



Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603
www.cityofhomer-ak.gov

City of Homer Agenda

Port & Harbor Advisory Commission Regular Meeting

Wednesday, August 25, 2021 at 6:00 PM

City Hall Cowles Council Chambers In-Person & via Zoom Webinar

Webinar ID: 954 2610 1220 Password: 556404

Dial: 346-248-7799 or 669-900-6833; (Toll Free) 888-788-0099 or 877-853-5247

CALL TO ORDER, 6:00 P.M.

AGENDA APPROVAL

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA (3 minute time limit)

RECONSIDERATION

APPROVAL OF MINUTES

A. July 28, 2021 Regular Meeting Minutes **Page 3**

VISITORS / PRESENTATIONS (10 minute time limit)

A. Julie Engebretsen, Deputy City Planner & Special Projects Coordinator – Wayfinding- Streetscape Plan Project Update **Page 9**

STAFF & COUNCIL REPORT / COMMITTEE REPORTS

A. Port & Harbor Staff Report for August 2021 **Page 15**
i. Memo from HDR – Homer Spit Parking Update **Page 18**

B. Homer Marine Trades Association Report

PUBLIC HEARING

PENDING BUSINESS

NEW BUSINESS

A. Port & Harbor Dumpster Usage Ordinance **Page 21**
i. Memo from City Manager Dumouchel Re: Port & Harbor Dumpster Usage **Page 22**
ii. Draft Ordinance 21-xx **Page 25**

B. Ordinance 21-xx Amending HCC 2.58 Regarding Teleconferencing, Attendance, & Vacancies **Page 40**

i. Draft Ordinance 21-xx Amending HCC 2.58	Page 41
ii. Current HCC 2.58	Page 46
C. Float Repairs For “K” thru “Q” Endcaps (<i>laydown</i>)	
i. Bellingham Marine Unifloat Supply Proposal (<i>laydown</i>)	
<u>D.</u> Pier One Theatre Lease Renewal Request	Page 49
i. Pier One Theatre Development Plan	Page 50
ii. Lease Application	Page 52
iii. Draft Resolution & Lease Agreement	Page 73

INFORMATIONAL MATERIALS

<u>A.</u> Port & Harbor Monthly Statistical Report for July 2021	Page 79
<u>B.</u> Water/Sewer Bills Report for July 2021	Page 80
<u>C.</u> Crane & Ice Report	Page 81
<u>D.</u> Dock Activity Reports	Page 82
<u>E.</u> PHC 2021 Meeting Calendar	Page 86

COMMENTS OF THE AUDIENCE (3 minute time limit)

COMMENTS OF THE CITY STAFF

COMMENTS OF THE CITY COUNCILMEMBER (if present)

COMMENTS OF THE CHAIR

COMMENTS OF THE COMMISSION

ADJOURNMENT

Next Regular Meeting is **WEDNESDAY, SEPTEMBER 22, 2021 at 5:00 P.M.** All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar.

Session 21-07, a Regular Meeting of the Port and Harbor Advisory Commission was called to order by Chair Steve Zimmerman at 6:00 p.m. on July 28, 2021 in the Cowles Council Chambers, City Hall located at 491 E Pioneer Avenue, Homer, Alaska and via Zoom Webinar.

PRESENT: COMMISSIONERS ZIMMERMAN, ZEISET, MATTHEWS, ULMER, ERICKSON, AND PITZMAN

ABSENT: COMMISSIONER SIEKANIEC (excused)

STAFF: PORT DIRECTOR/HARBORMASTER HAWKINS
DEPUTY CITY CLERK TUSSEY
SPECIAL PROJECTS & COMMUNICATIONS COORDINATOR CARROLL

AGENDA APPROVAL

Chair Zimmerman asked for a motion to approve the agenda.

ULMER/ZEISET MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

APPROVAL OF MINUTES

A. June 23, 2021 Regular Meeting Minutes

Chair Zimmerman asked for a motion to approve the minutes.

ULMER/ZEISET MOVED TO APPROVE THE MINUTES FROM THE LAST MEETING.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS

STAFF & COUNCIL REPORT/COMMITTEE REPORTS

A. Port & Harbor Staff Report for July 2021

Port Director Hawkins spoke to his written staff report, noting the following topics:

- Meetings with Interchem broker regarding another Sulphur shipment; likely to take place in 2022 after some organizational setbacks.
- Updates to the marine terminal operator license and Federal Maritime Commission status.
- Introduction to Offstreet Parking's company software; an update to the pay kiosks to help track parking permits as the harbor expands pay-to-park on the Spit.
- Project planning to bring natural gas into the City-leased building currently occupied by Sea Tow and the City's water tank storage.
- Logistic meetings with Berard Transportation, a company hired to take apart the Agrium plant in Nikiski and transport it to Louisiana.
- Large number of tourists and high levels of activity on the Spit.
- Mobile billboard messaging by the Load and Launch Ramp providing information and warnings on the China Poot Bay tide rips due to recent accidents and fatalities; this is part of a multi-agency messaging effort.
- Upcoming repairs to failing pilings and concrete finger floats with Bellingham Marine; the docks are to the point where they either need to be fixed or condemned, and won't last another year.
- Change in the cleaning schedule of the condenser screens at the Ice Plant.
- Request for an update on the lobbyist's efforts.
- Purpose for closing the road shoulders to parking with pilings; it's against state law to park in the right-of-ways and it is a pedestrian hazard.
- Status on the new pay-to-park in the Ramp 2 lot; concerns were raised about the lack of notification to employees and issues with access; Mr. Hawkins said they've received a large amount of positive feedback, full compliance, and there are still some unloading spaces.
- Update on jet ski use in the harbor; Mr. Hawkins noted they complied with all loading and launching rules and did not receive any complaints or reports of negative impact.
- Reports of vehicle break-ins and theft near the Southcentral Radar and A Bus Named Sue restaurant; was likely reported directly to HPD rather than through Harbor Operations; usefulness of cameras that are installed, while not located in every spot of the Spit.

B. Homer Marine Trades Association Report

Commissioner Zeiset provided a verbal report. Bayweld Boats is planning to host a "Poker Run" on the water August 14th where boats have to access different locations throughout the bay, and then meet back at their shop for a gathering. Local radio ads are playing that support the port expansion project. Port Director Hawkins added that the HMTA needs to renew that radio ad.

In response to Chair Zimmerman's question, Mr. Zeiset stated that HMTA does plan on attending the Fish Expo in person this November 18-20th. He encouraged attendance and volunteerism at the booth.

PUBLIC HEARING

PENDING BUSINESS

NEW BUSINESS

- A. City of Homer Draft 2022-27 Capital Improvement Plan (CIP)
 - i. DRAFT 2022-2027 Capital Improvement Plan
 - ii. “Everything You Always Wanted to Know about the CIP” FAQs
 - iii. CIP Project Nomination Form

Chair Zimmerman introduced the agenda item by reading the title and deferred to Special Projects and Communications Coordinator Carroll.

Ms. Carroll reviewed what the Capital Improvement Plan (CIP) is, the process for providing feedback to her and City Council, and what action staff is requesting from the commission at this meeting.

Port Director Hawkins commented on legislative requests and voiced his suggestions for project prioritization. He then referred to the list of Port and Harbor-specific projects in the CIP and suggested removing the Truck Loading Facility Upgrades at Fish Dock project, his hesitation on using the word “replacement” in regards to the Wood Grid project since it’s getting to the point of being beyond repair, and adding Steel Grid Improvement project.

In response to Commissioner Pitzman’s question, Mr. Hawkins clarified the importance of having items on the list and why they don’t need to be in order of priority.

Commissioner Matthews inquired if a communications and public safety project could be added for the installation of new cameras for the harbor. Mr. Hawkins and Ms. Carroll explained the existing public safety components in the CIP, how none are geared towards the harbor specifically, and requested clarification on what Ms. Matthews’ suggestion would entail. Ms. Matthews shared real-life emergency and theft scenarios where having cameras in various parts of the harbor, such as near the Load and Launch Ramp, the parking lots, beach areas, and boardwalks would have been immensely helpful.

Ms. Carroll noted that the CIP structure may change in the near future as departments set up their budgets to align with a capital budget. This would later lead to projects being prioritized for the use of reserve funds, and projects like the one suggested by Ms. Matthews would fit into that.

There was brief discussion between staff and commissioners regarding action to be taken.

ULMER/MATTHEWS MOVED TO RECOMMEND PORT OF HOMER: NEW LARGE VESSEL HARBOR PHASE 2 AS OUR #1, AND BARGE MOORING & LARGE VESSEL HAUL OUT REPAIR FACILITY AS OUR #2 FOR THE LEGISLATIVE PRIORITY PROJECTS.

Commissioner Pitzman questioned if the suggestion to remove the Storm Water Master Plan needed to be included in the motion. Chair Zimmerman noted that their priority sections would just move to the top, displacing that project as a priority.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

MATTHEWS/ULMER MOVED TO RECOMMEND WE REMOVE THE TRUCK LOADING FACILITY UPGRADES FROM THE CIP AS RECOMMENDED BY PORT DIRECTOR HAWKINS.

Chair Zimmerman asked if there was any discussion or whether the commission wanted to add anything to that motion.

PITZMAN/ZEISET MOVED TO AMEND TO ADD THE STEEL GRID REPAIR PROJECT TO THE CIP.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion.

VOTE (main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MATTHEWS/ULMER MOVED TO RECOMMEND TO CITY COUNCIL TO ADD PORT AND HARBOR SECURITY CAMERA AND COMMUNICATIONS SYSTEM FOR THE WEST SIDE OF THE HARBOR PROJECT TO THE CIP.

There was discussion on funding from the 2021 budget for camera system design work and the need for funding to construct it and an explanation from Ms. Matthews on what her intentions were behind using the term communications. Ms. Carroll provided suggested verbiage for the motion and clarified what the next steps would be if the commission were to recommend this project to Council for the CIP.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Zimmerman asked the commission if there were any other recommendations for the CIP.

Commissioner Ulmer commented on the Homer Spit Trailhead restroom and opined that the project needs to be prioritized more in the CIP. Discussion ensued on it currently being a Priority Level 3 and where the outhouses that currently serve that area are located.

ULMER/MATTHEWS MOVED THAT THE HOMER SPIT TRAILHEAD RESTROOM BE MOVED UP TO A PRIORITY LEVEL 2.

Commissioner Pitzman commented that while he doesn't disagree that it should be prioritized, he would rather see the System 5 restrooms improved first, which is also set at a Priority Level 3.

ZEISET/PITZMAN MOVED TO AMEND THAT RAMP 8 RESTROOM BE MOVED TO A PRIORITY LEVEL 1.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Matthews asked for clarification on if some of these projects would ever have to be co-funded from harbor enterprise funds, or if it would be exclusively from capital or City general funds. Ms. Carroll responded not necessarily and explained how their recommendations are on prioritization, that Council can make capital preparations for projects, and where reserves come in is to assist funding a harbor enterprise-specific project, such as when matching funds are needed.

VOTE (main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Port Director Hawkins commented on the Old Main Dock Removal and Disposal project and the importance of leaving it on the CIP. He sees it as a mitigation project and the high need for its removal before it collapses on itself. Commissioner Pitzman noted that one utility of the old dock was how beneficial it was to educational low tide beach walks. There were comments made of it being a marine habitat at this point.

INFORMATIONAL MATERIALS

- A. Port & Harbor Monthly Statistical Report for June 2021
- B. Water/Sewer Bills Report for June 2021
- C. Crane & Ice Report
- D. Dock Activity Reports
- E. PHC 2021 Meeting Calendar

Chair Zimmerman opened the floor for discussion on informational items. Discussion ensued between staff and Commissioners Matthews and Ulmer regarding which City Council meetings the CIP will be discussed at, and the Council meeting dates that commissioners are scheduled to report. It was clarified that Ms. Ulmer will be reporting at the August 9th Council meeting.

There was discussion on statistics, particularly the stall wait list and public assist numbers. Port Director Hawkins commented on how the levels of activity in the harbor facilities are changing; there is no longer a lag after Memorial Day weekend and they are seeing peak use/activity every weekend.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY STAFF

Deputy City Clerk Tussey commented on the City Clerk’s Office update regarding meetings being conducted in-person and by Zoom, and that a draft ordinance to amend City Code to allow teleconferencing will be coming before the commission at their next meeting.

Port Director Hawkins responded to an earlier comment regarding the concern of using Port and Harbor funds for CIP projects, noting that City Code protects the reserves from being used to fund City projects. He shared with the commission that the Port and Harbor was able to secure grant funding to move their radio base station up onto Skyline Drive and significantly improve the harbor’s handheld radios.

COMMENTS OF THE CITY COUNCILMEMBER

COMMENTS OF THE CHAIR

Chair Zimmerman commented that it was good to see everyone in person, and welcomed new commissioner Ian Pitzman.

COMMENTS OF THE COMMISSION

Commissioner Zeiset thanked Commissioner Pitzman for joining and said it was good to see everyone.

Commissioner Pitzman voiced his appreciation for being on the commission and shared his reasoning for serving.

Commissioner Erickson commented it was nice to see everyone and appreciated being together.

Commissioner Matthews shared her experience with donning a wet-suit and moving an 80 foot log out from the front of her boardwalk that was causing damage to the property.

Commissioner Ulmer thanked Commissioner Pitzman for serving on the commission and commented how it was nice to see everyone in person and not via Zoom.

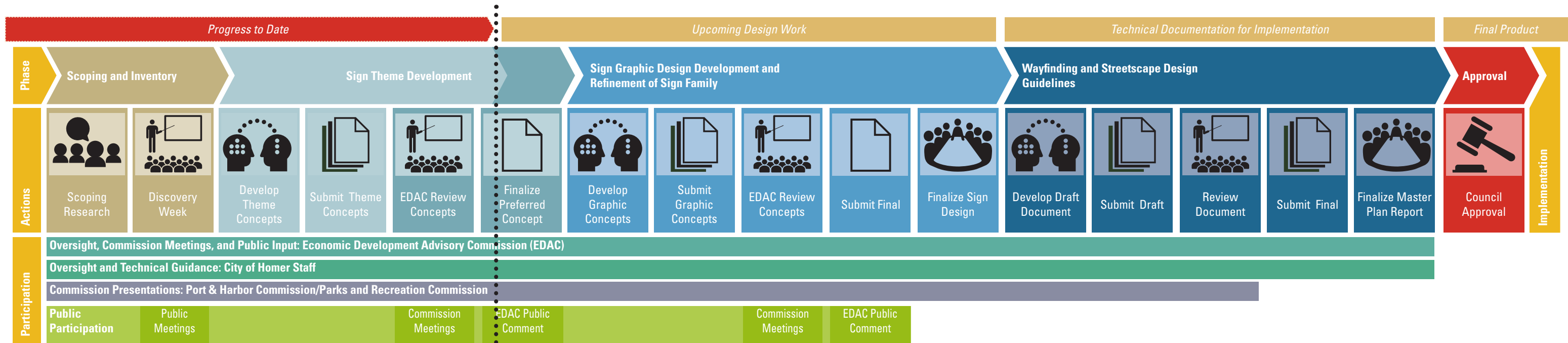
ADJOURNMENT

There being no further business to come before the Commission the meeting adjourned at 7:37 p.m. The next regular meeting is scheduled for Wednesday, August 25, 2021 at 6:00 p.m. in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar.

RACHEL TUSSEY, CMC, DEPUTY CITY CLERK II

Approved: _____

WHERE WE ARE IN THE PROCESS





SIGN GOALS



Photo 1

This project has been tasked with two main goals: 1) Develop a functional wayfinding system that will be clear and help people to navigate around Homer, and 2) Develop a sign system that fits into and feels like Homer. The photos on this sheet show various locations, and the context within which signs will be located and need to function. An important discussion has been that Homer has a significant amount of existing signs, and many of these exhibit the artistic aspects that might represent 'Homer character'. From this, the intent is that the sign system should be easily recognizable and legible, but not compete with adjacent areas and signage. The sign framework should generally be simple, with some emphasis placed on the graphic design of panels to reflect the City and/or a particular area. Adjacent landscaping should be used to integrate the signs into an area, with the possible use of adjacent artistic components where visual emphasis is desired (such as gateways).



Photo 5



Photo 2



Photo 4



Photo 6



Photo 3



Photo 7

FINDING YOUR DESTINATION



Getting to your destination



- Downtown Homer (Destination Area)
- Old Town (Destination Area)
- Ocean Drive (Destination Area)
- Homer Spit (Destination Area)
- Skyline Drive (Destination Area) and Wynn Nature Center (Destination)
- Karen Hornaday Park (Destination)

Next steps:

- Determining what destinations need to be identified from within the DOT road corridors. Which key destinations and destination areas should be requested as DOT standard signs or via encroachment/beutification permit as "local" signs within the right-of-way?

People need to figure out where they want to get to, and how to get there. Homer has some key destinations, and these destinations include areas where there are multiple things to do and see. The map to the right shows some of these "destination areas".

Most people entering into Homer will be doing so in a vehicle (car, boat, or plane). Wherever they enter Homer, there should be a way for them to figure out how to get to their already known destination, or figure out their destination. Information kiosks at key entries to Homer should provide information on emergency services and civic destinations. These locations are also good places to partner with entities like the Chamber of Commerce to identify private sector and for-profit opportunities and experiences.

Then, people can either get to their final specific destination, or find a place to park and continue their travel to their destination or destinations. Roadway signs are important to help people get to specific key destinations, or these destination areas.

Once people are out of their cars, area specific information can be provided with a different type of information kiosk that focuses on a smaller area, supported by pedestrian sized signs to assist people in navigating.

The flowchart on this sheet is intended to illustrate this process of figuring out where you want to go, how to find your way there, and then how to navigate to your final destination if it involves parking and walking.



GATEWAY CHARACTER



General

The intent is that gateways can be used stand-alone, with landscaping around the sign to complement the local theme, and/or combined with something more iconic that could represent the character of the area and possibly act as an 'instagram moment'.

Homer Spit Gateway

The instagram moment idea for the Homer Spit area would be a boat that allows people to take a photo sitting in front of the cabin behind the bow, and standing behind the cabin.



Downtown Gateway

The instagram moment idea for the Downtown area could be a larger-than-life peony planting bed where people can stand among the large peony blooms.

Ocean Drive Gateway

The instagram moment idea for the Ocean Drive area could be a small plane that people could pose with.



Neighborhood Gateway Sign

Thematic Component/Instagram Moment

PREFERRED SIGN FAMILY

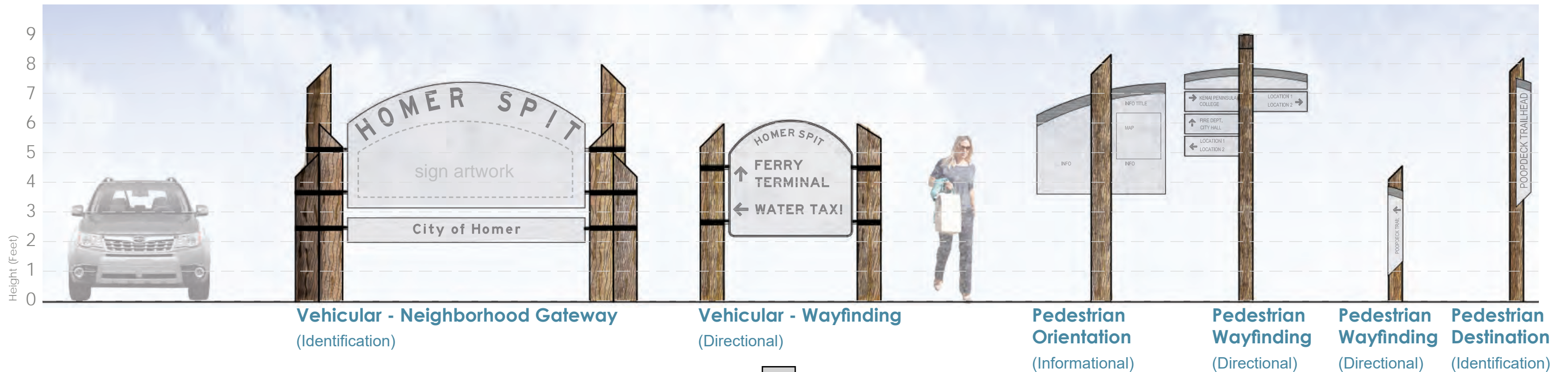


This is loosely marine-themed for the use of round timber similar to dock pile and bollards. The main sign panel could have significantly sized area-specific artwork.

The gateway sign panel clearly brands the destination area and the City of Homer, and includes space for a significant graphic or artwork element. Vehicle wayfinding signs would be similar in shape and form to the gateway, with a focus on clear navigation.

Pedestrian signs would help people to orient and make choices (maps and destinations), help them navigate to their destination (sign posts), and identify public destinations that might be unsigned (trailheads).

Options only illustrate general form and scale. Graphic design of panels and refinement of a preferred alternative option will occur during the next project phase.





AUGUST 2021 PORT & HARBOR STAFF REPORT

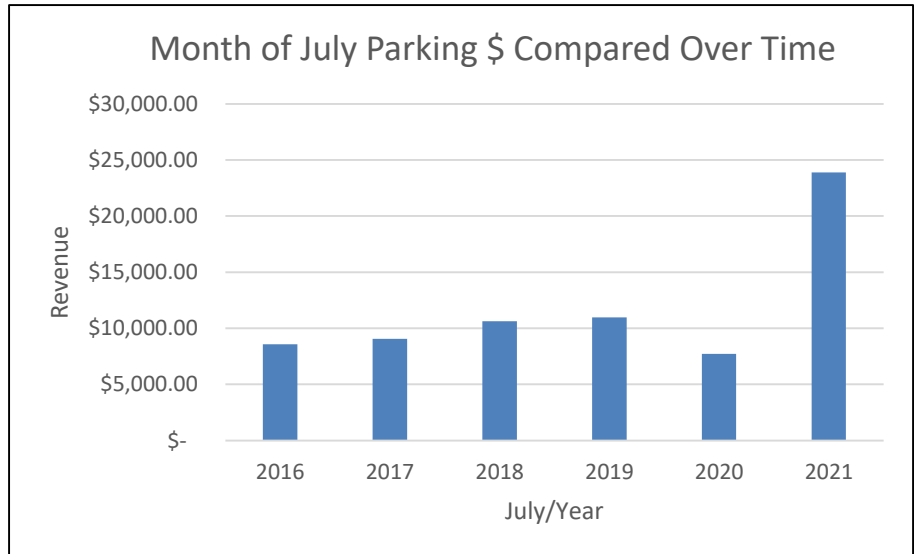
1. Administration

Staff met with:

- Rob Dumouchel, City Manager and other Dept. Head staff- Re: leadership team/dept. head meetings
- EOC City staff and associated agencies(video conference)- Re: COVID-19 planning
- Rob Dumouchel, City Manager- Regarding management of the airport leases and future planning
- Shawn Grimes, Tackle Shack Co. LLC- Regarding land uses for lease, planning
- Jan Keiser, Public Works Director and staff- Brainstorming session for the upcoming meeting regarding City finance processes and the mechanics of how spending is tracked.
- Rob Dumouchel, City Manager, and staff- Regarding a Resilience Plan for Homer and possible upcoming grant funding availability
- Alaska Association of Harbormasters and Port Administrators(AAHPA) Board Members- Regarding board meeting
- Rob Dumouchel, Elizabeth Walton, Finance Director, Jan Keiser, Public Works Director and other staff- Regarding long term planning and possible changes to City finance processes and the mechanics of how spending is tracked

Parking Update:

The first month's statistics for the Ramp 2 Pavilion's switch to a pay-to park lot are in. Results show that by increasing the overall paid parking by the additional 70 spaces the Port's parking revenues have doubled (see chart) and from a management prospective there has been much more movement and turn over for available parking in the highly congested area. It appears that our attempts to best utilize that space are working as expected.



July 2021

	Ramp 1	Ramp 2	Ramp 3	Ramp 4	Totals
Revenue	\$4,353.27	\$12,424.66	\$5,261.94	\$1,840.52	\$23,880.39
No. of	939	2,680	1,135	697	5,151

Stephanie Mormilo, PE Senior Civil Engineer at HDL Engineering Consultants, has also delivered a Homer Spit Parking Progress Report for review. These are just updates on the work so far. A final document listing the results of the study will be submitted upon its completion that will cover recommended actions and future planning suggestions. ***(Please see attached Memorandum from August 3, 2021 submitted by Mormilo.)***

2. Operations

Peak summer tourism and recreational boating were robust during the months of July and August. The small boat harbor occupancy rate averaged 750 vessels. The L&L ramp, day use truck & trailer parking, and 7-day boat trailer parking lots reached maximum occupancy several times, warranting the use of the chip pad to accommodate overflow parking. Use of the public fishing cleaning tables ran around the clock during the peak of the China Poot, Kasilof, and Kenai personal use fisheries. Charter vessels, marine tour operators, and water taxis were running at full capacity. Restaurants, retail shops, and camp grounds on the local boardwalks experienced heavy traffic. All combined activity placed heavy pressure on the parking lots, requiring daily management to ensure maximum efficient use and compliance with port & harbor parking rules.

In late July, operations staff began efforts on organizing and consolidating transient mooring locations planned for the return of Bristol Bay salmon fleet. Harbor assistants continued painting the transient mooring locations when not engaged in daily grounds keeping duties. The USCG Marine Safety Detachment San Francisco arrived in Homer on August 1st. The group is conducting routine boarding and vessel safety inspections on Kachemak Bay through September 10th.

The following vessels conducted landings at the Pioneer Dock and Deep Water Dock: Tustumena, Kennicott, Bob Franco, Pacific Wolf & DBL54, Perseverance & Barge Responder, Endeavor, Anna T, Arctic Seal, and Camai.

The following notable events occurred over the past month:

- On 7/18, harbor officers assisted HPD for the search of a missing 10 year old boy. Child was located.
- On 7/21, operations staff responded to an oil spill at the L&L ramp involving a 30' charter vessel.
- On 7/23, operations staff towed eight vessels and moved an additional 22 vessel throughout transient mooring locations in preparation of the return of the Bristol Bay salmon fleet.
- On 7/24, during a minus 4' low tide, approximately 40 halibut carcasses were found to be dumped/disposed in the berth below a 50' charter vessel.
- On 7/24, harbor officers responded to an inbound emergency medical transport involving a five year old boy with a head laceration.
- On 7/25, harbor officer responded to an EMS call involving a 30 year old male suffering from possible seizures.
- On 7/26, upon review of video surveillance archives, the deputy harbormaster reunited a 100 gallon propane tank with its rightful owner.
- On 7/27, a third party eye witness reported a hit and run vessel accident involving two 32' commercial fishing vessels.
- On 7/28, harbor officers responded to an EMS call involving a 60 year old female.
- On 7/29, a magnitude 8.2 earthquake triggered the tsunami evacuation sirens on the Homer Spit. The on-duty harbor officer and port director reported to HVFD for ICS duties.
- On 7/30, Six vessels were towed and relocated in an effort to expand moorage space for the returning tender fleet on system 5.
- On 8/1, harbor officers responded to an inbound emergency medical transport involving a 30 year old male with a broken ankle.

- On 8/4, operations staff responded to an inbound emergency medical transport involving two patients suffering from mild hypothermia.
- On 8/5, operations staff exchanged tow and dewatering responsibilities with an inbound 100' commercial fishing vessel towing a 22' pleasure craft that had flooded in the vicinity of Gull Island.
- On 8/8, harbor officers responded to an inbound emergency medical transport involving a 70 year old male suffering from mild hypothermia.
- On 8/8, harbor officers exchanged tow and dewatering responsibilities with an inbound 30' USCG response vessel towing a 40' commercial fishing vessel that had flooded in the vicinity of Anchor Point.
- On 8/10, a harbor officer responded to an EMS call involving a 70 year old female suffering from flu-like symptoms.
- On 8/10, a harbor officer responded to an EMS call involving a 40 year old male suffering from minor facial burns.

3. Ice Plant

The Kenai and Kasilof rivers are having an exceptionally strong return of Red Salmon this year and Halibut boats have continued to bring their catch to Homer. As a result, we have sold more than 100 tons of ice per week for over six weeks. This is only the second time during the last 9 years that elevated ice sales have been this steady. Except for a sticky limit switch, a large chunk of ice that jammed the bin door open, and needing to clean the screens on the condenser tank quite frequently, operations this last month have been uneventful.

The big news, however, is that a change in personnel is in the works. Peter Alfiche will retire August 20th after 10 years with the City. Peter started as the Fish Dock Temp and was promoted to Operator in 2017. In addition to strong mechanical skills, Peter also has a background in carpentry and he would often think up useful things to build for the plant—such as stools and toolboxes. He also did larger projects, such as remodeling the bathroom lobby after a waterline broke in January 2020. Peter is well liked, respected, and his constant smile will be missed by everyone on the Dock.

Burt Gregory, the City's Ice Plant/Fish Dock manager, will head for greener pastures in the Private Sector at the end of this season. So his last projects will be training Peter's replacement and finishing writing SOPs and other documents to help the new supervisor succeed.

4. Port Maintenance

From mid-July to mid-August, Port Maintenance has been involved with routine maintenance duties and the following:

- Fire Cart annual operational testing
- Electrical pedestal troubleshooting and repair
- Assisted Operations with EMS calls
- Patched concrete throughout Harbor float system
- Worked with contractors on Hickory berth modifications
- Assisted Turnagain Marine with a dock inspection from Harbor Tug
- Added floatation to end of GG float
- Electronic billboard sign placement and programming

MEMORANDUM

DATE: August 3, 2021

TO: Bryan Hawkins, Port Director/Harbormaster
Janette Keiser, PE, Director of Public Works, City of Homer

FROM: Stephanie Mormilo, PE
Senior Civil Engineer, HDL Engineering Consultants, LLC

RE: REVISED Homer Spit Parking Progress Report

The following list provides information regarding the current status of the work described in the May 18, 2021 Homer Spit Parking Study Scope.

HDL's Scope of Work:

1) Identify improvements that would increase the amount of available parking.

- a. Parking Area between Ramp 1 & Ramp 2
 - i. This area was converted to fee parking this season.
 - ii. Provides approximately 75 parking spaces.
 - iii. HDL is evaluating the benefit/costs of paving this parking lot, which may provide additional parking spaces
 1. Initial evaluations indicate that paving will not significantly increase parking capacity, thus will not likely reduce the number of years required to pay off the improvement costs.
- b. Parking Area between Ramp 3 & Ramp 4
 - i. This parking area currently consists of approximately 212 total parking spaces
 1. Of the total parking spaces 86 are within DOT&PF ROW
 - ii. HDL is evaluating the benefit/costs of paving this parking lot, the benefit of discussing fee parking with DOT&PF for the portion within their ROW, and circulation within the parking area to provide the most efficient parking.
 1. Initial evaluations indicate that paving will not significantly increase parking capacity, thus will not likely reduce the number of years required to pay off the improvement costs.
 2. Discussions with DOT&PF may be required to charge for parking within their ROW. Initial evaluations show that the additional parking within the ROW will generate approximately 65% more income than the on-parcel parking alone.

- c. Parking Area between Ramp 4 and Freight Dock Road
 - i. This parking area currently consists of approximately 200 parking spots total
 - 1. Of the total parking spots 92 are within DOT&PF ROW
 - ii. HDL is evaluating the benefit/costs of paving this parking lot, the benefit of discussing fee parking with DOT&PF for the portion within their ROW, and circulation within the parking area to provide the most efficient parking.
 - 1. Initial evaluations indicate that paving will not significantly increase parking capacity, thus will not likely reduce the number of years required to pay off the improvement costs.
 - 2. Discussions with DOT&PF may be required to charge for parking within their ROW. Initial evaluations show that the additional parking within the ROW will generate approximately 80% more income than the on-parcel parking alone.
- d. Long-Term Parking Area Adjacent to Seafarer's Memorial
 - i. This parking area currently consists of approximately 89 parking spots total
 - 1. Of the total parking spots 43 are within DOT&PF ROW
 - ii. HDL is evaluating the benefit/costs of paving this parking lot, the benefit of discussing fee parking with DOT&PF for the portion within their ROW, and circulation within the parking area to provide the most efficient parking.
 - 1. Initial evaluations indicate that paving will not significantly increase parking capacity, thus will not likely reduce the number of years required to pay off the improvement costs.
 - 2. Discussions with DOT&PF may be required to charge for parking within their ROW. Initial evaluations show that the additional parking within the ROW will nearly double the income than the on-parcel parking alone.
- e. Proposed Parking Area Northwest of Freight Dock Road (Behind Bait Shop)
 - i. This area is currently used to store dredged materials.
 - ii. HDL is evaluating the number of parking spaces that can be provided by leveling/grading this area and estimating the costs of these improvements.
- f. Lots 9 & 10 (Adjacent to Fish Dock Road)
 - i. This area is currently used for storage.
 - ii. HDL is evaluating the number of parking spaces that can be provided on these parcels and estimating the costs of relocating stored materials and parking improvements.

2) Provide planning level cost estimates for possible improvements.

- a. HDL is currently developing the planning level cost estimates as part of the benefit/cost analysis to identify the most efficient improvements.

3) Make recommendations for revenue generation.

- a. HDL will provide draft recommendations and update them upon review and comment from the Port Director/Harbormaster and Director of Public Works Director.

For the general benefit/cost analysis and cost estimates, HDL will need confirmation of the following information:

- 1) Cost of automated pay machines
- 2) Cost of dry wells constructed in existing paved parking areas at Ramps 1-4.

HDL will submit the draft memorandum August 18, 2021 for review by the Port Director/Harbormaster and Director of Public Works. The document will be finalized 15 business days after receiving comments.



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road
Homer, AK 99603

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Memorandum

TO: PORT & HARBOR ADVISORY COMMISSION
FROM: BRYAN HAWKINS, PORT DIRECTOR
DATE: AUGUST 18, 2021
SUBJECT: PORT & HARBOR DUMPSTER USAGE ORDINANCE

The City Manager, Port and Harbor Staff, and Council members have been attempting to resolve some of the challenges surrounding the Port and Harbor dumpsters provided for customers of the Homer harbor and boat owner use. Work sessions have resulted in the following possible solutions outlined in the attached memo from the City Manager. The City Manager is requesting input from the Port and Harbor Advisory Commission before taking this final Ordinance back to Council. Please see attached memo and draft Ordinance 21-xx regarding Port & Harbor Dumpster Usage.

RECOMMENDATION

For discussion and review. Any direction to the City Manager or staff should be made in the form of a motion. Any recommended support of Ordinance 21-xx or comments to City Council should also be made in the form of a motion.

Attached: Memo from City Manager Dumouchel Re: Port & Harbor Dumpster Usage
Draft Ordinance 21-xx



City of Homer

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Office of the City Manager

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Memorandum

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: ROB DUMOUCHEL, CITY MANAGER
DATE: JULY 19, 2021
SUBJECT: PORT & HARBOR DUMPSTER USAGE ORDINANCE

The Port & Harbor Enterprise has challenges with individuals using dumpsters located on the spit as a place to dispose of solid waste from households and businesses. This has never been permitted, but it is a long running practice by many. The intent of this proposed ordinance is to discourage the practice, reduce costs to the enterprise, keep the spit and waterways clean, and give the City the ability to fine the most egregious of offenders.

Solid Waste Management Background

The City transferred its powers as they relate to garbage and solid waste disposal, acquisition, and maintenance of suitable disposal sites to the Kenai Peninsula Borough (KPB) many years ago (HCC 5.08.010). KPB maintains a transfer station in Homer located at 169 Sterling Highway. The vast majority of the types of solid waste we frequently find in Port & Harbor dumpsters can be deposited at the transfer station for free. The transfer station is open Monday through Saturday 8:00AM to 5:45PM and Sundays 12:00pm to 4:00pm. Sunday hours are currently unavailable October through April.

Port & Harbor Dumpsters

The existing Port & Harbor dumpsters (approximately 16 units) are funded in large part by vessel moorage and specifically intended for use by vessels moored in the port & harbor. The Enterprise pays approximately \$60,000 per year in solid waste disposal. We have not conducted a waste characterization study to determine what percentage of that is non-vessel-related waste; however, staff is confident that a significant amount of waste comes from households and businesses.

It is not uncommon for the dumpsters to overflow, particularly on the weekends. Individuals will leave bags of solid waste on the ground in the vicinity of a dumpster where it is vulnerable to wind, birds, rodents, etc. which can damage garbage bags and lead to solid waste entering nearby waterways.

Currently there are not specific code sections for Port & Harbor Dumpsters nor clear signage which makes it clear dumpsters on the spit are not for general use.

Please note that there are also dumpsters on the spit for Parks-related uses. These dumpsters are generally in place seasonally and are paid for by the General Fund. An existing section in Homer City Code makes it clear that these dumpster are for parks use only (HCC 19.20 (i)).

Relevant Solid Waste Sections in Homer City Code (HCC)

HCC has a number of references to solid waste disposal and illegal dumping.

- HCC Chapter 5.08 Garbage and Solid Waste Disposal: Covers the transfer of power to KP&B and a provision about securing solid waste in vehicles in such a way that it will not scatter or spill onto the roadway.
- HCC Chapter 10.08 Protection of the Harbor and Waterways
 - Defines “dump” to mean the discharge, deposit, dump, spill, leak, inject, or place matter into or on any land or water so that such matter or any constituent part thereof enters the Homer harbor or any waterway.”
 - Specifically outlaws dumping trash and other materials into the Homer Harbor or any waterway.
 - Sets fines for dumping which start at \$100 and escalate to \$1000 with each act of dumping and day of dumping as separate offenses. Each individual battery dumped is its own offense.
 - Additionally, any person who dumps in the Harbor or any waterway is strictly liable for the cost of removing the prohibited matter and repairing/remediating any damage. They City may also exercise any civil remedy available under HCC 1.16.020, AS 46.03.822, or any other provision of law.
- HCC Chapter 19.20 Parks and Recreation Facilities: Specifically states that “dumpsters provided at park facilities are intended for park use only.”
- HCC Chapter 18.28 Tidelands:
 - Includes littering or dumping of waste in the definition of “waste or injury to land”
 - Waste or other injury upon City-owned tideland and contiguous submerged land is unlawful and the offending person is civilly liable for any damages caused and may also be punished in accordance with HCC 1.16.010

Notably absent is a general provision for littering. Staff recommends that the Port & Harbor dumpster ordinance be followed up by a littering ordinance in the near future.

Proposed Solution

While it is clear that dumping of solid waste outside of dumpsters is not legal on the spit, the restricted use of Port & Harbor dumpsters is not clearly defined in code. Staff believes that it should be specifically stated in code that dumpsters are for port & harbor use similar to the provision for park dumpsters in Chapter 19.20.

The proposed ordinance creates a new section which makes it clear port & harbor dumpsters are limited to use by moorage paying vessels, and creates a mechanism to penalize offenders. The ultimate goal isn't to spend much time enforcing the ordinance, we just want to deter the current unauthorized use. The ordinance also sets aside \$3000 in Port & Harbor Reserve funds for signage.

Alternatives

The following alternative concepts have been discussed briefly by Council but without resolution:

1. Allow households and businesses to use Enterprise dumpsters to dispose of solid waste with supplemental funding from KPB.
2. Encourage KPB to keep the transfer station open on Sundays year-round to avoid gaps in availability.

Staff is not supportive of encouraging the use of Enterprise dumpsters by the public for non-Port & Harbor purposes. It creates extra expense, extra work, and is likely to create attractive nuisances around popular dumpsters which are likely to overflow and cause environmental concerns. While funds from KPB would be welcome relief to the Enterprise budget, the increased dumping is likely not worth the financial contribution.

On the other hand, staff is extremely supportive of KPB directing funds to itself to keep the transfer station open on Sundays all year. It removes a barrier to disposal for folks who want to do their trash run on a Sunday. This change by KPB would be an excellent complement to the proposed ordinance.

Staff Recommendation

Introduce the proposed Port & Harbor dumpster ordinance on July 26th and adopt it at the August 9th meeting. Continue to lobby KPB to extend Sunday service on a year round basis.

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

Aderhold

3
4 **ORDINANCE 21-xx**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE CHAPTER 10.04 GENERAL PORT
8 AND HARBOR PROVISIONS TO ADD SECTION 10.04.105 USE OF
9 PORT & HARBOR DUMPSTERS, AMENDING HOMER CITY CODE
10 1.16.040 FINE SCHEDULE, AND FUNDING RELEVANT SIGNAGE.

11
12 WHEREAS, The Port & Harbor Enterprise provides dumpsters for use by vessels moored
13 in the Port & Harbor; and

14
15 WHEREAS, The dumpsters provided by the Enterprise are frequently misused by those
16 disposing of household, business, and camping waste; and

17
18 WHEREAS, The dumping of solid waste not related to moored vessels in the Port &
19 Harbor creates additional costs which are borne by the Enterprise despite providing no benefit
20 to the Enterprise; and

21
22 WHEREAS, This amendment to Homer City Code will make it clear that non-Port &
23 Harbor-related dumping is not allowed in Port & Harbor dumpsters; and

24
25 WHEREAS, Noncompliance with the amendment to Homer City Code will be paired with
26 a mechanism for enforcement via fines; and

27
28 WHEREAS, Appropriate signage will help communicate the amendment to Homer City
29 Code.

30
31 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

32
33 Section 1. Homer City Code Chapter 10.04 General Port and Harbor Provisions shall be
34 amended to add section 10.04.105 as follows:

35
36 Chapter 10.04
37 GENERAL PORT AND HARBOR PROVISIONS¹

38 Sections:

- 39 10.04.010 Short title.
40 10.04.020 Scope – Administrative powers.
41 10.04.030 Definitions.
42 10.04.035 Homer port and harbor tariff.

- 43 10.04.040 Harbormaster – Powers and duties.
- 44 10.04.050 Rule and regulation establishment authority.
- 45 10.04.055 Fees.
- 46 10.04.060 Revenues – Use of.
- 47 10.04.080 City docks – Other closure.
- 48 10.04.085 Use of load and launch ramp.
- 49 10.04.090 Underway requirement.
- 50 10.04.100 Vehicles and other wheeled conveyances.
- 51 **10.04.105 Use of port and harbor dumpsters.**
- 52 10.04.110 Violation – Penalty.
- 53 10.04.115 Appeal from port and harbor citation issued pursuant to HCC Titles 7 and 10.
- 54 10.04.120 Impounded vessel procedure.
- 55 10.04.130 Nuisances declared – Removal.
- 56 10.04.132 Nuisances – Abatement procedure.
- 57 10.04.134 Nuisances – Post-removal hearing.
- 58 10.04.135 Nuisances – Form of demand for hearing – Hearing officer.
- 59 10.04.138 Interference with impoundment prohibited.
- 60 10.04.139 Lien on impounded or nuisance vessel.
- 61 10.04.140 Annual review required.
- 62 10.04.150 Required equipment.

63
64 10.04.010 Short title.
65 This title shall constitute the Port and Harbor Code of the City and may be cited as such.

66
67 10.04.020 Scope – Administrative powers.
68 This title and the Homer port and harbor tariff shall be deemed an exercise of the powers of
69 the City for the protection, safeguarding, and orderly moorage and control of boats, and for
70 the protection and general welfare of the public and all of its provisions shall be liberally
71 construed for the accomplishment of the purpose. The City, through its properly appointed
72 representatives, shall have the authority to board any vessel utilizing the harbor or port
73 facilities for the purpose of enforcing this title and the Homer port and harbor tariff.

74
75 10.04.030 Definitions.
76 Unless otherwise provided in this title or required by the context, definitions set forth in the
77 Homer port and harbor tariff shall apply to this title.

78
79 10.04.035 Homer port and harbor tariff.
80 The rates, charges, rules and regulations for wharfage, terminal storage, demurrage and other
81 terminal services and privileges are set forth in the Homer port and harbor tariff and as filed
82 with the Federal Maritime Commission. Subject to the requirements of HCC 10.04.055, the
83 Homer port and harbor tariff may be amended from time to time by resolution of the City
84 Council.

85 10.04.040 Harbormaster – Powers and duties.

86 A Harbormaster, who shall have police powers, shall be appointed in the same manner as other
87 City employees. The Harbormaster shall be assigned to enforce the provisions of this title and
88 the Homer port and harbor tariff, maintain an accurate log of the registration data of all boats
89 using Homer harbor facilities, showing the date of occupancy of berthing facilities, issue
90 citations and impound vehicles, vessels, gear or equipment for violations of this title, and
91 collect or arrange for the collection of the established fees. The Harbormaster is granted the
92 power and authority from time to time, as circumstances require, but without any obligation
93 to do so, and without any obligation or liability on his part, or that of the City for his failure to
94 do so, to replace defective mooring lines, to pump vessels which are in a dangerous condition
95 for lack thereof, and to move any boat for the purpose of protecting such boat from fire or from
96 other hazard or for the protection of other vessels or property therefrom. Whenever the
97 Harbormaster shall perform or cause to be performed any of the actions authorized in this title
98 or other emergency actions, after having given notice of the immediate need therefor, or
99 having attempted to give such notice within the time limits prescribed by the exigencies of the
100 situation, a fee as prescribed in the Homer port and harbor tariff shall be assessed the vessel
101 owner or operator. [Ord. 95-18(S), 1995; Ord. 88-2,
102 1988].

103
104 10.04.050 Rule and regulation establishment authority.

105 The City Manager is empowered and authorized to establish additional rules and regulations
106 governing the use of the Homer harbor, assignment of stalls, and the general conduct in,
107 around and on harbor facilities and parking areas. Such rules and regulations shall become
108 effective upon approval by the City Council. The Council may provide for a different effective
109 date. The City Manager shall print and make available to the public copies of regulations
110 adopted pursuant to this section. [Ord. 95-18(S), 1995; Ord. 88-2, 1988].

111
112 10.04.055 Fees.

113 a. Fees for the approved use of Homer harbor facilities and services as set forth in the Homer
114 port and harbor tariff may be changed by City Council resolution; provided, that a public
115 hearing is held prior to approval of the resolution; and provided further, that any such change
116 is effective only after the change is filed with the Federal Maritime Commission as an
117 amendment to the Homer port and harbor tariff.

118
119 b. The Harbormaster may negotiate special fees and charges with a vessel owner or operator
120 where the owner or operator requires an exceptional volume of, or unique or unusual, services
121 or facilities, and it is in the best interest of the City to enter into special arrangements. In such
122 event, the Harbormaster shall inform the City Manager of such special, negotiated
123 arrangements. [Ord. 95-18(S), 1995; Ord. 91-13(S) § 1, 1991; Ord. 88-2, 1988].

124
125 10.04.060 Revenues – Use of.

126 All revenues from the Homer harbor shall be expended for the maintenance, operation and
127 improvement of the Homer harbor in accordance with generally accepted accounting
128 principles. Revenues from the Homer boat harbor shall be expended solely for the furtherance
129 of financial stability and self-sufficiency of the Homer harbor. [Ord. 95-18(S), 1995; Ord. 92-22,
130 1992; Ord. 88-2, 1988].

131

132 10.04.080 City docks – Other closure.

133 The City, through its City Manager or other duly constituted agent, may prohibit the use of any
134 wharves and docking facilities owned or controlled by the City at any time when closing the
135 facilities is required to protect and preserve the public welfare and safety. [Ord. 95-18(S), 1995;
136 Ord. 88-2, 1988].

137

138 10.04.085 Use of load and launch ramp.

139 a. Terms and conditions for use of the small boat harbor load and launch ramp are provided in
140 the Homer port and harbor tariff as amended from time to time.

141

142 b. No person who is obligated to pay a fee for using the small boat harbor load and launch
143 ramp may use the small boat harbor load and launch ramp without first paying the fee
144 prescribed for its use.

145

146 c. A person who is obligated to pay a fee for using the small boat harbor load and launch ramp
147 must make the ticket verifying payment available upon request, or display the seasonal permit
148 on the port side of the permit holder’s vessel. [Ord. 16-11 § 2, 2016].

149

150 10.04.090 Underway requirement.

151 On at least two days in each calendar year, separated by at least 60 days, a vessel moored in
152 the Homer harbor shall depart under its own power from the Homer harbor and travel beyond
153 the one-quarter-mile turning basin of the Pioneer and Deep Water Docks before returning
154 under the vessel’s own power to the Homer harbor. The moorage charge for a vessel that fails
155 to comply with this requirement shall be increased by 50 percent commencing at the time the
156 vessel fails to comply and continuing during the period of noncompliance.

157

158 10.04.100 Vehicles and other wheeled conveyances.

159 a. No person other than an employee of the City or other person acting on City business shall
160 drive a vehicle upon trails in the harbor area that are designated for pedestrian or bicycle use
161 except in case of emergency. Parking or leaving boats, trailers and/or other vehicles and
162 equipment related thereto by the public shall be limited to specific areas designated for such
163 use.

164

165 b. Hauling out boats on skids is prohibited unless approved in advance by the Harbormaster.

166

167 **10.04.105 Use of Port & Harbor dumpsters**

168 **a. Dumpsters provided at Port & Harbor facilities are for Port & Harbor related use only.**

169
170 **b. The dumping of non-Port & Harbor related waste, such as household waste or**
171 **construction waste, in Port & Harbor dumpsters is prohibited.**

172
173 10.04.110 Violation – Penalty.
174 Except as provided in HCC 1.16.040 and 7.04.030, any violation of the provisions contained in
175 this title or regulations adopted pursuant to this title shall be unlawful and punishable as
176 provided in HCC 1.16.010.

177
178 10.04.115 Appeal from port and harbor citation issued pursuant to HCC Titles 7 and 10.
179 a. A person who has been issued a citation for a violation of HCC Title 7 or 10 by the City of
180 Homer Harbormaster, or their designee, may appeal that action to the hearing officer
181 designated by the City Manager by completing an administrative hearing request form and
182 delivering the form to the Homer City Clerk’s office no later than 30 days after the issuance of
183 the citation.

184
185 b. The hearing officer shall schedule an appeal hearing for the next available hearing date after
186 the date of delivery of the administrative hearing request form to the City Clerk’s office.

187
188 c. The appeal hearing shall be conducted informally and may be governed by such rules and
189 procedures as the hearing officer may establish, except that:
190 1. Each party has the right to be represented by counsel.
191 2. Each party may present witnesses and evidence.
192 3. Each party and witnesses may appear in person or by telephone.
193 4. Each party may confront and question witnesses.
194 5. The individual receiving the citation may testify in their own defense.
195 6. Each party may subpoena witnesses.
196 7. The hearing shall be open to the public.
197 8. An electronic recording shall be made of the hearing.

198
199 d. The hearing officer may exercise independent judgment as to the weight of evidence
200 supporting or refuting the notice of violation or impoundment, and may exercise independent
201 judgment on legal issues raised by the parties.

202
203 e. No later than 30 days following the hearing the hearing officer shall issue a written decision
204 including findings of fact and conclusions of law. Such findings must be reasonably specific so
205 as to provide interested persons and, where appropriate, reviewing authorities, a clear and
206 precise understanding of the reasons for the decision entered. The decision, findings of fact,
207 and conclusions of law shall be forwarded to all parties to the appeal. A final appealable
208 decision must indicate that it is a final order and that a party disputing the decision has 30 days
209 to appeal.

210 f. A final decision issued under subsection (e) of this section may be appealed to the Superior
211 Court within 30 days after the date the decision was issued. For the purposes of this section the
212 date of issuance is the date upon which the decision was mailed or delivered to the parties.

213

214 10.04.120 Impounded vessel procedure.

215 a. At least 10 days prior to impounding any vessel, the City shall cause to be posted on the
216 vessel, in the Harbormaster's office, the City Clerk's office and on the bulletin board at the
217 entrance of the United States Post Office notice of such action to be taken by the City. A copy
218 of the notice shall be mailed by certified mail, return receipt requested, to the owner or
219 operator of the vessel at his last known address, which address shall be the same as that
220 furnished in accordance with the regulations of this tariff. The notice shall contain the name
221 and/or number of the vessel, the name and address, if known, of the owner or operator and
222 the location of the vessel.

223

224 b. As to any vessel proposed for impoundment, an owner or operator of the vessel has the right
225 to a pre-impoundment administrative hearing to determine whether there is probable cause
226 to impound the vessel if such person files a written demand, on forms so provided for such a
227 hearing, with the City within 10 days after such person has learned such vessel will be
228 impounded or within 10 days after the return of mail receipt of the notice required by
229 subsection (a) of this section, whichever occurs first.

230

231 c. A hearing shall be conducted before a hearing officer designated by the City Manager within
232 48 hours of receipt of written demand therefor from the person seeking the hearing unless the
233 person waives the right to a speedy hearing. Saturdays, Sundays and City holidays are to be
234 excluded from the calculation of the 48-hour period. The hearing officer shall be someone
235 other than the persons who will direct the impounding and storage of the vessel. The sole issue
236 before the hearing officer shall be whether there is probable cause to impound the vessel in
237 question. "Probable cause to impound" shall mean such a state of facts as would lead a person
238 of ordinary care and prudence to believe that there was a breach of Federal, local or municipal
239 law or regulations, or any agreement entered into pursuant thereto, rendering the vessel
240 subject to impoundment. The hearing officer shall conduct the hearing in an informal manner
241 and shall not be bound by technical rules of evidence. The person demanding the hearing shall
242 carry the burden of establishing that such person has the right to possession of the vessel. The
243 Harbormaster shall carry the burden of establishing that there is probable cause to impound
244 the vessel in question. At the conclusion of the hearing, the hearing officer shall prepare a
245 written decision. A copy of such decision and reasons therefor shall be provided to the person
246 demanding the hearing and the owner of the vessel if such owner is not the person requesting
247 the hearing. The hearing officer's decision in no way affects any criminal proceeding
248 connection with the impound in question and any criminal charges involved in such
249 proceeding may only be challenged in the appropriate court. The decision of the hearing officer
250 is final and may only be appealed to the Superior Court. Failure of the owner or operator to

251 request or attend a scheduled pre-impoundment hearing shall be deemed a waiver of the right
252 of such hearing.

253
254 d. The hearing officer shall only determine that as to the vessel in question either that there is
255 probable cause to impound the vessel or that there is no such probable cause. In the event that
256 the hearing officer determines that there is no probable cause, the hearing officer shall prepare
257 and date a certificate of no probable cause, copies of which shall be given to the owner or
258 operator and to the Harbormaster. Upon receipt of such certificate of probable cause, the
259 Harbormaster may proceed with impoundment and disposition of the vessel by removal, sale
260 or destruction as authorized by this title.

261
262 e. Any vessel impounded shall be held by the City for a period of not less than 30 days during
263 which the City shall publish in a newspaper of general circulation in the City a notice describing
264 the vessel in general terms, the name and/or number, if any, the name and address of the
265 owner, or operator, if known, or if not known shall so state the location of the vessel and the
266 intention of the City to sell the same at public auction, on a day and at a place and time certain,
267 not less than 10 days prior to the sale, for cash to the highest and best bidder. At any time prior
268 to the auction, the owner or operator may redeem the vessel by cash payment of all City
269 charges against the vessel.

270
271 f. The minimum acceptable bid shall be a sum equal to the City's charges against the vessel.
272 The proceeds of the sale shall be first applied to the cost of sale, then to accrued stall license
273 fees and charges, service fees, storage charges, attorney fees and costs, and other expenses
274 provided for in this title, and the balance, if any, shall be held in trust by the City for the owner
275 of the vessel to claim; and if not claimed within one year, the balance shall be deposited into
276 the small boat harbor facilities fund. Upon the sale being made, the City shall make and deliver
277 its bill of sale, without warranty, conveying the vessel to the buyer.

278 g. If at the public sale there are no bidders for the vessel, the City may destroy, sell at private
279 sale or otherwise dispose of the vessel. The disposition is to be made without liability of the
280 City, its employees or agents to the owner, master or any lien holder of the vessel.

281
282 10.04.130 Nuisances declared – Removal.

283 a. For the purposes of this title and in the interest of the greatest use of the facilities of the
284 Homer harbor and the municipal waters by the general public, vessels in the Homer harbor
285 and elsewhere on the municipal waters that are illegally moored, cause an obstruction to
286 navigation, or that are abandoned or derelicts or unfit or unseaworthy or which are maintained
287 in such manner as to make them liable to sinking for lack of being pumped or other
288 maintenance, or which are unsafe or which are maintained in a manner as to constitute a fire
289 hazard, and sunken vessels and vessels in imminent danger of sinking, are declared to be
290 nuisances and subject to abatement and removal from the Homer harbor or other municipal
291 waters by the City or its agents, without liability of the City for any damage done by virtue of
292 the removal or for any of its consequences.

293
294 b. Refuse of all kinds or any other obstructions or debris are declared to be public nuisances,
295 and it shall be unlawful for any person to place, or cause to be placed, any public nuisance in
296 the Homer harbor or in the municipal waters, or on the shores thereof. Nets, gear, and other
297 material left on any float or dock for more than 12 hours are hereby declared a public nuisance.
298 Any person causing or permitting the nuisances to be placed as aforesaid shall remove the
299 same and upon his failure to do so, the same may be removed or caused to be removed by the
300 Harbormaster. When the Harbormaster has authorized such nuisances to be removed or
301 stored commercially, all costs of such commercial removal or storage shall be paid by and
302 recoverable from the person creating the nuisances and shall not excuse the person
303 responsible therefor from prosecution hereunder. Any nuisance under this subsection may be
304 impounded, disposed of by destruction, private or public sale, or by any other means deemed
305 reasonable by the Harbormaster. Such disposition is to be made without liability of the City,
306 its employees or agents to the owner, master or any lien holder of the nuisance.

307
308 c. Upon the Harbormaster's written determination that a nuisance described in subsection (a)
309 of this section exists that constitutes a clear and present danger to the public health, safety or
310 general welfare, the nuisance may be summarily abated by the Harbormaster according to
311 HCC 10.04.132 without prior notice.

312 d. Vessels declared a nuisance under subsection (a) of this section that do not constitute a clear
313 and present danger to the public health, safety and general welfare may be moved,
314 impounded, or disposed of according to the procedure provided in HCC 10.04.120.

315
316 **10.04.132 Nuisances – Abatement procedure.**

317 a. Unless otherwise provided, the procedure set forth in this section shall apply whenever a
318 vessel has been impounded or removed or a nuisance vessel abated pursuant to HCC
319 10.04.130(a) or otherwise, and the pre-impoundment administrative hearing procedures of
320 HCC 10.04.120 were not followed.

321
322 b. An impoundment is effective when a written order of impoundment is placed on a vessel. An
323 order of impoundment shall identify the vessel, state the reasons for impoundment, and be
324 dated and signed by the Harbormaster or his authorized designee. An impounded vessel may
325 be immediately towed or otherwise removed upon the order of the Harbormaster. Nothing in
326 this subsection shall be construed to prevent the City from using alternatives to impoundment,
327 including without limitation removal or other means to abate a nuisance.

328
329 c. When action is taken to impound, remove, or otherwise abate a nuisance vessel, notice of
330 such action shall be placed on the vessel if possible, and within six hours a copy of the notice
331 shall be personally delivered or placed in the U.S. mail addressed to the owner of the vessel.
332 The notice shall include the following substantive provisions:

333

334 ATTENTION: The vessel _____ has been impounded/removed/abated by the City of
335 Homer harbormaster as a public nuisance for the following reasons:
336 _____

337 As the owner of the vessel you have the following options (those that apply are checked):

338 ___ The vessel has been impounded and you may recover possession of the vessel by paying
339 to the person having custody of the vessel the towing, storage, and other charges that may
340 have accrued. The vessel is at the following location:

341 _____
342 ___ The vessel has been removed and you may recover possession of the vessel at the
343 following _____ location:
344 _____

345 ___ The vessel has been destroyed. You may direct any inquiries to the City of Homer
346 harbormaster.

347 ___ The following action has been taken, and any option you may have is described below:
348 _____

349 If you believe the vessel was improperly impounded, removed, or otherwise abated, you may:
350 (i) In the case of an impoundment, recover possession of the vessel by paying any towing,
351 storage, or other charges that have accrued, and you may claim a refund or reimbursement by
352 filing a demand (on a form provided by the city) for an administrative hearing before a hearing
353 officer as to whether the harbormaster had a sufficient factual and legal basis to impound the
354 vessel; or

355 (ii) In the case of an impoundment, you may demand return of the vessel without paying the
356 towing, storage, or other charges by filing a demand (on a form provided by the city) for an
357 administrative hearing before a hearing officer as to whether the harbormaster had a sufficient
358 factual and legal basis to impound the vessel; or

359 (iii) You may in any other case file a demand (on a form provided by the city) for an
360 administrative hearing before a hearing officer as to whether the harbormaster had a sufficient
361 factual and legal basis to impound, remove, or abate the vessel.

362 To be entitled to such a hearing, your written demand must be filed with the City Clerk (a)
363 within 5 workdays after you learned that your vessel was impounded, removed, or otherwise
364 abated or (b) within 15 workdays after the City mailed notice to the vessel owner of the action
365 taken, whichever is earlier. If you fail to make a timely request for a hearing you will lose all
366 right to challenge the sufficiency of the basis for the action taken.

367 If timely requested, the hearing must be held within 48 hours after the filing of your written
368 demand, not including, Saturdays, Sundays, and city holidays, unless you waive your right to
369 a speedy hearing. A determination that there was an insufficient factual or legal basis for the
370 action taken will require the release of the vessel to the owner without payment of the towing,
371 storage, or other accrued charges, or it will entitle the owner to a refund or reimbursement if
372 the charges were already paid.

373 A hearing may be demanded by filing the appropriate form with the City Clerk at Homer City
374 Hall between 8:00 a.m. and 5:00 p.m. on any day other than Saturday, Sunday and city
375 holidays.

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- 10.04.134 Nuisances – Post-removal hearing.
- a. If demand is timely made, the owner or person entitled to possession of the vessel is entitled to an administrative hearing to determine whether there was a sufficient factual and legal basis for the action to impound, remove, or otherwise abate the vessel. To be entitled to such a hearing, a written demand must be filed with the City Clerk (1) within five workdays after the owner or other person entitled to possession learned that the vessel was impounded, removed, or otherwise abated, or (2) within 15 workdays after the City mailed the notice required by HCC 10.04.132(c) to the vessel owner, whichever is earlier. If no timely request for a hearing is made, the factual and legal basis for the action taken will be conclusively deemed sufficient for all purposes.
- b. The hearing will be held within 48 hours after the filing of a written demand, not including Saturdays, Sundays and City holidays, unless the person demanding the hearing waives a speedy hearing.
- c. The hearing officer shall not be bound by formal rules of evidence. A copy of the Harbormaster’s written determination that a public nuisance exists will constitute prima facie proof of a sufficient factual and legal basis for the action. The burden will be on the vessel owner to prove by a preponderance of the evidence that there was not sufficient factual or legal basis for impounding, removing, or otherwise abating the vessel.
- d. At the conclusion of the hearing, the hearing officer shall prepare a written decision, including the reasons for the decision. A copy of such decision shall be provided to the person demanding the hearing and the owner of the vessel. The hearing officer’s decision in no way affects any criminal charges that may be pending. The decision of the hearing officer is final and may only be appealed to the Superior Court.
- e. A determination by the hearing officer that there was not a sufficient factual or legal basis for the action taken will require the release of the vessel to the owner or other person entitled to possession without payment of the towing, storage, or the accrued charges, or will entitle the person to a refund or reimbursement by the City if the charges have already been paid. If the hearing officer determines there was a sufficient factual and legal basis for the action taken, the Harbormaster may proceed to dispose of the vessel by sale according to HCC 10.04.120(e) through (g), or the Harbormaster may destroy or otherwise dispose of the vessel without sale if he makes a good faith determination that the value of the vessel does not exceed the costs of towing, storage, sale, and other harbor charges accrued against the vessel.
- 10.04.135 Nuisances – Form of demand for hearing – Hearing officer.
- a. The City Clerk shall prepare and make available a form of demand for a hearing pursuant to HCC 10.04.134. Upon receipt of a demand for a hearing the City Clerk shall immediately forward

417 the demand to the City Manager or his designee, who shall schedule an administrative hearing
418 and notify all parties.

419
420 b. The City Manager shall appoint a hearing officer to conduct hearings pursuant to HCC
421 10.04.134. No person with the authority to impound, remove, or otherwise abate a nuisance
422 vessel shall be eligible to serve as a hearing officer.

423
424 10.04.138 Interference with impoundment prohibited.
425 a. Unless authorized by the Harbormaster, it is unlawful for any person to remove an
426 impoundment order from a vessel upon which it has been posted.
427 b. Unless authorized by the Harbormaster, it is unlawful for any person to move a vessel after
428 it has been posted with an impoundment order.
429 c. It is unlawful for any person to interfere with the Harbormaster or any other person under
430 the Harbormaster's authority engaged in the impound, removal, or abatement of a vessel or
431 public nuisance.

432
433 10.04.139 Lien on impounded or nuisance vessel.
434 The City shall have a lien on any vessel impounded or abated as a nuisance under this title for
435 charges for towing, storage, costs of abatement, costs of sale, attorney fees, any other charges
436 incurred in connection with the impoundment or abatement, and charges for harbor services,
437 including, without limitation, moorage, dockage, stall rental, utilities, and other services
438 provided to or for the benefit of the vessel.

439
440 10.04.140 Annual review required.
441 An annual review shall be required of all port and harbor rates. Such annual review shall be
442 part of preparation of the port, and charges and harbor fiscal operating budgets.

443
444 10.04.150 Required equipment.
445 All watercraft or vessels shall carry the equipment required by any applicable United States
446 laws or regulations as now or hereafter amended, and shall be numbered or designated in
447 accordance with any applicable United States laws or regulations as now or hereafter
448 amended. In the absence of extenuating circumstances, failure of any boat or vessel within the
449 Homer harbor to comply with applicable United States laws or regulations shall be in violation
450 of this title.

451
452 Section 2. Homer City Code 1.16.040 is hereby amended as follows:

453
454 1.16.040 Disposition of scheduled offenses – Fine schedule.
455 Citations for offenses listed in this section may be disposed of as provided in AS 12.25.195
456 through 12.25.230, without a court appearance, upon payment of the fine amounts listed
457 below, plus the State surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to
458 the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all

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459 offenses listed below. Citations charging these offenses must meet the requirements of Minor
 460 Offense Rule 3. If a person charged with one of these offenses appears in court and is found
 461 guilty, the penalty imposed for the offense may not exceed the scheduled fine amount plus any
 462 surcharge required to be imposed by AS 12.55.039 and 29.25.074. If an offense is not listed on
 463 a fine schedule, the defendant must appear in court to answer the charges.
 464
 465

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 5.08.020	Transporting unsecured load of garbage, trash or other materials in vehicle	\$300.00
HCC 5.20.020	Open burning, permit required	\$300.00
HCC 5.20.030	Trash burning – Approved container required	\$300.00
HCC 5.20.050	Handling or storing explosives	\$300.00
HCC 5.24.030	Fireworks – Sale prohibited	\$300.00
HCC 5.24.040	Fireworks – Use prohibited	\$300.00
HCC 5.38.010	Feeding or baiting certain birds (first offense)	\$50.00
HCC 5.38.010	Feeding or baiting certain birds (second and subsequent offenses)	\$200.00
HCC 5.42.030	Single-use plastic carryout bags prohibited	\$50.00 per day
HCC 8.08.020	Itinerant or transient merchant – License required	\$300.00
HCC 8.08.080	Itinerant or transient merchant – Exhibition of license	\$300.00
HCC 8.08.100	Itinerant or transient merchant – Use of streets and other public places	\$300.00
HCC 8.11.030	Mobile food service – License required	\$300.00
HCC 8.11.070(b)	Mobile food service – Operation near similar business at fixed location	\$300.00
HCC 8.11.070(c)	Mobile food service – Operation in City park or campground	\$300.00
HCC 8.11.070(d)	Mobile food service – Operation in congested area on Homer Spit	\$300.00
HCC 8.12.120	Public transportation vehicle – Permit required	\$300.00
HCC 8.12.200	Chauffeurs license – Required	\$300.00
HCC 8.12.250	Public transportation vehicle – Prohibited operation	\$300.00
HCC 8.12.400	Public transportation vehicle – Display of rates/fares	\$300.00
HCC 10.04.035	Going dry/causing blockage or restricted access to the barge ramp (per tide cycle)	\$150.00

Strike-out is deleted language, **bold underline** is new language

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 10.04.035	Commercial loading at the load and launch ramp during the hours of 6:00 a.m. – 6:00 p.m. Memorial Day to Labor Day (per occurrence)	\$100.00
HCC 10.04.085(b)	Failure to pay fee for use of load and launch ramp (first offense)	\$100.00
HCC 10.04.085(b)	Failure to pay fee for use of load and launch ramp (second offense)	\$200.00
HCC 10.04.085(b)	Failure to pay fee for use of load and launch ramp (third and subsequent offenses)	\$300.00
<u>HCC 10.04.105</u>	<u>Unauthorized use of Port & Harbor dumpsters</u>	<u>\$300.00</u>
HCC 13.08.010	Work in City right-of-way or connecting to City utility – Permit required	\$300.00
HCC 13.08.130	Restore City right-of-way to original condition	\$300.00
HCC 13.08.140	Repair of damage to City utilities	\$300.00
HCC 14.04.050	Sewer extension or connection – Permit required	\$300.00
HCC 14.04.070	Destruction of private sewage disposal system after connection to City sewer system	\$300.00
HCC 14.04.090	Discharge of surface drainage into City sewer	\$300.00
HCC 14.08.030	Water extension or connection – Permit required	\$300.00
HCC 14.08.040	Connection to private water system – Permit required	\$300.00
HCC 14.08.105	Resale of City water – Permit required	\$300.00
HCC 18.20.015	Storing, parking or leaving abandoned or junk vehicle	\$300.00
HCC 18.20.025	Failure to remove abandoned or junk vehicle	\$300.00
HCC 19.02.020	Large special event – Permit required	\$300.00
HCC 19.04.040	Burial of human remains outside approved cemetery	\$300.00
HCC 19.04.090(a)	Monument or other memorial protruding above ground level in City cemetery	\$300.00
HCC 19.04.090(b)	Placement, alteration or removal of monument, memorial or plant without City consent	\$300.00
HCC 19.08.030(a)	Camping on City property where prohibited	\$300.00
HCC 19.08.030(b)	Camping outside designated areas	\$300.00
HCC 19.08.030(d)	Camping in closed campground	\$300.00
HCC 19.08.050	Camping in City campground – Permit required	\$300.00
HCC 19.08.060	Camping in City campground for more than 14 days	\$300.00

Strike-out is deleted language, **bold underline** is new language

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 19.08.070(a)	Disposal of human waste on City property	\$300.00
HCC 19.08.070(c)	Erect, occupy, utilize structure on City property	\$300.00
HCC 19.08.070(d)	Park, leave, maintain, utilize vehicle, camper unit, or camp where prohibited	\$300.00
HCC 19.08.070(e)	Deface, destroy, alter or remove City property	\$300.00
HCC 19.08.070(f)	Dog at large in City campground	\$300.00
HCC 19.08.070(g)	Campsite in City campground left in disorderly or unsightly condition	\$300.00
HCC 19.08.080	Improper storage of garbage, refuse, other waste in City campground	\$300.00
HCC 19.12.080	Excavation or removal of gravel or fill – Permit required	\$300.00
HCC 19.12.090	Tampering with, burning or removing driftwood from storm berm	\$300.00
HCC 19.20.020	General rules	\$300.00
HCC 19.20.030	Park closure	\$150.00

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Section 3. The Council hereby amends the FY2022 Operating Budget and authorizes an expenditure of up to \$3,000 for Port & Harbor dumpster regulation changes:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
400-0600	Port and Harbor..CARMA?	\$3,000

Section 4. Sections 1 and 2 are of a permanent and general character and shall be included in Homer City Code.

Section 5. Section 3 is a budget amendment ordinance only, is not permanent in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of ____, 2021.

CITY OF HOMER

 KEN CASTNER, MAYOR

ATTEST:

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489 _____
490 MELISSA JACOBSEN, MMC, CITY CLERK
491
492 YES:
493 NO:
494 ABSENT:
495 ABSTAIN:
496
497 First Reading:
498 Public Hearing:
499 Second Reading:
500 Effective 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: CITY OF HOMER ADVISORY BODIES
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: AUGUST 12, 2021
SUBJECT: ORDINANCE 21-XX AMENDING HOMER CITY CODE 2.58 REGARDING
TELECONFERENCING, ATTENDANCE, AND VACANCIES

With the expiration of the City's COVID-19 emergency declaration there is no longer the ability to waive teleconference restrictions for advisory body meetings.

There are board and commission members who are not comfortable returning to in-person meetings due to the on-going pandemic or who choose not to wear a mask when it's required in City facilities. The City has successfully conducted meetings by teleconference for over a year and the City now has the ability to conduct hybrid meetings where members can attend in person or by teleconference.

On July 26th, Council adopted Emergency Ordinance 21-46 to temporarily suspend telephonic restrictions for 60 days to allow time to address this matter.

A current issue is Homer City Code (HCC) chapter 2.58 Boards and Commissions doesn't address telephonic participation or teleconferencing, but board and commission bylaws prescribe teleconference limitations.

To resolve this matter Deputy City Clerks Krause and Tussey reviewed this chapter and drafted the attached ordinance with the following goals in mind:

1. Prioritize advanced notice to the Clerk for teleconference participation
2. Encourage attendance by removing or relaxing teleconference limitations
3. Clarify absences and vacancies

The City Attorney reviewed the draft and proposed clarifying amendments under Recording Clerk, Staff Reports and Recommendations, and Rules of Order.

In addition to this code amendment, Boards and Commissions will need to review their bylaws and consider amendments to their telephonic limitations.

Recommendation:

Review, discuss, and provide comments (if any) to Council regarding the draft ordinance.

Attachments: Draft Ordinance 21-xx Amending HCC 2.58
Current HCC 2.58

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

ORDINANCE 21-xx

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING HOMER CITY CODE 2.58 BOARDS AND COMMISSIONS
REGARDING BYLAW REQUIREMENTS AND TELECONFERENCING
PROCEDURES.

WHEREAS, The State of Alaska Open Meetings Act allows elected officials to attend meetings by teleconference; and

WHEREAS, Attendance at regular meetings, special meetings, and worksessions by teleconference has been effective and efficiently employed by the board and commissions since April 2020; and

WHEREAS, Allowances for the continued ability to attend meetings by teleconference outside of emergency situations is beneficial to conducting the business of the City of Homer.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 2.58.050, entitled “Required procedures” is hereby amended as follows:

2.58.050 Required procedures.

Except as otherwise provided in this title, bylaws for boards and commissions shall contain:

a. Presiding Officer. The presiding officer of the board or commission shall be the chairperson. In the chairperson’s absence, the vice-chairperson shall be the presiding officer. In all other circumstances, the most senior member shall preside. The presiding officer shall preserve order and decorum at all meetings of the board or commission, while promoting discussion by all members in deliberations unless otherwise prohibited by law.

b. Staff Liaison. The City Manager shall designate an employee to serve as a staff liaison to each board or commission. The staff liaison shall assist the chairperson in setting meetings, preparing agendas, and other documentary material, and coordinating the acquisition of needed materials and training.

c. Recording Clerk. The City Clerk shall designate a recording clerk to take minutes for each board and commission and that designee shall serve as the board’s or commission’s

43 parliamentary advisory pursuant to AS 29.20.380(10) **and HCC 2.12.010** and assist the
44 chairperson with ~~compliance with the commission's or board's bylaws~~ **the conduct of the**
45 **meeting.**

46

47 d. Quorum. Four commission or board members shall constitute a quorum of seven members;
48 and five commission or board members shall constitute a quorum of eight members.

49

50 e. Voting. Each member, including the chairperson, shall vote, and shall not abstain from
51 voting, unless such member claims a conflict of interest, **or has an excused absence,** in which
52 event the member shall be excused from voting. The member shall then state for the record
53 the basis for the abstention.

54

55 1. Four affirmative votes of seven members and five affirmative votes of eight members
56 are required to pass a motion.

57

58 2. Voting will be by a roll call vote, the order to be rotated; or by unanimous consent if no
59 objection is expressed.

60

61 3. Voting by proxy or absentee is prohibited.

62

63 f. Staff Reports and Recommendations. The staff liaison shall submit reports and
64 recommendations for those agenda items requiring decisions or recommendations by any
65 board or commission. Other staff having experience, education, and professional training in
66 the subject matter may provide input into the reports and recommendations, or may provide
67 supplemental ~~ones~~ **information.** The ~~material~~ **information** submitted may be oral, written or
68 graphic, or some combination of all. Except as otherwise provided in this code, the reports and
69 recommendations shall be accepted as evidence of record to the same extent as oral testimony
70 and exhibits accepted from applicants, opponents, persons who are subjects of an inquiry,
71 expert and lay witnesses, and members of the public who provide information for the record
72 of the proceedings.

73

74 g. Attendance. ~~Any commission or board member who misses three consecutive regular~~
75 ~~meetings without being excused, or 30 percent of all meetings within a calendar year, shall be~~
76 ~~removed from the board or commission.~~ **A member shall be removed from the board or**
77 **commission who has three consecutive unexcused absences, or misses half of all**
78 **meetings within an appointment year, whether excused or unexcused.** Any member who
79 is unable to attend a meeting, whether regular or special, shall contact the ~~City Clerk, staff~~
80 ~~liaison, or chairperson as soon as possible~~ **in advance no later than two hours prior to the**
81 **scheduled meeting time** for excusal.

82

83 h. Vacancies. A commission or board member's appointment is vacated under the following
84 conditions:

- 85
86 1. A member fails to qualify to take office within 30 days after their appointment;
87
88 2. A member resigns;
89
90 3. A member is physically or mentally unable to perform the duties of the office;
91
92 4. A member is convicted of a felony or of an offense involving a violation of their oath of
93 office;
94
95 5. A member misses three consecutive regular meetings without being excused, or 30
96 percent of all meetings within a calendar year **unexcused absences, or misses half of**
97 **all meetings within an appointment year, whether excused or unexcused.**
98

99 i. Rules of Order. Boards and commissions shall abide by the current edition of Robert's Rules
100 of Order. ~~If Robert's Rules of Order conflict with the board or commission bylaws or other~~
101 ~~provisions of this code, the bylaws and/or code provisions shall apply.~~ **insofar as it is**
102 **consistent with the board's or commission's bylaws, other provisions of the Homer City**
103 **Code, or standing rules. In all other cases, bylaws, the code, or the standing rule shall**
104 **prevail.**
105

106 j. Training and Model Procedures.

- 107
108 1. Training sessions developed or arranged by the City Clerk and approved by the City
109 Manager shall be mandatory unless a member's absence is excused by the chairperson.
110
111 2. The City Manager and/or City Clerk, in their discretion and in consultation with the City
112 Attorney as needed, may develop model procedures to be used as a guide for boards
113 and commissions.
114

115 **k. Teleconferencing. Teleconference participation is allowed with notice to the clerk no**
116 **later than two hours prior to the scheduled meeting time.**
117

118 Section 2. Homer City Code Chapter 2.58.060, entitled "Teleconferencing" is hereby
119 enacted to read as follows:
120

121 **2.58.060 Teleconferencing.**
122

123 **a. This section governs the teleconference participation of board and commission**
124 **members at all regular meetings, special meetings, and worksessions.**
125

126 **b. “Teleconference” means remote participation by telephone or web-based format by a**
127 **member for a meeting of the board or commission which must enable the remote**
128 **member, for the duration of the meeting, to clearly hear and to be heard by the**
129 **chairperson, all other members, the staff liaison, the Clerk, and any public in attendance.**
130

131 **c. “Appointment year” means the 12 month period commencing the first day of the first**
132 **month after expiration of terms.**
133

134 **d. The preferred procedure for all meetings is that all members should make all**
135 **reasonable effort to be physically present at the designated time, date, and location**
136 **within the City for the meeting. Teleconference participation is intended for good cause**
137 **which may include, but is not limited to, absences required for work-related events,**
138 **family emergencies, medical-related issues, or other good cause. Teleconferencing is not**
139 **to be used as a regular means of attendance at meetings except temporarily during**
140 **events described in section (g). A board or commission member allowed by this section**
141 **to participate by teleconference shall, while actually on the teleconference, be deemed**
142 **present at the meeting for all purposes.**
143

144 **e. Members who cannot be physically present for a meeting shall notify the clerk in**
145 **advance no later than two hours prior to the scheduled meeting time of their intent to**
146 **appear by teleconference.**
147

148 **f. All members teleconferencing will establish a connection by telephone or web-based**
149 **format and shall make every effort to participate in the entire meeting. If teleconference**
150 **participation is interrupted due to poor connectivity and hinders the active participation**
151 **of a member in the meeting, the chairperson will request a brief recess to allow the**
152 **person to attempt to reestablish a connection. If the member cannot reestablish a**
153 **connection after a recess, the chairperson shall proceed with the meeting and the clerk**
154 **shall note in the minutes of the meeting the member’s inability to participate in the**
155 **meeting due to technical difficulties.**
156

157 **g. Section (d) does not apply to meetings held while an emergency disaster declaration is**
158 **in effect and the nature if the disaster significantly impacts a member’s ability to attend**
159 **a meeting other than by teleconference or other technological means.**
160

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

163
164 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this __ day of _____, 2021.

165
166 CITY OF HOMER
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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

KEN CASTNER, MAYOR

Chapter 2.58

BOARDS AND COMMISSIONS

Sections:

[2.58.010 Boards and commissions.](#)

[2.58.020 Creation of City boards and commissions.](#)

[2.58.030 Applicability.](#)

[2.58.035 Commission and board member terms.](#)

[2.58.040 Commission and board bylaws.](#)

[2.58.050 Required procedures.](#)

2.58.010 Boards and commissions.

City Council may create or abolish boards and commissions. Council shall create or abolish boards and commissions via ordinance. Council shall establish the number of members of each board or commission, their terms of office, and the purpose for which the board or commission is created via ordinance. [Ord. 18-38(S) § 2, 2018].

2.58.020 Creation of City boards and commissions.

The following commissions and boards have been created by City Council and are subject to this chapter unless otherwise provided in this title:

- a. Library Advisory Board;
- b. Parks, Art, Recreation, and Culture Advisory Commission;
- c. Port and Harbor Advisory Commission;
- d. Advisory Planning Commission;
- e. Economic Development Advisory Commission. [Ord. 18-38(S) § 2, 2018].

2.58.030 Applicability.

Except as otherwise provided within this title, this chapter applies to all boards and commissions created by City Council which exercise powers vested in the City or which serve as an advisory body of the City. This chapter does not apply to standing committees, special committees, work groups or task forces which are created jointly with other governing bodies, City staff or which do not exercise powers vested in the City. [Ord. 18-38(S) § 2, 2018].

2.58.035 Commission and board member terms.

Appointment and removal of the members of City boards and commissions shall be by recommendation of the

Mayor and confirmation of such action by the Council, except as specifically provided otherwise in the Alaska Statutes and/or under other provisions of the code. In addition to the voting members of the board or commission, the Mayor may appoint honorary members of a board or commission, subject to confirmation by Council. The honorary members' terms are to be determined at the time of appointment. Honorary members of a board or commission may participate in the deliberations of the board or commission, but may not vote, nor shall they be counted in determining whether a quorum is present. [Ord. 18-38(S) § 2, 2018].

2.58.040 Commission and board bylaws.

- a. Except as otherwise provided in this title, all boards and commissions created by Council shall draft and approve proposed bylaws governing the operations of their respective areas of authority, subject to review by the City Attorney. Once approved by the board or commission, the proposed bylaws shall be submitted to Council for approval via resolution.
- b. Except as otherwise provided in this title, the City Clerk shall file the bylaws and the resolution approving them. The City Clerk shall make the bylaws available to the public upon request.
- c. A commission or board may recommend an amendment to its bylaws to Council after considering any amendments at two separate meetings. Amendments to bylaws of any City commission or board shall be effective upon approval of the amendments by Council via resolution. [Ord. 18-38(S) § 2, 2018].

2.58.050 Required procedures.

Except as otherwise provided in this title, bylaws for boards and commissions shall contain:

- a. **Presiding Officer.** The presiding officer of the board or commission shall be the chairperson. In the chairperson's absence, the vice-chairperson shall be the presiding officer. In all other circumstances, the most senior member shall preside. The presiding officer shall preserve order and decorum at all meetings of the board or commission, while promoting discussion by all members in deliberations unless otherwise prohibited by law.
- b. **Staff Liaison.** The City Manager shall designate an employee to serve as a staff liaison to each board or commission. The staff liaison shall assist the chairperson in setting meetings, preparing agendas, and other documentary material, and coordinating the acquisition of needed materials and training.
- c. **Recording Clerk.** The City Clerk shall designate a recording clerk to take minutes for each board and commission and that designee shall serve as the board's or commission's parliamentary advisory pursuant to AS 29.20.380(10) and assist the chairperson with compliance with the commission's or board's bylaws.
- d. **Quorum.** Four commission or board members shall constitute a quorum of seven members; and five commission or board members shall constitute a quorum of eight members.
- e. **Voting.** Each member, including the chairperson, shall vote, and shall not abstain from voting, unless such member claims a conflict of interest, in which event the member shall be excused from voting. The member shall then state for the record the basis for the abstention.

1. Four affirmative votes of seven members and five affirmative votes of eight members are required to pass a motion.
 2. Voting will be by a roll call vote, the order to be rotated; or by unanimous consent if no objection is expressed.
 3. Voting by proxy or absentee is prohibited.
- f. Staff Reports and Recommendations. The staff liaison shall submit reports and recommendations for those agenda items requiring decisions or recommendations by any board or commission. Other staff having experience, education, and professional training in the subject matter may provide input into the reports and recommendations, or may provide supplemental ones. The material submitted may be oral, written or graphic, or some combination of all. Except as otherwise provided in this code, the reports and recommendations shall be accepted as evidence of record to the same extent as oral testimony and exhibits accepted from applicants, opponents, persons who are subjects of an inquiry, expert and lay witnesses, and members of the public who provide information for the record of the proceedings.
- g. Attendance. Any commission or board member who misses three consecutive regular meetings without being excused, or 30 percent of all meetings within a calendar year, shall be removed from the board or commission. Any member who is unable to attend a meeting, whether regular or special, shall contact the City Clerk, staff liaison, or chairperson as soon as possible for excusal.
- h. Vacancies. A commission or board member's appointment is vacated under the following conditions:
1. A member fails to qualify to take office within 30 days after their appointment;
 2. A member resigns;
 3. A member is physically or mentally unable to perform the duties of the office;
 4. A member is convicted of a felony or of an offense involving a violation of their oath of office;
 5. A member misses three consecutive regular meetings without being excused, or 30 percent of all meetings within a calendar year.
- i. Rules of Order. Boards and commissions shall abide by the current edition of Robert's Rules of Order. If Robert's Rules of Order conflict with the board or commission bylaws or other provisions of this code, the bylaws and/or code provisions shall apply.
- j. Training and Model Procedures.
1. Training sessions developed or arranged by the City Clerk and approved by the City Manager shall be mandatory unless a member's absence is excused by the chairperson.
 2. The City Manager and/or City Clerk, in their discretion and in consultation with the City Attorney as needed, may develop model procedures to be used as a guide for boards and commissions. [Ord. 18-38(S) § 2, 2018].



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

Memorandum

TO: PORT & HARBOR ADVISORY COMMISSION
FROM: BRYAN HAWKINS, PORT DIRECTOR
DATE: AUGUST 17, 2021
SUBJECT: PIER ONE THEATRE LEASE RENEWAL REQUEST

A lease proposal was received from Pier One Theatre on April 30th requesting another 5-year lease with the same conditions as their current lease, which expires April 30, 2022. Jennifer Norton, Pier One's executive director, will be overseeing the listed improvements in their development plan section of their lease application.

Pier One Theatre has been operating as a non-profit on the Homer Spit and leasing from the City for over 30 years. City staff recognizes the benefits the theatre adds to the Homer community and also wish to continue to seek the highest and best use of all City-owned property. The City recommends a 5-year short-term lease since it fulfills the current need of that lot, while also keeping the City's interests open in case the Port and Harbor Enterprise engages plans to expand the Homer Marine Repair Facility.

Below are some highlighted details of the proposed lease:

- Property: portion of Tract 1-A (KPB 181-031-17) consisting of 2,344 square feet (area of buildings). It shares lot with Homer City Campground and adjacent to the Marine Haul Out Facility.
- Term and Rent: New term of 5 years with no options to renew to begin May 1, 2022 and end April 30, 2027. Rent is \$1.00 per year.

The City Manager, Port Director, Pier One Theatre board members, and Pier One's executive director have also met to discuss the future plans for Pier One past the next 5 year mark. The age and state of the current theatre building, as well as an increase in marine repair activity, make moving to a different location and a new structure a logical need moving forward. Pier One has provided the first rough draft of considered options, developed from their board and planning committee, and is requesting feedback and comment from the Commission and public in general.

Recommendation

- 1) Recommend to Council to award Pier One Theatre a five year lease with no options for renewal, for a Portion of Tract 1-A, FISHING HOLE SUB NO. 2, with an annual base rent of \$1.00.
- 2) Make any desired comments or feedback to Pier One's development plan proposal. Any recommendation of the commission to Staff or Council should be made in the form of a motion.

Attached: Pier One Theatre Development Plan
Lease Application
Draft Resolution & Lease Agreement



332 E. PIONEER AVE. STE. 3 • HOMER, AK 99603
907-226-2287 • WWW.PIERONETHEATRE.ORG

Harbor Advisory Commission
City Clerk's Office
Homer City Hall
491 East Pioneer Ave
Homer AK 99603

Dear City of Homer and Port and Harbor Advisory Commission,

In recognition of the advancing plans for Homer Harbor Marine Industrial expansion, and the ongoing struggles of upkeep on our aging warehouse, Pier One is looking forward to the next stage of our existence. It seems to be time to build a new theatre! Here is a very rough outline of our development plans. We welcome ideas and feedback from you and the community as we launch into this new phase. The Pier One Theatre board and Planning Committee will meet in September to discuss the vision and scope of this project.

Pier One Theatre Five to Ten Year Building Development Plan:

- Work with City of Homer and Homer Harbor representatives to identify ideal location for new theatre building. The following options have been discussed:
 - 1. Next to Fishing Lagoon where old bathrooms are currently located. Pros: Cruise Ship Head Tax dollars may be used to help develop foundation and bathrooms for theatre and public use. Programming at Pier One can bring those dollars to a much needed upgrade on the City bathroom. Already zoned for recreational use. Very close to the current theatre location. Impact on the overall Spit layout very minimal. Parking for Theatre and Fishing Lagoon could be shared, as well as new parking planned by large boat haul out. Cons: May need slightly larger footprint than is currently practical. Could the "recreation" zoning be extended slightly to allow for this? RV dumpsite and camp registration would need to shift. What are building height restrictions here?
 - 2. Harbor overhang property by small boat launch side of Harbor. Pros: Increased walkability to theatre from main shopping/dining area on Spit. Extremely appealing aesthetic! Truly on a "Pier" and with lots of unique draw for visitors. Cons: Parking already a struggle at that end of the Spit. Building height restrictions may prohibit a proper theatre plan in this location unless exceptions could be made. Deck on upper level to allow view to be enjoyed? No Cruise Ship head tax dollars would be associated with this location.
 - 3. The HERC property on the corner of Pioneer and Sterling. Pros: Could be part of a larger "community campus" with other buildings associated with community recreation.

Greater collaboration with other local arts organizations may be possible. Cons: Pier One truly feels that it's home is on the Spit in close proximity to marine trades and park activities. Community ideas and desires for the HERC property remain varied and unclear.

- Pier One Theatre's own small property on East End Road. Pros: We own the property and would not need to lease. Cons: It is quite far from the Spit or Downtown, and may not be a draw for audiences at such a distance. The land requires quite a bit of clearing and development before a building could be constructed.
- Work with the City to develop a mutually beneficial partnership. Pier One ideals:
 - Keep annual rental rate at current level (\$1.00 per year)
 - Commit to a more long term lease (20 years) with options to renew.
 - Open doors to large conferences or conventions which would bring in rental income for both Pier One and the City.
 - If in location number 1 - City maintains public restroom facilities.
 - Clarify expectations of shows geared toward the Cruise Ship Audience. Assess likelihood of the resumption of Cruises to Homer.
- Review blueprints and plans of other small theatres and consult with an architect/contractor to acquire a cost estimate and building timeline.
- Design the theatre.
- Develop and launch a fundraising campaign including community contributions, grant applications, and corporate sponsorships.
- Begin construction on the new theatre. Continue fundraising efforts.
- Complete new theatre, and move in!

Thank you for your time, consideration and input.

Sincerely,

Jennifer Norton
Executive Director
Pier One Theatre, Inc.



Lease Application/Assignment Form

Directions:

1. Please submit this application form to the City Manager's Office, 491 Pioneer Avenue, Homer, AK, 99603.
2. Please answer all questions on this form, or put "N/A" in the space if it is non-applicable.
3. Please include all applicable fees in the form of a check, made payable to the City of Homer.

Applicant Name:	PIER ONE THEATRE, INC
Business Name:	PIER ONE THEATRE, INC
Social Security Number:	EIN: 23-7448364
Email Address:	jennifer@pieronetheatre.org
Mailing Address	332 E. Pioneer Ave, Ste 3
City, State, ZIP code:	Homer, AK 99603
Business Telephone No.	907-226-2287
Representative's Name:	Jennifer Norton
Mailing Address:	332 E. Pioneer Ave, Ste. 3
City, State, ZIP code:	Homer, AK 99603
Business Telephone No.	907-226-2287
Property Location:	SECTION 35, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, HOMER RECORDING DISTRICT, THE FISHING HOLE SUB. NO. 2 TRACT 1-A aka KPB 18103117
Legal Description:	Warehouse building approximately 48 ft. in length by 32 ft. in width
Type of Business to be placed on property:	Summer stock theatre and related activities and winter storage
Duration of Lease requested:	5yr @ \$1.00/yr
Options to re-new:	

**The following materials must be submitted when applying for a lease of
City of Homer real property**

1.	Plot Plan	<p><u>A drawing of the proposed leased property showing:</u></p> <p><input checked="" type="checkbox"/> Size of lot - dimensions and total square footage (to scale)</p> <p><input checked="" type="checkbox"/> Placement and size of buildings, storage units, miscellaneous structures planned (to scale).</p> <p><input checked="" type="checkbox"/> Water and sewer lines – location of septic tanks, if needed.</p> <p><input checked="" type="checkbox"/> Parking spaces – numbered on the drawing with a total number indicated</p>																		
2.	Development Plan	<p><input checked="" type="checkbox"/> <u>List the time schedule from project initiation to project completion, including major project milestones.</u></p> <table border="0"> <thead> <tr> <th data-bbox="516 709 743 741">Dates</th> <th data-bbox="784 709 862 741">Tasks</th> </tr> </thead> <tbody> <tr> <td data-bbox="516 741 743 783"><u>5/1/22-4/30/27</u></td> <td data-bbox="784 741 1485 825"><u>DEVELOPMENT OF IMPROVED ACCESSIBILITY AND AUDIENCE</u></td> </tr> <tr> <td data-bbox="516 825 743 867">_____</td> <td data-bbox="784 825 1485 867"><u>FLOW AND COMFORT</u></td> </tr> <tr> <td data-bbox="516 867 743 909">_____</td> <td data-bbox="784 867 1485 909"><u>REGULAR BUILDING MAINTENANCE</u></td> </tr> <tr> <td data-bbox="516 909 743 951">_____</td> <td data-bbox="784 909 1485 951"><u>INCREASED PROGRAMMING FOR CRUISE SHIPS</u></td> </tr> </tbody> </table> <p>For each building, indicate:</p> <table border="0"> <thead> <tr> <th data-bbox="516 1056 683 1087">Building Use</th> <th data-bbox="954 1056 1377 1087">Dimensions and square footage</th> </tr> </thead> <tbody> <tr> <td data-bbox="516 1087 987 1129"><u>COMMUNITY THEATRE</u></td> <td data-bbox="987 1087 1518 1129"><u>48' X 32'</u></td> </tr> <tr> <td data-bbox="516 1129 987 1171">_____</td> <td data-bbox="987 1129 1518 1171">_____</td> </tr> <tr> <td data-bbox="516 1171 987 1213">_____</td> <td data-bbox="987 1171 1518 1213">_____</td> </tr> </tbody> </table>	Dates	Tasks	<u>5/1/22-4/30/27</u>	<u>DEVELOPMENT OF IMPROVED ACCESSIBILITY AND AUDIENCE</u>	_____	<u>FLOW AND COMFORT</u>	_____	<u>REGULAR BUILDING MAINTENANCE</u>	_____	<u>INCREASED PROGRAMMING FOR CRUISE SHIPS</u>	Building Use	Dimensions and square footage	<u>COMMUNITY THEATRE</u>	<u>48' X 32'</u>	_____	_____	_____	_____
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_____	_____																			
_____	_____																			
3.	Insurance	<p><input checked="" type="checkbox"/> Attach a statement of proof of insurability of lessee for a minimum liability insurance for combined single limits of \$1,000,000 showing the City of Homer as co-insured. Additional insurance limits may be required due to the nature of the business, lease or exposure. Environmental insurance may be required. If subleases are involved, include appropriate certificates of insurance.</p>																		
4.	Subleases NA	<p><input type="checkbox"/> Please indicate and provide a detailed explanation of any plans that you may have for subleasing the property. The City of Homer will generally require payment of 25% of proceeds paid Lessee by subtenants. Refer to chapter 13 of the Property Management Policy and Procedures manual.</p>																		
5.	Health Requirements NA	<p><input type="checkbox"/> Attach a statement documenting that the plans for the proposed waste disposal system, and for any other necessary health requirements, have been submitted to the State Department of Environmental Conservation for approval. Granting of this lease shall be contingent upon the lessee obtaining all necessary approvals from the State DEC.</p>																		

6.	Agency Approval ALREADY IN PLACE	<input checked="" type="checkbox"/> Attach statement(s) of proof that your plans have been inspected and approved by any agency which may have jurisdiction of the project; i.e. Fire Marshall, Army Corps of Engineers, EPA, etc. The granting of this lease shall be contingent upon lessee obtaining approval, necessary permits, and/or inspection statements from all appropriate State and/or Federal agencies.
7.	Fees	<u>All applicable fees must be submitted prior to the public meeting preparation.</u> <input type="checkbox"/> Application fee - \$30.00. Please make check payable to the City of Homer. <input type="checkbox"/> Lease fee - \$300.00. Please make check payable to the City of Homer.
8.	Financial Data	Please indicate lessee's type of business entity: <input type="checkbox"/> Sole or individual proprietorship. <input type="checkbox"/> Partnership. <input checked="" type="checkbox"/> Corporation. NON-PROFIT 501 C 3 <input type="checkbox"/> Other – Please explain: _____ <hr/> <input checked="" type="checkbox"/> Financial Statement – <u>Please attach a financial statement showing the ability of the lessee to meet the required financial obligations.</u> <input checked="" type="checkbox"/> Surety Information – Has any surety or bonding company ever been required to perform upon your default or the default of any of the principals in you organization holding more than a 10% interest <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement naming the surety or bonding company, date and amount of bond, and the circumstances surrounding the default or performance. <input checked="" type="checkbox"/> Bankruptcy information - Have you or any of the principals of your organization holding more than a 10% interest ever been declared bankrupt or are presently a debtor in a bankruptcy action? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement indicating state, date, Court having jurisdiction, case number and to amount of assets and debt. <input checked="" type="checkbox"/> Pending Litigation – Are you or any of the principals of your organization holding more than a 10% interest presently a party to any pending litigation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach detailed information as to each claim, cause of action, lien, judgment including dates and case numbers.

9.	Partnership Statement NA	<input type="checkbox"/> <u>If the applicant is a partnership, please provide the following:</u> Date of organization: _____ Type: <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership Statement of Partnership Recorded? <input type="checkbox"/> Yes <input type="checkbox"/> No Where _____ When _____ Has partnership done business in Alaska? <input type="checkbox"/> Yes <input type="checkbox"/> No Where _____ When _____ Name, address, and partnership share. If partner is a corporation, please complete corporation statement. <i>Please attach a copy of your partnership agreement.</i>																														
10.	Corporation Statement	<input checked="" type="checkbox"/> <u>If the applicant is a corporation, please provide the following:</u> Date of Incorporation: <u>5/1/74</u> State of Incorporation: <u>ALASKA</u> Is the Corporation authorized to do business in Alaska? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Is so, as of what Date? <u>5/1/74</u> Corporation is held? <input type="checkbox"/> Publicly <input checked="" type="checkbox"/> Privately If publicly held, how and where _____ is _____ the _____ stock _____ traded? <u>Officers & Principal Stockholders [10%+]:</u> <table border="1"> <thead> <tr> <th><u>Name</u></th> <th><u>Title</u></th> <th><u>Address</u></th> <th><u>Share</u></th> </tr> </thead> <tbody> <tr> <td>Mary Fries</td> <td>President</td> <td>PO Box 2229 Homer, AK 99603</td> <td></td> </tr> <tr> <td>Ken Landfield</td> <td>Vice-President</td> <td>PO Box 2013 Homer, AK 99603</td> <td></td> </tr> <tr> <td>Catherine Stingley</td> <td>Secretary</td> <td>PO Box 1968 Homer, AK 99603</td> <td></td> </tr> <tr> <td>Laura Norton</td> <td>Treasurer</td> <td>1292 Beluga Ct. Homer AK 99603</td> <td></td> </tr> </tbody> </table> <input checked="" type="checkbox"/> Please furnish a copy of Articles of Incorporation and By-laws. Please furnish name and title of officer authorized by Articles and/or By-laws to execute contracts and other corporate commitments. <table border="1"> <thead> <tr> <th><u>Name</u></th> <th><u>Title</u></th> </tr> </thead> <tbody> <tr> <td>Jennifer Norton</td> <td>Executive Director</td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>Share</u>	Mary Fries	President	PO Box 2229 Homer, AK 99603		Ken Landfield	Vice-President	PO Box 2013 Homer, AK 99603		Catherine Stingley	Secretary	PO Box 1968 Homer, AK 99603		Laura Norton	Treasurer	1292 Beluga Ct. Homer AK 99603		<u>Name</u>	<u>Title</u>	Jennifer Norton	Executive Director						
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11. Applicant References

Please list four persons or firms with whom the Applicant or its owners have conducted business transactions with during the past three years. Two references named shall have knowledge of your financial management history, of which at least one must be your principal financial institution. Two of the references must have knowledge of your business expertise.

Name: Eric Niebuhr
Firm: First National Bank of Alaska
Title: Vice - President Homer Branch
Address: 3655 Heath St, Homer, AK 99603
Telephone: 907 - 235 - 5801
Nature of business association with Applicant: Primary banking institution

Name: Sharon Brooks
Firm: Sundog Consultants
Title: Payroll consultant / accountant
Address: 165 E. Bunnell Ave. Ste E
Telephone: 907 - 235 - 5971
Nature of business association with Applicant: Payroll + Quickbooks consultant

Name: Laura Forbes
Firm: Alaska State Council on the Arts
Title: Arts Education Program Director
Address: 161 N Klevin St, Ste 102, Anchorage, AK 99508
Telephone: 907-269-6610
Nature of business association with Applicant: Grant awards, general non-profit operating advice and suggestions

Name: Michael Miller
Firm: Homer Foundation
Title: Executive Director
Address: 3733 Ben Walters Ln, ste 4, Homer, AK 99603
Telephone: 907-235-0551
Nature of business association with Applicant: Grant Awards

I hereby certify that the above information is true and correct to the best of my knowledge.

Signature:



Date:

4/30/21

PIER ONE THEATRE

332 E. PIONEER AVE. STE. 3 • HOMER, AK 99603 • 907-226-2287 • PIERONETHEATRE.ORG



Mr. Rob Dumouchel
City Manager
Homer City Hall
491 E. Pioneer Ave.
Homer, AK 99603

April, 30, 2021

Dear Mr. Dumouchel, Mr. Hawkins, and Port and Harbor Advisory Commission,

Since the mid-1980's Pier One Theatre has used the Warehouse on the Homer Spit as its summer nesting site. From Memorial Day to Labor Day, locals and visitors alike can see quality live, local, community theatre performances, children from around the Peninsula can attend Youth Theatre Camp, and artists can practice their craft. The Spit Theatre is an integral part of the whole Spit experience. Visitors and locals can take in a day of fishing, hiking, or wildlife viewing, shop and dine out on the boardwalks, and take in a show before heading home or to their campsites and turning in for the night. In recent years, Pier One has reached over two thousand audience members and over two hundred community volunteers each summer.

Despite the building closure in 2020 due to the pandemic, Pier One Theatre enjoyed strong financial support from the community, the City of Homer, the Alaska State Council on the Arts, the National Endowment for the Arts, the Rasmuson Foundation, and the Homer Foundation. We collaborated with a number of community organizations to continue to reach as many people as possible including: KBBI, Homer Council on the Arts, the Pratt Museum, the Center for Alaskan Coastal Studies, the Alaska World Arts Festival, Friends of the Homer Library, and Kachemak Bay Campus.

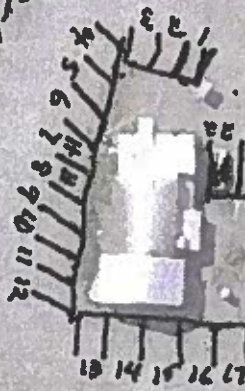
In the summer of 2021, we will be-easing back into the building in preparation for a full return in-2022. Youth Theatre Camp will take place in the theatre, as well as rehearsals for mainstage productions to be performed in an outdoor setting. In addition to Pier One programming, the Center for Alaskan Coastal Studies will again use the building as a COVID safe launch point for their Spit Kids program. As we move back into the building, we are working on improved accessibility, audience flow, and ventilation, as well as regular building maintenance. In addition to our regular productions, we are developing a plan for increased programming for cruise ship audiences. We look forward to hosting live theatre in the warehouse on the Spit for another five years, and are grateful to the City of Homer for its strong support of the performing arts.

Thank you for your consideration. Sincerely,

Jennifer Norton
Executive Director
Pier One Theatre, Inc.
907-299-3599



22 Parking Spaces
(3 Handicap Spaced)



District Director
Internal Revenue Service

Date: OCT 10 1984 In reply refer to: EOMF:DB

▷ Pier One Theatre Inc
P. O. Box 894
Homer, AK 99603

Date of Exemption: May 1975
Internal Revenue Code Section: 501(c)(3)
EIN: 23-7448364 (3)

Employer
Identification
Number

Gentlemen:

Thank you for submitting the information shown below. We have made it a part of your file.

The changes indicated do not adversely affect your exempt status and the exemption letter issued to you continues in effect.

Please let us know about any future change in the character, purpose, method of operation, name or address of your organization. This is a requirement for retaining your exempt status.

Thank you for your cooperation.

Sincerely yours,

Michael J. Quinn
District Director

<u>Item Changed</u>	<u>From</u>	<u>To</u>
NAME	Homer Community Summer Theatre Inc	Above
ADDRESSES	P. O. Box 809 Homer, AK 99603	Above

Letter 976(DO) (7-77)

ARTICLES OF INCORPORATION
OF
HOMER COMMUNITY SUMMER THEATRE, INC.
A Non-Profit Organization

FILED FOR RECORD
DEPARTMENT OF COMMERCE
STATE OF ALASKA

MAY 1 1974

We, the undersigned adult persons of the age of twenty-one (21) years or more, residents of the State of Alaska, acting as incorporators of a non-profit corporation under the Alaska Business Corporation Act, Sec. 10.20.010, adopt the following Articles of Incorporation for said corporation:

FIRST: The name of the non-profit corporation is HOMER COMMUNITY SUMMER THEATRE, INC.

SECOND: The period of its duration is perpetual.

THIRD: Said corporation is organized exclusively for charitable and educational purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law). Specifically, the organization shall produce and promote the Performing Arts through sponsoring performances in the Performing Arts; stimulating public interest and awareness in the Performing Arts; providing practical training in the Performing Arts; and awarding scholarships for training and/or courses of study in the Performing Arts.

FOURTH: The principal place of business for the corporation will be located at Homer, Alaska, and the agent for service of process will be Mr. Lance Petersen, Box 809, Homer, Alaska 99603.

FIFTH: No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and

to make payments and distributions in furtherance of the purposes set forth in Article Third hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting, to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

SIXTH: Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law). as the Board of Directors shall determine. Any of such assets not so disposed of shall be disposed of by the Court of Common Pleas of the Borough in which the principal office of the corporation is then located, exclusively for such

purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

SEVENTH: A person may become a member of this non-profit organization by the payment of annual dues in the sum of five dollars (\$5.00). A current member in said organization is one who has paid the annual dues aforementioned, thereby entitling said member to voting rights and eligibility to hold office in this organization. The membership in the corporation will be open to the members of the public who submit an application to the corporation for approval by the current members as provided by the By-Laws duly enacted to carry out the purposes and objectives of said corporation enumerated above in Article Third.

EIGHTH: The highest amount of indebtedness or liability to which the corporation may be subject is Fifty thousand dollars (\$50,000.00).

NINTH: The corporation officers will be those of President, Vice-President, Secretary, and Treasurer who shall be elected for office on July 4, 1974.

TENTH: The number of directors constituting the initial board of directors of said corporation is three, and the names and addresses of the persons who are to serve as directors until the first election of the officers and directors are:

Mr. Lance Petersen, Box 809, Homer, Alaska.

Mr. Richard Dixon, Box 596, Homer, Alaska.

Mrs. Barbara Petersen, Box 809, Homer, Alaska

ARTICLES OF INCORPORATION

DATED at Homer, Alaska this 23rd day of April, 1974.

Lance Petersen

Richard M. Dixon

Barbara L. Petersen

STATE OF ALASKA)
(ss.
Third Judicial District)

I, Gail M. Dubson, a notary public, hereby certify that on the 23rd day of April, 1974, personally appeared before me, LANCE PETERSEN, RICHARD DIXON, and BARBARA PETERSEN, who being by me first duly sworn, severally declared that they are the persons who signed the foregoing document as incorporators, and that the statements therein contained are true.

Gail M. Dubson

Notary Public in and for Alaska

My commission expires: May 14, 1977

**Amended By-Laws
Of
Pier One Theatre, Inc.**

Approved 2/6/2020

**Article I
Name**

The name of the Corporation is Pier One Theatre, Inc.

**Article II
Purpose**

The purpose for which this Corporation is organized and formed is to produce and promote the Performing Arts through:

1. Sponsoring performance
2. Stimulating public interest and awareness
3. Providing training
4. Awarding grants to artists for training and/or courses of study
5. Acting as an umbrella for other performance groups
6. Collaborating with other community and arts organizations

**Article III
Offices (Location)**

The principal office of the Corporation in the State of Alaska shall be located in the city of Homer. The Corporation may have other such offices, either within or without the State of Alaska, as the Board of Directors may designate or as the business of the Corporation may require from time to time.

The registered office of the Corporation, required by the Alaska Business Corporation Act to be maintained in the State of Alaska, may be but need not be, identical with the principal office in the State of Alaska, and the registered office may be changed from time to time by the Board of Directors.

Article IV Membership

Section 1. Classes of Members

The Corporation shall consist of three classes of members 1) Raven's Club, 2) Performers/Ancillary Crew, and 3) Volunteers

- 1) Raven's Club members are supporting members who have contributed at the minimal annual financial level as established by the Board.
- 2) Performers and ancillary crew are anyone who has substantially participated in a Pier One Theatre mainstage production.
- 3) Volunteers are anyone who has contributed 5 hours (2 shows) or more during the year prior to the vote.

Section 2. Voting Rights

Each member of any class is entitled to only one vote on each matter submitted to a vote of the membership as determined by the Board of Directors.

Article V Board of Directors

Section 1. Purpose, Powers, Duties

The Board of Directors has the general power to 1) control and manage the affairs, funds, and property of the Corporation; and 2) disburse the Corporation's monies and dispose of its property in fulfillment of its Corporate purpose: provided, however, that the fundamental and basic purposes of the Corporation as expressed in the Articles of Incorporation and in Article II of the Bylaws, shall not thereby be amended or changed, and provided further, that the Board of Directors shall not permit any part of the net earnings or capital of the Corporation to benefit any private individual.

The Board may hire an Executive Director who shall be responsible to the Board for the artistic, administrative, and business management of the Corporation. The Board may further designate authority to committees, Directors, or other individuals as it deems necessary to accomplish the Corporate purpose.

Section 2. Job Descriptions – All Board members

All Board Members shall...

- attend all meetings unless excused.
- have one vote in all Board matters.
- make themselves available to chair or be a member of designated committees.
- maintain a membership in the Raven's Club.

- serve as active advocates and ambassadors for the organization.
- perform such duties as may from time to time be designated by the President or the Board.

Section 3. Number

The number of Directors, which shall not be less than five (5) but not more than eleven (11), shall be fixed from time to time by the Directors then serving in office.

Section 4. Election, Term of Office

Directors shall normally be elected at the annual meeting of the Corporation by a majority of the membership present. Directors shall be elected for a term of three (3) years, or until their successors are duly elected and seated. Exceptions include their death, resignation, or removal from office. A Director may be elected to consecutive terms.

Section 5. Compensation

Directors of the Corporation may be paid a salary or stipend for the performance of official duties for the Corporation. No Director shall be prevented from receiving such salary or stipend by reason of the fact that they are a Director of the Corporation.

Section 6. Resignation and Removal of Directors

Any Director may resign by giving written notice of their resignation to the Board or to the President or Secretary of the Corporation. Such resignation shall take effect at the date specified in such notice and the acceptance of such resignation shall not be necessary to make it effective. Any Director may be removed, with or without cause, by a two-thirds (2/3) vote of all Directors then serving in office.

Section 7. Vacancies

Vacancies on the Board, however arising, shall be filled by a majority vote of all Directors then serving in office at any regular meeting of the Board or at a special meeting of the Board called for that purpose. Such Director shall serve until the next annual meeting.

Article VI Meetings

Section 1. Annual Meeting

The annual meeting of the Corporation shall be held on a date fixed by the Board of Directors for the purpose of electing Directors, choosing officers and transacting other business as needed.

Section 2. Regular Meeting

The frequency and dates of regular meetings, typically monthly, of the Board of Directors shall be fixed by the Board.

Section 3. Special Meetings

Special meetings of the Board may be called by the President or Vice President of the Board or shall be called at the request of three Directors of the Board.

Section 4. Place of Meetings

Meetings of the Board may be held at the principal office of the Corporation or at any other place within or without the State of Alaska. The notice of the meeting shall include the time and place of the meeting.

Section 5. Notice of meetings

Notice of the time, date, and location of the annual and regular meetings shall be sent by regular or electronic mail to each Director at least ten (10) days prior to the date of such meetings. Notice of special meetings shall be sent to each Director not less than two (2) days prior to the date of such meeting.

Section 6. Waiver of Notice

Notwithstanding the provisions of any of the forgoing sections, a meeting of the Board may be held at such time or place within or without the State of Alaska as the Board shall designate, and any action may be taken thereat, if notice thereof is waived in writing by every Director having the right to vote at the meeting.

Section 7. Quorum

A majority of the Directors then serving in office shall constitute a quorum for all meetings of the Board.

In the absence of a quorum, a majority of the Directors present may, without giving notice other than announcement at the meeting, adjourn the meeting until a quorum is obtained. At the resumption of any such adjourned meeting at which a quorum is then present, any business may be transacted which might have been transacted at the meeting as originally called.

Section 8. Voting

At any meeting of the Board, every voting Director present (in person, by teleconference, or by any electronic means) shall be entitled to one vote and, except as otherwise provided by law or these Bylaws, the act of the majority of the Directors present (as defined above), at any meeting at which a quorum is present, shall be the act of the Board.

Section 9. Presumption of Assent

A Director of the Corporation who is present at a meeting of the Board at which action on any Corporate matter is taken shall be presumed to have assented to the action taken unless their dissent shall be entered in the minutes of the meeting or unless they shall file their written dissent to such action with the person acting as secretary of the meeting before the adjournment thereof. Such right to dissent shall not apply to a Director who voted in favor of such action.

Section 10. Compensation

By action of the Board, the Directors may be paid their expenses, if any, related to attendance at each meeting of the Board.

Article VII Officers

Section 1. Principal Officers

The principal officers of the Corporation shall be a President, a Vice President, a Treasurer, and a Secretary. The President, Vice President, Treasurer and Secretary shall be elected from among the Directors then serving in office. The Board, at any meeting, may engage agents or employees to address Board related activities and determine their compensation, if any, as it may deem advisable.

Section 2. Election and Term of Office

The officers of the Corporation shall normally be elected at the annual meeting of the Board, but may be elected at any meeting of the Board at which a quorum is present, by a vote of the majority of the Directors present. Each officer shall hold office until their successor shall have been duly elected and seated, or until their resignation or death, or until they have been removed in the manner hereinafter provided.

Section 3. Removal of Officers

Any officer may be removed, with or without cause, at any time at any Board meeting at which a quorum is present by a vote of two-thirds (2/3) of the Directors present at the meeting.

Section 4. Vacancies

Vacancies among the officers, however arising, shall be filled by a vote of a majority of the Directors present at any regular or special meeting of the Board at which there is a quorum present.

Section 5. Job Description – President

The elected President of the Board of Directors shall...

- facilitate and preside over Board meetings.
- ensure that Board meetings occur on a regular basis.
- provide an agenda for Board meetings.
- ensure meetings stay on task in a respectful and inclusive manner.
- engage the Board in strategic planning.
- with Board input, designate committees, both standing and temporary.
- represent the Board and organization in collaborative enterprises as needed.
- liaise with the Executive Director to carry out Board directives.
- ensure that the Board remains informed about the finances of the organization on a regular basis.
- speak for the Board in the event of a controversy or crisis.
- facilitate a smooth transition for the incoming Board President.
- be a signer on Pier One Theatre accounts.

Section 6. Job Description – Vice President

The elected Vice President of the Board of Directors shall...

- assume all responsibilities of the President in their absence.
- generally assist the President as needed.
- support committees, ensuring they are meeting and providing timely reports.
- be a signer on Pier One Theatre accounts.

Section 7. Job Description – Treasurer

The elected Treasurer of the Board of Directors shall...

- keep or cause to be kept accurate and up-to-date records of the assets, liabilities and transactions of the organization.
- provide a financial report at regular meetings and upon request of the Board.
- in the event of the creation of a financial committee, chair that committee.
- disburse funds based on proper vouchers.
- be a signer on Pier One Theatre accounts.

Section 8. Job Description – Secretary

The elected Secretary of the Board of Directors shall...

- record, or cause to be recorded, the minutes of all meetings of the Board.
- see to it that minutes are provided for the Board in a timely manner.
- keep hard copies of minutes and all reports and correspondence submitted to the Board and make them accessible in the Pier One office.

Article VIII Conflict of Interest

No Director shall enter into a contract, agreement, transaction, or other action with the Corporation in which the Director has a potential or real, direct or indirect, material or other interest, unless first disclosing said interest to the Board of Directors. The Board of Directors may approve such action at a regularly called meeting if 1) the contract, agreement, transaction, or other action is fair to the Corporation at the time it is entered into; 2) the material facts of the action and the Director's interest are disclosed prior to any action being taken or approved to be taken; 3) the Board of Directors considers, and in good faith determines after reasonable investigation, that the Corporation cannot obtain a more advantageous arrangement with reasonable effort under the circumstances; and 4) the Corporation enters into the agreement for its own benefit.

In the event of an emergency, the President of the Board may enter into an agreement in which a Director has a potential or real, direct or indirect, material or other interest without approval of the Board to address the emergent issue.

Article IX Committees

Section 1.

The Board may, at any meeting of the Board, designate advisory, standing, and/or ad hoc committees of the Corporation. Some standing committees of the Corporation may be created with power; the power to take all steps necessary to carry out their responsibilities.

Section 2. Membership

Each committee shall consist of at least three persons, at least one of whom shall be a Director of the Corporation. The Chair of each committee shall be appointed by the President of the Board.

Section 3. Standing Committees

Standing committees shall be created as needed.

**Article X
Miscellaneous**

Section 1. Fiscal Year

The fiscal year of the Corporation shall begin on the first day of January and end on the last day of December in each year.

Section 2. Contracts, Checks, Bank Accounts, Etc.

The Board is authorized to select such banks or depositories as it shall deem proper for the funds of the Corporation. The Board shall determine who, if anyone, in addition to the President, Vice-President, the Treasurer, and the Executive Director shall be authorized from time to time on the Corporation's behalf to sign checks, drafts, or other orders for the payment of money, acceptance, notes, or other evidence of indebtedness, to enter into contracts, or to execute and deliver other documents and instruments.

Section 3. Grants to Artists

From time to time, as the financial resources of the Corporation permit, the Corporation may, by appropriate action of the Board, award grants to artists for training and/or study in the performing arts. Applicants for grants to artists shall fulfill requirements as determined by the Board.

**Article XI
Amendments**

These Bylaws may be altered, amended, or repealed in whole or in part at any duly organized meeting of the Board of Directors of the Corporation, by two-thirds (2/3) majority vote of the Directors then serving in office.

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

3 City Manager

4 **RESOLUTION 21-xxx**

5
6 A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING PIER
7 ONE THEATRE A 5-YEAR LEASE WITH NO OPTIONS FOR RENEWAL,
8 A PORTION OF TRACT 1-A, FISHING HOLE SUB NO. 2, WITH AN
9 ANNUAL BASE RENT OF \$1.00, AND AUTHORIZING THE CITY
10 MANAGER TO MOVE FORWARD WITH LEASE NEGOTIATIONS AND
11 EXECUTE THE APPROPRIATE DOCUMENTS.
12

13 WHEREAS, Pier One Theatre has submitted a lease renewal application to the City of
14 Homer for a portion of Tract 1-A for the purpose of continuing operating a non-profit
15 organization that manages summer stock theatre and related activities; and
16

17 WHEREAS, The City of Homer recognizes how Pier One Theatre benefits the Homer
18 community and that Pier One Theatre has been operating on the Homer Spit and leasing from
19 the City for over 30 years; and
20

21 WHEREAS, The City will continue to seek the highest and best use of all City-owned
22 property; Staff agree that a short-term lease fulfills the current need of that lot, while also
23 keeping the City's interests open in case the Port and Harbor Enterprise is able to expand the
24 Homer Marine Repair Facility (which shares the same lot); and
25

26 WHEREAS, The Port and Harbor Advisory Commission reviewed this proposal on August
27 25, 2021 _____ a new, five (5) year-term lease with no options to renew, for
28 Tract 1-A for the continued operation of a non-profit theatre organization in Homer, Alaska on
29 the Homer Spit.
30

31 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves that
32 the City of Homer enter into a new, five (5) year-term lease with no options to renew, with Pier
33 One Theatre for a portion of Tract 1-A, FISHING HOLE SUB NO. 2, with a base rent of \$1.00 per
34 year, and authorizing the City Manager to move forward with lease negotiations and execute
35 the appropriate documents.
36
37

38 PASSED AND ADOPTED by the Homer City Council this ____ day of _____, 2021.

39

40

41

CITY OF HOMER

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43

44

KEN CASTNER, MAYOR

45

46

47 ATTEST:

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49

50

MELISSA JACOBSEN, MMC, CITY CLERK

51

52

53 Fiscal Note: Base lease will be \$1.00 annually.

LEASE AGREEMENT

Agreement made this _____ day of _____ 2022 between the City of Homer, Alaska herein called Lessor, and Pier One Theatre, Inc., an Alaskan corporation, of 332 E. pioneer Ave, Ste 3, Homer, Alaska, 99603, herein called Lessee.

In consideration of the mutual promises herein contained, the parties agree as follows:

SECTION ONE Grant of Lease; Description of Premises

Lessor hereby grants to Lessee to occupy and use, subject to all of the terms and conditions hereof, the following real property located in the Homer Recording District, State of Alaska, more particularly described as:

A warehouse building approximately 48 feet in length by 32 feet in width located on a portion of Section 35, Township 6 South, Range 13 West, Seward Meridian, Homer Recording District, The Fishing Hole Sub. NO. 2 Tract 1-A aka KPB 18103117.

SECTION TWO Limitation to Described Purpose; Terms, Compensation

The premises may be occupied and used by Lessee solely for the purpose of operating a summer stock theater and related activities and winter storage for the term of five years; from May 1, 2022 to April 30, 2027. The rent shall be \$1.00 a year.

SECTION THREE Compliance with Laws and Regulations

Lessee shall be subject to and shall comply with all laws, regulations and ordinances which appertain to the above described premises, and shall obtain all necessary permits or licenses required by any governmental authority and shall be in full compliance therewith at all times during the continuance of this Lease.

SECTION FOUR Vehicle Parking

It is understood that the Lessee shall provide parking for not less than 22 vehicles, and Lessee shall furnish a parking plan which shall be attached to and made a condition of this Lease agreement. Such parking shall be permitted only so long as this Lease agreement is in effect and shall terminate concurrently with the termination of this Lease.

SECTION FIVE Termination

Lessor or Lessee may terminate this agreement at any time, by giving written notice to the other party, specifying the date of termination, such notice to be given not less than one hundred and eighty (180) days prior to the date therein specified. On any termination of this

agreement Lessee shall quit the premises, and shall remove therefrom all equipment stored on the premises within 48 hours of termination unless otherwise extended by Lessor.

SECTION SIX
Portable Classroom Rehearsal Space

The Lessee now has a portable classroom/rehearsal space attached to the City Warehouse, built in the summer of 1990 with privately raised funds. It is the understanding of both parties (Lessor and Lessee) that this portable building remains the property of Pier One Theatre and will be removed by Pier One if its theatre activities cease on the Spit or until such time as a different agreement is made in writing by both parties.

SECTION SEVEN
Utilities

Lessee shall pay for all utility service to the above described premises. No utilities other than electrical, natural gas and telephone service shall be installed or connected.

SECTION EIGHT
Inspection of Premises

Lessee shall allow the Lessor, through its duly authorized representatives, to enter upon the above described premises at any reasonable time, for the purpose of an inspection thereof.

SECTION NINE
Assignment or Other Transfer of Interest

This agreement may not be assigned, reassigned or otherwise transferred unless the written consent of the Lessor is first obtained. Lessor shall be entitled to one-half of any rents or occupancy charges received by the Lessee from other occupants.

SECTION TEN
Taxes and Assessments

Lessee shall pay all assessments. In addition, the lessee shall pay all personal property taxes that are levied upon any personal property of the Lessee situated upon the premises and owned by the Lessee or used in connection with the operation of the Lessee's business thereon.

SECTION ELEVEN
Insurance and Hold Harmless Agreement

A. Lessee specifically warrants that it will hold Lessor harmless from any and all claims by third parties arising out of the operations of Lessee upon the above described premises. Lessee shall obtain at its expense, and maintain during the entire period of this agreement public liability insurance with limits of not less than \$1,000,000 aggregate limits. Lessee shall name Lessor as an additional insured on the policy. Lessee shall promptly provide Lessor with a current certificate of insurance.

B. All contracts of insurance shall provide for not less than thirty (30) days written notice to Lessor of cancellation or expiration or substantial change in policy conditions and coverage.

**SECTION TWELVE
Delivery of Notices**

Any notice mailed, addressed or delivered to either party by the other shall be at the addresses hereunder, unless and until the parties shall designate in writing a different representative or address.

Any notice or demand which must be given or made by the parties hereto shall be in writing and addressed to the parties at the following addresses:

Lessor: City Manager
491 E. Pioneer Avenue
Homer, Alaska 99603

Lessee: Pier One Theatre, Inc.
332 E. Pioneer Ave. Ste 3
Homer, Alaska 99603

**SECTION THIRTEEN
Modification**

This Lease agreement and any addenda or exhibits attached hereto shall constitute the entire agreement between the parties and no modification of this agreement shall be binding unless in writing and duly executed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have here unto set their hand, this _____ day of _____, 2022:

CITY OF HOMER

Rob Dumouchel, Homer City Manager

LESSEE: PIER ONE THEATRE

Jennifer Norton, Executive Director

State of Alaska)
)ss
Third Judicial District)

This is to certify that on this ____ day of _____, 20__ before, the undersigned Notary Public in and for Alaska, duly commissioned and sworn as such, personally appeared Rob Dumouchel, known to me to be the City Manager of the City of Homer, Alaska, and they acknowledged to me the execution of the foregoing Lease Agreement for and on behalf of the City of Homer, Alaska, and further acknowledged to me that said instrument was signed and sealed by them on behalf of the City of Homer, Alaska, pursuant to authorization duly adopted by the City Council of Homer, Alaska.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed m notarial seal, the day and year in this certificate first above written.

Notary Public in and for Alaska
My Commission Expires : _____

State of Alaska)
)ss
Third Judicial District)

This is to certify that on this ____ day of _____, 20__ before, the undersigned Notary Public in and for Alaska, duly commissioned and sworn as such, personally appeared Jennifer Norton, known to me to be the Executive Director of Pier One Theatre, a corporation organized and existing by virtue of the laws of the State of Alaska, and they acknowledged to me the execution of the foregoing Lease Agreement for and on behalf of said corporation for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed m notarial seal, the day and year in this certificate first above written.

Notary Public in and for Alaska
My Commission Expires : _____

Port & Harbor Monthly Statistical & Performance Report

For the Month of: **July 2021**

<u>Moorage Sales</u>	<u>2021</u>	<u>2020</u>	<u>Stall Wait List</u>	<u>2021</u>	<u>2020</u>
Daily Transient	415	399	No. on list at Month's End	8	2
Monthly Transient	287	242	20' Stall	71	55
Semi-Annual Transient	4	3	24' Stall	178	136
Annual Transient	6	3	32' Stall	8	4
Annual Reserved	2	1	32'A Stall	65	48
			40' Stall	30	30
			50' Stall	3	4
			60' Stall	7	3
			75' Stall	<hr/>	<hr/>
			Total:	370	282
<u>Grid Usage</u>					
1 Unit = 1 Grid Tide Use	<u>2021</u>	<u>2020</u>			
Wood Grid	17	9			
Steel Grid	0	2			
			<u>Docking & Beach/Barge Use</u>		
			1 Unit = 1 or 1/2 Day Use	<u>2021</u>	<u>2020</u>
			Deep Water Dock	20	10
			Pioneer Dock	37	27
			Beach Landings	1	1
			Barge Ramp	249	262
<u>Services & Incidents</u>	<u>2021</u>	<u>2020</u>	<u>Marine Repair Facility</u>	<u>2021</u>	<u>2020</u>
Vessels Towed	3	2	Vessels Hauled-Out	0	0
Vessels Moved	68	43	Year to Date Total	3	1
Vessels Pumped	0	5	Vessels using facility uplands	1	N/A
Vessels Sunk	0	0			
Vessel Accidents	2	5	<u>Wharfage (in short tons)</u>		
Vessel Impounds	0	0	In Tons, Converted from Lb./Gal.	<u>2021</u>	<u>2020</u>
Equipment Impounds	8	8	Seafood	278	231
Vehicle Impounds	0	0	Cargo/Other	814	618
Property Damage	3	0	Fuel		41,681
Pollution Incident	3	5			
Fires Reported/Assists	0	0			
EMT Assists	5	5			
Police Assists	3	4			
Public Assists	23	17			
Thefts Reported	3	2			
			<u>Ice Sales</u>	<u>2021</u>	<u>2020</u>
<u>Parking Passes</u>	<u>2021</u>	<u>2020</u>	For the Month of July	579	337
Long-term Pass	2	2	Year to Date Total	1,178	840
Monthly Long-term Pass	12	8			
Seasonal Pass	9	0			
			<u>Difference between</u>		
<u>Crane Hours</u>	<u>2021</u>	<u>2020</u>	<u>2020 YTD and 2021 YTD:</u>	<hr/>	
	208.2	204.6		338 more	

Port & Harbor Water/Sewer Bills

Service Period: July , 2021

Meter Reading Period:6/14-7/15/21

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	\$14.00	\$1,087.12	\$0.00	\$1,101.12	1,119,700	1,221,300	101,600
4244 HOMER SPIT RD - SBH & Ramp 2	1.0290.02	84872363	\$14.00	\$4,273.58	\$0.00	\$4,287.58	3,198,900	3,453,900	255,000
4166X HOMER SPIT RD - SBH & Ramp 4	1.0345.01	70291488	\$7.00	\$0.00	\$0.00	\$7.00	25,806,100	25,806,100	-
4166 HOMER SPIT RD- SBH Restrooms	1.0346.01	38424734	\$14.00	\$510.39	\$1,159.11	\$1,683.50	705,100	752,800	47,700
4171 FREIGHT DOCK RD - SBH & Ramp 6	1.0361.01	71145966	\$14.00	\$2,064.03	\$0.00	\$2,078.03	4,282,300	4,475,200	192,900
4690C HOMER SPIT RD - Pioneer Dock	1.0262.01	70315360	\$14.00	\$852.79	\$0.00	\$866.79	4,514,600	4,594,300	79,700
4690A HOMER SPIT RD - Pioneer Dock	1.0261.01	70315362	\$14.00	\$452.61	\$0.00	\$466.61	1,216,300	1,258,600	42,300
4666 FREIGHT DOCK RD - Deep Water Dock	1.0357.01	70564043	\$14.00	\$584.22	\$0.00	\$598.22	11,951,500	12,006,100	54,600
4448 HOMER SPIT RD - Steel Grid	1.0230.01	80394966	\$7.00	\$0.00	\$0.00	\$7.00	-	-	-
795 FISH DOCK ROAD - Fish Dock/Ice Plant	1.0180.01	70291512	\$14.00	\$1,847.89	\$60.75	\$1,922.64	872,443,500	872,616,200	172,700
4147 FREIGHT DOCK RD - SBH & Ramp 6 Restroom	1.4550.01	70315668	\$14.00	\$233.26	\$529.74	\$777.00	444,800	466,600	21,800
4147X FREIGHT DOCK RD - Ramp 6 Fish Cleaning	1.0457.01	80856895	\$14.00	\$373.43	\$0.00	\$387.43	647,100	682,000	34,900
4001 FREIGHT DOCK RD - L&L Ramp Restrooms	10.4550.01	70364713	\$14.00	\$254.66	\$578.34	\$847.00	463,200	487,000	23,800
4667 HOMER SPIT RD L - Port Maintenance	1.0109.01	70257255	\$14.00	\$25.68	\$58.32	\$98.00	125,100	127,500	2,400
4667 HOMER SPIT RD - Bldg Near Water Tank	1.0100.02	70315820	*utility meter currently assigned to lessee			\$0.00	-	-	-
4667 FREIGHT DOCK RD - DWD Restroom	1.0495.01	84920900	\$14.00	\$50.29	\$114.21	\$178.50	148,200	152,900	4,700
4311 FREIGHT DOCK RD - Port & Harbor Office	5.1020.01	83912984	\$14.00	\$37.45	\$50.05	\$101.50	89,200	92,700	3,500
4000 HOMER SPIT RD - Ramp 5 Restroom	5.1250.01	86083228	\$14.00	\$267.50	\$357.50	\$639.00	481,200	506,200	25,000
4425 FREIGHT DOCK RD - Sys 5 & Ramp 8	5.1050.01	86094861	\$14.00	\$359.52	\$0.00	\$373.52	1,865,400	1,899,000	33,600
Overall Charges:						\$16,420.44	Overall Water Usage:		1,096,200

Water/Sewer Monthly Comparison CY 2017 to Current										
	2017		2018		2019		2020		2021	
January	\$2,142.85	122,300	\$1,458.89	83,400	\$1,485.10	79,100	\$3,419.82	217,800	\$1,640.36	85,300
February	\$1,287.76	59,600	\$2,500.97	144,800	\$1,458.19	74,100	\$2,308.87	140,600	\$1,743.64	109,000
March	\$4,076.62	292,100	\$2,271.05	138,300	\$1,809.53	96,700	\$1,715.03	97,800	\$1,854.70	128,800
April	\$1,726.84	113,100	\$2,766.11	272,300	\$4,105.23	206,800	\$4,032.71	245,300	\$3,186.73	245,400
May	\$7,807.49	413,000	\$3,951.58	304,600	\$7,349.43	450,700	\$4,577.16	288,700	\$4,810.68	328,600
June	\$14,594.69	1,282,900	\$16,995.43	1,349,200	\$11,917.20	756,800	\$17,557.33	1,176,500	\$13,982.13	999,200
July	\$15,450.93	1,152,500	\$18,540.31	1,391,400	\$15,669.89	973,600	\$18,256.51	1,222,700	\$16,420.44	1,096,200
August	\$12,947.70	1,060,600	\$19,055.83	1,449,800	\$23,879.39	1,553,500	\$16,763.25	1,162,000		
September	\$11,419.68	968,000	\$16,345.46	1,328,800	\$22,850.15	1,425,100	\$16,454.55	1,131,800		
October	\$8,631.96	591,490	\$8,965.86	728,200	\$16,025.77	744,900	\$8,669.03	589,000		
November	\$1,852.34	176,000	\$2,967.17	195,100	\$7,391.65	338,900	\$2,418.11	139,300		
December	\$1,053.70	68,600	\$1,294.53	69,100	\$2,170.80	170,800	\$1,575.72	87,900		
YTD Total	\$82,992.56	6,300,190	\$97,113.19	7,455,000	\$116,800	6,871,000	\$97,748.09	6,499,400	\$43,638.68	2,992,500

2021 Ice & Crane Report

Date To	Crane Weekly	Crane Month	YTD Crane	Ice Weekly	Ice Month	YTD Ice
1/3/2021	10			shut down for maintenance		
1/10/2021	7.1			shut down for maintenance		
1/17/2021	4.6			shut down for maintenance		
1/24/2021	7.9			shut down for maintenance		
1/31/2021	12.9			shut down for maintenance		
Jan Total		42.5	42.5		0	0
2/7/2021	25.8			shut down for maintenance		
2/14/2021	12.5			shut down for maintenance		
2/21/2021	21.1			shut down for maintenance		
2/28/2021	35.2			shut down for maintenance		
Feb Total		94.6	137.1		0	0
3/7/2021	17.5			shut down for maintenance		
3/14/2021	22.2			5		
3/21/2021	14.2			14		
3/28/2021	21.6			4		
Mar Total		75.5	212.6		23	23
4/4/2021	25.4			29		
4/11/2021	21.5			10		
4/18/2021	24			54		
4/25/2021	31.7			35		
Apr Total		102.6	315.2		128	151
5/2/2021	36.8			21		
5/9/2021	26.2			15		
5/16/2021	40.8			70		
5/23/2021	46.5			47		
5/30/2021	49.6			41		
May Total		199.9	515.1		194	345
6/6/2021	54.1			34		
6/13/2021	61.3			73		
6/20/2021	58			55		
6/27/2021	49.2			92		
Jun Total		222.6	737.7		254	599
7/4/2021	63.6			146		
7/11/2021	43			151		
7/18/2021	45.5			128		
7/25/2021	56.1			154		
Jul Total		208.2	945.9		579	1178
8/1/2021	66.4			172		
8/8/2021	71.7			105		
8/15/2021						
8/22/2021						
8/29/2021						
Aug Total		138.1	1084		277	1455
9/5/2021						
9/12/2021						
9/19/2021						
9/26/2021						
Sep Total		0	1084		0	1455
10/3/2021						
10/10/2021						
10/17/2021						
10/24/2021						
10/31/2021						
Oct Total		0	1084		0	1455
11/7/2021						
11/14/2021						
11/21/2021						
11/28/2021						
Nov Total		0	1084		0	1455
12/5/2021				shut down for maintenance		
12/12/2021				shut down for maintenance		
12/19/2021				shut down for maintenance		
12/26/2021						
12/31/2021				shut down for maintenance		
Dec Total		0	1084			

Pioneer Dock 2021

Date	Vessel	LOA	Times	Billed	\$ Dock	Srv Chg
1/21	Bob Franco	120	0825/1115	Olympic	506.00	52.00
1/31	Pacific Wolf	395	0920/	Kirby	1,206.00	52.00
2/1	Pacific Wolf/DBL 55	395	--	Kirby Offshore	1,206.00	--
2/2	Pacific Wolf/DBL 55	395	/1810	Kirby Offshore	1,206.00	--
2/9	Pacific Wolf/DBL 55	395	1250/1610	Kirby Offshore	1,206.00	52.00
2/12	Bob Franco	120	2225/	Olympic	506.00	52.00
2/13	Bob Franco	120	/1215	Olympic	506.00	
2/16	Eagle	101	1135/2130	Olympic	506.00	52.00
2/17	Pacific Wolf/DBL 55	395	1800/2150	Kirby Offshore	1,206.00	52.00
2/25	Pacific Wolf/DBL 55	395	0100/2200	Kirby Offshore	1,206.00	52.00
3/18	PACIFIC WOLF / DBL 54	395	2200/0500	KIRBY	1,206.00	52.00
3/22	PERSEVERANCE	207	0935/1725	CISPRI	788.00	52.00
3/25	PACIFIC WOLF / DBL 54	395	0900/1315	KIRBY	1,206.00	52.00
3/29	ENDEAVOR	181	0830/1635	CISPRI	506.00	52.00
4/12	ENDEAVOR	181	0745/1430	CISPRI	506.00	52.00
4/23	TIGLAX	120	0840/1312	USFW	506.00	52.00
4/30	PACIFIC WOLF	395	1045/1930	KIRBY	1,206.00	52.00
5/13	STEADFAST	108	1300/1645	ALEUTIAN MARITIME	506.00	52.00
5/15	GRETA S AKPIK	150		BERING MARINE	506.00	52.00
5/17	BARGE ATLAS 205	198		CRUZ CONSTRUCTION	506.00	52.00
5/17	PACIFIC WOLF/DBL 54	395	1715/2215	KIRBY	1,206.00	52.00
6/5	PACIFIC WOLF/DBL 54	395	1500/2045	KIRBY	1206.00	52.00
6/7	ENDEAVOR	181	0800/1845	CISPRI	506.00	52.00
6/11	TUG MILLIE	92	0745/1010	BRISTOL ALLIANCE FUEL	506.00	52.00
6/16	PACIFIC WOLF/DBL 54	395	0500/1245	KIRBY	1,206.00	52.00
6/22	ATLAS 205	205	/1245	CRUZ CONSTRUCTION	788.00	52.00
6/25	PACIFIC WOLF/DBL 54	395	0658/1710	KIRBY	1,206.00	52.00
6/28	PERSEVERANCE	207	0830/1445	CISPRI	788.00	52.00
7/12	PACIFIC WOLF	395	/0245	KIRBY	1,206.00	52.00
7/12	PERSEVERANCE	207	0830/1655	CISPRI	788.00	52.00
7/26	PACIFIC WOLF	395	0830/1530	KIRBY	1,206.00	52.00
08/19/21				Year to Date Totals:	\$27,314.00	\$0.00

Ferry Landings 2021

	Pioneer Dock	Deep Water Dock
January	1	0
February	0	0
March	2	0
April	20	0
May	28	0
June	28	0
July	24	0
August		
September		
October		
November		
December		

CISPRI

Date	Vessel	LOA	Times	Billed	\$ Dock	Srv Chg
1/4	Endeavor	181	1055/1345	Cispri	506.00	52.00
1/13	Perseverance	207	0630/1625	CISPRI	788.00	\$52.00
1/15	Perseverance	207	1200/1800	CISPRI	788.00	\$52.00
1/20	Endeavor	101	1345/1715	CISPRI	\$506.00	\$52.00
1/22	Aveogan / Oliver Levitt	483	1315/	Crowley	\$1,762.00	\$52.00
1/23	Aveogan / Oliver Levitt	483		Crowley	\$1,762.00	--
1/24	Aveogan / Oliver Levitt	483	/1832	Crowley	\$1,762.00	--
1/25	Perseverance	207	1038/1715	CISPRI	\$788.00	\$52.00
2/1	ENDEAVOR	181	1040/1350	CISPRI	\$506.00	\$52.00
2/9	PERSEVERANCE	207	1000/1330	CISPRI	\$788.00	\$52.00
2/10	ENDEAVOR	181	1055/1101	CISPRI	\$506.00	\$52.00
2/12	TODD E PROPHET & EDWARD ITTA	530	0745/	OLYMPIC	\$2,154.00	\$52.00
2/12	ENDEAVOR	181	1345/1400	CISPRI	\$506.00	\$53.00
2/13	TODD E PROPHET & EDWARD ITTA	530	/	OLYMPIC	\$2,154.00	--
2/14	TODD E PROPHET & EDWARD ITTA	530	/0750		\$2,154.00	--
2/15	Pacific Wolf / DBL 55	395	0020/2300	KIRBY	\$1,206.00	\$52.00
2/15	ENDEAVOR	181	1100/1334	CISPRI	\$506.00	\$52.00
2/16	PERSEVERANCE	207	0855/	CISPRI	\$788.00	\$52.00
2/16	SASANOVA	332	0935/	CISPRI	\$1,005.00	\$52.00
2/17	PERSEVERANCE	207	--	CISPRI	\$788.00	--
2/17	SASANOVA	332	--	CISPRI	\$1,005.00	--
2/18	PERSEVERANCE	207	/1500	CISPRI	\$788.00	--
2/18	SASANOVA	332	/1900	CISPRI	\$1,005.00	--
2/19	PERSEVERANCE	207	0815/1830	CISPRI	\$788.00	\$52.00
2/22	PERSEVERANCE	207	0945/2000	CISPRI	\$788.00	\$52.00
3/1	ENDEAVOR	181	1130/1512	CISPRI	\$506.00	\$52.00
3/5	ENDEAVOR	181	1005/1840	CISPRI	\$506.00	\$52.00
3/8	PERSEVERANCE	207	0850/1318	CISPRI	\$788.00	\$52.00
3/15	ENDEAVOR	181	1000/1605	CISPRI	\$506.00	\$52.00
3/19	PERSEVERANCE	207	0900/1800	CISPRI	\$788.00	\$52.00
3/25	ISLAND EXPLORER / SEATAC	300	0730/	ALASKA SCRAP	\$788.00	\$52.00
3/26	ISLAND EXPLORER / SEATAC	300		920 ALASKA SCRAP	\$788.00	--
3/28	ENDEAVOR	181	0850/1245	CISPRI	\$506.00	\$52.00
3/29	PERSEVERANCE	207	0800/	CISPRI	\$788.00	\$52.00
3/30	PERSEVERANCE	207	/	CISPRI	\$788.00	--
3/31	PERSEVERANCE	207	/1230	CISPRI	\$788.00	--
4/5	PERSEVERANCE	207	0820/1400	CISPRI	\$788.00	\$52.00
4/8	ROSS CHOUEST	256	0700/1120	APSC	\$788.00	\$52.00
4/9	MASCO ENDEAVOR	166	1530/	BLUE OCEAN MARINE	\$506.00	\$52.00
4/10	MASCO ENDEAVOR	166	/	BLUE OCEAN MARINE	\$506.00	--
4/11	MASCO ENDEAVOR	166	/	BLUE OCEAN MARINE	\$506.00	--
4/12	MASCO ENDEAVOR	166	/0730	BLUE OCEAN MARINE	\$506.00	--
4/16	PERSEVERANCE	207	0800/1545	CISPRI	\$788.00	\$52.00
4/19	PERSEVERANCE	207	0815/1430	CISPRI	\$788.00	\$52.00
4/21	ZOLOTOI	91	1045/1207	AAUR LLC	\$338.00	\$52.00
4/22	ENDEAVOR		0745/1830	CISPRI	\$506.00	\$52.00
4/26	ENDEAVOR	181	1000/1320	CISPRI	\$506.00	\$52.00
5/3	PERSEVERANCE	207	0830/1300	CISPRI	\$788.00	\$52.00
5/10	ENDEAVOR	181	0945/1805	CISPRI	\$506.00	\$52.00
5/11	NORSEMAN II	115	1445/1940	SVA	\$506.00	\$52.00
5/12	NORSEMAN II	115	0830/1235	SVA	\$506.00	\$52.00
5/13	BARGE 141	300	0815/1515	CISPRI	\$788.00	\$52.00
5/17	PERSEVERANCE	207	0800/1530	CISPRI	\$788.00	\$52.00
5/26	BARGE 141	300	0750/	CISPRI	\$788.00	\$52.00
5/27	BARGE 141	300	/1300	CISPRI	\$788.00	--
5/31	PERSEVERANCE	207	0830/	CISPRI	\$788.00	\$52.00
6/1	CAMAI	115	0800/	PITZMAN	\$506.00	\$52.00
6/3	CISPRI BARGE RESPONDER	175	0800/	83 CISPRI	\$506.00	\$52.00

6/4	CISPRI BARGE RESPONDER	175	/2355	CISPRI	\$506.00	--
6/4	PERSEVERANCE	207	1000/1348	CISPRI	\$788.00	\$52.00
6/7	RESOLVE PIONEER	207	0945/		\$788.00	\$52.00
6/7	ANNA T	105	0800/		\$506.00	\$52.00
6/8	RESOLVE PIONEER	207	/		\$788.00	--
6/8	ANNA T	105	/		\$506.00	--
6/9	RESOLVE PIONEER	207			\$788.00	--
6/9	ANNA T	105	/1905		\$506.00	--
6/10	RESOLVE PIONEER	207			\$788.00	--
6/11	RESOLVE PIONEER	207			\$788.00	--
6/12	RESOLVE PIONEER	207	/		\$788.00	--
6/13	RESOLVE PIONEER/ANNA T	207	/		\$788.00	--
6/14	RESOLVE PIONEER/ANNA T	207	/0815		\$788.00	--
6/14	PERSEVERANCE	207	0830/1650		\$788.00	\$52.00
6/17	ENDEAVOR	181	0800/1920	CISPRI	\$506.00	\$52.00
6/21	ENDEAVOR	181	0800/1500	CISPRI	\$506.00	\$52.00
6/22	RESOLVE PIONEER	207	0640/	RESOLVE MARINE	\$788.00	\$52.00
6/23	RESOLVE PIONEER	207	/	RESOLVE MARINE	\$788.00	--
6/24	RESOLVE PIONEER	207	/1500	RESOLVE MARINE	\$788.00	--
6/30	MASCO ENDEAVOR	166	0430/	BLUE OCEAN MARINE	\$506.00	\$52.00
7/1	MASCO ENDEAVOR	166	/1800	BLUE OCEAN	\$506.00	\$25.00
7/5	ENDEAVOR	181	0930/1400	CISPRI	\$506.00	\$52.00
7/8	BARGE RESPONDER	175	1000/1300	CISPRI	\$506.00	\$52.00
7/13	ANNA T	105	0800/	AMAK	\$506.00	\$52.00
7/14	ANNA T	105	/	AMAK	\$506.00	--
7/14	SOVEREIGN	180	0815/	OMS	\$506.00	\$52.00
7/15	ANNA T	105	/0110	AMAK	nc per mc	
7/15	SOVEREIGN	180	/1230	OMS	\$506.00	--
7/19	ENDEAVOR	181	0815/1415	CISPRI	\$506.00	\$52.00
7/20	ZOLOTOI	91	1030/1400	AAUR	\$338.00	\$52.00
7/21	PERSEVERANCE	207	0945/	CISPRI	\$788.00	\$52.00
7/22	PERSEVERANCE	207	/	CISPRI	\$788.00	--
7/23	PERSEVERANCE	207	/1635	CISPRI	\$788.00	--
7/24	PATRICK W	28	0730/1300	HARRIS	\$338.00	\$52.00
7/26	PERSEVERANCE	207	0815/1645	CISPRI	\$788.00	\$52.00
08/19/21				Year to Date Totals:	\$69,083.00	\$3,146.00

Pioneer Dock - 2021 Water Usage							Deep Water Dock - 2021 Water Usage						
Date	Vessel	Beg. Read	End Read	Gal.	Charged	Conx Fee	Date	Vessel	Beg. Read	End Read	Gal.	Charged	Conx Fee
2/16	Eagle	4,386,560	4,387,710	1,150	\$ 194.05	\$ 102.00	1/7	Bob Franco	11,693,500	11,697,550	4,050	\$ 194.05	\$ 102.00
2/25	Pacific Wolf/DBL 55	1,178,885	1,182,350	3,465	\$ 194.05	\$ 102.00	1/20	Endeavor	11,697,550	11,715,950	18,400	\$ 714.10	\$ 102.00
3/1	Endeavor	11,751,000	11,759,400	8,400	\$ 326.00	\$ 102.00	1/20	Bob Franco	11,715,950	11,719,940	3,990	\$ 194.05	\$ 102.00
3/4	BOB FRANCO	11,759,400	11,762,650	3,250	\$ 194.05	\$ 102.00	1/25	Perseverance	11,719,900	11,721,000	1,100	\$ 194.05	\$ 102.00
3/8	PERSEVERANCE	11,762,650	11,766,450	3,800	\$ 194.05	\$ 102.00	1/25	Bob Franco	11,721,000	11,722,990	1,990	\$ 194.05	\$ 102.00
3/19	BOB FRANCO	11,766,000	11,769,000	3,000	\$ 194.05	\$ 102.00	2/1	ENDEAVOR	11,722,990	11,725,020	2,030	\$ 194.05	\$ 102.00
3/30	BOB FRANCO	11,769,750	11,772,750	3,000	\$ 194.05	\$ 102.00	2/9	PERSEVERANCE	11,725,000	11,730,200	5,200	\$ 201.81	\$ 102.00
4/12	ENDEAVOR	4,396,405	4,409,124	12,719	\$ 493.62	\$ 102.00	2/15	ENDEAVOR	11,730,200	11,734,650	4,450	\$ 194.05	\$ 102.00
4/12	ENDEAVOR	1,182,350	1,186,455	4,105	\$ 159.32	--	2/15	Bob Franco	11,734,650	11,739,100	4,450	\$ 194.05	\$ 102.00
4/13	TUSTUMENA	4,409,100	4,411,573	2,473	\$ 194.05	\$ 102.00	2/19	PERSEVERANCE	11,739,100	11,744,600	5,500	\$ 213.46	\$ 102.00
4/30	PACIFIC WOLF	4,411,573	4,414,934	3,361	\$ 194.05	\$ 102.00	2/22	PERSEVERANCE	11,744,600	11,750,350	5,750	\$ 223.16	\$ 102.00
5/17	BARGE ATLAS 205	4,434,700	4,438,346	3,646	\$ 194.05	\$ 102.00	3/25	PACIFIC WOLF / DBL 54	4,387,710	4,390,684	2,974	\$ 194.05	\$ 102.00
5/17	PACIFIC WOLF/DBL 54	1,186,454	1,188,310	1,856	\$ 194.05	\$ 102.00	3/29	ENDEAVOR	4,390,685	4,396,405	5,720	\$ 221.99	\$ 102.00
6/7	ENDEAVOR	4,469,996	4,498,510	28,514	\$ 1,106.63	\$ 102.00	4/5	PERSEVERANCE	11,772,750	11,778,800	6,050	\$ 234.80	\$ 102.00
6/16	PACIFIC WOLF/DBL 54	4,518,167	4,519,455	1,288	\$ 194.05	\$ 102.00	4/9	MASCO ENDEAVOR	11,778,800	11,795,900	17,100	\$ 663.65	\$ 102.00
6/24	TUSTUMENA	4,531,920	4,538,634	6,714	\$ 260.57	\$ 102.00	4/10	MASCO ENDEAVOR	11,795,900	11,839,350	43,450	\$ 1,685.29	\$ 52.00
6/28	PERSEVERANCE	1,228,858	1,234,925	6,067	\$ 235.46	\$ 102.00	4/16	PERSEVERANCE	11,839,350	11,851,450	12,100	\$ 469.60	\$ 102.00
7/8	BOB FRANCO	1,234,925	1,250,414	15,489	\$ 194.05	\$ 102.00	4/16	BOB FRANCO	11,851,450	11,855,420	3,970	\$ 194.05	\$ 102.00
7/26	PACIFIC WOLF	1,274,700	1,276,550	1,850	\$ 194.05	\$ 102.00	4/22	ENDEAVOR	11,855,400	11,892,300	36,900	\$ 1,432.09	\$ 102.00
Year to Date Totals:				96,808	\$ 4,716.15	\$ 1,632.00	4/27	BOB FRANCO	11,892,350	11,895,650	3,300	\$ 194.50	\$ 102.00
Notes:							5/3	PERSEVERANCE	11,895,660	11,898,430	2,770	\$ 194.05	\$ 102.00
Washing down dock results in missing begin/end reads							5/12	BOB FRANCO	11,898,450	11,905,825	7,375	\$ 286.22	\$ 102.00
\$194.05 Min Charge							5/17	PERSEVERANCE	11,904,850	11,907,320	2,470	\$ 194.05	\$ 102.00
\$102.00 CONX							5/21	BOB FRANCO	11,907,300	11,913,470	6,170	\$ 102.00	\$ 239.46
							5/29	BOB FRANCO	11,913,500	11,915,400	1,900	\$ 194.05	\$ 102.00
							5/31	PERSEVERANCE	11,915,400	11,925,570	10,170	\$ 394.70	\$ 102.00
							6/11	ANNA T	11,932,750	11,935,050	2,300	\$ 194.05	\$ 102.00
							6/12	BOB FRANCO	11,935,050	11,938,200	3,150	\$ 194.05	\$ 102.00
							6/14	PERSEVERANCE	11,938,000	11,951,570	13,570	\$ 526.65	\$ 102.00
							6/21	ENDEAVOR	11,956,340	11,971,290	14,950	\$ 580.21	\$ 102.00
							7/5	ENDEAVOR	11,977,650	11,999,600	21,950	\$ 851.88	\$ 102.00
							7/14	SOVEREIGN	12,001,000	12,006,190	5,190	\$ 201.42	\$ 102.00
							7/19	ENDEAVOR	12,006,200	12,014,000	7,800	\$ 275.55	\$ 102.00
							7/21	PERSEVERANCE	12,014,000	12,021,950	7,950	\$ 308.54	\$ 102.00
							7/22	BOB FRANCO	12,021,950	12,023,620	1,670	\$ 194.05	\$ 102.00
							Year to Date Totals:				270,319	\$ 12,692.37	\$ 3,657.46
							Notes:						
							Washing down dock results in missing begin/end reads						
							\$194.05 Min Charge						
							\$102.00 CONX						

PORT & HARBOR ADVISORY COMMISSION 2021 Calendar

	AGENDA DEADLINE	MEETING	CITY COUNCIL MEETING FOR REPORT*	ANNUAL TOPICS/EVENTS
JANUARY	Wednesday 1/20 5:00 p.m.	Wednesday 1/27 5:00 p.m.	Monday 2/8 6:00 p.m. [Stockburger]	<ul style="list-style-type: none"> • Reappointment Notices
FEBRUARY	Wednesday 2/17 5:00 p.m.	Wednesday 2/24 5:00 p.m.	Monday 3/8 6:00 p.m. [Zimmerman]	<ul style="list-style-type: none"> • Terms Expire February 1st • Election of Officers • Advisory Body Training Worksession
MARCH	Wednesday 3/17 5:00 p.m.	Wednesday 3/24 5:00 p.m.	Monday 4/12 6:00 p.m. [Zimmerman]	<ul style="list-style-type: none"> • City Budget Review/Develop Requests *may not be applicable during non-budget years
APRIL	Wednesday 4/12 5:00 p.m.	Wednesday 4/28 5:00 p.m.	Monday 5/10 6:00 p.m. [Erickson]	<ul style="list-style-type: none"> • Review of Strategic Plan/Goals & Commission's Policies
MAY	Wednesday 5/19 5:00 p.m.	Wednesday 5/26 6:00 p.m.	Monday 6/14 6:00 p.m. [Siekaniac]	
JUNE	Wednesday 6/16 5:00 p.m.	Wednesday 6/23 6:00 p.m.	Monday 6/28 6:00 p.m. [Ulmer]	
JULY	Wednesday 7/21 5:00 p.m.	Wednesday 7/28 6:00 p.m.	Monday 8/9 6:00 p.m. [Ulmer]	<ul style="list-style-type: none"> • Capital Improvement Plan Review
AUGUST	Wednesday 8/18 5:00 p.m.	Wednesday 8/25 6:00 p.m.	Monday 9/13 6:00 p.m. [Matthews]	
SEPTEMBER	Wednesday 9/15 5:00 p.m.	Wednesday 9/22 5:00 p.m.	Monday 9/27 6:00 p.m. [Zeiset]	
OCTOBER	Wednesday 10/20 5:00 p.m.	Wednesday 10/27 5:00 p.m.	Monday 11/22 6:00 p.m.	<ul style="list-style-type: none"> • AAHPA Conference
NOVEMBER		No Regular Meeting		<ul style="list-style-type: none"> • Seattle Fish Expo
DECEMBER	Wednesday 12/15 5:00 p.m.	Wednesday 12/22 5:00 p.m.	Monday 1/10/22 6:00 p.m.	<ul style="list-style-type: none"> • Land Allocation Plan Review

*The Commission's opportunity to give their report to City Council is scheduled for the Council's regular meeting following the Commission's regular meeting, under Agenda Item 8 – Announcements/ Presentations/ Borough Report/Commission Reports. Reports are the Commission's opportunity to give Council a brief update on their work.