

Port & Harbor Advisory Commission



**May 23, 2018
Wednesday
6:00 P.M.**



**City Hall Cowles Council Chambers
491 E. Pioneer Avenue
Homer, Alaska 99603**

**NOTICE OF MEETING
REGULAR MEETING AGENDA**

- 1. CALL TO ORDER**
- 2. APPROVAL OF THE AGENDA**
- 3. PUBLIC COMMENT REGARDING ITEMS ON THE AGENDA** *(Time Limit of 3 minutes for Items on the Agenda not scheduled for Public Hearing)*
- 4. RECONSIDERATION**
- 5. APPROVAL OF MINUTES**
 - A. April 25, 2018 Regular Meeting Minutes **Page 3**
- 6. VISITORS/PRESENTATIONS**
 - A. ADA Compliance Report – Tess Daily and Donna Aderhold, ADA Compliance Committee
- 7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS/ BOROUGH REPORTS**
 - A. Port and Harbor Director’s Report for May 2018 **Page 13**
- 8. PUBLIC HEARING**
- 9. PENDING BUSINESS**
 - A. Memorandum from Deputy City Clerk re: Ordinance 18-16(S), Repealing and Re-enacting HCC Chapter 18-08 **Page 17**
 - B. Travel Lifts **Page 59**
- 10. NEW BUSINESS**
 - A. ADA Compliance Report Review and Discussion **Page 65**
 - B. Response to the Economic Development Commission **Page 99**
 1. Memorandum from Economic Development Advisory Commission re: Support for Business Development
- 11. INFORMATIONAL ITEMS**
 - A. Port & Harbor Monthly Statistical Report for March 2018 **Page 103**
 - B. Water/Sewer Bills Report for March 2018 **Page 104**
 - C. Crane and Ice Report **Page 105**
 - D. Deep Water Dock Report **Page 106**
 - E. Pioneer Dock Report **Page 107**
 - F. Dock Water Report **Page 109**
 - G. Commissioner Attendance at City Council Meetings 2018 **Page 110**
- 12. COMMENTS OF THE AUDIENCE**
- 13. COMMENTS OF THE CITY STAFF**
- 14. COMMENTS OF THE COUNCILMEMBER***(If Present)*
- 15. COMMENTS OF THE COMMISSION**
- 16. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR WEDNESDAY, JUNE 27, 2018 at 6:00 p.m.** in the City Hall Cowles Council Chambers located at 491 E. Pioneer Ave, Homer, Alaska

Session 18-04, a Regular Meeting of the Port and Harbor Advisory Commission was called to order by Vice Chair Zimmerman at 5:02 p.m. on April 25, 2018 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS ZIMMERMAN, CARROLL, DONICH, ZEISET, STOCKBURGER, HARTLEY

ABSENT: COMMISSIONER ULMER (EXCUSED)

STAFF: PORT DIRECTOR/HARBORMASTER HAWKINS
DEPUTY CITY CLERK KRAUSE

APPROVAL OF THE AGENDA

ZEISET/HARTLEY - MOVED TO AMEND THE AGENDA TO INCLUDE ITEM B, TRAVEL LIFTS, UNDER NEW BUSINESS, FOR DISCUSSION ONLY.

Deputy City Clerk Krause noted that typically items are not added to the agenda without notice.

There was a brief discussion on requesting this item to be on the agenda at the last meeting.

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

Motion carried.

RECONSIDERATION

APPROVAL OF MINUTES

A. March 28, 2018 Regular Meeting Minutes

STOCKBURGER/DONICH - MOVED TO APPROVE THE MEETING MINUTES AS PRESENTED.

There was no discussion.

VOTE. NON OBJECTION. UNANIMOUS CONSENT

Motion carried.

VISITORS/PRESENTATIONS (10 minute time limit)

STAFF & COUNCIL REPORT/COMMITTEE REPORTS/ BOROUGH REPORTS

A. Port & Harbor Director's Report for April 2018

Harbormaster Hawkins reviewed the staff report and commented on the following topics:

- Discussions on the Faulkner Lease with Administration
- Discussion with Administration and Council member Smith regarding the proposed changes to the trailer parking fee structure at the Load and Launch Ramp
- Discussed Senate Bill 92 and House Bill 386 on Derelict Vessels
- Marine Exchange of Alaska planned audit
- Permitting on Large Vessel Haul Out Facility

Harbormaster Hawkins reported on the registration of vessels and the results of the Task Force for derelict vessels and the various requirements that the registering vessels will help in negating the problems surrounding derelict vessels.

Discussion ensued on ways that vessels can be disposed of in Alaska compared to other localities.

Commissioner Stockburger commented on the impressive fleet currently in the Harbor and the benefit of getting the drone up to take pictures.

Harbormaster Hawkins noted that he needed to get some pictures of the uplands and responded to a query from Commissioner Stockburger that they can hire one of the companies since there are limited companies in Homer that provide that service in regards to aerial photos without issuing an invitation to bid.

PUBLIC HEARING

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.

NEW BUSINESS

A. Resolution 18-041, 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 Parking Fee for Vehicles and Trailers Utilizing the Small Boat Harbor Public Launch Ramp.

Harbormaster Hawkins explained that this was on the Committee of the Whole meeting agenda and reported that this resolution will allow them to apply a fee to cover parking for vehicles with trailers at the load and launch ramp.

Harbormaster Hawkins further clarified that this will apply to the Load & Launch Ramp Parking it will be \$13 to launch your vessel and an additional \$5 parking fee, which will be valid for 7 days for a boat trailer. Due to the new system being used they can track things now. Last year if this was applied in 2017 for 7405 day launches and 314 season passes sold in 2017, all of this would have generated \$52,725.

The Commissioners offered comments on potential for complaints regarding the new fees.

Harbormaster Hawkins acknowledged that they will be challenged on the new rates by a faction of the Lunch user group.

Discussion ensued on the free parking areas, parking costs at the top of the ramps and Long Term Trailer parking areas; parking limitations and amendments to the resolution.

HARTLEY/STOCKBURGER - MOVED TO APPROVE RESOLUTION 18-041 AMENDING THE TERMINAL TARIFF FOR PARKING FEES.

Harbormaster Hawkins provided a copy of Resolution 18-041 with amendments that he would like to substitute in response to comment from Commissioner Hartley on proposing amendments to the resolution. He requested the commission review his proposed amendments before making additional amendments to the resolution.

Deputy City Clerk Krause provided copies to the commission.

Dialogue on the following issues ensued:

- where parking will be allowed
- the seven day rule would still apply
- additional fee should be viewed as a parking impact fee as such the expenses incurred to enforce the parking requirements
- the proposed fees are allowed by the State as long as revenues are kept separate
- Comparison with Whittier and Seward parking fees.

HARTLEY/STOCKBURGER - MOVED TO INCREASE THE PARKING FEE TO \$7.00 FOR THE SEVEN DAY PERIOD AND INCREASE THE SEASONAL RATE FEE TO \$70.

Discussion followed on the proposed rate; expected complaints; this parking fee structure provides revenue that can be used to fund the improvements; this is step in the process to optimize the space that is available around the Harbor; potential to run into a problem in the future as things get progressively busier; there is minimal is any use of the long term trailer storage on the spit; expanding the paid parking areas; parking within the right of way can be fee parking however revenue must be dedicated to improvements only per the State; the time limit can be modified to correct issues of parking in the right of way; clarification was provided on parking term and removal from port and harbor property for a period of 24 hours before coming back and parking again.

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

Motion carried.

STOCKBURGER/ZEISET MOVED TO DELETE THE LAST PARTIAL SENTENCE FROM HARBORMASTER AMENDMENT, "...ELIGIBLE TO RESUME PARKING. ~~ANYWHERE ON PUBLIC PROPERTY ON THE HOMER SPIT.~~"

There was a brief discussion on making the action a firmer statement or requirement.

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

Motion carried.

DONICH/STOCKBURGER MOVED TO AMEND THE RESOLUTION TO INCLUDE 30 DAYS NOTICE TO THE PUBLIC AFTER APPROVAL BEFORE IMPLEMENTING.

Discussion ensued on making the changes effective in 30 days to notify the public or immediately and providing staff the time to implement the changes for signage and paperwork.

HARTLEY/ZEISET MOVED TO AMEND THE MOTION TO IMPLEMENT AS SOON AS PRACTICAL AFTER APPROVAL BY COUNCIL.

There was no discussion.

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

Motion carried.

HARTLEY/STOCKBURGER MOVED TO APPROVE HARBORMASTER SUBSTITUTE RESOLUTION 18-041 AS AMENDED.

There was no further discussion.

VOTE. (Main motion as amended). NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Stockburger commented on the improvement to the parking area at the new pavilion since they were on the topic of parking.

Harbormaster Hawkins provided a brief explanation on the work accomplished by staff until more permanent improvements could be completed. It was noted that there was more space.

B. Travel Lift

Commissioner Zeiset wanted to keep this idea in the forefront and not let it grow stale. They requested this item to be on the agenda at the March meeting. He noted the piece in the Homer News that 20 years ago they were talking about selling land on the Homer Spit and a Large Vessel Haul-Out Facility and they are still talking about that today. He doesn't want to still be talking about the importance of getting a Travel lift in 20 more years.

Additional discussion on the potential for the harbor expansion and constructing a leg off of the proposed deep water dock but there would be hindrances to overcome.

Commissioner Carroll reported that he was to bring in the information on a submersible lift and will remember to provide that information for the May meeting. He provided additional information on the submersible lift that is constructed by an Italian company, ASCOM, which will customize to individual specifications. The cost is around \$1.8 million which is substantial amount. He then cited an article he read in the National Fisherman on a community on the East Coast that had a similar situation.

Commissioner Carroll related the communities that have used the company and/or are using the company to put in the amphibious travel lifts.

Commissioner Hartley suggested that they should start working on the economic people because they knew how to find money.

Commissioner Carroll related a meeting that he had with Karin Marks, chair of the Economic Development Commission and the person with the Borough Economic Development and suggested that they should connect with the Economic Development entities and create a corporation from several businesses and work on getting some grants and funding.

This item was requested to be on the May agenda.

INFORMATIONAL ITEMS

- A. Memorandum 16-01 from Economic Development Advisory Commission re: Support for Business Development

Commissioner Stockburger commented on the letter stating it was great to have the support of another city commission and expressed the desire to send a return letter or memo thanking the Commission for the offer of assistance and take them up on some assistance in their endeavor of getting the funding for Travel Lifts for the Harbor.

Commissioner Carroll commented on the remarks of Council member Smith and the lack of action by the city, designating the concrete pad, getting the support from the community and city to pay for this Travel Lift would generate the revenues to really pay for itself in the long term.

The commission requested this item for the May agenda.

- B. Port & Harbor Monthly Statistical Report for March 2018
- C. Water/Sewer Bills Report for March 2018
- D. Crane and Ice Report
- E. Deep Water Dock Report
- F. Pioneer Dock Report
- G. Dock Water Report
- H. Commissioner Attendance at City Council Meetings 2018

COMMENTS OF THE AUDIENCE

COMMENTS OF CITY STAFF

Harbormaster Hawkins commented on the minutes from March and the status update on the Haul-out facility and provided the 35% design drawings for review of the commission. Then passed out some photos of a boat fire that was actually contained and put itself out due to lack of oxygen; it was noted that if one of the windows melted or broke there would have been a large explosion.

Commissioner Zeiset commented that it was believed to have been started by some faulty electrical wiring.

Harbormaster Hawkins also spoke about comments made at the March meeting regarding selling land on the Spit. He advocated strongly against selling any public land and that it would be detrimental to put that land into private hands. He acknowledged that it can be somewhat difficult and not as profitable compared to some alternatives but believes that they manage it in the best interests of the community as a whole.

Commissioner Stockburger responded that the commission talked about revenue streams including the overslope and that maybe the city should build it and the possible revenue that could be developed and earned on city built infrastructures on the spit and around the harbor. He noted that these would be just options. He noted that other cities have surpassed Homer and are profiting from those decisions.

Dialogue continued on the actions of the Commission and working towards getting the desired amenities for the Port & Harbor to facilitate the services desired by the community.

Deputy City Clerk Krause stated that it was an interesting meeting and good to be working with the Commission again.

COMMENTS OF THE CHAIR

Vice Chair Zimmerman had no comments.

COMMENTS OF THE COMMISSION

Commissioner Carroll had no comments other than good meeting.

Commissioner Donich commented on putting some additional parking in the area between Central Charters Boardwalk and the Thompson Boardwalk, there is no camping there has a serious drop off and he believed that area is designated green space.

Commissioner Hartley echoed the sentiments of a good meeting.

Commissioner Zeiset had no comments, but expressed it was a good meeting.

Commissioner Stockburger agreed with the sentiments of a good meeting and liked the trailer fee idea, a revenue stream that has been absent and if you can make money without ticking people off too much it is a good thing.

ADJOURN

There being no further business to come before the Commission the meeting adjourned at 7:27 p.m. The next regular meeting is scheduled for Wednesday, May 23, 2018 at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

RENEE KRAUSE, CMC, DEPUTY CITY CLERK

Approved: _____



MAY 2018 PORT & HARBOR STAFF REPORT

1. Administration

Staff met with:

- Army Core of Engineers- Dredging and Erosion protection, Port expansion plans, and a table top tour of the facilities.
- Bob Hartley- discussion on Port Advisory Commission packet material for next meeting
- Ken Deaton, Harris Sand & Gravel- warranty repairs of waterline
- Cook Inlet Harbor Safety Committee- Spring meeting(Seward)
- Alaska Fish and Game and Matt Steffy, City of Homer Parks Maintenance- repair/assistance with fishing lagoon handicap ramp
- Aaron Bolton, KBBI- Senate Bill 92, derelict vessels
- Homer Marine Trades Association- monthly meeting
- Garrett Boyle, Senator Murkowski's Legislative Director and Krystal Edens, assistant to the Chief of Staff- Capital Improvement Projects/ Large Vessel Harbor Expansion
- Bob Flanders, Snug Harbor Seafoods- new construction timeline for paving on the lot
- Carol Janzen, AOOS- NOAA's placement of a GPS receiver on the new harbormaster building for real time water level monitoring
- Public- Ribbon cutting for the boathouse pavilion
- Respondent Bidders/Proposers for the Fish Dock Waterline Replacement RFP- mandatory pre-bid meeting to go over project scope

Cook Inlet Harbor Safety Committee Update: Harbormaster Hawkins attended the Cook Inlet Harbor Safety Committee (CIHSC) held in Seward. The Harbor Safety Committee was formed as a result, and at recommendation of, the 2015 risk assessment conducted to investigate the ground incident surrounding the tank ship Seabulk Pride in 2006. The CIHSC serves as subject matter experts for the Cook Inlet and acts as a facilitator, bringing together all relevant maritime stakeholders to identify and resolve, when possible, waterway management issues through the adoption of best practices and standards of care. On Thursday, April 26, 2018, the Committee met in Seward to discuss a number of water transportation issues in the inlet, including tasking the Navigation Workgroup with reviewing the proposed Pebble Mine Transportation Plan and sending comments/concerns from a marine transportation angle to the Harbor Safety Committee which serves as an advisory to the USCG Captain of the Port, Sector Anchorage.

2. Operations

April and May have been very busy months for the Port & Harbor. We are currently experiencing the rapid return of the commercial salmon fishing, charter and recreational fleets. Most of the seasonal businesses have opened for regular hours and the upland's parking lots are showing their first signs of weekend congestion. Parking enforcement officers have begun work and are focusing on long-term parking and advising customers of the pending seasonal parking changes. The annual shorebird festival was accompanied with the official opening and ribbon cutting ceremony of the boathouse pavilion located adjacent to ramp 2. Potable water was activated in the small boat harbor during the first week of May. Public fish cleaning stations at ramps 4 and 6 are open and serviced daily by our crew of harbor assistants. The fishing lagoon cleaning tables will open for Memorial Day weekend. The season's first cruise ship landing occurred on May 15th featuring the M/V Zaandam.

Harbor officers have worked closely with administrative and I/T staff, and the software developer of the Total Marina Package to fine-tune the vessel moorage inventory process with the implementation of the new software system pending June 1st.

Deep water dock and pioneer dock landings included the following vessels: Kennicott, Pacific Wolf & DBL55, Bob Franco, Millennium Star, Unalaq, Nunaniq and the M/V Zaandam.

Marine repair facility and beach landings included the following vessels: Unalaq, Bruin Bay, Kona Kai, Time Bandit, Tempo Seam Ramblin' Rose, and Rolfy.

The following notable events occurred during the past month:

- On 4/21, harbor officers found a burst water main on the deep water dock and notified public works on-call service to secure the leak.
- On 4/23, harbor officer assisted and intoxicated 70 year old female suffering from respiratory illness.
- On 4/25, harbor officers responded to a car accident on Fish Dock Road involving a vehicle that crashed into a processing plant.
- On 4/26, annual maintenance dredging of the USCG Hickory's berth was complete.
- On 4/26, harbor officers responded to a 70 year old intoxicated woman semi-conscious at a local camp ground.
- On 4/29, harbor officers met with HPD to assist in the investigation of the burglary involving the Salty Dawg.
- On 5/1, operations staff used the harbor tug to assist a 175' landing craft having difficulty maneuvering during strong winds.

- On 5/9, a graveyard shift harbor officer assisted EMS with a deceased male at a local restaurant.
- On 5/10, operations staff responded to an EMS call involving a deceased crew member aboard a 150' landing craft.
- On 5/12, harbor officers used the harbor tug's wash down pump to clean the D/W/D breasting dolphins and mooring buoys.
- On 5/15, operations staff used the harbor tug and patrol skiff to assist two 150' landing crafts exchange berths and relocate inside the small boat harbor.

3. Ice Plant

This last month the Fish Dock crew has alternated between normal operations and the spring crane maintenance program—oiling cables, greasing bushings, tightening bolts, changing filters and doing an in-depth inspection. We are also pursuing the ability to adjust and troubleshoot the new electronic controls in-house. Other activities included:

- Readjusting the condenser fans and pumps for summertime temperatures
- Replacing a broken evaporator defrost timer
- Assisting a customer determine who used their crane card on a specific date

The new summertime temp will be Jed Gautier. Welcome Jed!

4. Port Maintenance

Port Maintenance has been busy with pre-season preparations. Notable projects include:

- Working with Operations and PW to create the parking lot between ramps 1 and 2 which included installing sign post bases, barrier logs, and jersey barriers.
- After working with Harris Sand and Gravel to repair damage discovered last year, Potable water was restored to Systems 1, 2, and 4. Water lines were sanitized and flushed.
- Jersey barriers installed at Launch Ramp to demark the walking/bike path, and “in the road” signs installed for pedestrians.
- Assisted with art installation of the Giving Salmon adjacent to the Boathouse Pavilion.
- Camel fenders launched and installed prior to first cruise ship landing.
- Replaced a leaking gasket on the main water line for the Deep Water Dock.
- Installed bird deterrents on the DWD (ongoing).
- Assisted Operations with an EMS call on System 5.
- Fabrication continues on the new fish tote dumper.
- Cleared out a portion of the chip pad fenced area for North Star Terminal Stevedoring.



City of Homer

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Memorandum

TO: PORT AND HARBOR ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: MAY 15, 2018
SUBJECT: ORDINANCE 18-16(S), REPEALING AND RE-ENACTING HCC CHAPTER 18.08

Following is the substitute Ordinance 18-16 from City Attorney Wells with the following notations:

HCC 18.08.045 Lease Applications

"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."

HCC 18.08.065 Lease Application and Proposal documents

"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."

HCC 18.08.100 Appraisal

"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."

Harbormaster Hawkins commented:

"I like having this option. Individual appraisals are expensive and the truth is that there is not much change year to year in the market value of the properties. From a management side the more of the properties that we can get on the same 5 year appraisal timeline the better because we get a lot better deal on the cost to appraise when we lump."

Recommendation:

Increasing this to two years to give even more flexibility.

HCC 18.08.150 Early termination

“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.”

HCC 18.08.160 Assignment

“I attempted to tighten the language and clarify the consequences if full payment is not received within the 90 day window.”

Recommendation:

Please review the substitute Ordinance 18-16(S) from City Attorney Wells and compare with the Draft from the April packet. Staff will have a laydown comparison of differences for the Commission to review at the meeting.

Any additional changes to the substitute Ordinance 18-16 from the Commission should be put forth through motions.

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 18-08(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 ~~LEASE POLICIES AND PROCEDURES~~ FROM THE ~~PROPERTY MANAGEMENT POLICIES AND PROCEDURES~~ MANUAL, CLARIFYING ~~THE HOMER'S~~ LAND ALLOCATION PROCESS, EXPANDING LEASE REVIEW TO INCLUDE ~~ADDITIONAL~~ 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 ~~IT'S COUNCIL~~ APPROVAL PRIOR TO ~~FINAL APPROVAL~~ EXECUTION OF A LEASE, ~~EARLY TERMINATION~~ OF A LEASE, ~~TERMINATION OF A LEASE~~ OR TERMINATION OF LEASE NEGOTIATIONS.

WHEREAS, ~~I~~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, ~~I~~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, ~~I~~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:

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

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:

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

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

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

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

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

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

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

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

“Surveyor” means a registered professional land surveyor.

18.08.020 Land Allocation Plan-property available for lease.

- a. Unless dedicated or reserved to another purpose, all real property including tide, submerged or shorelands to which the City has a right, title and interest as owner or lessee, or to which the City may become entitled, may be leased as provided in this chapter. In the case of any

126 conflict between this chapter and any ~~regulations or other~~
127 ~~ordinances~~ local, or State or federal law specifically governing the leasing
128 of City tide and submerged lands, the law governing the leasing of City
129 tide and submerged lands ~~latter~~ shall prevail.

- 130
- 131 b. The City administration shall maintain a list of all City-owned properties
132 authorized for lease by Council. This list shall be adopted annually and
133 contain the information required under this chapter. The list may be
134 called the Land Allocation Plan and will be made available to the public
135 at the City Clerk's office.
- 136
- 137 c. Council shall adopt a Land Allocation Plan that identifies:
- 138
- 139 i. City-owned property available for lease;
- 140 ii. The property description, lease rate, preferred length of the lease
- 141 term for each available parcel; and
- 142 iii. Any requirements, preferences or restrictions regarding use and/or
- 143 development.
- 144
- 145 d. Council may identify property in the Land Allocation Plan that is subject
- 146 to competitive bidding. Property subject to competitive bidding in the
- 147 Land Allocation Plan need only identify the property description in the
- 148 Land Allocation Plan but all other terms required in subsection (c) of this
- 149 section shall be identified in the request for proposal for such properties.
- 150
- 151 e. Prior to the adoption of the Land Allocation Plan, Council shall hold a
- 152 work session. Commission members and City staff may provide
- 153 recommendations to Council during the work session regarding City-
- 154 owned property available for lease and the terms of such leases.
- 155
- 156 f. The City shall provide public notice of the adoption of the Land
- 157 Allocation Plan and the City-owned real property available for lease no
- 158 more than 60 days after its adoption.
- 159
- 160 g. All uses and activities on City-owned real property available for lease are
- 161 subject to all applicable local, state, and federal laws and regulations.
- 162
- 163 h. The Council may restrict specific City-owned properties to certain uses
- 164 or classes of use that serve the City's best interest.
- 165

166 18.08.030 Standardized leases.

167

- 168 a. The City Manager shall develop a standardized ground lease that
169 contains provisions generally applicable to the lease of City-owned
170 property and a standardized building lease that contains provisions
171 generally applicable to the lease of space in City-owned buildings. The
172 standard lease documents shall be reviewed by the City Attorney and
173 approved by Council.
174
175 b. Lease terms may deviate from the standardized lease terms when the
176 City Manager determines such deviations are reasonable and necessary
177 to protect the City's best interests and Council approves the lease as
178 required in HCC 18.08.040.
179

180 18.08.040 Council approval of leases.
181

- 182 a. All long-term leases for more than five years shall be approved by Council
183 via ordinance. All long-term leases for five years or less shall be approved
184 by Council via resolution.
185
186 b. The City Manager may execute short-term leases without Council
187 approval when the City Manager determines that a short-term lease is in
188 the best interest of the City and notifies the Council in writing of the
189 short-term lease and its essential terms.
190
191 c. Short-term leases are not required to go through the competitive bidding
192 process unless the short-term lease would result in the lease of City-
193 owned property to the same lessee for more than one consecutive year.
194
195 d. Except as expressly provided in this chapter, property leased by the City
196 from a third party that is available for sublease or the lease of space in
197 City-owned buildings located on real property owned by a third party is
198 exempt from this chapter.
199

200 18.08.045 Lease applications.
201

202 Except for property subject to competitive bidding under this chapter, persons
203 interested in leasing City property may submit a lease application to the City
204 Clerk. The City Manager shall consider all applications and determine if an
205 application is complete and meets the criteria identified in the Land Allocation
206 Plan. When the City receives more than one lease application for a parcel that
207 meets the criteria established for that parcel in the Land Allocation Plan, the City
208 Manager shall evaluate the applications using the criteria in HCC 18.08.060 and
209 award the lease most advantageous to the City. If both applicants are equally

210 advantageous to the City, the City Manager shall award the lease to the
211 applicant who submitted a completed application first[HCW1]. Applicants may
212 be charged a fee for processing a lease application.
213

214 18.08.050 Requests for proposals-competitive bidding process.
215

- 216 a. The City Manager may issue a request for proposals to lease specific
217 property identified in the Land Allocation Plan at any time after posting
218 the notice required in HCC 18.08.020(d).
219
- 220 b. A request for proposal advertised by the City must identify the property
221 description of the property available for lease, the time frame for the
222 submission of requests for proposals, any preferred uses or industries,
223 and the overall criteria the City intends to use to score and rank
224 proposals.
225
- 226 c. The City Manager must obtain approval from the Council before
227 requesting proposals to lease property not identified in the Land
228 Allocation Plan as property available for lease.
229

230 18.08.060 Criteria for evaluating and approving proposals and competing lease
231 applications.
232

- 233 a. The Criteria for evaluating proposals shall include, but is not limited to,
234 the following:
235
- 236 1. Compatibility with neighboring uses and consistency with applicable
237 land use regulations including the Comprehensive Plan;
238
 - 239 2. The development plan including all phases and timetables;
240
 - 241 3. The proposed capital investment;
242
 - 243 4. Experience of the applicant in the proposed business or venture;
244
 - 245 5. Financial capability or backing of the applicant including credit
246 history, prior lease history, assets that will be used to support the
247 proposed development;
248
 - 249 6. The number of employees anticipated;
250
 - 251 7. The proposed rental rate;

252
253 8. Other financial impacts such as tax revenues, stimulation of related
254 or spin-off economic development, or the value of improvements left
255 behind upon termination of the lease~~;~~:-

256
257 9. Other long term social economic development~~;~~ and:-

258
259 10. The residency or licensure of the applicant in the City, Kenai
260 Peninsula Borough, and/or the State of Alaska, as identified in the
261 City's request for proposal and permitted under state and federal
262 law.

263
264 b. Determination of rent shall take into consideration the following factors:

265
266 1. Appraisal or tax assessed valuation;

267
268 2. Highest and best use of land;

269
270 3. Development (existing and planned);

271
272 4. Economic development objectives;

273
274 5. The location of the property; and

275
276 6. Alternative valuation methodologies as negotiated by both parties.

277
278 18.08.065 Lease application and proposal documents.

279
280 Upon request by the City Manager or as required in a request for proposal or the
281 Lease Allocation Plan, an applicant or proposer [HCW2] shall provide, at its sole
282 expense, the following:

283
284 1. A Property Improvement Plan with information regarding planned
285 improvements by lessee, including schedule for commencement and
286 completion of proposed improvements.

287
288 2. A survey of the property subject to the proposed lease; and/or

289
290 3. If only a portion of a lot is to be leased, a subdivision plat.

291
292 18.08.070 Notice to award.

- 294 a. The City Manager shall consider all responses to the City's request for
295 proposals that are timely and responsive. Untimely submissions shall be
296 returned to the ~~applicant~~ proposer without review and that ~~applicant~~
297 proposer shall not be considered.
- 298
- 299 b. The City Manager may, in his or her sole discretion, and upon a
300 determination that none of the proposals are in the City's best interest,
301 recommend rejection of all proposals.
- 302
- 303 c. Upon a determination that a proposal is the most advantageous to the
304 City, the City Manager shall recommend the proposal to Council for
305 acceptance. If Council approves the recommendation, the City Manager
306 shall issue a Notice to Award the lease to the successful
307 ~~proposer~~ applicant. The City Manager's recommendation shall be
308 presented to Council in a written memorandum identifying the
309 recommended winning ~~proposer~~ applicant, the property description, the
310 essential terms of the proposed lease, and the reasons the City Manager
311 recommended the award.
- 312
- 313 d. The City Manager shall submit any recommendation for approval of a
314 proposal under this chapter for property located on the Homer Spit or in
315 the Marine Commercial or Marine Industrial zoning districts to the Port
316 and Harbor Advisory Commission for review and comment prior to
317 recommending a proposal to Council.
- 318
- 319 e. If the Council adopts the City Manager's recommendation, the City
320 Manager shall negotiate with the winning applicant and present a final
321 lease to the Council for approval. A Notice to Award is conditional upon
322 the City Manager's successful negotiation of a final written lease
323 consistent with the terms upon which the award was based.
- 324
- 325 f. The City Manager may, with Council approval, rescind a Notice to Award.
326 A Notice to Award becomes void on the date the City Manager provides
327 written notice to the ~~proposer~~ applicant that the award has been
328 rescinded.
- 329
- 330 g. The City Manager may rescind a Notice to Award at any time prior to the
331 execution of a lease if ~~the proposer~~ applicant can no longer meet the
332 terms of the proposal.
- 333
- 334 h. If the City Manager rescinds a Notice to Award, the City Manager may
335 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 proposerbidder. 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 18.08.175this 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 Ccity is required to enforce the lease in court, and such additional provisions pertaining to defaults and remedies as the City Manager may determine to be in the City’s interest.

18.08.080 Lease execution and final approval.

- a. After a Nnotice 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

378 successful applicant or proposer. After Council's approval of the Notice
379 to Award but before Council approval under HCC 18.08.040, the City
380 Manager may negotiate non-essential long-term lease terms and make
381 changes necessary to clarify the terms of the long-term lease or correct
382 clerical errors.

- 383
- 384 b. The City Manager has authority to negotiate all terms of short-term
385 leases subject to the provisions of this chapter.
- 386
- 387 c. After a lease is executed by both parties, the City Manager shall draft and
388 the City Clerk shall record a memorandum of lease. ~~The~~ Lessee is
389 responsible for the recording fees.
- 390

391 18.080.090 Development and use.

392

- 393 a. All leases must require the lessee to comply with all applicable local,
394 state, and federal laws. ~~applicable zoning, parking, sign, flood, and other~~
395 ~~pertinent local ordinances and state and federal statutes and~~
396 ~~regulations.~~
- 397
- 398 b. Except as provided otherwise in the lease agreement, an as-built survey
399 including elevations performed by a surveyor shall be provided to the
400 City within six months of completion of permitted or required
401 development on the leased property. ~~or requirements under a lease.~~
402 Each additional structure or significant improvement shall require an
403 additional or updated as-built survey. All surveys are to be provided by
404 ~~the~~ lessees at their expense.
- 405
- 406 c. Except as provided otherwise in the lease agreement, at the time each
407 as-built survey is submitted, a statement of value including leaseholds
408 and all improvements shall be provided. The ~~s~~Statement of ~~v~~Value shall
409 be either a letter of opinion or appraisal completed by an appraiser.
- 410
- 411 d. All development requirements and performance standards contained in
412 the lease shall be strictly enforced and if not complied with or negotiated
413 for modification shall be cause for the lease to be terminated. Failure to
414 enforce the terms of the lease shall not constitute waiver of any such
415 term.
- 416
- 417 e. The City may require a lease of City-owned property to be secured by any
418 means that meet the City's best interest, including without limitation, a
419 security deposit, surety bond or guaranty.

420
421 18.08.100 Appraisal.
422

- 423 a. An appraisal of the fair market rent of the property will be required
424 before the final approval of a lease and within one year at the time of
425 review and prior to renewal [HCW3] [BH4] [RK5].
426
427 b. The requirement of an appraisal may be waived at the discretion of the
428 City Manager for short-term leases.
429
430 c. All leased properties shall be appraised every five years from the
431 effective date of the lease.
432
433 d. Except as otherwise provided under this section or in a specific lease,
434 lease rates shall be increased on the anniversary of the lease effective
435 date to reflect property appraisal values. A lessee shall be notified of any
436 increase in the appraised value of the property at least 30 days before
437 the increased rental rate becomes effective.
438
439 e. In the event an appraisal reports a decrease in fair market rent, a lessee
440 may petition or the City Manager may recommend to ~~the~~ Council a
441 reduction in the lease rate. ~~The~~ Council may approve a reduction if it
442 determines via resolution that such reduction corresponds with the
443 appraised fair market rent and ~~and the reduction~~ is in the City's best
444 interest.
445
446 f. Each year, the City will select and retain an appraiser to appraise all
447 leased parcels City-owned property due for appraisals in that year. The
448 City will have sole discretion to select the appraiser and ~~shall bears~~ the
449 cost of the appraisal.
450

451 18.08.110 Options to renew.
452

- 453 a. Leases may contain no more than two options to renew ~~for renewal~~ and
454 each option must be for less than 25% of the length of the initial lease
455 term.
456
457 b. A lessee may not exercise an option to renew unless the City Manager
458 determines that the lessee is in full compliance with the terms of the
459 lease at the time of renewal.
460

- 461 c. A lessee whose initial lease and all options have expired shall have no
462 automatic right of further renewal or extensions.
463

464 18.08.120 Improvements.
465

- 466 a. Except as otherwise provided in the lease agreement, construction of
467 improvements shall take place only after review and approval of the
468 construction plans by the City Manager and only after all applicable
469 permits have been secured and legal requirements are secured met.
470
- 471 b. ~~Any improvements not consistent with not included in~~ the lease
472 agreement or improvements that are inconsistent with or deviate from
473 those permitted in the lease agreement must be approved by Council via
474 resolution. Council ~~and shall only be considered~~ approve such
475 improvements upon recommendation by the City Manager and after
476 review by the Port and Harbor Commission, the Homer Advisory
477 Planning Commission, and any other ~~advisory~~ commission determined
478 to be appropriate by the City Manager. Inconsistent improvements may
479 be approved if the proposed changes to the improvements promotes
480 serves the City's best interest and/or when changes are necessary due to
481 relevant changes in industry or the local economy changes or a change
482 in economic conditions within the city [HCW6].
483
- 484 c. All improvements constructed upon leased property become the
485 property of the City upon termination of the lease unless otherwise
486 provided in the lease agreement or agreed to by the parties in writing.
487
- 488 d. Lessee shall be responsible for all ~~municipal property taxes, including~~
489 property taxes on the leasehold interest in the real property and
490 improvements and any sales tax on rent payments. ~~on the leasehold~~
491 ~~interest in the real property and improvements and sales taxes on the~~
492 ~~rent payments~~ [HCW7].
493

494 18.08.130 Lease renewal.
495

- 496 a. ~~The Council, upon written after reviewing a recommendation from by the~~
497 ~~City Manager, may approve exempt~~ the renewal of a lease ~~without~~
498 requiring from competitive bidding if Council finds such exemption
499 serves the City's best interests. ~~based upon the City Manager's~~
500 ~~recommendation and when Council finds that it is in the best interest of~~
501 ~~the City to enter into a new lease agreement with the current lessee~~
502 without submitting the lease renewal to competitive bidding.

- 503
- 504 b. ~~If the current~~ lessee seeking to enter into a new lease with the City
- 505 exempted from competitive bidding under this section is interested in
- 506 entering into a new lease agreement under this section, the lessee must
- 507 issue submit a lease application and a written request for a new lease ~~in~~
- 508 writing to the City Manager at least 12 months but no more than 18
- 509 months prior to the expiration of the existing lease ~~and submit a formal~~
- 510 ~~lease application for evaluation by the City Manager~~[HCW8]. The City
- 511 Manager shall notify Council of new lease requests under this section.
- 512 The City will review the application but is under no obligation to enter
- 513 into a new lease.
- 514
- 515 c. If ~~the~~ Council approves the new lease without a competitive process, it
- 516 must do so by resolution within six months of the date the lease
- 517 application is filed with the City.
- 518
- 519 d. Council shall consider the following factors when determining whether
- 520 to exempt a lease from competitive bidding under this subsection:
- 521
- 522 1. ~~The~~ Lessee's past capital investment and binding commitment to
- 523 future capital investment;
- 524
- 525 2. ~~The~~ Lessee's financial condition and prior lease history;
- 526
- 527 3. The number of persons employed and the prospect for future
- 528 employment;
- 529
- 530 4. Tax revenues and other financial benefits to the City anticipated in
- 531 the future if the lease is renewed;
- 532
- 533 5. Consistency of ~~the~~ past use and intended future use with all
- 534 applicable laws, including land use codes and regulations, the
- 535 Comprehensive Plan, and Overall Economic Development Plan;
- 536
- 537 6. Other opportunities for use of the property that may provide greater
- 538 benefit to the City; and,
- 539
- 540 7. Other social, policy, and economic considerations as determined by
- 541 ~~the~~ Council.
- 542

543 18.08.140 Sublease.

544

- 545 a. City property may be subleased if expressly permitted in the lease
546 agreement and approved in writing by Council.
- 547
- 548 b. Except as provided otherwise in the lease agreement, all subleases must
549 be in writing, ~~and~~ executed by the parties, and approved by Council after
550 a recommendation is provided by the City Manager.
- 551
- 552 c. Approval must be granted prior to occupancy of the leased premises by
553 ~~a~~the sub-tenant.
- 554
- 555 e. ~~LA~~lessee shall be assessed additional rent, equal to at least 10 percent
556 of the current rent for the subleased area, upon approval of a sublease.
- 557
- 558 f. Subleasing shall not be used ~~as a method to accomplish the to~~ transfer
559 ~~substantially all of a leasehold interest of interest in the entire~~
560 ~~leasehold~~[HCW9].
- 561
- 562 g. All subleases must comply with all ~~relevant applicable~~ federal, state, and
563 local laws.
- 564

565 18.08.150 Early ~~termination~~[HCW10].

566

567 Except as provided otherwise in the lease agreement, Council shall approve the
568 termination of a lease for failure to comply with the lease terms. The City
569 Attorney shall be consulted prior to ~~the~~ termination of a long-term lease ~~for~~
570 ~~failure to comply with lease terms~~. The City Manager ~~may only terminate shall~~
571 ~~seek approval of termination a lease for failure to comply with the lease terms~~
572 ~~after receiving Council approval to do so. The City Manager shall seek approval~~
573 ~~to terminate under this section in from Council in~~ executive session. The name
574 of lessee and description of the leased property shall not be included in any
575 public notices or documents circulated ~~by the City~~ unless and until Council
576 approves termination of the lease under this section. The City Manager shall
577 notify a lessee in writing that Council will be considering termination of the lease
578 ~~in executive session~~ and provide the date, time, and place of the ~~meeting at~~
579 ~~which Council will consider such termination, executive session~~. Lessee may
580 waive the right to confidentiality under this section and request ~~that~~ Council
581 hold its discussion ~~of termination~~ in public. This section shall not prevent the
582 City from sending lessee, or other parties with an interest in the lease,
583 notifications ~~and~~/or correspondence related to the lease or lessee's compliance
584 with its terms.

585

586 18.08.160 Assignment.

- 587
- 588 a. Except as provided in the lease agreement, Council must approve the
- 589 assignment of a lease to another party.
- 590
- 591 b. Except as otherwise provided in this subsection ~~and subject to the terms~~
- 592 ~~of~~ the lease agreement, the City Manager must make a determination
- 593 that a lessee is in full compliance with a lease before an assignment will
- 594 be effective. The City Manager may, in his or her sole discretion, enter
- 595 ~~into an agreement with an assignor or an assignee~~ consenting to
- 596 assignment ~~of a lease where lessee is in full compliance with the lease~~
- 597 ~~terms except for payments owed so long as assignor and/or assignee~~
- 598 ~~agree in writing to pay the full amount owed within 90 days of the~~
- 599 ~~assignment. An assignment shall not be effective and shall constitute~~
- 600 ~~default by lessee if full payment is not received within 90 days of the~~
- 601 ~~assignment[HCW11]. conditional upon payment of any outstanding~~
- 602 ~~amount due under the lease no more than 90 after assignment.~~
- 603
- 604 c. Except as otherwise provided in the lease agreement, if the lessee is
- 605 in good standing and eligible to assign the lease, the following
- 606 procedures apply:
- 607
- 608 1. The lessee shall file a written request for assignment and a complete
- 609 new lease application to the City Manager;
- 610
- 611 2. The City Manager shall review the request and assignment new lease
- 612 application document(s) and determine whether the proposed
- 613 assignee is qualified under this chapter and the assignment is in the
- 614 City's best interests;
- 615
- 616 3. The City Manager shall make a recommendation on the assignment
- 617 to Council for final action; and
- 618
- 619 ~~4. The Council shall approve or deny the request for assignment via~~
- 620 ~~resolution.~~
- 621 ~~4.~~
- 622
- 623 ~~5.~~
- 624 6.5 Assignment[HCW12][RK13] of long-term leases on the Homer Spit or
- 625 within the Marine Commercial or Marine Industrial zoning districts
- 626 shall be reviewed by the Port and Harbor Advisory Commission prior
- 627 to submission to Council for approval. Except as otherwise provided
- 628 in a specific the lease agreement, assignment of all other long-term

leases shall be reviewed by the Homer Advisory Planning Commission ~~for recommendations~~ prior to Council approval.

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

18.08.170 Insurance.

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

671
672 18.08.175 Exception-leasing to government entities.
673

- 674 a. Except as otherwise prohibited by law, leases to federal or state
675 government entities or political subdivisions or agencies of the State of
676 Alaska or the United States may be exempted from this chapter, upon a
677 finding by Council that it is in the City's best interest to do so, ~~exempted~~
678 ~~from the requirements of this chapter~~.
679
680 b. The City may lease real property to the United States, the State of Alaska,
681 a political subdivision of the State, or an agency of any of these entities,
682 for ~~consideration agreed upon between the parties for~~ less than fair
683 market rent if ~~the~~ Council determines ~~that the lease or license it~~ is in the
684 City's best interest to do so.
685

686 18.08.180 Assessments – Capital improvement projects.
687

- 688 a. ~~A~~Lessees of City property shall pay all real property special assessments
689 levied and assessed against the property to the full extent of installments
690 billed during the lease term ~~of the lease~~.
691
692 b. In the event the City completes a capital improvement project which
693 directly benefits the leasehold property and no local improvement
694 district is formed to pay the cost thereof that project, the City may, in
695 its sole discretion, impose, and the lessee shall pay as additional rent,
696 the leasehold property's proportionate share of the cost of the
697 improvement project. The amount of additional rent imposed annually
698 by the City under this subsection shall not exceed the amount which
699 would have been payable annually by the lessee if a local improvement
700 district had been formed which provided for installment payments on a
701 schedule and bearing interest at rates typical of other local improvement
702 districts of the City for that type of capital improvement.
703

704 18.08.190 Connection to utilities.
705

706 Lessees of City real property shall connect to City utilities and bear all costs of
707 connections and adhere to all applicable local, State and Federal regulations.
708 Connections to newly installed City utilities shall be made as soon as possible
709 after completion.
710

711 18.08.195 Processing and filing fees.
712

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:

Mary K. Koester, City Manager

Holly Wells, City Attorney

755
756

Date:_____

Date:_____



Memorandum

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:

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

Recommendation

Postpone Public Hearing and Second Reading until 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
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:

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

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:

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

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

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

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

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

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

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

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

“Surveyor” means a registered professional land surveyor.

18.08.020 Land Allocation Plan-property available for lease.

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

- b. The City administration shall maintain a list of all City-owned properties authorized for lease by Council. This list shall be adopted annually and contain the information required under this chapter. The list may be called the Land Allocation Plan and will be made available to the public at the City Clerk's office.
- c. Council shall adopt a Land Allocation Plan that identifies:
 - 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. 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.

- 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;

251 5. The location of the property; and

253 6. Alternative valuation methodologies as negotiated by both parties.

255 18.08.065 Lease application and proposal documents.

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:

260 1. A Property Improvement Plan with information regarding planned improvements by
261 lessee, including schedule for commencement and completion of proposed
262 improvements.

264 2. A survey of the property subject to the proposed lease; and/or

266 3. If only a portion of a lot is to be leased, a subdivision plat.

268 18.08.070 Notice to award.

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.

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.

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.

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.

- e. If the Council adopts the City Manager's recommendation, the City Manager shall negotiate with the winning applicant and present a final lease to the Council for approval. A Notice to Award is conditional upon the City Manager's successful negotiation of a final written lease consistent with the terms upon which the award was based.
- 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 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 an 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 bidder and submit a new recommendation for award to Council and Council may approve the award of the proposal to that recommended 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 proposal is generally in the public interest and will help to establish fair market rent using current market forces.
- c. The Council may establish a minimum rent or "asking price." It may set a minimum rent at an amount equal to or higher than the estimated "fair market rent" if it finds that it is in public interest to do so. It may set uniform rental rates for a class of similar properties that remain available for leasing after the conclusion of a competitive lease offering.
- d. Except as provided in HCC 18.08.175, Council may approve a lease of City land for less than fair market rent only if the motion approving the lease contains a finding that the lease is for a valuable public purpose or use, and a statement identifying such public purpose or use.

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

18.08.080 Lease execution and final approval.

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

18.080.090 Development and use.

- a. All leases must require the lessee to comply with applicable zoning, parking, sign, flood, and other pertinent local ordinances and state and federal statutes and regulations.
- 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 or requirements under a lease. Each additional structure or significant improvement shall require an additional or updated as-built. All surveys are to be provided by the lessee at their expense.
- c. Except as provided otherwise in the lease agreement, at the time each as-built 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.

- 374
375 e. The City may require a lease of City-owned property to be secured by any means that
376 meet the City's best interest, including without limitation, a security deposit, surety
377 bond or guaranty.

378
379 18.08.100 Appraisal.

- 380
381 a. An appraisal of the fair market rent of the property will be required before the final
382 approval of a lease and at the time of review and renewal.
383
384 b. The requirement of an appraisal may be waived at the discretion of the City Manager
385 for short-term leases.
386
387 c. All leased properties shall be appraised every five years from the effective date of the
388 lease.
389
390 d. Except as otherwise provided under this section or in a specific lease, lease rates shall
391 be increased on the anniversary of the lease effective date to reflect property appraisal
392 values. A lessee shall be notified of any increase in the appraised value of the property
393 at least 30 days before the increased rental rate becomes effective.
394
395 e. In the event an appraisal reports a decrease in fair market rent, a lessee may petition
396 or the City Manager may recommend to the Council a reduction in the lease rate. The
397 Council may approve a reduction if it determines via resolution that such reduction
398 corresponds with the appraised fair market rent and the reduction is in the City's best
399 interest.
400
401 f. Each year, the City will select and retain an appraiser to appraise all leased parcels due
402 for appraisals in that year. The City will have sole discretion to select the appraiser and
403 shall bear the cost of the appraisal.
404

405 18.08.110 Options to renew.

- 406
407 a. Leases may contain no more than two options for renewal and each option must be
408 for less than 25% of the length of the initial lease term.
409
410 b. A lessee may not exercise an option to renew unless the City Manager determines that
411 the lessee is in full compliance with the terms of the lease at the time of renewal.
412
413 c. A lessee whose initial lease and all options have expired shall have no automatic right
414 of further renewal or extensions.
415

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 and legal requirements are secured.
- b. Any improvements not consistent with the lease agreement must be approved by Council via resolution and shall only be considered upon recommendation by the City Manager and after review by the Port and Harbor Commission, the Planning Commission, and any other advisory commission determined to be appropriate by the City Manager. Inconsistent improvements may be approved if the changes to the improvements promotes serves the City's best interest and/or when changes are necessary due to industry changes or a change in economic conditions within the city.
- c. All improvements constructed upon leased property become the property of the City upon termination of the lease unless otherwise provided in the lease agreement or agreed to by the parties in writing.
- d. Lessee shall be responsible for all municipal property taxes on the leasehold interest in the real property and improvements and sales taxes on the rent payments.

18.08.130 Lease renewal.

- a. The Council, after reviewing a recommendation from the City Manager, may approve the renewal of a lease without requiring competitive bidding based upon the City Manager's recommendation and when Council finds that it is in the best interest of the City to enter into a new lease agreement with the current lessee without submitting the lease renewal to competitive bidding.
- b. If the current lessee is interested in entering into a new lease agreement under this section, the lessee must issue a request for a new lease in writing to the City Manager at least 12 months prior to the expiration of the lease and submit a formal lease application for evaluation by the City Manager. The City Manager shall notify Council of new lease requests under this section. The City will review the application but is under no obligation to enter into a new lease.
- c. If the Council approves the new lease without a competitive process, it must do so by resolution within six months of the date the lease application is filed with the City.
- 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. 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 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 the sub-tenant.
- e. 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 transfer of interest in the entire leasehold.
- g. All subleases must comply with all relevant federal, state, and local laws.

18.08.150 Early termination.

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

18.08.160 Assignment.

- a. Except as provided in the lease agreement, Council must approve the assignment of a lease to another party.
- b. Except as otherwise provided in this subsection and subject to the terms of the lease agreement, the City Manager must make a determination that a lessee is in full compliance with a lease before an assignment will be effective. The City Manager may enter into an agreement with an assignor or an assignee consenting to assignment conditional upon payment of any outstanding amount due under the lease no more than 90 after assignment.
- c. Except as otherwise provided in a lease agreement, if the lessee is in good standing and eligible to assign the lease, the following procedures apply:
 1. The lessee shall file a written request for assignment and a new lease application to the City Manager;
 2. The City Manager shall review the request and assignment document(s) and determine whether the proposed assignee is qualified under this chapter and the assignment is in the City's best interests;
 3. The City Manager shall make a recommendation on the assignment to Council for final action; and
 4. The Council shall approve or deny the request for assignment via resolution.
 5. Assignment of long-term leases on the Homer Spit or within the Marine Commercial or Marine Industrial zoning districts shall be reviewed by the Port and

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

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

e. Where a lessee intends to assign the lease as part of a sale of the business located on the lease 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.

18.08.170 Insurance.

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

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

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

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

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

18.08.175 Exception-leasing to government entities.

- 583
- 584 a. Except as otherwise prohibited by law, leases to federal or state government entities or
- 585 political subdivisions or agencies of the State of Alaska or the United States may be,
- 586 upon a finding by Council that it is in the best interest to do so, exempted from the
- 587 requirements of this chapter.
- 588
- 589 b. The City may lease real property to the United States, the State of Alaska, a political
- 590 subdivision of the State, or an agency of any of these entities, for consideration agreed
- 591 upon between the parties for less than fair market rent if the Council determines that
- 592 the lease or license is in the City's best interest.
- 593

594 18.08.180 Assessments – Capital improvement projects.

595

- 596 a. A lessee of City property shall pay all real property special assessments levied and
- 597 assessed against the property to the full extent of installments billed during the term of
- 598 the lease.
- 599
- 600 b. In the event the City completes a capital improvement project which directly benefits
- 601 the leasehold property and no local improvement district is formed to pay the cost
- 602 thereof, the City may, in its sole discretion, impose, and the lessee shall pay as
- 603 additional rent, the leasehold property's proportionate share of the cost of the
- 604 improvement. The amount of additional rent imposed annually by the City under this
- 605 subsection shall not exceed the amount which would have been payable annually by
- 606 the lessee if a local improvement district had been formed which provided for
- 607 installment payments on a schedule and bearing interest at rates typical of other local
- 608 improvement districts of the City for that type of capital improvement.
- 609

610 18.08.190 Connection to utilities.

611

612 A lessee of City real property shall connect to City utilities and bear all costs of connections and

613 adhere to all applicable local, State and Federal regulations. Connections to newly installed

614 City utilities shall be made as soon as possible after completion.

615

616 18.08.195 Processing and filing fees.

617

618 Fees for lease applications, lease fees, sublease and assignment fees, and other related fees

619 shall be established by Council by resolution. Failure to pay fees owed may result in the

620 rejection of a lease application or denial of renewal, assignment or sublease.

621

622 Section 2: This ordinance is of a permanent and general character and shall be included

623 in the Homer City Code.

624

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS __ DAY OF _____, 2018.

CITY OF HOMER

BRYAN ZAK, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Holly Wells, City Attorney

Date:_____

Date:_____



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: PORT AND HARBOR ADVISORY COMMISSION

FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: MAY 15, 2018

SUBJECT: TRAVEL LIFTS

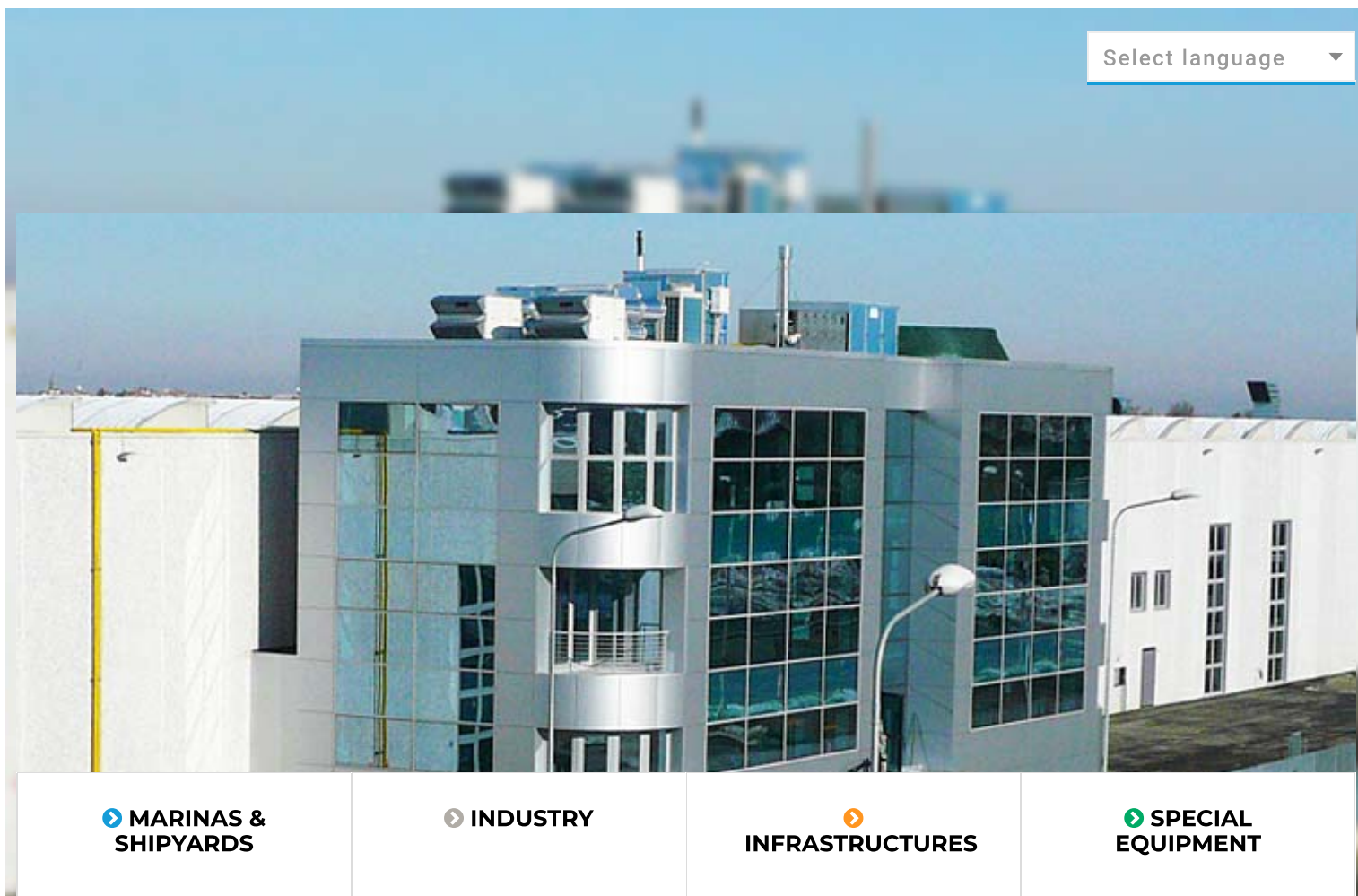
Commissioner Carroll provided the following photo of a 200 ton Travel Lift constructed by the Italian company, ASCOM that was mentioned at the April 25, 2018 meeting and a printed page of their "About Us" page of the website noted below.

Commissioner Carroll will be providing additional information as a laydown at the meeting however commissioners may find information on the company at the following link:

<https://www.ascom-italy.it/>

Recommendation

Informational in Nature. No Action Requested



 **MARINAS & SHIPYARDS**

 **INDUSTRY**

 **INFRASTRUCTURES**

 **SPECIAL EQUIPMENT**

ABOUT US

ASCOM S.p.A., a family owned Company established in 1972 by Mr. Gianfranco Schedoni, is located in Formigine, near Modena in the North of Italy.

The Company philosophy is focused on Customer's satisfaction; the staff commitment, ISO 9001:2008 Quality System procedures ensure the highest standards of product quality and an excellent long lasting relationship with our Clients.

Our Company specializes in the manufacture of lifting equipment for the Marine and Industrial sectors offering a wide range of both

ASCOM has more than 30 years of experiences, an international sales network and a worldwide Client portfolio including many Countries in

standard catalog products and
customized equipment,
manufactured according with Client
technical specifications.

Boat Hoists

Straddle Carriers and Gantry Cranes

Overhead Travelling Cranes

Special Equipment

Lifting Equipments integrated in
processing lines

all Continents:

Europe / Russia

North, Central and South America

Far East

Middle East

Africa

Australia-New Zealand



[ASCOM S.p.A.](#)

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Formigine (MO)

Tel: (+39) 059 558038

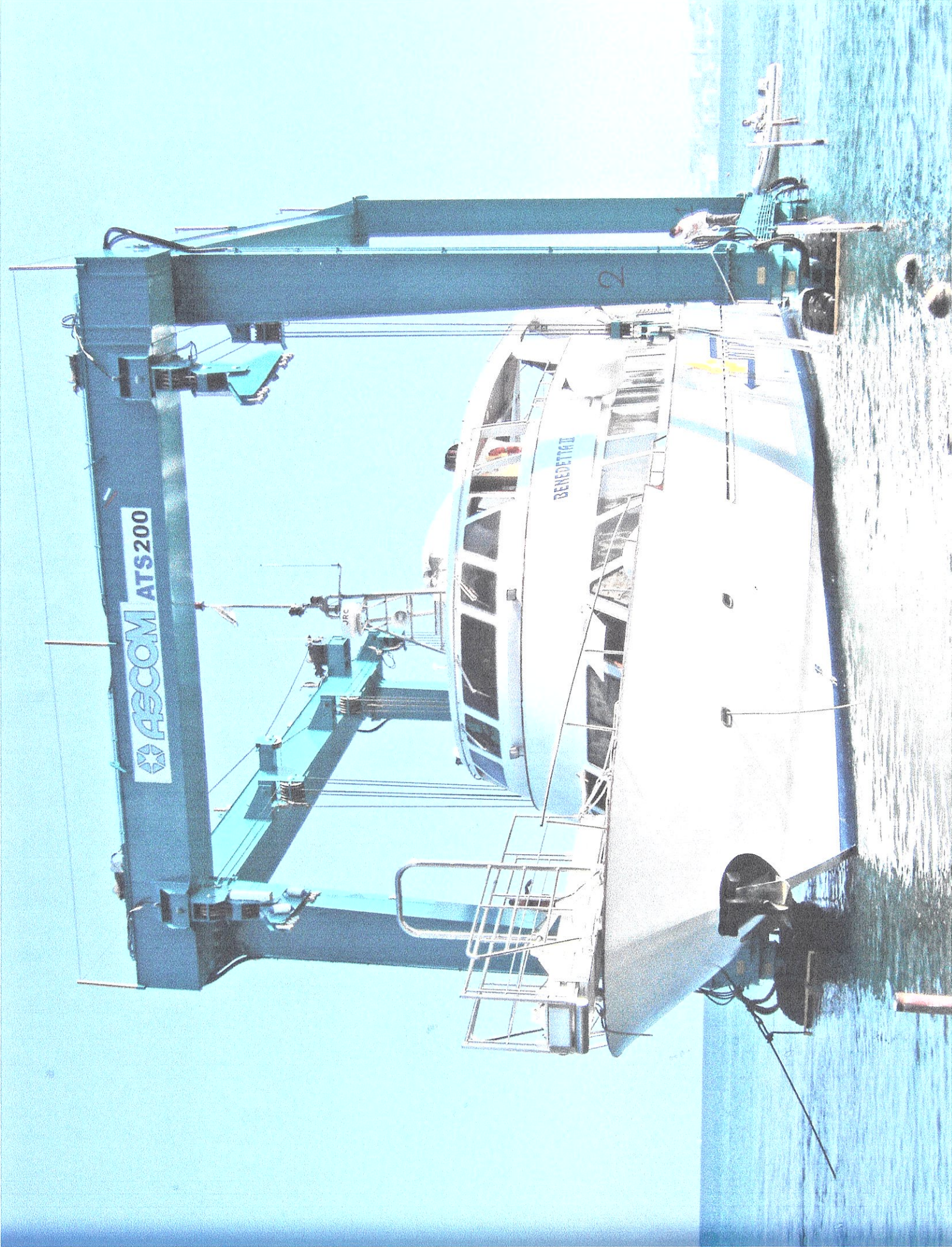
Fax: (+39) 059 7409103

E-mail: info@ascom-italy.it

[Made in Krescendo](#)

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City of Homer

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Memorandum

TO: PORT AND HARBOR ADVISORY COMMISSION
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: MAY 15, 2018
SUBJECT: ADA COMPLIANCE REPORT – REVIEW AND DISCUSSION

Following is the information on the ADA Compliance Report for the Harbor Facilities.

The commission can review the information contained and discuss recommendations to implement.

City of Homer Port and Harbor Accessibility Site Survey Final Report



The following report contains the findings and recommendations of the ADA Site-Survey performed at the City of Homer Alaska - Port and Harbor Facilities.

Date of on-site assessment: August 15, 2017

Date of report: January 30, 2018

Assessment Performed and Report

Submitted by: David Barton

dbarton@uw.edu | www.nwadacenter.org

Northwest ADA Center, Center for Continuing Education in Rehabilitation

Department of Rehabilitation Medicine

University of Washington

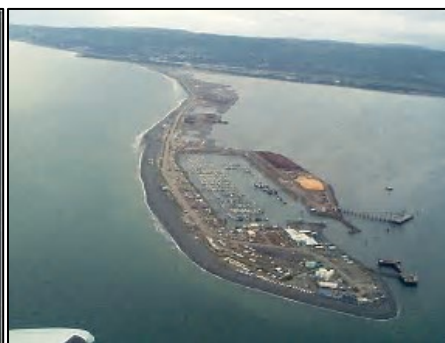
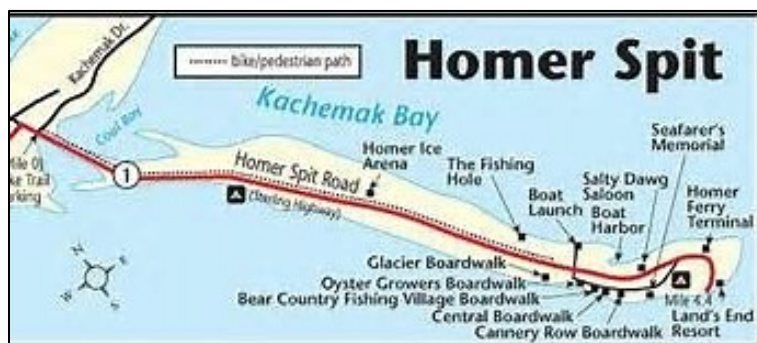
6912 220th St SW Suite 105, Mountlake Terrace, WA 98043

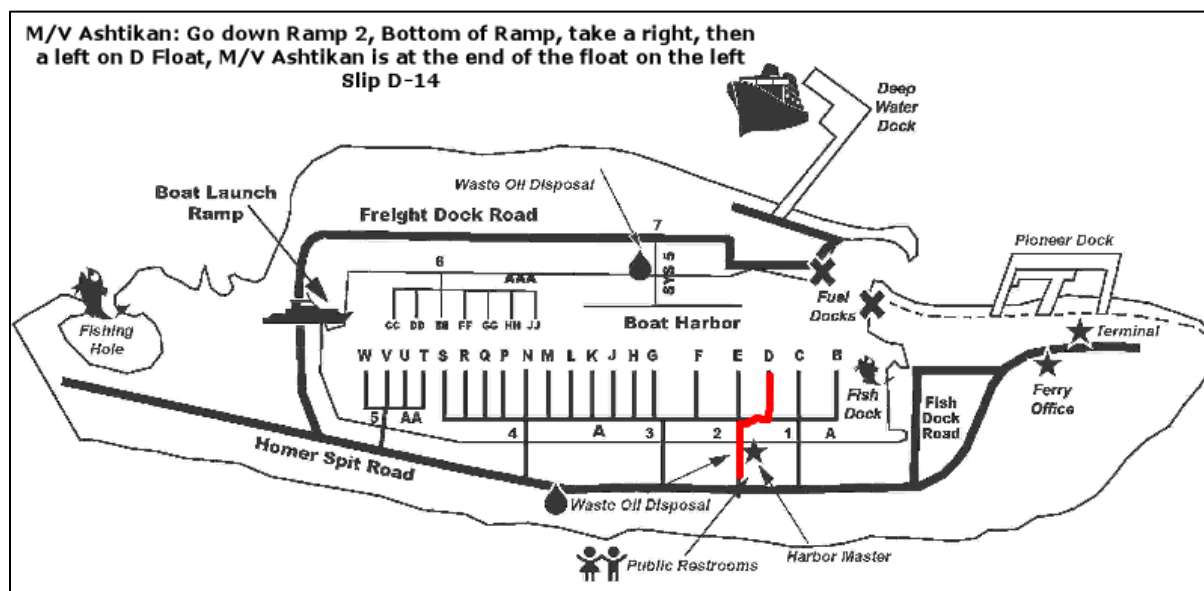
(425) 774-4446 or (800) 949-4232

Submitted to: Melissa Jacobsen, MMC

City Clerk - ADA Coordinator

City of Homer, Alaska





Purpose of the accessibility assessment – The primary purpose of this accessibility evaluation was to review the accessibility features of the primary function areas of the recreational boating and fishing facilities from the perspective of individuals with disabilities who are customers or guests of the Port and Harbor. *The interior sections of the restroom facilities were not formally evaluated in this report.*

Building elements were assessed for compliance with *either the 1991 ADA Standards for Accessible Design, 28 CFR 36, as revised July 1, 1994, or the 2010 ADA Standards for Accessible Design, 28 CFR part 36, as revised Sept 15, 2010.*

Assessment Standards

The 1991 Standards apply to existing elements, which includes some of the Port and Harbor structure, while the 2010 Standards apply to construction changes started after March 15, 2012. During the period from September 15, 2010 to March 14, 2012, projects could follow either the 1991 or 2010 Standards.

Thus while the 1991 Standards formed the basis for some of this assessment, any recommendations for change in this report will necessarily follow the 2010 Standards and refer to their identifying numbers, since they now govern accessibility. The Department of Justice website for the 2010 Standards is available at http://www.ada.gov/2010ADASTandards_index.htm

Reports Lists Mostly Areas of Concern

An accessibility assessment necessarily focuses on compliance with the ADA Standards. The report will note mostly those features which do not meet required ADA Standards, and each will have a priority assigned to it by the review team. It is easy to overlook the harbor and port's many accessible features when reading a report listing the remaining issues.

This assessment was conducted on August 15, 2017 by NW ADA Center staff who reviewed, measured, and photographed the sections of the areas likely to be used by patrons and visitors of the Port and Harbor.

Using the Accessibility Summary Sheet Report

The comments note only features that are out of compliance, a recommendation for changes or fixes and reference the specific ADA Standard that applies. A recommendation on the priority for change uses a three point scale, where 1 = most important, or, easily changed; 2 = important; and 3 = less important. A priority of “3” doesn’t mean ignore this issue, and hopefully it will rise to the top of your list of “to do’s” as other changes are accomplished.

The ADA uses the term “Equivalent Facilitation” to note that approaches other than those offered in the 1991 or 2010 Standards may still meet the requirements.

Primary Function Areas Reviewed

- BOAT LOAD & LAUNCH RAMP
- VEHICULAR PARKING AND PRIMARY PATH-OF-TRAVEL
- HARBOR AND PORT OFFICE
- TRANSIENT / RESERVED MOORAGE
- BENCHES AND VIEWING AREAS
- PIONEER DOCK SHELTER & STAGING AREA
- ICE AND BAIT AUTOMATED MACHINES
- DISPOSAL SHEDS - USED OIL, FILTERS, BATTERIES, SOLVENTS & OILY RAGS
- FISH CLEANING STATIONS/TABLES
- NICK DUDIAK FISHING HOLE LAGOON

ADDITIONAL RECOMMENDATIONS AND CONSIDERATIONS:

- Develop, publish, and make available information regarding:
 - ü The locations of the designated accessible features for the primary function areas (including all their amenities) and loading zone(s); as well as, any other additional harbor facility accessibility-related information for patrons, tourists, and the general public.
 - ü Organizational notices, policies, and procedures for receiving and processing a specific ADA disability-related request and/or complaint including the H&P staff person’s name and/or position with direct contact information.
 - ü Training staff personnel on new policies and procedures as well as respectful interactions and awareness of all types of guests and customers. Your guest’s and customer’s experience with staff are just as important as the place itself.
- Improve overall directional information and wayfinding experiences throughout the facility. A good wayfinding system will aid successful decision-making and clear recognition of pathways and destinations for individuals with disabilities. There are several components to consider to improve your tools of good wayfinding to support spatial orientation and cognitive mapping:

- ü Some individuals are cognitively focused so they rely on maps and written instructions.
- ü Some responds to verbal communications, where your staff or another guest explains directions verbally.
- ü Others responds to visual cues such as landmarks, colors, texture, and recognizable features.
- ü Some retain understanding primarily through personal interaction with people or from discovery method (a method of *problem solving a situation where a learner draws from his/her own experience through interactions with environment by exploration and performing tasks independently*).

Recommend designating and clearly marking the locations for accessible boat slips and a boat boarding/loading zone as near to RAMP 3's pedestrian point-of-arrival. Clearly marking these areas and paths-of-travel will assist in efficient way-finding and promote clearer communications and utility for any tourism charter captain or private boat operator whom needs to connect and efficiently board a party with an individual with a disability. The individual with the mobility or sensory impairment who may not be familiar with the facility should be able to readily access this type of information and quickly upon arrival locate the accessible slip areas or boarding/loading zone in an efficient manner. Recommend marking or painting some kind of easily recognizable mural or image (ex. harbor logo, halibut image, etc.) right on the dock at the boarding/loading zone area. Consider enhancing the way-finding path-of-travel features more by painting a blue stripe and/or adding an additional surface texture leading from the bottom of RAMP 3 to this load zone.

In summary, the following overall suggestions are helpful in developing an understandable and welcoming environment for all your guests:

- § Use consistent graphics, color, logos.
- § Create a user-friendly hand-held gallery tour guide or map, repeat map in lobby directories or other areas as necessary.
- § Clearly identified accessible routes and point of entry.
- § Train all staff in giving directions – the same way to the same place especially for people who need more descriptive information (e.g. someone who is low vision/blind, etc.).
- § Use clear symbols and icons to bridge language barriers.
- § Provide clear, concise, and consistent signs that have strong contrast and visibility.
- § Use lighting to feature landmarks.

Questions? Concerns?

Please feel free to ask for clarification of any finding or recommendation in this report. And thank you once again for your continuing interest in making the Homer Port and Harbor facilities become accessible to all of its operators, guests, visitors, and staff.

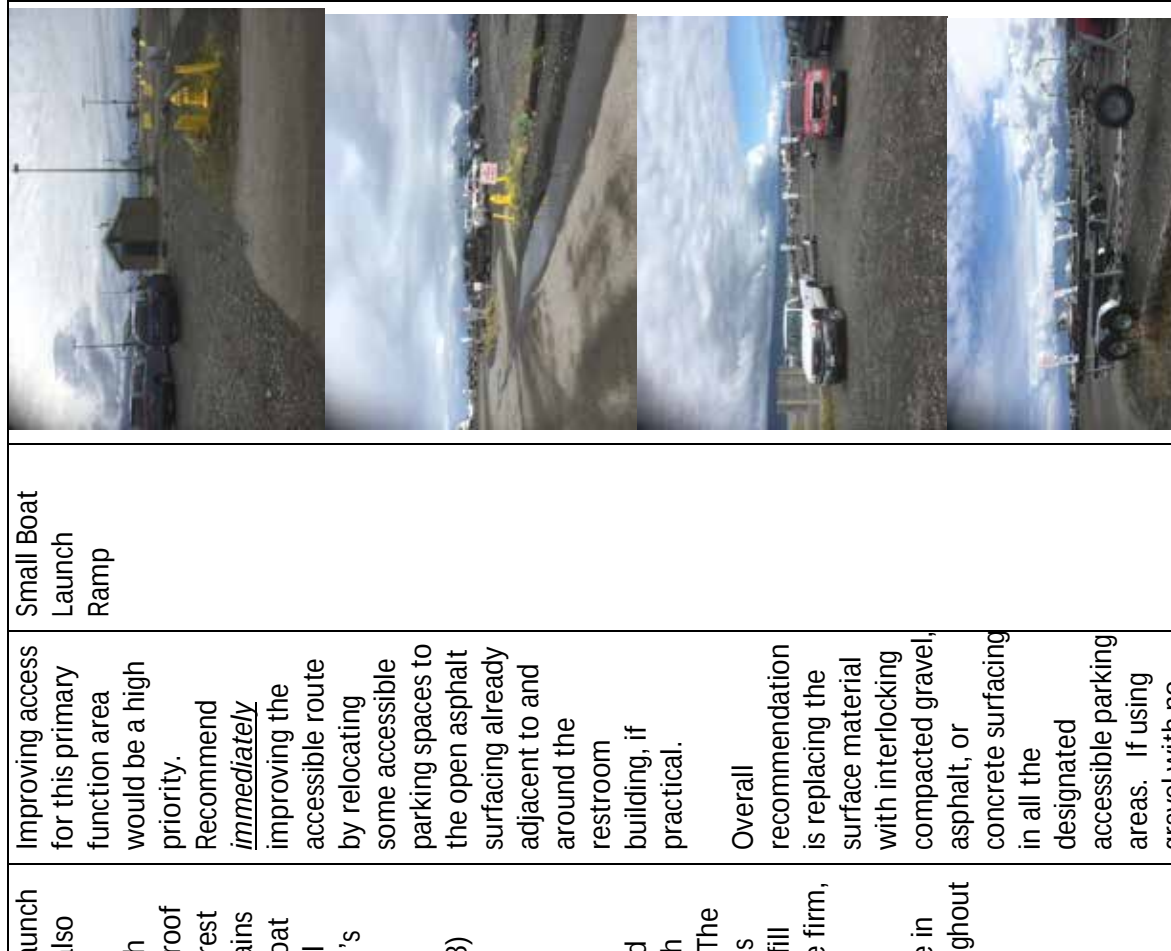
ACCESSIBILITY SUMMARY SHEET (Part 1)

Facility Name: City of Homer	Date of Assessment: 08/15/2017
BUILDING/AREA(s): Note: Port and Harbor including harbor and port office, transient/reserved moorage, parking, path of travel, benches, viewing areas, pioneer dock shelter, boat load/launch ramp, ice and bait automated machines, disposal sheds, fish stations, Nick Dudiak fishing hole lagoon. <i>(Interior bathrooms' access not included within this summary)</i>	
Team Member(s) Performing the Assessment(s): University of Washington, NW ADA CENTER STAFF	

The area(s)/Building(s) listed above were found to meet the 2015 Accessibility Checklist and the 2010 ADA Standards for Accessible Design except for the following:

CHECKLIST PAGE/NO. OR 2010 ADA STANDARD SECTION NUMBER	ACCESSIBILITY ISSUE	COMMENTS/ SUGGESTIONS	BUILDING NUMBER AND LOCATION OR OTHER IDENTIFIER	PICTURE/IMAGE	PRIORITY	TIMING	COST
307.2 Protruding Objects	Protruding element 4" or greater at doorways or dominant path of travel.	Eliminate shelf to provide clear floor space to approach in opening the door.	Harbor/Port Office		1		
305 Clear Floor or Ground Space	Clear passage into doorway is obstructed due to protruding element.	Provide a clear floor space of at least 30" by 48" for either forward or parallel					

703.4.1 Installation and Location	Exterior Notification Board: Too high for visibility for anyone using a wheelchair	For greater access, lower access to bottom edge of the information boards to 48" to 60" maximum.					
904.4 Sales and service counters	Accessible sales and service counter is clustered with multiple items rendering the purpose of its design moot.	Provide clear surface counter that can be utilized by providing accessible counter with a surface area of 30" width in the dominant section of service counter. Provide a chair for patrons in case standing for longer period is a challenge.					

302 Floor or Ground Surfaces	The Small Boat Launch area parking lot also serves accessible restrooms, a trash dumpster, and a roof covered lookout rest shelter that contains the Kid's Don't Float Program Personal Floatation Device's storage.	Improving access for this primary function area would be a high priority. Recommend <u>immediately</u> improving the accessible route by relocating some accessible parking spaces to the open asphalt surfacing already adjacent to and around the restroom building, if practical.	Small Boat Launch Ramp		1
403 Walking Surfaces	There are eight (8) signed accessible parking spaces designated for individuals with disabilities (4) and their vehicles with boat trailers (4). The surface material is loose gravel and fill which may not be firm, stable, and slip resistant or have additional change in level issues throughout a season.	Overall recommendation is replacing the surface material with interlocking compacted gravel, asphalt, or concrete surfacing in all the designated accessible parking areas. If using gravel with no painted lines; consider adding			
502.2; 502.3 502.6 Accessible Parking Dimensions					

		additional signage to designate the access aisle's portion of each accessible parking space to ensure these paths-of-travel remain open and clear.				
502.2, 502.3 502.6 Accessible Parking Dimensions	There are four (4) additional designated accessible parking spaces - two have a wood log barrier separation from the main path of travel to Ramp 3.	For greater access, provide additional accessible parking spaces located nearest to this specific dock access point. Consider	Parking and Path of travel (RAMP 3) Note: RAMP 3 is centrally located to serve the			

403.5.3 Clear Widths and Slopes for Walking Surfaces	Almost all accessible spaces are located within gravel lots. At least one accessible parking space has been designated for each primary function area (including restrooms, fish cleaning tables, ramp(s) access, harbor office, etc.).	providing at least 5% or greater accessible parking stalls. Walking and floor surfaces must be firm, stable, and slip resistant. Provide access aisle and curb ramp with smooth transition to connect onto the accessible pathway to meet minimum accessible parking compliance.	most amount of tourism foot traffic and access to all the diverse boat class slips available.				
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502.2; 502.3 502.6 Accessible Parking Dimensions	Undetermined total number of spaces. Parking space areas are located in gravel and fill surface lots with no clear ground marking delineations or documentation of all areas.	Designate accessible parking spaces that serve a primary function areas that is connected with an even, stable, firm, and slip resistant surface.	Parking and Path of travel (Small Boat Launch area)		1		
302 Floor or Ground Surfaces	There is a total of 28 accessible parking sign designations located in all the parking lots.	Improve the gravel surfacing and connecting paths of travel at each of these primary function parking areas.					
403 Walking Surfaces		Accessible route or approach must be free of abrupt changes in surface level and should have a circulation					

1003.2 Accessible Routes 1003.2.2 Boarding Piers at Boat Ramps	**Good features**	area of less than 2% in all directions. RAMP 3 is 100ft long and serves as the most accessible pedestrian way for any individual with a mobility challenge to traverse to sea level.	Parking and Primary Path of travel (RAMP 3)	 	1				
302.1 Clear Widths and Slopes for Walking Surfaces 302.3 Ground Floor Surfaces 403.5.3 Clear	Clear floor space and asphalt-to-gravel transition issues. The clear floor space to use the automated parking meter that serves Ramp 3 parking lot can become uneven with foot-traffic use and ongoing weathering due to the asphalt-to-gravel transition.	Accessible route or approach must be free of abrupt changes in surface level and should have a cross slope of less than 2% in all directions. This change-in-level barrier could be easily remedied and likely	Parking and Path of travel (RAMP 3) Automated Parking Meter		1				

		permanently maintained with a little additional asphalt around the base of the meter. In order to facilitate a smooth payment interchange create an even, stable, slip-resistant surface for a forward or side approach by someone using a wheelchair.					
302 Ground and Floor Surfaces	The designated boat launch ramp <i>staging</i> area's surface material is loose gravel and fill.	Provide ground surface that is firm, stable, and slip resistant.	Small Boat Launch Ramp		2		
303 Changes in Surface Level	Note: There is adequate space and accessible surface material provided nearer the top of the launch ramp area as an alternative.	Maintain to ensure changes in level issues do not occur throughout a season. For greatest accessibility, improve the surface material at the currently					

10 | Page

305 Clear Floor or Ground Space	Accessible path of travel and clear floor space for boarding is not provided.	Ensure an accessible path of travel and clear floor space for boarding at each accessible slip. Provide a clear floor space of at least 30" by 48" for either forward or parallel. Modify any pier barriers or edge protection that may hinder access.	Transient/ Reserved Moorage	 	1	
1003.3.1 Boat Slip Clearance	Designated accessible clear opening is not provided.	For every 120 inches (10 ft.) of linear pier edge serving these accessible slips there is a clear opening at least 60 inches wide. Pier barrier and edge protection of 4" high max and 2" wide max				

		must be provided.				
305 Clear Floor or Ground Space	Amenities and program services.	Ensure all the surrounding amenities and services that serve these specific accessible slips are made accessible.	Transient/ Reserved Moorage		2	
308 Reach Ranges		Examples such as water supply facets and hoses, outlets for electricity and cable TV, etc. will require: • Proper clear floor space of at least 30" by 48", • Reach ranges from floor surface of minimally 15" to 48" maximum, • Operating controls shall be operable with one hand and shall not require tight grasping, pinching, or				
309 Operable Parts						



ACCESSIBILITY SUMMARY SHEET (Part 2)

Facility Name: City of Homer	Date of Assessment: 08/15/2017
BUILDING/AREA(s): <i>Note: Port and Harbor including harbor and port office, transient/reserved moorage, parking, path of travel, benches, viewing areas, pioneer dock shelter, boat load/launch ramp, ice and bait automated machines, disposal sheds, fish stations, Nick Dudiak fishing hole lagoon. (Interior bathrooms' access not included within this summary)</i>	
Team Member(s) Performing the Assessment(s): University of Washington, NW ADA CENTER STAFF	

The area(s)/Building(s) listed above were found to meet the 2015 Accessibility Checklist and the 2010 ADA Standards for Accessible Design except for the following:

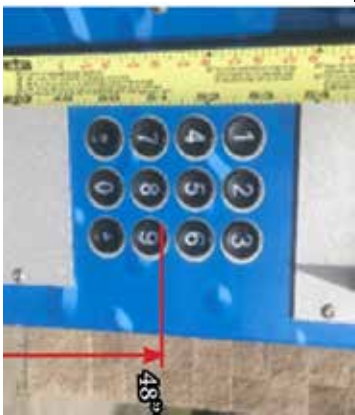
CHECKLIST PAGE/NO. OR 2010 ADA STANDARD S SECTION NUMBER	ACCESSIBILITY ISSUE	COMMENTS/ SUGGESTIONS	BUILDING NUMBER AND LOCATION OR OTHER IDENTIFIER	PICTURE/IMAGE	PRIORITY	TIMING	COST
404.2.7 Door Hardware 309 Operable Parts	Round water spigot control(s).	Replace controls with lever mechanisms	Transient/ Reserved Moorage		2		

606.2 Clear Floor Space	Limited maneuvering or clear floor space.	Provide a clear floor space of at least 30" by 48" for either forward or parallel to access other available amenities like electricity. <i>(NOTE: Cleats or other boat securement devices can be at any height and do not have to comply with reach range requirements.)</i>					
703.4.1 Installation and Location	Informational sign and marking accessible zone/area.	Provide clear markings on all designated accessible slips and loading zone area(s). For example, painting a thin blue line inside the yellow transient moorage area lines or red loading zone lines for easier					

	Information sign and marking accessible Loading/Unloading Zone.	detection and recognition of these accessible areas/features. For the designated accessible loading zone area mount signage and paint an additional blue pattern and/or harbor logo-type image for easy detection on the ground. One suggested purpose to use a logo or selected image is to clearly connect this pattern and image with harbor published resource notification material too. Boating charters and their customers with disabilities along with the general					
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405 Ramp 403 Walking Surfaces	The ramped paths-of-travel to the water line in either two directions have significant barriers being filled with rocks and mud.	Remove washed in material and rocks. Recommend these paths should be scheduled to be checked and cleared at reasonable and regular intervals especially during prime fishing season if this remains a constant maintenance issue to maintain a clear pathway.	Nick Dudiak Fishing Hole Lagoon		1		
405 Ramp	The ramps' slopes were measured every 3-4 feet consistently and measured within ADA compliance for the most part. There were only two sections approximately 3 feet in length in either the North or the South ramp sections that measured beyond the ADA 1:12 standard. Both the South side noncompliant ramp	Ramp running maximum slope must not exceed 8.3%. A curb or barrier protection of at least 4" high horizontal railing is required at the bottom to prevent any wheels from going off the			1		

	sections are located at the very bottom last 9-10 feet.	edge of the ramp.				
308 Reach Range	The Bait Box machine operating controls are too high (52 ½ inches) for proper high reach range clearance of 48 inches above the floor.	If the machine is lowered to accommodate this part of the standard, then it is likely the lower dispensing outlet portion may fall below the lower threshold of the reach range of 15 inches.	Ice Bait and Automated Machines		2	
		Recommend replacing this automated machine with one that does comply with the 2010 ADA Standards in the design and operation of the control mechanisms.				

303 Changes in Surface Level 405 Ramps	Used oil collection sites are located on the uplands at RAMP 2 and RAMP 8 for small quantities of boat generated oil, filters, oily rags, and absorbents. There is no proper accessible route to either shed dumping facilities due mainly to the change in level barriers. RAMP 2 Oil Shed has two steel grated ramps with slopes as steep as 30 degrees with no clear floor space to maneuver or reach any of the three different disposal opportunities. In addition, the ramp and floor grates are not in compliance as they allow passage of a sphere more than 1/2" (13 mm) diameter through a grate opening.	Provide a proper accessible route and reach ranges to at least one of the two locations designated for chemical waste dumping or provides some sort of "equivalent facilitation."	Disposal Sheds (used oils, filters, batteries, solvents, oily rags)		2	
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303 Changes in Surface Level	RAMP 8 Oil Shed has a concrete perimeter barrier with a change in level that is more than 1/4" with no clear floor space to maneuver or reach any of the different disposal opportunities	Surface level along accessible route must be free of changes in surface level. Surface level changes cannot exceed ¼" in height.	Disposal Sheds		2		
302 Floor or Ground Surfaces	There is at least one accessible vehicular parking space designated near each of the three independent stations;	Ground and surface level in any directions of parking spaces must be firm,	Fish Cleaning Station/ Tables (Locations: Ramp 4, 6, Nick Dudlak		2		

308 Reach Ranges	however, as reported in the parking section the path-of-travel surface material is loose gravel and may not be firm, stable, and slip resistant unless it is inter-locking compacted gravel. It is not allowed to fillet a catch in the harbor basin and to properly dispose of fish guts there are wagons parked at each of the three fish cleaning stations; however, the reach to dispose gut material into these wagons is too high and beyond the maximum reach range of 48 inches.	level, and slip resistance. Recommend as an alternative for equivalent facilitation to add a fish disposal bucket under each accessible table section at all three locations. If needed, place the blue international symbol for accessibility on the bucket and/or signage to discourage improper usage or thievery.	Fishing Lagoon)				
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309.4 Operation 606.4 Faucets	At the RAMP 6 Fish Cleaning Station, the operating controls for the water hoses at the accessible table sections are round.	Replaced with lever action facets.	(Locations: Ramp 4, 6, Nick Dudiak Fishing Lagoon)	 	2		
303 Changes in Level	There is a step or change in level barrier at the entrance to the Nick Dudiak Fishing Hole Lagoon Fish Cleaning Station.	Recommend adding compacted inter-locking gravel or asphalt at the station entrance connecting to the accessible parking space and harbor pedestrian sidewalk arrival points.	(Locations: Ramp 4, 6, Nick Dudiak Fishing Lagoon)		2		

308 Reach Range	Dog waste bag dispenser's operable part is measured at 54" above the floor and located above a seating area.	Lower dispenser operable part to 48" above the floor; relocate away from the circular stone bench as not to protrude into a sitting person's headspace.	Pioneer Dock Shelter and Restroom		2				
404.2.4 Maneuvering Clearance	Door opening clearance on both stalls have limited maneuvering clearance or the clear floor space overlaps. If both doorways are open at the same time, safe access to entering/exiting could be safety issue.	Maneuvering clearance must be extended the full length of the doorway and the required latch side or hinge side clearance. Recommend reverse the door opening swing (outward) on both doors to the opposite	Pioneer Dock Shelter and Restroom		3				

		latch to provide greater maneuvering clearance for entering and exiting. Another alternative is the door swinging inward if proper clear floor space is provided beyond the arc of the door.					
							
	Policy and procedure review and modernization reflecting accessible features. Schedules for accessible feature(s) maintenance.	Develop new policies and operational procedures on how these accessible slips are requested, utilized, and	Transient/ Reserved Moorage Fishing Hole and Cleaning Stations Maintenance	No image available.	3		

[illegible]



City of Homer

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Memorandum

TO: PORT AND HARBOR ADVISORY COMMISSION

FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: MAY 15, 2018

SUBJECT: RESPONSE TO ECONOMIC DEVELOPMENT ADVISORY COMMISSION SUPPORT FOR
BUSINESS DEVELOPMENT

Commissioner Stockburger requested this item on the agenda. He expressed appreciation of support from the Economic Development Advisory Commission (EDC) and feels that it is appropriate for this commission to submit a return memorandum or letter.

Recommendation

Discuss format and content of the response to EDC



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(f) 907-235-3148

Memorandum 16-01

TO: Port & Harbor Advisory Commission
FROM: Karin Marks, Economic Development Advisory Commission Chair
THROUGH: Jenny Carroll, Special Projects & Communications Coordinator
DATE: March 23, 2018
SUBJECT: Staff Report to EDC

Dear Port & Harbor Advisory Commission

As the Chairman of the Economic Development Advisory Commission, I am taking this opportunity to pass on two outcomes of the Homer Business Retention and Expansion Survey concluded October 2017 that are within your particular scope of interest.

After compiling the survey information and information from personal interviews, the Commission based its broad take-away themes from the survey on the assumption that the more frequently an answer came up, the more value it had to the group of respondents. One of the short term action items selected from the list of ways the City can help local business is to “support efforts to develop the Barge Mooring/Large Vessel Haul-Out Repair Facility”. Of the two long-term action items, one is to “support the large vessel harbor expansion with attention to competitive rates and multi-use Spit”.

The EDC wants you to know not only the results from local businesses about these issues, but that the EDC wishes to support your efforts in these areas. We ask you to contact the EDC if you see areas where action from the EDC would help support these developments.

Homer has a relatively diverse economic base and the Homer Harbor and Spit is one of the large drivers. It is diverse site serving large and small businesses, maritime industry, tourism and recreation which has helped Homer in this time of economic instability. That diversity needs to be protected and grown at all levels throughout Homer. We look forward to hearing from you.

Karin Marks, Chair
Economic Development Advisory Commission

P.S. The summary report along with the full report may be found on the City of Homer's

website at <https://www.cityofhomer-ak.gov/economicdevelopment/2017-business-retention-expansion-survey-report>.

Port & Harbor Monthly Statistical & Performance Report

For the Month of: **April 2018**

Moorage Sales

	<u>2018</u>	<u>2017</u>
Daily Transient	173	148
Monthly Transient	110	111
Semi-Annual Transient	9	5
Annual Transient	7	13
Annual Reserved	25	35

Grid Usage

1 Unit = 1 Grid Tide Use	<u>2018</u>	<u>2017</u>
Wood Grid	7	8
Steel Grid	6	7

Services & Incidents

	<u>2018</u>	<u>2017</u>
Vessels Towed	1	1
Vessels Moved	7	19
Vessels Pumped	0	4
Vessels Sunk	0	0
Vessel Accidents	0	0
Vessel Impounds	0	0
Equipment Impounds	0	4
Vehicle Impounds	0	0
Property Damage	0	0
Pollution Incident	3	2
Fires Reported/Assists	0	0
EMT Assists	5	0
Police Assists	1	1
Public Assists	8	22
Thefts Reported	1	1

Parking Passes

	<u>2018</u>	<u>2017</u>
Long-term Pass	14	15
Monthly Long-term Pass	2	0
Seasonal Pass	3	0

Crane Hours

<u>2018</u>	<u>2017</u>
98.8	150.5

Stall Wait List

No. on list at Month's End	<u>2018</u>	<u>2017</u>
20' Stall	5	2
24' Stall	44	38
32' Stall	80	60
40' Stall	36	32
50' Stall	23	23
60' Stall	5	5
75' Stall	3	5
Total:	196	165

Docking & Beach/Barge Use

1 Unit = 1 or 1/2 Day Use	<u>2018</u>	<u>2017</u>
Deep Water Dock	25	20
Pioneer Dock	22	15
Beach Landings	2	7
Barge Ramp	5	13

Marine Repair Facility

	<u>2018</u>	<u>2017</u>
Vessels Hauled-Out	1	0
Year to Date Total	4	0

Wharfage (in short tons)

In Tons, Converted from Lb./Gal.	<u>2018</u>	<u>2017</u>
Seafood	2344	638
Cargo/Other	1936	228
Fuel	18,245	35,180

*high April wharfage numbers are due to late 2017 reporting

Ice Sales

	<u>2018</u>	<u>2017</u>
For the Month of April	158	93
Year to Date Total	210	111

Difference between

<u>2017 YTD and 2018 YTD:</u>	<u>99 tons more</u>
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Port & Harbor Water/Sewer Bills									
Service Period: April, 2018						Meter Reading Period:			
Meter Address - Location	Acct. #	Meter ID	Service/ Customer Charge	Water Charges	Sewer Charges	Total Charges	Previous Reading	Current Reading	Total Usage (gal)
810 FISH DOCK ROAD - Fish Grinder	1.0277.01	84810129	\$9.50	\$171.13	\$0.00	\$180.63	-	67,500	49,800
4244 HOMER SPIT RD - SBH & Ramp 2	1.0290.01	84872363	\$19.00	\$0.00	\$0.00	\$19.00	12,978,100	12,978,100	-
4166X HOMER SPIT RD - SBH & Ramp 4	1.0345.01	70291488	\$19.00	\$0.00	\$0.00	\$19.00	23,957,000	23,957,000	-
4166 HOMER SPIT RD- SBH Restrooms	1.0346.01		\$19.00	\$39.24	\$83.52		-	186,000	
4171 FREIGHT DOCK RD - SBH & Ramp 6	1.0361.01	71145966	\$19.00	\$0.00	\$0.00	\$19.00	1,832,200	1,832,200	-
4690C HOMER SPIT RD - Pioneer Dock	1.0262.01	70315360	\$19.00	\$153.69	\$0.00	\$172.69	3,337,200	3,351,300	14,100
4690A HOMER SPIT RD - Pioneer Dock	1.0261.01	70315362	\$19.00	\$5.45	\$0.00	\$24.45	515,200	515,700	500
4666 FREIGHT DOCK RD - Deep Water Dock	1.0357.01	70564043	\$19.00	\$104.64	\$0.00	\$123.64	9,224,200	9,233,800	9,600
4448 HOMER SPIT RD - Steel Grid	1.0230.01	80394966	\$9.50	\$0.00	\$0.00	\$9.50	-	-	-
795 FISH DOCK ROAD - Fish Dock/Ice Plant	1.0180.01	70291512	\$19.00	\$1,185.92	\$23.20	\$1,228.12	868,105,600	868,214,400	108,800
4147 FREIGHT DOCK RD - SBH & Ramp 6 Restroom	1.4550.01	70315668	\$19.00	22.89CR	\$0.00	\$0.00	-	113,800	9,000
4147X FREIGHT DOCK RD - Ramp 6 Fish Cleaning	1.0457.01	80856895	\$9.50	\$0.00	\$0.00	\$0.00	184,000	184,000	-
4001 FREIGHT DOCK RD - L&L Ramp Restrooms	10.4550.01	70364713	\$19.00	\$38.15	\$81.20	\$138.35	-	110,400	6,000
4667 HOMER SPIT RD L - Port Maintenance	1.0109.01	70257255	\$19.00	\$59.95	\$127.60	\$206.55	-	18,700	8,500
4667 HOMER SPIT RD - Bldg Near Water Tank	1.0100.02	70315820	\$9.50	\$0.00	\$0.00	\$9.50	320,400	320,400	-
4667 FREIGHT DOCK RD - DWD Restroom	1.0495.01	84920900	\$19.00	\$13.08	\$27.84	\$59.92	-	28,200	3,600
4311 FREIGHT DOCK RD - Port & Harbor Office	5.1020.01	83912984	\$19.00	\$27.25	\$39.25	\$85.50	78,500	81,000	2,500
4000 HOMER SPIT RD - Ramp 5 Restroom	5.1250.01	86083228	\$19.00	107.91CR	155.43CR	\$0.00	-	37,800	18,500
4425 FREIGHT DOCK RD - Sys 5 & Ramp 8	5.1050.01	86094861	\$19.00	\$451.26	\$0.00	\$470.26	701,200	742,600	41,400
Overall Charges:						<u><u>\$2,766.11</u></u>	Overall Water Usage:		<u><u>272,300</u></u>

Water/Sewer Monthly Comparison CY 2013 to Current										
	2014		2015		2016		2017		2018	
January	\$3,545.49	288,500	\$2,526.35	183,700	\$1,216.22	68,800	\$2,142.85	122,300	\$1,458.89	83,400
February	\$4,042.38	322,400	\$2,015.14	140,800	\$1,891.14	122,500	\$1,287.76	59,600	\$2,500.97	144,800
March	\$3,968.26	320,400	\$3,339.49	253,700	\$2,341.13	162,300	\$4,076.62	292,100	\$2,271.05	138,300
April	\$5,792.92	452,200	\$4,997.38	467,700	\$3,532.78	256,700	\$1,726.84	113,100	\$2,766.11	272,300
May	\$12,019.73	973,600	\$6,982.27	541,900	\$9,770.89	709,300	\$7,807.49	413,000		
June	\$13,396.30	1,106,200	\$14,116.19	1,134,100	\$21,628.74	1,800,700	\$14,594.69	1,282,900		
July	\$16,516.50	1,348,000	\$12,038.01	919,900	\$19,490.97	1,583,400	\$15,450.93	1,152,500		
August	\$15,883.21	1,279,500	\$15,033.97	1,197,000	\$22,468.25	2,189,100	\$12,947.70	1,060,600		
September	\$13,105.89	1,073,100	\$15,661.07	1,307,300	\$19,710.24	1,651,300	\$11,419.68	968,000		
October	\$3,874.68	266,000	\$5,445.90	406,300	\$8,887.32	708,200	\$8,631.96	591,490		
November	\$3,658.86	283,400	\$1,917.85	106,100	\$2,582.53	167,600	\$1,852.34	176,000		
December	\$1,748.09	111,900	\$1,284.30	30,100	\$1,154.76	44,900	\$1,053.70	68,600		
YTD Total	\$97,552.31	7,825,200	\$85,357.92	6,688,600	\$114,674.97	9,464,800	\$82,992.56	6,300,190	\$8,997.02	638,800

2018 Ice & Crane Report						
Date To	Crane Weekly	Crane Month	YTD Crane	Ice Weekly	Ice Month	YTD Ice
1/7/2018	17			shut down for maintenance		
1/14/2018	14.3			shut down for maintenance		
1/21/2018	18.2			shut down for maintenance		
1/28/2018	8.5			shut down for maintenance		
Jan Total		58	58		0	0
2/4/2018	17.8			shut down for maintenance		
2/11/2018	21.7			shut down for maintenance		
2/18/2018	42.6			shut down for maintenance		
2/25/2018	6.8			shut down for maintenance		
Feb Total		88.9	146.9		0	0
3/4/2018	18.7			shut down for maintenance		
3/11/2018	19.9			shut down for maintenance		
3/18/2018	11.2			0	0	
3/25/2018	12.7			30		
4/1/2018	25.6			22		
Mar Total		88.1	235		52	52
4/8/2018	18.5			10		
4/15/2018	26.3			23		
4/22/2018	24.1			59		
4/29/2018	29.9			66		
Apr Total		98.8	333.8		158	210
5/6/2018	40.9			46		
5/13/2018	40.1			16		
5/20/2018						
5/27/2018						
May Total		81	414.8		62	272
6/3/2018						
6/10/2018						
6/17/2018						
6/24/2018						
7/1/2018						
Jun Total		0	414.8		0	272
7/8/2018						
7/15/2018						
7/22/2018						
7/29/2018						
Jul Total		0	414.8		0	272
8/5/2018						
8/12/2018						
8/19/2018						
8/26/2018						
Aug Total		0	414.8		0	272
9/2/2018						
9/9/2018						
9/16/2018						
9/23/2018						
9/30/2018						
Sep Total		0	414.8		0	272
10/7/2018						
10/14/2018						
10/21/2018						
10/28/2018						
Oct Total		0	414.8		0	272
11/4/2018						
11/11/2018						
11/18/2018				shut down for maintenance		
11/25/2018				shut down for maintenance		
12/2/2018				shut down for maintenance		
Nov Total		0	414.8		0	272
12/9/2018				shut down for maintenance		
12/16/2018				shut down for maintenance		
12/23/2018				shut down for maintenance		
12/31/2018				shut down for maintenance		
Dec Total		0	414.8			

Deep Water Dock 2018

[illegible]

Pioneer Dock 2018

[illegible]

05/18/18				Year to Date Totals:	\$13,837.00	\$676.00
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Ferry Landings 2018

	Pioneer Dock	Deep Water Dock
January	20	0
February	23	0
March	0	0
April	5	0
May		0
June		0
July		0
August		0
September		
October		
November		
December		

2018 HOMER CITY COUNCIL MEETINGS
ADVISORY COMMISSIONS/ BOARD ATTENDANCE

Commissions are invited to report to the City Council at the Council's regular meetings under Item 8. Announcements/Presentations/Borough Report/Commission Reports. This is the Commission's opportunity to give Council a brief update on their work. Generally the Commissioner who will be reporting will attend one of the two meetings for the month they are scheduled to attend.

The following Meeting Dates for City Council for 2018 is as follows:

January 8, 22	_____
February 12, 26	_____ Ulmer, Donich _____
March 12, 27	_____ Zimmerman _____
April 9, 23	_____ Hartley _____
May 14, 29	_____ Carroll _____
June 11, 25	_____ Ulmer _____
July 23	_____ Carroll _____
August 13, 27	_____ Zeiset _____
September 10, 24	_____ Zeiset, Donich _____
October 8, 22	_____
November 26	_____ Hartley _____
December 10	_____ Zimmerman _____

