



City of Homer

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Memorandum

Agenda Changes/Supplemental Packet

TO: MAYOR CASTNER AND CITY COUNCIL
FROM: RENEE KRAUSE, MMC, ACTING CITY CLERK
DATE: APRIL 8, 2024
SUBJECT: SUPPLEMENTAL

WORKSESSION AGENDA

DISCUSSION TOPIC(S)

- a. Memorandum CC-24-074 from HR Director re: Longevity Pay

Memorandum from Employee Committee dated April 8, 2024

page 3

REGULAR MEETING AGENDA

CONSENT AGENDA

- h. Resolution 24-039, A Resolution of the City Council of Homer, Alaska, Providing Direction to the Economic Development Advisory Commission Regarding the Creation of a Business Licensing Program.

Public Comment Received

page 5

PUBLIC HEARING(S)

- b. Ordinance 24-19(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.04 City Manager, Section 2.04.020 Duties and Powers. Davis/Erickson.

Memorandum CC-24-087 from Acting City Manager as backup.

page 6

CITY MANAGER’S REPORT

A. City Manager’s Report

Memorandum CC-24-086 from Community Development Director re: Kachemak Sponge Project Status Update **page 7**

City Council 2024 Worksession Schedule **page 9**

AUDIENCE COMMENTS

a. Ban on Personal Watercraft in Kachemak Bay **page 11**



MEMORANDUM

Longevity Pay

Item Type: Backup
Prepared For: Mayor Castner and City Council
Date: April 8, 2024
From: Employee Committee
Through: Andrea Browning, HR Director
Melissa Jacobsen, Acting City Manager

Summary:

The Employee Committee met on March 27, 2024 to discuss and review a proposed amendment to Personnel Regulations regarding implementing longevity pay for City employees who have reached the end of their pay range. It was explained that this was not an increase in pay amount but a payment that will be made in one lump sum. The proposal presented was for the following:

- Option 1: 3% every other year, must be employed for a period of 5 years and at the end of their pay range for a minimum of two years before receiving the longevity bonus.
- Option 2: 2% every year with the same restrictions as stated in Option 1.

Representatives on the Employee Committee were asked to discuss the amendment regarding Longevity Pay and presented Options with their fellow co-workers.

The Departments submitted responses of 9 in favor of Option #2 and 5 in favor of Option #1

Recommendation:

Support amending the Personnel Regulations to implement a Longevity Pay benefit with Option 2: 2% per annum with the restrictions of consistent employment for a minimum of 5 years and employee must be at the end of their pay range for a minimum of two years before receiving the Longevity Pay lump sum payment.

Resolution 24-99603

To: Mayor Castner & the Homer City Council

Whereas, it is presupposed that individuals currently not in compliance with State licensing and KPB Sales Tax regulations will expeditiously seek to obtain a local license, an assertion deemed implausible;

Whereas, this resolution is perceived as an affront to those duly licensed by the state, who additionally serve as tax collectors, employers, and contributors to various tax obligations including income tax, self-employment tax, and capital gains tax;

Whereas, numerous businesses not only possess state business licenses but also hold professional licensure, thereby incurring the obligation of ongoing education and maintaining liability insurances, alongside other operational expenses;

Whereas, the requirement for local licensure duplicates existing state licensing protocols, thereby rendering it arbitrary, entirely unreasonable, and superfluous;

Whereas, the acquisition of a list of active businesses within the designated area and cross-referencing it with the sales tax records can be efficiently accomplished by minimal resources;

Whereas, the projected administrative expenses associated with local licensing are anticipated to surpass the revenue generated, necessitating continual escalation of fees, effectively imposing a tax burden on local enterprises;

Whereas, the Matanuska-Susitna Borough has opted to discontinue its twenty-year endeavor with local business licensing, acknowledging its ineffectiveness and characterizing it as a mere imposition of taxation on local commerce;

Be it resolved, that the implementation of local business licensing is deemed impractical, burdensome, and ultimately counterproductive to the interests of local businesses and the community at large.

Homer City Resident – Business Owner

Christopher L. Story

A handwritten signature in black ink, appearing to read 'C. L. Story', written over a horizontal line.



MEMORANDUM

Ordinance 24-19(A), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 2.04 City Manager Section 2.04.020 Duties and Powers. Davis/Erickson.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: April 5, 2024
From: Melissa Jacobsen, Acting City Manager

In working with Council Members Davis and Erickson and taking into consideration Mayor Castner's feedback regarding AS 29.20.500 Powers and Duties of a Manager, Ordinance 24-19(S) was developed for Council's consideration.

The 24-19(S) draft retains most of the current code language and updates it to be gender neutral. Sections of 29.20.500 (1)-(6) are integrated to ensure the intent of Title 29 is reflected.

This list further clarifies what's changed-

- Sections a., b., and c. are current code.
- Section d. reflects AS 29.20.500(3).
- Section e. reflects AS 29.20.500(4).
- Section f. reflects current code edited to remove "Execute and enforce ordinances and resolutions of the City" and adds AS 29.20.500 (2).
- Section g. is current code that incorporates AS 29.20.500 title language and section (1).
- Section h. was inadvertently omitted and we'll update lettering for final copy.
- Section i. is current code that incorporates AS 29.20.500 (5).
- Section j. is current code edited to remove last sentence All purchases shall be made by requisition approved by him, and insert reference to provisions of the procurement manual.
- Section k. is current code.
- Section l. reflects AS 29.20.500 (6).
- Section m. is current code.



MEMORANDUM

Kachemak Sponge Project Status Update

Item Type: Informational Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: April 8, 2024
From: Julie Engebretsen, Community Development Director
Through: Melissa Jacobsen, Acting City Manager

Kachemak Sponge Project

The Kachemak Sponge Project is the collaborative project between the City of Homer and Kachemak Bay National Estuarine Research Reserve (KBNERR) for a storm water infrastructure project out East End Road, south of Northern Enterprises Boat Yard.

KBNERR received a NOAA grant (\$1.1 million) to fund acquisition of land parcels for conserving peatlands included in the Kachemak Sponge project. In October City Council approved Resolution 23-114, authorizing a term contract up to \$30,000 for the Kachemak Heritage Land Trust (KHLT) to assist the City with property acquisition for the Kachemak Sponge project.

The NOAA grant needs to be amended so KHLT can help the City, but NOAA is not doing budget amendments to projects at the current time. To keep the project moving forward, KBNERR has identified and received approval to pay KHLT for landowner negotiations from funds KBNERR has available, until the Sponge grant budget can be updated.

When NOAA has updated the budget, the City would then take over paying KHLT at that point in time. Unless there is objection from Council, staff will move forward with KHLT working on the City's behalf as authorized by Resolution 23-114, but funded by KBNERR until NOAA is able to complete their grant administration requirements.

WORK SESSION

AGENDA CALENDAR 2024

Council Meeting Dates	Work Session Topic
Monday, January 8	<i>Exempt Employee Wage Scale</i>
Monday, January 15 Off-cycle	<i>Joint Session with Parks Art Recreation & Culture Advisory Commission</i>
Monday, January 22	<i>Homer Harbor Expansion Baseline Conditions Report Overview – Ronny McPherson & KC Kent HDR</i>
Monday, February 12	
Monday, February 26	<i>Ord 23-61 Amending HCC Title 5 to add Chapter 5.48 Short Term Rentals</i>
Monday, March 11	
Monday, March 18 Off-cycle	<i>Joint Session with ADA Advisory Board Rescheduled to August</i>
Tuesday, March 26	<i>3:00 start Comp Plan Meeting with Agnew:Beck and Planning Commission (tentative)</i>
Monday, April 8	<i>Longevity Pay/City Manager Transition</i>
Monday, April 15 Off-cycle	<i>Joint Session with Port & Harbor Advisory Commission</i>
Monday, April 22	<i>Water & Sewer Rate Model</i>
Monday, May 13	<i>Health Care</i>
Monday, May 20 Off-cycle	<i>Joint session with Library Advisory Board</i>
Tuesday, May 28	
Monday, June 10	
Monday, June 17 Off-cycle	<i>Joint session with Economic Development Advisory Commission</i>
Monday, June 24	
Monday, July 22	

Council Meeting Dates	Work Session Topic
<i>Monday, August 12</i>	
<i>Monday, August 19 Off-Cycle</i>	<i>Joint Session with ADA Advisory Board</i>
<i>Monday, August 26</i>	
<i>Monday, September 9</i>	
<i>Monday, September 16 Off-cycle</i>	<i>Joint Session with Planning Commission</i>
<i>Monday, September 23</i>	
<i>Monday, October 14</i>	
<i>Monday, October 28</i>	
<i>Monday, November 12</i>	
<i>Monday, November 25</i>	



ALASKA QUIET RIGHTS
COALITION



To Mayor Castner and members of the Homer City Council:

In an effort to clear up any confusion, we are providing clarification on the status of personal watercraft use in Kachemak Bay. Please see the attached memorandum from the State of Alaska Department of Law confirming that the ban on personal watercraft in Kachemak Bay and Fox River Flats Critical Habitat Areas has been reinstated.

The jet ski ban was reinstated on November 16, 2023 by Superior Court of Alaska.

The State of Alaska has appealed this decision to the Alaska Supreme Court, but the ban remains in place until further notice.

If you see jet skis in Kachemak Bay, we encourage you and members of the public to take a picture/video and contact the Alaska State Troopers at (907) 235-8239.

Respectfully,

Cook Inletkeeper
Kachemak Bay Conservation Society
Friends of Kachemak Bay State Park
Alaska Quiet Rights Coalition

MEMORANDUM

State of Alaska Department of Law

TO: April Simpson, Regulation and Initiative Specialist
Office of the Lieutenant Governor

DATE: March 27, 2024

FILE NO.: JU2013200714

TEL. NO.: 465-3600

FROM: Rebecca C. Polizzotto
Chief Assistant Attorney General and Regulations Attorney
Legislation, Regulations, and Legislative Research Section

SUBJECT: Correction to the Alaska Administrative Code (AAC):
5 AAC 95.310

In accordance with my authority under AS 44.62.125(b), please forward to the publisher the correction to the Alaska Administrative Code (AAC) described below.

The regulation to be revised is 5 AAC 95.310. The revision to that section is as follows:

--Replace "Repealed." with the original language of 5 AAC 95.310 before the section's repeal in 2021:

5 AAC 95.310. Personal watercraft use prohibited.

(a) A person may not operate a personal watercraft within the following legislatively designated areas:

- (1) Fox River Flats Critical Habitat Area established in AS 16.05.580;
- (2) Kachemak Bay Critical Habitat Area established in AS 16.05.590.

(b) In this section, "personal watercraft" means a vessel that is

- (1) less than 16 feet in length;
- (2) propelled by a water-jet pump or other machinery as its primary source of motor propulsion; and
- (3) designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than a person sitting or standing inside it. (Eff. 5/3/2001, Register 156)

--In the history note for 5 AAC 95.310, omit "; repealed 1/9/2021, Register 237".

--Restore the original authority citation for 5 AAC 95.310:

Authority: AS 16.05.020 AS 16.20.580 AS 16.20.590

AS 16.20.500

--After 5 AAC 95.310, please insert an editor's note to read as follows:

Editor's note: In *Cook Inletkeeper v. Vincent-Lang*, 3AN-21-05627CI (Alaska Super., May 4, 2021), the Alaska Superior Court overturned the state's repeal of 5 AAC 95.310, which in effect had allowed the use of personal watercraft within the Kachemak Bay Critical Habitat Area. The court granted the state's motion to stay a new public notice process under AS 44.62 (Administrative Procedure Act), pending the state's appeal of the decision to the Alaska Supreme Court. Accordingly, the regulations attorney, acting under AS 44.62.125(b)(6), restored the original language of 5 AAC 95.310, to acknowledge that the language stays in place, without public notice under AS 44.62 pending the outcome of the state's appeal.

Thank you for your assistance, and please contact me if you have additional questions.

RCP:SCW

cc w/enc:

Doug Vincent-Lang, Commissioner, Department of Fish & Game
Anne Nelson, Chief Assistant Attorney General, Department of Law
Laura Wolff, Senior Assistant Attorney General Department of Law
Vanessa Lamantia, Senior Assistant Attorney General, Department of Law
Noah Star, Assistant Attorney General, Department of Law