



# City of Homer

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

Office of the City Clerk

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Homer, Alaska 99603

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## Memorandum

### Agenda Changes/Supplemental Packet

TO: MAYOR ZAK AND HOMER CITY COUNCIL  
FROM: MELISSA JACOBSEN, MMC, CITY CLERK  
DATE: JUNE 11, 2018  
SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

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#### **MAYORAL PROCLAMATION**

Mayoral Recognition – Homer Pride Month, June 2018

Written public comment

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#### **CONSENT AGENDA**

**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.

Memorandum from City Manager as backup

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#### **PUBLIC HEARING**

**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.

**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. Smith.

Memorandum 18-076(A) from City Manager as backup  
Copy of Ordinance 18-16(S) without track changes

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Page 12

**PENDING BUSINESS**

**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.

Written comments from R.E.C. Room

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**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.

**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.

Written public comments

Page 29

**From:** Andrew Haas  
**To:** [Department Clerk](#)  
**Subject:** Homer Pride Month  
**Date:** Monday, June 11, 2018 10:51:42 AM

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Good morning. I wanted to thank you for your support of inclusivity within our town. I would like to support the resolution promoting this month at Homer Pride Month.

As Edmund Burke once wrote, "In a democracy the majority of the citizens is capable of exercising the most cruel opposition upon the minority." I am grateful that our town does not do so.

When Homer is divisive, we all lose. We are at our strongest when we recognize the equal rights of all our minorities.

And this resolution makes that recognition that we are all equal. So please support it and our equality.

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This email has been checked for viruses by Avast antivirus software.  
<https://www.avast.com/antivirus>

**From:** James VanOss  
**To:** [Department Clerk](#)  
**Date:** Monday, June 11, 2018 9:20:09 AM

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June 11, 2018

To: Mayor Zak:

To: Council members and Mayor:

PRIDE Awareness as well as any other awareness group month allows groups and organizations to raise awareness of an issue, commemorate a group or event along with their loved ones, advocacy organizations, and support groups, to rally around a common cause. I whole heartily support a PRIDE Awareness proclamation.

Sincerely,

Candy Rohrer



# City of Homer

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## Public Works

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## MEMORANDUM

TO: Mary K. Koester, City Manager  
FROM: Carey Meyer, Public Works Director  
DATE: February 21, 2018  
SUBJECT: **Police Station Concept Design  
\$7.5M Option**

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The design team (Chief Robl, the Public Works Director Meyer and the Stantec architect) has completed a conceptual design for a two-story \$7,500,000 new police station project sited at the Waddell property.

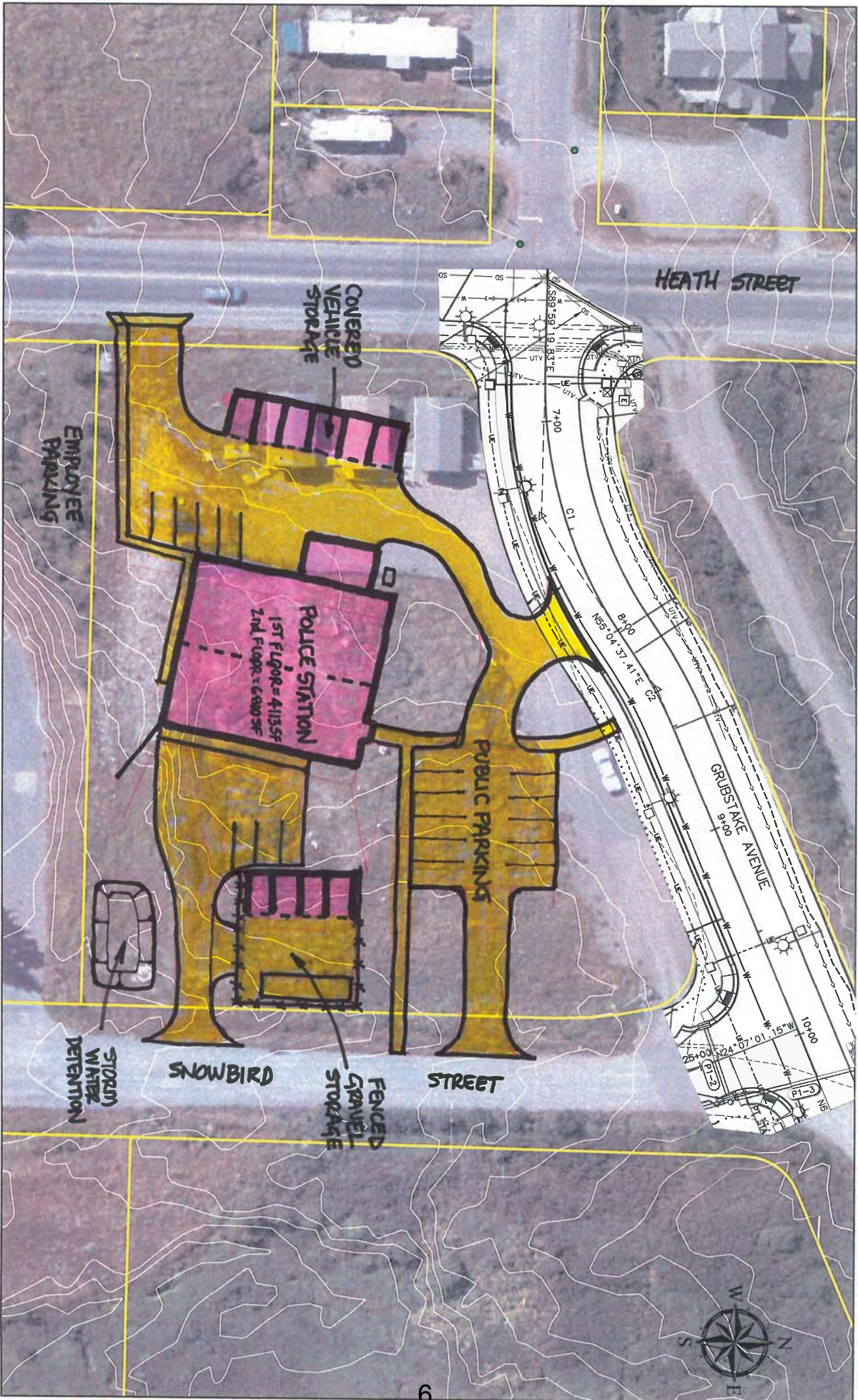
Attached is a cost estimate, a site plan, and a floor plan. This concept plan provides for all of the items prioritized by the Council at the last work session and that the Chief found wanting in the previous design.

The team has downsized the previously developed \$8.1M design rather than up-sizing the previous \$6.3M design. The idea of constructing empty daylight basement square footage for future expansion made less sense to us than utilizing the new basement square footage to meet current needs.

When the time comes, the existence of a daylight basement will provide for the ability to expand horizontally and/or vertically – in a cost effective manner.

The answer to the question “Chief – how long will this building meet your needs before it needs expansion?” is now 20-30 years.





### Proposed Police Station

1 inch = 40 feet

Revision	By	App'd	YYMMDD

Issue #	Permit / Spec
PACKKWA 1	
PACKKWA 2	
PACKKWA 3	
PACKKWA 4	
PACKKWA 5	
PACKKWA 6	
PACKKWA 7	
PACKKWA 8	
PACKKWA 9	
PACKKWA 10	

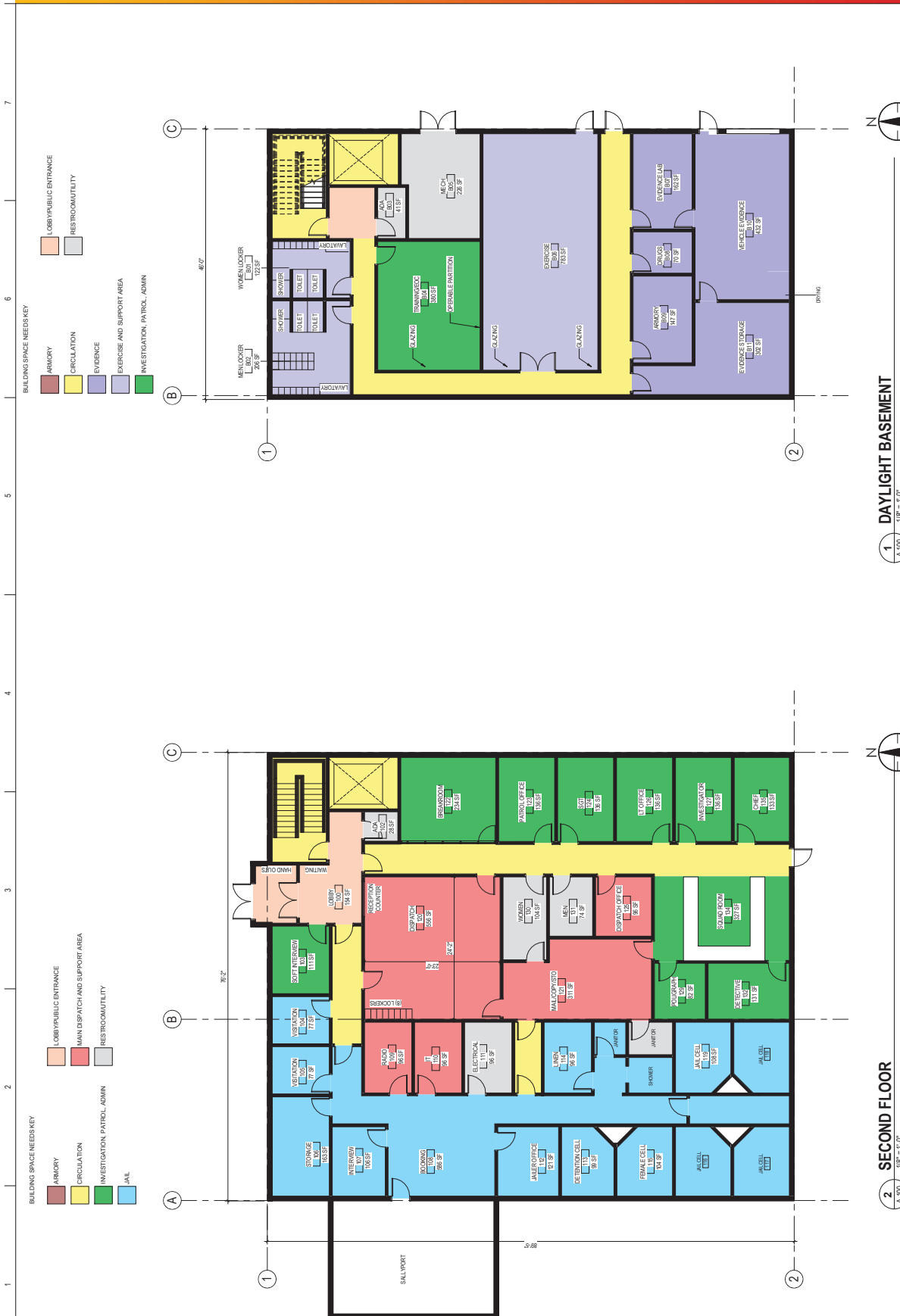
**PRELIMINARY**  
**NOT FOR CONSTRUCTION**  
**DRAFT DIAGRAM**  
02/21/2019 9:35:41 AM

Client/Project: CITY OF HOMER  
Police Station  
CONCEPT  
WADLE SITE

Project No.: 2014046900  
Location: VA  
Scale: 1/8" = 1'-0"  
Discipline: ARCHITECTURE  
Revision: 1000

Architect: STANTEC  
Client: CITY OF HOMER  
Title: BUBBLE DIAGRAM

Revision:  
Drawing No.: **A-100**



**2 SECOND FLOOR**  
1/8" = 1'-0"

**1 DAYLIGHT BASEMENT**  
1/8" = 1'-0"

**Conceptual Cost Estimate  
 10,924 SF - Two-Story w/Daylight Basement  
 Waddell Site - \$7.5M Option**

<b>New Building Construction</b>	<b>SF</b>	<b>Unit Price</b>	<b>Cost</b>
Building Construction	10,924	\$415	\$4,533,460
Sally Port	600	\$210	\$126,000
Civil Site Improvements			\$565,000
Accessory Buildings			\$350,000
Design			\$473,829
Inspection			\$139,362
1% for Art			\$45,335
Furnishings			\$145,000
Communications			\$205,000
Contingency (10%)			\$658,299
Repay HART for property			\$258,000
<b>Total Project</b>			<b>\$7,499,284</b>





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## Memorandum 18-076(A)

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

---

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.

**Language recommended by the City Attorney:**

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

Attachments

Memorandum 18-059 from Port and Harbor Advisory Commission

Memorandum 18-075 from Port and Harbor Advisory Commission

1 CITY OF HOMER  
2 HOMER, ALASKA

3  
4 ORDINANCE 18-16(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 POLICIES FROM THE PROPERTY  
12 MANAGEMENT MANUAL, CLARIFYING HOMER'S LAND  
13 ALLOCATION PROCESS, EXPANDING LEASE REVIEW TO  
14 INCLUDE ADDITIONAL RECOMMENDATIONS BY APPROPRIATE  
15 COMMISSIONS, REMOVING THE LEASE COMMITTEE,  
16 REMOVING THE REQUIREMENT THAT ALL LEASES MAY BE  
17 INCREASED TO REFLECT INFLATION AS DETERMINED IN THE  
18 CONSUMER PRICE INDEX, AND EXPANDING COUNCIL'S ROLE  
19 BY REQUIRING IT'S APPROVAL PRIOR TO EXECUTION OF A  
20 LEASE, EARLY TERMINATION OF A LEASE OR TERMINATION  
21 OF LEASE NEGOTIATIONS.  
22

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

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

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

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

40 **NOW THEREFORE**, The City of Homer Ordains:  
41

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

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

3  
4 “Appraisal” means a valuation or estimation of value of property by an Alaska  
5 Certified General Real Estate Appraiser or an otherwise qualified appraiser selected  
6 by the City Manager.

7  
8 “Assignment” means a transfer of a leasehold interest or rights to a leasehold  
9 interest, in its entirety, in City-owned real property.

10  
11 “City Manager” means the City of Homer Manager or his or her designee.

12  
13 “Fair market rent” means the rental income that a public or private property would  
14 most likely command in the open market, indicated by the current rents paid for  
15 comparable space as of the date of the appraisal.

16  
17 “Irregularities” means deviations from the request for proposal that are not  
18 substantive in nature and/or typographical or scrivener errors that do not impact the  
19 integrity or responsiveness of the proposal.

20  
21 “Long-term lease” means a written agreement granting exclusive possession or use  
22 of City-owned real property for more than one year.

23  
24 “Short-term lease” means a written agreement granting exclusive possession or use  
25 of City-owned real property for one year or less.

26  
27 “Surveyor” means a registered professional land surveyor.

28  
29 18.08.020 Land Allocation Plan-property available for lease.

- 30  
31 a. Unless dedicated or reserved to another purpose, all real property including  
32 tide, submerged or shorelands to which the City has a right, title and interest  
33 as owner or lessee, or to which the City may become entitled, may be leased  
34 as provided in this chapter. In the case of any conflict between this chapter  
35 and any local, State or federal law governing the leasing of City tide and  
36 submerged lands, the law governing the leasing of City tide and submerged  
37 landsshall prevail.  
38  
39 b. The City administration shall maintain a list of all City-owned properties  
40 authorized for lease by Council. This list shall be adopted annually and  
41 contain the information required under this chapter. The list may be called  
42 the Land Allocation Plan and will be made available to the public at the City  
43 Clerk’s office.  
44  
45 c. Council shall adopt a Land Allocation Plan that identifies:  
46



- 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.

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

- 3
- 4 1. Compatibility with neighboring uses and consistency with applicable  
5 land use regulations including the Comprehensive Plan;
- 6
- 7 2. The development plan including all phases and timetables;
- 8
- 9 3. The proposed capital investment;
- 10
- 11 4. Experience of the applicant in the proposed business or venture;
- 12
- 13 5. Financial capability or backing of the applicant including credit history,  
14 prior lease history, assets that will be used to support the proposed  
15 development;
- 16
- 17 6. The number of employees anticipated;
- 18
- 19 7. The proposed rental rate;
- 20
- 21 8. Other financial impacts such as tax revenues, stimulation of related or  
22 spin-off economic development, or the value of improvements left  
23 behind upon termination of the lease;
- 24
- 25 9. Other long term social economic development; and
- 26
- 27 10. The residency or licensure of the applicant in the City, Kenai Peninsula  
28 Borough, and/or the State of Alaska, as identified in the City's request  
29 for proposal and permitted under state and federal law.
- 30

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

- 32
- 33 1. Appraisal or tax assessed valuation;
- 34
- 35 2. Highest and best use of land;
- 36
- 37 3. Development (existing and planned);
- 38
- 39 4. Economic development objectives;
- 40
- 41 5. The location of the property; and
- 42
- 43 6. Alternative valuation methodologies as negotiated by both parties.
- 44

45 18.08.065 Lease application and proposal documents.  
46

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

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

13 18.08.070 Notice to award.  
14

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

- 1 f. The City Manager may, with Council approval, rescind a Notice to Award.  
2 A Notice to Award becomes void on the date the City Manager provides  
3 written notice to the proposer that the award has been rescinded.  
4
- 5 g. The City Manager may rescind a Notice to Award at any time prior to the  
6 execution of a lease if the proposer can no longer meet the terms of the  
7 proposal.  
8
- 9 h. If the City Manager rescinds a Notice to Award, the City Manager may  
10 negotiate with the next most responsive proposer and submit a new  
11 recommendation for award to Council and Council may approve the award  
12 of the proposal to that recommended proposer. If negotiations with the next  
13 most responsive bidder are unsuccessful, all bids must be rejected and a new  
14 request for proposal may be issued.  
15
- 16 i. The Council may approve other bidding or proposal procedures or  
17 exceptions to these procedures via resolution.  
18  
19

20 18.08.075 Lease rental rates.

- 21
- 22 a. Except as otherwise provided in this section, all property shall be leased at  
23 no less than “fair market rent.”  
24
- 25 b. Payments of a higher than fair market rent resulting from a proposal or lease  
26 application is generally in the public interest and will help to establish fair  
27 market rent using current market forces.  
28
- 29 c. The Council may establish a minimum rent or “asking price.” It may set a  
30 minimum rent at an amount equal to or higher than the estimated “fair  
31 market rent” if it finds that it is in public interest to do so. It may set uniform  
32 rental rates for a class of similar properties that remain available for leasing  
33 after the conclusion of a competitive lease offering.  
34
- 35 d. Except as otherwise provided in this chapter, Council may approve a lease  
36 of City land for less than fair market rent only if the motion approving the  
37 lease contains a finding that the lease is for a valuable public purpose or use,  
38 and a statement identifying such public purpose or use.  
39
- 40 e. The lease shall provide for payment of interest or a late fee for rent past due,  
41 and provide for recovery by the City of attorneys’ fees and costs to the  
42 maximum extent allowed by law in the event the City is required to enforce  
43 the lease in court, and such additional provisions pertaining to defaults and  
44 remedies as the City Manager may determine to be in the City’s interest.  
45

46 18.08.080 Lease execution and final approval.



- a. After a Notice to Award a lease is approved by Council or a lease application is approved by the City Manager, the City Manager is responsible for finalizing and executing the lease agreement with the successful applicant 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. Lessee is responsible for the recording fees.

18.080.090 Development and use.

- a. All leases must require the lessee to comply with all applicable local, state, and federal laws.
- 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 development on the leased property. Each additional structure or significant improvement shall require an updated as-built survey. All surveys are to be provided by 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 statement of value 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.

18.08.100 Appraisal.

- 1 a. An appraisal of the fair market rent of the property will be required before
- 2 final approval of a lease and within one year prior to renewal.
- 3
- 4 b. The requirement of an appraisal may be waived at the discretion of the City
- 5 Manager for short-term leases.
- 6
- 7 c. All leased properties shall be appraised every five years from the effective
- 8 date of the lease.
- 9
- 10 d. Except as otherwise provided under this section or in a specific lease, lease
- 11 rates shall be increased on the anniversary of the lease effective date to
- 12 reflect property appraisal values. A lessee shall be notified of any increase
- 13 in the appraised value of the property at least 30 days before the increased
- 14 rental rate becomes effective.
- 15
- 16 e. In the event an appraisal reports a decrease in fair market rent, a lessee may
- 17 petition or the City Manager may recommend to Council a reduction in the
- 18 lease rate. Council may approve a reduction if it determines via resolution
- 19 that such reduction corresponds with the appraised fair market rent and is
- 20 in the City's best interest.
- 21
- 22 f. Each year, the City will select and retain an appraiser to appraise all leased
- 23 City-owned property due for appraisals in that year. The City will have sole
- 24 discretion to select the appraiser and bears the cost of the appraisal.

25  
26 18.08.110 Options to renew.

- 27
- 28 a. Leases may contain no more than two options to renew and each option
- 29 must be for less than 25% of the length of the initial lease term.
- 30
- 31 b. A lessee may not exercise an option to renew unless the City Manager
- 32 determines that the lessee is in full compliance with the terms of the lease
- 33 at the time of renewal.
- 34
- 35 c. A lessee whose initial lease and all options have expired shall have no
- 36 automatic right of further renewal or extensions.
- 37

38 18.08.120 Improvements.

- 39
- 40 a. Except as otherwise provided in the lease agreement, construction of
- 41 improvements shall take place only after review and approval of the
- 42 construction plans by the City Manager and only after all applicable permits
- 43 have been secured and legal requirements met.
- 44
- 45 b. Improvements not included in the lease agreement or improvements that
- 46 are inconsistent with or deviate from those permitted in the lease agreement

1 must be approved by Council via resolution. Council shall only approve  
2 such improvements upon recommendation by the City Manager and after  
3 review by the Port and Harbor Commission, the Homer Advisory Planning  
4 Commission, and any other commission determined to be appropriate by  
5 the City Manager. Inconsistent improvements may be approved if the  
6 proposed changes to the improvements serves the City's best interest and/or  
7 when changes are necessary due to relevant changes in industry or the local  
8 economy  
9

10 c. All improvements constructed upon leased property become the property of  
11 the City upon termination of the lease unless otherwise provided in the lease  
12 agreement or agreed to by the parties in writing.  
13

14 d. Lessee shall be responsible for all taxes, including property taxes on the  
15 leasehold interest in the real property and improvements and any sales tax  
16 on rent payments.  
17

18 18.08.130 Lease renewal.  
19

20 a. Council, upon written recommendation by the City Manager may exempt  
21 the renewal of a lease from competitive bidding if Council finds such  
22 exemption serves the City's best interests. .  
23

24 b. A lessee seeking to enter into a new lease with the City exempted from  
25 competitive bidding under this section must submit a lease application and  
26 a written request for a new lease to the City Manager at least 12 months but  
27 no more than 18 months prior to the expiration of the existing lease. The  
28 City Manager shall notify Council of new lease requests under this section.  
29 The City will review the application but is under no obligation to enter into  
30 a new lease.  
31

32 c. If Council approves the new lease without a competitive process, it must do  
33 so by resolution within six months of the date the lease application is filed  
34 with the City.  
35

36 d. Council shall consider the following factors when determining whether to  
37 exempt a lease from competitive bidding under this subsection:  
38

- 39 1. Lessee's past capital investment and binding commitment to future  
40 capital investment;
- 41 2. Lessee's financial condition and prior lease history;
- 42 3. The number of persons employed and the prospect for future  
43 employment;
- 44
- 45
- 46

- 1 4. Tax revenues and other financial benefits to the City anticipated in the  
2 future if the lease is renewed;
- 3
- 4 5. Consistency of past use and intended future use with all applicable laws,  
5 including land use codes and regulations, the Comprehensive Plan, and  
6 Overall Economic Development Plan;
- 7
- 8 6. Other opportunities for use of the property that may provide greater  
9 benefit to the City; and,
- 10
- 11 7. Other social, policy, and economic considerations as determined by  
12 Council.
- 13

14 18.08.140 Sublease.

- 15
- 16 a. City property may be subleased if expressly permitted in the lease  
17 agreement and approved in writing by Council.
- 18
- 19 b. Except as provided otherwise in the lease agreement, all subleases must be  
20 in writing, executed by the parties, and approved by Council after a  
21 recommendation is provided by the City Manager.
- 22
- 23 c. Approval must be granted prior to occupancy of the leased premises by a  
24 sub-tenant.
- 25
- 26 e. Lessee shall be assessed additional rent equal to at least 10 percent of the  
27 current rent for the subleased area upon approval of a sublease.
- 28
- 29 f. Subleasing shall not be used to transfer substantially all of a leasehold  
30 interest.
- 31
- 32 g. All subleases must comply with all applicable federal, state, and local laws.
- 33

34 18.08.150 Early termination.

35  
36 Except as provided otherwise in the lease agreement, Council shall approve the  
37 termination of a lease for failure to comply with the lease terms. The City Attorney  
38 shall be consulted prior to termination of a long-term lease for failure to comply  
39 with lease terms. The City Manager may only terminate a lease for failure to comply  
40 with the lease terms after receiving Council approval to do so. The City Manager  
41 shall seek approval to terminate under this section in executive session. The name  
42 of lessee and description of the leased property shall not be included in any public  
43 notices or documents circulated by the City unless and until Council approves  
44 termination of the lease under this section. The City Manager shall notify a lessee  
45 in writing that Council will be considering termination of the lease and provide the  
46 date, time, and place of the meeting at which Council will consider such

1 termination. Lessee may waive the right to confidentiality under this section and  
2 request Council hold its discussion of termination in public. This section shall not  
3 prevent the City from sending lessee, or other parties with an interest in the lease,  
4 notifications and/or correspondence related to the lease or lessee's compliance with  
5 its terms.  
6

7 18.08.160 Assignment.  
8

- 9 a. Except as provided in the lease agreement, Council must approve the  
10 assignment of a lease to another party.  
11
- 12 b. Except as otherwise provided in this section or the lease agreement, the City  
13 Manager must make a determination that a lessee is in full compliance with  
14 a lease before an assignment will be effective. The City Manager may, in  
15 his or her sole discretion, consent to assignment of a lease where lessee is  
16 in full compliance with the lease terms except for payments owed so long  
17 as assignor and/or assignee agree in writing to pay the full amount owed  
18 within 90 days of the assignment. An assignment shall not be effective and  
19 shall constitute default by lessee if full payment is not received within 90  
20 days of the assignment.  
21
- 22 c. Except as otherwise provided in the lease agreement, if the lessee is in good  
23 standing and eligible to assign the lease, the following procedures apply:  
24
  - 25 1. The lessee shall file a written request for assignment and a complete  
26 new lease application to the City Manager;  
27
  - 28 2. The City Manager shall review the request and new lease application  
29 and determine whether the proposed assignee is qualified under this  
30 chapter and the assignment is in the City's best interests;  
31
  - 32 3. The City Manager shall make a recommendation on the assignment to  
33 Council for final action; and  
34
  - 35 4. Council shall approve or deny the request for assignment via resolution.  
36
  - 37 5. Assignment of long-term leases on the Homer Spit or within the Marine  
38 Commercial or Marine Industrial zoning districts shall be reviewed by  
39 the Port and Harbor Advisory Commission prior to submission to  
40 Council for approval. Except as otherwise provided in the lease  
41 agreement, assignment of all other long-term leases shall be reviewed  
42 by the Homer Advisory Planning Commission prior to Council  
43 approval.  
44



- 1 d. Council may approve assignment of a lease to a bank or other financial  
2 institution if it determines the assignment is in the best interest of the City  
3 and The City Manager recommends approval.  
4  
5 e. Where a lessee intends to assign the lease as part of a sale of the business  
6 located on the leased lot, the person who intends to purchase the business  
7 may apply to extend the lease term to allow the continuation of the business  
8 and to secure financing for the purchase of that business.  
9

10 18.08.170 Insurance.

- 11  
12 a. All lessees shall keep in force for the full term of the lease public liability  
13 insurance in the amount of not less than \$1 Million coverage per occurrence  
14 for bodily injury, including death, and property damage. The City shall be  
15 named as an additional insured.  
16  
17 b. Lessees who intend to conduct activities which could potentially have  
18 significant risk of environmental contamination shall also obtain not less  
19 than \$2 Million in Environmental Impact insurance and/or Environmental  
20 Clean-up Policy, or the equivalent subject to review and approval by the  
21 City Manager. The City shall be named as an additional insured. The City  
22 will determine on a case-by-case basis whether a lease of City property will  
23 involve a significant risk of environmental contamination due to the use of  
24 the property, the presence of hazardous materials, or the location of the  
25 property.  
26  
27 c. Certificates of Insurance showing the required insurance is in effect and  
28 identifying the City as an additional insured shall be provided to the City at  
29 the time a lease becomes effective and annually thereafter, and upon every  
30 change in insurance provider or insurance coverage.  
31  
32 d. All insurance policies must be in effect for the duration of the lease term, or  
33 longer if stated in the lease, and the City must be notified of any changes to  
34 policies.  
35  
36 e. Insurance requirements that exceed those required in this section may be  
37 imposed in the terms of a lease agreement.  
38

39 18.08.175 Exception-leasing to government entities.

- 40  
41 a. Except as otherwise prohibited by law, leases to federal or state government  
42 entities or political subdivisions or agencies of the State of Alaska or the  
43 United States may be exempted from this chapter upon a finding by Council  
44 that it is in the City's best interest to do so.  
45

- 1                   b. The City may lease real property to the United States, the State of Alaska,  
2                   a political subdivision of the State, or an agency of any of these entities, for  
3                   less than fair market rent if Council determines it is in the City’s best interest  
4                   to do so.

5  
6                   18.08.180 Assessments – Capital improvement projects.  
7

- 8                   a. Lessees of City property shall pay all real property special assessments  
9                   levied and assessed against the property to the full extent of installments  
10                   billed during the lease term.  
11  
12                   b. In the event the City completes a capital improvement project which directly  
13                   benefits the leasehold property and no local improvement district is formed  
14                   to pay the cost of that project, the City may, in its sole discretion, impose,  
15                   and the lessee shall pay as additional rent, the leasehold property’s  
16                   proportionate share of the cost of the project. The amount of additional rent  
17                   imposed annually by the City under this subsection shall not exceed the  
18                   amount which would have been payable annually by the lessee if a local  
19                   improvement district had been formed which provided for installment  
20                   payments on a schedule and bearing interest at rates typical of other local  
21                   improvement districts of the City for that type of capital improvement.  
22

23                   18.08.190 Connection to utilities.  
24

25                   Lessees of City real property shall connect to City utilities and bear all costs of  
26                   connections and adhere to all applicable local, State and Federal regulations.  
27                   Connections to newly installed City utilities shall be made as soon as possible after  
28                   completion.  
29

30                   18.08.195 Processing and filing fees.  
31

32                   Fees for lease applications, lease, subleases and assignments, and other related fees  
33                   shall be established by Council by resolution. Failure to pay fees owed may result  
34                   in the rejection of a lease application or denial of lease renewal, assignment or  
35                   sublease.  
36

37                   Section 2: This ordinance is of a permanent and general character and shall be included in  
38                   the Homer City Code.  
39

40                   ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS \_\_ DAY OF  
41                   JUNE, 2018.

42  
43                   CITY OF HOMER  
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BRYAN ZAK, MAYOR

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ATTEST:

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

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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

Reviewed and approved as to form:

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

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

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

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

**From:** KBFPC Outreach  
**To:** [Department Clerk](#)  
**Subject:** Lead On Mural  
**Date:** Thursday, June 07, 2018 2:53:58 PM

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Hiya!

I am writing as the R.E.C. Room Coordinator on behalf of the Lead On group. We have decided to paint our mural on big sheets of plywood and are still interested in hanging it at the Ben Walters park! We will be finished with the project by the 15th and would like to hang it by the end of the month.

Thank you!

--

Kyla Dammann  
KBFPC Outreach Coordinator and R.E.C. Room Coordinator  
[outreach@kbfpc.org](mailto:outreach@kbfpc.org)



**From:** Amy Bollenbach  
**To:** [Department Clerk](#)  
**Subject:** Re: CALLS TO ACTION--We can do this!  
**Date:** Thursday, June 07, 2018 2:16:32 AM

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Melissa Jacobson: Please distribute this email to Mayor Zak and the City Council.

I am disappointed in the current makeup of the HERC Task Force. Please choose a more representative board.

The board should **include:**

(1) a member of the Parks and Rec. Commission which has been studying recreational issues,

(2) more women, up to half of the board, because women as well as men need a place for recreation, and

(3) a member who is a health-care professional or works in an area related to health/exercise/recreation because we need knowledge of facts on health and safety to judge and improve that building.

Amy Bollenbach, resident of City of Homer.

On Tue, Jun 5, 2018 at 7:56 PM, Lani Raymond <[lanibirder@gmail.com](mailto:lanibirder@gmail.com)> wrote:

**CALL TO ACTION--ONE**

We need to email the City Council and say that we want the Mayor to re-do the Task Force for the HERC. Since this task force will include folks from outside the City also, even if you don't live in the City, you can email about it anyway. This needs to be done before June 11th: earlier emails will be included in the packet, later ones as a "laydown" at the meeting.

You can send one email to the City Clerk, Melissa Jacobson: [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov) and ask her to distribute a copy to each Council Member.

Example of what you could say:

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.

(The email can be very short, just a couple sentences is fine.)

**CALL TO ACTION--TWO**

As many of us as possible need to go to the City Council Meeting on June 11th at 6:00 pm. Speaking to this issue or just being there as a show of force. (One thing in our favor is that Mayor Zak and Heath Smith are up for election so possibly are more likely to be influenced by public outcry than they ordinarily would be.)

Why we need to do this:

According to CAN, the majority of the current members of the Task Force will not work on this from the perspective of the HERC being a community recreation facility. There are folks who are intent on selling the building and land.

And there is an important related factor. It is a very valuable piece of property (I think over 4 acres total) and was originally given to the Borough by a homesteader with the stipulation that it **always be used for educational or community use**, not sold for profit. The City later asked the Borough for this property and the Borough gave it to the City with the stipulation continuing. But a few years ago the City asked the Borough to be "let out" of this stipulation and the Borough granted it. So although it can legally be sold for a profit, many of us think this is not right. It's wrong to ignore the wishes of the original homesteaders! (besides better used for recreation)

The HERC facility is a perfect place in town within walking distance to two schools and the SPARC, close to Old Town also, near the Pratt...a wonderful location for a community recreation facility!

Please call me if you have any questions or would like more information. I will answer what I can and find out whatever else is needed. We can do this!

Lani

**From:** Ann & Ron Keffer  
**To:** [Department Clerk](#)  
**Subject:** Concerning HERC - for Mayor Zak and all councilpersons  
**Date:** Friday, June 08, 2018 3:24:24 PM

---

Greetings Mayor Zak and Councilpersons,

I am writing to urge you to take certain actions at the council meeting of Monday, 11 June. First, I strongly support Mayor Zak's Resolution 18-054. It answers most of the concerns I have had about the HERC Task Force. I understand it increases the number of voting members to eight by adding a PARCAC member selected by the commission itself. Because PARCAC already has indicated that Deb Lowney should be its representative, she should be seated on the task force.

I am not unmindful of Councilperson Erickson's concerns about having an even number of members on the task force, but that should not be a problem, for the following reasons: The task force should work for consensus, and few votes should be taken. If the group does vote, a 4 - 4 vote simply would mean the measure is defeated. If the group consisted of seven voting members, a 4 - 3 vote, or even a 5 - 2 vote, would weaken the effect of any decision. There are no real advantages of having an odd number on the task force. ***My main concerns have nothing to do with the number of members, but center upon having balanced representation so that the group's work reflects a valid, defensible, and credible process.*** The mayor's resolution allays my concerns to a considerable degree.

Finally, there are some essential questions the council should pose to the administration (the City Manager and her subordinates). Answering these questions should not fall to the HERC Task Force. Here are the questions:

1. Please seek out and document the original stated wishes of the owners who donated the HERC property to the borough. When did this donation occur?
2. What stipulations accompanied the HERC property when its ownership was transferred to the City of Homer?
3. We have heard that the borough changed or abrogated the stipulations that accompanied the HERC property when the city got it. Did this happen, and, if so, when? What was the process that was followed? What justifications were offered for the changes?
4. Considering that the original stipulations that accompanied the property from the time of the original donation, what obligations does the city have to retain the property in the public domain?
5. Ordinarily, and especially at this time, both state and federal funds are available for use in upgrading or renovating a city property such as the HERC. What efforts have been made to seek out such funds? Please determine what sources might be used.

Thank you very much for reading my e-mail. I hope to reiterate my thoughts in person on Monday evening. Meanwhile, enjoy the wonderful Homer sun!

Ron Keffer



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Ann and Ron Keffer  
189 Island View Court  
Homer, Alaska 99603  
H: 907-235-8293, Ann's Cell: 907-299-0812  
Ron's Cell: 907-299-0821  
[annronkeffer@gmail.com](mailto:annronkeffer@gmail.com)

**From:** rikamouw@gmail.com  
**To:** [Department Clerk](#)  
**Subject:** Resolution 18-054  
**Date:** Sunday, June 10, 2018 7:33:01 AM

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> Dear Melissa

> My apologies for such a last minute voice to include for the 6/11/18 council meeting. We are not in town right now and have very limited internet access. I realize this is extremely late for council to read before they meet, but if you don't mind, I would very much appreciate your passing my message to each of the council members, that would be great.

> Thank you!

> Rika Mouw

>

>

> Dear Council,

> I am out of town and have very limited internet access, so, regrettably, this appeal to you comes very late and I will not be able to attend the council meeting.

> The issue of the HERC task force is of great concern to me. I view this city property to be of great community value and would like to voice my wholehearted support for Resolution 18-054, and specifically, each element contained in it. The actual number of task force members is not the issue, but rather one of balanced representation. A voting voice from PARCAC is essential. The mayor's resolution takes us to that starting point.

> In addition, the city administration would be the entity to clarify all the historical documentation regarding previous intentions and/or stipulations attached to the various transfers of the HERC property. Does the city have an obligation to follow historical stipulations? As a municipality, what efforts have been made to seek funding for an energetically desired community centered facility?

> I urge you to support Resolution 18-054.

> Thank you.

> Rika Mouw

> Homer resident

>

**From:** Anne Wieland  
**To:** [Department Clerk](#)  
**Subject:** For Distribution To Council  
**Date:** Monday, June 11, 2018 8:31:09 AM

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I support Mayor Zak's Resolution 18-054 that will increase the size of the HERC Task Force to eight people to include a voting member from the Parks, Art, Recreation, and Culture Advisory Commission. PARCAC has chosen Deb Lowney as the person to be on the HERC Task Force and I support her choice.

Anne Wieland  
Homer

**From:** Carol Ford  
**To:** [Department Clerk](#)  
**Subject:** For Distribution to Council  
**Date:** Monday, June 11, 2018 6:54:56 AM

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To Homer City Clerk and Council:

I am writing in support of the mayor's amendment 18-054.

I was glad to learn that a member of Parks and Recreation can be added to the task force gathering information on the HERC building. I believe that is an important addition to that body. A task force gathering and evaluating the information necessary for decisions affecting such an important and meaningful piece of Homer's public land and history should definitely include a member whose main interest and expertise is in public-use land. Please support the mayor's amendment 18-054. Thanks.

Carol Ford

Homer

Sent from my iPhone

TO: Homer City Council and Mayor

From: Lani Raymond

41640 Gladys Ct.

Homer, AK 99603

DATE: June 9, 2018

Thank you for setting up the Task Force to address the issues for the HERC.

I encourage you to adopt the Mayor's amendment (Resolution 18-054) to the HERC Resolution, 18-036(A), as it is the best way forward with the Task Force. It is very important that there be a member of the Parks and Rec Commission on the HERC Task Force and that this person be a voting member.

The fact that this will mean an even number of members on the Task Force is not significant since the goal is to reach consensus, and a close vote would be less likely to influence the Council ultimately than a plan that is reached by consensus. The Council should direct the Task Force to use a consensus-building process.

One additional item here: I have concerns about the fact that the wishes of the homesteader who originally deeded this property to the Borough long ago was bypassed and is now potentially being ignored. My understanding is the homesteader wanted the property to be used only for education or community use... for perpetuity. I believe the Council needs to have this researched and the results made public.

The City needs to do the moral and ethical thing when deciding the fate of this property. But they also need to realize that people who have land and to donate in the future could easily be dissuaded from doing this if they believe their wishes would be ignored. (I own some land elsewhere in Alaska and am considering donating it eventually but would certainly not do that if I didn't trust the receiving entity.)

Thank you for considering these important aspects. I encourage you to pass Resolution 18-054, help the Task Force by equipping them with strong consensus-building strategies, and allow us all to learn the history surrounding the donation of this land.

Lani Raymond

Patricia Cue  
LTC (USA Retired)  
PO Box 745  
Homer, AK 99603

City Council of Homer Alaska  
Mayor Bryan Zak  
491 E. Pioneer Avenue  
Homer, AK 99603

June 10, 2018

This letter is in reference to Resolution 18-54 and 18-54(S). As a former elected official of the Homer City Council, I advocate for a balanced and thoughtful approach when making decisions that are of this magnitude.

The property and HERC building are located at the gateway of our community. Visitors and residents alike will view the appearance of this parcel as a reflection of our values. You have an opportunity to establish a task force that will be making recommendations that will potentially enhance the quality of life for this community into perpetuity.

During my time as an elected official, I worked with a group of dedicated individuals who had a vision for City beaches. We worked diligently to establish policies that not only protected habitat, but these policies reduced the risks posed by encroaching erosion thereby protecting homes and business and enhancing property values. While it is impossible to stop all erosion during this time of climate change, the policies implemented to protect coastal habitat have saved the City of Homer money by reducing the amount of money spent on storm surge damage. Also, Homer continues to be a destination for tourists who love our beaches.

Your opportunity to create a legacy for future generations is now upon you. While selling the property to the highest bidder may appear at first glance as a way to enhance City coffers, I encourage you to create a long term vision for this community that promotes those values that bring us together rather than divide us.

Placing a member of the Parks Art Recreation and Culture Advisory Commission is a good decision. Gender equality brings balance to the discussions that will inevitably result in recommendations on how to proceed. I don't agree that the person placed into this position be a non-voting member. The recommendations that will be made by this task force are in and of themselves advisory. I encourage clarity and openness throughout this process and limiting one member's ability to vote on decisions does not bring consensus.

I would like to comment briefly on an experience I encountered with property that was donated to the City. There was a time when the City Council considered selling the property where Ben Walters Memorial Park is now located. As I recall from the discussion, the family who donated the property wanted this property to be a park, and yet the City came to the Council and asked

for authority to sell it. Again at first glance, this appeared to be a way to improve the financial bottom line of the City. However, after much discussion, the Council voted in good faith to honor the request by the donor and keep the property as a park. This park is a jewel in the center of town and represents the values that we as a community espouse.

I bring this example forward to emphasize that honoring those who have bequeathed property to the City is another opportunity to create a community that values the generosity of its citizens. Making decisions that are contrary to the wishes of the donors will reflect poorly on the City and possibly result in fewer legacy donations.

Thank you for considering my comments.

Patricia Cue  
LTC (USA Retired)

P.O. Box 2994  
Homer AK 99603

June 9, 2018

Homer City Council  
Homer AK 99603

Dear Council Members:

I think Resolution 18-054 is an adequate solution to the request to reconstitute the HERC Task Force. It addresses the need for a member from the PARCAC and adds another woman to the task force. I would also recommend that the City Council direct the Task Force to use a process that would seek consensus on this issue. It is a complex issue and this process would help in the full exploration of its intricacies.

As a person working to donate conservation lands for the future of the community, I feel very strongly that the City has a moral and ethical obligation to revisit the Borough's decision to release the City from the original purposes specified in the deed by those who donated the land. My understanding it was for educational purposes. The City should research this and make public the reason the donors gave the HERC land to the Borough. When was this? I would expect that they wanted these specific purposes to run with the land in perpetuity. In my view, the City has an obligation to honor these original purposes. Since the land is right next to a school, it is a perfect location for expansion of educational/recreational facilities. Disregarding deed restrictions and donors' wishes for donated property is not something a community should do, as it can certainly give future land donors pause in considering donating land to the City or Borough.

I would like to see a full report on the history of this land so the HERC committee can look at the history in the context of the needs of the city and the already growing complex of education/recreation right in this area--SPARC, Homer Middle School, HERC, Pratt Museum, Homer Council on the Arts, and a vision to tie these areas together all the way to Bishops Beach.

Please pass Resolution 18-054, direct the group to use a solid consensus process, and get the history of this land so the Task Force has the whole story. Thank you.

Sincerely,

Nina Faust



**From:** Clyde Boyer and Vivian Finlay  
**To:** [Department Clerk](#)  
**Subject:** letter to City Council members  
**Date:** Friday, June 08, 2018 8:09:03 PM

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Dear Melissa

It has come to my attention that Mayor Zak has an amendment - Resolution 18-054 - which would add a member from the PARCAC to the Task Force for the SPARC. I am in full support of that Resolution, and that would take care of the most pressing issue about the current composition of the task force.

I also understand that there is a question about having an even number of people on the task force. That should not be a problem, at all, on a task force.

Thank you.  
Vivian Finlay

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455 Elderberry Drive,  
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(907) 435-3903

**From:** Sandra Garity  
**To:** [Department Clerk](#)  
**Subject:** For distribution to council.  
**Date:** Monday, June 11, 2018 9:25:17 AM

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I feel there should be a member of the Parks and Recreation Committee added to the membership of the HERC task force. They play a most important role in the future of the building.

I also have a concern regarding the membership of Chrissi Andrews on the HERC task force. I saw that the two positions for the members that live outside the city limits of Homer were appointed to two men. Ms. Andrews does not live in the city limits and I understand she was considered because of her business on the Spit. My understanding is that the Spit is not zoned as residential. This being the case, I feel that supporting this position is setting a precedent that could be troublesome in the future.

I support the mayor's recommendation honoring Homer Pride Month. I believe in and support civil rights and equality.

Thank you  
Sandra Garity

**From:** Harold Spence  
**To:** [Department Clerk](#)  
**Subject:** Task force  
**Date:** Monday, June 11, 2018 12:58:14 AM

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Dear Mayor and Council,

Let me briefly state that I support the mayor's proposal to add one more member to the HERC task force. I anticipate the group will work hard to reach consensus.

Sincerely,  
Hal Spence  
Box 1748  
Homer, AK  
299-1798

Sent from my iPhone