32.020 FINE SCHEDULE TO REFINE THE DEFINITION OF "AT LARGE", CLARIFY AREAS WHERE ANIMALS ARE TO BE ON LEASH AT ALL TIMES AND AMEND RELATED FINES.

Background:

Over the years the Parks, Arts, Recreation & Culture Advisory Commission (PARC) has fielded complaints regarding unfavorable interactions between dogs, humans and wildlife in areas such as city owned campgrounds, beaches, parks, parking lots and sensitive or protected habitats such as Beluga Slough. These interactions have increased exponentially over the last few years and various city personnel and Commissioners have fielded numerous complaints and witnessed several incidents of dogs at large and not under the direct control of their owner.

The Commission has attempted to address the actions of owners who allowed their dogs to be at large by implementing non-punitive measures such as educational campaigns, providing free leashes and they have not worked.

The Commission has reviewed the proposed amendments to City Code addressing the issue regarding restraint and amending the fine schedule to hopefully bring the public more awareness and address the fact that voice command or control is not an effective measure to controlling animals. This lack of control has been acknowledged by Public Safety both city and state.

These proposed changes are supported by Homer Police Department.

Recommendation

Approve the proposed amendments to Homer City Code presented in the Ordinance 22-xx

Session 22-06, a Regular Meeting of the Parks, Art, Recreation and Culture Advisory Commission was called to order by Chair Dave Lewis at 5:30 p.m. on August 18, 2022 from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar.

PRESENT: COMMISSIONERS FAIR, LOWNEY, HARRALD, ARCHIBALD, GALBRAITH, LEWIS

ABSENT: STUDENT COMMISSIONER FLORA AND COMMISSIONER ROEDL (EXCUSED)

STAFF: DEPUTY CITY CLERK KRAUSE
PUBLIC WORKS DIRECTOR KEISER
SPECIAL PROJECTS & COMMUNICATIONS COORDINATOR CARROLL
CITY PLANNER ABOUD

PENDING BUSINESS

B. Memorandum from Deputy City Clerk re: Amending City Code to Address Restraint of Animals in Specific Areas and Applicable Fees

Chair Lewis introduced the item and invited Councilmember Venuti to speak to the Commission.

Councilmember Venuti expressed her appreciation of the Commission on the work regarding leashes for dogs, receiving input from the Police Department and getting their support and was proud to sponsor the ordinance stating that she believed it to be well written and addressed the issues regarding dogs off leash in specific areas. Ms. Venuti noted that they have to get ahead of this issue and address the concerns and be proactive.

Chair Lewis questioned if it would be possible to address the responsibility of owner liable for what damage or injury that their pet does.

Councilmember Venuti stated that the question would be a question for the attorney. She confirmed with the Clerk that this draft would be submitted to the City Attorney for review.

LOWNEY/ARCHIBALD MOVED TO ACCEPT THE DRAFT ORDINANCE AMENDING CITY CODE IN REGARDS TO RESTRAINT.

Discussion and comments were made regarding it was overdue.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Deputy City Clerk Krause explained that a motion to forward the draft ordinance to a Public Hearing was required as that was the next step in the process.

HARRALD/FAIR - MOVED TO CONDUCT A PUBLIC HEARING ON THE PROPOSED DRAFT ORDINANCE TO AMEND SECTIONS OF TITLE 20 ANIMALS AT THE SEPTEMBER 15, 2022 REGULAR MEETING.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**CITY OF HOMER
PUBLIC HEARING NOTICE
PARKS, ART, RECREATION & CULTURE ADVISORY COMMISSION MEETING**

A public hearing on the following matter is scheduled for Thursday, October 20, 2022 at 5:30 p.m. during the Regular Parks, Art, Recreation & Culture Advisory Commission Meeting at the City Hall Cowles Council Chambers and by Zoom webinar at zoom.us or Telephone Dial 1-669-900- 6833 or 1-253-215 8782; (Toll Free) 888-788-0099 or 877- 853-5247; use Meeting ID: 990 6701 0473 Passcode: 295088

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 20 Animals, Sections 20.04.020 Definitions, 20.08.010 Animals At Large, 20.08.040 Nuisance Animals and 20.32.020 Fine Schedule, To Refine the Definition of “At Large”, Clarify Areas Where Animals Are To Be On Leash At All Times and Amend Related Fines.

Additional information regarding this matter will be available by 5pm on the Friday before the meeting. This information will be posted to the City of Homer online calendar page for Thursday, October 20, 2022 at <https://www.cityofhomer-ak.gov/calendar>. It will also be available in the Downstairs Lobby at Homer City Hall and at the Homer Public Library.

Written comments can be emailed to the City Clerk’s Office at the address below, mailed to Homer City Hall at the address above, or placed in the Homer City Hall drop box at any time. Written comments must be received by 3:00 pm on the day of the meeting.

If you have questions, contact the City Clerk’s Office. Phone: (907) 235-3130, email: clerk@ci.homer.ak.us or in-person downstairs at Homer City Hall.



City of Homer

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Memorandum 22-181

TO: Renee Krause, MMC, Deputy City Clerk II
FROM: Chief Robl
DATE: 9-26-2022
SUBJECT: City Ordinance Revision of Title 20

I am in support of amending Title 20 regarding animals at large and nuisance animals. I fully support increasing the associated fines.

We do not issue many citations under this ordinance section. Problems with animals being at large, dogs off of leashes, etc. are seldom brought to our attention. We have records of four animal at large complaints in the last two years. In three of the four cases responding officers were not able to locate the offenders or identify them. In one case the animal owner was issued a warning. Approximately five years ago we dealt with a continuing problem of goats being at large and damaging private property in the Kachemak drive area. We issued over 20 citations in the case and eventually gained compliance from the goats' owners. This case eventually required the involvement of our city attorney.

Trying to define "noise" relating to complaints with animals is difficult to do. Relatively low amplitude noise in the form of continuous whining or whimpering from a dog can be extremely annoying. Birds can make various noises for a considerable period of time that is also low in volume but still very aggravating. I think leaving the noise definition alone and instead continuing to refer to repeated or continued noise in the ordinance is best. Having a firm definition of noise could restrict our ability to take enforcement action with this ordinance in some cases. We have run into issues trying to enforce the current ordinance. Two years ago we had a citizen report problems with a neighbors geese making continuous, irritating noise. He tape recorded the noises and we did eventually issue a citation in the case. The judge dismissed the case and stated; "This is Alaska and we have animal noises here". The goose noises continued and the citizen continued to tape record them. We listened to the recordings for hours and never noticed a new, louder or different noise than was originally reported so no further citations were issued. The city manager became involved in this case and helped to mediate it. I think we need to have the flexibility to judge noise complaints independently based on the circumstances of each case.