

# City Council

Monday, April 9, 2018

Special Meeting 4:00 p.m.  
Committee of the Whole 5:00 p.m.  
Regular Meeting 6:00 p.m.



City Hall Cowles Council Chambers  
491 E. Pioneer Avenue  
Homer, Alaska



# April 2018

- Monday 9<sup>th</sup>:**      **CITY COUNCIL**  
Special Meeting 4:00 p.m. Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Tuesday 10<sup>th</sup>:**    **ECONOMIC DEVELOPMENT ADVISORY COMMISSION MEETING**  
Regular Meeting 6:00 p.m.
- LIBRARY ADVISORY BOARD**  
Worksession 5:30, Library Conference Room
- Thursday 12<sup>th</sup>:**    **CITY COUNCIL**  
Worksession 4:00 p.m.
- ADA COMPLIANCE COMMITTEE**  
Regular Meeting 3:00 p.m.
- Tuesday 17<sup>th</sup>:**    **CITY COUNCIL**  
Worksession 4:00 p.m.
- Wednesday 18<sup>th</sup>:** **PLANNING COMMISSION**  
Worksession 5:30 p.m., Regular Meeting 6:30 p.m.
- Thursday 19<sup>th</sup>:**    **PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION**  
Regular Meeting 5:30 p.m.
- Monday 23<sup>rd</sup>:**     **CITY COUNCIL**  
Worksession 4:00 p.m. Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

## Regular Meeting Schedule

City Council 2<sup>nd</sup> and 4<sup>th</sup> Mondays 6:00 p.m.  
Library Advisory Board 1<sup>st</sup> Tuesday 5:30 p.m. with the exception of  
January April August November  
Economic Development Advisory Commission 2<sup>nd</sup> Tuesday 6:00 p.m.  
Parks Art Recreation and Culture Advisory Commission 3<sup>rd</sup> Thursday 5:30 p.m. with the exception of  
July, December, January  
Planning Commission 1<sup>st</sup> and 3<sup>rd</sup> Wednesday 6:30 p.m.  
Port and Harbor Advisory Commission 4<sup>th</sup> Wednesday 5:00 p.m. (May-August 6:00 p.m.)  
Cannabis Advisory Commission Quarterly 4<sup>th</sup> Thursday 5:00 p.m.

## MAYOR AND CITY COUNCILMEMBERS AND TERMS

BRYAN ZAK, MAYOR – 18  
DONNA ADERHOLD, COUNCILMEMBER – 18  
HEATH SMITH, COUNCILMEMBER – 18  
SHELLY ERICKSON, COUNCILMEMBER – 19  
TOM STROOZAS, COUNCILMEMBER – 19  
RACHEL LORD – 20  
CAROLINE VENUTI – 20  
City Manager, Katie Koester  
City Attorney, Holly Wells

<http://cityofhomer-ak.gov/cityclerk> for home page access, Clerk's email address is: [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us)

Clerk's office phone number: direct line 235-3130



HOMER CITY COUNCIL  
491 E. PIONEER AVENUE  
HOMER, ALASKA  
[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)



**SPECIAL MEETING**  
**4:00 P.M. MONDAY**  
**APRIL 9, 2018**  
**COWLES COUNCIL CHAMBERS**

MAYOR BRYAN ZAK  
COUNCIL MEMBER DONNA ADERHOLD  
COUNCIL MEMBER HEATH SMITH  
COUNCIL MEMBER TOM STROOZAS  
COUNCIL MEMBER SHELLY ERICKSON  
COUNCIL MEMBER CAROLINE VENUTI  
COUNCIL MEMBER RACHEL LORD  
CITY ATTORNEY HOLLY WELLS  
CITY MANAGER KATIE KOESTER  
CITY CLERK MELISSA JACOBSEN

### **SPECIAL MEETING AGENDA**

- 1. CALL TO ORDER, 4:00 P.M.**
- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)
- 3. PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA**
- 4. NEW BUSINESS**
  - A. **Memorandum 18-040**, from City Clerk Re: Request for Executive Session Pursuant to AS §44.62.310(a-c)(2), Matters, Subjects that tend to Prejudice the Reputation and Character of Any Person, Provided the Person May Request a Public Discussion.(City Manager Koester Annual Performance Evaluation/Employment Contract) Page 7
- 5. COMMENTS OF THE AUDIENCE**
- 6. ADJOURNMENT NO LATER THAN 4:50 P.M.**

The next Regular Meeting is Monday, April 23, 2018 at 6:00 p.m., Committee of the Whole at 5:00 p.m. A Worksession is scheduled on April 17, 2018 at 4:00 p.m. in the City Hall Cowles Council Chambers; and a Worksession is Tuesday April 17, 2018 at 4:00 p.m. in the City Hall Conference Room, all located at 491 E. Pioneer Avenue, Homer, Alaska.





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 18-040

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: MARCH 27, 2018

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS 44.62.310 (A-C)(2) MATTERS, SUBJECTS THAT TEND TO PREJUDICE THE REPUTATION AND CHARACTER OF ANY PERSON, PROVIDED THE PERSON MAY REQUEST A PUBLIC DISCUSSION (CITY MANAGER KOESTER ANNUAL PERFORMANCE EVALUATION/EMPLOYMENT CONTRACT)

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Pursuant to Council's Operating Manual – "Any Councilmember, the Mayor or City Manager may place consideration of an executive session on the agenda..."

Mayor Zak requested an Executive Session regarding "City Manager Koester Annual Performance Evaluation/Employment Contract" for the Regular Meeting of April 9, 2018. This has been publicly and internally noticed since that time.

City Manager Koester may request her annual performance evaluation/employment contract be discussed in public.

### RECOMMENDATION:

Approve the request for Executive Session and conduct in the Conference Room following the adjournment of the regular meeting.





HOMER CITY COUNCIL  
491 E. PIONEER AVENUE  
HOMER, ALASKA  
[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)



COMMITTEE OF THE WHOLE  
5:00 P.M. MONDAY  
APRIL 9, 2018  
COWLES COUNCIL CHAMBERS

MAYOR BRYAN ZAK  
COUNCIL MEMBER DONNA ADERHOLD  
COUNCIL MEMBER HEATH SMITH  
COUNCIL MEMBER TOM STROOZAS  
COUNCIL MEMBER SHELLY ERICKSON  
COUNCIL MEMBER CAROLINE VENUTI  
COUNCIL MEMBER RACHEL LORD  
CITY ATTORNEY HOLLY WELLS  
CITY MANAGER KATIE KOESTER  
CITY CLERK MELISSA JACOBSEN

### COMMITTEE OF THE WHOLE AGENDA

**1. CALL TO ORDER, 5:00 P.M.**

Department Heads may be called upon from time to time to participate via teleconference.

**2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

**3. Ordinance 18-16**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 18.08, Codifying Certain Lease Policy and Procedures; Expanding Lease Review to include Recommendations by Appropriate City Commissions; Removing References to the Lease Committee; and Requiring Essential Lease Terms to be Approved by City Council. Erickson/Smith. Introduction March 27, 2018, Refer to Port and Harbor Advisory Commission; Second Reading and Public Hearing May 14, 2018.

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Memorandum 18-035 from City Attorney as backup

Page 27

*(City Attorney Wells will be present)*

**4. CONSENT AGENDA**

**5. REGULAR MEETING AGENDA**

**6. COMMENTS OF THE AUDIENCE**

**7. ADJOURNMENT NO LATER THAN 5:50 P.M.**

The next Regular Meeting is Monday, April 23, 2018 at 6:00 p.m., Committee of the Whole at 5:00 p.m. A Worksession is scheduled on April 17, 2018 at 4:00 p.m. in the City Hall Cowles Council Chambers; and a Worksession is Tuesday April 17, 2018 at 4:00 p.m. in the City Hall Conference Room, all located at 491 E. Pioneer Avenue, Homer, Alaska.



**CITY OF HOMER  
HOMER, ALASKA**

Smith/Erickson

**ORDINANCE 18-16**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA REPEALING HOMER CITY CODE CHAPTER 18.08 AND THE HOMER PROPERTY MANAGEMENT POLICIES AND PROCEDURES MANUAL AND REENACTING CHAPTER 18.08 CODIFYING CERTAIN LEASE POLICY AND PROCEDURES FROM THE POLICIES AND PROCEDURES MANUAL, CLARIFYING THE LAND ALLOCATION PROCESS, EXPANDING LEASE REVIEW TO INCLUDE RECOMMENDATIONS BY APPROPRIATE CITY COMMISSIONS, REMOVING REFERENCES TO THE LEASE COMMITTEE, REMOVING THE REQUIREMENT THAT ALL LEASES MAY BE INCREASED TO REFLECT INFLATION AS DETERMINED IN THE CONSUMER PRICE INDEX, AND EXPANDING COUNCIL’S ROLE BY REQUIRING COUNCIL APPROVAL PRIOR TO FINAL APPROVAL OF A LEASE, TERMINATION OF A LEASE OR TERMINATION OF LEASE NEGOTIATIONS.

WHEREAS, The City of Homer (“City”) currently has a complex leasing policy that requires the City and applicants to comply with lengthy policies, procedures, and Homer City Code provisions as well as the terms of the request for proposal specific to a specific parcel; and

WHEREAS, It is in the City’s best interest and the interest of lease applicants to streamline and simplify the leasing process by incorporating essential lease policy and procedures currently in the City’s Property Management Policy and Procedures into the Homer City Code, the City’s lease templates or specific lease agreements; and

WHEREAS, The City Council’s approval of the essential terms of new long-term leases and not just the award of such leases increases Council’s input and oversight, public input and transparency into the lease process; and

WHEREAS, The City Council’s approval of the termination of negotiations or early termination of a lease for default also increases oversight, public input and transparency in the lease process,

NOW THEREFORE, The City of Homer Ordains:

42           Section 1: Chapter 18.08 “City Property Leases” is repealed and reenacted to read as  
43 follows:

44

45           Chapter 18.08

46

47           CITY PROPERTY LEASES

48

49           Sections:

50

51           18.08.005     Purpose.

52           18.08.010     Definitions.

53           18.08.020     Land Allocation Plan - property available for lease.

54           18.08.030     Standardized leases.

55           18.08.040     Council approval of lease.

56           18.08.045     Lease applications.

57           18.08.050     Requests for proposals-competitive bidding process.

58           18.08.060     Criteria for evaluating and approving proposals.

59           18.08.065     Lease application and proposal documents.

60           18.08.070     Notice to award.

61           18.08.075     Lease rental rates.

62           18.08.080     Lease execution and final approval.

63           18.08.090     Development and use.

64           18.08.100     Appraisal.

65           18.08.110     Options to renew.

66           18.08.120     Improvements.

67           18.08.130     Lease renewal.

68           18.08.140     Sublease.

69           18.08.150     Early termination.

70           18.08.160     Assignments.

71           18.08.170     Insurance.

72           18.08.175     Exception – Leasing to government entities.

73           18.08.180     Assessments – Capital improvement projects.

74           18.08.190     Connection to utilities.

75           18.08.195     Processing and filing fees.

76

77   18.08.005 Purpose.

78

79   The purpose of this chapter is to ensure that the lease of City-owned property maximizes the  
80 value of City assets and that the City awards leases that provide the highest and best use of  
81 City-owned property. It is the policy of the City to lease its property in a fair and  
82 nondiscriminatory way.

83

84 18.08.010 Definitions.

85

86 For the purpose of this chapter, the following words and phrases are defined as set forth in this  
87 section:

88

89 “Applicant” means a person applying to lease or acquire an interest in City-owned real  
90 property and includes bidders and proposers.

91

92 “Appraisal” means a valuation or estimation of value of property by an Alaska Certified General  
93 Real Estate Appraiser or an otherwise qualified appraiser selected by the City Manager.

94

95 “Assignment” means a transfer of a leasehold interest or rights to a leasehold interest, in its  
96 entirety, in City-owned real property.

97

98 “City Manager” means the City of Homer Manager or his or her designee

99

100 “Fair market rent” means the rental income that a public or private property would most likely  
101 command in the open market, indicated by the current rents paid for comparable space as of  
102 the date of the appraisal

103

104 “Irregularities” means deviations from the request for proposal that are not substantive in  
105 nature and/or involve typographical or scrivener errors that do not impact the integrity or  
106 responsiveness of the proposal.

107

108 “Long-term lease” means a written agreement granting exclusive possession or use of City-  
109 owned real property for more than one year.

110

111 “Short-term lease” means a written agreement granting exclusive possession or use of City-  
112 owned real property for one year or less.

113

114 “Surveyor” means a registered professional land surveyor.

115

116 18.08.020 Land Allocation Plan-property available for lease.

117

118 a. Unless dedicated or reserved to another purpose, all real property including tide,  
119 submerged or shorelands to which the City has a right, title and interest as owner or  
120 lessee, or to which the City may become entitled, may be leased as provided in this  
121 chapter. In the case of any conflict between this chapter and any regulations or other  
122 ordinances or State law specifically governing the leasing of City tide and submerged  
123 lands, the latter shall prevail.

124

- 125        b. The City administration shall maintain a list of all City-owned properties authorized for  
126        lease by Council. This list shall be adopted annually and contain the information  
127        required under this chapter. The list may be called the Land Allocation Plan and will be  
128        made available to the public at the City Clerk’s office.  
129
- 130        c. Council shall adopt a Land Allocation Plan that identifies:  
131
- 132            i. City-owned property available for lease;  
133
- 134            ii. The property description, lease rate, preferred length of the lease term for each  
135            available parcel; and  
136
- 137            iii. Any requirements, preferences or restrictions regarding use and/or development.  
138
- 139        d. Council may identify property in the Land Allocation Plan that is subject to competitive  
140        bidding. Property subject to competitive bidding in the Land Allocation Plan need only  
141        identify the property description in the Land Allocation Plan but all other terms  
142        required in subsection (c) of this section shall be identified in the request for proposal  
143        for such properties.  
144
- 145        e. Prior to the adoption of the Land Allocation Plan, Council shall hold a work session.  
146        Commission members and City staff may provide recommendations to Council during  
147        the work session regarding City-owned property available for lease and the terms of  
148        such leases.  
149
- 150        f. The City shall provide public notice of the adoption of the Land Allocation Plan and the  
151        City-owned real property available for lease no more than 60 days after its adoption.  
152
- 153        g. All uses and activities on City-owned real property available for lease are subject to all  
154        applicable local, state, and federal laws and regulations.  
155
- 156        h. The Council may restrict specific City-owned properties to certain uses or classes of use  
157        that serve the City’s best interest.  
158

159 18.08.030 Standardized leases.  
160

- 161        a. The City Manager shall develop a standardized ground lease that contains provisions  
162        generally applicable to the lease of City-owned property and a standardized building  
163        lease that contains provisions generally applicable to the lease of space in City-owned  
164        buildings. The standard lease documents shall be reviewed by the City Attorney and  
165        approved by Council.  
166

167           b. Lease terms may deviate from the standardized lease terms when the City Manager  
168           determines such deviations are reasonable and necessary to protect the City’s best  
169           interests and Council approves the lease as required in HCC 18.08.040.

170

171 18.08.040 Council approval of leases.

172

173           a. All long-term leases for more than five years shall be approved by Council via ordinance.  
174           All long-term leases for five years or less shall be approved by Council via resolution.

175

176           b. The City Manager may execute short-term leases without Council approval when the  
177           City Manager determines that a short-term lease is in the best interest of the City and  
178           notifies the Council in writing of the short-term lease and its essential terms.

179

180           c. Short-term leases are not required to go through the competitive bidding process  
181           unless the short-term lease would result in the lease of City-owned property to the  
182           same lessee for more than one consecutive year.

183

184           d. Except as expressly provided in this chapter, property leased by the City from a third  
185           party that is available for sublease or the lease of space in City-owned buildings located  
186           on real property owned by a third party is exempt from this chapter.

187

188 18.08.045 Lease applications.

189

190 Except for property subject to competitive bidding under this chapter, persons interested in  
191 leasing City property may submit a lease application to the City Clerk. The City Manager shall  
192 consider all applications and determine if an application is complete and meets the criteria  
193 identified in the Land Allocation Plan. Applicants may be charged a fee for processing a lease  
194 application.

195

196 18.08.050 Requests for proposals-competitive bidding process.

197

198           a. The City Manager may issue a request for proposals to lease specific property  
199           identified in the Land Allocation Plan at any time after posting the notice required in  
200           HCC 18.08.020(d).

201

202           b. A request for proposal advertised by the City must identify the property description of  
203           the property available for lease, the time frame for the submission of requests for  
204           proposals, any preferred uses or industries, and the overall criteria the City intends to  
205           use to score and rank proposals.

206

207 c. The City Manager must obtain approval from the Council before requesting proposals  
208 to lease property not identified in the Land Allocation Plan as property available for  
209 lease.

210

211 18.08.060 Criteria for evaluating and approving proposals.

212

213 a. The Criteria for evaluating proposals shall include, but is not limited to, the following:

214

215 1. Compatibility with neighboring uses and consistency with applicable land use  
216 regulations including the Comprehensive Plan.

217

218 2. The development plan including all phases and timetables.

219

220 3. The proposed capital investment.

221

222 4. Experience of the applicant in the proposed business or venture.

223

224 5. Financial capability or backing of the applicant including credit history, prior lease  
225 history, assets that will be used to support the proposed development.

226

227 6. The number of employees anticipated.

228

229 7. The proposed rental rate.

230

231 8. Other financial impacts such as tax revenues, stimulation of related or spin-off  
232 economic development, or the value of improvements left behind upon  
233 termination of the lease.

234

235 9. Other long term social economic development.

236

237 10. The residency or licensure of the applicant in the City, Kenai Peninsula Borough,  
238 and/or the State of Alaska, as identified in the City's request for proposal and  
239 permitted under state and federal law.

240

241 b. Determination of rent shall take into consideration the following factors:

242

243 1. Appraisal or tax assessed valuation;

244

245 2. Highest and best use of land;

246

247 3. Development (existing and planned);

248



- 249           4. Economic development objectives;
- 250
- 251           5. The location of the property; and
- 252
- 253           6. Alternative valuation methodologies as negotiated by both parties.
- 254

255 18.08.065 Lease application and proposal documents.

256  
257 Upon request by the City Manager or as required in a request for proposal, an applicant shall  
258 provide, at its sole expense, the following:

- 259
- 260           1. A Property Improvement Plan with information regarding planned improvements by  
261           lessee, including schedule for commencement and completion of proposed  
262           improvements.
- 263
- 264           2. A survey of the property subject to the proposed lease; and/or
- 265
- 266           3. If only a portion of a lot is to be leased, a subdivision plat.
- 267

268 18.08.070 Notice to award.

- 269
- 270           a. The City Manager shall consider all responses to the City’s request for proposals that  
271           are timely and responsive. Untimely submissions shall be returned to the applicant  
272           without review and that applicant shall not be considered.
- 273
- 274           b. The City Manager may, in his or her sole discretion, and upon a determination that none  
275           of the proposals are in the City’s best interest, recommend rejection of all proposals.
- 276
- 277           c. Upon a determination that a proposal is the most advantageous to the City, the City  
278           Manager shall recommend the proposal to Council for acceptance. If Council approves  
279           the recommendation, the City Manager shall issue a Notice to Award the lease to the  
280           successful applicant. The City Manager’s recommendation shall be presented to  
281           Council in a written memorandum identifying the recommended winning applicant,  
282           the property description, the essential terms of the proposed lease, and the reasons the  
283           City Manager recommended the award.
- 284
- 285           d. The City Manager shall submit any recommendation for approval of a proposal under  
286           this chapter for property located on the Homer Spit or in the Marine Commercial or  
287           Marine Industrial zoning districts to the Port and Harbor Advisory Commission for  
288           review and comment prior to recommending a proposal to Council.
- 289

- 290 e. If the Council adopts the City Manager’s recommendation, the City Manager shall  
291 negotiate with the winning applicant and present a final lease to the Council for  
292 approval. A Notice to Award is conditional upon the City Manager’s successful  
293 negotiation of a final written lease consistent with the terms upon which the award was  
294 based.  
295
- 296 f. The City Manager may, with Council approval, rescind a Notice to Award. A Notice to  
297 Award becomes void on the date the City Manager provides written notice to the  
298 applicant that the award has been rescinded.  
299
- 300 g. The City Manager may rescind a Notice to Award at any time prior to the execution of a  
301 lease if an applicant can no longer meet the terms of the proposal.  
302
- 303 h. If the City Manager rescinds a Notice to Award, the City Manager may negotiate with the  
304 next most responsive bidder and submit a new recommendation for award to Council  
305 and Council may approve the award of the proposal to that recommended bidder. If  
306 negotiations with the next most responsive bidder are unsuccessful, all bids must be  
307 rejected and a new request for proposal may be issued.  
308
- 309 i. The Council may approve other bidding or proposal procedures or exceptions to these  
310 procedures via resolution.  
311

312 18.08.075 Lease rental rates.  
313

- 314 a. Except as otherwise provided in this section, all property shall be leased at no less than  
315 “fair market rent.”  
316
- 317 b. Payments of a higher than fair market rent resulting from an applicant’s proposal is  
318 generally in the public interest and will help to establish fair market rent using current  
319 market forces.  
320
- 321 c. The Council may establish a minimum rent or “asking price.” It may set a minimum  
322 rent at an amount equal to or higher than the estimated “fair market rent” if it finds  
323 that it is in public interest to do so. It may set uniform rental rates for a class of similar  
324 properties that remain available for leasing after the conclusion of a competitive lease  
325 offering.  
326
- 327 d. Except as provided in HCC 18.08.175, Council may approve a lease of City land for less  
328 than fair market rent only if the motion approving the lease contains a finding that the  
329 lease is for a valuable public purpose or use, and a statement identifying such public  
330 purpose or use.  
331

332 e. The lease shall provide for payment of interest or a late fee for rent past due, and  
333 provide for recovery by the City of attorneys' fees and costs to the maximum extent  
334 allowed by law in the event the city is required to enforce the lease in court, and such  
335 additional provisions pertaining to defaults and remedies as the City Manager may  
336 determine to be in the City's interest.

337  
338 18.08.080 Lease execution and final approval.

339  
340 a. After a notice to award a lease is approved by Council or a lease application is  
341 approved by the City Manager, the City Manager is responsible for finalizing and  
342 executing the lease agreement with the successful applicant. After Council's approval  
343 of the Notice to Award but before Council approval under HCC 18.08.040, the City  
344 Manager may negotiate non-essential long-term lease terms and make changes  
345 necessary to clarify the terms of the long-term lease or correct clerical errors.

346  
347 b. The City Manager has authority to negotiate all terms of short-term leases subject to  
348 the provisions of this chapter.

349  
350 c. After a lease is executed by both parties, the City Manager shall draft and the City Clerk  
351 shall record a memorandum of lease. The Lessee is responsible for the recording fees.

352  
353 18.080.090 Development and use.

354  
355 a. All leases must require the lessee to comply with applicable zoning, parking, sign,  
356 flood, and other pertinent local ordinances and state and federal statutes and  
357 regulations.

358  
359 b. Except as provided otherwise in the lease agreement, an as-built survey including  
360 elevations performed by a surveyor shall be provided to the City within six months of  
361 completion of permitted or required development or requirements under a lease. Each  
362 additional structure or significant improvement shall require an additional or updated  
363 as-built. All surveys are to be provided by the lessee at their expense.

364  
365 c. Except as provided otherwise in the lease agreement, at the time each as-built is  
366 submitted, a statement of value including leaseholds and all improvements shall be  
367 provided. The Statement of Value shall be either a letter of opinion or appraisal  
368 completed by an appraiser.

369  
370 d. All development requirements and performance standards contained in the lease shall  
371 be strictly enforced and if not complied with or negotiated for modification shall be  
372 cause for the lease to be terminated. Failure to enforce the terms of the lease shall not  
373 constitute waiver of any such term.

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- e. The City may require a lease of City-owned property to be secured by any means that meet the City’s best interest, including without limitation, a security deposit, surety bond or guaranty.

18.08.100 Appraisal.

- a. An appraisal of the fair market rent of the property will be required before the final approval of a lease and at the time of review and renewal.
- b. The requirement of an appraisal may be waived at the discretion of the City Manager for short-term leases.
- c. All leased properties shall be appraised every five years from the effective date of the lease.
- d. Except as otherwise provided under this section or in a specific lease, lease rates shall be increased on the anniversary of the lease effective date to reflect property appraisal values. A lessee shall be notified of any increase in the appraised value of the property at least 30 days before the increased rental rate becomes effective.
- e. In the event an appraisal reports a decrease in fair market rent, a lessee may petition or the City Manager may recommend to the Council a reduction in the lease rate. The Council may approve a reduction if it determines via resolution that such reduction corresponds with the appraised fair market rent and the reduction is in the City’s best interest.
- f. Each year, the City will select and retain an appraiser to appraise all leased parcels due for appraisals in that year. The City will have sole discretion to select the appraiser and shall bear the cost of the appraisal.

18.08.110 Options to renew.

- a. Leases may contain no more than two options for renewal and each option must be for less than 25% of the length of the initial lease term.
- b. A lessee may not exercise an option to renew unless the City Manager determines that the lessee is in full compliance with the terms of the lease at the time of renewal.
- c. A lessee whose initial lease and all options have expired shall have no automatic right of further renewal or extensions.

416 18.08.120 Improvements.

417

418 a. Except as otherwise provided in the lease agreement, construction of improvements  
419 shall take place only after review and approval of the construction plans by the City  
420 Manager and only after all applicable permits and legal requirements are secured.

421

422 b. Any improvements not consistent with the lease agreement must be approved by  
423 Council via resolution and shall only be considered upon recommendation by the City  
424 Manager and after review by the Port and Harbor Commission, the Planning  
425 Commission, and any other advisory commission determined to be appropriate by the  
426 City Manager. Inconsistent improvements may be approved if the changes to the  
427 improvements promotes serves the City's best interest and/or when changes are  
428 necessary due to industry changes or a change in economic conditions within the city.

429

430 c. All improvements constructed upon leased property become the property of the City  
431 upon termination of the lease unless otherwise provided in the lease agreement or  
432 agreed to by the parties in writing.

433

434 d. Lessee shall be responsible for all municipal property taxes on the leasehold interest  
435 in the real property and improvements and sales taxes on the rent payments.

436

437 18.08.130 Lease renewal.

438

439 a. The Council, after reviewing a recommendation from the City Manager, may approve  
440 the renewal of a lease without requiring competitive bidding based upon the City  
441 Manager's recommendation and when Council finds that it is in the best interest of the  
442 City to enter into a new lease agreement with the current lessee without submitting  
443 the lease renewal to competitive bidding.

444

445 b. If the current lessee is interested in entering into a new lease agreement under this  
446 section, the lessee must issue a request for a new lease in writing to the City Manager  
447 at least 12 months prior to the expiration of the lease and submit a formal lease  
448 application for evaluation by the City Manager. The City Manager shall notify Council  
449 of new lease requests under this section. The City will review the application but is  
450 under no obligation to enter into a new lease.

451

452 c. If the Council approves the new lease without a competitive process, it must do so by  
453 resolution within six months of the date the lease application is filed with the City.

454

455 d. Council shall consider the following factors when determining whether to exempt a  
456 lease from competitive bidding under this subsection:

457

- 458 1. The lessee's past capital investment and binding commitment to future capital  
459 investment;
- 460
- 461 2. The lessee's financial condition and prior lease history;
- 462
- 463 3. The number of persons employed and the prospect for future employment;
- 464
- 465 4. Tax revenues and other financial benefits to the City anticipated in the future if the  
466 lease is renewed;
- 467
- 468 5. Consistency of the past use and intended future use with all applicable land use  
469 codes and regulations, the Comprehensive Plan, and Overall Economic  
470 Development Plan;
- 471
- 472 6. Other opportunities for use of the property that may provide greater benefit to the  
473 City; and,
- 474
- 475 7. Other social, policy, and economic considerations as determined by the Council.  
476

477 18.08.140 Sublease.

- 478
- 479 a. City property may be subleased if expressly permitted in the lease agreement and  
480 approved in writing by Council.
- 481
- 482 b. Except as provided otherwise in the lease agreement, all subleases must be in writing  
483 and executed by the parties, and approved by Council after a recommendation is  
484 provided by the City Manager.
- 485
- 486 c. Approval must be granted prior to occupancy of the leased premises by the sub-  
487 tenant.
- 488
- 489 e. A lessee shall be assessed additional rent, equal to at least 10 percent of the current  
490 rent for the subleased area, upon approval of a sublease.
- 491
- 492 f. Subleasing shall not be used as a method to accomplish the transfer of interest in the  
493 entire leasehold.
- 494
- 495 g. All subleases must comply with all relevant federal, state, and local laws.  
496

497 18.08.150 Early termination.

498

499 Except as provided otherwise in the lease agreement, Council shall approve the termination of  
500 a lease for failure to comply with the lease terms. The City Attorney shall be consulted prior to  
501 the termination of a long-term lease. The City Manager shall seek approval of termination from  
502 Council in executive session. The name of lessee and description of the leased property shall  
503 not be included in any public notices or documents circulated unless and until Council  
504 approves termination of the lease under this section. The City Manager shall notify a lessee in  
505 writing that Council will be considering termination of the lease in executive session and  
506 provide the date, time, and place of the executive session. Lessee may waive the right to  
507 confidentiality under this section and request that Council hold its discussion in public. This  
508 section shall not prevent the City from sending lessee or other parties with an interest in the  
509 lease notifications or correspondence related to the lease or lessee's compliance with its  
510 terms.

511

512 18.08.160 Assignment.

513

514 a. Except as provided in the lease agreement, Council must approve the assignment of a  
515 lease to another party.

516

517 b. Except as otherwise provided in this subsection and subject to the terms of the lease  
518 agreement, the City Manager must make a determination that a lessee is in full  
519 compliance with a lease before an assignment will be effective. The City Manager may  
520 enter into an agreement with an assignor or an assignee consenting to assignment  
521 conditional upon payment of any outstanding amount due under the lease no more  
522 than 90 after assignment.

523

524 c. Except as otherwise provided in a lease agreement, if the lessee is in good standing and  
525 eligible to assign the lease, the following procedures apply:

526

527 1. The lessee shall file a written request for assignment and a new lease application to  
528 the City Manager;

529

530 2. The City Manager shall review the request and assignment document(s) and  
531 determine whether the proposed assignee is qualified under this chapter and the  
532 assignment is in the City's best interests;

533

534 3. The City Manager shall make a recommendation on the assignment to Council for  
535 final action; and

536

537 4. The Council shall approve or deny the request for assignment via resolution.

538

539 5. Assignment of long-term leases on the Homer Spit or within the Marine  
540 Commercial or Marine Industrial zoning districts shall be reviewed by the Port and

541 Harbor Advisory Commission prior to submission to Council for approval. Except  
542 as otherwise provided in a specific lease agreement, assignment of all other long-  
543 term leases shall be reviewed by the Homer Advisory Planning Commission for  
544 recommendations prior to Council approval.

545  
546 d. The Council may approve assignment of a lease to a bank or other financial institutions  
547 for financing or other reasons if it determines the assignment is in the best interest of  
548 the City and upon recommendation by the City Manager.

549  
550 e. Where a lessee intends to assign the lease as part of a sale of the business located on  
551 the lease lot, the person who intends to purchase the business may apply to extend the  
552 lease term to allow the continuation of the business and to secure financing for the  
553 purchase.

554  
555 18.08.170 Insurance.

556  
557 a. All lessees shall keep in force for the full term of the lease public liability insurance in  
558 the amount of not less than \$1 Million coverage per occurrence for bodily injury,  
559 including death, and property damage. The City shall be named as an additional  
560 insured.

561  
562 b. Lessees who intend to conduct activities which could potentially have significant risk  
563 of environmental contamination shall also obtain not less than \$2 Million in  
564 Environmental Impact insurance and/or Environmental Clean-up Policy, or the  
565 equivalent subject to review and approval by the City Manager. The City shall be named  
566 as an additional insured. The City will determine on a case-by-case basis whether a  
567 lease of City property will involve a significant risk of environmental contamination due  
568 to the use of the property, the presence of hazardous materials, or the location of the  
569 property.

570  
571 c. Certificates of Insurance showing the required insurance is in effect and identifying the  
572 City as an additional insured shall be provided to the City at the time a lease becomes  
573 effective and annually thereafter, and upon every change in insurance provider or  
574 insurance coverage.

575  
576 d. All insurance policies must be in effect for the duration of the lease term, or longer if  
577 stated in the lease, and the City must be notified of any changes to policies.

578  
579 e. A lease agreement may require insurance requirements that exceed those required in  
580 this section.

581  
582 18.08.175 Exception-leasing to government entities.



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- a. Except as otherwise prohibited by law, leases to federal or state government entities or political subdivisions or agencies of the State of Alaska or the United States may be, upon a finding by Council that it is in the best interest to do so, exempted from the requirements of this chapter.
- b. The City may lease real property to the United States, the State of Alaska, a political subdivision of the State, or an agency of any of these entities, for consideration agreed upon between the parties for less than fair market rent if the Council determines that the lease or license is in the City’s best interest.

18.08.180 Assessments – Capital improvement projects.

- a. A lessee of City property shall pay all real property special assessments levied and assessed against the property to the full extent of installments billed during the term of the lease.
- b. In the event the City completes a capital improvement project which directly benefits the leasehold property and no local improvement district is formed to pay the cost thereof, the City may, in its sole discretion, impose, and the lessee shall pay as additional rent, the leasehold property’s proportionate share of the cost of the improvement. The amount of additional rent imposed annually by the City under this subsection shall not exceed the amount which would have been payable annually by the lessee if a local improvement district had been formed which provided for installment payments on a schedule and bearing interest at rates typical of other local improvement districts of the City for that type of capital improvement.

18.08.190 Connection to utilities.

A lessee of City real property shall connect to City utilities and bear all costs of connections and adhere to all applicable local, State and Federal regulations. Connections to newly installed City utilities shall be made as soon as possible after completion.

18.08.195 Processing and filing fees.

Fees for lease applications, lease fees, sublease and assignment fees, and other related fees shall be established by Council by resolution. Failure to pay fees owed may result in the rejection of a lease application or denial of renewal, assignment or sublease.

Section 2: This ordinance is of a permanent and general character and shall be included in the Homer City Code.

625 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS \_\_ DAY OF \_\_\_\_\_, 2018.

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CITY OF HOMER

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BRYAN ZAK, MAYOR

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633 ATTEST:

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\_\_\_\_\_  
637 MELISSA JACOBSEN, MMC, CITY CLERK

638

639

640 YES:

641 NO:

642 ABSTAIN:

643 ABSENT:

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646 First Reading:

647 Public Hearing:

648 Second Reading:

649 Effective Date:

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653 Reviewed and approved as to form:

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\_\_\_\_\_  
657 Mary K. Koester, City Manager

\_\_\_\_\_  
Holly Wells, City Attorney

658

659 Date:\_\_\_\_\_

Date:\_\_\_\_\_

## MEMORANDUM 18-035

**TO: HOMER CITY COUNCIL  
CITY MANAGER KATIE KOESTER**

**FROM: HOLLY C. WELLS**

**RE: LEASE POLICY ORDINANCE**

**CLIENT: CITY OF HOMER**

**FILE NO.: 506742.24**

**DATE: MARCH 23, 2018**

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### **Introduction**

City Council Member Smith and City Council Member Erickson recently requested revisions to the Homer City Code and review of the Homer Lease Policy and Procedures Manual (“Lease Policy Manual”) in an effort to ensure that leases between the City of Homer (“City”) and other entities were executed in a streamlined manner that was advantageous to the City and incentivized development. To this end, this memorandum provides a summary of the substantial changes proposed in Ordinance No. 18-08 (the “Ordinance”) and the reasons underlying these changes.

### **Introduction**

The City’s overarching approach to the lease of City land has been a complex process, requiring City staff, potential lessees, and the City Council to navigate the lengthy Lease Policy Manual, the relevant Code provisions, and the request for proposal published by the City regarding the specific property at issue. In many cases, this labyrinth of governing principles and criteria made the lease negotiation and award process confusing and convoluted. The Ordinance proposes a lease process that is more individualized but also requires greater Council oversight and involvement.

Under the Ordinance, Council will approve the lease at two separate stages in the process, at the very least. To this end, Council approves the Notice to Award *and* the lease in its final form. Further, long-term leases for over five years must be approved via ordinance, which ensures a public hearing and two readings on the lease’s approval. Council will be able to discuss terms in executive session and thus can be actively engaged in each individual lease, with the exception of leases for six months or less.

Council is also required to approve the lease templates, which is unchanged from the previous lease ordinances and policies.

With Council approval required before and after negotiations, each lease will have a level of oversight equivalent to that of an outside committee, except it will be Council weighing in. Another notable difference is that while the current policy manual provides many of the required provisions, these provisions will now be included only in the lease template and thus Council and the administration will have a greater ability to be flexible with individual lease terms to ensure that they are actually as advantageous to the City and its goals as possible.

**Understanding the Proposed Changes**

While the above provides a brief summary of the most substantial changes in the Ordinance, the following tables provide a much more detailed summary of the differences between the governing law in this area and the Code provisions proposed in the Ordinance. The first table shows the differences between existing Chapter 18.08 and the Ordinance. The second table shows the ways in which the Lease Policy Manual has been codified and identifies the policies and procedures that have been removed. For ease of reference, the current code is referred as HCC in Table 1 and proposed sections are identified as PHCC. In Table 2, the proposed Code is referred to as HCC since the comparison is between the Lease Policy Manual and the Ordinance. In addition to these tables, a redline comparison of existing HCC 18.08 with the Ordinance accompanies this memorandum.

*Table 1*

<b>Current HCC Chapter 18.08</b>	<b>The Ordinance</b>
No "Purpose" section	Add PHCC 18.08.005 "Purpose" This section incorporates statements of purpose in the Lease Policy Manual

<p>HCC 18.08.010</p> <p>Includes Definitions:</p> <p>Lease Property Manual, Sealed bid, and sublease.</p> <p>Sealed bid definition removed because RFP process is negotiation-based and so may need flexibility in process. Lease Property Manual rescinded so definition was unnecessary. Sublease definition unnecessary.</p>	<p>PHCC 18.08.010 Adds definitions:</p> <p>“appraiser” requiring an AK certified appraiser or other qualified professional selected by the City at the cost of the City.</p> <p>“fair market rent” definition added</p> <p>“City Manager” definition added to permit City Manager to delegate authority.</p> <p>“Irregularities” definition added to clarify RFP process and responsiveness.</p> <p>Removes Lease Property Manual, Sealed bid, and sublease definitions.</p>
<p>HCC 18.08.020 “Lease Committee”</p>	<p>Removed.</p>
<p>HCC 18.08.030 “Approval of Lease”</p>	<p>PHCC 18.08.030 “Standardized Leases” codifies lease template requirement and the requirement that the template is reviewed by Council.</p> <p>HCC 18.08.030 moved to PHCC 18.08.040 “Council Approval of Lease”, which now expressly requires Council to approve long-term leases for 5 yrs. or more via ordinance &amp; long-term leases under 5 yrs. via resolution. PHCC 18.08.070 requires Council approval of the Notice to Award and after negotiations as reiterated in PHCC 18.08.080.</p>
<p>HCC 18.08.040 (Property available for leasing)</p>	<p>Moved to PHCC 18.08.020 “Property available for leasing” to reorganize the Code to reflect the order of the leasing process. The Land Allocation Plan requirements from the Lease Policy Manual were incorporated into this section. Land Allocation process clarified to make clear that leases identified in Land Allocation Plan are leased by the completion of a lease application unless a competitive bidding process is expressly required by Council or used by the City Manager.</p>
<p>No lease application section currently in HCC 18.08</p>	<p>PHCC 18.08.045 “Lease application” codifies requirement that a lease application be completed to be eligible to lease City property identified in the Land Allocation Plan.</p>

<p>HCC 18.08.050 “Qualification of Applicants”</p>	<p>Removed. These requirements better suited for lease template and individual leases.</p>
<p>HCC 18.08.060 “Application to Lease”</p>	<p>Removed; Any such requirement is best included in an RFP or by policy. Fee schedule still affords application fee payment.</p> <p>PHCC 18.08.060 “Criteria for evaluating and approving proposals” added and incorporates criteria from Lease Policy Manual.</p>
<p>18.08.070 “Terms of Lease”</p>	<p>Removed. City Manager will negotiate terms of the lease at and as a result of the RFP tailored to the property at issue and subject to Council approval.</p> <p>PHCC 18.08.070(d) “Notice to award” provides the details of the Notice to award process and expands Council’s role in this process. Provides City Manager to rescind a notice to award where an applicant is unable to meet the terms of its proposal but otherwise now requires the City Manager to receive Council approval before rescinding an award.</p>
<p>HCC 18.08.080 “Appraisal”</p> <p>Requires appraisal when lease approved or renewed by a certified appraisal and permits “Lease Committee” to waive appraisal for short-term leases.</p>	<p>Moved to PHCC 18.08.100. Incorporates 5 yr. appraisal requirements from Lease Policy Manual.</p> <p>PHCC 18.08.080 “Lease execution and final approval” includes express final approval process for leases.</p>
<p>HCC 18.08.090 “Requirements of lease”</p> <p>Required plats and as-built surveys unless the Lease Committee waived the requirement.</p>	<p>PHCC 18.08.090 “Development and use”</p> <p>Incorporates as-built and survey requirements unless the specific lease agreement provides otherwise.</p>
<p>HCC 18.08.100 “Improvements”</p>	<p>Moved to PHCC 18.08.120 and incorporates obligations provided in the Lease Policy Manual. Language clarified.</p>
<p>HCC 18.08.110 “Lease Option”</p>	<p>Incorporated “option” requirements from Lease Policy Manual.</p>

HCC 18.08.120 “Sublease”	Moved to PHCC 18.08.140. Lease Policy Manual incorporated into section and sublease process subject to terms of lease given the nature of some leases in the City, which involve routine subleases. Changed 10% sublease payment requirement to “no less than 10%” to provide the City flexibility.
HCC 18.08.130 “Assignment”	Moved to PHCC 18.08.160. Assignment permitted with Council approval but also as provided in a specific lease. Incorporated Lease Policy Manual requirements and the specific process for applying for an assignment. Now requires Commission recommendations regarding an assignment.
HCC 18.08.140 “Competitive Bidding”	Moved to PHCC 18.08.050. The new section permits the City Manager to issue RFPs regarding land identified by Council as available for lease in the Land Allocation Plan and incorporates relevant requirements from the Lease Policy Manual. Statements of the right to reject bids and others have been incorporated in PHCC 18.08.070 “Notice to Award.” This section also differentiates between the leases identified in the Land Allocation Plan for lease and the terms of lease that don’t require a separate RFP and recognizes Council’s authority to identify these properties and set the terms of lease during the Land Allocation process.
HCC 18.08.150 “Reconsideration”	Removed. Additional Council oversight during the process makes this provision burdensome.
HCC 18.08.160 “Property Management Policy and Procedures Manual”	Removed. No more manual.
HCC 18.08.170 Exceptions-Financial transactions.	Removed. This is unnecessary as the chapter permits Council to exempt a lease from the bidding process and the City Manager has to secure Council approval for leases not on the Lease Allocation Plan.
HCC 18.08.175 “Exception-Leasing to the Federal or State government”	Moved to PHCC 18.08.175 “Exception-Leasing to government entities” clarifies the language but retains the exemption.

HCC 18.08.180 “Assessments-Capital Improvement Projects”	Remains substantially unchanged.
HCC 18.08.190 “Connection to utilities”	Remains substantially unchanged.
HCC 18.08.200 “Fee Schedule”	Moved to PHCC 18.08.195 “Processing and filing fees” incorporates potential for denial of application or approval of lease due to unpaid fees.
HCC 18.08 Does not have a provision requiring Council approval for termination.	PHCC 18.08.050 ‘Early termination’ requires the City Manager to notify the City Council at least 90 days before terminating a lease prior to the expiration of the lease term unless the lease provides otherwise.

**Table 2**

<b>Lease Policy Manual</b>	<b>The Ordinance</b>
Chapter 1 “Lease Policies/Goals, Purpose, and Responsibility”	General purpose statement located in proposed HCC 18.08.005.  Responsibilities re: review and Council approval in HCC 18.08.040; 18.08.150 18.08.070(c)(f); and 18.08.080.
Chapter 2: Lease Committee	The Lease Committee was comprised of City Staff. Replaced references to Lease Committee with references to the City Manager and additional layers of Council oversight.
Chapter 3: Properties Available for Lease	Land Allocation Plan process codified at HCC 18.08.020.
Chapter 4: RFP Process/Competitive Bidding	HCC 18.08.050.



Chapter 5: Lease Application Process	Removed. A responsive lease proposal will be responsive based upon the RFP and not the lease application so this chapter is misleading. The City need not codify the existence or use of an application. The creation of an “application” process separate from the RFP, assignment or renewal process is confusing.
Chapter 6: Application/Proposal Evaluation Process	Application process has been removed. City may require lease application in the RFP requirements or, as applied to short term leases, as a matter of policy. The fees associated with the processing of an application is permitted in HCC 18.08.195.
Chapter 7: Lease Rental Rates	HCC 18.08.075; HCC 18.08.060
Chapter 8: Reconsideration	Removed. The lease process now involves Council approval when a Notice to Award is issued <i>and</i> prior to final approval of the lease itself. Council also approves the rescission of an award. These additional levels of review by Council negate the need for yet another point of review, which would make the lease process unduly burdensome for both City officials and applicants.
Chapter 9: Lease Implementation	HCC 18.08.030 (lease templates approved by Council); HCC 18.08.090 (As-built and development requirements); and 18.08.050-070 (RFP process and negotiations)
Chapter 10: Improvements	HCC 18.08.120
Chapter 11: Length of Leases/Options	HCC 18.08.110
Chapter Lease Rate Adjustments	<p>HCC 18.08.100 (appraisal process still required but generalized requirements to afford City flexibility in retaining the appraiser. Qualifications of appraiser moved to definitions.)</p> <p>The CPI requirement imposed upon lessees was removed.</p>

<p>Chapter 13: Subleasing</p>	<p>HCC 18.08.140 (subleasing requirements retained payment requirement of 10% but added flexibility for City to charge more; Council approval retained but flexibility to exempt a sublease from such approval in the lease added.)</p> <p>Other more specific sublease terms more appropriate in Council approved lease template and individual RFPs and resulting leases.</p>
<p>Chapter 14: Assignment</p>	<p>HCC 18.08.060 (assignment still requires Council approval but flexibility codified that permits the City to deviate from the Code requirements in specific lease agreements. This change is justified by the additional layer of Council oversight added.)</p> <p>Additionally, assignment terms are more appropriately included in the Council approved lease template.</p>
<p>Chapter 15: Insurance</p>	<p>HCC 18.08.170 (more specific requirements are more appropriately included in the leases and in Council approved lease templates.)</p>
<p>Chapter 16: Hazardous Materials</p>	<p>Removed. Hazardous materials provisions are generally included in leases themselves as the terms depend heavily on the nature of the use.</p>
<p>Chapter 17: Performance Standards</p>	<p>HCC 18.08.090 (recognizes strict enforcement of performance standards in lease)</p> <p>Removed. Performance standards are generally included in leases themselves as the terms depend heavily on the nature of the use and performance negotiated. Also, these standards are incorporated into Council approved lease template.</p>
<p>Chapter 18: Conclusion of Lease</p>	<p>HCC 18.08.120 (codifies improvements become property of the City unless otherwise specified in writing but other specific requirements regarding improvements have been removed. Such provisions are more appropriate in specific leases and lease template.)</p>

## **Conclusion**

While this memorandum attempts to identify the changes between the existing Lease Policy and the proposed Lease Policy, the Ordinance presents significant changes to the structure of the City's process that is not easily capsulated in a memo. For this reason, I have also attached a redline version comparing current HCC Chapter 18.08 with the Ordinance. The redline document along with the above tables should provide the level of detail necessary to fully understand the Ordinance.



**REDLINE COMPARISON OF EXISTING HCC 18.08 WITH  
PROPOSED HCC 18.08 IN ORDINANCE 18-16**

*Note to Readers: It is worth noting that, as a byproduct of redline comparisons, it often appears that entire sections have been repealed when the sections have only been renumbered or relocated. For this reason, I recommend reviewing the entire reenactment contemporaneously with the tables included in Memorandum 18-035.*

Chapter 18.08

CITY PROPERTY LEASES

Sections:

- 18.08.005 Purpose.
- 18.08.010- Definitions.
- 18.08.020 Land Allocation Plan - property available for lease.
- 18.08.030 Standardized leases.
- 18.08.040 Council approval of lease.
- 18.08.045 Lease applications.
- 18.08.050 Requests for proposals-competitive bidding process.
- 18.08.060 Criteria for evaluating and approving proposals.
- 18.08.065 Lease application and proposal documents.
- 18.08.070 Notice to award.
- 18.08.075 Lease rental rates.
- 18.08.080 Lease execution and final approval.
- 18.08.090 Development and use.
- 18.08.100 Appraisal.
- 18.08.110 Options to renew.
- 18.08.120 Improvements.
- 18.08.130 Lease renewal.
- 18.08.140 Sublease.
- 18.08.150 Early termination.
- 18.08.160 Assignments.
- 18.08.170 Insurance.
- 18.08.175 Exception – Leasing to government entities.
- 18.08.180 Assessments – Capital improvement projects.
- 18.08.190 Connection to utilities.
- 18.08.195 Processing and filing fees.

18.08.005 Purpose.

The purpose of this chapter is to ensure that the lease of City-owned property maximizes the value of City assets and that the City awards leases that provide the highest and best use of City-owned property. It is the policy of the City to lease its property in a fair and nondiscriminatory way.

1  
2 18.08.010 Definitions.  
3

4 For the purpose of ~~the~~this chapter, the following words and phrases are defined as  
5 set forth in this section:  
6

7 “Applicant” means a person applying to lease or ~~use~~acquire an interest in City-  
8 owned real property and includes bidders and proposers.  
9

10 “Appraisal” means a valuation or estimation of value of property by ~~disinterested~~  
11 persons of suitable qualifications an Alaska Certified General Real Estate Appraiser  
12 or an otherwise qualified appraiser selected by the City Manager.  
13

14 “Assignment” means a transfer of a leasehold interest or ~~making overrights~~ to  
15 another of the whole of any a leasehold interest, in its entirety, in City-owned real  
16 property, ~~real~~.  
17

18 “City Manager” means the City of Homer Manager or ~~personal, in possession~~his or  
19 in action, her designee  
20

21 “Fair market rent” means the rental income that a public or private property would  
22 most likely command in the open market, indicated by the current rents paid for  
23 comparable space as of any estate or right therein the date of the appraisal  
24

25 “Lease” means an

26 “Irregularities” means deviations from the request for proposal that are not  
27 substantive in nature and/or involve typographical or scrivener errors that do not  
28 impact the integrity or responsiveness of the proposal.  
29

30 “Long-term lease” means a written agreement granting exclusive possession or use of City-  
31 owned real property for more than one year.  
32

33 “Short-term lease” means a written agreement granting exclusive possession or use  
34 of City-owned real property for one year or less.  
35

36 “Surveyor” means a registered professional land and/or location for a specific  
37 period of time in accordance with specific termssurveyor.  
38

39 ~~“Property Management Policy and Procedures Manual” means the manual adopted pursuant to~~  
40 ~~HCC.~~  
41

42 ~~“Sealed bid” or “sealed proposal” means a method of competitive bidding for a lease whereby~~

1 ~~each party interested in leasing City property submits a proposal in a sealed envelope and all~~  
2 ~~such proposals are opened at the same time. The proposal most favorable to the City is selected~~  
3 ~~for negotiation for a lease.~~

4  
5 ~~“Sublease” means a lease or rental executed by the lessee of an estate to a third person, conveying~~  
6 ~~the same estate or a portion of it, for a term equal to or shorter than that for which the lessee~~  
7 ~~holds it.~~

8  
9 ~~18.08.020 Lease Committee.~~

10 ~~The City Council shall establish the formation of the Lease Committee and its duties by~~  
11 ~~resolution as reflected in the Property Management Policy and Procedures Manual.~~

12  
13 ~~18.08.030 Approval of lease.~~

14 ~~a. No lease shall be executed until the City Council has approved, with or without~~  
15 ~~modifications, the Lease Committee’s recommendation.~~

16  
17 ~~b. Except as provided in HCC 18.08.175, the City Council may approve a lease of City land~~  
18 ~~for less than fair rental value only if the motion approving the lease contains a finding that the~~  
19 ~~lease is for a compelling public purpose or use, and a statement of facts upon which the finding~~  
20 ~~is based.~~

21  
22 ~~c. The City Council gives the City Manager the authority to execute short term leases of~~  
23 ~~six months or less pursuant to the Property Management Policy and Procedures Manual.~~

24  
25 ~~18.08.040 Property Land Allocation Plan property available for leasing lease.~~

26  
27 a. Unless dedicated or reserved to another purpose, all real property including  
28 tide, submerged or shorelands to which the City has a right, title and interest  
29 as owner or lessee, or to which the City may become entitled, may be leased  
30 as provided in this chapter. In the case of any conflict between this chapter  
31 and any regulations or other ordinances or State law specifically governing  
32 the leasing of City tide and submerged lands, the latter shall prevail.

33  
34 b. The City administration shall maintain a list of all City-owned properties  
35 authorized for lease by Council. This list shall be adopted annually and  
36 contain the information required under this chapter. The list may be called

1 the Land Allocation Plan and will be made available to the public at the City  
2 Clerk's office.

3  
4 c. Council shall adopt a Land Allocation Plan that identifies:

5  
6 i. City-owned property available for lease;

7 ii. The property description, lease rate, preferred length of the lease term  
8 for each available parcel; and

9 iii. Any requirements, preferences or restrictions regarding use and/or  
10 development.

11  
12 d. Council may identify property in the Land Allocation Plan that is subject to  
13 competitive bidding. Property subject to competitive bidding in the Land  
14 Allocation Plan need only identify the property description in the Land  
15 Allocation Plan but all other terms required in subsection (c) of this section  
16 shall be identified in the request for proposal for such properties.

17  
18 e. Prior to the adoption of the Land Allocation Plan, Council shall hold a work  
19 session. Commission members and City staff may provide  
20 recommendations to Council during the work session regarding City-owned  
21 property available for lease and the terms of such leases.

22  
23 f. The City shall provide public notice of the adoption of the Land Allocation  
24 Plan and the City-owned real property available for lease no more than 60  
25 days after its adoption.

26  
27 g. All uses and activities on City-owned real property available for lease are  
28 subject to all applicable local, state, and federal laws and regulations.

29  
30 h. The Council may restrict specific City-owned properties to certain uses or  
31 classes of use that serve the City's best interest.

32  
33 18.08.030 Standardized leases.

34  
35 a. The City Manager shall develop a standardized ground lease that contains  
36 provisions generally applicable to the lease of City-owned property and a  
37 standardized building lease that contains provisions generally applicable to  
38 the lease of space in City-owned buildings. The standard lease documents  
39 shall be reviewed by the City Attorney and approved by Council.

40  
41 b. Lease terms may deviate from the standardized lease terms when the City  
42 Manager determines such deviations are reasonable and necessary to protect  
43 the City's best interests and Council approves the lease as required in HCC  
44 18.08.040.

45  
46 18.08.040 Council approval of leases.



- 1  
2 a. All long-term leases for more than five years shall be approved by Council  
3 via ordinance. All long-term leases for five years or less shall be approved  
4 by Council via resolution.  
5  
6 b. The City Manager may execute short-term leases without Council approval  
7 when the City Manager determines that a short-term lease is in the best  
8 interest of the City and notifies the Council in writing of the short-term lease  
9 and its essential terms.  
10  
11 c. Short-term leases are not required to go through the competitive bidding  
12 process unless the short-term lease would result in the lease of City-owned  
13 property to the same lessee for more than one consecutive year.  
14  
15 d. Except as expressly provided in this chapter, property leased by the City  
16 from a third party that is available for sublease or the lease of space in City-  
17 owned buildings located on real property owned by a third party is exempt  
18 from this chapter.  
19

20 18.08.045 Lease applications.

21  
22 Except for property subject to competitive bidding under this chapter, persons  
23 interested in leasing City property may submit a lease application to the City Clerk.  
24 The City Manager shall consider all applications and determine if an application is  
25 complete and meets the criteria identified in the Land Allocation Plan. Applicants  
26 may be charged a fee for processing a lease application.  
27

28 18.08.050 ~~Qualification of applicants~~ Requests for proposals-competitive bidding  
29 process.

30 An

- 31 a. The City Manager may issue a request for proposals to lease specific  
32 property identified in the Land Allocation Plan at any time after posting the  
33 notice required in HCC 18.08.020(d).  
34  
35 b. A request for proposal advertised by the City must identify the property  
36 description of the property available for lease, the time frame for the  
37 submission of requests for proposals, any preferred uses or industries, and  
38 the overall criteria the City intends to use to score and rank proposals.  
39  
40 c. The City Manager must obtain approval from the Council before requesting  
41 proposals to lease property not identified in the Land Allocation Plan as  
42 property available for lease.  
43

44 18.08.060 Criteria for evaluating and approving proposals.  
45

1 a. The Criteria for evaluating proposals shall include, but is not limited to, the  
2 following:

3  
4 1. Compatibility with neighboring uses and consistency with applicable  
5 land use regulations including the Comprehensive Plan.

6  
7 2. The development plan including all phases and timetables.

8  
9 3. The proposed capital investment.

10  
11 4. Experience of the applicant for lease is qualified if in the proposed  
12 business or venture.

13  
14 4.5. Financial capability or backing of the applicant is including credit  
15 history, prior lease history, assets that will be used to support the  
16 proposed development.

17  
18 6. A natural person and is responsible, meaning The number of employees  
19 anticipated.

20  
21 7. The proposed rental rate.

22  
23 8. Other financial impacts such as tax revenues, stimulation of related or  
24 spin-off economic development, or the value of improvements left  
25 behind upon termination of the lease.

26  
27 9. Other long term social economic development.

28  
29 ~~a. — The residency or licensure of the applicant has sufficient skill, experience and financial~~  
30 ~~capability to perform all the obligations of the lessee under the proposed lease; and~~  
31

32 ~~b. A person who is at least 19 years of age; or~~  
33

34 ~~c. — A group, association or corporation which is authorized to conduct business under the~~  
35 ~~laws of the in the City, Kenai Peninsula Borough, and/or the State of Alaska;~~  
36

37 ~~18.08.060 Application to lease.~~

38 ~~All prospective applicants for lease of City property shall file an application to lease with the~~  
39 ~~City Clerk on a form available at the City Hall during regular business hours. No person may~~  
40 ~~submit a bid or proposal on a City lease without having properly filed an application for lease~~  
41 ~~in accordance with the guidelines incorporated in the Property Management Policy and~~  
42 ~~Procedures Manual and paid all applicable fees.~~

1  
2 ~~18.08.070 Terms of lease.~~

3 ~~a. The terms of a lease shall be recommended by the Lease Committee.~~

4  
5 ~~b. Terms of leases shall be negotiated taking into consideration the following factors:~~

6 ~~1. Nature of the proposed use;~~

7  
8 ~~2. Type and cost of improvement to be placed upon the premises;~~

9  
10 ~~3. Period of time required to amortize the improvements;~~

11  
12 ~~4. Benefit to the City;~~

13  
14 ~~5. Whether improvements are consistent with the Comprehensive Plan, Homer~~  
15 ~~zoning ordinances and other City codes;~~

16  
17 ~~6. Public needs and benefits;~~

18  
19 ~~7. Other factors deemed relevant by the Lease Committee; and~~

20  
21 2.10. Date of commencement and completion of improvements, as  
22 identified in the City's request for proposal and permitted under state  
23 and federal law.

24  
25 a.b. Determination of rent shall take into consideration the following factors:

26  
27 1. Appraisal or tax assessed valuation;

28  
29 2. Highest and best use of land;

30  
31 3. Development (existing and planned);

32  
33 4. Economic development objectives;

34  
35 5. The location of the property; and

36  
37 6. Alternative valuation methodologies as negotiated by both parties.

1  
2 ~~e. All leases or memorandums of leases shall be recorded.~~

3  
4 The lessee and the 18.08.065 Lease Committee may negotiate all lease terms except  
5 those application and proposal documents.

6  
7 ~~d. Upon request by the City Manager or as required by law.~~

8  
9 18.08.080 Appraisal.

10 ~~a. An appraisal of the fair market value or fair rental value of the property will be required~~  
11 ~~before the original approval of a lease and at the time of review and renewal. The appraisal can~~  
12 ~~be made by an independent contractor or the Kenai Peninsula Borough Assessor as negotiated~~  
13 ~~in the lease agreement.~~

14  
15 ~~b. The requirement of an appraisal may be waived at the discretion of the Lease Committee~~  
16 ~~request for leases for six months or less.~~

17  
18 18.08.090 Requirements of the lessee.

19 ~~A proposed lessee proposal, an applicant shall provide, at its sole expense, the~~  
20 ~~following unless waived by the Lease Committee in its discretion:~~

21  
22 ~~1. A Property Improvement Plan. The proposed lessee shall submit a~~  
23 ~~property improvement plan that includes a~~ with information regarding  
24 planned improvements by lessee, including schedule for  
25 commencement and completion of proposed improvements.

26  
27 ~~Survey. The lessee shall submit a~~ 2. A survey of the landproperty subject to  
28 the proposed lease after Homer City Council approval of the lease;  
29 and/or

30  
31 ~~Plat~~ 3. If only a portion of a lot is to be leased, the lessee shall cause a  
32 subdivision plat to be filed in accordance with Kenai Peninsula Borough  
33 subdivision requirements within 90 days after Homer.

34  
35 18.08.070 Notice to award.

36  
37 ~~a. The City Council approval of the lease~~ Manager shall consider all responses  
38 to the City's request for proposals that are timely and responsive. Untimely  
39 submissions shall be returned to the applicant without review and that  
40 applicant shall not be considered.

- 1                    b. The City Manager may, in his or her sole discretion, and upon a  
2                    determination that none of the proposals are in the City's best interest,  
3                    recommend rejection of all proposals.  
4  
5                    c. Upon a determination that a proposal is the most advantageous to the City,  
6                    the City Manager shall recommend the proposal to Council for acceptance.  
7                    If Council approves the recommendation, the City Manager shall issue a  
8                    Notice to Award the lease to the successful applicant. The City Manager's  
9                    recommendation shall be presented to Council in a written memorandum  
10                   identifying the recommended winning applicant, the property description,  
11                   the essential terms of the proposed lease, and the reasons the City Manager  
12                   recommended the award.  
13  
14                   d. The City Manager shall submit any recommendation for approval of a  
15                   proposal under this chapter for property located on the Homer Spit or in the  
16                   Marine Commercial or Marine Industrial zoning districts to the Port and  
17                   Harbor Advisory Commission for review and comment prior to  
18                   recommending a proposal to Council.  
19  
20                   e. If the Council adopts the City Manager's recommendation, the City  
21                   Manager shall negotiate with the winning applicant and present a final lease  
22                   to the Council for approval. A Notice to Award is conditional upon the City  
23                   Manager's successful negotiation of a final written lease consistent with the  
24                   terms upon which the award was based.  
25  
26                   f. The City Manager may, with Council approval, rescind a Notice to Award.  
27                   A Notice to Award becomes void on the date the City Manager provides  
28                   written notice to the applicant that the award has been rescinded.  
29  
30                   g. The City Manager may rescind a Notice to Award at any time prior to the  
31                   execution of a lease if an applicant can no longer meet the terms of the  
32                   proposal.  
33  
34                   h. If the City Manager rescinds a Notice to Award, the City Manager may  
35                   negotiate with the next most responsive bidder and submit a new  
36                   recommendation for award to Council and Council may approve the award  
37                   of the proposal to that recommended bidder. If negotiations with the next  
38                   most responsive bidder are unsuccessful, all bids must be rejected and a new  
39                   request for proposal may be issued.  
40  
41                   i. The Council may approve other bidding or proposal procedures or  
42                   exceptions to these procedures via resolution.  
43  
44  
45  
46

18.08.075 Lease rental rates.

- a. Except as otherwise provided in this section, all property shall be leased at no less than “fair market rent.”
- b. Payments of a higher than fair market rent resulting from an applicant’s proposal is generally in the public interest and will help to establish fair market rent using current market forces.
- c. The Council may establish a minimum rent or “asking price.” It may set a minimum rent at an amount equal to or higher than the estimated “fair market rent” if it finds that it is in public interest to do so. It may set uniform rental rates for a class of similar properties that remain available for leasing after the conclusion of a competitive lease offering.
- d. Except as provided in HCC 18.08.175, Council may approve a lease of City land for less than fair market rent only if the motion approving the lease contains a finding that the lease is for a valuable public purpose or use, and a statement identifying such public purpose or use.
- e. The lease shall provide for payment of interest or a late fee for rent past due, and provide for recovery by the City of attorneys’ fees and costs to the maximum extent allowed by law in the event the city is required to enforce the lease in court, and such additional provisions pertaining to defaults and remedies as the City Manager may determine to be in the City’s interest.

18.08.080 Lease execution and final approval.

- a. After a notice to award a lease is approved by Council or a lease application is approved by the City Manager, the City Manager is responsible for finalizing and executing the lease agreement with the successful applicant. After Council’s approval of the Notice to Award but before Council approval under HCC 18.08.040, the City Manager may negotiate non-essential long-term lease terms and make changes necessary to clarify the terms of the long-term lease or correct clerical errors.
- b. The City Manager has authority to negotiate all terms of short-term leases subject to the provisions of this chapter.
- c. After a lease is executed by both parties, the City Manager shall draft and the City Clerk shall record a memorandum of lease. The Lessee is responsible for the recording fees.

18.08.090 Development and use.

- a. All leases must require the lessee to comply with applicable zoning, parking, sign, flood, and other pertinent local ordinances and state and federal statutes and regulations.

- 1  
2 b. Except as provided otherwise in the lease agreement, an as-built survey  
3 including elevations performed by a surveyor shall be provided to the City  
4 within six months of completion of permitted or required development or  
5 requirements under a lease. Each additional structure or significant  
6 improvement shall require an additional or updated as-built. All surveys are  
7 to be provided by the lessee at their expense.  
8  
9 c. Except as provided otherwise in the lease agreement, at the time each as-  
10 built is submitted, a statement of value including leaseholds and all  
11 improvements shall be provided. The Statement of Value shall be either a  
12 letter of opinion or appraisal completed by an appraiser.  
13  
14 d. All development requirements and performance standards contained in the  
15 lease shall be strictly enforced and if not complied with or negotiated for  
16 modification shall be cause for the lease to be terminated. Failure to enforce  
17 the terms of the lease shall not constitute waiver of any such term.  
18  
19 e. The City may require a lease of City-owned property to be secured by any  
20 means that meet the City's best interest, including without limitation, a  
21 security deposit, surety bond or guaranty.  
22

23 18.08.100 Appraisal.

- 24  
25 a. An appraisal of the fair market rent of the property will be required before  
26 the final approval of a lease and at the time of review and renewal.  
27  
28 b. The requirement of an appraisal may be waived at the discretion of the City  
29 Manager for short-term leases.  
30  
31 c. All leased properties shall be appraised every five years from the effective  
32 date of the lease.  
33  
34 d. Except as otherwise provided under this section or in a specific lease, lease  
35 rates shall be increased on the anniversary of the lease effective date to  
36 reflect property appraisal values. A lessee shall be notified of any increase  
37 in the appraised value of the property at least 30 days before the increased  
38 rental rate becomes effective.  
39  
40 e. In the event an appraisal reports a decrease in fair market rent, a lessee may  
41 petition or the City Manager may recommend to the Council a reduction in  
42 the lease rate. The Council may approve a reduction if it determines via  
43 resolution that such reduction corresponds with the appraised fair market  
44 rent and the reduction is in the City's best interest.  
45

1 f. Each year, the City will select and retain an appraiser to appraise all leased  
2 parcels due for appraisals in that year. The City will have sole discretion to  
3 select the appraiser and shall bear the cost of the appraisal.

4  
5 18.08.110 Options to renew.

6  
7 a. Leases may contain no more than two options for renewal and each option  
8 must be for less than 25% of the length of the initial lease term.

9  
10 b. A lessee may not exercise an option to renew unless the City Manager  
11 determines that the lessee is in full compliance with the terms of the lease  
12 at the time of renewal.

13  
14 c. A lessee whose initial lease and all options have expired shall have no  
15 automatic right of further renewal or extensions.

16  
17 18.08.120 Improvements.

18 Construction of Improvements. Construction

19 a. Except as otherwise provided in the lease agreement, construction of  
20 improvements shall take place only after review and –approval of the  
21 construction plans by the ~~Lease Committee for consistency with the lease~~  
22 agreementCity Manager and only after all applicable permits and legal  
23 requirements are secured.

24  
25 b. Construction of Improvements Not Consistent with the Lease Agreement.  
26 Any improvements not consistent with the lease agreement ~~shall~~must be  
27 construed ~~only after having been reviewed and~~ approved by Council via  
28 resolution and shall only be considered upon recommendation by the City  
29 CouncilManager and after review ~~and comment by the Lease Committee,~~by  
30 the Port and Harbor Commission, the Planning Commission, and any other  
31 advisory commission determined to be appropriate by the ~~Lease~~  
32 Committee.City Manager. Inconsistent improvements may be approved if  
33 the changes to the improvements promotes serves the City’s best interest  
34 and/or when changes are necessary due to industry changes or a change in  
35 economic conditions within the city.

36  
37 a.— Removal of Improvements upon Termination. The City Council standards for removal of  
38 improvements are set by resolution, as reflected in the Property Management Policy and  
39 Procedures Manual.

40  
41 18.08.110 Lease option.

42 The City may grant an option to lease property. The option shall contain the specific duration and  
43 terms as set forth in a request for proposal or as negotiated by the Lease Committee and approved  
44 by the City Council.



1 ~~The City may charge a nonrefundable fee for the option and said fee may be equal to the fair~~  
2 ~~rental value.~~

3 c. All improvements constructed upon leased property become the property of  
4 the City upon termination of the lease unless otherwise provided in the lease  
5 agreement or agreed to by the parties in writing.

6  
7 d. Lessee shall be responsible for all municipal property taxes on the leasehold  
8 interest in the real property and improvements and sales taxes on the rent  
9 payments.

10  
11 18.08.130 Lease renewal.

12  
13 a. The Council, after reviewing a recommendation from the City Manager,  
14 may approve the renewal of a lease without requiring competitive bidding  
15 based upon the City Manager's recommendation and when Council finds  
16 that it is in the best interest of the City to enter into a new lease agreement  
17 with the current lessee without submitting the lease renewal to competitive  
18 bidding.

19  
20 b. If the current lessee is interested in entering into a new lease agreement  
21 under this section, the lessee must issue a request for a new lease in writing  
22 to the City Manager at least 12 months prior to the expiration of the lease  
23 and submit a formal lease application for evaluation by the City Manager.  
24 The City Manager shall notify Council of new lease requests under this  
25 section. The City will review the application but is under no obligation to  
26 enter into a new lease.

27  
28 c. If the Council approves the new lease without a competitive process, it must  
29 do so by resolution within six months of the date the lease application is  
30 filed with the City.

31  
32 d. Council shall consider the following factors when determining whether to  
33 exempt a lease from competitive bidding under this subsection:

34  
35 1. The lessee's past capital investment and binding commitment to future  
36 capital investment;

37  
38 2. The lessee's financial condition and prior lease history;

39  
40 3. The number of persons employed and the prospect for future  
41 employment;

42  
43 4. Tax revenues and other financial benefits to the City anticipated in the  
44 future if the lease is renewed;



1 ~~18.08.150 Reconsideration.~~

2 ~~A lessee may request reconsideration by the Homer City Council of the terms of the lease within~~  
3 ~~15 days of City Council action on the lease. The reconsideration procedures set forth in the~~  
4 ~~Property Management Policy and Procedures Manual shall be applied in the event of a~~  
5 ~~reconsideration. [Ord. 92-10, 1992].~~

6  
7 ~~18.08.160 Property Management Policy and Procedures Manual.~~

8 ~~a. The City Council shall adopt by resolution a Property Management Policy and Procedures~~  
9 ~~Manual. Leasing and use permits of City land and facilities shall conform to the manual except~~  
10 ~~to the extent it shall be in conflict with this code or any relevant ordinance later adopted, in which~~  
11 ~~case the provisions of this code and later ordinances shall prevail over the provisions of the~~  
12 ~~manual.~~

13  
14 ~~b. The Property Management Policy and Procedures Manual may be revised by City Council~~  
15 ~~resolution.~~

16  
17 ~~c. A copy of the Property Management Policy and Procedures Manual shall be available to~~  
18 ~~the public during normal working hours at City Hall.~~

19  
20 ~~18.08.170 Exceptions — Financing transactions.~~

21 ~~The procedures set forth in this chapter do not apply to sales, purchases or leases entered into by~~  
22 ~~the City as a part of a financing transaction in which the City is acquiring or disposing of~~  
23 ~~municipal property for municipal purposes through the use of lease/leaseback arrangements or~~  
24 ~~the lease/purchase mechanisms. The formal procedure with respect to these financing leases and~~  
25 ~~the related purchase and sale of land and interests in land shall be by an ordinance of the City~~  
26 ~~Council authorizing the financing transaction.~~

27  
28 ~~f. 18.08.175 Exception — Leasing to the Federal or State Subleasing shall~~  
29 ~~not be used as a method to accomplish the transfer of interest in the entire~~  
30 ~~leasehold.~~

31  
32 ~~g. All subleases must comply with all relevant federal, state, and local laws.~~

33  
34 ~~18.08.150 Early termination.~~

35  
36 ~~Except as provided otherwise in the lease agreement, Council shall approve the~~  
37 ~~termination of a lease for failure to comply with the lease terms. The City Attorney~~  
38 ~~shall be consulted prior to the termination of a long-term lease. The City Manager~~  
39 ~~shall seek approval of termination from Council in executive session. The name of~~

1 lessee and description of the leased property shall not be included in any public  
2 notices or documents circulated unless and until Council approves termination of  
3 the lease under this section. The City Manager shall notify a lessee in writing that  
4 Council will be considering termination of the lease in executive session and  
5 provide the date, time, and place of the executive session. Lessee may waive the  
6 right to confidentiality under this section and request that Council hold its  
7 discussion in public. This section shall not prevent the City from sending lessee or  
8 other parties with an interest in the lease notifications or correspondence related to  
9 the lease or lessee's compliance with its terms.

10  
11 18.08.160 Assignment.

12  
13 a. Except as provided in the lease agreement, Council must approve the  
14 assignment of a lease to another party.

15  
16 b. Except as otherwise provided in this subsection and subject to the terms of  
17 the lease agreement, the City Manager must make a determination that a  
18 lessee is in full compliance with a lease before an assignment will be  
19 effective. The City Manager may enter into an agreement with an assignor  
20 or an assignee consenting to assignment conditional upon payment of any  
21 outstanding amount due under the lease no more than 90 after assignment.

22  
23 c. Except as otherwise provided in a lease agreement, if the lessee is in good  
24 standing and eligible to assign the lease, the following procedures apply:

25  
26 1. The lessee shall file a written request for assignment and a new lease  
27 application to the City Manager;

28  
29 2. The City Manager shall review the request and assignment document(s)  
30 and determine whether the proposed assignee is qualified under this  
31 chapter and the assignment is in the City's best interests;

32  
33 3. The City Manager shall make a recommendation on the assignment to  
34 Council for final action; and

35  
36 4. The Council shall approve or deny the request for assignment via  
37 resolution.

38  
39 5. Assignment of long-term leases on the Homer Spit or within the Marine  
40 Commercial or Marine Industrial zoning districts shall be reviewed by  
41 the Port and Harbor Advisory Commission prior to submission to  
42 Council for approval. Except as otherwise provided in a specific lease  
43 agreement, assignment of all other long-term leases shall be reviewed  
44 by the Homer Advisory Planning Commission for recommendations  
45 prior to Council approval.  
46

1 d. The Council may approve assignment of a lease to a bank or other financial  
2 institutions for financing or other reasons if it determines the assignment is  
3 in the best interest of the City and upon recommendation by the City  
4 Manager.

5  
6 e. Where a lessee intends to assign the lease as part of a sale of the business  
7 located on the lease lot, the person who intends to purchase the business  
8 may apply to extend the lease term to allow the continuation of the business  
9 and to secure financing for the purchase.

10  
11 18.08.170 Insurance.

12  
13 a. All lessees shall keep in force for the full term of the lease public liability  
14 insurance in the amount of not less than \$1 Million coverage per occurrence  
15 for bodily injury, including death, and property damage. The City shall be  
16 named as an additional insured.

17  
18 b. Lessees who intend to conduct activities which could potentially have  
19 significant risk of environmental contamination shall also obtain not less  
20 than \$2 Million in Environmental Impact insurance and/or Environmental  
21 Clean-up Policy, or the equivalent subject to review and approval by the  
22 City Manager. The City shall be named as an additional insured. The City  
23 will determine on a case-by-case basis whether a lease of City property will  
24 involve a significant risk of environmental contamination due to the use of  
25 the property, the presence of hazardous materials, or the location of the  
26 property.

27  
28 c. Certificates of Insurance showing the required insurance is in effect and  
29 identifying the City as an additional insured shall be provided to the City at  
30 the time a lease becomes effective and annually thereafter, and upon every  
31 change in insurance provider or insurance coverage.

32  
33 d. All insurance policies must be in effect for the duration of the lease term, or  
34 longer if stated in the lease, and the City must be notified of any changes to  
35 policies.

36  
37 e. A lease agreement may require insurance requirements that exceed those  
38 required in this section.

39  
40 18.08.175 Exception-leasing to government entities.

41 ~~The City~~

42 a. Except as otherwise prohibited by law, leases to federal or state government  
43 entities or political subdivisions or agencies of the State of Alaska or the  
44 United States may ~~license or be~~, upon a finding by Council that it is in the  
45 best interest to do so, exempted from the requirements of this chapter.  
46

1 ~~a-b. The City may lease any~~ real property to the United States, the State of  
2 Alaska, a political- subdivision of the State, or an agency of any of these  
3 entities, for consideration agreed upon between the parties ~~without a~~  
4 ~~competitive bidding process or otherwise complying with the provisions of~~  
5 ~~HCC 18.08.140, if the City Council determines the transaction is~~  
6 ~~advantageous to the City. Such a transaction may be for less than fair rental~~  
7 ~~value and without an appraisal unless otherwise directed by the City~~  
8 ~~Council. Respecting such a license or lease, the Homer City Council, in its~~  
9 ~~discretion, may waive any other requirements of this chapter.~~ for less than  
10 fair market rent if the Council determines that the lease or license is in the  
11 City's best interest.

12  
13 18.08.180 Assessments – Capital improvement projects.

14  
15 a. A lessee of City property shall pay all real property special assessments  
16 levied and assessed against the property to the full extent of installments  
17 ~~falling due~~ billed during the term of the lease.

18  
19 b. In the event the City completes a capital improvement project which directly  
20 benefits the leasehold property and no local improvement district is formed  
21 to pay the cost thereof, the City may, in its sole discretion, impose, and the  
22 lessee shall pay as additional rent, the leasehold property's proportionate  
23 share of the cost of the improvement. The amount of additional rent imposed  
24 annually by the City under this subsection shall not exceed the amount  
25 which would have been payable annually by the lessee if a local  
26 improvement district had been formed which provided for installment  
27 payments on a schedule and bearing interest at rates typical of other local  
28 improvement districts of the City for that type of capital improvement.

29  
30 18.08.190 Connection to utilities.

31  
32 A lessee of City real property shall connect to City utilities and bear all costs of  
33 connections and adhere to all applicable local, State and Federal regulations.  
34 Connections to newly installed City utilities shall be made as soon as possible after  
35 completion.

36  
37 18.08.200 ~~Fee schedule.~~

38 ~~The~~ 195 Processing and filing fees.

39  
40 Fees for lease applications, lease fees, sublease and assignment fees, and other  
41 related fees shall be established by ~~the City Council~~ from time to time by means of  
42 a resolution. ~~Failure to pay fees owed may result in the rejection of a lease~~  
43 application or denial of renewal, assignment or sublease.  
44







CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
AGENDA APPROVAL



HOMER CITY COUNCIL  
491 E. PIONEER AVENUE  
HOMER, ALASKA  
[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)



**REGULAR MEETING**  
**6:00 P.M. MONDAY**  
**APRIL 9, 2018**  
**COWLES COUNCIL CHAMBERS**

MAYOR BRYAN ZAK  
COUNCIL MEMBER DONNA ADERHOLD  
COUNCIL MEMBER HEATH SMITH  
COUNCIL MEMBER TOM STROOZAS  
COUNCIL MEMBER SHELLY ERICKSON  
COUNCIL MEMBER CAROLINE VENUTI  
COUNCIL MEMBER RACHEL LORD  
CITY ATTORNEY HOLLY WELLS  
CITY MANAGER KATIE KOESTER  
CITY CLERK MELISSA JACOBSEN

## **REGULAR MEETING AGENDA**

**Special Meeting 4:00 p.m., Committee of the Whole 5:00 p.m. in Homer City Hall Cowles Council Chambers.**

### **1. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

Councilmember Erickson has requested excusal (timely notice was given)

Department Heads may be called upon from time to time to participate via teleconference.

### **2. AGENDA APPROVAL**

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 2.08.040.)

### **3. MAYORAL PROCLAMATIONS AND RECOGNITIONS**

- A. Swearing In Ceremony New Fire Chief Terry Kadel
- B. Proclamation National Library Week – April 8-14, 2018 Page 65
- C. Proclamations for Haven House Women of Distinction:
  - Hero of Heart Page 67
  - Woman of Distinction Page 69
  - Woman of Wisdom Page 71
  - Young Woman of Distinction Page 73

### **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.)

- A. Homer City Council unapproved Special Meeting Minutes of March 12, 2018 and Regular Meeting Minutes of March 27, 2018. City Clerk. Recommend adoption. Page 81
- B. **Memorandum 18-041** from Councilmember Stroozas Re: Directing PARAC to look into Safety Improvements that can be made to Karen Hornaday Road. Recommend Approval. Page 99
- C. **Ordinance 18-17**, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 2.08.120 to Allow Councilmembers to Attend an Executive Session of the City Council by Telephonic Means. Stroozas. Recommended Dates: Introduction April 9, 2018, Public Hearing and Second Reading April 23, 2018. Page 105
- D. **Ordinance 18-18**, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code 17.04.100, Subdivision after Levy of Assessment. Lord. Recommended Dates: Introduction April 9, 2018, Public Hearing and Second Reading April 23, 2018. Page 109
- E. **Ordinance 18-19**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$10,000 from the Old Middle School Depreciation Reserve Fund for the Purposes of Determining the Financial Resources Required to Use the Homer Education and Recreation Complex (HERC), if a Tenant is a Feasible Option and Entering into a Sole Source Contract with STANTEC to Provide Technical Expertise. Aderhold. Recommended Dates: Introduction April 9, 2018, Public Hearing and Second Reading April 23, 2018. Page 115
- F. **Resolution 18-035**, A Resolution of the City Council of Homer, Alaska, Approving the City of Homer 2018 Land Allocation Plan. Mayor/Council. Recommend Adoption. Page 119
- G. **Resolution 18-036**, A Resolution of the City Council of Homer, Alaska, Establishing the Homer Education and Recreation (HERC) Task Force to Determine the Financial Resources Required to Use the Building and Leasing Space is a Feasible Option. Aderhold. Recommend Adoption. Page 237
- Memorandum 18-042 from Deputy City Planner as backup Page 241

H. **Resolution 18-037**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule Under Library Fees to Increase Copy Fees. Smith. Recommend Adoption. Page 245

I. **Resolution 18-038**, A Resolution of the City Council of Homer, Alaska, Urging Alaska DOT to Adhere to the Current Schedule for the Pioneer Avenue Resurfacing Project. Venuti. Recommend Adoption. Page 249

**7. VISITORS**

A. Foraker Group, Laurie Wolf President/CEO (10 minutes)

B. Homer Foundation, Joy Steward (10 minutes)

C. Kachemak Heritage Land Trust, Joel Cooper (10 minutes)

**8. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS  
(10 minute limit per report)**

A. Borough Report

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks Art Recreation and Culture Advisory Commission
5. Port and Harbor Advisory Commission

**9. PUBLIC HEARING(S)**

**10. ORDINANCE(S)**

**11. CITY MANAGER'S REPORT**

A. City Manager's Report Page 261

B. Bid Report

Page 275

**12. CITY ATTORNEY REPORT**

**13. COMMITTEE REPORT**

A. Employee Committee Report

B. Americans with Disabilities Act Compliance Committee

**14. PENDING BUSINESS**

**15. NEW BUSINESS**

**16. RESOLUTIONS**

**17. COMMENTS OF THE AUDIENCE**

**18. COMMENTS OF THE CITY ATTORNEY**

**19. COMMENTS OF THE CITY CLERK**

**20. COMMENTS OF THE CITY MANAGER**

**21. COMMENTS OF THE MAYOR**

**22. COMMENTS OF THE CITY COUNCIL**

**23. ADJOURNMENT**

The next Regular Meeting is Monday, April 23, 2018 at 6:00 p.m., Worksession at 4:00 p.m. Committee of the Whole at 5:00 p.m; a Worksession on April 12, 2018 at 4:00 p.m. in the City Hall Cowles Council Chambers; and a Worksession is Tuesday April 17, 2018 at 4:00 p.m. in the City Hall Conference Room, all located at 491 E. Pioneer Avenue, Homer, Alaska.

MAYORAL PROCLAMATIONS  
AND RECOGNITIONS





**CITY OF HOMER  
HOMER, ALASKA**

**MAYOR'S PROCLAMATION**

**NATIONAL LIBRARY WEEK  
APRIL 8-14, 2018**

WHEREAS, Libraries are not only about what they have for people, but what they do for and with people; and

WHEREAS, Libraries have long served as trusted and treasured institutions, and library workers and librarians fuel efforts to better their communities, campuses and schools; and

WHEREAS, Librarians are leaders in their institutions and organizations, in their communities, in the nation and in the world; and

WHEREAS, Librarians continue to lead the way in leveling the playing field for all who seek information, education, and access to technologies; and

WHEREAS, Libraries and librarians lead their communities in innovation, access and training with new technologies; and

WHEREAS, Libraries support democracy with a commitment to providing equitable access to information for all library users; and

WHEREAS, Libraries lead in working with diverse communities, offering services and educational resources that transform lives, open minds and promote inclusion and diversity; and

WHEREAS, Libraries, librarians, library workers and supporters across America are celebrating National Library Week.

NOW, THEREFORE, I, Bryan Zak, Mayor of Homer, Alaska, do hereby proclaim

**APRIL 8-14, 2018 AS NATIONAL LIBRARY WEEK**

And encourage all residents to visit the library this week and explore what's new at your library, and engage with your librarians. Because of you and our library leaders, Libraries Transform.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 9<sup>th</sup> day of April, 2018.

CITY OF HOMER

\_\_\_\_\_  
BRYAN ZAK, MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK



CITY OF HOMER  
HOMER, ALASKA

**MAYOR'S PROCLAMATION**

"HERO OF THE HEART"  
PASTOR LISA TALBOTT

WHEREAS, Each year Haven House recognizes a compassionate individual who is dedicated to the Haven House Mission. The 2018 Hero of the Heart has been awarded to Pastor Lisa Talbott; and

WHEREAS, Pastor Talbott serves as the Coast Guard Chaplin and Relief Chaplain of South Peninsula Hospital, a statement to her support for all faith traditions; and

WHEREAS, Pastor Talbott's presence is felt throughout the community by her attendance at community meetings such as Opioid Task Force, Teen Homeless Coalition and MAPP; and

WHEREAS, Pastor Talbott held communal discussion, called Practicing Compassion in Difficult Times with more than 100 community member in attendance to try and resolve differences in politics, religion and more; and

WHEREAS, Pastor Talbott formed the Homer United Methodist Women's Group and they sponsor a Haven House special project each February; and

WHEREAS, Pastor Talbott volunteers many times to speak at Haven House events to provide information and resources she is involved within the community.

NOW THEREFORE I, BRYAN ZAK, MAYOR of the City of Homer, do hereby proclaim congratulations to Pastor Lisa Talbott as the 2018 Hero of Heart, and thank her for all the contributions she has and continues to add to the betterment of all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska to be fixed this 9<sup>th</sup> day of April, 2018.

CITY OF HOMER

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BRYAN ZAK, MAYOR

ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK



CITY OF HOMER  
HOMER, ALASKA

**MAYOR'S PROCLAMATION**

“WOMAN OF DISTINCTION”  
DR. LINDA CHAMBERLAIN

WHEREAS, For over 30 years South Peninsula Haven House's mission has been to support and empower people impacted by domestic violence and sexual assault and to promote healthy families; and

WHEREAS, Each year Haven House honors women of distinction for outstanding work in this community and 2018 Woman of Distinction has been awarded to Dr. Linda Chamberlain; and

WHEREAS, Dr. Chamberlain is a respected authority in the field of Adverse Childhood Experiences; family violence prevention, healing and prevention of vicarious trauma; and

WHEREAS, Dr. Chamberlain founded the Alaska Family Violence Prevention Projected 24 years ago and is recognized by the National Crime Prevention Council's to prevent domestic crime, and was named Alaska Woman of Distinction 2012; and

WHEREAS, Dr. Chamberlain lives in Homer and has served as a consultant to Haven House staff and is supportive and available for grant writing, staff training and is always available to help Haven House.

NOW THEREFORE I, BRYAN ZAK, MAYOR of the City of Homer, do hereby proclaim congratulations to Dr. Linda Chamberlain, the 2018 Woman of Distinction and thank her for all the contributions she has and continues to add to the betterment of all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska to be fixed this 9<sup>th</sup> day of April, 2018.

CITY OF HOMER

\_\_\_\_\_  
BRYAN ZAK, MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK



CITY OF HOMER  
HOMER, ALASKA

**MAYOR'S PROCLAMATION**

"WOMAN OF WISDOM"  
DAISY LEE ANDERSEN BITTER

WHEREAS, For over 30 years South Peninsula Haven House's mission has been to support and empower people impacted by domestic violence and sexual assault and to promote healthy families; and

WHEREAS, Each year Haven House honors women of distinction for outstanding work in this community and 2018 Woman of Wisdom has been awarded to Daisy Lee Andersen Bitter; and

WHEREAS, Daisy Lee has been an inspiration and vibrant mentor to thousands of children and adults; and

WHEREAS, For over 60 years Daisy Lee has organized; led and volunteer in a wide variety of activities bringing joy to so many; and

WHEREAS, At the Center for Alaskan Coastal Studies Daisy Lee Bitter served as the Education Director; Coastwalk program organizer and Board President; and

WHEREAS, Daisy Lee continues to advocate for our environment, education and science through various venues.

NOW THEREFORE I, BRYAN ZAK, MAYOR of the City of Homer, do hereby proclaim congratulations to Daisy Lee Andersen Bitter as the 2018 Woman of Wisdom, and thank her for all the contributions she has and continues to add to the betterment of all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska to be fixed this 9<sup>th</sup> day of April, 2018.

CITY OF HOMER

\_\_\_\_\_  
BRYAN ZAK, MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK





CITY OF HOMER  
HOMER, ALASKA

**MAYOR'S PROCLAMATION**

"YOUNG WOMAN OF DISTINCTION"  
CHLOE PLEZNAC

WHEREAS, For over 30 years South Peninsula Haven House's mission has been to support and empower people impacted by domestic violence and sexual assault and to promote healthy families; and

WHEREAS, Each year Haven House honors women of distinction for outstanding work in this community and 2018 Young Woman of Distinction has been awarded to Chloe Pleznac; and

WHEREAS, Chloe Pleznac is an exception young woman inspiring her peers to follow her leadership and community involvement example; and

WHEREAS, Chloe is a peer educator at the REC Room and also at the high school teaching health and wellness and making healthy choices; and

WHEREAS, Homer Council on the Arts named Chloe Pleznac as the 2017 Youth Artist of the year; and

WHEREAS, For the past two years Chloe has presented at LeadOn Alaska, a statewide conference sponsored by the Alaska Network on Domestic Violence and Sexual Assault as well as presenting at the University of Washington and the Centers for Disease Control.

NOW THEREFORE I, BRYAN ZAK, MAYOR of the City of Homer, do hereby proclaim congratulations to Chloe Pleznac as the 2018 Young Woman of Distinction and thank her for all the contributions she has and continues to add to the betterment of all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska to be fixed this 9<sup>th</sup> day of April, 2018.

CITY OF HOMER

\_\_\_\_\_  
BRYAN ZAK, MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK



PUBLIC COMMENTS  
UPON MATTERS  
ALREADY ON THE AGENDA



# RECONSIDERATION



# CONSENT AGENDA





Session 18-06 a Special Meeting of the Homer City Council was called to order on March 12, 2018 at 4:00 p.m. by Mayor Bryan Zak 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, VENUTI, SMITH, LORD, ERICKSON

STAFF: CITY CLERK JACOBSEN  
DEPUTY CITY CLERK KRAUSE  
CITY ATTORNEY WELLS

Councilmember Stroozas was excused.

AGENDA APPROVAL(Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg.6)

Mayor Zak asked for a motion to approve the agenda.

ADERHOLD/VENUTI – MOVED TO APPROVE THE AGENDA.

There was no further discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Memorandum 18-026, from City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(c)(3), Matters, Which by Law, Municipal Charter, or Ordinance are Required to be Confidential. (Ethics Complaint No. 2018-01 and 2018-02)

Mayor Zak called for a motion to approve Memorandum 18-026 from City Clerk to adjourn to Executive Session to review Ethics Complaints 2018-01 and 2018-02.

ADERHOLD/VENUTI – MOVED TO ADJOURN TO EXECUTIVE SESSION TO REVIEW ETHICS COMPLAINTS 2018-01 AND 2018-02.

There was no discussion.

VOTE. YES. VENUTI, SMITH, ADERHOLD, LORD, ERICKSON.

Motion carried.

The Council adjourned to Executive Session at 4:05 p.m. and reconvened the Special Meeting at 4:30 p.m.

Mayor Pro Tem Aderhold stated the following:

In Ethics Complaint 2018-01 that due to partiality as described in Homer City Code 1.18.020 the matter is being transferred to a Hearing Officer.

In the matter of Ethics Complaint 2018-02 due to partiality as described in Homer City Code 1.18.020 the matter is being transferred to a Hearing Officer.

#### COMMENTS OF THE AUDIENCE

Ken Castner, city resident, spoke on the Comprehensive Plan that was up for review and he believed that it was important to include certain elements in the plan that have not been before and if they are silent then they tend to get forgotten or placed on a lower tier; Mariner Park, Hockey Rink, Fishing Hole, Pier One, New Building where the Harbormasters office was, the Seafarer's Memorial, and the two little bird watching stations have been taken for granted but they are seeing larger scale industrialization out on the Spit. Everything between Cousins and the Hockey Rink is industrial or commercial and the Hockey Rink to Fishing Lagoon is industrialized also. He would hate to lose any of the things that are quality of life things. He understands that this is seasonal and he would not want to give up things that are of seasonal nature and but important to the town.

#### ADJOURN

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 4: 36p.m. The next Regular Meeting is Tuesday, March 27, 2018 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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RENEE KRAUSE, CMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_

Session 18-08 a Regular Meeting of the Homer City Council was called to order on March 27, 2018 at 5:00 p.m. by Mayor Bryan Zak 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, ERICKSON, LORD, SMITH, STROOZAS, VENUTI

STAFF: CITY MANAGER KOESTER  
CITY CLERK JACOBSEN  
YOUTH SERVICES LIBRARIAN HAINES

Council met for a Worksession at 4:00 p.m. to discuss the Police Station Building Project and as Committee of the Whole 5:00 p.m. to discuss consent agenda and regular agenda items in Homer City Hall Cowles Council Chambers.

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 2.08.040.)

The following changes were made: **CONSENT AGENDA** Special Meeting Minutes from March 12<sup>th</sup> were not included with this packet and will be on the April 9<sup>th</sup> agenda for approval. **Resolution 18-032(S)**, A Resolution of the City Council of Homer, Alaska, Requesting That the Alaska State Legislature Work Together to Find New Revenue Sources to Solve the State Fiscal Crisis and Fund Necessary Programs in the Capital Budget. Erickson. **ORDINANCES Ordinance 18-16**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 18.08, Codifying Certain Lease Policy and Procedures; Expanding Lease Review to include Recommendations by Appropriate City Commissions; Removing References to the Lease Committee; and Requiring Essential Lease Terms to be Approved by City Council. Erickson/Smith. Memorandum 18-035 from City Attorney as backup and red line comparison of existing code language and proposed language for HCC 18.08

ADERHOLD/VENUTI MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **MAYORAL PROCLAMATIONS AND RECOGNITIONS**

- A. City Recognition of Top 40 Under 40 City Manager Katie Koester

Mayor Zak read and presented the proclamation to City Manager Koester.

City Manager Koester commented she's humbled and honored to be able to serve her community as City Manager in her home town where she was born and raised, and is raising her children.

## **PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

### **RECONSIDERATION**

### **CONSENT AGENDA**

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Regular Meeting Minutes of March 12, 2018. City Clerk. Recommend adoption.
- B. **Memorandum 18-036** from Mayor re: Re-appointment to the Library Advisory Board. Recommend adoption.
- C. **Resolution 18-030**, A Resolution of the Homer City Council, Homer, Alaska, Approving a Five-Year Sublease at the Homer Airport Terminal for Flying Whale Coffee and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.
- D. **Resolution 18-031**, A Resolution of the City Council of Homer, Alaska, Amending the Library Advisory Board Bylaws to Correct the Regular Meeting and Establish Guidelines for An Honorary Student Representative Position on the Board. City Clerk/Library Advisory Board. Recommend adoption.

Memorandum 18-038 from Library Advisory Board as backup

- E. **Resolution 18-032**, A Resolution of the City Council of Homer, Alaska, Requesting That the Alaska State Legislature Work Together to Find New Revenue Sources to Solve the

State Fiscal Crisis and Fund Necessary Programs in the Capital Budget. Mayor/Council. Recommend adoption.

Moved to Resolutions - Aderhold

- D. **Resolution 18-033**, A Resolution of the City Council of Homer, Alaska, Approving the Award of the Wastewater Treatment Plant HVAC Rehabilitation Project to the Firm of Woods Plumbing and Heating, Inc. of Anchorage, Alaska, in the Amount of \$322,816 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 18-037 from Public Works Director as backup

Item E. was moved to Resolutions Item B. – Aderhold

ADERHOLD/VENUTI MOVED TO ADOPT THE CONSENT AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **VISITORS**

- A. Kachemak Bay Water Trail Committee, Dave Brann

Dave Brann and Robert Archibald updated the Council on the Kachemak Bay Water Trail. Mr. Brann gave a brief overview of the history of the water trail that has one end in Seldovia and the other out on the spit near the Fishin Hole. He highlighted some of the things they have accomplished and upcoming efforts:

- Water Safety and making good decisions
- Raising awareness for Stewardship of the bay
- Supporting youth activities and the HOWL program
- Diversity of recreational opportunities and accessibility for everyone to utilize the bay

Mr. Archibald and Mr. Brann showed a short slide show of photos of the work done on the trail of over the years and they reviewed several of the features of the Water Trail website [www.kachemakbaywatertrail.org](http://www.kachemakbaywatertrail.org)

## **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS (10 minute limit per report)**

- A. Borough Report
- B. Commissions/Board Reports:
  - 1. Library Advisory Board
  - 2. Homer Advisory Planning Commission

Franco Venuti, Planning Commissioner, commented on the City's 2018 Comprehensive Plan Update, noting the draft is available on the City's website and at City Hall. Public comments can be made on line until March 31<sup>st</sup>. It's important for Homer residents to know this is their plan. There will be a public hearing on April 18<sup>th</sup> at 6:30 p.m. Mr. Venuti is also the City's representative on the Borough Planning Commission and noted the Borough is taking input on their Comprehensive Plan update through March 31<sup>st</sup> and the draft is available at [www.kbp.us](http://www.kbp.us) and at the Annex Building on Pioneer Avenue. The draft plan will be revised prior to being submitted to the Borough Planning Commission and then to the Assembly for adoption. Lastly Mr. Venuti commented the Homer Advisory Planning Commission relies heavily on the support it gets from the Planning Department staff, Rick Abboud, Julie Engebretsen, and Travis Brown. Any success the Commission achieves is directly related to the diligence and professional support that comes from them. The City is fortunate to have this quality of talent at work in its organization and took this opportunity to publicly thank them. He also thanked the Council for their service and support.

- 3. Economic Development Advisory Commission
- 4. Parks Art Recreation and Culture Advisory Commission

Jon Sharp, Parks Art Recreation and Culture Advisory Commissioner, commented regarding their letter to the editor which discusses the Spruceview Park donated by Marvin Hansen that will come out in the next month or so, the recent HERC building walk-thru, the Karen Hornaday Park Master Plan and updated list of needs, work on the Kachemak Bay water safety signs, sidewalk prioritization rubric, campground host at Hornaday Park, and the library art lone for Stella's Starliner. He reported their new Chair is Deb Lowney and Vice Chair is Robert Archibald. Former Chair Matt Steffy was recently hired as the City's Parks Maintenance Coordinator.

- 5. Port and Harbor Advisory Commission

**PUBLIC HEARING(S)**

- A. **Ordinance 18-11**, An Ordinance of the City Council Of Homer, Alaska, Amending Homer City Code Sections 1.16.040, 7.04.030, 10.04.110, 19.08.120, 19.20.070, 20.08.010, and 20.32.020, Adding New Homer City Code Sections 5.08.030, 5.20.060, 8.12.800, 14.04.130, 19.02.100, And Re-Enacting Homer City Code Sections 5.24.060, 5.38.060, 8.08.150, 8.11.080, 13.08.170, 14.08.170, 18.20.090, 19.04.100, 19.08.120, 19.12.100 to Conform Homer City Code to State Law and to Clarify that Certain Code Violations may be Disposed of by Bail Forfeiture without a Court Appearance as Indicated in the Homer City Code Fine Schedules, and all other Violations Require a Court Appearance and are Subject to the General Penalty. City Clerk. Introduction March 12, 2018, Public Hearing and Second Reading March 27, 2018

Memorandum 18-029, from City Attorney as backup

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

ADERHOLD/ERICKSON MOVED TO ADOPT ORDINANCE 18-11 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. **Ordinance 18-12**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.54.325, Standards for Recreational Vehicles in the Marine Commercial District and Marine Industrial District. Erickson. Introduction March 12, 2018, Refer to Advisory Planning Commission March 27, 2018, Public Hearing and Second Reading April 23, 2018.

Mayor Zak opened the public hearing.

Ray Kranich, city resident, commented in support of requiring a permit and enforcing a time limit for employee occupied RV's in the marine commercial and marine industrial zoning districts.

Don Tippy resident commented in opposition of a 180 time limit for employee occupied RV's in marine industrial and marine commercial zoning district.

There were no further comments and the hearing was closed.

Mayor Zak asked for a motion for the adoption of Ordinance 18-12 by reading of title only for second and final reading.

ERICKSON/ADERHOLD SO MOVED

Councilmember Smith commented that he's not in favor of imposing a time limit as there are businesses in the district that operate at all times of the year and a time limit could be detrimental to them.

SMITH/ADERHOLD MOVED TO AMEND LINES 50 AND 51 STRIKING WHAT IS CURRENTLY UNDER D AND HAVE IT READ ALL EMPLOYEE RECREATIONAL VEHICLES COVERED IN HOMER CITY CODE 21.54.325 MUST OBTAIN A PERMIT.

Councilmember Smith added it's a good idea to have a permit before placing or continuing to have the vehicle on the property. It gives us recourse and an ability to follow up with them, and help alleviate confusion.

Councilmember Lord commented in support of the amendment.

City Manager Koester noted this ordinance references a zoning permit is because the zoning rules and fine schedule apply.

SMITH/ERICKSON MOVED TO AMEND THE AMENDMENT TO READ MUST OBTAIN A ZONING PERMIT.

There was no discussion.

VOTE (secondary amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the motion as amended.

VOTE (primary amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/VENUTI MOVED TO SEND THIS TO THE PLANNING COMMISSION FOR THEIR REVIEW.

There was no discussion.

VOTE (to refer to Planning Commission): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.



- C. **Ordinance 18-13**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of an Additional \$92,592 from the Sewer Reserve Fund to Complete the Wastewater Treatment Plant HVAC Rehabilitation Project. City Manager/Public Works Director. Introduction March 12, 2018 Second Reading and Public Hearing, March 27, 2018.

Memorandum 18-030 from Public Works Director as backup

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

Mayor Zak asked for a motion for the adoption of Ordinance 18-13 by reading of title only for second and final reading.

ERICKSON/ADERHOLD SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- D. **Ordinance 18-14**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.18.020 to define the Term “Impartial,” Amending Homer City Code 1.18.030 by requiring City Council members to comply with Homer Workplace Policies, Procedures; Repealing Homer City Code 1.18.050 and Moving it to the Newly Enacted Homer City Code Chapter 1.19, Board of Ethics - Complaints, to Clarify the Preliminary Review process for Ethics complaints by the City Clerk and City Attorney prior to their transfer to the Board of Ethics or a Hearing Officer; Amending Homer City Code 1.18.060 to Prohibit Ethics Complaints based upon Actions taken in Accordance with Advice from City Attorney; and Repealing Homer City Code Chapter 2.80. Aderhold. Introduction March 12, 2018, Second Reading and Public Hearing March 27, 2018.

Memorandum 18-031 from City Attorney as backup

Mayor Zak opened the public hearing.

Larry Slone, city resident, commented regarding line 379 that item C doesn't require the attorney's advice to be in writing, and he expressed how it could raise issues if this only relates to verbal advice and people's recollection of what was said. The advice should be in writing to alleviate confusion and to create a paper trail.

There were no further comments and the hearing was closed.

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 18-14 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

ADERHOLD/LORD MOVED TO AMEND SECTION 4, LINE 380, PAGE 122 OF THE PACKET, HOMER CITY CODE 1.18.060(C), TO ADD THE FOLLOWING AFTER THE WORD "ATTORNEY" AND BEFORE THE WORD "SHALL": "PROVIDED IN WRITING, DURING A COUNCIL OR COMMISSION MEETING OR ACKNOWLEDGED BY THE CITY ATTORNEY IN RESPONSE TO A COMPLAINT"

Councilmember Aderhold commented this is intend to address the issue raised in the comment. She noted it's also understood there is a recording of Council and Commission meetings as well as minutes if there is question of what someone thought was said versus what was actually said.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/ERICKSON MOVED TO AMEND SECTION 5 LINE 418, PAGE 123 OF THE PACKET TO TO ADD THE FOLLOWING LANGUAGE TO THE END OF HOMER CITY CODE 1.19.010 D: "IF NO QUORUM OF THE BOARD CAN BE ESTABLISHED DUE TO CONFLICTS OF INTEREST OR OTHER CAUSE OF RECUSAL, THE PRESENT MEMBERS OF THE BOARD SHALL DIRECT THE CLERK TO TRANSFER THE COMPLAINT TO A HEARING OFFICER."

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Smith expressed this has the appearance of limiting the ability of the voters to challenge something that is done by their city officials, regardless if it's under legal advice or not, so he has a hard time fully supporting this. If we're wrong, we're wrong and that proves out during the process. He feels the process is important as a check and balance for the actions we take as elected officials regardless of who our legal representation is. It makes it almost like you cannot contest us because we have legal advice telling us you can't.

Councilmember Aderhold commented in the process as outlined currently, the clerk would receive the complaint, it would go to the city attorney for review, and if the city attorney reviews and says I've provided guidance or advise to city council on how to act, then the clerk would provide that reasoning to the complainant. The complainant that point, has the option to revise their complaint to something the Councilmember did specifically that was not under the advice of the City Attorney or can take it through a different process to challenge the city administration. She believes this clean things up and puts the city less at risk.

Councilmember Lord appreciates the clarity in this revision. There are ways of recourse if a member of the public believes the city attorney or city administration is acting incorrectly. As a Councilmember, if she gets advice on something and trusts the advice, the idea she can have an ethics complaint brought against her as an elected official does not seem like the right path for correcting it. She thinks there is a lot to this ordinance that is valuable, in addition to that.

Councilmember Smith commented he doesn't have any problem with this, he just struggles with the point he mentioned because he trusts the process.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- E. **Ordinance 18-15**, An Ordinance of The City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of an Additional \$29,550 from the Public Works Fleet Reserve Fund for the Purchase of a Brush Cutter. City Manager/Public Works Director. Introduction March 12, 2018, Second Reading and Public Hearing March 27, 2018

Memorandum 18-032 from Public Works Superintendent as backup

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

ADERHOLD/ERICKSON MOVED TO ADOPT ORDINANCE 18-15 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **ORDINANCE(S)**

- A. **Ordinance 18-16**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 18.08, Codifying Certain Lease Policy and Procedures; Expanding Lease Review to include Recommendations by Appropriate City Commissions; Removing References to the Lease Committee; and Requiring Essential Lease Terms to be Approved by City Council. Erickson/Smith. Recommended dates: Introduction March 27, 2018, Refer to Port and Harbor Advisory Commission; Second Reading and Public Hearing May 14, 2018.

Memorandum 18-035 from City Attorney as backup

Mayor Zak asked for a motion for the Introduction of Ordinance 18-16 by reading of title only.

**ERICKSON/ADERHOLD SO MOVED**

Councilmember Lord requested when the Port and Harbor Advisory Commission reviews the ordinance, they address the CPI requirement that is removed in this ordinance as there is a fiscal impact to the city. Her understanding is commercial leases generally have some sort of a CPI provision for working through inflation over time, and that's important as we have 15 and 20 year leases. The appraisals are valuable for fair market value and idea that we don't have any mark for inflation, over the course of a lease someone could potentially get hit with a really large increase if there's no CPI over time. It seems like a substantial thing to pull. She would like more feedback from the Commission regarding this.

Councilmember Venuti requested the Commission look at line 176 – 178 regarding the City Manager approving short term leases. She agrees with the change and would like the Commission's feedback. She also asked for their feedback regarding lines 550-553 regarding financing and extending lease terms. She thinks that has been an issue in the past.

**VOTE: NON OBJECTION: UNANIMOUS CONSENT**

Motion carried.

There was comment confirming this will go to the Port and Harbor Advisory Commission for review and input.

**CITY MANAGER'S REPORT**

**A. City Manager's Report**

City Manager Koester commented briefly regarding scheduling a worksession for the Police Station Building and will email Council to confirm a date.

In response to comment from Councilmember Stroozas, City Manager Koester explained the Chamber of Commerce very generously gave her a case of toilet paper when she was their speaker. It's part of their shop local campaign and she can't think of a better way to highlight the need to buy our basic goods locally than gifting toilet paper.

Councilmember Venuti noted the work on Pioneer Avenue being postpone to 2019 and asked if there is a way to ensure it doesn't get postponed again because it's in pretty sad shape. City Manager Koester replied she could draft a letter or resolution to DOT asking them to maintain their schedule and highlight the dire necessity of it.

**B. Bid Report**

## **CITY ATTORNEY REPORT**

## **COMMITTEE REPORT**

- A. Employee Committee Report
- B. Americans with Disabilities Act Compliance Committee

## **PENDING BUSINESS**

## **NEW BUSINESS**

## **RESOLUTIONS**

- A. **Resolution 18-034**, A Resolution of the Homer City Council Requesting the Alaska Department Of Transportation And Public Facilities (AKDOT/PF) Install a Crosswalk on Lake Street where Grubstake meets Lake Street as Part of the Homer Lake Street Rehabilitation Project. Smith.

Mayor Zak asked for a motion for the adoption of Resolution 18-034 by reading of title only.

ERICKSON/STROOZAS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. **Resolution 18-032**, A Resolution of the City Council of Homer, Alaska, Requesting That the Alaska State Legislature Work Together to Find New Revenue Sources to Solve the State Fiscal Crisis and Fund Necessary Programs in the Capital Budget. Mayor/Council.

**Resolution 18-032(S)**, A Resolution of the City Council of Homer, Alaska, Requesting That the Alaska State Legislature Work Together to Find New Revenue Sources to Solve the State Fiscal Crisis and Fund Necessary Programs in the Capital Budget. Erickson.

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 18-032 BY READING OF TITLE ONLY.

Mayor Zak asked for a motion for the substitution of Resolution 18-032(S) for 18-032.

ERICKSON/LORD SO MOVED

There was no discussion on the motion to substitute.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Smith commented when we originally sent them a memo or reso last year, we didn't take a stand on how they solved, rather than they needed to solve it. Without know what new revenue sources they are proposing, he's hesitant to just say find a new revenue source and we'll be in support of it.

SMITH/ERICKSON MOVED TO AMEND THE TITLE LINE 8 STRIKE TO FIND A NEW REVENUE SOURCES AND LINE 53 AND 54 STRIKE BY FINDING NEW REVENUE SOURCES OF REVENUE.

Councilmember Venuti commented she is opposed to more cuts in the budget so we have to open up the possibility for revenue sources. She thinks they need to look at other revenue sources and we are open to other sources.

Councilmember Stroozas proposed they be specific and make suggestions on ways to create new revenues. He knows a lot of people don't agree, but perhaps support a state sales tax to do this.

Councilmember Aderhold noted it's consistent with language they've used in other requests.

Councilmember Lord supports the need to find new revenue sources.

VOTE: YES: SMITH, ERICKSON

NO: VENUTI, ADERHOLD, LORD, STROOZAS

Motion failed.

ADERHOLD/STROOZAS MOVED TO AMEND THE SPONSOR TO MAYOR AND CITY COUNCIL

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VOTE (substitute as amended): YES: ADERHOLD, LORD, VENUTI, STROOZAS, ERICKSON

NO: SMITH

Motion carried.

### **COMMENTS OF THE AUDIENCE**

Debbie Speakman, Executive Director of the Homer Chamber of Commerce, congratulated the City Manager and thanked her for her presentation at the last Chamber meeting. She thanked the Port and Harbor for their efforts and professionalism in another successful Winter King Tournament. She reported there were 1264 anglers, 384 boats, and 170 fish landed. She also thanked the Police and Fire Department. Ms. Speakman reminded listeners the Clean-Up day is May 10<sup>th</sup>.

Mayor Zak thanked Ms. Speakman and the chamber staff for all their work.

### **COMMENTS OF THE CITY ATTORNEY**

City Attorney Wells was not present.

### **COMMENTS OF THE CITY CLERK**

City Clerk Jacobsen had no comment.

### **COMMENTS OF THE CITY MANAGER**

City Manager Koester had no comment.

### **COMMENTS OF THE MAYOR**

Mayor Zak reiterated the Chamber Directors comments of the successful Winter King Tournament and its huge impact on the economy, also recognized the volunteers in the community and great organizations making a huge difference. The bottom line, our budget would not happen without all the efforts. It's wonderful to be in this community.

### **COMMENTS OF THE CITY COUNCIL**

Councilmember Venuti recalled March 27, 1964 she was in Kodiak and knows what it's like when a city doesn't have a plan. The home she lived in was washed away and they had to live in the high school, and they didn't know where they were supposed to go. It was a long time ago, but she is very glad that the City has a plan. When she ran for council one thing that was important to her was the City's emergency plan. She announced the college will be having a Deck Hand class coming up soon and also the Career and Job Fair on March 30<sup>th</sup>.

Councilmember Smith said Happy Easter and Good Friday. He commented his grandfather was the Mayor of Anchorage when the '64 earthquake hit, it was something that emotionally broke him because of the devastation. He agrees its really is important to have a plan. He congratulated Terry Kadel, the new Fire Chief, it will be great for the department. He recalled

when he met the City Manager, the first thing he asked was how to pronounce her last name. He shared his reminder with the Mayor to say no to the “O”, when pronouncing Koester.

Councilmember Lord congratulated the City Manager and the new Fire Chief. She also thanked Public Works Director Meyer for the table of facility costs for maintaining our major city buildings. It’s something that’s been challenging for her to understand. She’s mainly heard about the cost to maintain the library, she noted it’s the largest building and based on square footage, it’s the least expensive by a fair amount. She also commented her understanding is the Big Brothers Big Sisters program will no longer be funded in the City of Homer. As a former Big Sister and longtime member of the program she recalled a woman who worked in the rural villages who expressed how important this program is, and shared data from villages who had matches and the drop in suicide rates and substance abuse, and how vitally important it is to have kids connected with adults who are safe and loving. Without a program here it is even more on our shoulders to be looking out for the youth in our community. She hopes there may be a future for Big Brothers Big Sisters again here and thanked everyone who has worked in the program.

Councilmember Aderhold commented about the dire straits of Wrangell and their need to replace their entire water system. She expressed her appreciation for the Public Works Department that maintains our water system and keeps it up to snuff, and the Planning Department for their work to make sure our watershed is protected. She also commented regarding the Pebble Project EIS. The website is [www.pebbleprojecteis.com](http://www.pebbleprojecteis.com) and the ACOE has released a notice of intent to prepare an EIS for the Pebble Project, which launches the Public National Environmental Policy Act for the project. There will be a 30 day scoping process April 1-30, and she encouraged people to get their comments in. There will be a scoping meeting in Homer on April 11<sup>th</sup>. There will not be actual public testimony at the meeting, but there will be other ways to testify, so be aware of that.

Councilmember Stroozas commented after being gone on a nice vacation and playing a lot of golf, there is no place like Homer. He’s glad to be back.

Councilmember Erickson thanked the community’s first responders. It’s a hard job and there are a lot of things going on. It’s important that our Troopers and Policemen know we appreciate them in the midst of all the things happening in our world. She added that it’s nice to see the sun coming out and green grass starting to pop up.

## **ADJOURN**

There being no further business to come before the Council Mayor Zak adjourned the meeting at 7:46 p.m. A Worksession is scheduled for Tuesday, April 3, 2018 at 4:00 p.m. in the Conference Room. The next Regular Meeting is Monday, April 9, 2018 at 6:00 p.m., Special Meeting at 4:00 p.m., and 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.



HOMER CITY COUNCIL  
REGULAR MEETING MINUTES  
MARCH 27, 2018

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MELISSA JACOBSEN, MMC, CITY CLERK

Approved: \_\_\_\_\_





## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Homer City Council

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-3130

(f) 907-235-3143

### Memorandum 18-041

TO: City of Homer Parks Art Recreation and Culture Advisory Commission

THROUGH: Homer City Council

FROM: Councilmember Tom Stroozas

DATE: April 9, 2018

SUBJECT: Safety Improvements to Karen Hornaday Park Road

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Karen Hornaday Park Improvements, Phase 2 on the City of Homer Capital Improvement Plan focuses on safe and inclusive access to the Park and its essential facilities by relocating the access road. In 2012, a budget for moving the road was estimated at \$726,000. This memo directs that Parks Art Recreation Culture Advisory Commission (PARAC) to come up with an improvement plan that includes alternate, less expensive, options for providing safe access to the Park and its facilities by considering measures such as:

1. Traffic calming including seasonal speed bumps and speed limit signs (SLOW 5 mph);
2. Creating a dedicated crosswalk and funneling patrons from the east parking lot via signage and landscape enhancement;
3. Other suggested improvements that would enhance pedestrian safety and improve access to the Park besides moving the access road.

The proposed funding source for the improvements would be the Homer Accelerated Roads and Trails fund (by ordinance).

Fiscal Note: Staff time from Public Works developing cost estimates and the Planning Department working with PARAC on recommendations.





## Karen Hornaday Park Improvements, Phase 2

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**Project Description & Benefit:** Homer’s popular Karen Hornaday Park encompasses baseball fields, a day use/ picnic area, a playground, a campground, and a creek on almost 40 acres. It is also used to host community events such as the Highland Games. The Karen Hornaday Park Master Plan, updated and approved in 2009, sets forth goals and objectives to be accomplished over a 10-year period.

Phase 2 priorities focus on safe and inclusive access to the park and its essential facilities. The road to access the park runs between the park and the parking lot, requiring kids to have to cross in front of traffic to get to the park’s attractions. Woodard Creek is one of the jewels of Karen Hornaday Park but gets little attention because there is no convenient way to access it. A trail along the creek would allow people to enjoy the City’s only creek.

Phase 2 will address these safety and accessibility priorities by

- (1) Constructing a ADA accessible trail along Fairview Avenue as an approach to an eventual Woodard Creek trail; and
- (2) relocating the park access road towards the easterly border of the park and relocating the parking lots to the westerly side of the new road, between the road and the park. Improvements will comply with the 2010 Americans with Disabilities Act for park access and include paving, striping, signage, informational kiosk and landscaping.

**Plans & Progress:** The Alaska Legislature appropriated \$250,000 for park improvements in FY 2011. This money together with City funds and fundraising by HoPP, an independent group organized to make playground improvements, helped complete Phase 1 (drainage improvements, ballfield improvements, new playground, new day use area and northern parking lot improvements). The City received a Land and Water Conservation Fund (LWCF) grant for campground improvements and the development of a new day use area between the two ball fields which was completed in 2014. The City spent \$25,000 on preliminary engineering for moving the road, one of the goals of Phase 2. An eventual Phase 3 will replace the current aging bathroom facility and address handicap accessibility and ADA improvements within the playground.

**Total Project Cost:** \$948,569

Woodard Creek Access Trail

(along Fairview Avenue): \$222,299

**Schedule:** 2018 - 2019

**Priority Level:** 2



The road into Karen Hornaday Park is between the park and the parking lot, requiring children to have to cross traffic to get to the park’s attractions.



**ORDINANCE REFERENCE SHEET**  
**2018 ORDINANCE**  
**ORDINANCE 18-17**

**Ordinance 18-17**, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 2.08.120 to Allow Councilmembers to Attend an Executive Session of the City Council by Telephonic Means. Stroozas. Recommended Dates

Sponsor: Stroozas

1. Council Regular Meeting April 9, 2018 Introduction





1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

3 Stroozas

4 **ORDINANCE 18-17**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
7 AMENDING HOMER CITY CODE 2.08.120 TO ALLOW COUNCIL  
8 MEMBERS AND THE MAYOR TO ATTEND AN EXECUTIVE SESSION  
9 OF THE CITY COUNCIL BY TELEPHONIC MEANS.

10  
11 WHEREAS, Ordinance 07-46(A)(S) amended HCC 2.08.120 regarding telephonic  
12 attendance and participation in Council meetings by the Mayor and members of Council; and  
13

14 WHEREAS, HCC 2.08.120(f) was added, stating that no Council member or the Mayor  
15 shall attend by telephonic means, an executive session of the City Council and a hearing on an  
16 ethics charge; and  
17

18 WHEREAS, In today's business environment it is reasonable and commonplace to  
19 participate remotely in meetings via teleconference; and  
20

21 WHEREAS, Today's communication technology is widely accepted as a reliable means  
22 to allow flexibility in attending meetings for participants who may be temporarily located in  
23 remote locations or away from the traditional meeting location.  
24

25 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

26  
27 Section 1. Homer City Code Chapter 2.08.120 is hereby amended as follows:

28  
29 2.08.120 Teleconference – Limitations.

30  
31 a. All Council members and the Mayor should make all reasonable effort to be  
32 physically present for every meeting. Teleconference procedures may not be used as a  
33 regular means of attendance at meetings.  
34

35 b. Participation by teleconference may be denied whenever the physical presence of  
36 the individual is considered essential to effective participation in the meeting or to the  
37 proper conduct of the business to be addressed at the meeting.  
38

39 c. If teleconferencing is denied the individual will be listed as absent.  
40

41 d. Each Council member and the Mayor may attend a maximum of three City Council  
42 meetings by teleconference during the 12-month period commencing November 1st  
43 each year.

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e. Each Council member and the Mayor may attend additional teleconferences as a special exception if expressly approved for good cause in each instance by a vote of the Council. Good cause may include, but is not limited to, absence required for extended medical care needed for the individual or the individual’s immediate family.

~~f. No Council member or the Mayor shall attend by telephonic means:~~

~~1. An executive session of the City Council.~~

~~2. A hearing on an ethics charge under Chapter 1.18 HCC.~~

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

Section 3. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_ day of \_\_\_\_\_, 2018.

CITY OF HOMER

\_\_\_\_\_  
BRYAN ZAK, MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and Approved as to form and content:

\_\_\_\_\_  
Katie Koester, City Manager

\_\_\_\_\_  
Holly Wells, City Attorney

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ORDINANCE REFERENCE SHEET**  
**2018 ORDINANCE**  
**ORDINANCE 18-18**

**Ordinance 18-18**, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code 17.04.100, Subdivision after Levy of Assessment.

Sponsor: Lord

1. Council Regular Meeting April 9, 2018 Introduction



**CITY OF HOMER  
HOMER, ALASKA**

Lord

**ORDINANCE 18-18**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
REPEALING HOMER CITY CODE 17.04.100, SUBDIVISION AFTER  
LEVY OF ASSESSMENT.

WHEREAS, Homer City Code 17.04.100 requires that a subdivision connection fee be collected when a property assessed as a single parcel in an assessment district where assessments were levied in an equal amount per parcel creates a new lot by subdividing and connects to the improvement; and

WHEREAS, The subdivision connection fee is substantially equal to the amount of the original assessment; and

WHEREAS, The levying of a subdivision connection fee discourages subdividing and infill where costly water and sewer infrastructure is installed; and

WHEREAS, It is in the best interest of the City to have more customers on the Water and Sewer System to share in the cost of maintaining the system; and

WHEREAS, Encouraging infill is will also help with the City of Homer’s Comprehensive Plan Goal 9 under the Economic Vitality Chapter to provide affordable housing by creating smaller, affordable lots with city services; and

WHEREAS, In recognition of the impacts of levying a subdivision connection fee the Homer City Council exempted the Homer Natural Gas Line Special Assessment District from HCC 17.04.100 when it was established; and

WHEREAS, The Homer City Council recognizes there may be other issues that need to addressed in Title 14, Public Services and Title 17, Improvement Districts and directs the City Manager to work with the City Attorney to simplify and improve these sections of code.

NOW, THEREFORE, The City of Homer Ordains:

Section 1. Homer City Code 17.04.100 Subdivision after levy of assessments is hereby repealed:

~~a. Except as provided in subsections (b) and (c) of this section, upon the subdivision of a property assessed as a single parcel, the amount of the assessment shall be allocated among~~

43 ~~the resulting lots that benefit from the improvement on the same basis that the assessment~~  
44 ~~originally was allocated.~~

45  
46 ~~b. Except as provided in subsection (c) of this section, upon the subdivision of a~~  
47 ~~property assessed as a single parcel in an assessment district where assessments were levied~~  
48 ~~in an equal amount per parcel (i.e., without regard to parcel area, dimension or other~~  
49 ~~characteristic), then no resulting parcel, other than the parcel that contains the original~~  
50 ~~connection to the improvement for which the assessment was levied, may connect to the~~  
51 ~~improvement until a subdivided property connection fee is paid for the parcel.~~

52  
53 ~~1. The amount of the connection fee shall be equal to the amount of the original~~  
54 ~~assessment, adjusted up or down by a percentage equal to the change in the Consumer~~  
55 ~~Price Index, All Urban Consumers (CPI-U) for Anchorage, Alaska, from the end of the~~  
56 ~~calendar year preceding the original assessment date to the end of the calendar year~~  
57 ~~preceding the date the parcel is connected to the improvement.~~

58  
59 ~~2. If the original assessment was payable in installments the City may enter into a~~  
60 ~~written agreement for the payment of the connection fee in installments on terms that~~  
61 ~~are substantially the same as those authorized for the payment of the original~~  
62 ~~assessment, secured by a deed of trust on the parcel.~~

63  
64 ~~3. Upon receiving connection fee payments, the City shall allocate such payments to~~  
65 ~~each property assessed in the district in proportion to the amount originally assessed~~  
66 ~~against the property, either by adjusting the original assessment amount or disbursing~~  
67 ~~a payment to the record owner at the time of disbursement.~~

68  
69 ~~c. Upon the subdivision of a property assessed as a single parcel in an assessment~~  
70 ~~district for natural gas distribution improvements where assessments were levied in an equal~~  
71 ~~amount per parcel (i.e., without regard to parcel area, dimension or other characteristic), the~~  
72 ~~assessment levied on the property that is to be subdivided shall be paid in full before the~~  
73 ~~recording of the final plat. No parcel that results from the subdivision shall be subject to~~  
74 ~~assessment for the improvements, but shall be charged for connecting to the improvements in~~  
75 ~~accordance with the tariff of the public utility that provides natural gas service to the parcel.~~  
76 ~~[Ord. 15-11 § 1, 2015; Ord. 12-15 § 1, 2012].~~

77  
78 Section 2: This ordinance shall take effect upon its adoption by City Council.

79  
80 Section 3: This ordinance is of a permanent and general character and shall be included  
81 in the City Code.

82  
83 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_ day of \_\_\_\_\_, 2018.

84  
85

CITY OF HOMER

\_\_\_\_\_  
BRYAN ZAK, MAYOR

86  
87  
88  
89  
90 ATTEST:

91  
92 \_\_\_\_\_  
93 MELISSA JACOBSEN, MMC, CITY CLERK

94  
95 YES:

96 NO:

97 ABSTAIN:

98 ABSENT:

99  
100 First Reading:

101 Public Hearing:

102 Second Reading:

103 Effective Date:

104  
105  
106 Reviewed and Approved as to form and content:

107  
108 \_\_\_\_\_  
109 Katie Koester, City Manager

\_\_\_\_\_  
Holly Wells, City Attorney

110  
111 Date: \_\_\_\_\_

Date: \_\_\_\_\_





**ORDINANCE REFERENCE SHEET**  
**2018 ORDINANCE**  
**ORDINANCE 18-19**

**Ordinance 18-19**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$10,000 from the Old Middle School Depreciation Reserve Fund for the Purposes of Determining the Financial Resources Required to Use the Homer Education and Recreation Complex (HERC), if a Tenant is a Feasible Option and Entering into a Sole Source Contract with STANTEC to Provide Technical Expertise.

Sponsor: Aderhold

1. Council Regular Meeting April 9, 2018 Introduction



**CITY OF HOMER  
HOMER, ALASKA**

Aderhold

**ORDINANCE 18-19**

AN ORDINANCE OF THE CITY COUNCIL, OF HOMER, ALASKA AMENDING THE 2018 OPERATING BUDGET BY AUTHORIZING THE EXPENDITURE OF \$10,000 FROM THE OLD MIDDLE SCHOOL DEPRECIATION RESERVE FOR THE PURPOSES OF DETERMINING THE FINANCIAL RESOURCES REQUIRED TO USE THE HOMER EDUCATION AND RECREATION COMPLEX (HERC), IF A TENANT IS A FEASIBLE OPTION AND ENTERING INTO A SOLE SOURCE CONTRACT WITH STANTEC TO PROVIDE TECHNICAL EXPERTISE.

WHEREAS, When the Kenai Peninsula Borough transferred the Homer Education and Recreation Complex to the City of Homer it did so to facilitate continued use of the property for community purposes; and

WHEREAS, The HERC has been underutilized since 2011 when the downstairs was used by the public and the upstairs was occupied by the Kachemak Bay Branch of the Kenai Peninsula College; and

WHEREAS, The City Council needs to determine what to do with the HERC so the property can be used at its highest and best potential; and

WHEREAS, More information and community process is needed to determine the feasibility and desirability of expanding the use of the HERC building for recreation or as a multi-use building; and

WHEREAS, The decision to sell the property should be entertained only after a thorough study of the feasibility of HERC as a long term recreation facility or other use such as convention center; and

WHEREAS, STANTEC is familiar with the architecture and engineering of the HERC from their work analyzing the structural integrity of the facility for the potential use as a Police Station; and

WHEREAS, the City and budget will benefit from STANTEC's familiarity with the facility when providing technical assistance on questions like what improvements are necessary to meet code and fire marshal requirements.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:



85 YES:

86 NO:

87 ABSTAIN:

88 ABSENT:

89

90 First Reading:

91 Public Hearing:

92 Second Reading:

93 Effective Date:

94

95 Reviewed and approved as to form:

96

97 \_\_\_\_\_

98 Katie Koester, City Manager

99

100 Date: \_\_\_\_\_

\_\_\_\_\_

Holly Wells, City Attorney

Date: \_\_\_\_\_



**CITY OF HOMER  
HOMER, ALASKA**

Mayor/City Council

**RESOLUTION 18-035**

A RESOLUTION OF THE HOMER CITY COUNCIL APPROVING THE  
CITY OF HOMER 2018 LAND ALLOCATION PLAN.

WHEREAS, The Property Management Policy and Procedures Manual sets policy for municipal land management; and

WHEREAS, Chapter 3 of the Property Management Policy and Procedures Manual establishes that a Land Allocation Plan will be developed annually; and

WHEREAS, The City Council discussed the Land Allocation Plan during the Committee of the Whole on March 12, 2018; and

WHEREAS, The Port and Harbor, Planning, Economic Development, Parks, Art, Recreation & Culture Advisory Commissions reviewed the draft Land Allocation Plan and provided their recommendations as outlined in Memorandum 18-027 by the Deputy City Planner; and

WHEREAS, In the future, the Land Allocation Plan will be reviewed by the Commissions listed in the Property Management Policy and Procedures Manual; and

WHEREAS, The City acquired Lot 42 from the Alaska Mental Health Trust per ordinance 17-41, and Lot 42 has an active lease.

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council that the City of Homer 2018 Land Allocation Plan is hereby amended as follows:

1. Designate the seawall lots (Lots 43 and 44, Oscar Munson Sub) as open space
2. Remove parking from lot G8 on the Spit (KPB #18103216)
3. Limit overslope leasing on the northeast side of the harbor to Lots 15-35
4. Make lot 11 available for long term lease (KPB #18103230)
5. Include the following information on each applicable lot: "Prior to a long-term lease the site is appraised. The appraised lease rates for uplands is approximately \$0.90 per square foot, per annum. Lease rates vary, so contact the Harbor Office at 907-235-3160."
6. Designate Lot 42 on the Spit as leased land (KPB #18103418)

BE IT FURTHER RESOLVED by the Homer City Council that the City of Homer 2018 Land Allocation Plan is hereby approved as amended.

45 PASSED AND ADOPTED by the Homer City Council this 9th day of April, 2018.

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CITY OF HOMER

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BRYAN ZAK, MAYOR

51 ATTEST:

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54 MELISSA JACOBSEN, MMC, CITY CLERK

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56 Fiscal Note: N/A



# 2018 DRAFT Land Allocation Plan City of Homer

Adopted by Resolution 18-XX



Parking Management on the Homer Spit

## **Table of Contents**

### **Sections**

- A. Lands Available For Lease**
- B. Leased Lands**
- C. Port Facilities**
- D. City Facilities and other city lands**
- E. Parks, Green space, cemeteries**
- F. Bridge Creek Lands**
- G. Conservation Easement Lands**

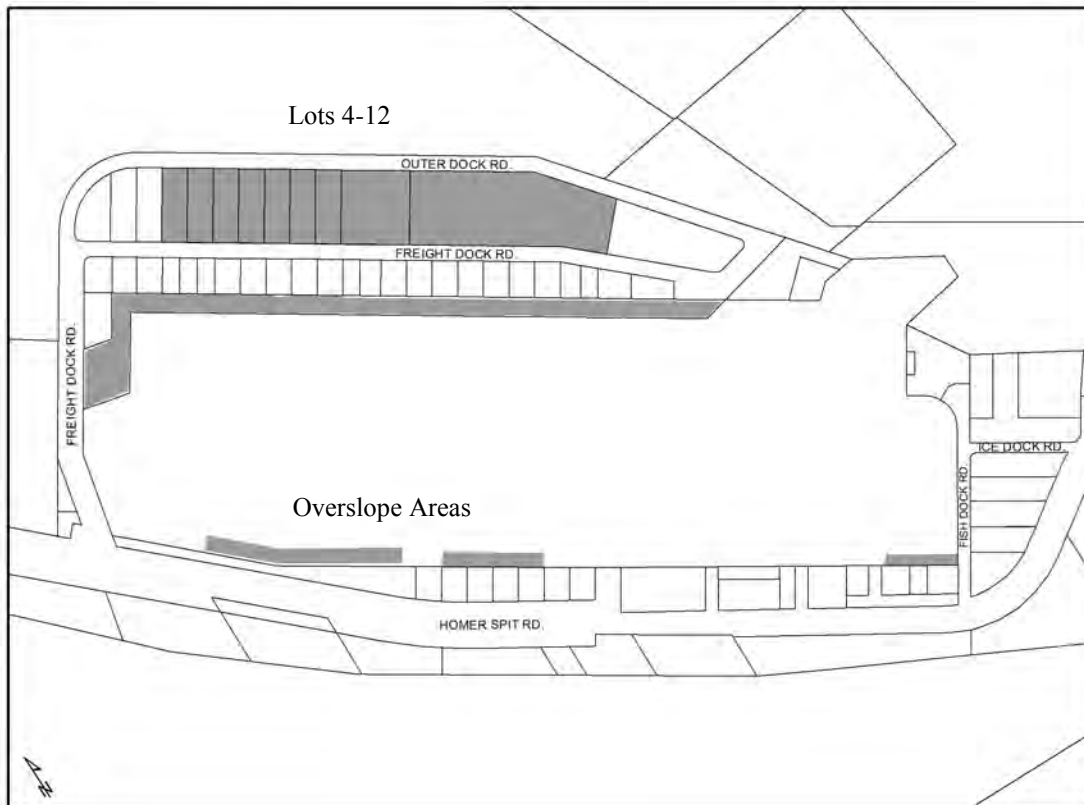
**Index—City lands listed by parcel number (not included in draft)**  
**Appendix - Homer Harbor Map**

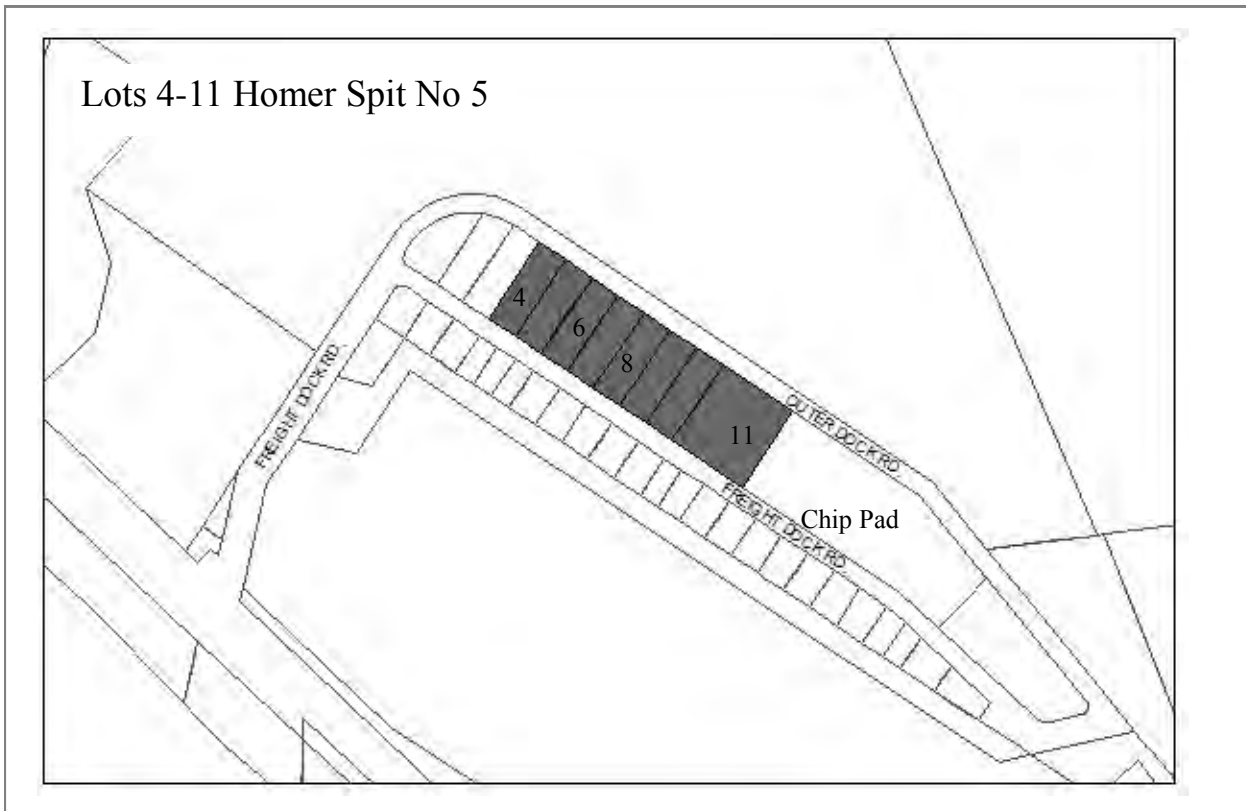
Note: Any lands not included in this document are listed in the previous version of the Land Allocation Plan, and their designations carry forward to this plan.

# Section A

## Lands available for lease

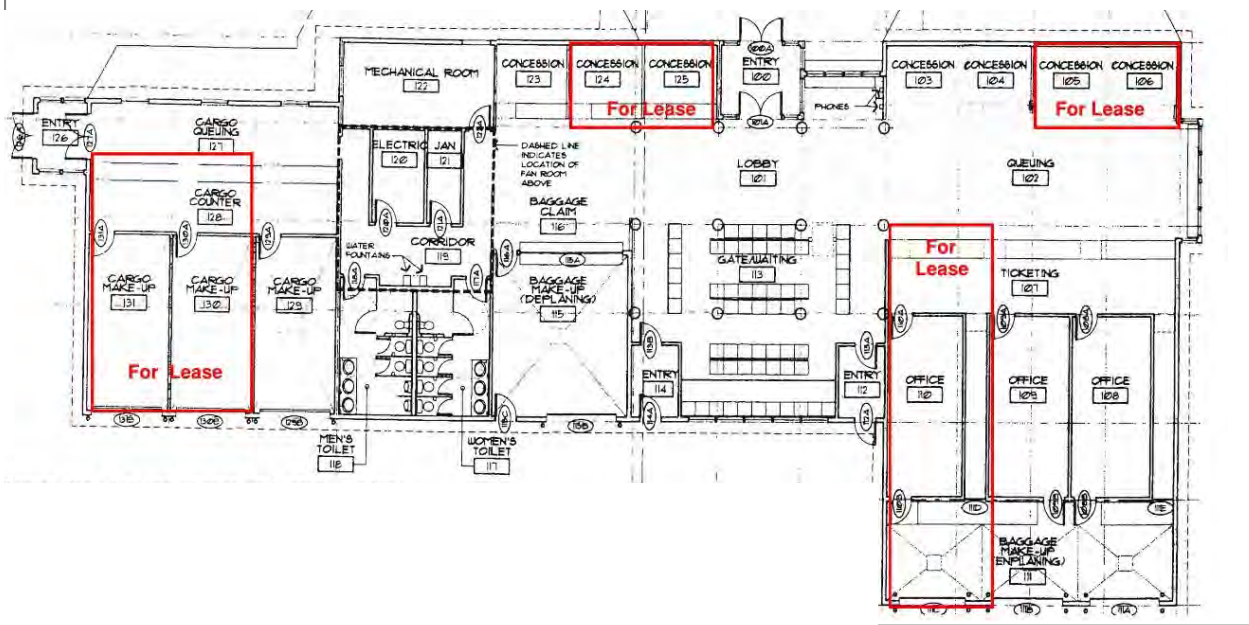
The following lots, and select areas within the Homer Airport, are available for lease in 2018. Lease procedures follow the City of Homer Lease Policy, and City Code.





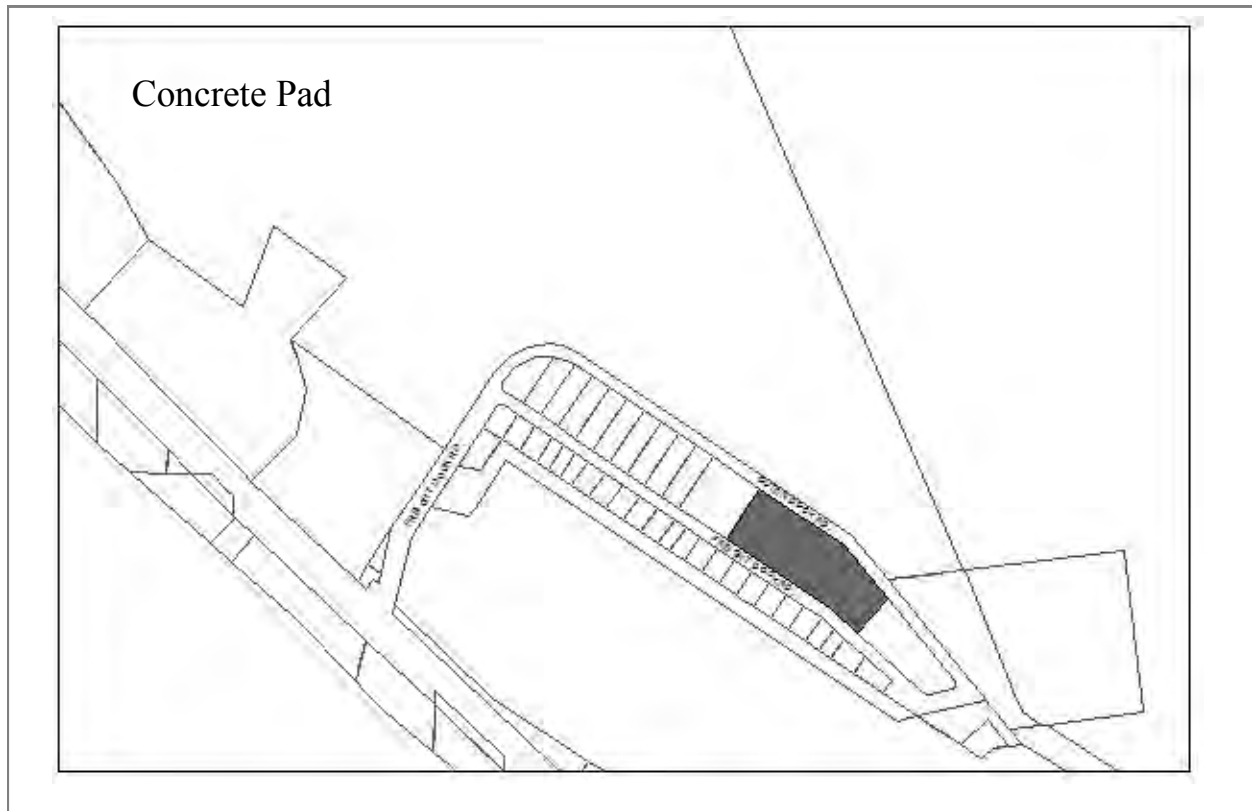
<b>Designated Use:</b> Lease Lands	
<b>Acquisition History:</b>	
<b>Area:</b> 6.47 acres. Small lots are 0.67 acres, large lot is 1.78 acres	<b>Parcel Number:</b> 181032 23-30
<b>2012 Assessed Value:</b> \$1,742,400. Smaller lots valued at \$189,700. One large lot valued at \$414,500	
<b>Legal Description:</b> Homer Spit Subdivision No. 5 Lots 4 through 11	
<b>Zoning:</b> Marine Industrial	
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b>
<p>Not available for long term lease. Used for seasonal summer parking. May be available for short term winter leases.</p> <p>Resolution 2007-051: Lots 4-10, the RFP process should be delayed until the master parking plan is developed. The East Harbor expansion should be considered. Lot 11: should be held in reserve to attract a container ship/barge operation and/or an industrial support base to the Port of Homer. This should be a long term lease.</p> <p>Resolution 10-35(A) prepare a plan for organized parking and fee collection.</p> <p>Resolution 14-041, Lots 9, 10 and 11 are available for short term lease only.</p> <p>Resolution 15-030(A) A portion of lot 11 to be available for long term cell tower lease.</p>	
<b>Finance Dept. Code:</b>	

Homer Airport Terminal

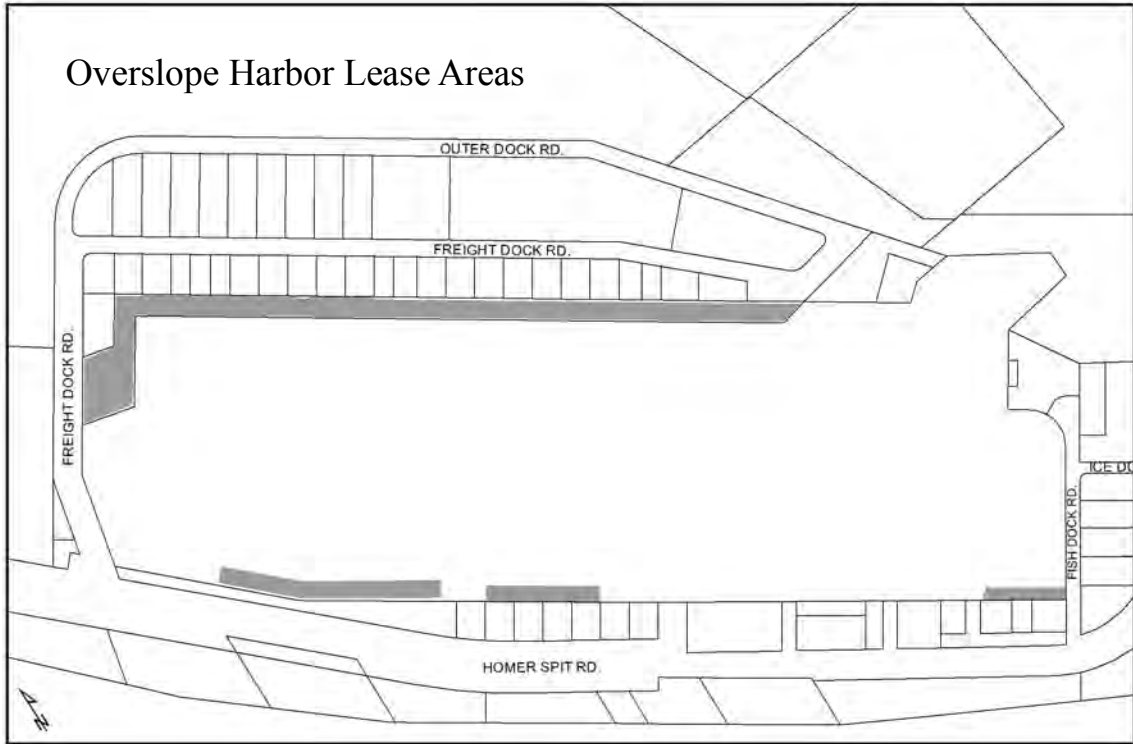


**Designated Use:** Airport  
**Acquisition History:**

**Finance Dept. Code:**



<b>Designated Use:</b> Lease	
<b>Acquisition History:</b>	
<b>Area:</b> 5 acres	<b>Parcel Number:</b> 18103220
<b>2012 Assessed Value:</b> \$1,487,100 (Land: \$947,100, Structure/Improvements: \$540,000)	
<b>Legal Description:</b> Homer Spit Subdivision no 5 Lot 12	
<b>Zoning:</b> Marine Industrial	
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4380 Homer Spit Road



**Designated Use:** Lease  
Resolution 17-33

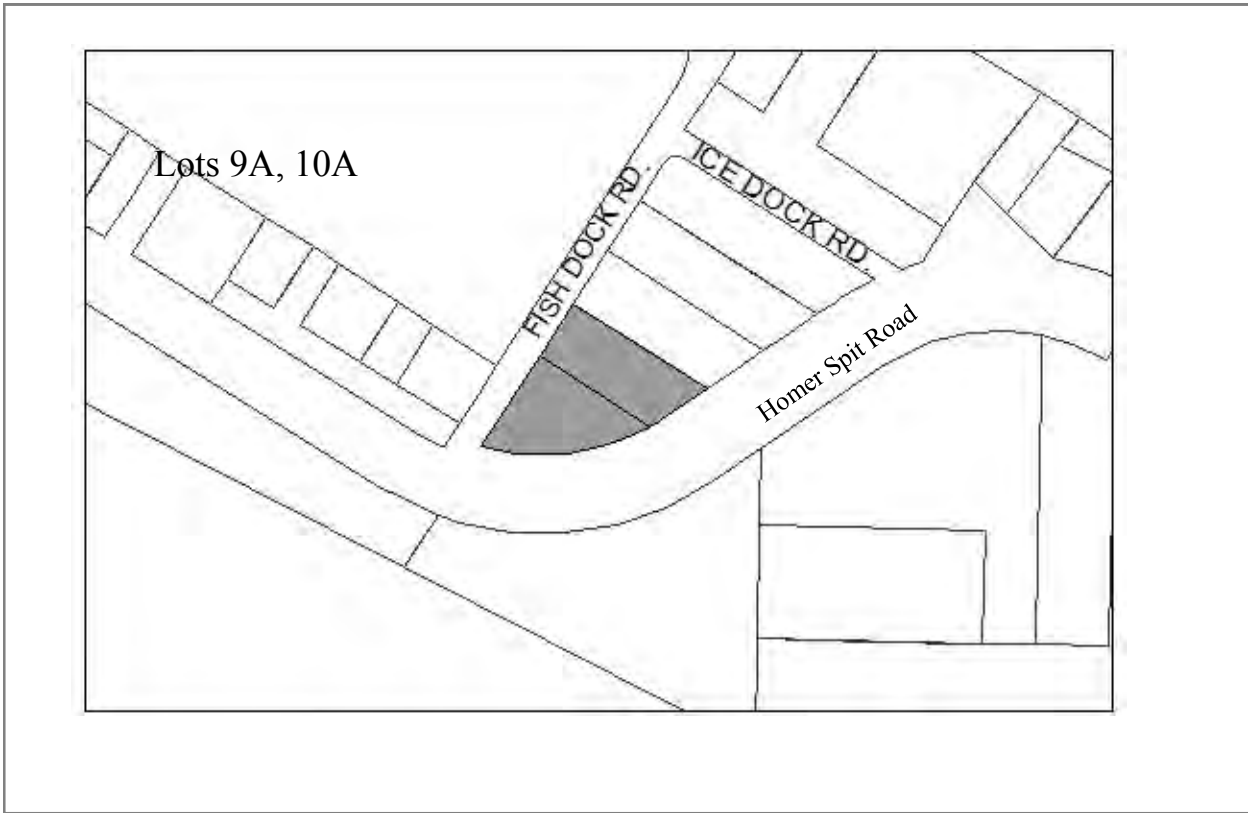
<b>Area:</b>	<b>Parcel Number:</b>
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**Legal Description:**

<b>Zoning:</b> Marine Commercial and Small Boat Harbor Overlay	
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<b>Infrastructure:</b>	<b>Address:</b>
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<b>Designated Use:</b> Leased	
<b>Acquisition History:</b>	
<b>Area:</b> 1.05 acres (0.52 and 0.53 acres)	<b>Parcel Number:</b> 18103477, 78
<b>2012 Assessed Value:</b> Land value \$312,200	
<b>Legal Description:</b> T 7S R 13W SEC 1 SEWARD MERIDIAN HM 2007136 HOMER SPIT REPLAT 2006 LOT 9-A and 10A	
<b>Zoning:</b> Marine Industrial	
<b>Infrastructure:</b> Water, sewer, gas, Spit Trail, paved road access	<b>Address:</b>
Former Manley building lots.	
<b>Finance Dept. Code:</b>	

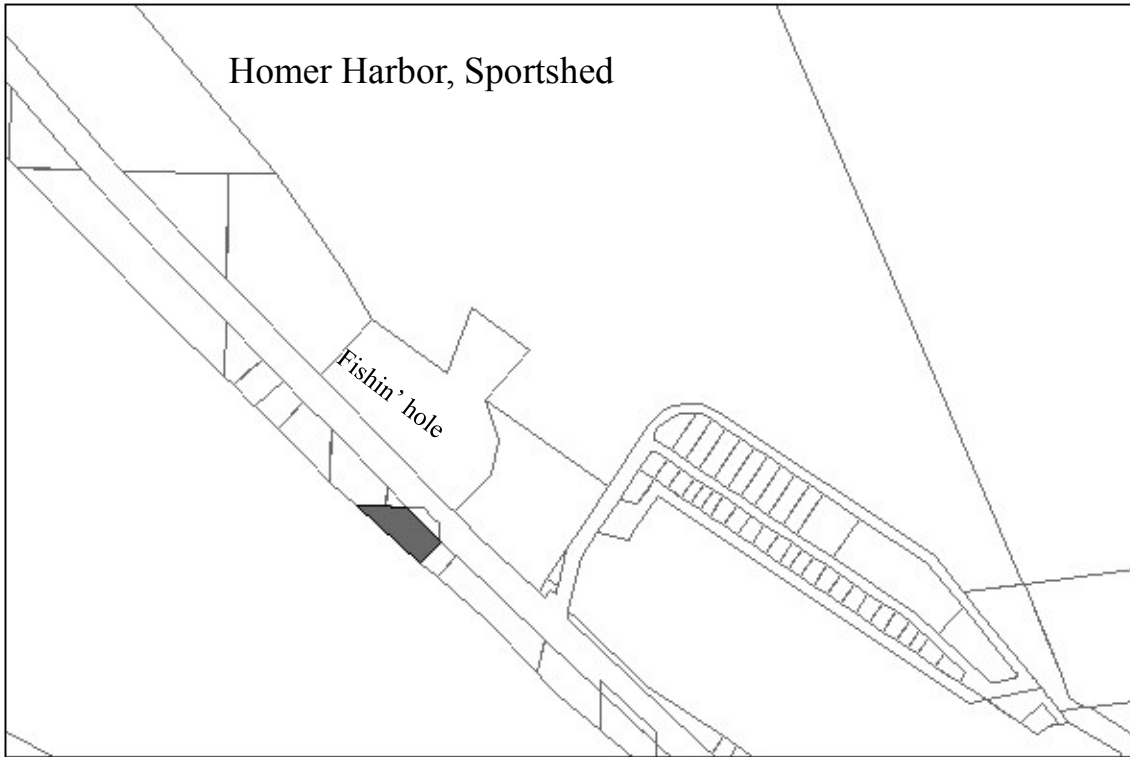


## **Section B**

### **Leased Lands**

These lands are under lease. Leases are based on a current market appraisal provided by a professional appraiser. The Kenai Peninsula Borough tax assessment is given as information only. It is not the basis for lease negotiations or fees. The KPB tax assessor takes into account the duration of the lease. Therefore, when a lease is expiring, the value of the land to the tenant goes down. On leased land, the KPB assessor is NOT showing market value of the land; they use a different measure to create a taxable land value. The tenant pays property tax to the City and Borough. See the Lease Policy Manual for further information. Individual lease files contain information on rents and formal agreements.





**Designated Use:** Leased Land  
**Acquisition History:**

**Area:** 1.6 acres

**Parcel Number:** 18103105

**2012 Assessed Value:** \$338,500 (Land: \$155,800 Structure: \$182,700)

**Legal Description:** HM0890034 T06S R13W S35 HOMER SPIT SUB AMENDED LOT 5

**Zoning:** Marine Commercial

**Wetlands:** None

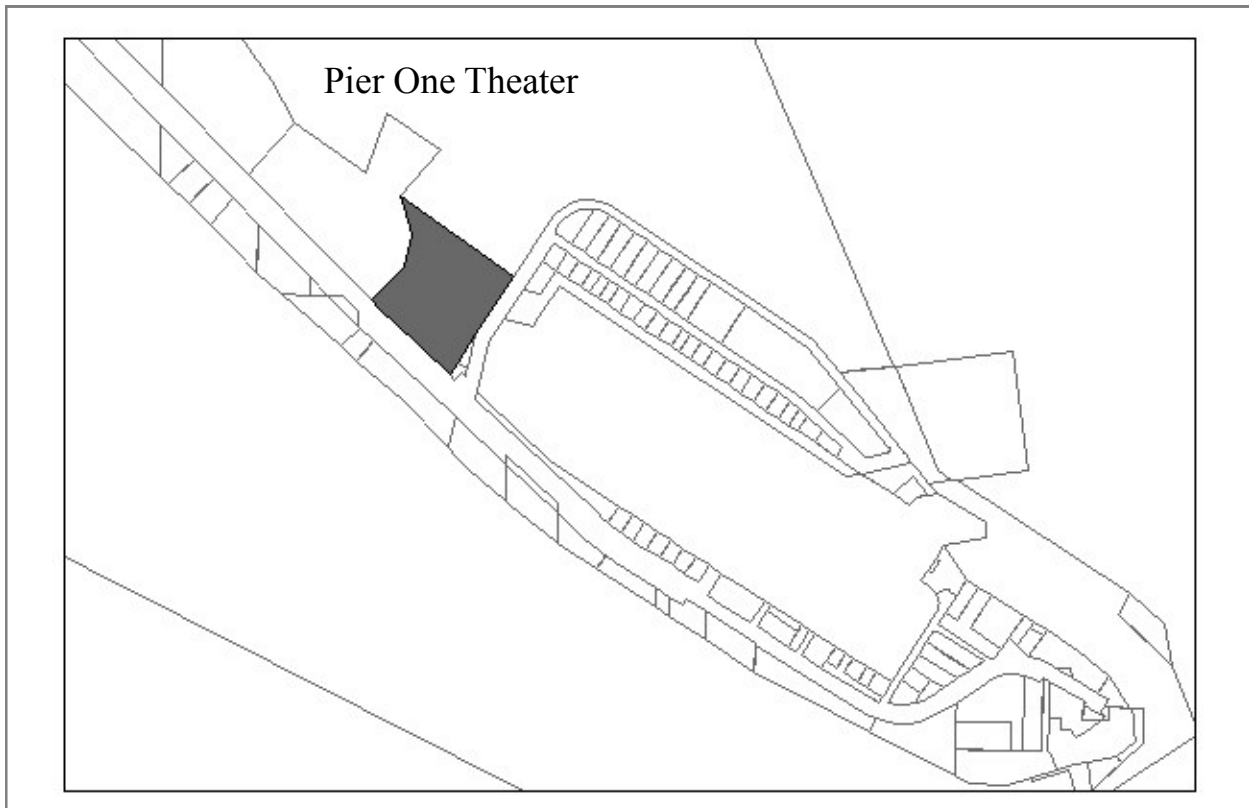
**Infrastructure:** Paved road, water and sewer.

**Address:** 3815 Homer Spit Road

**Leased to:** Sportshed/Homer Enterprises. Resolution 09-25(S), 09-76(S) Sublease  
 Expiration: 2029 two 5 year options

Storm damage, fall 2014, resulted in partial collapse and removal of part of one building.

**Finance Dept. Code:**



**Designated Use:** Fishing Lagoon  
**Acquisition History:** Ordinance 83-26. Purchase from World Seafood.

<b>Area:</b> 11.27 acres	<b>Parcel Number:</b> 18103117
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**2012 Assessed Value:** \$1,719,900 (Land: \$1,568,000 Structure: \$151,900)

**Legal Description:** HM0940043 T06S R13W S35 TRACT 1-A THE FISHIN HOLE SUB NO 2

<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
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<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 3854 Homer Spit Road
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This is a large parcel that is used several ways.

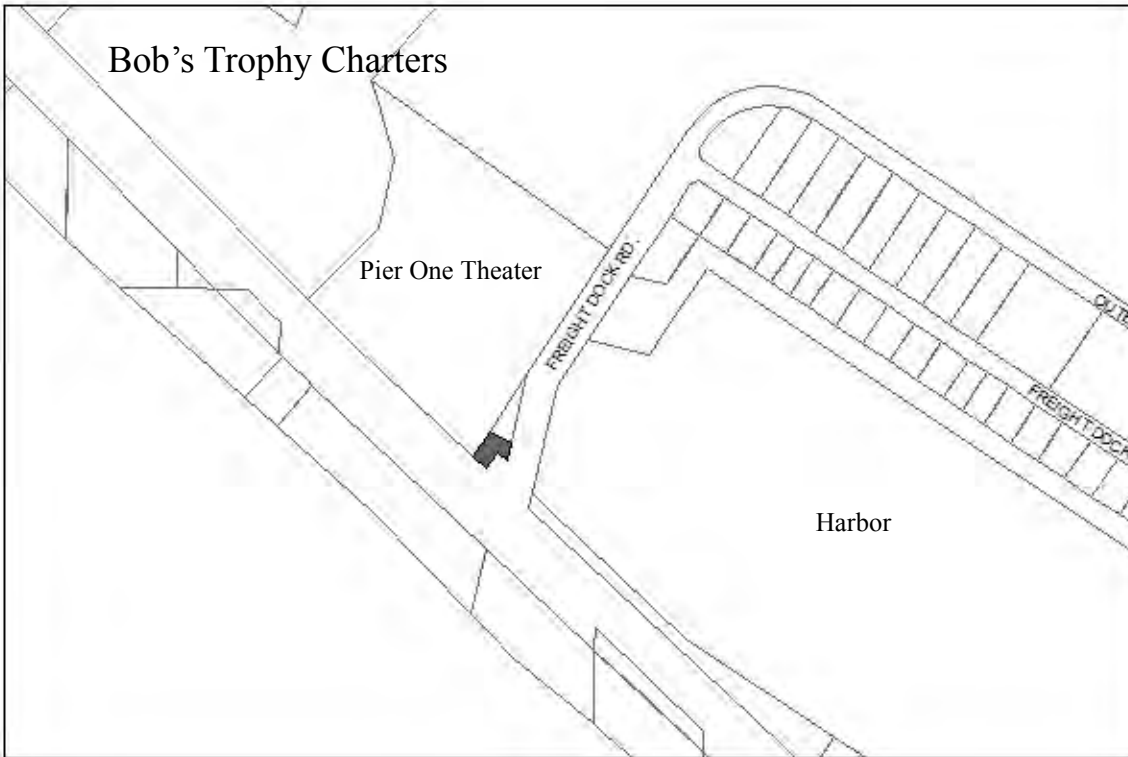
- Dredge spoils dewatering and storage, winter barge haul out activity
- City RV park/campground, and access to the only public RV dump on the spit
- Pier One Theater Lease. Theater leases the building only; not the land. Resolution 89-36A.

**Resolution 2011-37(A):** Develop a plan which will consider designation of a 10,000 sq. ft. portion to make the land available for Request for Proposals. (in progress)

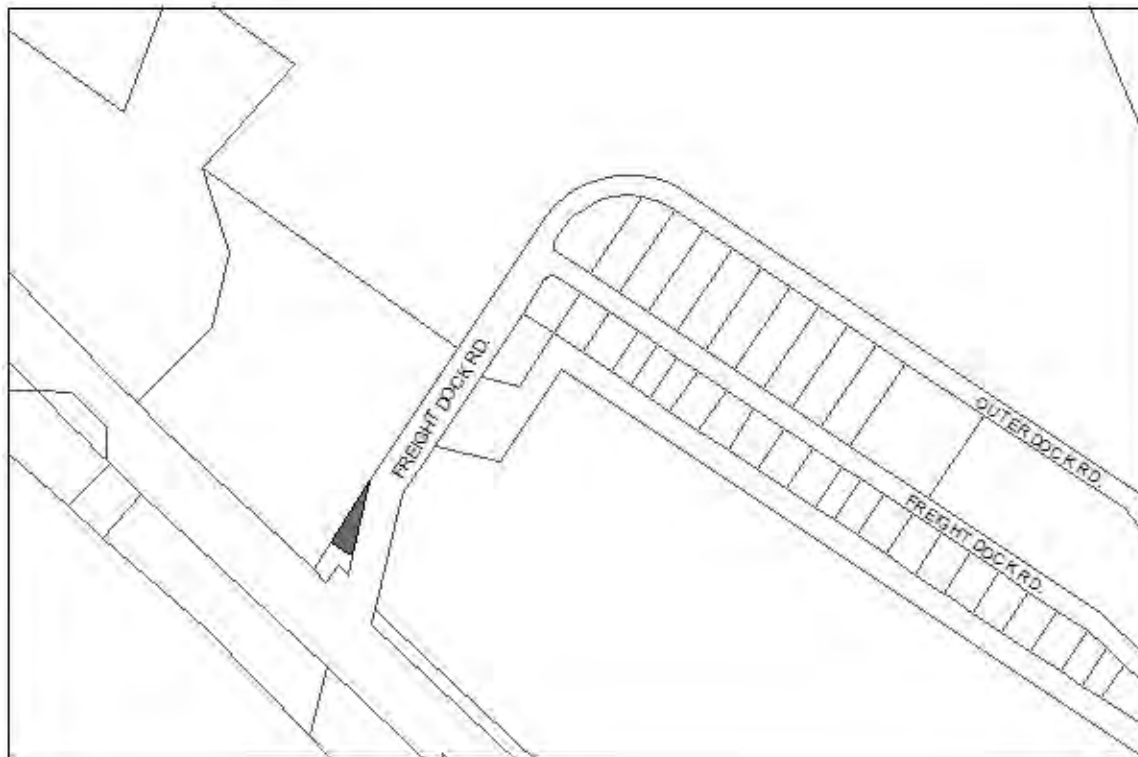
**Resolution 13-020:** Designated the north east corner of the lot for use as a trailhead for the Kachemak Bay Water Trail.

**Leased to:** Pier One Theater  
 Resolution 2016- 118, 5 Year lease.

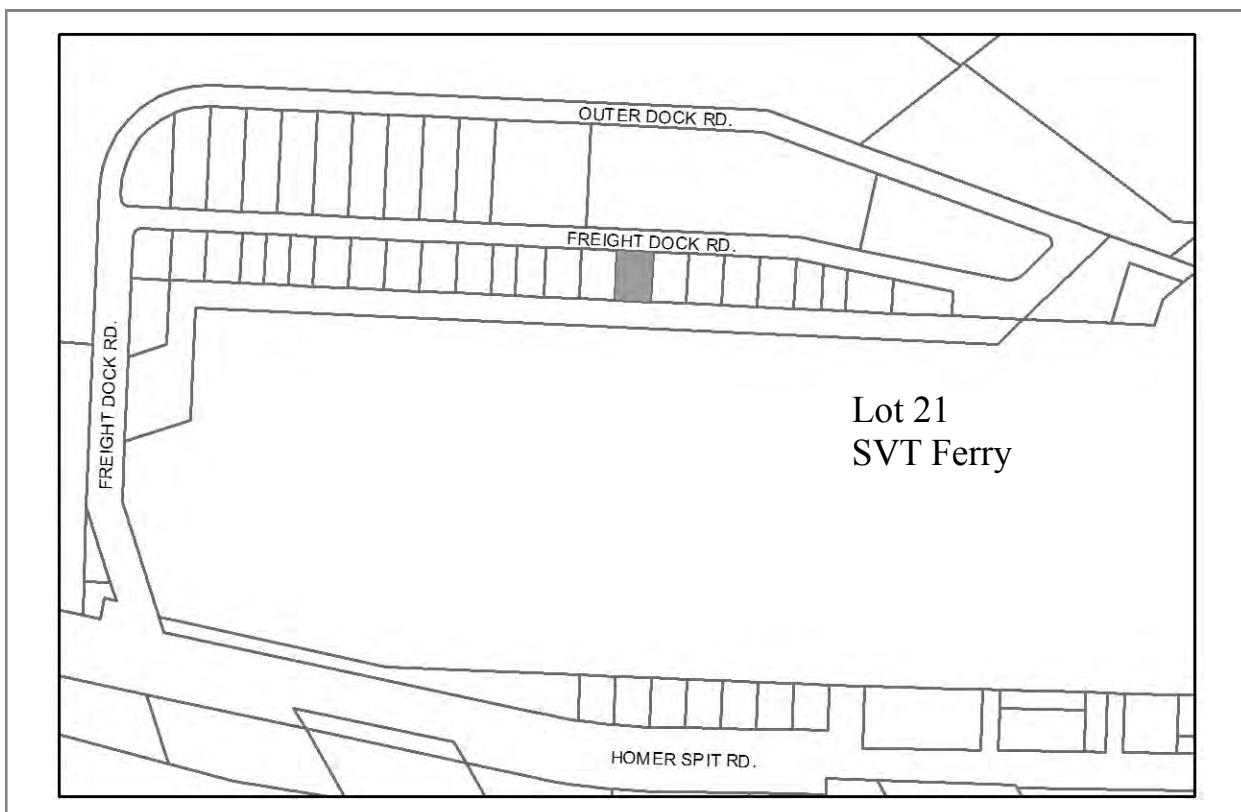
**Finance Dept. Code:**



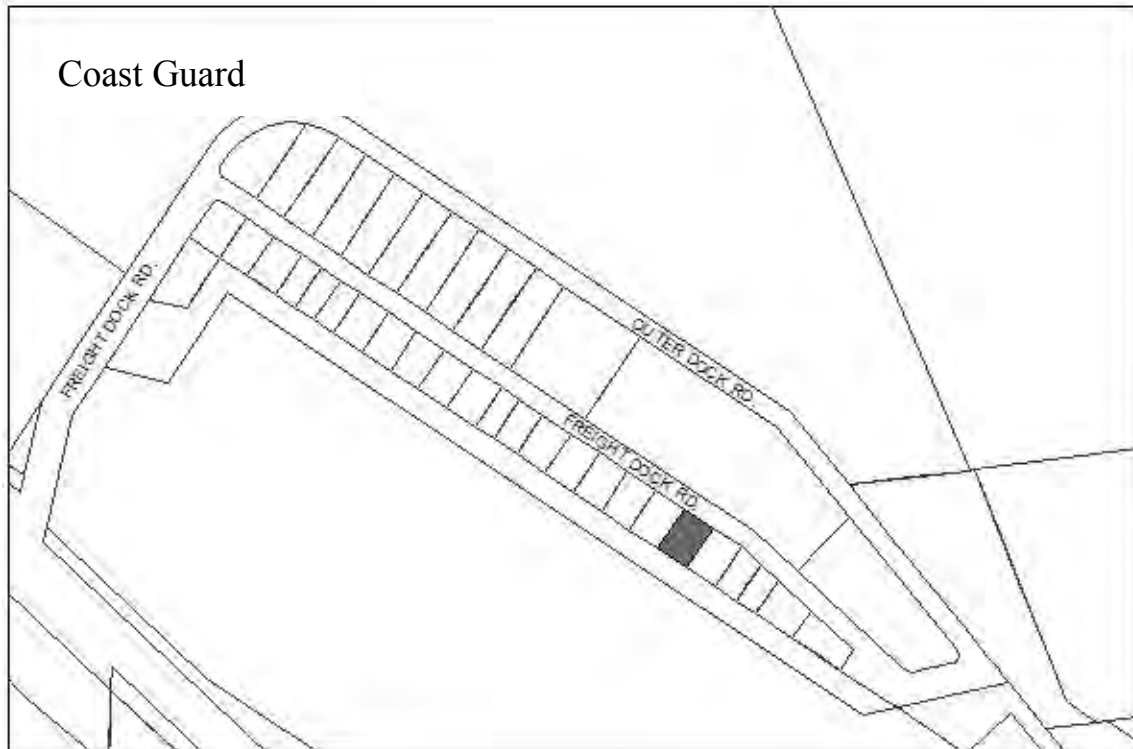
<b>Designated Use:</b> Lease	
<b>Acquisition History:</b> Ord 1983-26. Purchased from World Seafood	
<b>Area:</b> 0.15 acres or 6,692 sq ft	<b>Parcel Number:</b> 18103118
<b>2012 Assessed Value:</b> \$117,700 Land \$57,300 Structure \$60,400	
<b>Legal Description:</b> HM0940043 T06S R13W S35 TRACT 1-B THE FISHIN HOLE SUB NO 2	
<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> None
<b>Infrastructure:</b> Paved road, water and sewer.	<b>Address:</b> 3978 Homer Spit Road
<p>Leased to: Kachemak Corporation (Bob's Trophy Charters)                      Expiration: March 31, 2018, no options                      Resolution 16-116 authorized a new lease with the new owner for 20 years twith two 5 year options..                      Lease expires 2036.</p>	
<b>Finance Dept. Code:</b> 400.600.4650	



<b>Designated Use:</b> Leased Lands	
<b>Acquisition History:</b> Ord 83-26 purchase from World Seafood	
<b>Area:</b> 0.18 acres	<b>Parcel Number:</b> 18103119
<b>2012 Assessed Value:</b> \$123,100 (Land: \$66,600 Structure \$56,800)	
<b>Legal Description:</b> HM0940043 T06S R13W S35 TRACT 1-C THE FISHIN HOLE SUB NO 2	
<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 1114 Freight Dock Road
<b>Leased to:</b> L.H. and Marcia Pierce. Sportsman Supply/RV Expiration: April 1, 2038,.	
<b>Finance Dept. Code:</b> 400.600.4650	

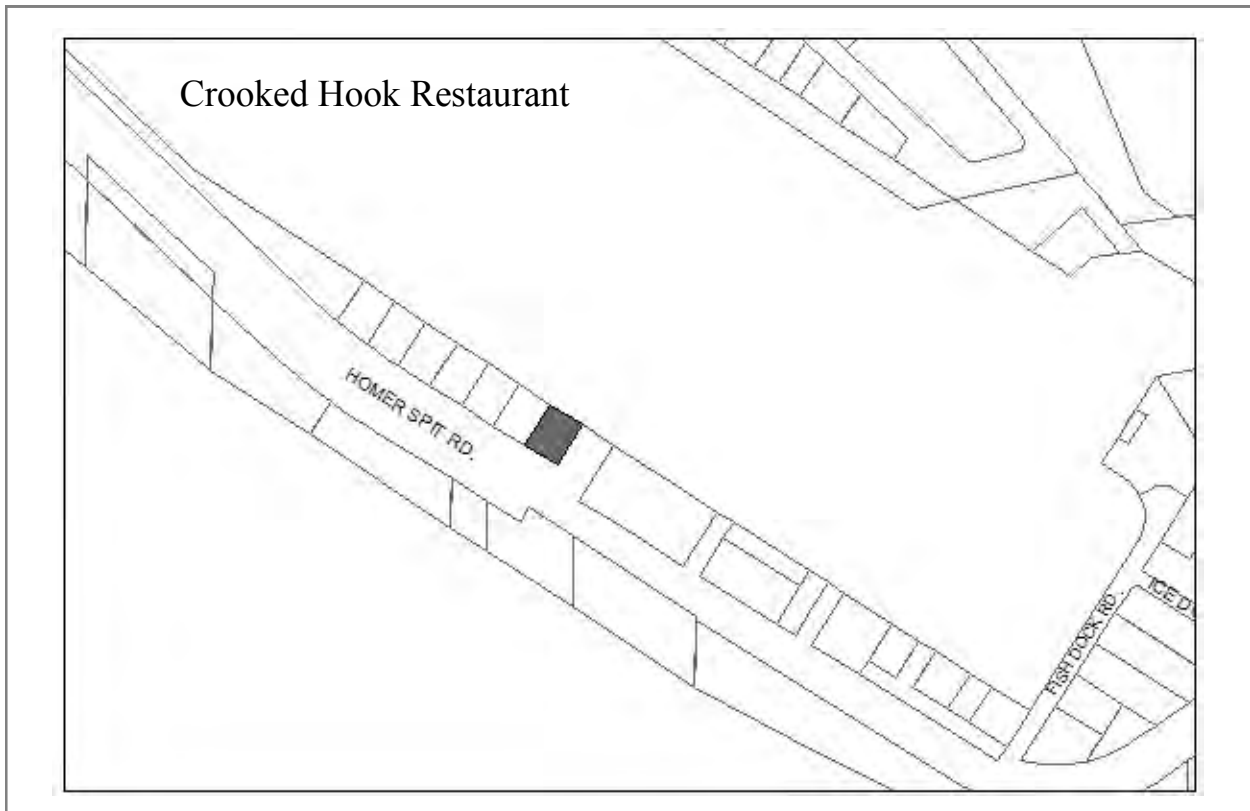


<b>Designated Use:</b> Leased Lands	
<b>Acquisition History:</b>	
<b>Area:</b> 0.32 acres	<b>Parcel Number:</b> 18103240
<b>2012 Assessed Value:</b> \$105,000	
<b>Legal Description:</b> Homer Spit No 5 Lot 21	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4323 Freight Dock Road
<b>Leased to:</b> Seldovia Village Tribe, for Kachemak Bay Ferry Resolution 10-41. Expiration May 31, 2030, two 5 year options	
<b>Finance Dept. Code:</b> 400.600.4650	

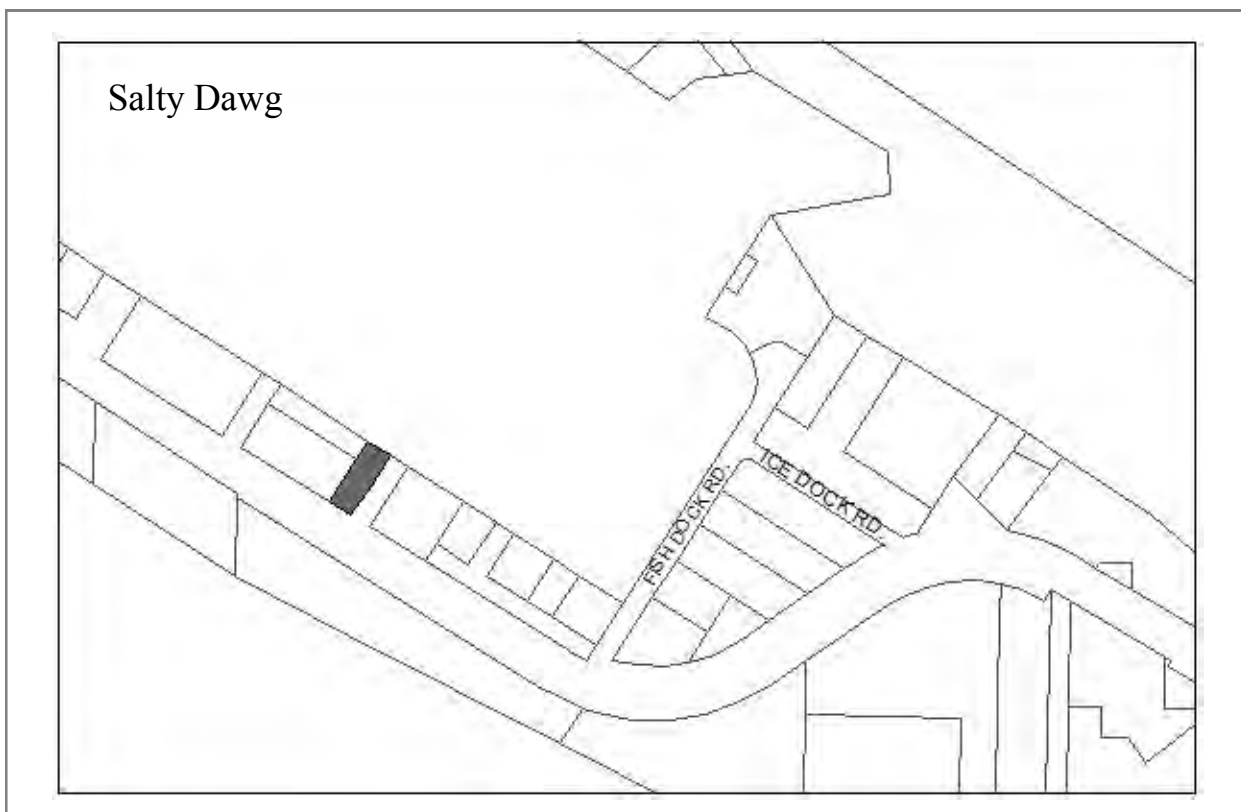


<b>Designated Use:</b> Leased to USCG	
<b>Acquisition History:</b>	
<b>Area:</b> 0.34 acres	<b>Parcel Number:</b> 18103218
<b>2012 Assessed Value:</b> \$567,300 (Land: \$105,000 Structure: \$462,300)	
<b>Legal Description:</b> Homer Spit Four subdivision Lot 2	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4373 Freight Dock Rd
<p><b>Leased to:</b> USCG                  Lease Renewal Options: None                  Expiration: September 30, 2026</p>	
<b>Finance Dept. Code:</b>	

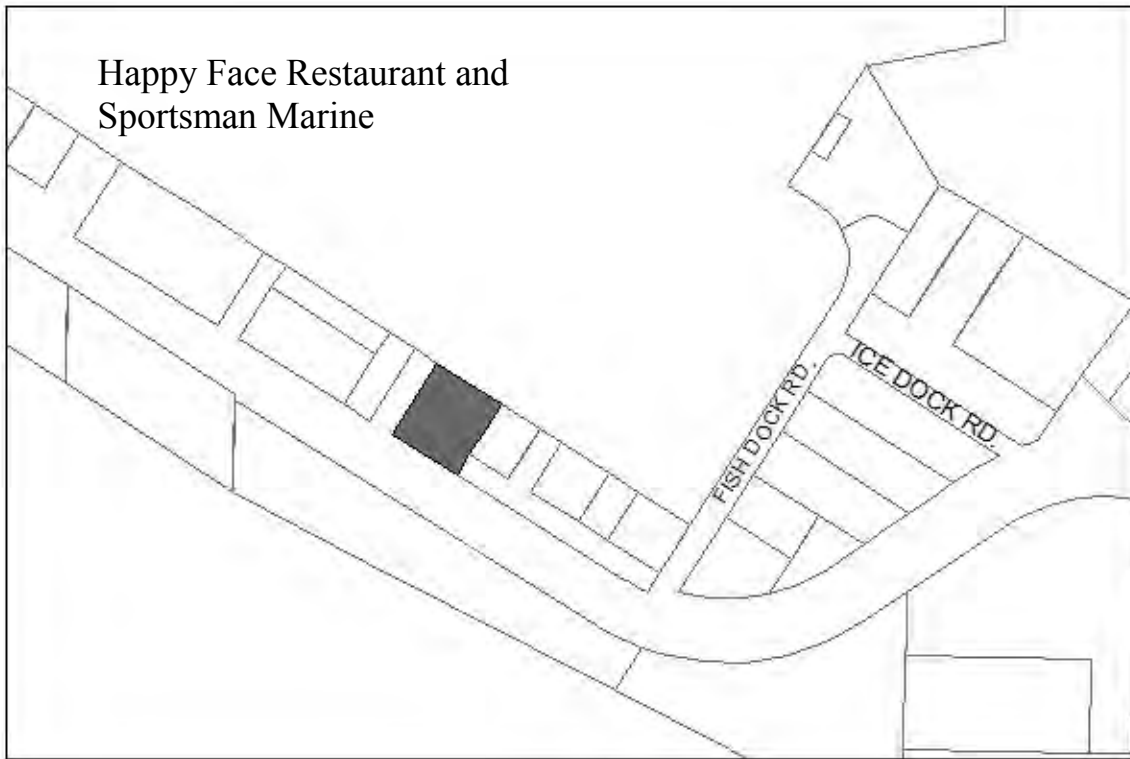




<b>Designated Use:</b> Leased Land	
<b>Acquisition History:</b>	
<b>Area:</b> 12,700 sq ft	<b>Parcel Number:</b> 18103316
<b>2012 Assessed Value:</b> \$543,400 (Land: \$97,100 Structure: \$446,300)	
<b>Legal Description:</b> HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 19	
<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> None
<b>Infrastructure:</b> Paved road, water and sewer	<b>Address:</b> 4262 Homer Spit Road
<b>Leased to:</b> Harbor Bar & Grill Expiration: Lease expires 2/1/2046, no options.	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b> Leased Lands	
<b>Acquisition History:</b>	
<b>Area:</b> 0.23 acres	<b>Parcel Number:</b> 18103309
<b>2009 Assessed Value:</b> \$238,200 (Land: \$80,700 Structure: \$157,500)	
<b>Legal Description:</b> HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 30	
<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4390 Homer Spit Road
<p><b>Leased to:</b> John Warren, Salty Dawg                  Expiration: 1/31/2026. No options.</p>	
<b>Finance Dept. Code:</b>	



**Designated Use:** Leased Land  
**Acquisition History:**

**Area:** 24,639 sq ft (0.57 acres)

**Parcel Number:** 18103432

**2012 Assessed Value:** \$619,800 (Land: \$166,700 Structure: \$453,100)

**Legal Description:** HM0890034 T07S R13W S01 HOMER SPIT AMENDED LOT 32

**Zoning:** Marine Commercial

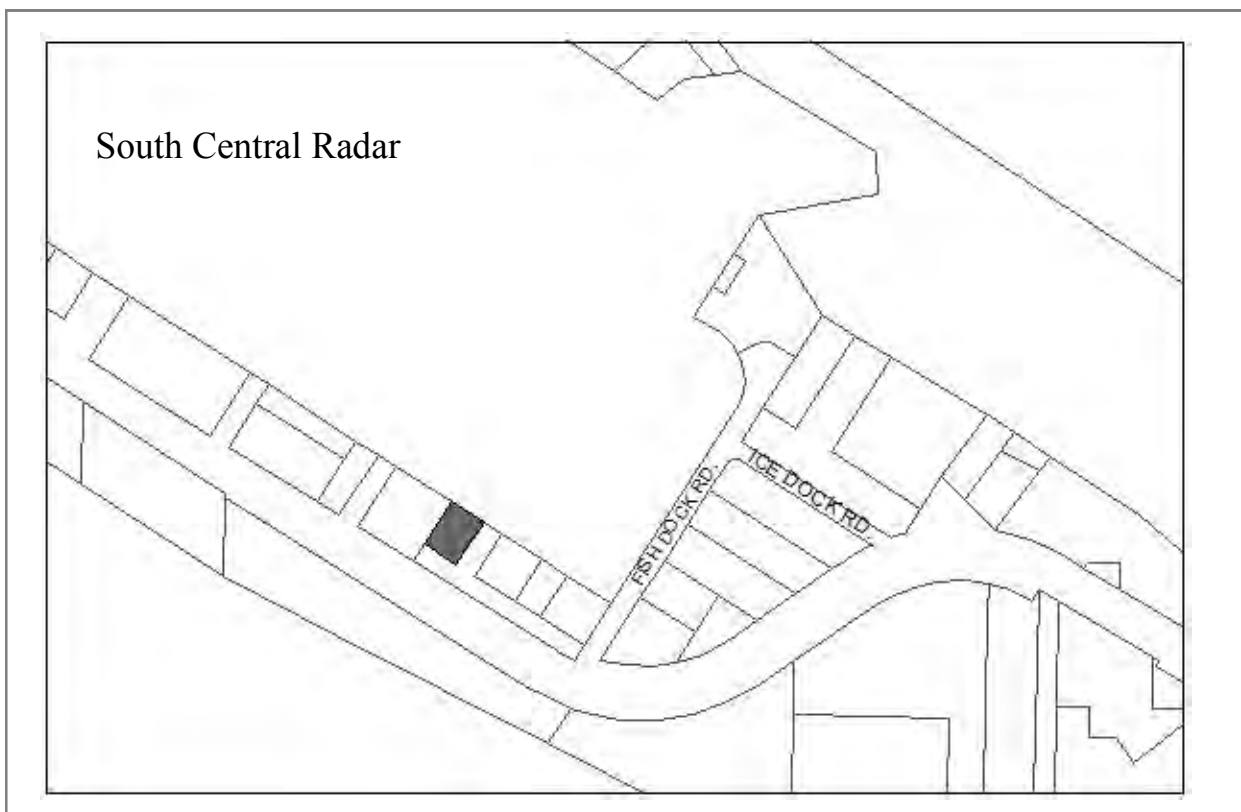
**Wetlands:** None

**Infrastructure:** Paved road, water and sewer.

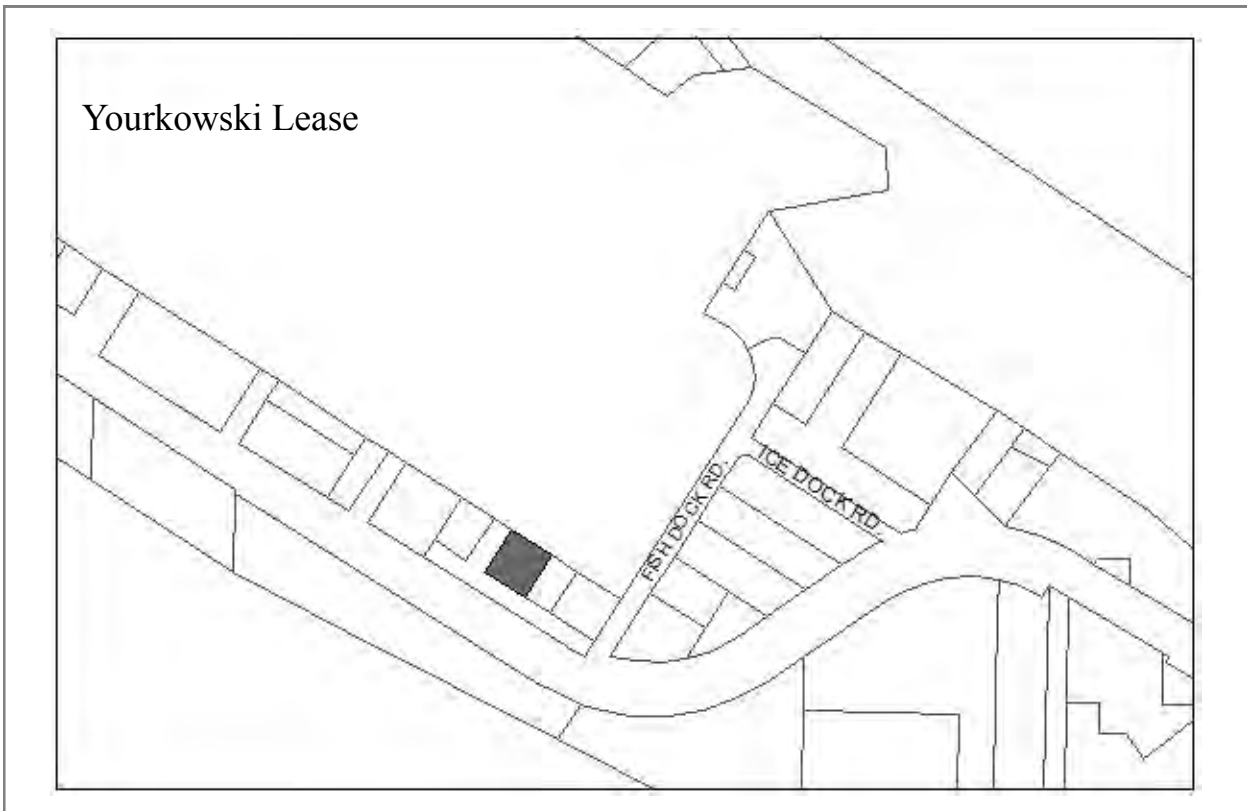
**Address:** 4400 Homer Spit Road

**Leased to:** Happy Face Restaurant and Sportsman Marine  
 Expiration: 5/15/2034. Two, 5 year options.

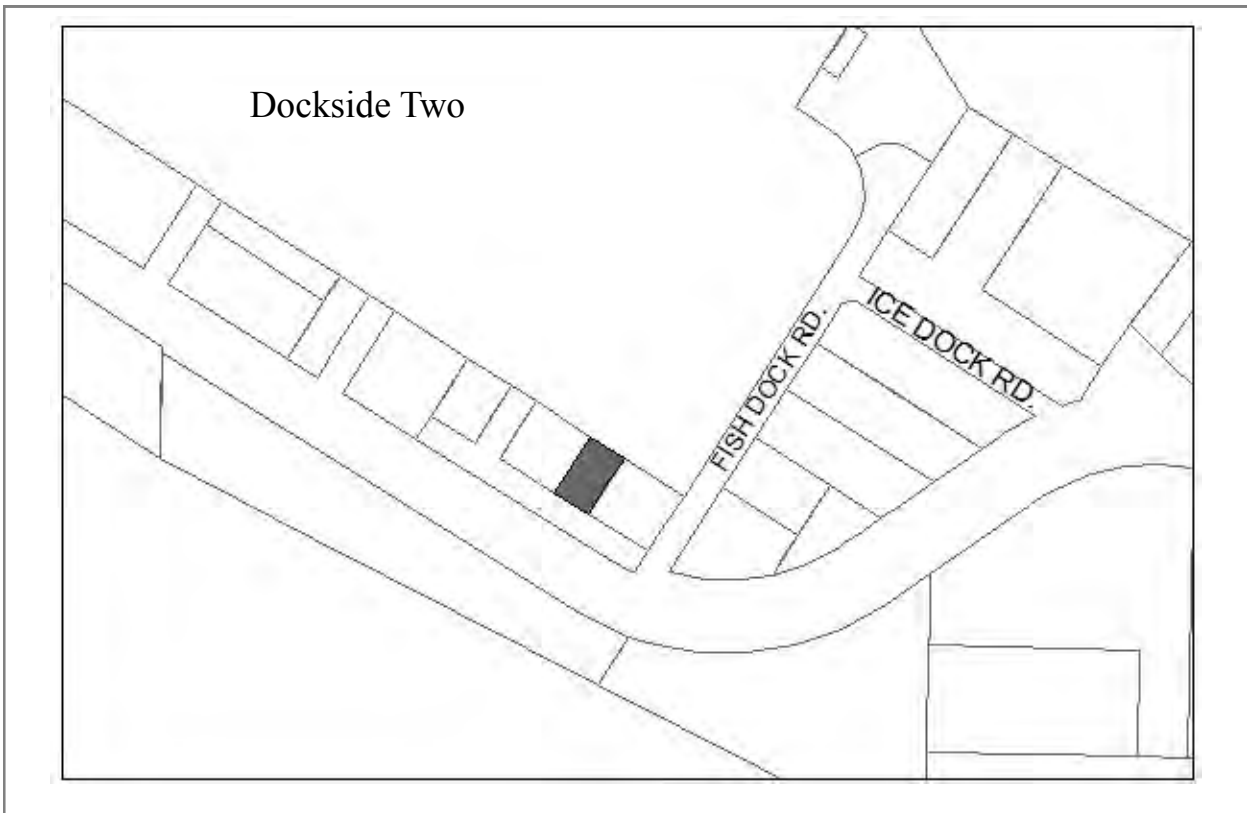
**Finance Dept. Code:**



<b>Designated Use:</b> Leased Land	
<b>Acquisition History:</b>	
<b>Area:</b> 0.2 acres	<b>Parcel Number:</b> 18103431
<b>2012 Assessed Value:</b> \$162,900 (Land: \$72,100 Structure: \$90,800)	
<b>Legal Description:</b> HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMD LOT 88-1	
<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4406 Homer Spit Road
<p><b>Leased to:</b> Mark &amp; Laura Zeiset dba South Central Radar                  Expiration: 11/1/2022, two additional 5 year renewal options</p>	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b> Leased Lands	
<b>Acquisition History:</b>	
<b>Area:</b> 0.29 acres	<b>Parcel Number:</b> 18103442
<b>2012 Assessed Value:</b> \$277,500 (Land: \$97,100 Structure: \$180,400)	
<b>Legal Description:</b> HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMENDED LOT 88-2	
<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4460 Homer Spit Road
<p><b>Leased to:</b> Mike Yourkowski                  Lease Renewal Options: one 10 year renewal option.                  Expiration: 11/30/15, plus renewal option. Leaseholder is exercising options.</p>	
<b>Finance Dept. Code:</b>	



**Designated Use:** Leased Land  
**Acquisition History:**

<b>Area:</b> 7,749 sq ft. (0.18 acres)	<b>Parcel Number:</b> 18103443
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**2012 Assessed Value:** \$115,400 (Land: \$66,300, Structure: \$49,100)

**Legal Description:** HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMENDED LOT 88-3

<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> None
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<b>Infrastructure:</b> Paved road, water and sewer.	<b>Address:</b> 4470 Homer Spit Road
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**Leased to:** William Sullivan dba Docks Two dba Kachemak Bay Seafoods  
 Expiration: 2027, no options.

**Finance Dept. Code:**



**Designated Use:** Leased land  
**Acquisition History:**

**Area:** 0.31 acres, or 13,383 sq ft

**Parcel Number:** 18103444

**2012 Assessed Value:** \$222,400 Land Value - \$102,400 Structure Value - \$120,000

**Legal Description:** HM0920050 T07S R13W S01 HOMER SPIT SUB NO TWO AMENDED LOT 88-4

**Zoning:** Marine Commercial

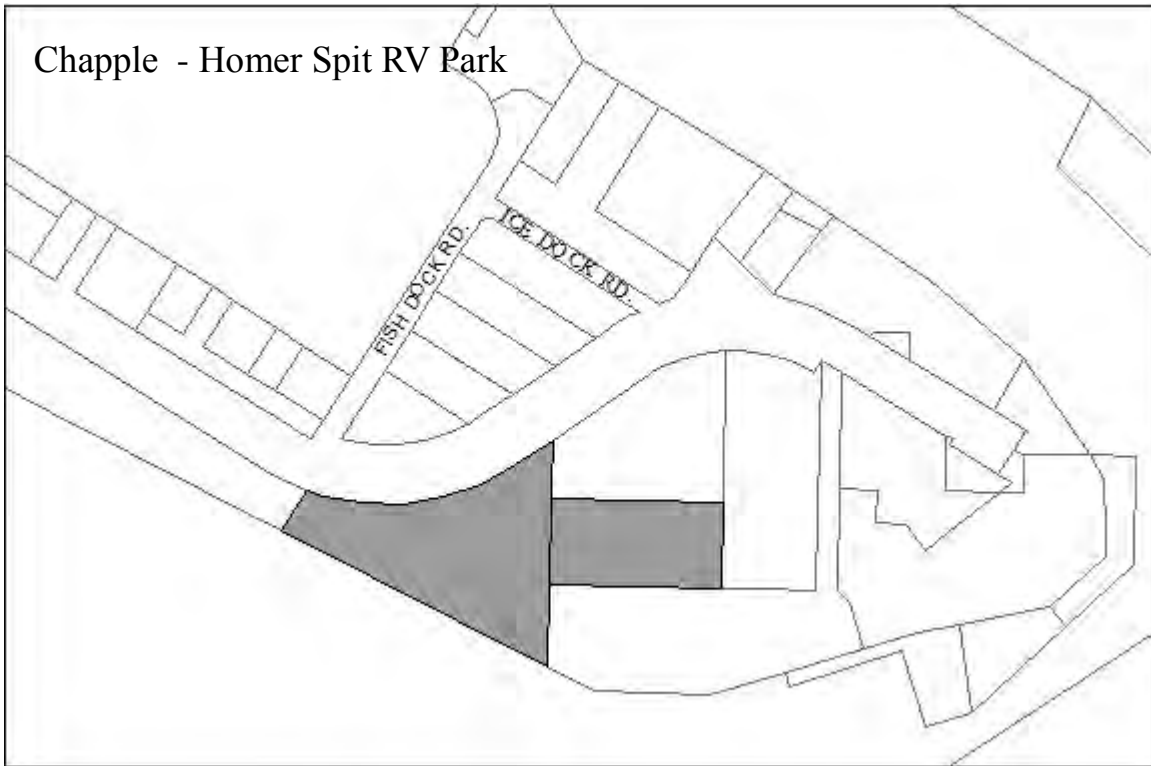
**Wetlands:** None

**Infrastructure:** Paved road, water and sewer.

**Address:** 4474 Homer Spit Road

**Leased to:** Brad Faulkner DBA Alaska Custom Seafoods, Inc. Expires 2043.

**Finance Dept. Code:**



**Designated Use:** Leased Land  
**Acquisition History:**

**Area:** 192,970 sq ft

**Parcel Number:** 18103402, 03

**2009 Assessed Value:** Total: \$593,400 Land: \$474,600 Structures: \$118,800

**Legal Description:** HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 50.  
 HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 49 EXCLUDING THAT PORTION AS PER LICENSE AGREEMENT 205/928.

**Zoning:** Marine Industrial

**Wetlands:** None

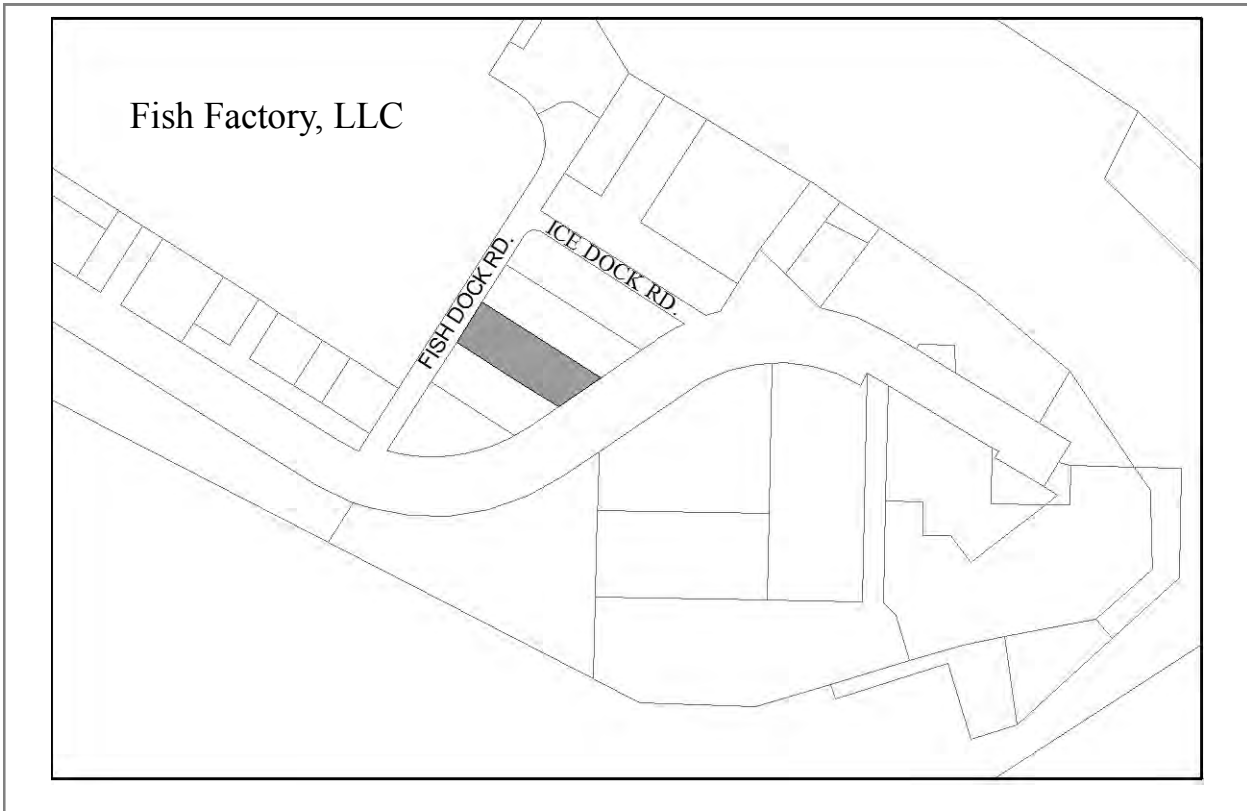
**Infrastructure:** Paved road, water and sewer.

**Address:** 4535 Homer Spit Road

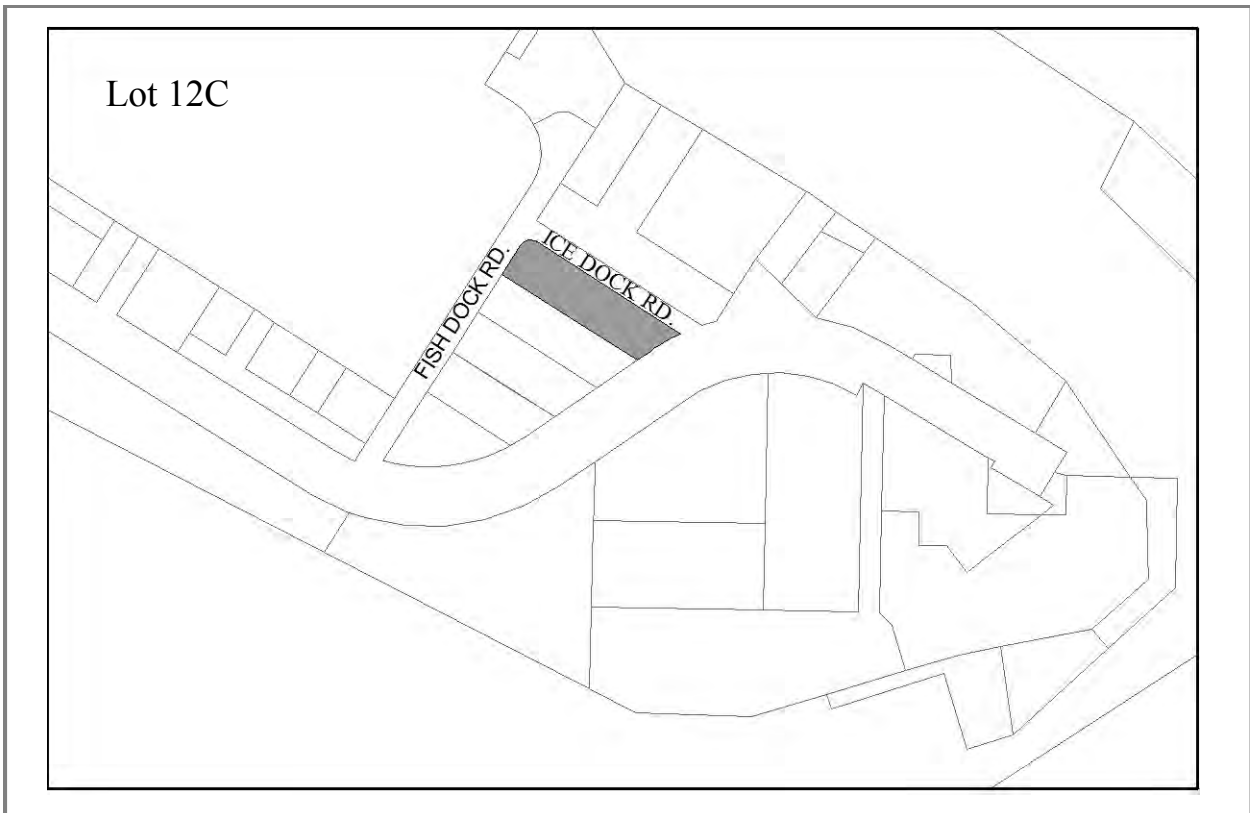
**Leased to:** John & Margaret Chapple. Homer Spit Campground  
 Expiration: 12/31/2026, two addition 3 year options.

**Finance Dept. Code:** 400.600.4650

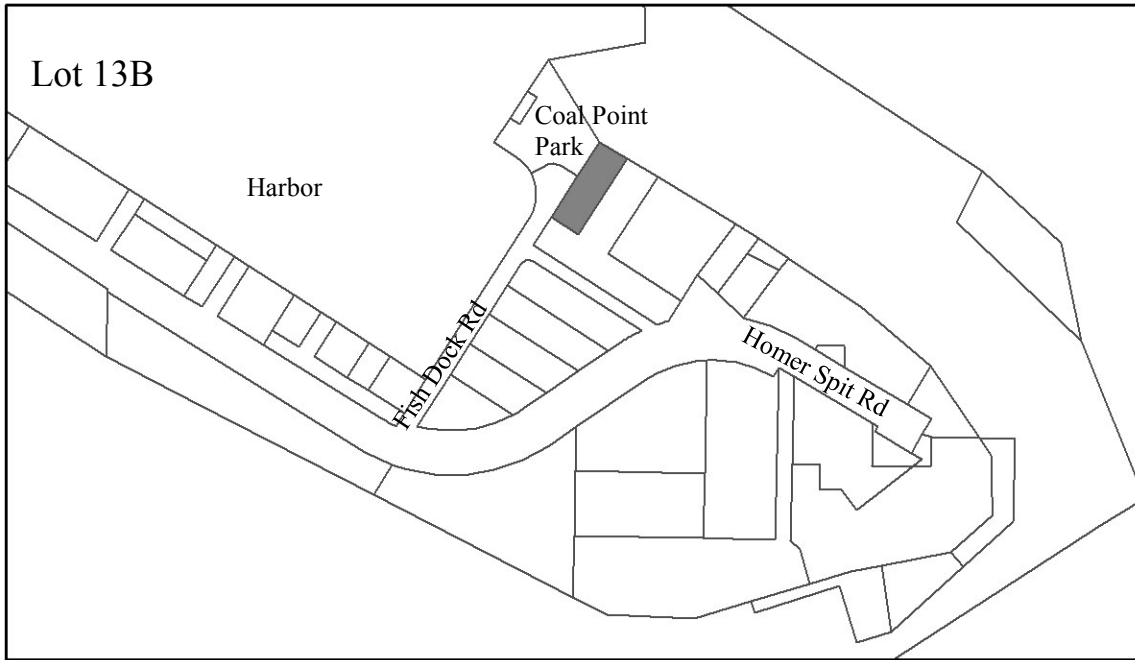




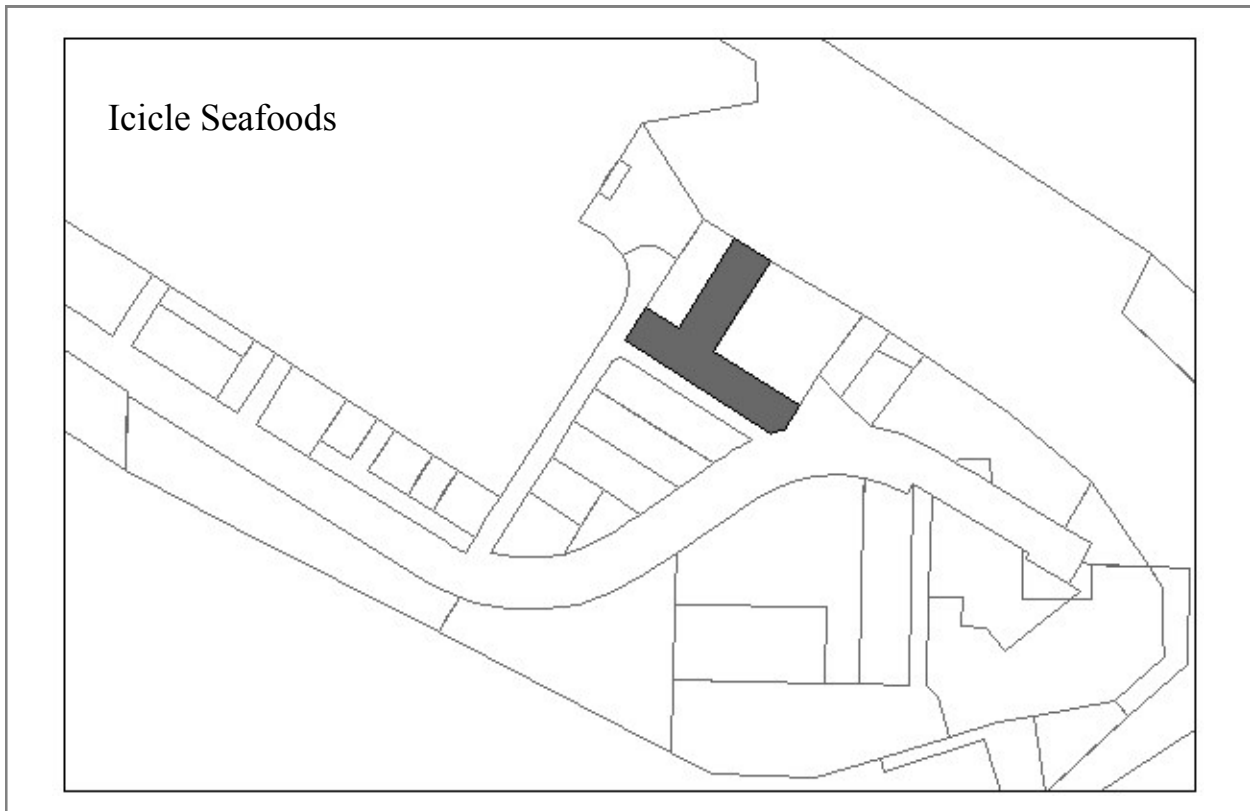
<b>Designated Use:</b> Leased Land	
<b>Acquisition History:</b>	
<b>Area:</b> 27,470 sq ft (0.63 acres)	<b>Parcel Number:</b> 18103421
<b>2012 Assessed Value:</b> \$841,900 (Land: \$180,600 Structure: \$661,300)	
<b>Legal Description:</b> HM0900052 T07S R13W S01 CITY OF HOMER PORT INDUSTRIAL NO 3 LOT 12-A1	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> None
<b>Infrastructure:</b> Paved road, water and sewer.	<b>Address:</b> 800 Fish Dock Road
<b>Leased to:</b> Fish Factory, LLC Expiration: 3/31/2020 with two 10 year options	
<b>Finance Dept. Code:</b>	



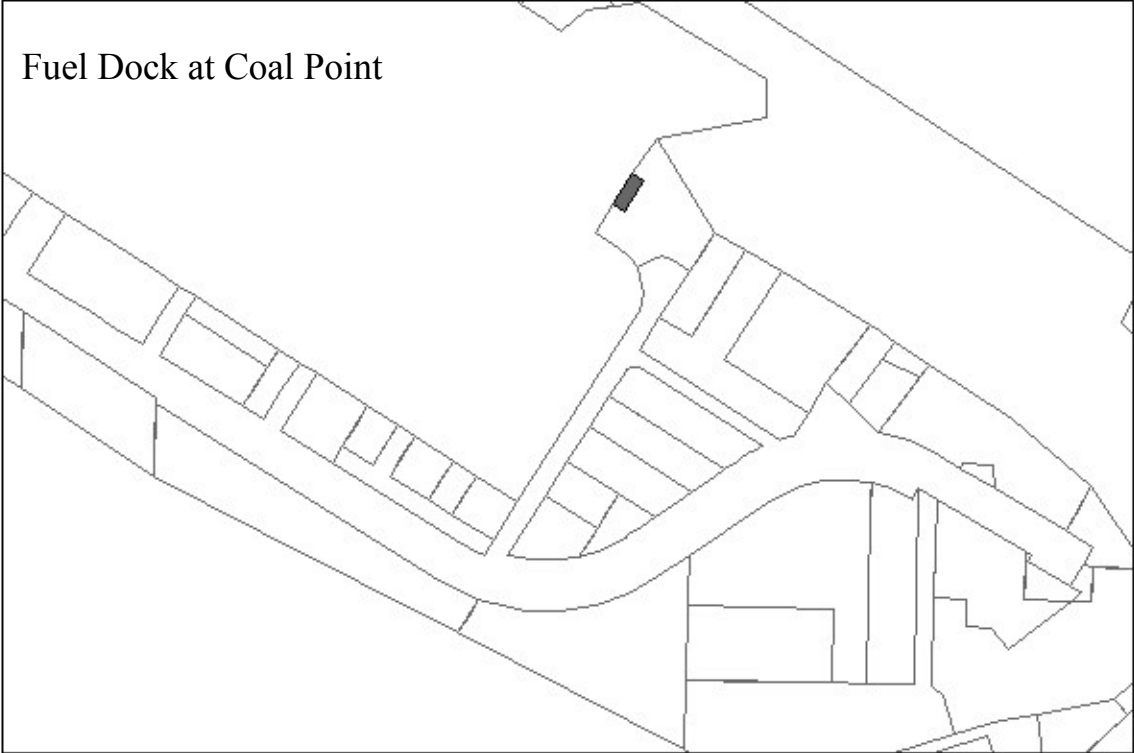
<b>Designated Use:</b> Lease land	
<b>Acquisition History:</b>	
<b>Area:</b> 0.79 Acres	<b>Parcel Number:</b> 18103452
<b>2012 Assessed Value:</b> \$802,000 (Land: \$216,400 Structure: \$586,300)	
<b>Legal Description:</b> City of Homer Port Industrial No 2 Lot 12C	
<b>Zoning:</b> Marine Industrial	
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4501 Ice Dock Road
Leased by Resolution 2008-37 to Harbor Leasing (Auction Block) Expiration: 3/31/2028 Options: two additional 5 year options	
<b>Finance Dept. Code:</b>	

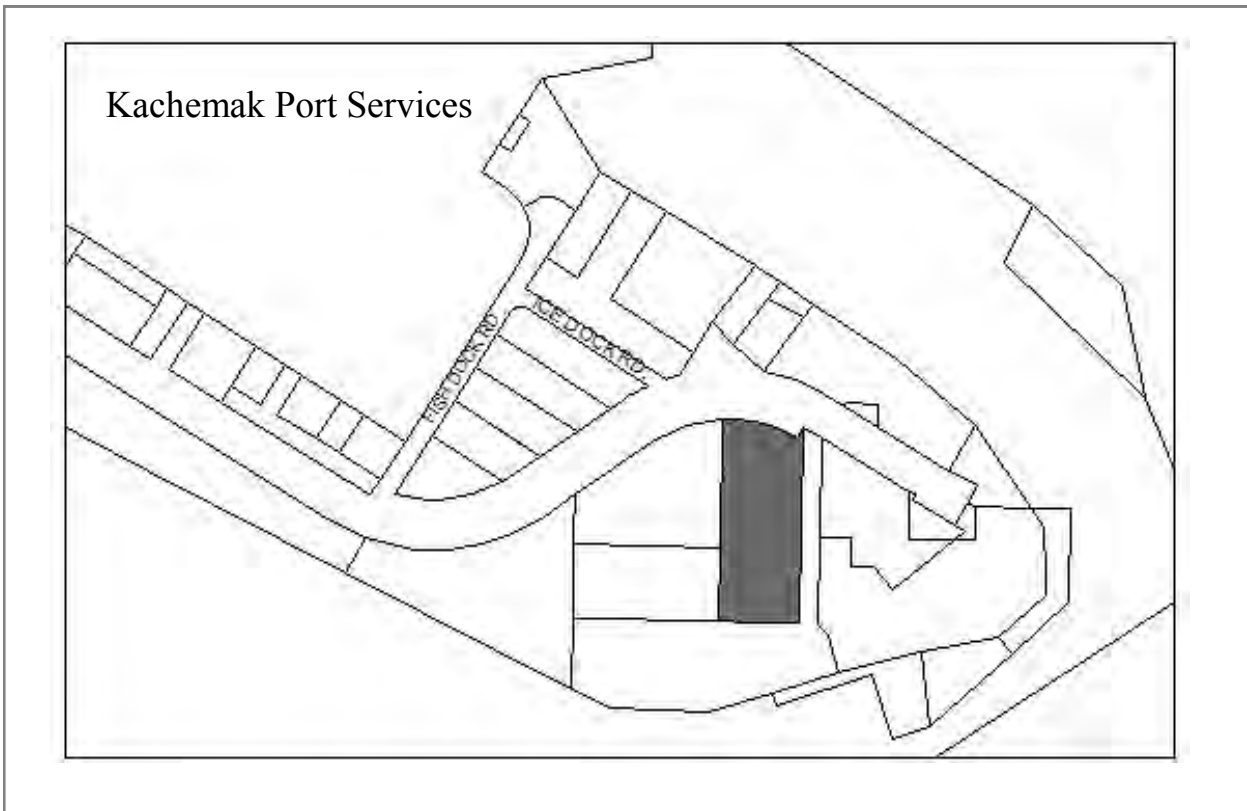


<b>Designated Use:</b> Lease	
<b>Acquisition History:</b>	
<b>Area:</b> 0.52 acres	<b>Parcel Number:</b> 18103425
<b>2012 Assessed Value:</b> \$194,400	
<b>Legal Description:</b> City of Homer Port Industrial Subdivision No 2 Lot 13B	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved/gravel road access	<b>Address:</b> Fish Dock Road
Former Porpoise Room lot. Fisheries use encouraged but not required.	
Resolution 14-043, 20 year lease with two five year options. Snug Harbor. Expiration: 4/30/2034	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b> Leased Land	
<b>Acquisition History:</b>	
<b>Area:</b> 1.49 acres	<b>Parcel Number:</b> 18103419
<b>2012 Assessed Value:</b> \$534,900 (Land: \$359,600 Structure: \$175,300)	
<b>Legal Description:</b> HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED ADL 18009 LOT 41 (ADL 18009)	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 842 Fish Dock Road
<p><b>Leased to:</b> Icicle Seafoods, Inc                  Expiration: 2037 with options..</p>	
<b>Finance Dept. Code:</b>	

<p><b>Fuel Dock at Coal Point</b></p> 	
<p><b>Designated Use:</b> Leased Land  <b>Acquisition History:</b></p>	
<p><b>Area:</b> 0.07 acres</p>	<p><b>Parcel Number:</b> 18103427</p>
<p><b>2012 Assessed Value:</b> \$476,100 (Land: \$31,100 Structure: \$476,100)</p>	
<p><b>Legal Description:</b> HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED THAT PORTION OF COAL POINT MONUMENT PARK AS PER LEASE AGREEMENT 187 @ 921</p>	
<p><b>Zoning:</b> Marine Industrial</p>	<p><b>Wetlands:</b> None</p>
<p><b>Infrastructure:</b> Paved road, water and sewer.</p>	<p><b>Address:</b> 843 Fish Dock Road</p>
<p><b>Leased to:</b> Harbor Enterprises/Terminal Oil Sales. Coal Point Fuel Dock.                  Expiration: 11/30/2018. No options left.</p>	
<p><b>Finance Dept. Code:</b></p>	



**Designated Use:** Leased Land. Also includes the Port Maintenance Shop and a large tank.  
**Acquisition History:**

<b>Area:</b> 2.23 acres (Lease is for a small portion of the lot)	<b>Parcel Number:</b> 18103404
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**2012 Assessed Value:** 1,540,500 (\$Land: \$496,500 Structure: \$1,044,000)

**Legal Description:** HM0890034 T07S R13W S01 HOMER SPIT SUB AMENDED LOT 48 EXCLUDING THAT PORTION AS PER LICENSE AGREEMENT 190 @ 98

<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
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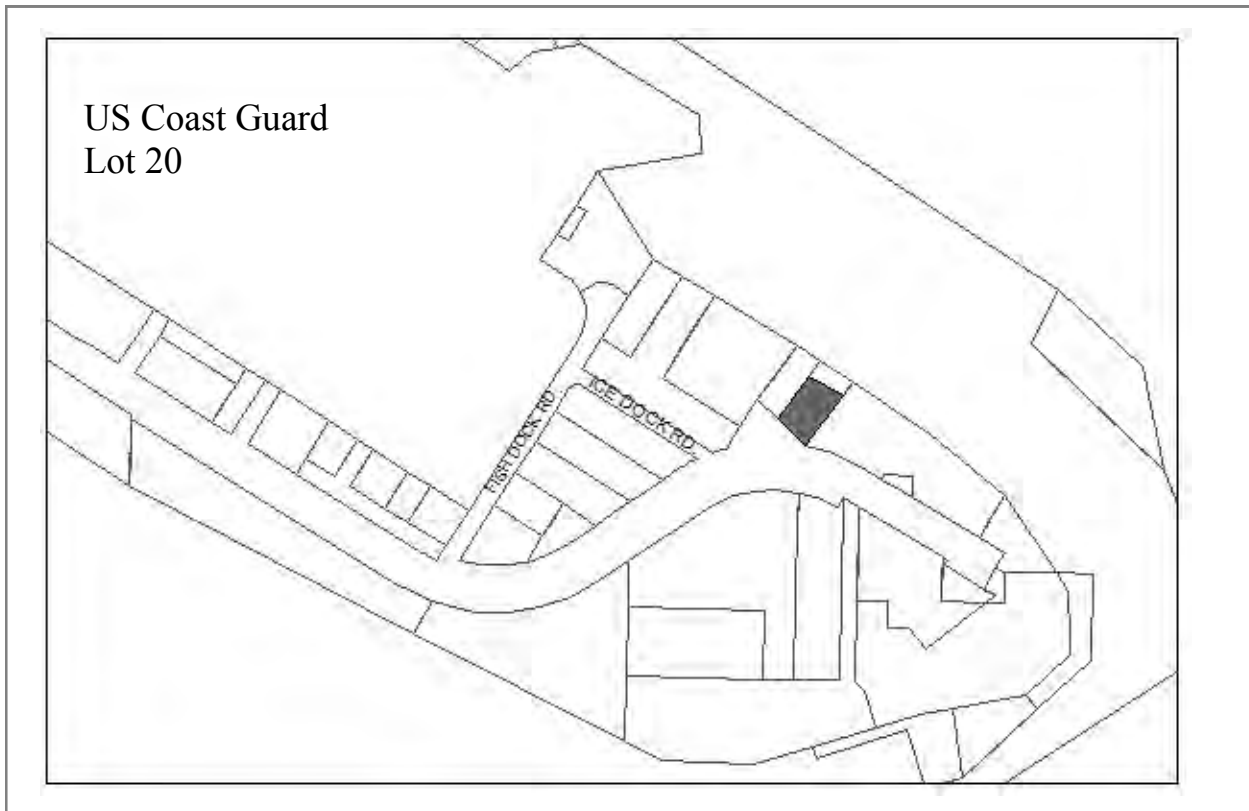
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4667 Homer Spit Road
--	--------------------------------------

**Leased to:**  
**ACS MACTel lease:** Expires 11/21/2033 with two additional one year options. (875 sq ft lease)

**Alaska Marine Highway lease:** Alaska Marine Highway System to built a warehouse to support ferry operations, summer 2011. Lease expires 2060. (16,000 sq ft leased)

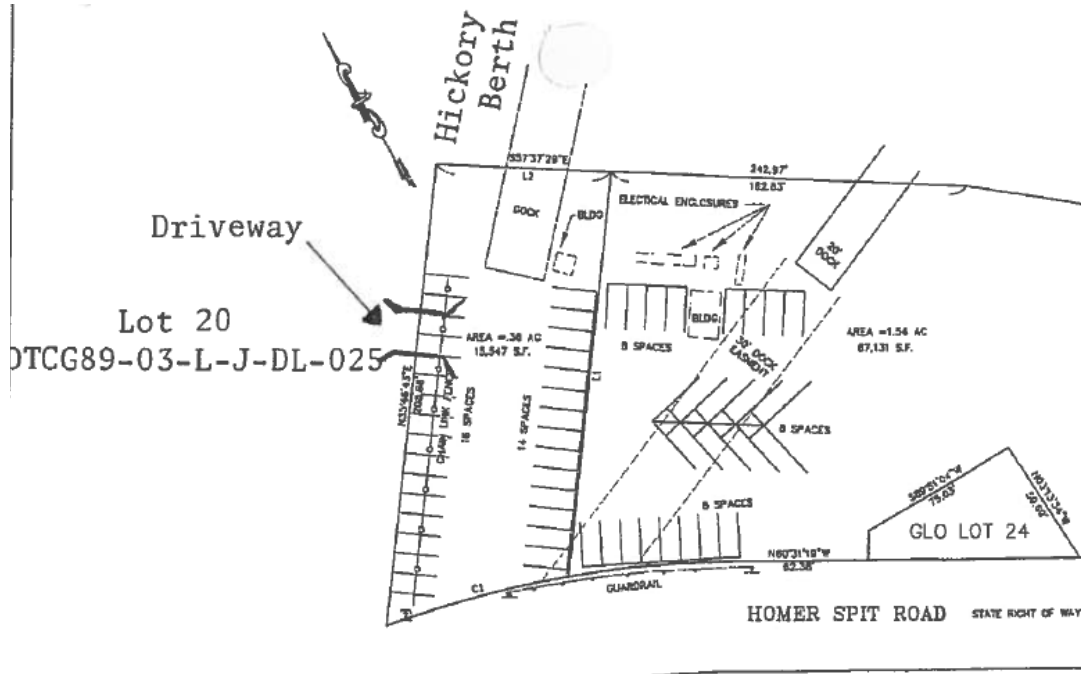
The Port Maintenance Shop is on this lot, and a large water tank, and other accessory structures.

**Finance Dept. Code:**



<b>Designated Use:</b> Lease	
<b>Acquisition History:</b>	
<b>Area:</b> 0.35 acres	<b>Parcel Number:</b> 18103445
<b>2012 Assessed Value:</b> \$112,800	
<b>Legal Description:</b> Portion of Government Lot 20	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b> 4688 Homer Spit Road
<p><b>Leased to:</b> US Coast Guard.                  Lease expires September 30, 2023                  Resolution 15-009 approved an additional 20 year lease.</p>	
<b>Finance Dept. Code:</b>	

Hickory Lease



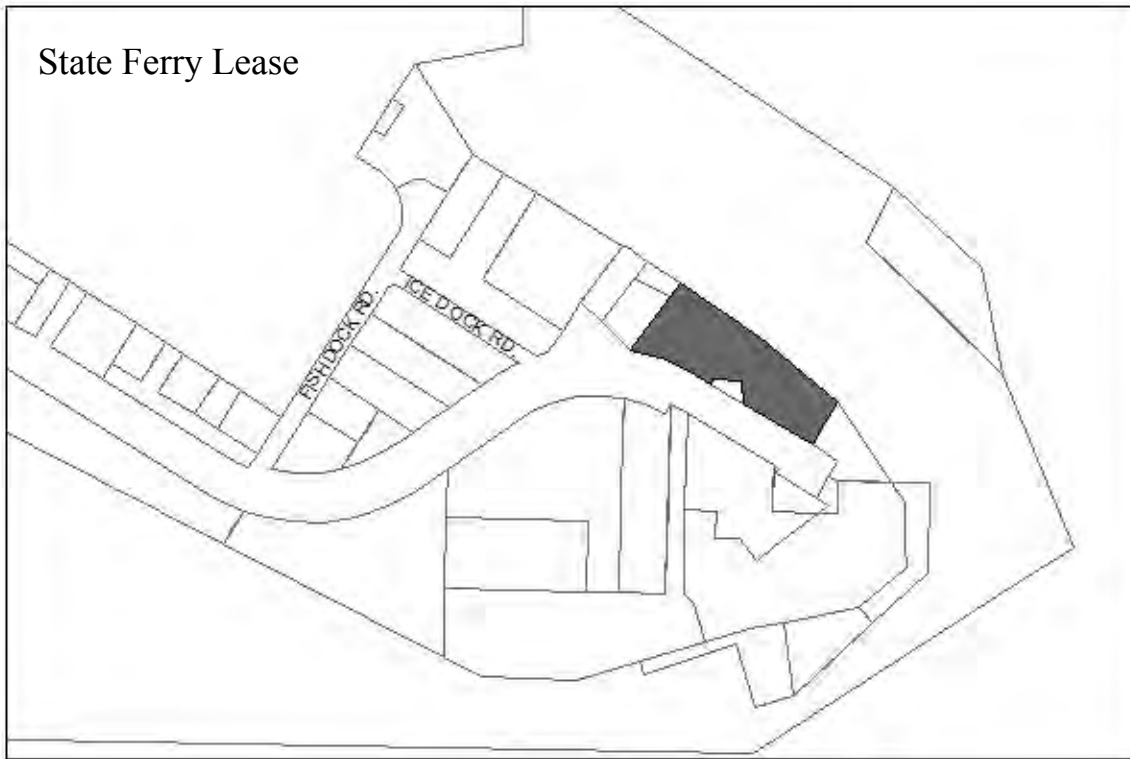
See page B-25. This lease is a portion of the Pioneer Dock.

**West trestle of the Pioneer Dock, for mooring and parking on west trestle and Lot 45A.**

**Leased to:** Coast Guard. Expiration September 30, 2022. DTCG89-03-L-J-DL-034.

**Finance Dept. Code:**



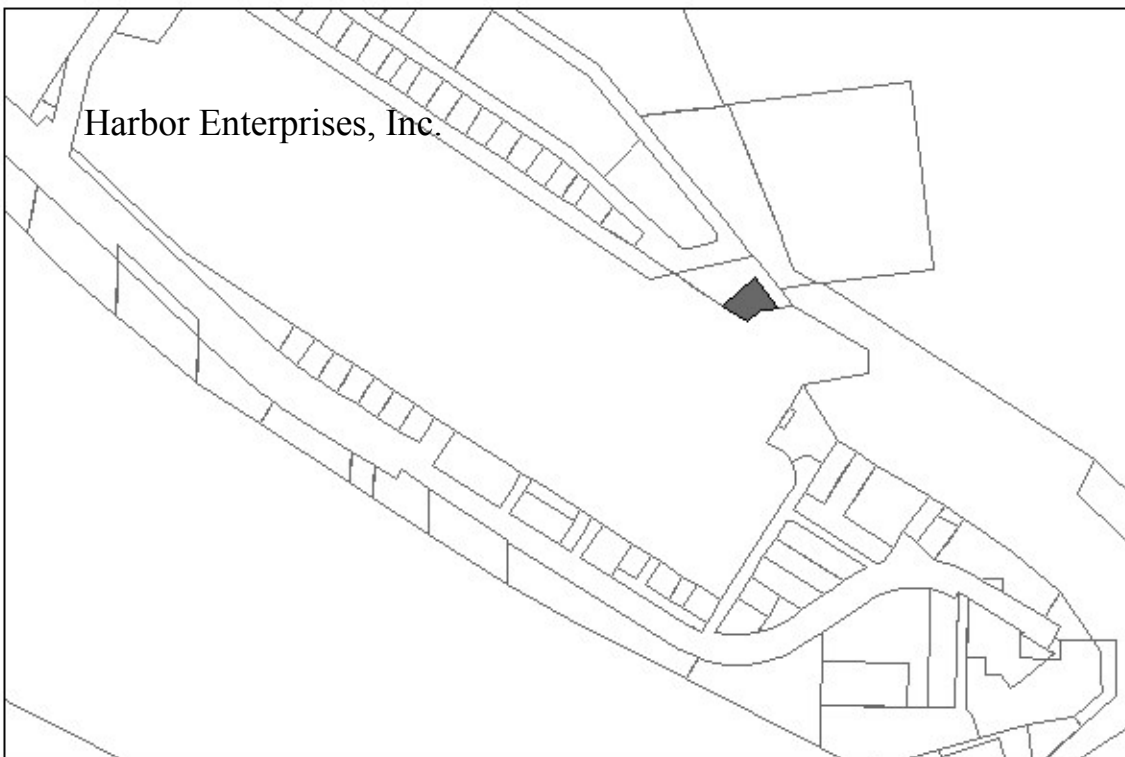


**Designated Use:** Ferry Terminal and Staging  
**Acquisition History:** Quitclaim Deed to KPPUDIST #1 2/18/64: Orig Cert filed between KPPUD and BLM for Harbor use for 25 years on 7/29/55.

<b>Area:</b> 1.83 acres or 79,799 sq ft	<b>Parcel Number:</b> 18103447
<b>2012 Assessed Value:</b> \$1,076,900 (\$423,800 Land, \$653,100 Structure)	
<b>Legal Description:</b> HM0930049 T07S R13W S01 HOMER SPIT SUB NO 6 VELMA'S ADDN LOT 45-A	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> None
<b>Infrastructure:</b> Paved road, water and sewer.	<b>Address:</b> 4690 Homer Spit Road

**Leased to:** Alaska Marine Highway  
 Expiration: April 30, 2060  
 MOA on file regarding ferry terminal and city maintenance shop.

**Finance Dept. Code:**



**Designated Use:** Leased Land (Fuel tanks for fuel dock)  
**Acquisition History:**

**Area:** 20,000 sq ft (0.459 acres)

**Parcel Number:** 18103260

**2012 Assessed Value:** \$361,800 (Land: \$140,400 Structure: \$221,400)

**Legal Description:** HM0970072 T07S R13W S01 HOMER SPIT NO 6 8-E-1

**Zoning:** Marine Industrial

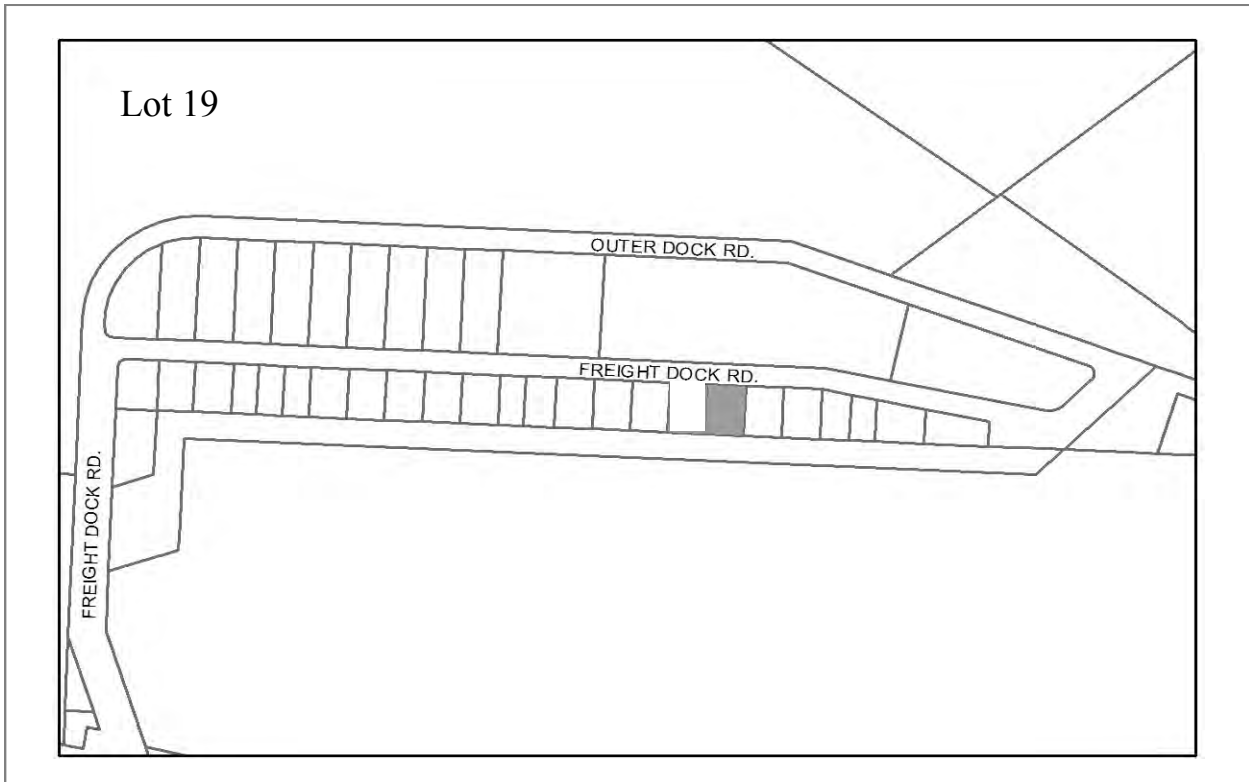
**Wetlands:** None

**Infrastructure:** Paved road, water and sewer.

**Address:** 4607 Freight Dock Road

**Leased to:** Harbor Enterprises/Terminal Oil Sales  
 Resolution 16-031(S) 20 yr lease

**Finance Dept. Code:**



**Designated Use:** Lease (Resolution 09-33)  
**Acquisition History:**

**Area:** 0.96 acres, 0.32 acres

**Parcel Number:** 181032 38

**2012 Assessed Value:** \$105,000

**Legal Description:** Homer Spit No 5 Lots 19

**Zoning:** Marine Industrial

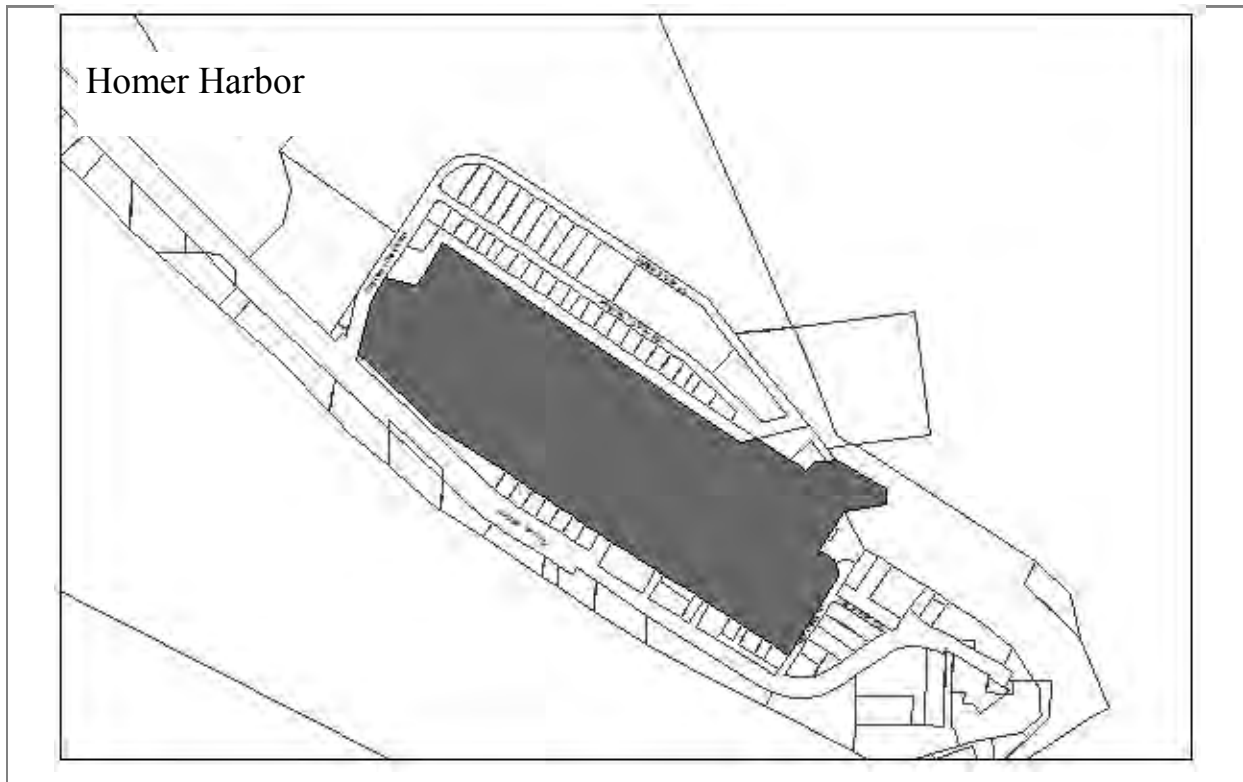
**Wetlands:** N/A

**Infrastructure:** paved road, water and sewer

**Notes:** Leased to Fortune Sea LLC, 10 year lease expires 4/30/2023

**Finance Dept. Code:**

**Section C**  
**Port Facilities**



**Designated Use:** Homer Small Boat Harbor  
**Acquisition History:** Reso 99-51 Reconveyed from ACOE

<b>Area:</b> 72.94	<b>Parcel Number:</b> 18103214
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**2015 Assessed Value:** \$808,200

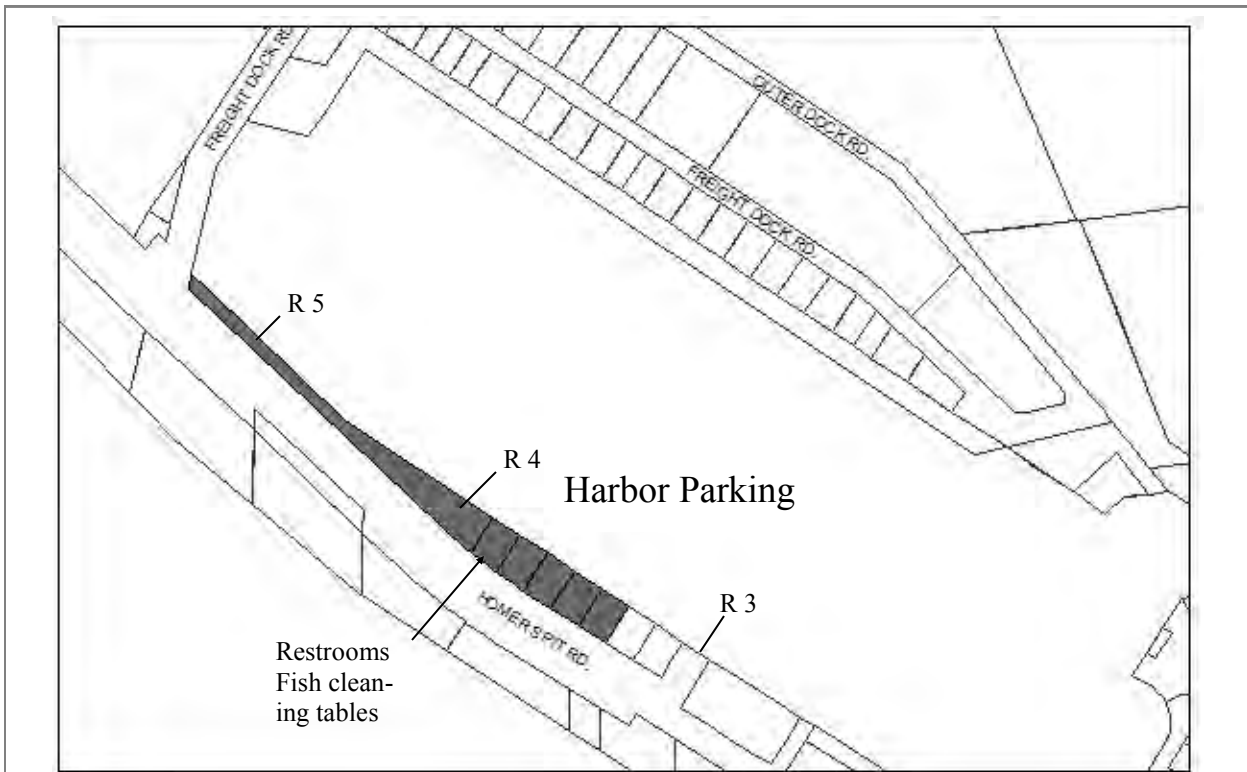
**Legal Description:** T 6S R 13W SEC 35 T 6S R 13W SEC 36 T 7S R 13W SEC 1 T 7S R 13W SEC 2 HM 0920050 HOMER SPIT SUB NO TWO AMENDED SMALL BOAT HARBOR SEWARD MERIDIAN

<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> N/A
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**Infrastructure:** floats, road access, water and sewer

**Notes:**

**Finance Dept. Code:**



**Designated Use:** Parking  
**Acquisition History:**

**Area:** 3.12 acres

**Parcel Number:** 181033 18-22, 24

**2015 Assessed Value:** \$1,055,000 (Land: \$885,600, Structures: \$169,400)

**Legal Description:** T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 13-17, HM 0910003 HOMER SPIT SUB NO TWO SEWARD MERIDIAN LOT 12A

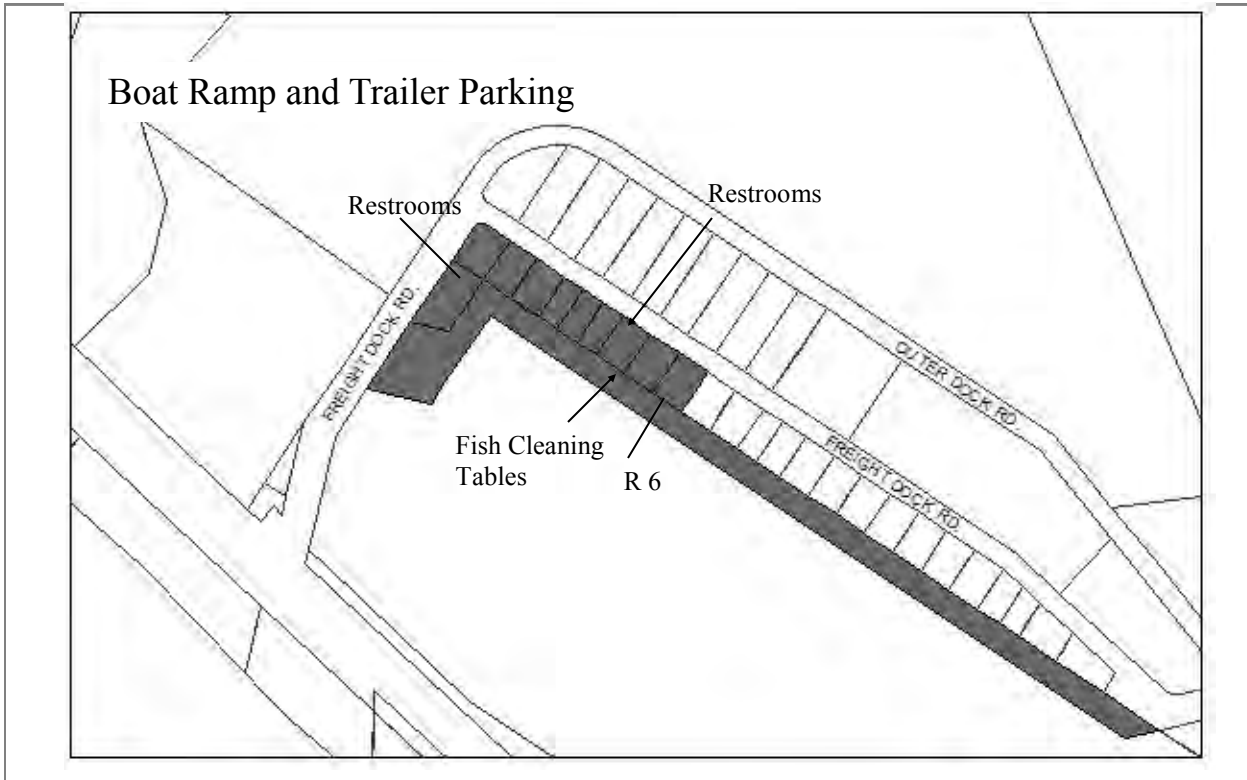
**Zoning:** Marine Commercial

**Wetlands:** N/A

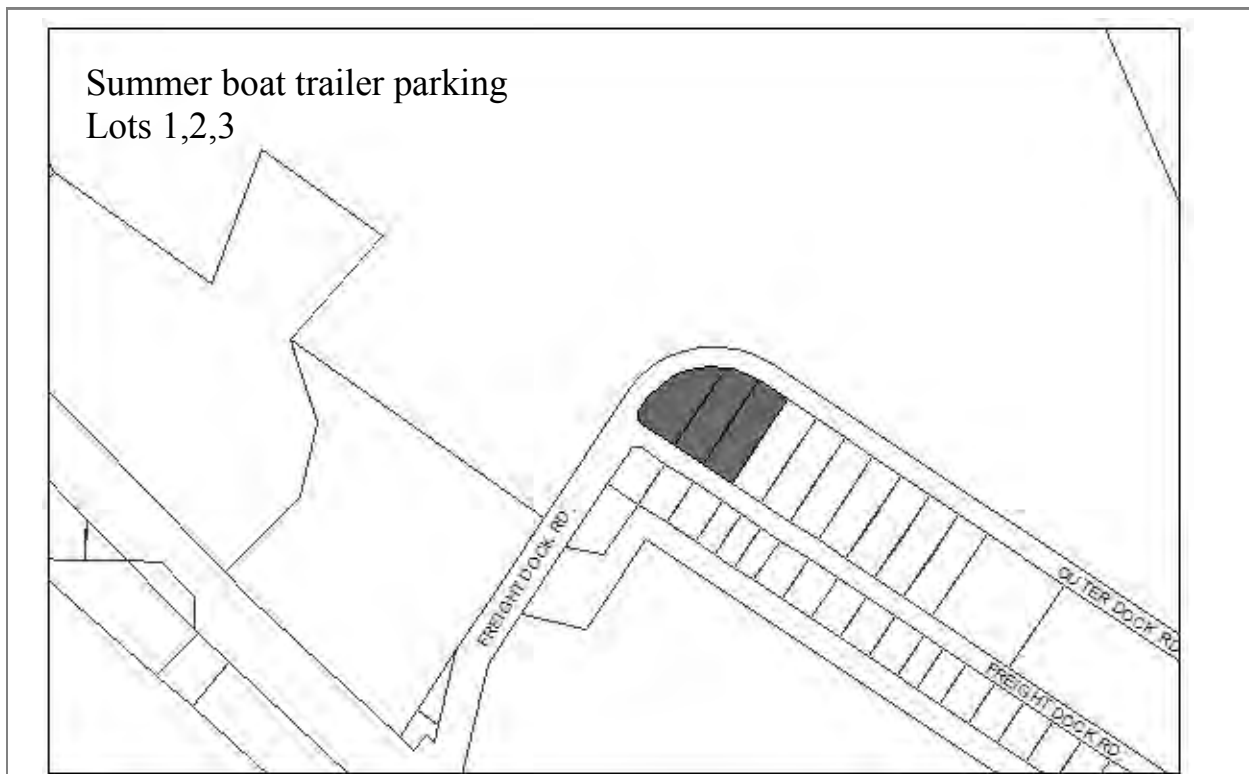
**Infrastructure:** Paved road, gas, Spit Trail, water and sewer, public restrooms

**Notes:** New restrooms at Ramp 5 constructed 2015/2016

**Finance Dept. Code:**

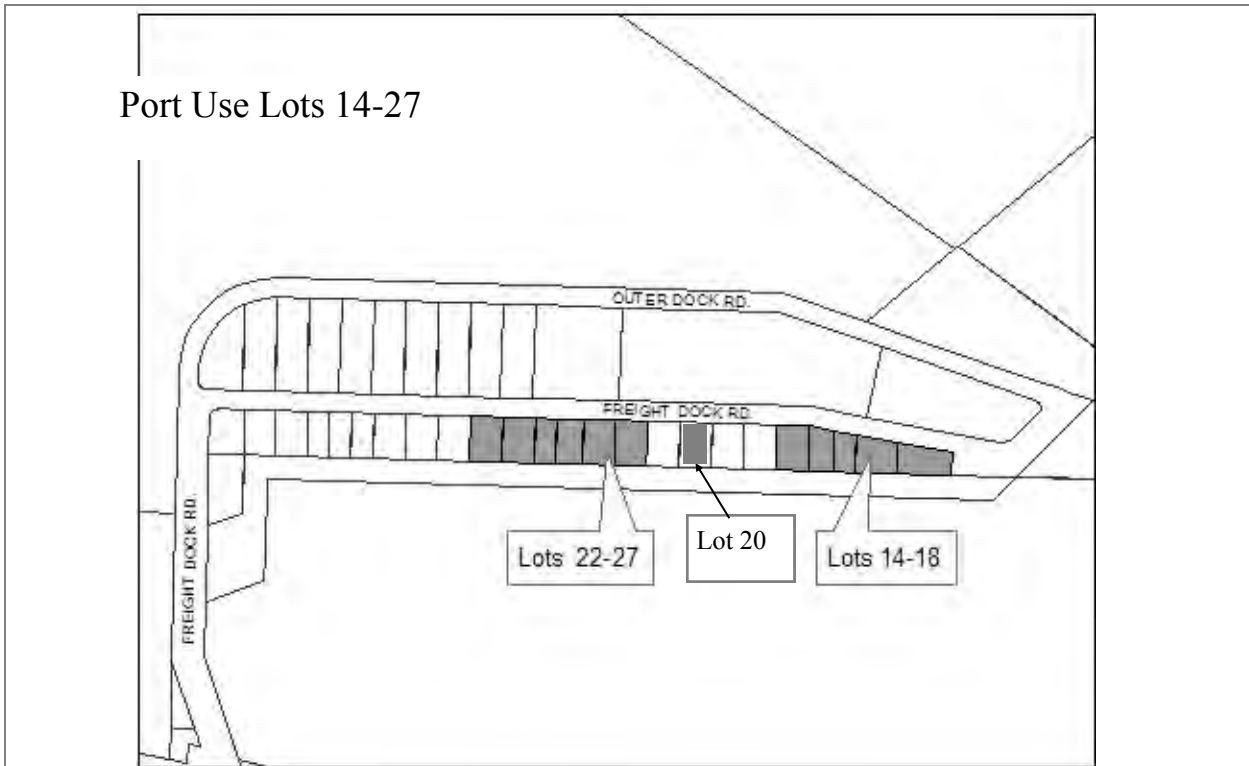


<b>Designated Use:</b> Boat ramp and trailer parking	
<b>Acquisition History:</b>	
<b>Area:</b> 8.32 acres	<b>Parcel Number:</b> 181032 47-58, 18103216
<b>2015 Assessed Value:</b> \$1,999,000	
<b>Legal Description:</b> Homer Spit Sub No 5 Lots 28-37, Homer Spit Sub No 2 Amended Lot G-8	
<b>Zoning:</b> Marine Industrial, over slope area is Marine Commercial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> paved road, gas, water and sewer, public restrooms	
<p><b>Notes:</b> Includes boat launch (reconstructed in 2016), Spit Trail, boat trailer parking, two public restrooms and over slope area along the harbor.</p> <p>Resolution 2007-51: Lots 14-35, RFP process should be delayed until the master parking plan and over slope development standards and issues are dealt with.</p>	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b>	
<b>Acquisition History:</b>	
<b>Area:</b> 1.98 acres	<b>Parcel Number:</b> 181032-21,22,31
<b>2015 Assessed Value:</b> \$562,300	
<b>Legal Description:</b> T 6S R 13W SEC 35 T 6S R 13W SEC 36 HM 0930012 HOMER SPIT SUB NO 5 SEWARD MERIDIAN LOT 1,2,3	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> paved road, gas, water and sewer, Barge ramp	
<b>Notes:</b>	
<b>Finance Dept. Code:</b>	





**Designated Use:** Port Use  
**Acquisition History:**

<b>Area:</b> 3.16 acres	<b>Parcel Number:</b> 18103233-37, 41-46
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**2015 Assessed Value:** \$1,816,300

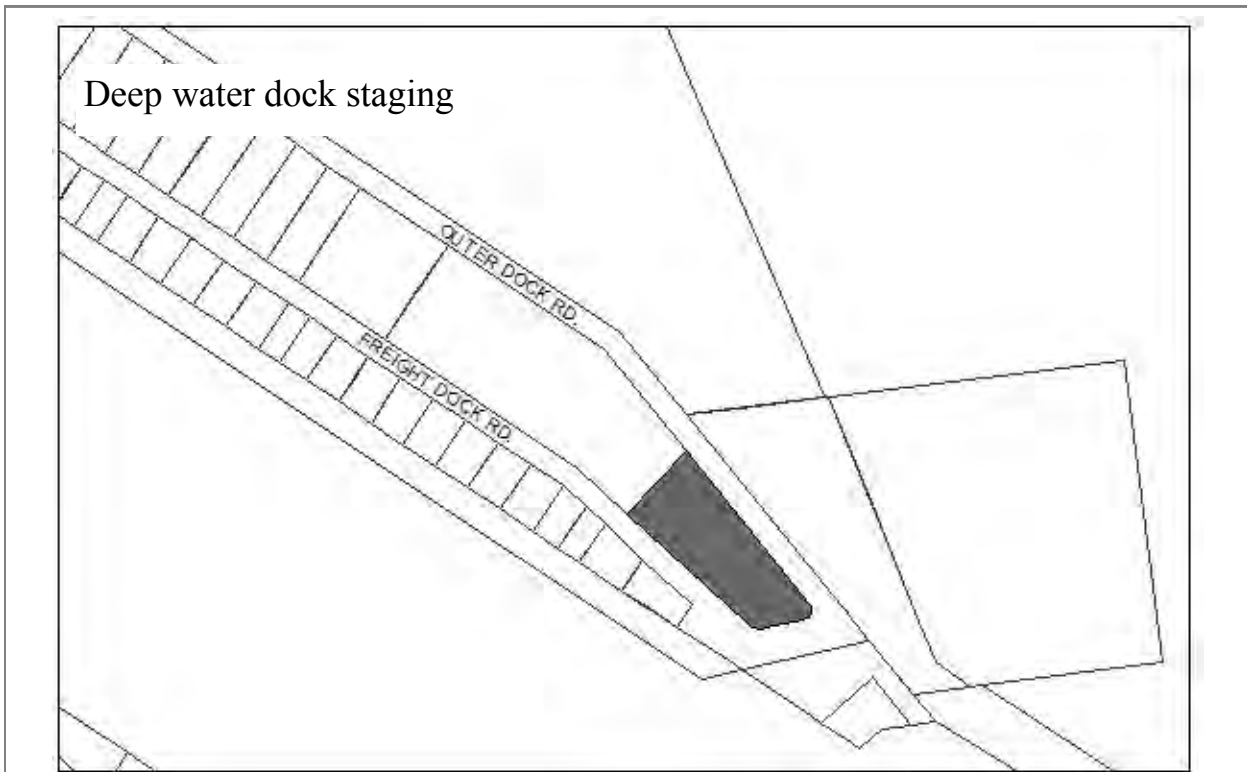
**Legal Description:** Homer Spit No 5 Lots 14-18, 22-27

<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
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**Infrastructure:** paved road, gas, Spit Trail, water and sewer

**Notes:**  
 Resolution 2007-51: Lots 14-35, RFP process should be delayed until the master parking plan and over slope development standards and issues are dealt with.  
 The office completed in 2015 is on lots 22 and 23.  
 Lot 20 reserved for future travel lift Resolution 13-032

**Finance Dept. Code:**



**Designated Use:** Deep water dock staging  
**Acquisition History:**

**Area:** 2.08 acres

**Parcel Number:** 18103232

**2015 Assessed Value:** \$469,600

**Legal Description:** T 6S R 13W SEC 36 T 7S R 13W SEC 1 HM 0930012 HOMER SPIT SUB NO 5 SEWARD MERIDIAN LOT 13

**Zoning:** Marine Industrial

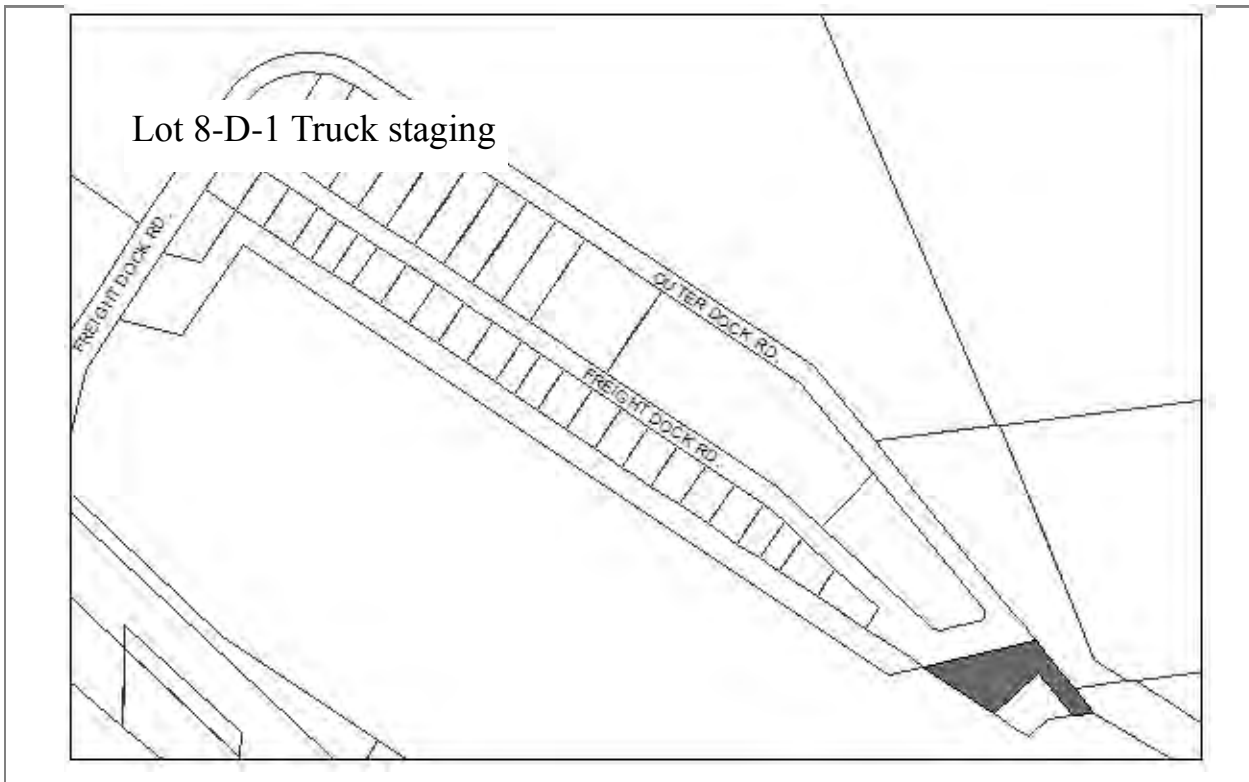
**Wetlands:** N/A

**Infrastructure:** paved road, gas, water and sewer

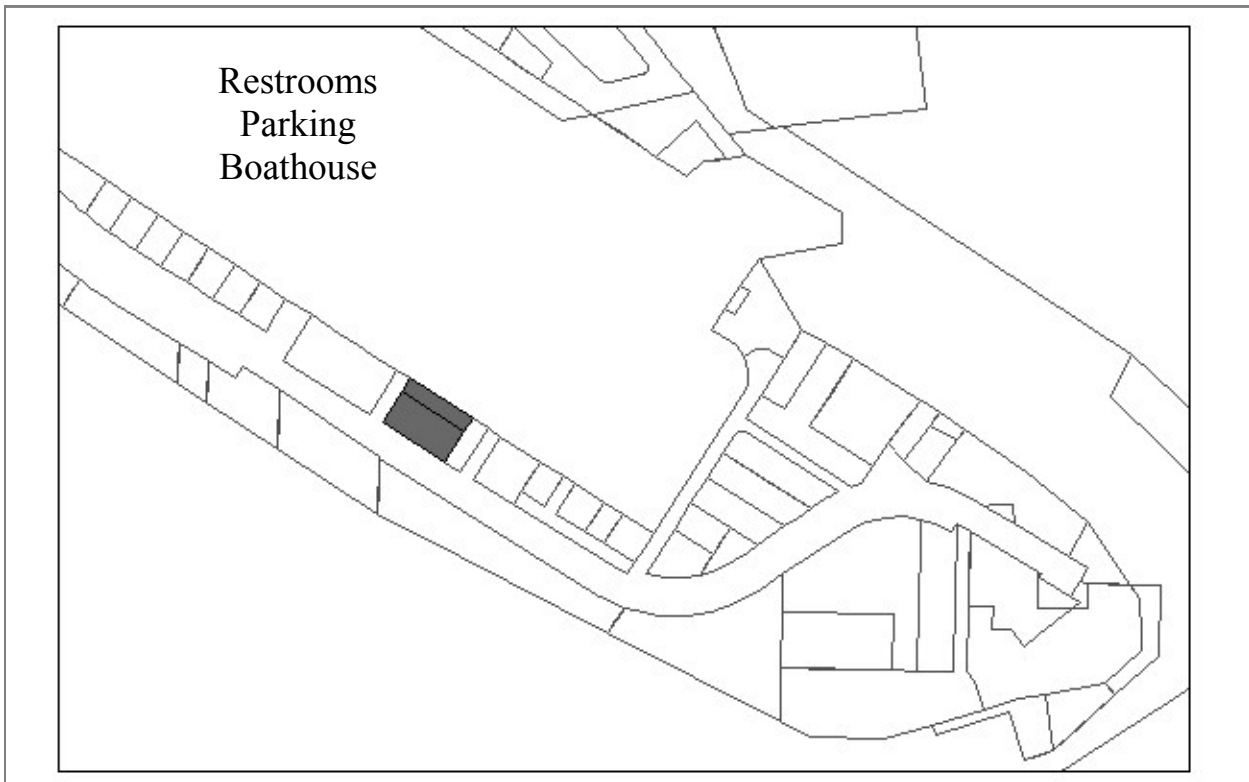
**Notes:**

Resolution 2007-51 Lot 13: Continue its current use as gear storage and cargo staging for Deep Water Dock cargo.

**Finance Dept. Code:**



<b>Designated Use:</b> Commercial Truck Staging	
<b>Acquisition History:</b>	
<b>Area:</b> 1.12 acres	<b>Parcel Number:</b> 18103259
<b>2015 Assessed Value:</b> \$301,800	
<b>Legal Description:</b> T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0970072 HOMER SPIT NO 6 8-D-1	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Gravel road access, water and sewer	
<b>Notes:</b>	
<p>Resolution 2007-51: Lot 8D1 should be reserved for a marine related business which could include a petroleum products tank farm and a pipeline out to the (expanded) Deep Water Dock. This lot to be RFP's at the appropriate time for this type of marine support activity.</p> <p>2014 construction of guard shack for Deep Water Dock, restrooms and picnic facility, completion of Spit Trail, and paved the lot for dock staging.</p>	
<b>Finance Dept. Code:</b>	



**Designated Use:** Parking, restrooms and boathouse (Reso 16-043)  
**Acquisition History:**

<b>Area:</b> 0.93 acres	<b>Parcel Number:</b> 18103397
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**2009 Assessed Value:** \$446,700 (Land: \$358,900 Structures: \$107,800)

**Legal Description:** Homer Spit Subdivision Amended Homer Boathouse Replat Lot 28-A

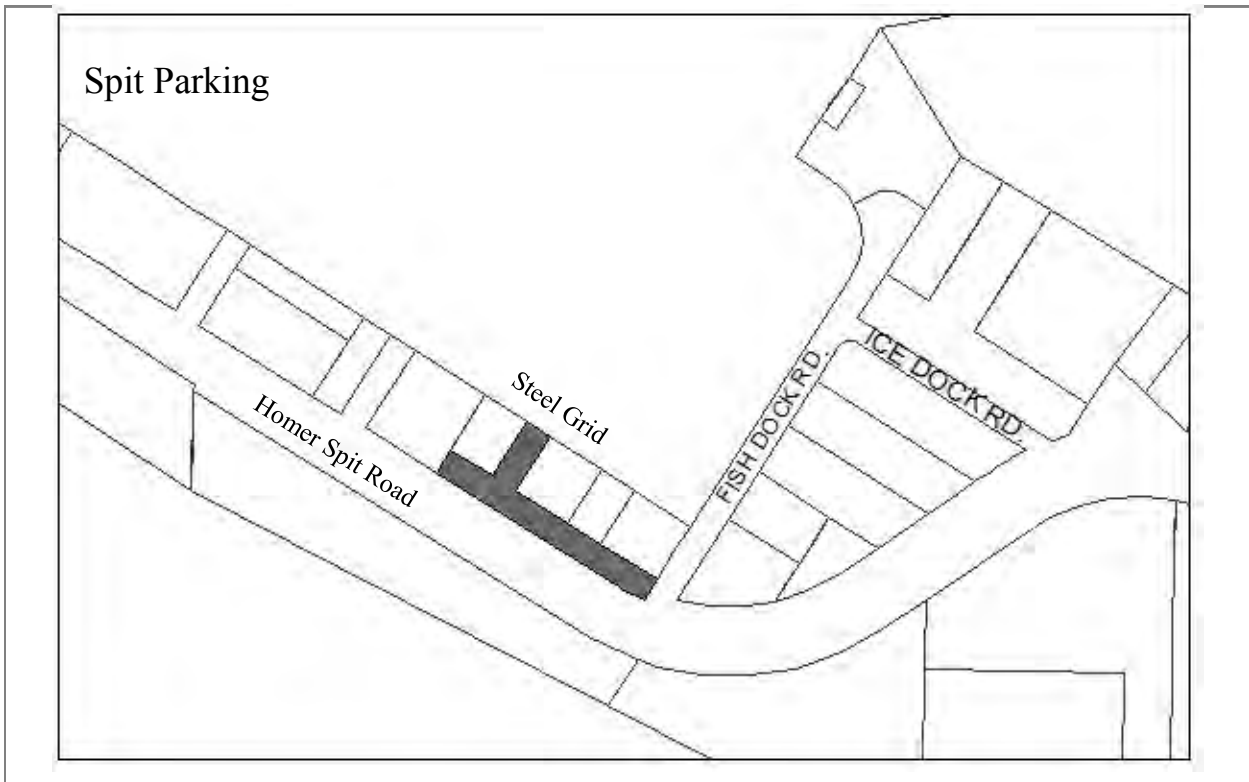
<b>Zoning:</b> Marine Commercial	
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**Infrastructure:** Paved road, gas, water and sewer

Restrooms built in 1974. Property was part of a Land and Water Conservation Fund Grant in 1972, Project #02-00072. Land may be required to remain parkland in perpetuity.

Former site of Harbormaster Office.  
 Boat house construction scheduled for 2017/18 on a portion of the property.

**Finance Dept. Code:**



**Designated Use:** Parking and Access  
**Acquisition History:**

<b>Area:</b> 0.6 acres	<b>Parcel Number:</b> 18103441
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**2015 Assessed Value:** \$173,700

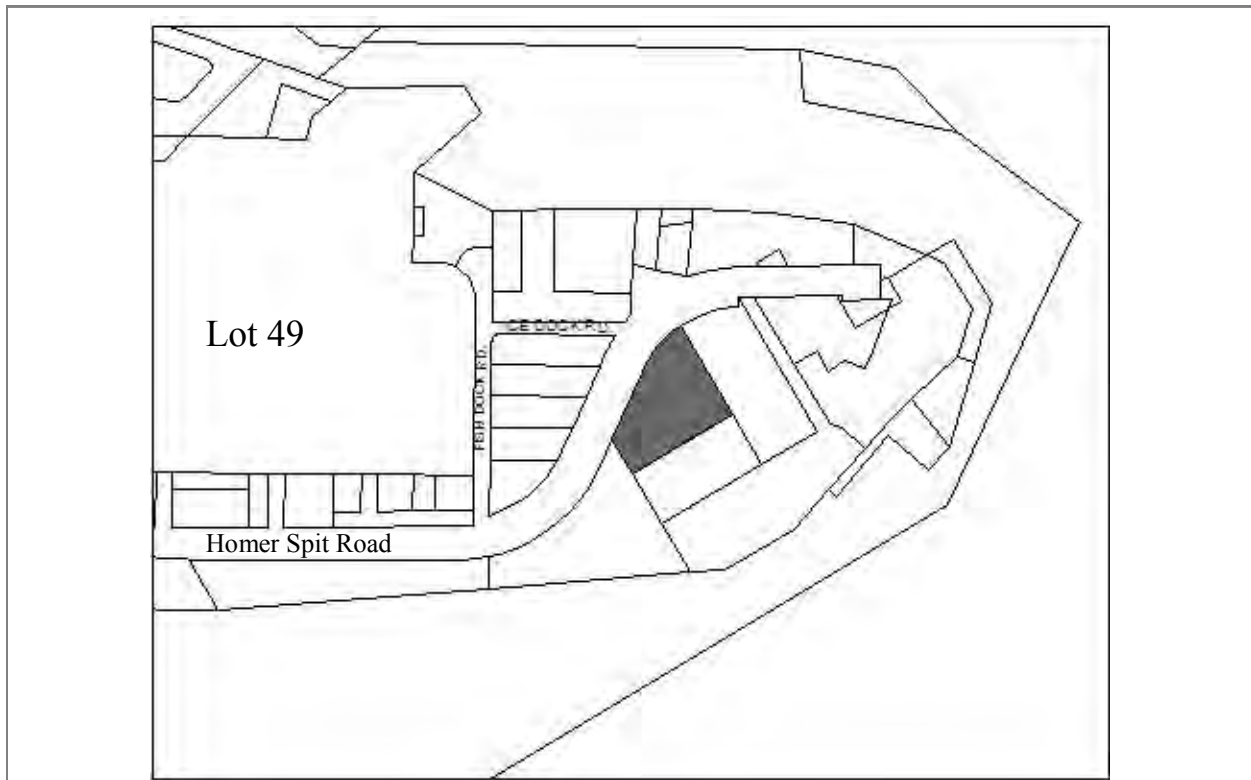
**Legal Description:** T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED PARKING AND ACCESS AREA

<b>Zoning:</b> Marine Commercial	<b>Wetlands:</b> N/A
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**Infrastructure:** Paved road

**Notes:**  
 Provides parking for adjacent businesses, and harbor access.

**Finance Dept. Code:**



**Designated Use:** Main Dock Staging  
**Acquisition History:**

<b>Area:</b> 2 acres	<b>Parcel Number:</b> 18103403
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**2015 Assessed Value:** \$712,000

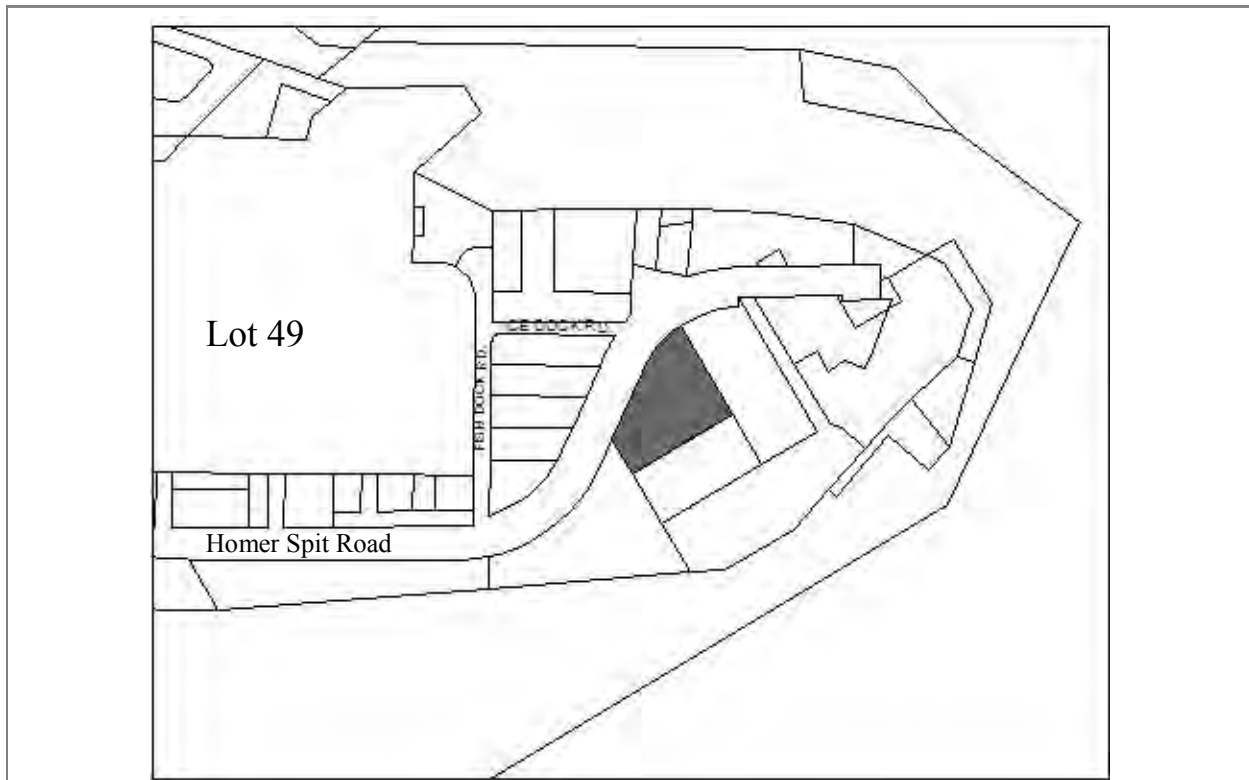
**Legal Description:** T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 49

<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
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**Infrastructure:** Paved road, gas, water and sewer

**Notes:**  
 Resolution 2007-51: Continue to use for dredge material dewatering.

**Finance Dept. Code:**



**Designated Use:** Main Dock Staging  
**Acquisition History:**

<b>Area:</b> 2 acres	<b>Parcel Number:</b> 18103403
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**2015 Assessed Value:** \$712,000

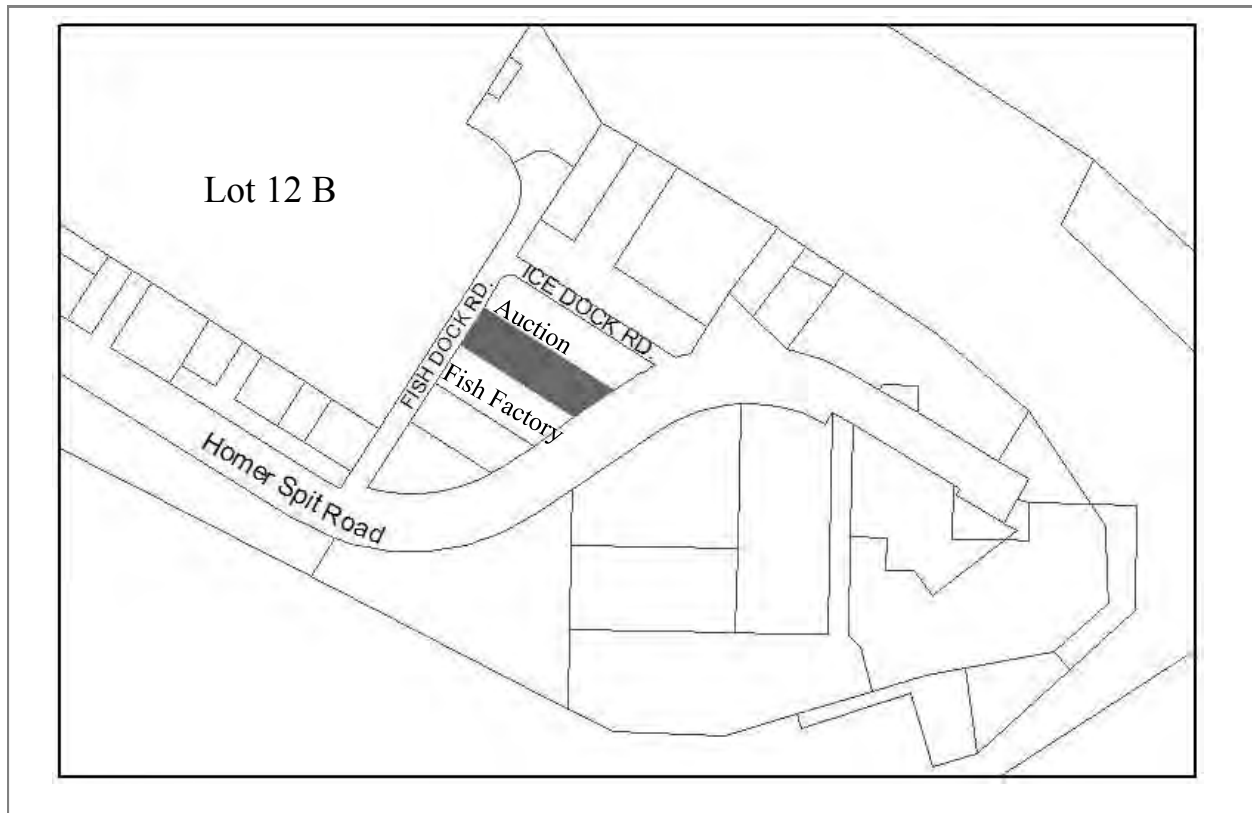
**Legal Description:** T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED LOT 49

<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
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**Infrastructure:** Paved road, gas, water and sewer

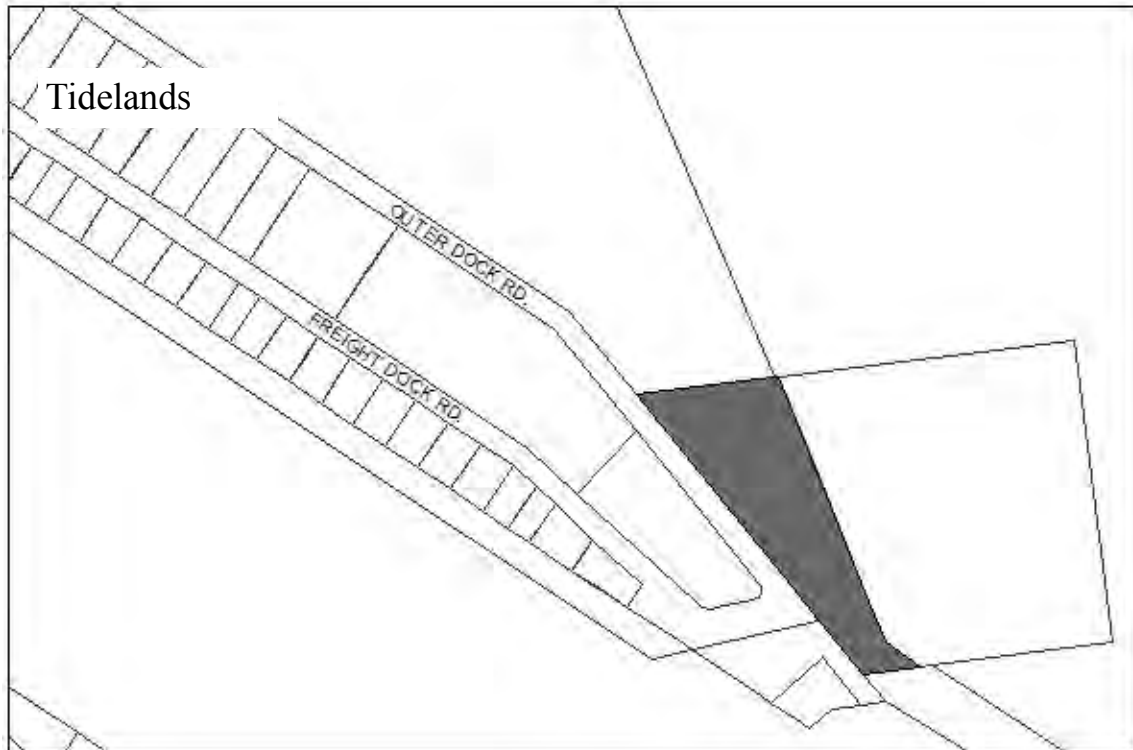
**Notes:**  
 Resolution 2007-51: Continue to use for dredge material dewatering.

**Finance Dept. Code:**



<b>Designated Use:</b> Leased Lands	
<b>Acquisition History:</b>	
<b>Area:</b> 0.68 acres	<b>Parcel Number:</b> 18103451
<b>2009 Assessed Value:</b> \$265,300	
<b>Legal Description:</b> City of Homer Port Industrial Subdivision No 4 Lot 12-B	
<b>Zoning:</b> Marine Industrial	
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b>
<p>Parcel has the fish grinder on it, and possibly a short term lease for storage from neighboring business. The whole parcel is not readily available for a long term lease.</p> <p>Resolution 09-33: Remove Lot 12-B City of Homer Port Industrial Subdivision No 4 from lots that may be leased until the drainage issues are resolved.</p> <p>Resolution 10-21: Administration is directed to address the drainage problems and usage of this lot.</p>	
<b>Finance Dept. Code:</b>	





**Designated Use:** Tidelands  
**Acquisition History:**

**Area:** 4.19 acres

**Parcel Number:** 18103213

**2017 Assessed Value:** \$6,000

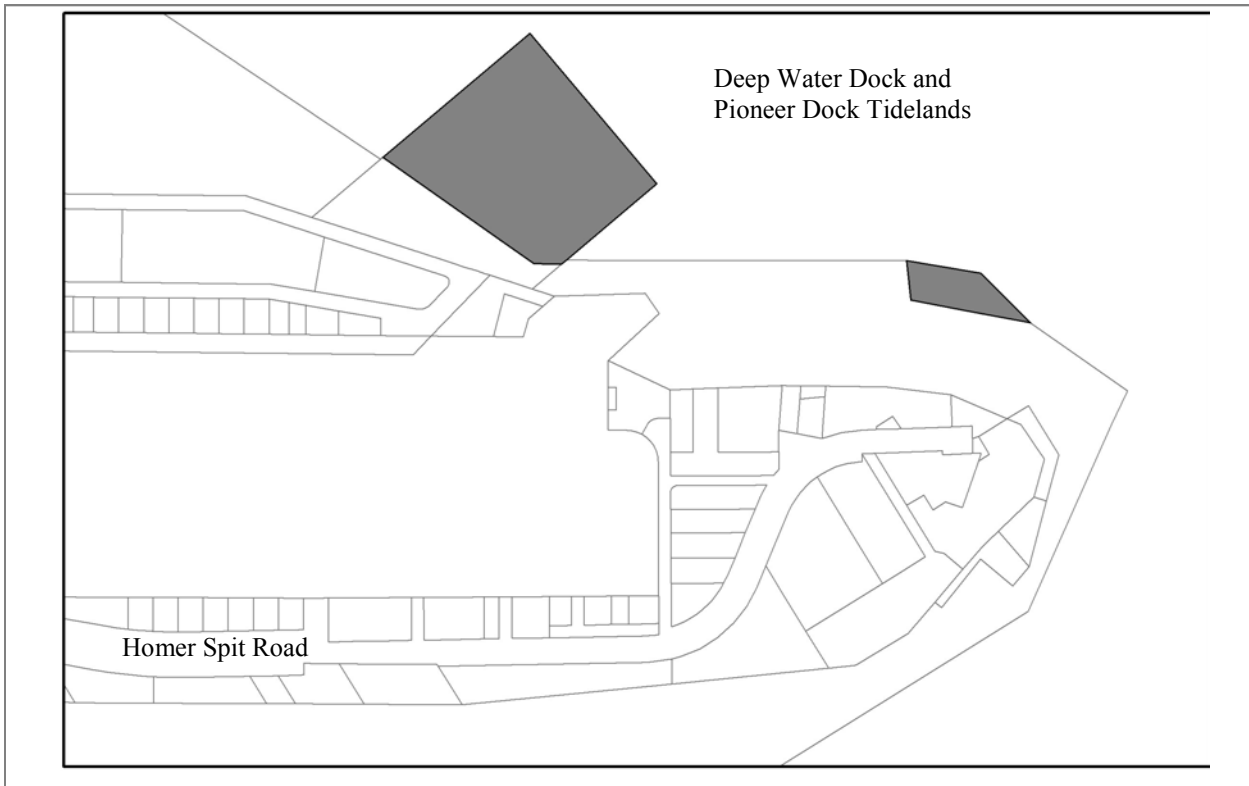
**Legal Description:** T 6S R 13W SEC 36 T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0920050 HOMER SPIT SUB NO TWO AMENDED TRACT A

**Zoning:** Not zoned

**Wetlands:** Tidelands

**Infrastructure:**

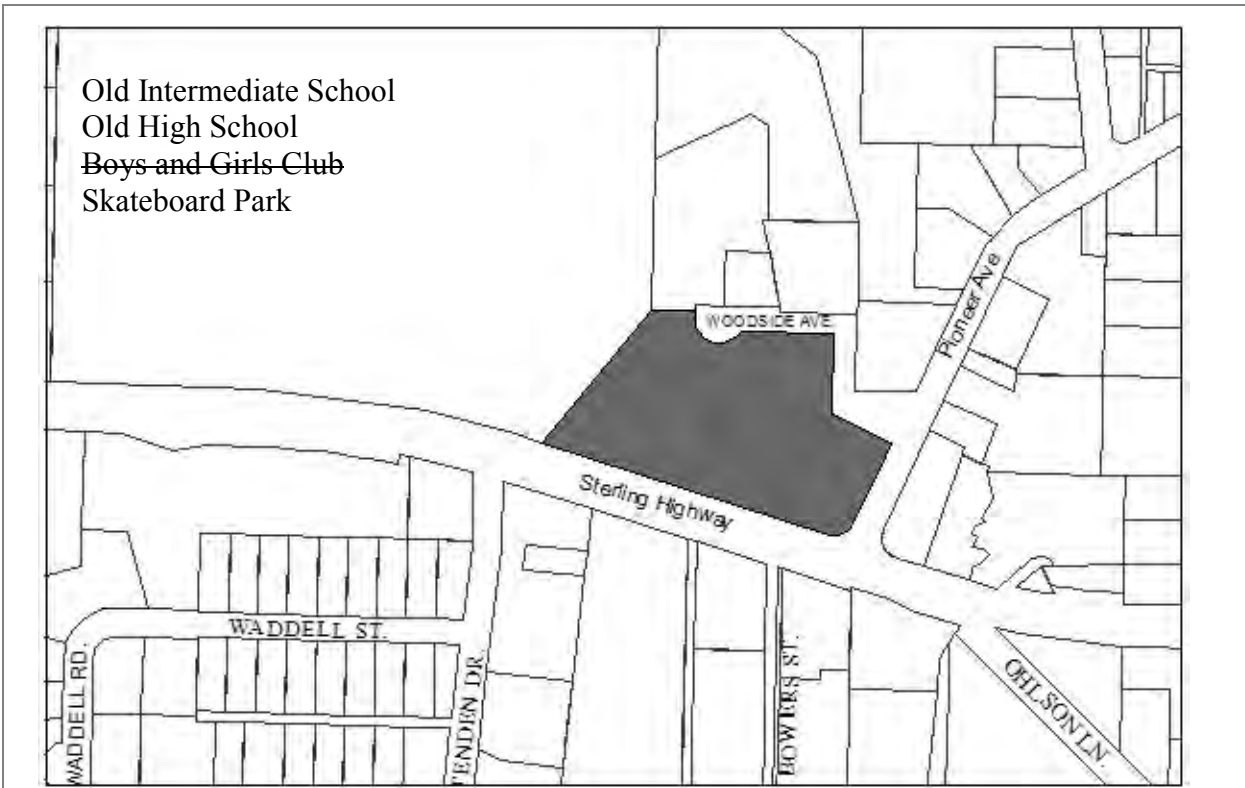
**Finance Dept. Code:**



<b>Designated Use:</b> Port and Harbor Use	
<b>Acquisition History:</b> Resolution 17-81	
<b>Area:</b> 11.91 acres, 1.37 acres	<b>Parcel Number:</b> 18103203, 18107005
<b>2017 Assessed Value:</b> \$6,113,100	
<b>Legal Description:</b> ATS 1373 and ATS 1603	
<b>Zoning:</b> Outside city limits	<b>Wetlands:</b> N/A
<b>Infrastructure:</b>	
<b>Notes:</b> Acquired from the State of Alaska	
<b>Finance Dept. Code:</b>	

## **Section D**

### **City Facilities and Other Lands**



**Designated Use:** Resolution 14-110, Designating the Homer Education and Recreation Complex (HERC) Site as the Location for the Proposed New Homer Public Safety Building

**Acquisition History:** Given to the City by KP.B. Old Middle School and HS. Reso 98-63

**Area:** 4.3 acres

**Parcel Number:** 17510070

**2015 Assessed Value:** \$4,809,400 (Land \$809,400 Structure, built in 1956 25,000 sq ft \$4,000,000)

**Legal Description:** HM2000022 T06S R13W S19 TRACT 2 HOMER SCHOOL SURVEY 1999 CITY ADDN

**Zoning:** Central Business District

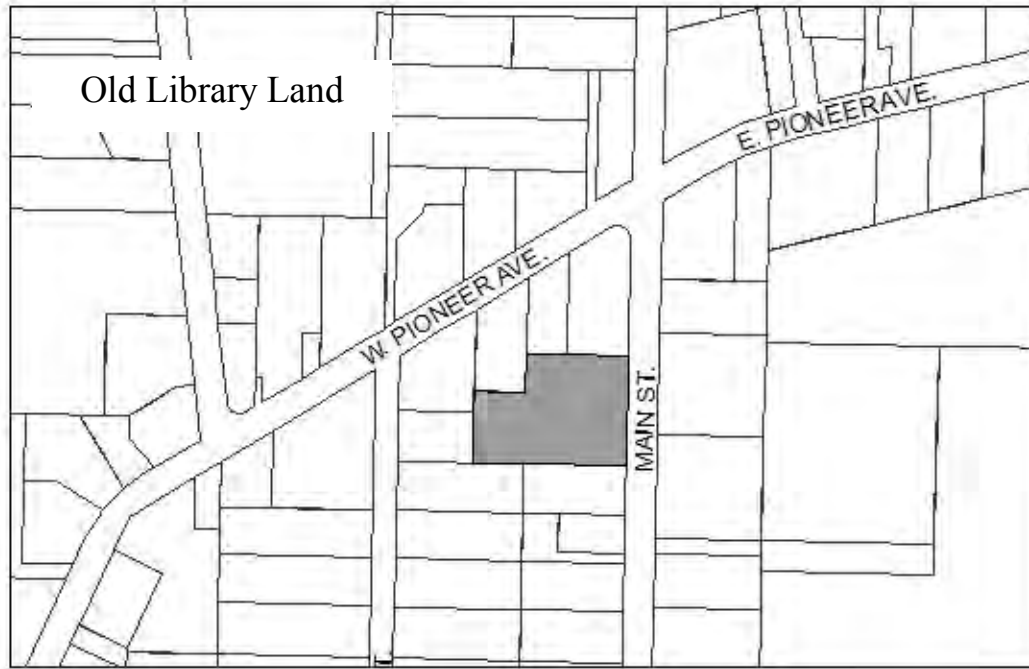
**Wetlands:** Creek on western edge

**Infrastructure:** Paved access and parking. Water and Sewer.

**Notes:**

- Skateboard Park on premises.
- Deed restrictions removed by Kenai Peninsula Borough, fall 2014

**Finance Dept. Code:** 170.0032 175.100.05



**Designated Use:** Sell.  
**Acquisition History:** Deed: Jewel July 1982 (back lot portion) Deed: Watson 1978 (library/Pioneer area)

<b>Area:</b> 1.31 acres	<b>Parcel Number:</b> 17514416
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**2016 Assessed Value:** \$277,700

**Legal Description:** T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2008016 HOMER PUBLIC LIBRARY NO 2 LOT 2

<b>Zoning:</b> Central Business District	<b>Wetlands:</b> Drainage and wetlands may be present
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**Infrastructure:** Paved road, water, sewer, natural gas

**Notes:** This land was formerly part of the old library site. The library building was subdivided onto its own lot, and sold. Intent is to sell the lot and pay down debt on the library loan. The City has been attempting to seel the land since 2007.

The land has a nice bay view, but would require stumping. Driveway access off of Main Street is very steep. It is likely significant dirt work would be needed to make this lot viable for commercial or multifamily development.

**Finance Dept. Code:**



**Designated Use:** Library. Resolution 2003-72  
**Acquisition History:** KPB Ord 93-09

**Area:** 5.25 acres

**Parcel Number:** 17710739, 17710740

**2015 Assessed Value:** \$7,973,300 (Land 829,800, Structure 7,503,600)

**Legal Description:** HM2005036 T06S R13W S20 TRACT B GLACIER VIEW SUB NO 26, HM2005036 T06S R13W S20 TRACT A GLACIER VIEW SUB NO 26

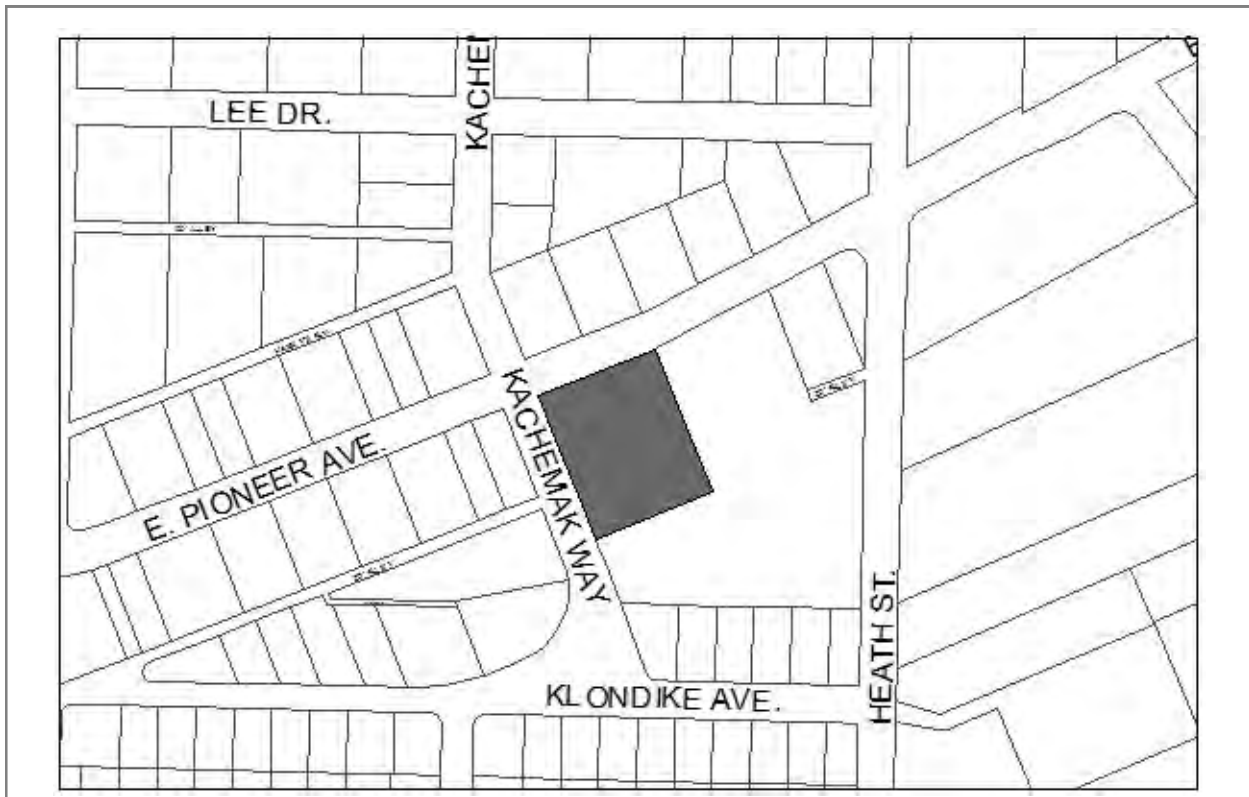
**Zoning:** Central Business District

**Wetlands:** Some wetlands present

**Infrastructure:** Paved road access, trail access, gas, water and sewer available.

**Notes:**

**Finance Dept. Code:**



**Designated Use:** City Hall  
**Acquisition History:** Purchased, Schoulz 12/31/86

<b>Area:</b> 1.12 acres	<b>Parcel Number:</b> 17720408
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**2015 Assessed Value:** \$2,067,700 (Land 241,200 Structure 2,206,700)

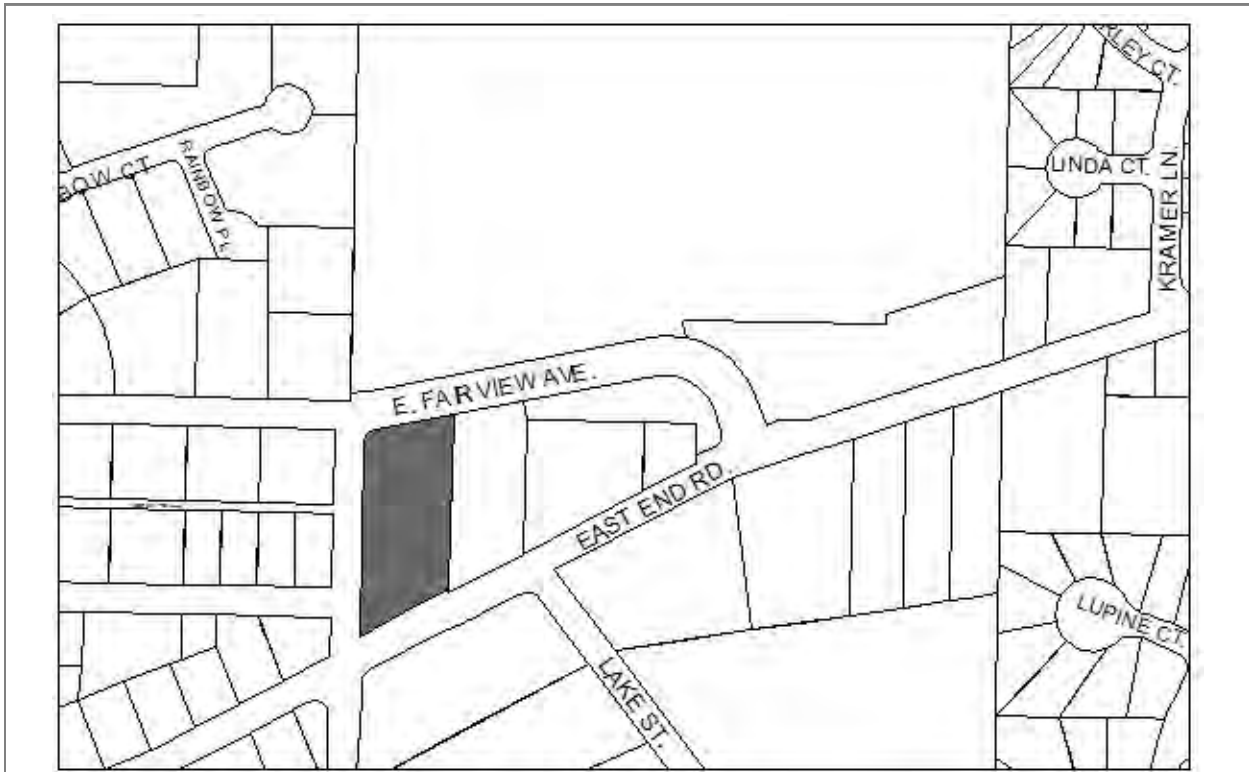
**Legal Description:** HM2004048 T06S R13W S20 Glacier View Subdivision Campus Addition Lot 6-A-2

<b>Zoning:</b> Central Business District	<b>Wetlands:</b> None
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**Infrastructure:** Paved road access, gas, water and sewer.

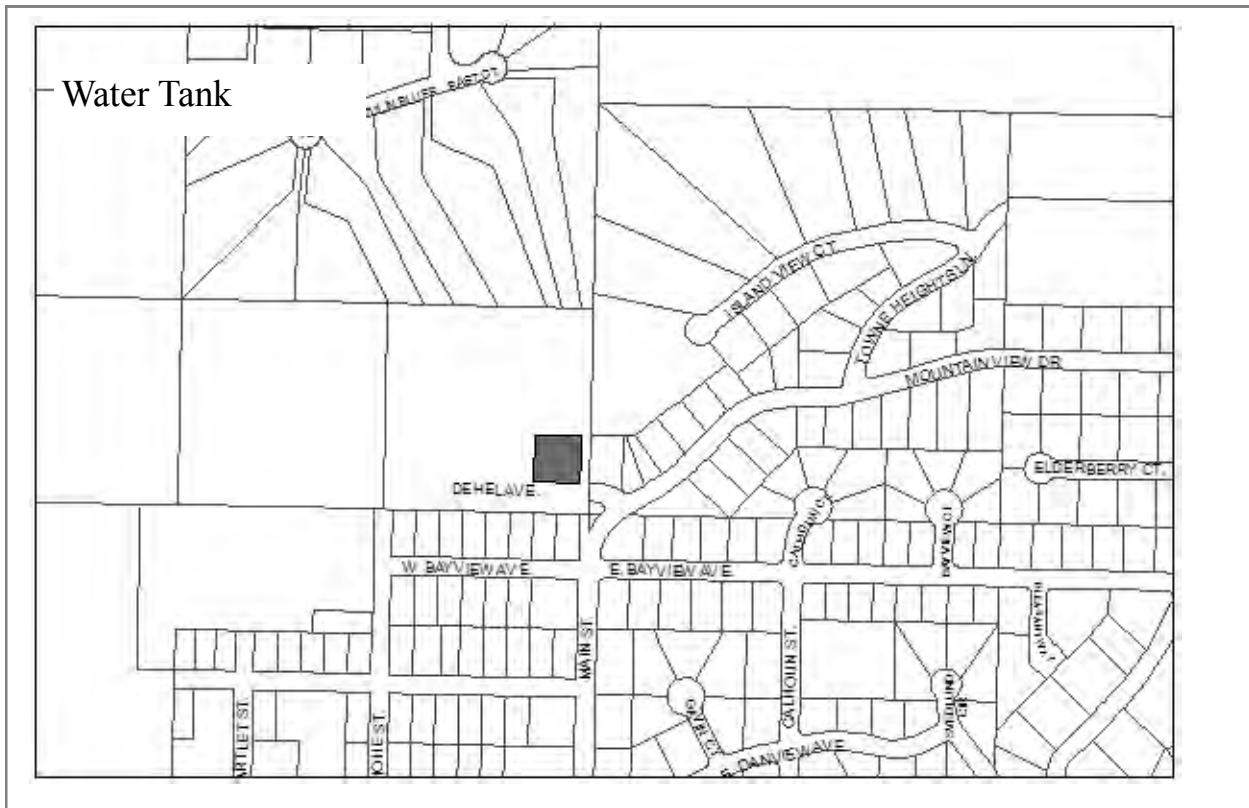
**Notes:** New addition and remodel 2011/12. Lower parking area paved.

**Finance Dept. Code:**



<b>Designated Use:</b> Police and fire stations	
<b>Acquisition History:</b> Straub Warr Deed 4/74, partial purchase Straub 4/5/74	
<b>Area:</b> 1.57 acres	<b>Parcel Number:</b> 17702057
<b>2009 Assessed Value:</b> \$2,391,400 ( Land: \$326,900 Structure: \$2,064,500)	
<b>Legal Description:</b> HM 0870011 NEW HOMER HIGH SCHOOL NO 2 Tract 1-B	
<b>Zoning:</b> Central Business District	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, Sewer, Paved access	
<b>Notes:</b>	
<b>Finance Dept. Code:</b>	





**Designated Use:** Water Tank (A Frame Tank)  
**Acquisition History:** Dehel Deed 6/1/65

**Area:** 0.5 acres

**Parcel Number:** 17504011

**2015 Assessed Value:** \$345,800 (Land: \$34,100, Structure (water tank))

**Legal Description:** HM T06S R13W S18 N 150 FT OF THE S 250 FT OF THE E 180 FT OF THE NE1/4 SE1/4

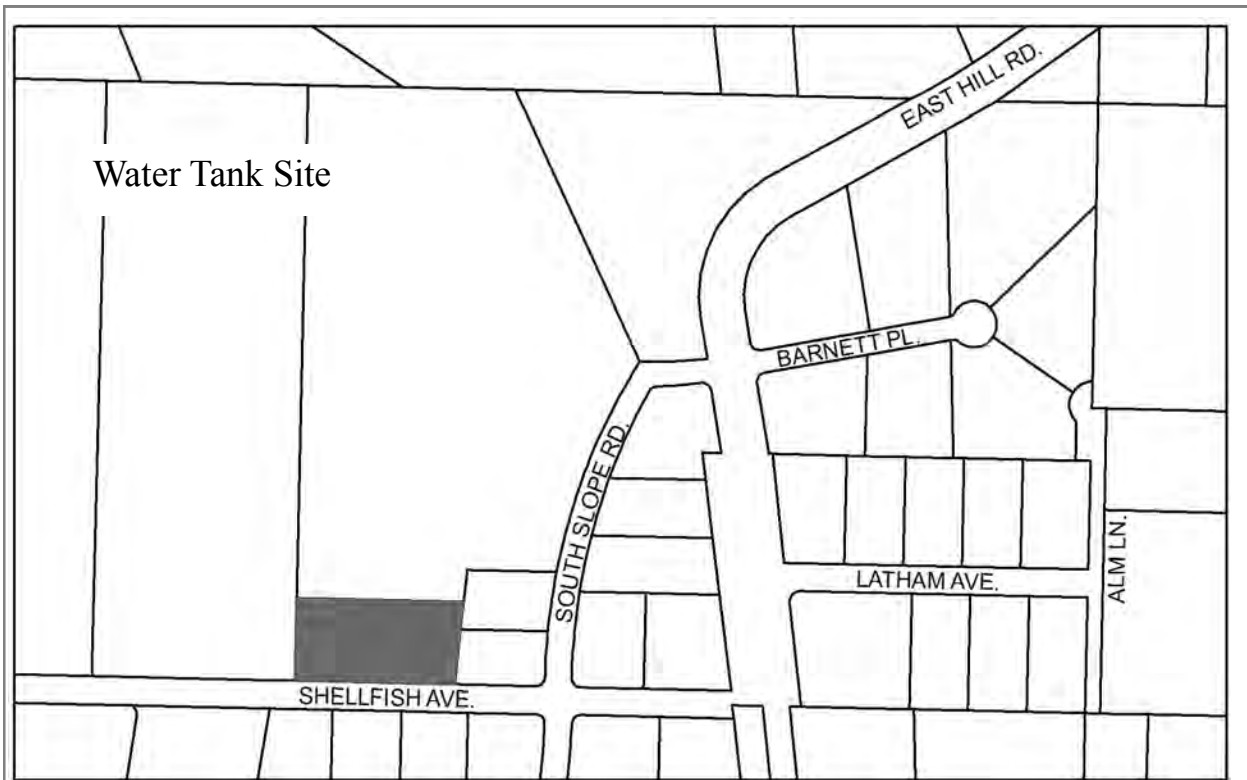
**Zoning:** Rural Residential

**Wetlands:** Possible drainage through site

**Infrastructure:** N/A

**Notes:**

**Finance Dept. Code:**



**Designated Use:** Future Water Tank  
**Acquisition History:** Ordinance 14-39

**Area:** 1.5 acres

**Parcel Number:** 17701009

**2015 Assessed Value:** \$98,000

**Legal Description:** T6S R13W SEC 17 SEWARD MERIDIAN HM 2014023 BARNETT SUB QUIET CREEK ADDN 2014 TRACT A2

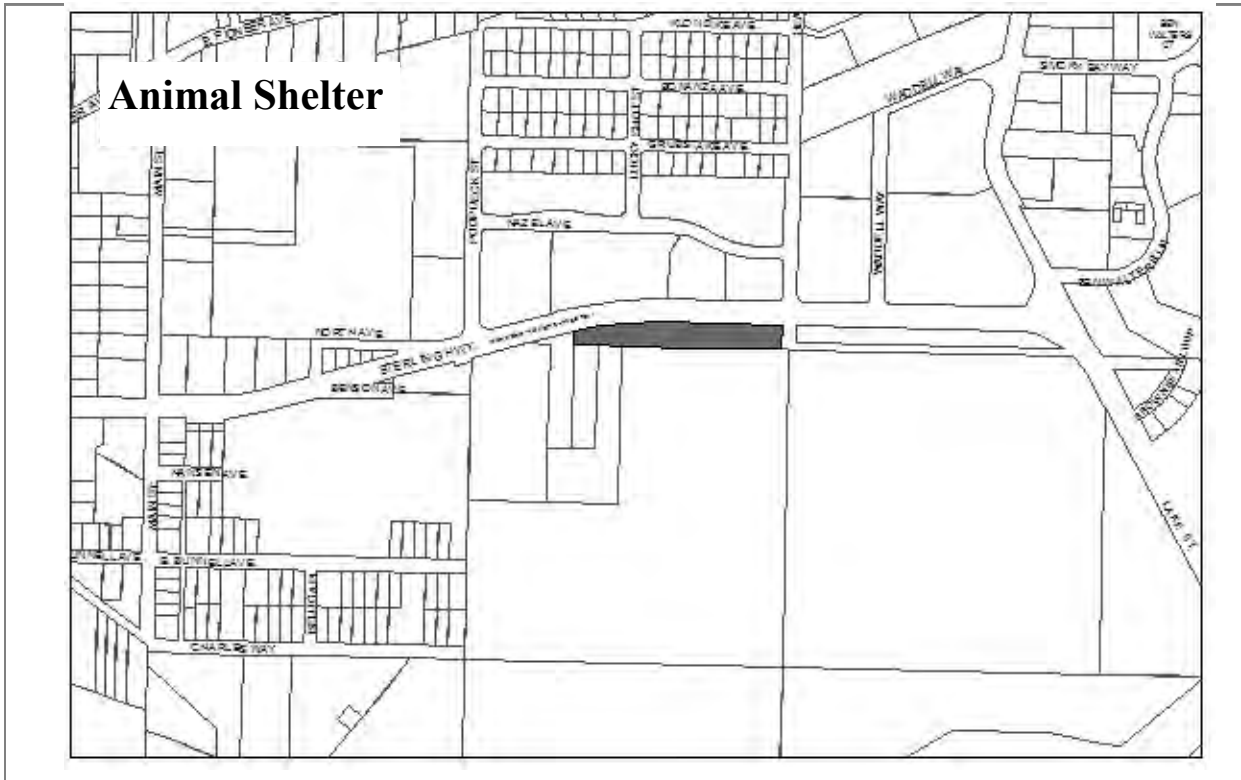
**Zoning:** Rural Residential

**Wetlands:**

**Infrastructure:** N/A

**Notes:** Future location of a new water tank. Project is shovel ready if federal funding becomes available.

**Finance Dept. Code:**



**Designated Use:** Animal Shelter  
**Acquisition History:** Heath Deed 3/10/71

<b>Area:</b> 1.85 acres	<b>Parcel Number:</b> 17714020
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**2015 Assessed Value:** \$1,515,300 (Land \$378,900, Structure \$1,136,400)

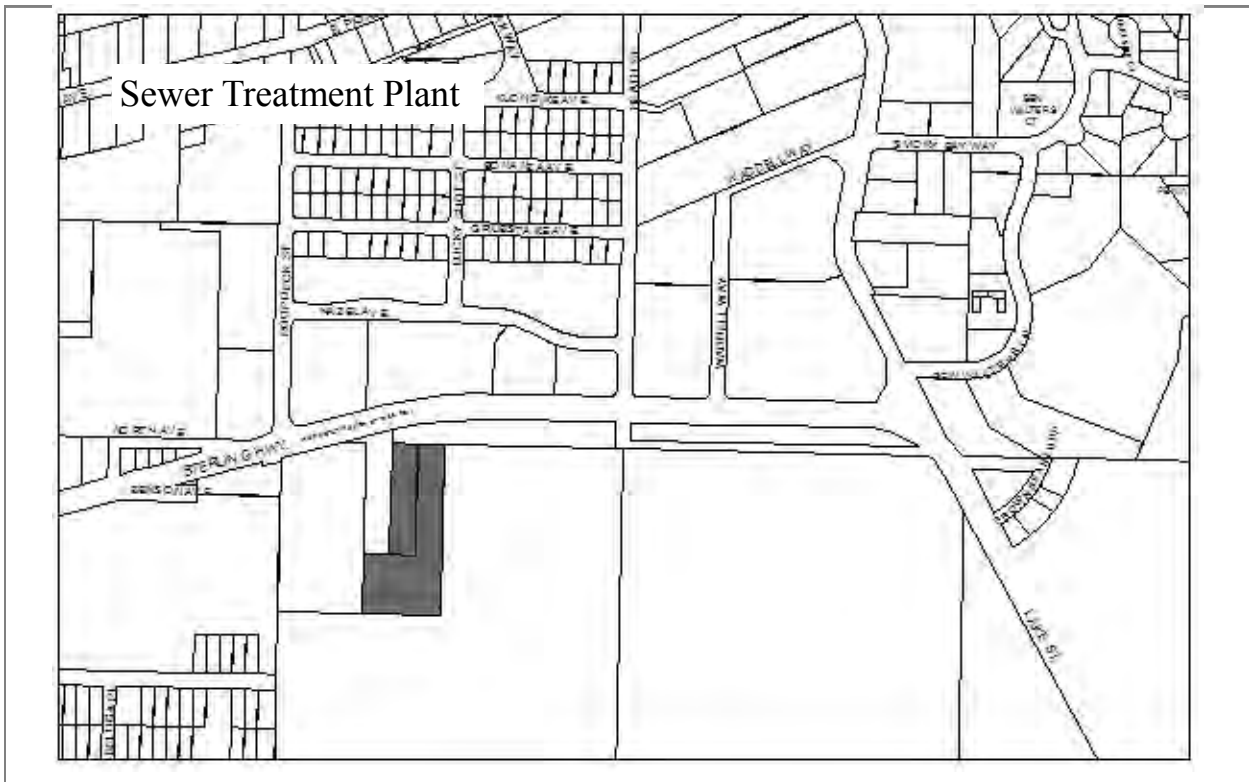
**Legal Description:** Glacier View Subdivision No 18 Lot 1

<b>Zoning:</b> Central Business District	<b>Wetlands:</b> N/A
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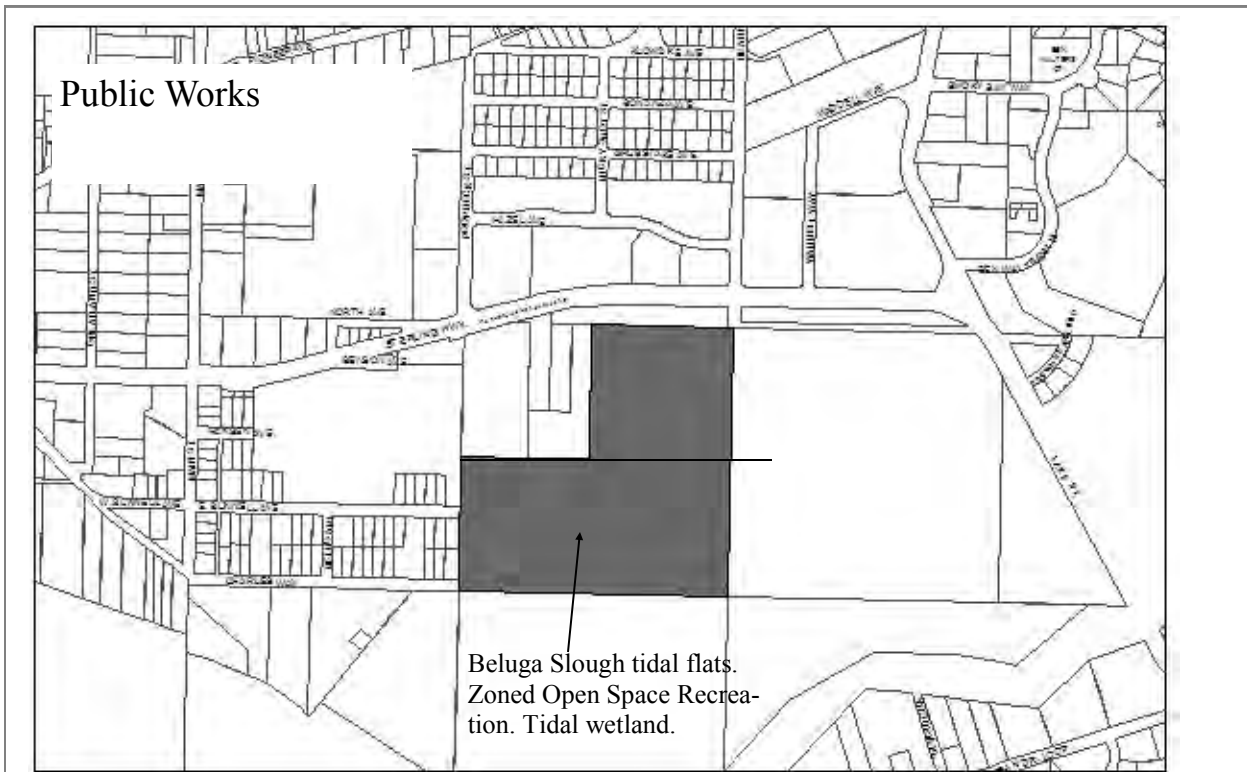
**Infrastructure:** Water, Sewer, gas, gravel access via Public Works

**Notes:** Also includes landscaped area along the Sterling Highway maintained by Parks and Recreation, and named Superintendent's Park.  
 Constructed in 2004. 3,828 sq feet.

**Finance Dept. Code:**



<b>Designated Use:</b> Sewage Treatment	
<b>Acquisition History:</b> see below	
<b>Area:</b> 4.08 acres	<b>Parcel Number:</b> 177140 14, 15
<b>2009 Assessed Value:</b> \$3,429,700 (Land: \$813,800 Structures/Improvements: \$2,615,900)	
<b>Legal Description:</b> T 6S R 13W SEC 20 SEWARD MERIDIAN HM POR PER E1/2 NW1/4 NE1/4 SW1/4 PER D-60-164, T 6S R 13W SEC 20 SEWARD MERIDIAN HM THAT PORTION OF E1/2 NW1/4 NE1/4 SW1/4 PER D-60 @ 05	
<b>Zoning:</b> Central Business District	<b>Wetlands:</b> Yes
<b>Infrastructure:</b> Water and Sewer. Access via PW complex	
<p><b>Notes:</b>                  Acquisition:                  17414014: Mitchell Warr Deed 1/9/84                  17714015: Heath/Whitmore Deed 3-71</p> <p>2008 Resolution 08-48 recommends a replat to vacate common lot lines. Resolution 10-35(A) Replat the Sewer Treatment Plant lots to vacate the common lot line. Staff note: additional funding is required to pay for replatting.</p> <p>Lower section within a FEMA mapped flood hazard area.</p>	
<b>Finance Dept. Code:</b>	



**Designated Use:** Public Works  
**Acquisition History:** Heath Dead 3/10/71

<b>Area:</b> 30 acres	<b>Parcel Number:</b> 17714016
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**2015 Assessed Value:** \$3,284,500 (Land: \$1,812,100, Structures: \$1,472,300)

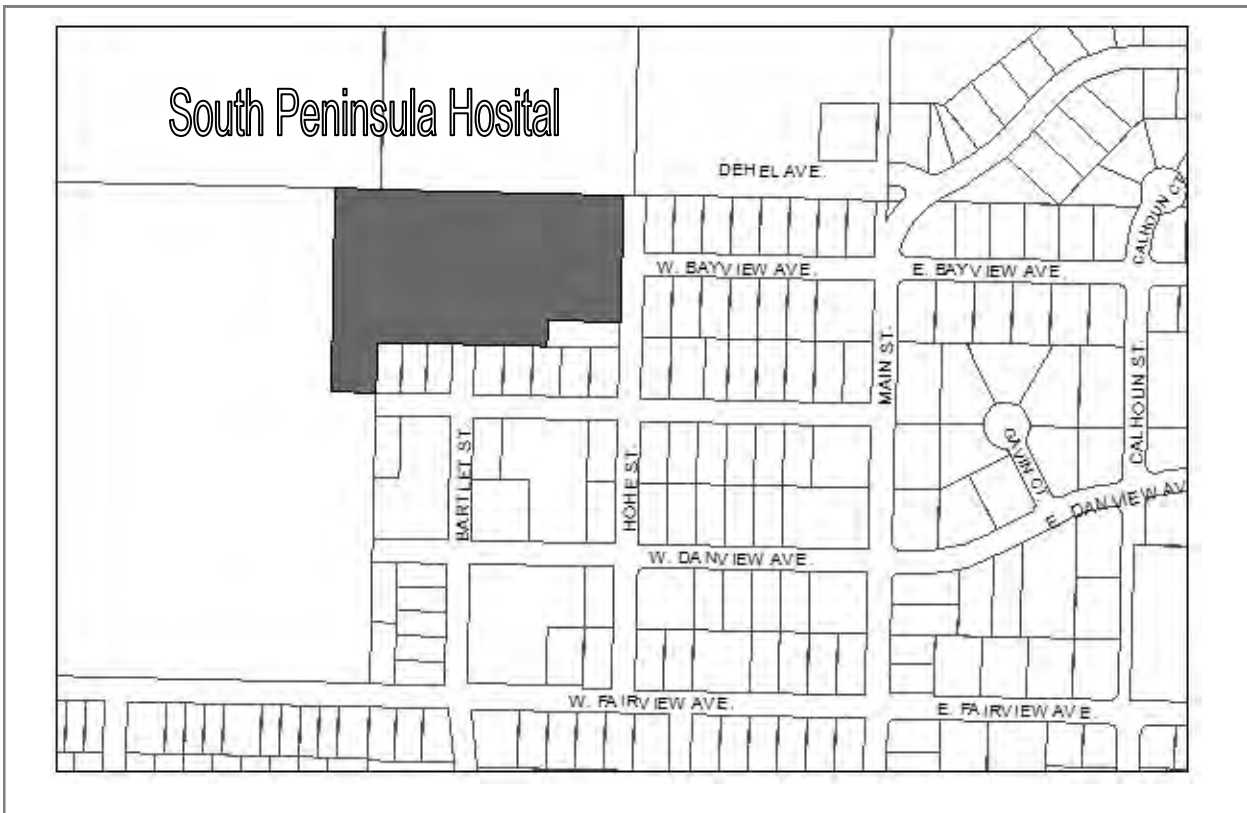
**Legal Description:** T 6S R 13W 4EC 20 SEWARD MERIDIAN HM NE1/4 NE1/4 SW1/4 & S1/2 NE1/4 SW1/4

<b>Zoning:</b> Central Business/Open Space	<b>Wetlands:</b> Yes
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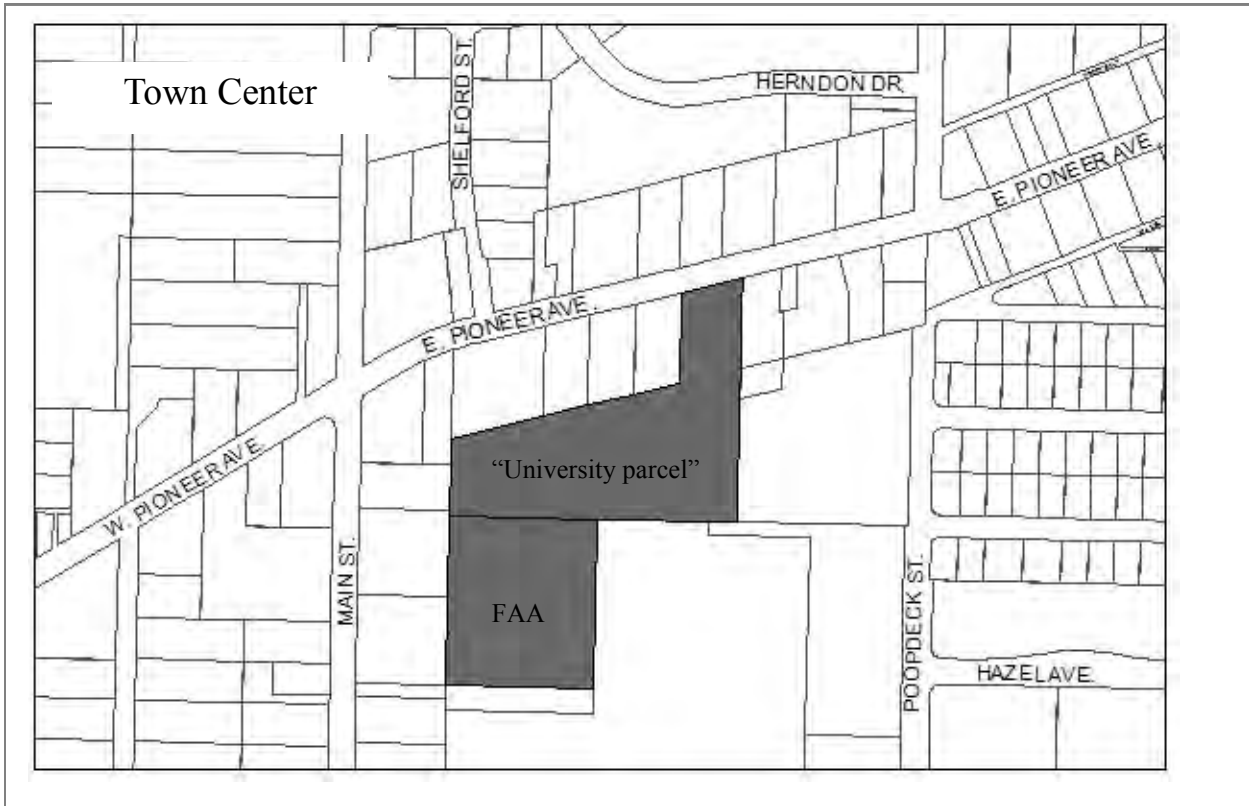
**Infrastructure:** Paved Road, water and sewer

**Notes:**  
 Within a FEMA mapped flood hazard area.  
 Lower portion of lot also nominated for inclusion in the Western Hemisphere Shorebird Reserve network, Resolution 15-064.  
 2015/16: Equipment shed constructed, Conditional Use Permit 15-02.

**Finance Dept. Code:**



<b>Designated Use:</b> South Peninsula Hospital	
<b>Acquisition History:</b>	
<b>Area:</b> 7.12 acres	<b>Parcel Number:</b> 17504024
<b>2012 Assessed Value:</b> \$19,943,500 (Land \$256,400, Structures \$19,687,100)	
<b>Legal Description:</b> HM02008092T06S R13W S18 SOUTH PENINSULA HOSPITAL SUB 2008 Addition Tract A2	
<b>Zoning:</b> Residential Office	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	
<b>Notes:</b> Ordinance 2006-036 leased the land to the Kenai Peninsula Borough for 99 years. Structure is owned by KPB.	
<b>Finance Dept. Code:</b>	



**Designated Use:** UA land: Land was sold to the City by UA with the intent it would be used for town center. FAA site: Held for possible UA/state shared consortium library agreement and land trade for land at Bridge Creek. Resolution 14-084 Identifying Homer FAA Site Sub Tract 38A in the Town Center as a Viable Location for a Community Center.

**Acquisition History:** UA: Ord 03-61 purchase.

**Area:** 7.71 acres

**Parcel Number:** 17719209, 17708015

**2009 Assessed Value:** \$520,200

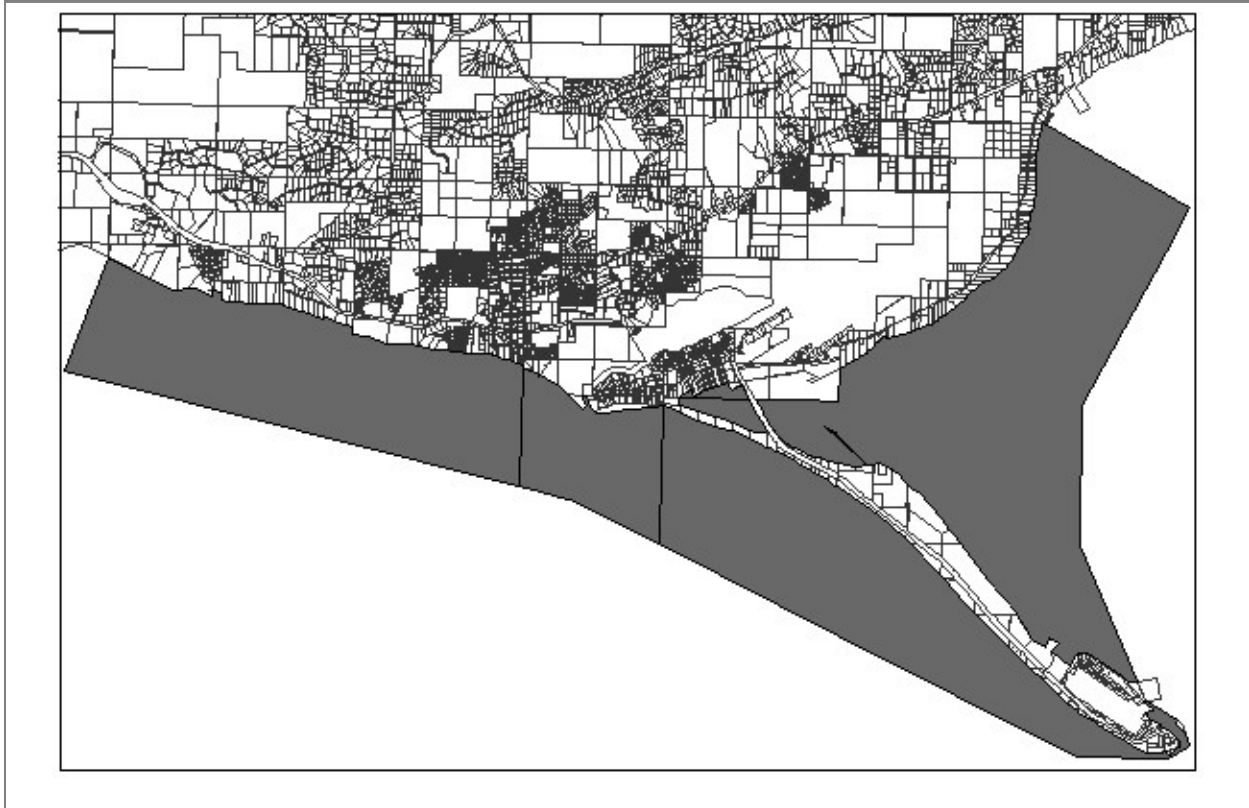
**Legal Description:** Homer FAA Site Sub Tract 38A, UA lot: Portion of Nils O Svedlund Sub lot 7 tract B, long legal.

**Zoning:** Central Business District

**Wetlands:** City had a wetland delineation done in 2006. There is about a 1/2 acre of wetlands between the two sites.

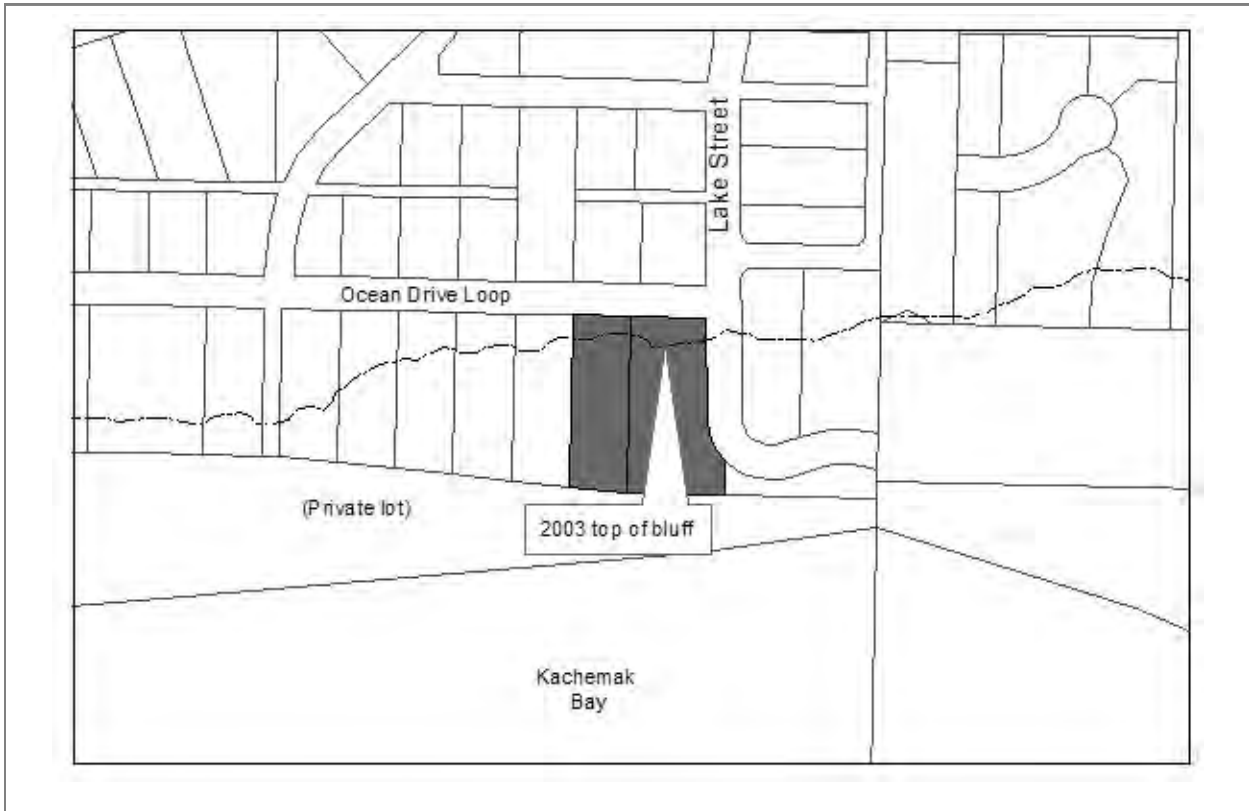
**Infrastructure:** Must be built as land is developed.

**Finance Dept. Code:**



<b>Designated Use:</b> Tidelands	
<b>Acquisition History:</b>	
<b>Area:</b> 6,784 acres	<b>Parcel Number:</b> 18107001, 17728001, 17528001 1810125, 1810126
<b>2012 Assessed Value:</b> \$22,345,000	
<b>Legal Description:</b> Portions of ATS 612	
<b>Zoning:</b> Not zoned	<b>Wetlands:</b>
<p>17728001—HM0742265 T06S R13W S29 ALASKA TIDELAND SURVEY 612 . 499.54 acres, \$83,200 assessed value. Patent title 1977, 84-25 Annexed by City.</p> <p>17528001 HM0770064 T06S R14W S30 ALASKA TIDELANDS SURVEY NO 612 POR SEC 23 24 &amp; POR SEC 19 &amp; 30. 1641.24 acres. Assessed Value: \$83,400. City Granted Title 1977 under Preference Right effective 1/3/59 Ord 84-25 Annexed by City.</p> <p>18107001—HM0770064 T07S R13W S14 ALASKA TIDELANDS SURVEY 612 THAT PORTION LYING WITHIN SEC 13 &amp; 14 &amp; 22 THRU 24 &amp; 26 THRU 28 &amp; 33 THRU 36 OF T06SR13W &amp; WITHIN SEC 1 &amp; 2 OF T07SR13W EXCLUDING THAT PORTION OF TIDELANDS VESTED TO STATE OF ALASKA &amp; EXCE. 4753 acres. \$20,890,100, includes Pioneer Dock improvements</p> <p>Patent 1974 002459-0 Book 80 Page 171                  Mariner Park and Mud Bay were nominated by the City as Western Hemisphere Shorebird Reserve Sites in 1994 ("whissern" ). They are recognized as sites of international importance. <a href="http://www.whsrn.org/">http://www.whsrn.org/</a></p>	
<b>Finance Dept. Code:</b>	





**Designated Use:** Sell (Resolution 2009-33)  
**Acquisition History:** Tax foreclosure (seawall) KPB Ord 02-41

**Area:** 1.66 acres **Parcel Number:** 177177-06, 07

**2009 Assessed Value:** \$51,500 (combined value)

**Legal Description:** Lot 43 and 44, Oscar Munson Subdivision

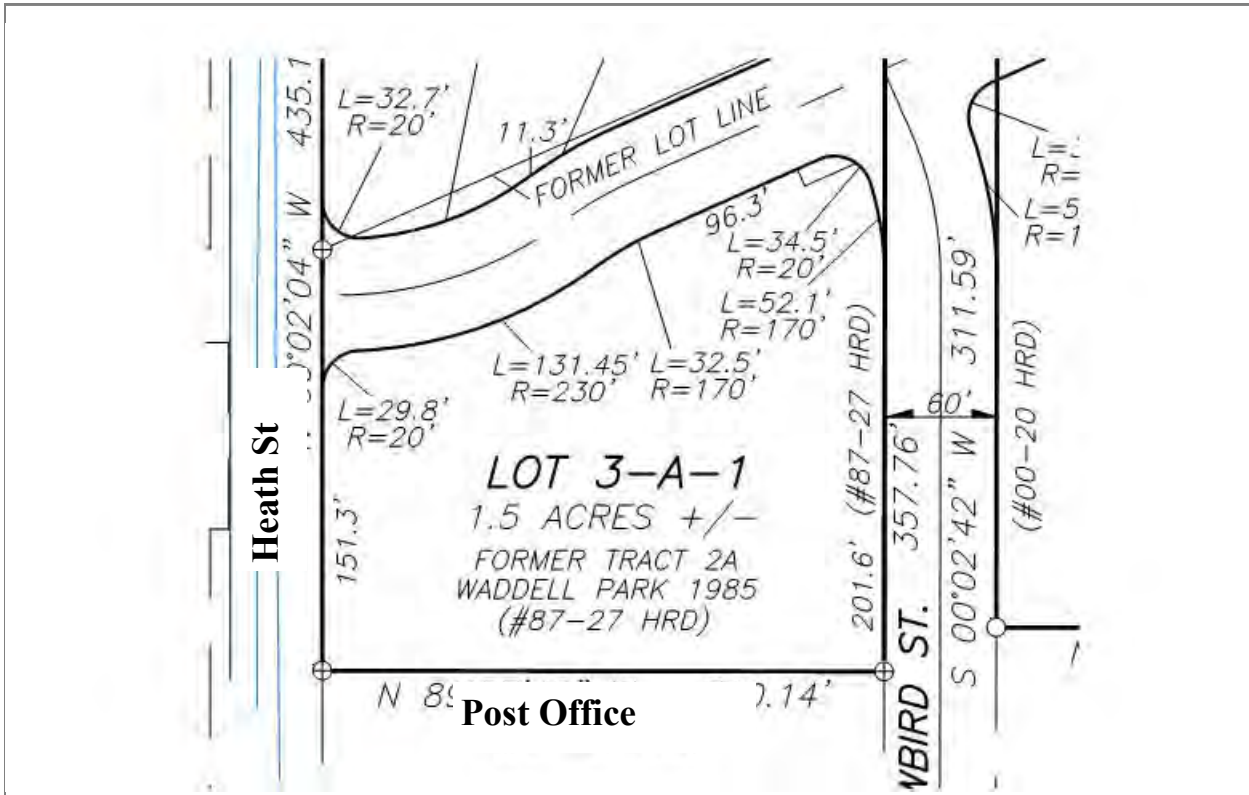
**Zoning:** Rural Residential **Wetlands:** Most of these lots are tidal and critical habitat.

**Infrastructure:** Gravel road, water and sewer, seawall.

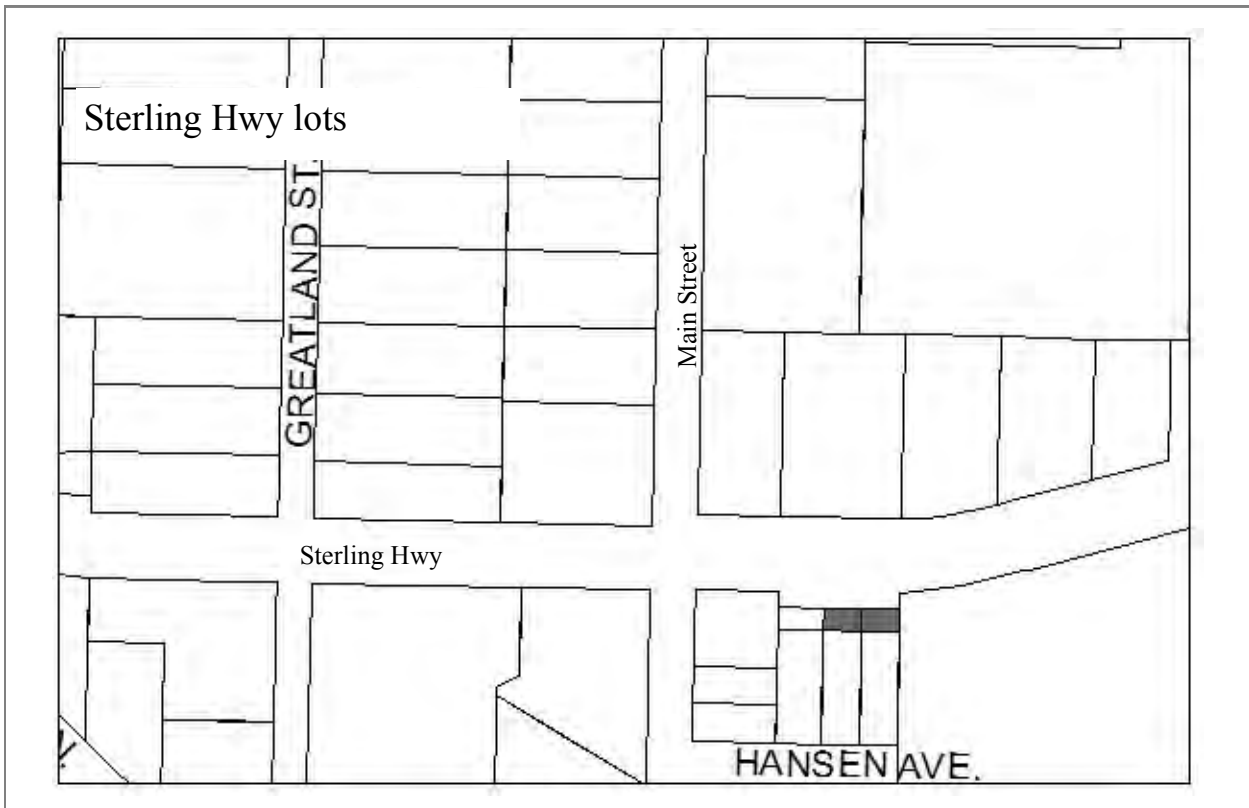
**Notes:** These lots contain seawall frontage. There is little to any developable area. There continues to be bluff erosion above the seawall on these lots. There are seawall and LIS assessments due on these properties. Contact Finance for payoff amounts. No commercial appraiser was willing to conduct an appraisal.

Resolution 2009-33: Sell Lots 43 and 44 Oscar Munson Subdivision.  
 February 2012 update: City Manager will put the lots out to bid in the spring, using the Borough assessment as the minimum bid instead of an appraisal. No local appraisers were able to appraise the property because there are no comparable properties, and the land has limited to no value for residential development.

**Finance Dept. Code:**



<b>Designated Use:</b> Sell, Ordinance 15-30	
<b>Acquisition History:</b> Purchased	
<b>Area:</b> 1.5 acres	<b>Parcel Number:</b> 17712034
<b>2017 Assessed Value:</b> \$145,100	
<b>Legal Description:</b> T 06S R 13W SEC 20 Seward Meridian HM 2016021 WADDELL PARK 2016 REPLAT LOT 3- A-1	
<b>Zoning:</b> CBD	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> full utilities, Grubstake extension will include paved road and sidewalk.	
<b>Notes:</b> Road construction in 2016. Project funding from State appropriation and matching City HART funds.	
<b>Finance Dept. Code:</b>	



**Designated Use:** Undesignated  
**Acquisition History:** Detling Deed 6/10/82

<b>Area:</b> 0.03 acres each. Total of 2,613 sq ft	<b>Parcel Number:</b> 177154 02, 03
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**2015 Assessed Value:** \$1,400

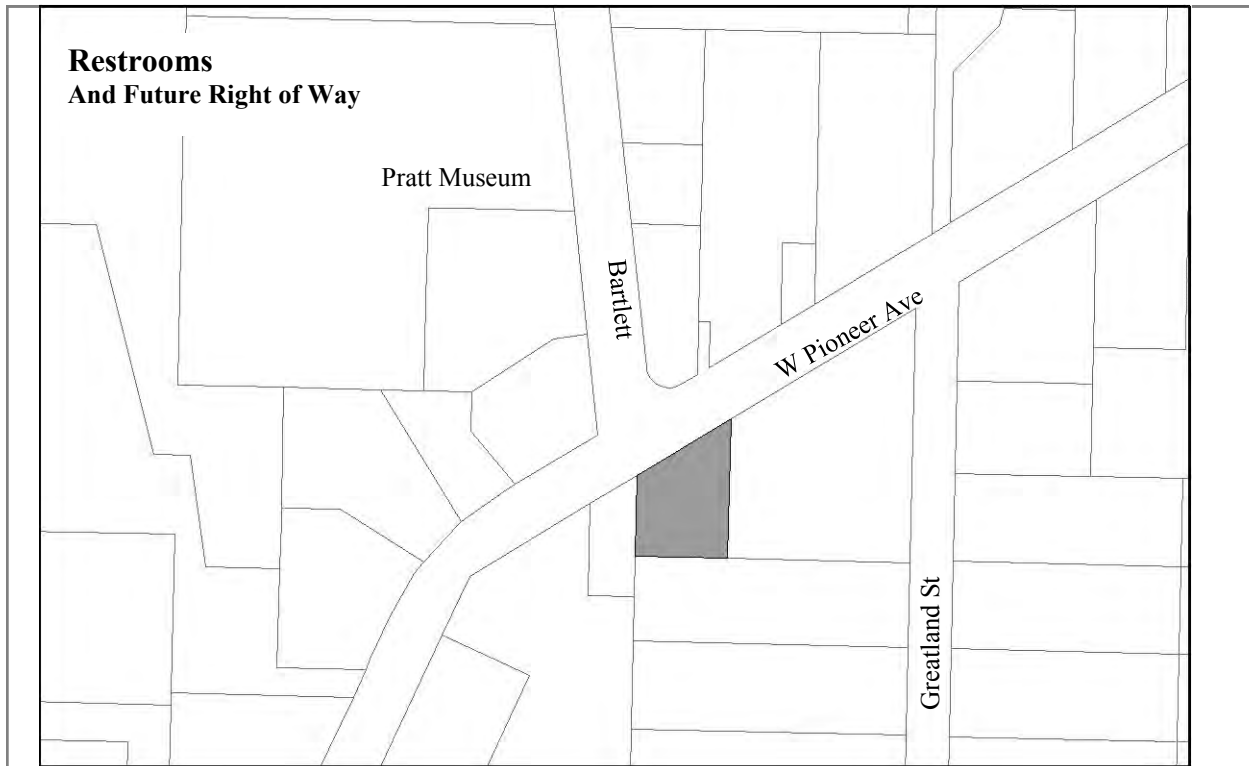
**Legal Description:** T6S R 13W SEC 20 SEWARD MERIDIAN HM 0670365 W R BENSON SUB AMENDED LOT 46 EXCLUDING HOMER BY-PASS ROAD, T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0670365 W R BENSONS SUB AMENDED LOT 47 EXC HOMER BY-PASS RD\*

<b>Zoning:</b> Central Business District	<b>Wetlands:</b> Possibly. Lots are steep.
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**Infrastructure:** Paved Road and sidewalk

**Notes:** Lots are steep; they run from the Sterling Highway grade down the slope to the adjoining property. Lot dimensions are approximately 50'x30'.

**Finance Dept. Code:**



**Designated Use:** Restroom and Future right of way  
**Acquisition History:** Ordinance 2012-42

<b>Area:</b> 0.27 acres	<b>Parcel Number:</b> 17514301
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**2015 Assessed Value:** \$58,800

**Legal Description:** T 6S R 13W SEC 19 SEWARD MERIDIAN HM 0000049 BUNNELLS SUB LOT 75

<b>Zoning:</b> Central Business District	<b>Wetlands:</b> Yes
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**Infrastructure:** Paved Road, water and sewer

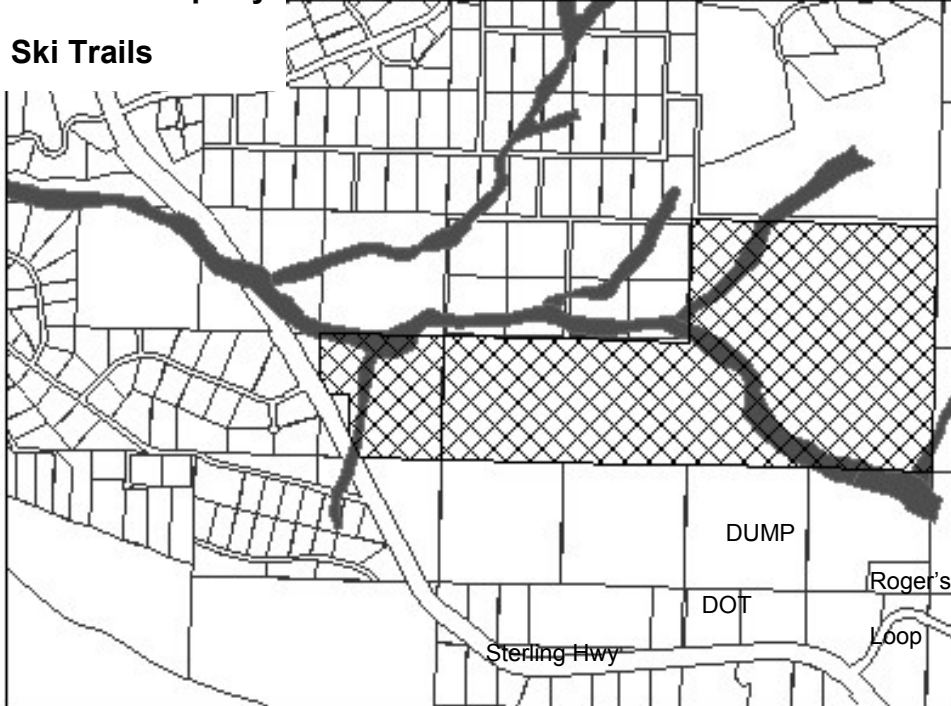
**Notes:**  
 Public restroom constructed 2013-2014  
 Future road extension for Bartlett.

**Finance Dept. Code:**

# **Section E**

Parks + Beaches  
Cemeteries + Green Space

**Diamond Creek Property**



**Designated Use:** Public Purpose for park land  
**Acquisition History:** Ordinance 07-03. Forest Legacy grant/KHLT/long term public ownership

**Area:** 273 acres (240 acres and 33 acres)      **Parcel Number:** 17302201, 17303229

**2015 Assessed Value:** \$325,100

**Legal Description:** HM T06S R14W S09 SE1/4 EXCLUDING THE W1/2 SW1/4 SE1/4 SE1/4 and HM T06S R14W S10 SE1/4 & S1/2 SW1/4.

**Zoning:** Not in city limits      **Wetlands:** Yes. Diamond Creek flows through these lots. Larger lot is mostly wetland.

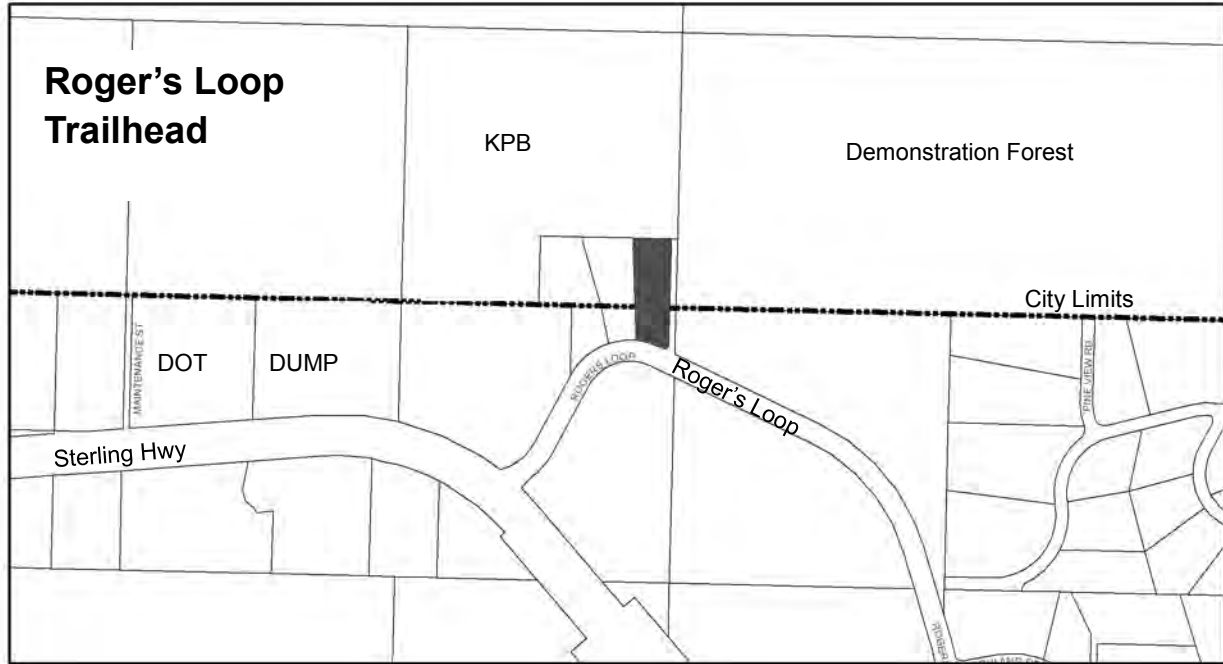
**Infrastructure:** Limited legal and physical access. Western lot has Sterling Highway frontage.

**Notes:** Ski trails, managed by Kachemak Nordic Ski Club

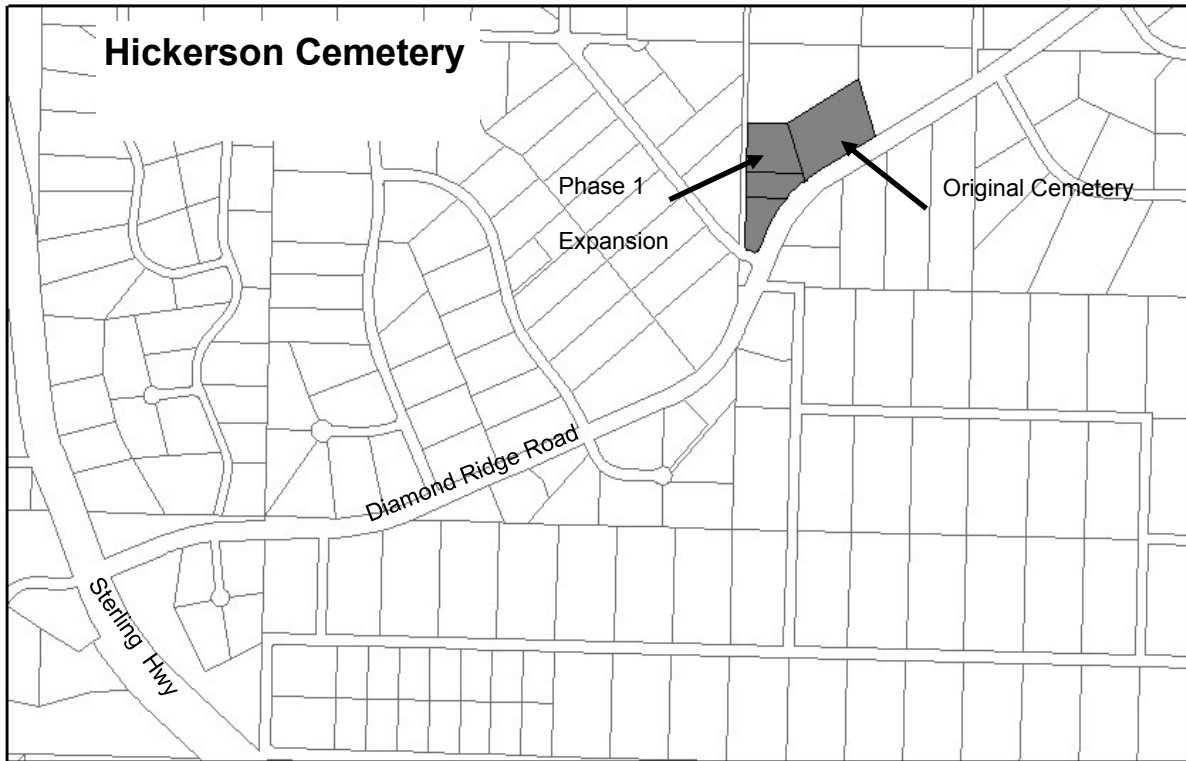
Acquisition notes: the Kachemak Heritage Land Trust purchased the property from the University of Alaska via a Forest Legacy Grant from the state of Alaska. The City accepted ownership of the land, to keep it for public park land in perpetuity, as required by the grant.

Conservation Easement Resolution 2010-48, Recording# 2010-003220-0  
 Resolution 13-055 Adopting the Diamond Creek Recreation Area Plan  
 The Plan was accepted by the State of Alaska Forest Legacy Program on 11/19/2014. Management and development of the property must follow the adopted and approved plan.

**Finance Dept. Code:**

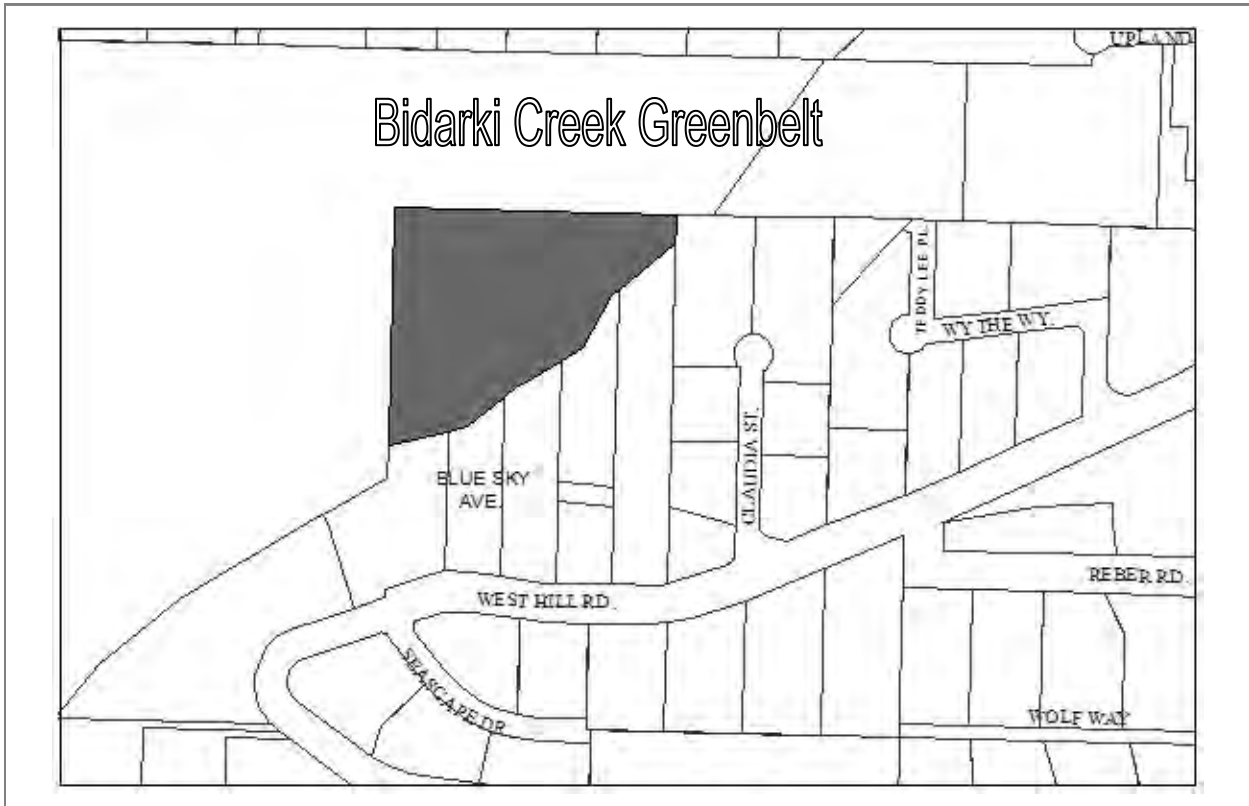


<b>Designated Use:</b> Roger's Loop Trailhead	
<b>Acquisition History:</b> Ordinance 14-51(A)	
<b>Area:</b> 2 acres	<b>Parcel Number:</b> 17316066, 1736067
<b>2016 Assessed Value:</b> \$49,300	
<b>Legal Description:</b> T 06S R 14W SEC 15 SEWARD MERIDIAN HM 2011022 BISHOP SURVEY J G EVANS ADDN LOT 1	
<b>Zoning:</b> Rural Residnetial. Lot is split by city limits	<b>Wetlands:</b> none
<b>Infrastructure:</b> Paved road access	
<b>Notes:</b> Purchased in 2016 with HART Trail funds (\$63,465.85). Future trailhead to city owned Diamond Creek lands	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b> Hickerson Memorial Cemetery	
<b>Acquisition History:</b> Deed American Legion Gen Buckner Post 16 4/23/70. Ordinance 10-30	
<b>Area:</b> 6.91 acres	<b>Parcel Number:</b> 17321011, 13, 14, 15
<b>2015 Assessed Value:</b> \$196,700 (Land \$184,800, Structure \$11,900)	
<b>Legal Description:</b> HM0631146 T06S R14W S03 TICE ACRES SUB HICKERSON MEMORIAL CEMETERY. Tice Acres Replat No 1, lots 11-A, 11B & 11-C	
<b>Zoning:</b> Not within city limits	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> paved access	
<b>Notes:</b> Lots 11 A, 11B, and 11C purchased for \$205,000 Ordinance 10-30. 2017: Phase 1 cemetery expansion completed.	
<b>Finance Dept. Code:</b>	





**Designated Use:** Public Purpose. Retain as undeveloped Greenbelt and to protect drainage.  
**Acquisition History:** KPB Ordinance 83-01

**Area:** 6.57 acres

**Parcel Number:** 17503025

**2015 Assessed Value:** \$10,600

**Legal Description:** HM T06S R14W S13 SW1/4 SE1/4 NORTH OF SKYLINE DRIVE EXCLUDING SKYLINE DR SUB

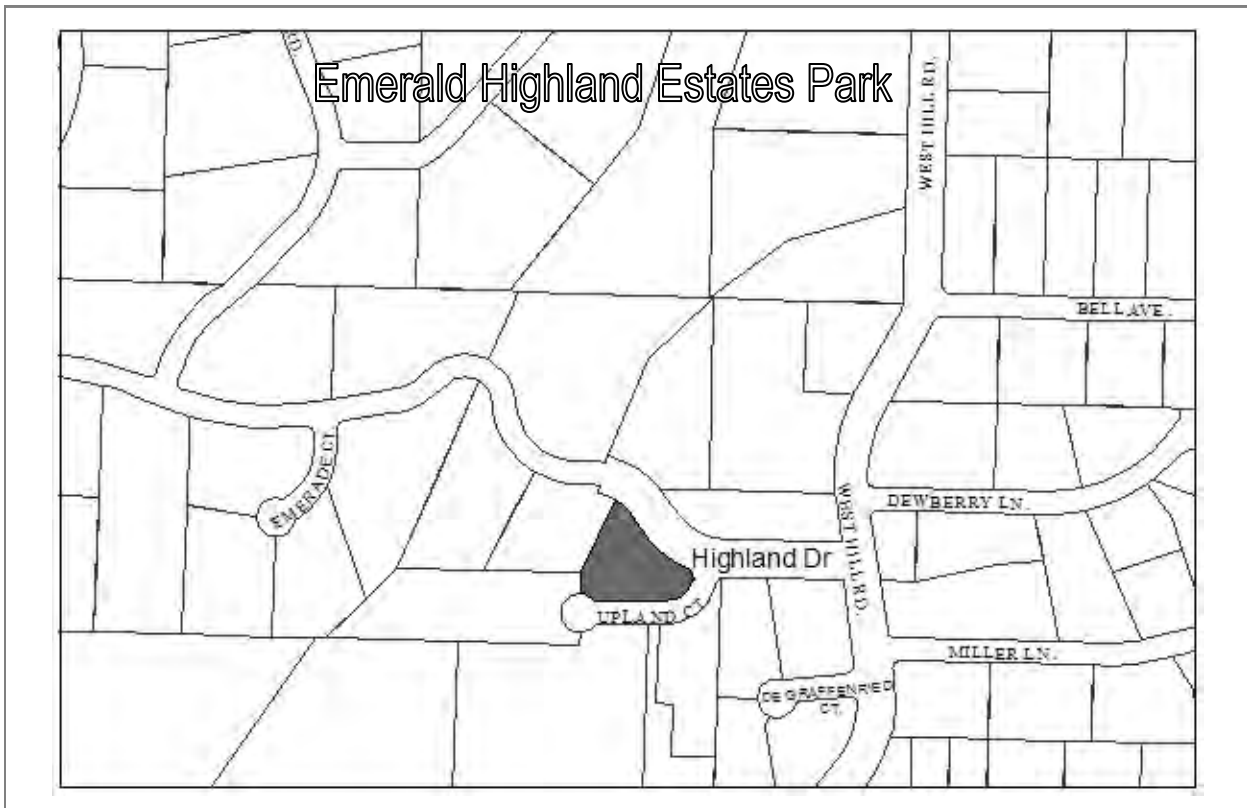
**Zoning:** Rural Residential

**Wetlands:** Bidarki Creek runs through the lot

**Infrastructure:** No access, no utilities

**Notes:** Much of the lot is very steep gorge, down to Bidarki Creek. One portion may be developable at the north end. Slope there is approximately 15%. There is no legal or physical access to the land at this time.

**Finance Dept. Code:**



**Designated Use:** Public Use/Emerald Highland Estates Park

**Acquisition History:** Gangle Deed, 12/1989

**Area:** 1.04 acres

**Parcel Number:** 17502056

**2015 Assessed Value:** \$50,800

**Legal Description:** HM0770024 T06S R14W S13 EMERALD HIGHLAND ESTATES SUB UNIT 3 LOT 1B BLOCK 3

**Zoning:** Rural Residential

**Wetlands:** The whole lot is potential wetlands. Creek present long western property line.

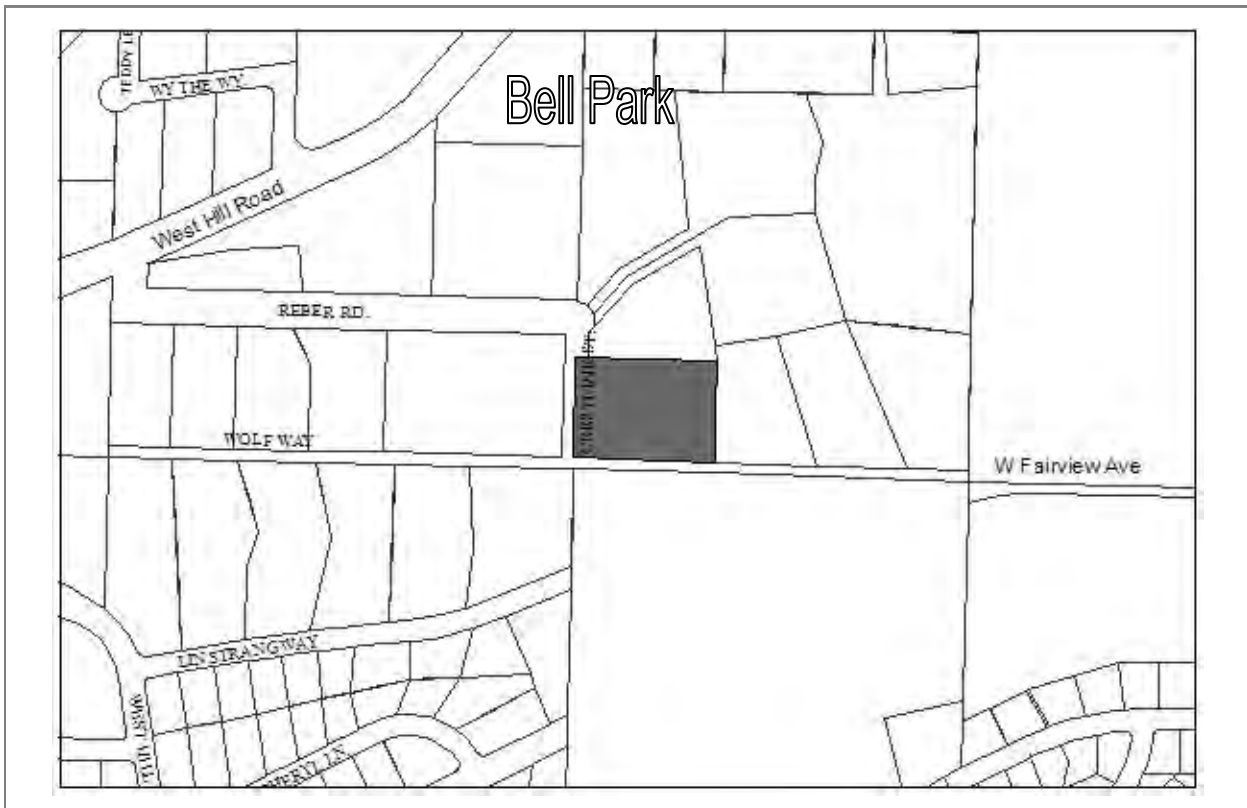
**Infrastructure:** Gravel road access

**Notes:** This land was deeded to the city by the original subdivider. However, there is a plat note restricting the use of the park to residents within the subdivision. Historically the city has not wanted to provide any services to a park that is not explicitly open to the public. The solution is for each property owner in the subdivision to quitclaim deed their interest in the subdivision park, so the City has clear title.

**History:**

Resolution 2004-24A, Land Allocation Plan  
Resolution 2007-03 Emerald Park Master Plan

**Finance Dept. Code:**



**Designated Use:** W.R.Bell Public Park.  
**Acquisition History:** Gifted by Daughter, Dene and Husband Edward Reber 8/20/1970

<b>Area:</b> 2.75 acres	<b>Parcel Number:</b> 17524006
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**2009 Assessed Value:** \$81,800

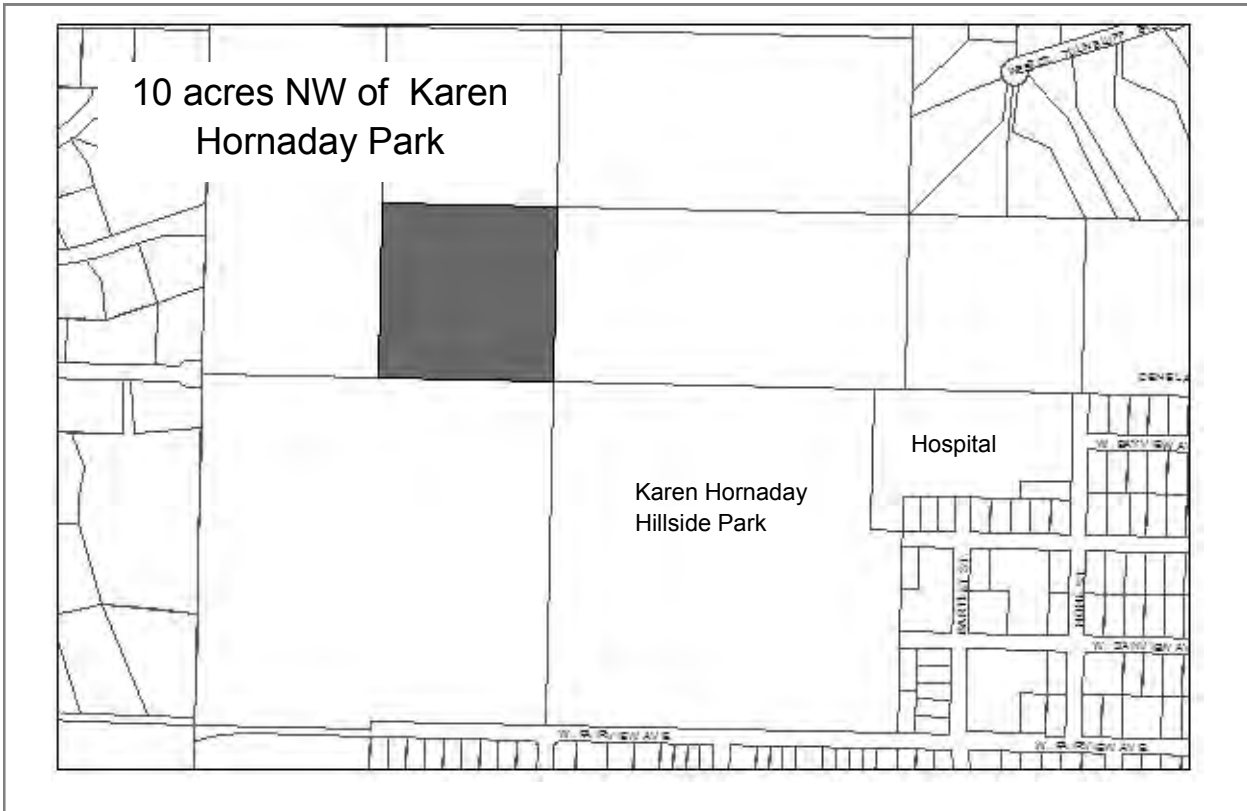
**Legal Description:** HM0700402 T06S R13W S18 TRACT E W R BELL SUB

<b>Zoning:</b> Rural Residential	<b>Wetlands:</b> Drainages on lot.
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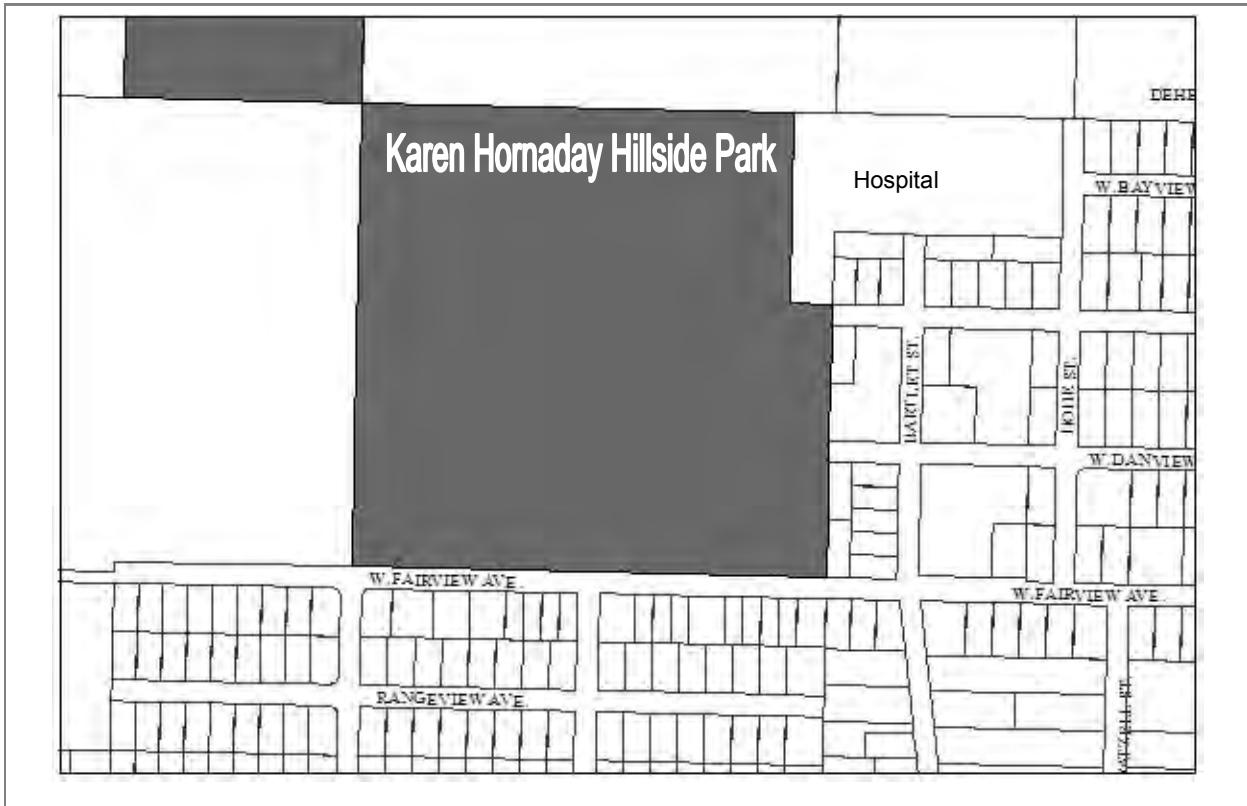
**Infrastructure:** Gravel road access. Rough trails across property.

**Notes:**  
 Park contains the gravesite of W.R. Bell.  
 It can be expected that the land to the south will be come a housing development. Some homes will be accessed from W Fairview Ave.  
  
 2009: Completion of Reber Trail, with HART funds and a state trails grant.

**Finance Dept. Code:**



<b>Designated Use:</b> Retain for a future park Resolution 2011-37(A)	
<b>Acquisition History:</b>	
<b>Area:</b> 10 acres	<b>Parcel Number:</b> 17504003
<b>2015 Assessed Value:</b> \$56,800*	
<b>Legal Description:</b> T6S R13W Sec 18 SE1/4 NE1/4 SW1/4	
<b>Zoning:</b> Rural Residential	<b>Wetlands:</b> Drainages and wetlands may be present
<b>Infrastructure:</b> None. No access.	
<b>Notes:</b> *2007—Land could not be appraised by private appraisal due to lack of legal access.	
<b>Finance Dept. Code:</b>	



**Designated Use:** Public Recreational Purpose/Karen Hornaday Hillside Park  
**Acquisition History:** Homer Fair Association, Deed 8/1966 with covenants

<b>Area:</b> 38.5 acres	<b>Parcel Number:</b> 17504023
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**2015 Assessed Value:** \$155,000 (Land \$43,000 Structure \$112,000)

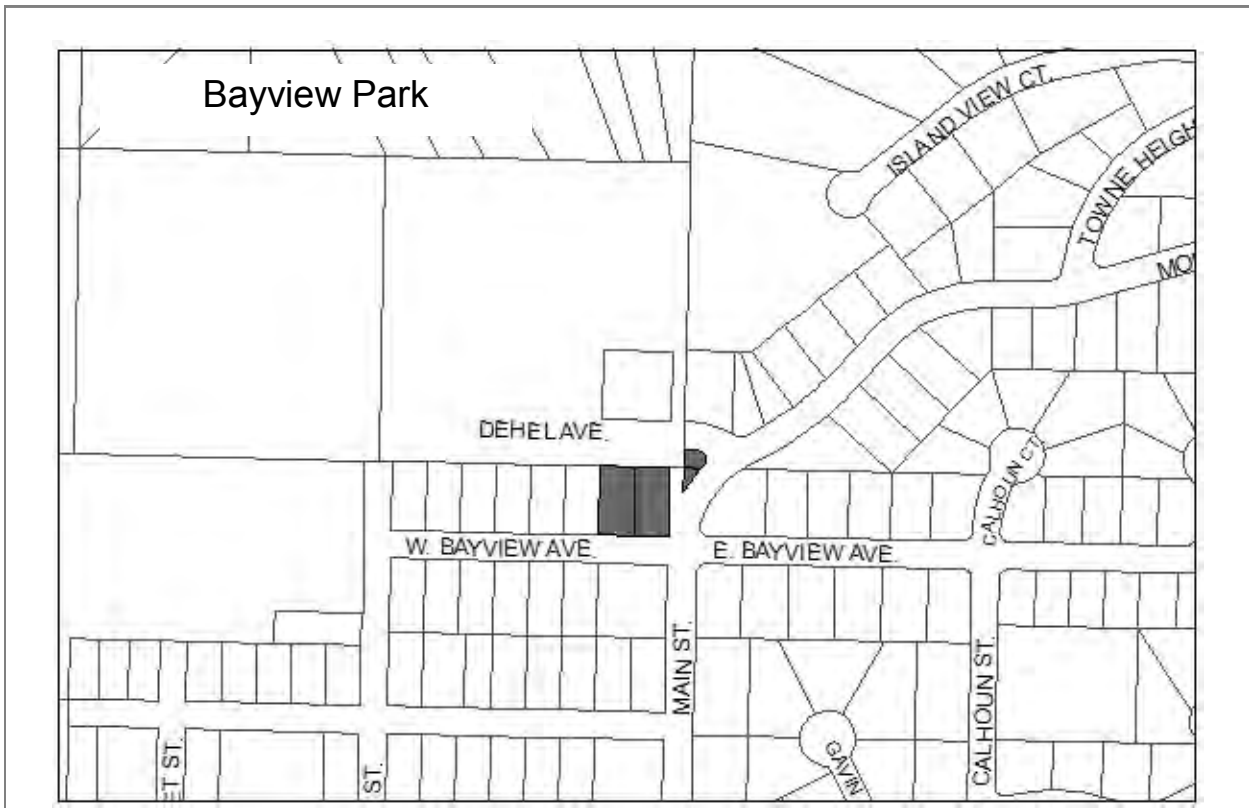
**Legal Description:** HM0980004 T06S R13W S18 THAT PORTION OF SW1/4 SE1/4 EXCLUDING SOUTH PENINSULA HOSPITAL SUB 2008 Addn

<b>Zoning:</b> Open Space Recreation	<b>Wetlands:</b> Some drainages
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**Infrastructure:** Water, sewer and road access

**Notes:** The park has been part of two Land and Water Conservation Fund grants: 1980, #02-00270, and 2011/12, #02-00408. Land to remain parkland in perpetuity.  
 Campground, ball fields, day use picnic and playground area.  
 Resolution 09-59(A) adopted the park master plan.

**Finance Dept. Code:** 175.0003 (driveway, parking), 175.0007 (campground)



**Designated Use:** Public Purpose/Bayview Park/Water tank access  
**Acquisition History:** Large lots: Klemetsen Warranty Deed 5/8/67. Water tank access and part of Bayview Park.

<b>Area:</b> 0.58 acres total	<b>Parcel Number:</b> 175051 07, 08 17726038, 17727049
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**2015 Assessed Value:** \$95,900 total

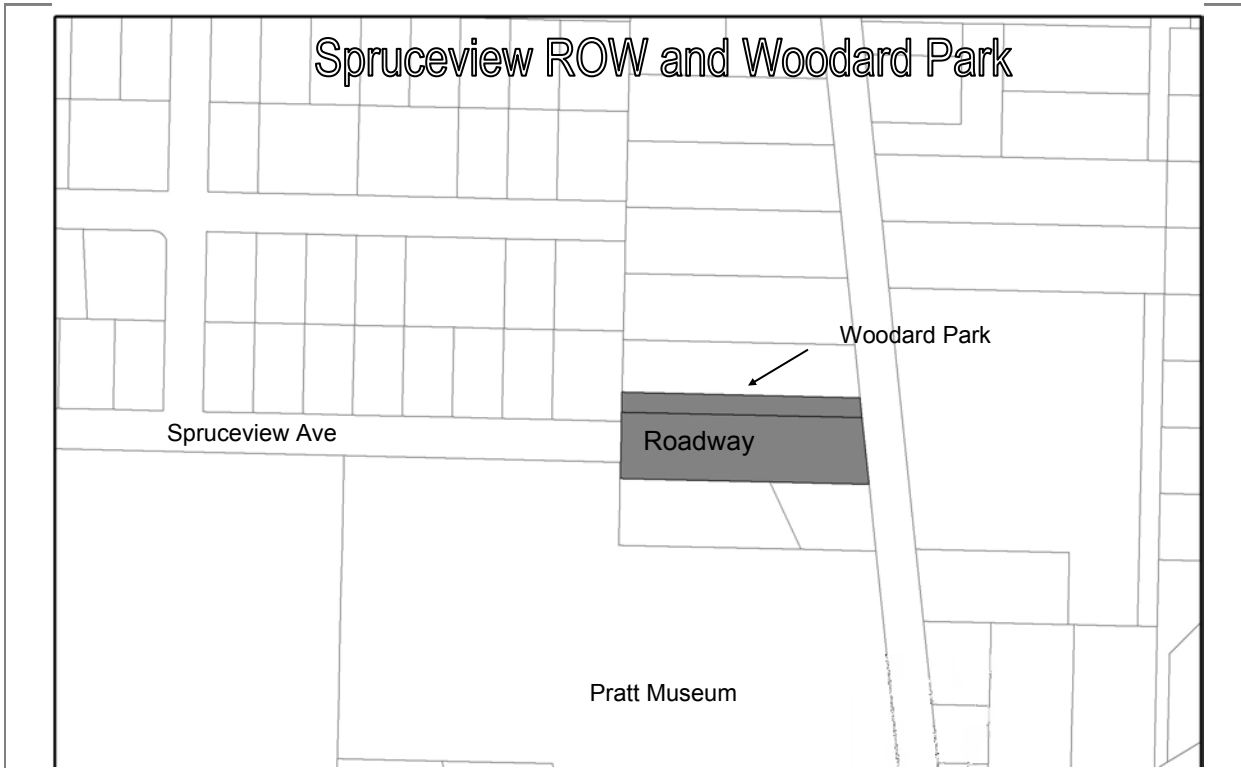
**Legal Description:** 17505107: HM0562936 T06S R13W S18 TRACT A FAIRVIEW SUB LOT 2  
 17505108: HM0562936 T06S R13W S18 TRACT A FAIRVIEW SUB LOT 1  
 17726038: HM0760026 T06S R13W S17 KAPINGEN SUB UNIT 3 PARK RESERVE  
 17727049: HM0770065 T06S R13W S17 ISLAND VIEW SUB PARK

<b>Zoning:</b> Urban Residential	<b>Wetlands:</b> N/A
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**Infrastructure:** Paved road access, water, sewer

**Notes:**

**Finance Dept. Code:**



**Designated Use:** ROW and Woodard Park  
**Acquisition History:** ROW: Purchased for Harrington Heights LID, Ord 2000-13(S) 7/2000. Woodard Park: Tax Foreclosure (Harry Gregoire), Park designation enacted in Reso 04-53

<b>Area:</b> ROW 0.85 acres Woodard Park: .025 acres	<b>Parcel Number:</b> 17513329 17513328
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**2015 Assessed Value:** ROW: \$79,700, Park: \$40,600

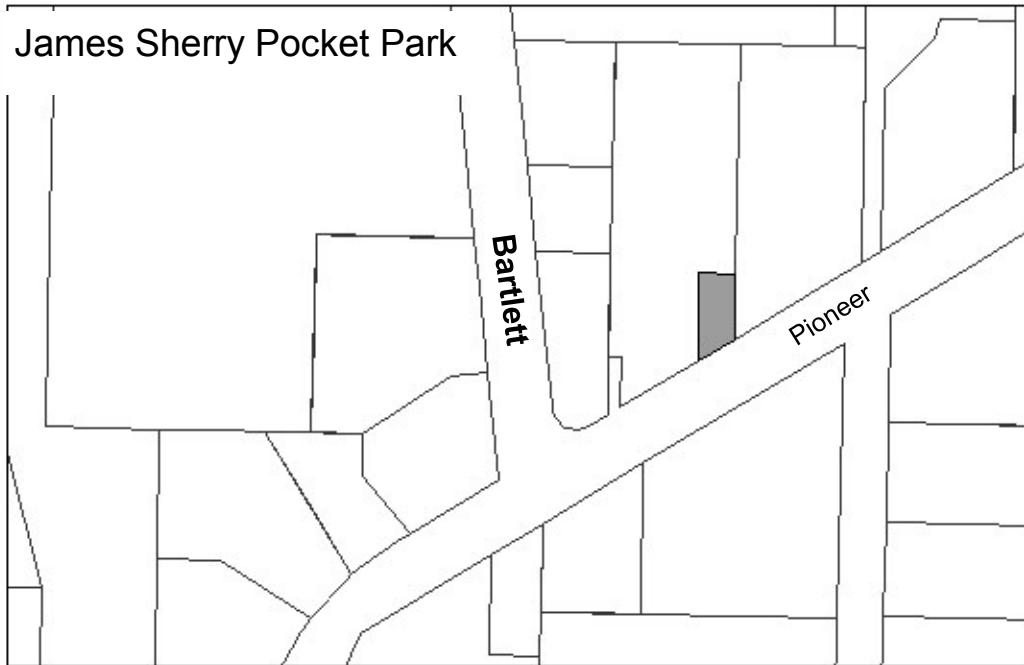
**Legal Description:** ROW: HM0860044 T06S R13W S19 BUNNELL'S SUB NO 17 LOT 12-A  
 Woodard Park: HM0860044 T06S R13W S19 BUNNELL'S SUB NO 17 LOT 11-B

<b>Zoning:</b> Residential Office	<b>Wetlands:</b> Woodard Creek and wetlands present
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**Infrastructure:** Paved access on Bartlett. Part of completed Spruceview Road LID. Water and sewer present.

**Notes:**

**Finance Dept. Code:** ROW: 500.0051 Park:



**Designated Use:** Retain for use as public park or parking  
**Acquisition History:** Ord 83-01 (KPB)

**Area:** 0.06 acres or 2,766 sq ft

**Parcel Number:** 17514235

**2015 Assessed Value:** \$13,100

**Legal Description:** T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2007124 BUNNELLS SUB NO 21 LOT 37F-1

**Zoning:** Central Business District

**Wetlands:** Ditch across property

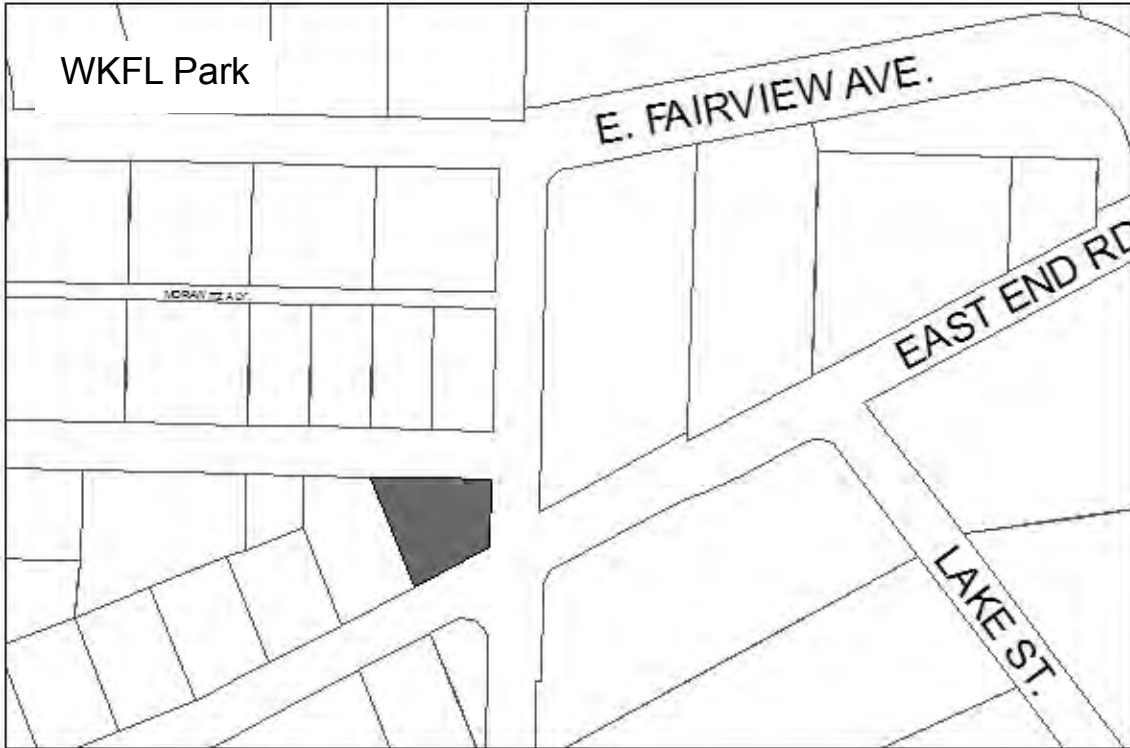
**Infrastructure:** Water and Sewer, paved sidewalk

**Notes:**

HEA/phone company utility infrastructure on lot—big green boxes.

**Finance Dept. Code:**





**Designated Use:** WKFL Park  
**Acquisition History:** Asaiah Bates Deed 3/88

<b>Area:</b> 0.31 acres	<b>Parcel Number:</b> 17720204
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**2015 Assessed Value:** \$70,300

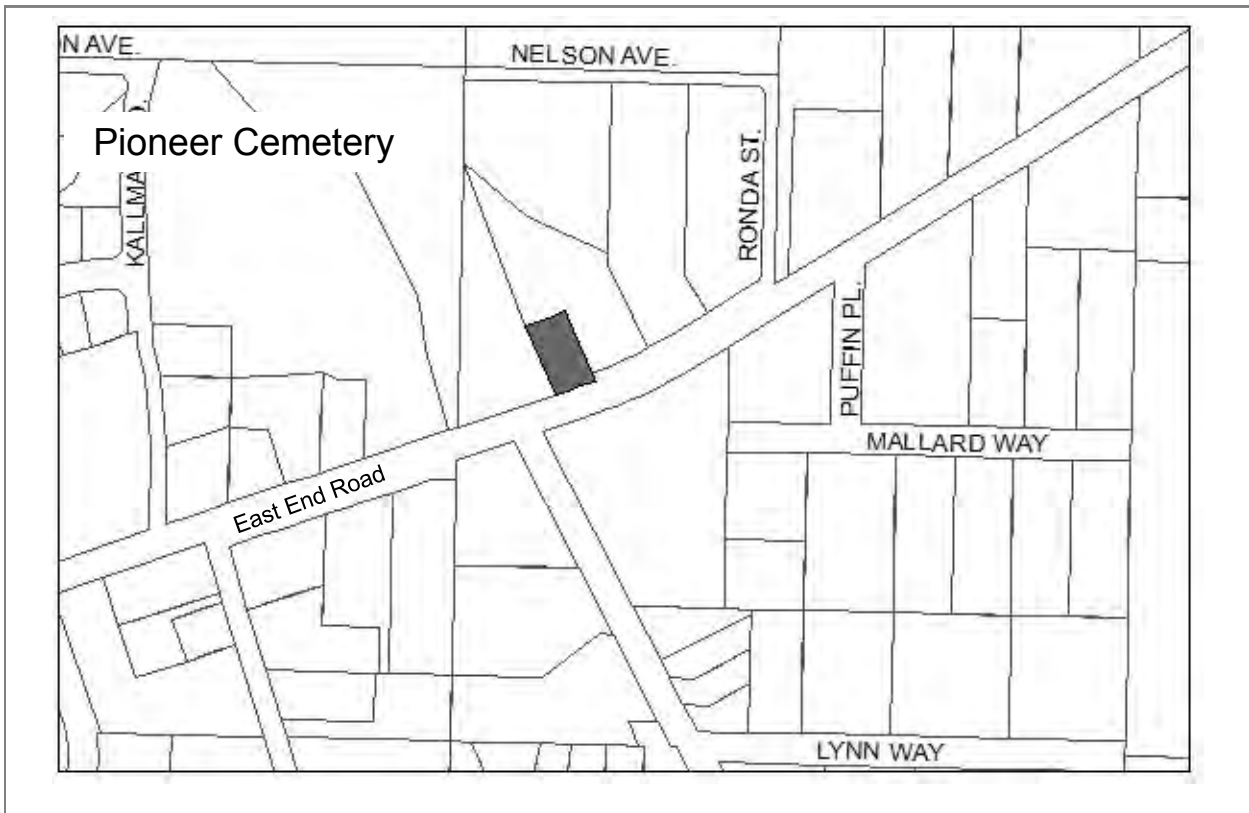
**Legal Description:** Glacier View Subdivision No 1 Replat of Lots 1, 8 & 9, Block 4 Lot 9-A

<b>Zoning:</b> Central Business District	<b>Wetlands:</b> N/A
--	----------------------

**Infrastructure:** Water, paved road, electricity

Public restroom constructed in 2013.

**Finance Dept. Code:**



**Designated Use:** Pioneer Cemetery  
**Acquisition History:** Quitclaim Deed Nelson 4/27/66

<b>Area:</b> 0.28 acres	<b>Parcel Number:</b> 17903007
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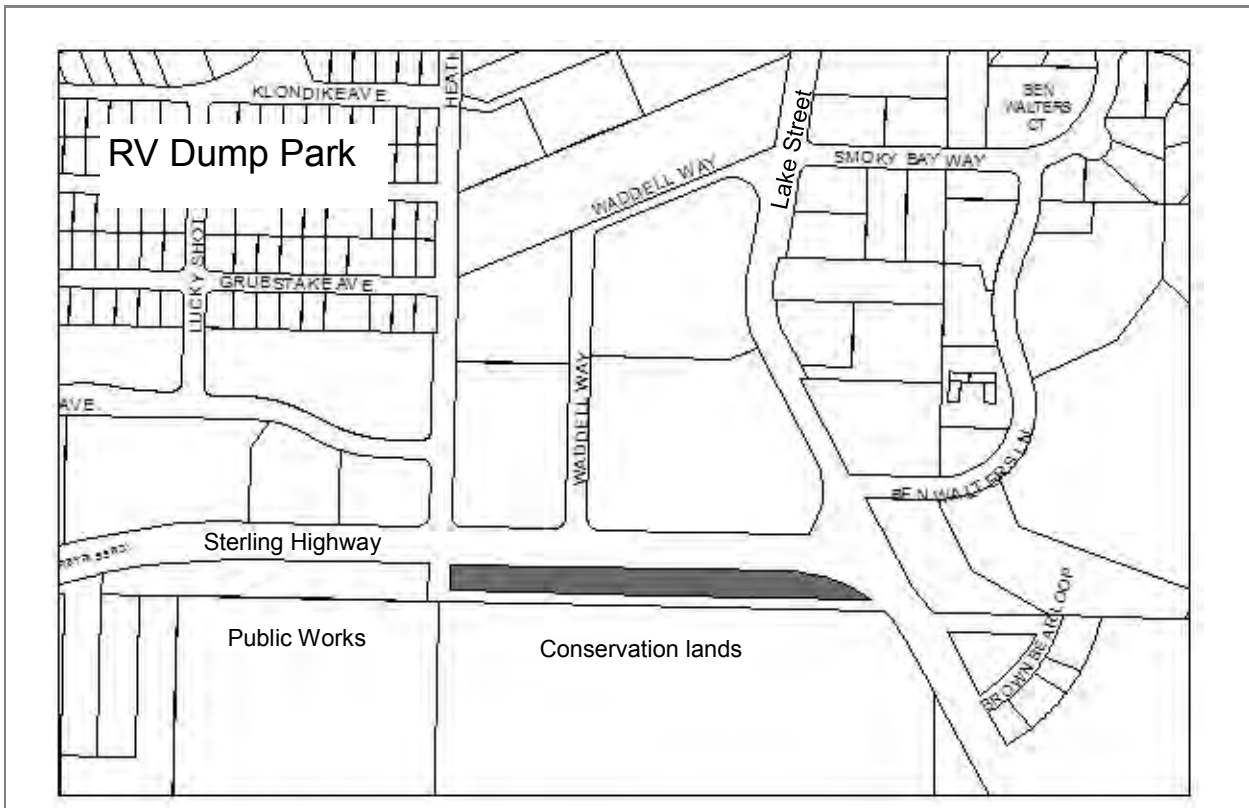
**2009 Assessed Value:** \$26,400

**Legal Description:** James Waddell Survey of Tract 4 Lot 4A

<b>Zoning:</b> Residential Office	<b>Wetlands:</b> N/A
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**Infrastructure:** Paved Road

**Finance Dept. Code:**



**Designated Use:** RV Water/Dump station  
**Acquisition History:** Deed states "Waddell Park Tract"

<b>Area:</b> 1.73 acres	<b>Parcel Number:</b> 17712014
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**2015 Assessed Value:** \$356,700

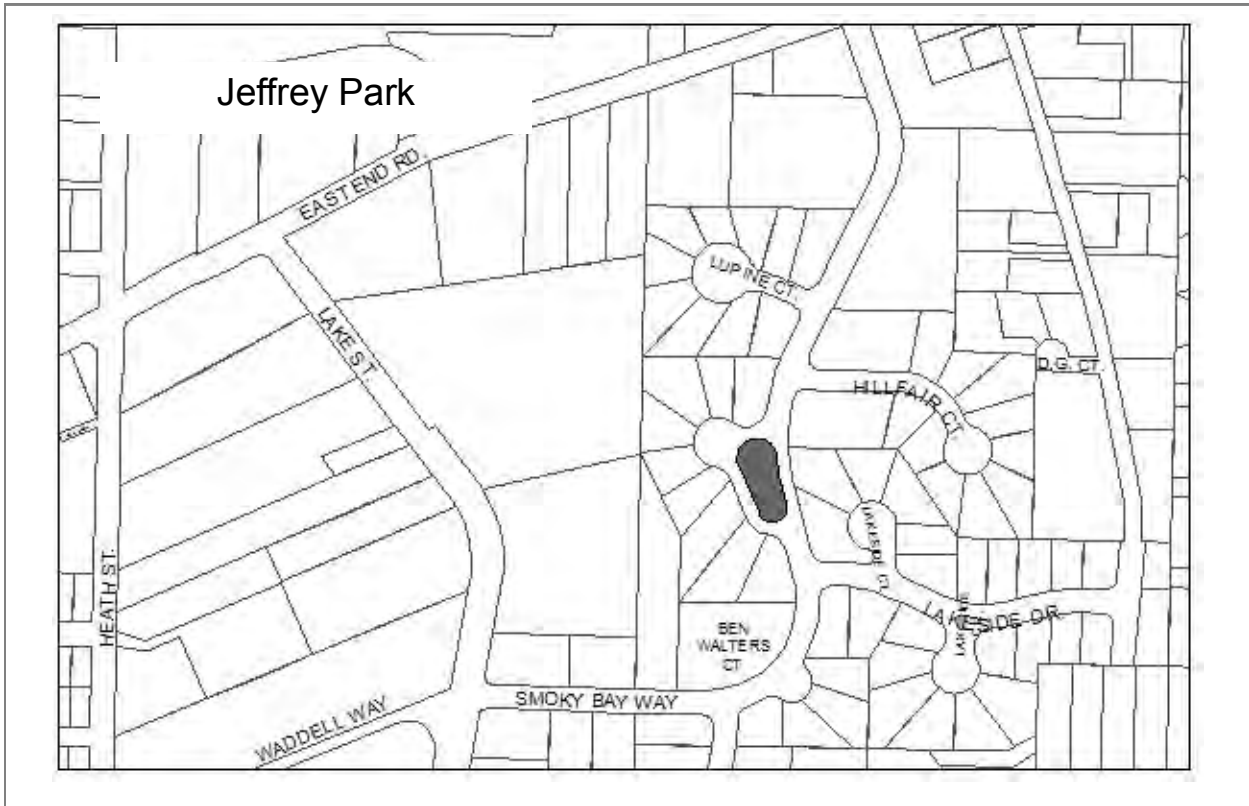
**Legal Description:** Waddell Subdivision, portion S of Homer Bypass Road

<b>Zoning:</b> Central Business District	<b>Wetlands:</b>
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**Infrastructure:** Water, Sewer, gravel/paved access

**Notes:** Part of Land and Water Conservation Project #02-00263.4, signed January 1983. Land to remain in park status in perpetuity.

**Finance Dept. Code:**



**Designated Use:** Public Purpose/Greenbelt/Jeffrey Park  
**Acquisition History:** Ordinance 83-27 (KPB)

<b>Area:</b> 0.38 acres	<b>Parcel Number:</b> 17730251
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**2015 Assessed Value:** \$51,200

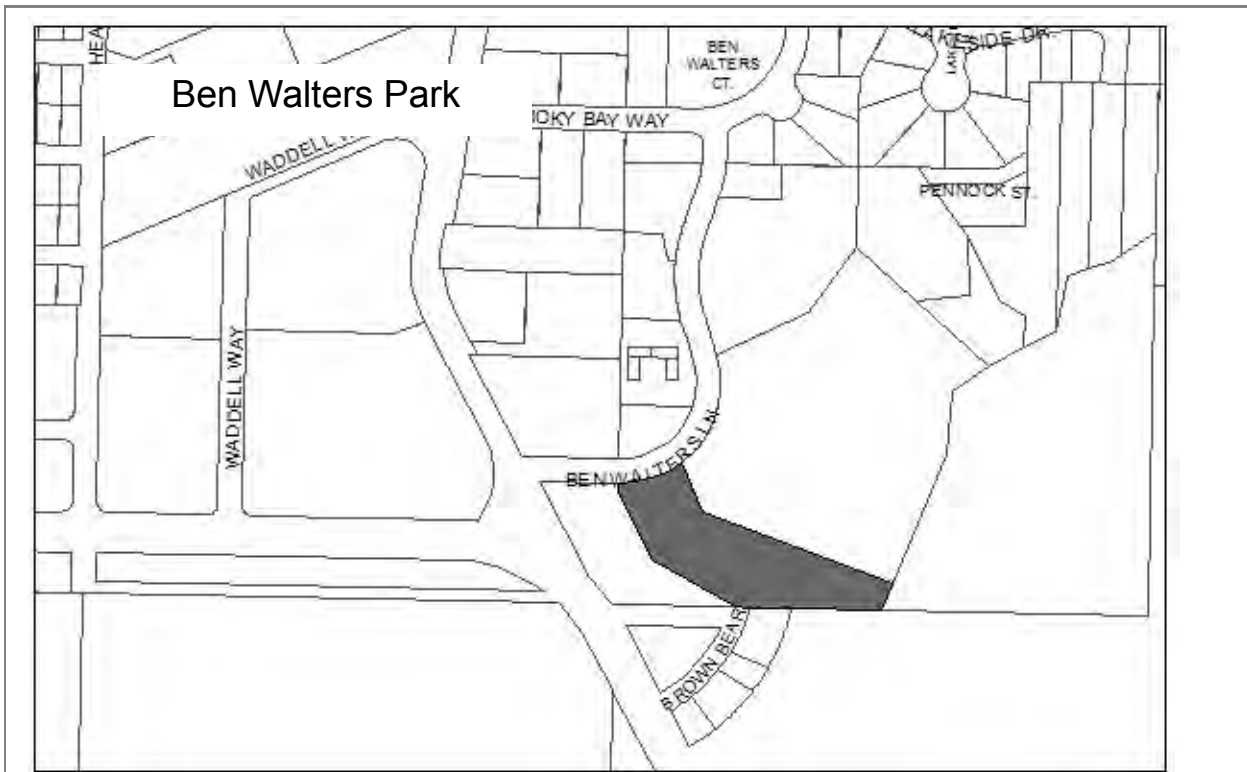
**Legal Description:** Lakeside Village Amended Jeffrey Park

<b>Zoning:</b> Urban Residential	<b>Wetlands:</b>
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**Infrastructure:** Paved Road, water, sewer

**Notes:** Neighborhood park. Grass and new swing sets installed in 2005. Fill brought in to the park to raise the ground level and deal with drainage issues in 2007.

**Finance Dept. Code:**



**Designated Use:** Ben Walters Park. Public park or greenbelt per deed.  
**Acquisition History:** Reso 83-22(S) Neal Deed 5/4/83. Donated. Deed amended 6/1/83.

<b>Area:</b> 2.48 acres	<b>Parcel Number:</b> 17712022
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**2009 Assessed Value:** \$493,200 (Land \$493,200, Structure \$44,200)

**Legal Description:** Lakeside Village Park Addition Replat Lot 1A-2

<b>Zoning:</b> Central Business District	<b>Wetlands:</b> 3664 Ben Walters Lane
--	--

**Infrastructure:** Paved Road, water and sewer. Public restrooms, covered fire pit, lake access and dock.

Notes: In May 1982, a project agreement was executed for a Land and Water Conservation Fund project to develop the park. Project #02-00305. Land to remain park in perpetuity.  
 New swing set installed, 2008. New dock installed in 2009.

**Finance Dept. Code:**



**Designated Use:** Bishop's Beach Park  
**Acquisition History:** McKinley Warrant Deed 1/9/1984

<b>Area:</b> 3.46 acres	<b>Parcel Number:</b> 17714010
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**2015 Assessed Value:** \$471,700 (Land \$465,300, Structure \$6,400)

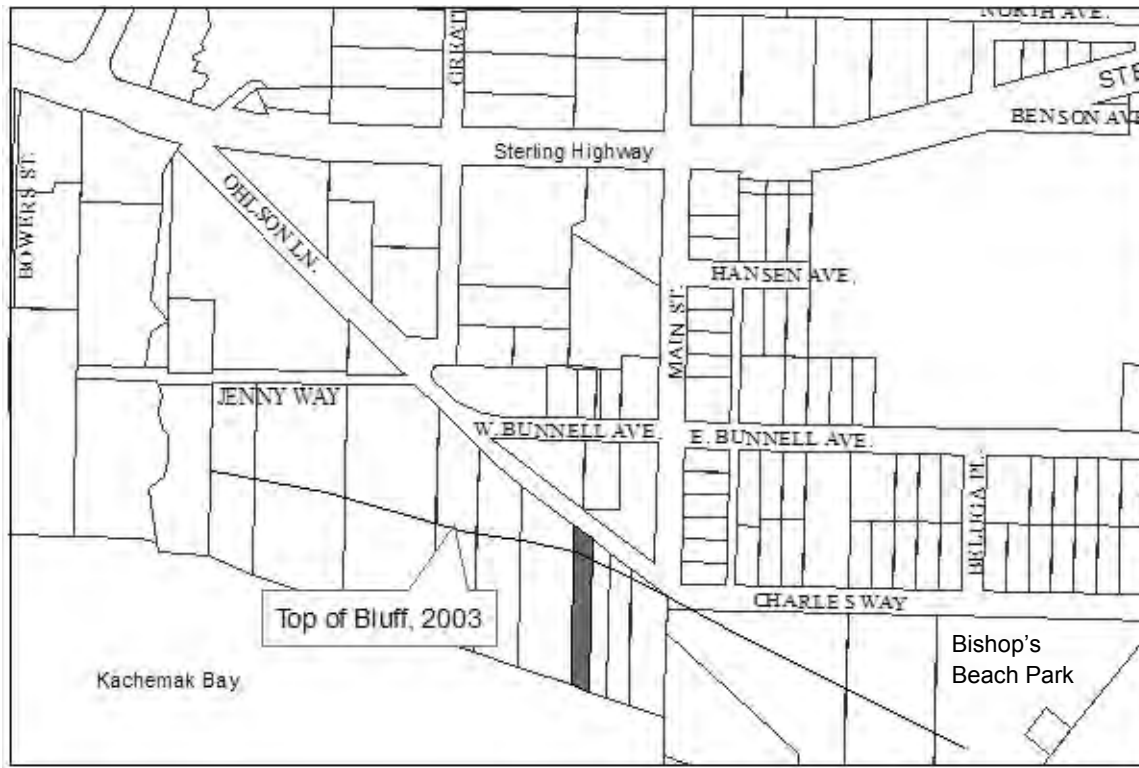
**Legal Description:** HM T06S R13W S20 PTN GL 2 BEGIN S 1/16 CORNER SECS 19 & 20 & NW CORNER LOT 2 TH S 89 DEG 57'30" E 600 FT ALONG N BOUND LT 2 TO POB TH S 0 DEG 2' E 391 FT TO CORNER 2 ON MHW KACHEMAK BAY TH S 59 DEG 30' E 150 FT TO CORNER 3 TH N 38 DEG 0' E

<b>Zoning:</b> Central Business District	<b>Wetlands:</b> Some wetlands (along boardwalk). Flood hazard area.
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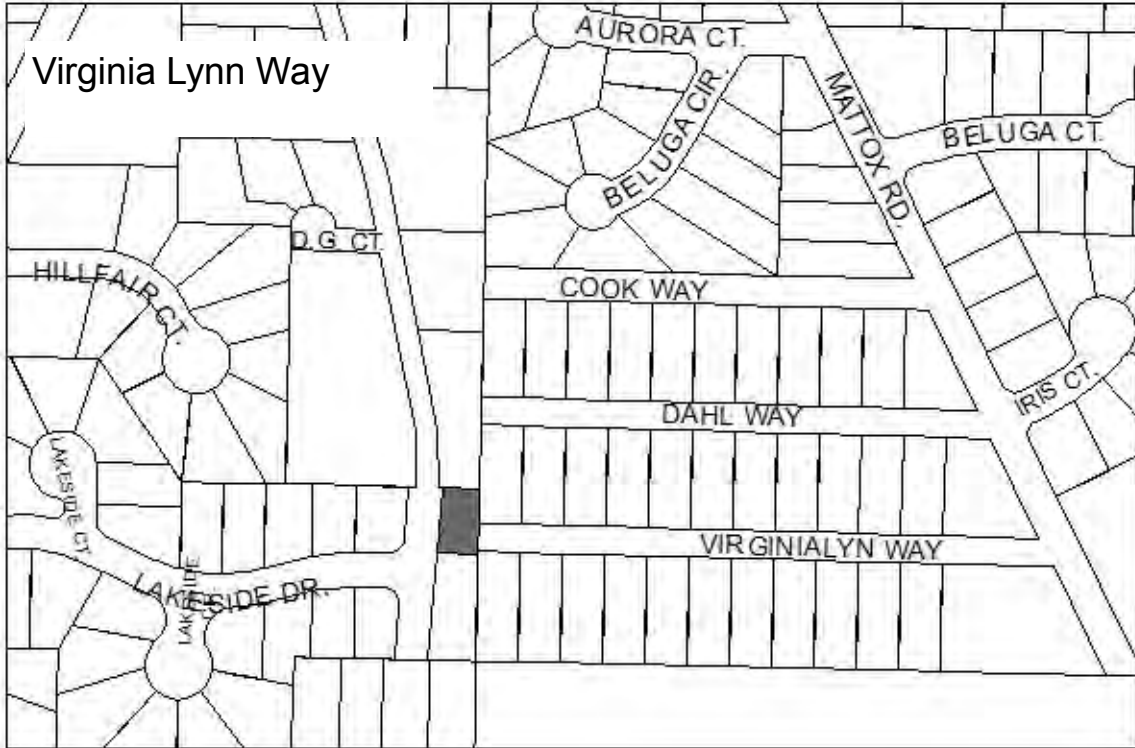
**Infrastructure:** Paved road access. No water or sewer. City maintained outhouses.

**Notes:**

**Finance Dept. Code:**



<b>Designated Use:</b> City Park	
<b>Acquisition History:</b> Donated by Herrick, Resolution 90-7	
<b>Area:</b> 0.32 acres	<b>Parcel Number:</b> 17520009
<b>2015 Assessed Value:</b> \$16,700	
<b>Legal Description:</b> HM T06S R13W S19 PORTION THEREOF S OF OLSEN LANE	
<b>Zoning:</b> Central Business District	<b>Wetlands:</b> None. Bluff property.
<b>Infrastructure:</b> Gravel Road access, no water or sewer	
<b>Notes:</b> Resolution 15-030(A), Designate as park	
<b>Finance Dept. Code:</b> 392.0008	



**Designated Use:** Public use easement for Virginia Lynn Way, public park  
**Acquisition History:** Quit Claim Deed from NBA 1/4/83

**Area:** 0.21 acres

**Parcel Number:** 17730239

**2015 Assessed Value:** \$32,100

**Legal Description:** T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0840005 LAKESIDE VILLAGE SUB AMENDED LOT 2 BLK 4

**Zoning:** Urban Residential

**Wetlands:** possibly on a small portion

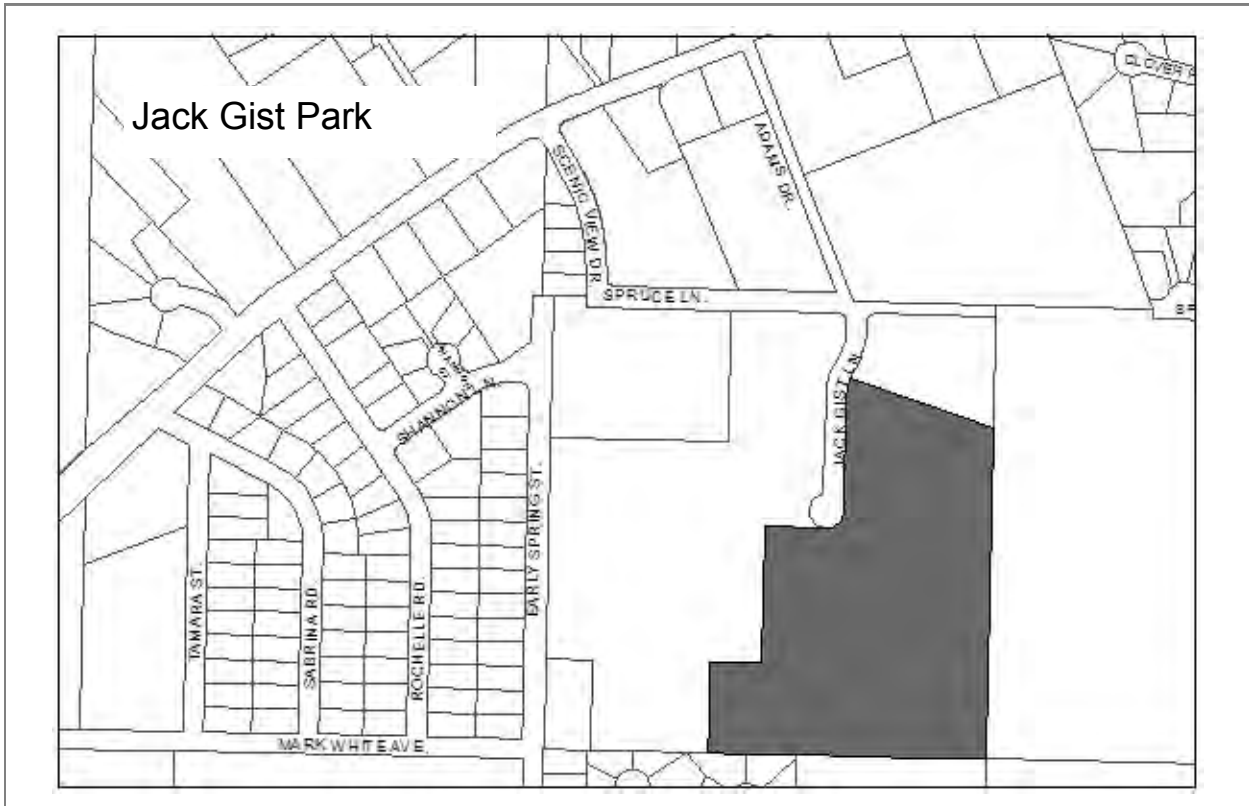
**Infrastructure:** Road access

**Notes:** This lot has a public use easement granted by the plat. This lot will likely be needed in the future to connect Virginia Lynn Way, because the adjacent lots are not wetlands and are developable. Access to Mattox Road is not know at this time; the ground drops and becomes very swampy.

Resolution 09-33: Dedicate road access for Virginia Lynn Way, across Lot 2 Block 4 Lakeside Village Subdivision Amended. Hold the remainder of the lot for use as a public neighborhood park. In 2009 the City retained a surveyor to work on this issue. 2010: professional opinion was given that no right of way dedication is required, however, a legal opinion may be sought to determine city liability outside a dedicated right of way, Spruceview Ave is a similar situation: a roadway is constructed across a parcel, not within a right of way.

**Finance Dept. Code:**





**Designated Use:** Jack Gist Ball Park  
**Acquisition History:** Warranty Deed Moss 8/27/98

<b>Area:</b> 14.6 acres	<b>Parcel Number:</b> 17901023
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**2015 Assessed Value:** \$109,200

**Legal Description:** HM0990063 T06S R13W S15 JACK GIST SUB LOT 2

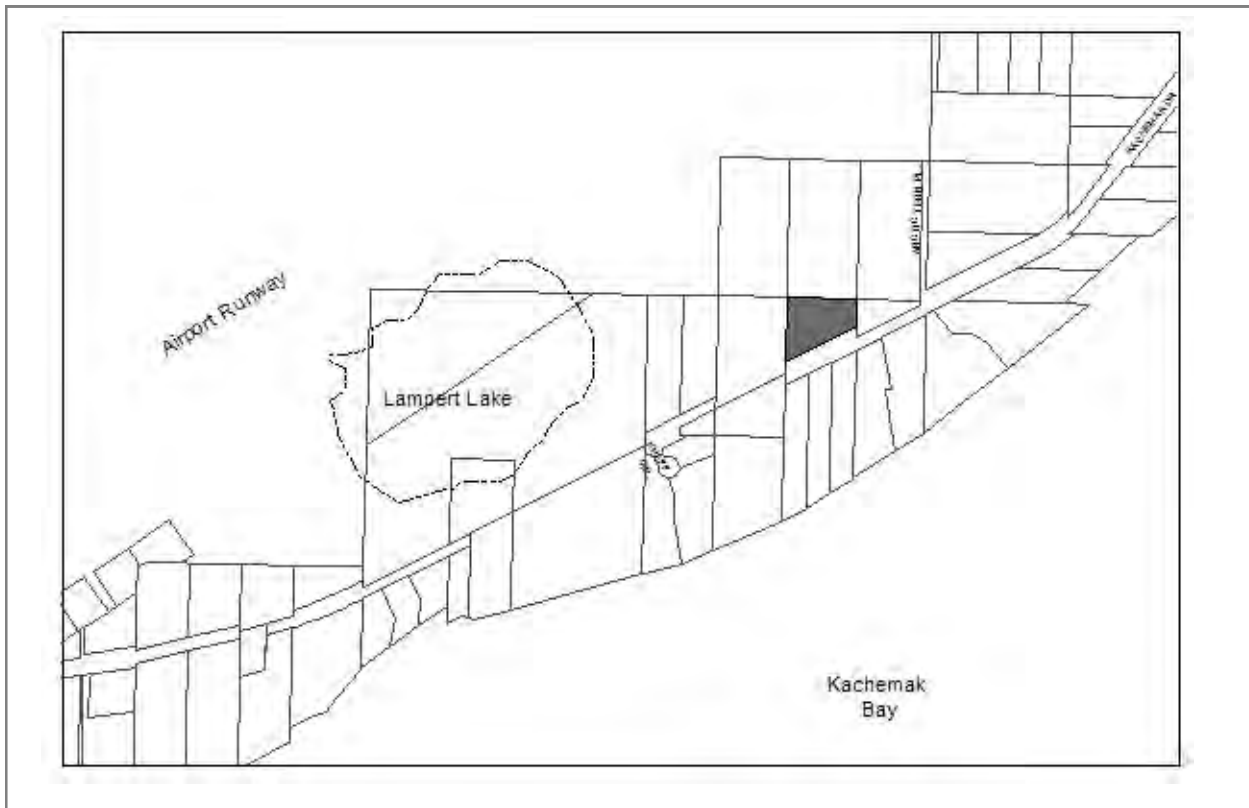
<b>Zoning:</b> Rural Residential	<b>Wetlands:</b> May be present. Site is mostly fill and old dump.
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**Infrastructure:** Gravel road access.

**Notes:** Old dump site. Land and Water Conservation Fund Grant Project #02-00369 for construction of 3 ball fields and parking area. Land to remain parkland in perpetuity.

No water or sewer to service the new ball fields. Parking lot constructed in 2006. 2009: ord 09-35(A) allocated \$33,000 for improvements to two ballfields.

**Finance Dept. Code:**



**Designated Use:** Future Kachemak Drive Trail and rest area Resolution 2011-37(A)  
**Acquisition History:** Ord 96-16(A) (KPB)

<b>Area:</b> 1.65 acres	<b>Parcel Number:</b> 17936020
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**2015 Assessed Value:** \$31,700

**Legal Description:** Scenic Bay Lot 4

<b>Zoning:</b> General Commercial 2	<b>Wetlands:</b> 100% Wetlands
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**Infrastructure:** Paved Road, city water and sewer

**Notes:** Part of Kachemak Drive Phase 3 water and sewer SAD

**Finance Dept. Code:**



**Designated Use:** Resolution 15-030(A): Sell  
**Acquisition History:** Lot 1: Ordinance 97-06(S) KPB

**Area:**  
 Harry Feyer Subdivision Lot 1: 0.39 acres

**Parcel Number:** 17910001, 17911005

**2015 Assessed Value:** \$30,900 (lot 1)

**Legal Description:** Harry Feyer Subdivision Lot 1

**Zoning:** Rural Residential

**Wetlands:** none known

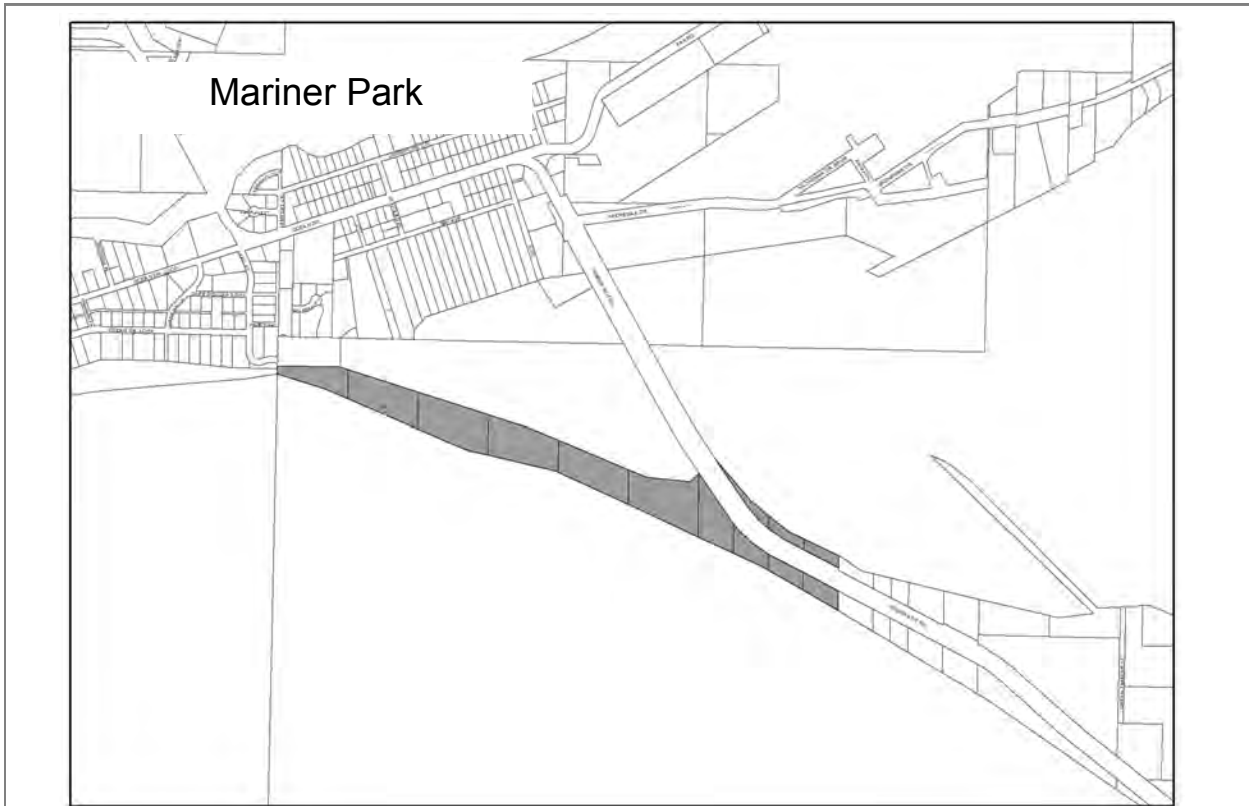
**Infrastructure:** Paved Road access, power.

**Notes:**

Has water and sewer assessments.

Resolution 15-030(A): For sale. Lot 1 has not yet sold.

**Finance Dept. Code:**



**Designated Use:** Park  
**Acquisition History:** Lot 10: Simmons purchase, 1983. Other are EVOS purchases or unknown.

<b>Area:</b> 32.32 acres	<b>Parcel Number:</b> 18101002-14
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**2014 Assessed Value:** \$272,100

**Legal Description:** T 6S R 13W SEC 28 SEWARD MERIDIAN HM GOVT LOTS 5-8, 10-15

<b>Zoning:</b> Open Space Recreation/Conservation	<b>Wetlands:</b> Tidal
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**Infrastructure:** No infrastructure

**Notes:** Acquisition of Lots 5-8 and 11-15 should be researched to see how they were acquired. Possibly EVOS purchases.

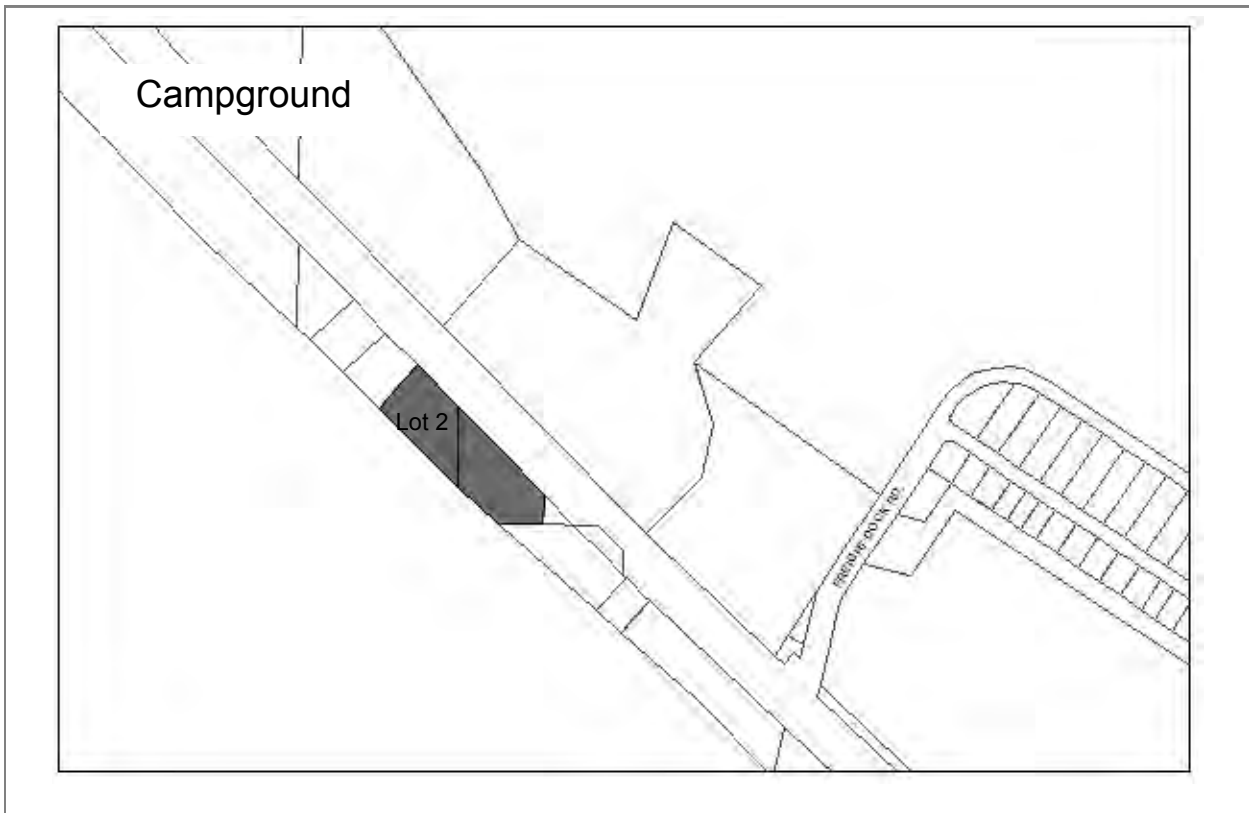
Mariner Park and Mud Bay were nominated by the City as Western Hemisphere Shorebird Reserve Sites in 1994 ("whissern" ). They are recognized as sites of international importance. <http://www.whsrn.org/>

2012 Mariner Park driveway was relocated to the north.

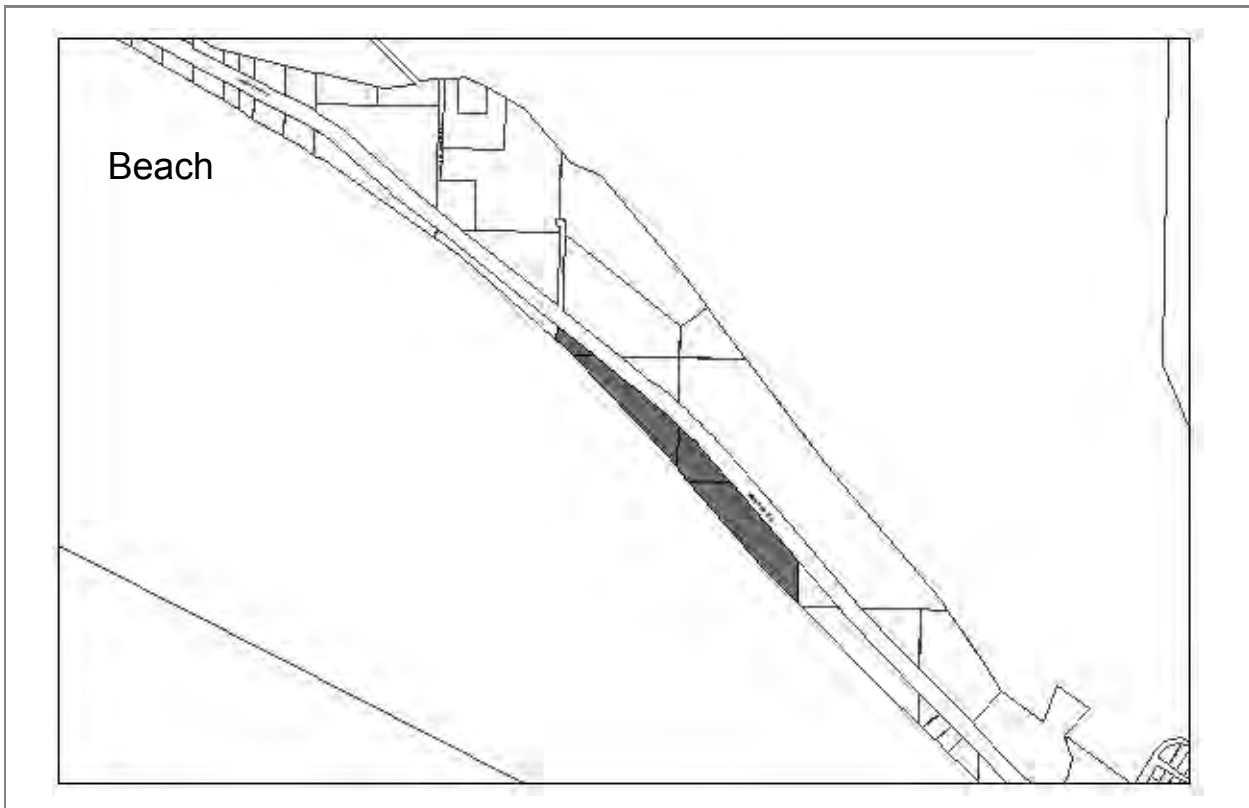
Resolution 15-030(A): designate as park. Minutes of the meeting ask staff to research the deed history to see if there are long term conservations easements. 2017 update: it appears that none of the lands are EVOS purchases, according to the EVOS website.

2016: new campground office located at Mariner Park.

**Finance Dept. Code:**



<b>Designated Use:</b> Camping	
<b>Acquisition History:</b>	
<b>Area:</b> 3.92 acres (2.1 and 1.82 acres)	<b>Parcel Number:</b> 18103101, 02
<b>2015 Assessed Value:</b> \$427,100 (Includes value of the campground office which was removed in 2016)	
<b>Legal Description:</b> Homer Spit Subdivision Amended Lot 2, and that portion of Government Lot 14 lying south of the Homer Spit Road T6S R13W S35	
<b>Zoning:</b> Open Space Recreation.	
<b>Infrastructure:</b> Paved road, water and sewer	
<p><b>Notes:</b> At most, 1/3 of the land is above the high tide line. The rest is beach or underwater.                  2016: Campground office sold and removed due to repeated erosion and storm damage.</p>	
<b>Finance Dept. Code:</b>	



**Designated Use:** Public Use/ Open Space Recreation  
**Acquisition History:** Ord 90-26 (KPB). Lot 6: EVOS purchase

<b>Area:</b> 23 acres	<b>Parcel Number:</b> 181030 02, 04, 06 18102011
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**2015 Assessed Value:** \$388,300

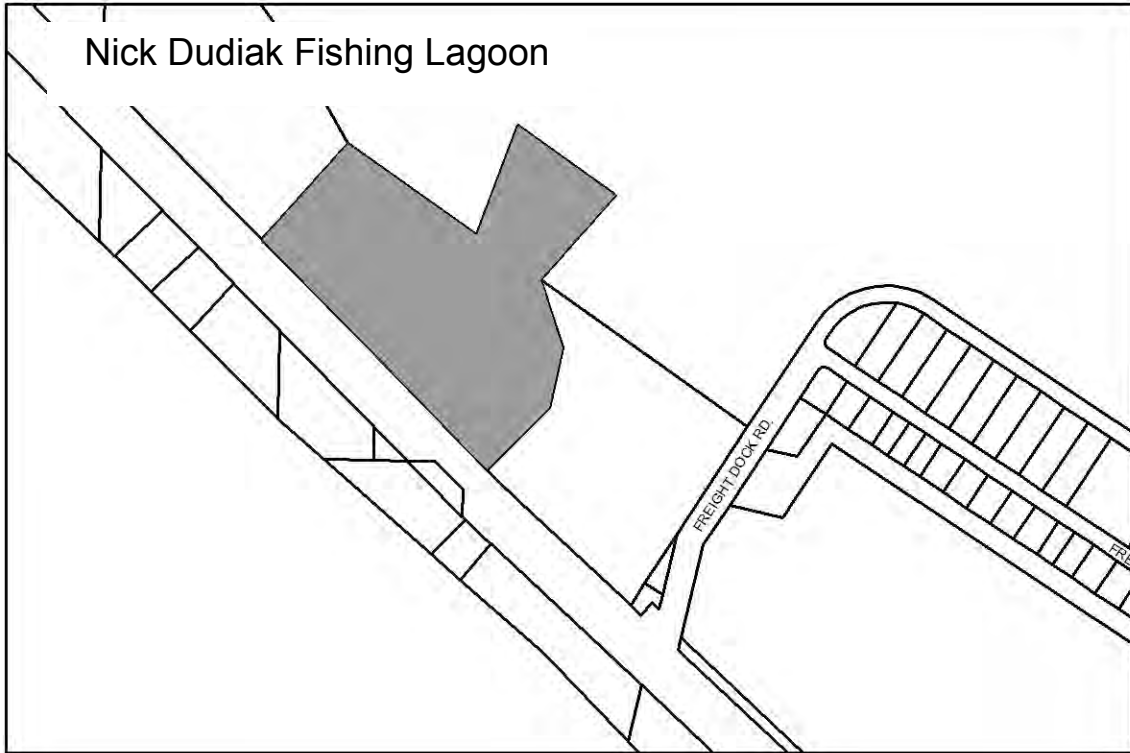
**Legal Description:** T 6S R 13W SEC 35 SEWARD MERIDIAN HM PORTION GOVT LOT 1,2, Sec 34 Lot 1, lot 6 SW of Sterling Hwy Sec 27

<b>Zoning:</b> Open Space Rec	<b>Wetlands:</b> Tidal
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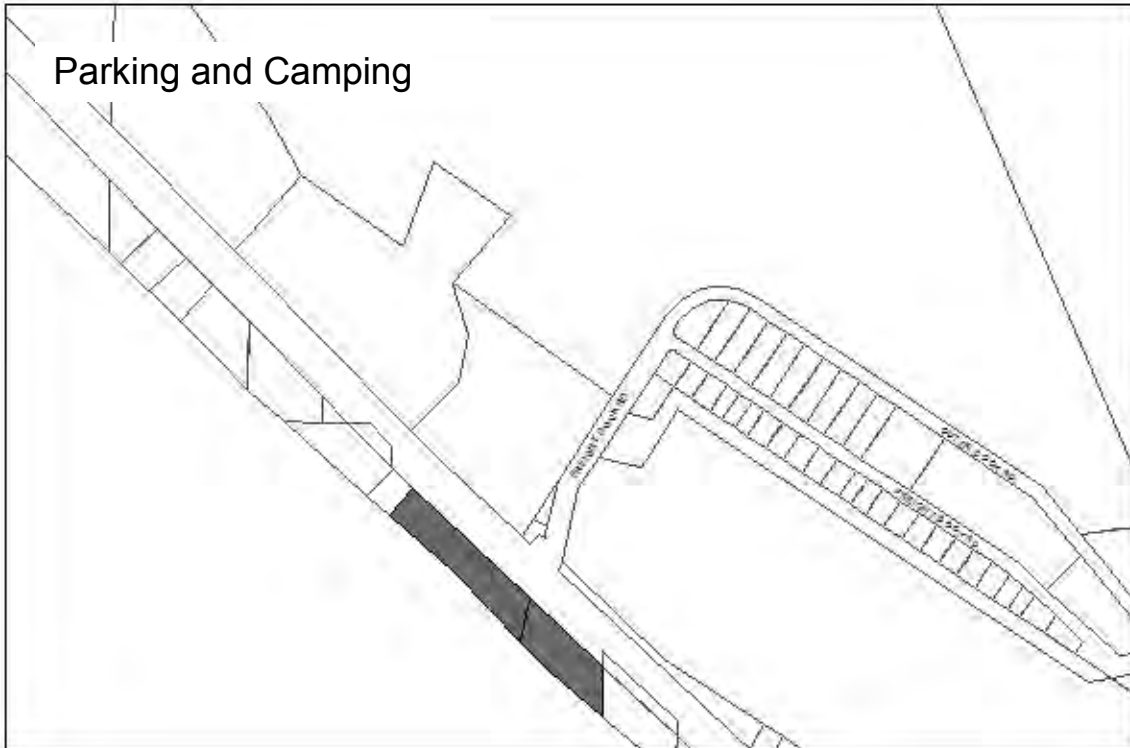
**Infrastructure:** Paved Road access

**Notes:**  
 Acquisition history of lot 6 should be researched as budget allows

**Finance Dept. Code:**



<b>Designated Use:</b> Fishing Lagoon	
<b>Acquisition History:</b> Ord 83-26 Purchase from World Seafood	
<b>Area:</b> 17.71 acres	<b>Parcel Number:</b> 18103116
<b>2009 Assessed Value:</b> \$2,144,700	
<b>Legal Description:</b> T 6S R 13W SEC 35 SEWARD MERIDIAN HM 0920039 THE FISHIN HOLE SUB TRACT 2	
<b>Zoning:</b> Open Space Recreation	<b>Wetlands:</b> N/A. Portions in floodplain.
<b>Infrastructure:</b> City Water and Sewer, paved road access. Restroom.	
<b>Notes:</b>	
<ul style="list-style-type: none"> <li>• Dredged in 2012</li> <li>• 2016 construction of Kachemak Bay Water Trail shelter</li> <li>• 2016 new fish cleaning tables built (ADFG funded)</li> </ul>	
<b>Finance Dept. Code:</b>	



**Designated Use:** Western lot: Camping. East lot, parking  
**Acquisition History:**

**Area:** 5.7 acres

**Parcel Number:** 18103301, 18103108

**2015 Assessed Value:** \$757,500

**Legal Description:** Homer Spit Amended Lots 7 and 9

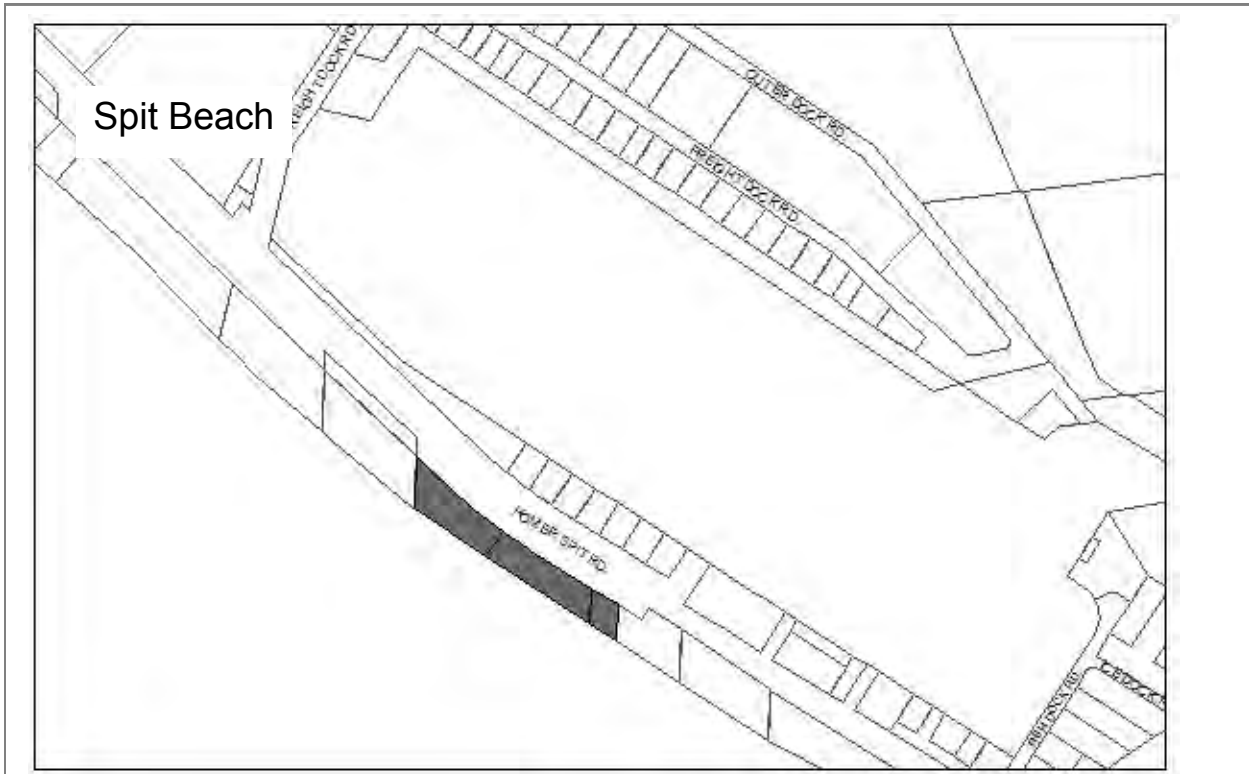
**Zoning:** Open Space Recreation

**Wetlands:** N/A

**Infrastructure:** Paved Road

**Finance Dept. Code:**





**Designated Use:** Open Space Recreation  
**Acquisition History:** Lot 11B: Reso 93-14, 3/24/93 Deed. Acquired through an exchange for lot 18.

<b>Area:</b> 2.36 acres	<b>Parcel Number:</b> 181033 4, 5, 6
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**2015 Assessed Value:** \$400,800

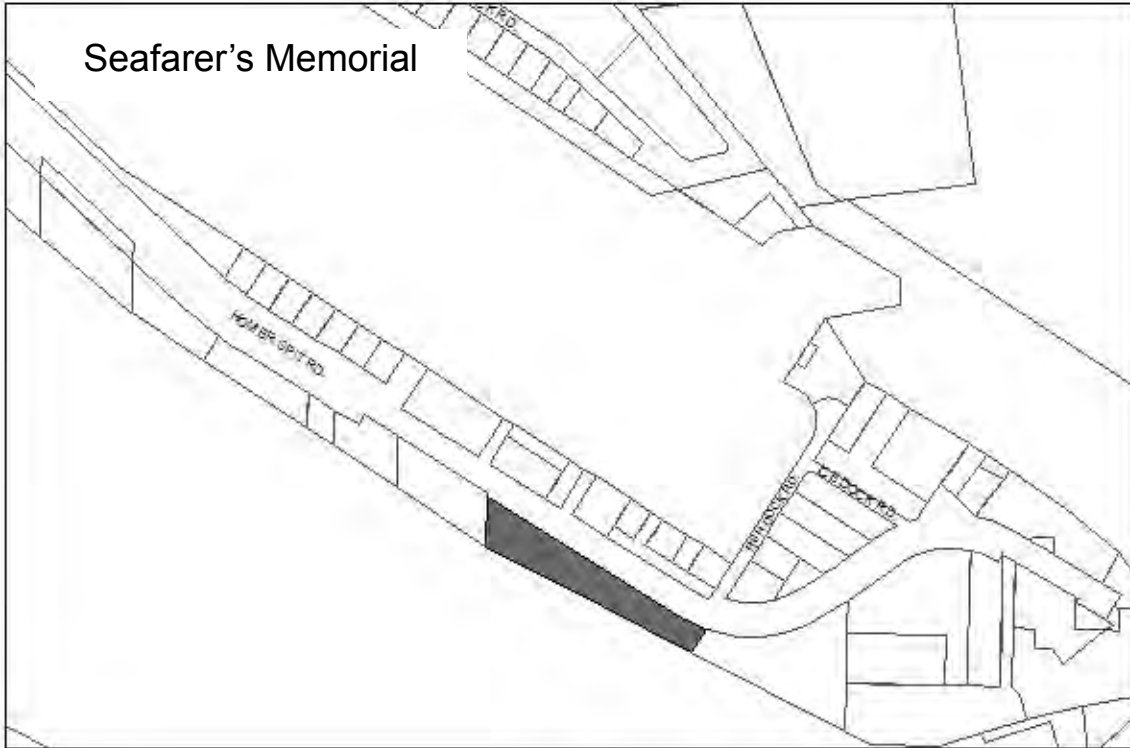
**Legal Description:** Homer Spit Subdivision Amended Lots 11 and 20. Lot 11B of HM 0640816.

<b>Zoning:</b> Open Space Recreation	<b>Wetlands:</b> N/A
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**Infrastructure:** Paved Road

**Notes:**

**Finance Dept. Code:**



**Designated Use:** Seafarer's Memorial and parking  
**Acquisition History:**

**Area:** 2.52 acres

**Parcel Number:** 18103401

**2009 Assessed Value:** \$316,900

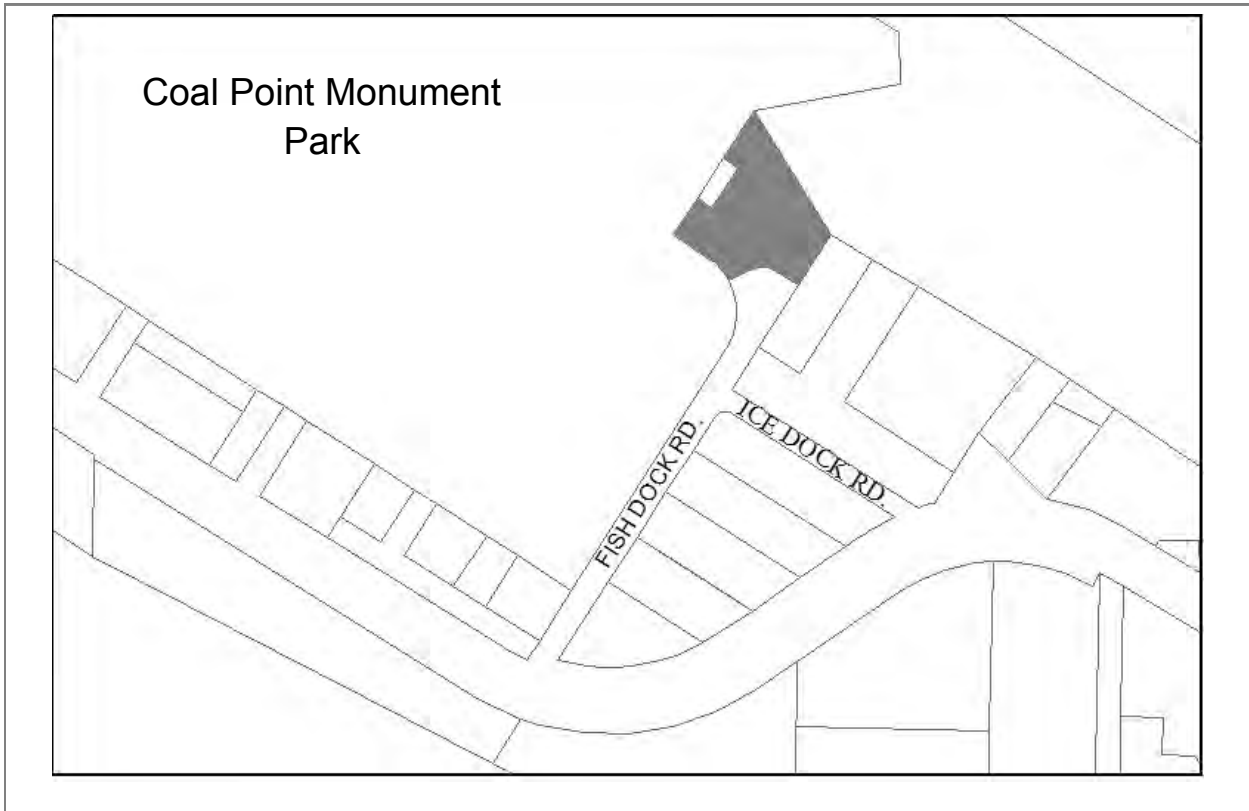
**Legal Description:** Homer Spit Amended Lot 31

**Zoning:** Open Space Recreation

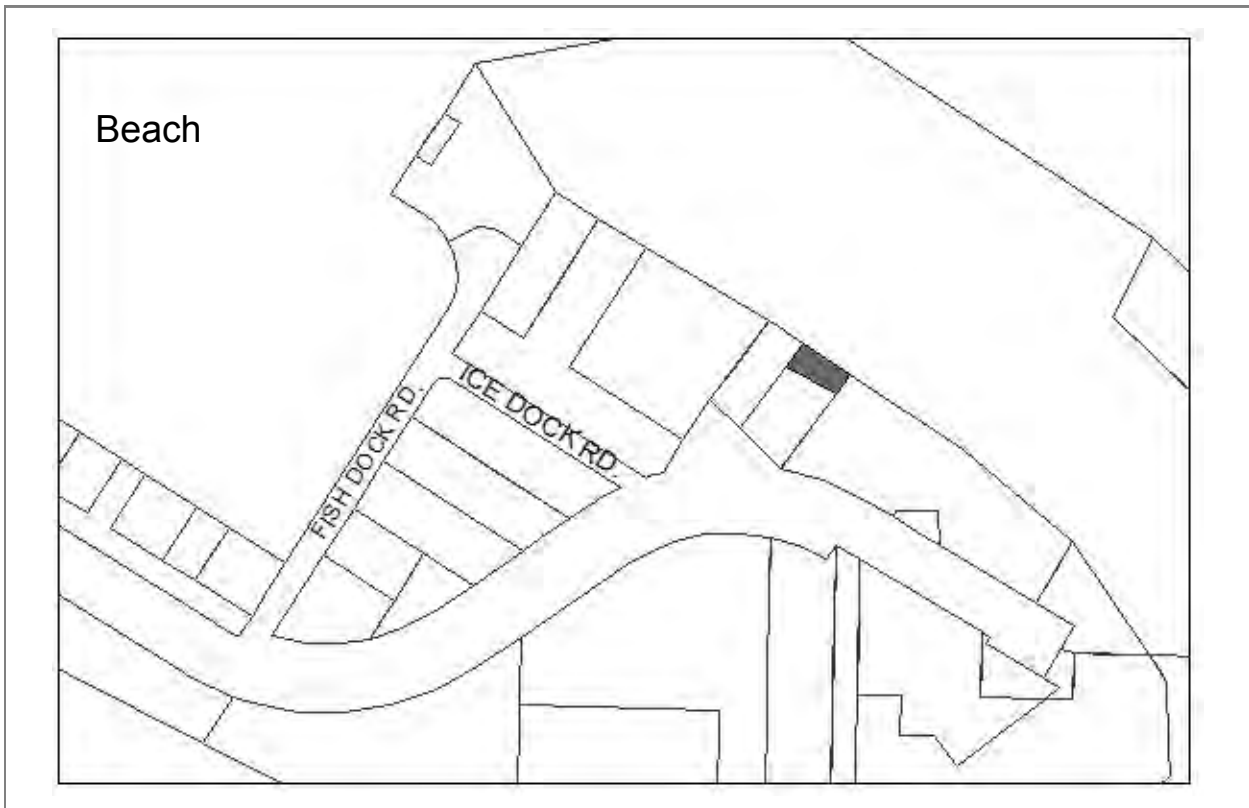
**Wetlands:** N/A

**Infrastructure:** Paved Road

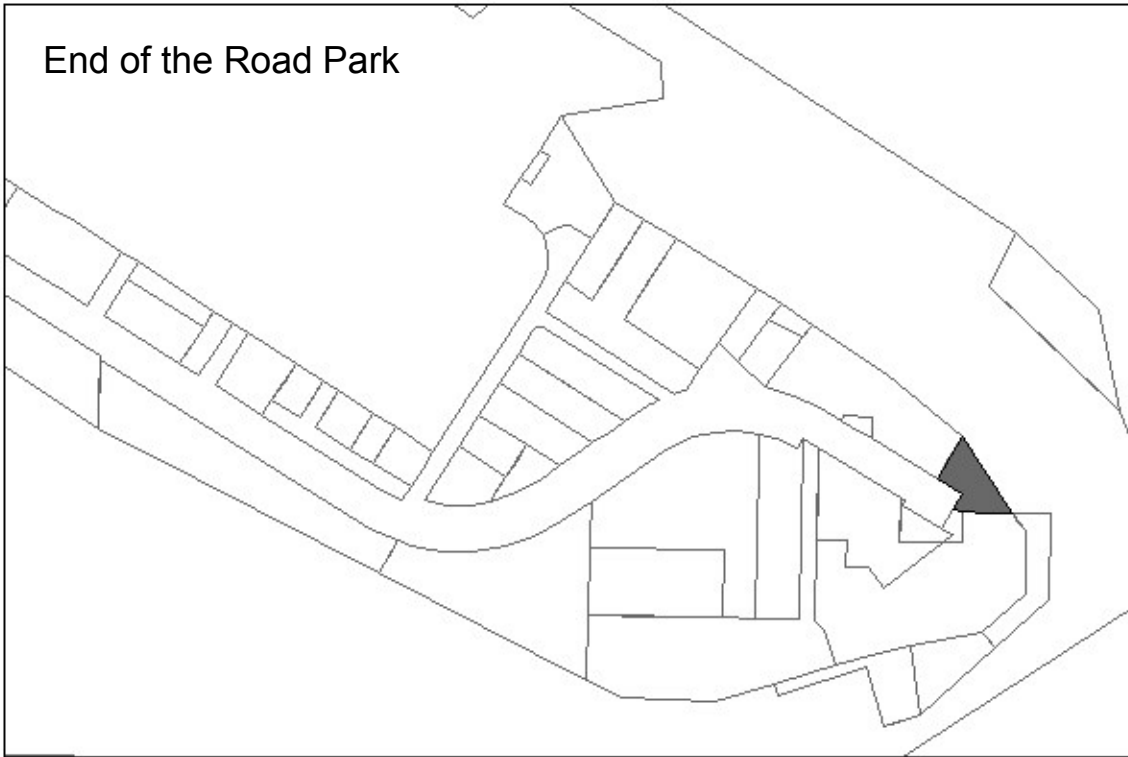
**Finance Dept. Code:**



<b>Designated Use:</b> Park	
<b>Acquisition History:</b>	
<b>Area:</b> 1.09 acres	<b>Parcel Number:</b> 18103426
<b>2015 Assessed Value:</b> \$280,000	
<b>Legal Description:</b> LEGAL T 7S R 13W SEC 1 SEWARD MERIDIAN HM 0890034 HOMER SPIT SUB AMENDED COAL POINT MONUMENT PARK EXCLUDING THAT PORTION AS PER LEASE AGREEMENT 187 @ 921	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b>
<b>Infrastructure:</b> gravel parking area	
<b>Notes:</b>	
<b>Finance Dept. Code:</b>	



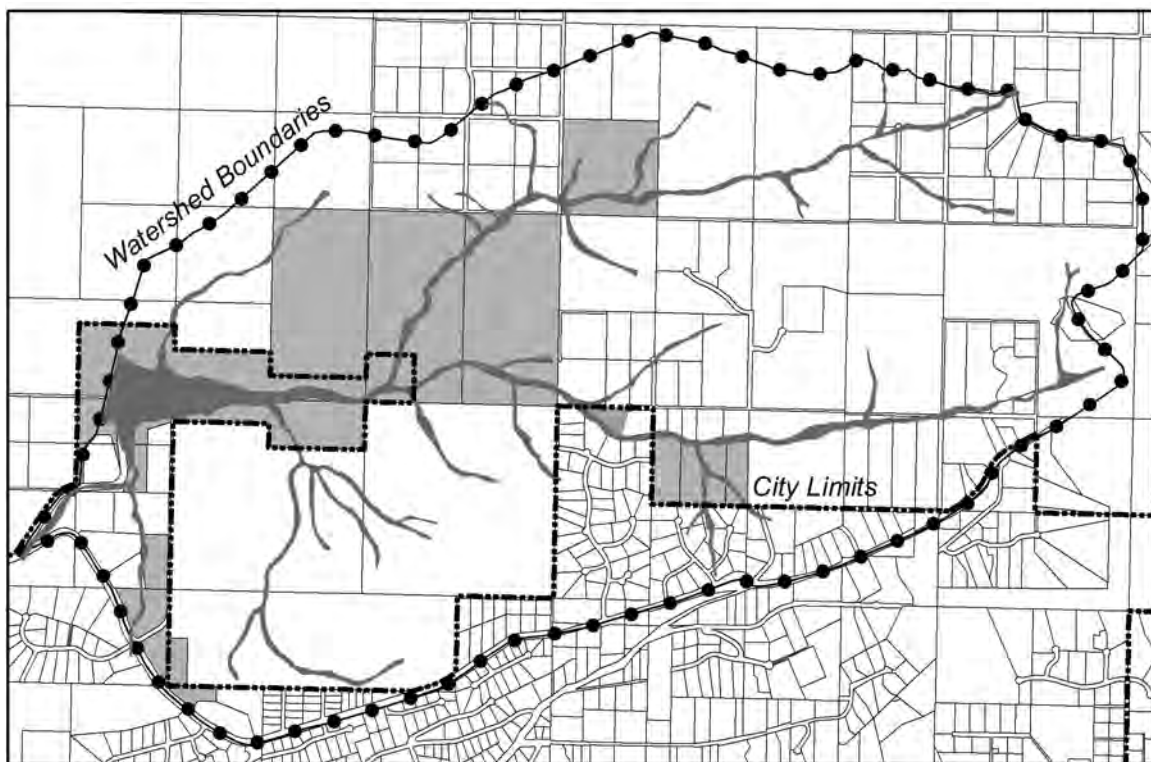
<b>Designated Use:</b> Beachfront between Icicle and Main Dock	
<b>Acquisition History:</b>	
<b>Area:</b> 0.11 acres	<b>Parcel Number:</b> 18103446
<b>2015 Assessed Value:</b> \$44,700	
<b>Legal Description:</b> T 7S R 13W SEC 1 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 20 LYING NE OF THE HOMER SPIT RD & BOUNDED ON THE NW BY LOT 43 OF HOMER SPIT SUB AMENDED & BOUNDED ON THE NE BY ATS 612 & BOUNDED ON THE SE BY LOT 45 OF HOMER SPIT SUB AMENDED & BOUNDED ON THE	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A tidal, flood plain
<b>Infrastructure:</b>	
<b>Notes:</b>	
<b>Finance Dept. Code:</b>	



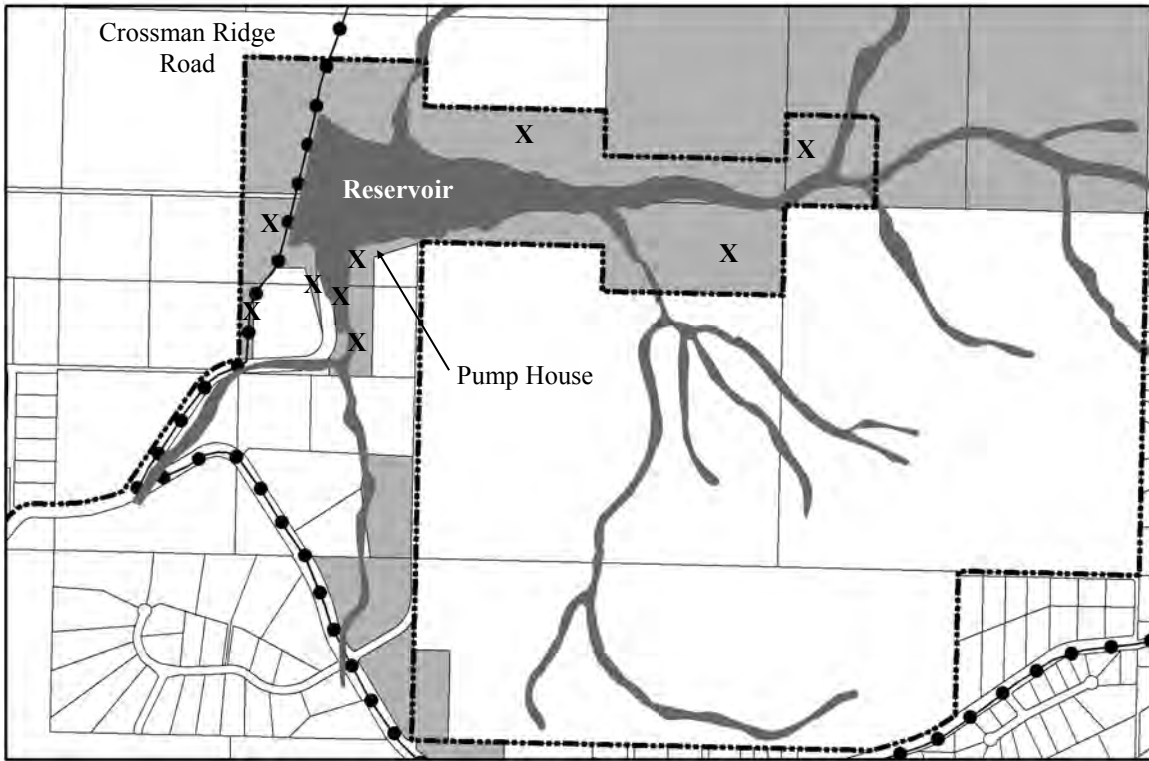
<b>Designated Use:</b> End of the Road Park Resolution 13-032	
<b>Acquisition History:</b>	
<b>Area:</b> 0.43 acres	<b>Parcel Number:</b> 18103448
<b>2015 Assessed Value:</b> \$133,000	
<b>Legal Description:</b> HM0930049 T07S R13W S01 HOMER SPIT SUB NO 6 VELMA'S ADDN LOT 45-B	
<b>Zoning:</b> Marine Industrial	<b>Wetlands:</b> N/A
<b>Infrastructure:</b> Water, sewer, paved road access	<b>Address:</b>
<ul style="list-style-type: none"> <li>• Restroom construction 2013/14, parking lot paved, and spit trail completed</li> <li>• Access easement granted to Land's End for fire egress, due to erosion of beach.</li> </ul>	
<b>Finance Dept. Code:</b>	

### City Lands within the Bridge Creek Watershed Protection District

These properties lie within the Bridge Creek Watershed Protection District. Not all the lands within the district are in Homer City limits. The city owns 22 lots totaling 438.46 acres with an assessed value in 2016 of \$5,067,300. Lands include conservation purchases from the University of Alaska, Bureau of Indian Affairs, Kenai Peninsula Borough tax foreclosure, private parties, and water system infrastructure such as the reservoir, pump house, and water treatment plant and tanks.



Section updated November 29, 2017



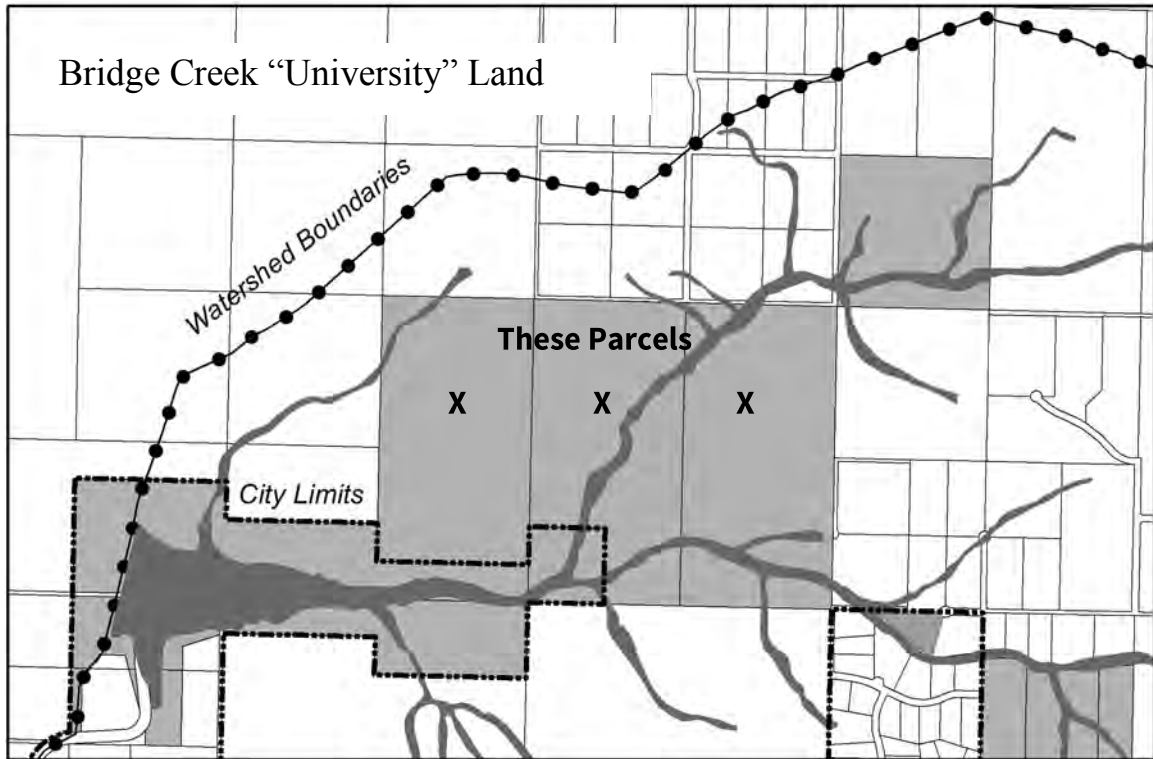
**Designated Use:** Bridge Creek Watershed, Reservoir and pump house  
**Acquisition History:**

**Area:** 120.9 acres      **Zoning:** Conservation      **2015 Assessed Value:** \$323,800

**PARCEL ACREAGE LEGAL**

17307053	0.410	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 2 THAT PORTION THEREOF LYING EAST OF DIAMOND RIDGE ROAD
17307057	1.470	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 13 A PORTION THEREOF
17307059	0.130	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 13 A PORTION THEREOF
17307062	7.350	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 1 PORTION THEREOF
17307064	6.940	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 2 PORTION THEREOF
17305301	30.000	T 6S R 13W SEC 8 SEWARD MERIDIAN HM N1/2 N1/2 NW1/4 NW1/4 & N1/2 NE1/4 NW1/4
17305111	60.000	T 6S R 13W SEC 5 T 6S R 13W SEC 6 HM SEWARD MERIDIAN S1/2 S1/2 SE1/4 SW1/4 & S1/2 SW1/4 SW1/4 OF SEC 5 & S1/2 SE1/4 SE1/4 & S1/2 N1/2 SE1/4 SE1/4 OF SEC 6
17305236	10.000	T 6S R 13W SEC 5 SEWARD MERIDIAN HM SW1/4 SW1/4 SE1/4
17307060	4.600	T 6S R 13W SEC 7 SEWARD MERIDIAN HM 0711238 DIAMOND RIDGE ESTATES SUB LOT 14 THE W1/2 THEREOF

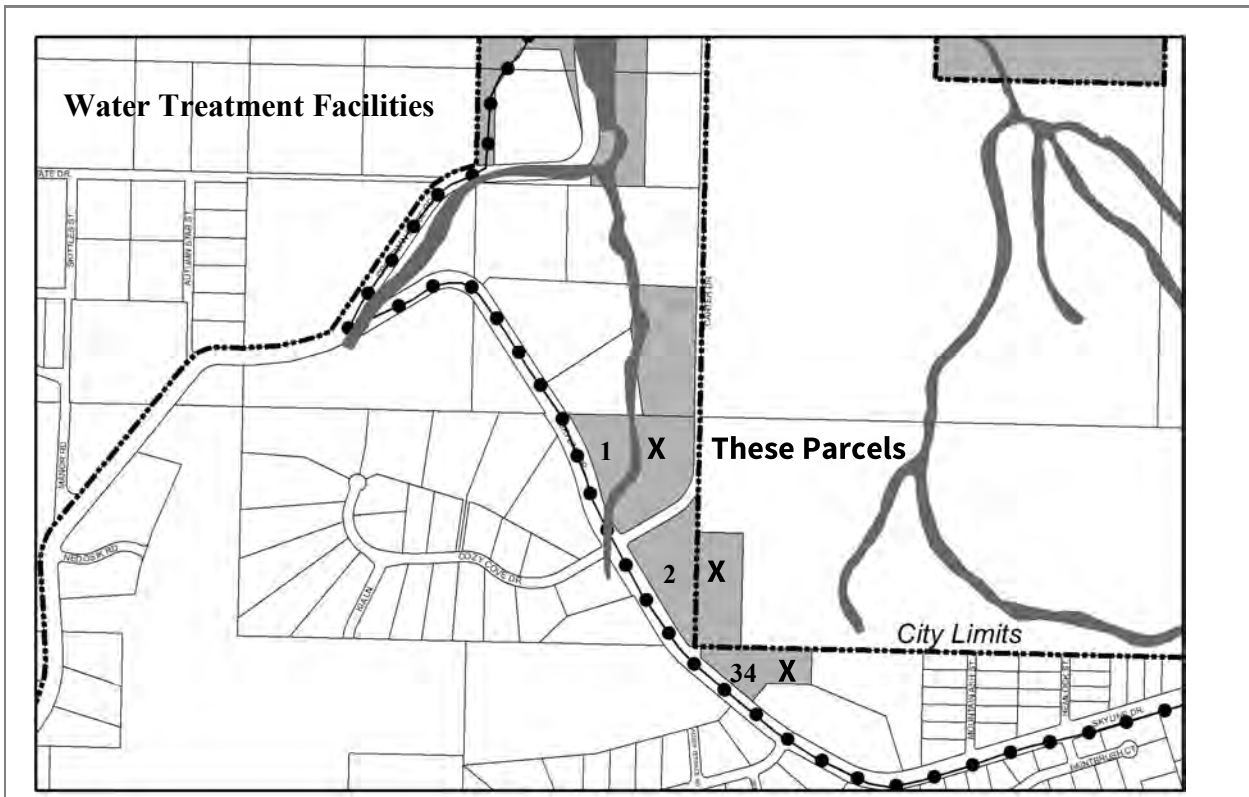
**Finance Dept. Code:**



<b>Designated Use:</b> Bridge Creek Watershed Property	
<b>Acquisition History:</b> Ordinance 2003-7(A). Purchased from UAA.	
<b>Area:</b> 220 acres	<b>Parcel Number:</b> 173 052 34, 35, 17305120
<b>2015 Assessed Value:</b> \$184,100	
<b>Legal Description:</b> The Northwest one-quarter of the Southeast one-quarter (NW1/4 SE1/4) and the East one-half of the Southwest one-Quarter of the Southeast one-quarter (E1/2 SW1/4 SE1/4) and the Northwest one-quarter of the Southwest one-quarter of the Southeast one-quarter (NW1/4 SW1/4 SE1/4) and the Northeast one-quarter of the Southwest one-quarter (NE1/4 SW1/4) and the North one-half of the South one-half of the Southeast one-quarter of the Southwest one-quarter (N1/2 S 1/2 SE1/4 SW1/4) and the East one-half of the Southeast one-quarter (E1/2 SE1/4) of Section 5, Township 6 South, Range 13 West, Seward Meridian, in the Homer Recording District, State of Alaska.	
<b>Zoning:</b> Bridge Creek Watershed Protection District. Not within City Limits.	<b>Wetlands:</b> Some wetlands. Bridge Creek flows through the property.
<b>Infrastructure:</b> None. Limited legal and physical access.	
<b>Notes:</b> Paid \$265,000 for land in 2003. Fire hazard mitigation conducted in 2011.	
<b>Finance Dept. Code:</b>	







**Designated Use:** Protecting the watershed and providing alternate access to property north of the City's water treatment plant, Water Tank and building, City Well Reserve Water Tank and building/Public Purpose.

**Acquisition History:** Ordinance 10-21 (Lot 1) Lot 34 Purchased 1/97 Tulin

<b>Area:</b> Lot 1: 7.83 acres Lot 2: 8.34 acres Lot 34: 3 acres	<b>Parcel Number:</b> 17307094, 95, 96, 17308034
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**2015 Assessed Value:** Lot 1: land \$45,600 Lot 2: Land \$79,500, improvements \$3,343,300  
Lot 34: land \$42,300, Improvements \$677,500,

**Legal Description:** Hillstrand's Homestead Lots 1, 2, Tulin Terrace Upper Terrace Lot 34

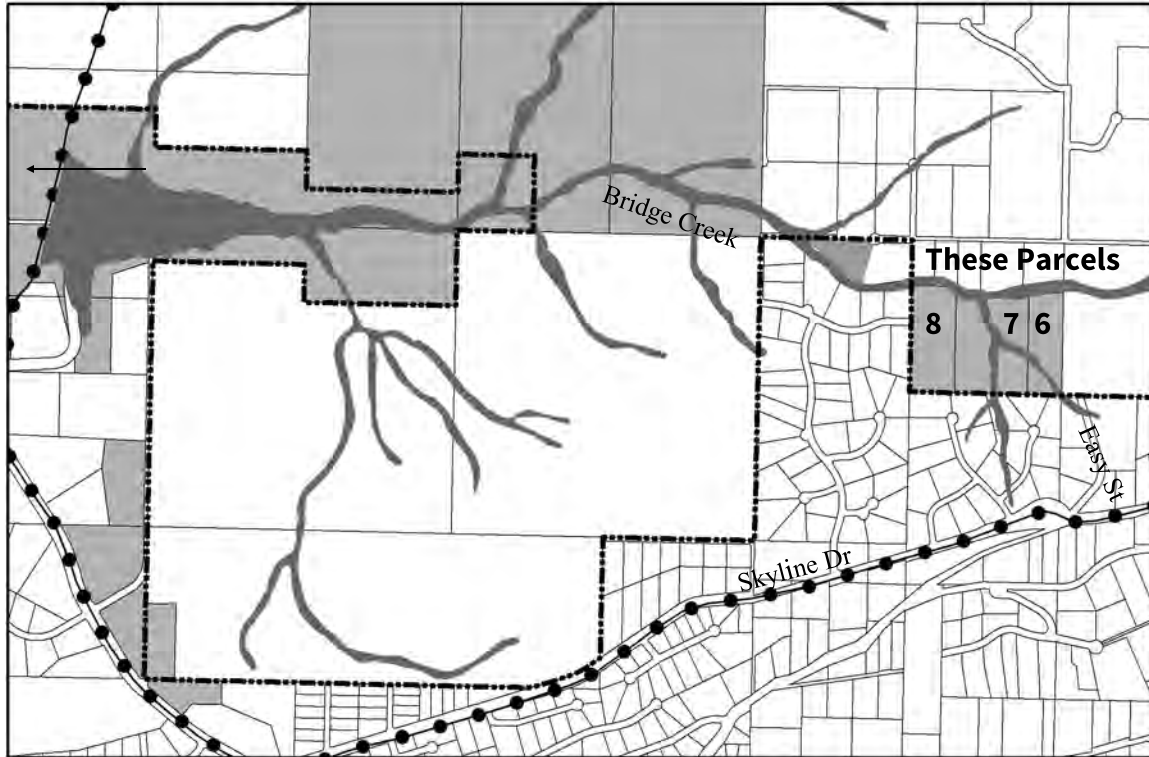
<b>Zoning:</b> Rural Residential, Bridge Creek WPD	<b>Wetlands:</b> Some discharge slope wetland, possibly a creek to the Reservoir.
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**Infrastructure:** Paved road, electricity

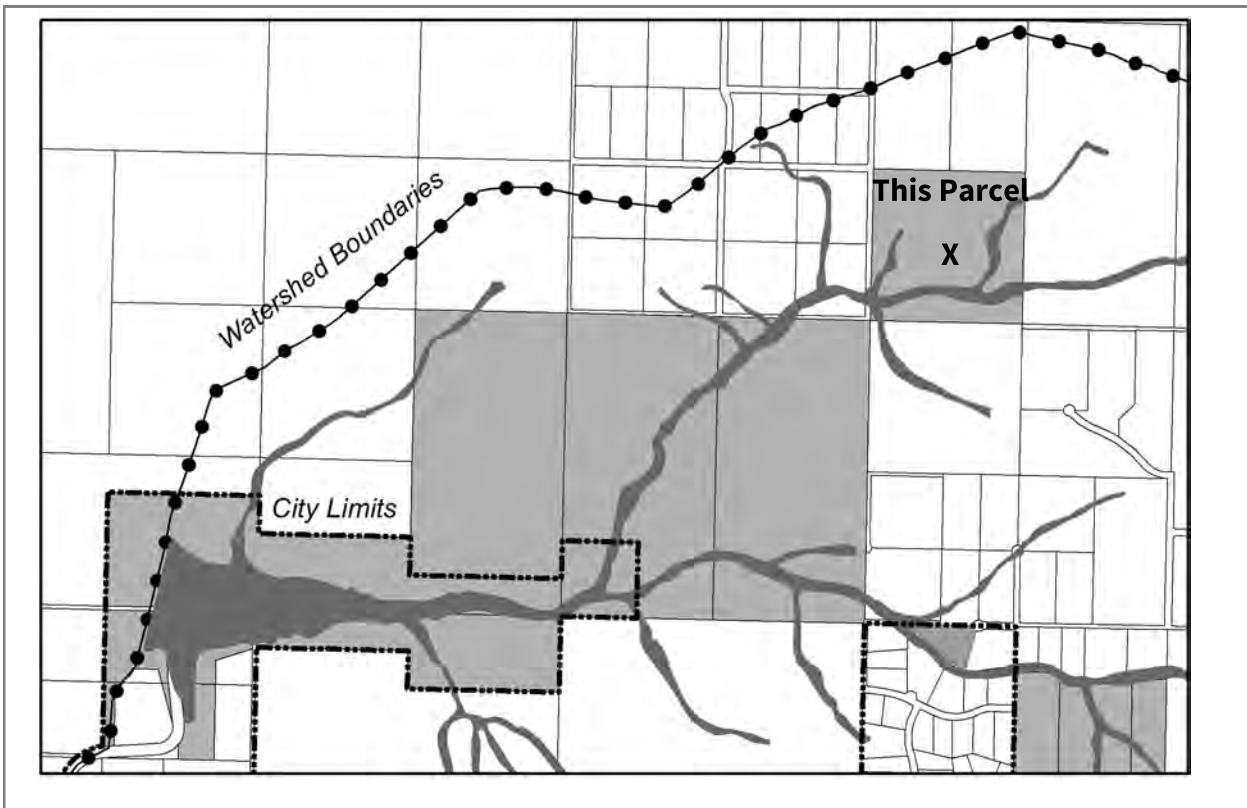
**Notes:**

Bulk of Lot 1 purchased in 2010, Ord 10-21, \$90,000. 184 Skyline Dr  
Former water treatment plant site. A fire station/equipment storage was constructed in 2014.  
Eastern half of lot 2, acquired through eminent domain. Location of the water treatment plant.  
Lot 34 is the site of a 1 million gallon water tank.

**Finance Dept. Code:**



<b>Designated Use:</b> Watershed Protection Purposes	
<b>Acquisition History:</b> Ordinance 2009-08(A)	
<b>Area:</b> Lot 6: 6.91 acres, Lot 7: 13.38 acres Lot 8: 8.89 acres Total: 28.81 acres	<b>Parcel Numbers:</b> 1736600 6, 7, 8
<b>2015 Assessed Value:</b> \$185,700 (all lots)	
<b>Legal Description:</b> Lots 6,7 and 8, Roehl Parcels Record of Survey Amended	
<b>Zoning:</b> Not in city limits.	<b>Wetlands:</b> about half the land is wetland. Bridge Creek is the northern boundary of these lots.
<b>Infrastructure:</b> Gravel access on Easy Street and Quinalt Ave. There is a gravel road with some sort of easement over lots 6 and 7.	
<b>Notes:</b>  Lots purchased 2/25/09 Lot 6, \$58,735, recorded document 2009-000612-0 Lot 7, \$113,730, recorded document 2009-000613-0 Lot 8, \$75,565, recorded document 2009-000611-0 Total Cost: \$248,030  The northern lot line of these lots is bridge creek, and meanders as the creek meanders.	
<b>Finance Dept. Code:</b>	



**Designated Use:** Public Purpose, Watershed Protection Purposes (Reso 16-043 Ord 16-19)  
**Acquisition History:** Tax foreclosure from KPB, Ordinance 15-15,

**Area:** 40 acres

**Parcel Numbers:** 17305219

**2015 Assessed Value:** \$47,200

**Legal Description:** T 6S R 13W SEC 4 SEWARD MERIDIAN HM SW1/4 NW1/4

**Zoning:** Not in city limits, part of the Bridge Creek WPD.

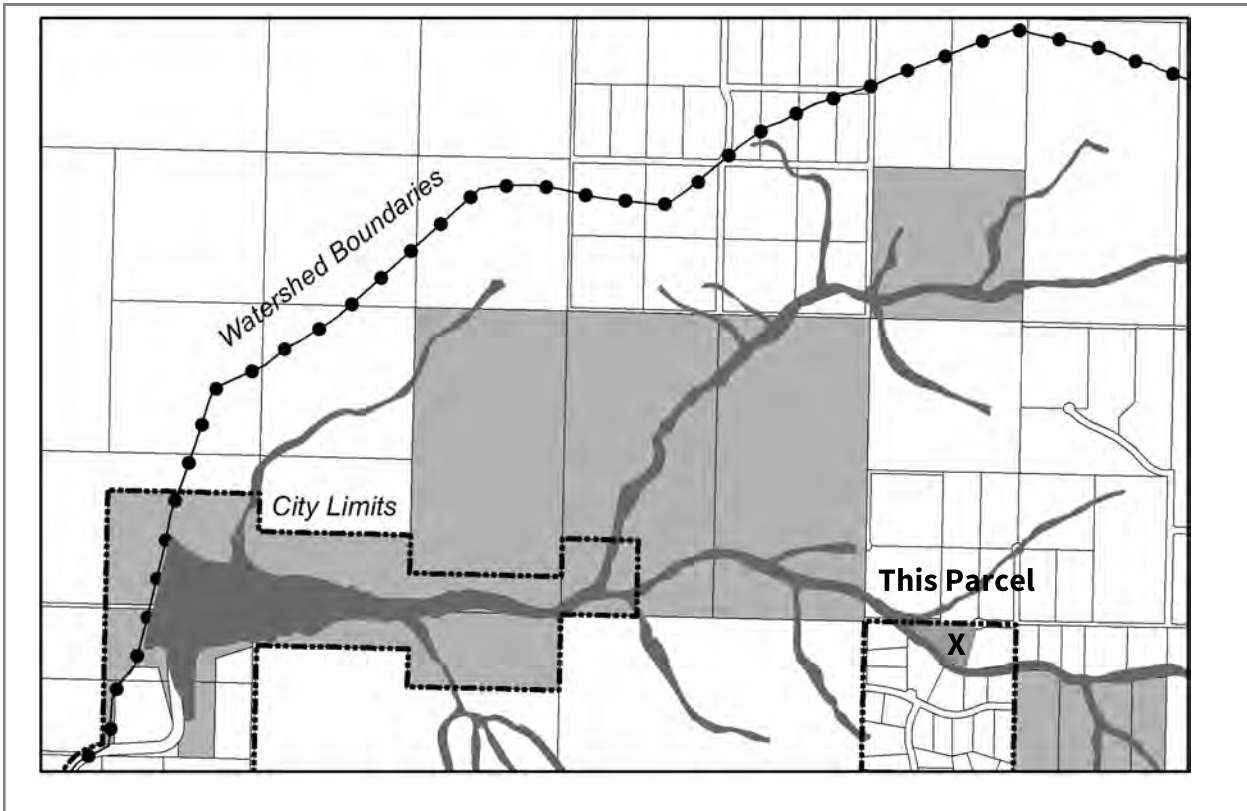
**Wetlands:** about half the land is wetland. Bridge Creek is the northern boundary of these lots.

**Infrastructure:** Gravel access on Easy Street and Quinalt Ave. There is a gravel road with some sort of easement over lots 6 and 7.

**Notes:**

Purchase cost: \$2,805.21 in 2015.  
 Legal and physical access to this property is difficult. Bridge Creek flows through a ravine along the bottom third of the lot, and the property is generally steep.

**Finance Dept. Code:**



**Designated Use:** Watershed Protection Purposes (Ord 17-27)

**Acquisition History:** City purchased from private land owner

**Area:** 2.86 acres

**Parcel Number:** 17305408

**2017 Assessed Value:** \$45,200 (high)

**Legal Description:** T 6S R 13W SEC 9 SM Kelly Ranch Estates Sub Lot 8 Block 1

**Zoning:** RR, and part of the Bridge Creek WPD.

**Wetlands:** Lot is all wetlands. Bridge Creek runs through the valley on the south side of the lot.

**Infrastructure:** Access by foot or ATV via a section line and undeveloped right of way.

**Notes:**

Purchase cost: \$21,000 in 2017.

**Finance Dept. Code:**

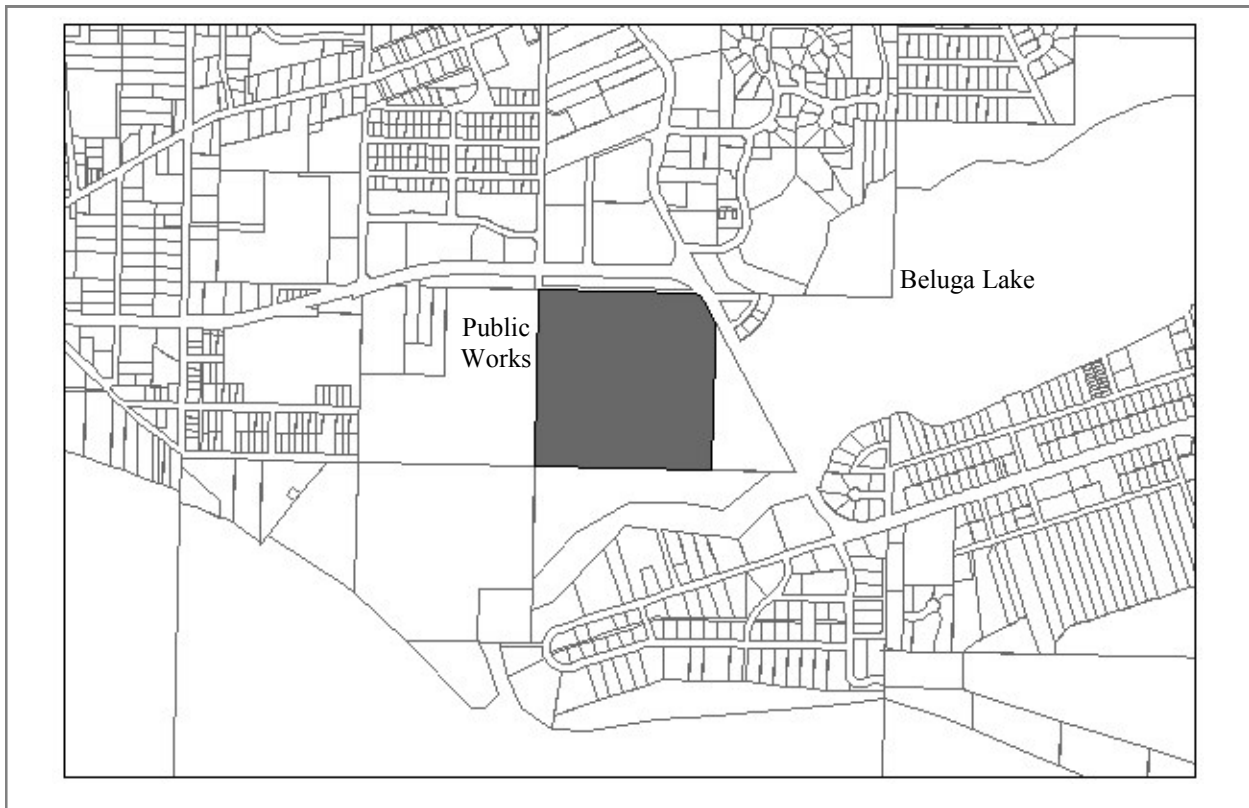
## Homer Conservation Easement Lands

Existing conservation lands in Homer were mainly acquired through Exxon Valdez Oil Spill funding. Generally there are very strict easements on these lands as they were purchased to protect habitat, particularly shorebird habitat in sensitive areas. A portion of Louie's Lagoon has a conservation easement held by the Kachemak Heritage Land Trust.

Total acreage: 169.72 acres.



This section updated 11/20/2017



**Designated Use:**  
**Acquisition History:** EVOS purchase and conservation easement.

<b>Area:</b> 39.24 acres	<b>Parcel Number:</b> 17714006
--------------------------	--------------------------------

**2017 Assessed Value:** \$9,900

**Legal Description:** HM T06S R13W S20 NW1/4 SE1/4 EXC HOMER BY PASS RD

<b>Zoning:</b> Conservation	<b>Wetlands:</b> Beluga Slough Estuary
-----------------------------	--

**Notes:**

- Conservation Easement document recorded in Book 0275, Page 243, Homer Recording District, 4/21/98.
- Parcel is within a FEMA-mapped floodplain.
- Resolution 15-064 supported the inclusion of this land in the Western Hemisphere Shorebird Reserve Network

**Finance Dept. Code:** 392.0013

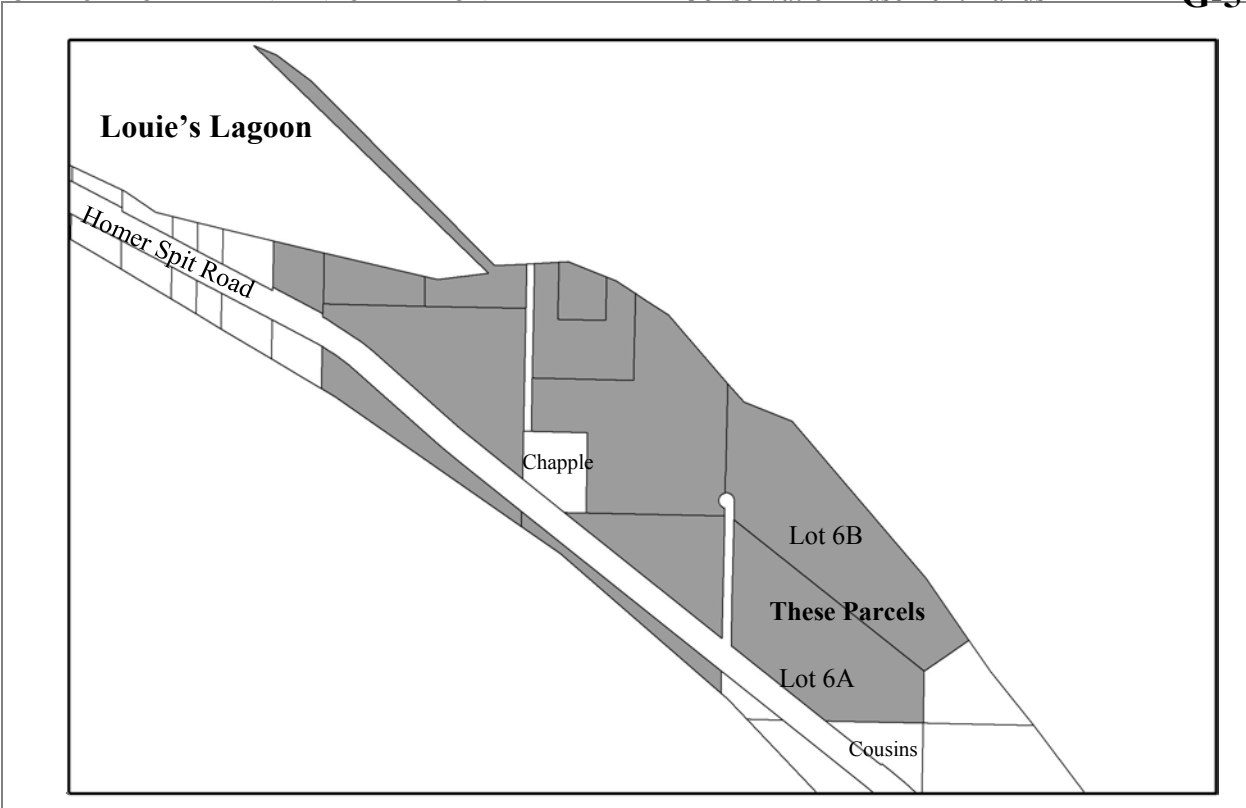


<b>Designated Use:</b>	
<b>Acquisition History:</b> EVOS purchase and conservation easement. Resolution 97-72 and 104.	
<b>Area:</b> Lot 7: 7.1 acres Lot 8: 3.94 acres Lot 9: 3.00 acres Lot 9 S of Road: 2.16 acres (no EVOS Conservation Easement)	<b>Parcel Number:</b> 181020 02, 01, 18101023, 24
<b>2017 Assessed Value:</b> Lot 7: \$6,800 Lot 8: \$113,300 Lot 9: \$142,400 Lot 9S: \$4,100	
<b>Legal Description:</b> HM T06S R13W S27 GOVT LOT 7 (east) and 8 (west) HM T06S R13W S28 THAT PORTION OF GOVT LOT 9 LYING NORTH OF HOMER SPIT RD	
<b>Zoning:</b> Conservation—lots 7 and 8 Open Space Recreation—Lot 9	<b>Environment:</b> State Critical Habitat Area below 17.4 ft . mean high tide line.
<b>Notes:</b> <ul style="list-style-type: none"> <li>• Conservation easement recorded in Book 0275, Page 229, Homer Recording District, 4/21/98.</li> <li>• Parcels are within a FEMA-mapped flood hazard area.</li> </ul>	
<b>Finance Dept. Code:</b>	





<b>Designated Use:</b>	
<b>Acquisition History:</b> EVOS purchase and conservation easement.	
<b>Area:</b> Total: 70.97 acres	<b>Parcel Number:</b> 18102 03, 04, 05, 06, 09, 10,14
<b>2017 Assessed Value:</b> Total: \$281,800	
<b>Legal Description:</b> T 6S R 13W SEC 27 SEWARD MERIDIAN HM:	
<ul style="list-style-type: none"> <li>• 0630660 WALTER DUFOUR SUB LOT 1, 0630060 WALTER DUFOUR SUB TRACT A</li> <li>• THAT PORTION OF GOVT LOT 3 LYING NORTH OF HOMER SPIT RD</li> <li>• THAT PORTION OF GOVT LOT 3 LYING SOUTH OF HOMER SPIT RD</li> <li>• THAT PORTION OF GOVT LOT 5 LYING NORTH OF HOMER SPIT RD</li> <li>• PORTION OF GOVT LOT 5 LYING SOUTH OF HOMER SPIT HWY</li> <li>• 0770055 WALTER DUFOUR SUB TRACT B TRACT B</li> </ul>	
<b>Zoning:</b> Conservation South side of lot 5 is zoned Marine Industrial, but development is restricted by the conservation easement.	<b>Environment:</b> State Critical Habitat Area below 17.4 ft. mean high tide line.
<b>Notes:</b>	
<ul style="list-style-type: none"> <li>• Conservation easement recorded in Book 0275, Page 222, Homer Recording District ,4/21/98.</li> <li>• Deeded to the City on same date, Book 0275, Page 236, HRD.</li> <li>• Parcels are within a FEMA-mapped flood hazard area.</li> </ul>	
<b>Finance Dept. Code:</b>	



<b>Designated Use:</b>	
<b>Acquisition History:</b> EVOS purchase and conservation easement.	
<b>Area:</b> Total: 45.47 acres	<b>Parcel Number:</b> 181-020 - 18, 19
<b>2017 Assessed Value:</b> Total: \$207,500	
<b>Legal Description:</b> HM2001008 T06S R13W S27 LOUIE'S LAGOON LOT 6-A HM2001008 T06S R13W S27 LOUIE'S LAGOON LOT 6-B	
<b>Zoning:</b> Conservation	<b>Environment:</b> State Critical Habitat Area below 17.4 ft. mean high tide line.
<b>Notes:</b>	
<ul style="list-style-type: none"> <li>• Conservation easement recorded in Book 0275, Page 229, Homer Recording District, 4/21/98. This easement covers former Lot 6. See plat 2001-008.</li> <li>• Conservation easement with Kachemak Heritage Land Trust on Lot 6B. Executed 10/4/02, document 2004-004843-0 HRD.</li> <li>• Parcels are within a FEMA-mapped flood hazard area.</li> </ul>	
<b>Finance Dept. Code:</b>	

# 2018 Draft Land Allocation Plan Spit Map

Only this lot is available for long term lease along Freight Dock Rd



## Legend

- City Land
  - Parcels
  - Parking
  - Overslope
- Parcels**
- 2018 Allocation - Section**
- For Lease A
  - Leased B
  - Port C
  - City Facility D
  - Park/open space E

City property outlined in red.  
Photo taken in 2013.  
Property lines are not exact - use with care  
P & Z 12/5/17 JE



**CITY OF HOMER  
HOMER, ALASKA**

Aderhold

**RESOLUTION 18-036**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, ESTABLISHING THE HOMER EDUCATION AND RECREATION COMPLEX (HERC) TASK FORCE TO DETERMINE THE FINANCIAL RESOURCES REQUIRED TO USE THE BUILDING AND LEASING SPACE IS A FEASIBLE OPTION.

WHEREAS, The property the Homer Education and Recreation Center (HERC) is located on comprises four parcels that Homer area residents separately donated to the territorial school, the Parent Teacher Association of Homer, and to the Territory of Alaska in the 1940s and the 1950s, which were then transferred to the Kenai Peninsula Borough in 1974; and

WHEREAS, When the property was conveyed from the Kenai Peninsula Borough to the City of Homer in 1998 it was to allow public use of the gym and associated restrooms (the upstairs being occupied by the Kachemak Bay Branch of the Kenai Peninsula College); and

WHEREAS, Since conveyance of the property to the City of Homer in 1998 the HERC has been used as public gymnasium space and until 2011 a campus of the Kachemak Bay Branch of the Kenai Peninsula College; and

WHEREAS, Without an anchor tenant since 2011 the building has been underutilized; and

WHEREAS, Homer City Council and the Parks Art Recreation and Culture Advisory Commission held a joint work session on January 8, 2018 to discuss the future of the Homer Education and Recreation Complex (HERC); and

WHEREAS, Four main ideas were discussed including a convention center, shared police station and recreation facility, selling the property, and using the HERC as a recreation facility, and

WHEREAS, Resolution 18-013(A) selected a new site for the Police Station, so a shared rec/police station is no longer an option that needs further investigation, and

WHEREAS, The HERC property presents opportunity for community use but also has long term financial costs for the City; and

WHEREAS, More information and community process is needed to determine the feasibility and desirability of expanding the use of the HERC building for recreation or as a multi-use building, and

45  
46 WHEREAS, The feasibility of HERC as a convention space is also a complex question that  
47 would require additional study; and  
48

49 WHEREAS, The decision to sell the property should be entertained only after a thorough  
50 study of the feasibility of HERC as a long term recreation facility or other use such as  
51 convention center; and  
52

53 WHEREAS, Council adopted Resolution 18-006, to use HERC for Community Recreation  
54 until such time as the building is demolished; and  
55

56 WHEREAS, There is preliminary interest in leasing the building to use as a public school.  
57

58 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer Alaska establishes  
59 the Homer Education and Recreation Complex (HERC) Task Force to determine the financial  
60 resources required to use the building and if leasing space is a feasible option.  
61

62 BE IT FURTHER RESOLVED that the task force shall be tasked with evaluating the  
63 following and providing a recommended preferred alternative to the Homer City Council on or  
64 before the November, 2018 City Council meeting:  
65

- 66 1. Can the upstairs of the HERC be safely used with no capital improvements?
- 67 2. What are the minimum improvements that would be needed to safely use the  
68 entire HERC facility and cost associated with those improvements?
- 69 3. What are the desirable improvements that need to be made to the entire HERC  
70 facility to allow it to be used to its full potential for the next 10 years?
- 71 4. What would it cost to demo the HERC and build a new facility that meets the  
72 recreation needs of the community on the existing site?  
73

74 BE IT FURTHER RESOLVED that for the above mentioned alternatives the task force  
75 evaluate how to pay for both operations, maintenance and any required capital expenditures  
76 and select a preferred funding plan to recommend to Council.  
77

78 BE IT FURTHER RESOLVED that the task force will consist of seven members plus an  
79 advisory student member, no more than one member from the Homer City Council, no more  
80 than one member from the Parks, Art, Recreation and Culture Advisory Commission, and no  
81 more than three seats filled by non-city residents. The deadline to apply for the task force shall  
82 be May 7<sup>th</sup> with appointments made by the Mayor and approved by the Council at the May 14<sup>th</sup>  
83 Homer City Council meeting. When considering appointments the Mayor and Council should  
84 take care to ensure a balanced task force that represents diverse points of view including  
85 members who have a strong interest in recreation, familiarity with non-profit management, a  
86 small business owner, and a familiarity with land development and real estate.  
87

88 BE IT FURTHER RESOLVED, the task force will sets its own meeting schedule during  
89 regular business hours and will disband November 31, 2018 unless extended by City Council by  
90 resolution.

91  
92 PASSED AND ADOPTED by the Homer City Council this \_\_\_ day of \_\_\_\_\_,  
93 2018.

94  
95 CITY OF HOMER

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97 \_\_\_\_\_  
98 BRYAN ZAK, MAYOR  
99

100  
101 ATTEST:

102  
103 \_\_\_\_\_  
104 MELISSA JACOBSEN, MMC, CITY CLERK  
105

106 Fiscal note: Advertising, staff time, and \$10,000 from Old Middle School Depreciation Fund.







# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

## MEMORANDUM 18-042

TO: Mayor Zak and Homer City Council  
THROUGH: Katie Koester, City Manager  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: March 29, 2018  
SUBJECT: HERC Task Force Resolution

---

At the meetings of February 15 and March 22<sup>nd</sup>, The Parks, Art, Recreation and Culture Commission (PARCAC) discussed the draft resolution and made amendments. Discussion emphasized desire to consider the whole 4.3-acre property, not just the building currently being used by Community Recreation. PARCAC also discussed the membership and time frame of the proposed task force. There is a desire for a cross sector, multi-age task force, and a six month timeframe, with the option to extend if needed.

At minimum, the Commission felt the task force should include:

- 1 council person
- 1 PARCAC member
- 1 non-profit member
- 1 private sector member
- 1 recreation user

Additional membership could include a representative from the EDC, HAPC, library, hospital, realtors, and other community members.



1 CITY OF HOMER  
2 HOMER, ALASKA

3  
4 RESOLUTION 18-01

5  
6 A RESOLUTION OF THE PARK, ART, RECREATION AND CULTURE  
7 ADVISORY COMMISSION REQUESTING THE HOMER CITY COUNCIL CREATE A  
8 TASK FORCE TO DETERMINE THE FINANCIAL RESOURCES REQUIRED TO USE  
9 THE HERC AND IF A TENANT IS A FEASIBLE OPTION.  
10

11 WHEREAS, HCC and PARCAC held a joint work session on January 8, 2018 to discuss the future  
12 of the Homer Education and Recreation Complex (HERC); and

13 WHEREAS, Four main ideas were discussed including a convention center, shared police station  
14 and recreation facility, selling the property, and using HERC as a recreation facility, and

15 WHEREAS, Resolution 18-013(A) selected a new site for the Police Station, so a shared rec/police  
16 station is no longer an option that needs further investigation, and

17 WHEREAS, The HERC property presents opportunity for community use but also has long term  
18 financial costs for the City; and

19 WHEREAS, More information and community process is needed to determine the feasibility and  
20 desirability of expanding the use of the HERC building for recreation or as a multi-use building,  
21 and

22 WHEREAS, The feasibility of HERC as a convention space is also a complex question that will  
23 require additional study; and

24 WHEREAS, The decision to sell the property should be entertained only after a thorough study  
25 of the feasibility of HERC as a long term recreation facility or other use such as convention  
26 center; and

27 WHEREAS, Council adopted resolution 18-03, to use HERC for Community Recreation until such  
28 time as the building is demolished; and

29 WHEREAS, There is preliminary interest in leasing the building to use as a public school.

30 NOW, THEREFORE, BE IT RESOLVED that PARCAC supports the establishment of a task force by  
31 the City Council to determine:

- 32 1. What financial resources are needed to operate and maintain the HERC at current levels?  
33 2. What financial resources are needed upgrade the facility over the long term for full use?  
34 (10 years or longer);

- 35 3. What will be the estimated long-term costs (operation and maintenance) over 10 years for  
36 full use?
- 37 4. If the HERC site is feasible as a long-term community center?
- 38 5. If the community would be better served by a new or remodeled facility that is not the  
39 HERC.
- 40 6. If it is financially feasible and acceptable to the community to lease the building to another  
41 entity, such as a school or other tenant.
- 42 7. The Task Force should operate in a 6-month timeframe with the opportunity to extend if  
43 needed.

44  
45 PASSED AND ADOPTED by the Park, Art, Recreation and Culture Advisory Commission on this \_\_\_\_ day of \_\_\_\_,  
46 2018.

47  
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50 CITY OF HOMER

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52 \_\_\_\_\_  
53 Matt Steffy, CHAIR  
54

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56  
57 ATTEST:  
58

59 \_\_\_\_\_  
60 RENEE KRAUSE, CMC, CITY CLERK I  
61

62  
63  
64 Fiscal Note:

1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

3 Smith

4 **RESOLUTION 18-037**

5  
6 A RESOLUTION OF HOMER CITY COUNCIL AMENDING THE FEE  
7 SCHEDULE UNDER LIBRARY FEES TO INCREASE COPY FEES.  
8

9 WHEREAS, There are print shops in Homer that provide photo copy services, and

10  
11 WHEREAS, Some of the City's copy fees are less expensive than that offered those local  
12 businesses, and

13  
14 WHEREAS, The City's 2010 Comprehensive Plan Chapter 8, suggests several economic  
15 development strategies which includes supporting and encouraging local businesses to  
16 provide goods and services; and

17  
18 WHEREAS, The City's copy fees should be amended so as not to compete with local  
19 businesses.  
20

21 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council amends the City of  
22 Homer Fee Schedule under Library Fees to increase copy fees as follows:  
23

24 Photo copy

25  
26 **Black and white**     ~~\$.15~~ **\$.25**/ea (letter size) and (legal size) per side **letter size**  
27 **\$.30/ea legal size**  
28 ~~\$.25~~ **.40**/ea 11"x17" per side

29  
30 \$0.50/ea color copies (letter size) and (legal size) per side  
31 \$2.00/ea color copies (11"x17") per side  
32

33 **Color**                 **\$.65 /ea letter size**  
34 **\$.80/ea legal size**  
35 **\$ 1.25 /ea 11"x17"**  
36  
37

38 PASSED AND ADOPTED by the Homer City Council this 9<sup>th</sup> day of April, 2018.  
39

40 CITY OF HOMER

41  
42 \_\_\_\_\_  
43 BRYAN ZAK, MAYOR

44 ATTEST:

45

46 \_\_\_\_\_

47 MELISSA JACOBSEN, MMC, CITY CLERK

48

49 Fiscal note: 100-0145-xxxx copy fees

50

Per side	City of Homer photo copy fee	Lazer Print	% difference between City and Lazer Print	Print Works	% different between City and Print Works	Suggested rate changes
B&W	\$0.15	\$0.23	35%	\$0.25	40%	\$0.25
B&W	\$0.15	\$0.28	46%			\$0.30
B&W	\$0.25	\$0.37	32%	\$0.40	38%	\$0.40
Color	\$0.50	\$0.65	23%	\$0.45	-11%	\$0.65
Color	\$0.50	\$0.80	38%			\$0.80
Color	\$1.00	\$1.25	20%	\$0.55	-82%	\$1.25
Double Sided						
B&W	\$0.30	\$0.46	35%	\$0.35	14%	\$0.50
B&W	\$0.30	\$0.56	46%			\$0.60
B&W	\$0.50	\$1.48	66%	\$0.60	17%	\$0.80
Double Side						
Color	\$1.00	\$1.30	23%	\$0.85	-18%	\$1.30
Color	\$1.00	\$1.60	38%			\$1.60
Color	\$2.00	\$2.50	20%	\$1.05	-90%	\$2.50





**CITY OF HOMER  
HOMER, ALASKA**

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**RESOLUTION 18-038**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
URGING ALASKA DOT TO ADHERE TO THE CURRENT SCHEDULE  
FOR THE PIONEER AVENUE RESURFACING PROJECT.

WHEREAS, In June 2016 ADOT held a public open house on the Homer Lake Street Rehabilitation and Pioneer Avenue Pavement Preservation Projects which included initial design of the Pioneer Avenue Resurfacing project; and

WHEREAS, In June 2017 a kick off meeting was held on the Pioneer Avenue Pavement Preservation Project, to explain the project will extend the service life of Pioneer Avenue by improving the asphalt. This will remove the ruts, cracks and potholes, and protect pavement structural materials. Additional work includes curb ramp upgrades as required by the Americans with Disabilities Act, and may include other minor work to improve the safety and/or operation of the roadway; and

WHEREAS, The Pioneer Avenue Pavement Preservation Project has been extended from 2018 to 2019; and

WHEREAS, The conditions of Pioneer Avenue are dire during the course of winter break up and rainy periods when the ground becomes saturated, ridiculously large sized pot holes open up and are patched with asphalt which breaks up and washes out continuously; and

WHEREAS, Curb ramp upgrades are imperative for the safe maneuvering along Pioneer Avenue for those who walk, use a wheelchair, are visually impaired, and so forth; and

WHEREAS, Curb ramp upgrades must be done to be compliant with the Americans with Disabilities Act;

WHEREAS, Further delays to the project schedule severely impact the residents who rely on this road for daily use and tourists who visit and provide economic benefit to our community.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer Alaska urges the Alaska DOT to adhere to the 2019 Pioneer Avenue Pavement Preservation Project schedule with no further delays.

PASSED AND ADOPTED by the Homer City Council this \_\_\_ day of \_\_\_\_\_,  
2018.

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CITY OF HOMER

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BRYAN ZAK, MAYOR

ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: N/A

# VISITORS



ANNOUNCEMENTS  
PRESENTATIONS  
BOROUGH REPORT  
COMMISSION REPORTS



# PUBLIC HEARING(S)





# ORDINANCE(S)



# CITY MANAGER'S REPORT





## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum

TO: Mayor Zak and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: April 4, 2018  
SUBJECT: April 9 City Manager's Report

---

### **Scoping Meeting for Permit Application 2017-271 for the Pebble Limited Partnership Environmental Impact Statement**

Resolution 18-007 request the US Army Corps of Engineers hold a scoping meeting in Homer on Permit Application 2017-271 for the Pebble Limited Partnership Environmental Impact Statement. The meeting will be held at the Homer High School on April 11 from 5pm – 9pm. See the attached press release for more information, including how to submit public comment on the document.

### **Welcome Matt Steffy as New Parks Coordinator**

Matt Steffy was hired in March 30<sup>th</sup> as the City's new Parks Maintenance Coordinator. Matt has worked in the field of parks & recreation in many capacities between 1998 and 2012. He has a 15 year history with the Alaska Recreation and Parks Association, serving in many positions during that time. Additionally, Matt served as the Chair of the City's Homer Parks, Art, Recreation, and Cultural Services Advisory Commission for five years prior to his hiring. Please take a moment to welcome Matt on board the City of Homer team when you see him out and about working on City parks.

### **Councilmember Aderhold Selected to Serve as an Alaska Salmon Fellow**

Councilmember Aderhold was selected as an Alaska Salmon Fellow from a pool of applicants representing different cultures, sectors and interests across Alaska. The Alaska Salmon Fellow is a program under the Alaska Humanities Forum that brings people together to network and share information about salmon in Alaska. Though Councilmember Aderhold is serving in her personal and professional capacity, it is great to have Homer represented in this important conversation. See attached press release on the Alaska Salmon Forum for more information.

### **Billing Update for the Natural Gas SAD**

The City recently sent out 95 certified delinquent notices for the Homer Natural Gas Line Special Assessment District. The letters included a combination of non-payers and 1<sup>st</sup> payment only payers. Six inquiries to the Finance Department have been received due to the letters and 1 pay-off. The bill for property owners who are in good standing and making payments will go out around May 1<sup>st</sup> and are due July 1.

### **Public Safety Building Worksession Summary**

The Homer City Council held a worksession on how to pay for the new police station (funding mechanism for a bond proposal) on March 27. Though significant progress was made in discussing the pros and cons of various options, the Council decided that more time was needed to hammer out details and scheduled a special worksession for April 12 at 4pm. At the worksession there was general consensus that a bed tax and property tax increase of any kind could be removed from the table of options to consider. Council gave further direction to the City Manager to prepare:

- a) An estimate of how much revenue a seasonal sales tax that mirrors the food tax schedule would generate
- b) A high-level 5 year forecast of revenue and spending based on historical experience and predicted budget increases that takes into consideration the changes to HART

If Council has any other information they would like included for the worksession on the 12<sup>th</sup> or a different understand of the summary of the 27<sup>th</sup>, please let me know. Final recommendations of Council will be made by Ordinance.

### **Legislative Funding Request for Police Station**

At the Legislative worksession Mayor Zak asked for a letter to be sent to the Federal and State delegation reminding them of the importance of the City of Homer's number one capital improvement priority, a new police station, and emphasizing what a good fit both would be to leverage federal and state dollars. See draft letters attached.

Enc:

April Employee Anniversaries

US Army Corps of Engineers Press Release on Application 2017-271

Alaska Humanities Forum Press Release Announcing Alaska Salmon Fellows

Letters to Federal and State Delegation Requesting Funding for Police Station



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum

TO: Mayor Zak and City Council  
FROM: Katie Koester  
DATE: April 9, 2018  
SUBJECT: April 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.

<b>Joe Young,</b>	<b>Public Works</b>	<b>11</b>	<b>Years</b>
<b>Rick Pitta,</b>	<b>Police</b>	<b>9</b>	<b>Years</b>
<b>Travis Brown,</b>	<b>Planning</b>	<b>6</b>	<b>Years</b>
<b>Erica Hollis,</b>	<b>Port</b>	<b>6</b>	<b>Years</b>
<b>Jean Hughes,</b>	<b>Public Works</b>	<b>4</b>	<b>Years</b>
<b>Jaclyn Arndt,</b>	<b>Fire</b>	<b>2</b>	<b>Years</b>







---

**US Army Corps of Engineers**  
**BUILDING STRONG®**

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Scoping for Department of the Army Permit Application 2017-271-Pebble Limited Partnership,  
Environmental Impact Statement

*Posted 3/30/2018*

Release no. 18-006

**Contact**

John Budnik 907-753-2615

John.P.Budnik@usace.army.mil

JOINT BASE ELMENDORF-RICHARDSON – The U.S. Army Corps of Engineers – Alaska District requests public input regarding the scope of the environmental impact statement level of analysis for Department of the Army permit application POA-2017-271 submitted by Pebble Limited Partnership. The Pebble Project has been in the public eye for many years and there have been multiple public input and comment opportunities from other agencies. This public body of information has helped to inform the Corps' preliminary scope for the environmental impact analysis.

The Corps is now asking the public for any additional information to help inform the scope of analysis as it specifically relates to the Pebble Limited Partnership's submitted permit application to include potentially affected resources, alternative options, analytical methodology, and potential mitigation measures. Since Jan.5, the permit application has been publically available on the Alaska District's website. On Jan.12, the application was mailed via CD to 35 federally recognized Alaska Native Tribes alongside invitations for government-to-government consultation throughout the entire evaluation process including the EIS. The Corps maintains the application as well as additional scoping information at [www.pebbleprojecteis.com](http://www.pebbleprojecteis.com).

Scoping input can be submitted by mail to:  
U.S. Army Corps of Engineers, Alaska District

Program Manager, Regulatory Division

ATTN: DA Permit Application 2017-271, Pebble Limited Partnership

P.O. Box 6898

Joint Base Elmendorf-Richardson, Alaska, 99506-0898

Beginning April 1, scoping input can be entered directly into the project website at [www.pebbleprojecteis.com](http://www.pebbleprojecteis.com).

Also, scoping input can be submitted in person at public meetings via directly into the provided computers, handing in written comments, or speaking to a court reporter. Please note that public scoping meetings are not public hearings. The Corps has chosen to arrange meetings to provide the public with an easy forum to

provide input. All information received will become part of the public record upon receipt.

Meeting locations and times are indicated below. A video explaining major project components will be available for viewing. The Corps will have representatives available to answer questions regarding the Department of the Army permit application review process. Individuals may come in at any time during open hours and to provide scoping input. A Yupik translator will be available at the meetings.

**Naknek**

Monday, April 9

Naknek School

3:30 PM – 7:30 PM

**Kokhanok**

Tuesday, April 10

Tribal Hall

3:30 PM – 7:30 PM

**Homer**

Wednesday, April 11

Homer High School, 5:00 PM – 9:00 PM

**Newhalen**

Thursday, April 12

Newhalen School

3:30 PM – 7:30 PM

**New Stuyahok**

Friday, April 13

Community Building 1:00 PM to 4:30 PM

**Nondalton**

Monday, April 16

Tribal Center

3:30 PM – 7:30 PM

**Dillingham**

Tuesday, April 17

Dillingham Middle School

5:00 PM – 9:00 PM

**Igiugig**

Wednesday, April 18

Community Building 3:30 PM – 7:30 PM

**Anchorage**

Thursday, April 19

Dena'ina Center

11:00 AM – 9:00 PM

For more information regarding the evaluation of DA Permit application POA-2017-271 please visit <https://www.pebbleprojecteis.com>.

To learn more about the Corps' Regulatory Division and its program, visit <http://www.poa.usace.army.mil/Missions/Regulatory/>.

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# Second cohort of Alaska Salmon Fellows joins statewide program to address salmon’s “people problem”

April 2, 2018

“Alaska is a place of divided people,” writes Taylor Evenson, an entrepreneur and commercial fisherman from Anchorage and Kenai. “We are divided by distance. We are divided by a lack of development. We are divided by mountain ranges, rivers, and bodies of water. We are divided by harsh weather. But we are also divided by our mindset. Skills that have made Alaskans great in this divided landscape are exactly what divide us now. But we are entering a time where we have to come together, a time where we are stronger in cooperation than complete independence.”

Evenson is one of 16 new Alaska Salmon Fellows selected this week to begin an 18-month program at Alaska Humanities Forum. He sees the program as an opportunity to bridge the divisions across our state by facilitating demanding conversations about salmon issues among leaders from a cross section of salmon policy, management, industry, activism, research, and cultural sectors. The Fellows represent commercial, sport, and subsistence fishing; they are fishermen, scientists, lobbyists, educators, and most of all, people who care about salmon and its critical role in our state’s culture and economy.

The Forum’s model develops individual leadership capacity with an emphasis on equity and collaboration, and connects diverse stakeholders to form and grow a network of leaders who can address the complex economic, social, and political issues across Alaska's communities. This program, in its second year, is currently focused on salmon as a bellwether of Alaska’s economic and social health, although the model could apply to climate change, healthcare, or any number of challenges facing the state. This new cohort joins an initial group of 16 who launched the program last year and will finish their fellowship in October, 2018.

The Fellows will take part in four gatherings across the state, beginning in late April in Petersburg. Between sessions, they will complete readings, pursue connections, and develop innovative initiatives that promote a strong future for Alaska’s salmon and people. Each Salmon Fellow will receive a \$10,000 award. Additional funds will be available to advance the ideas developed by the Fellows.

“Most of us are used to sitting in meetings and talking about these issues,” reflects Meagan Krupa, a member of the first cohort, as she looks back on the past year as a Fellow. “We’re not used to sitting in people’s homes and talking about them; or in boats, or sitting by rivers.” Ben Stevens, also in the first cohort and a Tribal Advocate for Tanana Chiefs Conference adds, “We’re having real conversations, saying what needs to be said, what wouldn’t normally be said. We have the opportunity to change history. We do. And I think we’re going to do it.”

“The Forum is excited to be leading this initiative,” said Alaska Humanities Forum President and CEO, Kameron Perez-Verdia. “It supports our mission to connect Alaskans through stories, ideas, and experiences that positively change lives and empower communities. We serve as host and convener for this challenging and important topic; participants will grow as leaders and learn about their different perspectives. They will work to find common ground to shape the way that we address salmon and also to carve a pathway for addressing a range of complex issues that affect the lives of all Alaskans.”

Please visit [akhf.org/alaska-salmon-fellows](http://akhf.org/alaska-salmon-fellows) for full bios of the Alaska Salmon Fellows.

**2018-19 Alaska Salmon Fellows:**

DONNA ADERHOLD

Program Coordinator, Gulf Watch Alaska | Homer, Kachemak Bay

PETER BANGS

Assistant Director, Alaska Department of Fish and Game | Juneau

CATHERINE M. BURSCH

Commercial Fisherman, Naturalist, Educator, Artist | Homer

FREDDIE CHRISTIANSEN

Commercial Fishermen and Activist | Anchorage / Old Harbor

TAYLOR HAUK EVENSON

Entrepreneur and Commercial Fisherman | Anchorage / Kenai

KELLY HARRELL

Director of Fisheries and Coastal Communities, Ecotrust | Anchorage

FRANCES H. LEACH

Executive Director, United Fishermen of Alaska and Commercial Fisherman | Juneau

MARCUS MUELLER

Land Manager- Kenai Peninsula Borough | Kenai

STEPHANIE N. QUINN-DAVIDSON

Fisheries Scientist, Director of the Yukon River Inter-Tribal Fish Commission | Anchorage

MATTHEW RAFFERTY

Project Director, Alaska Wild Salmon Fund and Alaska Engagement Partnership | Anchorage

MICHELLE E. RAVENMOON

Summer Program Director, Igiugig Village Council | Pope Vannoy

DANIELLE STICKMAN

Communications and Outreach Director, Yukon River Drainage Fisheries Association | Anchorage

TOBY SULLIVAN

Commercial fisherman, writer, and Museum Director, Kodiak Maritime Museum | Kodiak

MATTHEW VARNER

Alaska Fisheries and Riparian Program Leader, Bureau of Land Management | Wasilla

BROOKE WRIGHT

Mother, UAF Fisheries student, Traditional Fisherman | Fairbanks

MARK YOUNG

Assistant Professor of Applied Business; Owner/Operator, Alaska Marine Guides | North Pole



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Homer City Council

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-3130

(f) 907-235-3143

April 5, 2018

Dear Lisa Murkowski,

I am writing you today to bring your attention to a capital improvement project critical for Homer's and the southern Kenai Peninsula's continued public safety: **the City of Homer's new police station.**

While we have sent you details on the project previously, we thank you for keeping this project in mind. It is **a great candidate for 20% Federal matching funds as part of the proposed Federal infrastructure funding initiative.**

Our current police station was built in 1977; in the thirty-one years since, the City of Homer has grown, call volume has increased 172% and policing standards have come a long way. **Our current facility is obsolete and overcrowded**, with no room to grow to effectively accommodate current staff or meet industry standards for health and safety, computer and communication systems or meet community jail or evidence processing and storage requirements.

As such, new police station is the City's top capital improvement priority. **We have a design, a site and significant local funding in place for the new \$7.5M facility** that corrects a series of design inadequacies and operational deficiencies that put our public safety officers, the general public, victims and the integrity of our justice system at great risk.

**The Police Station project aligns with proposed Federal infrastructure priorities in that it addresses an immediate life/safety concern not readily addressable by other means, is nearly shovel ready and is backed by significant local investment.** To date, the City has invested \$575,000 in planning, design and public involvement and has secured an additional \$2,500,000 in local investment. To bring local funding up to the 80% match requirement, we have requested State support through their capital request process and we have plans to place a bond proposal on our ballot for voter approval in our October general municipal election.

Thank you for the work you do on behalf of the wellbeing of Alaska's citizens. Please don't hesitate to contact me with questions.

Sincerely,

Bryan Zak, Mayor

Enc: City of Homer Capital Improvement Plan New Police Station project description







## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Homer City Council

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-3130

(f) 907-235-3143

April 5, 2018

Dear Representaive Paul Seaton,

I am writing you to update you on the City of Homer's effort to fund and build for a new Police Station, a project critical for Homer's and the southern Kenai Peninsula's continued public safety.

We believe the project is a great candidate for 20% Federal matching funds as part of the proposed Federal infrastructure funding initiative. It aligns with proposed Federal infrastructure priorities in that it addresses an immediate life/safety concern not readily addressable by other means, is nearly shovel ready and is backed by significant local investment.

We have a design and a site secured for the \$7.5M facility. To date, the City has invested \$575,000 in planning, design and public involvement and has secured an additional \$2,500,000 in local investment.

We have contacted our Federal delegation about the need for this project and its alignment with Federal infrastructure funding priorities. To bring local funding up to the 80% match requirement, we are requesting that the State consider a capital grant to the project in any amount it can provide. The State's support (in addition to revenues we hope to approve through a bond measure on our October general election ballot) will combine to leverage any possible Federal infrastructure funds.

We thank you for keeping this project in mind. It is the City's top priority project. It corrects a series of design inadequacies and operational deficiencies that put our public safety officers, the general public, victims and the integrity of our justice system at great risk.

Thank you also for the work you do on behalf of the wellbeing of Alaska's citizens. Please don't hesitate to contact me with questions.

Sincerely,

Bryan Zak, Mayor

Enc: City of Homer Capital Improvement Plan New Police Station project description





## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

### Memorandum

TO: MAYOR ZAK AND HOMER CITY COUNCIL  
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK  
DATE: APRIL 4, 2018  
SUBJECT: BID REPORT

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#### **REQUEST FOR PROPOSALS FOR OVERSLOPE DEVELOPMENT OF THE SMALL BOAT HARBOR OVERLAY DISTRICT**

The City of Homer, Alaska is requesting proposals from qualified entities for the over slope development of future lots that will be available for lease within the designated Small Boat Harbor Overlay District. Successful proposer will develop and build both an overslope platform and a completed structure with an intended use of a retail or commercial establishment.

The City of Homer is interested in the overslope/boardwalk development of several future land parcels available for lease, opening up new opportunities for retail and commercial establishments on the Homer Spit. Future lots available for lease are located in a well-established mixed use development that encourages the link between the marine business and general business sectors of the community. Available lots have water frontage overlooking the harbor and are connected by a pedestrian walking/bike path to public restrooms, parking areas and public spaces as well as harbor ramps and access points. Proposed development must complement the existing amenities of the area and create new ones.

Plan holder registration forms, and Plans and Specifications are available on line at <http://www.cityofhomer-ak.gov/rfps>. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Sealed Proposals will be received by the Office of the City Clerk, at 491 E. Pioneer Avenue, Homer, Alaska 99603 **no later than 4:30 pm, Thursday, April 26, 2018**. Proposals received after the time fixed for receipt of the Proposal shall not be considered. There will be a mandatory Pre-Close RFP meeting/teleconference will be held Tuesday, April 10th at 2:00 pm at the Homer Port and Harbor Office Conference Room, 4311 Freight Dock Rd. Please direct technical questions regarding this proposal in writing to Bryan Hawkins, City of Homer, Port Director/Harbormaster at [bhawkins@ci.homer.ak.us](mailto:bhawkins@ci.homer.ak.us) or to 4311 Freight Dock Road, Homer, AK 99603. The City reserves the right to accept or reject any or all proposals, to waive irregularities or informalities in the proposals, and to award a contract to the respondent that best meets the selection criteria and the City's needs.



# CITY ATTORNEY REPORT



# COMMITTEE REPORTS





PENDING BUSINESS



# NEW BUSINESS



# RESOLUTIONS



COMMENTS OF THE AUDIENCE  
COMMENTS OF THE CITY ATTORNEY  
COMMENTS OF THE CITY CLERK  
COMMENTS OF THE CITY MANAGER  
COMMENTS OF THE MAYOR  
COMMENTS OF THE CITY COUNCIL  
ADJOURNMENT

