

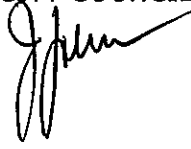
Office of the City Clerk

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MEMORANDUM – AGENDA CHANGES/SUPPLEMENTAL PACKET

TO: MAYOR HORNADAY AND HOMER CITY COUNCIL
FROM: JO JOHNSON, CMC, CITY CLERK 
DATE: OCTOBER 15, 2012
SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

NEW BUSINESS

Ordinance 12-46, Written public comments

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RESOLUTIONS

Resolution 12-086(S), A Resolution of the City Council of Homer, Alaska, Approving the Assignment of the City Land Lease on Lot 88-1, Dated October 27, 2003, from William Tener, dba South Central Radar, to Mark and Laura Zeiset **Extension of the Lease Term for 20 Years, and the Execution and Delivery of an Amended and Restated Lease Document.** City Manager.

Page 3

Memorandum 12-160 from Lease Committee as backup.

Page 5

Resolution 12-087, Public Arts Committee Special Meeting Minutes of September 25, 2012

Page 7

RECOMMENDATION:

Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A

Jo Johnson

From: Larry Slone [larryslone543@gmail.com]
Sent: Friday, October 12, 2012 1:31 PM
To: Department Clerk
Subject: Monday Council meeting

To: City Clerk
Please put in Lay-Down Packet for Council Special Meeting Oct 15

From: Larry Slone

Subject: Ord 12-46, HSAD

Councilmembers,

In general I support proposed Ordinance 12-46, requesting additional funding to administer the gas-line development Special Assessment District.

Here's the problem: This additional money is provided primarily by city residents from taxes. It is going to be used to administer a program that will - hopefully - provide significant long-term benefits to these same residents. What it will apparently NOT do is provide any information exposing them of the additional monetary costs associated with reaching the goal of an inexpensive heating source (cheap gas).

This is a serious flaw in the flow of information because the ultimate expense of plumbing a building's gas-system, from curbside hook-up, could easily be \$30,000! I strongly urge councilmembers to instruct the administration to present this possibility during the information campaign. The alternative is that many subscribers will be caught flat-footed (by surprise). One cannot reasonably expect each of the thousands of affected users to individually contact local plumbing when the city could readily provide some estimates. The current admin proposal, providing cost estimates up to curbside hook-up only, is only one-half of the equation necessary for the potential subscribers to make an informed choice.

Larry Slone

CITY OF HOMER
HOMER, ALASKA

City Manager

RESOLUTION 12-086(S)

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, APPROVING THE ASSIGNMENT OF THE CITY
LAND LEASE ON LOT 88-1, DATED OCTOBER 27, 2003,
FROM WILLIAM TENER, DBA SOUTH CENTRAL RADAR,
TO MARK AND LAURA ZEISET EXTENSION OF THE
LEASE TERM FOR 20 YEARS, AND THE EXECUTION
AND DELIVERY OF AN AMENDED AND RESTATED
LEASE DOCUMENT.

WHEREAS, William Tener, dba South Central Radar, wishes to sell his business to Mark and Laura Zeiset; and

WHEREAS, As part of this transaction, the buyer has requested assignment of the land lease and all of the leasehold interest in the property pursuant to the provisions of Chapter 14 of the Property Management Policy and Procedures (Lease Policy) and Section 8.01 of Mr. Tener's existing lease; and

WHEREAS, The buyer has formally applied for assignment and has stated that the financing for acquisition of the business is dependent upon assignment of the lease and extension of the lease term; and

WHEREAS, The current lease term expires in November of 2013 and the buyer has requested a new term of ~~15~~ 20 years with two ~~2.5~~ 5-year options; and

WHEREAS, Section 14.4 of the Lease Policy provides that leases may be assigned as part of the sale of a business on the leased property and that a business may apply to extend the term of the lease to allow the continuance of the business and to secure financing for the purchase; and

WHEREAS, It is in the best interest of the City to amend and restate the lease using the City's current lease form and incorporating the extended lease term; and

WHEREAS, The Lease Committee considered the request for assignment at its meeting on October 11th and recommends approval subject to certain stipulations.

41 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves
42 and authorizes the assignment of the City land lease for Lot 88-1 dated October 27, 2003 from
43 William Tener, dba South Central Radar, to Mark and Laura Zeiset.

44
45 BE IT FURTHER RESOLVED that the term of the lease shall be amended to ~~15~~ 20 years
46 beginning November 1, 2012 with two ~~2.5~~ 5-year options.

47
48 **BE IT FURTHER RESOLVED that the lease shall be amended and restated in the**
49 **current City lease form, and the City Manager is authorized to execute and deliver the**
50 **amended and restated lease.**

51
52 BE IT FURTHER RESOLVED that the lease shall be subject to the requirement that an
53 “as-built” survey be conducted, potential encroachment issues resolved, and that the required
54 corporate documentation be provided after the LLC described in the application is formed.

55
56 PASSED AND ADOPTED by the Homer City Council this 15th day of October, 2012.

57
58 CITY OF HOMER

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62 MARY E. WYTHER, MAYOR

63 ATTEST:

64
65
66 JO JOHNSON, CMC, CITY CLERK

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69 Fiscal Note: Annual lease revenue \$8,703.12.

70

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MEMORANDUM 12-160

TO: MAYOR HORNADAY AND CITY COUNCIL
THROUGH: WALT WREDE, CITY MANAGER
FROM: LEASE COMMITTEE
DATE: OCTOBER 11, 2012
RE: **RECOMMENDATIONS TO APPROVE REQUEST FOR ASSIGNMENT OF
A LEASE ON LOT 88-1, HOMER SPIT**

Background

The Lease Committee considered a proposal for assignment at the regular meeting on October 11, 2012 for South Central Radar. The following is an excerpt of the minutes from the meeting:

NEW BUSINESS (Testimony or presentation by a proposal applicant is set at 10 minutes.)

A. South Central Radar Proposal & Assignment

- 1. Chapter 14 – Assignments*
- 2. Chapter 6 – Proposal Evaluation Process*
- 3. Staff Evaluation & Findings*

Chair Yager requested the City Manager continue to address the business on the agenda since there were no questions from committee.

Mr. Wrede provided a summary of his report contained in the packet. He asked if there were any questions from the committee members.

Chair Yager declared he may have a conflict a motion was made and seconded by Mr. Hawkins and Mr. Zimmerman respectively. After a brief explanation from Mr. Yager the remaining members of the committee voted and determined that Mr. Yager did not have a conflict and could participate.

There were no further questions from the committee.

Chair Yager invited the applicant s to provide testimony on behalf of their application. Chair Yager welcomed the applicants.

The applicant, Mark Zeiset, provided their background, experience and how it would complement and/or benefit the existing business and Harbor community. The applicant asked a few questions on designation of responsibility and Mr. Hawkins responded that it would be determined before the lease would be executed.

The committee members offered comments welcoming the applicants back to Homer and taking on the responsibility of an existing business.

Chair Yager inquired of the applicants if there were any plans regarding the lack of experience or on the job training since there was no apparent experience in the industry previously provided.

The applicant stated the agreement with the current owner to stay on after the sale and that he is planning to obtain the certifications required to continue the existing services provided.

Chair Yager asked if there were any additional questions or comments. There were none and he requested a motion to submit a recommendation to City Council to approve the assignment of the South Central Radar Lease to Mark A and Laura Zeiset.

HAWKINS/MAURAS - MOVED THAT THE LEASE COMMITTEE RECOMMENDS THAT THE HOMER CITY COUNCIL APPROVE THE ASSIGNMENT OF THE LAND LEASE ON LOT 88-1 FROM WILLIAM TENER TO MARK AND LAURA ZEISET OR THE LLC THAT WILL BE FORMED ONCE ALL THE TRANSACTIONS ARE COMPLETED; FURTHER THE LEASE COMMITTEE RECOMMENDS THAT THE TERM OF THE CURRENT LEASE BE AMENDED TO START ANEW WITH A 20 YEAR BASE TERM AND TWO 5 YEAR OPTIONS; AND THE EXISTING RENTAL RATE AS DETAILED IN THE CURRENT LEASE FOR LOT 88-1 SHOULD APPLY; AND THAT THE LEASE COMMITTEE ADDITIONALLY RECOMMENDS THAT THE LEASE INCLUDE STIPLUATIONS THAT AN "ASBUILT" SURVEY BE COMPLETED, THAT POTENTIAL ENCROACHMENT ISSUES BE RESOLVED; THAT A PLAN FOR LOT DELINEATION BE SUBMITTED FOR APPROVAL BY THE MANAGER; AND THAT ALL INFORMATION NOT INCLUDED IN THE LEASE APPLICATION INCLUDING INSURANCE DOCUMENTATION AND LLC INCORPORATION PAPERS BE PROVIDED.

There were no further comments or discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT

Motion carried

RECOMMENDATION

Approve the recommendation to Approve the Assignment of the lease for South Central Radar, Lot 88-1, Homer Spit Subdivision #2 Amended, William Tener to Mark & Laura Zeiset.

Session 12-07 a Special Meeting of the Public Arts Committee was called to order on September 25, 2012 at 5:05 pm by Chair Angie Newby at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMITTEE MEMBERS NEWBY AND APLIN

TELEPHONIC: COMMITTEE MEMBER MILLER

ABSENT: COMMITTEE MEMBERS WOLFE AND FELLOWS (EXCUSED)

STAFF: DEPUTY CITY CLERK RENEE KRAUSE

APPROVAL OF THE AGENDA

Chair Newby requested a motion to approve the agenda.

MILLER/APLIN – MOVED TO AMEND THE AGENDA TO ADDRESS ITEM A & B UNDER NEW BUSINESS DUE TO TIME CONSTRAINTS.

There was a brief discussion.

The amended agenda was approved by consensus of the Committee.

PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA

There were no comments from the audience.

RECONSIDERATION

There were no items for reconsideration.

APPROVAL OF THE MINUTES *(Minutes are approved during regular meetings only)*

There were no minutes included for approval.

VISITORS

There were no visitors scheduled.

Chair Newby recognized Dave Brann and Deb Lowney in the audience.

STAFF & COUNCIL/COMMITTEE REPORTS/ AND BOROUGH REPORTS

- A. Staff Report 12-07
- B. Selection Committee Report
- C. Baycrest Improvement Committee Report

Due to time constraints these items were postponed until the special meeting in October.

PUBLIC HEARING

There were no items for public hearing.

PENDING BUSINESS

A. Airport Lettering – Progress Update

This item was postponed until the October special meeting.

B. Budget Requests 2013

Chair Newby opened discussion on this item.

Ms. Krause explained that the Parks and Recreation Advisory Commission (PRC) have had the item of Uniform Signage on their Strategic Plan for a number of years as has the Public Arts Committee. The PRC has inquired and requested the PAC to work together on this project and would like the PSC to include a funding request for Uniform Signage Design in their 2013 Budget Request to Council. Ms. Krause explained that the PRC felt the PAC had a better batting average with Council in getting their budget requests approved. Staff further explained that Mr. Meyer, Public Works Director and Angie Otteson, Parks Maintenance Coordinator will be including small amounts in their budget requests for Signage also this year.

Chair Newby requested a motion.

APLIN/MILLER – MOVED TO SUBMIT A BUDGET REQUEST IN THE AMOUNT OF \$2000 TO CITY COUNCIL FOR UNIFORM SIGNAGE DESIGN FOR PARKS AND TRAILS.

There was a brief discussion on the merits of pooling the PRC and PAC efforts on signage with those of the department efforts and if the amount would be appropriate.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Scheduling a Special Meeting for October

Chair Newby opened this item for discussion inviting staff to provide some additional information on the reason behind another special meeting.

Ms. Krause explained that the Request to schedule a special meeting was to review the amended Request for Proposal that will be issued on the 1% for the Arts project of four new restrooms. The selection committee determined a number of reasons why the lack of response to the request happened and determined that it was unfair to make a decision on the proposals submitted.

There was a brief discussion on the details of the reasons to re-advertise the RFP.

MILLER/APLIN – MOVED TO SCHEDULE A SPECIAL MEETING ON OCTOBER 10, 2012 AT 5:00 P.M.

There was a brief discussion.

The motion to schedule a special meeting was approved by consensus.

B. Requesting the Baycrest Overlook Improvement Project to be Included in the 2013 – 2018 Capital Improvement Plan

Chair Newby opened discussion on the agenda item to submit a recommendation to Council to include the Baycrest project in the CIP list.

The committee reviewed the project description provided by staff and Ms. Aplin added some information that was discussed at the Baycrest committee meeting on September 18, 2012 that spurred this request to be included on the city's CIP recommendation to the Legislature for possible consideration of project funding.

Chair Newby expressed a positive outlook that getting the Council to include the project in the top recommendations would provide the Legislature some small "shovel ready" projects for funding next year according to comments and information provided to the Baycrest Overlook Improvement Committee at the recent meeting.

MILLER/NEWBY – MOVED TO SUBMIT A RECOMMENDATION TO COUNCIL TO INCLUDE THE BAYCREST OVERLOOK IMPROVEMENT PROJECT IN THE TOP 15 PROJECTS SUBMITTED TO THE LEGISLATURE AND IN THE 2013-2018 CAPITAL IMPROVEMENT PLAN

There was no further discussion.

VOTE. YES. NON-OBEJCTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

A. Recommendation to Re-Advertise the Request for Proposal to Incorporate Art into Four Public Restrooms

There was no discussion on informational materials.

COMMENTS OF THE AUDIENCE

Dave Brann, city resident and member on the steering committee for the Kachemak Bay Water Trail, was attending to ask if the Public Arts Committee would be interested when the time came to discuss signage and design thereof. He provided a brief outline on what was being proposed.

Deb Lowney, commissioner, Parks and Recreation Advisory Commission was here to introduce herself and that she volunteered to be the liaison to work with the PAC and the PRC on Uniform Signage. She also wanted to thank the PAC on behalf of the Commission for including this item in their budget request for 2013.

COMMENTS OF THE CITY STAFF

There were no comments from staff present.

COMMENTS OF THE COUNCILMEMBER *(If one is assigned)*

There was no councilmember present.

COMMENTS OF THE CHAIR

Chair Newby thanked everyone for attending and for Ms. Miller calling in while she was traveling. She looks forward to working with Parks & Rec on the signage and hearing more on the water trail.

COMMENTS FROM THE BOARD

Ms. Aplin commented it was a good short meeting and thanked staff for their efforts.

Ms. Miller had no comments.

ADJOURNMENT

There being no further business to come before the Chair Newby adjourned the meeting at 6:00 p.m. The next Special Meeting is scheduled for October 10, 2012 at 5:00 pm at City Hall Cowles Council Chambers 491 E. Pioneer Avenue, Homer, Alaska.

Renee Krause, CMC, Deputy City Clerk I

Approved: _____