



AGENDA

City Council Regular Meeting

Monday, February 13, 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

<https://cityofhomer.zoom.us>
Dial: 346-248-7799 or 669-900-6833;
(Toll Free) 888-788-0099 or 877-853-5247

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** (3 minutes)
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 January 23, 2022. City Clerk. **Page 6 - 15**
[CC 012323](#)
 - 6.B. Appointment of Lisa Asselin Martin to the Library Advisory Board. **Page 16 - 22**
[Agenda Item Report CC-23-046](#)
 - 6.C. Ordinance 23-08, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 21.20, Town Center District. Planning Commission. **Page 23 - 35**
[Agenda Item Report CC-23-029](#)
 - 6.D. Ordinance 23-09, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$40,000 from the General Fund Fleet Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purchase of an Arctic Shark Ice Removal Attachment and Authorizing a Sole Source Purchase from Ultramech, LLC. City Manager/Public Works Director. **Page 36 - 40**
[Agenda Item Report CC- 23- 030](#)

- 6.E. Ordinance 23-10, An Ordinance of the City Council of Homer, Alaska **Page 41 - 50**
Amending the FY23 Capital Budget by Authorizing an Expenditure of \$482,412 from the Homer Accelerated Water and Sewer Program (HAWSP) Fund to Provide Interim Financing to Complete the East Bunnell Ave./Charles Way Water and Sewer Improvement Projects. City Manager/Public Works Director.
- [Agenda Item Report CC- 23-031](#)
- 6.F. Ordinance 23-11, An Ordinance of the City Council of Homer, Alaska **Page 51 - 56**
Amending the FY23 Capital Budget by Appropriating an Amount not to Exceed \$650,00 from the General Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purpose of Developing a New Comprehensive Plan and a Complete Title 21 Zoning and Planning Code for the City of Homer. City Manager.
- [Agenda Item Report CC-23-032](#)
- 6.G. Ordinance 23-12, An Ordinance of the City Council of Homer, Alaska **Page 57 - 91**
Amending the FY23 Capital Budget by Appropriating \$63,070 from the Port Reserves Fund for Professional and Technical Assistance to Support Submission of a Port Infrastructure Development Program Grant Application for the Purpose of Float Replacement in the Small Boat Harbor. City Manager/Port Director.
- [Agenda Item Report CC-23-033 - Pdf](#)
- 6.H. Resolution 23-009, A Resolution of the City Council of Homer, Alaska **Page 92 - 100**
Acknowledging the City of Homer December 2022/January 2023 Surplus Equipment Sale Results. City Clerk.
- [Agenda Item Report CC-23-035](#)
- 6.I. Resolution 23-010, A Resolution of the City Council of Homer, Alaska **Page 101 - 114**
Awarding a Contract to HTRW, LLC of Anchorage, Alaska in the Amount of \$45,000 to Test for PCB's at the Homer Education and Recreation Complex (HERC) Buildings and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager.
- [Agenda Item Report CC-23-036](#)
- 6.J. Resolution 23-011, A Resolution of the City Council of Homer, Alaska in **Page 115 - 118**
Support of the City of Homer's Application to the State of Alaska Department of Transportation and Public Facilities (AK DOT&PF) Community Transportation Program (CTP) for Main Street Rehabilitation and Committing Local Match Funds. City Manager.
- [Agenda Item Report CC- 23-037](#)
- 6.K. Resolution 23-012, A Resolution of the City Council of Homer, Alaska **Page 119 - 122**
Expressing Support for the Realizing Equitable Accessible Connectivity in Homer (REACH) Project and Endorsing the City's Application to the

FY23 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) for REACH Planning and Design Funds. City Manager.

[Agenda Item Report CC- 23-038](#)

- 6.L. Resolution 23-013, A Resolution of the City Council of Homer, Alaska in Support of the City of Homer's Application to the State of Alaska Department of Transportation and Public Facilities (AK DOT&PF) Transportation Alternatives Program (TAP) for the Homer All Ages and Abilities Pedestrian Path (HAPP) and Committing Local Match Funds. City Manager. **Page 123 - 127**

[Agenda Item Report CC- 23-039](#)

- 6.M. Resolution 23-014, A Resolution of the City Council of Homer, Alaska Intending to Add Rogers Loop Off-Street Parking Project to it's Capital Improvement Plan and to Work with Homer Trails Alliance on Trails and Trailhead Related Project if the Organization Receives a Transportation Alternative Program (TAP) Grant from the Alaska Department of Transportation and Public Facilities (AK DOT&PF). Aderhold/Davis. **Page 128 - 133**

[Agenda Item Report CC- 23-040](#)

7. VISITORS

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

8.A. Committee of the Whole

8.B. Mayor's Report

8.C. Borough Report

8.D. Planning Commission Report

[Planning Commission Report 020123](#)

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8.E. Port & Harbor Advisory Commission

8.F. ADA Advisory Board

8.G. AML Legislative Committee Report - Council Member Aderhold

[Legislative Report PERS Options - Quickview](#)

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9. PUBLIC HEARING(S)

- 9.A. Ordinance 23-02(A), 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~~ **from** the Land Reserves to Purchase a 4.53 Acre Parcel in the Bridge Creek Watershed Protection District. Aderhold. **Page 140 - 184**

[Agenda Item Report CC-23-042 - Pdf](#)

- 9.B. Ordinance 23-05, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$20,239 from the General Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purpose of Obtaining Short Term Rental Tracking Services from GOVOS. Aderhold/Davis. **Page 185 - 200**
[Agenda Item Report CC-23-043 - Pdf](#)
- 9.C. Ordinance 23-07, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$6,950 from the General Fund Fleet Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purchase of a Mobile Radio from ProComm Alaska. City Manager/Police Chief. **Page 201 - 204**
[Agenda Item Report CC- 23-045](#)
- 9.D. Ordinance 23-06, An Ordinance of the City Council of Homer, Alaska Amending the FY 23 Capital Budget by Accepting a Donation from Homer Rotary in the Amount of \$8,112 and Appropriating \$6,115 for the Purchase of Motorola Pagers and \$1,997 for Restoration of an Antique Water Tanks. City Manager/Fire Chief. **Page 205 - 207**
[Agenda Item Report CC-23-044](#)
- 10. ORDINANCE(S)**
- 10.A. Ordinance 23-13, An Ordinance of the City Council of Homer, Alaska Updating the Assessment Owed from Lot 10-A-3, Bunnell's Subdivision No. 17 Replat, KPB Tax Parcel No. 175-133-52 and Amending the FY23 Capital Budget by Appropriating \$15,432.52 from the Homer Accelerated Roads and Trails (HART) Roads Fund to Pay the Remainder of this Assessment. Lord. **Page 208 - 249**
[Agenda Item Report CC- 23-034](#)
- 11. CITY MANAGER'S REPORT**
- 11.A. City Manager's Report **Page 250 - 266**
[City Manager's Report](#)
- 12. PENDING BUSINESS**
- 13. NEW BUSINESS**
- 14. RESOLUTIONS**
- 14.A. Resolution 23-015, A Resolution of the City Council of Homer, Alaska Supporting the Homer Planning Commission's Reconsideration of it's February 1, 2023 Approval of a Preliminary Plat for the Forest Trails Subdivision; and Urging the Planning Commission to Include a Reference to New Requirements Related to Sidewalks Laid out in Homer City Code 11.04.120. Davis/Erickson. **Page 267 - 268**
[Agenda Item Report CC-23-041](#)
- 15. COMMENTS OF THE AUDIENCE (3 minutes, 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, February 27, 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.

Session 23-02 a Regular Meeting of the City Council of Homer, Alaska was called to order on January 23, 2023 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, HANSEN, LORD, VENUTI

ABSENT: COUNCIL MEMBER DAVIS (excused)

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON
PORT DIRECTOR HAWKINS
PERSONNEL DIRECTOR BROWNING
PUBLIC WORKS DIRECTOR KEISER
SPECIAL PROJECTS & COMMUNICATIONS DIRECTOR CARROLL
ECONOMIC MANAGER ENGBRETSSEN
NETWORK ADMINISTRATOR SULCZYNSKI
CITY ATTORNEY GATTI

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

Mayor Castner announced the supplemental items: **CONSENT AGENDA** Kenai Peninsula Borough non objection letter for Retail Store Marijuana License Renewal for Uncle Herb's. **ANNOUNCEMENTS/REPORTS/PRESENTATIONS** Planning Commission written report. **CITY MANAGER'S REPORT** Memorandum from Council Members Lord and Aderhold re: HERC Priority and Plan to Address

ADERHOLD/LORD MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

3. MAYORAL PROCLAMATIONS AND RECOGNITIONS

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

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 January 29, 2023. City Clerk. Recommend adoption.

- 6.B. Liquor License Renewal for Best Western Bidarka Inn/Otter Room and Beluga Lake Lodge. City Clerk. Recommend approval.
- 6.C. Retail Store Marijuana License Renewal for Uncle Herb's. City Clerk. Recommend approval.
- 6.D. Travel Authorization for Mayor Castner and Council Members Lord, Aderhold, and Erickson to attend the AML Winter Legislative Conference in Juneau, Alaska, February 22-24, 2023. City Clerk. Recommend adoption.
- 6.E. Ordinance 23-05, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$20,239 from the General Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purpose of Obtaining Short Term Rental Tracking Services from GovOS. Aderhold/Davis. Recommend introduction January 23, 2023, public hearing and second reading February 13, 2023.
- 6.F. Ordinance 23-06, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Accepting a Donation from Homer Rotary in the Amount of \$8,112 and Appropriating \$6,115 for the Purchase of Motorola Pagers and \$1,997 for Restoration of an Antique Water Tanks. City Manager/Fire Chief. Recommend introduction January 23, 2023, public hearing and second reading February 13, 2023.
- 6.G. Ordinance 23-07, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$6,950 from the General Fund Fleet Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purchase of a Mobile Radio from ProComm Alaska. City Manager/Police Chief. Recommend introduction January 23, 2023, public hearing and second reading February 13, 2023.
- 6.H. Resolution 23-006, A Resolution of the City Council of Homer, Alaska Declaring Certain City Owned Equipment Surplus, Obsolete and Unneeded and Authorizing the City Manager to Dispose of the Used and Surplus Equipment in Accordance with Homer City Code 18.30.010-020 and 18.30.040(B). City Manager. Recommend adoption.
- 6.I. Resolution 23-007, A Resolution of the City Council of Homer, Alaska Approving a Memorandum of Understanding with the Alaska Invasive Species Partnership and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.
- 6.J. Resolution 23-008, A Resolution of the City Council of Homer, Alaska Encouraging the Kenai Peninsula Borough to have the Homer Solid Waste Transfer Facility Open on Sundays to Accept Household Waste. Mayor. Recommend adoption.

City Clerk Jacobsen read the consent agenda and recommendations.

ADERHOLD/LORD MOVED TO ADOPT THE CONSENT AGENDA AS READ.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

7. VISITORS

7.A. SPARC Update - Ginny Espenshade (10 minutes)

Ginny Espenshade presented to Council on the history of the SPARC building and their goal for getting a new floor for the building, and project costs. Ms. Espenshade reviewed programs offered at SPARC, their efforts in trying to accommodate requests for programs whenever possible, and the importance of having recreational opportunities available to the community.

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

8.A. Committee of the Whole Report

Council Member Aderhold report at Committee of the Whole, Council discussed information in the City Manager's report regarding the HERC and the Large Vessel Harbor Expansion Project. They also discussed the memorandum from Special Projects Coordinator Carroll regarding FY2023-24 Federal Infrastructure Investment and Jobs Act (IIJA) Work Plan.

8.B. Mayor's Report

- Economic Development Manager Update - Julie Engebretsen

Mayor Castner expressed his appreciation of Commissioners and Board Members for their efforts on the City's advisory bodies, noting the recent work done by the Library Advisory Board regarding the book challenge and the Port and Harbor Commission for their recent work session. He provided a Borough Report that was provided to him by Assembly Member Lane Chesley that highlighted appointment of Nikiski resident Peter Ribbens to fill Jesse Bjorkman's seat, and that the KPB budget process is underway.

Economic Development Manager Julie Engebretsen reported on her work with an AML Cohort "The Cities of Opportunity", a statewide group that meets monthly with an emphasis economic development and healthy communities. She addressed the aging demographic for our area, challenges with attracting younger workers, the need to focus on the students we have here, and thinking long term for community planning and follow through. She encouraged considering our high school students as an asset and encouraging them to stay in Alaska as adults, or come back after leaving for training or education. The Marine Trades Association is doing a great job with outreach in the schools. She encouraged business owners or managers to connect with her to talk with students about their industry. She also addressed the upcoming Comprehensive Plan process that will take place over the next two years and encouraged public participation.

8.C. Borough Report

8.D. Planning Commission Report

A written report from the Planning Commission was provided in the supplemental packet.

8.E. Economic Development Advisory Commission Report

Economic Development Advisory Commissioner Nicole Arevalo reported the recent commission meeting where they discussed the local housing situation and their strategic plan and goals.

8.F. Library Advisory Board Report

Library Advisory Board Chair Kate Finn reported on the boards last meeting where they concluded the appeal of the Library Director's decision regarding children and young adult materials. The board discussed and voted on each book that was challenged and upheld the Library Director's decision to retain them in their current locations. She expressed the board's gratitude for the communities respect and kindness in the process. She acknowledged Deputy City Clerk Tussey's work for the meeting process. Lastly Ms. Finn highlighted events at the library.

8.G. Port & Harbor Advisory Commission Report

- Memorandum from Port & Harbor Advisory Commission

Port & Harbor Advisory Commission Chair Crisi Matthews reviewed information provided in the memo that was included in the Council packet.

8.H. Lunch with a Council Member - Council Member Lord

Council Member Lord thanked City Manager Dumouchel and Public Works Director Keiser for being there and their discussion with those in attendance. She was late arriving but engaged with the group and enjoyed the discussion.

9. PUBLIC HEARING(S)

- 9.A. 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. Introduction January 9, 2023, public hearing and second reading January 23, 2023.

Ordinance 22-72(S-2), 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.

Mayor Castner opened the public hearing.

Jillian Rodgers, Animal Control Officer and Director of Homer Animal Services, LLC, commented in support of the ordinance. She pointed out its part of the solution as they meet with City staff to work on a larger project of updating Title 20 in city code. She shared statistics about animal calls that have been received ranging from

easy things to abuse and neglect matters that require necropsy and sending heads of dogs to the state lab for testing; and touched on process with issuing citations. Homer Animal Services will continue working with administration on code updates and budget for services.

There were no further comments and the hearing was closed.

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 22-72(S) BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

ADERHOLD/VENUTI MOVED TO SUBSTITUTE ORDINANCE 22-72(S-2) FOR 22-72(S).

It was noted the (S-2) draft needs to have the number updated.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on Ordinance 22-72(S-2).

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- 9.B. 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. Introduction January 9, 2023, public hearing and second reading January 23, 2023.

Mayor Castner opened the public hearing.

Larry Slone, city resident, expressed a note of caution regarding the long term financial effect on Homer related to the large vessel port expansion project, particularly regarding maintenance costs.

Rika Mouw, city resident, agrees with Mr. Slone's comments and questions whether we've had a community dialog about the direction we're going with this project. This is a lot of money for the city to be spending before we've really understood what the needs are.

Crisi Matthews commented in support of Ordinance 23-01, it's the number one project on the City's Capital Improvement Plan, the Army Corps of Engineers (ACOE) requires matching funds to begin the study. She shared some history of the project.

There were no further comments and the hearing was closed.

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 23-01 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

City Manager Dumouchel explained that unspent appropriations expire after three years and for that reason he \$750,000 appropriation that was approved by Council and needs to be reappropriated. This action accomplishes that.

Council Member Lord shared the original ordinance she and Council Member Smith brought forward and about the extensive lobbying that's happened to the state and feds, to say this is something that we as a community want to pursue.

Council Member Aderhold also reiterated that this is a reappropriation and acknowledged the valid concern's expressed. She believes the Investigation Study should address those concerns, and more, and a public involvement process will follow.

City Manager Dumouchel added the City received \$300,000 in congressionally designated spending through Senator Murkowski. Conversation has started with ACOE to iron out details in moving forward with the General Investigation Study.

Mayor Castner addressed the review process of ACOE and opportunities to share ideas about the project.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- 9.C. 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. Introduction January 9, 2023, public hearing and second reading January 23, 2023.

Mayor Castner opened the public hearing.

Scott Adams, city resident, commented in opposition to using \$35,000 in HART Trails funds for the purchase of this property, that's not what the policy allows. He supports the purchase entirely from the Land Reserves, as that's the purpose of that account.

Karin Marks, city resident, commented in support of Ordinance 23-02 and is pleased Council is looking ahead to the potential of the types of usage in that area. There are a lot of things going on in the greater community regarding hiking and trails.

There were no further comments and the hearing was closed.

ADERHOLD/ERICKSON MOVED TO ADOPT ORDINANCE 23-02 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

ADERHOLD/ERICKSON MOVED TO AMEND ORDINANCE 23-02 TO STRIKE ALL REFERENCES TO ALLOCATING \$35,000 FROM THE HART TRAILS FUND AND CHANGE THE ENTIRE ALLOCATION OF \$70,000 TO COME FROM THE LAND RESERVES.

Council Member Erickson expressed her discomfort with using trails funds for this land purchase, noting restrictions in development in the water shed district. She agrees that funds for this purchase should be from the land reserves only.

Council Member Aderhold confirmed that HART policy allows for the purchase of land and construction of parking lots. She doesn't object to the amendment. She thanked Jay Farmwald for his work in the background to make this happen.

City Attorney Gatti suggested this may require bringing back a new ordinance for introduction. It was questioned why scheduling a second public hearing wouldn't be sufficient to proceed. Discussion ensued regarding process. City Clerk Jacobsen recommended that Council vote on the motion to amend and postpone to a second public hearing on February 13th, and staff will work with the Attorney between meetings to ensure proper process is followed.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ADERHOLD/VENUTI MOVED TO POSTPONE THE ORDINANCE AS AMENDED TO FEBRUARY 13TH

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- 9.D. 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. Introduction January 9, 2023, public hearing and second reading January 23, 2023.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 23-03 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Mayor Castner commented briefly about not being aware of the Hickory Maintenance Reserve Account, it doesn't appear in the audit as restricted money and he was surprised to learn about it. He thinks it's a disclosure that's necessary.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- 9.E. 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. Introduction January 9, 2023, public hearing and second reading January 23, 2023.

Mayor Castner opened the public hearing.

Scott Adams commented regarding his experience with being able to use an app to pay online for parking at a beach he was visiting. He feels that's an option that deserves serious consideration.

There were no further comments and the hearing was closed.

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 23-04 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

At the request of the Mayor, Port Director Hawkins explained the need for a machine to collect payments because not all visitors pay with a card or online. The software package is a management tool to expand parking on the spit. The number of fee spaces is doubling in the next year and the goal is to continue coverage with two parking enforcement personnel, and this software package should accommodate that. He confirmed there will be an annual fee for the software, and there will be minimal impact to the IT department.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Mayor Castner called for a recess at 7:48 p.m. and called the meeting back to order at 8:00 p.m.

10. ORDINANCE(S)

11. CITY MANAGER'S REPORT

11.A. City Manager's Report

City Manager Dumouchel reported the Homer Volunteer Fire Department set a new record for emergency calls in Homer at 785, higher than their projection for the 2022.

He reviewed the comments in his report regarding the HERC where he acknowledged that we aren't very competitive for grants for a project like this, there have been a lot of choices made over time regarding taxes that impact our revenue, and outside funders aren't likely the most likely option is we will be paying for it.

Mayor Castner opened the floor to Special Projects and Communications Coordinator Jenny Carroll and she reviewed the information she provided regarding the FY23-24 Federal Infrastructure Investment and Jobs Act work plan. Ms. Carroll responded to questions and participated in discussion with Mayor and Council regarding process and next steps. City Manager Dumouchel and Public Works Director Keiser participated in the discussion as well.

Discussion shifted to the HERC and the memo in the supplemental packet from Council Members Lord and Aderhold. It was pointed out that a key issue is we need a feasible, scalable, realistic project that Council can feel good about trying to pay for. It was suggested that Council Members Lord, Aderhold, and Erickson work with staff to come up with a framework for a work session to focus on moving this forward. Objection was expressed and following discussion it was requested that an off cycle work session should be scheduled for the Council to discuss.

12. PENDING BUSINESS

13. NEW BUSINESS

14. RESOLUTIONS

15. COMMENTS OF THE AUDIENCE (3 Minutes)

Ginny Espenshade, city resident, acknowledged the City Attorney for standing by his opinion regarding Ordinance 23-02. She commented regarding the HERC process, emphasizing the need to keep the public informed of the process. She hopes they include key stakeholders and recognize there are champions in the community who aren't sitting at the council table. Ms. Espenshade also expressed concern about closing a campground in the summer when seasonal housing is hard to find.

Jan Knutsen, Homer Chamber of Commerce Visitor Center Director, invited the community to participate in the Winter Carnival Celebration and Parade, Saturday, February 11th. The theme this year is *Breaking out of Hibernation*.

Sunrise Sjoberg, city resident, thanked Council for the discussion tonight and commented briefly about the importance of considering community benefit when considering the HERC project compared to others.

Larry Slone, city resident, commented regarding the large vessel harbor proposal and the \$750,000 appropriation. He didn't object to the appropriation as a necessary first step to the process, he hopes the comments remind them of the importance of reviewing other items of uncertainty as it progresses.

16. COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti appreciates being at the meeting tonight and he always enjoys the rigorous discussion this Mayor and Council engages in. The community should be proud of them for the hard work they're doing.

17. COMMENTS OF THE CITY CLERK

City Clerk Jacobsen announced absentee voting for the Borough Special Election is open January 30 through February 13 at the Borough Annex Building and Election Day is February 14 at regular polling locations.

18. COMMENTS OF THE CITY MANAGER

City Manager Dumouchel had no comments.

19. COMMENTS OF THE MAYOR

Mayor Castner commented there are distinctions between planning for the HERC and Port expansion. The Port expansion has to have all the fiscal notes attached to it. Part of the reason for the expansion is to allow opportunities for income for leasing, additional harbor space, wharfage as examples; and that income helps repay bonds. He emphasized the importance of the Port work session (charrette) and it was a seminal event in getting people talking about options that will be needed. No deals have been made and no contracts have been let.

20. COMMENTS OF THE CITY COUNCIL

Council Member Aderhold expressed appreciation for the discussion tonight. She's in Anchorage attending the Alaska Marine Science Symposium and shared about interesting topics they're discussing. She's joined the Alaska Municipal League Legislative Committee that meets Fridays at noon and provided a brief overview of their last meeting where their discussion focused on impacts to municipalities related to school construction and major maintenance, PERS and TERS retirement systems, and the State pool of funds for non-federal match.

Council Member Lord announced the Junior Nordic Ski program starts next weekend with 170 kids signed up, and they're still needing coaches. If anyone's interested contact the Kachemak Nordic Ski Club. The ski club offers season long ski rental for youth for \$25 per season.

Council Member Venuti thanks those attending the AML Winter Conference, its important work. She announced an upcoming Himalayan dinner fundraiser the Methodist Church tomorrow in support of Lynn Temple to be part of a base camp and raise awareness of ovarian cancer research.

Council Member Erickson wished everyone a great couple of weeks and enjoy the outdoors.

Council Member Hansen shared about attending high school basketball games and how great it was to see so many people out supporting the teams. She appreciated Ms. Espenshade's comments about the importance of recreation. She's had conversations about the need to keep kids in the community busy, it's good for their mental health and physical health. Today is her 22nd anniversary at Homer Medical. In her years there she's seen the seasonal effects to the community members of all ages and it's important that we continue to champion the HERC.

21. ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 9:28 p.m. The next Regular Meeting is Monday, February 13, 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

Appointment of Lisa Asselin Martin to the Library Advisory Board. Mayor.

Item Type: Action Memorandum
Prepared For: City Council
Meeting Date: 13 Feb 2023
Sponsor: Ken Castner, Mayor

Summary Statement:

Lisa Asselin Martin is appointed to the Library Advisory Board to fill the seat vacated by Emilie Springer. The term expires April 1, 2024.

Staff Recommendation:

Confirm the appointment of Lisa Asselin Martin to the Library Advisory Board.

Attachments:

[Asselin Martin Application](#)

[Tally Application](#)

[Karsow Application](#)



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

Office of the City Clerk
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 appointed by the Mayor and your appointment is confirmed by the City Council.

Applicant Information

Full Name: Lisa Asselin Martin

Physical Address Where you Claim Residency: 66981 Diamond Ridge Rd

Mailing Address: PO Box 1941

City: Homer State: AK Zip: 99603

Phone Number(s): (907) 399-1567

Email: redasselin@hotmail.com

Advisory Body You Are Requesting Appointment To

- Planning Commission** – Meetings held on the 1st and 3rd Wednesday of each month at 6:30 p.m. and Worksessions at 5:30 p.m. prior to each meeting. No first meeting in July or second meetings in November and December.
- Parks, Art, Recreation & Culture Advisory Commission** – Meetings held on the 3rd Thursday of February through June and August through November at 5:30 p.m.
- Port & Harbor Advisory Commission** – Meetings held on the 4th Wednesday of January, February, March, April, September, and October at 5:00 p.m.; the 4th Wednesday of May, June, July, and August at 6:00 p.m.; and the 2nd Wednesday of December at 5:00 p.m.
- Economic Development Advisory Commission** – Meetings held on the 2nd Tuesday of each month at 6:00 p.m.
- Library Advisory Board** – Meetings held on the 3rd Tuesday of each month, excluding June and July, at 5:30 p.m.
- ADA Advisory Board** – Meetings held on the 2nd Thursday in the months of April, May, June, July, October, November, and as needed at 5:00 p.m.
- Other** – Please Indicate _____

Please Answer the Following

Are you a City Resident? Yes No If yes, how long have you been a City resident? n/a

How long have you been a resident of the South Peninsula Area? 20 years

Background Information

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

No

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

I currently work at Sprout Family Services and am the chairperson for Homer's Imagination Library.

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

I have worked with the Imagination Library of Homer for 8 years as well as partnered with Best Beginnings Alaska to focus on the importance of early literacy. I have collaborated with two children's librarians at HPL to offer family storytimes and early literacy events to local families with young children.

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

The Homer Public Library is a local landmark for many families. For those caregivers with young children, it is their introduction to this community and all of its' resources. Ten years ago it was the one place I went to almost daily so my young child could be in a safe space and learn to love reading. I would love to be on the library advisory board as a way of giving back to the library for all it has done for mine and other families.

I would also like to be on the board because I can offer the advisory board a voice for families with young children. The children's section in the library, as well as the staff and policies that revolve around the children's space, is unique as it meets the needs of All budding readers and their families. These new readers/newest community members represent a diverse population with diverse needs. The children's section is a safe space for first time moms, new to town families, Coast Guard families, children with special needs, young English language learners, and infants. And, that is just a small sub section of those who walk in the door. It is my hope that my participation on the library advisory board would be an opportunity to bring a continued look at inclusiveness in what the library offers and how we offer it. As a parent to a 10 year old who loves technology, I also am passionate about the library's role in offering safe and educational tech options for youth as well as resources for families to navigate the internet safely.

Finally, I also firmly believe in the quality and expertise of the library staff. If we, as a community, are asking the library to be a hub for all individuals to have access to information; to be a safe place, and to have connections to other resources, it is important that staff is supported and well versed in what social services this town offers. It is also important that the community at large knows why librarians are so important.

I hope to be considered for the Library Advisory Board.

FOR PLANNING COMMISSION ONLY:

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

FOR PORT & HARBOR ADVISORY COMMISSION ONLY:

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

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



Advisory Body Application

For Appointment to Committees, Commissions, Board & Task Forces

Office of the City Clerk

491 East Pioneer Avenue

Homer, Alaska 99603

Phone: (907) 235-3130

Fax: (907) 235-3143

clerk@cityofhomer-ak.gov

JAN 23 2023 PM 02:26 *DC*

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

Applicant Information

Full Name: Taz Tally

Physical Address Where you Claim Residency: 58467 Bruce Ave Homer AK

Mailing Address: 58467 Bruce Ave

City: Homer (Kachemak city) State: AK Zip: 99603

Phone Number(s): 907-435-7906

Email: TazTally@me.com

Advisory Body You Are Requesting Appointment To

- Planning Commission** – Meetings held on the 1st and 3rd Wednesday of each month at 6:30 p.m. and Worksessions at 5:30 p.m. prior to each meeting. No first meeting in July or second meetings in November and December.
- Parks, Art, Recreation & Culture Advisory Commission** – Meetings held on the 3rd Thursday of February through June and August through November at 5:30 p.m.
- Port & Harbor Advisory Commission** – Meetings held on the 4th Wednesday of January, February, March, April, September, and October at 5:00 p.m.; the 4th Wednesday of May, June, July, and August at 6:00 p.m.; and the 2nd Wednesday of December at 5:00 p.m.
- Economic Development Advisory Commission** – Meetings held on the 2nd Tuesday of each month at 6:00 p.m.
- Library Advisory Board** – Meetings held on the 3rd Tuesday of each month, excluding June and July, at 5:30 p.m.
- ADA Advisory Board** – Meetings held on the 2nd Thursday in the months of April, May, June, July, October, November, and as needed at 5:00 p.m.
- Other** – Please Indicate _____

Please Answer the Following

Are you a City Resident? Yes No If yes, how long have you been a City resident? _____

How long have you been a resident of the South Peninsula Area? 19 yrs

Background Information

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

Kachemak Heritage Land Trust 2 yrs

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

Life-long Reader & Learner

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

Ph.D. in Geology & Professional Artist

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

I have a broad range of interests in many topics, am committed to supporting life-long learning and would like to help support & guide the learning missions of the Library. I am comfortable engaging in both the analog & digital worlds.

FOR PLANNING COMMISSION ONLY:

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

FOR PORT & HARBOR ADVISORY COMMISSION ONLY:

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

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

Submission information

Form: [Application for Appointment to an Advisory Body](#) [1]

Submitted by Visitor (not verified)

Wed, 01/25/2023 - 10:39am

209.112.145.45

Applicant Information**Full Name**

Kathryn L. Carssow

Physical Address Where you Claim Residency

326 Ocean Drive Loop, Homer, Ak

Mailing Address

PO Box 3518, Homer, Ak 99603

Phone Number(s)

907 399-3738

Email

kcarssow@live.com

Advisory Bodies

Library Advisory Board – Meetings held on the 3rd Tuesday of each month, excluding June and July, at 5:30 p.m.

Residency

Are you a City Resident? Yes

If yes, how long have you been a City Resident? 15 years

How long have you been a resident of the South Peninsula Area? 15 Years

Background Information**Have you ever served on a similar advisory body?**

I have not served on a similar advisory body. I have served as an elected member of Ketchikan Gateway Borough 1981 - 1983. I have provided staff support to several local and

state government advisory and decision-making bodies.

Page 7 of 7

Other memberships

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

KBBI Citizen Advisory Board

Special Training & Education

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

I am a retired licensed psychotherapist (LPA) having served as an executive director, clinical director and program manager for several nonprofits and the state of Alaska Division of Mental Health. In a previous career i served as a deputy planning director for the Municipality of Anchorage and planning director for Ketchikan Gateway Borough.

Education: Master of Science in Clinical Psychology, ABT Master of Urban Planning. BA in Sociology.

Why are you interested in serving on the selected Advisory Body?

Where my two professional careers merge is in my interest in community mental and emotional health. Our public libraries are essential to the wellbeing of our community. The Homer Public Library is a safe space for individuals of all ages to experience the essence of a community's devotion to enriching all of our lives through the promotion of knowledge seeking and the literary arts. Even more than that, our library represents what is best about who we are as a community. It is a product of us coming together and collaborating across socio-political and economic divisions to invest in ourselves, our children and our families. Our library honors our diversity of interests, lifestyles, and backgrounds. My interest in joining the LAB is to contribute to this institution that is essential to and representative of our democracy.

Source URL:<https://www.cityofhomer-ak.gov/node/9051/submission/50269>

Links

[1] <https://www.cityofhomer-ak.gov/cityclerk/application-appointment-advisory-body>



AGENDA ITEM REPORT

Ordinance 23-08, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 21.20, Town Center District. Planning Commission.

Item Type: Ordinance
Prepared For: City Council
Meeting Date: 13 Feb 2023
Staff Contact: Rick Abboud
Attachments: [Ordinance 23-08](#)
[Planning Commission Meeting Backup](#)

Summary Statement:

Due to a typographical error found in Ordinance 22-68A, two uses were listed in two separate classifications in the Town Center District. A review of the staff report and minutes makes it clear that the intention of the Planning Commission was to strike the uses from Conditional Uses and Structures and add them to the Permitted Uses and Structures section.

The Commission reviewed the proposed ordinance at their meeting of January 4 and held a Public Hearing on the item at their meeting on January 18th where the Commission voted with unanimous consent to recommend that the City Council adopt the proposed ordinance.

Staff Recommendation:

Introduce Ordinance 23-08 and schedule public hearing and second reading on February 27, 2023.

**CITY OF HOMER
HOMER, ALASKA**

Planning Commission

ORDINANCE 23-08

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE SECTION 21.20, TOWN CENTER
DISTRICT.

WHEREAS, It is in the interests of the City to make allowances for uses in districts according to the guidance set forth in the 2018 Homer Comprehensive Plan and the purpose of the district described in Homer City Code; and

WHEREAS, The Homer Planning Commission, using the guidance of the 2018 Homer Comprehensive Plan and the Purpose statement in code for the zoning district, has identified conditional uses and structures that would be more appropriately listed as permitted uses; and

WHEREAS, The Town Center District has adopted extensive regulations including architectural standards and site development standards which provides adequate measures applicable to all developments; and

WHEREAS, The proposed ordinance clears up unintended conflict of uses.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 21.20, Town Center District is amended to read as follows:

21.20.030 Conditional uses and structures.

The following uses may be permitted in the Town Center District when authorized by conditional use permit issued in accordance with Chapter 21.71 HCC:

a. Planned unit developments, limited only to uses otherwise permitted in this district;

~~b. Indoor recreational facilities;~~

eb. Light or custom manufacturing, repair, fabricating, and assembly, provided such use, including storage of materials, is wholly within an enclosed building;

~~dc.~~ Other uses approved pursuant to HCC 21.04.020;

~~e. Outdoor recreational facilities;~~

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

45
46 **fd.** Customary accessory uses to any of the permitted uses listed in the TCD district;
47 provided, that a separate permit shall not be issued for the construction of any type of
48 accessory building prior to that of the main building;

49
50 **ge.** One wind energy system having a rated capacity exceeding 10 kilowatts; provided,
51 that it is the only wind energy system on any capacity of the lot.

52
53
54 **Section 3.** This ordinance shall take effect upon its adoption by the Homer City Council.

55
56 **Section 4.** This ordinance is of a permanent and general character and shall be included
57 in the City code.

58
59 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this _____ day of
60 _____ 2023.

61
62 CITY OF HOMER

63
64 _____
65 KEN CASTNER, MAYOR

66
67 ATTEST:

68
69
70 _____
71 MELISSA JACOBSON, MMC, CITY CLERK

72
73 YES:

74 NO:

75 ABSTAIN:

76 ABSENT:

77

78 First Reading:

79 Public Reading:

80 Second Reading:

81 Effective Date:



AGENDA ITEM REPORT

Correction of Town Center District Uses and consideration of multiple dwellings in Residential and Central Business Districts.

Item Type: Action Memorandum
Prepared For: Planning Commission
Meeting Date: 04 Jan 2023
Staff Contact: Rick Abboud, City Planner
Department: Planning
Attachments: [Draft Ordinance 23-xx](#)

Summary Statement:

After adoption of Ordinance 22-68(A), I found a typo error and an opportunity for clarification. I have found an-inadvertent oversight where the indoor and outdoor recreational facilities uses were added to conditional uses in the Town Center District and were not deleted from the list of permitted uses and structures in the district. Additionally, questions regarding the amount of dwellings in the districts where up to four structures/units are allowed to be permitted outright were raised.

Analysis

The conditionally permitted items is easily cured by the by the attached simple amendment deleting them.

The issue raised about multiple structures is discussed below.

Rural Residential

Allowance for dwellings depends of delivery of water and sewer. If one has city water and sewer services, they have an allowance for a dwelling per 10,000 square feet of lot. If someone has just water or just sewer service they have an allowance for one dwelling per 20,000 square feet. If one has access to neither city water nor sewer they have an allowance of 40,000 square feet per dwelling.

The new code provides an allowance for multiple structures, *“Up to four dwelling units, excluding mobile homes, on a lot subject to the requirements of HCC 21.12.040 and located in an area*

depicted for Urban Residential zoning by the Future Land Use Map in the 2018 Homer Comprehensive Plan.”

The code, when applied in entirety, adequately addresses density and site development standards. The spatial requirements dictate that, in any event, no more dwelling units than prescribed in code are allowed (as described above). The allowance for duplex or multi-family structures in addition to single-family structures could limit site impact when compared with single unit structures (which is the preferred choice, so far). I believe it is the best policy that 4 dwelling units are allowed in any format that is allowed in the district. This provides developers with a choice to consider options that may minimize overall site impacts. In any event, one could not exceed the number of dwellings allowed dependent on water and sewer service. Below are the definitions of the dwellings permitting in all the districts where up to four structures are a permitted use.

“Dwelling” or “dwelling unit” means any building or portion thereof designed or arranged for residential occupancy by not more than one family and includes facilities for sleeping, cooking and sanitation.

“Dwelling, duplex” means a building designed or arranged for residential occupancy by two families living independently, the structure having only two dwelling units.

“Dwelling, multiple-family” means a building or a portion thereof designed for residential occupancy by three or more families living independently in separate dwelling units.

“Dwelling, single-family” means a detached dwelling unit designed for residential occupancy by one family.

Urban and Office Residential Districts

Here the question of dwelling density was brought up.

The language is under permitted structures and uses states, *“Up to four buildings on a lot for use as dwelling units subject to HCC 21.14.040(a)(2)(a) and (b), excluding mobile homes.”*

Requirements for permitted multi-family:

21.14.040(a)(2)(a) and (b),

a. The total floor area shall not be more than four-tenths the lot area;

b. The total open area shall be at least 1.1 times the total floor area. Open area is any portion of the lot not covered or used for parking spaces and maneuvering.”

Current regulations address acceptable densities. In these districts, single-family, duplexes, and multi-family dwellings are allowed as permitted structures. When up to four buildings are proposed,

they are required to meeting the floor area ratios stated above for multi-family dwellings. This does not introducing a greater allowance for development, it makes an allowance for additional formats in which to deliver multiple dwelling units. The intensity of the use is not any different than that of what is permissible in a multi-family scenario. In these districts one could find single-family dwellings that exceed the floor area ratio for multi-family structures. It is appropriate to have allowances for similar uses and structures that are permissible in the district.

Central Business District (CBD)

Here the permitted uses and structures allows, “Up to four buildings on a lot excluding mobile homes, except as provided for in HCC 21.18.030.” HCC 21.18.030, Conditional Uses and Structures does require a conditional use permit (CUP) for more than 4 buildings. There are no restriction that limits this to dwellings only, as both residential and commercial development is allowed in the district.

To consider the effect of the change we must look at all the applicable regulations. In the CBD, a level two site plan per HCC 21.50.030 is applicable. This section of code regulates disturbances including provision for slopes, drainage, development activity plans, storm water plans, and landscaping requirements. Additionally, per HCC 21.18.040(d), if all buildings combined were over 8000 square feet or the building area was in excess of 30% of the lot, a CUP is required. Nothing about site development requirements would change except that one could add up to four separate structures without a CUP, if the development did not trigger the requirement provided in other provisions of code. The provision in applicable to both dwellings and commercial structures.

In consideration of the options for ‘up to four structures’, I find that the code change is beneficial to the City of Homer. The changes make it less onerous to develop in an acceptable fashion in accordance to long-standing development regulations, a new format is allowed that is not introducing additional allowances for density or site development. It also supports an avenue for possible provisions of affordable housing options.

Staff Recommendation:

Review the proposed amendment and recommend a public hearing.

Attachments:

[Draft Ordinance 23-xx](#)

City Planner Abboud reviewed his staff report that was presented in the packet and responded to questions from the Commission regarding Army Corps of Engineers and wetlands permits in the City, new Planning permitting software, and status of the RFP for Title 21 and Comprehensive Plan re-writes.

8. PUBLIC HEARING(S)

9. PLAT CONSIDERATION(S)

10. PENDING BUSINESS

10. A. Correction of Town Center District Uses and Consideration of Multiple Dwellings in Residential and Central Business Districts.

City Planner Abboud reviewed the staff report that was included in the packet.

Commissioner Barnwell addressed the importance of the Comprehensive Plan update related to zoning matters and the zoning map, and that the Planning Commission needs to be involved in the process.

Commissioner Highland shared her concern with multiple dwellings or multifamily dwellings in rural residential due to increased traffic, increased people in the area, but also recognizes there's an increase in population in the area that's affecting things.

HIGHLAND/VENUTI MOVED TO FORWARD THE DRAFT ORDINANCE AMENDING HOMER CITY CODE SECTIONS 21.12 RR D 21.14 TC DISTRICT AS PRESENTED TO PUBLIC HEARING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

11. NEW BUSINESS

12. INFORMATIONAL MATERIALS

12. A. Planning Commission 2023 Calendar

13. COMMENTS OF THE AUDIENCE

14. COMMENTS OF THE STAFF

City Planner Abboud and City Clerk Jacobsen had no comments.

COMMENTS OF THE COMMISSION

Commissioner Highland commented here we are in 2023, so onward and outward.



AGENDA ITEM REPORT

Ordinance 23-xx, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 21.20, Town Center District Correcting Duplicate Uses. Planning Commission.

Item Type: Action Memorandum
Prepared For: Planning Commission
Meeting Date: 18 Jan 2023
Staff Contact: Rick Abboud, City Planner
Department: Planning
Attachments: [Planning Staff Review Memo](#)
[Draft Ordinance 23-xx](#)

Summary Statement:

Introduction

After adoption of the ordinance, I found a typo error. The uses of indoor and outdoor recreational facilities were added to permitted uses in the Town Center District and were not struck from the list of conditional uses and structures in the district.

Analysis

The issue of not striking the conditionally permitted items is easily cured by striking them. After reviewing the backup material including the meeting minutes it is clear that the intention of the Commission was to move the uses to “permitted” from “conditional” uses and structures.

Briefly, it was found that adequate regulations exist to allow facilities to be developed according to existing regulations and forego Conditional Use Permits (CUP’s). Many characteristics including guidelines for architecture and landscaping are found to apply to permitted uses and structures. These guidelines ensure that development will reflect the intent of the district.

Staff Recommendation:

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

Attachments:

[Planning Staff Review Memo](#)

[Draft Ordinance 23-xx](#)



City of Homer

www.cityofhomer-ak.gov

Planning
Page 3 of 6
491 East Pioneer Avenue
Homer, Alaska 99603
Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

MEMORANDUM

TO: Homer Planning Commission
FROM: Rick Abboud, AICP, City Planner
DATE: January 9, 2023
SUBJECT: Planning Staff review of draft ordinance removing duplicate references to uses in the Town Center District

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. Removing the duplicate listed uses implements the changes recommended by the Commission and adopted by the Council and clearly up conflict in the code.

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

b. Will be reasonable to implement and enforce.

Analysis: The proposed ordinance clears up confusion and contradiction in 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 development according to established standards in Homer City Code found appropriate for the in the district.

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 recommends approval to the City Council.

City Planner Abboud reviewed his staff report that was presented in the packet. He requested a volunteer for the February 13, 2023 Council meeting.

Commissioner Venuti commented on the importance of having a report from the Commission and if someone does not show the Commission should submit a written report.

Chair Smith responded that he submits a written report and it was just a coincidence that Commissioner Stark was unavailable and the Clerk was out of town that his report did not get submitted for the last Council meeting.

Commissioner Barnwell stated that he was actually scheduled to report for the last Council meeting but was unable to attend due to his wife's health issues but concurred with Commissioner Venuti on the importance of a written or verbal report submitted to Council for each meeting.

Commissioner Highland commented on the integrity of the Chair and if he stated that a report was submitted then it was and it just did not make it to the Clerk for the supplemental packet. She then questioned the City Planner if he received her application for the APA membership.

City Planner Abboud confirmed that he received her application. He then responded to comments and questions from the Commission on the following:

- Presentation on Housing Forum
 - o Housing Forum demographics used
 - o Involvement with the Kenai Peninsula Housing Coalition
 - o Possible Moratorium on AirBnB's
 - o Business Licensing within City Limits
- Port & Harbor Worksession and the role that HDR played and obtaining a copy of the presentation
 - o Presentation should be available on the city website for that meeting date
- Planning Commission decision to deny permit for preliminary plat last September was approved by the Borough Planning Commission.
 - o Requesting training on that topic so the Commission is better informed
- Information in the City Manager's report that City Hall was once a bank

8. PUBLIC HEARING(S)

8.A. Ordinance 23-xx, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 21.20, Town Center District Correcting Duplicate Uses. Planning Commission.

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

City Planner Abboud provided his Agenda Item Report 23-04, noting that this was coming back to the Commission because the uses of indoor and outdoor recreational facilities were added to permitted uses in the Town Center District and were not struck from the list of conditional uses and structures in the district.

Chair Smith opened the Public Hearing. Hearing and seeing no one in the public wishing to provide comment he closed the public hearing and opened the floor to comments and or questions from the Commission.

Commissioner Highland noted that on line 50 it stated one wind energy system having a rated capacity exceeding 10 kilowatts and questioned if that should be corrected to state “not exceeding”?

City Planner Abboud pointed out that it is correct as it is under Conditional Uses and structures.

Chair Smith called for a motion and second.

HIGHLAND/VENUTI - MOVED TO ADOPT STAFF REPORT PC23-03 AND RECOMMEND APPROVAL OF THE DRAFT ORDINANCE AMENDING HOMER CITY CODE SECTION 21.20, TOWN CENTER DISTRICT, CORRECTING DUPLICATE USES (AS PRESENTED or AMENDED) AND FORWARD TO CITY COUNCIL FOR APPROVAL.

There was no further discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

9. PLAT CONSIDERATION(S)

10. PENDING BUSINESS

11. NEW BUSINESS

11.A. Shed Roof Design in the City of Homer

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

City Planner Abboud stated that he had assigned this topic to the Associate Planner Vaz and deferred to her.

Associate Planner Vaz provided a review of Agenda Item Report 23-05 for the Commission. She noted that the city does not have an adopted residential building code at this time. Ms. Vaz included examples of more prescriptive design requirements from other communities. She recommended that the Commission could request additional research be done or that the issue could be addressed during the Comprehensive Plan development with public outreach and input on the subject.

Chair Smith provided the reason to bring this topic before the Commission for discussion and requested their input going forward or not.

Discussion ensued by the Commissioners with each member providing their opinion on design requirements in relation to shed roof design elements. It was agreed by consensus that the Commission did not want to take any further action and it was not a topic that was a responsibility of the Commission at this time.

Associate Planner Vaz was complemented on her thorough and concise reporting on the topic and the Commission expressed looking forward to working with her in the future and welcomed her to the Planning Department and Homer.



AGENDA ITEM REPORT

Ordinance 23-09, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$40,000 from the General Fund Fleet Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purchase of an Arctic Shark Ice Removal Attachment and Authorizing a Sole Source Purchase from Ultramech, LLC. City Manager/Public Works Director.

Item Type: Ordinance
Prepared For: City Council
Meeting Date: 13 Feb 2023
Staff Contact: Jan Keiser, Public Works Director
Attachments: [Ordinance 23-09](#)
[Financial Supplement](#)
[Arctic Shark photo](#)

Summary Statement:

Issue: The purpose of this Memo is to recommend award of a Purchase Order for an Arctic Shark Ice Removal Attachment.

Background: The freeze-thaw weather conditions we have been experiencing is causing drainage ways and snow on roadways to melt, flow and then, freeze on the roads, sidewalks and paths. This is causing havoc throughout our road system, despite our best efforts to keep up with sanding and use the graders to gouge out the hard packed snow and ice. Not only is sanding often a losing battle because the sand either washes away when it melts or gets glaciated over when it freezes, but the graders are suffering because they are not meant for this type of duty. We are spending more time and money on grader repairs.

We have found an ice-breaking attachment, called an Arctic Shark that fits on our loader that churns up the ice, much like a rototiller churns up sod. Treating the road like this allows us to scrape up the ice chunks and remove them from the road. Plus, it is easier for remaining ice to melt when temperatures rise above freezing. The vendor that sells Arctic Sharks brought one to the peninsula a week ago and demonstrated it on Hazel Avenue. It was amazing! It broke up the ice into pieces you could make margaritas out of. A week later, the area where the ice was broken up shows dry, ice-free pavement. The areas where the ice was not broken up still have a glaze of ice on them.

This procurement qualifies as a sole source because no other vendor in Alaska sells the Arctic Shark.

Staff Recommendation:

Introduce Ordinance 23-09 and schedule for public hearing February 27, 2023.

**CITY OF HOMER
HOMER, ALASKA**

City Manager
Public Works Director

ORDINANCE 23-09

A ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY23 CAPITAL BUDGET BY APPROPRIATING \$40,000 FROM THE FROM THE GENERAL FUND FLEET CAPITAL ASSET REPAIR AND MAINTENANCE ALLOWANCE (CARMA) FUND FOR THE PURCHASE OF AN ARCTIC SHARK ICE REMOVAL ATTACHMENT, AND AUTHORIZING A SOLE SOURCE PURCHASE FROM ULTRAMECH LLC.

WHEREAS, The freeze-thaw weather conditions Homer has been experiencing is causing drainage ways and snow on roadways to melt, flow and then, freeze on the roads, sidewalks and paths, causing hazardous driving conditions throughout Homer’s road system; and

WHEREAS, Staff has located an ice-breaking attachment, called an Arctic Shark that churns up the ice, much like a rototiller churns up sod enabling crews to scrape up the ice chunks and remove them from the road and making it easier for remaining ice to melt when temperatures rise above freezing; and

WHEREAS, Staff have observed the Arctic Shark in action on a Homer road and conclude it would be highly effective in Homer; and

WHEREAS, Funds are available in the Fleet CARMA Fund to cover the \$40,000 purchase; and

WHEREAS, This procurement qualifies as a sole source because ULTRAMECH is the only vendor in Alaska sells the Arctic Shark.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY23 Capital Budget by appropriating \$40,000 for the purchase of an Arctic Shark Ice Removal Attachment as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
152	Arctic Shark	\$40,000

Section 2. The City Manager is authorized enter into a sole source contract with ULTRAMECH to purchase the equipment.

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

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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:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

CITY OF HOMER
FINANCIAL SUPPLEMENT

PROJECT NAME	<u>Purchase of an Arctic Shark</u>	DATE	<u>02/07/2023</u>
DEPARTMENT	<u>Public Works</u>	SPONSOR	<u>City Manager/PW Director</u>
REQUESTED AMOUNT	<u>\$ 40,000</u>		

DESCRIPTION	<p>The freeze-thaw weather conditions Homer has been experiencing is causing drainage ways and snow on roadways to melt, flow and then, freeze on the roads, sidewalks and paths, causing hazardous driving conditions throughout Homer's road system.</p> <p>Staff has located an ice-breaking attachment, called an Arctic Shark that churns up the ice, much like a rototiller churns up sod enabling crews to scrape up the ice chunks and remove them from the road and making it easier for remaining ice to melt when temperatures rise above freezing.</p> <p>Staff have observed the Arctic Shark in action on a Homer road and conclude it would be highly effective in Homer.</p>
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FUNDING SOURCE(S)	OPERATING	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	0%	0%	100%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	0%	0%	0%	0%

FUNDING SOURCE 1: GF Fleet CARMA	FUNDING SOURCE 2:	FUNDING SOURCE 3:
Current Balance <u>\$ 1,074,197</u>	Current Balance _____	Current Balance _____
Encumbered <u>\$ 447,480</u>	Encumbered _____	Encumbered _____
Requested Amount <u>\$ 40,000</u>	Requested Amount _____	Requested Amount _____
Other Items on Current Agenda <u>\$ 6,950</u>	Other Items on Current Agenda _____	Other Items on Current Agenda _____
Remaining Balance <u>\$ 579,767</u>	Remaining Balance _____	Remaining Balance _____
FUNDING SOURCE 4:	FUNDING SOURCE 5:	FUNDING SOURCE 6:
Current Balance _____	Current Balance _____	Current Balance _____
Encumbered _____	Encumbered _____	Encumbered _____
Requested Amount _____	Requested Amount _____	Requested Amount _____
Remaining Balance _____	Remaining Balance _____	Remaining Balance _____



MODEL D108
ICE & COMPACTED EARTH RUBBLIZER
PATENTED



OPERATION & MAINTENANCE MANUAL

Ultramech LLC
info@ultramech.com
970-222-0879



AGENDA ITEM REPORT

Ordinance 23-10, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Authorizing an Expenditure of \$482,412 from the Homer Accelerated Water and Sewer Program (HAWSP) Fund to Provide Interim Financing to Complete the East Bunnell Ave./Charles Way Water and Sewer Improvement Projects. City Manager/Public Works Director.

Item Type: Ordinance
Prepared For: City Council
Meeting Date: 13 Feb 2023
Staff Contact: Jan Keiser, Public Works Director
Through: Rob Dumouchel, City Manager

Summary Statement:

Issue: The purpose of this Memorandum is to request funding for the East Bunnell Ave./Charles Way Water & Sewer Special Assessment Districts.

Background

The City Council created the East Bunnell Ave./Charles Way Water and Sewer Special Assessment Districts (SAD) with the passage of Resolution 22-017(A). The estimated costs of the work are:

Water SAD	\$525,637
Sewer SAD	<u>\$418,221</u>
Total	\$943,858

Bids were opened on January 19, 2023. The apparent low bid is \$822,846.

The City will pay cash from the HAWSP Fund, for its 25% contribution as well as a share of the assessments as a property owner, \$461,446, which has already been appropriated in Ord 22.18(S). When I got that appropriation, I neglected to get an appropriation for the part of the project that will be financed, which is \$482,412.

Staff Recommendation:

Introduce Ordinance 23-10 and schedule public hearing February 27, 2023.

Attachments:

[Ordinance 23-10](#)

[Ordinance 22-18\(S\)](#)

[Resolution 22-017\(A\)](#)

[Financial Supplement](#)

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 23-10

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE FY 23 CAPITAL BUDGET AND AUTHORIZING THE EXPENDITURE OF \$482,412 FROM THE HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) FUND TO PROVIDE INTERIM FINANCING TO COMPLETE THE EAST BUNNELL AVE./CHARLES WAY WATER AND SEWER IMPROVEMENT PROJECTS.

WHEREAS, The City Council created the East Bunnell Ave./Charles Way Water and Sewer Special Assessment Districts (SAD), and

WHEREAS, The City has already adopted Ordinance 22-18(S), which authorized payment of \$461,446 from the HAWSP Fund to pay for the City’s share of these projects, including its 25% contribution as well as its assessments as a property owner; and

WHEREAS, In order to finance the other property owners’ share of the costs of construction, the City must pay for construction and other eligible costs first and the ADEC loan/subsidy reimburses the City for the eligible costs, meaning the City needs construction financing for the other property owners’ share; and

WHEREAS, The City Council needs to appropriate additional funds from the HAWSP Fund, in the amount of \$482,412, to finance the other property owners’ share.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY23 Capital Budget by appropriating \$482,412 from the HAWSP Fund to provide financing for the East Bunnell Ave./Charles Way Avenue Water and Sewer Special Assessment Districts, as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
205	East Bunnell Ave./Charles Way Water & Sewer Projects	\$482,412

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___th day of February 2023.

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 22-18(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER ALASKA AMENDING THE FY22 CAPITAL BUDGET BY APPROPRIATING \$461,446 FROM THE HOMER ACCELERATED WATER AND SEWER PROJECT (HAWSP) FUND TO FUND THE CITY'S PORTION OF COSTS FOR THE BUNNELL AVE/CHARLES WAY WATER AND SEWER SPECIAL ASSESSMENT DISTRICT.

WHEREAS, The Bunnell Ave/Charles Way Water and Sewer Special Assessment District (SAD) was created with Resolution 22-023; and

WHEREAS, The City is responsible for 25% of the cost of the improvement pursuant to Resolution 01-21; and

WHEREAS, The City is a property owner in the Bunnell Ave/Charles Way Water and Sewer SAD and is responsible for their 75% portion of the property owners assessment.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY22 Capital Budget by appropriating \$461,446 from the HAWSP Fund to fund the City's portions of the Bunnell Ave/Charles Way Water and Sewer SAD as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
205-xxx	City's 25% of Total Estimated Project Cost	\$74,987 (water) \$104,555 (sewer)
205-xxx	City's 75% Estimated Property Owner Assessment Share	\$116,644 (water) <u>\$165,260</u> (sewer)
	Total	\$461,446

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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 11th day of April, 2022.

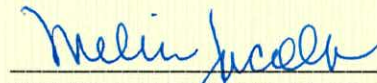
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CITY OF HOMER



KEN CASTNER, MAYOR

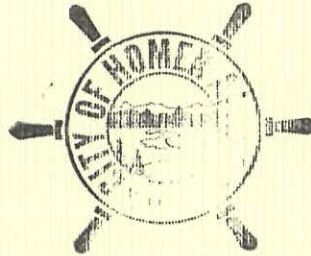
ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK

YES: 5
NO: 0
ABSTAIN: 0
ABSENT: 1

First Reading: 3-29-22
Public Reading: 4-11-22
Second Reading: 4-11-22
Effective Date: 4-12-22



**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 22-017(A)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
ACKNOWLEDGING THE SUFFICIENCY OF THE BUNNELL
AVENUE/CHARLES WAY WATER AND SEWER IMPROVEMENT
SPECIAL ASSESSMENT DISTRICTS AND APPROVING THE
IMPROVEMENT PLAN, ESTIMATED COST OF IMPROVEMENTS AND
ASSESSMENT METHODOLOGY.

WHEREAS, The Homer City Council adopted Resolution 21-030 initiating the process to form the Bunnell Avenue/Charles Way Water and Sewer Special Improvement Districts (Bunnell Avenue/Charles Way SAD); and

WHEREAS, The Bunnell Avenue/Charles Way Water and Sewer SAD boundaries includes property fronting Bunnell Avenue and Charles Way; and

WHEREAS, A neighborhood meeting was held on May 27, 2021 where property owners were provided conceptual cost estimates for water and sewer, proposed district maps, and property owner assessment projections; and

WHEREAS, A Notice of Public Hearing for August 9, 2021 and Notice of Right to Object and was mailed to property owners on June 4, 2021 in accordance with Homer City Code 17.02.050; and

WHEREAS, Pursuant to HCC 17.02.050 (b) if owners of real property that would bear 50 percent or more of the assessed cost of the improvement file timely written objections, the Council may not proceed with the improvement unless it revises the improvement plan to reduce the assessed cost to less than 50% of the assessed cost of the improvement; and

WHEREAS, The deadline to receive written objections was August 8, 2021 and two written objections were received, with one additional object coming in after the deadline; and

WHEREAS, Following the public hearing at the August 9, 2021 regular City Council meeting Council postponed action on Resolution 21-057 to provide the Public Works Director the opportunity to consider amending the boundaries and assessment methodology, and consider existing service through spaghetti for some properties; and

42 WHEREAS, Action on this matter was further postponed to provide written public notice
43 on different iterations of assessment methodologies for property owner consideration; and
44

45 WHEREAS, On February 10, 2022 the City Clerk’s Office mailed notice to property owners
46 in the Bunnell Avenue/Charles Way SAD of a proposed hybrid method of assessment, an
47 informational memorandum from the Public Works Director, preliminary assessment roll, and
48 a statement of objection to special assessment district with a deadline of 5:00 p.m. March 14,
49 2022 to object; and
50

51 WHEREAS, To date, one objection has been received; and
52

53 WHEREAS, Resolution 21-057(S-2) proposing a benefitted method of assessment was
54 voted down on March 14, 2022 to take up this resolution recommending the hybrid method of
55 assessment.
56

57 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska
58 acknowledges the sufficiency of the Bunnell Avenue/Charles Way SAD **and the petition bears**
59 **sufficient support that the improvements are necessary and benefit the properties**
60 **included in attachment A.**
61

62 BE IT FURTHER RESOLVED that the City Council hereby approves the improvement
63 plan, estimated costs of improvement as follows:
64

- 65 • The estimated cost of the sewer improvements is \$514,153 with property owners paying
66 75% (\$385,615) and the Homer Accelerated Water and Sewer Program (HAWSP) paying
67 25% (\$128,538) of the costs; and
- 68 • The estimated cost of the water improvements, including the \$225,097 Principal
69 Forgiveness Subsidy, is \$248,097, with property owners paying 75% (\$186,073) and the
70 Homer Accelerated Water and Sewer Program (HAWSP) paying 25% (\$62,024) of the
71 costs.
72

73 BE IT FURTHER RESOLVED the assessment method will be a hybrid method based on
74 the following findings of the Public Work Director:
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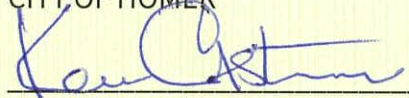
76 **Finding #1** – The Hybrid Method results in the fairest distribution of costs among the
77 private property owners. We did some sensitivity analysis to find the fairest distribution
78 of costs. We computed what the assessments would be using Equal Share Method and
79 the Benefitted Area Method, limiting the application of the Benefitted Area Method to
80 the Developable Area, as provided in HCC 17.01.010. Then, we created a Proposed
81 Assessment Roll, which applies the lesser computation for a particular property. For
82 the smaller lots, the lesser computation is the Benefitted Area Method. For the larger

83 lots, the lesser computation is the Equal Share Method. The Benefitted Area Method
84 penalizes the larger lots who will receive no greater benefit for their higher assessment.

85
86 **Finding #2** – The Hybrid Method does not unreasonably penalize the City as the owner
87 of Bishop’s Beach Park. The Hybrid Method results in a proposed assessment for the
88 City, which is about 15% higher than what it would be under the Benefitted Area
89 Method. This is appropriate as this park, one of Homer’s most popular, provides
90 community-wide benefit.

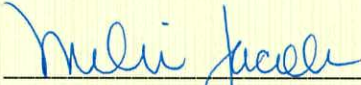
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92 PASSED AND ADOPTED by the Homer City Council this 14th day of March, 2022.

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95 CITY OF HOMER

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98 KEN CASTNER, MAYOR

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100 ATTEST:

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104 MELISSA JACOBSEN, MMC, CITY CLERK

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106 Fiscal Note: HAWSP ~~\$128,538~~ - Sewer and ~~\$62,024~~ - Water
\$104,555 *74,987*



CITY OF HOMER
FINANCIAL SUPPLEMENT

PROJECT NAME	E. Bunnell Avenue/Charles Way Interim Financing	DATE	02/10/2023
DEPARTMENT	Public Works	SPONSOR	City Manager/PW Director
REQUESTED AMOUNT	\$ 482,412		

DESCRIPTION	<p>The City has already adopted Ordinance 22-18(S), which authorized payment of \$461,446 from the HAWSP Fund to pay for the City's share of these projects, including its 25% contribution as well as its assessments as a property owner.</p> <p>In order to finance the other property owners' share of the costs of construction, the City must pay for construction and other eligible costs first and the ADEC loan/subsidy reimburses the City for the eligible costs, meaning the City needs construction financing for the other property owners' share.</p> <p>The City Council needs to appropriate additional funds from the HAWSP Fund, in the amount of \$482,412, to finance the other property owners' share.</p>
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FUNDING SOURCE(S)	OPERATING	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
		0%	0%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	100%	0%	0%	0%	0%

FUNDING SOURCE 1: HAWSP		FUNDING SOURCE 2:		FUNDING SOURCE 3:	
Current Balance	\$ 3,676,328	Current Balance	_____	Current Balance	_____
Encumbered	\$ 791,730	Encumbered	_____	Encumbered	_____
Requested Amount	\$ 482,412	Requested Amount	_____	Requested Amount	_____
Other Items on Current Agenda	\$ 0	Other Items on Current Agenda	_____	Other Items on Current Agenda	_____
Remaining Balance	\$ 2,402,186	Remaining Balance	_____	Remaining Balance	_____
FUNDING SOURCE 4:		FUNDING SOURCE 5:		FUNDING SOURCE 6:	
Current Balance	_____	Current Balance	_____	Current Balance	_____
Encumbered	_____	Encumbered	_____	Encumbered	_____
Requested Amount	_____	Requested Amount	_____	Requested Amount	_____
Remaining Balance	_____	Remaining Balance	_____	Remaining Balance	_____

Approvals

_____	_____
Requesting Department/Project Manager	Date
_____	02/10/23
Finance Department	Date
_____	_____
City Manager	Date



AGENDA ITEM REPORT

Ordinance 23-11, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating an Amount not to Exceed \$650,00 from the General Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purpose of Developing a New Comprehensive Plan and a Complete Title 21 Zoning and Planning Code for the City of Homer. City Manager.

Item Type: Ordinance
Prepared For: City Council
Meeting Date: 13 Feb 2023
Staff Contact: Ryan Foster, Special Projects Coordinator
Through: Rob Dumouchel, City Manager

Summary Statement:

An update of the Comprehensive Plan and modernization of the Zoning Code was identified as a Council priority during the 2022 Visioning work session held in March at the Pratt Museum. The Title 21 Zoning and Planning Code had a significant update in 2008 and has been continuously updated over the years. The Comprehensive Plan underwent a technical update in 2018, but since the Zoning and Planning Code implements the vision of the Comprehensive Plan, it is proposed to undergo a full update of the Comprehensive Plan in advance of a Code rewrite.

Approval of Ordinance 23-11 would amend the FY22/23 Operating Budget to appropriate an amount not to exceed \$650,000 from the General Fund CARMA (Capital Asset Repair & Maintenance Allowance) to secure the services of a professional consultant to facilitate the development of a new Comprehensive Plan and a complete update of the Title 21 Zoning and Planning Code.

A resolution providing a recommendation on selecting a consultant firm and awarding a contract will be provided at the February 27, 2023 Regular Council Meeting. Hiring a consultant firm to fully update the two most important regulatory documents for planning and development in the City of Homer results in a Comprehensive Plan that guides the future development of the City over the next 20 years and addresses the unique planning challenges of the community and an updated Title 21 Zoning and Planning Code that will allow the City to realize the vision and goals defined in the Comprehensive Plan with updated processes and development standards. In addition, greater efficiency, clarity, and user friendliness will be built into the zoning code.

Staff Recommendation:

Introduce Ordinance 23-11 schedule public hearing and second reading February 27, 2023.

Attachments:

[Ordinance 23-11](#)

[Financial Supplement](#)

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 23-11

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE FY23 CAPITAL BUDGET BY APPROPRIATING AN AMOUNT NOT TO EXCEED \$650,000 FROM THE GENERAL FUND CAPITAL ASSET REPAIR AND MAINTENANCE ALLOWANCE (CARMA) FUND FOR THE PURPOSE OF DEVELOPING A NEW COMPREHENSIVE PLAN AND A COMPLETE UPDATE OF THE TITLE 21 ZONING AND PLANNING CODE FOR THE CITY OF HOMER.

WHEREAS, An update of the Comprehensive Plan and modernization of the Zoning Code was identified as a Council priority during the 2022 Visioning work session held in March 2022 at the Pratt Museum; and

WHEREAS, The Comprehensive Plan establishes, at a high level, a vision, goals, and objectives for the future development of the City and underwent a technical update in 2018; and

WHEREAS, The City's Title 21 Zoning and Planning Code defines the processes, establishes zoning districts, and associated development standards for land use development in the City and is the regulatory framework that implements the vision, goals, and objectives established in the Comprehensive Plan; and

WHEREAS, The City's Title 21 Zoning and Planning Code was established in the 1980's; and

WHEREAS, In 2008 the Planning Commission drafted a substantial re-write of Title 21 that was adopted by Council in Ordinance 08-29; and

WHEREAS, A comprehensive update to Title 21 Zoning and Planning Code is necessary to modernize the code, improve efficiency and user friendliness, and align with and implement the vision of the Comprehensive Plan; and

WHEREAS, On September 27, 2022 a Memorandum was provided to the City Council where City staff proposed a two-phase project, starting with a new Comprehensive Plan and ending with a complete update of the Title 21 Zoning and Planning Code; and

41 WHEREAS, The Request for Qualifications developing a new Comprehensive Plan and a
42 complete update of the Title 21 Zoning and Planning Code closed on December 9, 2022; and

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44 WHEREAS, The Request for Proposals developing a new Comprehensive Plan and a
45 complete update of the Title 21 Zoning and Planning Code closed on January 20, 2023; and

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47 WHEREAS, A resolution providing a recommendation on selecting a consultant firm and
48 awarding a contract will be provided at the February 27, 2023 Council Meeting; and

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50 WHEREAS, A new Comprehensive Plan will guide the future development of the City
51 over the next 20 years and address the unique planning challenges of the community, such as
52 limited developable land, a strong demand for housing, and consideration of our unique
53 geographical and topographical conditions; and

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55 WHEREAS, An updated Title 21 Zoning and Planning Code will allow the City to realize
56 the vision and goals defined in the Comprehensive Plan with updated processes and
57 development standards, with greater efficiency, clarity, and user friendliness built into the
58 code; and

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60 WHEREAS, Upon project completion, the City of Homer Planning Commission will
61 consider a resolution providing their recommendation for adoption of a new Comprehensive
62 Plan and a complete update of the Title 21 Zoning and Planning Code; and

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64 WHEREAS, Upon project completion, the City Council will consider an ordinance for
65 adoption of a new Comprehensive Plan and a complete update of the Title 21 Zoning and
66 Planning Code; and

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68 WHEREAS, The City of Homer supports developing a new Comprehensive Plan and a
69 complete update of the Title 21 Zoning and Planning Code proposal.

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71 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

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73 Section 1. The Homer City Council hereby amends the FY23 Capital Budget by
74 appropriating no more than \$650,000 to secure the services of a professional consultant to
75 facilitate the development of a new Comprehensive Plan and a complete update of the Title 21
76 Zoning and Planning Code through a competitive bidding process as follows:

77

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
78 156	79 Comprehensive Plan & 80 Title 21 Updates	81 \$650,000

82 Section 2. This budget amendment ordinance is temporary in nature and shall not be
83 codified.

84 CITY OF HOMER
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89 KEN CASTNER, MAYOR
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92 ATTEST:
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97 MELISSA JACOBSEN, MMC, CITY CLERK
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100 YES:
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102 NO:
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104 ABSTAIN:
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106 ABSENT:
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108 First Reading:
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110 Public Hearing:
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112 Second Reading:
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114 Effective Date:
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CITY OF HOMER
FINANCIAL SUPPLEMENT

PROJECT NAME	<u>Developing Comprehensive Plan and Title 21 Code Update</u>	DATE	<u>02/07/2023</u>
DEPARTMENT	<u>Administration</u>	SPONSOR	<u>City Manager</u>
REQUESTED AMOUNT	<u>\$ 650,000</u>		

DESCRIPTION	<p>A new Comprehensive Plan will guide the future development of the City over the next 20 years and address the unique planning challenges of the community, such as limited developable land, a strong demand for housing, and consideration of our unique geographical and topographical conditions.</p> <p>An updated Title 21 Zoning and Planning Code will allow the City to realize the vision and goals defined in the Comprehensive Plan with updated processes and development standards, with greater efficiency, clarity, and user friendliness built into the code.</p>
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FUNDING SOURCE(S)	OPERATING	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	0%	100%	0%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	0%	0%	0%	0%

FUNDING SOURCE 1: GF CARMA	FUNDING SOURCE 2:	FUNDING SOURCE 3:
Current Balance <u>\$ 2,163,791</u>	Current Balance _____	Current Balance _____
Encumbered <u>\$ 478,644</u>	Encumbered _____	Encumbered _____
Requested Amount <u>\$ 650,000</u>	Requested Amount _____	Requested Amount _____
Other Items on Current Agenda <u>\$ 20,239</u>	Other Items on Current Agenda _____	Other Items on Current Agenda _____
Remaining Balance <u>\$ 1,014,908</u>	Remaining Balance _____	Remaining Balance _____
FUNDING SOURCE 4:	FUNDING SOURCE 5:	FUNDING SOURCE 6:
Current Balance _____	Current Balance _____	Current Balance _____
Encumbered _____	Encumbered _____	Encumbered _____
Requested Amount _____	Requested Amount _____	Requested Amount _____
Remaining Balance _____	Remaining Balance _____	Remaining Balance _____



AGENDA ITEM REPORT

Ordinance 23-12, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$63,070 from the Port Reserves Fund for Professional and Technical Assistance to Support Submission of a Port Infrastructure Development Program Grant Application for the Purpose of Float Replacement in the Small Boat Harbor. City Manager/Port Director.

Item Type: Ordinance
Prepared For: City Council
Meeting Date: 13 Feb 2023
Staff Contact: Bryan Hawkins, Port Director
Through: Rob Dumouchel, City Manager

Summary Statement:

The purpose of this Memorandum is to recommend a \$63,070 appropriation from the Port & Harbor Reserves to be used to prepare a Federal 2023 Port Infrastructure Development Program (PIDP) application.

Background: The Homer Small Boat Harbor facility contains several float systems that are in service well past their engineered life expectancy. Among those are the floats on System 4, which is made up mostly of floats that were constructed in 1964 for the original Homer Harbor, and System 1. While major maintenance has allowed continued use of these floats, many conditions have combined to produce a critical loss of structural capacity and should be replaced before they are condemned and need to be decommissioned.

Replacing these two systems is ranked #5 in the Legislative Priority section of the City's FY24 Capital Improvement Plan, and Small Boat Harbor Float Replacement was identified as a priority project by City Council in their 2022 Visioning meeting.

The US DOT Maritime Administration is poised to release a notice of funding opportunity for the PIDP, a Federal grant program with an 80/20 cost share. PIDP, with an average large project award from \$20M-\$40M, offers an opportunity to leverage significant funds to address long-deferred maintenance needs in the existing Small Boat Harbor basin.

In April of 2022, the City entered into a Task Order with R&M Consultants to begin readying the float replacement project for a PIDP grant application. Through that process, the City obtained a Harbor-wide Float Condition Report and a cost estimate for float replacement. The estimated cost for replacing all floats in Serious and Critical condition is \$72,610,000. The costs to replace System 4 and 1, both rated as Serious and Critical Condition, is \$41,000,000, within the average range of awards.

The PIDP is highly competitive -- requests for funds can exceed the total available Federal funds by 30 times or more. Further, completing a nationally competitive application is time and labor intensive, requiring responses that are data driven (to prove need and/or benefit), pre-planned (scope, partnerships, match strategies), aligned with over-arching Federal priorities (equity, resilience) and technical in nature (cost benefit analyses, environmental review, etc.)

Staff is requesting funds to support professional and technical assistance to complete a PIDP application within the three-month application window. Staff reached out to term contractor, HDR Engineering for estimated costs. Services are estimated not to exceed \$63,070 in time and effort, and would include completing a full Benefit to Cost Analysis (BCA) of the Float Replacement project and submission of a 2023 PIDP grant application. The Task Order with R&M has been completed. \$16,000 of unused funds from that Task Order is being returned to the Port & Harbor Reserves fund and are available to assist with the BCA and grant application.

While a full BCA is not required for Alaska applications to the PIDP, based on the size of the request, the City would be competing for a Large PIDP project. A BCA is highly recommended for the Large PIDP projects to show stronger evidence for the benefits of the project.

Matching funds strategy will be explored as part of the application process; potential sources include TIFIA, a low-interest Federal loan program, the Alaska Municipal Harbor Grant Program and Denali Commission funds, a State Legislative grant through the CAPSIS system, as well as a 2024 RAISE grant if needed. The BCA and grant application can be used to support application for these other potential sources of matching funds.

The City's strategic review of Federal Infrastructure Improvement and Jobs Act funding opportunities completed in January 2023 identified PIDP as one Federal grant source for this project. As evidenced by the motion made at their January 25th, 2023 meeting, the Port & Harbor Advisory Commission supports the use of funds from the Port & Harbor Reserves for technical assistance to support a PIDP grant application.

Staff Recommendation:

Introduce Ordinance 23-12 schedule public hearing and second reading February 27, 2023.

Attachments:

[Ordinance 23-12](#)

[FY24 CIP Project Description](#)

[R&M Float Condition Report & Project Estimate Summary](#)

[Port & Harbor Advisory Commission Minutes Excerpt 012523](#)

[Financial Supplement](#)

**CITY OF HOMER
HOMER, ALASKA**

City Manager
Port Director

ORDINANCE 23-12

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY23 CAPITAL BUDGET BY APPROPRIATING \$63,070 FROM THE PORT RESERVES FUND FOR PROFESSIONAL AND TECHNICAL ASSISTANCE TO SUPPORT SUBMISSION OF A PORT INFRASTRUCTURE DEVELOPMENT PROGRAM GRANT APPLICATION FOR THE PURPOSE OF FLOAT REPLACEMENT IN THE SMALL BOAT HARBOR.

WHEREAS, The City has long recognized the need to replace floats in the Small Boat Harbor that are past or near the end of their useful life, and

WHEREAS, City Council identified Small Boat Harbor float replacement as a high priority project in their 2022 Visioning session; and

WHEREAS, In planning for a float replacement project, the City completed a comprehensive harbor condition study that identified float systems that were in serious to critical condition; and

WHEREAS, The Harbor Condition Report estimated replacement costs for all Serious- and Critical-rated floats to be \$72,610,000; and

WHEREAS, The Port Infrastructure Development Program (PIDP) has a total of \$662 Million to distribute in FY23 to projects that improve the safety, efficiency, and reliability of the movement of goods into, out of, around, or within a port; and

WHEREAS, To be successful an application must demonstrate competitiveness on a national level in alignment with the program goals and the benefits provided by the project, which requires significant project planning time, engagement of partners and the public, environmental review, technical and benefit-cost analyses, identification of matching funds and grant writing; and

WHEREAS, Given the short timeframe between the PIDP funding announcement and grant submission deadline, leveraging additional expertise is necessary to ensure the City is in the best possible position to succeed with a PIDP application; and

WHEREAS, The BCA and grant application can be used to support requests to other

43 sources for matching funds, including the Alaska Municipal Harbor Grant Program and Denali
44 Commission funds, as well as a potential 2024 PIDP or RAISE grant, if needed.

45
46 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

47
48 Section 1: The Homer City Council hereby amends the FY23 Capital Budget by
49 appropriating \$63,070 for the purpose of obtaining professional PIDP advisory, technical, and
50 grant writing services as follows:

51

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
52 456-0380	53 2023 PIDP BCA & Application	54 \$63,070

55

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

58
59 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____,
60 2023.

61
62 CITY OF HOMER

63
64 _____
65 KEN CASTNER, MAYOR

66 ATTEST:

67
68 _____
69 MELISSA JACOBSEN, MMC, CITY CLERK

70
71 YES:

72 NO:

73 ABSTAIN:

74 ABSENT:

75
76 First Reading:

77 Public Hearing:

78 Second Reading:

79 Effective Date:



5. Homer Harbor Critical Float System Replacment: Float Systems 4 & 1

Project Description & Benefit: System 4 is made up mostly of floats that were constructed in 1964 for the original Homer Harbor. In the 2002 Transfer of Responsibility Agreement (TORA) project, those original floats were moved to create System 4. Within two years, the System’s 207 slips for vessels ranging in size from 24 feet to 60 feet in length and over 1,000 linear feet of transient moorage was filled to maximum capacity. System 4 provides dockage for the Seldovia Fast Ferry *Kachemak Explorer* for passenger and freight loading. System 4 has two accessible gangways on ramps 6 and 7 and is supported by a public restroom and public fish cleaning station located at the top of ramp 6.

The 1964 timber floats are 30 years beyond their engineered life expectancy and should be replaced before they are condemned and need to be decommissioned. Major maintenance (adding flotation to the end of main floats and replacing timber piles, decking, and stall floats) has allowed continued use of these floats. Despite these efforts, many conditions have combined to produce a critical loss of structural capacity. Bullrails, used for securing mooring lines, are cracked or deteriorated; older timber piles have areas of rot; flotation foam has disintegrated throughout these floats, reducing freeboard, which ultimately reduces load capacity and increases rates of corrosion. The lack of flotation and deteriorated structural members makes the entire main float lists to one side; snow has to be removed in the winter to prevent sinking. Lack of flotation also causes the stall floats to be unstable or bouncy when walking on them, resulting in a potential safety hazard. Parts of System 1 dates back to 1986 The lack of freeboard flotation, concrete and timber deterioration and broken structural elements at end floats and failures in some headwalk floats likewise puts these components of System 1 in critical to serous categories.

Plans & Progress: R&M Engineers provided a harbor-wide condition report and cost estimate for float replacement in 2023. It recommends replacing floats categorized as serious and critical and upgrading shore power, fire suppression and potable water. AAA float can be expanded towards the load and launch ramp to open up narrow fairways between the floats, giving vessels more room to safely navigate between the float systems. The City is preparing applications for Federal discretionary grant funds to assist with project funding. State matching funds help leverage federal dollars in support of Homer’s regionally critical port infrastructure.

Total Project Cost: \$41,000,000

FY24 State Request: \$6,150,000

FY24 Federal Request: \$28,700,000

City of Homer Match \$6,150,000



System 4 floats to be replaced.



The Headwalk Float AAA is warped, suggesting a failure in the structural members below the deck and lack of flotation..



Low freeboard resulting in submerged pile collar. Decking has rot and hardware connections protrude through it.

Homer Small Boat Harbor Floating Dock Replacement Project Estimate (2022 US\$)

Description	Quantity	Unit	Unit Price	Extended Price
Mobilization/Demobilization	1	LS	\$ 6,600,000	\$ 6,600,000
Construction Survey	1	LS	\$ 251,000	\$ 251,000
Protected Species Observers (2 persons)	123	DAY	\$ 3,000	\$ 369,000
Demolition/Removal of Existing Facilities	1	LS	\$ 2,180,000	\$ 2,180,000
System 1: ABCD Floats				
Floats	1	LS	\$ 6,249,300	\$ 6,249,300
Ramp 1 & 2 Trestle	1	LS	\$ 1,051,200	\$ 1,051,200
Ramp 1 & 2 Gangways	2	EA	\$ 125,000	\$ 250,000
16" Steel Piles w/Anodes	100	EA	\$ 18,000	\$ 1,800,000
Utilities (water, dry fire, power)	1	LS	\$ 1,417,200	\$ 1,417,200
Safety Equipment (ladders, life rings, fire extinguishers)	1	LS	\$ 58,800	\$ 58,800
Subtotal: \$10,826,500				
System 1: AKLMNPQ Floats				
Floats	1	LS	\$ 7,689,900	\$ 7,689,900
Ramp 4 Trestle	1	LS	\$ 481,600	\$ 481,600
Ramp 4 Gangway	1	EA	\$ 125,000	\$ 125,000
16" Steel Piles w/Anodes	87	EA	\$ 18,000	\$ 1,566,000
Utilities (water, dry fire, K Float power)	1	LS	\$ 1,063,200	\$ 1,063,200
Safety Equipment (ladders, life rings, fire extinguishers)	1	LS	\$ 125,400	\$ 125,400
Subtotal: \$11,051,100				
System 2				
Floats	1	LS	\$ 3,230,600	\$ 3,230,600
Ramp 5 Trestle	1	LS	\$ 662,400	\$ 662,400
Ramp 5 Gangway	1	EA	\$ 125,000	\$ 125,000
16" Steel Piles w/Anodes	49	EA	\$ 18,000	\$ 882,000
Utilities (water, dry fire)	1	LS	\$ 340,700	\$ 340,700
Safety Equipment (ladders, life rings, fire extinguishers)	1	LS	\$ 61,800	\$ 61,800
Subtotal: \$5,302,500				
System 4 (CC DD EE GG)				
Floats	1	LS	\$ 5,500,100	\$ 5,500,100
Ramp 6 Trestle	1	LS	\$ 691,200	\$ 691,200
Ramp 6 Gangway	1	EA	\$ 125,000	\$ 125,000
16" Steel Piles w/Anodes	101	EA	\$ 18,000	\$ 1,818,000
Utilities (water, dry fire, power)	1	LS	\$ 1,758,200	\$ 1,758,200
Safety Equipment (ladders, life rings, fire extinguishers)	1	LS	\$ 81,600	\$ 81,600
Subtotal: \$9,974,100				
System 5 (South)				
Floats	1	LS	\$ 2,104,000	\$ 2,104,000
20" Steel Piles w/Anodes	32	EA	\$ 30,600	\$ 979,200
Utilities (water, dry fire, power, sewer pumpout)	1	LS	\$ 831,000	\$ 831,000
Safety Equipment (ladders, life rings, fire extinguishers)	1	LS	\$ 42,000	\$ 42,000
Subtotal: \$3,956,200				
<i>Subtotal Unit Price Items:</i>				\$ 50,510,400
<i>Contingency 25%:</i>				\$ 12,627,600
Construction Total:				\$ 63,138,000
<i>Engineering, Permitting, & Construction Support:</i>			<i>15%</i>	<i>\$ 9,470,700</i>
TOTAL PROJECT ESTIMATE:				\$ 72,608,700

Homer Small Boat Harbor

October 10, 2022

System 1 Condition Report

Prepared by:
Kimberly Nielsen, PE
R&M Consultants Inc.
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Prepared for:
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Port Director/Harbormaster
Homer Port & Harbor
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2. FINDINGS

The floating dock systems in Homer Boat Harbor are of various ages and conditions. As would be expected, the original floats built by DOT in 1964 through 1992 are in the poorest condition, while the newer floats that have been installed to replace the DOT floats in other portions of the harbor are in satisfactory to good condition. In general, a key finding for floats that require major repairs or replacement is the low freeboard and lack of reserve flotation. ASCE Manual of Practice 30, *Planning and Design Guidelines for Small Craft Harbors* lists the following live load design criteria for floating docks.

Table 2.1: Design Live Loads

Condition	Uniform Live Load
Restricted access - pedestrian use only	30 pounds per square foot
Unrestricted access - pedestrian use only	40 pounds per square foot
Unrestricted access - golf carts	50 pounds per square foot

Preliminary calculations show that the older floats will be approximately awash at 30 pounds per square foot live load and will be submerged at 40 pounds per square foot or larger live loads. It should be noted that Homer has an ASCE 7-16 (code) specified 40 pounds per square foot ground snow load, which would sink some of the original generation of floats. This section describes all condition findings in detail and provides a summary rating of the various elements in each System.

2.1 System 1

The System 1 float system is the largest inter-connected float system in the harbor, comprising B Float through S Float. It has four primary “sub-systems” that are grouped based on their age and construction type (Refer to Drawings G2 and G3 in Appendix A). This section discusses the floating docks based on these groupings. The pedestrian access to System 1 is by four access Ramps: Ramp 1 and Ramp 2 located near C Float and E Float, respectively are similar and discussed together. Ramp 3 is located near G Float and Ramp 4 is located near N Float.

Access Ramps

Ramp 1 and Ramp 2 trestles are constructed of creosote-treated timber, with timber support piles and timber cross bracing. Steel piles have been installed at the end of the trestle to support a 74-ft long aluminum gangway ramp. The steel piles and steel floor grating and landing tracks on the gangway have evidence of corrosion but otherwise only minor damage was found (Figure 2.1). In general, the steel grating on the gangways does not meet ADA-accessibility guidelines. Gangways must be at least 80-ft long to meet current ADA requirements and there must be at least one ADA-accessible route for each size slip in a public harbor (the quantity of ADA-accessible slips required varies depending on the size of the harbor). Ramp 3 was rebuilt in 2013 and includes steel pile and treated timber trestle and a covered gangway that is 100-ft long and provides access to all the various slip sizes available throughout Homer Harbor. Because of this, an

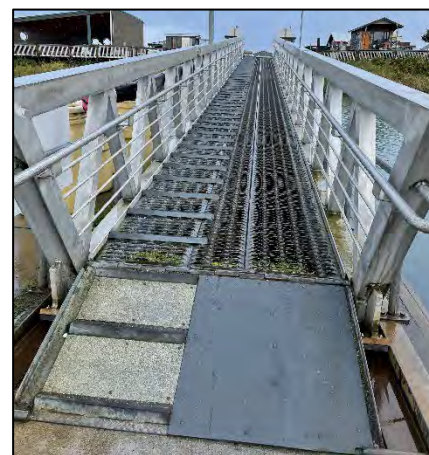


Figure 2.1: aluminum gangway with steel floor grating and landing tracks

ADA gangway is not required at some of the other locations. However, we recommend that any new project that replaces a trestle, should consider providing a new 80-ft or longer covered gangway with flooring that meets ADA.

The decking and bullrails on the two trestles have evidence of deterioration due to wear. The timber support piles have moderate section loss and minor splits and gouges. Timber support piles have timber cross bracing (Figures 2.2 and 2.3. Some of the cross bracing has major deterioration, some boards are missing, and hardware located in the tidal zone is partially corroded (Figures 2.2 through 2.5). Note that the trestle decks on both Ramp 1 at Ramp 2 appear to have a dip—where it changes from a sloped deck to a level deck. Handrails appear to be a later addition to these trestles. Embedment depths on the timber piles is not evident, but timber harbor piles of this time period in Alaska were not typically driven to depths sufficient to withstand heavy axial or seismic/lateral loads, especially without relying on the cross bracing. If not already, vehicle access to these trestles should be restricted.



Figure 2.2: Ramp 1 timber pile supported trestle.



Figure 2.3: lower hardware connections appear corroded.



Figure 2.4: Ramp 2 timber pile supported trestle.

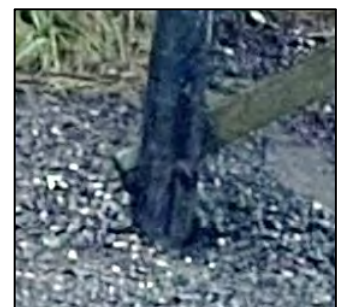


Figure 2.5: cross bracing connections corroded and in split timber



Ramp 3 has a timber trestle with steel piles and a 100-ft long roofed/sided gangway that was installed in 2015 (Figure 1.3). As noted, Ramp 3 is in good condition and provides ADA-access to Homer Harbor. The Ramp 3 timber trestle structure appears to be securely attached to the pile caps with steel plates (Figure 2.6). The seaward-most four piles have evidence of corrosion below tide line.

Figure 2.6: Ramp 3 trestle.

Ramp 4 consists of a relatively wide timber trestle (about 25' wide) with steel piles and an approximately 70-ft long aluminum gangway. Similar to the other gangways, this gangway has steel floor grating and landing tracks which have evidence of corrosion.

The Ramp 4 trestle has evidence of minor to moderate wear in decking as well as evidence of fungal decay and minor checks/splits in bullrails and handrails (Figure 2.7). The trestle appears to have had some modifications, with the shoreward end appearing older, more deteriorated than the seaward end. The steel piles at the seaward end are secured into the timber beams with steel plates and bolts, while the shoreward end of the timber structure appears to rest on the steel piles (Figure 2.8). Also noted, although not part of the harbor facilities being inspected, the adjacent timber retaining wall and steel piles that support the adjacent boardwalk appeared to be displaced and broken.

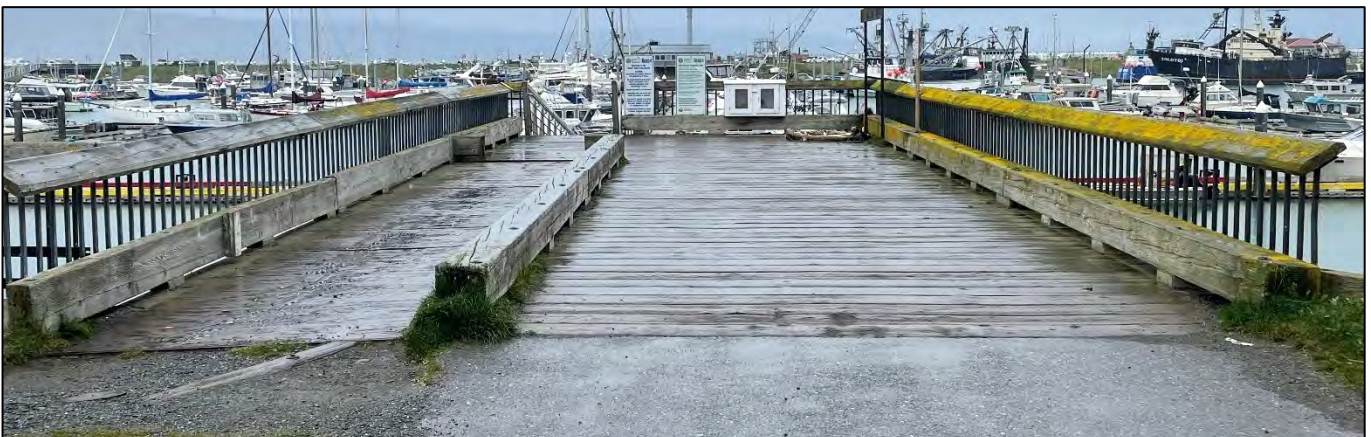


Figure 2.7: Ramp 4 trestle



Figure 2.8: Ramp 4 trestle, noting newer/older portions of timber trestle and pile-to-beam attachments.

2015 Timber Floats

Main Floats R, S, and J as well as headwalk Float A from E Float to K Float were installed in 2015 and are constructed of timber frame with HDPE encased flotation tubs, such that there is no timber submerged in the water. Float modules are connected by steel hinges. The floats are secured in place with galvanized steel piling. The floats and piles were found to be in good condition: there was adequate reserve flotation (Figure 2.9) and only minor checks and splits in timber, worn non-skid coating on steel hinges, and evidence of early fungal growth in some areas of decking (Figure 2.10). Many of the piles, in deeper water, have had new anodes installed in 2018 or are included in an anode installation project currently underway which will help to ensure the piles to not prematurely corrode.

Potable water is piped within or under the floats and hose bibs are located periodically on the edge of the floats (Figure 2.10). J Float is equipped with power (combined water/power pedestals) at each stall as shown in Figure 2.11. There is no power service available on R Float or S Float.

Fire suppression systems include fire extinguishers placed on the floats as well as a dry standpipe fire suppression system with an upland charging station for Fire Department use. According to the National Fire Protection Association (NFPA) 303 “*Fire Protection for Marinas and Boatyards*”, the fire suppression system appears to be inadequate because the above-water piping is HDPE which is not fire-resistant (Figures 2.12 and 2.13). A failure in part of the piping system due to melting during a fire could render the system useless or worse cause delay in fighting a fire. The above-water HDPE pipe should be replaced with metal pipe or it may be possible to install a suitable fireproof cover sleeve.



Figure 2.9: Timber floats have sufficient freeboard and reserve flotation.



Figure 2.10: Hose bib riser, typical on R & S Floats. Note fungal growth on timber and partially worn anti-skid on steel hinge connections.



Figure 2.11: Typical combined power and water pedestal (J Float).



Figure 2.12: Fire suppression system standpipe/hydrant near J Float



Figure 2.13: Fire system HDPE piping on Ramp 4.

2002 Timber Floats

Main Floats E, F, G, and H were installed in 2002 and are constructed of timber with polystyrene flotation (framed in timber). Float modules are connected by steel hinges and are anchored with galvanized steel piling. The floats were found to be in satisfactory condition: there was adequate reserve flotation; minor to moderate checks, splits and damage to some timber elements, minor to moderate wear in decking (Figure 2.14), a few worn and broken bullrails (Figure 2.15), worn non-skid coating on steel hinges (Figure 2.16), and evidence of fungal growth in some areas. Areas of consumed galvanizing was observed within the tidal zone on steel piles. Piles on E and F Float had new anodes installed in 2018 and G and H Float are included in an anode installation project currently underway. This will help to ensure the piles to not prematurely corrode.



Figure 2.14: Typical decking wear at high traffic areas (float intersections)

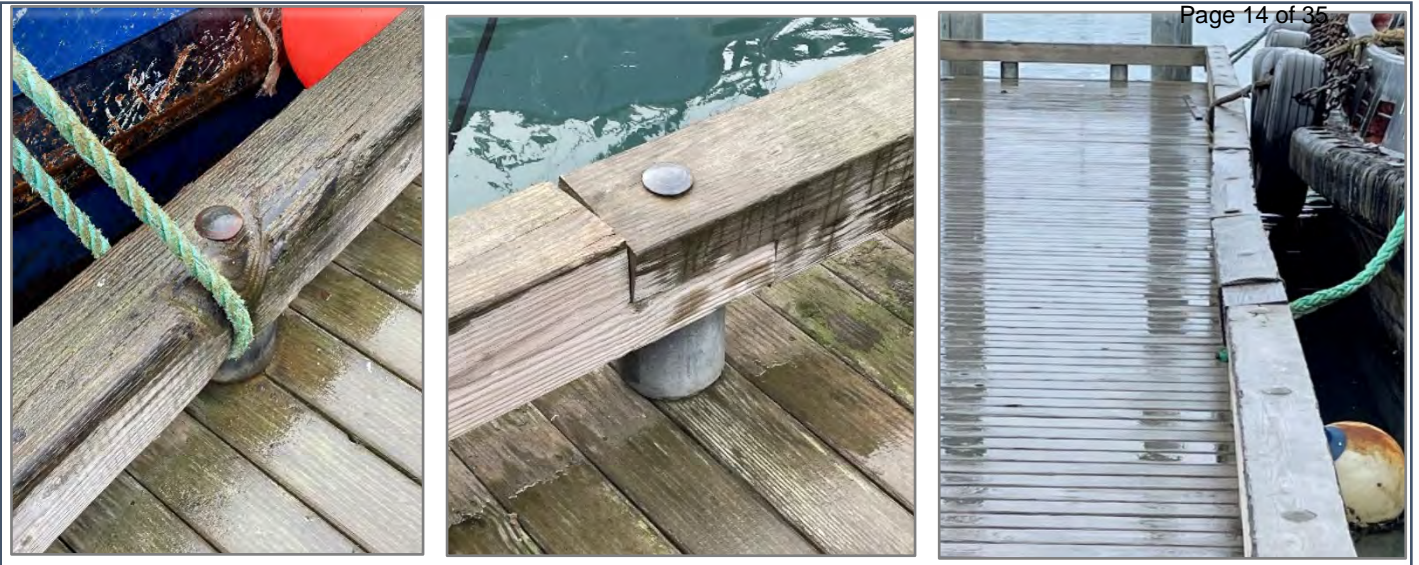


Figure 2.15: Bullrails worn, twisted out of position, and broken from supports.



Figure 2.16: Worn non-skid coating at hinges.

Potable water is piped within or under the floats and hose bibs are provided at each stall, along with power service in a combined pedestal, similar to that on J Float (Figure 2.3). However, the pedestals on these floats appeared to have a coating issue. The paint appeared bubbled and peeled in places, exposing the metal housing to corrosion (Figure 2.18).

Fire suppression systems include fire extinguishers placed on the floats as well as a dry standpipe fire suppression system. The fire suppression system for these floats is supplied from Ramp 2 (Figure 2.17). The above-water piping for the fire suppression system is HDPE which is not a fire resistant material. The above-water HDPE pipe should be replaced with metal pipe or it may be possible to install a suitable fire resistant sleeve.



Figure 2.18: Power/water pedestal coating damage



Figure 2.17: HDPE fire suppression piping at Ramp 2

1992 Concrete Floats

The 1992 Concrete Floats include Main Floats B, C, D and connecting headwalk Float A from B to and including Ramp 2 landing float. These floats are constructed of concrete with steel through rods and a timber waler system. The floatation is concrete-encased polystyrene foam. The floats are secured in place with galvanized steel piling.

The floats were found to be in serious condition. The headwalk float A between B and D Floats appeared as well as the end of main Float C appeared to have a twist in the float suggesting possible broken concrete and/or through rods. In general, the freeboard was low throughout the facility indicating inadequate reserve flotation (Figure 2.19); moderate to major checks, splits, breaks and other damage to timber walers and rubboards (Figures 2.20 and 2.21), and corroded and missing through rods (Figure 2.22). Steel bullrails have been installed by mounting through damaged timber walers, which may result in loss of mooring.

Replacement rubboards have been added in some areas. The concrete surface of the floats had some areas of relatively minor cracking most of which has been repaired.

Piles generally had areas of consumed galvanizing within the tidal zone, and active corrosion was observed on some of the piles (Figure 2.23). The piles had new anodes installed in 2018.



Figure 2.19: Concrete stall float with low freeboard, and in the water at the end.

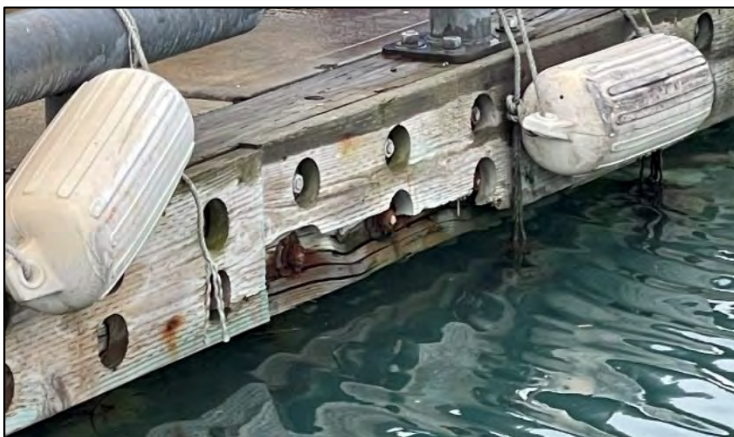


Figure 2.20: Broken rubboard and corroded through rods

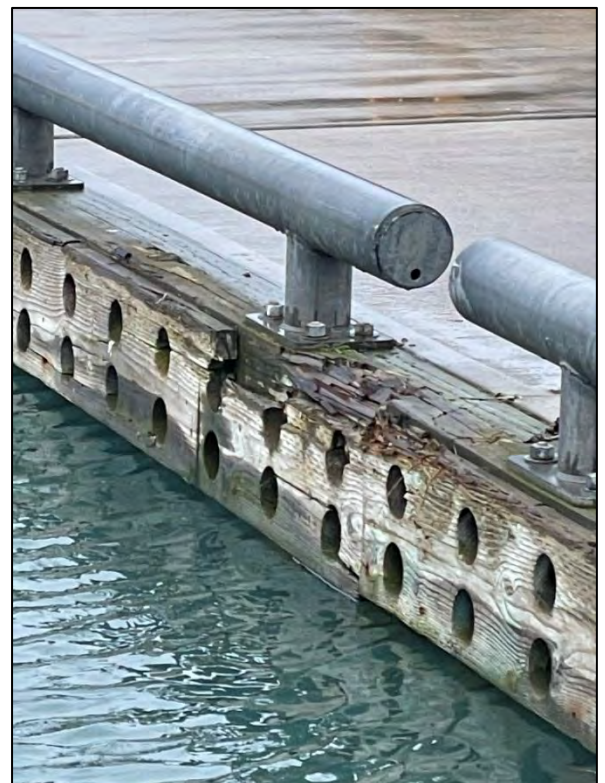


Figure 2.21: Deteriorated timber rubboard and waler. Steel bullrail mounted in waler.



Figure 2.22: Missing through rods.



Figure 2.23: Pit corrosion and other areas of active corrosion is evident on some piles

The water distribution system appears to be a piped system from the gangway ramp to the headwalk float, where a single riser with multiple hose bibs is provided near the intersection with each of the three main floats (Figure 2.24). In some locations hoses were attached to the outside of the main float to individual vessel slips. Garden hoses are typically not NSF-approved for potable water distribution and hence should not be used as part of a public water distribution system. Multiple hose connections indicate inadequate backflow protection (Figure 2.24).

Fire suppression systems include fire extinguishers placed on the floats. Like the other floats in System 1, a dry standpipe fire suppression system exists in this area. For these floats it appears to be supplied from Ramp 2 and made of HDPE which is not a fire-resistant material. The above-water HDPE pipe should be replaced with metal, or it may be possible to install a fire rated sleeve.

Power service is provided to B, C and D Floats. Many power pedestals have broken or loose mounts (Figure 2.25).

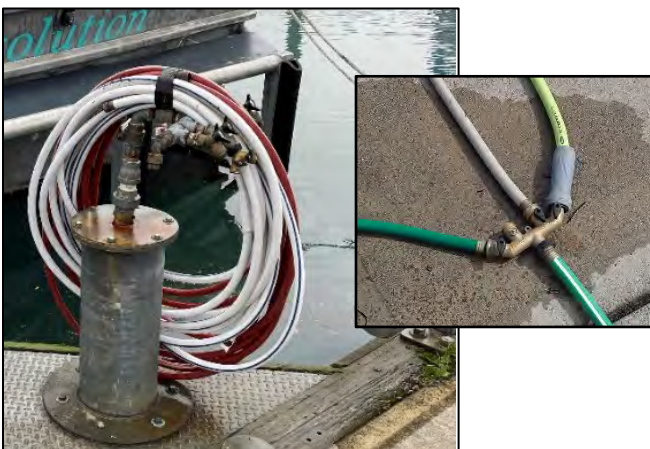


Figure 2.25: Water service riser at the head of each main float (left) and multiple hose connections.



Figure 2.24: Typical power pedestal, many with damaged mounts. Note also typical minor crack in concrete.

The 1986 Concrete Floats in System 1 include Main Floats K, L, M, N, P, Q and connecting headwalk Float A from S Float (Drawing G2). The concrete floats in this portion of System 1 are generally in serious condition, with some specific areas in critical condition. There is very low freeboard throughout the float system (Figure 2.26). Concrete surfacing has widespread areas of patched concrete over patched concrete—showing many years of repairs (Figure 2.27). Some stall floats are listing to one side or have been refurbished by adding timber decking added over the top and lumber attached to the sides (Figure 2.27). The City has added floatation to some of the headwalk/utility floats to keep them from sinking. Many areas of fungal decay and vegetation were observed. Timber bullrails and walers have moderate to major checks and splits, some running through the full depth of the member as well as some that are partially broken from their mountings (Figure 2.28). Cleats mounted in decayed or broken walers also have reduced capacity.

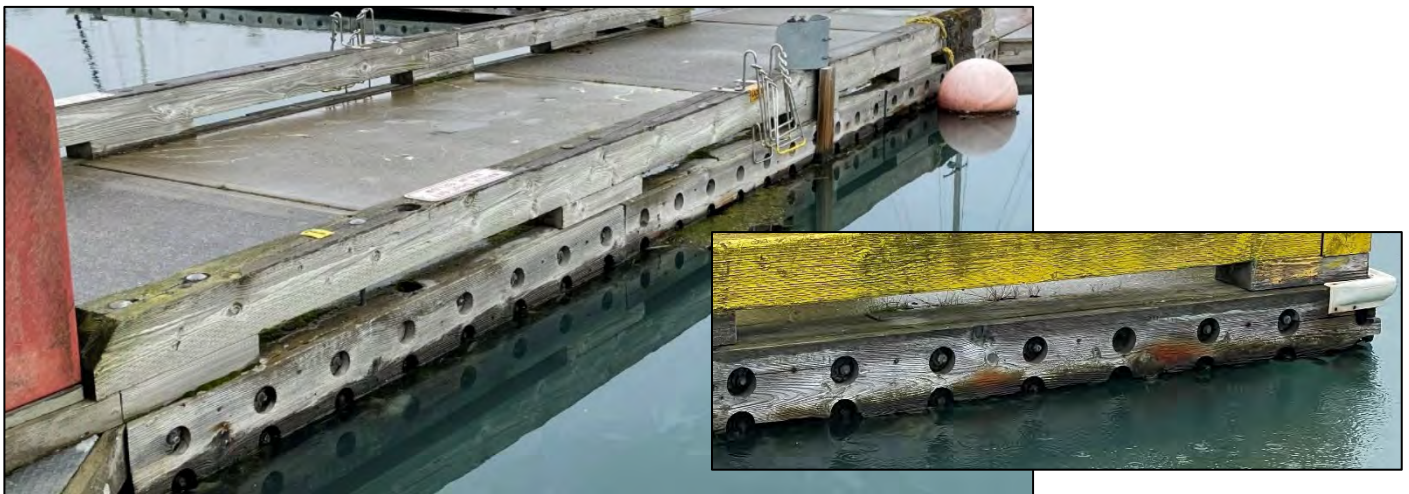


Figure 2.26: Concrete floats showing low freeboard and corroding and missing through rods.

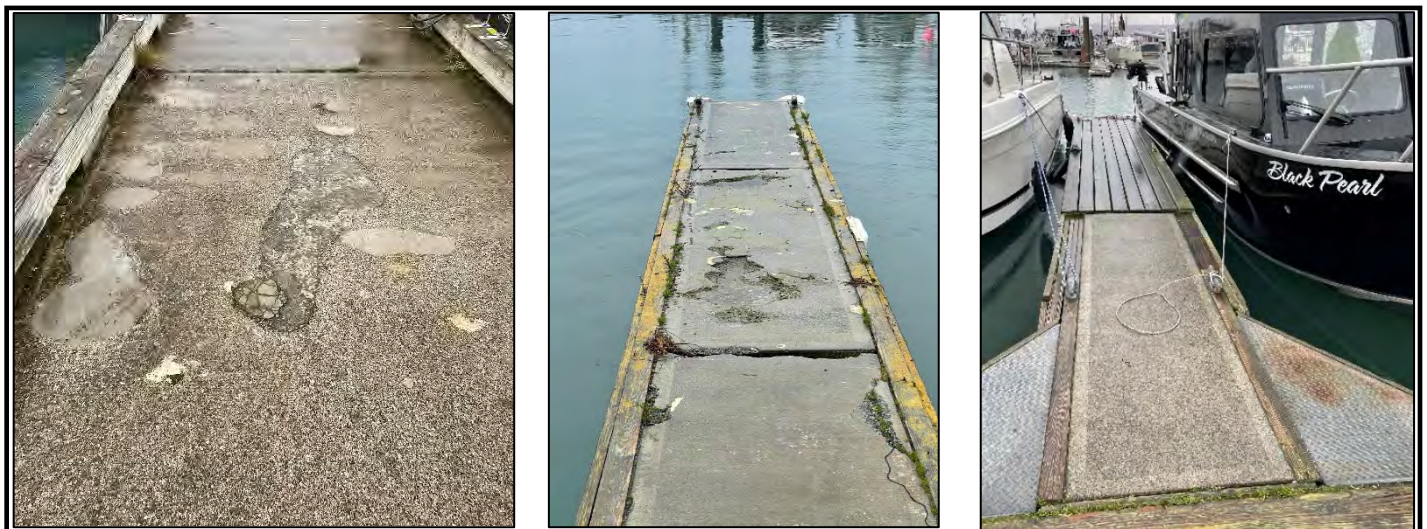


Figure 2.27: Deteriorated concrete surface and concrete repairs, including covering with timber decking.



Figure 2.28: Bullrails will major splits and missing section, and cleat mounted in damaged timber waler.

Stall flats on both sides of the Tee floats, at the end of each of the main float rows (Q, P, N, M, L, and K) nearest the main harbor navigation channel, are severely listing and broken loose from their connections to the main float (Figure 2.29). Walers on these floats have major deterioration. Modifications have been made to keep the floats from coming apart (Figure 2.30). It is thought that wave action in the channel acting on the moored vessels in the end slips has overstressed the end floats and caused breakage of the deteriorated structural members in these float connections. This is considered an area of critical condition and immediate repair or removal of the end floats and/or restrictions on use of these slips should be implemented as soon as practicable. Except for these end floats, the rest of these concrete floats in this area are considered to be in serious condition. When these floats are eventually replaced, the fairway distance between J and K Floats as well as between Q and R Floats should be increased to meet current standards (Drawing G2).



Figure 2.29: Tee floats, located along the harbor channel, are broken and severely listing.

Steel piles are used to secure the floats, and in this area of System 1 the original galvanized coating on many of the piles has been consumed and there is evidence of corrosion (Figure 2.31). A project is underway to install anodes on the piles in this area.



Figure 2.30: A metal plate has been installed to a broken Tee Float. Note the bullrail has come apart at the splice.

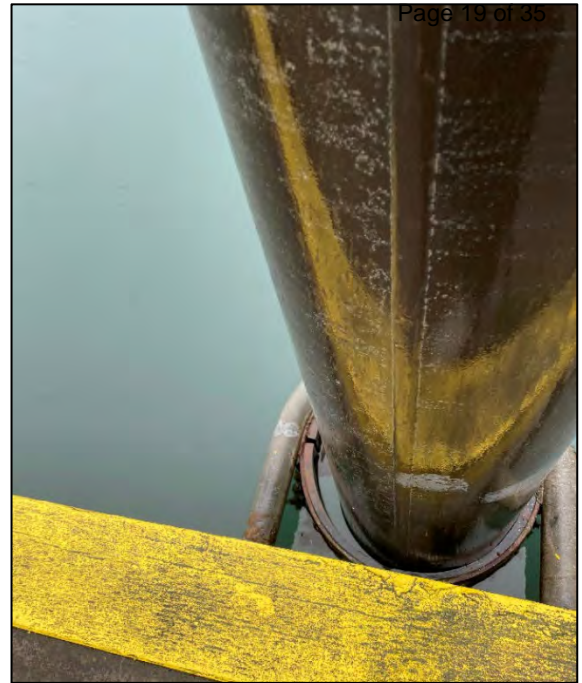


Figure 2.31: Typical steel pile and exterior pile hoop. Note galvanized pile coating is consumed

Water service to the 1986 concrete floats in System 1 appears to be distributed by a combination of piping and hoses. There have been many modifications and the exact piping and source to these floats was not clear from topside visual observation. No fixed water piping was visible on the gangway ramp; although there are hose bibs near the top of the trestle at Ramp 4. It is assumed that there is piping along the headwalk float, to the point of the shutoff valves which were observed at the intersection with the main floats. Hoses are attached to the sides of the floats, which may provide service to hose bibs that are located periodically along the main floats. Alternatively, the hose bibs may no longer be connected and hoses go direct to slips as shown in Figure 2.33.

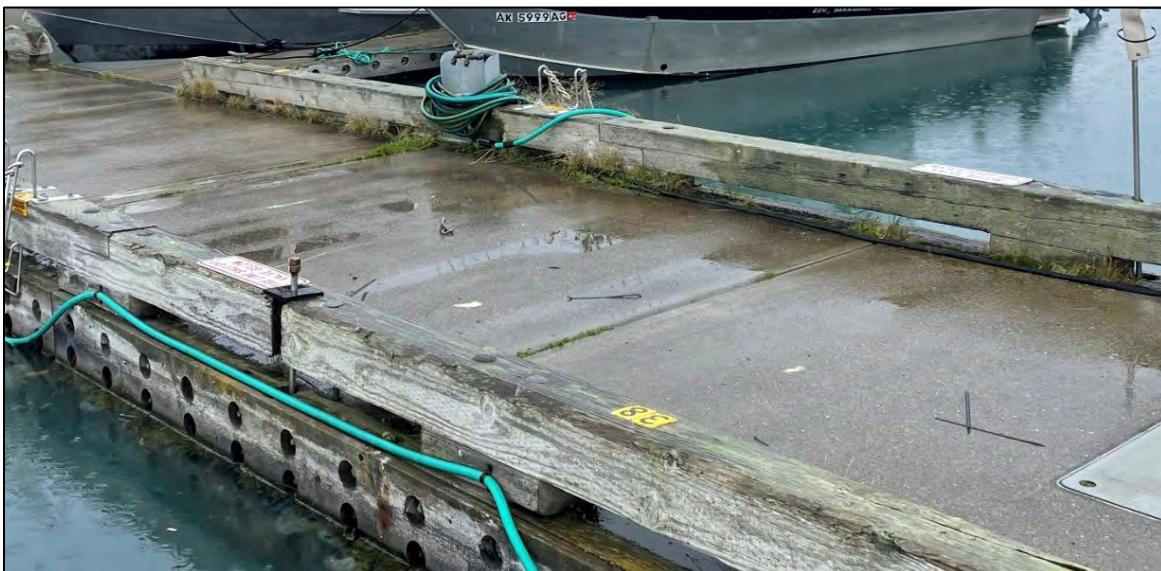


Figure 2.32: Water service on main float. Note T-handle used to operate the water valve, which is located underneath the float. Garden hoses run from under the float and are attached to the side of the float in places.

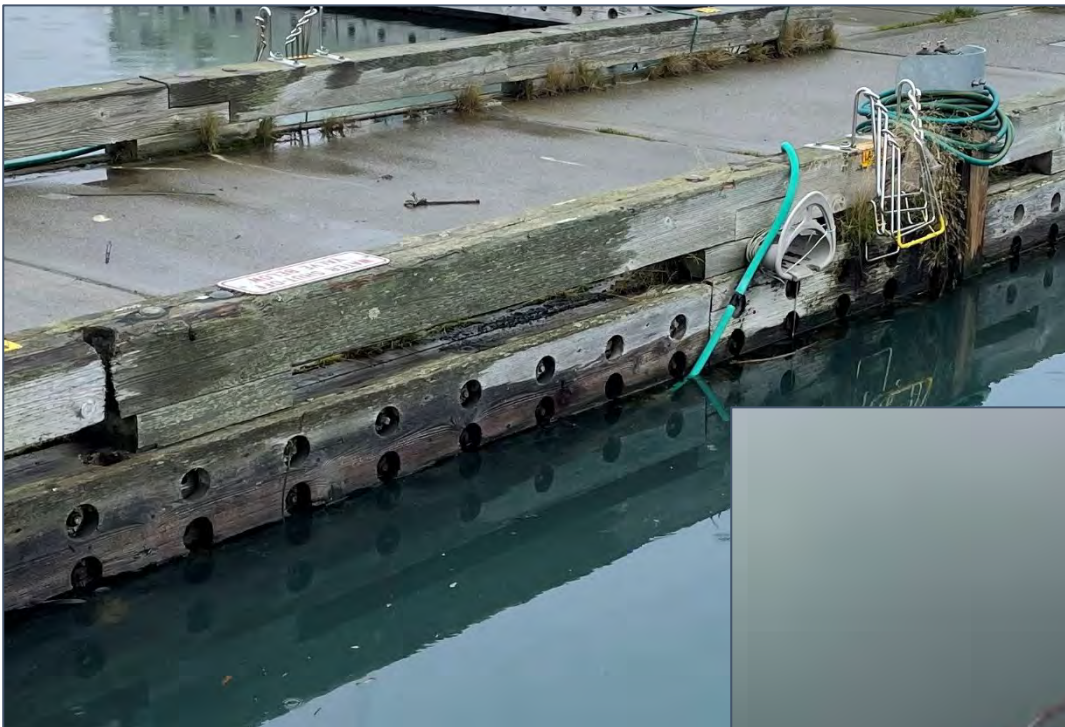


Figure 2.33: Water distribution, with location of valve at the far left (photo above) and hose coming up from under the float. Photo to right shows a hose from under the float to a 3-way connection, with one end going under the float and the other to a nearby slip, with a sprayer attachment.

Note that the garden hoses are not NSF-approved materials and so would not satisfy the requirements of a public water system for potable water use. It is unlikely, given all the various hose connections, that sufficient backflow prevention is provided. Signs should be posted to clarify the water is non-potable. When new floats are installed, the new water system should be constructed of materials suitable for drinking water and include proper backflow prevention, as regulated/permitted by Alaska Department of Environmental Conservation (ADEC).

No power service is available at K through Q Floats.

The fire suppression systems include fire extinguishers placed on the floats as well as a dry standpipe fire suppression system. Similar to the other floats in System 1, the fire suppression system at the 1986 concrete floats appears to be inadequate because the above-water piping is HDPE which is not a fire-resistant material. As noted previously, this piping should be replaced with metal and/or a fire rated covering to meet modern NFPA standards.

Table 2.2 provide a summary of the condition ratings assigned to the various floating docks and other elements within System 1.

Table 2.2 System 1 Condition Summary

ITEM	RATING		DESCRIPTION
Floating Docks, 1986 Concrete (K, L, M, N, P, Q, & connecting A)	1.5	Serious-Critical	Lack of freeboard/reserve flotation, concrete and timber deterioration (serious). Broken structural elements at end floats (critical).
Floating Docks, 1992 Concrete (B, C, D, & connecting A)	2	Serious	Lack of freeboard/reserve flotation, deterioration of timber and steel elements. Possible failures, twist in some headwalk/main float modules.
Floating Docks, 2002 Timber (E, F, G, H)	5	Satisfactory	Minor to moderate timber deterioration, damage.
Floating Docks, 2015 Timber (J, R, S, & A from E to K)	6	Good	Only minor damage noted in timber: checks, splits, and fungal growth.
Piling (steel)	5	Satisfactory	Reduced galvanizing & active corrosion on some piles, but new anodes have/are being installed.
Trestles (R1, R2)	2	Serious	Deterioration of timer piles and cross bracing, missing members, corroded hardware.
Trestles (R3)	5	Satisfactory	Steel pile/caps, minor deterioration of timber.
Trestles (R4)	4	Fair	Shore end moderate deterioration of timber and poor connection to piles
Gangways (R1, R2, R4)	5	Satisfactory	Some corrosion/track wear evident
Gangways (R3)	6	Good	
Water System (2002 & 2015 Floats)	5	Satisfactory	
Water System (1986 & 1992 floats)	3	Poor	Non-NSF materials (garden hose) distribution piping. Inadequate backflow prevention.
Fire Suppression System	3	Poor	Dry standpipe system (where present) does not meet NFPA due to plastic materials.

2.2 System 2

The Ramp 5 approach trestle and gangway have evidence of wear, typical of their age. Steel piles have evidence of corrosion in the tidal zone. Trestle timber treatment is reduced, some minor cracking in pile caps, and decking has evidence of wear. The gangway ramp, at 70-ft long does not meet ADA-guidelines; however, as long as there are sufficient ADA slips (5 total) in the 20-24-ft length available in the harbor (i.e., System 1), this is not required; although it is recommended to replace the ramp with an 80-ft minimum length ADA ramp when the trestle and/or floating docks are replaced. The gangway ramp bottom slide guides have evidence of wear and these as well as the steel floor grating have evidence of corrosion (Figure 2.34). However, there is no visible major damage or defects that immediately affect the capacity of these structures; other than the float on which the gangway ramp lands has low freeboard, as is noted by the timber walers in/near the water especially at the shoreward end (Figure 2.35).



Figure 2.34: Ramp 5 aluminum gangway w steel floor grating.



Figure 2.35: Ramp 5 trestle and gangway. Note landing on concrete float with reduced freeboard.

The concrete floating dock modules appear to be in serious condition. The floats throughout System 2 have reduced freeboard (Figure 2.36) due to a lack of flotation and/or saturated foam as a result of the concrete encasement having spalled or cracked. The City has added flotation tubs underneath to supplement the lack of flotation in the most severe locations. The structural through rods which connect the exterior walers have evidence of corrosion throughout the system and several are missing—as no rod/nut was visible on the sides of the floats (Figure 2.37). Many rubboards are cracked and many bullrails, used for securing mooring lines, are cracked or deteriorated due to fungal growth (Figure 2.38), resulting in loss of structural capacity in some locations.

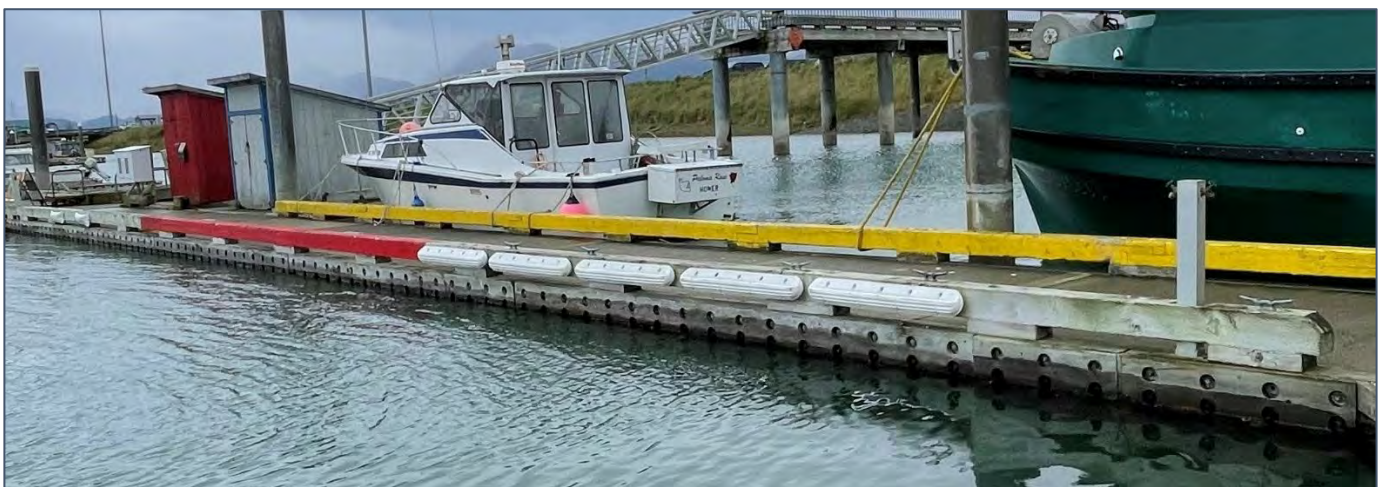


Figure 2.36: System 2 Headwalk float has reduced freeboard and appears to be listing to one side, as noted by partially submerged rubboards.



Figure 2.37: Through rods corroded or missing.

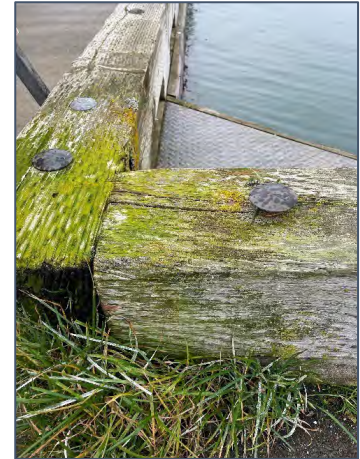


Figure 2.38: Deteriorated bullrails

Years of maintenance is evident: patches over already patched concrete (Figure 2.39) decking over deteriorated concrete stall floats (Figure 2.41), replacing sections of timber bullrails and rubboards, and adding safety equipment including fire extinguishers and ladders is evident and have allowed continued use of these floats.



Figure 2.39: Deteriorated/patched concrete on main floats.



Figure 2.40: Patched concrete and deteriorated waler and rubboards on stall floats.

Piles in this area are steel and have consumed galvanizing and corrosion evident; however, these piles are included in an anode installation project currently underway.

The water distribution system at System 2 appears to have been added and modified over the years. It is fed from System 1 (S Float) via an underwater flex hose. Hose bib stanchions are located periodically on the floats (Figure 2.42). Users run hoses across the floats to the nearest hose bib. A reduced pressure backflow prevention assembly was not evident/observed for this system. The hose bibs are equipped with vacuum breakers; however, these are not reliable or normally accepted as the only backflow prevention device in a public water system. In addition, some hoses had splitters to individual slips, and these did not have vacuum breakers.



Figure 2.41: concrete stall float with decking attached over the top.



Figure 2.42: water hose bib and hose stand.

System 2 fire suppression system is in poor condition, primarily due to not meeting modern standards. The fire suppression system includes periodic extinguishers and other equipment (in a shed) on the float system and a hydrant in the uplands. However modern standards such as National Fire Protection Association (NFPA) 303 “*Fire Protection for Marinas and Boatyards*” include a piped dry standpipe system that would allow an upland charging station and risers for Fire Department access on the float system. Table 2.3 provides a summary of the condition ratings assigned to System 2.

Table 2.3 System 2 Condition Summary

ITEM	RATING		DESCRIPTION
Floating Docks (1986)	2	Serious	Low freeboard, lack of reserve flotation. Deteriorated/missing thru-rods and bullrails.
Piling (steel)	5	Satisfactory	Reduced galvanizing observed in tidal zone. Anode installation project underway.
Trestle	5	Satisfactory	Cracks in timber pile caps, minor deterioration/wear in other timber members.
Gangway (R5)	4	Fair	Evidence of corrosion and wear of bottom guide, does not meet ADA.
Water System	3	Poor	Many modifications, non-NSF hoses, likely inadequate backflow prevention.
Fire Suppression System	3	Poor	Does not meet NFPA, lacks dry standpipe fire suppression system.

Homer Small Boat Harbor

October 10, 2022

System 4 Condition Report

Prepared by:
Kimberly Nielsen, PE
R&M Consultants Inc.
9101 Vanguard Drive
Anchorage, AK 99507

Prepared for:
Bryan Hawkins
Port Director/Harbormaster
Homer Port & Harbor
4311 Freight Dock Road
Homer, AK 99603



2.3 System 4

The Ramp 6 and Ramp 7 approach trestles and gangways appeared to have no major damage or defects visible. The gangway at Ramp 7 provides ADA-access to System 4, therefore the shorter gangway at Ramp 6 is acceptable.

1964 Timber Floats

The timber floats of Floats CC, DD, EE, and GG are the oldest in the harbor and are likely about 20 or 30 years beyond the original design life. Major maintenance such as adding flotation to the end of main floats (GG) as well as replacing timber piles (with timber and/or steel piles), decking, and stall floats is evident and have allowed continued use of these floats. Despite this, many bullrails, used for securing mooring lines, are cracked or deteriorated (Figure 2.44), resulting in loss of structural capacity in some locations. Some older timber piles have areas of rot (Figure 2.45). Some newer timber piles show evidence of section loss due to wear (Figure 2.46). Flotation foam has disintegrated in large areas throughout these main and stall floats (Figures 2.47 and 2.48). This causes all floats to have reduced freeboard, which ultimately reduces load capacity, and causes increased rate of corrosion on hinges, bolts, and pile collars. Float DD appeared to have notably low freeboard—as low as 4 to 6 inches in places—with some pile collars submerged (Figure 2.49). The entire main float appears to list to one side. The harbor staff indicated that they have to come shovel these floats at every snowfall to prevent them from sinking. The lack of flotation and deteriorated structural members throughout these four main floats (CC, DD, EE, GG) can cause the stall floats to twist or list to one side (Figure 2.50). Lack of flotation also causes the stall floats to be unstable or bouncy when walking on them, resulting in a potential safety hazard.

The headwalk Float AAA between Float EE and Float GG appears to be warped, suggesting a possible failure in structural members below the deck or lack of flotation or both (Figure 2.51). There are notably fewer piles on this section of Float AAA, which has contributed to this section of the float being overloaded.

Concrete float modules located at the end of EE Float have spalled concrete, exposing the foam flotation and what may be a steel reinforcing mesh (Figure 2.52).

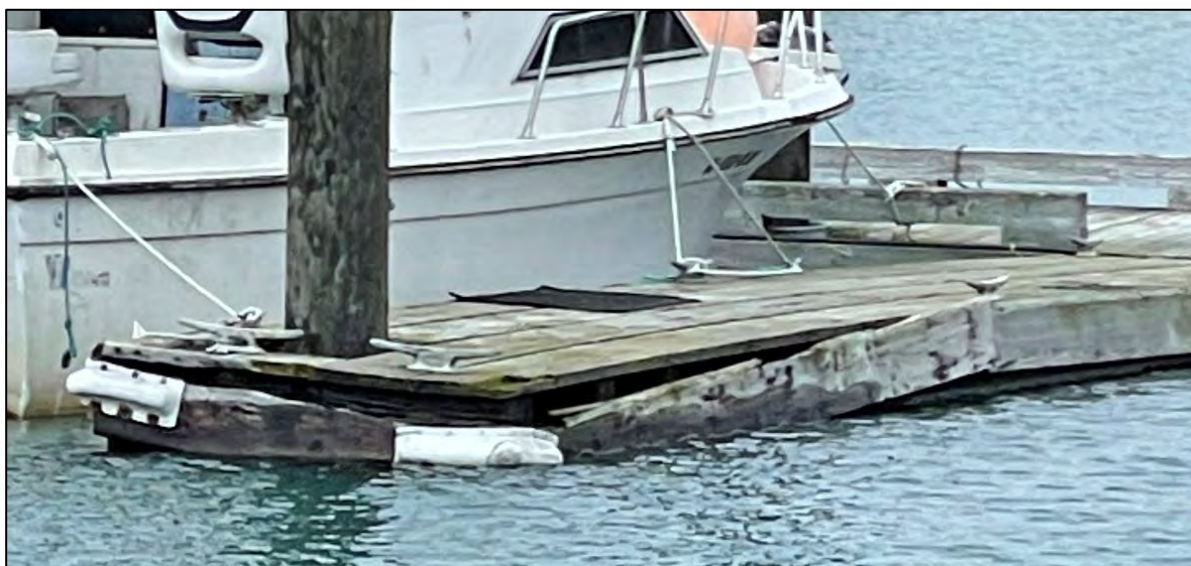


Figure 2.43: Stall Float on CC Float with damaged timber waler, rubboard, and decking.



Figure 2.44: Cracked and deteriorated bullrail



Figure 2.45: Timber pile with advanced deterioration/rot



Figure 2.46: Moderate wear on timber piles.



Figure 2.48: View between deck boards of deteriorated flotation foam.



Figure 2.47: View under deck at a pile location. The odd shaped grey item floating between the pile and persons foot is very deteriorated flotation foam that is loose.



Figure 2.49: Low freeboard resulting in submerged pile collar. Also note hardware connections protruding through decking.



Figure 2.50: Example of a listing stall float (GG Float). Also note advanced rot/deterioration of below-deck timber.



Figure 2.51: Headwalk Float AAA between EE and GG Floats.



Figure 2.52: Spalled/missing concrete below deck with exposed foam and reinforcing.

2002 and 2015 Timber Floats

The FF Float system timber elements and steel piles and hardware show evidence of wear that is normal for a 20-year old facility with good maintenance. HH Floats and JJ Floats, along with the connecting AAA headwalk float were constructed in 2015 and appear to be good condition, with the exception of several bullrails, which appear to be overstressed. Several bullrails are damaged and bent at their mountings (Figure 2.53). Repairs might include more robust bullrail connections

that are more suitable for the vessels utilizing this float, possibly mounted to interior structural members offset from the edge of the float.



Figure 2.53: Example of several bullrails that have been damaged on JJ Float.

Water service is provided to the System 4 by means of a seasonal HDPE pipe that runs under the gravel harbor slope and underwater to hose bib risers on the headwalk float (Figure 2.54). It appears the main floats and slips are serviced from the headwalk float hose bibs by a system of garden hoses to the older main floats. The newer main floats appear to have in-float piping distribution to hose bibs located in the power pedestals (HH and JJ Floats).

Note that the garden hoses are typically not NSF-approved materials and so would not satisfy the requirements of a public water system for potable water use. Given the various hose connections, backflow contamination is possible. Signs should be posted immediately to indicate the water is non-potable. When new floats are installed, the new water system should be constructed of materials suitable for drinking water and include proper backflow prevention, as regulated/permitted by ADEC.



Figure 2.54: Typical water service to main floats provided from headwalk float by various hoses/connections.



Float EE has electrical power pedestals that are older generation, while the power service on HH and JJ Floats is modern (Figure 2.55). Note that a specific electrical inspection was not conducted to check for code/safety issues.

System 4 did not appear to have a modern dry standpipe fire suppression system. Fire extinguishers are provided throughout the float system and a red shed has additional fire fighting equipment. However, modern

Figure 2.55: Electrical power service pedestals on EE Float (left) and typical of HH & JJ Floats (right). Note that the newer pedestal also incorporates water hose bibs.

systems with a dry standpipe suppression system capable of providing sufficient water flow and pressure to fight a large vessel fire is recommended. The following table provides a summary of the condition ratings assigned to System 4.

Table 2.4 System 4 Condition Summary

ITEM		RATING	DESCRIPTION
Floating Docks (CC, EE, GG)	2	Serious	Low freeboard, lack of reserve flotation. Deteriorated, broken timbers, listing stall floats.
Floating Docks (DD)	1	Critical	Very low freeboard. Lack of flotation. Load restrictions are in place (immediate snow removal).
Floating Docks (FF)	5	Satisfactory	
Floating Docks AAA between EE & HH.	2	Serious	Advanced deterioration of structural elements and/or flotation has affected float performance.
Floating Docks (HH, JJ, and connecting AAA)	4	Fair	Float modules are satisfactory; however, bullrails on JJ appear overstressed and damaged, reducing load capacity for moorage.
Float Piling (timber)	3.5	Fair to Poor	Some timber piles have areas of rot. Some piles are relatively sound, with moderate section loss.
Float Piling (steel)	5	Satisfactory	Reduced galvanizing observed in tidal zone. Anode installation project is underway.
Trestles (R6)	5	Satisfactory	
Trestles (R7)	6	Good	
Gangways (R6, R7)	6	Good	
Water System	3	Poor	Non-NSF materials (garden hose) distribution system. Inadequate backflow prevention.
Fire Suppression System	3	Poor	Does not meet NFPA, lacks dry standpipe fire suppression system.



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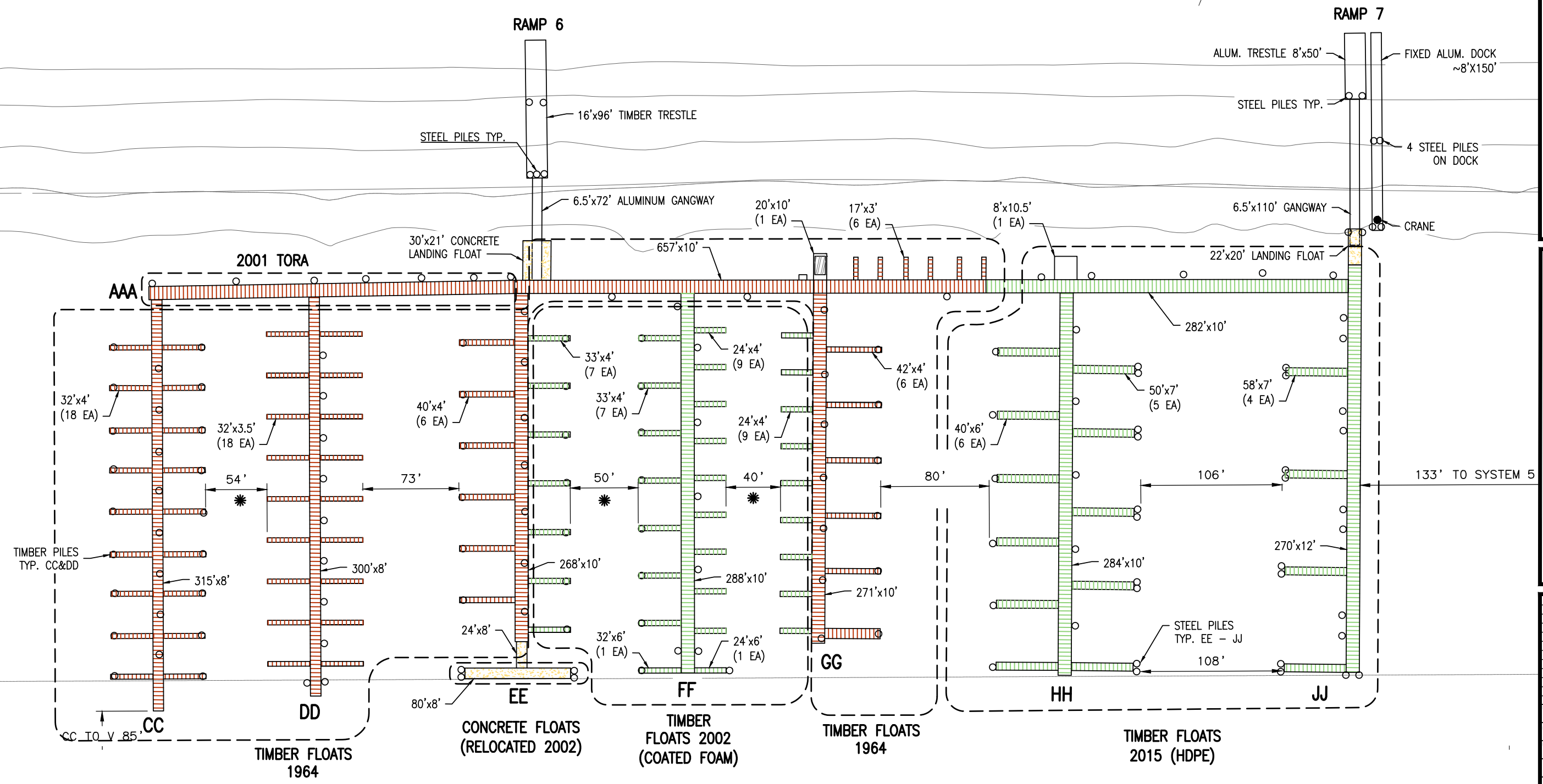
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 9101 Vanguard Drive
 Anchorage, Alaska 99507
 rmconsult.com - email@rmconsult.com
 phone: 907.522.1707 • fax: 907.522.3403

City of Homer
 Homer Small Boat Harbor
 Float Condition Assessment

No.	Description	Date

Drawn By: **RG/CH** Checked By: **XX**
 Date: **OCTOBER 27, 2022**
 Project No: **3002.01**
 SHEET TITLE: **SYSTEM 4 SITE PLAN**
 Page 33 of 35
 SHEET NO: **5 OF 6**
G5



1 SYSTEM 4 SITE PLAN
 Scale: NTS

NOTES:
 * DENOTES FAIRWAY WIDTH IS LESS THAN THE MINIMUM REQUIRED PER STANDARD (1.5 X LONGEST SLIP LENGTH).
 * DENOTES FAIRWAY WIDTH IS LESS THAN IDEAL PER STANDARD (1.75 X LONGEST SLIP LENGTH).

In response to Chair Matthews asking when they can expect updated conceptual designs, Port Administrative Supervisor Woodruff explained what components are expected to be included in the revised designs and that they plan on having them by next week before City staff travels to Juneau for funding lobbying efforts. Any materials received will be included in their next PHC meeting packet.

8. PUBLIC HEARING

9. PENDING BUSINESS

10. NEW BUSINESS

- 10.A. FY2023-24 Federal Infrastructure Investment and Jobs Act (IIJA) Work Plan – Port Projects
Agenda Item Report PHC 23-006

Chair Matthews introduced the agenda item by reading the title and asked for a motion to begin discussion.

SHAVELSON/PITZMAN MOVED TO SUPPORT A PORT SECTION OF THE PROPOSED WORK PLAN, AND RECOMMEND THAT CITY COUNCIL APPROVE A PRELIMINARY BENEFIT COST ANALYSIS AND POTENTIAL FULL BENEFIT COST ANALYSIS FROM ADMINISTRATION THAT SUPPORT PURSUING IIJA FUNDING FOR PORT AND HARBOR PROJECTS.

Mayor Castner shared his thoughts on the Federal RAISE planning grant that's underway to access planning and design funding for Streets, Sidewalks, and Trails. The Spit is a people-oriented place with multiple user groups; the City can use that information to make a compelling case in their application.

There was discussion on the following:

- Support for including the large vessel harbor expansion project under cargo and deliverables.
- Importance of tapping into the commercial fishing industry's reliance on transportation and dock use as a funding source and including that into the Comprehensive Plan now, not just in 10 years with a new harbor.
- Clarification on the three different types of grants and Federal funding programs that the City is applying for and what their focuses are on.

VOTE: YES: VELSKO, ZEISET, FRIEND, SIEKANIEC, MATTHEWS, PITZMAN, SHAVELSON

Motion carried.

11. INFORMATIONAL MATERIALS

- 11.A. Reappointment of Commissioners Pitzman & Friend
Agenda Item Report CC-23-010
- 11.B. Critical Habitat Area Management Plan, Provided by Mayor Castner
ADF&G Kachemak Bay & Fox River Flats Critical Habitat Areas Management Plan, December 1993
- 11.C. Port & Harbor Statistics
Harbor EOY 2022
Ice & Crane 2022

CITY OF HOMER
FINANCIAL SUPPLEMENT

PROJECT NAME	<u>PIDP Grant Application - Professional and Technical Assistance</u>	DATE	<u>02/08/2023</u>
DEPARTMENT	<u>Port and Harbor</u>	SPONSOR	<u>Port Director</u>
REQUESTED AMOUNT	<u>\$ 63,070</u>		

DESCRIPTION	<p>The Port Infrastructure Development Program (PIDP) has a total of \$662 Million to distribute in FY23 to projects that improve the safety, efficiency, and reliability of the movement of goods into, out of, around, or within a port.</p> <p>To be successful an application must demonstrate competitiveness on a national level in alignment with the program goals and the benefits provided by the project, which requires significant project planning time, engagement of partners and the public, environmental review, technical and benefit-cost analyses, identification of matching funds and grant writing.</p> <p>Given the short timeframe between the PIDP funding announcement and grant submission deadline, leveraging additional expertise is necessary to ensure the City is in the best possible position to succeed with a PIDP application.</p>
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FUNDING SOURCE(S)	OPERATING	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	0%	0%	0%	100%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	0%	0%	0%	0%

FUNDING SOURCE 1: PORT RESERVES	FUNDING SOURCE 2:	FUNDING SOURCE 3:
Current Balance <u>\$ 2,367,407</u>	Current Balance _____	Current Balance _____
Encumbered <u>\$ 910,228</u>	Encumbered _____	Encumbered _____
Requested Amount <u>\$ 63,070</u>	Requested Amount _____	Requested Amount _____
Other Items on Current Agenda <u>\$ 0</u>	Other Items on Current Agenda _____	Other Items on Current Agenda _____
Remaining Balance <u>\$ 1,394,110</u>	Remaining Balance _____	Remaining Balance _____
FUNDING SOURCE 4:	FUNDING SOURCE 5:	FUNDING SOURCE 6:
Current Balance _____	Current Balance _____	Current Balance _____
Encumbered _____	Encumbered _____	Encumbered _____
Requested Amount _____	Requested Amount _____	Requested Amount _____
Remaining Balance _____	Remaining Balance _____	Remaining Balance _____



AGENDA ITEM REPORT

Resolution 23-009, A Resolution of the City Council of Homer, Alaska Acknowledging the City of Homer December 2022/January 2023 Surplus Equipment Sale Results. City Clerk.

Item Type: Resolution
Prepared For: City Council
Meeting Date: 13 Feb 2023
Staff Contact: Melissa Jacobsen, City Clerk/Deputy Director of Administration

Summary Statement:

At least once a year, departments may have surplus, obsolete or unneeded supplies, materials, equipment or other personal property with a value of \$5,000 or less that the City Manager may sell or otherwise dispose of, along with items over \$5000 in value with Council approval per HCC 18.30.

The City Clerk's office collaborated with staff from the Port, Public Works, and the Homer Volunteer Fire Department to produce the surplus item list, and advertised the sale in the Homer News and on the City website. Assistant to the City Manager Christine Drais helped out by posting the information on the City's Facebook accounts, and the Homer News even published an article about it.

On January 25th Deputy City Clerk Renee Krause, Accounting Technician Jessica McGuire, Administrative Assistant Rose Riordan, and I gathered in the Council Chambers and publicly opened 140 sealed bids on 42 of the items for sale.

It was a very successful team effort!

Staff Recommendation:

Adopt Resolution 23-009.

Attachments:

[Resolution 23-009](#)

[Exhibit A Bid Received Info-Tally Sheets](#)

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 23-009

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
ACKNOWLEDGING THE CITY OF HOMER DECEMBER
2022/JANUARY 2023 SURPLUS EQUIPMENT SALE RESULTS.

WHEREAS, A Surplus Equipment Sale was conducted in accordance with Homer City Code 18.30; and

WHEREAS, The December 2022/January 2023 Surplus Equipment Sale Invitation to Bid included 79 items, with one addendum issued, and was advertised in the Homer News on December 22nd & 29th, 2022, sent to three plans rooms in the state, posted on the City of Homer’s website and Facebook page; and

WHEREAS, Sealed bids were due by 5:00 p.m. on Wednesday, January 25, 2023 to be received by the City Clerk’s Office and publicly opened and read on Thursday, January 26, 2023 at 3:00 p.m. in the Cowles Council Chambers; and

WHEREAS, There were 33 bidders who submitted a total of 140 bids on 42 of the items available for sale; and

WHEREAS, The City Manager shall reevaluate the value of those items not bid upon and if found to meet the criteria of Homer City Code 18.30.040, the City Manager may authorize the disposal of items through non-competitive methods.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby acknowledges the bid results attached as Exhibit A for the December 2022/January 2023 Surplus Equipment Sale Invitation to Bid.

PASSED AND ADOPTED by the Homer City Council this 13th day of February, 2023.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

44 Fiscal Impact: Cost of Advertising and processing bids. Revenue generated \$69808.55
45 distributed to Accts. 100-0040-4901 and 400-0600-4901.

Item #	Brief Description	Minimum Bid	Bidder	PHL?	Time/Date Received	Bid Amount	Comments
HVFD003	Foam Jug Pump	Make Offer	No Bids Received				
HVFD004	Wye Gate Valve	Make Offer	No Bids Received				
HVFD007	Fire Hose Roller	Make Offer	No Bids Received				
HVFD0012	Storz Wrench	Make Offer	No Bids Received				
HVFD0013	Pressure Test Fitting	Make Offer	No Bids Received				
HVFD0014	inline Eductor Hose	Make Offer	No Bids Received				
HVFD0015	Lesson pump	Make Offer	Andrew Cranley	Y	1/05/23 3:56pm	\$25.00	
			Frank Griswold	y	01/09/23 2:24pm	\$6.89	
			A&J Supply/Andy Boyle	y	01/09/23 3:05pm	\$18.75	
			Northern Light/J Herbert	Y	01/23/23 10:56am	\$21.00	
			Mike Riley	y	01/24/23 4:22pm	\$10.00	
HVFD0017	Fog Nozzle	Make Offer	No Bids Received				
HVFD0018	Nozzle Tip 19mm solid stream	Make Offer	No Bids Received				
HVFD0019	Nozzle Tip 12mm solid stream	Make Offer	No Bids Received				
HVFD0020	Adapter, 3" to >1.5". Lot of 5	Make Offer	No Bids Received				
HVFD0021	Select-O-Matic Fog Nozzle	Make Offer	No Bids Received				
HVFD0023	Hose Adapter	Make Offer	No Bids Received				
HVFD0024	5" Threaded Caps Lot of 4	Make Offer	No Bids Received				
HVFD0029	Metal Support Posts Orange Dry Box	\$ 25.00	David Kudwa	y	01/12/23 10:45am	\$26.69	
			Mike Riley	Y	01/24/23 4:22pm	\$35.00	
			Laura Karstens	y	01/25/23 4:46pm	\$33.33	
HVFD0031	Hydraulic Spreaders/Cutters	Make Offer	Gerard Johnson	y	01/09/23 11:45am	\$5.00	
			Laura Karstens	y	01/25/23 4:46pm	\$33.33	
HVFD0036	SCBA Cylinders, Lot of 60	\$ 5.00	David Kudwa	y	01/12/23 10:45am	\$8.92	
HVFD0037	Scott 4.5 Airpack harness, Lot of 6	\$ 20.00	No Bids Received				
HVFD0038	Air Masks - Small (8) Med(21)	\$ 5.00	No Bids Received				
HVFD0039	Large(8) Scott 2002 AV 3000 \$5 Ea	\$ 5.00					
HVFD0041	Minimum Bid \$15 for S,M,L	\$ 5.00					
HVFD0042	Chain Saw Stihl 044C	\$ 50.00	AAA Fence/Bill Comer	y	12/27/22 12:14pm	\$150.00	
			Kane Graham	y	1/3/23 12:50pm	\$126.00	
			Frank Griswold	y	01/09/23 2:24pm	\$6.89	Did not meet minimum bid
			Jason Okuly	y	01/20/23 4:00pm	\$201.00	
			ForgetMeKnot	y	01/23/23 12:45pm	\$60.00	
			Flowers/Paul Finney				
			Mike Riley	y	1/24/23 4:22pm	\$52.50	
			Dutch Boy/Danny Stanislaw	y	1/25/23 8:57am	\$200.00	

Item #	Brief Description	Minimum Bid	Bidder	PHL?	Time/Date Received	Bid Amount	Comments
			David Sjostedt	y	1/25/23 10:13am	\$63.00	
			Trisha Jones	y	1/25/23 2:23pm	\$75.00	
			Laura Karstens	y	1/25/23 4:45pm	\$63.33	
HVFD0043	Fog Nozzle 1.5" Attack Fog Nozzle no pistol grip 150GPM Lot of 5	Make Offer	No Bids Received				
HVFD0044	Fog Nozzle 1.5" attack fog nozzle no pistol grip 350GPM	\$ 100.00	No Bids Received				
HVFD0045	Fog Nozzle 1.5" w/no pistol grip 300GPM Lot of 2	\$ 100.00	No Bids Received				
HVFD0046	Fog Nozzle 1.5" attack fog nozzle w/pistol grip 350GPM Lot of 4	\$ 100.00	No Bids Received				
HVFD0017	Fog Nozzle 1.5" attack fog nozzle w/pistol grip GPM NA	\$ 100.00	No Bids Received				
HVFD0072	Fog Nozzle Attachment GPM NA, with bale	\$ 100.00	No Bids Received				
HVFD0047	D Ring Grip 3" -> 1.5" D Ring Grips Lot of 2	Make Offer	No Bids Received				
HVFD0050	Fog Nozzle Attchment GPM NA Lot of 2	\$ 100.00	No Bids Received				
HVFD0049	Storz Adapter 3" Threaded Storz Adapter	Make Offer	No Bids Received				
HVFD0052	Worklight Portable Short Work Light Lot of 2	Make Offer	No Bids Received				
HVFD0055	Radio Setup	\$ 200.00	No Bids Received				
HVFD0056	Y Ventilator Circuit	Make Offer	No Bids Received				
HVFD0064	CPAP Apparatus	Make Offer	No Bids Received				
HVFD0066	Scott Mobile Air Supply Cart with 2 Bottles	Make Offer	Mike Riley	y	01/24/23 4:22pm	\$22.00	
HVFD0070	Streamlight Lite Box Lot of 6	Make Offer	Mike Riley	y	01/24/23 4:22pm	\$33.00	
HVFD0071	Light Box Charging Station, Lot of 4	Make Offer	Mike Riley	y	01/24/23 4:22pm	\$25.00	
HVFD0073	1990 F350 Crewcab Pickup	\$ 10,000.00	Frank Griswold	Y	1/09/23 2:24pm	\$6,000.00	Did not meet minimum bid
			Jo Kahles	y	01/10/23 1:45pm	\$11,600.00	
			ForgetMeKnot Flowers/Paul Finney	y	1/23/23 12:45pm	\$11,508.00	
HVFD0067	Face mask Amplifier Lot of 27	\$ 5.00	No Bids Received				
HVFD0068	Face Mask Air Filter Adapter Lot of 4	\$ 5.00	No Bids Received				
HVFD0037	Airpacks Lot of 39 Scott Airpacks 4.5	\$ 20.00	No Bids Received				
PHM002	Honda Carrier 01 HP400 Tracked Flatbed	Make Offer	Graham, Kane	y	01/03/23 12:50pm	\$50.00	
			Gerard Johnson	Y	01/09/23 11:46am	\$322.00	

Item #	Brief Description	Minimum Bid	Bidder	PHL?	Time/Date Received	Bid Amount	Comments
			Dwights Construction	Y	01/09/23 11:54am	\$150.00	
			A&J Supply/Andy Boyle	y	01/09/23 3:05pm	\$27.50	
			Premier Construction	Y	01/10/23 9:36am	\$315.00	
			David Kudwa	y	01/12/23 10:45am	\$422.00	
			Jason Okuly	y	01/20/23 4:00pm	\$151.00	
			Trisha Jones	y	01/25/23 2:23pm	\$250.00	
			Laura Karstens	y	01/25/23 4:46pm	\$133.33	
PHM004	Pressure Washer Rigid 3300 PSI 3.0 GPM	Make Offer	A&J Supply/Andy Boyle	y	01/09/23 3:05pm	\$20.00	
PHM005	Pressure Washer NAPA 2700 PSI 2.0 GPM	Make Offer	Gerard Johnson	y	01/09/23 11:46am	\$233.00	
			Frank Griswold	y	01/09/23 2:24pm	\$6.89	
			A&J Supply/Andy Boyle	y	01/09/23 3:05pm	\$20.00	
PH001	Boat Trailer 21-28 16 foot Single Axle	Make Offer	Frank Griswold	Y	1/09/23 2:24pm	\$6.89	
			A&J Supply/Andy Boyle	y	1/09/23 3:05pm	\$12.50	
			Jason Okuly	y	01/20/23 4:01pm	\$5.00	
PH002	Kayak #1 Tamarack Kayak 10 foot open	Make Offer	Gerard Johnson	Y	01/09/23 11:46am	\$55.00	
			Joe Kahles	Y	01/10/23 1:45pm	\$51.00	
			Siekaniec, Casey	Y	01/11/23 1:34pm	\$9.00	
			Jason Okuly	y	01/20/23 4:01pm	\$6.00	
			Forget Me Knot Flowers/Paul Finney	y	01/23/23 12:45pm	\$50.00	
			Mike Riley	y	01/24/23 1:34pm	\$153.00	
			Jones, Trisha	y	01/25/23 2:23pm	\$126.00	
			Trissel, James	y	01/25/23 2:40pm	\$20.00	
			Aaron Glidden	y	01/25/23 4:47pm	\$76.00	
PH003	Kayak #2 Tamarack Pro 10 Foot open kayak Cabelas PRD Red	Make Offer	Gerard Johnson	y	01/09/23 11:45am	\$55.00	
			Joe Kahles	Y	01/10/23 1:45pm	\$51.00	
			Siekaniec, Casey	Y	01/11/23 1:34pm	\$7.00	
			Jason Okuly	y	01/20/23 4:01pm	\$6.00	
			Forget Me Knot Flowers/Paul Finney	y	01/23/23 12:45pm	\$50.00	
			Mike Riley	y	01/24/23 1:34pm	\$154.00	
			Trisha Jones	y	01/25/23 2:23pm	\$126.00	
			James Trissel	y	01/25/23 2:40pm	\$20.00	
			Aaron Glidden	y	01/25/23 4:47pm	\$81.00	
PH004	iron rangers, Galvanized fee collection stands Lot of 4	Make Offer	David Kudwa	y	01/12/23 10:45am	\$11.89	
PH005	Gear Pole high Flyer 16 foot Marker Pole	Make Offer	David Kudwa	y	01/12/23 10:45am	\$5.15	

Item #	Brief Description	Minimum Bid	Bidder	PHL?	Time/Date Received	Bid Amount	Comments
PH006	Lines Poles 2 ea. 16 foot and 10 foot Aluminum Line Poles	Make Offer	Northern Light/J Herbert	y	01/09/23 2:15pm	\$8.25	
			David Kudwa	Y	01/12/23 10:45am	\$21.55	
			David Sjostedt	y	01/25/23 10:13am	\$20.00	
PH007	Rim & Tire 16 inch rim with ST225/75R16 Tire	Make Offer	Frank Griswold	y	01/09/23 2:24pm	\$1.89	
PH008	Plastic Float Buoy	Make Offer	Northern Light/J Herbert	Y	1/09/23 2:15pm	\$1.25	
PH009	Plunge Pole 16 foot	Make Offer	Northern Light/J Herbert	Y	01/09/23 2:15pm	\$4.25	
			David Kudwa	Y	01/12/23 10:45am	\$5.11	
PH010	Inflatable Raft Aqua Pro 10 Foot	Make Offer	Northern Light/J Herbert	y	01/09/23 2:15pm	\$81.00	
			Griswold, Frank	Y	1/09/23 2:24pm	\$6.89	
			Jason Okuly	Y	01/20/23 4:01pm	\$10.00	
			Forget Me Knot Flowers/Paul Finney	Y	01/23/23 12:45pm	\$50.00	
PH011	Fishing Rods, Ugly Stick 7 foot Spinning Rods with case	Make Offer	Northern Light/J Herbert	y	1/09/23 2:15pm	\$17.25	
			Joe Kahles	y	1/10/23 1:45pm	\$10.01	
			Jason Okuly	Y	01/20/23 4:01pm	\$7.00	
			Mike Riley	y	01/24/23 1:34pm	\$5.75	
			Laura Karstens	y	01/25/23 4:45pm	\$13.33	
PH012	Misc Fishing Tackle & White Bucket	Make Offer	Northern Light/J Herbert	y	01/09/23 2:15pm	\$2.25	
			Siekaniiec, Casey	y	01/11/23 1:34pm	\$12.00	
			Mike Riley	Y	1/24/23 1:34pm	\$5.75	
			Laura Karstens	y	01/25/23 4:46pm	\$3.33	
PH013	Dry Bag Tents & PFD	Make Offer	Rose Riordan	y	01/03/23 11:30am	\$60.00	
			Northern Light/J Herbert	Y	01/09/23 2:15pm	\$2.25	
			Siekaniiec, Casey	Y	01/11/23 1:34pm	\$56.00	
			Jason Okuly	Y	01/20/23 4:01pm	\$7.00	
			Kurt Read	y	01/23/23 11:16am	\$45.00	
			Mike Riley	Y	01/24/23 1:33pm	\$28.00	
			Aaron Glidden	y	01/25/23 4:47pm	\$127.00	
PH014	Boat fender Buoy	Make Offer	Casey Siekaniiec	y	01/11/23 1:34pm	\$11.00	
			Laura Karstens	y	01/25/23 4:46pm	\$23.33	
PH015	Backpack & Fishing Gear	Make Offer	Northern Light/J Herbert	y	01/09/23 2:15pm	\$11.00	

Item #	Brief Description	Minimum Bid	Bidder	PHL?	Time/Date Received	Bid Amount	Comments
			Joe Kahles	Y	01/10/23 1:45pm	\$5.01	
			Jason Okuly	y	01/20/23 4:01pm	\$3.00	
			Mike Riley	y	01/24/23 1:33pm	\$6.60	
PH016	Heated Vest	Make Offer	Aaron Glidden	y	01/25/23 4:47pm	\$27.00	
PH017	Climbing Harness & mask	Make Offer	Northern Light/J Herbert	y	1/09/23 2:15pm	\$2.25	
PH018	Rain Pants, Childrens size Grunden	Make Offer	Laura Karstens	y	01/25/23 4:46pm	\$1.33	
PH019	Backpack & H2O Bottle Sunscreen	Make Offer	Jason Okuly	y	01/20/23 4:01pm	\$3.00	
			Laura Karstens	y	01/25/23 4:46pm	\$11.33	
PH020	Fishing Net 6 foot	Make Offer	No Bids Received				
PH021	Walking Cane Black adjustable	Make Offer	Northern Light/J Herbert	Y	01/09/23 2:15pm	\$2.25	
PH022	Rubber Boots, size 12	Make Offer	No Bids Received				
PH023	Boat Hitch reese insert	Make Offer	Frank Griswold	Y	1/09/23 2:24pm	\$6.89	
PH024	Bowling Ball	Make Offer	Laura Karstens	y	01/25/23 4:46pm	\$6.33	
PH025	Snow Blower, Track, Honda	\$ 500.00	Northern Light/J Herbert	Y	01/09/23 2:15pm	\$781.00	
			Premier Construction	y	01/10/23 9:36am	\$525.00	
			Joshua Hankin-Foley	y	01/10/23 1:06pm	\$801.00	
			David Sjostedt	Y	01/25/23 10:13am	\$825.00	
			Mike Tracy	y	01/25/23 1:45pm	\$759.00	
			James Trissel	y	01/25/23 2:40pm	\$600.00	
			Laura Karstens	y	01/25/23 4:46pm	\$653.33	
PW001	Wide Format Document Scanner	\$ 200.00	Gerard Johnson	y	01/11/23 11:01am	\$203.00	
			LazerPrint	y	01/12/23 2:42pm	\$200.00	
PW002	2006 F350 (no bed)	Make Offer	Gerard Johnson	y	01/09/23 11:46am	\$833.00	
			Paul's Service	y	01/24/23 2:28pm	\$2,100.00	
			Dutch Boy/Danny Stanislaw	y	01/25/23 08:57am	\$500.00	
			David Sjostedt	y	01/25/23 10:13am	\$1,301.00	
PW003	140G Caterpillar Grader	\$ 6,000.00	Gerard Johnson	y	01/09/23 11:46am	\$8,885.00	
			Dwights Construction	y	01/17/23 11:43am	\$6,222.00	
			Paul's Service	y	01/24/23 2:03pm	\$11,101.00	
			Dibble Creek	y	01/25/23 3:08pm	\$21,000.00	
			Spernak & Sons	Y	1/25/2023 17:00	\$7,500.00	
PW004	HRL 50 Roadway Striper	Make Offer	Gerard Johnson	y	01/09/23 11:46am	\$335.00	
			Dave Welty	y	01/25/23 12:07pm	\$644.00	
			Trisha Jones	Y	01/25/23 2:23pm	\$250.00	
PW005	950B Caterpillar Loader	\$ 10,000.00	Gerard Johnson	y	01/09/23 11:54am	\$13,885.00	

Item #	Brief Description	Minimum Bid	Bidder	PHL?	Time/Date Received	Bid Amount	Comments
			Dwights Construction	y	1/9/2023 11:54am	\$20,278.27	
			East Road Services	y	01/24/23 10:12am	\$16,500.00	
			Paul's Service	y	01/24/23 2:28pm	\$16,100.00	
			David Sjostedt	y	01/25/23 10:13am	\$15,013.00	
			Dibble Creek	y	01/25/23 3:08pm	\$26,000.00	
			Arches Alaska/Jim Stearns	y	01/25/23 3:43pm	\$11,001.00	
			Spernak & Sons	y	01/25/23 5:00pm	\$17,000.00	
PW006	Bobcat Tool Cat 5600	\$ 5,000.00	Carl Jones	Y	01/11/23 9:29am	\$5,460.00	
			Mike Tracy	y	01/25/23 01:45pm	\$7,159.00	Bidder Changed mind on item.
			Alaska Arches	y	01/05/23 3:56pm	\$5,101.00	
PW007	Hi-way Tailgate	Make Offer	Andrew Cranley	y	01/05/23 3:56pm	\$35.00	
			Gerard Johnson	y	01/09/23 11:46pm	\$223.00	
			East Road Services	Y	01/24/23 10:12am	\$200.00	
WTP001	Gardner Denver Air Compressor	\$ 5,000.00	Frank Griswold	y	01/09/23 2:24pm	\$6.89	Did not meet minimum bid
WTP002	Heavy Duty Roller conveyors 2 each	\$ 500.00	No Bids Received				



AGENDA ITEM REPORT

Resolution 23-010, A Resolution of the City Council of Homer, Alaska Awarding a Contract to HTRW, LLC of Anchorage, Alaska in the Amount of \$45,000 to Test for PCB's at the Homer Education and Recreation Complex (HERC) Buildings and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager.

Item Type: Resolution
Prepared For: City Council
Meeting Date: 13 Feb 2023
Staff Contact: Jan Keiser, Public Works Director
Through: Rob Dumouchel, City Manager

Summary Statement:

Issue: The purpose of this Memorandum is to recommend award of a Task Order to sample for PCBs in the HERC 2 Building.

Background: The City Council adopted Ordinance 22-45 appropriating \$153,000 for the demolition of HERC 2. This sum was derived from a 2019 report, which assessed the hazardous materials present in the building and estimated the remediation/demolition costs. The 2019 effort identified asbestos and lead in the building, but did not test for PCBs, probably because the EPA does not require testing for PCBs.

In the course of our work to develop of a procurement package for HERC 2's abatement/demolition, we engaged the services of Chris Ottosen, HTRW, LLC, to help with the abatement specifications. Also, we decided it would be prudent to reach out to the Kenai Borough, which owned the Central Peninsula landfill, in Soldotna, where the hazardous materials would be disposed of. We submitted an application to dispose of asbestos and lead at the Soldotna landfill. At that point, Daniel Kort, Environmental Program Manager, Kenai Borough, told us we needed to test for PCBs^[i]. This surprised us, so we asked the AK Department of Environmental Conservation (ADEC) if they required it. They said PCBs have emerged as a hot topic over the past few years and they did want us to test for PCBs.

We are not going to get our permit to use the Soldotna landfill, until we do the testing, so we need to do it. Mr. Ottosen submitted a proposal to pull samples and submit them for testing. The estimated cost for this is \$37,312.84, of which \$24,750 is for laboratory costs. While he's here, we'd also like him to take some representative samples at HERC 1 so we have a more complete understanding of what is in that building. This would not be a complete sampling, just enough to inform future decisions about the fate of HERC 1.

So far, we have spent \$19,309.80 in consulting fees to design the pre-demolition work, demolition work, abatement work and post-demolition work for this project, leaving a balance of \$133,691.

[i] Evidently, at the time of the construction of the HERC buildings over 55 construction materials commonly contained PCBs, particularly related to caulking, paint and mastic. PCB-laden materials cannot be disposed of in Alaska, but must be shipped out of state.

Staff Recommendation:

Adopt Resolution 23-010.

Attachments:

[Resolution 23-010](#)

[HTRW's Proposal](#)

**CITY OF HOMER
HOMER, ALASKA**

City Manager
Public Works Director

RESOLUTION 23-010

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
AWARDING A CONTRACT TO HTRW, LLC OF ANCHORAGE, ALASKA
IN THE AMOUNT OF \$45,000 TO TEST FOR PCB'S AT THE HOMER
EDUCATION AND RECREATION COMPLEX (HERC) BUILDINGS AND
AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE
THE APPROPRIATE DOCUMENTS.

WHEREAS, The City Council adopted Ordinance 22-45 appropriating \$153,000 for the demolition of HERC 2, the effort for which was derived from a 2019 report that assessed the hazardous materials present in the building and estimated the remediation/demolition costs; and

WHEREAS, The 2019 effort identified asbestos and lead in the building, but did not test for PCBs, probably because the EPA does not require testing for PCBs; and

WHEREAS, We submitted an application to dispose of the hazardous materials, asbestos and lead, at the Central Peninsula landfill, at which point Daniel Kort, Environmental Program Manager, Kenai Borough, told us we needed to test for PCBs; and

WHEREAS, Chris Ottosen, HTRW, LLC, submitted a proposal to pull samples and submit them for testing, at the estimated cost of \$37,312.84, of which \$24,750 is for laboratory costs; and

WHEREAS, We'd also like to take some representative samples at HERC 1 to better inform future decisions about the fate of HERC I; and

WHEREAS, So far, we have spent \$19,309 in consulting fees to design the pre-demolition work, demolition work, abatement work and post-demolition work for this project, leaving a balance of \$133,691.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards a Task Order, in the amount of \$45,000 to HTRW, LLC to test for PCBs at the HERC buildings and authorizes the City Manager to negotiate and execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 13th day of February, 2023.

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: Ordinance 22-45 appropriated HERC 2 demolition funding, Memorandum 22-132 identifies \$54,000 allocated to hazardous material abatement.



Date: 01/25/2023; Revised: N/A

Ms. Janette ("Jan") Keiser, PE, Director of Public Works, City of Homer
City of Homer
491 East Pioneer Avenue
Homer, Alaska 99603

RE: Request for Fee Proposal for to Collect a Samples of Building Materials for PCB Analysis at the "HERC2" Building in Support of the Demolition of the "HERC 2" Building in Homer, Alaska.

Dear Ms. Keiser:

I am pleased to provide this fee proposal to collect samples of building materials for PCBs at the "HERC2" building. This fee proposal is based on the Sampling and Analysis Plan (SAP) prepared by HTRW, LLC and dated January 17, 2023.

The SAP was submitted to the Alaska Department of Environmental Conservation (DEC) for courtesy review on January 17, 2023. As of the writing of this proposal, the DEC is still reviewing that SAP. Depending on comments provided by the DEC on the SAP, additional samples or fewer samples may be required to satisfy characterization criteria. Costs and efforts related to any additional sampling are not included herein, and any possible reduction in sampling may result in a credit to the City of Homer from the fees in this proposal.

HTRW, LLC will travel to Homer, Alaska to collect samples of the HERC2 building materials in accordance with the SAP. After collecting the samples, HTRW, LLC will drive back to Anchorage, prepare the laboratory paperwork, and ship the samples to the laboratory for analysis. Once the results have been received by HTRW, LLC, the existing hazmat report for the HERC2 building will be updated to include the results of the sampling with a discussion on the implications of those results as it relates to the building demolition.

Because of the uncertainty on what materials may actually contain PCBs at levels above regulatory criteria, no fees or efforts are included herein related to updating the existing hazards abatement bid documents for the HERC2 building.

Assumptions:

- The City of Homer will provide access to all areas of the building.
- The site visit to conduct the assessment will be in February 2023.
- The assessment will be performed during one mobilization to the site.

Exclusions:

- Any services not explicitly detailed herein.

I greatly appreciate the opportunity to work with you and the team on this project. Please do not hesitate to contact me with any questions or comments.

Sincerely,

Christopher T. Ottosen, Hazmat Consultant

Attachments:

- Authorization Form.
- Fee Proposal.
- Fee Proposal Worksheets for Assessment.



Authorization Form

Due to the extensive laboratory costs associated with the sampling in this proposal, HTRW, LLC requires a down payment equal to the overall estimated laboratory costs included in this fee proposal for a total of \$24,750.00 prior to commencing the site assessment. These fees must be paid prior to HTRW, LLC's scheduled start date for site assessment activities. Failure to provide this payment may result in HTRW, LLC being unable to perform the work and/or may cause significant schedule delays. HTRW, LLC reserves the right to cancel this contract at any time for failure to submit payment prior to the previously described start date. After the down payment has been received and successfully processed, HTRW, LLC, will commence with the work as described within this fee proposal. Progress invoicing for future efforts described within this fee proposal will be invoiced monthly and will be based on the percentage of completion. Progress payments are due to HTRW, LLC within 30 days of the date listed on the invoice. If payments are not received and successfully processed within the specified terms, HTRW, LLC reserves the right, for failure to provide timely payment of invoicing, to withhold the delivery of any reports, drawings, specifications, or other items which were produced by HTRW, LLC for use on the subject project.

To authorize HTRW, LLC to commence with the work and signify your agreement to the terms, conditions, and fees described within this fee proposal and its attachments, please sign and date below and return a copy to HTRW, LLC.

Client Information and Consent:

Signature of Authorized Representative: _____ **Date:** _____

Name of Authorized Representative: _____

Title of Authorized Representative: _____

Official Business Name: _____

Name of Billing Representative: _____

Billing Representative Contact Information: _____

HTRW, LLC Information and Consent:

Signature of Authorized Representative:  **Date:** 01/25/2023

Name of Authorized Representative: Christopher "Chris" T. Ottosen

Title of Authorized Representative: Member/Manager

Official Business Name: HTRW, LLC

Name of Billing Representative: Viviana "Viv" Leal

Billing Representative Contact Information: viv@htrw-llc.com



HTRW, LLC
 11471 Business Blvd., #773442
 Eagle River, Alaska 99577
 907-917-3801

Summary of Proposed Fees

Description	Fixed Fee	Time-and-Expense
Task 1 – Site Assessment & Reporting	\$37,312.84	
<i>Subtotals</i>	<i>\$37,312.84</i>	<i>\$ 0.00</i>
Total Proposed Fee	\$37,312.84	



Task 1 – Site Assessment & Reporting

Description	Hours/Units	Unit Cost	Subtotals
Labor Costs			
Travel to and from Homer	10.00		
Onsite coordination with City of Homer	2.00		
Collect samples	37.00		
Laboratory Paperwork/Coordination	10.00		
Sample Location Drawings	4.00		
Revise existing hazmat report with new data	6.00		
General Project Management, e-mails, etc.	2.00		
<i>Labor Total</i>	<i>71.00</i>	<i>\$140.00</i>	<i>\$9,940.00</i>
Laboratory Costs			
PCB Analysis of Bulk Building Materials; USEPA Method 3540C/8082A	150	\$150.00	\$22,500.00
Laboratory Subtotal			\$22,500.00
Markup			10%
<i>Laboratory Total</i>			<i>\$24,750.00</i>
Direct Costs			
Sample Shipping	3	\$350.00	\$1,050.00
Direct Cost Subtotal			\$1,050.00
Markup			10%
<i>Direct Cost Total</i>			<i>\$1,155.00</i>
Transportation Costs			
Lodging			\$720.00
Meals			\$300.00
Mileage			\$314.40
Transportation Cost Subtotal			\$1334.40
Markup			10%
Transportation Cost Total			\$1467.84
Total for Task 1			\$37,312.84

Task 1	Site Assessment	Fixed Fee	T&E, NTE
Labor Costs	\$9,940.00		
Direct Costs	\$1,155.00		
Laboratory Costs	\$24,750.00		
Transportation Costs	\$1,467.84		
Total Costs for Task 1		\$37,312.84	
Fee Subtotals		\$37,312.84	
Total Proposed Fee		\$37,312.84	

Site Assessment	Task 1
Position	Project Manager
Task Description	
Travel to and from Homer	10.00
Onsite coordination with City of Homer	2.00
Collect samples	37.00
Laboratory Paperwork/Coordination	10.00
Sample Location Drawings	4.00
Revise existing hazmat report with new data	6.00
General Project Management, e-mails, etc.	2.00
Hour Totals	71.00
Labor Rate per Hour	\$140.00
Total Labor Cost for Task 1	\$9,940.00

Cost	Units	Quantity	Sub-totals	Description	Notes
\$0.00	-	0.00	\$0.00	Subcontractor	None.
\$0.00	Days	0.00	\$0.00	Equipment Rental	No equipment rentals required.
\$350.00	Each	3.00	\$1,050.00	Sample Shipping	Charge for shipping samples to laboratory.

\$1,050.00	Subtotal of Direct Costs for Task 1
10.00%	Markup on Direct Costs

\$1,155.00	Total of Direct Costs for Task 1
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Laboratory	Material	Analysis Type	Total Number of Samples	Turnaround Time	Cost Per Sample	Subtotals
EMSL	Asbestos	PCB Analysis of Bulk Building Materials; USEPA Method 3540C/8082A	150	2 week	\$150.00	\$22,500.00
						\$22,500.00
						10.00%
						\$24,750.00

Carrier 1	Cost	Units	Quantity	Sub-totals	Description	Notes
	\$180.00	Cost per Day	4	\$720.00	Lodging	Taxes estimated at \$20/day in addition to the \$130 room rental fee.
	\$60.00	Cost per Day	5	\$300.00	Meals	Based on published per-diem rates or contract.
	\$0.66	Mile	480	\$314.40	Mileage	None

\$1,334.40

10.00%

\$1,467.84	Total Transportation Costs for Task 1
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DAY #1					
					0
Labor Code	Description	Start Time	End Time	Total Time	
	Drive to Homer	8:00 AM	1:00 PM	5.00	5.00
	Meet with City of Homer repres	1:00 PM	2:00 PM	1.00	1.00
	Start sampling, 20 samples	2:00 PM	6:00 PM	4.00	4.00
				Total day 1	10.00

DAY #2					
					0
Labor Code	Description	Start Time	End Time	Total Time	
	Continue sampling, 40 sample	8:00 AM	6:00 PM	10.00	10.00
				Total day 2	10.00

DAY #3					
					0
Labor Code	Description	Start Time	End Time	Total Time	
	Continue sampling, 40 sample	8:00 AM	6:00 PM	10.00	10.00
				Total day 3	10.00

DAY #4					
					0
Labor Code	Description	Start Time	End Time	Total Time	
	Continue sampling, 40 sample	8:00 AM	6:00 PM	10.00	10.00
				Total day 4	10.00

DAY #5					
					0
Labor Code	Description	Start Time	End Time	Total Time	
	Finish sampling, 10 samples	8:00 AM	11:00 AM	3.00	3.00
	Drop off keys/debrief with City	11:00 AM	12:00 PM	1.00	1.00
	Drive to Anchorage	12:00 PM	5:00 PM	5.00	5.00
				Total day 5	9.00



AGENDA ITEM REPORT

Resolution 23-011, A Resolution of the City Council of Homer, Alaska in Support of the City of Homer's Application to the State of Alaska Department of Transportation and Public Facilities (AK DOT&PF) Community Transportation Program (CTP) for Main Street Rehabilitation and Committing Local Match Funds. City Manager.

Item Type:	Resolution
Prepared For:	City Council
Meeting Date:	13 Feb 2023
Staff Contact:	Jenny Carroll, Special Projects and Communications Coordinator
Through:	Rob Dumouchel, City Manager
Attachments:	Resolution 23-011

Summary Statement:

I. Issue: The purpose of this Memorandum is to request City Council support of the City's grant application to AK DOT&PF's CTP for design and construction funding for the Main Street Rehabilitation project and express commitment for grant matching funds. A Resolution of support from the governing body is required to be submitted within the application.

II. Background: After reviewing the City's Notice of Intent to Apply for CTP funding for the Main Street Rehabilitation project, AK DOT&PF invited the City to submit a full CTP application, due February 28.

CTP funds are designated for road surface projects. This project rehabilitates storm drains and pavement on the state-owned portion of Main Street from Pioneer Avenue to the Sterling Highway, and the City owned portion of Main Street from the Sterling Highway to Ohlson Lane. As a major thoroughfare for motorists and pedestrians alike, the project scope also includes building new curb, gutter and a sidewalk on the west side of Main Street to meet safety standards for pedestrians, to make it a complete street and to connect to the existing sidewalk on Main Street north. Drainage work on the project will support sidewalk construction and longevity by properly directing storm water runoff to catchment basins and adjacent roadside ditches. Crosswalk improvements at the intersection of Main Street and the Sterling Highway (such as Rectangular Rapid Flashing Beacons, high-visibility pavement markings and/or curb extensions) are also part of the project scope.

Successful CTP projects are designed and built by AK DOT&PF to Federal standards utilizing Federal pass through funds and a Federal minimum of 9% local matching funds. To be competitive, though, the project sponsor must offer a 12% match. Main Street Rehabilitation budget is estimated by Public Works Director Keiser at \$200,000 for design and engineering and \$4,000,000 for construction. A 12% match on the \$4.2M project equates to a \$504,000 commitment from the City of Homer. HART is the appropriate fund for match. Public Works Director Keiser has \$500,000 set aside in the Road Financial Program for unspecified grant match, which could be used for this project or the HAPP project (under TAP) if either project is successful in winning grant funding.

Once our full CTP application is reviewed by AK DOT&PF for scope and cost; they may adjust the estimated project cost before final application is scored. A formal match agreement will be prepared for eligible projects that move forward to scoring. At that point, the actual AK DOT&PF project cost will be known and the City can choose either to accept or decline moving forward with the project application.

If the City approves moving forward with a formal match agreement, the project will be scored and sent to a public evaluation board in April for final scoring, with the highest scoring projects getting ranked for priority for funding. Project awards will be announced in May of 2023.

The City is not obligated to appropriate match funds at this stage. Obligation will come later – if – the project is selected to move forward for scoring, at which point Council will have a decision to make.

It is important to note that if the AK DOT&PF approved estimate increases over the life of the project, the sponsor will be required to match the new estimate accordingly. For this reason, contingencies will be assessed on local match (25% minimum on preconstruction phases and 15% on the construction estimate). There is no escrow account established to hold these contingency funds; AK DOT&PF asks for a commitment for the potential overage. If the City's application gets to this stage, I have heard that other municipalities are entering into agreements with the State that limit the amount of local contingency funding allowed for the project.

Another important rating criteria for successful projects is that the project sponsor agrees to take over ownership and/or maintenance of the new facility. With City Council approval, the City would agree to take maintenance responsibility for the State-owned section of Main Street.

Staff Recommendation:

Adopt Resolution 23-011 for the February 28, 2023 grant application deadline.

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 23-011

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA IN SUPPORT OF THE CITY OF HOMER’S APPLICATION TO THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (AK DOT&PF) COMMUNITY TRANSPORTATION PROGRAM (CTP) FOR MAIN STREET REHABILITATION AND COMMITTING LOCAL MATCH FUNDS.

WHEREAS, The City of Homer strives to provide and improve city-operated facilities and services to meet the needs of the community; and

WHEREAS, The southern section of Main Street (from Pioneer Avenue to Ohlson Lane) is a busy mix-used major collector street that supports general business and residential traffic and leads to trails systems and one of the City’s most popular recreation areas, Bishops Beach; and

WHEREAS, The road and pavement condition has deteriorated over the past several years due to inadequate storm drain system which allows water to infiltrate the road bed and adversely impact the structural integrity of Main Street, particularly during freeze/thaw cycles; and

WHEREAS, Curb, gutter and sidewalks are missing on this southern portion of Main Street causing pedestrian to walk on the narrow shoulder of the road; and

WHEREAS, Drainage ditches on either side of the road does not allow much degree of separation or an easy way for pedestrians to escape a collision with a passing motorist, a situation compounded in the winter months by snow and ice build-up on the sides of the road after plowing ; and

WHEREAS, The Main Street Rehabilitation project and Sidewalk Facilities on Main Street South have long been in the City of Homer’s Capital Improvement Plan; and

WHEREAS, Improving Homer’s non-motorized transportation network is one of Homer City Council’s high priority projects, a priority shared by the community as evidenced by public comment at City Council meetings and at many community non-motorized transportation planning events; and

WHEREAS, AK DOT&PF is making design and construction funding for road surface projects available through the 2023-2025 CTP competitive grant program; and

45 WHEREAS, The City of Homer is participating as an eligible project sponsor in the
46 ADOT&PF CTP; and

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48 WHEREAS, The City of Homer submitted a Notice of Intent to Apply to CTP in support
49 of the Main Street Rehabilitation project; and

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51 WHEREAS, After reviewing the Notice of Intent to Apply, the AK DOT&PF invited the City
52 of Homer to submit a full CTP application for the Main Street Rehabilitation project; and

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54 WHEREAS, The City of Homer acknowledges availability of the required match of no
55 less than 9.03%; and

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57 WHEREAS, The City of Homer is amenable to accepting ownership/maintenance
58 responsibility for the State-owned section of Main Street (between Pioneer Avenue and the
59 Sterling Highway) after it has been rehabilitated; and

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61 WHEREAS, The CTP application requires a Resolution of support and commitment to
62 matching funds from the governing body.

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64 NOW THEREFORE, BE IT RESOLVED that the Homer City Council supports the Main
65 Street Rehabilitation project; and

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67 BE IT FURTHER RESOLVED that the Homer City Council authorizes the City Manager to
68 prepare and submit a 2023-2025 CTP grant application for the Main Street Rehabilitation
69 project; and

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71 BE IT FURTHER RESOLVED that the Homer City Council expresses its commitment of no
72 less than 9.03% local grant matching funds.

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74 PASSED AND ADOPTED by the Homer City Council this 13th day of February, 2023.

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76 CITY OF HOMER
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78 _____
79 KEN CASTNER, MAYOR

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81 ATTEST:
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84 MELISSA JACOBSEN, MMC, CITY CLERK

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86 Fiscal Note: N/A



AGENDA ITEM REPORT

Resolution 23-012, A Resolution of the City Council of Homer, Alaska Expressing Support for the Realizing Equitable Accessible Connectivity in Homer (REACH) Project and Endorsing the City's Application to the FY23 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) for REACH Planning and Design Funds. City Manager.

Item Type:	Resolution
Prepared For:	City Council
Meeting Date:	13 Feb 2023
Staff Contact:	Jenny Carroll, Special Projects and Communications Coordinator Carroll
Through:	Rob Dumouchel, City Manager

Summary Statement:

Issue: The purpose of this Memorandum is to request City Council support for the City's FY23 Federal RAISE Planning Grant application via Resolution 23-012. A Resolution of support from the governing body will strengthen and be included in the application, which is due February 28, 2023.

Background: Resolution 22-087 authorized a Task Order for HDR Engineering to provide grant writing services for the FY2023 Federal Rebuilding American Infrastructure with Sustainability and Equity (RAISE) planning grant to support Homer's non-motorized transportation network, and authorized the City Manager to negotiate and execute the appropriate documents.

The project application, named REACH (short for **R**ealizing **E**quitable, **A**ccessible **C**onnectivity in **H**omer) is well underway. The scope includes inclusive public engagement, system-wide planning and prioritization, environmental analysis, equity analysis, utility investigation, natural hazard risk assessment, preliminary design, benefit-cost analysis, and other pre-construction activities necessary to move expediently to construction phase, potentially with a subsequent RAISE construction grant. Pathways for consideration under REACH include, among others:

- Svedlund and Herndon from Pioneer Avenue to Main Street,
- Main Street South from Pioneer Avenue to Ohlson Lane,
- Ocean Drive and Kachemak Drive,
- West Hill bicycle lane from Eric Lane to Sterling Highway,
- Nick Dudiak Fishing Lagoon Accessible Fishing Platform, and
- Potential 'mobility hubs' for KPB transit van drop off and pick up, park and walk and park and bike hubs, etc.

The grant does not require matching funds.

Staff Recommendation:

Adopt Resolution 23-012.

Attachments:

[Resolution 23-012](#)

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 23-012

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA EXPRESSING SUPPORT FOR THE REALIZING EQUITABLE, ACCESSIBLE CONNECTIVITY IN HOMER (REACH) PROJECT AND ENDORSING THE CITY’S APPLICATION TO THE FY23 REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) FOR REACH PLANNING AND DESIGN FUNDS.

WHEREAS, The City of Homer strives to provide and improve city-operated facilities and services to meet the needs of the community; and

WHEREAS, Homer’s non-motorized transportation facilities are disconnected, or missing sections all together, which is an accessibility barrier and creates safety hazards for both motorists and pedestrians where pedestrian use of roadways is necessary; and

WHEREAS, Comprehensively connecting Homer’s non-motorized transportation network is one of City Council’s high priority projects, a priority shared by the community as evidenced by consistent public comment at City Council meetings, at many community non-motorized transportation planning events, and by the large number of support letters offered by the community for the REACH project; and

WHEREAS, The REACH project plans and designs a comprehensive, connected network of accessible sidewalks, trails and bikeways to enable residents and visitors to make safe, non-motorized trips within the City of Homer; and

WHEREAS, REACH’s scope addresses many non-motorized transportation facilities that have long been included in the City’s Capital Improvement Plan; and

WHEREAS, REACH significantly improves equitable access for all citizens; and

WHEREAS, Federal RAISE funding is an essential catalyst to bring the REACH project to construction ready status.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby expresses its support for the REACH project and strongly endorses the City’s application to the FY23 RAISE program for planning and design funding assistance.

PASSED AND ADOPTED by the Homer City Council this 13th day of February, 2023.

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: N/A



AGENDA ITEM REPORT

Resolution 23-013, A Resolution of the City Council of Homer, Alaska in Support of the City of Homer's Application to the State of Alaska Department of Transportation and Public Facilities (AK DOT&PF) Transportation Alternatives Program (TAP) for the Homer All Ages and Abilities Pedestrian Path (HAPP) and Committing Local Match Funds. City Manager.

Item Type: Resolution
Prepared For: City Council
Meeting Date: 13 Feb 2023
Staff Contact: Jenny Carroll, Special Projects and Communications Coordinator
Through: Rob Dumouchel, City Manager

Summary Statement:

I. Issue: The purpose of this Memorandum is to request City Council support of the City's grant application to AK DOT&PF's Transportation Alternatives Program for design and construction funding for the Homer All-Ages and Abilities Pedestrian Pathway (HAPP) project and express commitment for grant matching funds. A Resolution of support from the governing body is required to be submitted within the application.

II. Background: After reviewing the City's Notice of Intent to Apply for TAP funding for the HAPP project, AK DOT&PF invited the City to submit a full TAP application, due February 28. HAPP completes two interconnected high priority sidewalk projects, Svedlund/Herndon from Pioneer Avenue across to Main Street, and Main Street sidewalk south from Pioneer Avenue to Ohlson Lane. It also calls for enhanced crosswalks on Pioneer Avenue at Svedlund and on the Sterling Hwy at Main Street. HAPP is included in the City of Homer's Capital Improvement Plan (project description attached).

Under TAP, successful projects are designed and built by AK DOT&PF to Federal standards utilizing Federal pass through funds and a Federal minimum of 9% local matching funds. To be competitive, though, the project sponsor must offer a 12% match. HAPP's budget is estimated by Public Works Director Keiser at \$200,000 for design and engineering and \$3,700,000 for construction. A 12% match on the \$3.9M project equates to a \$468,000 commitment from the City of Homer. HART is the appropriate fund for match. Public Works Director Keiser has \$500,000 set aside in the Road Financial Program for unspecified grant match.

Once our full TAP application is reviewed by AK DOT&PF for scope and cost, they may adjust the estimated project cost before final application is scored. A formal match agreement will be prepared for eligible projects that move forward to scoring. At that point, the actual AK DOT&PF project cost will be known and the City can choose either to accept or decline moving forward with the project application.

If the City approves moving forward with a formal match agreement, the project will be scored and sent to a public evaluation board in April for final scoring, with the highest scoring projects getting ranked for priority for funding. Project awards will be announced in May of 2023.

The City is not obligated to appropriate match funds at this stage. Obligation will come later – if – the project is selected to move forward for scoring, at which point Council will have a decision to make.

It is important to note that if the AK DOT&PF approved estimate increases over the life of the project, the sponsor will be required to match the new estimate accordingly. For this reason, contingencies will be assessed on local match (25% minimum on preconstruction phases and 15% on the construction estimate). There is no escrow account established to hold these contingency funds; AK DOT&PF asks for a commitment for the potential overage. If the City's application gets to this stage, I have heard that other municipalities are entering into agreements with the State that limit the amount of local contingency funding allowed for the project.

Another important rating criteria for successful projects is that the project sponsor agrees to take over ownership and/or maintenance of the new facility. With City Council approval, the City would agree to take maintenance responsibility for the new sidewalk on the State-owned portion of Main Street.

Staff Recommendation:

Adopt Resolution 23-013 for the February 28, 2023 grant application deadline.

Attachments:

[Resolution 23-013](#)

[HAPP FY24 CIP Project Description](#)

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 23-013

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA IN SUPPORT OF THE CITY OF HOMER’S APPLICATION TO THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (AKDOT&PF) TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FOR THE HOMER ALL AGES AND ABILITIES PEDESTRIAN PATH (HAPP) AND COMMITTING LOCAL MATCH FUNDS.

WHEREAS, The City of Homer strives to provide and improve city-operated facilities and services to meet the needs of the community; and

WHEREAS, Critical sidewalk facilities in Homer’s central residential and business district are disconnected and missing key sections, which creates an accessibility barrier and safety hazards for both motorists and pedestrians where sidewalks end and pedestrian use of roadways is necessary; and

WHEREAS, HAPP fills gaps in Homer’s non-motorized pathways to address these safety issues and provide equitable, safe and low-stress pedestrian facilities for all citizens; and

WHEREAS, Improving Homer’s non-motorized transportation network is one of Homer City Council’s high priority projects, a priority shared by the community as evidenced by public comment at City Council meetings and at many community non-motorized transportation planning events; and

WHEREAS, HAPP is included in the City of Homer’s Capital Improvement Plan; and

WHEREAS, AK DOT&PF is making design and construction funding for sidewalks available through the 2023-2025 TAP competitive grant program; and

WHEREAS, The City of Homer is participating as an eligible project sponsor in the ADOT&PF TAP; and

WHEREAS, The City of Homer submitted a Notice of Intent to Apply to TAP in support of the HAPP project; and

WHEREAS, After reviewing the Notice of Intent to Apply, the AK DOT&PF invited the City of Homer to submit a full TAP application for the HAPP project; and

44 WHEREAS, The City of Homer acknowledges availability of the required match of no less
45 than 9.03%; and

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47 WHEREAS, The City of Homer is amenable to accepting maintenance responsibility for
48 HAPP's sidewalk on the State-owned section of Main Street; and

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50 WHEREAS, The TAP application requires a Resolution of support and commitment to
51 matching funds from the governing body.

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53 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council supports the HAPP
54 project.

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56 BE IT FURTHER RESOLVED that the Homer City Council authorizes the City Manager to
57 prepare and submit the 2023-2025 TAP grant application for the HAPP project.

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59 BE IT FURTHER RESOLVED that the City Council expresses its commitment of no less
60 than 9.03% local grant matching funds.

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62 PASSED AND ADOPTED by the Homer City Council this 13th day of February, 2023.

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64 CITY OF HOMER

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68 KEN CASTNER, MAYOR

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70 ATTEST:
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72 _____
73 MELISSA JACOBSEN, MMC, CITY CLERK

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75 Fiscal note: N/A



Homer All Ages & Abilities Pedestrian Path

Project Description and Benefit: This project combines two high priority sidewalk projects to significantly improve pedestrian access to everyday destinations, key facilities and recreational opportunities. HAPP fills major gaps in Homer’s non-motorized pathways to provide equitable, safe and low-stress pedestrian facilities connecting neighborhoods, Coast Guard housing and the Senior Center to service providers, businesses and schools. Local residents will have a safe, year-round, accessible route for daily activities; wayfinding signs and online tools will complement the project by identifying and easily sharing the route with visitors. The Independent Living Center is currently developing “Accessible Homer” and a “Blue Path” online map that identifies ADA accessible routes, businesses, service providers, and recreational opportunities within Homer. Together these efforts will increase tourism access to and economic benefits to the Central Business District. Major destinations along the HAPP include: the Public Library, markets, pharmacy, Post Office, banks, recreation areas. Improvements installed to the north and east of the Senior Center will provide a safe and accessible route to the hospital and medical district.

HAPP is two interconnected loops. The north loop connects the Senior Center on Svedlund Street south to Pioneer Avenue, and west to Main Street along Herndon and Lee Streets. The south loop intersects the north loop at Svedlund and Pioneer Avenue where an enhanced crosswalk is needed. South of Pioneer Avenue, the south loop continues on City-maintained Poopdeck Trail, connects to sidewalk on Hazel Avenue and then south to the Sterling Highway, where a highly visible pedestrian crosswalk is needed. The route then joins an existing trail from the Islands and Oceans Visitor Center, south to Old Town. From Old Town the route turns north on Main Street continuing uphill to Lee Street.

Much of the route is already constructed. The scope of this project completes and connects the two HAPP loops by constructing sidewalk on Svedlund Street from Pioneer Avenue to the Senior Center and from Herndon Street to Lee Drive to Main Street and on the State-owned portion of Main Street south from the Sterling Highway to Ohlson Lane. Right of way for the two sidewalk sections is secured and an environmental checklist review shows no concerns. Where the HAPP crosses Pioneer Avenue and the Sterling Highway, both arterial roads, crosswalk improvements (such as Rectangular Rapid Flashing Beacons, high-visibility pavement markings and/or curb extensions) are essential for pedestrian safety.

Plans & Progress: The City’s recent investment of \$1.4M to construct a sidewalk on Main Street from Pioneer Avenue north completed one major missing portion of the HAPP. Private sector support included sidewalk construction by the Aspen Hotel in 2019, connecting to the Sterling Highway and to the Island and Ocean Visitor Center sidewalk and public trails. The City adopted a Wayfinding Plan in 2022; the City has funding to provide wayfinding improvements at several locations along the HAPP.

Total Project Cost: \$3,900,000
Svedlund/Herndon & Lee Street: \$1,600,000
Main Street South to Ohlson Lane: \$2,000,000
Crosswalk improvements: \$300,000

Schedule: 2024

Priority Level: 1



HAPP completes important sidewalk connections and installs high visibility crosswalks to improve non-motorized transportation and safety..



AGENDA ITEM REPORT

Resolution 23-014, A Resolution of the City Council of Homer, Alaska Intending to Add Rogers Loop Off-Street Parking Project to it's Capital Improvement Plan and to Work with Homer Trails Alliance on Trails and Trailhead Related Project if the Organization Receives a Transportation Alternative Program (TAP) Grant from the Alaska Department of Transportation and Public Facilities (AK DOT&PF). Aderhold/Davis.

Item Type: Resolution
Prepared For: City Council
Meeting Date: 13 Feb 2023
Sponsor: Donna Aderhold, Council Member & Jason Davis, Council Member

Summary Statement:

Council Member's Aderhold and Davis submitted Resolution 23-014 for Council consideration.

Staff Recommendation:

Adopt Resolution 23-014.

Attachments:

[Resolution 23-014](#)

[HTA letter to city council 1-25-2023](#)

[Map](#)

**CITY OF HOMER
HOMER, ALASKA**

Aderhold/Davis

RESOLUTION 23-014

AN RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
INTENDING TO ADD A ROGERS LOOP ROAD OFF-STREET PARKING
PROJECT TO ITS CAPITAL IMPROVEMENT PLAN AND TO WORK
WITH HOMER TRAILS ALLIANCE ON TRAILS AND TRAILHEAD
RELATED PROJECTS IF THE ORGANIZATION RECEIVES A
TRANSPORTATION ALTERNATIVES PROGRAM GRANT FROM THE
ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC
FACILITIES

WHEREAS, The Homer Trails Alliance (HTA), a non-profit group based in Homer, has submitted a Transportation Alternatives Program (TAP) proposal to the Alaska Department of Transportation and Public Facilities (DOT&PF) to expand existing trail systems in and beyond the western boundary of the City of Homer to connect existing and new non-motorized trails that will enable pedestrians, bicyclists, and wheelchair users of all ages and abilities to travel between trailheads and trail systems along the Sterling Highway within the State owned Homer Demonstration Forest and the City of Homer's Diamond Creek Recreation Area and Alaska State Park's Diamond Creek Stat Recreation Site; and

WHEREAS, The HTA proposal includes new parking, restrooms, trailheads, and trails on parcels owned by the City of Homer in the Diamond Creek Recreation Area and adjacent to Rogers Loop Road near the Homer Demonstration Forest; and

WHEREAS, The City Council approved the Diamond Creek Recreation Area Management Plan in May 2013; and

WHEREAS, The Diamond Creek Recreation Area is currently used for winter recreation and to protect wetlands and waters in the Diamond Creek watershed; and

WHEREAS, The City-owned parcel on Rogers Loop Road was purchased with the intent of creating off-street parking for an existing trailhead, but this project has not been constructed.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, intends to add a Rogers Loop parking area to its Capital Improvement Plan and will work with HTA on other trail and trailhead related projects if the organization receives a TAPS grant from DOT&PF for its proposed project.

43 PASSED AND ADOPTED BY THE CITY COUNCIL OF HOMER, ALASKA, THIS 13th day of
44 February, 2023.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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51 ATTEST:

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55 MELISSA JACOBSEN, MMC, CITY CLERK

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57 Fiscal note: N/A



Homer Trails Alliance

*To promote, maintain, and develop sustainable trails in the Homer area
North shore of Kachemak Bay from Anchor Point to Fox River*

Connecting Community through Trails

January 25, 2023

Cameale Johnson
c/o Homer Trails Alliance
PO Box 2215
Homer, AK 99603
ak.fritterbug@gmail.com
homertrailsalliance@gmail.com

City of Homer Council Members
c/o City Clerk
Homer City Hall
491 Pioneer Ave.
Homer, AK 99603

Dear City of Homer Council Members:

Homer Trails Alliance (HTA) is a 501(c)3 non-profit organization focused on promoting, maintaining, and developing sustainable trails in the Homer area. I am writing this letter on behalf of the HTA Board.

The HTA is applying for a State Department of Transportation Alternatives Program (TAP) grant which will connect the City of Homer central business district to the Diamond Creek State Recreation Site (DCSRS) via a non-motorized trail system for all ages and abilities. This is consistent with the Diamond Creek Recreation Area Management Plan, which was approved by the City Council in May of 2013.

Included in the project:

- Separated pedestrian/non-motorized pathway along the Sterling Highway DOT to Diamond Creek SRS – this is a safety necessity
- Trailheads & parking with bathrooms at Rogers Loop, DOT winter trailhead, east side of Green Timbers Rd, and Diamond Creek SRS
- Improve/extend trails within Homer Demonstration Forest & Homestead trail including making wheelchair accessible

The total estimated project cost is \$4,700,000. In the project area, the City of Homer owns a large 240-acre parcel (see attached map). The TAP grant application requires a resolution from the City of Homer demonstrating support and a funding match of 9.03%, which would be from HART funds. A 9.03% match is \$424,010. A suggested draft council resolution is attached; we

would like the resolution taken to the City Council for consideration at its February 13, 2023 meeting. The TAP application is due on the 28th of February.

As of the writing of this letter, we have received ten letters of support for this project from community organizations. The Kenai Peninsula Borough Assembly will be considering a resolution of support for this project sponsored by the Borough Mayor and our two Assembly representatives at its February 7, 2023 meeting.

Thank you in advance for your support of the Diamond Creek Recreation Area Access and Development project that will significantly improve connectivity of our community.

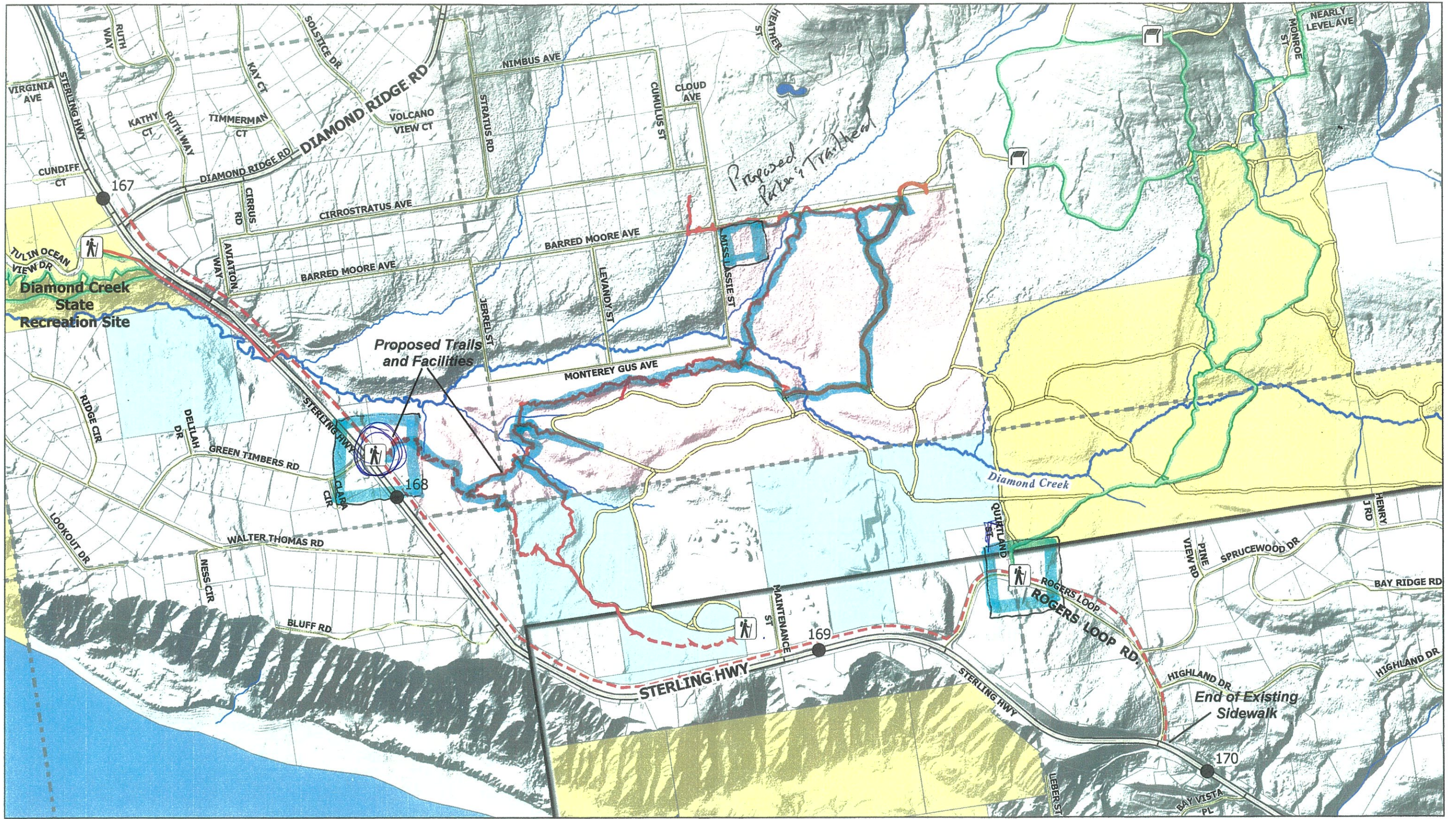
If you have any questions, please do not hesitate to email me at ak.fritterbug@gmail.com. For more information about HTA, please see our website <https://homertrailsalliance.org> or visit our Facebook page.

Sincerely,

Cameale Johnson
HTA Board Member

Attachments:

Map of project area
Draft resolution for the Homer City Council

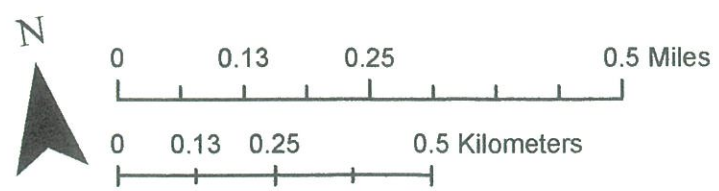


Data Sources: KPB (parcels, roads, LIDAR 2008);
 KNSC, B. Day; HBC-bike trails
 ADNR: Parks, State trails
 DGS: 2019 LIDAR; ADOT&PF: roads;
 USGS: Streams, Lakes
 Esri: World imagery
 HTA: Trails; HBC, bike trails.
 Projection: Alaska State Plane Zone 4, NAD83
 Date: 11/28/22
 Map Author: C. Barnwell, HTA

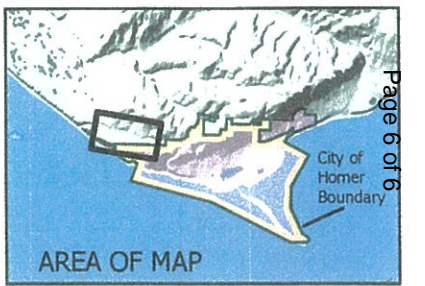


Legend

- - - Proposed All Abilities Trails
- Proposed Connector Trails
- Streets
- Major Roads
- Highway Milepost
- Hiking and Biking Trails
- Winter (ski) Trails
- ADNR Owned Parcels
- KPB Owned Parcels
- Parcel Boundaries
- City of Homer Parcels
- City Homer Boundary
- USGS Section Lines
- ☛ Bench
- 🚶 Trailhead



WEST HOMER RECREATION PLANNING



To: Mayor Castner and Homer City Council
From: Scott Smith, Chair, Homer Planning Commission
Date: February 1, 2023
Subject: Planning Commission Report for City Council

Attending: Commissioners Highland, Venuti, Stark, Conley and Barnwell via Zoom, and Commissioner Smith, City Planner Abboud, Public Works Director Jan Keiser and Deputy City Clerk Krause in Chambers. Commissioner Chiappone was excused.

Work Session:

Jen Martin of the US Army Corps of Engineers presented the remaining portion of her planned presentation.

Ms. Martin responded to questions pertaining to efforts of possible coordination between the City of Homer and USACE, availability of Federal Funds for local projects, cumulative impact studies of local wetlands, recipients of approved application results, and hydrology management.

This was an extremely beneficial presentation as the information will be used to assist the language development pertaining to Green Infrastructure, Wetlands Management, Stormwater Plan, Grading Ordinances, and Plat Development.

Planning Commission Regular Meeting: Mayor Ken Castner joined the meeting.

AGENDA: Approved as amended to include public comments received.

PUBLIC COMMENTS: One person commented on Ordinance 23-02.

RECONSIDERATIONS: None.

CONSENT AGENDA: Approved.

PRESENTATIONS: None.

REPORTS: **Agenda Item Report PC 23-006, City Planners Report** – City Planner Rick Abboud highlighted the renewal of the appropriation of funds for the reinitiating the

study for the Homer Large Vessel Port Expansion, Permitting Software update, Clearing and Grading, and the Housing Forum.

PUBLIC HEARINGS: None.

PLAT CONSIDERATIONS: Agenda Item Report PC 23-007: Forest Trails Subdivision Preliminary Plat

City Planner Abboud presented the report. During the report, he recommended the Commissioners consider making the following amendments: 1) to increase the drainage easement along the creek to 40'; and 2) provide wording which mandates a Pedestrian Access south of the Plat (for access to the school without having to go up to East End Road). City Manager Jan Keiser gave a thorough presentation of the process she had gone through with the applicant and this application. She supported Mr. Abboud's recommendations for the Planning Commission to consider as amendments to the application.

Public Comments: Joel Cooper, manager of the Kachemak Bay Heritage land Trust echoed some of the points that were in his Lay Down: Wetlands are the "Heart of Homer" and need to be properly managed. Additional traffic could impact these areas negatively. He suggested a 50 foot "buffer" along the creek. Scott Adams expressed concern with the clear-cutting of trees on this lot prior to application approval. He requested a 15' easement for access to the school and that it be properly maintained so that it was useable in winter. Laura Karstens emphasized how critical it is to provide safe access to the school.

Applicant Response: Nick Botkin attended via phone and thanked the Commission for processing his application.

Commissioner Comments/Questions: Questions were presented by Commissioners about why there were no sidewalks in this subdivision when there was so much effort by the City Council to respond to public concern about safe access to schools, and why trees were clear cut down to the creek bed prior to the approval of the application. Mayor Castner encouraged adding sidewalks to this Plat. Commissioners Conley and Barnwell supported a 40 foot drainage easement. Commissioner Stark reflected on how a 40 foot easement exceeds current requirements.

Rules were suspended to allow for additional Public Comment: Joel Cooper requested clarification of the 15 foot easement. Mr. Abboud answered that it is a distance measured from the center of the creek to the distance totaling 15 foot. This is an area which allows for the City to access this area if needed. Mr. Cooper liked the 40 foot idea. Comments by Scott Adams regarding the pedestrian access and Mayor Castner on the use of the center of the creek and alluvial spread were heard.

Motion was presented as written in the Packet with the added recommended amendments given by Mr. Abboud. Motion passed without objection.

The Planning Commission recognized two important aspects and discussed these points during the course of processing this Application: 1) the necessity of providing safe and properly maintained public walkways, particularly for children accessing schools; and 2) the current easement requirement in Code as being 15 foot. City Planner Abboud reported that the new “sidewalk” code included requirements for paved subdivisions, not ones with gravel roads. There are many differences to the code language between paved and non-paved roads and the current code does not address gravel roads and sidewalks. The City Planner and Public Works director both worked with the Applicant to honor the desires and needs of both the City Council and the Public to provide an answer to the “sidewalk” need, without actually designing in and adding to the cost to the project. The Applicant is in agreement to these access recommendations. Given that the current Code of sidewalk requirements is only with paved streets, the Planning Commission saw this solution as honoring the desire of providing safe access to the school, even though it did not require an actual sidewalk. Also, in regards to the 40’ easement, the Public Works Director reported that due to natural changes of water drainages (natural creek bed erosion and other influences), she suggested that a 40’ distance would create a much better long-term solution.

PENDING BUSINESS: None.

NEW BUSINESS:

- A. Agenda Item Report PC 23-009: US DOT RAISE Planning Grant Application and Recommendation of Support.** City Planner Abboud and Ms. Keiser shared how this would greatly assist the City of Homer in leveraging Federal Funds for the development of Homer’s non-motorized transportation network.

Motion was presented and passed without objection.

B. Agenda Item Report PC 23-008: Review of Preliminary Plat Process. City Planner Abboud presented his report which was in response to a request by several Commissioners for further training and clarification about the process, responsibilities and authority of the Planning Commission in regard to Plat Considerations. This provided clarity about the role of Public Comment and also how the process goes through City and Borough review. The Planning Commission did not understand the difference between the legally required (and the “authority” of) Public Comment portion of a Plat Consideration and comments within a Public Hearing. This confusion was why some Commissioners voted the way they did in the September 2022 Plat Consideration. Commissioners thanked Mr. Abboud for this training and information.

Informational Materials: Chair Smith asked Mr. Abboud if he knew if there was a correlation between the number of Fire Department calls increasing and the population growth in Homer. Mr. Abboud did not have information about the details of these calls.

COMMENTS OF THE AUDIENCE: None.

COMMENTS OF THE STAFF/COMMISSION: Several commissioners commented on the helpfulness and quality of the Work Session and expressed gratitude for the work of Mr. Abboud and Ms. Krause. Chair Smith drew attention to the email sent out about the Mud Bay Road idea and for commissioners to make sure they read this email.

Next Meeting: February 15, 2023 Work Session at 5:30 p.m. with Regular Session at 6:30 p.m.

Increasing Opportunities for Employer Benefit Options to Address Recruitment and Retention

64 local governments participate in PERS, representing every fire and police department in the state, alongside all school districts (36 of which are municipal), the University, and housing authorities. Still, the State is the largest PERS employer, with more than 50% of payroll. For non-State employers, their pension contributions are capped at 22% of payroll, with a floor adjustable based on the State's additional contribution.

While the Legislature makes every effort to assist employers in addressing recruitment and retention, including to examine ways to improve the current defined contribution system or add a new defined benefit option, AML encourages corresponding attention to ways that the entire system could be improved. Essentially, if certain adjustments can be made, non-State employers would have greater ability to implement additional types of benefits for employees.

Below is a suite of options that will complement current considerations:

1. AML has argued that many smaller employers are prisoners of PERS – they can't afford to stay in nor afford to get out. The combination of termination study costs and net pension liability that is extended on a rolling basis means that even if a struggling employer tries to leave, they may still be left with the debt.
 - a. Solution – **Take on any current net pension liability of employers who have left PERS.**
 - b. Cost – This is estimated to be \$150,000 annually and a burden that small employers continually struggle with, and unavailable to meet benefits of current employers.
2. Many of these employers are stuck, and behind in payments to the system. This means that less funding is going into the PERS asset base and unavailable for increasing returns.
 - a. Solution – **Pay off arrearages** and invite these employers to leave the system.
 - b. Cost – There are a variety of lists maintained by State agencies, with DCRA listing \$26 million in arrearages and a different list more like \$3.5 million. Ideally, the Legislature could verify current delinquencies and make a one-time payment to catch the system up. Those with frequent arrearages could have the chance to leave the system without termination study, and the State taking on the net pension liability.
3. For those employers who do make late payments, a common if unfortunate circumstance, the current penalty is 15%. This fee perpetuates a cycle of challenge for an employer that can be difficult to recover from.
 - a. Solution - **Reduce the late payment penalty** to not more than 2.5% or on a sliding scale based on size of payroll.
 - b. Cost – Minimal, and really depending on how large payroll is.
4. At the same time, the PERS statute requires a salary floor from 2008 (15 years ago!) which even if an employer is working to reduce its footprint and increase efficiency, they are held to a past salary floor and contributing beyond their current payroll.
 - a. Solution – **remove the 2008 salary floor**, and then keep a five-year average, rolling payroll as the floor, which is more about stability than penalty.
 - b. Cost – This is costing non-State employers – mainly the University – \$1.5 million beyond what they would otherwise be paying. A one-time payment of this would reset the system and the actuarial rate would adjust accordingly; it is a miniscule amount compared to total contributions and may not materially affect the actuarial rate.

5. The current pension system requires employers to pay for both the DB and DC rate for each employee. This was designed to remove an incentive to eliminate DB positions. 15 years later, with more DC employees than DB, and roughly equal rates for each employee group, employers should only have to pay for the benefit attributed to each employee.
 - a. Solution – **Employer rates should be tied to benefit to employee**, not doubled within system.
 - b. Cost – This may make the most difference as a variation between employers, more specific to types of employers and those employed. No cost to the system, just better accountability.
6. One of the challenges of workforce recruitment is the limited ability of an employer to add a retired PERS beneficiary without taking on their net pension liability or double paying them.
 - a. Solution – **Allow employers to hire retirees on a separate benefit package** consistent with PERS but outside the system so that it doesn't affect the system, nor move the liability to the new employer.
 - b. Cost – no cost to system.
7. Each of these solutions decreases the burden experienced by employers without destabilizing the system. The biggest inhibitor to increasing benefits to employees is not benefit options, but the limited base available to employers. Responsible for at least 22% of payroll, there is little room left for other types of benefits. More than 60% of that rate is to the net pension liability. The State currently contributes an additional contribution to the rate beyond 22%, a small percentage at this point that goes to the net pension liability as well.
 - a. Solution - The State could choose to contribute beyond that recommended by the ARM board, **to bring the 22% down to a more reasonable level.**
 - b. Cost – Every \$10 million in State contribution could bring down the rate by an estimated 1%.

One other option to consider - AML offers a new deferred compensation program through Nationwide that is a guaranteed 5% for life on a baseline income level established through employee and employer contributions. Decreasing the current contribution rate of 22% by increasing the State contribution would increase the ability of employers to contribute to a deferred comp plan such as this. Alternatively, this is a better benefit than Tier 3 and looks very similar to a DB plan. The State could explore this as an optional benefit.



AGENDA ITEM REPORT

Ordinance 23-02(A), 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 from the Land Reserves to Purchase a 4.53 Acre Parcel in the Bridge Creek Watershed Protection District. Aderhold.~~

Item Type: Ordinance
Prepared For: City Council
Meeting Date: 13 Feb 2023
Staff Contact: Melissa Jacobsen, City Clerk/Deputy Director of Administration
Department: Administration

Summary Statement:

At the last meeting Council held a public hearing on Ordinance 23-02 and approved an amendment, resulting in Ordinance 23-02(A).

Prior to approving the amendment there was discussion regarding coming back with a new ordinance for introduction that reflects the changes or scheduling a second public hearing. Council postponed the adoption of the ordinance to February 13th to allow an opportunity for staff and the City Attorney to confer and bring back appropriate legislation.

Conducting a public hearing on Ordinance 23-02(A) is an acceptable process and a public hearing was published in accordance with Homer City Code.

Staff Recommendation:

Conduct public hearing and move to adopt Ordinance 23-02(A) by reading of title only for second and final reading.

Attachments:

[Ordinance 23-02\(A\)](#)

[Agenda Item Report - CC-23-025](#)

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

[Maps](#)

[Plat](#)

[Hillshade Map](#)

[KPB Tax Assessment Info](#)

[Title Report](#)

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

ORDINANCE 23-02(A)

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~~ **FROM** 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~~ **from** 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 \$70,000
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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56 _____
MELISSA JACOBSEN, MMC, CITY CLERK

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58 YES:

59 NO:

60 ABSENT:

61 ABSTAIN:

62

63 First Reading:

64 Public Hearing:

65 Second Reading:

66 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 Castner and Homer City Council
Meeting Date: 23 Jan 2023
Staff Contact: Julie Engebretsen, Economic Development Manager
Department: Administration
Fiscal Impact: \$70,000

Summary Statement:

At the last council meeting, questions were raised about possible assessments against the property, as well as the use of HART trails funds for the purchase. This supplemental memo will address these two points.

1. Are any assessments due? What about subsurface rights?

Staff read through the information provided by the title company. No assessments are noted. A title insurance policy is included which protects the buyer in case of an error, such as an assessment or other error in the title company documentation. The policy states that investigation should be made about any water, sewer or electric assessments. Staff reviewed the potential for an unrecorded assessment. This lot is not within Homer city limits (just north of the boundary), does not have access to and is not near any city water, sewer, or Enstar natural gas infrastructure. There is no electricity in the immediate area. No assessments are known or anticipated. The title insurance states oil, gas and mineral rights are reserved; the city will not own these subsurface rights.

2. Using HART trail funds to buy trailhead property.

The city has used trail funds in the past to purchase land on Rogers Loop, for a future trailhead to the city's diamond creek property. Under Section 1, Purpose, the HART Policy Manuals states in part: "The purpose of the HART program is to pay for reconstructing substandard city roads, upgrading existing roads, and constructing new streets and non-motorized trails. The intent of the program is to reduce maintenance costs, improve access, increase property values and improve the quality of life..." The

property purchase would make possible a future access to city lands and a potential trail system with adequate parking.

Under Section 4, Trails Qualifying and Project Selection Criteria the following excerpt is provided:

A. New local non-motorized trails shall be prioritized according to the following:

1. Project is listed in the HNMTTP or furthers a stated goal of that plan
2. Solves a safety concern
3. Creates connectivity to existing trail(s), completes pattern or provides access to a point of interest
4. Protects an established trail
- 5. Creates or improves a trailhead***
6. Has significant scenic or aesthetic value
7. Existence or potential for contributing funds or volunteer efforts
8. Property owner participation

Criteria #3 also has some consideration in using HART funds partially support the purchase. It is common in many communities to use watershed areas for low impact recreation such as trails. The city has expended significant resources over the years to acquire key properties to protect drinking water quality and quantity, but no funding for future public access to these lands. This purchase creates opportunity for a future trail network with more than one access point - the dam being the main access point currently and the only location with a parking area.

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.

Staff Recommendation:

Conduct public hearing and move to adopt Ordinance 23-02 by reading of title only for second and final reading.



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.

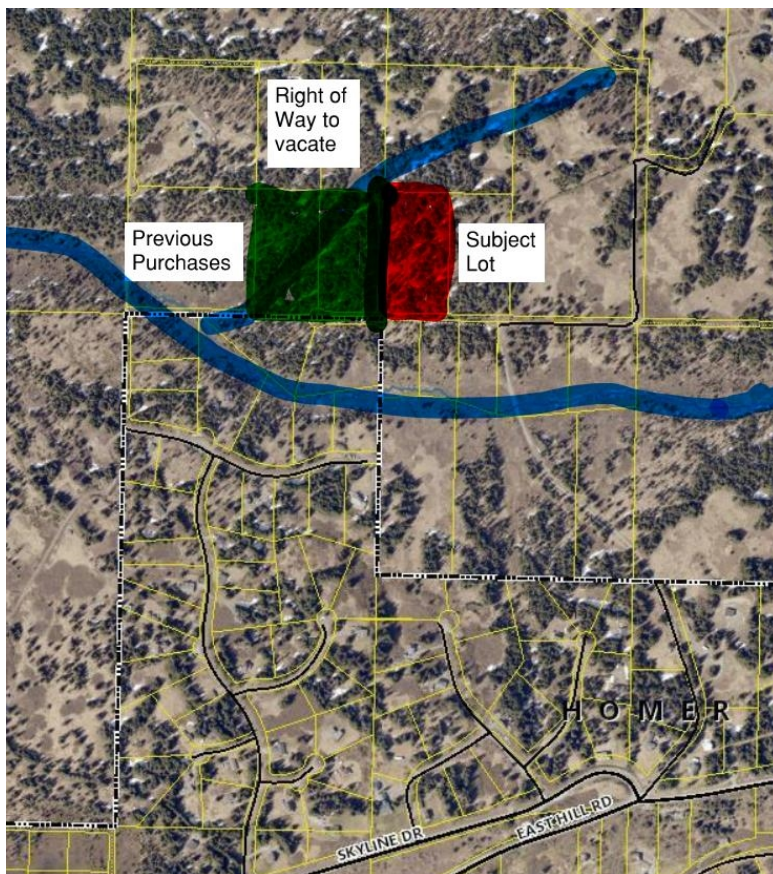
Recommendation:

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

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.

BRIDGE CREEK COOPERATIVE, INC.
 3936 KIMBERLE COURT
 ANCHORAGE, ALASKA 99504

BY: *[Signature]*
 R. CL ALDRON
 PRESIDENT, B.C.C. INC.

JAY A. ANNALDO
 SECRETARY, B.C.C. INC.

NOTARY'S ACKNOWLEDGEMENT

ON THIS 27th DAY OF August, 1980, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF ALASKA, PERSONALLY APPEARED BRIDGE CREEK COOPERATIVE, INC. AND JAY A. ANNALDO AND R. CL ALDRON, ALL OF WHOM ARE KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SET FORTH IN THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION, AND WHOSE IDENTIFICATION I HAVE FOUND TO BE THE SAME AS THEIR PRESENT AND VOLUNTARY ACT, WITNESSED BY MY HAND AND ORIGINAL SEAL OF OFFICE.

[Signature]
 NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES August 27, 1982

PLAT APPROVAL

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

BY: *[Signature]*

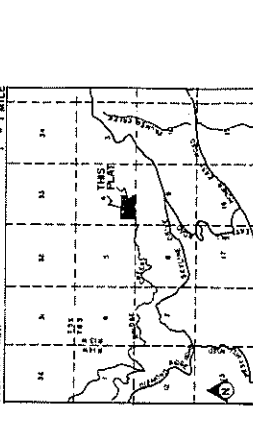
CERTIFICATE OF SURVEY

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 August 15, 1980

LYNN P. WALLACE, R.L.S.
 4404-S

VICINITY MAP



BRIDGE CREEK COOPERATIVE SUBDIVISION

CONTAINS 60,044 SQUARE FEET OR 1.36 ACRES

A SUBDIVISION OF

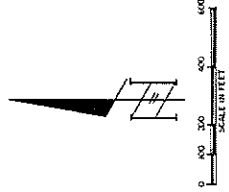
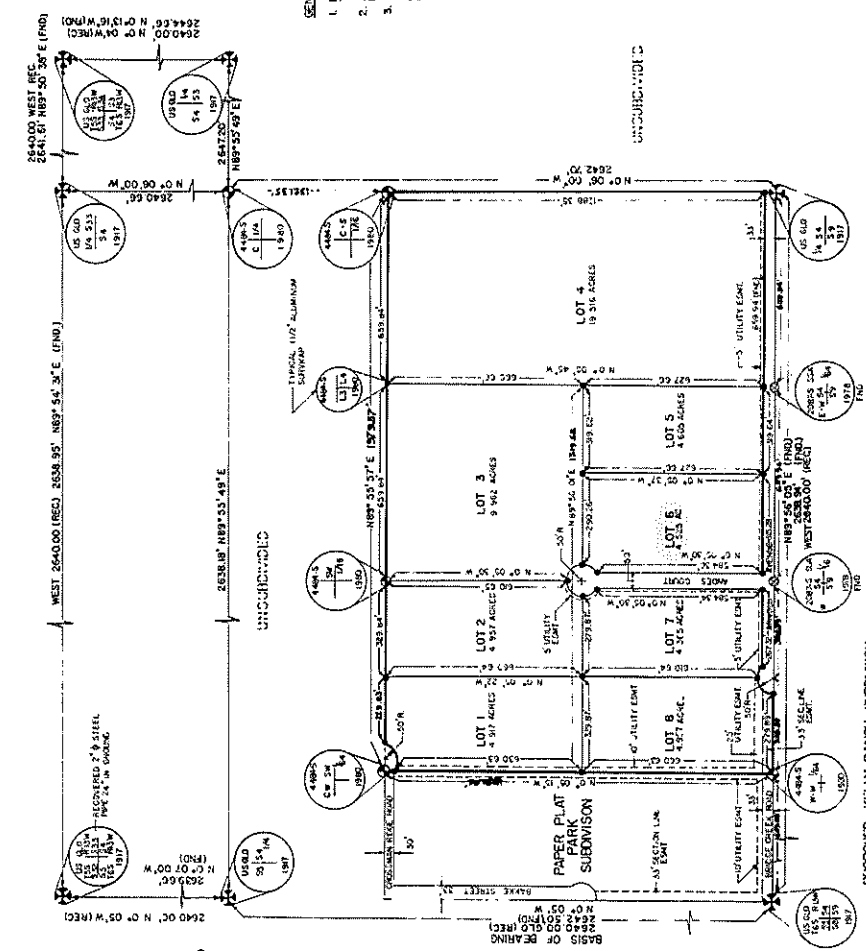
OWNER: HMMER ENGINEERING CO.
 BOX 8094
 ANCHORAGE, ALASKA 99508

SCALE: 1" = 200'

TOTAL LOTS: 8

DRAWN F.N.D. BY: ST. LOYETT

DATE: AUGUST 11, 1980



- GENERAL NOTES**
1. RECORD REVISIONS 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 ALL TRAILER RIGHTS-OF-WAYS UNLESS A LESSOR FROM AND TRAILER RIGHT-OF-WAYS UNLESS OTHERWISE NOTED BY THE PLANNING COMMISSION.



81-5
 RECORDED - RECD 10 -
 HMMER
 1-80-81
 9-85 (1)
 1-86 (1)
 S. LLOYD

- LEGEND**
- ⊕ ORIGINAL 1917 US GLO BRASS CAP MONUMENTS, RECOVERED.
 - ⊙ REINSTEIN 4-1/2\"/>

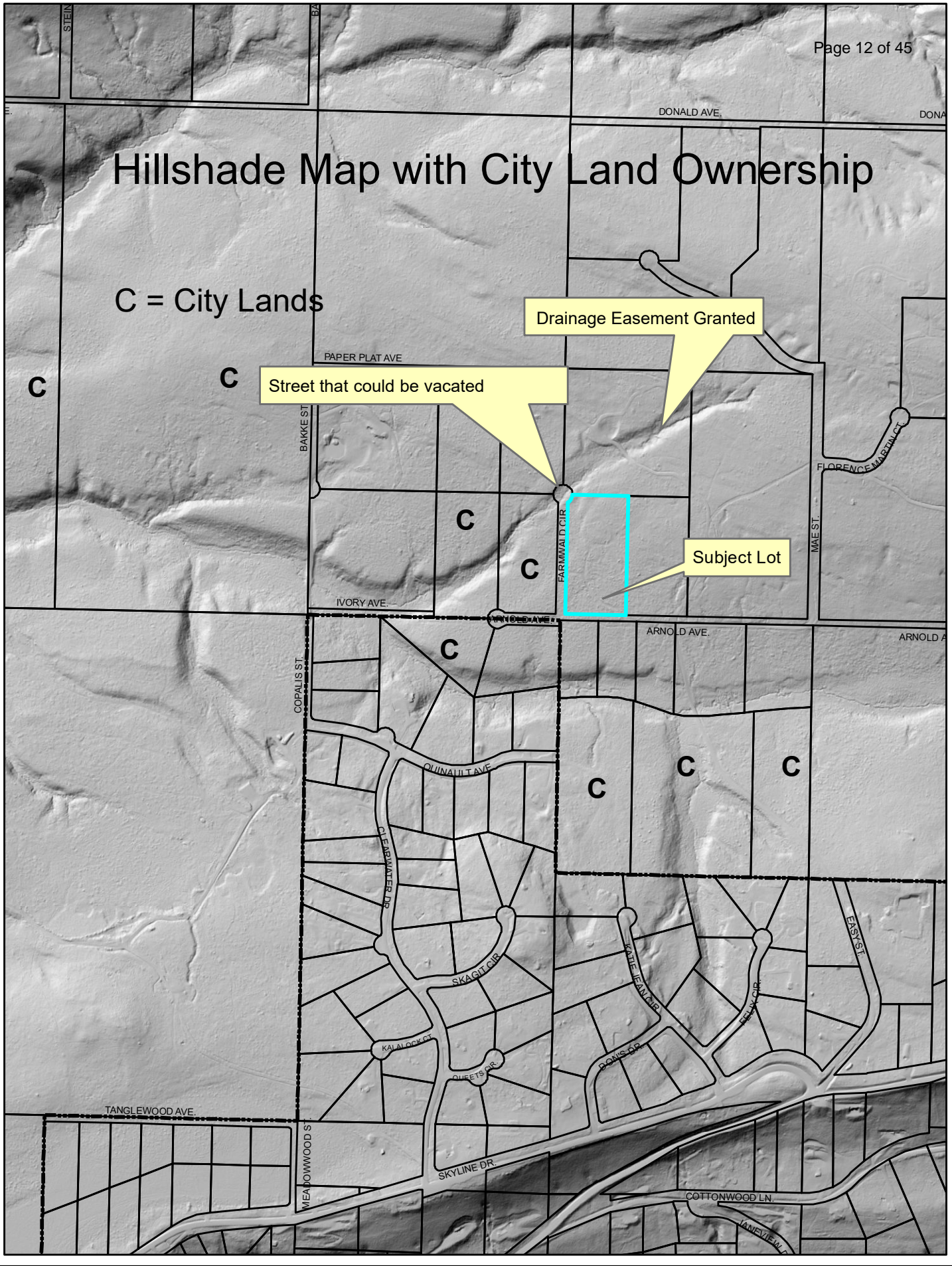
Hillshade Map with City Land Ownership

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

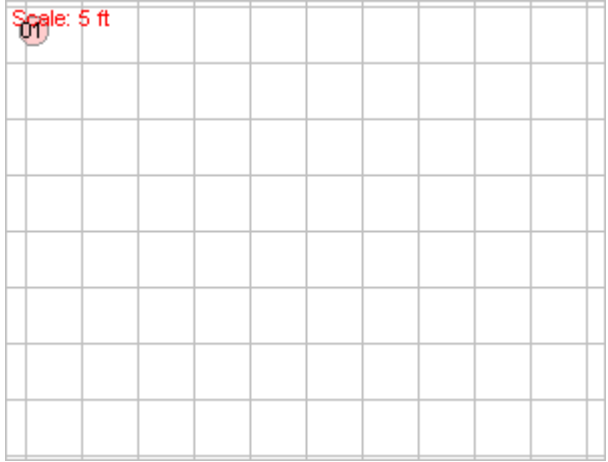
Property ID	Display Name	Address
17370005	FROMMER MELISSA M	75-5863 KUAKINI HWY APT 332

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>	 <p>Scale: 5 ft</p>

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

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




Frederick H. Eppinger
President and CEO


David Hisey
Secretary

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File No. 38569

ALTA Commitment For Title Insurance (7-01-2021)

Page 1 of 4



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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File No. 38569

ALTA Commitment For Title Insurance (7-01-2021)

Page 2 of 4



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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File No. 38569

ALTA Commitment For Title Insurance (7-01-2021)

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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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File No. 38569

ALTA Commitment For Title Insurance (7-01-2021)

Page 4 of 4



**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

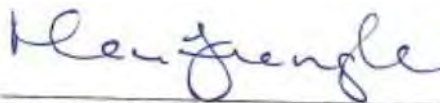
4. **The Title is, at the Commitment Date, vested in:**

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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File No. 38569

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



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

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ISSUED BY
STEWART TITLE GUARANTY COMPANY

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File No. 38569

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

Page 2 of 2



Page 160 of 268

**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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File No. 38569

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

Page 1 of 1



**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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File No. 38569

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

Page 1 of 3



**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)

Page 2 of 3



**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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File No. 38569

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

Page 3 of 3



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 29 of 45

- 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
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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)

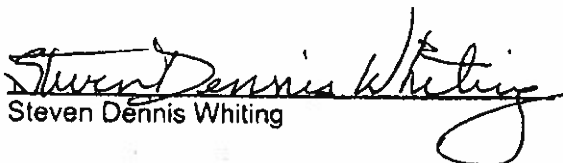
STATUTORY WARRANTY DEED

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

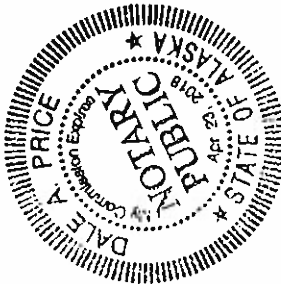
STATE OF Alaska)
) SS.
 Third Judicial District)

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

December 18, 2015

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

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.



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 Glen Dillard
to 5/16ths interest; Kurt W. Stenehjem, Carmen 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

BOOK 30 PAGE 94
Homer Recording District

HOMER

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 AT 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 wherein 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.

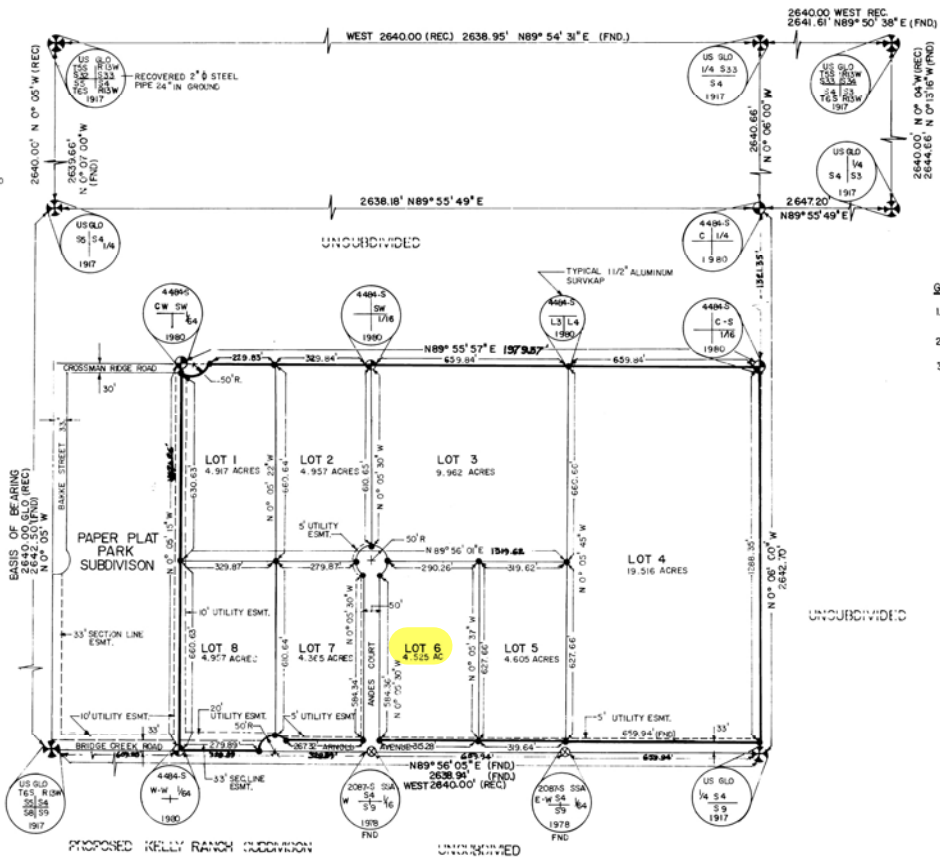
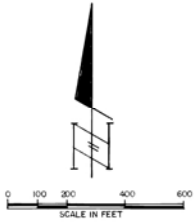
By the President: Franklin D. Roosevelt
By: s/ Ruth W. Talley, Secretary

(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.
 - ⊙ BERTNSSEN 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.
 - ⊗ BERTNSSEN 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.

11-17-1982
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*



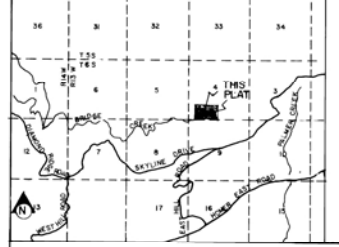
CERTIFICATE OF SURVEY

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.

2019-12-09
DATE

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

VICINITY MAP



BRIDGE CREEK COOPERATIVE SUBDIVISION

A SUBDIVISION OF

E 3/4, S1/2, SW1/4, 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	P R E P A R E D B Y C H I. L O V E T T
2936 KIMBERLIE COURT ANCHORAGE, AK 99504	TOTAL LOTS 8	DRAWN F.N.D. DATE AUGUST 1, 1980	

81-5

RECORDED - FILED 10-
Werner

1-30-81
9-45-81
KFB
Sullivan



AGENDA ITEM REPORT

Ordinance 23-05, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$20,239 from the General Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purpose of Obtaining Short Term Rental Tracking Services from GOVOS. Aderhold/Davis.

Item Type: Ordinance
Prepared For: City Council
Meeting Date: 13 Feb 2023
Staff Contact: Rob Dumouchel, City Manager
Department: Administration

Summary Statement:

See attached Memorandum from City Manager Dumouchel and Special Projects Coordinator Parker, and information fro GovOS.

Staff Recommendation:

Conduct a Public Hearing and move to adopt Ordinance 23-05 by reading of title only for second and final reading.

Attachments:

[Ordinance 23-03](#)

[STR Memo - GovOs](#)

[Financial Supplement Updated](#)

[GovOS Report](#)

**CITY OF HOMER
HOMER, ALASKA**

Aderhold/Davis

ORDINANCE 23-03

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY23 CAPITAL BUDGET BY APPROPRIATING \$20,239 FROM THE GENERAL FUND CAPITAL ASSET REPAIR AND MAINTENANCE ALLOWANCE (CARMA) FUND FOR THE PURPOSE OF OBTAINING SHORT TERM RENTAL TRACKING SERVICES FROM GOVOS.

WHEREAS, Short term rentals have been identified as an area in which the City has an incomplete view of the number of market participants; and

WHEREAS, Short term rentals have been identified as an area in which it is likely the City is not capturing all of the tax revenues due to it for commercial sales within City limits; and

WHEREAS, The City has worked in positive partnership with the Kenai Peninsula Borough regarding short term rentals; and

WHEREAS, The software offering from GovOS has been reviewed by staff and is expected to be considerably stronger than the offering currently in use at the Borough.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY23 Capital Budget by appropriating \$20,239 from the General Fund CARMA fund for Short Term Rental Tracking Services from GovOS as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
156	General Fund CARMA	\$20,239

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

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

CITY OF HOMER

KEN CASTNER, MAYOR

43

44 ATTEST:

45

46

47

48 _____
MELISSA JACOBSEN, MMC, CITY CLERK

49

50 YES:

51 NO:

52 ABSENT:

53 ABSTAIN:

54

55 First Reading:

56 Public Hearing:

57 Second Reading:

58 Effective Date:



Memorandum

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager and David Parker, Special Projects Coordinator
DATE: December 27, 2022
SUBJECT: Short Term Rental Tracking Services Request

Identifying short term rentals (STRs) on multiple rental platforms (i.e., AirBnb, VRBO, etc.) is intentionally difficult, primarily because the rental addresses are not provided. This makes identifying the specific unit a time-consuming process. STR listing companies are not incentivized to provide the information to the local municipality due to the assessment of taxes and the potential negative impact it would have on that service. In past years, some companies, like Airbnb, entered contractual arrangements with larger cities to avoid local regulations banning their use in the STR market. However, for a city the size of Homer, it is very unlikely that we would be able to participate in any kind of direct cooperation with STR platforms.

To counteract the loss of revenue through unrealized tax assessments for STRs, there are products designed for municipalities. One such company is GovOS¹, which provides an STR solution called RevOS, which identifies STRs in the community, location and owner data, and rates. The basic product allows for a baseline identification of the STR and monitoring of their compliance with business registration and tax payments. The ongoing service allows updated information on units. Additional packages can provide billing services handled through GovOS, like the service they currently provide through the Alaska Municipal League (AML) for sales tax collection. From the GovOS prepared proposal for the City of Homer, we would be provided with:

Key Features & Functionality

- Rental Advertisement / Property Identification Database
- Non-compliant Property Report
- Property Owner Notifications & Targeted Outreach
- Registration of properties for owners in convenient portal
- Easy remittance of tax payments to you

Solution Highlights

- Fully automated solution accurately matching 98% of short-term rental ads to properties
- Data refresh occurs twice a week ensuring actionable and up to date listings
- Ability to develop fully customizable compliance statuses for Homer, AK
- Fully customizable Notification templates and instructions for owners

An additional benefit of working with GovOS is that it may be able to help the City figure out how to proceed in the future with potential concepts for local regulation of STRs which could include a basic registration process similar to food trucks, requirements to provide certain kinds of information to visitors (select City

¹ https://govos.com/how-local-governments-can-work-with-short-term-rentals-in-alaska/?utm_campaign=Q222%20-%20AK%20Webinar&utm_medium=email&_hsmi=218371928&_hsenc=p2ANqtz-8UYQHsOOKkCiTRMJARyCtmbbt2ZaxuUenhe_QclOrIFYgaiUeTLnJTWfNVVgKG7t4e4J6HisTtFpEONWUJp9bvpx5sfw&utm_content=218371928&utm_source=hs_email

codes, Tsunami evacuation information, etc.), adherence to basic fire safety requirements, property management requirements, etc.

The cost of the program for the first year is \$20,239. We're suggesting that the City try this as a one year pilot project and extend for future years if we are getting the desired benefit from the relationship. Future years will cost a similar amount of money. Based on analysis of the current market for STRs in Homer, we believe implementing RevOS could result in a net gain of ~\$179,421 annually.

Staff Recommendation: Introduce and adopt Ordinance 23-05

CITY OF HOMER
FINANCIAL SUPPLEMENT

PROJECT NAME	<u>SHORT TERM RENTAL TRACKING SOFTWARE</u>	DATE	<u>02/07/2023</u>
DEPARTMENT	<u>City Council</u>	SPONSOR	<u>Aderhold/Davis</u>
REQUESTED AMOUNT	<u>\$ 20,239</u>		

DESCRIPTION	<p>Short term rentals have been identified as an area in which the City has an incomplete view of the number of market participants. Short term rentals have been identified as an area in which it is likely the City is not capturing all of the tax revenues due to it for commercial sales within City limits. The City has worked in positive partnership with the Kenai Peninsula Borough regarding short term rentals.</p> <p>The software offering from GovOS has been reviewed by staff and is expected to be considerably stronger than the offering currently in use at the Borough.</p>
-------------	---

FUNDING SOURCE(S)	OPERATING	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	0%	100%	0%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	0%	0%	0%	0%

FUNDING SOURCE 1: GF CARMA	FUNDING SOURCE 2:	FUNDING SOURCE 3:
Current Balance <u>\$ 2,163,791</u>	Current Balance _____	Current Balance _____
Encumbered <u>\$ 478,644</u>	Encumbered _____	Encumbered _____
Requested Amount <u>\$ 20,239</u>	Requested Amount _____	Requested Amount _____
Other Items on Current Agenda <u>\$ 650,000</u>	Other Items on Current Agenda _____	Other Items on Current Agenda _____
Remaining Balance <u>\$ 1,014,908</u>	Remaining Balance _____	Remaining Balance _____
FUNDING SOURCE 4:	FUNDING SOURCE 5:	FUNDING SOURCE 6:
Current Balance _____	Current Balance _____	Current Balance _____
Encumbered _____	Encumbered _____	Encumbered _____
Requested Amount _____	Requested Amount _____	Requested Amount _____
Remaining Balance _____	Remaining Balance _____	Remaining Balance _____



Short-Term Rental Solution

Homer, AK

Prepared for:

David Parker

Homer, AK
491 E. Pioneer Avenue
Homer, Alaska, 99603

Submitted by:

Eric Klohr

Account Executive

512.682.9608

eric.klohr@govos.com



8310 N. Capital of Texas Hwy.
Bldg. 2, Ste. 250, Austin, TX 78731

www.GovOS.com



Who is GovOS?

Digital Transformation for Government

Building a modern government experience requires software that can be customized to meet the expectations of constituents and the needs of your staff. GovOS is a range of application suites, each designed to help you achieve digital transformation in areas that have historically been tricky to manage.

GovOS offers software solutions to power local government in every step of their digital transformation journey. Our applications perform for any department within any size government. Specializing in employee, business, and citizen engagement, GovOS can help you transform your agency and your community.

Why GovOS?

Governments use GovOS solutions to power online services for 20+ million constituents. As a partner to hundreds of government agencies we serve across the U.S., we're transforming the way people experience local government with best-in-class digital solutions and services that modernize operations and improve constituent access and engagement.

Advantages of GovOS

Peace of Mind

All GovOS digital solutions are cloud-based, adhering to the highest levels of security protocol and delivering secure, reliable and scalable access to information.

Ease of Use

Many of the solutions in the GovOS suite require no technical experience to use or administer. With just a little guidance and setup, customers can be up-and-running quickly.

Configuration Options

You have complete control over your functionality and workflows. From customizing and configuring automation options, you can build ideal, easy-to-use online services for everyone.

World-class Service

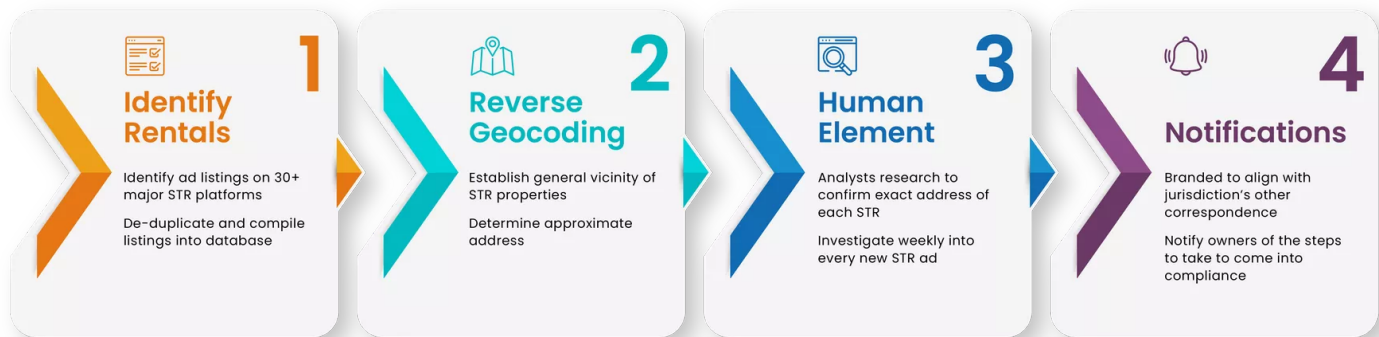
GovOS customers have access to truly superior customer service. From the first day of the project, our team works closely with yours to set you up for success, and help you achieve your goals no matter how lofty.

From quick wins to complete digital transformation, the GovOS platform fits your department. We look forward to working with you, David Parker and Homer, AK, and discovering how GovOS can help you better serve your constituents.



Short-Term Rental Overview

The Short-Term Rental (STR) Solution allows municipalities to identify 98% of short-term rental addresses and receive over 90% of their short-term rental compliance rates. Our system is fast, intuitive, and user friendly for both governments and business users. Additionally, our STR Solution provides governments with powerful one-click reporting tools, allowing Homer, AK to analyze the financial trends and patterns of your short-term rental market and transient occupancy tax revenue. This interpretable data will help the Homer, AK shape future short term industry policies.



Key Features & Functionality

- Rental Advertisement / Property Identification Database
- Non-compliant Property Report
- Property Owner Notifications & Targeted Outreach
- Registration of properties for owners in convenient portal
- Easy remittance of tax payments to you

Solution Highlights

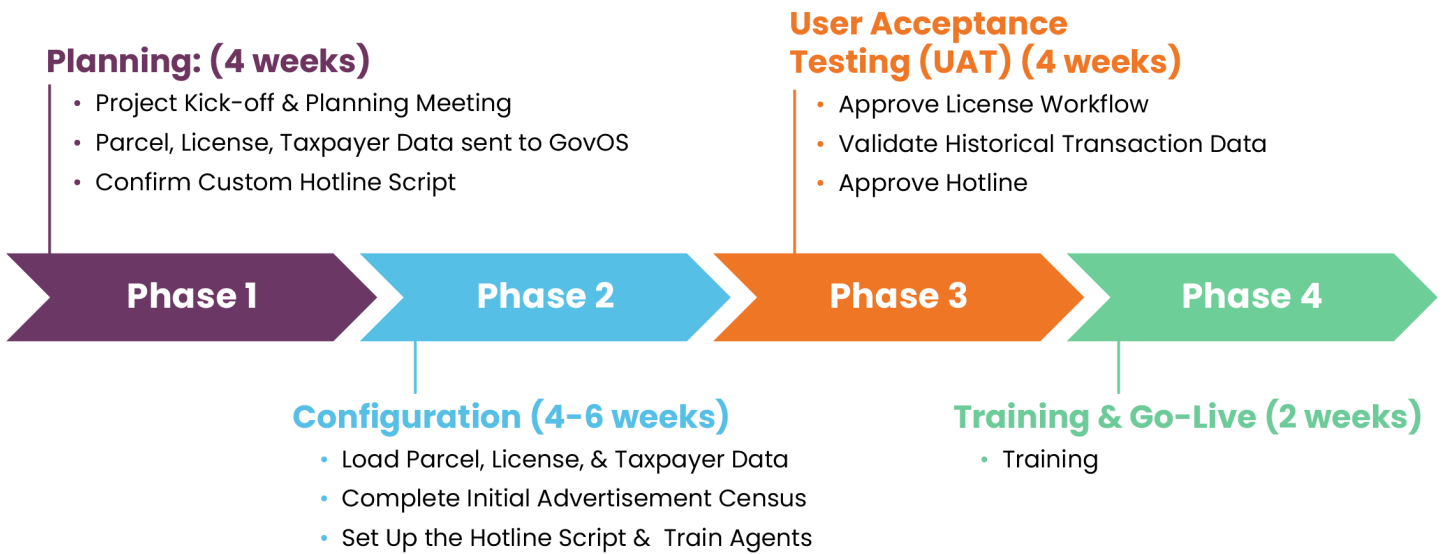
- Fully automated solution accurately matching 98% of short-term rental ads to properties
- Data refresh occurs twice a week ensuring actionable and up to date listings
- Ability to develop fully customizable compliance statuses for Homer, AK
- Fully customizable Notification templates and instructions for owners



Implementation Overview

Every implementation is different, and each workflow has specific needs. GovOS will begin the implementation by defining goals and understanding what success will look like for your team. Our team will review what configuration options are available and tailor your forms and workflows accordingly.

Here is an example of the general implementation effort for a complete STR solution. Your specific solution will be adapted to the products and features purchased. (12 Weeks)



One of the benefits of working with GovOS is that we make every effort to take the heavy lifting away from your staff and onto the GovOS implementation team. The GovOS Services Team will be with you every step of the way to iterate on your processes, train your team, and launch the STR Solution. GovOS's experience implementing our system will help ensure a smooth setup and launch.



All Available Modules



Short-Term Rental Discovery

- The GovOS STR system will discover all available Homer, AK short-term rental ad listings posted on all 30+ sites.



Short-Term Rental Identification

- GovOS STR will maintain a Homer, AK ad listing and property database in our system of all relevant ad and property data that is discovered.
- All aspects of the system and the database are accessible online by Homer, AK staff with unlimited licenses.



Ad Listing and Property Reconciliation

- The system and our expert review team will analyze all Homer, AK ad listings, which are not in the Homer, AK existing database, connect the ad listings to property record data, and determine compliance & registration status.
- Weekly PDF evidence capture is conducted on non-compliant listings.



Data Reporting

- The GovOS Short-Term Rental system has extensive reporting and filtering functionality to provide Homer, AK users with readily available short-term rental owner/manager contact data and compliance status.
- Homer, AK staff can access the compliance data via our online system can generate weekly reports for the code compliance staff.



Notifications

- Simple integrated notification system with complete data integration via "smart fields"
- The notification module enables Homer, AK to easily create batch notifications



US-Based Complaint Hotline

- 24/7 bilingual complaint hotline and online complaint reporting form
- Centralized online complaint database with dashboard for Code Enforcement & Compliance



Online Registration Systems

- Online property owner/manager task portal for new and renewal licensing
- Licensing process: online forms and uploads with user prompts
- Automated reminder notifications and easily customizable notification templates
- Custom application approval and interdepartmental collaboration
- Custom tax forms with auto calculation fields and penalty & interest
- All reporting and registration data can be exported anytime in CSV format



Payment Integration

- Integration with a GovOS partnered payment gateway



Comprehensive Support for All Users

Everyone who interacts with the GovOS STR Solution has access to our best-in-class support services should they encounter an issue or need further instruction on how to use the system.

Support for You & Your Agency

As part of your subscription, you will have access to application support resources within GovOS. Resources include:

- Assigned Account Manager
- Business Support Team | Available by email and phone 6am - 6pm (MT) Monday - Friday
- Personalized FAQ section in the License/Tax Portal developed for your constituents

What's Included

Support is defined as any questions surrounding how to use a feature within the platform, as well as troubleshooting any issues or bugs.

Details about training, troubleshooting, solution creation for achieving end-to-end goals, modifying the overall workflow of your solution, and high-level accomplishment needs are addressed in the Maintenance, Updates, and Training Features section on the following page.



Business User Support

Businesses that access the STR Solution for registration, tax filing, or other end-user functions are referred to as "Business Users." These users are typically either the property owner or the property management company.

Business Users are supported by a dedicated U.S.-based team whose goal is to assist Business Users in utilizing the STR platform. Our team will help guide Business Users through the process of registration, paying taxes, and assist them if they encounter any issues along the way.

Please note that we will handle all support types to the extent possible, but it is your agency's responsibility to explain and enforce ordinance requirements to your Business Users and community.



Maintenance, Modifications, and Training Features

As part of your agreement with GovOS, you have access to the GovOS Professional Services Team to perform Maintenance, Modifications, and Training.

Maintenance & Modifications* include, but are not limited to:

- Modifying Business Center Messages, Frequently Asked Questions and NotificationTemplates.
- Adding or removing admin users from platform.
- Quarterly Parcel Data Updates to maintain accurate owner information.
- Feature enhancements released to all clients.
- Ongoing Review of Short-Term Rental Compliance Activity and help bringing non-compliant properties into compliance.

Training options include, but are not limited to:

- Onsite or virtual training sessions to get your staff fully comfortable with administering the Application (Travel Expenses to be billed as incurred).
- Solutioning Sessions to help with System Technical Questions. This will help you to overcome questions such as "how do I handle this scenario?". Modifications may come out of these meetings.
- Assistance with Procedural Questions.
- Creation of training material and collateral to give your team takeaway guides.

**Requests for Custom modifications may incur an additional cost.*



Project Pricing

The solution is a package of the below service applications.

Homer, AK – Short-Term Rental Price Quote

Products

<p>STR Compliance</p> <p>Ongoing compliance identification and monitoring for short term rental properties.</p>
<p>STR Core</p> <p>Web based training for jurisdiction staff (up to 6 hours).</p> <p>Unlimited, ongoing web and phone support are provided to all administrative staff as part of monthly hosting and support.</p> <p>Unlimited user logins for admins.</p> <p>Software hosting and license fees.</p> <p>Service and IT infrastructure, including 24/7/365 maintenance and support.</p> <p>Daily backups managed by our expert IT team.</p> <p>Enhancements released to all equivalent GovOS versions.</p>
<p>STR Identification</p> <p>Ongoing monitoring of new short term rental listings and properties, and an unlimited number of notification templates for compliance outreach.</p>
<p>STR Registration</p> <p>Automated renewals.</p> <p>Automated registration task reminders to business owners and/or operators.</p> <p>Access to the admin functionality in the system, including but not limited to reports, reconciliation, notifications, approvals, cashiering, etc.</p>

Annual Total: \$20239



Customer Acceptance

Contact Information	
Organization Name	
Street Address	
City, State, Zip	
Primary Contact Name	
Primary Contact Email	
Billing Details	
Billing Details	
Billing Contact Name	
Billing Contact Email	
Billing Contact Phone	
Invoice Delivery Method	<input type="checkbox"/> Email/Electronic (default) <input type="checkbox"/> Mail
Preferred Payment Method	<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> ACH

- Without a signed Agreement, pricing is good until .
- Subscription Start Date will be the date you sign the Agreement
- Subscription fees are pre-paid annually
- Invoice Date is the Subscription Start or Renewal Date. All invoices are due Net thirty (30) days of the Invoice Date.
- This Agreement will automatically renew for additional one-year terms (each a "Renewal Term") unless either you or we notify the other of an intent not to renew at least thirty (30) days prior to the expiration of the then current term.
- Pricing for Renewal Terms will include a seven percent (7%) increase from the prior term.
- All standard Terms of Use can be found at <https://govos.com/business-licensing-and-tax/terms-of-use/> and are hereby incorporated into this order.



Customer Acceptance

Customer Signature

Signature of Authorized City
Representative

Title

Date

GovOS Signature

Signature of Authorized GovOS
Representative

Title

Date



AGENDA ITEM REPORT

Ordinance 23-07, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$6,950 from the General Fund Fleet Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purchase of a Mobile Radio from ProComm Alaska. City Manager/Police Chief.

Item Type: Ordinance
Prepared For: City Council
Meeting Date: 13 Feb 2023
Staff Contact: Rob Dumouchel, City Manager
Department: Administration

Summary Statement:

The Police Department is in need of a new mobile radio. When we added a new officer position to the department three years ago, we had to add another vehicle to our fleet. We neglected to add funding to the vehicle purchase request to equip it with a mobile radio. The new vehicle has arrived and is being outfitted. I request to purchase a new mobile radio for \$6,950 using funds from our fleet reserve account, #152-0382-5902.

We also request to sole source purchase this radio from ProComm Alaska. ProComm has been providing radios and service to the city for over twenty years. ProComm is the only full service radio provider in Alaska with factory trained and certified technicians able to integrate the new radio into our existing system and provide any needed service and maintenance on it. They are a licensed Motorola radio dealer and repair depot. Our radio system is a Motorola system. Motorola radios are the only ones that will work with it.

Staff Recommendation:

Conduct public hearing then move to adopt Ordinance 23-07 by reading of title only for second and final reading.

Attachments:

[Ordinance 23-07](#)

Financial Supplement Updated

**CITY OF HOMER
HOMER, ALASKA**

City Manager/Police Chief

ORDINANCE 23-07

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE FY23 CAPITAL BUDGET BY APPROPRIATING \$6,950 FROM THE GENERAL FUND FLEET CAPITAL ASSET REPAIR AND MAINTENANCE ALLOWANCE (CARMA) FUND TO PURCHASE A NEW MOBILE RADIO FOR A POLICE VEHICLE FROM PROCOMM ALASKA.

WHEREAS, The Homer Police Department recently added a new vehicle to their fleet and additional funding is needed to equip it with a mobile radio; and

WHEREAS, ProComm Alaska is the only firm in the state of Alaska authorized as a full service manufacturer’s representative for Motorola equipment, and has serviced City of Homer communications equipment for over twenty years, a sole source contract with ProComm is justified.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY23 Capital Budget by appropriating \$6,950 as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
152	GF Fleet CARMA	\$6,950

Section 2. The City Manager is authorized enter into a sole source contract with ProComm Alaska to purchase, program and install the radio equipment.

Section 3. This is a budget amendment ordinance 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

- 45
- 46 YES:
- 47 NO:
- 48 ABSENT:
- 49 ABSTAIN:
- 50
- 51 First Reading:
- 52 Public Hearing:
- 53 Second Reading:
- 54 Effective Date:

CITY OF HOMER
FINANCIAL SUPPLEMENT

PROJECT NAME	<u>Police Vehicle Mobile Radio</u>	DATE	<u>02/07/2023</u>
DEPARTMENT	<u>Police</u>	SPONSOR	<u>City Manager/Police Chief</u>
REQUESTED AMOUNT	<u>\$ 6,950</u>		

DESCRIPTION	The Homer Police Department recently added a new vehicle to their fleet and additional funding is needed to equip it with a mobile radio.
-------------	---

FUNDING SOURCE(S)	OPERATING	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	0%	0%	100%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	0%	0%	0%	0%

FUNDING SOURCE 1: GF Fleet CARMA	FUNDING SOURCE 2:	FUNDING SOURCE 3:
Current Balance <u>\$ 1,074,197</u>	Current Balance _____	Current Balance _____
Encumbered <u>\$ 447,480</u>	Encumbered _____	Encumbered _____
Requested Amount <u>\$ 6,950</u>	Requested Amount _____	Requested Amount _____
Other Items on Current Agenda <u>\$ 40,000</u>	Other Items on Current Agenda _____	Other Items on Current Agenda _____
Remaining Balance <u>\$ 579,767</u>	Remaining Balance _____	Remaining Balance _____
FUNDING SOURCE 4:	FUNDING SOURCE 5:	FUNDING SOURCE 6:
Current Balance _____	Current Balance _____	Current Balance _____
Encumbered _____	Encumbered _____	Encumbered _____
Requested Amount _____	Requested Amount _____	Requested Amount _____
Remaining Balance _____	Remaining Balance _____	Remaining Balance _____



AGENDA ITEM REPORT

Ordinance 23-06, An Ordinance of the City Council of Homer, Alaska Amending the FY 23 Capital Budget by Accepting a Donation from Homer Rotary in the Amount of \$8,112 and Appropriating \$6,115 for the Purchase of Motorola Pagers and \$1,997 for Restoration of an Antique Water Tanks. City Manager/Fire Chief.

Item Type: Ordinance
Prepared For: City Council
Meeting Date: 23 Jan 2023
Staff Contact: Rob Dumouchel, City Manager
Department: Administration

Summary Statement:

The Homer Rotary has offered a donation to the Homer Volunteer Fire Department in the amount of \$8,112.00 in the memory of Gary Thomas.

The funding will be used for two purposes. The restoration of the antique water tank that is towed behind our antique Jeep fire apparatus, and to purchase Motorola pagers.

The pagers are an integral part of our communications system that are used to alert our volunteer when they are needed to respond to emergency fire and EMS calls. \$6,114.06 of the donation will be used to purchase 11 pagers.

The remaining funds will be used to restore the antique water tank back to its original condition as it was when it was used as a front line piece of fire apparatus back in the 1950's.

Staff Recommendation:

Conduct public hearing and move to adopt Ordinance 23-05 by reading of title only for second and final reading.

Attachments:

[Ordinance 23-06](#)

**CITY OF HOMER
HOMER, ALASKA**

City Manager/Fire Chief

ORDINANCE 23-06

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE FY23 CAPITAL BUDGET BY ACCEPTING A DONATION FROM HOMER ROTARY IN THE AMOUNT OF \$8,112 AND APPROPRIATING \$6,115 FOR THE PURCHASE OF MOTOROLA PAGERS AND \$1,997 FOR RESTORATION OF AN ANTIQUE WATER TANK.

WHEREAS, The Homer Rotary has offered a donation to the Homer Volunteer Fire Department (HVFD) in the amount of \$8,112 in the memory of Gary Thomas; and

WHEREAS, HVFD proposes using \$6,115 of this donation to purchase eleven Motorola pagers which are used to alert volunteers when they are needed to respond to an emergency; and

WHEREAS, The remaining \$1,997 will be used to restore their antique Jeep’s water tank back to its original condition as it was when it was used as a front line piece of fire apparatus back in the 1950’s.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY23 Capital Budget by accepting a donation from Homer Rotary in the amount of \$8,112 as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
151-xxxx	Donation from Homer Rotary	\$8,112

Section 2. The Homer City Council hereby appropriates the Homer Rotary donation in the amount of \$8,112 for the following capital projects:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
151-xxxx	Motorola Radios	\$6,115
151-xxxx	Water Tank Restoration	\$1,997

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

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

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:



AGENDA ITEM REPORT

Ordinance 23-13, An Ordinance of the City Council of Homer, Alaska Updating the Assessment Owed from Lot 10-A-3, Bunnell's Subdivision No. 17 Replat, KPB Tax Parcel No. 175-133-52 and Amending the FY23 Capital Budget by Appropriating \$15,432.52 from the Homer Accelerated Roads and Trails (HART) Roads Fund to Pay the Remainder of this Assessment. Lord.

Item Type: Ordinance
Prepared For: City Council
Meeting Date: 13 Feb 2023
Sponsor: Rachel Lord, Council Member

Summary Statement:

Council Member Lord submitted Ordinance 23-13 for Council consideration. Historical information and a Memorandums from City Manager Dumouchel and Special Projects Coordinator Foster are included.

Recommendation:

Consider introduction of Ordinance 23-13 and public hearing on February 27, 2023.

Attachments:

[Ordinance 23-13](#)

[Memo from City Manager 020923](#)

[Financial Supplement](#)

[Reso 08-106\(A\) - Final Assessment Roll](#)

[Memo 08-142](#)

[Council Minutes 10-13-2008 - Final Assessment Roll approval](#)

**CITY OF HOMER
HOMER, ALASKA**

Lord

ORDINANCE 22-13

AN ORDINANCE OF THE CITY COUNCIL OF HOMER ALASKA
UPDATING THE ASSESSMENT OWED FROM LOT 10-A-3,
BUNNELL'S SUBDIVISION NO. 17 2018 REPLAT KPB TAX PARCEL
NO. 175-133-52 AND AMENDING THE FY 23 CAPITAL BUDGET BY
APPROPRIATING \$15,423.52 FROM THE HOMER ACCELERATED
ROADS AND TRAILS (HART) ROADS FUND TO PAY THE REMAINDER
OF THIS ASSESSMENT.

WHEREAS, In 2004 property owners began a special assessment district to construct and pave Spruceview Road; and

WHEREAS, This effort was successful and the road project was completed and a final assessment roll approved by the City Council on October 13, 2008 with a total of \$47/foot due from each property; and

WHEREAS, The Hansen's owned a parcel that was not at the time adjacent to Spruceview however they had engaged in conversations with City staff to be included in the assessment district with a partial and deferred assessment so they could gain access to a portion of their property at some indeterminate point in the future; and

WHEREAS, Memorandum 08-142 from City staff relating to this parcel (11-A) states: *Since Lot 11A is separated from Spruceview Avenue by a dedicated park, no assessment for Lot 11A should be levied at this time. If in the future access is provided across the park property to any portion of Lot 11A, an assessment would be due based on frontage of the lot being served.*; and

WHEREAS The City Council approved but did not set a timeline or other criteria for this "deferred assessment" in 2008 or at any point in the future beyond what is recorded in this memorandum; and

WHEREAS, In 2018 this property was subdivided into three parcels adjacent to Spruceview Rd. through a quitclaim deed from the City and negotiations for preserved lands to protect Woodard Creek; and

WHEREAS, None of the 2008 assessment has been paid to date and it is the final remaining assessment due in this district; and

42 WHEREAS, One of these three lots is now in a position to access Spruceview with 29.95
43 feet of road frontage; and

44 WHEREAS, The middle lot with 211.39 feet of road frontage is park-dedicated and now
45 owned by the City of Homer; and

46
47 WHEREAS, The corner lot has 99.43 feet of road frontage on Spruceview but is only
48 accessed via Bartlett at this time and has not accessed Spruceview nearly 15 years after the
49 assessment roll was finalized; and

50
51 WHEREAS, It is in the City's best interest to close out this assessment district in the
52 fairest and most equitable manner based on the known history and written record associated
53 with what was once Lot 11-A.

54
55 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

56
57 Section 1. The assessment from lot 10-A-3, Bunnell's Subdivision No. 17 2018 Replat is
58 hereby adjusted to reflect \$47 per foot based on the 29.95 feet of frontage of the lot being
59 served.

60
61 Section 2. The FY23 Capital budget is hereby amended by appropriating \$15,423.52
62 from the HART Road Fund to pay off the remaining 328.16' of frontage from this assessment as
63 follows:

64

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
160	HART Roads	\$15,423.52

67

68 Section 3. This is a general ordinance of a permanent nature, it amends the budget,
69 and it shall not be codified.

70
71 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA THIS ____ day of _____, 2023.

72
73 CITY OF HOMER

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77 _____
78 KEN CASTNER, MAYOR

79 ATTEST:

80
81
82 _____
83 MELISSA JACOBSEN, MMC, CITY CLERK

- 84
- 85 YES:
- 86 NO:
- 87 ABSENT:
- 88 ABSTAIN:
- 89
- 90 First Reading:
- 91 Public Hearing:
- 92 Second Reading:
- 93 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council

FROM: Rob Dumouchel, City Manager

DATE: February 7, 2023

SUBJECT: Spruceview Assessment

Ordinance 23-13 sponsored by Councilmember Lord greatly reduces the amount of money owed on the final unpaid lot within the Spruceview and West Noview Road Reconstruction and Paving Assessment District. Staff does **not** support this ordinance.

Considerable staff time has been spent working with the subject property's agent. Staff, and the City Attorney, have reviewed the situation multiple times and the opinion has consistently been that the original \$16,831.17 shown as deferred in the assessment role (Resolution 08-106(A)), remains due to the City regardless of how the property owners have modified their parcel in the 19 years since the assessment district was created.

MARVIN L. & JUDITH K. HANSON P.O. BOX 490 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0860044 BUNNELL SUB 17 LOT 11-A 175-133-27	358.11'	\$53,700.00	\$16,831.17 *deferred due to access situation HCC 17.04.160
---	--	---------	-------------	---

The proposed ordinance contains a whereas clause which refers to a 2008 memo by the Public Works Director that makes a recommendation on how to charge an assessment for the subject parcel. This recommendation is not supported in the legislative history of the project as having been accepted for implementation by the Council.

The staff opinion is that the full \$16,831.17, which has been deferred interest free for almost 20 years, is due in full to the City. Additionally, paying off the majority of this assessment with HART funds is not an appropriate use of those funds. It would not be an appropriate use of any public funds. The subject parcel received a material benefit and is contractually obligated to repay the City.

Attached to this memo is an internal memo written by Special Projects Coordinator Ryan Foster which provides additional information regarding this case.

Staff Recommendation: Reject Ordinance 23-13



Memorandum

TO: Robert Dumouchel

FROM: Ryan Foster

DATE: November 16, 2022

SUBJECT: Parcel ID 175-133-52/ T 06S R 13W SEC 19 Seward Meridian HM 2020010 BUNNELL'S
SUBD NO 17 2018 REPLAT LOT 10-A-3

Regarding the Spruceview Avenue Road Construction and Paving Improvement/Assessment District, the deferred road assessment of \$16,831.17 is due at the transfer of the property, Lot 10-A-3. It was originally deferred in Resolution 04-76 due to access issues. The City now finds with the completion of the road, and the replat of the related parcels, that the road access to Spruceview is now clear and defined.

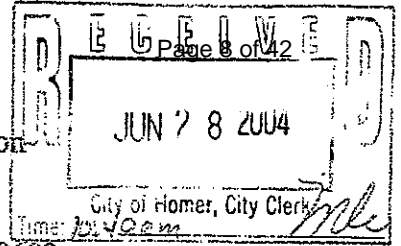
- The City paid its assessments on the original lots: 175-133-28 - \$17,009.30 and 175-133-29 - \$17,604.79. 175-133-26 was not originally assessed because it had no frontage. The other lot 175-133-27 was owned by the Hanson's.
- The Hanson's original request was to be included in this district because it had no road access on this side of the creek (rear third of the property inaccessible from Bartlett Street), but for it to be deferred until access was provided, which has now been fulfilled.
- When the City creates assessments, there is a voting process, and the projects costs are divided accordingly, the Hanson's agreed to this amount.

Many events have occurred over the past 18 years since the creation of the Special Assessment District for Spruceview Avenue in 2004, below is a brief timeline of key events:

- In a letter dated June 27, 2004, the Hanson's agree to be a part of the district, specifically, to gain access to the rear third of their property, "If we can secure access to this portion of our property, we would propose to replat the area west of Woodard Creek into one large tract of approximately one-half acre using the creek as an appropriate easterly boundary and incorporating covenants protecting the Woodard Creek drainage" (See letter attached).
- September 13, 2004: Creation of the Special Assessment District via Resolution 04-76 to construct Spruceview Avenue.
- March 25, 2005: Contract for design and construction awarded to William J. Nelson and Associates via Resolution 05-47.
- August 2018: Bunnell's Subdivision No.17 2018 Replat (see attached comparison maps). The Hanson property, Lot 11-A, and adjacent property Lot 10-A, is subdivided

into 4 parcels, resulting in lots 10 A-1, 10-A-2, 10 A-3, and Tract A. This subdivision creates lots 10 A-3 and Tract A with the required legal lot access provided by Spruceview Avenue, which was constructed by the September 13, 2004, Special Assessment District. Tract A was donated to the City of Homer, protecting the Woodard Creek drainage. The goals stated in the Hanson's letter dated June 27, 2004, have now been achieved. Page 7 of 42

- November 2022: The deferred road assessment amount of \$16,831.17 is the final payment required to close this special assessment district and is due upon transfer of Lot 10 A-3, the last of the Hanson owned properties to be transferred.



To: Ms. Mary L. Calhoun, City Clerk
Mr. Jack Cushing Mayor
Members of the City Council
City of Homer
491 East Pioneer Avenue
Homer, Alaska 99603-7624

From: Marvin L. Hanson
Judith K. Hanson
P.O. Box 490
Homer, Alaska 99603
(907) 235-5297

Date: June 27, 2004

Re: Spruceview Avenue Road Reconstruction and Paving
Improvement/Assessment District

We are the owners of Lot 11A, Bunnell's Subdivision No. 17 as listed on the assessment roll for the proposed Spruceview Avenue project. We are also the owners of Lot 10A, adjacent to the north, where we have resided for more than 25 years. We approve of this improvement district provided that we are able to negotiate access with the City of Homer.

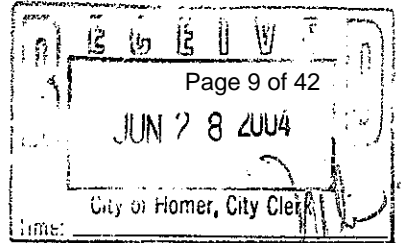
Our interest in access to Spruceview Avenue results from the fact that approximately one third of the area of our properties lies west of Woodard Creek, and is inaccessible from Bartlett Street unless a crossing is constructed across Woodard Creek. We wish to preserve the banks of the creek from any unnecessary crossing when other access is available through Spruceview Avenue that would have no environmental impact on Woodard Creek.

Since we have participated with the City on the related sewer and water LID as well as the spruce beetle kill removal project across our property and City lots 11A and 12A, we wish to participate in the final result of our common effort. We would propose to negotiate an access across the westerly 40' of Lot 11A, an area well away from the creek, and previously cleared of natural growth by the City's recent water and sewer LID. The 40' width would include the existing 15' water and sewer easement and 25' of useable width, and satisfies the minimum 40' requirement for "marginal access" roads serving three lots or less. The total area would be 1200 square feet, including the existing 15' wide water and sewer easement. By comparison, we donated 2546 square feet of easement to the City for the water and sewer LID, and in addition, provided our property as a staging area for both the LID and the previous beetle-kill removal.

If we can secure access to this portion of our property, we would propose to replat the area west of Woodard Creek into one large tract of approximately one-half acre using the creek as an appropriate easterly boundary and incorporating covenants protecting the Woodard Creek drainage. The result would be better land use and conservation practices.

We look forward to another cooperative effort with the City of Homer in negotiating a solution to allow our participation in this improvement District.

Sincerely,



CITY OF HOMER
PROPERTY OWNER'S STATEMENT OF
OBJECTION OR NONOBJECTION
TO LOCAL IMPROVEMENT/ASSESSMENT DISTRICT

LOCAL IMPROVEMENT/ASSESSMENT DISTRICT: Spruceview Avenue Road
Reconstruction and Paving Improvement/Assessment District. (the "Assessment District")

I/We have no objection to the Spruceview Avenue Road Reconstruction and Paving
Improvement/Assessment District, PROVIDED ACCESS IS NEGOTIATED

I/We object to the Spruceview Avenue Road Reconstruction and Paving
Improvement/Assessment District.

Reasons/Comments: SEE ATTACHED

I/we affirm that I/we am/are the owner(s) of the following lots in the Assessment District (give legal
description):

LOT 11A, BUNNELL'S SUBD. No. 17

PROPERTY OWNER'S PRINTED NAME: SIGNATURE and DATE:

MARVIN L. HANSON
JUDITH K. HANSON

[Signature] 6/27/04
(signature) (date)
[Signature] 6-27-04
(signature) (date)

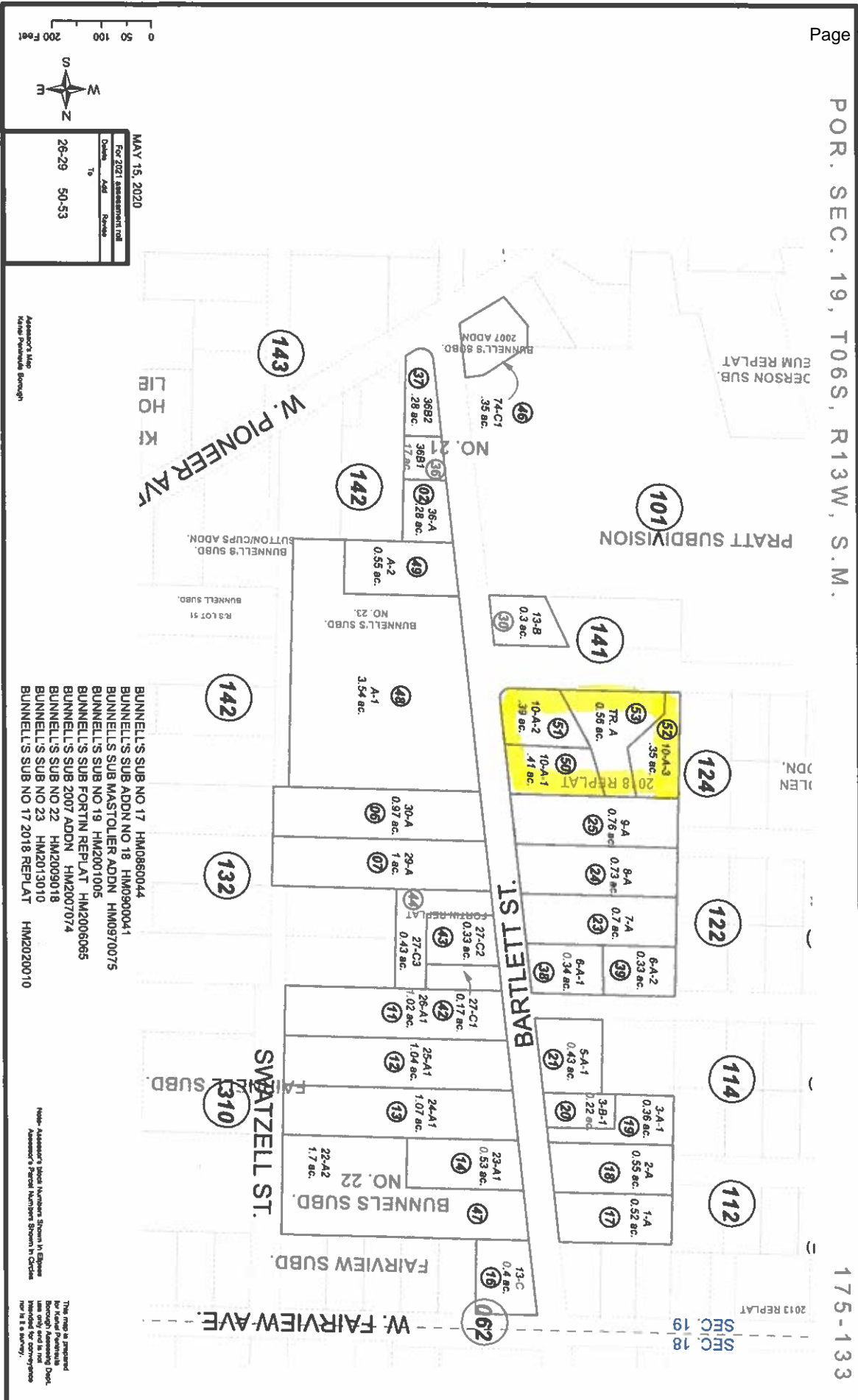
NOTE: IF YOU HAVE MORE THAN ONE LOT PLEASE NOTE THIS ON THIS FORM
WHEN YOU RETURN IT. OBJECTIONS WILL APPLY ONLY TO THOSE LOTS
NAMED ON THIS FORM.

TO FILE AN OBJECTION USING THIS FORM, COMPLETE THE BLANKS AND RETURN
IT BY THE DEADLINE, AUGUST 27, 2004, STATED IN THE NOTICE OF RIGHT TO
OBJECT:

Mary L. Calhoun, City Clerk
City of Homer
491 E. Pioneer Avenue
Homer, Alaska 99603
Mlc

POR. SEC. 19, T06S, R13W, S.M.

175-133



MAY 15, 2020

For 2021 assessment roll

Date	Assessor
26-29	50-53

Assessor's Map
Not for Record Through

- BUNNELL'S SUB NO 17 HM0960044
- BUNNELL'S SUB ADDN NO 18 HM0900041
- BUNNELL'S SUB MASTOLIER ADDN HM0970075
- BUNNELL'S SUB NO 19 HM2001005
- BUNNELL'S SUB FORTIN REPLAT HM2006065
- BUNNELL'S SUB 2007 ADDN HM2007074
- BUNNELL'S SUB NO 22 HM2009018
- BUNNELL'S SUB NO 23 HM2013010
- BUNNELL'S SUB NO 17 2018 REPLAT HM2020010

Note: Assessor's Map Numbers Shown in Edges
Assessor's Parcel Numbers Shown in Center

This map is prepared
for the Assessor's Office
and is not intended for
conveyance
of land.

CITY OF HOMER
FINANCIAL SUPPLEMENT

PROJECT NAME	<u>Payoff Remaining Assessment</u>	DATE	<u>02/07/2023</u>
DEPARTMENT	<u>City Council</u>	SPONSOR	<u>Lord</u>
REQUESTED AMOUNT	<u>\$ 15,424</u>		

DESCRIPTION	It is in the City's best interest to close out this assessment district in the fairest and most equitable manner based on the known history and written record associated with what was once Lot 11-A.
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FUNDING SOURCE(S)	OPERATING	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	0%	0%	0%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	100%	0%	0%	0%

FUNDING SOURCE 1: HART-ROADS	FUNDING SOURCE 2:	FUNDING SOURCE 3:
Current Balance <u>\$ 5,918,071</u>	Current Balance _____	Current Balance _____
Encumbered <u>\$ 3,810,014</u>	Encumbered _____	Encumbered _____
Requested Amount <u>\$ 15,424</u>	Requested Amount _____	Requested Amount _____
Other Items on Current Agenda <u>\$ 0</u>	Other Items on Current Agenda _____	Other Items on Current Agenda _____
Remaining Balance <u>\$ 2,092,634</u>	Remaining Balance _____	Remaining Balance _____
FUNDING SOURCE 4:	FUNDING SOURCE 5:	FUNDING SOURCE 6:
Current Balance _____	Current Balance _____	Current Balance _____
Encumbered _____	Encumbered _____	Encumbered _____
Requested Amount _____	Requested Amount _____	Requested Amount _____
Remaining Balance _____	Remaining Balance _____	Remaining Balance _____

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 08-106(A)

A RESOLUTION OF THE HOMER CITY COUNCIL CONFIRMING THE ASSESSMENT ROLL, ESTABLISHING DATES FOR PAYMENT OF SPECIAL ASSESSMENTS AND ESTABLISHING DELINQUENCY, PENALTY AND INTEREST PROVISIONS FOR THE SPRUCEVIEW AND WEST NOVIEW ROAD RECONSTRUCTION AND PAVING ASSESSMENT DISTRICT.

WHEREAS, In compliance with Chapter 17, Improvement District, of the Homer City Code, the Homer City Council created a Road Reconstruction and Paving Improvement District for Spruceview Avenue and West Noview/South Mullikin/South Wright Streets; and

WHEREAS, Spruceview Avenue Road Reconstruction and Paving Improvement District was created via Resolution 04-50 on May 25, 2004, and West Noview was created via Resolution 05-78 on July 25, 2005, both at the property owner share of assessments \$30 per front foot for reconstruction and \$17 per front foot for paving; and

WHEREAS, A public hearing was held on June 24, 2004 for Spruceview and a public hearing was held on August 22, 2005 for West Noview to hear objections to the formation of such districts; and

WHEREAS, Resolution 04-76 was adopted by Council on September 13, 2004 for Spruceview and Resolution 05-107 was adopted by Council on October 24, 2005 for West Noview authorizing the formation of the Spruceview and West Noview Road Reconstruction and Paving Improvement Districts; and

WHEREAS, In the 2008 construction season improvements for Spruceview and West Noview Road Reconstruction and Paving Improvement Districts were completed; and

WHEREAS, The Spruceview and West Noview Road Reconstruction and Paving Improvement District, after completion, was accepted for City Maintenance and forwarded for final process and a public hearing date was set for April 28, 2008 via Resolution 08-32; and

WHEREAS, An assessment roll was prepared and a public hearing was held on April 28, 2008 and again on August 25, 2008 to hear objections for the purpose of making corrections to the final assessment roll; and

WHEREAS, All assessment per parcel corrections deemed necessary have been made; and

WHEREAS, The assessment roll as presented by the City Clerk and reviewed and corrected where necessary and attached hereto as Attachment A, is hereby confirmed as the official assessment roll for the Spruceview and West Noview Road Reconstruction and Paving Improvement District and the Mayor and Clerk shall be directed to sign same.

NOW, THEREFORE, BE IT RESOLVED THAT ON OR BEFORE 5:00 p.m. on April 1, 2009, all assessments in the Spruceview and West Noview Road Reconstruction and Paving Assessment District shall become due and payable in full. All assessments not paid in full by this date shall be considered delinquent and in default and shall have added a penalty of ten percent (10%) which penalty and principal amount of the assessment shall both draw interest at a rate of one and one half percent (1.5%) per annum until paid. Should default occur, the City of Homer will institute a civil action for a foreclosure of the assessment lien. Foreclosure shall be against all property on which assessments are in default. All costs including collection and legal fees resulting from such action, shall be added and incorporated into the assessed amount due plus interest and penalties and shall be reimbursed from the proceeds of foreclosure sale of the assessed real property; and

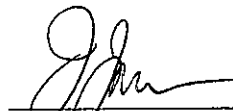
BE IT FURTHER RESOLVED that an optional ten (10) year payment plan is offered whereby the assessment may be paid in ten (10) equal yearly installments plus interest of one and one half percent (1.5%) on the unpaid balance of the assessment. The first such installment shall be due and payable without interest on or before 5:00 p.m. April 1, 2009 and each installment thereafter shall be due on or before April, of each year, plus interest on the unpaid balance of the assessment. If any annual installment payment is not received when due, the entire outstanding principal amount of the assessment shall be in default and shall be immediately due and payable. The entire outstanding assessment principal (including the annual installment) shall have added a penalty of ten percent (10%) on the outstanding principal. The principal and penalty shall draw interest at the rate of fifteen percent (15%) per annum until paid. Should default occur, the City will institute civil action for foreclosure of the assessment lien. Foreclosure shall be against all property on which assessments are in default. All costs including collection and legal fees resulting from such action shall be added and incorporated into the assessed amount due plus interest and penalties, and shall be reimbursed from the proceeds of foreclosure sale of the assessed real property.

PASSED AND ADOPTED by the Homer City Council on this 13th day of October, 2008.

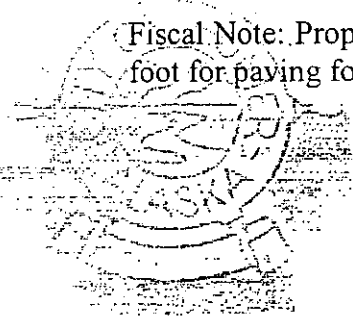
CITY OF HOMER


JAMES C. HORNADAY, MAYOR

ATTEST:


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Property owners' share \$30 per front foot for road reconstruction and \$17 per front foot for paving for a total of \$316,705.45; \$1,148,442.55 paid by City.



FINAL ASSESSMENT ROLL

PROJECT NAME: Spruceview Avenue Road Reconstruction and Paving Improvement District

ACTUAL PROJECT COST: **\$1,040,288.00**

ABUTTING PROPERTY OWNERS ASSESSED \$30 PER FRONT FOOT FOR RECONSTRUCTION & \$17 PER FRONT FOOT FOR PAVING: **\$193,716.79**

HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART) SHARE: **\$846,571.21**

DATE: October 15, 2008

OWNER/ADDRESS	LEGAL DESCRIPTION PARCEL NO.	FRONT FOOTAGE	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY SHARE OF ASSESSMENT (Amount for Road and Paving)
JAMES V. HUNTER 1407 BAY AVENUE HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 9 BLK 3 175-123-09	135.2'	\$16,800.00	\$6,354.40
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 10 BLK 3 175-123-10	75'	\$16,800.00	\$3,525.00
DANIEL B. & CINDY S. WEATHERLY P.O. BOX 1018 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 11 BLK 3 175-123-11	75'	\$16,800.00	\$3,525.00
ALLAN & MARY ANNE COLEMAN P.O. BOX 102600 ANCHORAGE, AK 99510	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 12 BLK 3 175-123-12	75'	\$16,800.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 13 BLK 3 175-123-13	75'	\$16,800.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS 2004 ADDN LOT 14-A BLK 3 175-123-18	67'	\$14,700.00	\$3,149.00
MARSHA KORPI P.O. BOX 1033 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS 2004 ADDN LOT 15-A BLK 3 175-123-19	83'	\$86,700.00	\$3,901.00

DANIEL T. CORNELIUS 3855 WRIGHT STREET HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 16 BLK 3 175-123-16	135.2'	\$142,100.00	\$6,354.40
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 9 BLK 4 175-124-09	135.2'	\$18,900.00	\$6,354.40
TINA M. BAUGHER 209 W DIAMOND BLVD STE 4 ANCHORAGE, AK 99515	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 10 BLK 4 175-124-10	75'	\$91,600.00	\$3,525.00
LOU G. STEWART 344 NOVIEW AVENUE HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 11 BLK 4 175-124-11	75'	\$223,700.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 12 BLK 4 175-124-12	75'	\$16,800.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 13 BLK 4 175-124-13	75'	\$16,800.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 14 BLK 4 175-124-14	75'	\$16,800.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 15 BLK 4 175-124-15	75'	\$16,800.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 16 BLK 4 175-124-16	105.2'	\$20,300.00	\$4,994.40
	KENAI PENINSULA BOROUGH 144 N. BINKLEY STREET SOLDOTNA, AK 99669	T6S R13W S19 SEWARD MERIDIAN HM2000022 HOMER SCHOOL SURVEY 1999 CITY ADDN TRACT 1 175-100-69	904.5'	\$17,320,800.00

HOMER SOCIETY OF NATURAL HISTORY INC. 3779 BARTLETT STREET HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM 2003088 ALFRED ANDERSON 2003 ADDN TRACT A 175-101-22	336.34'	\$327,600.00	\$15,807.98
MARVIN L. & JUDITH K. HANSON P.O. BOX 490 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0860044 BUNNELL SUB 17 LOT 11-A 175-133-27	358.11'	\$53,700.00	\$16,831.17 *deferred due to access situation HCC 17.04.160
CITY OF HOMER 491 E PIONEER AVENUE HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0860044 BUNNELL SUB 17 LOT 11-B 175-133-28	361.9'	\$30,900.00	\$17,009.30
	T6S R13W S19 SEWARD MERIDIAN HM0860044 BUNNELL SUB 17 LOT 12-A 175-133-29	374.57'	\$58,200.00	\$17,604.79
DAN GINGERICH 8750 LAFAYETTE PLAIN CITY ROAD PLAIN CITY, OH 43064	T6S R13W S19 SEWARD MERIDIAN HM0000049 BUNNELLS SUB LOT 13 PORTION THEREOF LYING WEST OF STREAM BED 175-141-22	225'	\$60,100.00	\$10,575.00
EDITH J. DAVIS 3817 BARTLETT STREET HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0860044 BUNNELL SUB 17 LOT 13-B 175-133-30	149.35'	\$157,700.00	\$7,019.45

* HCC 17.04.160 Agreement for deferred or corner lot assessment double frontage property. a. Through lots in an road reconstruction and/or paving improvement District, having a frontage on two parallel streets, or flag lots having a frontage on two perpendicular streets can be exempt from a double front foot assessment, when only one lot access exists. Corner lots are exempt from a double front footage assessment and the total assessment shall not exceed the longest side of the lot. Previous reconstruction assessments apply to reconstruction assessments and previous paving assessments apply to paving assessments. The owner(s) of property shall file a "Deferred Assessment Agreement" with the City, prior to the end of the filing period for objections to the district noted in Section 17.04.050 of this chapter. The agreement shall contain a statement that the lot in question fronts two streets; however, the property owner has only one access onto the lot and shall pay the assessment on which the access is located. At such time as another access is made then the property owner agrees to pay the assessed front footage on which the new access has been made. The agreement shall be recorded with the Homer District Recorder's office.

10/15/08 - jj

FINAL ASSESSMENT ROLL

PROJECT NAME: West Noview Avenue Road Reconstruction and Paving Improvement District

ACTUAL PROJECT COST: \$424,860.00

ABUTTING PROPERTY OWNERS ASSESSED \$30 PER FRONT FOOT FOR RECONSTRUCTION & \$17 PER FRONT FOOT FOR PAVING: \$122,988.66

HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART) SHARE: \$301,871.34

DATE: October 15, 2008

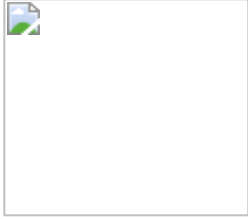
OWNER/ADDRESS	LEGAL DESCRIPTION PRACEL NO.	FRONT FOOTAGE	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY SHARE OF ASSESSMENT (Amount for Road and Paving)
MICHAEL F. & MARILYN V. HARRIGAN P.O. BOX 2254 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 16 BLK 2 175-121-09	135.2'	\$16,800.00	\$6,354.40
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 15 BLK 2 175-121-10	75'	\$16,800.00	\$3,525.00
SCOTT C. SPRAGUE 11001 HIDEAWAY TRL. ANCHORAGE, AK 99507	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 14 BLK 2 175-121-11	75'	\$16,800.00	\$3,525.00
IVAN A. & PAULINE E. BENSON P.O. BOX 81 ANCHOR POINT, AK 99556	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 13 BLK 2 175-121-12	75'	\$16,800.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 12 BLK 2 175-121-13	75'	\$16,800.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 11 BLK 2 175-121-14	75'	\$16,800.00	\$3,525.00
MICHAEL M. DISLER P.O. BOX 2976 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM2002065 HARRINGTON HEIGHTS DISLER ADDN LOT 9-A BLK 2 175-121-17	150'	\$44,200.00	\$7,050.00
CHARLES H. WEHNER & KARLENE FORE 570 BUCHANAN LOOP ROAD TEXARKANA, TX 75501	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 9 BLK 1 175-122-09	135.2'	\$52,500.00	\$6,354.40

MICHAEL & LEDA DISLER P.O. BOX 2976 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 1 BLK 1 175-122-01	135.2'	\$171,200.00	\$6,354.40
HAROLD BILLUPS 475 SOUNDVIEW AVENUE HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 1 BLK 2 175-121-08	135.2'	\$257,800.00	\$6,354.40
DENNIS THAUTE 319 E BAYVIEW AVENUE HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 8 BLK 2 175-121-01	135.2'	\$38,100.00	\$6,354.40
KIRK OLSEN P.O. BOX 580 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM2003054 DAYBREEZE PARK LOT 1 BLK 1 175-103-08	125'	\$51,900.00	\$5,875.00
	T6S R13W S19 SEWARD MERIDIAN HM2003054 DAYBREEZE PARK LOT 26 BLK 1 175-103-34	163.45'	\$56,400.00	\$7,682.15
	T6S R13W S19 SEWARD MERIDIAN HM2003054 DAYBREEZE PARK LOT 27 BLK 1 175-103-35	163.45'	\$56,400.00	\$7,682.15
JON & CHARLENE SAUERBREY 40291 BOULDER PARK LANE SOLDOTNA, AK 99669	T6S R13W S19 SEWARD MERIDIAN HM2003054 DAYBREEZE PARK LOT 29 BLK 1 175-103-36	168.48'	\$57,700.00	\$7,918.56
JAMES V. HUNTER 1407 BAY AVENUE HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 9 BLK 3 175-123-09	135.2'	\$16,800.00	\$0.00 * Assessed on Spruceview in the amount of \$6,354.40 for 135.2' of front footage
THOMAS S. & MARIA DALE SMALL P.O. BOX 2083 FRIDAY HARBOR, WA 98251	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 6 BLK 3 175-123-03	75'	\$16,800.00	\$3,525.00
D. PAUL & JEANNETTE P. MORTON P.O. BOX 2963 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 8 BLK 3 175-123-01	135.2'	\$16,800.00	\$6,354.40
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 7 BLK 3 175-123-02	75'	\$16,800.00	\$3,525.00

AULIKKI KNIGHT P.O. BOX 507 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 5 BLK 3 175-123-04	75'	\$42,500.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 4 BLK 3 175-123-05	75'	\$70,500.00	\$3,525.00
MARSHA KORPI P.O. BOX 1033 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 3 BLK 3 175-123-06	75'	\$126,900.00	\$3,525.00
KENNETH A. BERGMAN P.O. BOX 726 ANCHOR POINT, AK 99556	T6S R13W S19 SEWARD MERIDIAN HM2002066 HARRINGTON HEIGHTS BERGMAN ADDN LOT 1-A BLK 3 175-123-17	150'	\$108,500.00	\$7,050.00
DANIEL T. CORNELIUS 3855 WRIGHT STREET HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 16 BLK 3 175-123-16	135.2'	\$142,100.00	\$0.00 * Assessed on Spruceview in the amount of \$6,354.40 for 135.2' of fr ont footage
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 9 BLK 4 175-124-09	135.2'	\$18,900.00	\$0.00 * Assessed on Spruceview in the amount of \$6,354.40 for 135.2' of fr ont footage
LOU G. STEWART 344 NOVIEW AVENUE HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 1 BLK 4 175-124-01	135.2'	\$16,800.00	\$6,354.40

* HCC 17.04.160 Agreement for deferred or corner lot assessment double frontage property. a. Through lots in an road reconstruction and/or paving improvement District, having a frontage on two parallel streets, or flag lots having a frontage on two perpendicular streets can be exempt from a double front foot assessment, when only one lot access exists. Corner lots are exempt from a double front footage assessment and the total assessment shall not exceed the longest side of the lot. Previous reconstruction assessments apply to reconstruction assessments and previous paving assessments apply to paving assessments. The owner(s) of property shall file a "Deferred Assessment Agreement" with the City, prior to the end of the filing period for objections to the district noted in Section 17.04.050 of this chapter. The agreement shall contain a statement that the lot in question fronts two streets; however, the property owner has only one access onto the lot and shall pay the assessment on which the access is located. At such time as another access is made then the property owner agrees to pay the assessed front footage on which the new access has been made. The agreement shall be recorded with the Homer District Recorder's office.

10/15/08 - jj



CITY OF HOMER

PUBLIC WORKS

3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170

FACSIMILE (907)235-3145

MEMORANDUM 08-142

TO: Walt Wrede, City Manager
FROM: Carey Meyer, Public Works Director
DATE: October 8, 2008
RE: **Spruceview/Noview Road LID Assessment Question
Lot 11A, KPB Parcel 175-133-27, Marvin and Judith Hanson**

When the Spruceview Road LID was created, the parcel was expected to be a corner lot located at the northwest corner of Spruceview Avenue and Bartlett Street. Today, this property does not technically abut the new Spruceview road project (it is separated by a strip of land dedicated as a City Park after the LID was created), no legal access from Spruceview currently exists across the park property. Access to Lot 11A is currently off of Bartlett.

Mr. Hanson's has approached the City regarding obtaining access across the park property on the west side of Woodard Creek to serve a proposed new lot. Mr. Hanson has indicated a willingness to pay some portion of the proposed Spruceview Road LID assessment if access is approved by the City. The City Council would need to approve any access across park property.

Recommendations: Since Lot 11A is separated from Spruceview Avenue by a dedicated park, no assessment for Lot 11A should be levied at this time. If in the future access is provided across the park property to any portion of Lot 11A, an assessment would be due based on frontage of the lot being served.

Session 08-28 a Regular Meeting of the Homer City Council was called to order on October 13, 2008 at 7:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: HEIMBUCH, HOWARD, NOVAK
(telephonic), ROBERTS, SHADLE
(telephonic), WYTHE

STAFF: CITY MANAGER WREDE
CITY CLERK
JOHNSON
CITY PLANNER ABOUD
PUBLIC WORKS DIRECTOR MEYER

ATTORNEY: CITY ATTORNEY KLINKNER

Councilmembers Novak and Shadle have requested telephonic participation.

By unanimous consent Council approved telephonic participation by Councilmembers Novak and Shadle.

Department Heads may be called upon from time to time to participate via teleconference.

AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

Agenda approved by consensus of the City Council with the following changes:
New Business - Bid Opening – Request for Proposals – Purchase City Property, Lot 2, Homer Public Library No. 2; *Resolutions* - Resolution 08-107(S), A Resolution of the City Council Certifying the Results of the City of Homer Regular City Election Held October 7, 2008 to Elect the Mayor and Three Council Members. City Clerk/Canvass Board; Resolution 08-109(S), A Resolution of the Homer City Council Expressing Support for a Full Time Adult Probation Officer in Homer and Requesting Funding for that Position in the FY 2010 Department of Corrections Operating Budget. Howard.

The agenda as amended was approved by consensus of the Council.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

RECONSIDERATION

None.

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.)

A. Homer City Council unapproved meeting minutes of September 15, 2008 Special Meeting and September 22, 2008 Regular and Special Meetings. City Clerk.

Mayor Hornaday called for a motion for the adoption of the recommendations of the consent agenda as read.

HEIMBUCH/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

A. Martha Madsen, News from Yelizovo, Russia

Martha Madsen, visiting from Yelizovo, noted the sister city relationship between Homer and Yelizovo in 2000. She read a letter from the Mayor of Yelizovo inviting our city to visit Yelizovo. In the last year the political structure has changed, they now have two mayors.

B. State Representative Paul Seaton

Representative Seaton provided a handout of testimony of Gene Bubay, senior vice president of SEMCO, owner of Enstar from the Special Session in Juneau. He testified there is an obligation to bring natural gas to Homer from the North Fork Unit, as there are 2,000 committed customers. He suggested a discussion with Armstrong and Enstar. Gas drilling has been going on in the North Fork Unit for some time. A second well has been drilled, and although there has been no public announcement, it is thought to be a successful field. Armstrong is to build an eight-mile gas line to Anchor Point and Enstar would bring it to Homer. Should Armstrong decide to build, Alaska Gas Inducement Authority said they could help with financing and contracting. Locally in Nikiski there is a huge LNG (Liquid Natural Gas) plant. Many businesses along the Talkeetna to Fairbanks route run on natural gas and get LNG. If Homer is interested in a stable source of energy we will meet with Enstar, Armstrong and Conocco Phillips. With LNG, cryogenic bottles could go to Seldovia, Nanwalek and Port Graham. We have been looking at gas as a stable source of energy for a long time.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Point of View by Nancy Lord, Library Advisory Board, “Survey being used to help plan future services at Homer library.”

Michael Hawfield, Library Advisory Board Chair, complimented Nancy Lord on the Point of View she wrote. He thanked Public Works for getting the painting hung in the library. He thanked Deputy City Clerk Krause for her help with the survey summary. The community is pleased with the library. In the survey there are lots of suggestions, but few complaints. Suggestions are to extend the hours of operation, additions to the collections and technological improvements. Comments included landscaping, parking, signage, drainage, and snow removal. He thanked everyone that applied to the survey.

B. Canvass Board Report, Jo Johnson, City Clerk

City Clerk Johnson reported the Canvass Board met on October 10th with the following final figures:

Mayor: Mike Heimbuch 457 votes, 39%; James Hornaday 630 votes, 53%; Write-in 92, 8%.

City Council 3-year term: Barbara Howard 780 votes, 66%; David Lewis 640 votes, 53%, Write-in 49, 4%.

City Council 2-year term: Bryan Zak 757 votes, 63%; Write-in 91 votes, 8%.

1,058 regular voters, 136 absentee voters, 10 special needs voters, 2 questioned voters for a total of 1,206 voters. Total registered voters are 4,270. Turnout was 28%.

PUBLIC HEARING(S)

A. **Ordinance 08-34**, An Ordinance of the City Council of Homer, Alaska, Appropriating Six Hundred Thousand Dollars (\$600,000) from the General Fund Reserves and Transferring Those Funds to the Permanent Fund. Wythe. Introduction July 28, 2008, Public Hearing October 13, 2008 and Second Reading October 27, 2008.

Leonard Wells, city resident, urged Council not to transfer money to the Permanent Fund as written. The Permanent Fund is supposed to be for unexpected revenues. The funds would be better used to fund depreciation or pay down loans. It would not be as objectionable if other funds become available to set up a fund. The money should be sent back to the taxpayers.

B. **Ordinance 08-35(A)**, An Ordinance of the City Council of Homer, Alaska, Appropriating Five Hundred Thousand Dollars (\$500,000) from the General Fund Reserves for the Purpose of Reducing Water and Sewer Bills for the Purposes of Reducing Water and Sewer Bills on a Temporary Basis. Mayor. Introduction July 28, 2008, Public Hearing and Second Reading October 13, 2008.

Leonard Wells, city resident, urged Council to pass the Ordinance 08-35(A) as it gets the money back to the people it was over-collected from.

Rich Fetterhoff, encouraged strong consideration of the ordinance. The rate increase action last spring was devastating to a lot of businesses. He has owned the Pioneer Inn for the last 20 years, Rate increases last spring added a \$2,000 tax on him. The enterprise system of running the water and sewer program is not working; it needs to be subsidized. Before giving money to other associations we have to get the basic functions working. Businesses are paying six to eight times what Kenai, Soldotna and Seward are paying.

Mayor Hornaday called for a motion for the adoption of Ordinance 08-35(A) by reading of title only for second and final reading.

ROBERTS/SHADLE - MOVED TO ADOPT.

Councilmember Roberts called for a point of order. Telephonic participants could not be heard in Council Chambers, although they were heard by KBBI.

City Clerk Johnson commented there would still be a quorum in the absence of the two councilmembers.

Mayor Hornaday called for a at 7:42 p.m. and reconvened the meeting at 7:50 p.m.

Telephone connection was re-established with Councilmembers Novak and Shadle.

Councilmember Shadle has seconded the motion to adopt.

Councilmember Shadle asked to be more specific about temporary basis and to see how the plan would work. Council briefly discussed the budget issues and those without water who may be subsidizing the program.

NOVAK/SHADLE - MOVED TO POSTPONE TO THE SECOND MEETING IN NOVEMBER.

There was no discussion.

VOTE: YES. SHADLE, NOVAK

VOTE: NO. ROBERTS, WYTHE, HOWARD, HEIMBUCH

Motion failed.

Councilmember Wythe noted there are 1,500 meters in the City, meaning less than half of the City's residents enjoy water and sewer service. She has a hard time asking people who contribute through sales tax for the infrastructure build-out to further subsidize the program. The object of the enterprise fund is those that use the services pay and those that don't use services are not unduly taxed.

Councilmember Heimbuch explained the users on the system are not responsible for rate increases. Water and sewer rates were raised last year and this year's budget suggests a 27% water raise across the board for some large users. Water, sewer, and other services are disproportional within the city. If we don't increase rates, money will have to be pulled from reserves or shortages reallocated through the general fund.

Councilmember Novak commented the ordinance and rate increase would cancel each other. It is likely the services will need subsidizing.

VOTE: YES. SHADLE, NOVAK

VOTE: NO. HEIMBUCH, ROBERTS, WYTHER, HOWARD

Councilmember Roberts called for a point of order if votes we cannot hear can be counted.

Mayor Hornaday ruled votes could be counted as they were heard on the radio.

Motion failed.

Councilmember Wythe called for a point of order to decide if we continue on with the phone session we cannot hear.

WYTHER/ROBERTS - MOVED TO DISCONNECT THE PHONE CONVERSATION BECAUSE WE HAVE NO WAY OF MAINTAINING IT IN A MANNER THAT ALLOWS BUSINESS TO CONDUCT.

Brief discussion ensued on councilmember's ability to participate when they are inaudible within council chambers.

ROBERTS/WYTHER – MOVED TO AMEND WHEN WE DISCONNECT THAT WE GIVE EXCUSED ABSENCES.

There was no discussion.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Discussion ensued on disconnecting participants. Asked if the doctrine of necessity presides, City Attorney Klinkner replied that it does not help in this situation.

Councilmember Shadle objected.

Councilmembers Shadle and Novak were disconnected at 8:03 p.m.

VOTE: (motion as amended, four remaining councilmembers) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. **Ordinance 08-46**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2008 Operating Budget by Authorizing the Transfer of \$27,445 from the General Fund to the Public Works Department for the Purchase of Caselle Software. City Manager. Introduction September 22, 2008, Public Hearing and Second Reading October 13, 2008.

Memorandum 08-135 from Planning Technician as backup.

Ordinance 08-46(S), An Ordinance of the City Council of Homer, Alaska, Amending the FY 2008 Operating Budget by Authorizing the Transfer of \$10,171.16 from the General Fund for the Purchase of Caselle Software. City Manager. Introduction September 22, 2008, Public Hearing and Second Reading October 13, 2008.

Leonard Wells, city resident, questioned the difference between Ordinance 46 and 46(S).

City Manager Wrede clarified the first ordinance had the wrong account numbers, with the remainder of the money found in existing budgets. Ordinance 08-46(S) provides for \$10,171.16 of new money; \$37,000 total cost.

Mayor Hornaday called for a motion to substitute Ordinance 08-46(S) for Ordinance 08-46.

WYTHE/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a motion for the adoption of Ordinance 08-46(S) by reading of title only for second and final reading.

WYTHE/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

D. **Ordinance 08-47**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Loan Increase in the Amount of \$3 Million Dollars from the Alaska Department of Environmental Conservation (DEC) for Construction of the New Water Treatment Plant. City Manager. Introduction September 22, 2008, Public Hearing and Second Reading October 13, 2008.

There was no public testimony.

Mayor Hornaday called for a motion for the adoption of Ordinance 08-47 by reading of title only for second and final reading.

HEIMBUCH/WYTHE – SO MOVED.

City Manager Wrede stated Council authorized an \$8M loan. The first \$5M was applied for as part of Phase I. The agreement with the lending institution concerned how much money we would get from grants. It turns out there is a need for authorization to borrow the money.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

A. **Ordinance 08-48**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Department of Military and Veterans Affairs, Alaska Division of Homeland Security and Emergency Management (DHS&EM) Grant, 2007-GE-H7-0025, State Grant Number: 07PSIC-GR3403707, in the Amount of \$135,618.00 for the Homer Volunteer Fire Department (HVFD) Public Safety Interoperable Communications. City Manager/Fire Chief. Recommended Dates: Introduction October 13, 2008, Public Hearing and Second Reading October 27, 2008.

Mayor Hornaday called for a motion for the adoption of Ordinance 08-48 for introduction and first reading by reading of title only.

WYTHE/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. **Ordinance 08-49**, An Ordinance Amending Homer City Code 9.04.046 to Exempt Certain Property Used Exclusively for Community Purposes from Property Taxation. Novak. Recommended Dates: Introduction October 13, 2008, Public Hearing and Second Reading October 27, 2008.

Mayor Hornaday called for a motion for the adoption of Ordinance 08-49 for introduction and first reading by reading of title only.

WYTHE/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

Items discussed were a lower deductible for Seawall insurance, a tour of the Water Treatment Plant and funding to implement the Climate Action Plan. Boiler issues at the West Elementary building, restrictions on what the property can be used for and property resale policies. The West Elementary property came from the federal government to the Borough, with a restriction on the deed to educational, public, or community services. City Manager Wrede was asked to report how the City could get around selling the property at less than the assessed value. Discussion ensued on destroying the building that is in disrepair. It was suggested state firefighters could use the site for a huge demonstration project. Asbestos is encapsulated in the building. As soon as the building is torn down there is an asbestos mitigation issue. The City would be far ahead if they could get rid of the building.

B. Question of the Week

COMMITTEE REPORT

- A. Comprehensive Plan Community Advisory Committee
- B. Public Arts Committee
- C. Transportation Advisory Committee
- D. Permanent Fund Committee
- E. Lease Committee

PENDING BUSINESS

A. **Ordinance 08-12(S)(A-2)**, An Ordinance of the City Council of the City of Homer, Alaska, Amending Homer City Code Title 21 (Zoning) Adding Chapter 21.56 to the Homer City Code Creating the Scenic Gateway Overlay District to Further Regulate Development Along the Sterling Highway from Rogers Loop on the Baycrest Hill to the Intersection of the Sterling Highway and Pioneer Avenue. City Manager/Planning. Introduction March 10, 2008, Postponed to October 13, 2008.)

HEIMBUCH/WYTHER – MOVED TO ADOPT.

WYTHER/ROBERTS – MOVED TO AMEND TO CHAPTER 21.43 ON CLERK'S ADVISOR AUTHORITY TO RENUMBER SECTIONS.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Heimbuch stated the ordinance is controversial and the new council should hear it.

HEIMBUCH/WYTHER – MOVED TO POSTPONE TO THE NEXT REGULARLY SCHEDULED MEETING.

Councilmember Wythe expressed support for the same four people to make the determination.

Both Councilmembers Novak and Shadle previously declared conflicts.

HEIMBUCH/WYTHE – MOVED TO WITHDRAW THE MOTION.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

B. **Resolution 08-45(S)**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Preparing the 65% Final Design for the New City Hall/Town Square Plaza to the Firm of Jay-Brant General Contractors of Homer, Alaska in the Amount of \$63,465.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works. (Postponed from March 24, 2008.)

Mayor Hornaday called for a motion to postpone Resolution 08-45(S) indefinitely.

HEIMBUCH/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. **Resolution 08-46(S)**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract from Preparing the 65% Final Design for the New City Hall/Town Square Plaza to the Firm of ECI/Hyer of Anchorage, Alaska in the Amount of \$264,619.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works. (Postponed from March 24, 2008.)

Mayor Hornaday called for a motion to postpone indefinitely.

WYTHE/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. **Resolution 08-103**, A Resolution of the Homer City Council Exempting the Cottonwood Horse Park from all City Property Tax Meeting the Criteria of Kenai Peninsula Borough Code 5.12.100, Real Property Tax – Exemptions – Community Purpose Property – Conditions, Retroactive to January 1, 2008 and Authorizing the City Manager to Execute Any and All Associated Documents. Novak.

Per City Attorney the resolution is neither necessary nor sufficient for the proposed tax exemption.

WYTHE/HOWARD – MOVED TO POSTPONE INDEFINITELY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. **Memorandum 08-136**, from City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1, 2, 3 and 4), Matters, the Immediate Knowledge of Which Would Clearly have an Adverse Effect Upon the Finances of the Government Unit; Subjects that Tend to Prejudice the Reputation and Character of Any Person, Provided the Person May Request a Public Discussion; Matters Which by Law, Municipal Charter, or Ordinances are Required to be Confidential; and Confidential Records, Matters Involving Consideration of Government Records, that by Law are Not Subject to Public Disclosure. (Confidential Special Audit Report.)

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 08-136.

WYTHE - SO MOVED.

Motion failed for lack of a second.

B. **Memorandum 08-139**, from City Clerk, Re: Travel Authorization for Mayor Hornaday and Councilmembers Lewis, Roberts and Zak Attendance at Alaska Municipal League 58th Annual Local Government Conference in Ketchikan, Alaska, November 10-14, 2008.

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 08-139.

WYTHE/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. **Memorandum 08-141**, from City Clerk, Re: Deferred Assessment for Breckenridge, Hillside Acres Water and Sewer Local Improvement District.

D.

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 08-141.

HEIMBUCH/WYTHE - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a recess at 8:29 p.m. and reconvened the meeting at 8:37 p.m.

D. **Bid Opening – Request for Proposals** – Purchase City Property, Lot 2, Homer Public Library No. 2.

One bid was received. Paul and Melinda Taylor submitted a proposal to trade three lots immediately adjacent to Hickerson Memorial Cemetery for Lot 2 of Homer Public Library and a number of lots at Lillian Walli estates.

City Manager Wrede stated the bid does not surprise him. The City is running out of space quickly at the Hickerson Memorial Cemetery. He has been negotiating with Mr.

Taylor to purchase the lots. The proposal is not consistent with the RFP, with no down payment included and does not comply with the minimum bid. Council may reject the bid or authorize him to negotiate a sale or trade per HCC 18.12.050.

WYTHE/HOWARD – MOVED TO FIND THE BID FROM PAUL AND MELINDA TAYLOR NON RESPONSIVE, HOWEVER WOULD LIKE TO DIRECT STAFF TO BRING FORWARD A RECOMMENDATION FOR THE COUNCIL TO CONSIDER AT OUR MEETING ON OCTOBER 20TH FOR LOT TRADE.

Councilmember Wythe commented she is interested in finding out about the lots by the cemetery. Lillian Walli Estates properties are land-locked; you cannot get road access. Moving forward with discussion there would need to be a resolution where the City is paying down the loan on the new library. Councilmember Roberts echoed her concern with a trade.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

A. **Resolution 08-105**, A Resolution of the City Council of Homer, Alaska, Requesting Enstar to Establish if There is Sufficient Interest from Anchor Point and Homer Residences and Business in Hooking up to a Natural Gas Line to Warrant Developing the Distribution System and that Enstar be Requested to Investigate a Joint Venture for Supplying Barge Delivered Compressed Natural Gas to the Other Communities of House District 35. Novak.

City Clerk Johnson stated Councilmember Novak previously expressed his intent to postpone until December 8, 2008. He had communication with Enstar who suggested the resolution be postponed until December or January.

WYTHE/ROBERTS – MOVED TO POSTPONE UNTIL DECEMBER 8, 2008.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Resolution 08-106, A Resolution of the Homer City Council Confirming the Assessment Roll, Establishing Dates for Payment of Special Assessments and Establishing Delinquency, Penalty and Interest Provisions for the Spruceview and West Noview Road Reconstruction and Paving Assessment District. City Clerk.

Memorandum 08-140 from Public Works Director as backup.

Memorandum 08-142 from Public Works Director as backup.

Memorandum 08-143 from Public Works Director as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 08-106 by reading of title only.

ROBERTS/HOWARD - SO MOVED.

ROBERTS/HOWARD - MOVED TO AMEND PAGE 322 TOP, THE NOW THEREFORE BE IT RESOLVED SHOULD SAY APRIL 1, 2009 AND THE FOURTH LINE IN THE NEXT PARAGRAPH SHOULD BE APRIL 1, 2009.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/HOWARD – MOVED TO AMEND THE ASSESSMENT ROLL FOR THE PRATT MUSEUM PARCEL #175-101-22 SHOULD BE A DEFERRED ASSESSMENT, EDITH DAVIS PARCEL #175-133-30 SHOULD BE ELIGIBLE FOR A DEFERRED ASSESSMENT AND HANSON PARCEL #175-133-27 SHOULD BE A DEFERRED ASSESSMENT.

City Attorney Klinkner commented on HCC 17.04.160. When only one of two streets front the assessment, the section does not apply for deferral of assessment as it is not a property susceptible to being charged twice.

ROBERTS/HOWARD - MOVED TO WITHDRAW THE MOTION.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/WYTHE – MOVED TO AMEND THE ASSESSMENT ROLL FOR PRATT MUSEUM PARCEL #175-101-22 TO BE A DEFERRED ASSESSMENT.

City Attorney Klinkner advised one side of the museum parcel fronts on Spruceview, another fronts on W. Pioneer Avenue that is not a part of the district. Authorization for a deferral of assessment can only be done when two parts are being improved. Code does not authorize a deferral.

VOTE: NO. UNANIMOUS.

Motion failed.

ROBERTS/WYTHE - MOVED TO AMEND THE ASSESSMENT ROLL TO ALLOW MARVIN AND JUDY HANSON PARCEL #175-133-27 FOR DEFERRED ASSESSMENT.

City Attorney Klinkner advised the parcel as platted will not be adjacent to the approved street, thus the deferral would be appropriate.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/WYTHE - MOVED TO AMEND THE ASSESSMENT ROLL FOR EDITH DAVIS, PARCEL #175-133-30 FOR A DEFERRED ASSESSMENT.

City Attorney Klinkner advised it is a corner lot on Spruceview and Bartlett. Bartlett is not being approved and is not eligible for a deferred assessment.

VOTE: NO. UNANIMOUS.

Motion failed.

Mrs. Davis is to be notified she may apply for a deferral under a different section.

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

Motion carried.

C. **Resolution 08-107**, A Resolution of the City Council Certifying the Results of the City of Homer Regular Election held October 7, 2008 to Elect the Mayor and Three Council Members. City Clerk.

Resolution 08-107(S), A Resolution of the City Council Certifying the Results of the City of Homer Regular City Election Held October 7, 2008 to Elect the Mayor and Three Council Members. City Clerk/Canvass Board.

Mayor Hornaday called for a motion for the adoption of Resolution 08-107(S) by reading of title only.

WYTHE/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. **Resolution 08-108**, A Resolution of the Homer City Council Adopting the 2009-2014 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2010. Mayor/City Council.

Memorandum 08-138 from Special Projects Coordinator as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 08-108 by reading of title only.

WYTHE/ROBERTS – SO MOVED TO ADOPT.

Councilmember Howard stated her conflict of interest with the hospital and excused herself.

City Attorney Klinkner confirmed Mrs. Howard's service on the hospital board. If a project is added or deleted she should recuse from discussion on the project. There is no doctrine of necessity to continue business on Resolution 08-108.

WYTHE/ROBERTS – MOVED TO POSTPONE TO A SPECIAL MEETING ON OCT 20TH.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

E. **Resolution 08-109**, A Resolution of the Homer City Council in Support of a Full Time Adult Probation Officer in Homer. Howard.

Resolution 08-109(S), A Resolution of the Homer City Council Expressing Support for a Full Time Adult Probation Officer in Homer and Requesting Funding for that Position in the FY 2010 Department of Corrections Operating Budget. Howard.

Mayor Hornaday called for a motion for the adoption of Resolution 08-109(S) by reading of title only.

HOWARD/ROBERTS – SO MOVED.

Brief discussion ensued on the legislative request for a probation officer in Homer.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

E. **Resolution 08-110**, A Resolution of the City Council of Homer, Alaska, Authorizing an Application for Funding to the Alaska Energy Authority's Renewable Energy Grant Program for a Preconstruction Grant to Assess the Feasibility of Generating Power from Kachemak Bay Tidal Currents. City Manager.

Mayor Hornaday called for a motion for the adoption of Resolution 08-110 by reading of title only.

WYTHE/ROBERTS - SO MOVED.

Councilmember Wythe stated her employment with Homer Electric as the sole provider of utilities. She asked if it was a conflict of interest.

City Attorney Klinkner advised Councilmember Wythe had no conflict of interest.

There was no additional discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Leonard Wells, city resident, asked that Council consider the first comments of the public be moved to visitor, so they are separated. The audience would realize that is where they make speak. He differs with the councilmember who said 1,500 folks benefit from city water. There are 99% of 5,000 people that benefit from the system. You get water somehow unless you have a roof drainage system. Maybe all rates should be increased significantly. He commented on the request for executive session, asking that the subject be included. He asked about DOT talks with the City about Main Street, as mentioned at the last meeting. On deferment of property taxes, he doesn't know why the Pratt would not be allowed deferment. It means the rest of the property owners have to take up what they should be paying for.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner expressed his pleasure to be back in Homer. Attorney Holly Souzo provided a training session with the Planning Commission. They would be happy to share the training materials with the Council. There are three cases in litigation at the Superior Court level. All cases involve Frank Griswold, two standings to appeal to Board of Adjustment records and one for a records request. The three cases are expected to be closed at the end of November.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede commented on the Department of Transportation follow-up in the Manager's Report. In discussions with DOT they talked about the Council's desire that a traffic light be placed at the Main Street and Sterling Highway intersection. DOT will provide figures for the light and a roundabout. He encouraged Council to keep DOT projects in the Capital Improvement Plan as it is one of the few ways for them to get money from the legislature.

COMMENTS OF THE MAYOR

Mayor Hornaday said he has been discussing capital projects with Walt Wrede and Anne Marie Holen. In the next two years there are very large capital projects. We tend to ask for small State amounts; he would recommend increased State lending as it is more possible than Federal funding.

COMMENTS OF THE CITY COUNCIL

Councilmember Wythe commented on Mr. Wells comments about water and sewer usage by people who are not on the system. There are a lot of citizens with wells and septic systems who should not be asked for tax dollars to supplement the system. They are asked to pay for their own system and would be asked to pay for one they don't benefit from. She appreciates the attorney here as there is immediate feedback on questions.

Councilmember Howard congratulated the Clerk's office for making the election a non-eventful event. She praised Finance Director Harville's budget document as a piece of artwork as it is well formatted and easy to read. She requested excusal from the October 27th meeting and telephonic participation for the November 10th meeting. She said goodbye to her good friend Mike Heimbuch and thanked him for his service.

Councilmember Heimbuch thanked everyone for a fun three years with amazing diversity. He thanked the voters for overwhelmingly passing a seasonal tax adjustment, although we will pay the price for it.

Councilmember Roberts responded to Mr. Wells regarding deferred tax assessments to certain people, the deferrals were for road reconstruction and paving districts instead of tax assessments. She is glad to see Martha Madsen from the Sister City and enjoyed hearing the updates.

ADJOURNMENT

There being no further business to come before the Council the meeting was adjourned at 9:17 p.m. by Mayor James C. Hornaday. The next Regular Meeting is scheduled for Monday, October 27, 2008 at 7:00 p.m. The next Committee of the Whole is scheduled for Monday, October 27, 2008 at 4:00 p.m. A Special Meeting is scheduled for Monday, October 20, 2008 at 7:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____



City of Homer

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Memorandum

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: February 9, 2023
SUBJECT: City Manager's Report for February 13, 2023 Council Meeting

Juneau Trip

Special Projects Coordinator Jenny Carroll, Port Director Bryan Hawkins, and I traveled to Juneau to continue to spread the word regarding Homer's large vessel harbor expansion project and other City priorities. Our lobbyists at J&H Consulting were able to connect us with numerous legislators, we also we able to spend time with Rear Admiral Moore of the Coast Guard, Department of Transportation Commissioner Anderson, and Department of Environmental Conservation Commissioner Brune. We wrapped up our trip with a visit to the Marine Exchange of Alaska discussing ways we could partner to use their data to support our port expansion project (and have since followed up and are working on ideas for a vessel data visualization project). A full accounting of our meetings is included in a supplemental report provided by J&H Consulting which is attached to this report.

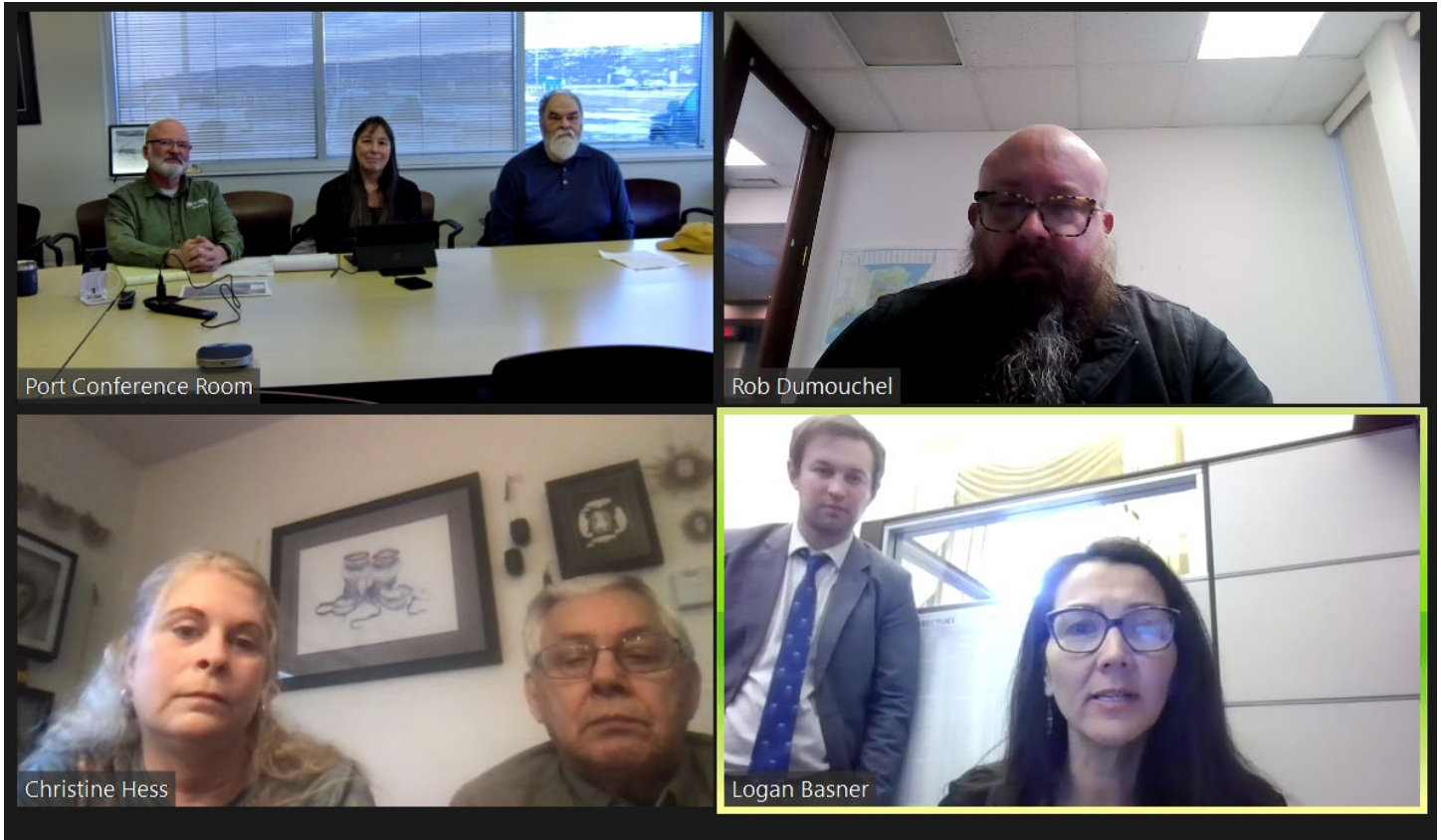


Top: Senate Finance Co-chair Stedman stops to chat with the Homer Delegation

Bottom: City staff meets with DOT Commissioner Anderson and key staff

Meeting with Representative Peltola and Staff

The City of Homer had its first official meeting with our new congressperson via Zoom. Mayor Castner, Special Projects Coordinator Jenny Carroll, and Port Director Bryan Hawkins participated from the Harbor Office, I called in from Anchorage, our lobbyists joined from Juneau, and Representative Peltola and staffer Logan Basner spoke with us from Washington D.C. We had an opportunity to discuss priority City projects and begin to build our relationship with Representative Peltola's office. We look forward to hosting her in person sometime in the near future!

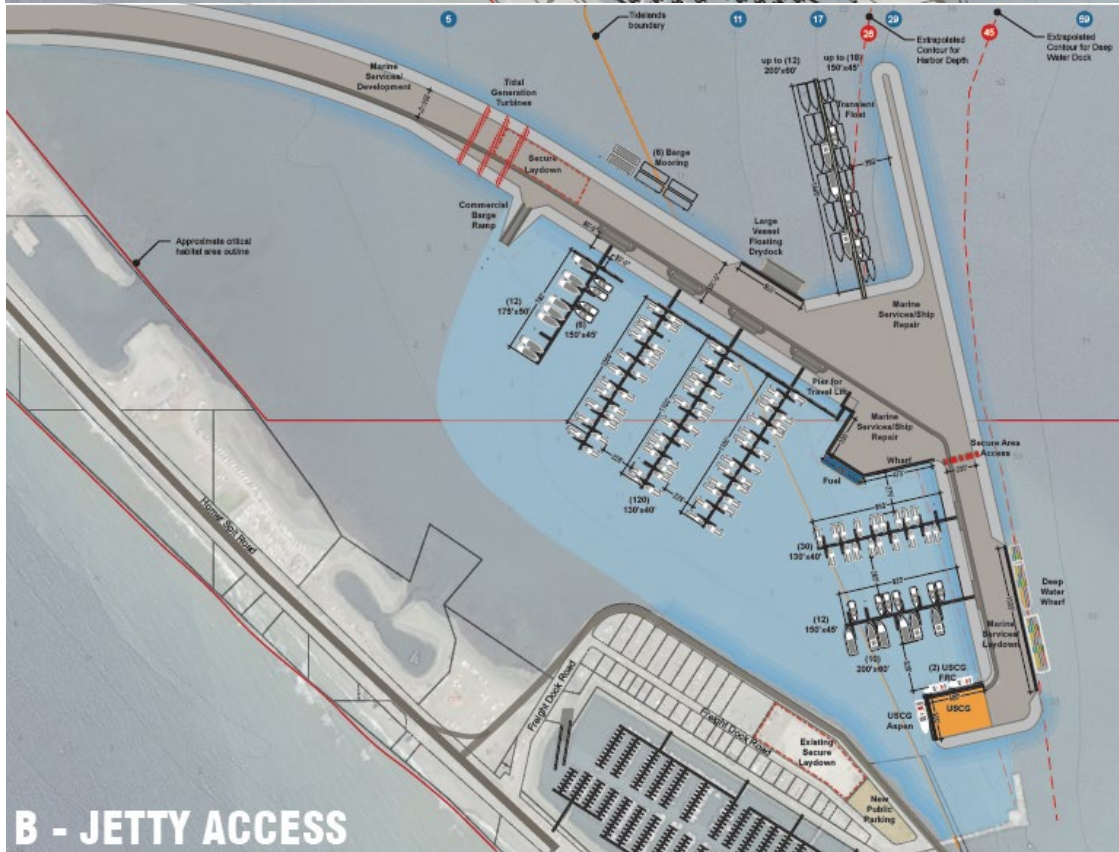
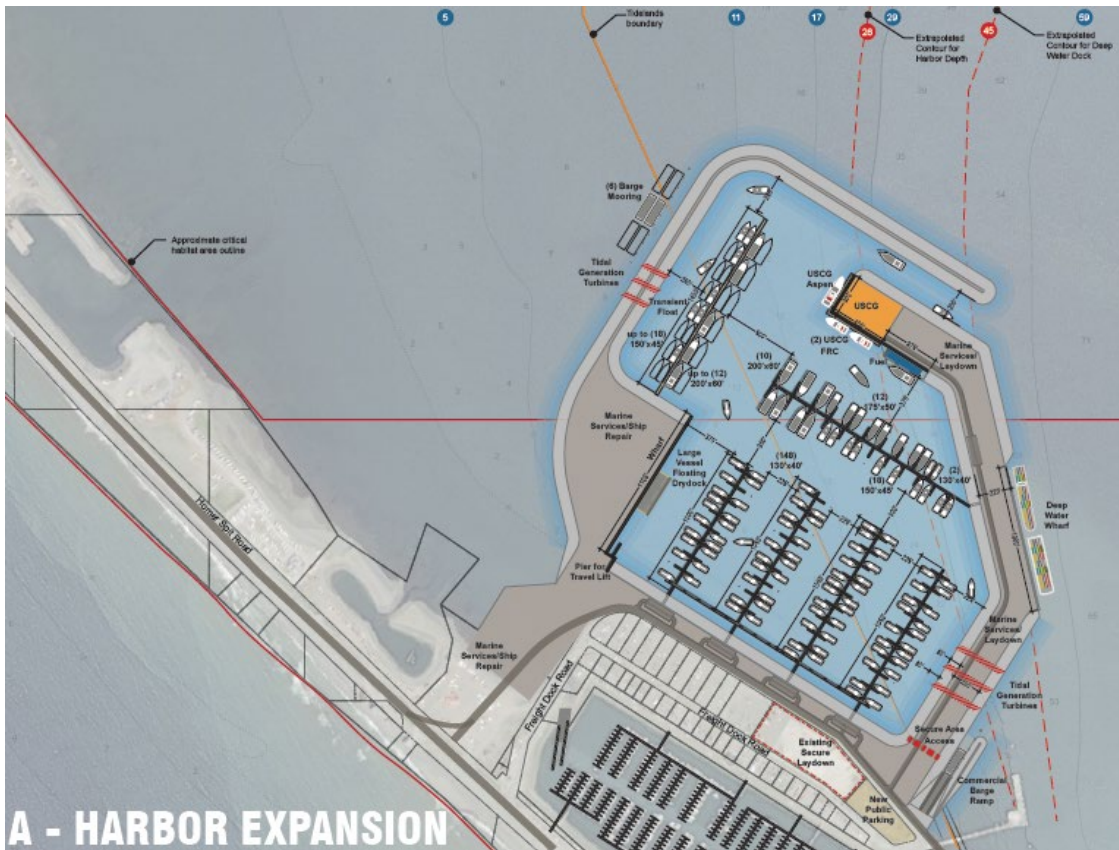


Port Expansion General Investigation

Contracts required to get the Army Corps of Engineers' general investigation underway are circulating the District office for approvals. We have been in frequent contact with Army Corps staff. The expectation is that an agreement should be ready for local signatures in the next two or three weeks.

Port Expansion Design Charrette

In my last report, I remarked on the charrette led by Corvus Design and hosted by the Port & Harbor Commission. We used this as an opportunity to check in with stakeholders, refresh the conceptual imagery, and keep the port conversation top-of-mind as we prepare to enter the next phase of the project (Army Corps general investigation). Corvus has since generated two concepts based on stakeholder feedback. As a reminder, they are concepts and there is no "official" design at this time. Expect to see more concepts in the future as part of the project's environmental review (National Environmental Policy Act regulations require the Corps to evaluate reasonable alternatives including a "no action" alternative). We won't have a firm design target until we complete the Army Corps' general investigation process.



Airport Lease Renewal

The City of Homer is nearing the end of the 30 year land lease for the Homer Airport Terminal. The Alaska Department of Transportation (DOT) owns the land and the City owns the building. Staff is working on a 5 year renewal, and Council can expect a resolution at a future meeting. The City is hoping to apply for a substantial grant to make upgrades at the airport, at which time a new longer term (30 year) lease will be negotiated. In the meantime, this five year renewal will allow the City and sub-lessees to stay in good standing with DOT.

Community Assistance Funding

I received notice that the Division of Community and Regional Affairs (DCRA) has set Homer's FY24 Community Assistance Program (CAP) funding level at \$75,591.21. In recent years this award has ranged anywhere from \$76k-\$177k. For FY24, I am suggesting that we again set aside this funding for ADA projects and coordinate with the ADA Advisory Board on needed projects once the funds are received.

Old Town Road Improvements Conversation

The City partnered with Bunnell Street Arts Center to host a neighborhood meeting to discuss road improvements in Old Town on Tuesday, February 7. In July 2022, City staff and their consultant, Nelson Engineering, asked the neighborhood's community members for ideas on what road improvements they would like to see in the Old Town area. At the February 7 meeting, Nelson Engineering presented design options that were drafted in response to that conversation. Design options included landscaping, parking, and sidewalks along Ohlson Lane and Bunnell Avenue. Residents and business owners had the opportunity to voice their concerns and provide feedback, and staff was able to gather valuable community input on the proposed project as a result of the meeting.



Safe Streets for All Program Grant Award

We have been notified that the United States Department of Transportation intends to award a Safe Streets for All (SS4A) grant to the Kenai Peninsula Borough in the amount of \$960,000. Homer, along with Kenai, Soldotna, Seward, and Seldovia were partners in this grant application.

SS4A is a Federal IIJA grant program focused on roadway safety with the goal of zero deaths and serious injuries on our nation's roadways. Two types of SS4A grants are available: 1) Safety Action Plan Grants; and 2) Implementation Grants. A Safety Action Plan identifies roadway safety issues and prioritizes strategies to improve roadway safety and eliminate fatalities and injuries for all users, including pedestrians, bicyclists

and motorists. Eligible activities include conducting planning, design, and development activities in support of program goals.

SS4A Implementation grants are awarded for the purpose of developing projects and carrying out strategies identified in the Safety Action Plan. Implementation grants require that a community have a Safety Action Plan in place. The grant is to be awarded to the Kenai Peninsula Borough and includes the cities of Kenai, Homer, Seldovia, Soldotna, and Seward as co-applicants. Upon adoption of an Action Plan, the cities and borough will be eligible to apply for SS4A implementation grants in future funding cycles. As scope of the Master Transportation Plan does not include components of a safety action plan, SS4A activities will supplement the plan and provide additional opportunities to identify and fund projects to improve the safety of our local transportation infrastructure.

The program requires a 20% local match. The required match for each of the partners is based on a combination of the number of roadway miles and the total population in each area. Homer's match was estimated to be \$17,110 and may be met with cash and/or in-kind activities. Our staff will be working with the Borough to determine how our match will be met and bring that information back to Council at a later meeting.

Attachments: Employee Anniversaries

Overview of Homer Lobbying Activity Jan 16-Feb 1 by J&H Consulting

Old Town Part 2 Flyer

Thank you letter from Bunnell Street Art Center

Small Business District Report



City of Homer

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Memorandum

TO: MAYOR CASTNER AND CITY COUNCIL
FROM: Andrea Browning
DATE: February 13, 2023
SUBJECT: February Employee Anniversaries

I would like to take the time to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

Jenny Carroll	Admin	7	Years
Morgan Tracy	Police	6	Years
Kevin Co	Library	4	Years
Tyler Jeffres	Police	4	Years

SCHEDULE FOR THE CITY OF HOMER January 26th - February 2nd, 2023

The Homer team's Bryan Hawkins, Jennifer Carroll, and Robert Dumouchel visited with state and federal representatives to discuss the City of Homer's priorities. The following topics were discussed at the meetings listed below:



Meeting with Rear Admiral Moore and Staff at USCG Facility

Mitigation: Described the project and why it is needed to protect critical infrastructure on the Homer Spit and how it is a symbiotic project with the large vessel harbor. Discussed the need for funding for a GI study. Requested that the state work in partnership with the Army Corps of Engineers (USACE) and the City of Homer to implement the long-term erosion mitigation and maintenance plan to mitigate and stabilize erosion conditions on the Homer Spit. Updated DOT and DEC on this project and solicited interest in leveraging additional IIJA funding for the project. There is a lot of interest in this project.

- Introductions and congratulations.
- Large Vessel Harbor: Overview of the large vessel harbor expansion project, new concept designs, GI investigation, timeline, and secured funding, construction funding needed. Emphasized the importance of this project to the region and state and that it is the number one priority of the community. In most meetings, much of the conversation was about this project.

- Spit Road Erosion

- Slope Stability: Described the problem of steep slopes and bluffs in Homer that cause instability in the soils and land and the impacts that has to the community. Outlined the four projects which will utilize existing wetlands as green infrastructure to store water like a sponge and use native vegetation to slow runoff and treat contaminants, making downstream waters cleaner. This in turn will help protect both City and State of Alaska transportation interests. Provided an update on the status of grant applications to complete some portions of this project, including purchase of peat lands. Told DOT&PF that State funds are requested to help complete the Kachamek and Beluga Slough Wetland Treatment systems that have some grant fund support. There was a lot of interest in this project from the Department of Environmental Conservation.
- Non-Motorized Transportation: Provided a description and a status update on the project including the pursuit of a Federal RAISE Planning grant to support pre-development activities to bring some of Homer's priority non-motorized transportation network to construction ready status. Requested a DOT support letter and a letter of support from our local and federal delegation.
- Importance of funding Municipal Harbor Grant Fund in upcoming State budget; the program was left unfunded by Governor Dunleavy; important funds for leveraging Federal dollars for port & harbor projects.

January 26th, 2023 (Thursday)

1 – 2:00 p.m. prep with Homer Team and Mayor Castner for meeting with Congresswoman Peltola

January 27th, 2023 (Friday)

9:00 – 10:00 a.m. Homer team and Mayor Castner with Congresswoman Peltola and Logan Basner, staff by ZOOM

Notes: Due to voting, the time with Congresswoman Peltola was limited to ten minutes but introductions and congratulations were made and initial connections were established. Her staff spent considerable time getting briefed on all of Homer's projects.

January 30th, 2023 (Monday)

11:00 a.m. – 12:30 p.m. Strategy session, prepare for visits, go over presentations – meet at Lemon Tree
1:30 p.m. Sen. Stevens, Senate President

Notes: The two big issues are increasing education funding (that solution needs to happen this year), and solving the retirement issue, which he sees as a two-year fix. Interested in the Governor's carbon bill but needs to see the details and thinks it will take longer to see revenue from the plan. Supports Port Expansion project but uncertain about capital funding this year. The capital budget may just be state match to federal projects.

2:00 p.m. Katrina Matheny (Senator Steven's CAPSIS manager) with Jennifer Carroll for a deeper dive on all six legislative capital requests.

3:00 p.m. Sen. Olson, Finance Co-Chair

Notes: Cautions about shortfall in revenues this year. Supports a system of ports around the State.

4:00 p.m. Rep. Mina, Transportation and Health Committees

Notes: Very interested in the green infrastructure projects.

4:30 p.m. Rep. McCabe, Transportation Chair, Community and Regional Affairs Vice-Chair, Resources and Fisheries member

Notes: Very interested in researching about a regional port authority.

4:45 p.m. Rep. Carpenter, Way and Means and Legislative Budget and Audit Chair and Tribal Affairs, Judiciary, State Affairs, Military and Veteran's Affairs member

Notes: Very interested in port project. Asked some good questions.

January 31, 2023 (Tuesday)



Meeting with Representative Vance and her aide, Jake Almeida

8:30 a.m. Sen. Dunbar, Community and Regional Affairs Chair, and Resources Committee

Notes: Worried about impact to Port of Anchorage

9:00 a.m. Rep. Schrage, Minority leader, Rm. 104

9:30 a.m. Sen. Kaufman, Transportation Chair and Resources Committee

Notes: Interested in construction schedules and project development process, firm numbers.

10:15 a.m. Rep. Josephson, Finance and Legislative Budget and Audit member

10:30 a.m. Sen. Bjorkman, Community and Regional Affairs and Labor and Commerce Committee

Notes: Supports projects, concerns about housing to accommodate port growth. Not sure about capital funding this year.

11:00 a.m. Rep. Hannan, Finance Committee

12:30 p.m. Rep. Vance, Judiciary and Fisheries Chair, Tribal Affairs and Transportation member, local representative

Notes: Would like to highlight Homer port and other ports in the Transportation Committee.

Interested in the number of vessels mooring out of state, if we can get numbers and impacts. Supports project and commends recent outreach and public input regarding it. Very engaged.

1:30 p.m. Sen. Hoffman, Co-Chair Finance

Notes: Concern about available capital funding this year. Likes the approach to fund over several years.

2:00 p.m. Sen. Merrick

Notes: interested in positive economic impact to state and would like numbers. Worried about impact to Port of Anchorage, it is in her district and one of her higher priorities.

2:30 – 3:30 p.m. US Coast Guard, Rear Admiral Moore, Jesse Houck, External Affairs, Mr. McCabe, Chief of Staff, Mr. Fitzwater, Attorney, Legal Department

Notes: Any port or harbor development the USCG is involved. Bryan asks for someone to shadow the project from the USCG. Moore says yes, will have his Chief of Staff assist in finding a designated staff member. (Jesse Houck sent contact from USCG Civil Engineering Unit in Juneau to Jenny Carroll.) Discuss Hickory and its new placement with a natural float to tie up and how that will be better for the ship and crew. Reviewed the new conceptual drawings. New ship will be the Aspen. No plan to move it from Homer or to decommission it, it is back in service. Discuss depths found in the harbor. Discussed Homer as a turnaround station for new FRC's; Rear Admiral Moore discusses possibility of needing more presence in the future if vessel traffic grow after harbor expansion. Bryan talks about the fleets mooring out of state because no moorage in Alaska, keep business and money here by adding moorage. USCG is an anchor tenant. Going to connect Homer with the civil engineers and real property staff to work with. Would like to work on better mooring for the Aspen as part of the harbor expansion.

Discussed navigational hazard of tide rip in Kachemak Bay during the China Poot personal use salmon fishery and mobilizing the local USCG auxiliary unit for safety watch during the dip net fishing season or using other USCG assets. Bryan asks for assignment of the USGC auxiliary unit to patrol in the summer and Rear Admiral Moore seems amenable.

3:45-4:30 p.m. DOT Commissioner, Ryan Andersen, Andy Mills, Legislative Liaison, John Binder, Deputy Commissioner, James Marks, Division Director

Notes: Requests a contact with DOT to keep informed about the process of the Homer port expansion. Commissioner thinks they need a person in charge of waterways, like a waterway's planner and they may be making a new position soon. Discussion of getting the port project into the state STIP, statewide transportation plan. Commissioner: DOT supports the roads to the harbors, but right now only non-road connected harbor projects are eligible for the STIP. Other harbors usually only end up in STIP when they are determined to be projects of significance or federal agencies request it.

PROTECT grant could be a good fit for the spit erosion project. Not sure how much money will be left because of recent storm erosion due to typhoon Merbok and the money may be needed as an emergency fix. Most grants will go through AML who will work with DOT. Update on the status of the City's TAP and CTP notices of intent.

FAA terminal upgrade. Homer is moving forward with Central Region Planning to hopefully submit an FAA Airport Terminal Program grant in October, or later as we work out eligibility. The City and State DOT need a new co-sponsor agreement and getting the project in the Airport Layout Plan. DOT is working on getting a new agreement to Homer for signature. Working on parking issues, can put in a rate structure to help pay for the costs. Jennifer stated that the City wants to be involved in the update of the Airport Master Plan to work on the parking issue, set aside land for future increases in traffic. The City wants more engagement in the master plan as relates to the terminal and parking

and how terminal fits in with airport that DOT manages. DOT agrees. Request to include planning for the airport terminal/parking in the State's update of the Airport Master Plan scheduled for 2024.

4:30 p.m. Rep. Tilton, Speaker of the House

7:00 p.m. Dinner with Rep. Vance, staff members Jake Almeida and Elesheva Tinerat at TK McGuires
Notes: Pleasant conversation and a great way to get to know Representative Vance and staff better.

February 1, 2023 (Wednesday)

8:00 a.m. Sen. Kiehl staff, Transportation, Education, and Finance Committees

9:00 -9:45 a.m. Department of Environmental Conservation, Commissioner Jason Brune, Deputy Commissioner, Emma Pulon, and Randy Bates, Division of Water, Director, Carrie Bohan, Willoughby Office, Third Floor

Notes: Quick overview of the port expansion project. DEC will work with Army Corp on any dredging on the spit and a 404 permit will be needed. Will work with the community if increased utilities needed with harbor expansion. Overview of slope stability and stormwater mitigation project, storm water management plan and use of cold climate green infrastructure principles. There is a new grant program for storm water overflow which may fit this project! Yearly funding for the project will be available. Discuss Homer's \$6 million request for clean water and sewer in bundled water projects and the sources of funding. Ask whether the funding will be a grant or loan? Mr. Bates will research and get back with Jenny. The \$6 million requires a 20% match but that amount can be loaned at about 2%. Later some of the state loan may be forgiven. Federal regulations require that part of the funding goes to green projects. Carrie will work with Homer on possible water grants and how to pair up funding sources.

DEC regulation package coming out addressing PFAS. Regulations will lower acceptable PFAS levels in drinking water. Homer Airport has some PFAS. Commissioner urges communities to pay attention. Jenny talks about the possible airport terminal project with DOT and FAA and whether a PFAS containment/reuse system might be part of it.

Alaska has 175 million acres of wetlands and only 1% developed. DEC is looking for state support to take primacy over the wetlands. Right now the Army Corps has primacy over wetlands. DEC has a proposal to the legislature called 404 primacy, which will require 28 new DEC staff. DEC is very excited about this possibility and asks for support with local state representatives. DEC Commissioner and staff is willing to present to Homer City Council about this proposal.

10:00 – 11:30 a.m. Alaska Marine Exchange, Steve White, CEO. John Hollinsworth, and Chris Coutu
Notes: Discuss port expansion. Discuss collection of aggregate data that might be helpful in supporting the positive economic impact and connections the Homer harbor has statewide. Mr. White shared some available data they collect with the group e.g.; vessel traffic over time, types of vessels, flag of vessel. AME is working with GCI on a vessel and cargo tracking project. Problem with Homer is many boats are not on AIS so aren't tracked and also how to connect port activity to land economy and where the product/commodity ends up in the state. They can put together data and also sale data for other people to use. Tour of facility.

Bills of Interest:



Bryan Hawkins and Randy Bates, DEC Division of Water, discuss the port expansion project.

HB 18 (Stutes) – The state would help create nonprofit regional fishing cooperatives intended to develop new fisheries in the state. These would be funded by fees paid by fishermen in the area.

HB 19 (Stutes) – A boat registered with the Coast Guard and registered as a commercial fishing vessel wouldn't have to also register with the DMV.

HB 20 (Stutes) – Members of the Board of Fish or the Board of Game wouldn't be automatically excluded from debating or voting on issues because of conflicts of interest.

Old Town Neighborhood Conversation on Future Road Improvements - Part 2

The City of Homer and the Bunnell Street Arts Center invite you to continue the conversation about road improvements in Old Town on *Tuesday, February 7*.

In July 2022, Nelson Engineering presented design options for road improvements, including sidewalks in the Old Town area. This presentation continues the conversation about improving Ohlson and Bunnell Avenues.

Your input is important to the development of this project. We hope to see you there!



For more information contact
Bella Vaz, Associate Planner
907-235-3106
planning@ci.homer.ak.us





City of Homer
491 E. Pioneer Avenue
Homer, AK 99603

**OLD TOWN
Neighborhood
Conversation on
Future Road Improvements
PART 2**



BUNNELL
STREET

ARTS CENTER

106 W. Bunnell Avenue



Tuesday, February 7

Open House 5 - 7 p.m.

Presentation starts at 5:15 p.m.



Refreshments provided



106 west Bunnell, Suite A
Homer, AK 99603

www.bunnellarts.org

Asia Freeman, Artistic Director

asia@bunnellarts.org

"sparking artistic inquiry, innovation and equity to strengthen the physical, social and economic fabric of Alaska"

February 1, 2023

Dear City Council Members and Mayor,

On behalf of Bunnell Street Arts Center, I would to thank the City of Homer and the Homer Foundation for working together, supporting annual operating grants to strengthen Homer's non-profit sector. Each year, dozens of organizations and local citizens are positively impacted.

Bunnell Street Arts Center leverages support from the City of Homer Grants Program through the Homer Foundation in marketing materials that express Bunnell's mission to spark artistic inquiry, innovation and equity to strengthen the physical, social and economic fiber of Homer through the arts.

Bunnell invested this grant of \$1500 to achieve our mission and benefit our community, approximately 5000 people, from elementary-school kids to Seniors. We created a new Bunnell brochure, led the creation and distribution of the the Homer Map and printed a comprehensive Annual Report which helped Bunnell connect with our audience and share our programs.

Bunnell Street Arts Center applied the grant to marketing materials which communicate and attract audience to Homer, and to Bunnell. Our audience include Homerites, Alaska travelers, statewide and international visitors, tourists, artists, collectors, students and teachers. These people attended exhibitions and artist talks in person and online, Bunnell Arts by Arts Concerts in person and broadcast on KBBJ, performances and screenings, artist residencies, and Artist in Schools programs.

Every year we learn something new. Adaptation and innovation keep Bunnell relevant and sustainable, through pandemic and increasingly complex socio-environmental and economic challenges. Our strategy is to seek local, statewide, national and international partnerships, especially cross-sector partnerships, to leverage the arts for Homer's social, economic and physical health.

Some things worked better than anticipated. 2022 was a good year to turn our land acknowledgement learnings into actions. Over three years of workshops, discussion and planning, in partnership with the City of Homer, with support from Ninilchik Tribal Council, private foundations and community donors, we contributed a sculpture to the Municipal Art Collection acknowledging the long-term Indigenous presence and stewardship of lands now called Bishop's Beach Park. Tuggeht stands as a beacon at the shores of Kachemak Bay and invites all of us to celebrate this place and its people.

2022 was also a good year to launch a major national touring show. Protection: Adaptation & Resistance opened at the Pratt and traveled to the Anchorage Museum. Featuring Indigenous Alaska artists, Protection showcases how artists are guiding the next generation from surviving amidst complex challenges to thriving. The show continues to Portland, Tulsa and Santa Fe in 2023.

Artists continued to benefit from outreach innovations— both online, in person and over the airwaves. The MOTHER exhibition featured seven statewide artists who met frequently enough online to develop a groundbreaking group show which came to fruition in December. If you missed it, you can find this talk and many others on Bunnell's YouTube channel. Bunnell Arts by Air concerts broadcast live from Bunnell the third Friday of each month and are archived at KBBI.org. There are many ways to become involved and learn more. Visit us at bunnellarts.org, or stop by for our next First Friday opening reception and artist talk. Everyone is welcome!

Sincerely,

A handwritten signature in black ink, reading "Asia Freeman". The signature is written in a cursive, flowing style.

Asia Freeman, Artistic Director



January 18, 2023

City of Homer
491 E. Pioneer Ave
Homer, AK 99603

Dear Mayor Castner, City Council, and City Staff,

This letter serves as our quarterly report for the period October 1 to December 31, 2022. The Homer Business Advisor, Robert Green, had a strong finish to the calendar year, even with his first vacation since joining the Alaska Small Business Development Center in 2020. Not only did Robert's advising result in the creation of 16 new businesses, he also achieved the second highest amount of non-COVID relief capital infusion for the Homer area in a calendar year, with \$2.5 million in loans and investments. Robert provided assistance to 115 business owners and entrepreneurs, which supported 342 jobs in the Homer area. SBDC assistance in the Homer area has been very well received, with Robert providing 392.7 more advising hours in 2022 than what was provided in 2019, the last year Homer did not have an SBDC advisor. Here is a summary of deliverables to the Homer community during the quarter (year):

Client Hours: 71.6 (556.8)	Jobs Supported: 70 (342)
Total Clients: 34 (115)	Capital Infusion: \$2,040,000 (\$3,172,650)
New Businesses Started or Bought: 3 (16)	Client Surveys: 100% positive (92% positive)

The contract rate for a business advisor is \$55 per hour, which includes salary, benefits, fixed, and administrative expenses. In addition to local expertise, the Alaska SBDC provides IBISWorld industry reports, retailing for \$925 each, and ProfitCents financial analyses, valued at \$2,750 each, to clients free of charge. Here is a summary of value provided to the Homer community during the quarter (year):

Business Advisor: \$10,340 (\$51,755)
IBISWorld Industry Reports: \$3,700 (\$36,075)
ProfitCents Financial Analyses: \$2,750 (\$33,000)
Total: \$16,790 (\$120,830)

We would like to thank the City of Homer for their support of the Homer Business Advisor position. Not only has Robert excelled in Homer, but he has become a valued part of the Alaska SBDC staff. We greatly appreciate the knowledge, experience, and consistency he brings to our team. Please do not hesitate to contact us if you have any questions.

Sincerely,

DocuSigned by:

Jon Bittner

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Jon Bittner
Executive Director
Alaska SBDC



AGENDA ITEM REPORT

Resolution 23-015, A Resolution of the City Council of Homer, Alaska Supporting the Homer Planning Commission's Reconsideration of its February 1, 2023 Approval of a Preliminary Plat for the Forest Trails Subdivision; and Urging the Planning Commission to Include a Reference to New Requirements Related to Sidewalks Laid out in Homer City Code 11.04.120. Davis/Erickson.

Item Type: Resolution
Prepared For: City Council
Meeting Date: 13 Feb 2023
Sponsor: Jason Davis, Council Member & Shelly Erickson, Council Member
Attachments: [Resolution 23-015](#)

Summary Statement:

Council Member's Davis and Erickson submitted Resolution 23-014 for Council consideration.

Recommendation:

Adopt Resolution 23-015.

Attachments:

[Resolution 23-015](#)

**CITY OF HOMER
HOMER, ALASKA**

Davis/Erickson

RESOLUTION 23-015

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA SUPPORTING THE HOMER PLANNING COMMISSION'S RECONSIDERATION OF ITS FEBRUARY 1, 2023 APPROVAL OF A PRELIMINARY PLAT FOR THE FOREST TRAILS SUBDIVISION; AND URGING THE PLANNING COMMISSION TO INCLUDE A REFERENCE TO NEW REQUIREMENTS RELATED TO SIDEWALKS LAID OUT IN HOMER CITY CODE 11.04.120.

WHEREAS, The Homer City Council has delegated to the Homer Planning Commission its Statutory Authority to approve new subdivisions within the City Limits of Homer; and

WHEREAS, The Homer City Council last year amended HCC 11.04.120 to require that new subdivisions include, at the developer's cost, dedicated facilities for non-motorized transportation along certain streets; and

WHEREAS, The Homer Planning Commission at its February 1, 2023 meeting approved a preliminary plat for the Forest Trail Subdivision that did not include or identify the eventual location of any facilities for non-motorized transportation per HCC 11.04.120; and

WHEREAS, The Homer Planning Commission will reconsider this preliminary plat approval at its February 15, 2023 meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer welcomes the Homer Planning Commission's decision to reconsider its approval of the preliminary plat for the Forest Trails Subdivision, and urges that this and future preliminary plats include easements for and indicate locations of dedicated facilities for non-motorized transportation in accordance with HCC 11.04.120.

PASSED AND ADOPTED by the Homer City Council this 13th day of February, 2023.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A