

# City Council

Monday, June 11, 2018

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



**Special Election June 26<sup>th</sup>**



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



# June 2018

- Monday 11<sup>th</sup>:**                   **CITY COUNCIL**  
Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- ABSENTEE IN PERSON VOTING OPENS**  
Monday-Friday 8:00 a.m. to 5:00 p.m. until Election Day - City Clerk's Office
- Tuesday 12<sup>th</sup>:**                   **HOMER EDUCATION & RECREATION COMPLEX (HERC) TASK FORCE**  
Regular Meeting 3:00 p.m.
- ECONOMIC DEVELOPMENT ADVISORY COMMISSION**  
Regular Meeting 6:00 p.m.
- Friday 15<sup>th</sup>:**                   **APPEAL HEARING W/OAH RE: APPEAL OF CUP 2018-02**  
Special Meeting 2:00 p.m.
- Wednesday 20<sup>th</sup>:**               **PLANNING COMMISSION**  
Worksession 5:30 p.m. Regular Meeting 6:30 p.m.
- Thursday 21<sup>st</sup>:**               **PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION**  
Regular Meeting 5:30 p.m.
- Monday 25<sup>th</sup>:**                   **CITY COUNCIL**  
Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.
- Tuesday 26<sup>th</sup>:**               **CITY OF HOMER SPECIAL ELECTION**  
Polls are open from 7:00 a.m. until 8:00 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, COUNCILMEMBER – 20  
CAROLINE VENUTI, COUNCILMEMBER – 20

<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







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.**
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, Public Hearing and Referred to Port and Harbor Advisory Commission May 14, 2018, Public Hearing and Second Reading June 11, 2018. Page 97  
  
**Ordinance 18-16(S)**, 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 Policies From The Property Management Manual, Clarifying Homer's Land Allocation Process, Expanding Lease Review to Include Additional Recommendations By Appropriate Commissions, Removing 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 it's Approval Prior To Execution of a lease, Early Termination of a Lease or Termination of Lease Negotiations. Erickson/Smith. Page 113  
  
Memorandum 18-076 from City Manager as backup Page 131  
Memorandum 18-035 from City Attorney as backup Page 143
4. **CONSENT AGENDA**
5. **REGULAR MEETING AGENDA**

**6. COMMENTS OF THE AUDIENCE**

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

Next Regular Meeting is Monday, June 25, 2018 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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**  
**JUNE 11, 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**

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

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

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. Mayoral Recognition – Homer Pride Month, June 2018 Page 17

### **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 May 29, 2018. City Clerk. Recommend adoption. Page 25

- B. **Memorandum 18-069** from Mayor Zak Re: Appointment of Ethan Benedetti to the Library Advisory Board as Student Representative Page 35
- C. **Memorandum 18-070**, from Deputy City Clerk Re: Confirming Election Judges for June 26<sup>th</sup> Special Election Page 39
- D. **Memorandum 18-071**, from Finance Director Re: 2019 Budget Schedule Page 41
- E. **Ordinance 18-30**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Capital Budget by Appropriating \$35,911 from the Harbor Depreciation Reserve Fund for the Relocation of the Ramp 2 Harbor Backflow Prevention Facilities, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommended dates Introduction June 11, 2018, Public Hearing and Second Reading, June 25, 2018. Page 47  
Memorandum 18-072 from Public Works Director as backup Page 49
- F. **Ordinance 18-31**, An Ordinance of the City Council of Homer, Alaska, Amending the FY2018 Capital Budget by Appropriating \$473,829 from the Police Station Reserve for the Purpose of Funding 100% Design for the New Police Station Contingent Upon the Passage of Ballot Proposition 1 at the June 26. 2018 Special Election. Smith. Recommended dates Introduction June 11, 2018, Public Hearing and Second Reading, June 25, 2018. Page 57
- G. **Resolution 18-056**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Execute a Memorandum of Agreement Between the City of Homer and the Alaska Department of Fish and Game for the Nick Dudiak Fishing Lagoon Handicap Ramp Improvements. City Manager/Public Works Director. Page 59  
Memorandum 18-073 from Public Works Director as backup. Page 61
- 7. VISITORS**
- A. Homer Steps Up Trophy Award to the City of Homer (5 minutes)
- B. Legislative Update – Representative Seaton (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
  - A. Memorandum from Parks Art Recreation and Culture Advisory Commission Re: City of Homer Safety Signage Page 71
5. Port and Harbor Advisory Commission

9. PUBLIC HEARING(S)

- A. **Ordinance 18-12(A)**, 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 June 11, 2018. Page 79

Memorandum 18-074 from City Planner as backup Page 83

- B. **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, Public Hearing and Referred to Port and Harbor Advisory Commission May 14, 2018, Public Hearing and Second Reading June 11, 2018. Page 97

**Ordinance 18-16(S)**, 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 Policies From The Property Management Manual, Clarifying Homer's Land Allocation Process, Expanding Lease Review to Include Additional Recommendations By Appropriate Commissions, Removing 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 it's Approval Prior To Execution of a lease, Early Termination of a Lease or Termination of Lease Negotiations. Erickson/Smith. Page 113

Memorandum 18-076 from City Manager as backup Page 131  
Memorandum 18-035 from City Attorney as backup Page 143

- C. **Ordinance 18-29**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2018 Capital Budget by Appropriating up to \$5,200 from the Homer Accelerated Roads and Trails (HART) Fund for the Professional Design of an ADA Accessible Trail on City of Homer property known as Lot 7-A Nils O Svedlund Subdivision, (KPB Parcel #17719234) and Kachemak Heritage Land Trust (KHLT) property known as Lot 16 A-1 Nils O Svedlund Subdivision (KPB Parcel #17719231). Mayor. Introduction May 29, 2018 Public Hearing and Second Reading June 11, 2018. Page 155

**10. ORDINANCE(S)**

**11. CITY MANAGER’S REPORT**

- A. City Manager’s Report Page 165  
B. Bid Report Page 171

**12. CITY ATTORNEY REPORT**

**13. COMMITTEE REPORT**

- A. Americans with Disabilities Act Compliance Committee

**14. PENDING BUSINESS**

- A. **Resolution 18-053**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation from the Kachemak Bay Family Planning Clinic/R.E.C Room of a Mural by Dr. Michael Struam and Homer Lead on Youth Group to be Placed on the Exterior Wall of the Ben Walter’s Park Restroom and Incorporating it into the City’s Artwork Collection. City Clerk/PARCAC. Page 179

Memorandum 18-068 from Parks Art Recreation and Culture Advisory Commission as backup Page 181

- B. **Resolution 18-054**, A Resolution of the City Council of Homer, Alaska, Amending Resolution 18-036(A) Establishing the Homer Education and Recreation Complex (HERC) Task Force to Include a Representative from the Parks Art Recreation and Culture Advisory Commission. Mayor. Page 193



**Resolution 18-054(S)**, A Resolution of the City Council of Homer, Alaska, Amending Resolution 18-036(A) Establishing the Homer Education and Recreation Complex (HERC) Task Force to **Expand Advisory Membership to** Include a Representative from the Parks Art Recreation and Culture Advisory Commission and **City Council to Serve as Non-Voting Members**. Erickson.

Page 195

**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**

Next Regular Meeting is Monday, June 25, 2018 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



MAYORAL PROCLAMATIONS  
AND RECOGNITIONS



**CITY OF HOMER  
HOMER, ALASKA**

**Mayoral Recognition**

**HOMER PRIDE MONTH  
JUNE 2018**

WHEREAS, The City of Homer has a diverse Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) community and is committed to supporting visibility, dignity and equity for all people in the community; and

WHEREAS, Many of the residents, students, city employees, visitors and business owners within the City of Homer who contribute to the enrichment of our City are a part of the lesbian, gay, bisexual, transgender community; and

WHEREAS, The first LGBT Pride parades took place in June 1970 to mark the one-year anniversary of the Stonewall riots; and

WHEREAS, June has become a symbolic month in which the LGBTQ and supporters come together in various celebrations of Pride; and

WHEREAS, Events are held annually to recognize and celebrate the diversity of communities across America; and

WHEREAS, For several years “Pride in the Parade” has participated in the Homer Independence Day Parade, and has appreciated the warm welcome from the crowds; and

WHEREAS, The inaugural Homer Pride Month is June 2018, and the first-ever Homer Pride Parade is Saturday 23rd June 2018; and

WHEREAS, The rainbow flag, also known as the LGBT pride flag or gay pride flag, has been used since the 1970s as a symbol of Lesbian, Gay, Bisexual, Transgender pride and LGBT social movements; and

WHEREAS, Homer homes and businesses are encouraged to display a Pride flag during the month of June; and

NOW, THEREFORE, I Bryan Zak, Mayor of Homer, recognize June 2018 as “Homer Pride Month” and encourages the Homer community to join in celebrating the diversity within the City of Homer, the Kenai Peninsula and the State of Alaska.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska to be affixed this 11<sup>th</sup> day of June, 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 18-14 a Special Meeting of the Homer City Council was called to order on May 29, 2018 at 6:30 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: ERICKSON, LORD, SMITH, VENUTI

**ABSENT:** COUNCILMEMBERS: ADERHOLD, STROOZAS (both excused)

**STAFF:** CITY MANAGER KOESTER  
CITY CLERK JACOBSEN

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 Ordinance 18-29**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2018 Capital Budget by Appropriating up to \$5,200 from the Homer Accelerated Roads and Trails (HART) Fund for the Professional Design of an ADA Accessible Trail on City of Homer property known as Lot 7-A Nils O Svedlund Subdivision, (KPB Parcel #17719234) and Kachemak Heritage Land Trust (KHLT) property known as Lot 16 A-1 Nils O Svedlund Subdivision (KPB Parcel #17719231). Mayor. Written public comments. **Resolution 18-053**, A Resolution of the City Council of Homer, Alaska, Accepting Art Work at Ben Walters Park. City Clerk/PARCAC. Written public comments

VENUTI/LORD MOVED TO ADOPT THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **MAYORAL PROCLAMATIONS AND RECOGNITIONS**

A. Mary Epperson Day – June 6, 2018

Councilmember Erickson read and presented the proclamation to Carol Swartz. Ms. Swartz thanked Council on behalf of the family who was unable to attend. She announced that Mary

Epperson was inducted into the Alaska Women's Hall of Fame last month for her achievement in advocacy in Community Arts and Education.

B. Lemonade Day – June 9, 2018

Councilmember Venuti read the proclamation.

C. Pratt Museum 50<sup>th</sup> Anniversary – June 1, 2018

Councilmember Lord read and presented the proclamation to the Board President Linda Rowell and museum staff members Scott Bartlett, Chessie Sharp, Kelly Behen, and Jennifer Bartolowits. Ms. Rowell shared the history of the museum, some of the accomplishments over the last 50 years, and information about the upcoming closure for renovations. She invited the public to share their fondest memory of the Pratt that will be compiled into a commemorative book and announced tickets are available now for their 50<sup>th</sup> Anniversary Celebration, the Ritz Garden Gala on July 28<sup>th</sup>.

D. Safe Boating Week – May 19-25, 2018

Councilmember Smith read the proclamation.

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

Tom Zitzman, city resident, commented about Mary Epperson's service to the City as the Accounting Manager. Mary trained him to take over her job and she was a phenomenal accountant.

Wayne Aderhold, city resident, commented in support of Ordinance 18-29 and suggested connecting the trail with the 20 foot alley that runs behind the Alibi, KBBI, and the Grog Shop.

Lauren Rusin, Conservation Manager with Kachemak Heritage Land Trust, commented in support of Ordinance 18-29 and shared about the unique quality of the Poopdeck property being close to town and excellent wildlife habitat, as well as the benefits of universal access.

Tela Bacher, TRAILS Advocate with the Independent Living Center, commented in support of Ordinance 18-29 and highlighted the values of a universally accessible trail for all ages and all abilities.

David Lewis, city resident, commented in support of Ordinance 18-29 and working to clean up that area and make it safer, like the library trail.

**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 Special and Regular Meeting Minutes of May 14, 2018. City Clerk. Recommend Approval.
- B. **Memorandum 18-066** from City Clerk Re: Travel Authorization for Mayor and Stroozas to attend the AML Summer Conference. Recommend Approval.
- C. **Ordinance 18-29**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2018 Capital Budget by Appropriating up to \$5,200 from the Homer Accelerated Roads and Trails (HART) Fund for the Professional Design of an ADA Accessible Trail on City of Homer property known as Lot 7-A Nils O Svedlund Subdivision, (KPB Parcel #17719234) and Kachemak Heritage Land Trust (KHLT) property known as Lot 16 A-1 Nils O Svedlund Subdivision (KPB Parcel #17719231). Mayor. Recommended dates Introduction May 29, 2018 Public Hearing and Second Reading, June 11, 2018
- D. **Resolution 18-049**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract for the Greatland Street Extension Project 2018 to a Firm of Clark Management of Anchor Point, Alaska, in the Amount of \$597,078.73 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 18-067 from Public Works Director

- E. **Resolution 18-050**, A Resolution of the City Council of Homer, Alaska, establishing the Mil Rate at 4.5 for 2018. City Manager. Recommend adoption.
- F. **Resolution 18-051**, A Resolution of the City Council of Homer, Alaska, establishing a 2018 Mil Rate of 9.962541 Mils for the Ocean Drive Loop Special Service District. City Manager. Recommend adoption.
- G. **Resolution 18-052**, A Resolution of the Homer City Council Electing to Participate in the AMLJIA Loss Control Incentive Program for the City of Homer for the 2017-2018 Policy Year. City Manager/Finance. Recommend adoption.
- H. **Resolution 18-053**, A Resolution of the City Council of Homer, Alaska, Accepting Art Work at Ben Walters Park. City Clerk/PARCAC. Recommend adoption.

Memorandum 18-068 from Parks Art Recreation & Culture Advisory Commission

Resolution 18-053 moved to Resolutions C. – Erickson

Mayor Zak asked for a motion for the adoption of the consent agenda as amended.

ERICKSON/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **VISITORS**

### **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

Ingrid Harrald, Parks Art Recreation and Culture Advisory Commissioner, welcomed David Lewis to the Commission and thanked Mike Illg and Matt Steffy for their efforts with parks and programs. She reported the Commission visited Hornaday Park to consider draft plans and ideas for the parking lot and road realignment. They recently discussed Ben Walters Park issues of mis-use and the artwork proposed for the bathroom there, the draft sidewalk rubric and top five priorities, and beach safety signage. Recommendations will be coming to Council soon on those topics. They had presentations from Kachemak Heritage Land Trust on the Poopdeck property trail improvements, and Quiet Creek Subdivision park potential. They supported allotting funds for the mural at Bishops Beach and also support resolution 18-054 appointing a PARCAC member to the HERC Task Force.

- 5. Port and Harbor Advisory Commission

## **PUBLIC HEARING(S)**



- A. **Ordinance 18-28**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Land and Water Conservation Fund Grant in the Amount of \$263,340 to Replace the Ramp 2 Restroom and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates Introduction May 14, 2018 Public Hearing and Second Reading May 29, 2018.

Memorandum 18-058 from Special Projects & Communications Coordinator as backup

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

LORD/ERICKSON MOVED TO ADOPT ORDINANCE 18-28 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There were brief comments expressing appreciation for staffs work to find grants for this much needed improvement.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. **Resolution 18-041(S)**, A Resolution of the Homer City Council Amending the Fee Schedule under Port and Harbor Department and Port of Homer Terminal Tariff No. 1 to add A \$5 ~~\$7.00~~ **Parking fee Impact Levy** for Vehicles and Trailers Utilizing the Small Boat Harbor Public Launch Ramp. Smith/**Port & Harbor Advisory Commission**. Recommended dates Introduction April 23, 2018, Referred to Port & Harbor Advisory Commission. Public Hearing and Postponement May 14, 2018. Public Hearing and Second Reading, May 29, 2018

Memorandum 18-062 from Port and Harbor Advisory Commission

Memorandum 18-065 from Harbormaster/Port Director

Mayor Zak opened the public hearing.

David Lewis, city resident, commented in support of Resolution 18-041(S) and encouraged contemplating fees for other parking areas around the spit.

There was no further testimony and the hearing was closed.

VENUTI/ERICKSON MOVED TO ADOPT RESOLUTION 18-041(S)

Councilmember Smith shared his appreciation for the Port and Harbor Advisory Commission input and the Harbormasters attention to ensure this is implemented properly.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **ORDINANCE(S)**

### **CITY MANAGER'S REPORT**

#### A. City Manager's Report

City Manager Koester gave kudos to all the responders and highlighted the cooperation this weekend with a couple of forest fires this weekend out East End. Homer Volunteer Fire Department responded on mutual aid to KESA, it was a great opportunity to work collaboratively and remember we're all part of the same community.

In response to questions City Manager Koester commented on the meeting with Mayor Zak, Harbormaster Hawkins, and Senator Sullivan's Chief of Staff. She explained they discussed several issues but focused on promoting harbor projects.

Councilmember Lord appreciated the financial report that was provided, it will be helpful going into the budget season. She suggested the Mayor Pro Tem sign the letter to the Small Business Development Center.

Councilmember Venuti commented regarding the Homer Elks plans to work on the Skate Park and expressed her appreciation for that effort. It's used heavily by the youth and it's important for them to recognize we care.

#### B. Bid Report

### **CITY ATTORNEY REPORT**

### **COMMITTEE REPORT**

#### A. Americans with Disabilities Act Compliance Committee

Councilmember Smith commented the Committee presented an informative report to the Port and Harbor Commission bringing them up to speed on findings from a study that was done.

### **PENDING BUSINESS**

- A. **Memorandum 18-056** from Mayor Zak Re: Appointments of Larry Slone, Michael Haines, Paul Knight, Karin Marks, Chrisi Matthews, Barry Reiss, and David Derry to the HERC Task Force.

LORD/ERICKSON MOVED TO CONFIRM THE APPOINTMENTS OF THE HERC TASK FORCE AS PRESENTED IN MEMORANDUM 18-056.

Councilmember Venuti requested if there is an opportunity to appoint another committee like this to look at the number of males and females, it's nice to look at gender equity in everything we do as a city. Councilmember Lord concurred.

VOTE: YES: VENUTI, SMITH, LORD, ERICKSON

Motion carried.

## **NEW BUSINESS**

### **RESOLUTIONS**

- A. **Resolution 18-054**, A Resolution of the City Council of Homer, Alaska, Amending Resolution 18-036(A) Establishing the Homer Education and Recreation Complex (HERC) Task Force to Include a Representative from the Parks Art Recreation and Culture Advisory Commission. Mayor. Recommend adoption.

VENUTI/LORD MOVED TO ADOPT RESOLUTION 18-054

ERICKSON/SMITH MOVED TO AMEND LINE 10 TO ADD "AND CITY COUNCIL MEMBER TO FILL ADVISORY ROLES ON THE TASK FORCE"; LINE 16 ADD "AND NOR MORE THAN ONE CITY COUNCIL MEMBER"; LINE 26 STRIKE EXPAND MEMBERSHIP TO EIGHT AND ADD "TO INCLUDE ADVISORY MEMBERS FROM PARCAC AND A CITY COUNCIL MEMBER TO BE CONSULTING, NON-VOTING PARTICIPANTS WITH THE TASK FORCE; AND LINE 32 STRIKE TO INCREASE MEMBERSHIP FROM SEVEN MEMBERS TO EIGHT MEMBERS AND ADD " TO INCLUDE AN ADVISORY MEMBER FROM PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION AS SELECTED BY THE COMMISSION, A COUNCIL MEMBER, AND STUDENT REPRESENTATIVE.

Councilmember Erickson noted challenges of an 8 member body when there are tie votes. She also commented that PARCAC and Council has had time to discuss this, and this change will allow the Task Force hear from both bodies, but have the objectivity to be able to make decisions.

Councilmember Lord supports the resolution as presented. She doesn't believe Council needs to have a seat at the table but does think it would be beneficial to have a voting representative from PARCAC.

Councilmember Venuti agrees that Council does not need a seat on the task force.

Councilmember Smith commented in support of the amendment as it supports what was originally recommended from PARCAC and there is value in having the advisory positions. He thinks Deb Lowney can provide a lot of value to the process.

VOTE (amendment): YES: SMITH, ERICKSON  
NO: LORD, VENUTI

Motion failed.

LORD/VENUTI MOVED TO POSTPONE RESOLUTION 18-053 TO JUNE 11<sup>TH</sup>.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. **Resolution 18-055**, A Resolution of the City Council of Homer, Alaska Approving a Twenty-Six Month Sublease at the Homer Airport Terminal, Consisting of Ticket, Office Area #110 and Baggage Areas for Peninsula Airways, Inc., and Authorizing the City Manager to Execute the Appropriate Documents. City Manager.

LORD/ERICKSON MOVED TO ADOPT RESOLUTION 18-055 BY READING OF TITLE ONLY.

There were brief comments that it will be good to have another operator at the Homer airport.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

C. **Resolution 18-053**, A Resolution of the City Council of Homer, Alaska, Accepting Art Work at Ben Walters Park. City Clerk/PARCAC.

LORD/VENUTI MOVED TO ADOPT RESOLUTION 18-053 BY READING OF TITLE ONLY

Discussion ensued acknowledging the written comments that the Rotary Club who maintains the park have some input on this. City Manager Koester suggested she could put the REC Room in touch with Rotary, and that it could be beneficial to add a whereas or a resolve regarding a partnership Rotary.

VENUTI/LORD MOVED TO POSTPONE TO JUNE 11<sup>TH</sup>.

There was no discussion on the motion to postpone.

VOTE (postponement): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **COMMENTS OF THE AUDIENCE**

Ingrid Harrald, city resident, commented regarding the art at Ben Walters Park, the students have done the art and it's on a wooden platform and may have had a change in plans for the location. She will have REC Room contact the City Manager's office. She shared her disappointment that we as a City can't recognize the importance of having a PARCAC member on the HERC Task Force. She doesn't think having an even number of voting members is a valid concern or that it outweighs the importance of having a representative on the task force.

Larry Slone, city resident, thanked council for approving the appointments to the HERC Task Force. He encouraged the public to think about what the best use, disposition, and financing scenarios could be for the building. He also commented regarding his perspective to gender balance in that excluding individuals who might have better insight, knowledge, or information that is more relevant to the task at hand just on the basis of gender isn't warranted.

Wayne Aderhold, city resident, commented that Councilperson Aderhold hates to miss a meeting and she would have called in if she could have.

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

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

City Clerk Jacobsen announced absentee in person voting for the June 26<sup>th</sup> special election opens Monday, June 11<sup>th</sup> and applications to receive a ballot by mail, email, or fax are available at the City Clerk's office and on the City Clerk web page.

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

City Manager Koester had no comment.

### **COMMENTS OF THE MAYOR**

Mayor Zak shared his appreciation for Council and their great job tonight. He recognized the Downtown Rotary Club for their efforts to coordinate the flags along Pioneer Avenue in recognition of Memorial Day.

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

Councilmember Erickson thanked everyone who put together the regional baseball tournament this past weekend, they did a great job. She went to the Memorial Day service at the Hickerson Cemetery, it was nice to see the new addition there. She thanked not only those who have passed, but also those still living. It was great to hear the stories veterans had to share, and all they have done for our community. She is thankful for those who have stood up for us and our freedom.

Councilmember Venuti commented she missed Councilmember Aderhold and Stroozas tonight, they always add a level of discussion and she missed that. She said she will be going to Voznesenka tomorrow on the book mobile tomorrow with Lynn Maslow and Steve Gibson to give away books, and she complemented the library on all they do to promote literacy.

Councilmember Smith recognized Mary Epperson and her contributions to the community, and recognized the Lady Mariners for making it to the state softball championship tournament in Fairbanks. He concurs with Councilmember Erickson's Memorial Day comments and encouraged people to get educated and to vote on June 26<sup>th</sup>.

Councilmember Lord congratulated the Pratt on their 50<sup>th</sup> Anniversary and shared her appreciation for the work they do for the community. She commented on issues of gender imbalance in the community and the importance of being mindful of it, and also encouraged the public to get out and vote on June 26<sup>th</sup>. Councilmember contact information is available on the City website.

### **ADJOURN**

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 7:56 p.m. The next Regular Meeting is Monday, June 11, 2018 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

---

MELISSA JACOBSEN, MMC, CITY CLERK

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



# City of Homer

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

## Office of the Mayor

491 East Pioneer Avenue  
Homer, Alaska 99603

[mayor@ci.homer.ak.us](mailto:mayor@ci.homer.ak.us)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 18-069

TO: HOMER CITY COUNCIL  
FROM: BRYAN ZAK, MAYOR  
DATE: JUNE 6, 2018  
SUBJECT: APPOINTMENT OF ETHAN BENEDETTI TO THE STUDENT REPRESENTATIVE SEAT  
ON THE LIBRARY ADVISORY BOARD

---

Ethan Benedetti is appointed to fill the Representative on the Library Advisory Board for a term to run from September 2018 to May 2019.

### RECOMMENDATION:

Confirm the appointment of Ethan Benedetti to the Student Representative seat on the Library Advisory Board.

Fiscal Note: N/A







**CITY OF HOMER  
APPLICATION TO SERVE ON ADVISORY BODY  
COMMISSION, BOARD, COMMITTEE, TASK FORCE**

**CITY CLERK'S OFFICE  
CITY OF HOMER  
491 E. PIONEER AVE  
HOMER, AK 99603  
PH. 907-235-3130  
FAX 907-235-3143  
clerk@cityofhomer-ak.gov**

The information below provides some basic background for the Mayor and Council  
This information is public and will be included in the Council Information packet

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

Physical Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Cell #: \_\_\_\_\_ Work #: \_\_\_\_\_

Email Address: \_\_\_\_\_

The above information will be published in the City Directory and within the city web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council

Please indicate the advisory body that you are interested in serving on by marking with an X.  
You may select more than one.

**ADVISORY PLANNING COMMISSION**

1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM  
WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM

**PARKS ART RECREATION & CULTURE ADVISORY COMMISSION**

3RD THURSDAY OF THE MONTH AT 5:30 PM  
NO MEETINGS IN JANUARY, JULY & DECEMBER

**PORT & HARBOR ADVISORY COMMISSION**

4th WEDNESDAY OF THE MONTH  
OCT-APRIL AT 5:00 PM  
MAY - SEPT AT 6:00 PM

**ECONOMIC DEVELOPMENT ADVISORY COMMISSION**

2ND TUESDAY OF THE MONTH AT 6:00 PM

**CANNABIS ADVISORY COMMISSION**

4TH THURSDAY OF THE MONTH AT 5:30 PM

**LIBRARY ADVISORY BOARD**

1ST TUESDAY OF THE MONTH AT 5:30 PM  
NO MEETINGS IN JANUARY, JUNE AND JULY

OTHER - PLEASE INDICATE  
\_\_\_\_\_

**CITY COUNCIL**

2ND & 4TH MONDAY OF THE MONTH  
SPECIAL MEETINGS & WORKSESSIONS AT 4:00 PM  
COMMITTEE OF THE WHOLE AT 5:00 PM  
REGULAR MEETING AT 6:00 PM

I have been a resident of the city for \_\_\_\_\_ years. I have been a resident of the area for \_\_\_\_\_ years.

I am presently employed at \_\_\_\_\_

Please list any special training, education or background you may have which is related to your choice of advisory body.

---

---

---

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

---

---

Why are you interested in serving on the selected advisory body?

---

---

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

---

---

Please answer the following only if you are applying for the Advisory Planning Commission:  
Have you ever developed real property other than a personal residence, if so briefly explain:

---

---

Please answer if your are applying for the Port & Harbor Advisory Commission:  
Do you use the Homer Port and/or Harbor on a regular basis?

Yes	No	What is your primary use? Commercial	Recreational
-----	----	--------------------------------------	--------------

Please include any additional information that may assist the Mayor in his/her decision making:

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When you have completed the application please review and return to the City Clerk's Office. You may also email this to [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov) or fax to 907-235-3143. Thank you for applying!



# 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 18-070

TO: MAYOR ZAK AND HOMER CITY COUNCIL

FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: MAY 31, 2018

SUBJECT: CONFIRMATION OF ELECTION JUDGES FOR THE CITY OF HOMER SPECIAL  
ELECTION JUNE 26, 2018

---

Pursuant to Homer City Code Sections 4.20.010 and 4.35.010 the Election Judges are approved by City Council and the Canvass Board is confirmed by the City Council. Election Central Judges and Absentee Voting Officials are appointed by the City Clerk and require no approval or confirmation of the City Council.

### Homer No. 1

Jane Swain, Chair

Maryann Lyda

Margaret Lau

Karen Smith

### Homer No. 2

Theresa Dubber, Chair

Pauline Benson

Terry Meyer

Doug Koester

### Canvass Board

Terry Meyer

Maryann Lyda

### Recommendation

Confirm the appointment of the Canvass Board and approve the appointment of the Election Judges for the June 26, 2018 City of Homer Special Election.

Fiscal Note: Polling Place - \$10.50/hr. Chairs, \$10.00/hr. Judges, 12-18 hrs.  
\$12.50/hr. Canvass board 2-4 hours or until done.

Account: 100.0102.5101-5107





# City of Homer

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

Finance Department

491 East Pioneer Avenue

Homer, Alaska 99603

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

(p) 907-235-8121

(f) 907-235-3140

## Memorandum 18-071

TO: Mayor Zak and Homer City Council  
THROUGH: Katie Koester, City Manager  
FROM: Elizabeth Walton, Finance Director  
DATE: June 6, 2018  
SUBJECT: 2019 Proposed Budget Schedule

---

Included is the 2019 Proposed Budget Development Schedule.

**Recommendation:**

Review, amend as desired, and approve the 2019 Budget Schedule.

Enc:

Budget schedule for 2019



**City of Homer**  
**Proposed Budget Development Schedule for FY 2019**

<b>Dates</b>	<b>Time</b>	<b>Event</b>
6/11/2018	6:00 PM	Budget Development Schedule approved by Council
7/23/2018		Submit to departments, budget work sheets including salary and fringe benefit costs
8/13/2018	5:00 PM	Committee of the Whole, Council to discuss budget priorities for the coming year
	6:00 PM	Regular Meeting, Public Hearing - public input on budget priorities for the coming year
8/27/2018		Departmental Draft Budget and narratives to Finance
9/10/2018	5:00 PM	During Committee of the Whole, Council to discuss Revenue Sources for General Fund
9/10/2018		Compile data and return copy to departments for review
9/10 - 9/21/2018	Weeks Of	City Manager - Budget Review with Finance Director and Department Heads
9/24/2018		Preliminary budget assumptions to Council.
10/8/2018		City Manager's Budget (Proposed Budget) to Council
	5:00 PM	Committee of the Whole, Council to discuss budget
	6:00 PM	Regular Meeting - Public Hearing
10/22/2018	5:00 PM	Committee of the Whole, Council to discuss budget
	6:00 PM	Regular Meeting - to introduce Budget Ordinance and Fee/Tariff Resolutions
11/26/2018	5:00 PM	Committee of the Whole, Council to discuss budget
	6:00 PM	Regular Meeting - Public Hearing
12/10/2018	6:00 PM	Regular Meeting - Public Hearing & FY 2019 Budget Adoption





**ORDINANCE REFERENCE SHEET**  
**2018 ORDINANCE**  
**ORDINANCE 18-30**

**Ordinance 18-30**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Capital Budget by Appropriating \$35,911 from the Harbor Depreciation Reserve Fund for the Relocation of the Ramp 2 Harbor Backflow Prevention Facilities, and Authorizing the City Manager to Execute the Appropriate Documents. Harbor Ramp 2 Backflow Prevention Device.

Sponsor: City Manager/Public Works Director

1. Council Regular Meeting June 11, 2018 Introduction
  - a. Memorandum 18-072 from Public Works Director as backup



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

3 City Manager/  
4 Public Works Director

5 **ORDINANCE 18-30**

6  
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AMENDING THE 2018 CAPITAL BUDGET BY APPROPRIATING \$35,911  
9 FROM THE HARBOR DEPRECIATION RESERVE FUND FOR THE  
10 RELOCATION OF THE RAMP 2 HARBOR BACKFLOW PREVENTION  
11 FACILITIES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
12 APPROPRIATE DOCUMENTS.

13  
14 WHEREAS, The replacement of the Ramp 2 restroom provides the opportunity to bring the  
15 Small Boat Harbor backflow prevention into code compliance, reduce maintenance costs, and  
16 provide for safer operations (see Memorandum 18-172 from Public Works/Harbormaster); and  
17

18 WHEREAS, Public Works has prepared a plan and proposes to complete the work later this  
19 summer utilizing a competitively selected Contractor and City water distribution/harbor staff.  
20

21 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
22

23 Section 1. The FY 2018 Capital Budget is hereby amended by appropriating \$35,911 from  
24 the Harbor Depreciation Reserve Fund for Relocation of the Ramp 2 Harbor Backflow Prevention  
25 Facility.  
26

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
27 456-0380	28 Harbor Depreciation Reserve Fund	29 \$35,911

30 Section 2. This is a budget amendment ordinance, is not permanent in nature, and shall  
31 not be codified.  
32

33 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 25th day of June, 2018.  
34

35 CITY OF HOMER  
36

37 \_\_\_\_\_  
38 BRYAN ZAK, MAYOR  
39

40 ATTEST:  
41

42 \_\_\_\_\_  
43 MELISSA JACOBSEN, MMC, CITY CLERK  
44  
45

46 YES:

47 NO:

48 ABSTAIN:

49 ABSENT:

50

51 First Reading:

52 Public Hearing:

53 Second Reading:

54 Effective Date:

55

56 Reviewed and approved as to form:

57

58

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

\_\_\_\_\_

Holly Wells, City Attorney

60

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

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



# City of Homer

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

Public Works

3575 Heath Street  
Homer, AK 99603

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

(p) 907- 235-3170

(f) 907-235-3145

## Memorandum 18-072

TO: Katie Koester, City Manager

FROM: Carey Meyer, Public Works Director  
Bryan Hawkins, Harbormaster

DATE: June 5, 2018

SUBJECT: **Relocation of the Ramp 2 Harbor Backflow Prevention Facility  
Harbor Reserve Expenditure Authorization Request**

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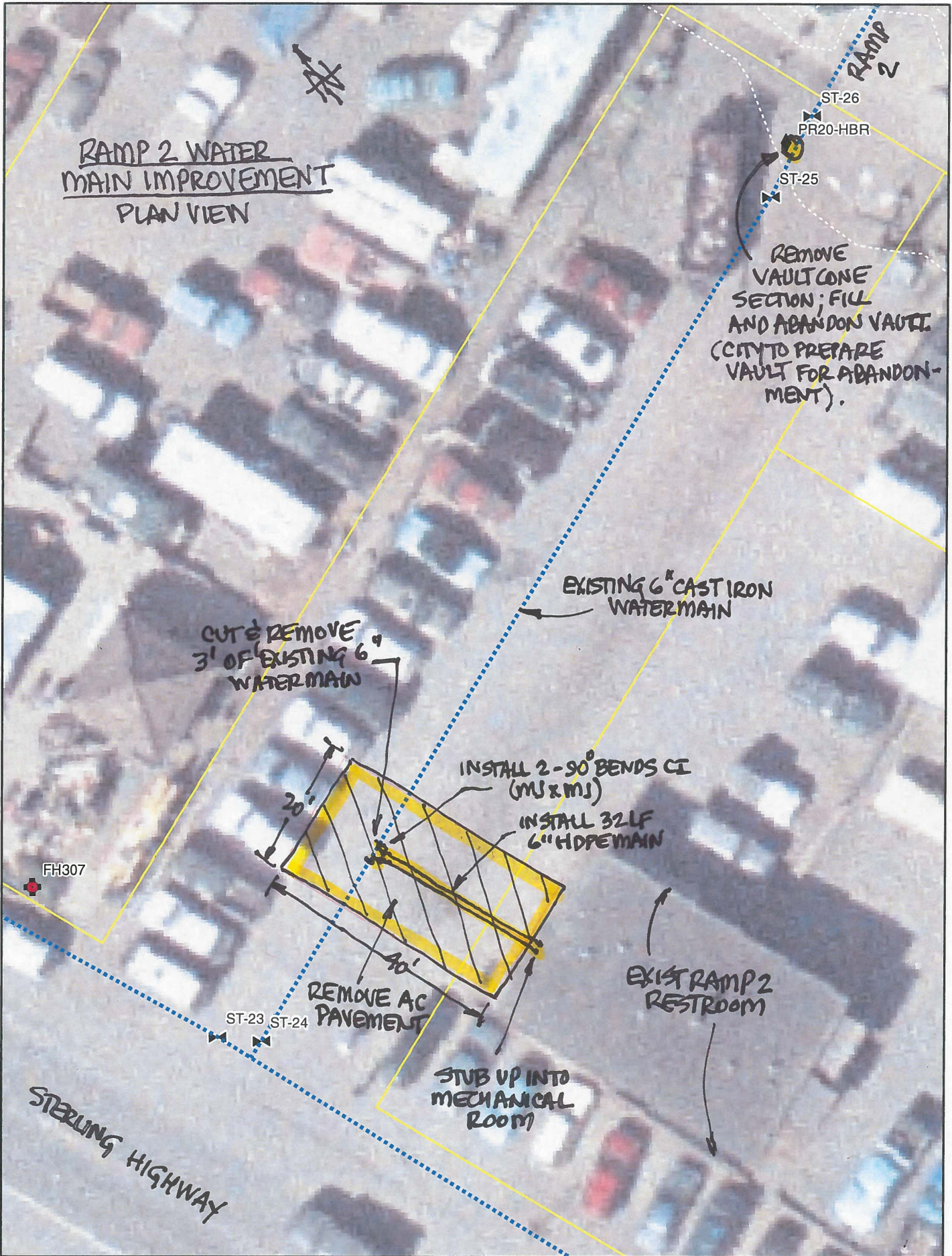
The water system in the west side of the Small Boat Harbor is protected from potential contamination by backflow prevention devices at Ramp 2 and 4. In the past, these devices have been located in underground vaults at the approach to each ramp. New regulations require that these devices be located above ground. When the new restroom was constructed at Ramp 4, the device was relocated into the new restroom mechanical room. The replacement of the Ramp 2 restroom provides the opportunity to do the same thing with the backflow prevention device at Ramp 2.

The work entails extending the 6" water main into the restroom, relocating the devices from the existing underground vault into the restroom structure, and abandoning the existing vault. The water main extension would be completed by a competitively selected Contractor; relocation of the devices would be accomplished by City water distribution staff.

Attached is a cost estimate and plan for the work. The total cost of the work is estimated to be \$35,911. The Harbormaster supports this work since it will bring the Small Boat Harbor backflow prevention into code compliance, reduce maintenance costs, and provide for safer operations (no more confined space entry).

**Recommendation:** The Council pass an ordinance amending the 2018 capital budget to authorize the expenditure of an additional \$35,911 from the Harbor Reserve Fund for the relocation of the Ramp 2 Harbor backflow prevention facilities.





**RAMP 2 WATER  
MAIN IMPROVEMENT  
PLAN VIEW**

REMOVE  
VAULT CONE  
SECTION; FILL  
AND ABANDON VAULT.  
(CITY TO PREPARE  
VAULT FOR ABANDON-  
MENT).

EXISTING 6" CAST IRON  
WATERMAIN

CUT & REMOVE  
3' OF EXISTING 6"  
WATERMAIN

INSTALL 2-90° BENDS CI  
(M&M)

INSTALL 32 LF  
6" HDPE MAIN

REMOVE AC  
PAVEMENT

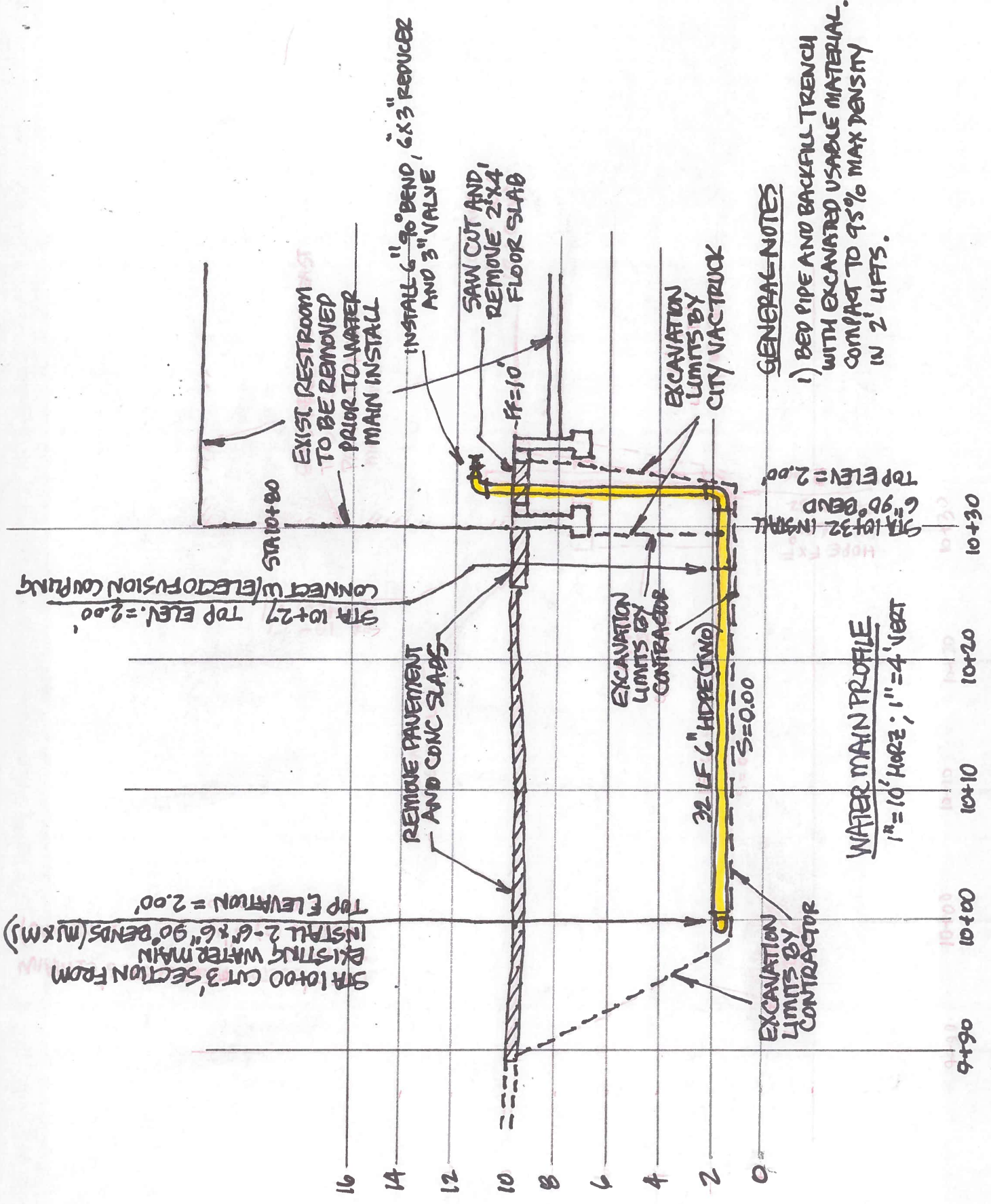
STUB UP INTO  
MECHANICAL  
ROOM

EXIST RAMP 2  
RESTROOM

STERLING HIGHWAY

1 inch = 20 feet





GENERAL NOTES

- 1) BED PIPE AND BACKFILL TRENCH WITH EXCAVATED USABLE MATERIAL. COMPACT TO 95% MAX DENSITY IN 2' LIFTS.

WATER MAIN PROFILE  
 1" = 10' HORIZ; 1" = 4' VERT



**Cost Estimate - Relocation of backflow prevention - Ramp 2**

	Unit	Unit Price	Quantity	Price
Mob/Demob	LS	4500	1	\$4,500
Pvaement Removal	SF	4	800	\$3,200
Excavation/Backfill	LF	85	30	\$2,550
Cut Pipe/Install fittings and valves	LS	4500	1	\$4,500
Install 6" water service main	LF	65	40	\$2,600
Sawcut Restroom Floor Slab	LS	2500	1	\$2,500
Replace AC Pavement	SF	800	6	\$4,800

Total Construction				\$24,650
Design (10%)				\$2,465
Inspection (4%)				\$986
Contingency (10%)				\$2,810

City Crew - Abandon MH/Relocate Backflow Devices				\$5,000
---	--	--	--	---------

Total Project				\$35,911
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**ORDINANCE REFERENCE SHEET**  
**2018 ORDINANCE**  
**ORDINANCE 18-31**

**Ordinance 18-31**, An Ordinance of the City Council of Homer, Alaska, Amending the FY2018 Capital Budget by Appropriating \$473,829 from the Police Station Reserve for the Purpose of Funding 100% Design for the New Police Station Contingent Upon the Passage of Ballot Proposition 1 at the June 26. 2018 Special Election.

Sponsor: Smith

1. Council Special Meeting June 11, 2018 Introduction



**CITY OF HOMER  
HOMER, ALASKA**

Smith

**ORDINANCE 18-31**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE FY2018 CAPITAL BUDGET BY APPROPRIATING \$473,829 FROM THE POLICE STATION RESERVE FOR THE PURPOSE OF FUNDING 100% DESIGN FOR THE NEW POLICE STATION CONTINGENT UPON THE PASSAGE OF BALLOT PROPOSITION 1 AT THE JUNE 26, 2018 SPECIAL ELECTION.

WHEREAS, In recognition of the great need for a safe and hygienic police station, City Council has approved a new police station as the top-ranked priority in the City of Homer's Capital Improvement Plan; and

WHEREAS, Homer City Council has been working diligently for over 5 years on the size, scope, cost and location of a new police station; and

WHEREAS, Homer City Council passed Ordinance 18-26(A)(S) putting before the voters Ballot Proposition 1 on June 26, 2018 to authorize financing for the project; and

WHEREAS, If Homer voters approve Ballot Proposition 1 design will need to begin on the project as soon as possible in order to have sufficient time to engage the public in the design process before ground breaks in spring of 2019.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY2018 capital budget by appropriating \$\$473,829 from the Police Station Reserve for the purpose of funding 100% design for the new police station.

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
Revenue:	New Police Station Reserve Account	\$473,829
Expenditure:	100% Design for new police station	\$473,829

Section 2. The City Manager is authorized to execute the appropriate documents.

Section 3. Sections 1 and 2 of this ordinance shall become effective immediately upon approval of Proposition No. 1 by a majority of the qualified voters voting on the proposition at

43 the special election to be held in the City on June 26, 2018. This is a budget amendment  
44 ordinance, is temporary in nature, and shall not be codified.

45  
46 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_ day of \_\_\_\_\_, 2018.

47  
48  
49 CITY OF HOMER

50  
51  
52 \_\_\_\_\_  
53 BRYAN ZAK, MAYOR

54  
55 ATTEST:

56  
57  
58 \_\_\_\_\_  
59 MELISSA JACOBSEN, MMC, CITY CLERK

60  
61  
62  
63 Introduction:  
64 Public Hearing:  
65 Second Reading:  
66 Effective Date:

67  
68 Yes:  
69 No:  
70 Abstain:  
71 Absent:

72  
73 Reviewed and approved as to form:

74  
75 \_\_\_\_\_  
76 Katie Koester, City Manager

75 \_\_\_\_\_  
76 Holly Wells, Attorney

77  
78 Date: \_\_\_\_\_

77  
78 Date: \_\_\_\_\_

**CITY OF HOMER  
HOMER, ALASKA**

City Manager/  
Public Works Director

**RESOLUTION 18-056**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM  
OF AGREEMENT BETWEEN THE CITY OF HOMER AND THE ALASKA  
DEPARTMENT OF FISH AND GAME FOR THE NICK DUDIAK FISHING  
LAGOON HANDICAP RAMP IMPROVEMENTS.

WHEREAS, The Alaska Department of Fish and Game has proposed to provide funding of improvements to the Nick Dudiak Fishing Lagoon Handicap Ramp in the amount of \$45,000 (no additional City funds are required, match provided by force account labor by Harbor and Public Works); and

WHEREAS, Alaska Fish and Game, Port and Harbor and Public Works personnel have developed a plan to make improvements to the ramp, which has been reviewed and approved by Alaska Fish and Game, and the Memorandum of Agreement is being prepared for City signature.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby authorizes the City Manager to execute a Memorandum of Agreement between the City of Homer and the Alaska Department of Fish and Game to provide funding for the proposed Nick Dudiak Fishing Lagoon Handicap Ramp Improvements.

PASSED AND ADOPTED by the Homer City Council this 11th day of June, 2018.

CITY OF HOMER

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

ATTEST:

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

Fiscal Note: Staff time







# City of Homer

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

Public Works

3575 Heath Street  
Homer, AK 99603

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

(p) 907- 235-3170

(f) 907-235-3145

## Memorandum 18-073

TO: Katie Koester, City Manager

FROM: Carey Meyer, Public Works Director  
Bryan Hawkins, Harbormaster

DATE: June 5, 2018

SUBJECT: **Nick Dudiak Fishing Lagoon HC Ramp Improvements  
AKF&G Memorandum of Agreement**

---

The Alaska Department of Fish and Game has proposed to provide funding of improvements to the Nick Dudiak Fishing Lagoon Handicap Ramp in the amount of \$45,000. Fish and Game, Harbor and Public Works personnel have developed a plan make improvements to the ramp as shown on the attached drawing. Public Works has prepared a cost estimate for the work.

The Alaska Department of Fish and Game has reviewed the plan/cost estimate and proposes to enter into a Memorandum of Agreement (MOA) with the City to transfer funding and allow the City to complete the project. No additional City funds are required, force account labor by Public Works and Harbor personnel will serve as a match.

**Recommendation:** The Council pass a resolution authorizing the City Manager to execute the Memorandum of Agreement between the City and the Alaska Department of Fish and Game for the proposed Nick Dudiak Fishing Lagoon HC Ramp Improvements. An Ordinance will be presented to the Council at the next Council meeting that would authorize the expenditure of the MOA funds.



# Homer Fishing Hole HC Ramp Improvements

## Legend

- Feature 1
- Feature 2
- Heritage RV Park
- Homer Spit's "Fishing Hole", Homer, Alaska

63

REMOVE THREE RAMP PANELS

REMOVE 400 LF EXIST. WHEEL STOPS/REPLACE WITH NEW PLASTIC TIMBERS/SPACERS

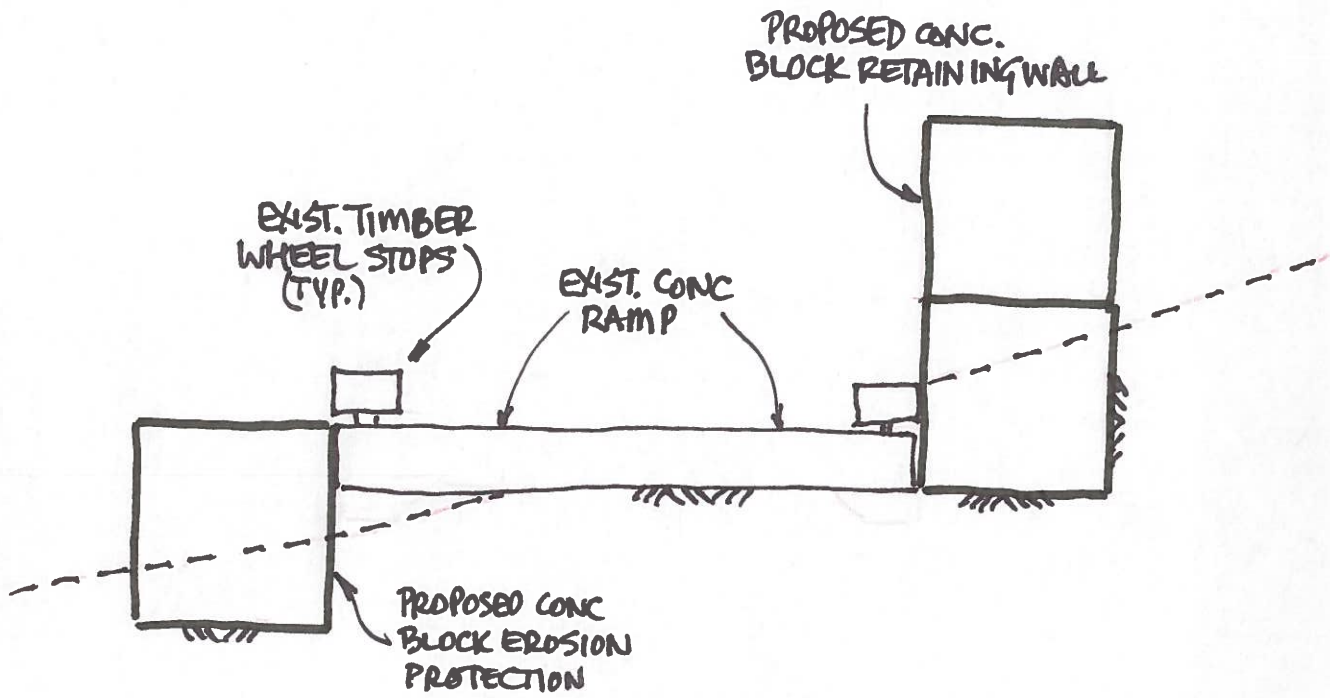
SMOOTH ABRUPT RAMP PANEL TRANSITIONS USING GROUT (4 LOCATION)

RAISE AND LEVEL TWO RAMP PANELS

INSTALL 32 LF OF 2'x2'x4' CONCRETE BLOCK EROSION PROTECTION

INSTALL 200 LF OF 2'x2'x4' CONCRETE BLOCK RETAINING WALL (TWO BLOCK HIGH)





SECTION A-A

Concept Cost Estimate  
Homer Fishing Hole HC Ramp Improvements

Item of Work

Item of Work	Quantity	Unit	Unit Price	Cost
Concrete Block (Two High) Retaining Wall	200	LF	195	\$39,000
Concrete Block (One High) Erosion Control	32	LF	100	\$3,200
Raise and Level Existing Ramp Panels	3	EA	933	\$2,799
Remove Existing Timber Wheel Stops	400	LF	12	\$4,800
Remove Existing Ramp Panels	3	EA	1550	\$4,650
Grout Panel Transitions to Smooth	4	EA	450	\$1,800
Project Design/Construction Administration	32	HR	95	3040

Total Project

\$59,289

Grant	Force Account
-------	---------------

\$39,000	
\$3,200	
\$2,800	
	\$4,800
	\$4,650
	\$1,800
	\$4,500

\$45,000

\$15,750



# VISITORS





ANNOUNCEMENTS  
PRESENTATIONS  
BOROUGH REPORT  
COMMISSION REPORTS





## 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: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION  
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK  
DATE: MAY 10, 2018  
SUBJECT: CITY OF HOMER SAFETY SIGNAGE FOR HOMER SPIT

At the March 22, April 19, and May 17 2018 Parks, Art, Recreation and Culture Advisory Commission meetings the topic of the Beach Safety Signs was discussed at great length. Several ideas were put forth at the April 19 meeting, but discussion gravitated to a simple safety sign stating that users must proceed at their own risk. See sample below.

The City of Homer has a Unified Sign Ordinance that describes the construction and appearance of city park signs. It was stated by staff that warning signs would not have to meet these standards.

Several Commissioners felt that beach users know the dangers of the cold water and extreme tides, and the fact that they are on their own when recreating off the beaches that border Homer. The idea of putting up more signage of low quality would be unwarranted to some, as they become an eyesore in the saltwater environment.

The concept of three signs at points of entry is a challenge as there are many points of entry, and dozens of miles of coastline that border the city.

The Commission has discussed this at length during the March, April and May meetings, and commissioners were unable to come to consensus on the language of a water safety sign. The Commission recognizes the water hazard, but finds that signage is impractical; some other mechanism for public education would be more effective. After discussion at regular meetings and with research by assigned commissioners Archibald and Sharp, the spirit of the water safety signage is sound, but implementation not practical.

Recommendation: Do not install safety signage on the Homer Spit.





# PUBLIC HEARING(S)



**CITY OF HOMER  
PUBLIC HEARING NOTICE  
CITY COUNCIL MEETING**

**Ordinances 18-12, 18-16, and 18-29**

A **public hearing** is scheduled for **Monday, June 11, 2018** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

**Ordinance 18-12(A)**, 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.

**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.

**Ordinance 18-16(S)**, 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 Policies From The Property Management Manual, Clarifying Homer's Land Allocation Process, Expanding Lease Review to Include Additional Recommendations By Appropriate Commissions, Removing 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 it's Approval Prior To Execution of a lease, Early Termination of a Lease or Termination of Lease Negotiations. Erickson/Smith.

**Ordinance 18-29**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2018 Capital Budget by Appropriating up to \$5,200 from the Homer Accelerated Roads and Trails (HART) Fund for the Professional Design of an ADA Accessible Trail on City of Homer property known as Lot 7-A Nils O Svedlund Subdivision, (KPB Parcel #17719234) and Kachemak Heritage Land Trust (KHLT) property known as Lot 16 A-1 Nils O Svedlund Subdivision (KPB Parcel #17719231). Mayor.

All interested persons are welcome to attend and give testimony. Written testimony received by the Clerk's Office prior to the meeting will be provided to Council.

\*\* Copies of proposed Ordinances in entirety, are available for review online at <https://www.cityofhomer-ak.gov/ordinances>, at the Homer City Clerk's Office, and the Homer Public Library. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us)

Melissa Jacobsen, MMC, City Clerk  
Publish: Homer News June 7, 2018

**CLERK'S AFFIDAVIT OF POSTING**

I, Melissa Jacobsen, City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for:

**Ordinance 18-12(A)**, 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.

**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.

**Ordinance 18-16(S)**, 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 Policies From The Property Management Manual, Clarifying Homer’s Land Allocation Process, Expanding Lease Review to Include Additional Recommendations By Appropriate Commissions, Removing 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 it’s Approval Prior To Execution of a lease, Early Termination of a Lease or Termination of Lease Negotiations. Erickson/Smith.

**Ordinance 18-29**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2018 Capital Budget by Appropriating up to \$5,200 from the Homer Accelerated Roads and Trails (HART) Fund for the Professional Design of an ADA Accessible Trail on City of Homer property known as Lot 7-A Nils O Svedlund Subdivision, (KPB Parcel #17719234) and Kachemak Heritage Land Trust (KHLT) property known as Lot 16 A-1 Nils O Svedlund Subdivision (KPB Parcel #17719231). Mayor.

was distributed to the City of Homer kiosks located at City Clerk’s Office, and the Homer Public Library on Wednesday, June 6, 2018 and posted on the City website on Friday, June 1, 2018.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 6<sup>th</sup> day of June, 2018.



Melissa Jacobsen, MMC, City Clerk





**ORDINANCE REFERENCE SHEET**  
**2018 ORDINANCE**  
**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 the Marine Industrial District.

Sponsor: Erickson

1. Council Regular Meeting March 12, 2018 Introduction
2. Council Regular Meeting March 27, 2018 Refer to Advisory Planning Commission
3. Council Regular Meeting June 11, 2018 Public Hearing and Second Reading
  - a. Memorandum 18-074 from City Planner as backup



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**CITY OF HOMER  
HOMER, ALASKA**

Erickson

**ORDINANCE 18-12(A)**

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 THE MARINE INDUSTRIAL DISTRICT.

WHEREAS, Homer City Council passed Ordinance 18-04 allowing employee-occupied recreational vehicles in the Marine Commercial and Marine Industrial Districts; and

WHEREAS, It is in the City's best interest to put standards on the use of such vehicles to ensure that they do not become permanent residences or abandoned property; and

WHEREAS, A ~~180-day~~ **zoning** permit will allow the City to manage employee occupied recreational vehicles.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.54.325 is amended to read as follows:

21.54.325 Standards for recreational vehicles in the Marine Commercial District and the Marine Industrial District.

Outside of recreational vehicle parks, the use of recreational vehicles in the marine commercial and industrial zoning districts shall conform to the following standards:

- a. A property owner may have one employee-occupied recreational vehicle per lot. An employee-occupied recreational vehicle must be a self-contained recreational vehicle and must have a receptacle approved by law for collection of liquid and semi-solid wastes. While the employee-occupied recreational vehicle is parked on the property, it must be parked in a manner that will not create a dangerous or unsafe condition on the lot or adjacent properties. Parking in such fashion that the recreational vehicle may tip or roll constitutes a dangerous and unsafe condition. A parked employee-occupied recreational vehicle must be in a condition for the safe and effective performance of its intended function as an operable motor vehicle.
- b. An employee-occupied recreational vehicle may not be placed in a parking space required to comply with the Homer Zoning Code.

43 c. An employee-occupied recreational vehicle may not directly hook-up to municipal  
44 water and sewer without first obtaining written approval by the Public Works  
45 Director or his or her designee. The Public Works Director shall grant approval for  
46 direct hook-up to the municipal water and sewer if he or she determines that the  
47 applicant is in full compliance with this Title. A permit under this subsection may  
48 only be submitted by a property owner or a lessee of the property.

49  
50 ~~**d. An employee-occupied recreational vehicle is restricted to a maximum of 180**~~  
51 ~~**consecutive days of use per calendar year. A zoning permit is required.**~~

52  
53 **d. All employee occupied recreational vehicles covered in Homer City Code**  
54 **21.54.325 must obtain a zoning permit.**  
55

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

58  
59 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS \_\_\_ DAY OF \_\_\_\_\_,  
60 2018.

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62 CITY OF HOMER

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69 BRYAN ZAK, MAYOR

70 ATTEST:

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73 MELISSA JACOBSEN, MMC, CITY CLERK  
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76  
77 YES:

78 NO:

79 ABSTAIN:

80 ABSENT:

81

82

83 First Reading:

84 Public Hearing:

85 Second Reading:

86 Effective Date:

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88 Reviewed and approved as to form:

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

93

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

\_\_\_\_\_

Holly Wells, City Attorney

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





# 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 18-074

TO: MAYOR ZAK AND HOMER CITY COUNCIL  
THROUGH: KATIE KOESTER, CITY MANAGER  
FROM: RICK ABBOUD, CITY PLANNER  
DATE: June 6, 2018  
SUBJECT: 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 THE MARINE INDUSTRIAL DISTRICT.

At the request of the City Council, the Planning Commission has reviewed the City Council's proposed changes for allowance for the use of RV's in the Marine Districts. A public hearing was held at the April 18<sup>th</sup> meeting of the Planning Commission.

After receiving public testimony, the Commission voted to recommend amending the Ordinance of the City Council. The amendments included the recommendation of requiring an annual permit with an annual fee. The Commission also wished to add language that called out a requirement for the RV to be registered and insured. While no motion was recorded regarding the amount of the fee, the Planning Office recommends consideration of a fee of at least \$100 annually.

#### **Planning Commission Recommendation:**

Adopt Draft Ordinance regarding Employee-Occupied Recreational Vehicles with Planning Commission edits.

Attachment: Ordinance 18-12(A)(S)

Att.  
Staff report PL 18-18  
Draft Ordinance  
PC minutes 4.18.18  
Recommended Ordinance





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**CITY OF HOMER  
HOMER, ALASKA**

Erickson/  
**Planning Commission**

**ORDINANCE 18-12(A)(S)**

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 THE MARINE INDUSTRIAL DISTRICT.

WHEREAS, Homer City Council passed Ordinance 18-04 allowing employee-occupied recreational vehicles in the Marine Commercial and Marine Industrial Districts; and

WHEREAS, It is in the City's best interest to put standards on the use of such vehicles to ensure that they do not become permanent residences or abandoned property; and

WHEREAS, A ~~180-day~~ **zoning** permit **with an annual fee** will allow the City to manage employee occupied recreational vehicles.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.54.325 is amended to read as follows:

21.54.325 Standards for recreational vehicles in the Marine Commercial District and the Marine Industrial District.

Outside of recreational vehicle parks, the use of recreational vehicles in the marine commercial and industrial zoning districts shall conform to the following standards:

- a. A property owner may have one employee-occupied recreational vehicle per lot. An employee-occupied recreational vehicle must be a self-contained recreational vehicle and must have a receptacle approved by law for collection of liquid and semi-solid wastes. While the employee-occupied recreational vehicle is parked on the property, it must be parked in a manner that will not create a dangerous or unsafe condition on the lot or adjacent properties. Parking in such fashion that the recreational vehicle may tip or roll constitutes a dangerous and unsafe condition. A parked employee-occupied recreational vehicle must be in a condition for the safe and effective performance of its intended function as an operable motor vehicle, **registered and insured.**

42 b. An employee-occupied recreational vehicle may not be placed in a parking space  
43 required to comply with the Homer Zoning Code.

44  
45 c. An employee-occupied recreational vehicle may not directly hook-up to municipal  
46 water and sewer without first obtaining written approval by the Public Works  
47 Director or his or her designee. The Public Works Director shall grant approval for  
48 direct hook-up to the municipal water and sewer if he or she determines that the  
49 applicant is in full compliance with this Title. A permit under this subsection may  
50 only be submitted by a property owner or a lessee of the property.

51  
52 ~~**d. An employee-occupied recreational vehicle is restricted to a maximum of 180**~~  
53 ~~**consecutive days of use per calendar year. A zoning permit is required.**~~

54  
55 **d. All employee occupied recreational vehicles covered in Homer City Code**  
56 **21.54.325 must obtain a zoning permit and pay an annual fee.**

57  
58 Section 2: This ordinance is of a permanent and general character and shall be included in  
59 the City Code.

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61 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS \_\_ DAY OF \_\_\_\_\_,  
62 2018.

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64 CITY OF HOMER

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71 BRYAN ZAK, MAYOR

72 ATTEST:  
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75 MELISSA JACOBSEN, MMC, CITY CLERK

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79 YES:  
80 NO:  
81 ABSTAIN:  
82 ABSENT:

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First Reading:  
Public Hearing:  
Second Reading:  
Effective Date:  
Reviewed and approved as to form:

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

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

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

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





# 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

## Staff Report PL 18-18

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud, City Planner  
DATE: April 18, 2018  
SUBJECT: Ordinance 18-12(A) RV's as employee dwelling units in MI and MC Districts, as amended

---

### Introduction

The City council amended the ordinance to include the requirement of obtaining a zoning permit.

### Analysis

This should be pretty straightforward. We need to create a permit requirement. The permitting will include reviewing the new code and checking the site to make sure the RV does not block a site triangle for safety. We will need to send a resolution to the council in tandem which will designate the permit name and fee. I will start by suggesting a \$200 fee. This is completely debatable. I use this as a starting point as it is the most common amount we charge, perhaps it could be a bit less expensive since it may be produced more quickly than most.

**Staff Recommendation:** Hold a public hearing and make recommendation to City Council or Planning Department.

### Attachments

Draft Ordinance 18-12(A)



There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **PRESENTATIONS**

### **REPORTS**

A. Staff Report 18-17, City Planner's report

City Planner Abboud reviewed the staff report. He reminded the Commission of the upcoming City Council Meetings.

City Council Meetings are as follows:

April 23, 2018 Commissioner Highland

May 14, 2018 Commissioner Banks

### **PUBLIC HEARINGS**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report 18-18, Ordinance 18-12(A) Amending Standards for Recreational Vehicles in the Marine Commercial District and the Marine Industrial District.

City Planner Abboud summarized his staff report and asked the commission how they felt about the proposed fee of \$200 dollars.

Commissioner Venuti asked City Planner Abboud if they should make a recommendation to make sure the vehicles are registered and insured.

City Planner Abboud stated that it is implied in the language used, but they could make a recommendation to make it more definite.

Chair Stead opened the floor for Public Hearing.

Val McLay, non-resident, explained that he has been a past city resident and has been in the area of Homer for a number of years. Mr. McLay spoke in opposition of having RV's on the Spit. In the past it was written in code that there would be no dwellings on the Spit, and he is worried that if a natural disaster, such as an earthquake or tsunami, it would be difficult to get those people out of harm's way.

Chair Stead closed the Public Hearing.

Commissioner Highland asked for clarification on the word “employee-occupied”. She wanted to make sure that it also covers an “owner-occupied” recreational vehicle.

City Planner Abboud stated that this conversation was brought up in the past and he believed that the owner would be allowed to occupy an RV by the way it’s currently written.

Commissioner Bentz stated that she worries about taking the 180 day time limit away because there are some safety concerns about the additional dwellings that will be inhabiting the spit year round. She asked City Planner Abboud if the 180 day duration is removed, will an annual permit be required or will it be just a onetime permit.

City Planner Abboud stated that the commission could recommend an annual permit.

Commissioner Bernard asked who would be responsible for overseeing and regulating the permits.

City Planner Abboud stated that it would be a joint effort between the Port & Harbor Department and the Planning Department.

The commission discussed the options of raising or lowering the fee.

VENUTI/BENTZ- MOVED TO APPROVE ORDINANCE 18-12(A) AND FORWARD IT TO CITY COUNCIL

Commissioner Banks asked City Planner Abboud if the yearly permit will be more of a burden than a onetime permit.

City Planner Abboud explained that an annual permit may be the way to go so that it gives everyone a reminder and a little more regulation.

The commission discussed the addition of an annual zoning permit with a fee.

BENTZ/VENUTI- MOVED TO AMEND LINE 17-18 TO READ “WHEREAS, A ZONING PERMIT **WITH AN ANNUAL FEE** WILL ALLOW THE CITY TO MANAGE EMPLOYEE OCCUPIED RECREATIONAL VEHICLES” AND LINE 53-54 TO READ “D. ALL EMPLOYEE OCCUPIED RECREATIONAL VEHICLES COVERED IN HOMER CITY CODE 21.54.325 MUST OBTAIN A ZONING PERMIT **AND PAY AN ANNUAL FEE.**”

The Commission briefly discussed whether or not they needed to put an exact number in the ordinance for the annual fee.



VOTE:NON OBJECTION. UNANIMOUS CONSENT

Motion carried.

HIGHLAND/BERNARD- MOVED TO AMEND LINE 38 TO READ “AND EFFECTIVE PERFORMANCE OF ITS INTENDED FUNCTION AS AN OPERABLE MOTOR VEHICLE, **REGISTERED AND INSURED.**”

VOTE: NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was no further discussion on the main motion.

VOTE: NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Homer Comprehensive Plan 2018 Update- February 2018 Public Review Draft

- Public Hearing Notice
- February 2018 Public Review Draft

City Planner Abboud stated that this is the time for public to comment on the Homer Comprehensive Plan and for the Commission to propose any changes.

Chair Stead opened the floor for public hearing.

Mark Hadley, non-resident, stated that he is here on the behalf of Homer Gold Mine Gifts as the owners are out of town. Mr. Hadley read the letter that was provided by the owners into the record. The letter was also included in the packet on page 181.

Val McLay, non-resident, stated that he has not seen the letter from Homer Gold Mine Gifts until tonight, but he had a couple of thoughts that went along with it. Mr. McLay stated that it seems like this property is being targeted and that it looks like spot zoning to him, which is illegal. The Waddell’s have owned this property for a very long time and the businesses in this area have boosted the economy by paying taxes. He stated that he understands the City must grow and that there must be changes but that the City needs to take into consideration how many people will be affected by said changes.

Guy Rosi, longtime resident, gave a brief history of the Waddell’s property, stating that it was the first court house in Homer and that Al Waddell’s dad built the building many years ago. He believes that the Waddell’s lot is the core of the city. He stated that other properties throughout Homer have been put into trusts or parks that does not bring any revenue to the city but this property does and has for many years.



**ORDINANCE REFERENCE SHEET**  
**2018 ORDINANCE**  
**ORDINANCE 18-16**

**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.

Sponsor: Erickson/Smith

1. Council Regular Meeting March 27, 2018 Introduction  
  
Referral to the Port & Harbor Advisory Commission
  - a. Memorandum 18-035 from City Attorney as backup
  
2. City Council Regular Meeting May 14, 2018 Public Hearing, Postponed for Port & Harbor Advisory Commission review
  - a. Memorandum 18-035 from City Attorney as backup
  - b. Memorandum 18-059 from Port and Harbor Advisory Commission
  
3. City Council Regular Meeting June 11, 2018 Public Hearing and Second Reading
  - a. Memorandum 18-076 from City Manager



**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.

626

627

CITY OF HOMER

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

631

632

633 ATTEST:

634

635

636

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

638

639

640 YES:

641 NO:

642 ABSTAIN:

643 ABSENT:

644

645

646 First Reading:

647 Public Hearing:

648 Second Reading:

649 Effective Date:

650

651

652

653 Reviewed and approved as to form:

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655

656

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

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

658

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

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

1 CITY OF HOMER  
2 HOMER, ALASKA

Formatted: Centered

3  
4 ORDINANCE 18-~~08~~16(S)  
5  
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
8 REPEALING HOMER CITY CODE CHAPTER 18.08 AND THE  
9 HOMER PROPERTY MANAGEMENT POLICIES AND  
10 PROCEDURES MANUAL AND REENACTING CHAPTER 18.08  
11 CODIFYING CERTAIN ~~LEASE POLICIES AND PROCEDURES~~  
12 FROM THE ~~PROPERTY MANAGEMENT POLICIES AND~~  
13 ~~PROCEDURES~~ MANUAL, CLARIFYING ~~THE HOMER'S LAND~~  
14 ALLOCATION PROCESS, EXPANDING LEASE REVIEW TO  
15 INCLUDE ~~ADDITIONAL~~ RECOMMENDATIONS BY APPROPRIATE  
16 ~~CITY COMMISSIONS~~, REMOVING ~~REFERENCES TO THE LEASE~~  
17 COMMITTEE, REMOVING THE REQUIREMENT THAT ALL  
18 LEASES MAY BE INCREASED TO REFLECT INFLATION AS  
19 DETERMINED IN THE CONSUMER PRICE INDEX, AND  
20 EXPANDING COUNCIL'S ROLE BY REQUIRING ~~IT'S COUNCIL~~  
21 APPROVAL PRIOR TO ~~FINAL APPROVAL~~ EXECUTION OF A  
22 ~~LEASE, EARLY TERMINATION~~ OF A LEASE, ~~TERMINATION OF A~~  
23 ~~LEASE~~ OR TERMINATION OF LEASE NEGOTIATIONS.  
24

25 **WHEREAS**, the City of Homer ("City") currently has a complex leasing policy that  
26 requires the City and applicants to comply with lengthy policies, procedures, and Homer City Code  
27 provisions as well as the terms of the request for proposal specific to a specific parcel; and  
28

29 **WHEREAS**, it is in the City's best interest and the interest of lease applicants to streamline  
30 and simplify the leasing process by incorporating essential lease policy and procedures currently  
31 in the City's Property Management Policy and Procedures into the Homer City Code, the City's  
32 lease templates or specific lease agreements; and  
33

34 **WHEREAS**, the City Council's approval of the essential terms of new long-term leases  
35 and not just the award of such leases increases Council's input and oversight, public input and  
36 transparency into the lease process; and  
37

38 **WHEREAS**, the City Council's approval of the termination of negotiations or early  
39 termination of a lease for default also increases oversight, public input and transparency in the  
40 lease process,  
41

42 **NOW THEREFORE**, The City of Homer Ordains:  
43

44 Section 1: Chapter 18.08 "City Property Leases" is repealed and reenacted to read as  
45 follows:

Ordinance No. 18-08  
Page 1 of 17

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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.

18.08.010 Definitions.

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

1  
2 “Applicant” means a person applying to lease or acquire an interest in City-owned  
3 real property and includes bidders and proposers.  
4

5 “Appraisal” means a valuation or estimation of value of property by an Alaska  
6 Certified General Real Estate Appraiser or an otherwise qualified appraiser selected  
7 by the City Manager.  
8

9 “Assignment” means a transfer of a leasehold interest or rights to a leasehold  
10 interest, in its entirety, in City-owned real property.  
11

12 “City Manager” means the City of Homer Manager or his or her designee.  
13

14 “Fair market rent” means the rental income that a public or private property would  
15 most likely command in the open market, indicated by the current rents paid for  
16 comparable space as of the date of the appraisal.  
17

18 “Irregularities” means deviations from the request for proposal that are not  
19 substantive in nature and/or ~~involve~~ typographical or scrivener errors that do not  
20 impact the integrity or responsiveness of the proposal.  
21

22 “Long-term lease” means a written agreement granting exclusive possession or use  
23 of City-owned real property for more than one year.  
24

25 “Short-term lease” means a written agreement granting exclusive possession or use  
26 of City-owned real property for one year or less.  
27

28 “Surveyor” means a registered professional land surveyor.  
29

30 18.08.020 Land Allocation Plan-property available for lease.  
31

- 32 a. Unless dedicated or reserved to another purpose, all real property including  
33 tide, submerged or shorelands to which the City has a right, title and interest  
34 as owner or lessee, or to which the City may become entitled, may be leased  
35 as provided in this chapter. In the case of any conflict between this chapter  
36 and any ~~regulations or other ordinances~~ local, or State or federal law  
37 ~~specifically~~ governing the leasing of City tide and submerged lands, the law  
38 governing the leasing of City tide and submerged lands ~~latter~~ shall prevail.  
39
- 40 b. The City administration shall maintain a list of all City-owned properties  
41 authorized for lease by Council. This list shall be adopted annually and  
42 contain the information required under this chapter. The list may be called  
43 the Land Allocation Plan and will be made available to the public at the City  
44 Clerk’s office.  
45
- 46 c. Council shall adopt a Land Allocation Plan that identifies:

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- i. City-owned property available for lease;
  - ii. The property description, lease rate, preferred length of the lease term for each available parcel; and
  - iii. Any requirements, preferences or restrictions regarding use and/or development.
- d. Council may identify property in the Land Allocation Plan that is subject to competitive bidding. Property subject to competitive bidding in the Land Allocation Plan need only identify the property description in the Land Allocation Plan but all other terms required in subsection (c) of this section shall be identified in the request for proposal for such properties.
- e. Prior to the adoption of the Land Allocation Plan, Council shall hold a work session. Commission members and City staff may provide recommendations to Council during the work session regarding City-owned property available for lease and the terms of such leases.
- f. The City shall provide public notice of the adoption of the Land Allocation Plan and the City-owned real property available for lease no more than 60 days after its adoption.
- g. All uses and activities on City-owned real property available for lease are subject to all applicable local, state, and federal laws and regulations.
- h. The Council may restrict specific City-owned properties to certain uses or classes of use that serve the City's best interest.

18.08.030 Standardized leases.

- a. The City Manager shall develop a standardized ground lease that contains provisions generally applicable to the lease of City-owned property and a standardized building lease that contains provisions generally applicable to the lease of space in City-owned buildings. The standard lease documents shall be reviewed by the City Attorney and approved by Council.
- b. Lease terms may deviate from the standardized lease terms when the City Manager determines such deviations are reasonable and necessary to protect the City's best interests and Council approves the lease as required in HCC 18.08.040.

18.08.040 Council approval of leases.

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



- b. The City Manager may execute short-term leases without Council approval when the City Manager determines that a short-term lease is in the best interest of the City and notifies the Council in writing of the short-term lease and its essential terms.
- c. Short-term leases are not required to go through the competitive bidding process unless the short-term lease would result in the lease of City-owned property to the same lessee for more than one consecutive year.
- d. Except as expressly provided in this chapter, property leased by the City from a third party that is available for sublease or the lease of space in City-owned buildings located on real property owned by a third party is exempt from this chapter.

18.08.045 Lease applications.

Except for property subject to competitive bidding under this chapter, persons interested in leasing City property may submit a lease application to the City Clerk. The City Manager shall consider all applications and determine if an application is complete and meets the criteria identified in the Land Allocation Plan. When the City receives more than one lease application for a parcel that meets the criteria established for that parcel in the Land Allocation Plan, the City Manager shall evaluate the applications using the criteria in HCC 18.08.060 and award the lease most advantageous to the City. If both applicants are equally advantageous to the City, the City Manager shall award the lease to the applicant who submitted a completed application first. Applicants may be charged a fee for processing a lease application.

18.08.050 Requests for proposals-competitive bidding process.

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

18.08.060 Criteria for evaluating and approving proposals and competing lease applications.

**Commented [HCW1]:** In creating much more precise processes for lease applications and requests for proposals, there is a need to provide more clear direction regarding the evaluation and award of lease applications submitted in response to the Land Allocation Plan. To this end, I revised the ordinance to add language where needed to clarify the distinction between the lease application process and the RFP process.

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- a. The Criteria for evaluating proposals shall include, but is not limited to, the following:
  - 1. Compatibility with neighboring uses and consistency with applicable land use regulations including the Comprehensive Plan~~;~~
  - 2. The development plan including all phases and timetables~~;~~
  - 3. The proposed capital investment~~;~~
  - 4. Experience of the applicant in the proposed business or venture~~;~~
  - 5. Financial capability or backing of the applicant including credit history, prior lease history, assets that will be used to support the proposed development~~;~~
  - 6. The number of employees anticipated~~;~~
  - 7. The proposed rental rate~~;~~
  - 8. Other financial impacts such as tax revenues, stimulation of related or spin-off economic development, or the value of improvements left behind upon termination of the lease~~;~~
  - 9. Other long term social economic development; ~~and~~
  - 10. The residency or licensure of the applicant in the City, Kenai Peninsula Borough, and/or the State of Alaska, as identified in the City's request for proposal and permitted under state and federal law.
- b. Determination of rent shall take into consideration the following factors:
  - 1. Appraisal or tax assessed valuation;
  - 2. Highest and best use of land;
  - 3. Development (existing and planned);
  - 4. Economic development objectives;
  - 5. The location of the property; and
  - 6. Alternative valuation methodologies as negotiated by both parties.

18.08.065 Lease application and proposal documents.

1  
2 Upon request by the City Manager or as required in a request for proposal or the  
3 Lease Allocation Plan, an applicant or proposer shall provide, at its sole expense,  
4 the following:

- 5  
6 1. A Property Improvement Plan with information regarding planned  
7 improvements by lessee, including schedule for commencement and  
8 completion of proposed improvements.  
9  
10 2. A survey of the property subject to the proposed lease; and/or  
11  
12 3. If only a portion of a lot is to be leased, a subdivision plat.  
13

14 18.08.070 Notice to award.

- 15  
16 a. The City Manager shall consider all responses to the City's request for  
17 proposals that are timely and responsive. Untimely submissions shall be  
18 returned to the ~~applicant-proposer~~ without review and that ~~applicant~~  
19 ~~proposer~~ shall not be considered.  
20  
21 b. The City Manager may, in his or her sole discretion, and upon a  
22 determination that none of the proposals are in the City's best interest,  
23 recommend rejection of all proposals.  
24  
25 c. Upon a determination that a proposal is the most advantageous to the City,  
26 the City Manager shall recommend the proposal to Council for acceptance.  
27 If Council approves the recommendation, the City Manager shall issue a  
28 Notice to Award the lease to the successful ~~proposer~~~~applicant~~. The City  
29 Manager's recommendation shall be presented to Council in a written  
30 memorandum identifying the recommended winning ~~proposer~~~~applicant~~, the  
31 property description, the essential terms of the proposed lease, and the  
32 reasons the City Manager recommended the award.  
33  
34 d. The City Manager shall submit any recommendation for approval of a  
35 proposal under this chapter for property located on the Homer Spit or in the  
36 Marine Commercial or Marine Industrial zoning districts to the Port and  
37 Harbor Advisory Commission for review and comment prior to  
38 recommending a proposal to Council.  
39  
40 e. If the Council adopts the City Manager's recommendation, the City  
41 Manager shall negotiate with the winning applicant and present a final lease  
42 to the Council for approval. A Notice to Award is conditional upon the City  
43 Manager's successful negotiation of a final written lease consistent with the  
44 terms upon which the award was based.  
45

Commented [HCW2]: Due to the distinction between the RFP process and Lease application process, I revised the ordinance to use "proposer" when dealing with the RFP process and "applicant" when dealing with the lease application process.

- f. The City Manager may, with Council approval, rescind a Notice to Award. A Notice to Award becomes void on the date the City Manager provides written notice to the ~~proposer~~~~applicant~~ that the award has been rescinded.
- g. The City Manager may rescind a Notice to Award at any time prior to the execution of a lease if ~~the proposer~~~~applicant~~ can no longer meet the terms of the proposal.
- h. If the City Manager rescinds a Notice to Award, the City Manager may negotiate with the next most responsive ~~proposer~~~~bidder~~ and submit a new recommendation for award to Council and Council may approve the award of the proposal to that recommended ~~proposer~~~~bidder~~. If negotiations with the next most responsive bidder are unsuccessful, all bids must be rejected and a new request for proposal may be issued.
- i. The Council may approve other bidding or proposal procedures or exceptions to these procedures via resolution.

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 a~~ proposal ~~or lease application~~ 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 ~~otherwise~~ provided in ~~HCC 18.08.175~~~~this chapter~~, 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 ~~C~~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.

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- a. After a ~~Notice to award~~ 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 or proposer. 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.

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18.080.090 Development and use.

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- a. All leases must require the lessee to comply with all applicable local, state, and federal laws, applicable zoning, parking, sign, flood, and other pertinent local ordinances and state and federal statutes and regulations.
  - b. Except as provided otherwise in the lease agreement, an as-built survey including elevations performed by a surveyor shall be provided to the City within six months of completion of permitted or required development on the leased property, or requirements under a lease. Each additional structure or significant improvement shall require an additional or updated as-built survey. All surveys are to be provided by the lessees at their expense.
  - c. Except as provided otherwise in the lease agreement, at the time each as-built survey is submitted, a statement of value including leaseholds and all improvements shall be provided. The ~~s~~Statement of ~~v~~alue shall be either a letter of opinion or appraisal completed by an appraiser.
  - d. All development requirements and performance standards contained in the lease shall be strictly enforced and if not complied with or negotiated for modification shall be cause for the lease to be terminated. Failure to enforce the terms of the lease shall not constitute waiver of any such term.
  - 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.

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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 within one year at the time of review and prior to 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 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~~ City-owned property due for appraisals in that year. The City will have sole discretion to select the appraiser and ~~shall bear~~ the cost of the appraisal.

**Commented [HCW3]:** In reviewing this section, I found the "at the time of renewal" somewhat vague given that an appraisal might be performed earlier than renewal by the lessee in considering whether or not to seek renewal. I used one year as a placeholder but recommend the Port and Harbor Commission and City administration consider a time period that would be reasonable and expressly include it in this subsection.

18.08.110 Options to renew.

- a. Leases may contain no more than two options to renew 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.

18.08.120 Improvements.

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

- 1           b. ~~Any improvements not consistent with not included in~~ the lease agreement  
 2 ~~or improvements that are inconsistent with or deviate from those permitted~~  
 3 ~~in the lease agreement~~ must be approved by Council via resolution. Council  
 4 ~~and shall only be considered~~ approve such improvements upon  
 5 recommendation by the City Manager and after review by the Port and  
 6 Harbor Commission, the Homer Advisory Planning Commission, and any  
 7 other ~~advisory~~ commission determined to be appropriate by the City  
 8 Manager. Inconsistent improvements may be approved if the proposed  
 9 changes to the improvements ~~promotes~~ serves the City's best interest and/or  
 10 when changes are necessary due to relevant changes in industry or the local  
 11 economy changes or a change in economic conditions within the city.
- 12
- 13           c. All improvements constructed upon leased property become the property of  
 14 the City upon termination of the lease unless otherwise provided in the lease  
 15 agreement or agreed to by the parties in writing.
- 16
- 17           d. Lessee shall be responsible for all ~~municipal property taxes, including~~  
 18 ~~property taxes on the leasehold interest in the real property and~~  
 19 ~~improvements and any sales tax on rent payments, on the leasehold interest~~  
 20 ~~in the real property and improvements and sales taxes on the rent payments.~~

**Commented [HCW4]:** This subsection was substantively changed to provide further clarity and ensure that it applied to all improvements that were not included in the lease agreement and not just those "inconsistent" with the agreement. This protects the City from having to argue with a lessee over what constitutes an "inconsistent" improvement.

**Commented [HCW5]:** Given that the City is not the only taxing entity, it was more accurate to simply require taxes to be paid and then specify the taxes that are included that are of particular importance to the City.

21  
22 18.08.130 Lease renewal.

- 23
- 24           a. ~~The Council, upon written after reviewing a recommendation from by~~ the  
 25 City Manager, ~~may approve exempt~~ the renewal of a lease ~~without~~  
 26 ~~requiring from~~ competitive bidding if Council finds such exemption serves  
 27 the City's best interests. ~~based upon the City Manager's recommendation~~  
 28 ~~and when Council finds that it is in the best interest of the City to enter into~~  
 29 ~~a new lease agreement with the current lessee without submitting the lease~~  
 30 ~~renewal to competitive bidding.~~
- 31
- 32           b. ~~If the current~~ lessee seeking to enter into a new lease with the City  
 33 exempted from competitive bidding under this section is interested in  
 34 entering into a new lease agreement under this section, the lessee must issue  
 35 submit a lease application and a written request for a new lease ~~in writing~~  
 36 to the City Manager at least 12 months but no more than 18 months prior to  
 37 the expiration of the existing lease ~~and submit a formal lease application for~~  
 38 evaluation by the City Manager. The City Manager shall notify Council of  
 39 new lease requests under this section. The City will review the application  
 40 but is under no obligation to enter into a new lease.
- 41
- 42           c. If ~~the~~ Council approves the new lease without a competitive process, it must  
 43 do so by resolution within six months of the date the lease application is  
 44 filed with the City.  
 45

**Commented [HCW6]:** This recommendation attempts to simplify the language in the interest of clarity, but also recognizes that it may be problematic if the request for renewal and lease application are submitted too far in advance as significant changes may occur over a few short years (or even months). To this end, I recommend the Port and Harbor Commission and City Administration consider what timing would best serve the City's needs and make the most sense given the City's process.

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- d. Council shall consider the following factors when determining whether to exempt a lease from competitive bidding under this subsection:
  - 1. ~~The~~ Lessee's past capital investment and binding commitment to future capital investment;
  - 2. ~~L~~The lessee's financial condition and prior lease history;
  - 3. The number of persons employed and the prospect for future employment;
  - 4. Tax revenues and other financial benefits to the City anticipated in the future if the lease is renewed;
  - 5. Consistency of ~~the~~ past use and intended future use with all applicable laws, including land use codes and regulations, the Comprehensive Plan, and Overall Economic Development Plan;
  - 6. Other opportunities for use of the property that may provide greater benefit to the City; and,
  - 7. Other social, policy, and economic considerations as determined by ~~the~~ Council.

18.08.140 Sublease.

- a. City property may be subleased if expressly permitted in the lease agreement and approved in writing by Council.
- b. Except as provided otherwise in the lease agreement, all subleases must be in writing, ~~and~~ executed by the parties, and approved by Council after a recommendation is provided by the City Manager.
- c. Approval must be granted prior to occupancy of the leased premises by ~~a~~the sub-tenant.
- e. ~~L~~A lessee shall be assessed additional rent, equal to at least 10 percent of the current rent for the subleased area, upon approval of a sublease.
- f. Subleasing shall not be used ~~as a method to accomplish the to~~ transfer substantially all of a leasehold interest ~~of interest in the entire leasehold.~~
- g. All subleases must comply with all relevant applicable federal, state, and local laws.

18.08.150 Early termination.

**Commented [HCW7]:** Tried to reword this section to ensure that a lessee could not sublease 95% or another amount of the leasehold interest in a situation where the lessee has a lease agreement that permits subleasing but was not intended to permit assignment without approval.

**Commented [HCW8]:** Changes made ensure that the City administration need only seek Council approval for early termination of a lease for failure to comply with the terms and not the expiration of a lease or termination of a lease for other reasons, such as termination after lessee notifies the City of the need to terminate the lease in compliance with its terms.



1  
2 Except as provided otherwise in the lease agreement, Council shall approve the  
3 termination of a lease for failure to comply with the lease terms. The City Attorney  
4 shall be consulted prior to ~~the~~ termination of a long-term lease for failure to comply  
5 with lease terms. The City Manager may only terminate ~~shall seek approval of~~  
6 ~~termination~~ a lease for failure to comply with the lease terms after receiving Council  
7 approval to do so. The City Manager shall seek approval to terminate under this  
8 section in ~~from Council in~~ executive session. The name of lessee and description  
9 of the leased property shall not be included in any public notices or documents  
10 circulated by the City unless and until Council approves termination of the lease  
11 under this section. The City Manager shall notify a lessee in writing that Council  
12 will be considering termination of the lease ~~in executive session~~ and provide the  
13 date, time, and place of the meeting at which Council will consider such  
14 termination executive session. Lessee may waive the right to confidentiality under  
15 this section and request ~~that~~ Council hold its discussion of termination in public.  
16 This section shall not prevent the City from sending lessee, or other parties with an  
17 interest in the lease, notifications and/or correspondence related to the lease or  
18 lessee's compliance with its terms.

19  
20 18.08.160 Assignment.

- 21
- 22 a. Except as provided in the lease agreement, Council must approve the  
23 assignment of a lease to another party.
  - 24
  - 25 b. Except as otherwise provided in this ~~subsection~~ and subject to the terms of or  
26 the lease agreement, the City Manager must make a determination that a  
27 lessee is in full compliance with a lease before an assignment will be  
28 effective. The City Manager may, in his or her sole discretion, ~~enter into an~~  
29 ~~agreement with an assignor or an assignee~~ consenting to assignment of a  
30 lease where lessee is in full compliance with the lease terms except for  
31 payments owed so long as assignor and/or assignee agree in writing to pay  
32 the full amount owed within 90 days of the assignment. An assignment  
33 shall not be effective and shall constitute default by lessee if full payment  
34 is not received within 90 days of the assignment, conditional upon payment  
35 of any outstanding amount due under the lease no more than 90 after  
36 assignment.
  - 37
  - 38 c. Except as otherwise provided in ~~the~~ a lease agreement, if the lessee is in  
39 good standing and eligible to assign the lease, the following procedures  
40 apply:  
41
  - 42 1. The lessee shall file a written request for assignment and a complete  
43 new lease application to the City Manager;
  - 44
  - 45 2. The City Manager shall review the request and assignment new lease  
46 application document(s) and determine whether the proposed assignee

Commented [HCW9]: I attempted to tighten the language and clarify the consequences if full payment is not received within the 90 day window.

1 is qualified under this chapter and the assignment is in the City's best  
2 interests;

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

6  
7 4. ~~The~~ Council shall approve or deny the request for assignment via  
8 resolution.

9  
10 5. Assignment of long-term leases on the Homer Spit or within the Marine  
11 Commercial or Marine Industrial zoning districts shall be reviewed by  
12 the Port and Harbor Advisory Commission prior to submission to  
13 Council for approval. Except as otherwise provided in ~~a specific~~  
14 lease agreement, assignment of all other long-term leases shall be  
15 reviewed by the Homer Advisory Planning Commission ~~for~~  
16 ~~recommendations~~ prior to Council approval.

Commented [HCW10]: We need to unbold "5" but I cannot make it happen in my version of the document. Thus, this revision should be noted for the Clerk's final preparation of a substitute ordinance.

17  
18 d. ~~The~~ Council may approve assignment of a lease to a bank or other financial  
19 institutions ~~for financing or other reasons~~ if it determines the assignment is  
20 in the best interest of the City and ~~upon recommendation by the City~~  
21 ~~Manager.~~ The City Manager recommends approval.

22  
23 e. Where a lessee intends to assign the lease as part of a sale of the business  
24 located on the leased lot, the person who intends to purchase the business  
25 may apply to extend the lease term to allow the continuation of the business  
26 and to secure financing for the purchase of that business.

27  
28 18.08.170 Insurance.

29  
30 a. All lessees shall keep in force for the full term of the lease public liability  
31 insurance in the amount of not less than \$1 Million coverage per occurrence  
32 for bodily injury, including death, and property damage. The City shall be  
33 named as an additional insured.

34  
35 b. Lessees who intend to conduct activities which could potentially have  
36 significant risk of environmental contamination shall also obtain not less  
37 than \$2 Million in Environmental Impact insurance and/or Environmental  
38 Clean-up Policy, or the equivalent subject to review and approval by the  
39 City Manager. The City shall be named as an additional insured. The City  
40 will determine on a case-by-case basis whether a lease of City property will  
41 involve a significant risk of environmental contamination due to the use of  
42 the property, the presence of hazardous materials, or the location of the  
43 property.

44  
45 c. Certificates of Insurance showing the required insurance is in effect and  
46 identifying the City as an additional insured shall be provided to the City at

1 the time a lease becomes effective and annually thereafter, and upon every  
2 change in insurance provider or insurance coverage.

- 3  
4 d. All insurance policies must be in effect for the duration of the lease term, or  
5 longer if stated in the lease, and the City must be notified of any changes to  
6 policies.  
7  
8 e. ~~A lease agreement may require it~~ insurance requirements that exceed those  
9 required in this section may be imposed in the terms of a lease agreement.

10  
11 18.08.175 Exception-leasing to government entities.

- 12  
13 a. Except as otherwise prohibited by law, leases to federal or state government  
14 entities or political subdivisions or agencies of the State of Alaska or the  
15 United States may be exempted from this chapter, upon a finding by Council  
16 that it is in the City's best interest to do so, ~~exempted from the requirements~~  
17 ~~of this chapter~~.  
18  
19 b. The City may lease real property to the United States, the State of Alaska,  
20 a political subdivision of the State, or an agency of any of these entities, for  
21 ~~consideration agreed upon between the parties for~~ less than fair market rent  
22 if ~~the Council determines that the lease or license~~ it is in the City's best  
23 interest to do so.

24  
25 18.08.180 Assessments – Capital improvement projects.

- 26  
27 a. ~~A~~ Lessees of City property shall pay all real property special assessments  
28 levied and assessed against the property to the full extent of installments  
29 billed during the lease term ~~of the lease~~.  
30  
31 b. In the event the City completes a capital improvement project which directly  
32 benefits the leasehold property and no local improvement district is formed  
33 to pay the cost ~~thereof of that project~~, the City may, in its sole discretion,  
34 impose, and the lessee shall pay as additional rent, the leasehold property's  
35 proportionate share of the cost of the improvement project. The amount of  
36 additional rent imposed annually by the City under this subsection shall not  
37 exceed the amount which would have been payable annually by the lessee  
38 if a local improvement district had been formed which provided for  
39 installment payments on a schedule and bearing interest at rates typical of  
40 other local improvement districts of the City for that type of capital  
41 improvement.

42  
43 18.08.190 Connection to utilities.

44  
45 Lessees of City real property shall connect to City utilities and bear all costs of  
46 connections and adhere to all applicable local, State and Federal regulations.

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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~~, subleases and assignments ~~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 lease renewal, assignment or sublease.

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

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS \_\_ DAY OF ~~JUNE~~APRIL, 2018.

CITY OF HOMER

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

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSON, MMC, CITY CLERK

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

First Reading:  
Public Hearing:  
Second Reading:  
Effective Date:

Reviewed and approved as to form:  
  
\_\_\_\_\_

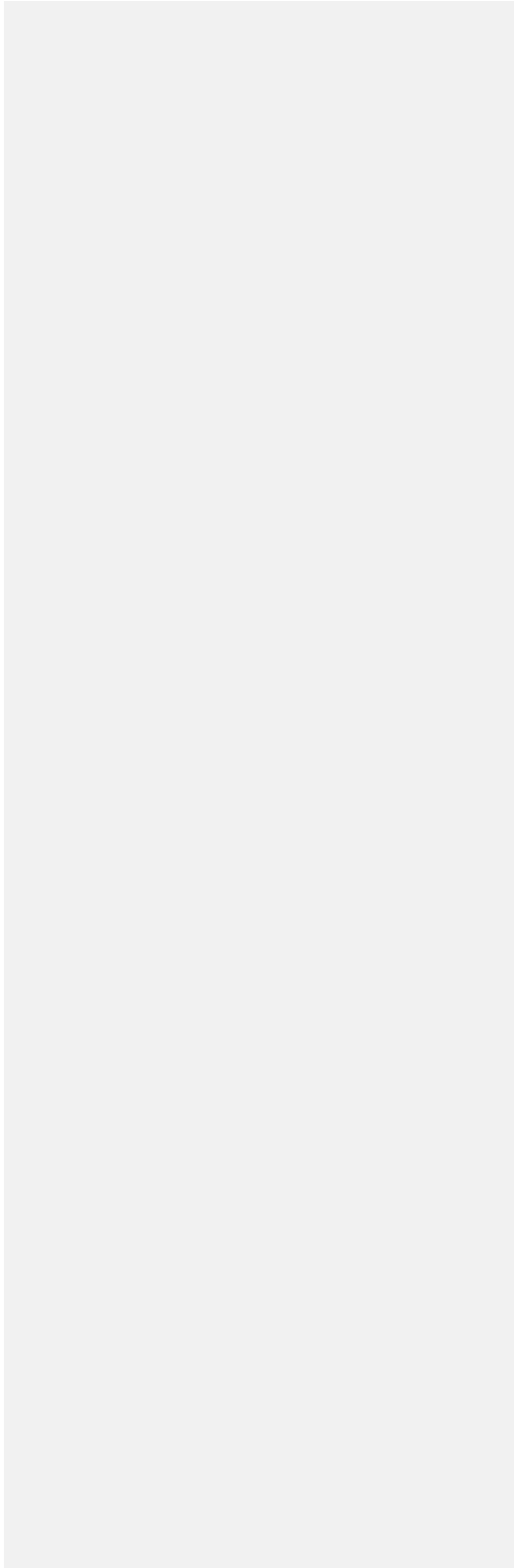
1 Mary K. Koester, City Manager

2

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

Holly Wells, City Attorney

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







# City of Homer

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## Memorandum 18-076

TO: Mayor Zak and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: June 6, 2018  
SUBJECT: Memo to clarify proposed changes to Ordinance 18-16 by City Attorney and Port and Harbor Commission

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The purpose of this memo is to provide an overview of the proposed changes before you in Ordinance 18-16(S) both by the City Attorney and the Port and Harbor Advisory Commission who has spent 2 meetings reviewing the Ordinance.

Changes from the Attorney:

Ordinance 18-16(S) before you includes changes recommended by the City Attorney that provide clarity and are detailed in the track changes /notes version of 18-16(S) in the packet.

Changes from the Port and Harbor Commission:

Changes proposed by the Port and Harbor Commission are *not* included in the substitute (Ordinance 18-16(S)) and will need to be adopted by Council by motion by referencing the items below. Memo 18-059 details recommendations from the Port and Harbor Commission from their March meeting and Memo 18-075 their May meeting. Please keep in mind the exact line references in the memos may be off given they were working from different versions. Use sections of code instead of line number as a reference. The changes they proposed are summarized below.

1. Reinstating the annual adjustment of leases based on the Anchorage Consumer Price Index.  
18.08.075(f) (new subsection) and in title.
2. Requiring the terms of the lease to remain the same with the transfer of the lease.

Upon further clarification with the sponsor of the amendment, staff recommends adding the language below to section 18.08.160(e).

(e) Where a lessee intends to assign the lease as part of a sale of the business located on the leased lot, the person who intends to purchase the business may apply to extend the lease term to allow the continuation of the business and to secure financing for the purchase of that business. **Any significant changes in the terms (use) of the existing lease must be reviewed by the Port Commission and approved by City Council by Resolution as an amendment to the lease.**

3. Require an appraisal at time of lease transfer in addition to new leases. Allow an appraisal to serve as valid if it was done within 2 years of time of renewal of a lease (up from place holder of 1 year proposed by City Attorney). 18.08.100(a-c).
4. Clarifying the language regarding the length of time allowed for options to renew in a lease in 18.08.110(a).

a. Leases may contain no more than two options to renew and each option must be ~~for less than~~ **not to exceed** 25% of the length of the initial lease term.

#### Attachments

Memorandum 18-059 from Port and Harbor Advisory Commission

Memorandum 18-075 from Port and Harbor Advisory Commission





## Memorandum 18-059

TO: MAYOR ZAK AND CITY COUNCIL  
FROM: PORT & HARBOR ADVISORY COMMISSION  
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK  
DATE: MAY 3, 2018  
SUBJECT: ORDINANCE 18-16 AMENDING HOMER CITY CODE CHAPTER 18.08

---

Ordinance 18-16 was introduced to the Commission under New Business at the meeting on March 28, 2018. Councilmembers Erickson and Smith as well as City Manager Koester were in attendance to provide the introduction and explanation on the proposed changes to Chapter 18.08 regarding Property Management, Leases and the Lease Policy.

The Port & Harbor Advisory Commission reviewed Ordinance 18-16 under Pending Business at the regular meeting on April 25, 2018 and the following is a summary of the amendments made by the Commission at this time along with an excerpt from the minutes of the April 25, 2018 meeting:

Amend Ordinance 18-16 for the following:

- Amendment 1-* Line 336 Add Item F. Lease amount to be adjusted annually based on the Anchorage Consumer Price Index.
- Amendment 2-* Line 553, After the word “purchase” insert the phrase, “only within the terms of the lease”

**Recommendation:** Postpone Second Reading to the first meeting in June to allow the Port and Harbor Advisory Commission to finalize review at their May 23, 2018 meeting.

**PENDING BUSINESS**

A. Memorandum from City Clerk dated March 28, 2018 - Ordinance 18-16, 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

1. Memorandum from Harbormaster Hawkins dated March 21, 2018
2. Memorandum 18-035 from City Attorney dated March 23, 2018 re Ordinance 18-16
3. Redline Comparison of Current Homer City Code 18.08
4. Current Ground Lease and Security Agreement Template
5. Current Property Management Policy and Procedures

HARTLEY/DONICH - MOVED TO APPROVE ORDINANCE 18-16 WITH THE NECESSARY AMENDMENTS.

A brief clarification was requested by the Commission on the expediency to approve this ordinance. Harbormaster Hawkins stated that there was no urgency to approve this ordinance.

HARTLEY/DONICH - MOVED TO AMEND ORDINANCE 18-16, SECTION 18.08.075 BY ADDING ITEM F. LEASE AMOUNT TO BE ADJUSTED ANNUALLY BASED ON THE ANCHORAGE CONSUMER PRICE INDEX AFTER LINE 336.

A brief discussion on reviewing and adjusting the lease annually would allow the price to be adjusted incrementally compared to a large amount every five years. Clarification was provided by staff that appraisals will be conducted every five years.

VOTE. (Amendment) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HARTLEY/ZEISET – MOVED TO AMEND ORDINANCE 18-16, SECTION 18.08.160, ITEM E, TO ADD THE FOLLOWING LANGUAGE, “ONLY WITHIN THE TERMS OF THE LEASE” AFTER THE WORD “PURCHASE” ON LINE 553.

Discussion ensued on wanting the use to remain the same whereas a new owner could have a similar business but doesn't necessarily have to follow the existing lease. The main purpose is to keep the same business as was conducted by the previous owner.

VOTE. (Amendment) YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The Commission discussed the City Manager's ability to approve short term leases without going before Council and concern was expressed on the length of a short term lease and having a short term lease extend out for a longer period of time and in what circumstances would a short term lease be allowed or applied; how many short term leases were currently in effect or used in the past.

*Vice Chair Zimmerman inquired about allowing financial institutions the opportunity to be a lien holder on a lease to enable financing and to take over a lease when or if it defaults. He believed that would provide additional opportunities for a business entity to secure better financing and provide a recourse to the bank to preserve the collateral on the lease.*

*A brief consideration ensued on the possibility with concerns expressed on the following:*

- The City being the landowner, if a business defaulted then would the financing institution be liable for the outstanding lease?*
- Would the City retain ownership of improvements according to the lease documents or does the financial institution get that to sell?*
- Would this be beneficial to potential leaseholders?*
- How would operating a business that is in default with both the financial institution and the city proceed?*

*Vice Chair Zimmerman stated the main motion on the floor to approve the Ordinance as amended and asked if everyone was ready to vote on this Ordinance as he would like to postpone approval until the May meeting if there is no rush to get this back to Council.*

*HARTLEY/ZEISET – MOVED TO POSTPONE ORDINANCE 18-16 TO THE MAY 23, 2018 COMMISSION MEETING TO ALLOW ADDITIONAL REVIEW AND FURTHER DISCUSSION.*

*There was a brief discussion on the complexity of the contents of the ordinance and understanding it fully.*

*VOTE.(Postponement)YES. CARROLL, DONICH, ZIMMERMAN, HARTLEY, ZEISET, STOCKBURGER.*

*Motion carried.*

*Deputy City Clerk Krause clarified that the main motion to adopt Ordinance 18-16 as amended thus far will be on the May agenda under Pending Business.*





# City of Homer

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## Memorandum 18-075

TO: MAYOR ZAK AND HOMER CITY COUNCIL  
FROM: PORT & HARBOR ADVISORY COMMISSION  
THROUGH: RENEE KRAUSE, CMC, DEPUTY CITY CLERK  
DATE: JUNE 5, 2018  
SUBJECT: AMENDMENTS TO ORDINANCE 18-16

---

The Commission reviewed the draft Ordinance 18-16 and 18-16(S) at the regular meetings on April 25, 2018 and May 23, 2018 they proposed several amendments that were included in Memorandum 18-059 at the April meeting and approved additional amendments at their May meeting as follows:

### *Amendment 3*

Line 424, Section 18.08.100 (a) Insert “new” before the word “lease”  
Insert the phrase, “or the transfer of a lease” after the word “lease”  
Delete “one year” and insert “two years” after the word “within”

Line 425, Section 18.08.100 (a) – Insert the phrase “the renewal of a lease” after the words “prior to” and delete the word “renewal”

Line 430, Section 18.08.100 (c) – Amend the word “Leased” to “Leases”

Line 431 Insert after the word “lease.” The city may choose to have the property appraised sooner than the first five year anniversary of a new lease in order to clump properties together for group rate savings on appraisal costs.

### *Amendment 4*

Line 454, Section 18.08.110 (a) delete the words “for less than” and insert “not to exceed” before 25%.

Following is the excerpt of the minutes of the May 23, 2018 regular meeting regarding the Commissions proposed amendments to Ordinance 18-16(S).

#### Recommendations

Approve the amendments proposed by the Port and Harbor Advisory Commission

**MAY 23, 2018 REGULAR MEETING**

**UNAPPROVED MINUTES**

**PENDING BUSINESS**

A. Memorandum from Deputy City Clerk re: Ordinance 18-16(S), Repealing and Re-enacting Homer City Code Chapter 18.08

*Chair Ulmer read the title into the record. She requested clarification on the role of the Commission with regard to review of leases.*

*Harbormaster Hawkins responded that this will actually keep the review process by the Commission but define the processes and provide City Council with more approval responsibility.*

*Commissioner Zimmerman requested clarification on page 23, Line 182, Section 18.08.040 (a) requested clarification on the difference between requiring approval via ordinance or resolution.*

*Harbormaster Hawkins responded that ordinance requires two public meetings by Council and resolutions require only one.*

*Chair Ulmer noted ordinance is for leases over 5 years and resolutions were for leases 5 years and under.*

*Harbormaster Hawkins provided a lay down on the amendments to Ordinance 18-16 from the April meeting and made the following recommendations:*

*Amend title of the ordinance to delete “removing the requirement that all leases may be increased to reflect inflation as determined in the consumer price index”*

*Commissioner Zimmerman inquired if there were any different CPI and Harbormaster Hawkins reported that there is currently only one in the state, Anchorage and in fact there are only 26 total in the United States.*

*Harbormaster Hawkins continued to review the following amendments proposed at the April meeting:*

*Page 27, Line 371, Section 18.08.075 – Amend Ordinance 18-16 by Adding (f) Lease amount to be adjusted annually based on the Anchorage Consumer Price Index.*

*Harbormaster Hawkins additionally proposed the following amendments to Ordinance 18-16:*

*Page 29, Line 424, Section 18.08.100 (a) Insert “new” before the word “lease”*

*Insert the phrase, “or the transfer of a lease” after the word “lease”*

*Delete “one year” and insert “two years” after the word “within”*

*Page 29, Line 425, Section 18.08.100 (a) – Insert the phrase “the renewal of a lease” after the words “prior to” and delete the word “renewal”*

*Page 29, Line 430, Section 18.08.100 (c) – Amend the word “Leased” to “Leases”*

*Line 431 Insert after the word “lease.” The city may choose to have the property appraised sooner than the first five year anniversary of a new lease in order to clump properties together for group rate savings on appraisal costs.*

*Harbormaster Hawkins explained that he added a few additional words, and he wanted to provide an option to not do an appraisal if one has been conducted within the space of two years and he wants to be able to group appraisals together to take advantage of discounts that are offered since the city covers all those costs.*

*Commissioner Zimmerman questioned if that would affect the leases in raised rates earlier than 5 years.*

*Harbormaster Hawkins stated that it could raise the rates at that time but provided an example using the transfer of lease that was within the two years of having an appraisal done and did not get their rates increased.*

*Commissioner Zimmerman expressed concerns with the process of raising a lease rate prior to the 5 year stated period since this does not provide the certainty for the lessee that the lease may increase in 5 years but could increase in 3 years. He agreed with the management aspect to get all leases on the same appraisal time period, and he acknowledged the savings would be beneficial but questioned the fairness to the lessees in implementing that process if it does not offer fairness to lessees.*

*Commissioner Donich inquired if someone new is wanting to lease do the banks require an appraisal and cited an example within his own experience.*

*Harbormaster Hawkins responded that the banks probably do and it would also be required if it was a property that has not been offered for lease before.*

*Commissioner Stockburger requested adding terminology at the end of that paragraph that an appraisal will happen every five years for renewals.*

*Commissioner Zeiset questioned how the application of appraisals every five years, if an appraisal is perform before the 5 years has expired such as 3 or 4 years, from what point will the new appraisal term start at the original 5 year mark or at the 3 year mark.*

*Commissioner Stockburger added that it may cause issues with the lending institutions.*

*Commissioner Zimmerman acknowledged Heath Smith in the audience and invited him to come forward and comment on the discussion.*

*Mr. Smith suggested stretching the time to accommodate instead of truncating the appraisal period. He also stated that the lessee pays the property taxes and an increase in the property value will increase those costs for lessee. They need to honor the contracts and consider the implications to them.*

*Harbormaster Hawkins acknowledged that they will then have the task of explaining to the leaseholder.*

*Commissioner Zimmerman suggested having a declaration that appraisals will be conducted every five years and let the lessee know that the first appraisal will be conducted during this time and then every five years to keep it simple.*

*Commissioner Stockburger asked how much of a savings did this present to the city on average grouping the appraisals.*

*Harbormaster Hawkins reported that it is approximately a \$200-\$300 savings per appraisal.*

*Commissioner Stockburger then commented that it could then add that same amount to the lease and did not believe it would be worth the trouble.*

*Harbormaster Hawkins reviewed the last proposed amendment to Section 18.08.160 (e) Page 34, Line 637, Section 18.08.160 (e) – Insert the phrase, “Only within the terms of the lease” after the word “purchase” this was made Commissioner Hartley last month.*

*Commissioner Zimmerman requested the commission to review page 29, Section 18.08.110 Line 454, he questioned the less than 25%.*

*There was a brief discussion on how the statement reads.*

*Commissioner Zimmerman requested they amend line 454 to delete the words “for less than” and insert “not to exceed” before 25%.*

*Commissioner Zimmerman then brought to the commission’s attention Page 30, Line 484, item c, he questioned what happens if the city doesn’t want the improvements.*

*Harbormaster Hawkins noted that typically the lease contains a clause that the lessee must remove all improvements. This clause would be applied if there was an improvement that would benefit or provide added value to the property.*

*Deputy City Clerk Krause read motion on the floor from the April 25, 2018 meeting:*

*HARTLEY/DONICH - MOVED TO APPROVE ORDINANCE 18-16 WITH THE NECESSARY AMENDMENTS.*

*Mr. Smith requested to speak to the Commission again.*

*Deputy City Clerk Krause stated that the Commission would need to request a motion to suspend the rules to allow comment from the public at this time.*

*Deputy City Clerk Krause provided clarification to Chair Ulmer on the process of approving the amendments was completed at the April meeting and this was the main motion that was on the floor when a motion to postpone was made.*

*ZIMMERMAN/HARTLEY MOVED TO SUSPEND THE RULES TO ALLOW PUBLIC COMMENT AT THIS TIME.*



*There was no discussion.*

*VOTE. NON-OBJECTION. UNANIMOUS CONSENT.*

*Motion carried.*

*Mr. Smith stated that the entire intent was to improve the process and add a layer of review by City Council for when things get sticky there are a few more heads to figure things out. Mr. Smith continue by stating the he has been educated and in his research found that it is a standard to use the CPI but also found that there is in use a graduated rent system that is set at an agreed percentage increase per year which allows the parties involved to know the amount of increase on an annual basis. He added that if the CPI was reviewed the increase has been on average 2% per year over the last several years, noting anecdotally that in the late 1990's an increase was 6 percent. Mr. Smith reported that one of the benefits on a percentage increase is that it is dependable and forecastable. It alleviates the juggling needed to adjust for spikes in the CPI. He also believes a graduated approach it will make the lease process more business friendly.*

*Commissioner Donich requested clarification on a previous action by the Commission on Stall rates based on a percentage increase.*

*Harbormaster Hawkins reviewed the past action of the commission that inflation proofed the budget in that way that Commissioner Donich referred to and stated that what Mr. Smith was referring to was an escalation percentage built into the lease which accounts for inflation.*

*Commissioner Stockburger commented that the CPI reflects the economy however some years it can hurts worse than others and there is a difference between Homer and up the road. He believed that if the number was low it probably would not be too harmful.*

*Mr. Smith commented that he preferred 2% increase over a couple of years than a jump of 4% in one year. He added that it would always be a moving target compared to a known increase.*

*Commissioner Hartley commented on his recollection of double digit inflation rates in the 1980's and they have to be prepared for such an occurrence.*

*Harbormaster Hawkins pointed out that a contract is binding and that if there is no CPI adjustment allowance in the existing contract they will not be bringing back all lessees to the table to adjust their contract. This would be applied to all new contracts.*

*Commissioner Zeiset commented that as a leaseholder he preferred a known increase than the unknown but he acknowledge is lack of knowledge on application and use of the CPI.*

*The commission discussed at length on applying the CPI over a set period such as reviewing the CPI as an average over a set span of time and then apply that amount as a percentage for a set period time; further amendments would have to be done by ordinance; clarification on how the CPI is used to value a lease; the appraisal reflecting the increase in the economic value; not including a percentage since they do use the*

*appraisal approach; city being the landowner and the land changing ownership rarely which is the value of using the CPI on an annual basis they would see very little change in the market value per square foot; they draw comparison from other cities which may make appraisals very difficult; applying the CPI annually could mean a lesser impact when an appraisal is conducted; how the appraiser conducts the appraisal may result in a higher impact to the lessee such as double increases, which have not been seen to date since the appraisers have access to all the records that the city has and have recommended leaving the CPI.*

*Chair Ulmer asked if the commission was ready to on the ordinance.*

*STOCKBURGER/HARTLEY MOVED TO APPROVE THE AMENDMENTS AS PROPOSED TO SECTION 18.08.100 AND SECTION 18.08.110*

*There was a brief clarification on leaving in the CPI.*

*VOTE. YES. STOCKBURGER, ZEISET, HARTLEY, YES, DONICH, CARROLL, ULMER  
Motion carried.*

*STOCKBURGER/HARTLEY MOVED TO APPROVE ORDINANCE 18-16 AS AMENDED.*

*There was no further discussion.*

*VOTE. YES. ULMER, CARROLL, DONICH, ZIMMERMAN, HARTLEY, ZEISET, STOCKBURGER*

*Motion carried.*

## 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.



**ORDINANCE REFERENCE SHEET**  
**2018 ORDINANCE**  
**ORDINANCE 18-29**

**Ordinance 18-29**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2018 Capital Budget by Appropriating up to \$5,200 from the Homer Accelerated Roads and Trails (Hart) Fund for the Professional Design of an ADA Accessible Trail on City of Homer Property Known as Lot 7-A Nils O Svedlund Subdivision, (KPB Parcel #17719234) and Kachemak Heritage Land Trust Property Known as Lot 16 A-1 Nils O Svedlund Subdivision (KPB Parcel #17719231).

Sponsor: City Manager

1. Council Special Meeting May 29, 2018 Introduction
  - a. Letter from Kachemak Heritage Land Trust
  - b. Diagram and Overlay of Proposed Trail
  
2. Council Regular Meeting June 11, 2018 Public Hearing and Second Reading
  - a. Letter from Kachemak Heritage Land Trust
  - b. Diagram and Overlay of Proposed Trail



CITY OF HOMER  
HOMER, ALASKA

Mayor

ORDINANCE 18-29

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY 2018 CAPITAL BUDGET BY APPROPRIATING UP TO \$5,200 FROM THE HOMER ACCELERATED ROADS AND TRAILS (HART) FUND FOR THE PROFESSIONAL DESIGN OF AN ADA ACCESSIBLE TRAIL ON CITY OF HOMER PROPERTY KNOWN AS LOT 7-A NILS O SVEDLUND SUBDIVISION, (KPB PARCEL #17719234) AND KACHEMAK HERITAGE LAND TRUST PROPERTY KNOWN AS LOT 16 A-1 NILS O SVEDLUND SUBDIVISION (KPB PARCEL #17719231).

WHEREAS, Kachemak Heritage Land Trust (KHLT) owns the 3.47-acre Poopdeck Platt property at the end of Klondike Avenue in Homer (KPB Parcel 17719231) which abuts City owned property (KPB Parcel 17719234); and

WHEREAS, The 2004 Homer Non-Motorized Transportation and Trail Plan describes the need to construct trails that are Americans with Disabilities Act (ADA) accessible; and

WHEREAS, The 2010 Homer Comprehensive Plan describes the need to improve access to parks, and encourages incentives to improve accessibility; and

WHEREAS, Since 2013 KHLT has worked with the National Park Service Rivers, Trails and Conservation Assistance Program, Architects, State Parks, the City, Independent Living Center and community members on a conceptual site plan for a community park on this property; and

WHEREAS, KHLT is intending to hire a contractor to design a trail that will be ADA accessible on KHLT land (KPB Parcel 17719231) described as Lot 16 A-1 Nils O Svedlund Sub (and on City of Homer land (KPB Parcel 17719234) described as Lot 7-A Nils O Svedlund Sub 2013 Replat; and

WHEREAS, The southern part of the proposed trail will be on KHLT property in delineated wetlands KHLT requests trail use of City land to both minimize the crossing of delineated wetlands and to provide potential ADA connectivity between Pioneer Avenue and Bishop's Beach; and

WHEREAS, KHLT and the Independent Living Center are concurrently raising funds for the design work toward the estimated contractor expense of \$5,200.00.

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NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby grants access to the most eastern portion of the City owned lot KPB Parcel 17719234, described as Lot 7-A Nils O Svedlund Sub 2013 Replat finding that the request is desirable and in the public interest and acknowledges the planning effort and local contribution.

Section 2. The Homer City Council hereby amends the FY 2018 Operating Budget to appropriate up to \$5,200 from the HART Program to aid in the design of an ADA accessible trail on the KHLT property (KPB Parcel 17719231) described as Lot 16 A-1 Nils O Svedlund Subdivision and along the eastern portion of the City of Homer property (KPB Parcel 17719234) described as Lot 7-A Nils O Svedlund Subdivision.

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
165-0365	HART Fund Program	Up to \$5,200
	KHLT ADA Trail Design	Up to \$5,200

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

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

CITY OF HOMER

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

ATTEST:

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

YES:

NO:

ABSTAIN:

ABSENT:



84 First Reading:  
85 Public Hearing:  
86 Second Reading:  
87 Effective Date:

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90 Reviewed and approved as to form:

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Katie Koester, City Manager

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Holly C. Wells, City Attorney

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## Kachemak Heritage Land Trust



April 4, 2018

Dear Neighbor,

Kachemak Heritage Land Trust (KHLT) is fortunate to be located in the heart of downtown Homer in a wonderful neighborhood. As you may know, KHLT bought the 3.47-acre Poopdeck property in 2002 to become our office space and a community park. As our neighbors, we want to let you know our plans for this wonderful property and invite you to join us in our efforts.



Currently, our office is located in Poopdeck's old cabin. We also have a new separate office building housing our stewardship staff and there is a rough walking trail that crosses the east side of our property. Over the years, we have had different garden variations located in Poopdeck's former garden space, cared for by a variety of volunteers and school children. Presently, the garden is made up of five raised beds. Harvests from the garden are generally donated to the Homer Food Pantry.

Over the past five + years, we have worked with multiple partners including a National Park Service community program, landscape architects, Alaska State Parks, community members, and our Board and staff to develop a plan to transform this amazing property into an active community park, as was our original intention. Our goal for the park is for it to be a place of community pride, a serene refuge that also functions as an important connector to other walkable properties in Homer.

We are working with the City of Homer and the Independent Living Center to design a trail that is accessible under the Americans with Disabilities Act that is a model for our community as a trail that can be enjoyed by everyone. The trail is planned to cross City property and KHLT property. We have attached the original conceptual design and a rough map of the trails. We believe that by fostering access for all and by working with our neighbors, this community project will benefit residents, visitors and local businesses alike by increasing community walkability.

Please let us know if you have any questions about this project or if you would like to be involved. We will be looking for volunteer assistance in building the trail and would love for you to join us! Thank you for being wonderful neighbors!

Sincerely,

Marie McCarty  
Executive Director

*Conserving the natural heritage of the Kenai Peninsula for future generations*

315 Klondike Avenue • Homer, AK 99603 • ph: 907-235-5263 • fax: 907-235-1503 • [www.kachemaklandtrust.org](http://www.kachemaklandtrust.org)

**BOARDWALK SECTIONS:**

60" Boardwalk over perennial and ephemeral wet areas. Tread 30" or more above grade will require guardrails. Construct with sustainable methods and materials.



**NATURAL SURFACE TRAILS:**

Compacted, crushed stone trail. Removes only minimal amount of existing vegetation. Necessary to install trail, maintain right of ways and establish proper slopes.



**LEGEND**

- Existing Trail
- Phase 1 - Bay Overlook Deck
- Phase 2 - Wetland Boardwalk - 60" w
- Phase 3 - Surface Trail - 30"
- Phase 4 - Combined Surface Trail - 30" / Boardwalk - 60"
- Site Boundary
- Interpretive Signage
- Trailhead
- Learning Station

**NOTE:** These plans are conceptual in nature. All locations and distances are approximate and not by survey. Actual site conditions may vary from is depicted.

COOK INLET REGION CORP

# 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: June 6, 2018  
SUBJECT: June 11<sup>th</sup> City Manager Report

---

### **New Graduated Harbor Rate Model Implemented June 1**

In 2016, after much debate and work by the Port and Harbor Commission and Homer City Council, the Council adopted a new graduated rate schedule in an effort to recognize the need to build a sustainable and equitable moorage fee schedule for Homer's Harbor. This new rate schedule incrementally increases moorage by .05 per liner foot of vessel. Ultimately the goal is for the Enterprise to build a reserve that can be used to maintain or replace infrastructure as needed. Thirteen public meetings were held by the Port and Harbor Commission during the drafting of this rate change and equitability was a big topic: "how do we spread the burden fairly and equitably" over the entire fleet of harbor users. This rate schedule meets that goal.

Implementation of the new schedule has been delayed by software challenges. The existing marina billing software was not up to the challenge. With the help of a consultant, staff drafted an RFP that detailed the requirements of the new software and Council approved \$150,000 via Ordinance 17-14 to purchase, or potentially create/design the software. Bids came back nearly tenfold at almost \$1.5 million to develop the software. This prompted staff to go back to the drawing board. The Port and Harbor was able to work with a small software developer (a one-woman show) to design exactly what the City needs within budget. The City has an escrow agreement for the source code which will protect the City in case the developer retires or closes up shop.

In addition to being able to implement the new structure, other positives of going live with the new software include:

- Programming support if something goes wrong. Previously, the billing software was completely unsupported, often leaving staff scratching their heads and implementing time consuming manual entries to make the system work for the City's needs.

- Streamlined billing and printing options. For example, we will now be able to send customers a bill on a full sheet of paper instead of the old post card. This will give staff the option of sending more detail about their bill to the customer. The post cards were confusing and staff is looking forward to fixing this long term problem.

-Cost savings. To date, Port and Harbor has spent \$33,000 on software development. More tweaking will likely be needed as the system gets up and running, however the cost savings of working in house with the help of the consultant to build a program will cost far less than the original estimate.

Port and Harbor staff are looking forward to being up and running and having the challenges of software development behind them. Staff has detailed the impact of the average user below who will see about a 2% increase (average vessel size is 24 feet)

For 24' Vessel

	<b>Old</b>	<b>New</b>	<b>Difference</b>
<b>Daily</b>	\$ 37.73	\$ 38.63	\$ 0.90
<b>Monthly</b>	\$ 213.73	\$ 218.92	\$ 5.19
<b>Seasonal</b>	\$ 842.00	\$ 862.80	\$ 20.80
<b>Annual</b>	\$ 1,256.80	\$ 1,287.76	\$ 30.96

### **Fish and Game Approved Parking Impact Levy for Load and Launch Ramp**

Great news – Fish and Game has signed up on the parking impact levy at the Load and Launch ramp passed by City Council at the last meeting. The Port and Harbor has posted notice to users (attached) and will implement the levy on June 15<sup>th</sup>. Notice will also be posted online.

### **Annual Report Published**

This year, instead of publishing a long annual report with a page or two from each department and distributing it to Councilmembers (as in years past), a shorter more polished report that encompassed accomplishments from 2016 and 2017 was distributed in the local newspaper. A copy of the report can be found online at <https://www.cityofhomer-ak.gov/citymanager/2016-2017-annual-report>. It is my hope by refining the document and broadening the distribution, the City will engage more member of the public. The City is a complex organization that provides a wide variety of services, and this document provides an opportunity to showcase that to the public. It took a tremendous amount of time to pull together. Special Projects and Communications Coordinator Carroll deserves all the credit for putting together and designing a first class document.

Enc:

- June Employee Anniversaries
- Parking Impact Levy Notice



# 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: June 11, 2018  
SUBJECT: June 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>Levi Stradling,</b>	<b>Public Works</b>	<b>16</b>	<b>Years</b>
<b>Melissa Jacobsen,</b>	<b>Clerks</b>	<b>14</b>	<b>Years</b>
<b>Mike Illg,</b>	<b>Admin</b>	<b>12</b>	<b>Years</b>
<b>Manfred Kirchner,</b>	<b>Public Works</b>	<b>6</b>	<b>Years</b>
<b>Mike Szocinski,</b>	<b>Public Works</b>	<b>6</b>	<b>Years</b>
<b>Brandon Moyer,</b>	<b>Public Works</b>	<b>2</b>	<b>Years</b>
<b>Jessica Poling,</b>	<b>Police</b>	<b>1</b>	<b>Year</b>



# LOAD&LAUNCH FEES INCREASING TO \$20 STARTING JUNE 20<sup>TH</sup>

Homer City Council Has Adopted Resolution 18-041(S) Enacting a \$7 parking impact levy to be charged in addition to the \$13 Single Load and Launch Pass fee. Resolution 18-041(S) also states a \$70 parking impact levy be charged in addition to the \$130 Seasonal Load & Launch Pass

**SINGLE L&L PASS= \$20.00**

**SEASONAL L&L PASS = \$200.00**

**\*THIS IS A PARKING IMPACT LEVY ONLY. ALL EXISTING PARKING RULES AND SIGNS STILL APPLY\***

# LOAD&LAUNCH FEES INCREASING TO \$20 STARTING JUNE 20<sup>TH</sup>

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**SEASONAL L&L PASS = \$200.00**

**\*THIS IS A PARKING IMPACT LEVY ONLY. ALL EXISTING PARKING RULES AND SIGNS STILL APPLY\***





# 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 AND CITY COUNCIL  
FROM: MELISSA JACOBSEN, CITY CLERK  
DATE: JUNE 6, 2018  
SUBJECT: BID REPORT

---

**Homer Ramp 2 Restroom Replacement** - Sealed bids for the construction of the Homer Ramp 2 Restroom Replacement project will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until 2:00 p.m. on Thursday, June 28, 2018, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>. A Pre-Bid Conference will be held at 1:30 p.m. on Friday, June 8, 2018 at the Homer Harbormaster Office, 4311 Freight Dock Road, Homer, Alaska.

**Incorporation of Art into the Newly Renovated and Expanded City of Homer Fire Station and the New Ramp 2 Restroom Project** - Proposals to provide art or to incorporate art into the newly renovated Homer Fire Station and the new Ramp 2 Restroom Project on the Homer Spit adjacent to the new Boathouse Public shelter will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until **4:30 P.M., Thursday, June 21, 2018**. The intent of this proposal effort is to provide an opportunity for artists and other interested persons to present ideas on how and what art can be incorporated into/onto the building (interior and exterior), and/or the surrounding site for each location. The proposals will be evaluated by the Art Selection Committee utilizing the City's 1% for Art Funding designated for these projects. All ideas and concepts will be considered. Expect that more than one art piece or idea will be funded with the available dollars. A non-mandatory project site visit for the Ramp Two Restroom Project will be held on **Thursday, June 7, 2018 at 10:00 a.m.** to physically view the location.





# CITY ATTORNEY REPORT



# COMMITTEE REPORTS



PENDING BUSINESS



CITY OF HOMER  
HOMER, ALASKA

City Clerk/PARCAC

RESOLUTION 18-053

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, APPROVING AND ACCEPTING THE DONATION FROM THE KACHEMAK BAY FAMILY PLANNING CLINIC/R.E.C. ROOM OF A MURAL BY DR. MICHAEL STURM AND HOMER LEAD ON YOUTH GROUP TO BE PLACED ON THE EXTERIOR WALL OF THE BEN WALTER'S PARK RESTROOM AND INCORPORATING IT INTO THE CITY'S ARTWORK COLLECTION.

WHEREAS, Dr. Michael Sturm is a talented artist whose work is held in many public installations across the country including Baltimore and Washington, D.C., and having young artists engage in public works of art and city beautification projects is a passion Dr. Sturm continues to foster now that he resides in the Homer area; and

WHEREAS, The Homer Lead On Youth Group is a youth led group that has been in existence for over five years in the community and their 2017/2018 project consists of promoting respect in healthy relationships through discussion and art development; and

WHEREAS, It is the intent that the placement of a mural on the restroom will deter further negative and tasteless graffiti; and

WHEREAS, The Kachemak Bay Family Planning Clinic/R.E.C. Room would like to donate the artwork to the City's collection and has completed the required application for the donation; and

WHEREAS, The Parks Department is not responsible for maintaining, refreshing or repairing any damage that may occur to the mural; and

WHEREAS, The Parks, Art, Recreation, and Culture Commission (PARCAC) has reviewed the request for donation to the City of Homer and provided recommendations in Memorandum 18-068 and that the City Council approve and accept the donation, incorporating it into the Municipal Art Collection.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby approves and accepts the donation from the Kachemak Bay Family Planning Clinic/R.E.C. Room of a mural by Dr. Michael Sturm and Homer Lead On Youth Group to be placed on the exterior wall of the Ben Walter's Park Restroom, and incorporates it into the City's artwork collection.

42 PASSED AND ADOPTED by the Homer City Council this 29th day of May, 2018.

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CITY OF HOMER

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BRYAN ZAK, MAYOR

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51 ATTEST:

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

56

57 Fiscal Note: NA





## 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 18-068

TO: MAYOR ZAK AND HOMER CITY COUNCIL  
FROM: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION  
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK  
DATE: MAY 7, 2018  
SUBJECT: **DONATION OF A MURAL FOR BEN WALTER'S PARK**

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At the April 19, 2018 regular meeting the Commission reviewed and discussed and recommended acceptance of the Gift Proposal of a Mural on the Restroom Facilities in Ben Walters Park.

The Commission expressed appreciation for this donation and the youth wanting to take the ownership of the space and is fully supportive of the project.

The Commission voiced concerns regarding the frequent incidents of graffiti, and recommended that an alternative to painting the mural on the building itself be considered by the group. The Commission wanted to make sure that the group was very aware of the propensity of future damage to a mural placed on this facility.

Lastly, the Commission suggested the youth work with Rotary, who has adopted the park and put many hours of hard work into the park.

### Recommendation

City Council accept the donation of a mural from the REC Room/Kachemak Bay Family Planning Clinic entitled, *Rooted in Respect* with the understanding that the mural could be damaged by future graffiti; the Artist(s) should consider protective measures for the artwork and convey their ideas to the Rotary group who have adopted this park.



Excerpt from the April 19, 2018 Regular Meeting Minutes of the Parks, Art, Recreation and Culture Advisory Commission

*F. Gift Proposal for a mural on the building behind McDonalds*

*Chair Lowney stated that she had talked to Rotary and they were concerned about having to upkeep the mural because of the graffiti.*

*Chair Ashmun stated that she does not mind saying yes to this gift proposal but that there are some things that the artists needs to be aware of. She stated that a lifetime of fifteen years is unrealistic because it will most likely become damaged or covered in graffiti. They should have a contingency plan on how to handle the graffiti when it happens.*

*Commissioner Sharp stated that he likes the idea and believes it would be a good addition to the park.*

*Commissioner Harrald stated that she appreciates that these kids are taking the ownership of public space. She does have the same concerns that have already been stated as well as another concern for the timeline that they have proposed. She thinks if they are aware of the graffiti in the area and that there is a possibility that their art could be covered, then she doesn't see the harm.*

*Commissioner Archibald stated he agrees with Commissioner Harrald and he feels that they need to correspond with the Rotary on what they have planned.*

*Commissioner Fair stated that he agrees with Commissioner Harrald and Archibald. He thinks that it is a positive idea that could benefit this area.*

*Chair Lowney stated that there is going to be a piece of art that will be done on wood and placed on the pavilion at Bishops Beach. She suggested that the Commission suggest to the artists that they do something like this so they are able to move it and it may be harder to damage.*

*The Commission discussed the possibility of asking the artist to paint a mural on some sort of platform instead of the wall.*

*ARCHIBALD/ASHMUN- MOVED TO APPROVE THE MURAL ON THE BEN WALTERS PARK RESTROOMS.*

*There was no discussion.*

*VOTE. NON OBJECTION. UNANIMOUS CONSENT.*

*Motion carried.*



# MUNICIPAL ART COLLECTION GIFT PROPOSAL APPLICATION

PLEASE TYPE OR PRINT CLEARLY AND MAKE YOUR RESPONSES COMPLETE AND THROUGH.

---

DATE April 9, 2018

CONTACT PERSON Kyla Dammann TITLE R.E.C. Room Coordinator

ORGANIZATION IF APPLICABLE Kachemak Bay Family Planning Clinic

ADDRESS 3959 Ben Walters Ln CITY Homer STATE AK ZIP 99603

PHONE (907) 235-3436 FAX \_\_\_\_\_ CELL \_\_\_\_\_

EMAIL outreach@kbfp.org

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TELL US WHY YOU WISH TO DONATE THIS ARTWORK TO THE CITY OF HOMER? We would like to create a mural for the City of Homer that represents respect and the importance of healthy relationships. Our project is engaging Homer youth in this ongoing, collaborative project that we would like to end in the display of our mural.

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## PROPOSED ARTWORK

TITLE OF ARTWORK Rooted in Respect

ARTIST(S) NAME Homer Lead On

YEAR COMPLETED 2018 DIMENSIONS 16.33 ft X 10 ft

MATERIALS USED TO CREATE ARTWORK Paint: acrylic, spray, roll, brush, chalk

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## PHYSICAL DESCRIPTION OF THE PROPOSED PIECE--

The piece will include a tree growing out of the earth with quotes and images that represent respect in relationships.

There will be one chalkboard element that will encourage onlookers to write what they think of as respect.

## NARRATIVE DESCRIPTION OF THE PROPOSED ARTWORK - TELL US THE STORY BEHIND THE PIECE OR SIGNIFICANCE -

10 to 12 Homer youth combined to formulate a design focused on relationships and respect. This community service project is proposed to cover a large facade painted on a public building, with a community mural that empowers youth and other viewers to embrace responsibility in all relationships including interpersonal, intrapersonal, and our relationship to the earth.

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IS THE PROPOSED PIECE ONE OF A KIND? Yes IS THE PIECE PART OF A SERIES, LIMITED OR OTHERWISE? Limited  
IF SO, AN EDITION OF HOW MANY? \_\_\_\_\_ IS THE PIECE COMPLETED? No IF NOT WHEN IS THE  
EXPECTED COMPLETION DATE? End of May  
WHAT IS THE CURRENT CONDITION OF THE PIECE? Draft on paper complete, supplies funded, and volunteers  
coordinated

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**PROPOSED SITE OR LOCATION**

DO YOU HAVE A SITE(S) IN MIND FOR THE PLACEMENT OF THE ARTWORK? IF SO WHERE? We would like to paint our  
mural on the building behind McDonalds to cover up the current graffiti.

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IS THIS A CITY OWNED PROPERTY IF NOT WHO OWNS THE PROPERTY? This is a city owned property that is managed  
by the Rotary Club.

---

WHAT IS THE RATIONALE FOR SELECTING THIS/THESE LOCATION(S)? The building currently has distasteful graffiti on it  
and is in a space where teens often hang out. We want to cover up the current graffiti with a collaborative creation  
that will empower and inspire viewers.

---

ARE YOU AWARE OF ANY PERMITS OR PERMISSIONS THAT MAY BE REQUIRED? \_\_\_\_\_

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**TECHNICAL SPECIFICATIONS**

DESCRIBE HOW THE ARTWORK IS CONSTRUCTED OR MADE. PLEASE INCLUDE ANY DOCUMENTATION AT THE END OF  
THIS APPLICATION. Participants will spend the coming weeks drafting their final iteration of the project and practicing  
painting techniques.

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HOW IS THE ARTWORK TO BE PROPERLY INSTALLED? Volunteers will spend one weekend painting the mural with proper  
equipment to protect surrounding areas from paint.

---

DOES THE PIECE REQUIRE ELECTRICITY, PLUMBING OR OTHER UTILITY HOOKUPS? No

---

WHO WILL BE INSTALLING THE ARTWORK? Following the lead of Mike Stern, the Homer Lead On teens will be painting  
the final project.

---

**WHAT IS THE EXPECTED LIFETIME AND STAYING POWER OF THE MATERIALS USED IN CREATING THE PIECE?** \_\_\_\_\_

10-12 years or indefinitely with maintenance.

**WHAT MAINTENANCE IS REQUIRED AND HOW OFTEN?** Touch up yearly.

**PLEASE IDENTIFY ANY SPECIFIC MAINTENANCE PROCEDURES AND OR EQUIPMENT AND THE ASSOCIATED COSTS:** \_\_\_\_\_

All costs are covered under the Lead On grant.

**WHAT PRECAUTIONS HAVE BEEN TAKEN TO GUARD AGAINST VANDALISM IF ANY?** \_\_\_\_\_

the mural will incorporate an interactive element so the community has ownership over the piece.

**WHAT STEPS HAVE BEEN TAKEN TO ASSURE THIS PIECE WILL NOT PRESENT A SAFETY HAZARD?** \_\_\_\_\_

Ladders and scaffolding during the painting will be up to standards, face masks will be worn while painting as needed, experienced adult supervision will be present.

**BUDGET**

PROJECT MANAGEMENT FEES	\$ _____	INSURANCE	\$ _____
ARTIST'S FEES	\$ _____	UTILITY HOOKUP	\$ _____
PURCHASE PRICE	\$ _____	DELIVERY	\$ _____
PERMITS	\$ _____	INSTALLATION	\$ _____
STRUCTURAL ENGINEERING	\$ _____	SIGNAGE	\$ _____
SITE PREPARATION	\$ _____	RECOGNITION	\$ _____
OTHER COSTS NOT LISTED	\$ _____	DESCRIPTION	_____

**DATE PIECE WAS LAST APPRAISED?** \_\_\_\_\_

**WHAT IS THE VALUE OF THE PIECE OR ESTIMATED MARKET VALUE IF NO APPRAISAL WAS DONE?** \_\_\_\_\_

**TIMELINE**

**WHAT IS THE TIMELINE FOR THE COMPLETION OR INSTALLATION OF THE PIECE? IDENTIFY THE DIFFERENT STAGES AND**

**DATE GOALS TO PREPARE THE PIECE FOR DONATION** The piece will be ready to paint at the end of May.

---

**RESTRICTIONS**

ARE THERE ANY KNOWN COVENANTS, REQUIREMENTS OR RESTRICTIONS THAT COME WITH THE PIECE? No.

WHAT EXPECTATIONS DO YOU HAVE FOR THE CITY OF HOMER IN ACCEPTING THIS ARTWORK? \_\_\_\_\_

---

**COMMUNITY INVOLVEMENT**

WAS THERE ANY COMMUNITY OR USER INVOLVEMENT IN SELECTING THE RECOMMENDED LOCATION? Students  
in Homer recommended this location because of the current graffiti on it.

PLEASE INCLUDE ANY LETTER(S) OF SUPPORT FOR THE PROJECT OR PROPOSED DONATION.

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**APPLICANT MUST SUBMIT THE FOLLOWING SUPPORTING DOCUMENTATION WITH THIS APPLICATION.**

- AN RESUME OR BIO FROM THE ARTIST WHO CREATED OR WILL CREATE THE ARTWORK.
- FIVE TO TEN IMAGES OF PAST WORK FROM THE ARTIST. THESE CAN BE PHOTOGRAPHS.
- THREE TO FIVE CLEAR IMAGES OF THE PROPOSED ARTWORK
- SCALE DRAWING/MODEL OF THE PROPOSED ARTWORK
- IF YOU HAVE A SITE(S) IN MIND PLEASE INCLUDE PHOTO AND DESCRIPTION OF THE SITE(S) AND A SCALED DRAWING OF THE PROPOSED ARTWORK IN THE RECOMMENDED LOCATION.
- A COPY OF A FORMAL APPRAISAL IF AVAILABLE
- TECHNICAL SPECIFICATIONS, MAINTENANCE MANUAL OR DRAWINGS/RECOMMENDATION FROM STRUCTURAL ENGINEER.

APPLICATIONS ARE TO BE SUBMITTED TO:

THE CITY OF HOMER  
CITY CLERKS OFFICE  
491 E. PIONEER AVENUE  
HOMER, AK 99603

OR YOU MAY SUBMIT VIA FAX AT 907-235-3143 TO SUBMIT VIA EMAIL PLEASE SEND TO [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us)

IF YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO CONTACT THE CLERK'S OFFICE AT 235-3130.

### Artist Bio

Dr. Michael A Sturm has been painting for as long as he can remember. He has undertaken various art installations across the country including murals in Baltimore and Washington DC. Recently, Dr. Sturm has mentored young artists in an attempt to utilize street art in community beautification. He spent the last 7 years as a teacher in Hawaii where his students, under his tutelage, created large scale murals every year enhancing classrooms, areas on campus, and covering up gang and other graffiti around the community. Having young artists engage in public works of art and city beautification projects is a passion Dr. Sturm continues to foster now that he resides in the Homer area.

All pics are student created pieces. I offered aid, advice and some basic skills teaching sessions similar to what I have going on at the REC room. But the Vast majority of the work is done by students/kids.

### Homer Lead On Youth Group Bio

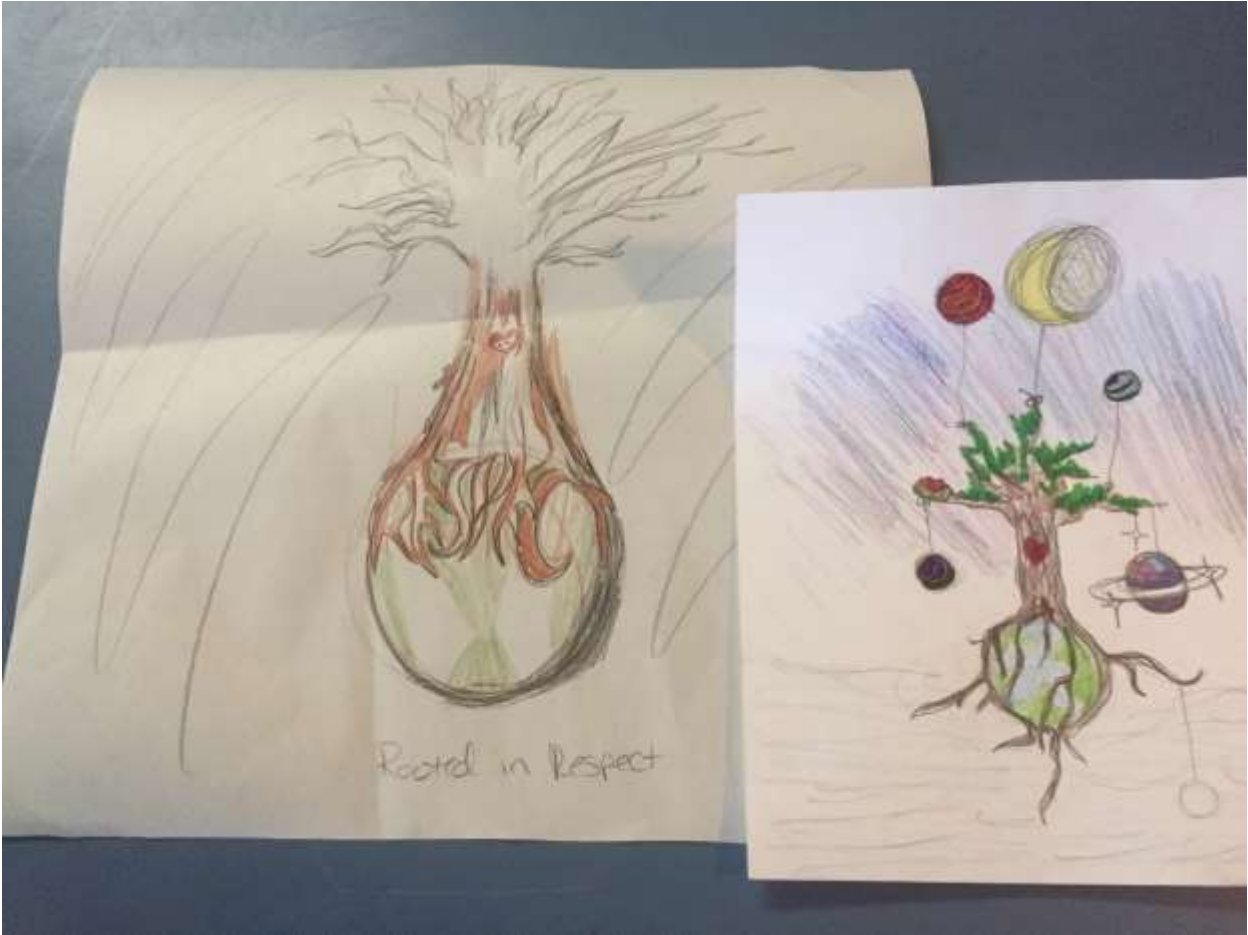
This volunteer, youth-led group has been in existence for over five years in the community. It consists of varying young people each year following their participation in the annual youth leadership conference: Lead On! for Peace and Equality in Alaska. Local resources and support include: the Homer Foundation, KBFPC's R.E.C. Room, South Peninsula Behavioral Health Services, South Peninsula Haven House, and Flex High School. The 2017/18 project consists of promoting respect in healthy relationships through regular meeting discussions and art development. Past projects have included: "[Homeless in Homer](#)" movie; Bonfire on the Bay: Substance Abuse, Anxiety, and Depression; Social media campaign: #IAmATEenager.







Proposed Artwork Drafts:



Proposed Building:



CITY OF HOMER  
HOMER, ALASKA

Mayor

RESOLUTION 18-054

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING RESOLUTION 18-036(A) ESTABLISHING THE HOMER  
EDUCATION AND RECREATION COMPLEX (HERC) TASK FORCE TO  
INCLUDE A REPRESENTATIVE FROM THE PARKS ART RECREATION  
AND CULTURE ADVISORY COMMISSION.

WHEREAS, The Homer City Council passed Resolution 18-03(A) establishing a Homer Education and Recreation Complex (HERC) Task Force with membership consisting of seven members with no more than one member of the Parks Art Recreation and Advisory Commission (PARCAC); and

WHEREAS, PARCAC has a high level of interest in the future of the facility and selected a member to be appointed to the Task Force; and

WHEREAS, **The Homer City Council delayed confirming the Mayor's appointments to** the HERC Task Force in order to allow a PARCAC member to be included in the list of appointees; and

WHEREAS, Given the excellent qualification of the seven appointments the Mayor presented at the May 14 City Council meeting, it would be prudent to expand membership to eight.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, amends Resolution 18-03(A), Establishing the Homer Education and Recreation Complex (HERC) Task Force, to increase membership from seven members to eight members plus an advisory student member with one member from the Parks, Art, Recreation and Culture Advisory Commission (PARCAC), as selected by the Commission.

PASSED AND ADOPTED by the Homer City Council this \_\_\_ day of \_\_\_\_\_, 2018.

CITY OF HOMER

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BRYAN ZAK, MAYOR

42 ATTEST:

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44 \_\_\_\_\_

45 MELISSA JACOBSEN, MMC, CITY CLERK

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47 Fiscal Note: NA



1 CITY OF HOMER  
2 HOMER, ALASKA

Erickson

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4 RESOLUTION 18-054(S)  
5

6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AMENDING RESOLUTION 18-036(A) ESTABLISHING THE HOMER  
8 EDUCATION AND RECREATION COMPLEX (HERC) TASK FORCE TO  
9 **EXPAND ADVISORY MEMBERSHIP TO INCLUDE A**  
10 **REPRESENTATIVE FROM THE PARKS ART RECREATION AND**  
11 **CULTURE ADVISORY COMMISSION AND CITY COUNCIL TO SERVE**  
12 **AS NON-VOTING MEMBERS.**  
13

14 WHEREAS, The Homer City Council passed Resolution 18-036(A) establishing a Homer  
15 Education and Recreation Complex (HERC) Task Force with membership consisting of seven  
16 members with no more than one member of the Parks Art Recreation and Advisory  
17 Commission (PARCAC), **or City Council;** and  
18

19 WHEREAS, PARCAC has a high level of interest in the future of the facility and selected  
20 a member to be appointed to the Task Force; and  
21

22 ~~WHEREAS, The Homer City Council delayed confirming the Mayor's appointments to~~  
23 ~~the HERC Task Force in order to allow a PARCAC member to be included in the list of~~  
24 ~~appointees; and~~  
25

26 ~~WHEREAS, Given the excellent qualification of the seven appointments the Mayor~~  
27 ~~presented at the May 14 City Council meeting, it would be prudent to expand membership to~~  
28 ~~eight~~

29 **WHEREAS, Because the Task Force is looking at functioning on behalf of the**  
30 **Council rather than the purpose for the building, it is appropriate that PARCAC and City**  
31 **Council members serve in a non-voting capacity; and**

32 **WHEREAS, The issue of how best to utilize the HERC has been before the City**  
33 **government for many years and has included extensive debate by Council and**  
34 **Commissions; and**  
35

36 **WHEREAS, To ensure that the health and wellness of the community is considered**  
37 **when discussing the future of the HERC site, a member with a background in health and**  
38 **wellness should be considered to fill any vacancy.**  
39

40 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, amends  
41 Resolution 18-036(A), Establishing the Homer Education and Recreation Complex (HERC) Task

42 Force, to increase **advisory members to include a member of the Parks, Art, Recreation**  
43 **and Culture Advisory Commission (PARCAC), as selected by the Commission and a**  
44 **member of Homer City Council as selected by the Council** membership from seven members  
45 to eight members plus an advisory student member with one member from the Parks, Art,  
46 Recreation and Culture Advisory Commission (PARCAC), as selected by the Commission.

47

48 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

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56 ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

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Fiscal Note: NA



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

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4 **RESOLUTION 18-036(A)**

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6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 ESTABLISHING THE HOMER EDUCATION AND RECREATION  
8 COMPLEX (HERC) TASK FORCE TO DETERMINE THE FINANCIAL  
9 RESOURCES REQUIRED TO USE THE BUILDING AND LEASING  
10 SPACE IS A FEASIBLE OPTION.

11  
12 WHEREAS, The property the Homer Education and Recreation Center (HERC) is located  
13 on comprises four parcels that Homer area residents separately donated to the territorial  
14 school, the Parent Teacher Association of Homer, and to the Territory of Alaska in the 1940s  
15 and the 1950s, which were then transferred to the Kenai Peninsula Borough in 1974; and

16  
17 WHEREAS, When the property was conveyed from the Kenai Peninsula Borough to the  
18 City of Homer in 1998 it was to allow public use of the gym and associated restrooms (the  
19 upstairs being occupied by the Kachemak Bay Branch of the Kenai Peninsula College); and

20  
21 WHEREAS, Since conveyance of the property to the City of Homer in 1998 the HERC has  
22 been used as public gymnasium space and until 2011 a campus of the Kachemak Bay Branch  
23 of the Kenai Peninsula College; and

24  
25 WHEREAS, Without an anchor tenant since 2011 the building has been underutilized;  
26 and

27  
28 WHEREAS, Homer City Council and the Parks Art Recreation and Culture Advisory  
29 Commission held a joint work session on January 8, 2018 to discuss the future of the Homer  
30 Education and Recreation Complex (HERC); and

31  
32 WHEREAS, Four main ideas were discussed including a convention center, shared  
33 police station and recreation facility, selling the property, and using the HERC as a recreation  
34 facility, and

35  
36 WHEREAS, Resolution 18-013(A) selected a new site for the Police Station, so a shared  
37 rec/police station is no longer an option that needs further investigation, and

38  
39 WHEREAS, The HERC property presents opportunity for community use but also has  
40 long term financial costs for the City; and

41  
42 WHEREAS, More information and community process is needed to determine the  
43 feasibility and desirability of expanding the use of the HERC building for recreation or as a  
44 multi-use building, and

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WHEREAS, The feasibility of HERC as a convention space is also a complex question that would require additional study; 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, Council adopted Resolution 18-006, to use HERC for Community Recreation until such time as the building is demolished; and

WHEREAS, There is preliminary interest in leasing the building to use as a public school.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer Alaska establishes the Homer Education and Recreation Complex (HERC) Task Force to determine the financial resources required to use the building and if leasing space is a feasible option.

BE IT FURTHER RESOLVED that the task force shall be tasked with evaluating the following and providing a recommended preferred alternative to the Homer City Council on or before the November, 2018 City Council meeting:

1. Can the upstairs of the HERC be safely used with no capital improvements?
2. What are the minimum improvements that would be needed to safely use the entire HERC facility and cost associated with those improvements?
3. What are the desirable improvements that need to be made to the entire HERC facility to allow it to be used to its full potential for the next 10 years?
4. What would it cost to demo the HERC and build a new facility that meets the recreation needs of the community on the existing site?

BE IT FURTHER RESOLVED that for the above mentioned alternatives the task force evaluate how to pay for both operations, maintenance and any required capital expenditures and select a preferred funding plan to recommend to Council.

BE IT FURTHER RESOLVED that the task force will consist of seven members plus an advisory student member, no more than one member from the Homer City Council, no more than one member from the Parks, Art, Recreation and Culture Advisory Commission, and no more than ~~three~~ **two** seats filled by non-city residents. The deadline to apply for the task force shall be May 7<sup>th</sup> with appointments made by the Mayor and approved by the Council at the May 14<sup>th</sup> Homer City Council meeting. When considering appointments the Mayor and Council should take care to ensure a balanced task force that represents diverse points of view including members who have a strong interest in recreation, familiarity with non-profit management, a small business owner, and a familiarity with land development and real estate.

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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98 BRYAN ZAK, MAYOR  
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100  
101 ATTEST:

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103 \_\_\_\_\_  
104 MELISSA JACOBSEN, MMC, CITY CLERK  
105

106 Fiscal note: Advertising, staff time, and \$10,000 from Old Middle School Depreciation Fund.



**From:** Nina Faust  
**To:** [Department Clerk](#); [Shelly Erickson](#); [rachellork@ci.homer.ak.us](mailto:rachellork@ci.homer.ak.us); [Tom Stroozas](#); [Heath Smith](#); [Donna Aderhold](#); [Caroline Venuti](#); [Mayor Email](#)  
**Subject:** The HERC TASK FORCE  
**Date:** Monday, June 04, 2018 7:09:09 PM

---

Homer City Council  
Homer AK 99603

Dear Council Members:

The issue of what to do with the HERC building is incredibly important in the community. Considering the cost of a new building and the tax burden it could bring, carefully analyzing the use of the HERC building to see what the costs are to make it safe and useable is a very important process. It is important to the community because providing places for community recreation programs is beneficial and cost effective for overall community health and safety. Exercise and community programs engage all ages, keeping kids out of trouble, building community, and helping folks stay healthy.

The HERC TASK FORCE, as currently appointed, is lacking in comprehensive diversity. Only two out of seven are women? Surely the composition could include at least three women or even four. I strongly believe a representative from the City Parks and Recreation Board should also be on this committee since they have probably some of the most extensive knowledge about this building and its role in the community and the issues related to what to do about the HERC. A representative from our health/medical sector should also be considered for appointment to the task force.

There is plenty of time to reconsider the appointments to this board to balance it out to better reflect community interests and gender equity. I respectfully ask that you start this process over and ask for new applications.

Nina Faust  
P.O. Box 2994  
Homer AK 99603

**From:** Nina Faust  
**To:** [Department Clerk](#); [Department Clerk](#); [Donna Aderhold](#); [Caroline Venuti](#); [Shelly Erickson](#); [Tom Stroozas](#); [Heath Smith](#); [Rachel Lord](#)  
**Cc:** [Mayor Email](#)  
**Subject:** HERC was originally for Education  
**Date:** Wednesday, June 06, 2018 7:10:56 AM  
**Attachments:** [Screen Shot 2018-06-06 at 6.56.04 AM.png](#)

---

P.O. Box 2994  
Homer AK 99603

Homer City Council  
Homer AK

Dear Council Members:

As a former teacher at Homer Junior High School, I am very concerned about the issue of not retaining this property for educational use. When public entities ignore the history and wishes of people who donate their land for public good, that gives future donors pause. This is not to be taken lightly. Furthermore we may be wasting an absolutely wonderful opportunity for the community if we do not honor the original intent.

Below is the letter I wrote in January to the Council. Following that is one I wrote in 2014, urging the Borough to retain this property for educational purposes. I feel strongly about this and again urge the Council to choose a new task force to cover a wider range of views. I left off the idea that someone from the field of education should be included. This is an extremely important issue with broad impacts to the future of the community. It is important to get it right using a process that is valid, equitable, and inclusive of broad community interests.

Sincerely,  
Nina Faust

\*\*\*\*\*

January 8, 2018

Homer City Council  
Homer AK 99603

Dear Council Members:

The HERC building is the link between the SPARC building and the Homer Council on the Arts facility. It makes so much sense to keep the HERC in the educational/community use intended by the original donors of the property. As a community we need to think bigger. These three buildings form the beginnings of a fantastic cultural, community, arts, and recreation complex that could easily be expanded, improved and modernized over the years.

The Hockey rink has potential. The skateboard park could be improved. All of this connects beautifully with the wonderful community trails that have been developed by the Museum. Add that to the linked mix to represent the cultural programs. With strong fundraising, the HERC could include so many active programs for kids and adults in those classrooms. Some of the classes could also be at the Sparc, HCOA, or Museum. What an amazing extracurricular campus this could make for Homer. I read an article about Iceland requiring kids to enroll in a club and was impressed with what it did for students. If this community could raise an army to build a playground, raise a SPARC, make a first rate library, and build a new boat house, I would bet the community could get on board with something to save the HERC and create a partnership with all these facilities to meet a multitude of needs!

Nina Faust  
P.O. Box 2994  
Homer AK 99603

## Blankenship, Johni

---

**From:** Nina Faust <aknina51@gmail.com>  
**Sent:** Friday, October 10, 2014 8:30 AM  
**To:** Wolf, Kelly; Smalley, Hal; Ogle, Wayne; Bagley, Dale; Pierce, Charlie; McClure, Sue; Johnson, Brent; Smith, Bill; Haggerty, Mako; Blankenship, Johni  
**Subject:** Ordinance 2014-31

P.O. Box 2994  
Homer, AK 99603

October 10, 2014

Kenai Peninsula Borough Planning Commission  
Kenai Peninsula Borough Assembly  
144 N. Binkley ST.  
Soldotna AK 99669

Dear Assembly and Commission Members:

I am opposed to the proposed Ordinance 2014-31: Authorizing the Repeal of a Deed Restriction on a parcel of land where the former Homer Intermediate School was located. I do not know the original history of this parcel, but it may, like many other school sites, have been given to the Borough by the State or Federal government to provide land for public schools. Even if this is not the case, repealing the deed restrictions on this parcel should not be a matter of course.

This land has for years been used for public education. It is adjacent to a junior high school. It has provided, and still could continue to provide, services that augment the mission of the adjacent school and provide much needed recreational space for the community. The skate board park, the gym, the home for Boys and Girls Club, college classes, park space for local nonprofits to hold events, and more have all been needed and well used services. Some have lost funding or been discontinued due to uncertainty about the future of the building.

Public Safety also needs a new space, but it does not necessarily have to be this space. There is land available in the area around the existing public safety complex but it is just shy of the requested ideal size. Creative planning and design should be looked at. Repurposing existing facilities is less wasteful. I would like to see more effort put into looking at options.

The HERC building has served this community well. I taught in that building for many years. As far as I know, any problems with asbestos have been resolved by containing it. The gym is a great public asset. We need a good, safely located, permanent space to reinstitute the Boys and Girls Club. This site would serve the community well into the future and be an asset to the adjacent school if we finally dedicate it to this purpose and do some community planning.

I urge the Planning Commission and Assembly to retain the Deed Restrictions and direct the City of Homer to do more work to see how the needs of the Community can be met for both public recreation, education, youth programs, and public safety. Completely taking away one for the other does not resolve the needs of the community.

Sincerely,

Nina Faust

**From:** Clyde Boyer and Vivian Finlay  
**To:** [Department Clerk](#)  
**Subject:** Please distribute this to each City Council member  
**Date:** Tuesday, June 05, 2018 9:19:28 PM

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Thank you.

To: Mayor Bryan Zak and the Homer City Council,

The makeup of the HERC Task Force is not acceptable because it **does not include a member of the Parks and Rec. Commission, does not have gender equity and does not have a member who is a health-care professional** or in area related to health/exercise/recreation.

The Parks and Rec. members are citizens chosen to represent us on matters concerning the parks and recreation, and they have the most knowledge and understanding of what is important for the citizens in the City, and surrounding area, in determining the fate of the HERC Building. There is no reason that there shouldn't be gender equity when there is a task force appointed by the City and this one is not even close. In addition, recreation and exercise are important for people's health and well-being and to have no member on that task force that is a health care professional is not acceptable.

[Vivian Finlay](#)

--  
455 Elderberry Drive,  
Homer, AK. 99603 USA  
(907) 435-3903



**From:** Kathy Hill  
**To:** [Melissa Jacobsen](#)  
**Subject:** For distribution  
**Date:** Tuesday, June 05, 2018 6:15:01 PM

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Mayor, City Council,

You initially had charged PARCAC to come up with a plan to evaluate the value of the HERC site. The Commission spent a considerable amount of time developing the idea of a Task Force to look at the usage/potential of this site. The Task Force suggestion was accepted by you and four good questions were formulated. It is important to take a good look at those questions. In my opinion the answers to those questions will be just facts, not opinions, not an emotional charge, not a taking of sides. This should come way later in the process. Only the facts are being asked for!

Pray tell, why cannot a member of the PARCAC be a member of this Task Force and bring known facts to the table? It only makes sense that you would want this representative to contribute their knowledge/expertise to the answering of these four questions.

I ask you strongly to seat a PARCAC member on this Task Force. I frankly would like a City Council representative on it, too.

Sincerely,  
Kathy Hill  
City resident

Sent from my iPad



# 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

