



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer Agenda

Parks, Art, Recreation & Culture Advisory Commission Regular Meeting

Thursday, February 17, 2022 at 5:30 PM

Cowles Council Chambers and via Zoom Webinar

Webinar ID: 990 6701 0473 Passcode: 295088

Dial: 1 669 900 6833 or 1 253 215 8782 or Toll Free 1 888 788 0099 or 1 877 853 5247

CALL TO ORDER 5:30 P.M.

AGENDA APPROVAL

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

VISITORS/PRESENTATIONS (10 minute time limit)

RECONSIDERATION

CONSENT AGENDA All items on the consent agenda are considered routine and non-controversial by the Parks Art Recreation & Culture Advisory Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

- A. Meeting Minutes for Special Meeting on December 2, 2021

STAFF & COUNCIL REPORT/COMMITTEE REPORTS (5 minute time limit)

- A. Parks Superintendent Report - Matt Steffy
- B. Recreation Manager's Report - Mike Illg
- C. Public Works Director's Report

PENDING BUSINESS (15 minute time limit)

- A. Wayfinding & Streetscape Implementation - Julie Engebretsen, Deputy City Planner & Special Projects Coordinator
- B. HERC Multi-Use Community Center Update - Deputy City Planner Engebretsen

PUBLIC HEARING

NEW BUSINESS (15-20 minute time limit)

- [A.](#) Memorandum from Deputy City Planner re: Special Events and Mobile Food Service
- [B.](#) Memorandum from Deputy City Clerk II re: Donation of Art for the Homer Municipal Art Collection
- C. Non-Motorized Trails & Transportation Plan Update - Parks Superintendent Steffy
- [D.](#) Green Cemeteries

INFORMATIONAL MATERIALS

- [A.](#) Memorial Bench Update provided by Christina Whiting
- [B.](#) 2021 Approved PARC Commission Bylaws
- [C.](#) Letter to City Council and Interested Members from Dr. William & Mrs. Marley dated January 9, 2022 re: Property Along the Sterling Highway

COMMENTS OF THE AUDIENCE (3 minute time limit)

COMMENTS OF THE CITY STAFF

COMMENTS OF THE COMMISSION

ADJOURNMENT

Next Regular Meeting is **Thursday, March 17, 2022, at 5:30 p.m.** There will be a worksession at 4:30 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 21-10, a Special Meeting of the Parks, Art, Recreation and Culture Advisory Commission was called to order by Chair David Lewis at 5:30 p.m. on December 2, 2021 from the City Hall Conference Room Upstairs located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar.

PRESENT: COMMISSIONERS LEWIS, FAIR, HARRALD, LOWNEY, GALBRAITH, ROEDL, AND STUDENT REPRESENTATIVE FLORA

ABSENT: COMMISSIONER ARCHIBALD (EXCUSED)

STAFF: DEPUTY CITY CLERK KRAUSE
PUBLIC WORKS DIRECTOR KEISER
RECREATION MANAGER ILLG

AGENDA APPROVAL

Chair Lewis noted the items provided as laydowns and called for a motion to amend the agenda.

LOWNEY/ROEDL MOVED TO AMEND THE AGENDA TO ADD ITEM C AND D UNDER REPORTS, MEMORANDUM FROM DEPUTY CITY PLANNER REGARDING WAYFINDING AND STREETScape PROJECT UPDATE AND RECREATION MANAGER REPORT.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Lewis then called for a motion to approve the agenda as amended after noting there were no further amendments requested.

HARRALD/ROEDL MOVED TO APPROVE THE AMENDED AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Robert Gordon Vernon, city resident, commented on the Bishop's Beach Park Master Plan, noting the proposed parking on the north side may create issues since that area is wetlands and they may have to fill those areas which creates some questions for other property owners wanting to fill their "wetlands"; proposed plans for the turn around, and recommending that the city should enter into agreements with the Elks Club, Catholic Church and possibly the Chamber of Commerce to allow large vehicles such as RV's and buses to park in their parking lots with directional signage.

VISITORS/PRESENTATIONS

RECONSIDERATION

CONSENT AGENDA

- A. Regular Meeting Minutes for October 21, 2021

Chair Lewis requested a motion to approve the Consent Agenda.

FAIR/HARRALD MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

STAFF & COUNCIL REPORT/COMMITTEE REPORTS

- A. Public Works Director Report

Chair Lewis invited Public Works Director Keiser to provide her report for the Commission.

Public Works Director Keiser provided a summary of her report that was included in the packet. She spoke on the hiring of Parks Technicians and have hired two highly skilled persons that are already rocking and rolling; green infrastructure plan for Bishop's Beach Park Master Plan will have a more detailed discussion at the January 10, 2022 Council meeting.

- B. Parks Superintendent Report

Chair Lewis noted that Parks Superintendent Steffy was not present but provided his report for the packet. There were no comments or questions from the Commission.

- C. Wayfinding and Streetscape Planning Update – Deputy City Planner Engebretsen

Chair Lewis noted the update submitted by Deputy City Planner Engebretsen that was provided and opened the floor to comments from the Commission. There were no comments.

- D. Recreation Manager Report

Chair Lewis introduced the item and invited Recreation Manager Illg to speak to his report.

Recreation Manager Illg reported on the following:

- Homer High School will be continuing to make some improvements to the gym which will impact some programs. He has requested painted lines for pickleball.
- Telluride Mountain Film Festival will be hosted by him this winter. More details will be forthcoming when finalized.
- Details on the transfer of Lending Recreation Equipment Program to the Homer Public Library
- Working towards his executive professional certification designation.
- City Council will have a Worksession on Monday, December 6, 2021 at 4:00 p.m. regarding the HERC campus
- He wished the Chair a Happy Birthday!
- Provided a summary of available indoor recreational opportunities

PUBLIC HEARING

PENDING BUSINESS

- A. Memorandum from Deputy City Clerk re: Bylaw Amendments Second Reading

Chair Lewis introduced the item by reading of the title and opened the floor to discussion.

LOWNEY/HARRALD MOVED TO APPROVE THE PROPOSED PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION DRAFT BYLAWS AS AMENDED AND FORWARD TO CITY COUNCIL FOR ADOPTION.

The Commission entertained a brief discussion expressing their appreciation for the work done by the Clerk's in presenting the amendments.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. Memorandum from Deputy City Clerk re: Further Review and Analysis of the Public Mural Section of the Draft City of Homer Gift, Donation and Art Policies, Procedures and Guidelines

Chair Lewis introduced the item by reading of the title and noted that the City Attorney has requested further postponement and requested a motion and second.

FAIR/LOWNEY MOVED TO POSTPONE FURTHER REVIEW AND ANALYSIS OF THE PUBLIC MURAL SECTION OF THE DRAFT GIFT, DONATION AND ART POLICIES TO THE FEBRUARY 2022 REGULAR MEETING.

Deputy City Clerk Krause provided a brief update on some concerns that the city attorney brought forward regarding murals on public and private property and the Commission questioned how this was going to apply to existing murals.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Bishop's Beach Park Master Plan

Chair Lewis introduced the item by reading of the title and invited Public Works Director Keiser to speak to the Commission on the topic.

Public Works Director Keiser provided some background information that brought the idea of having a master plan for the park as well as bringing or designing the park better to integrate the new sculpture and a wild idea of possibly obtaining the parcel to the west of the park and incorporating that area into the park; as well as facilitated discussion on the following:

- iterating that it was a very rough conceptual design
- the parcel to the west showing the walking paths and drainage is a goal or dream, it is currently privately owned
- potential water and sewer service through a special assessment district
- incorporating the indigenous artwork sculpture into the master plan and design and not just have a piece of artwork "plopped" down somewhere
- Public Works is working with Corvus Design and Marika Mouw to bring the ideas to paper
- incorporating green infrastructure to address storm water drainage and clean pollutants from the water before hitting the slough and bay, grants would be available for this type of project
- bringing the concept to City Council for their January 10th meeting
- eliminating the parking on the beach and develop parking in other areas not removing access to drive on the beach just prohibit parking right there on the beach
- ADA parking locations – not definite in the conceptual drawing there are a number required and locating those next to specific amenities
- Accommodating larger vehicles for turning around and leaving with the installation of the turn-around, which will accommodate vehicles as large as a school bus.
- Recommend installation of signage before visitors get to the park that there is no large vehicle parking
- Encouraging the idea of a meeting place is great
- Providing sidewalks or pedestrian accommodations in front of vehicles parking
- Parking issues on the north side of the park adding additional impervious surfaces and removing the screening vegetation
 - o Contact and develop partnerships with the Elks Club, Catholic Church or other businesses to allow parking for RV's and larger vehicles
 - o Improvement for pedestrians on Bunnell to accommodate

Rika Mouw, provided details on the accommodations for the larger vehicles up to 40 feet can turn around. She also agreed that signage making drivers aware that there was no RV parking. She expressed concerns on installing the parking on the northern edge of the park due to the effects on drainage and removal of moose habitat or forage.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. Commission Annual Calendar 2022
- B. Commission Re-appointments
- C. Japan-Alaska Sister Cities Photo & essay Campaign
- D. Memorandum from PARC to City Council re: Recommendation on Kachemak City Request for Funding

Public Works Director Keiser facilitated a brief discussion on the donation of some materials that were used as sheathing or plastic pilings in the harbor that can be used for playground features since they are so large about 36 inches in diameter.

There was a brief discussion on the City of Homer providing or extending water and sewer services to the park and the likelihood of that happening was very slim as the Council is the final approval on that subject.

- E. Email comments received from William Marley regarding Land for Sale

COMMENTS OF THE AUDIENCE

Mr. Gordon city resident commented on creating a walking path down Beluga, as far as Charles Way improvements then that is progress and enforcement of large vehicle parking. He then commented on the future of Bishop's Beach being the bathing beach as well as the increase in surfers at that beach and the increased use of the bathrooms used as changing rooms so if an amenity could be included in the plan that would be useful.

COMMENTS OF THE CITY STAFF

Recreation Manager Illg thanked everyone for attending and the staff for a great meeting and wished everyone to be safe and healthy, stay active and have a nice evening.

Public Works Director Keiser reported on a recent visit from the City's Risk Insurer and they received a clean bill of health and had a sophisticated operation. As the weather was not conducive to touring anything Matt Steffy reported on the number of improvements that the City was doing to make the parks more accessible, the ADA Transition Plan and removal of unsafe equipment.

Deputy City Clerk Krause wished the Commissioners and Staff a Happy and Safe New Year and Merry Christmas stating this was her last meeting. She clarified that it was her last meeting for the year in response to a question from Commissioner Roedl.

COMMENTS OF THE COMMISSION

Student Commissioner Flora expressed appreciation for the ideas and thoughts regarding the Bishop's Beach and liked the idea of changing rooms. She wished everyone Happy Holidays.

Commissioner Galbraith expressed appreciation for the long range plans and activities going on with the HERC and library as a parent with young children he appreciates having the knowledge on the available programs and he visits the parks, of course not all of them, but a lot of them throughout the city and appreciates the work that is being done to improve them.

Commissioner Lowney expressed her appreciation for the preliminary drawings on Bishop's Beach commenting that it was very exciting. She found the fireworks scenario interesting and the controversy at the end of the Spit she was glad to see the partnership with Aaron Weiser. She then expressed that she has been intrigued about the Adopt a Park program and wished there was some way to encourage more businesses or organizations to adopt parks but some way that this commission could recognize those organizations, especially Rotary since they have done so much with Ben Walters Park.

Chair Lewis asked Commissioner Fair to consider this topic for the next Letter to the Editor.

Commissioner Harrald suggested giving out an annual award to groups or organizations. She stated that it was a much better meeting than the last as they were able to say yes to parks and the last meeting it was all no to parks. We have such a wonderful staff, there are always some interesting items in the packets even though our staff is very small but the things they get done, they are so solution focused. Ms. Harrald expressed her appreciation for each of the staff and the information and work that they provide to the city, community and commission with the development of the partnerships with all the various businesses and organizations; coming up with ways to assist families to participate in activities and sports and the informational materials in the packet.

Commissioner Fair echoed Commissioner Harrald and recognized that Deputy City Clerk Tussey has been providing the same types of things that Renee does and she does a great job clarifying things for us too. He expressed appreciation for the memos that summarizes all the changes so you know what is going on and don't get mired down in all the details. he recounted his experience when he first started teaching at Skyview regarding a principal who got things done, he was not all talk but action. He expressed his appreciation for the staff to come up with ideas and then put those ideas to work. mr. Fair then stated that they wrote about the Rotary Club and Ben Walters Park a couple of years ago and agreed that it is time they do something more to acknowledge the work that the organization has done. He further commented on the encouragement that may provide to get others involved in the Adopt a Park program or at least awareness for the program too.

Commissioner Roedl requested an update on the Main Street Sidewalk Improvement project and wished everyone a Happy Holiday.

Public Works director Keiser provided a brief update on the progress of the project and that it was still slated for construction next summer.

Commissioner Roedl expressed his appreciation and that they needed to find a new project to fight for in the coming year.

COMMENTS OF THE CHAIR

Chair Lewis thanked everyone for their hard work and requested the award or recognition program on the February agenda. He wished everyone a wonderful and safe Christmas Holiday and to stay warm. He expressed his thanks for the birthday wishes.

Public Works Director Keiser added that she had met with the Rotary and that they spoke about getting a few more improvements for Ben Walters Park especially the restroom and then have a rededication or celebration in the future.

ADJOURNMENT

There being no further business to come before the Commission the meeting adjourned at 7:45 p.m. The next regular meeting is Thursday, February 22, 2022 at 5:30 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

Approved: _____



City of Homer

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Public Works

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MEMORANDUM

To: Parks, Arts, Recreation, and Culture Advisory Commission.

From: Matt Steffy, Parks Superintendent

Date: February 17th, 2022

Subject: Greatest Parks in the Universe Staff Report

-
- Trail use has been steady with lots of positive feedback on the increased accessibility of pedestrian access around town. Our crews have struggled with the ice and snow, but have maintained a level of safety and access beyond any winter before.
 - Little Free Library construction is almost complete, with five units to be installed in spring or early summer. Community support has been overwhelming with donations flowing in and applause for such a fine amenity to our parks. Parks Technician John Wolfe has taken the lead on this project.
 - Picnic table construction has continued. We now have five full table kits cut, painted, and partially assembled for spring installation. Parks Technician Aaron Levy has taken the lead on this project.
 - Aaron Levy will conclude his six month season on February 19th. He has been a wonderful asset to the team and helped us to show this community what we can accomplish when we apply our resources efficiently.
 - Camp Host Stevie Drescher will be moving on to personal residence and focusing on her medical career this spring. The City thanks her for 2.5 seasons as the host at Karen Hornaday, her season on the Parks crew, and all the wonderful art she has contributed to the City. She has expressed that she would like to continue partnering with the Greatest Parks in the Universe to make the world a better place. Both Nick Adamson (HVFD) and Jordan Fisk have expressed their intentions to continue hosting at Mariner Park and Fishing Hole respectively to make the world a better place, and a potential new host for Karen Hornaday has already been identified.
 - Restoration work is ongoing for the Baycrest Panorama Engraving and the old weigh-in scale from the Homer Halibut Derby. We continue to find new and innovative ways to embrace our past and celebrate it through creative ornamentation in our public spaces.
 - Revisions have continued on the Non-motorized Transportation and Trails Plan, as well as the Small Works Trails Maintenance Management Plan. City staff have been meeting with multiple local trail groups to identify current local issues. These revisions will be subject to the review of PARCAC and City Council.
 - The 2022 City of Homer campground brochures from Southeast Publications have arrived and we have begun distributing them around town. 10 are high quality as usual and advertise local

businesses to cover costs so the City does not have to expend any advertising funds. We received 3,000 copies so far.

- Staff have met recently with the Friends of the Homer Skate Park to discuss expenditure of remaining funds with Homer Foundation on some small amenities. We're looking to strip and repaint the metal ramps with skate ramp grade paint to eliminate safety hazards from previous paint jobs.
- Homer Council of the Arts has renewed interest in partnering with the City on a Skate Park event this spring or early summer. We will keep the commission posted on the plans and objectives.
- Pier One Theater has reached out to the City to coordinate some theater performances at the Highland Games this season. This is an exciting opportunity to broaden the scope of our events and include more disciplines into our cultural services.
- PW Director Jan Keiser has spearheaded an exciting Green Infrastructure Storm Water Management plan that could include some property acquisitions that would also benefit green space recreation for years to come. Stay tuned for updates on that project.
- City Park Staff have continued to assist other projects when called upon. Parks Technician John Wolfe has been lending substantial design and logistical support to a Drainage Management Plan project with his expertise to assist contractors and other City staff.
- Parks Staff have taken over increasing minor maintenance duties on equipment and vehicles as skill level allows and appropriate oversight is available to augment the maintenance load of the Motor Pool.
- Cooperative planning with Rotary is ongoing for several projects at Ben Walters Park. A new fire ring has been purchased and plans have been laid for repainting the large pavilion and installing wall benches.



Parks Technician John Wolfe with one of our new Little Free Libraries



City of Homer

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Community Recreation

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(f) 907-235-8933

Memorandum

TO: Parks, Arts, Recreation & Culture Advisory Committee

FROM: Mike Illg, Recreation Manager

DATE: February 8, 2022

SUBJECT: City Council Action Related to PARCAC

The following City Council resolutions and ordinances activity relevant to the Park, Arts, Recreation and Culture Advisory Commission since the last PARCAC meeting on December 2, 2021.

December 13th

Resolution 21-086, A Resolution of the City Council of Homer, Alaska Amending the Parks Art Recreation and Culture Advisory Commission (PARCAC) Bylaws Regarding Teleconferencing, Attendance, Vacancies, City Staff Roles, and Rules of Order for Boards and Commissions by amending articles titled Purpose, Membership, Officers, Meetings, Bylaw Amendments; adding articles titled City Staff Roles and General Operating Procedures; and removing the article titled Teleconferencing. City Clerk/PARCAC. **Passed.**

Ordinance 21-67, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating Grants from the Institute of Museum and Library Services in the Amount of \$25,091 for Purchase and Installation of Little Libraries and Wi-Fi Upgrades at the Library. City Manager/Library Director. Introduction November 4, 2021 Public Hearing and Second Reading December 13, 2021. **Passed.**

January 10th

Resolution 21-073, A Resolution of the City Council of Homer, Alaska Updating the City of Homer Gift, Donation, and Art Policies, Procedures, and Guidelines to add a section on Murals, and Amend Language and Processes **Postponed to February 28, 2022 meeting.**

January 24th

Nothing related to PARCAC to report.



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Memorandum

TO: Parks, Arts, Recreation & Culture Advisory Committee

FROM: Mike Illg, Recreation Manager

DATE: February 8, 2022

SUBJECT: Lend-A- Leash Program

I am pleased to report that the City of Homer's "Lend-A-Leash" Program is officially launched through the initiative of the PARCAC Advisory Commission.

The \$500 allocation from PARCAC to initially purchased leashes was approved for signage instead after the Homer Animal Friends agreed to provide as many free customized "Homer Animal Friends/City of Homer" leashes that we would need. I designed and purchased 10 initial signs for a total of \$350 complete with a QR code (see attachment) to streamline readers back to the website for additional information.

As the weather improves, I will be working with Public Works/Parks in helping to determine signage and leash installation locations complete with a map of the locations on the city website. In an effort to expand the program, two signs and leashes were given to the Port and Harbor Department as they were interested in being a part of this campaign for the city docks. They will purchase additional signs as needed. Beyond providing free leashes for dog owners to borrow, this is also an effort to be proactive and help inform the public towards providing a safe, fun and healthy experience for all.

Here is the text from the website: <https://www.cityofhomer-ak.gov/recreation/lend-leash-program>

*The **Lend-A-Leash Program** is made possible by the team work of the **City of Homer**, **Homer Animal Friends** and **Alaska Mindful Paws of the Homer Animal Shelter** to provide pet leashes to the community. Look for the signs at the beach, parks and trails for the leashes.*

*The program was created to help improve safety for people, children and dogs on the beaches or parks by **making leashes readily available to borrow if you do not have one to use**. When you visit the beaches and parks we want you to enjoy safely without being concerned about a possible rogue pet or other hazard you may encounter.*

Thank you for keeping your dog on a leash.

DID YOU KNOW...

All dogs within the City of Homer must be licensed? [City Code 20.12.010](#) You can obtain your license [HERE](#)

All dogs within the City of Homer must be vaccinated against rabies? [City Code 20.16.010](#)

Small Boat Harbor: 'No person may bring, keep, or maintain an animal on the floats on the City of Homer's small boat harbor, unless the animal is kept under physical confinement by leash or chain at all times.' [City Code 20.08.030](#)

The **Homer Animal Shelter** offers a safe, warm, loving place for homeless and stray pets. The shelter also provides resources, supplies, and enforces the City's animal ordinances.



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Memorandum

TO: Parks, Arts, Recreation & Culture Advisory Committee

FROM: Mike Illg, Recreation Manager

DATE: February 8, 2022

SUBJECT: Community Recreation Report

The City of Homer Community Recreation Division continues to be very busy with striving to offer as many safe, fun and healthy opportunities to the public. Participants are required to wear masks at all times. Here are some of the **regular programs** we have been providing:

- Drop-In pickleball (4 times a week) located at the HERC
- Pickleball reservations (every day of the week various hours) located at the HERC
- Youth homeschool pickleball classes, 2-3 times a week located at the HERC
- Adult and Youth Karate (3 times a week 2-3 hours each time) located at the HERC
- Pick up Morning basketball, 3 times a week, located at Homer High
- ReAKtion Club Youth Activity every Thursday with The Center. Plans for expanded spring break programs in the works.

Sports Gear Library: Most of the sports gear and games have moved over to the library. Recent items for this programs include; metal detectors, cornhole/bean bag games, lawn dice, spike ball and much more.

Pick Up Volleyball: We are now offering pick up indoor volleyball on Sundays, 4-6pm at Homer High and Wednesdays, 6:30-8:30pm at Homer Middle. This is for participants 7th grade and up. It is free for 7th-12th graders and \$3 for adults.

Starfish Yoga: We are offering a free yoga class for 7th-8th graders once a week at Homer Middle. We are trying to work out the details to get this at West Homer/Fireweed as well...a work in progress.

Telluride Mountainfilm Event: We hosted one Mountainfilm event on Saturday, February 5th at the Homer high Mariner Theater. Attendance was low (50-60) but the films were fantastic and was enjoyed by all you attended.

Safe and Healthy Kids Fair: I was able to secure the day, time, location for the next Safe and Healthy Kids Fair. This will take place outside again on Saturday, May 1st at Homer High lower parking lot.

Field Use Policies, Scheduling and MOUs: As directed by the City Manager, I will be working with parks to coordinate city field use policies, scheduling and MOUs. This will be a work in progress and we will bring forth to PARCAC for review and input as needed when available.

Month of January GYM updated 1-28

	1-Jan	2-Jan	3-Jan	4-Jan	5-Jan	6-Jan	7-Jan	8-Jan	9-Jan	10-Jan	11-Jan	12-Jan	13-Jan	14-Jan	15-Jan
Time Block	SAT	SUN	MON	TUES	WED	THURS	FRI	SAT	SUN	MON	TUES	WED	THURS	FRI	SAT
6-7:30AM			BB		BB		BB			BB		BB		BB	
7:30-9AM															
9-11AM	RES		RES	RES	RES	RES	RES	RES		RES	RES	RES	RES	RES	RES
11:15AM-1:15PM	RES	RES						RES	RES						RES
1:30-3:30PM	RES					Youth						RES	Youth		
3:45-5:45PM		RES	PB	RES	PB	Youth	PB		RES	PB	RES	PB	Youth	PB	
6-8PM			BB		BB	RES	RES			BB		BB	RES	RES	

	16-Jan	17-Jan	18-Jan	19-Jan	20-Jan	21-Jan	22-Jan	23-Jan	24-Jan	25-Jan	26-Jan	27-Jan	28-Jan	29-Jan	30-Jan	31-Jan
Time Block	SUN	MON	TUES	WED	THURS	FRI	SAT	SUN	MON	TUES	WED	THURS	FRI	SAT	SUN	MON
6-7:30AM		BB		BB		BB			BB			BB				BB
7:30-9AM																
9-11AM		RES		RES		RES			RES		RES		RES			RES
11:15AM-1:15PM	RES				RES		RES	RES							RES	
1:30-3:30PM				RES	Youth					Youth		Youth				
3:45-5:45PM	RES	PB	RES	PB	Youth	PB		RES	PB	Youth	PB	Youth	PB			PB
6-8PM		BB		BB					BB			RES				BB



CITY OF HOMER
&
HOMER ANIMAL FRIENDS
PRESENT:

LEND-A-LEASH

"Borrow a leash when at the beach!"







For immediate questions call the Homer Animal Shelter at
235-3141

"A leash connects two hearts!"

Need a leash?

Please keep your dog on a leash while
at the beach, parks, docks or trail.



LEND-A-LEASH Program

Borrow a leash and return it here for
others to use too.

Learn more @ cityofhomer-ak.gov/recreation/lend-a-leash

Program made possible by:
City of Homer
HomerAnimals.org
AlaskaMindfulPaws.org



Parks and Recreation Is an Engine of Economic Activity

February 18, 2021, Department, by Kevin Roth

Park and recreation professionals have a positive, lasting impact on millions of people every day through their tireless efforts to deliver programming and amenities that advance mental and physical health, create climate-ready parks, and support equity and inclusion. Local park and recreation agencies and their dedicated staff also are engines of economic activity in their communities. This past spring, NRPA's *The Economic Impact of Parks* report, conducted by the Center for Regional Analysis at George Mason University, finds that operations and capital spending at local park and recreation agencies generated more than \$166 billion in U.S. economic activity and supported 1.1 million jobs in 2017.

Another report from an agency of the U.S. Department of Commerce highlights the economic impact of parks and recreation. The Bureau of Economic Analysis (BEA) annually releases the *Outdoor Recreation Satellite Account* report that assesses the size and contribution of the outdoor recreation economy to the overall economy. The most recent report, published in November, finds that outdoor recreation gross domestic product (GDP) was \$459.8 billion in 2019, the equivalent to 2.1 percent of the total value of output produced by the United States. Adjusting for inflation, the outdoor recreation economy grew 1.3 percent in 2019. (By comparison, the entire U.S. economy expanded 2.1 percent during the same time.)

The relative size of the outdoor recreation economy varies significantly by state. The top six states in terms of the percentage contribution outdoor recreation makes to GDP:

- Hawaii – 5.8 percent
- Vermont – 5.2 percent
- Montana – 4.7 percent
- Florida – 4.4 percent
- Maine and Wyoming – both at 4.2 percent

BEA divides outdoor recreation into three major categories: conventional, supporting and core activities. Conventional activities include bicycling, boating, hiking and hunting, and is responsible for 30 percent of the outdoor recreation economy. Supporting activities, including construction, travel and tourism, local trips, and government expenditures, are responsible for 51 percent of the outdoor recreation economy. Other core activities (such as gardening and outdoor concerts) fill out the remaining 19 percent of the outdoor recreation economy.

BEA and NRPA analyses measure different things — BEA only considers outdoor recreation activities, whereas NRPA looks at the full spectrum of indoor and outdoor offerings. Further, the NRPA study narrows its focus to solely local public park and recreation agencies. In contrast, the BEA report studies a full spectrum of public and

private outdoor recreation organizations and companies, including manufacturing and retail sales associated with outdoor activities, private-sector concerts and tourism.

But even though the analyses may differ, their respective messages do not: parks and recreation and outdoor recreation bring many benefits, including a vital economic contribution to local communities throughout our nation.

This message may never be more critical given the budgetary challenges facing many local and state governments. Nearly half of park and recreation leaders responding to the [December 2020 NRPA Parks Snapshot Survey](#) noted that their agencies were facing cuts to operations spending this year, with a median reduction at 20 percent. A third of park and recreation agencies were slicing their capital budget, with a typical reduction of 37 percent.

Now more than ever, park and recreation professionals and their advocates need to educate policymakers, key stakeholders and the general public on their work's broad impact. When combined with the ability to deliver healthier and happier communities, your agency's offerings are not merely a "nice to have" luxury government service. Instead, parks and recreation transforms our cities, towns and counties into vibrant and prosperous communities for all.

[Kevin Roth](#) is NRPA's Vice President of Research, Evaluation and Technology.



City of Homer Community Rec Presents:

STARFISH YOGA

FREE CLASS FOR GRADES 7-8

Masks are required.



**Wednesdays, afterschool to 4:45PM
in the weight room**



**Wear comfortable active clothing,
bring water bottle**



**Bring signed Release Form to the first
class**



**With limited capacity, you need to pre-register
by emailing the instructor your name.**

For more info contact Certified Yoga
Instructor Erin Brege at
erinbrege@gmail.com or 989-306-0003



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum

TO: Parks, Art, Recreation & Culture Advisory Commission
FROM: Janette Keiser, Public Works Director
DATE: February 7, 2022
SUBJECT: Director's Report

1. Homer Green Infrastructure Storm Water Management System. On January 10, 2022, I made a presentation to the Homer City Council about four projects, which would incorporate natural wetlands into Homer's storm water management system. The wetlands will act as "sponges" to soak up storm water as well as help improve water quality. The four projects include:

- Beluga Slough – will use wetlands at the end of Bunnell Avenue, near Bishop's Beach Park
- Beluga Lake – will use wetlands adjacent to Ben Walters Park
- Kachemak Drive Sponge – will use wetlands on the north side of Kachemak Drive
- Baycrest Storm Drain – will convey water from the Baycrest area to Bidarki Creek

I've asked the City Council for funding for appraisals and field work. Ordinance 22-08 relating to this funding will have its second reading at the regular council meeting of February 14.

2. Mid-year Budget Adjustment. City staff is in the process of developing a request for a mid-year budget adjustment. In particular, Public Works is asking for the following *vis á vis* Parks:

- Funding for a 3rd party contractor for public restroom custodian services
- Extra funding for Pioneer Avenue Beautification

3. Semester by the Bay Interns. Public Works is hosting two Semester by the Bay Interns. One of them, Cate Barrie, dubbed the "Climate Change Champion", is developing public outreach and education to support the City's Climate Action Plan. Cate is a junior from Loyola Marymount University, Los Angeles, majoring in environmental studies. She worked with the Homer High School and local arts organizations to create a Sustainable Sculpture Show for Homer's Winter Carnival. The other, Isabella Fusco, a recent graduate of California State University, Long Beach, California with a major in Marine Biology, is dubbed the "Water Wizard". Isabella is helping out in the laboratories at the Water Treatment Plant and Waste Water Treatment Plant as well as conducting field research regarding storm water quality.



HOMER GREEN STORMWATER MANAGEMENT SYSTEM

CITY OF HOMER PUBLIC WORKS DEPARTMENT

WATER, WATER EVERYWHERE

- History of drainage research
- What's missing?
- Drainage problems
- Concepts for Green Infrastructure Projects
- Next Steps

EARLY RESEARCH

- 1979 Drainage Management Plan (DMP)
- 1981- 82 Revised Drainage Management Plan
- Focused on traditional drainage management – stormwater, culverts & ditches
- Did not address groundwater, bluff erosion, water quality, etc.

“MODERN” RESEARCH

- 2003 – Wetland Functional Assessment Guidebook; ADEC
- 2004 – Soil Survey of Western Kenai Peninsula; USDA, NRCS and others
- 2007 – Homer Stormwater and Meltwater Management and Mitigation Handbook; Allegra Bukojemsky & David Scheer
- 2004-2009 Privately-funded work – Coble Geophysical Services, Mike McCarthy

MORE RESEARCH “RECENT” TIMES

- 2014 Beluga Area Planning Reference – Homer Soil & Water Cons. District
- 2020 Low Impact Dev. Planning – Kinney Engineering for City of Homer
- 2020 - Coastal Bluff Stability; AK Div. of Geological/Geophysical Surveys

WHAT'S BEEN MISSING?

- Connection between the research findings
- Implementation of the recommendations
- Consistent link with land development regulations
- Focus on water quality

WE STILL HAVE DRAINAGE PROBLEMS

- Drainage is damaging private property.
- Near-surface ground water is triggering bluff erosion.
- Drainage is threatening slope stability.
- Silt-laden storm water is flowing carried into streams.

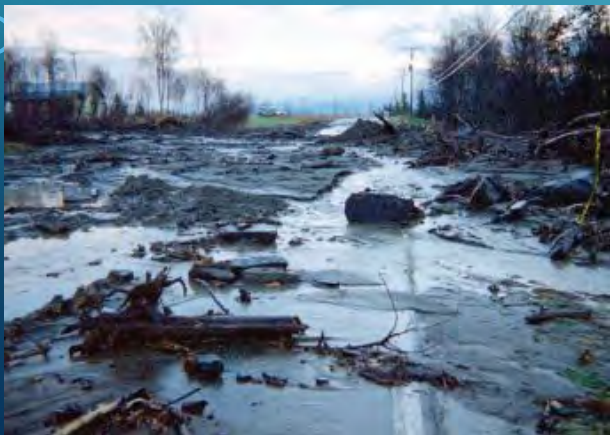
FLOODING & EROSION



Photograph taken by
Geoff Coble



USACE



Photograph taken by
Chad W. Smith, U.S.
Geological Survey



SHORT TERM SOLUTIONS CAUSE LONG TERM PROBLEMS.

- Private developments don't always look downstream.
- Inspection efforts don't address all development activity.
- Road/drainage maintenance focuses on efficiency, not sustainability.
- Water quality not always a priority.
- Windows of opportunity to use natural systems are closing.



BAYCREST SUBDIVISION

Eroded bluff materials deposited on beach



KACHEMAK DRIVE

Sediment laden storm water that outfalls directly to Kachemak Bay



KACHEMAK DRIVE

Homeowner revetment solution along beach

WHAT'S THE ANSWER?

- Acknowledge that nature always wins.
- Work with nature, not against it.
- Plan for the long term.

GREEN STORMWATER MANAGEMENT SYSTEM

- Includes four Green Infrastructure sub-systems
- Uses natural resources to diffuse water quantity and protect water quality
- Manages water flow to mitigate bluff erosion

WETLANDS



Peatland Pool



Riparian



Relict
Glacial
Lakebed

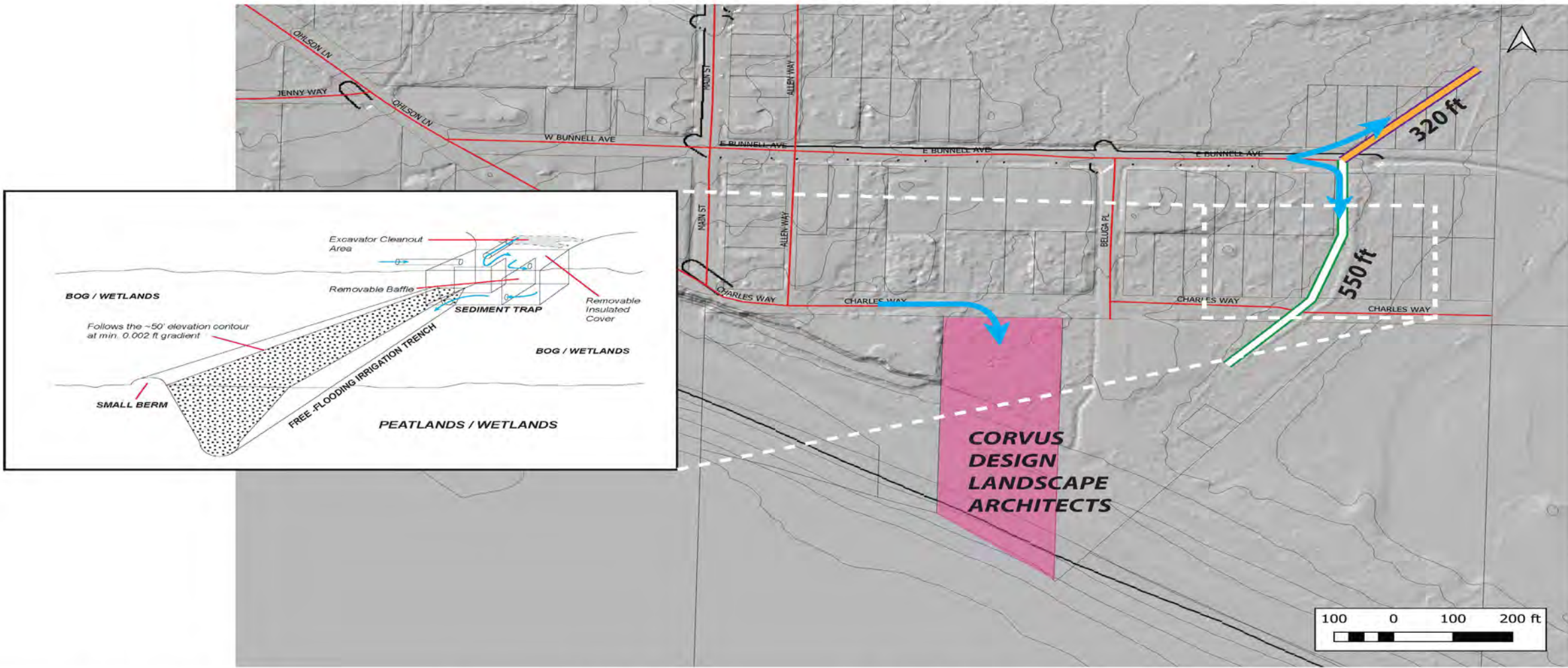


Headwater
Fen

GREEN INFRASTRUCTURE ELEMENT #1 – BISHOP'S BEACH STORMWATER TREATMENT SYSTEM

- Uses existing wetlands to store and treat storm water from Main Street and Old Town storm drains
- Diffuses water volumes flowing into Beluga Slough and Kachemak Bay
- Protects water quality of Beluga Slough and Kachemak Bay
- Ties into Bishop's Beach Park

Bishops Beach



CLIENT

City of Homer
Homer Public Works Dept
3575 Heath St
Homer, AK 99603

PROJECT

Bishops Beach Area
Stormwater Treatment
Project

DRAWN BY



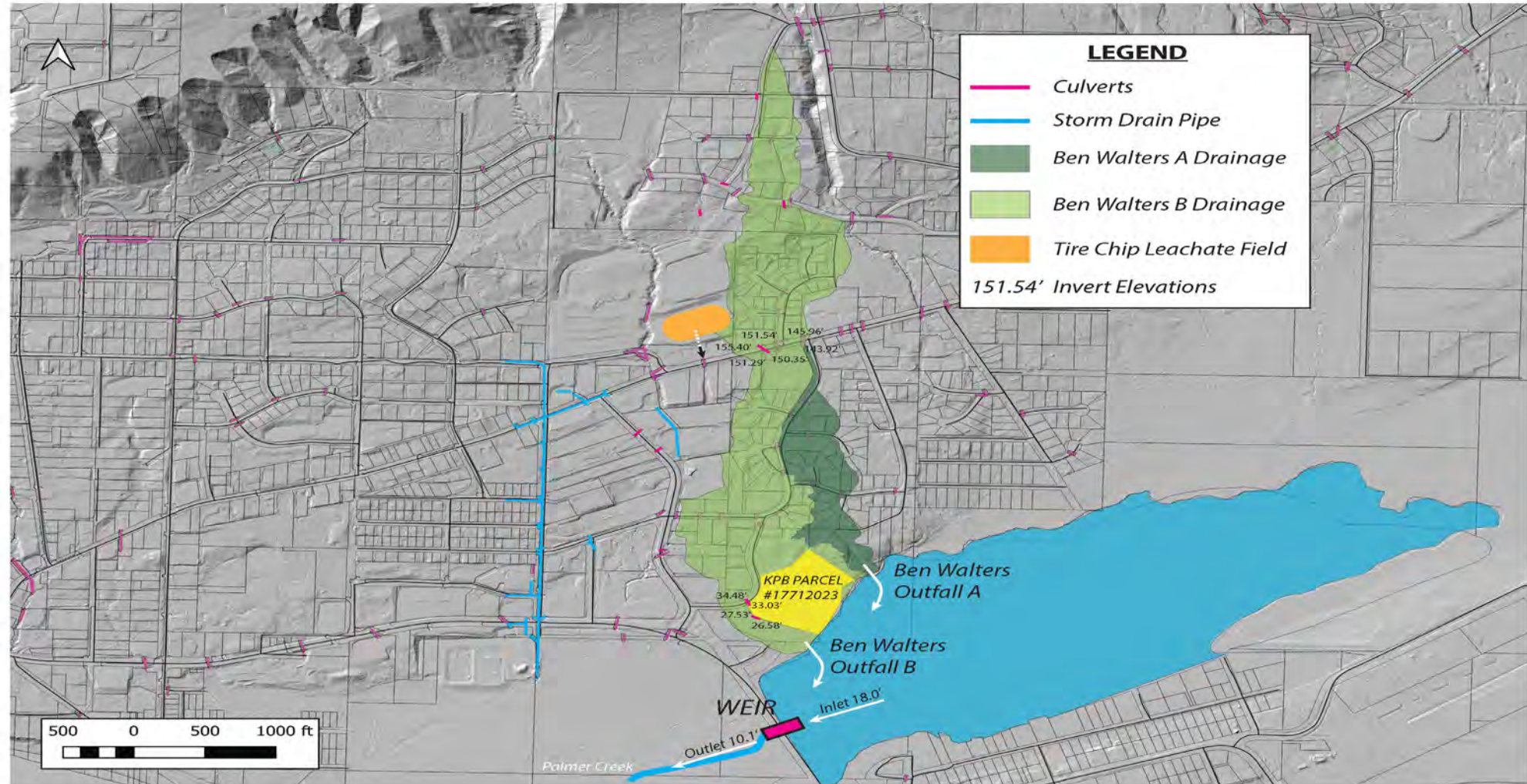
DESCRIPTION

Section C

GREEN INFRASTRUCTURE ELEMENT #2 – BEN WALTERS STORMWATER TREATMENT SYSTEM

- Uses existing wetlands to store and treat storm water from Ben Walter's Way and upstream watershed
- Diffuses water volumes flowing into Beluga Lake
- Protects water quality of Beluga Lake, Beluga Slough and Kachemak Bay
- Ties into Ben Walters Park

Ben Walters



CLIENT

City of Homer
Homer Public Works Dept
3575 Heath St
Homer, AK 99603

PROJECT

Ben Walters Area
Stormwater Treatment
Project

DRAWN BY



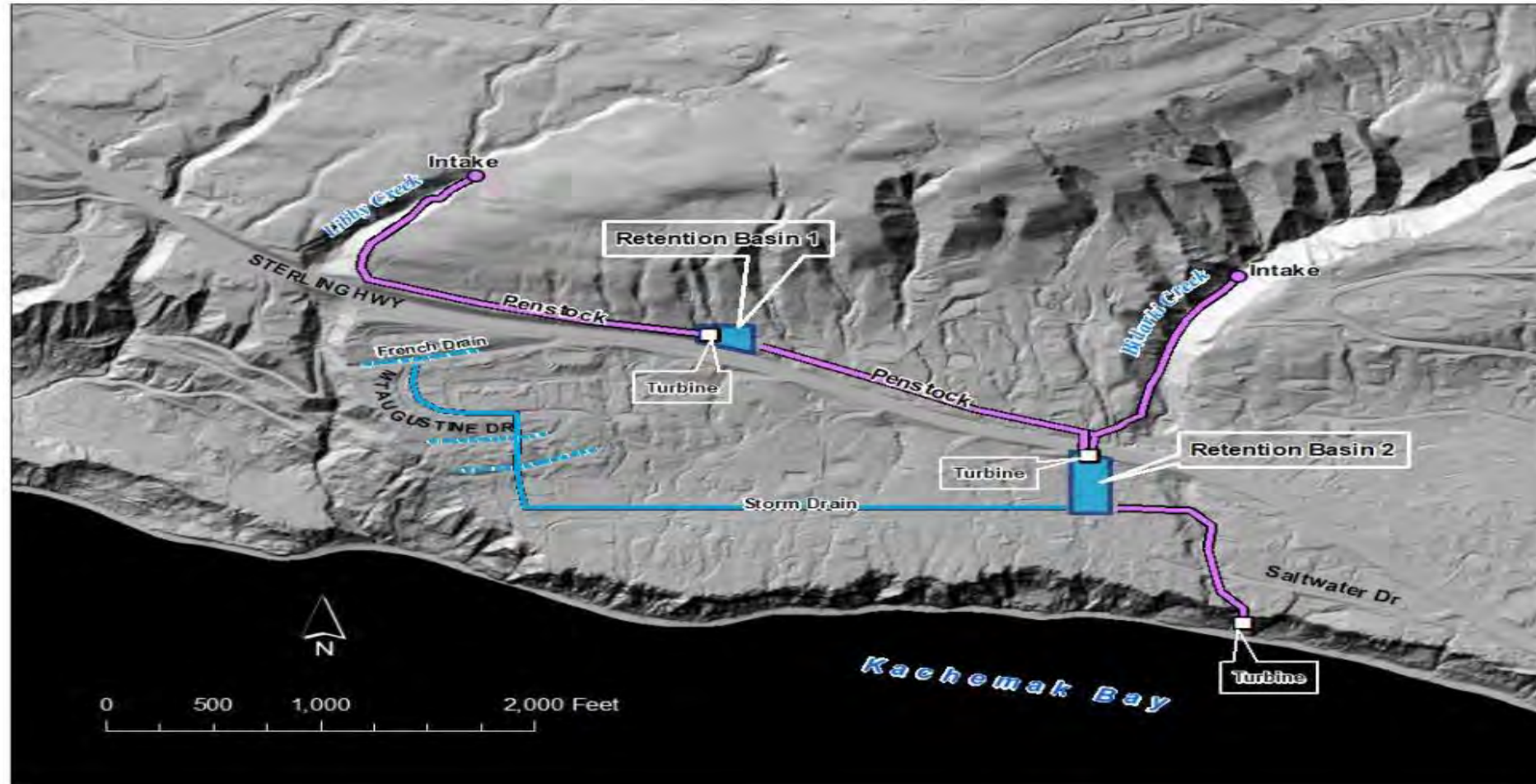
DESCRIPTION

Ben Walters Outfalls

GREEN INFRASTRUCTURE ELEMENT #3 – BAYCREST AREA STORM DRAIN

- Carries drainage from Baycrest Hill area to Bidarki Creek
- Reduces potential for bluff erosion and slope instability
- Protects water quality of Kachemak Bay
- Provides opportunity for mini-hydro facility

Baycrest Storm Drain Plan



CLIENT

City of Homer
 Homer Public Works Dept.
 3575 Heath St
 Homer, AK 99603

PROJECT

Baycrest Stormwater
 Drainage Plan

DRAWN BY



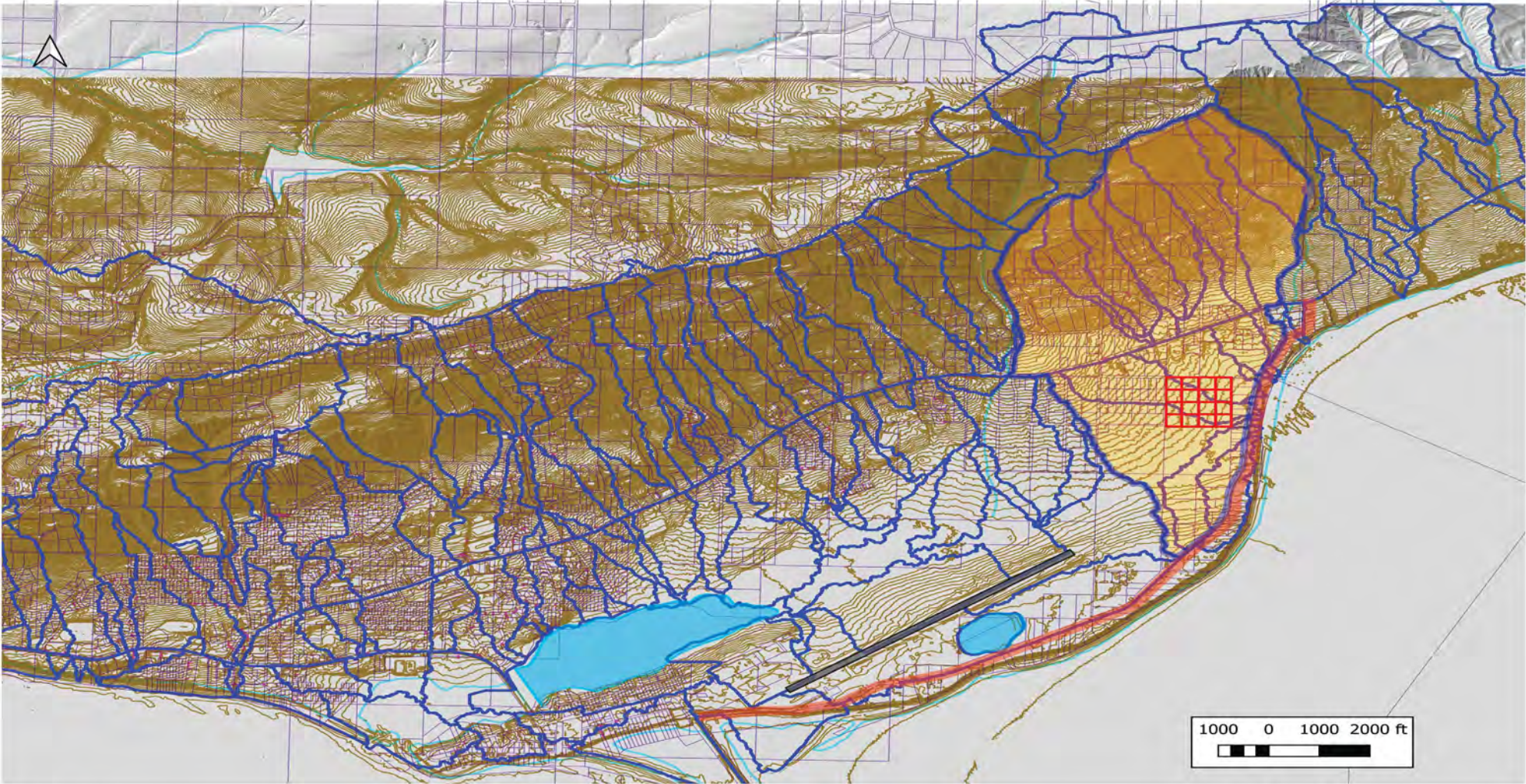
DESCRIPTION

Master Plan for Baycrest Area to
 Mitigate Sources of Bluff Erosion Via
 Storm Drainage Utilizing Water
 Retention and Power Generation

GREEN INFRASTRUCTURE ELEMENT #4 – CHECKERBOARD SPONGE

- Uses 50+ acres of existing wetlands to store and treat drainage from industrial/commercial land and upstream watersheds, including those in Kachemak City
- Reduces potential for bluff erosion on Kachemak Drive East
- Protects water quality of Kachemak Bay
- Provides opportunity for mini-hydro facility

Kachemak Dr.



CLIENT

City of Homer
Homer Public Works Dept
3575 Heath St
Homer, AK 99603

PROJECT

Kachemak Drive Stormwater
Treatment and Control

DRAWN BY

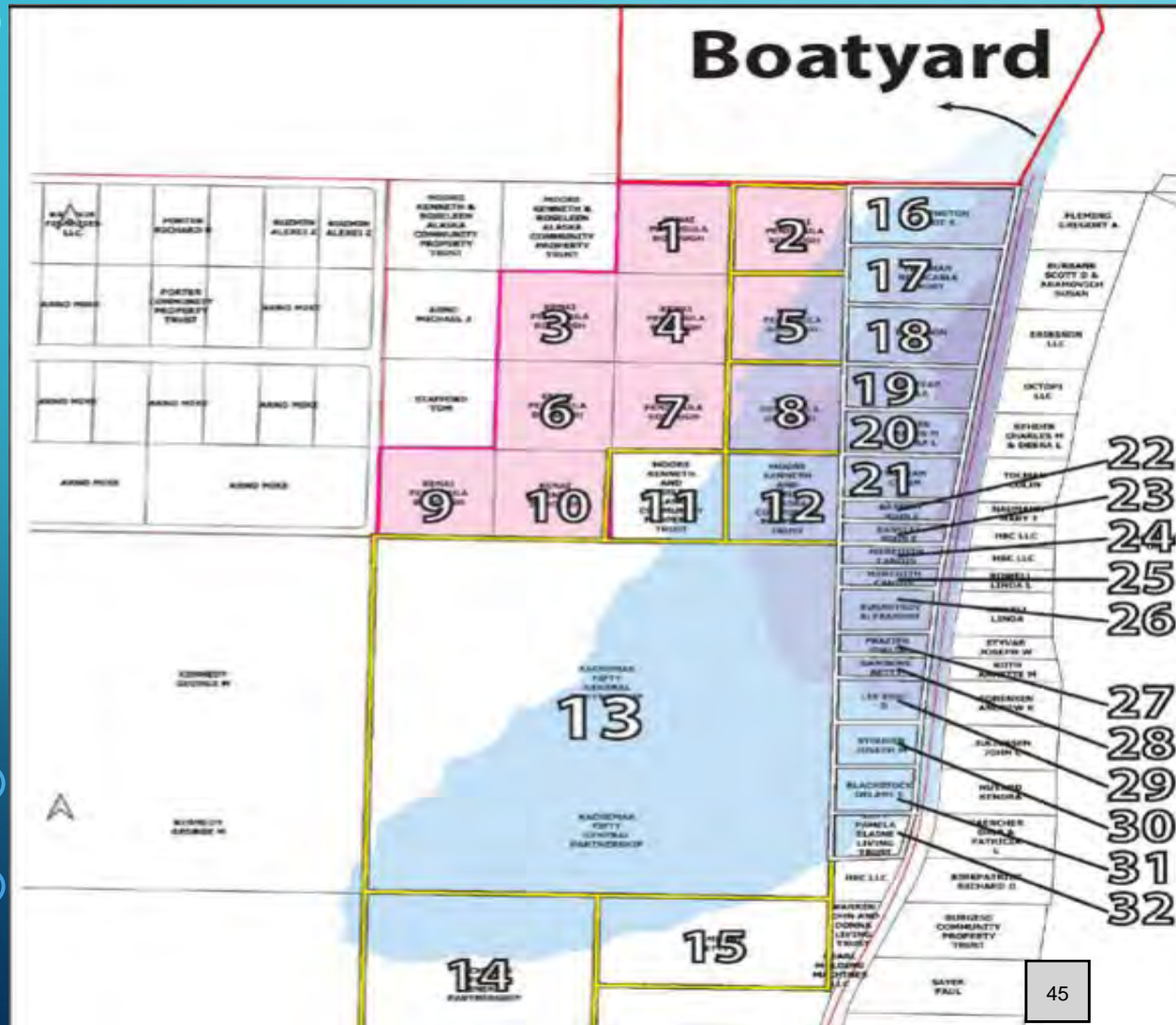


DESCRIPTION

Storm Drainage, Basin Storage,
Runoff and Coastal Erosion
Mechanics, East Kachemak
Drive

FIGURE
2

STORM WATER RETENTION AREA



Cool colors indicate low-lying wetlands that act as a retention area for large volumes of storm water

NEXT STEPS

- Refine the concepts
- Secure the funding
- Acquire the real estate
- Design/build the projects
- Review/adjust regulations

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 22-08

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE FY22 CAPITAL BUDGET BY APPROPRIATING
\$140,000 FROM THE HOMER ACCELERATED ROADS AND TRAILS
(HART) PROGRAM ROAD FUND FOR APPRAISALS AND TECHNICAL
FIELD WORK TO SUPPORT FOUR GREEN INFRASTRUCTURE
STORMWATER MANAGEMENT PROJECTS.

WHEREAS, The Homer Green Infrastructure Storm Water Management System is a system of four projects that would use natural systems, including wetlands and peatlands, to store and treat storm water, thereby improving water quality, reducing potential for flooding, and reducing potential for bluff erosion in their project impact areas; and

WHEREAS, Three of the four projects involve the acquisition of real property, which mostly consists of wetlands, from either the Kenai Peninsula Borough or private land owners and in order to have a sensible discussion with the land owners, we need to have a better understanding of the value of the land; and

WHEREAS, The best way to develop this understanding is to have the land appraised, which invokes standards established by the government agencies for appraisals of land acquired with government funds, either the Uniform Standards of Professional Appraisal Practice (USPAP) or the more stringent Uniform Appraisal Standards for Federal Land Acquisition (UASFLA); and

WHEREAS, Another thing needed for a sensible discussion with the land owner as well as to plan the projects, is to have a better understanding of the wetlands' technical parameters, which requires technical field work to (1) delineate the wetlands; (2) monitor the quality and quantity of storm water that could flow into the wetland areas; and (3) evaluate the hydrology of the watershed in greater detail; and

WHEREAS, This work is a vital part of the project design process.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY 2022 Capital Budget by appropriating \$140,000 from the HART Road Fund to pay for the following work

	<u>Fund</u>	<u>Description</u>	<u>Amount</u>
43			
44	160	Appraisals of 4 properties	\$ 80,000
45	160	Technical Field Work for 4 properties	<u>\$ 60,000</u>
46		Total	\$140,000
47			

48 Section 2. This is a budget amendment ordinance only, is not permanent in nature, and
49 shall not be codified.

50
51 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____th day of _____, 2022.

52
53 CITY OF HOMER

54
55
56 _____
57 KEN CASTNER, MAYOR

58
59 ATTEST:

60
61
62 _____
63 MELISSA JACOBSEN, MMC, CITY CLERK

64
65 YES:

66 NOES:

67 ABSTAIN:

68 ABSENT:

69
70
71 First Reading:

72 Public Reading:

73 Second Reading:

74 Effective Date:



City of Homer

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Public Works

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Memorandum 22-019

TO: Mayor Castner and Homer City Council
THROUGH: Rob Dumouchel, City Manager
FROM: Janette Keiser, Director of Public Works
DATE: January 12, 2022
SUBJECT: Request for Seed Money for Green Infrastructure Projects

Issue: The purpose of this Memorandum is to follow up on the January 10, 2022 Council Worksession by recommend that the City Council authorize seed money to continue exploration of four Green Infrastructure Storm Water Management Projects.

I. Background

The Green Infrastructure Storm Water Management System is a system of four projects that would use natural systems, including wetlands and peatlands, to store and treat storm water. These projects would have multiple benefits: improving water quality, reducing potential for flooding, and reducing potential for bluff erosion in their project impact areas. Three of the four projects involve the acquisition of real property, which mostly consists of wetlands, from either the Kenai Peninsula Borough or private land owners.

A. **Appraisals.** In order to have a sensible discussion with the land owners, we need to have a better understanding of the value of the land. The best way to develop this understanding is to have the land appraised. Since there's a good chance some or all of the funding for these property acquisitions would come from government funds, either through grants or loans, the appraisals must be performed in accordance with the standards established by the government agencies. These requirements are stipulated in the Uniform Standards of Professional Appraisal Practice (USPAP) and the more stringent Uniform Appraisal Standards for Federal Land Acquisition (UASFLA). The funding agencies dictate, which set of standards will apply to their money.

Regardless of which set of standards apply, the appraisals are not cheap or quick. We estimate it would cost up to \$30,500 and 60-90 days for appraisals following the USPAP standards and \$80,000, and a little longer, for appraisals following the UASFLA standards, to cover all the properties we are interested in.

B. **Technical Field Work.** Another thing we need in order to have a sensible discussion with the land owner as well as plan the projects, is to have a better understanding of the wetlands' technical parameters. Some of the land is a "low quality" wetlands and some of it is "high quality" wetlands,

which affects the value of the land as well as the ability of the wetlands to absorb water. We also need to better calibrate the volume of water expected to flow into the wetland absorption areas. These analyzes require field work to (1) delineate the wetlands; (2) monitor the quality and quantity of storm water that could flow into the wetland areas; and (3) evaluate the hydrology of the watershed in greater detail. We estimate it could cost \$60,000 for the field work and data analysis for all four projects. This work is a vital part of the project design process.

II. Funding. We propose to fund the Seed Money from the HART Road Fund, which has a vested interest in drainage works.

1. Appraisals for all 4 projects	\$80,000
2. Technical Field Work for all 4 projects	<u>\$60,000</u>
Total Request	\$140,000

The minimum available balance in the HART Road Fund is \$3,286,278, even after the recent requests for the purchase of the grader and service truck.



City of Homer

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Planning
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Homer, Alaska 99603

Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Memorandum

TO: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION

FROM: JULIE ENGBRETSSEN, DEPUTY CITY PLANNER & SPECIAL PROJECTS
COORDINATOR

DATE: February 10, 2022

SUBJECT: Wayfinding and Streetscape Implementation Funding

Requested Action:

- *Identify priorities for funding wayfinding and streetscape projects*

Introduction

This project is nearing completion. A presentation of the plan by Corvus Design is planned for the February 28 Council meeting. I will give a brief presentation at your meeting!

Next Steps

Staff is working with Public Works and City Commissions to prioritize new wayfinding signs. I expect each Commission will have requests... PARCAC likely needs trailhead signs, the Port needs signs because finding restrooms is the MOST ASKED question on the Spit. Public Works plans to make prototype signs so we can take a look and make sure all the details (cost, materials, color, font, construction, mounting etc) work the way we want. After the Commissions have identified their priorities, Public Works will create a phased plan and budget request.

The Economic Development Commission reviewed their priorities on Tuesday the 8th. The relevant item for PARCAC is that EDC would like to see a lot of the bollard type pedestrian signs installed sooner rather than later. They want people to start recognizing and using the wayfinding system and trails. An emphasis on trailhead markers in downtown Homer would be a great place to start.

1. Does PARCAC agree with downtown pedestrian wayfinding as a priority?
2. Are there other locations that you see as a priority – (maybe pick 3-4?)

Requested Action:

- *Identify PARCAC priorities for funding wayfinding and streetscape projects*

Attachment:

Sign Types

SIGN FAMILY



Vehicular - Neighborhood Gateway
(Identification)

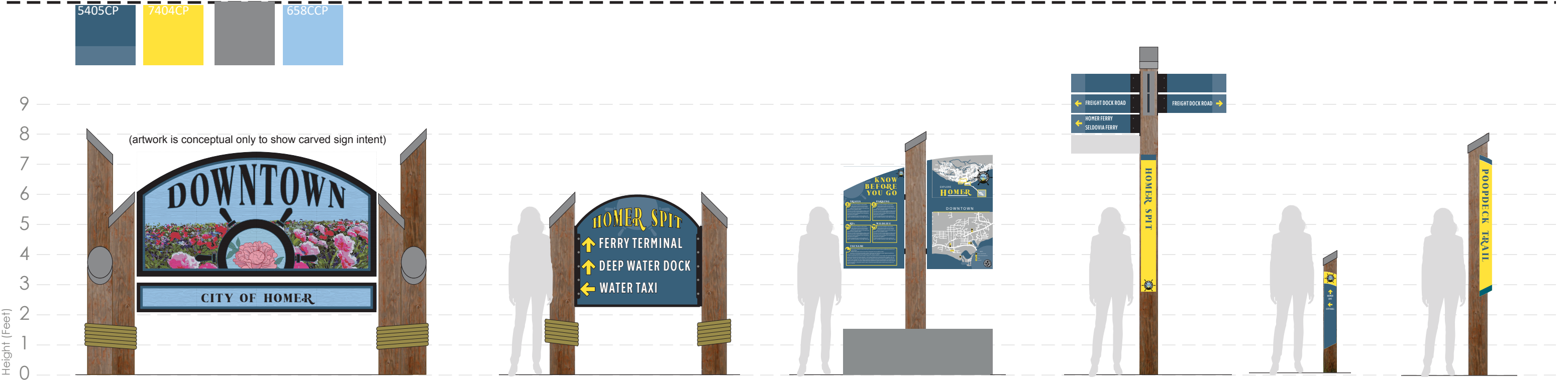
Vehicular - Wayfinding
(Directional)

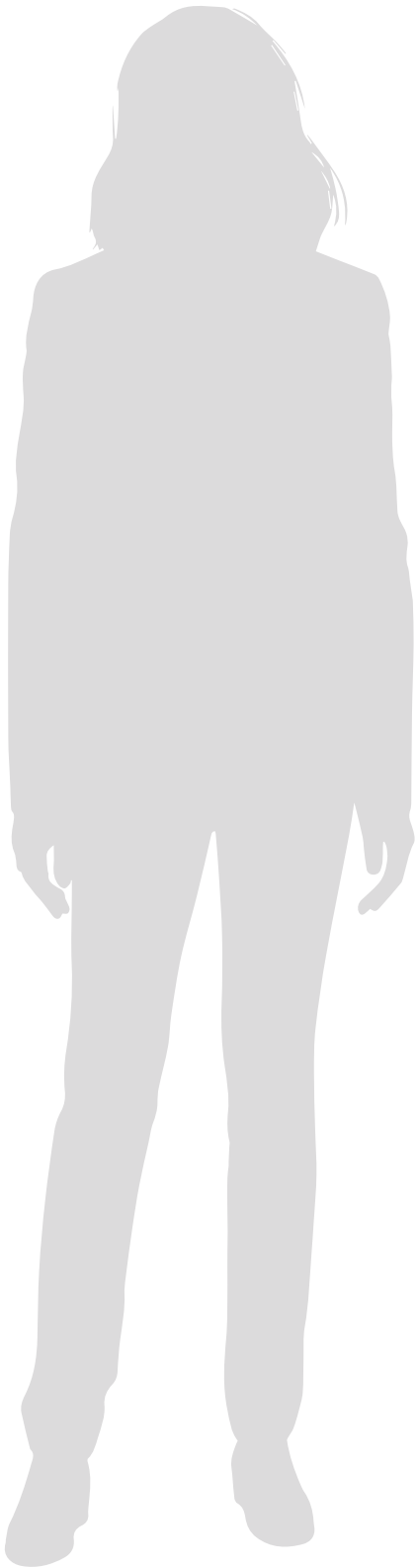
Pedestrian Orientation
(Informational)

Pedestrian Wayfinding
(Directional)

Pedestrian Wayfinding
(Directional)

Pedestrian Destination
(Identification)

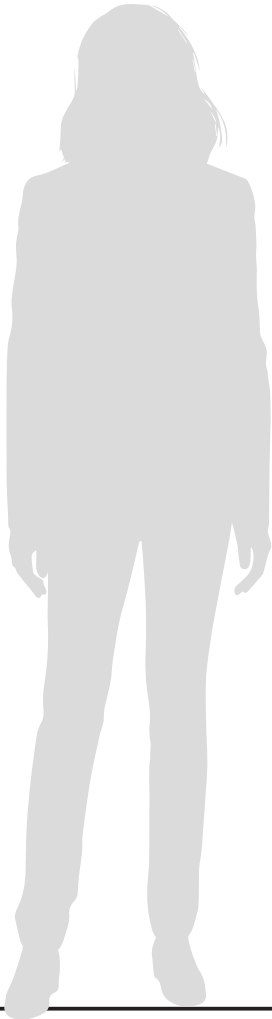




658CCP

7404CP

5405CP





City of Homer

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Planning

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(f) 907-235-3118

TO: Parks, Art, Recreation and Culture Advisory Commission
FROM: Julie Engebretsen, Deputy City Planner & Special Projects Coordinator
DATE: February 9, 2022
SUBJECT: Special Events and Food Truck Permitting

Requested Action: *Comment on the proposed changes and pass a motion of support.*

Introduction

Attached to this staff report are memos and draft ordinances regarding changes to special event permits and food trucks. After Commission comments, these changes will be introduced to the City Council in March. Of particular relevance to PARAC is the regulation around events on city property (like Parks) and food trucks within parks.

Special Events

When City Manager Dumouchel start working at the City, he noticed the miss-match between the city's special event permit process, and the kinds of events and problems we normally have. A little history: Homer has a special event process because a large motorcycle race was coming to town, and they wanted to use a city park for a large party. The city quickly realized we lacked any kind of rules or policies for a really large event. Not that a big party was a bad idea, but as a land owner we wanted to ensure if large events are held, they are safe and the facilities returned to their original state after the event. Thus, the current special event regulations were created. Fast forward to 2022...We've lived with and worked with the rules for a while, and some housekeeping is needed. Please see Mr. Dumouchel's memo's for specifics.

Food Trucks

Home's food truck rules have been around a long time. Homer is the most expensive city on the peninsula to get a license, and the most cumbersome. The proposed changes would make food truck regulations more clear and much less expensive and cumbersome for businesses.

Requested Action: Comment on the proposed changes and pass a motion of support.

Attachments:

1. Special Event Memo
2. Food Truck Memo
3. Event Permit Decision Tree

4. Draft Special Event code
5. Draft Food Truck code



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov
(p) 907-235-8121 x2222
(f) 907-235-3148

Memorandum

TO: MAYOR CASTNER & HOMER CITY COUNCIL
FROM: ROB DUMOUCHEL, CITY MANAGER
DATE: FEBRUARY 1, 2022
SUBJECT: SPECIAL EVENTS CODE UPDATE

Homer's current special events code is not a great fit for the events that are actually happening all year within city limits. A team of staff, along with Councilmembers Venuti and Hansen-Cavasos, collaborated on potential solutions via a comprehensive code update for special events. The proposal in Ordinance 22-XX will repeal Homer City Code (HCC) Chapter 19.02 Large Special Events and create Chapter 5.46 Special Events as its replacement. Additionally, the ordinance will make a modification to HCC Chapter 5.24 Fireworks.

Background

In early 2021 I asked the Council if there would be interest in updating the special events code. I had observed that our code wasn't fitting our needs very well and that it would benefit from some modifications. Councilmembers Venuti and Hansen-Cavasos volunteered to work with me on this topic. On the staff side, I built a team that included Chief Robl, Jenny Carroll (Special Projects Coordinator), Rachel Tussey (Deputy Clerk), Julie Engebretsen (Deputy Planner), Matt Steffy (Parks Superintendent), and Mike Illg (Community Recreation Manager). We held a kick off meeting that covered Special Events (HCC 19.02), Mobile Food Service (HCC 8.11), and Fireworks (HCC 5.24). Mobile Food Service (food trucks) will be covered in a separate memo.

At the Special Events kick off meeting, the team had the following goals for the special events update project:

- To build code and processes that are a good fit for the events held in Homer (and the events we want to be held in Homer)
- Set events up for success without creating administrative barriers that are great enough to make organizers not want to host events in Homer
- Make Homer a preferred location for high quality events on the Kenai Peninsula
- Enhance public safety related to events in the community

The team identified issues with the code, generated some ideas for improvements, and discussed thoughts on topics like thresholds for permits, public versus private spaces, where in HCC special events should be located, what should be required in permit applications, parking, and fees. After meeting and getting input from our Council sponsors, the team worked on rewriting the code. This has been a project that has been making slow but steady progress in the background as we've worked on other higher priorities the past year.

Update Notes

The draft in ordinance 22-XX makes a number of changes. The following will give a high-level overview:

- **Change from Large Special Events to Special Events:** The existing code was targeted at events of over 500 people. There are many special events that are much smaller than 500 people which have potential to have a significant impact on public safety, traffic circulation, etc. The update does a better job of addressing these smaller events.
- **Moves special events from Title 19 Parks, Campgrounds and Public Places to Title 5 Health and Public Safety:** This is a more logical location for special events and highlights the City's public safety interest in issuing permits.
- **Intent:** Adds a section regarding the intent of this chapter "to safeguard and protect the enjoyment of private property and general health and safety of the public within the City of Homer, while allowing and regulating special events which may be beneficial to the City and its residents."
- **Clarifies what types of events require permits:** The existing code is limited to "large special events" which have an anticipated attendance of 500 or more persons. The proposed code includes: outdoor concerts and festivals; carnivals, rides, circuses, zoos, or animal exhibitions; events on City property where the anticipated attendance is expected to exceed the standard capacity for that facility (thresholds set by staff); events in a right-of-way; events on private property that expect to impact road rights-of-way with parking overflow; fireworks displays and other events with large fires or pyrotechnics; and other events similar to those listed.
- **Application lead time:** Existing code asks for an application to be submitted 120 days before an event, the proposed code reduces that requirement to 14 days.
- **High impact events:** The proposed code makes it clear that events which are determined to be particularly impactful on the community may have their permits issued with conditions.
- **Findings for approval:** The proposed code has ten conditions which must be considered for the City Manager to approve a special event permit.
- **Insurance:** When insurance is required by the City, the proposed code adds a requirement to name the City as additional insured and contain an appropriate waiver of subrogation in favor of the City.
- **Appeals:** The proposed ordinance gives direction as to how a special event applicant or permit holder would appeal a decision to either not grant a permit or revoke a permit.
- **Fine:** The proposed ordinance would modify HCC 1.16.040 to change the fine from "large special event" to just "special event." The fine is set at \$1000.
- **Fireworks:** The proposed ordinance modifies HCC 5.24.050 removing the requirement to obtain a fireworks permit from the City Clerk and file a bond with the City. Instead, it requires a special event permit.

In conjunction with the code update, staff also produced a pair of flow charts to help special event sponsors understand whether they will be required to file for a permit or not. These flow charts will be used create application forms and a website resource.

Staff Recommendation

Introduce and adopt Ordinance 22-XX

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 22-xx

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING HOMER CITY CODE CHAPTER 5.24 FIREWORKS, AND
REPEALING CHAPTER 19.02 LARGE SPECIAL EVENTS AND
REENACTING AS CHAPTER 5.46 SPECIAL EVENTS, AND
AMENDING HOMER CITY CODE 1.16.040, ENTITLED
“DISPOSITION OF SCHEDULED OFFENSES – FINE SCHEDULE.”

WHEREAS, Chapter 19.02 is in need of a comprehensive rewrite to bring the special event permit process up to-date and better define which events require an event permit; and

WHEREAS, The subject matter of Chapter 19.02 is better suited for Title 5 Health and Public Safety as special and/or larger events may impact public health and safety; and

WHEREAS, Chapter 5.24.050 is in need of amendment to reflect the revised special event permit process for authorized firework exhibits; and

WHEREAS, Chapter 1.16.050 is in need of amendment to reflect the revised code citation and to increase the fine for non-compliance.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 5.24.050, entitled “Exceptions for authorized exhibits – Permits required” is hereby amended as follows:

5.24.050 Exceptions for authorized exhibits – Permits required.

a. Fireworks may be used for public exhibits by fair associations, amusement parks and other organizations or groups of individuals if: **a Special Event permit is first obtained from the City Manager per the permitting process under HCC 5.46.**

~~1. A permit is first obtained from the City Clerk upon payment of a permit fee in an amount determined by Council resolution and set forth in the City of Homer fee schedule, per exhibit or continuous series of exhibits; such permit to be applied for not less than 30 days prior to such exhibit or series of exhibits; and~~

~~2. A bond is filed with the City, in the amount of at least \$500.00, to insure payment of all damages to persons or property caused by any exhibit. A bond will not be required if the~~

holder of the permit has in effect a liability insurance policy which accomplishes the same purpose as the bond.

~~b. No permit issued under this section shall be transferable.~~

Section 2. Homer City Code Chapter 19.02, entitled "Large Special Events", is hereby repealed and reenacted as Chapter 5.46, entitled "Special Events", to read as follows:

Chapter 5.46 SPECIAL EVENTS

Sections:

5.46.010 Definitions.

5.46.020 Intent.

5.46.030 Permit required.

5.46.040 Application procedure.

5.46.050 Action on permit application and general standards

5.46.060 Revocation of permit.

5.46.070 Payments for City services and facilities.

5.46.080 Insurance.

5.46.090 Violation – Penalty.

5.46.100 Appeal of decision.

5.46.010 Definitions.

As used in this chapter, the words and phrases defined in this section shall have the meaning stated.

“Anticipated attendance” means the largest number of persons, including participants and spectators, that the Sponsor reasonably expects to congregate at a single time and location during a special event.

“Demonstration” means an assembly of persons for purposes of expressive activity that occupies, or travels on, any street in a manner that does not comply with generally applicable traffic regulations; or occupies a public park or other public facility or property.

“Emergency services” means the public organizations that respond to and deal with emergencies when they occur, especially those that provide police, ambulance, and firefighting services.

83 **“Special event” means a parade, performance, concert, sporting event, fair, ceremony**
84 **or other public assembly, for which persons congregate in a street, right-of-way, park, or**
85 **other public or private property in the City.**

86
87 **“Sponsor” means the person or persons who organize, present or promote a special**
88 **event.**

89
90 **5.46.020 Intent.**

91
92 **The intent of this chapter is to safeguard and protect the enjoyment of private property**
93 **and general health and safety of the public within the City of Homer, while allowing and**
94 **regulating special events which may be beneficial to the City and its residents.**

95
96 **5.46.030 Permit required.**

97
98 **a. No sponsor may promote, advertise or sell admission to a special event without first**
99 **having obtained a permit from the City under this chapter. Approval of a special event**
100 **application and the issuance of a special event permit shall be required for any of the**
101 **following:**

102
103 **1. Outdoor concerts and festivals;**

104
105 **2. Carnivals, rides, circuses, zoos, or animal exhibitions;**

106
107 **3. Events on City property where the anticipated attendance is expected to exceed the**
108 **standard capacity for that facility or property as determined by the City Manager or**
109 **designee;**

110
111 **3. Events that take place within the City and/or State rights-of-way;**

112
113 **4. Events that are held on private property within City limits that do not have the**
114 **parking capacity to accommodate the anticipated attendance and will impact the**
115 **road right-of-way for emergency service access;**

116
117 **5. Firework displays or events that incorporate large fires/pyrotechnics of any kind;**
118 **or**

119
120 **6. Other special events which are similar to and compatible with those listed above,**
121 **pending approval by the City Manager.**

122
123 **b. The following are exempt from the permit requirement of this chapter:**
124

1. A funeral procession.

2. A special event that is held entirely within a privately-owned property and does not meet the permit requirements under this section.

3. A special event that is held within a permanent facility, such as an auditorium, theater, church or athletic field, that is specifically designed and intended for the activities comprising the event, and that:

a. Has the capacity to accommodate the anticipated attendance at the special event, including compliance with maximum occupancy permitted by State or local fire officials; and

b. Has sufficient off-street parking to accommodate the anticipated attendance at the special event, according to the standards prescribed in HCC Title 21.

4. A special event that is sponsored by a duly organized neighborhood or homeowners' association, occurs entirely within the area where the association's members reside, generates minimal traffic outside that area, is attended only by the association's members and their guests, and does not benefit any other organization.

5. An event that is sponsored by or under the control of the City or through a memorandum of understanding or agreement with the City.

6. A demonstration; provided that the Chief of Police is notified of the route or location of the demonstration at least 48 hours before the commencement of the demonstration.

5.46.040 Application procedure.

a. The sponsor shall submit a special event permit application to the City Manager on a form provided by the City not less than 14 business days before the commencement of the special event, and shall contain at a minimum the following:

1. Contact information including a functional telephone number for the sponsor.

2. For sponsors who are not a natural person: the sponsor entity's organization form, the state in which the entity is organized, and the names of the principal officers of the entity.

3. The name of an individual, including their 24-hour telephone number(s), who will be the on-site point of contact for the sponsor at all times of the special event from

the commencement of on-site preparations until all on-site cleanup and restoration work is completed at the conclusion of the special event.

4. Proposed date(s) and hour(s) of operation of the special event.

5. A complete description of the special event which:

a. Describes the proposed activity or activities with a summary and the use of visual aids such as maps/overviews, diagrams, or illustrations;

b. Gives an anticipated attendance for each day of the special event;

c. Demonstrates to the satisfaction of the City Manager that the sponsor has an effective plan for satisfying the criteria under Section 5.46.050; and

d. Provides any additional information requested in the permit application or by the City Manager, including without limitation plans for parking, traffic control, sanitation, and security as appropriate to the nature of the special event.

6. Permit application fee that the City Council establishes by resolution.

b. For special events that the City Manager determines may have a more significant impact on the safety of the community, the City Manager may impose additional requirements, with proof and/or payment to accompany the special event permit application to the City Manager. Additional requirements may include:

1. Certificate of insurance as required by Section 5.46.080.

2. For sponsors who are not a natural person: proof that the entity is in good standing in its state of organization and qualified to conduct its activity in the State of Alaska.

3. If a special event imposes substantial demands on City services or facilities: payment for the necessary additional City services or facilities and/or performance bond, as required by Section 5.46.070.

5.46.050 Action on permit application and general standards.

a. The City Manager may approve a complete and timely submitted application for a special event permit upon finding that the special event will not be detrimental to the public's health, safety, or convenience. In order for a permit to be approved, the special event must:

209 **1. Minimize interference with the enjoyment of neighboring uses and protect**
210 **neighboring uses from nuisances or hazardous features;**

211
212 **2. Not create hazardous vehicular or pedestrian traffic patterns or result in traffic in**
213 **excess of the capacity of surrounding rights-of-way or property serving the use;**

214
215 **4. Not create diversion of City resources that would unreasonably interfere with the**
216 **maintenance of regular City service levels;**

217
218 **5. Accommodate the anticipated number of attendees of the special event through the**
219 **availability of adequate restroom facilities or temporary structures such as portable**
220 **toilets with established handwashing stations; refuse management facilities; and safe**
221 **and maneuverable access for emergency services, pedestrians, patron vehicles**
222 **including off-street parking, and other necessary facilities and services as determined**
223 **by the City Manager;**

224
225 **6. Be removed and the site be restored to the original or better condition on or before**
226 **the expiration date of the permit;**

227
228 **7. Have obtained written permission from the property owner(s) where operating;**

229
230 **8. Be registered to collect sales tax within the Kenai Peninsula Borough, if required;**

231
232 **9. Be in compliance with requirements for any business license or other permits which**
233 **may be prescribed by any Federal, State or local statutes, ordinances, rules or**
234 **regulations; and**

235
236 **10. Be in compliance with all other applicable laws, codes, and statutes of any**
237 **jurisdiction as appropriate to the specific activities associated with the proposed**
238 **special event.**

239
240 **b. The City Manager may impose any special conditions necessary to ensure that the**
241 **intent and general standards of this section are satisfied.**

242
243 **5.46.060 Revocation of permit.**

244
245 **a. The City Manager may revoke a special event permit if it is determined that the conduct**
246 **of the operation(s) is not in compliance with either the terms and/or conditions of the**
247 **permit or the provisions of this chapter.**

248
249 **b. Except in the circumstances described in subsection (c) of this section, the City**
250 **Manager shall not revoke a permit without first providing notice and an opportunity for**

a review under this subsection. The City Manager shall notify the sponsor of the grounds for revoking the permit, and of the sponsor's right to request a review on the revocation. The sponsor may obtain a revocation review by requesting a meeting in writing at the office of the City Manager within the time prescribed in the revocation notice.

c. If the City Manager determines that the grounds for revoking a permit constitute an immediate danger to public health or safety, the City Manager may revoke the permit without prior notice or meeting. Promptly after revoking a permit under this subsection, the City Manager shall give the sponsor notice in accordance with subsection (b) of this section, and schedule a review on the revocation.

5.46.070 Payments for City services and facilities.

a. If the City Manager determines that a special event will require additional support services or facilities from the Police, Fire, Public Works, Administration, or any other City department, the City Manager shall so notify the sponsor, with an estimate of the cost of such additional services. Upon receipt of such notice, the sponsor shall pay to the City an amount equal to 50 percent of such estimated cost. The sponsor shall pay to the City the remainder of the total actual cost of such additional services or facilities within 30 days after the last day of the special event.

b. In addition to requiring payment for additional City services or facilities under subsection (a) of this section, the City Manager may require a sponsor to submit to the City a deposit to cover the estimated cost of cleaning and restoring City property after a special event. The deposit shall be refunded to the sponsor to the extent that it is not applied to pay the cost of cleaning and restoring City property used during the special event.

c. If the City Manager has cause to doubt a sponsor's financial capability to pay any amount required under this section, the City Manager may require the sponsor to provide a performance bond before issuing the permit for the special event.

5.46.080 Insurance.

a. The City Manager may require that the sponsor acquire insurance coverage and provide a certificate of insurance with the special event permit application. Any required insurance shall include the following:

1. Comprehensive commercial general liability with coverage limits up to \$1,000,000 combined single limit per occurrence and aggregate, including premises-operations, independent contractors, products/completed operations, broad form property damage, blanket contractual and personal injury endorsements.

2. Comprehensive automobile liability covering all owned, hired and non-owned vehicles that the sponsor uses in connection with the special event, with coverage limits up to \$1,000,000 per occurrence.

3. Worker's compensation insurance as required by AS 23.30.045 for all employees of the sponsor and its contractors engaged in work on the special event.

4. Name the City as additional insured and contain an appropriate waiver of subrogation in favor of the City.

b. The sponsor shall maintain the required insurance coverage in force at all times from the commencement of on-site preparations until all on-site cleanup and restoration work is completed after the conclusion of the special event.

5.46.090 Violation – Penalty.

The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

5.46.100 Appeal of Decision

Judicial review by the superior court of a final decision on a special permit issued by the City may be had by filing a notice of appeal in accordance with the applicable rules of court governing appeals in civil matters. The notice of appeal shall be filed within 30 days of notice of the final decision on the permit. Appeals of special event permits are heard solely on the administrative record which shall be prepared by the City. A copy shall be filed in the superior court within 30 days after the appellant pays the estimated cost of preparing the complete or designated record or files a corporate surety bond equal to the estimated cost.

Section 3. Homer City Code 1.16.040, entitled "Disposition of scheduled offenses – Fine schedule" is hereby amended as follows:

HCC 19.02.020 <u>5.24</u>	Large Special event – Permit required	\$1000.00
---	---------------------------------------	-----------

Section 4. This ordinance is of a permanent and general character and shall be codified in Homer City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2022.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSENT:

ABSTAIN:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

CITY PROPERTY / ROW

If you are planning an event entirely within a facility designed for such use, or that occurs within an organized neighborhood that generates minimal traffic outside the area, or is sponsored by the City under a Memorandum of Agreement or a funeral procession

NO

These are exempt activities.
No Special Event Permit required.

If you are planning a:
Parade or march in City or State Right-of-Way
Outdoor Concert/Festival or Fair
Carnival, rides, circus, zoo or animal exhibit
Fireworks or pyrotechnic display
Commercial Filming or video taping
CLICK HERE

Event sponsor must obtain a special event permit from the City before promoting, advertising or selling admission.
Applications are to be submitted no less than 14 business days before the commencement of the special event.

NO

Link to Special Events Permt
*Specialized agreement for filming

Will food truck/s will be present?

NO

YES

Link to Mobile Food Service Permit info.

Check all that apply

Anticipated attendance may exceed venue capacity and/or could impact vehicular or pedestrian traffic patterns

YES

Event sponsor must obtain a special event permit from the City before promoting, advertising or selling admission.
Submit application no less than 14 business days before commencement of the event.

NO

There will be a bonfire or fire larger than 3' x 3'

YES

Event sponsor must obtain a special event permit from the City for the event.
Submit application no less than 14 business days before commencement of the event.

NO

There will be amplified music

YES

No Special Event Permit required
Courtesy notification to HPD requested.
Reminder about noise ordinance/quiet hours in parks

NO

There will be fireworks

YES

Event sponsor must obtain a special event permit from the City before promoting, advertising or selling admission.

NO

There will be food truck/s

NO

For all NO answers, Thank you, no special event permit required.
Info about noise ordinance.

YES

Link to Mobile Food Service Permit info.

Planning a smaller event on City property?
CLICK HERE

PRIVATE PROPERTY within City Limits

Check all that apply

Cars will be parking on both sides of the street for this event
or this event is a block party that will block a street

YES

NO

Access for emergency vehicles must be maintained on all city streets.
Special event permit & parking plan approval required.

Contact name, phone number & email
Date, times and location of temporary parking
Estimated # of cars
Reviewed by HVFD & HPD

There will be a bonfire or fire larger than 3' x 3'

YES

NO

Burn permit required for fires over 3'x3'.
Please note: Fires larger than 3'x3' and/or fireworks are not allowed during times of burn suspensions or bans.

[Link to Burn Permit.](#)

There will be amplified music

YES

NO

Courtesy notification to HPD requested.
Reminder about noise ordinance.

Contact name, phone number & email
Date, times and location

There will be fireworks

YES

NO

Permit required per City Code

[Link to Special Event or Fireworks permit](#)

For all NO answers, Thank you, no special event permit required.

Info about noise ordinance.



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: MAYOR CASTNER & HOMER CITY COUNCIL
FROM: ROB DUMOUCHEL, CITY MANAGER
DATE: FEBRUARY 1, 2022
SUBJECT: MOBILE FOOD SERVICE (FOOD TRUCK) CODE UPDATE

Homer City Code (HCC) Chapter 8.11 covers Mobile Food Service, otherwise known as food trucks. Mobile Food Services are relatively popular in Homer and add character to the City's restaurant scene. They also provide an avenue for entrepreneurs to start small food businesses. It is not uncommon for a Mobile Food Service operation to lead to an investment in a brick-and-mortar restaurant.

In reviewing HCC 8.11, there are some items that require modification to ensure that our Mobile Food Service permitting program fits today's food truck scene and is not creating unnecessary barriers to the operation of these businesses.

This review and update of HCC 8.11 was paired with the review and update of HCC 19.02 for special events. Often Mobile Food Services are conjoined with special events and it made sense to update the two chapters simultaneously. Please note that we will be waiving Mobile Food Service Permits for special events permitted under HCC 5.46 (assuming adoption), although all the general standards for Mobile Food Services will still apply. See Memorandum 22-XX for more information on the initiation of the special events code update project.

Mobile Food Service Issues

Staff, along with Councilmembers Venuti and Hansen-Cavasos, note a number of issues within our Mobile Food Service permitting program that required review. Namely permit pricing, application requirements, and formalizing access to City property during permitted special events.

Update Notes

The draft in ordinance 22-XX makes a number of changes. The following will give a high-level overview:

- **Changes the permitting body from the Police Department to the City Manager or Designee:** Permitting of Mobile Food Services, which are frequently located on private property, is largely a zoning clearance process under this updated chapter. I intend to delegate permitting authority to the Planning Division.
- **Creation of a General Standards section:** This section sets clear standards for operations to include requirements that a Mobile Food Service owner/operator register to collect sales tax; have property owner permission to operate at their location; be in appropriately zoned or permitted locations; not create traffic hazards, not negatively impact other businesses through noise, odor, etc.; provide waste collection and removal; comply with City sign code; post their Alaska Department of Environmental Health and City of Homer permits; contain all operations (excluding generators) within the Mobile Food

Service unit; and, if authorized to operate in a right-of-way or on City property, hold a certificate of insurance that meets standards set by the City.

- **Update to Permit Application Requirements:** This update streamlines the requirements to the completion of an application, payment of a fee set in the fee schedule, and proof of insurance (if operating in a right-of-way or on City property).
- **Removes HCC section 8.11.060:** This section connected HCC Chapter 8.11 to Chapter 8.08 Itinerant or Transient Merchants. This is no longer an appropriate connection.
- **Removes HCC section 8.11.070:** This section was focused on conduct of the business. It required Mobile Food Services to be operated in conformity with the zoning code; prohibits operating in front of or immediately adjacent to a business offering the same or similar commodities in a fixed location; prohibits operations in parks; and prohibits operation in congested areas of the Homer Spit. This section is removed from the proposed ordinance for the following reasons:
 - **Zoning Code:** Already applies
 - **Operating Next to Similar Business:** Most Mobile Food Services operate on private property, I don't want to encourage the City to decide what specific businesses can exist on what parcels. If the zoning code allows the use, and a Mobile Food Service that can meet the City's permitting requirements while having permission to operate on private property, then they should be able to compete and operate at that location.
 - **Parks:** The update to the special events code would allow operating a Mobile Food Service in a park as part of a permitted special event, or with other authorization from the City Manager (an example would be a specific Mobile Food Service could be approved to operate during regular baseball league games).
 - **Homer Spit:** Mobile Food Services can only operate on private property or in locations authorized by the City. The general standards in the proposed HCC 8.11.035 replace the need for this specific language.

Separate from Ordinance 22-XX is Resolution 22-XX which will modify the Fee Schedule. That Resolution will move Mobile Food Services from the Homer Police Department section to the Planning and Zoning Section of the Fee Schedule. It also reduces the permit fee from \$400 (\$390 permit plus a \$10 application fee) to \$50. This brings our program in line with both Kenai and Soldotna.

Staff Recommendation

Introduce and adopt Ordinance 22-XX

Chapter 8.11 MOBILE **FOOD** SERVICE

Sections:

- [8.11.010 Intent.](#)
- [8.11.020 Definition.](#)
- [8.11.030 License – Required.](#)
- [8.11.035 General Standards.](#)
- [8.11.040 Permit – Application – Referral – Fees.](#)
- [8.11.050 Permit Terms.](#)
- [8.11.080 Violation – Penalty.](#)
- [8.11.085 Appeal of Decision.](#)

8.11.010 **Intent.**

SHARE

The intent of this chapter is to safeguard and protect the general health and safety of the public within the City of Homer, while allowing and regulating mobile food service operations which may be beneficial to the City and its residents.

8.11.020 **Definition.**

SHARE

For the purpose of this chapter, “mobile **food** service” means a self-contained **food** service establishment that is designed to be readily moveable from location to location, without being permanently affixed to any site or permanently connected to any water or sewer utility service. [Ord. [84-36](#) § 4, 1984].

8.11.030 **Permit – Required.**

SHARE

No person may operate a mobile **food** service as defined in this chapter within the City without first obtaining a mobile **food** service [permit](#), from the [City of Homer](#). [Permits are issued by the City Manager or designee](#) [Ord. [01-20](#) § 2, 2001; Ord. [92-21](#), 1992; Ord. [83-10\(S\)](#) § 1, 1983].

Exemptions. The permitting requirements of this chapter do not extend to isolated or casual sales of personal goods, wares, vehicles, animals, etc., or to the sale of similar items at such functions as garage sales, flea markets, and bazaars, events permitted under [HCC 5.46 Special Events](#), nor to activities conducted at conferences that cater to a specialized audience. A commercial fisherman who has a valid commercial fishing license issued by the State of Alaska and who has completed and filed with Alaska Department of Fish and Game the forms required to qualify as a “catcher-seller” shall be exempt from this chapter.

8.11.035 **General Standards**

The following general standards shall apply as requirements for the operation of mobile food service in the City of Homer. The owner/operator of the mobile food service shall:

Deleted: [Applicable State law incorporated](#)

Deleted: [8.11.040 License – Application – Contents.](#)[¶]

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Deleted: [License](#)

Deleted: [8.11.060 Applicability and incorporation by reference of sections of Chapter 8.08 HCC.](#)[¶]
[8.11.070 Conduct of business.](#)[¶]

Deleted: [Applicable State law incorporated.](#)

Deleted: All statutes of the State of Alaska and any rules or regulations adopted by any State agency pertaining to public nuisances, **food** and **food** service establishments, public health and public sanitation applicable to a mobile **food** service, with particular reference but not limited to AS Titles [17](#) and [18](#), as amended, and [18 AAC 31.600](#) et seq., as amended, are incorporated by this reference as though fully set forth in this chapter. [Ord. [13-17\(S\)](#) § 17, 2013; Ord. [83-10\(S\)](#) § 1, 1983].[¶]

Deleted: [License](#)

Deleted: [license](#)

Deleted: [Homer Police Department](#)

Commented [RD1]: I’d like to move this to Planning as an econ dev thing. HPD is not a conventional customer service organization nor is it the best place to send new businesses to move through bureaucratic permitting processes

Commented [RD2]: This basically allows us to waive permits for trucks that come to town for an event but don’t set up an extended residency in Homer. We’ll have to work a waiver into the special event permit packet for temporary food truck visitors

Commented [RD3]: Assumes adoption of the ordinance to update special events

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1. [Be registered to collect sales tax with the Kenai Peninsula Borough;](#)
2. [Have obtained permission from the property owner where operating;](#)
3. [Be located in a zone district in which mobile food service is a permitted use, or in any specific location authorized as part of an approved special event permitted under HCC 5.46;](#)
4. [Not create hazardous traffic patterns for vehicles or pedestrians;](#)
5. [Not diminish the ability of others to conduct business, through excessive noise, odor, or other occurrence;](#)
6. [Provide for the collection and removal of all waste from the site at the end of each day of operation;](#)
7. [Be in accordance with the regulations found in the City's Sign Code;](#)
8. [Post in a conspicuous place, able to be observed by the general public, both the permit issued from the Alaska Department of Environmental Health \(for mobile food services involved in the preparation of foods or beverages\) and the mobile food service permit issued by the City of Homer \(if applicable\);](#)
9. [Ensure that, with the exception of generators, all operations, merchandise and services provided by and related to the mobile food service be contained in or attached to the unit.](#)
10. [If authorized to operate in a right-of-way or on City property, hold a certificate of insurance indicating that the owner/operator's operation of a mobile food service is covered by liability insurance that meets or exceeds the following:](#)

Personal Injury (each occurrence)	\$100,000
Aggregate Products (each occurrence)	\$100,000
Property Damage (each occurrence)	\$50,000

8.11.040 Permit – Application – Referral – Fees. [SHARE](#)

[Unless waived by the City Manager as part of a permitted special event under HCC 5.46, a valid permit is required prior to operating a mobile food service in the City. An application for](#)

Commented [RD4]: I added this because I only really care about their insurance if it's on city property

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Every application for a mobile **food** service license shall contain the information required for applications for a license under HCC [8.08.030](#) and, in addition, every applicant shall submit:¶

- a. Proof satisfactory to the Homer Police Department that the applicant has obtained the necessary licenses and permits from all governmental agencies having jurisdiction over such business. The applicant shall submit a copy of his State business license with the application.¶
- b. Documentary proof to the Homer Police Department indicating that the mobile **food** service is covered by liability insurance as follows:¶
 1. Personal injury (each occurrence), \$100,000;¶
 2. Aggregate products (each occurrence), \$100,000;¶
 3. Property damage (each occurrence), \$50,000.¶
- c. In addition to such proof of insurance, the applicant shall agree in writing to hold the City harmless against all claims of whatever kind including any legal defense costs resulting from the business activities carried on under the mobile **food** service license. [Ord. [01-20](#) § 2, 2001; Ord. [92-21](#), 1992; Ord. [83-10\(S\)](#) § 1, 1983].¶

Deleted: 5

Deleted: License

Deleted: a. Upon receipt of the application described in HCC [8.11.040](#), the original shall be referred to the Chief of Police or designee who shall carry out an investigation, and approve or disapprove such application under the procedures set forth in HCC [8.08.040](#).¶

b. For each license issued under this chapter, the fee shall be the amount as set forth in the most current City of Homer fee schedule annually. All licenses expire on December 31st of the year issued. [Ord. [21-51](#) § 3, 2021; Ord. [10-51\(A\)](#), 2011; Ord. [01-20](#) § 2, 2001; Ord. [83-10\(S\)](#) § 1, 1983].

a mobile food service permit shall be submitted to, and approved by, the City of Homer and shall contain the following:

1. Completed application form, as provided by the City of Homer;
2. Application fee as set out in the City of Homer Fee Schedule;
3. If operating in a right-of-way or on City property, proof of insurance;
4. Certification by the Kenai Peninsula Borough Finance Department in a tax compliance certificate (provided on application materials) that the applicant is current in the payment of any sales tax to the City of Homer and the Kenai Peninsula Borough;
5. Copy of valid permit issued by the Alaska Department of Environmental Health, for mobile food services involved in the preparation of foods or beverages;
6. Proof of a valid Alaska Business license;
7. An affirmation or oath that the information and statements made in connection with the application are true, correct, and complete;

8.11.050 Permit Terms

The mobile food service permit shall expire at the end of the calendar year of issuance.

A. Revocation for Noncompliance. The City Manager, or designee, may revoke a mobile food service permit if it is determined that the conduct of the operation(s) is not in compliance with either the terms and conditions of the permit, or the provisions of the Municipal Code. The permit may be revoked immediately, including during the operation of the mobile food service.

8.11.080 Violation – Penalty.

The following actions are unlawful and considered a minor offense as defined in HCC 1.16.

1. Operating a mobile food service without obtaining a valid city mobile food service permit or special event waiver under HCC 5.46;
2. Operating a mobile food service in violation of any of the general standards set forth in 8.11.035 of this section;
3. Selling or attempting to sell food and/or beverage, merchandise or other services on foot or from a motor vehicle, trailer, tent or other temporary facility that does not qualify as a mobile food service and is not exempted in 8.11.030 of this section.

The owner, agent, or contractor of a mobile food service where a violation has been committed or exists, shall be punished by a fine as provided in HCC 1.16. Each and every day

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Commented [RD5]: I'd like to drop these and make them questions on the application, as in "are you certified with KPB for tax collection?" etc. and have them sign the form confirming these things.
At most, I would want a copy of the health permit as that is the most stringent part of this whole thing.

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Deleted: 8.11.060 Applicability and incorporation by reference of sections of Chapter 8.08 HCC.

 **SHARE**

HCC 8.08.050, 8.08.070, 8.08.080, 8.08.100, 8.08.110, 8.08.120 and 8.08.140 are incorporated by this reference and shall apply to licenses obtained under this chapter. [Ord. 83-10(S) § 1, 1983].¶

8.11.070 Conduct of business.  **SHARE**

- a. A mobile **food** service may be operated in conformity with the Homer Zoning Code, from:¶
 1. Private property or leased land, provided the owner or lessor has first granted permission in writing to the operator.¶
 2. Public streets, alleys or rights-of-way at least 15 feet from the traveled portion thereof, for a period not exceeding 24 hours. The Chief of Police or designee may grant permission to operate for a longer period of designated time.¶
- b. A mobile **food** service may not be operated in front of or immediately adjacent to an established business offering the same or similar commodities from a fixed location, unless a designated vendor parking area has been named.¶
- c. No person may operate a mobile restaurant inside the boundaries of a municipal park or campground unless such operation is permitted under ordinance, regulation or other lawful authority.¶
- d. On the Homer Spit, no licensee shall be permitted to operate in any congested area, to include areas designated as public parking, campgrounds, parks or open space or where his operation might impede or inconvenience the public. [Ord. 01-20 § 2, 2001; Ord. 90-19(A) § 2, 1990; Ord. 84-36 §§ 5, 6, 1984; Ord. 84-12 §§ 2, 3, 1984; Ord. 83-10(S) § 1, 1983].¶

Deleted: The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided. [Ord. 18-11 § 8, 2018].

that the violation continues shall be deemed a separate and distinct violation. All remedies and penalties provided for in this chapter shall be cumulative and not exclusive.

8.11.085 Appeal of Decision.

Judicial review by the superior court of a final decision on a mobile food service permit issued by the City may be had by filing a notice of appeal in accordance with the applicable rules of court governing appeals in civil matters. The notice of appeal shall be filed within 30 days of notice of the final decision on the permit. Appeals of mobile food service permits are heard solely on the administrative record which shall be prepared by the City. A copy shall be filed in the superior court within 30 days after the appellant pays the estimated cost of preparing the complete or designated record or files a corporate surety bond equal to the estimated cost.

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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: PARKS ART RECREATION & CULTURE ADVISORY COMMISSION

FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

DATE: FEBRUARY 11, 2022

SUBJECT: DONATION OF ART TO THE CITY MUNICIPAL ART COLLECTION

This application was received in November 2021 by the Clerk's Office. The donor would like the art to be housed in the Homer Public Library as a permanent display.

Please review the proposed donation in accordance with the City-approved policies which has been included for your convenience.

Please note that the City cannot guarantee that the art will be permanently displayed in the Library, however all considerations will be given to honor the donors request if the donation is accepted as a permanent addition into the Municipal Art Collection.

RECOMMENDATION

Make a motion to forward a recommendation to City Council that the donation be accepted into the Homer Municipal Art Collection to be display for a designated period of time at the Homer Library and then at additional Municipal facilities as appropriate.

Attached: Gift/Donation Proposal Application from Deland Anderson 11/10/2021



CITY OF HOMER

GIFT/DONATION PROPOSAL

APPLICATION

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

DATE 10 November 2021

CONTACT PERSON Deland Anderson

TITLE _____

ORGANIZATION IF APPLICABLE _____

ADDRESS 134 Mountain View Dr.

CITY homer

STATE ak

ZIP 99603

PHONE 907 235 7804

FAX _____

CELL _____

EMAIL deland@xyz.net

TELL US WHY YOU WISH TO DONATE THIS TO THE CITY OF HOMER?

The Homer Public Library seems to be the perfect permanent home for this pair of paintings. They hung in the library throughout the past year or so, and I would like them to stay.

PLEASE COMPLETE THE APPROPRIATE SECTIONS RELATED TO YOUR DONATION.

TITLE OF ARTWORK Seven Samurai, Pleiades

ARTIST(S) NAME Deland Anderson

YEAR COMPLETED 2018

DIMENSIONS 48"X18", 62"X27"

MATERIALS USED TO CREATE ARTWORK Acrylic on canvas, tempera on canvas

PHYSICAL DESCRIPTION OF THE PROPOSED DONATION-

This is a pair of original paintings, depicting nearly identical images, but in different scale. They are meant to be exhibited together for aesthetic reasons: the subtle differences between the two pieces give the viewer's and an opportunity to reflect on their sameness. This moment underscores the theme of the paintings which is cloning. They are jellyfish. They are clones. More on this in subsequent narrative.

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

Seven Samurai was the anchor for a show I put together in 2019 called the Landscape of Medusae. It spun out the whimsical theme of jellyfish as landscape. It was exhibited at Alaska Pacific University and received good acclaim. Most of the pieces have sold. But I still have this pair and they were on exhibit in the Homer library during 2020-21. The piece Seven Samurai and its companion, Pleiades, originated with a whimsical thought: what if the stars were jellyfish? The Seven Sisters, as the constellation is sometimes known, became seven moon jelly clones in my mind. I strove to capture the beautiful subtle light of this constellation as well as the mindful symmetry it displays. Doubling the composition emphasizes the unique biology of jellyfish--they are able to clone themselves in perpetuity and organize as a colony. To me that is very much like a stellar constellation.

IS THE PROPOSED PIECE ONE OF A KIND? yes IS THE PIECE PART OF A SERIES, LIMITED OR OTHERWISE? no
IF SO, AN EDITION OF HOW MANY? n/a IS THE PIECE COMPLETED? yes IF NOT WHEN IS THE
EXPECTED COMPLETION DATE? n/a
WHAT IS THE CURRENT CONDITION OF THE PIECE? Pristine

PROPOSED SITE OR LOCATION

DO YOU HAVE A SITE(S) IN MIND FOR THE PLACEMENT OF THE PIECE? IF SO WHERE?

Yes. The Homer Public Library. As mentioned above this pair of paintings hung in the library for more than a year. Staff have commented on how fond they have become of them. They originally were meant to dovetail into an educational program spearheaded by Claudia Haines on marine life, I believe. In any case, the longer the pieces were in the library, the more they seemed to belong there. For many reasons. Here are a few that come to mind. They are quiet--blue concentric circles arranged in a simple pattern.

IS THIS A CITY OWNED PROPERTY IF NOT WHO OWNS THE PROPERTY? yes

WHAT IS THE RATIONALE FOR SELECTING THIS/THESE LOCATION(S)?

As stated above. Also, my artwork is meant to be educational as well as pleasing. Over the years I have taught literally thousands of children and adults in Homer and around bush Alaska the technique of dot painting and its cultural value. The Homer Public Library is a keystone institution in our community. It is fitting that such an institution in such a town as ours promote local art that is appropriate to all ages and without political messaging.

ARE YOU AWARE OF ANY PERMITS OR PERMISSIONS THAT MAY BE REQUIRED? none

TECHNICAL SPECIFICATIONS

DESCRIBE HOW THE PIECE IS CONSTRUCTED OR MADE. PLEASE INCLUDE ANY DOCUMENTATION AT THE END OF THIS APPLICATION. As I mentioned above, they are paintings on canvas, framed and ready to hang.

HOW IS THE PIECE TO BE PROPERLY INSTALLED? hung on a hook on the wall

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

WHO WILL BE INSTALLING THE PIECE? I will with the assistance of library staff.

WHAT IS THE EXPECTED LIFETIME AND STAYING POWER OF THE MATERIALS USED IN CREATING THE PIECE? _____
Acrylic paintings have been around for a century of so. They seem to hold up quite well, if kept dry and out of direct sunlight. Tempera paintings have been around much longer and are known to last hundreds of years if kept dry and out of direct sunlight. The limiting factor of these paintings is not the paint but the substrate. Canvas is considered a permanent substrate for paintings, but it is not the most durable of all kinds of painting substrates.

WHAT MAINTENANCE IS REQUIRED AND HOW OFTEN? _____
Dust with feather duster once a year

PLEASE IDENTIFY ANY SPECIFIC MAINTENANCE PROCEDURES AND OR EQUIPMENT AND THE ASSOCIATED COSTS: _____
none

WHAT PRECAUTIONS HAVE BEEN TAKEN TO GUARD AGAINST VANDALISM IF ANY? _____
Just keep them in view and out of reach, and they'll be fine.

WHAT STEPS HAVE BEEN TAKEN TO ASSURE THIS PIECE WILL NOT PRESENT A SAFETY HAZARD? _____
If they are hung with proper hooks, they won't be an issue.

BUDGET

PROJECT MANAGEMENT FEES	\$ _____	INSURANCE	\$ _____
ARTIST'S FEES	\$ _____	UTILITY HOOKUP	\$ _____
PURCHASE PRICE PERMITS	\$ _____	DELIVERY	\$ _____
STRUCTURAL	\$ _____	INSTALLATION	\$ _____
ENGINEERING SITE	\$ _____	SIGNAGE	\$ _____
PREPARATION OTHER	\$ _____	RECOGNITION	\$ _____
COSTS NOT LISTED	\$ _____	DESCRIPTION	No money required

DATE PIECE WAS LAST APPRAISED? _____

WHAT IS THE VALUE OF THE PIECE OR ESTIMATED MARKET VALUE IF NO APPRAISAL WAS DONE? _____
Seven Samurai, \$1,000, Pleiades, \$ 1,900.

TIMELINE

WHAT IS THE TIMELINE FOR THE COMPLETION OR INSTALLATION OF THE PIECE? IDENTIFY THE DIFFERENT STAGES AND DATE GOALS TO PREPARE THE PIECE FOR DONATION ASAP

RESTRICTIONS

ARE THERE ANY KNOWN COVENANTS, REQUIREMENTS OR RESTRICTIONS THAT COME WITH THE PIECE? _____

no

WHAT EXPAECTATIONS DO YOU HAVE FOR THE CITY OF HOMER IN ACCEPTING THIS ARTWORK? _____

display it in the library

COMMUNITY INVOLVEMENT

WAS THERE ANY COMMUNITY OR USER INVOLVEMENT IN SELECTING THE RECOMMENDED LOCATION? _____

Staff and Friends of the library have expressed interest in having them permanently.

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

APPLICANT MUST SUBMIT THE FOLLOWING SUPPORTING DOCUMENTATION WITH THIS APPLICATION.

_____ AN RESUME OR BIO FROM THE ARTIST WHO CREATED OR WILL CREATE THE ARTWORK.

_____ FIVE TO TEN IMAGES OF PAST WORK FROM THE ARTIST. THESE CAN BE PHOTOGRAPHS.

_____ THREE TO FIVE CLEAR IMAGES OF THE PROPOSED ARTWORK

_____ SCALE DRAWING/MODEL OF THE PROPOSED ARTWORK

_____ IF YOU HAVE A SITE(S) IN MIND PLEASE INCLUDE PHOTO AND DESCRIPTION OF THE SITE(S) AND A SCALED
DRAWING OF THE PROPOSED ARTWORK IN THE RECOMMENDED LOCATION.

_____ A COPY OF A FORMAL APPRAISAL IF AVAILABLE

_____ TECHNICAL SPECIFICATIONS, MAINTENANCE MANUAL OR DRAWINGS/RECOMMENDATION FROM STRUCTURAL
ENGINEER.

APPLICATIONS ARE TO BE SUBMITTED TO:

THE CITY OF HOMER

CITY CLERKS OFFICE

491 E. PIONEER AVENUE

HOMER, AK 99603

OR YOU MAY SUBMIT VIA FAX AT 907-235-3143 TO SUBMIT VIA EMAIL PLEASE SEND TO clerk@ci.homer.ak.us

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





City of Homer

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Homer, Alaska 99603

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(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: PARKS, ART, RECREATION & CULTURE ADVISORY COMMISSION

FROM: LIBRARY ADVISORY BOARD

DATE: FEBRUARY 2, 2022

SUBJECT: DONATION OF ART TO THE CITY MUNICIPAL ART COLLECTION

At the Library Advisory Board's January 18th regular meeting, the board reviewed and discussed an art donation application from Deland Anderson, who wished for the art to be housed in the Homer Public Library as a permanent display.

The attached minutes excerpt reflect the LAB's discussion and ultimate recommendation to PARCAC.

RECOMMENDATION

Consider accepting the art donation from Deland Anderson to be added to the permanent Municipal Art Collection, with possible inclusion in the Homer Library.

Attached: LAB January 18, 2022 Regular Meeting Minutes Excerpt

The board and City staff discussed the following:

- Previous goals from 2019-2021, suggested goals in the memo, and which ones are still pressing and relevant to the LAB
- The endowment fund being one of the main goals; combination of working towards achieving the LAB funding goals for the Planned Giving Program, and defining the LAB's role in fundraising
- How to structure their goal list; while the draft breaks it down into timelines, that may not work for them at this time, and to keep it around only three primary goals in listed form
- Setting tasks: each goal needs to have deliverables
 - Fundraising/soliciting donation goals
 - Identifying tools and resources for training on how to fundraise
 - Implementing the Planned Giving Plan and acknowledge that boardmembers will bring different skills
- Deciding on the following three goals: 1) Advocate for Library Budget, 2) Implement the Planned Giving Program for the Library, and 3) Explore opportunities with the Library to increase and improve library use by students and "fringe" user-groups
- Holding the rest of the task/deliverable discussion at the next meeting

KUSZMAUL/MCKINNEY MOVED TO POSTPONE LAB STRATEGIC PLAN/GOALS UPDATE TO THE FEBRUARY MEETING.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Finn requested Deputy City Clerk Tussey send out the draft goal notes to the board in advance as a post-meeting follow-up to ensure boardmembers have more time to think over their amendments before the next meeting.

NEW BUSINESS

- A. Donation of Art to the City Municipal Art Collection
- i. City of Homer Accession, Gift, & Donation Policies & Procedures for Art
 - ii. Gift/Donation Proposal Application from Deland Anderson 11/10/2021

Chair Finn introduced the item by reading the title and asked for a motion to begin discussions.

FAIR/MCKINNEY MOVED TO RECOMMEND THE PARKS, ART, RECREATION, AND CULTURE ADVISORY COMMISSION ACCEPT THE ART DONATION FROM DELAND ANDERSON AND BE PLACED IN THE HOMER PUBLIC LIBRARY PER HIS DONATION REQUEST.

There was discussion on the following:

- The art piece itself and how art lies with the beholder.
- Its history of hanging in the library as part of the Art in the Library program with Friends of the Homer Library and the donor's request to have it remain in the library.
- The conversations Mr. Anderson had with library staff was primarily Library Director Berry explaining the City's process for accepting art donations, which prompted the application.

- Limited wall space in the library and how some art does better in that space than other pieces.
- A suggestion of having art be a part of the library's check-out program, similar to what they do for sports equipment, sewing machines, and projectors.
- Uncertainty of having this specific art piece selected for the library itself and did not feel the applicant gave significant enough reason to justify it being exclusively placed in the library beyond the fact that it was placed there before.
- Overall support of accepting the art into the City's collection.

Boardmember Fair reiterated the process for accepting art into the City's collection, and that whatever recommendation the LAB makes will likely be approved by PARCAC for Council's final approval. There was discussion on whether to amend the current motion or fail it, and the potential outcome that the donor may revoke their application if it's not guaranteed to be displayed in the library.

VOTE: YES: DOLMA

NO: FAIR, KUSZMAUL, MCKINNEY, FINN

Motion fails.

KUSZMAUL/FINN MOVE TO RECOMMEND THE PARKS, ART, RECREATION, AND CULTURE ADVISORY COMMISSION CONSIDER ACCEPTING THE ART DONATION FROM DELAND ANDERSON TO BE ADDED TO THE PERMANENT MUNICIPAL ART COLLECTION.

Boardmember Kuszmaul opined the LAB should request PARCAC consider acceptance, not that it should be accepted; she is not comfortable with saying they should accept it because they are the deciding body to make that determination based on their criteria.

Boardmember Fair voiced his disagreement, noting that they are only considering it based on the request to hang it in the library, and if it wasn't for that fact then it would be going directly to PARCAC. He suggested their motion include some preference for the library but no guarantee that it will be permanent there. Discussion ensued on whether it should be in the library or not.

FAIR/DOLMA MOVE TO ADD A COMMA AT THE END AND SAY "WITH POSSIBLE INCLUSION IN THE HOMER LIBRARY."

Boardmember Fair commented how that leaves it open, is a motion in the positive, and that if Mr. Anderson is not happy with the decision he can withdraw his application with no harm done.

There was discussion on the wording of the amendment.

VOTE (amendment): NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

INFORMATIONAL MATERIALS

- A. Memo 22-001 Revision of LAB's Student Representative Term
- B. LAB 2022 Calendar

Conservation Burial

A conservation cemetery is a meaningful memorial landscape that contributes to the landscape ecological, cultural and collective health of the property by protecting habitat and open space in our community.

Green burial is a natural way of caring for the dead with minimal environmental impact resulting in protection of significant habitat. In addition, green burial provides members of our community with a far less environmentally and expensive way to bury loved ones while taking steps via a conservation easement to permanently protect significant habitat lands and Homer's spectacular viewsheds.

A conservation easement can be written and enforced by an organization whose board of directors or owners will be willing to take on the permanent stewardship role. Or, if it is more appropriate, the chosen property could be owned by the city, by a private Limited Liability Corporation (LLC), a non-profit organization, a group of partners or another appropriate organization to protect and preserve natural land in perpetuity. To guarantee protection from future inappropriate development, the conservation easement would be written and enforced by a non-profit organization acting as steward and manager. The cemetery would be approved and managed with funds raised and generated by fees for service held in the form of a stewardship fund, or it could be owned by a private landowner and available for perpetual use as a green burial cemetery for Homer residents protected by a conservation easement, forever.

My intent is to assist the City of Homer and the community in choosing, acquiring and dedicating a location, designing, building and perpetually protecting a beautiful green burial cemetery to serve the Kenai Peninsula community for generations to come.

Additional actions require working with the City of Homer's Parks, Art, Recreation Advisory Commission to draft a conservation easement and use its maps to show watershed, landownership, water quality and drainage. More steps include acquiring software to manage records of burial plots, soil maps, adding water, electricity and sewer, possibly creating an adjacent pet cemetery, and a landscaping plan.

Furthermore, a funeral director is required to obtain a burial transit permit prior to transporting a body. The Health Department may embalm a body if it cannot reach its destination within 24 hours of death but only with the family or legal representative of the diseased person. Refrigeration serves the same purpose as embalming but there are no laws in Alaska guiding this.

We could create a carbon emission management program for the acreage required, and a water quality testing program designed by Cook Inlet Keeper, install security fencing with a 1-2 locking gates would be necessary and collaboration with the Homer funeral director and similar service organizations including permits and licenses.

Signs will be needed including notices of cemetery regulations, dedication at all gates, and water and sewer facilities must be put in place. The construction of a storage shed, a small well designed chapel should be considered, as well as parking areas, benches and planting of native plants. Spectacular views are integral to the successful design and planning should take advantage of our iconic setting as frequently as possible. Also needed are,

a land search for a Parcel of at least 15 acres in size

development of a water testing program, management of drainage if necessary, equipment (small) tractor, chainsaw, fencing, hand tools, shed, signage, chapel, gravel, parking, access, bench construction and maintenance, possible construction of a columbarium/mausoleum and artistic gravestones and other markers .Being a green cemetery requires state of the art use only of bio-degradable materials including pine boxes, and wicker baskets,

Here are a few more bits of information. There are more and more of these green cemeteries every year with almost 100 registered with the national Green Burial Council. More and more cemetery sites are registered and accrdited every year. As we consider taking steps toward a green .

cemetery, we will want to teach ourselves more about green burial charges, industry growth, and gather information from existing standards and charge 5% to 15% or less than a typical burial which includes a plot price, stewardship fund contribution, (pre-arranged payments are ok) fee goes into endowment fund and/or trust fund for stewardship,

Typically, a 2022 burial was expected to cost between \$4,100 - \$11,600 and more. Smaller non-profit burials are anticipated to cost \$200 - \$500 for a full casket standard burial with some extras. Potential income sources include, stewardship donations, grants, carbon credits, plot and burial fees, transportation, grants, donations and purchase of plot (s).

The most common American ways of burial are some of the most resource intensive industries.

Each year 22,500 new cemeteries are built. Each year, 827,060 gallons of embalming fluid are used, 90,272 tons of steel are used for caskets, 2,700 tons of copper and bronze are used in caskets, 1,636,000 tons of reinforced concrete are used for vaults, enough formaldehyde to fill 8 Olympic-sized swimming pools every year, enough metal to rebuild the Golden Gate Bridge and enough concrete to build a 2 lane highway across the US every year. 1 in 2 people chose cremation (approximately 1,313,209 people). Every human body cremated uses as much energy in the form of gas and electricity as a 500 mile car trip and is responsible for 10 % of all mercury which comes from dental fillings during the cremation process In 2006, 490 million pounds of CO2 impacted our atmosphere.

Every human body cremated uses as much energy in the form of gas and electricity as a 500 mile car trip, In total, enough natural resources were consumed which contributed more than 490 million pounds of Co2 per year into our air, cremation also contributed 10%of all mercury omitted into the air and atmosphere which comes from dental fillings during the cremation process. In a year, we use 827,060 US gallons of embalming fluid and tons of steel caskets.

ROUGH estimated costs include,

Purchase of the plot, lowering the burial container/casket, opening by the designated steward and closing of the grave, installing the headstone,

review of the health certificate, advance directive legal review run by a conservation organization with the legal right to long term custody of burial ground, and development of a cold ground policy.

Please feel free to ask questions. I look forward to providing more information and joining you in future conversations about a conservation cemetery for Homer!

Sincerely,

Barb Seaman

Thanks for your attention!



PENINSULA MEMORIAL CHAPEL & CREMATORY

Kenai, Alaska
(907) 283-3333

Homer, Alaska
(907) 235-6861

Sterling, Alaska
(907) 260-3333

Seward, Alaska
(907) 224-5201

Fax - (907) 283-6116

Mailing Address

5839 Kenai Spur Hwy. - Kenai, Alaska 99611

Email: pmc@alaskanfuneral.com

www.alaskanfuneral.com

GENERAL PRICE LIST

Effective October 19, 2020 - Prices are subject to change without notice

The goods and services shown below are those we can provide to our families. You may choose only those items you desire. However, any funeral arrangements you select will include a charge for our basic services and overhead. If legal or other requirements mean you must be items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods and services you selected.

PAYMENT POLICY: Payment for services and merchandise is expected prior to services rendered. We accept payment by cash, check or credit card (Visa, Mastercard, Discover or American Express). Pre-arrangements may be funded through a funeral plan with our Funeral Home. We do not invoice estates. If finances are a concern, please consult with your Funeral Director.

PROFESSIONAL SERVICES

Basic Services of Funeral Director & Staff

\$ 1,150.00

Our services include conducting the arrangement conference, planning the services, consulting with the family and officiates, sheltering of remains, preparing and filing necessary notices, obtaining authorizations and permits, coordinating with cemetery, crematory, and/or other third parties, and a proportionate share of our basic operating costs. This fee for our basic services and overhead will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for Direct Cremation, Immediate Burials and Forwarding or Receiving Remains.)

Embalming

\$ 650.00

Embalming is not required by law. Embalming may be necessary, however, if you select certain funeral arrangements, such as a funeral with viewing. If you do not want embalming, you usually have the right to choose an arrangement that does not require you to pay for it, such as direct cremation or immediate burial.

OTHER PREPARATIONS OF THE BODY

Dressing, Casketing & Cosmetology	\$ 295.00
Sanitation and Preparation in lieu of Embalming	\$ 295.00
Restoration and/or Autopsy Repair (When Necessary)	Starting at \$ 275.00
Refrigeration	Days 1-7 are No Charge Days 7-14 / per day \$ 20.00
	Each Day After 14th Day \$ 50.00

USE OF FACILITIES AND STAFF

Funeral Service (Service with the Deceased present)	\$ 595.00
Memorial Service at the Funeral Home (Service with or without cremated remains present)	\$ 595.00
Memorial Service at other location (Service with or without cremated remains present)	\$ 395.00
Public Visitation at the Funeral Home or Other Location	\$ 395.00
Graveside Service (Does not apply if preceded by Funeral Service)	\$ 395.00
2nd Private One Hour Family Only Viewing (during normal business hours)	\$ 250.00

SPECIAL CHARGES

Weekend Service or After Business Hours Service Fee**	\$ 500.00
Holiday Service Fee (New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving & Christmas Day)	\$ 800.00
**These Fees are in addition to our Regular Services Fees. They Do Not Apply for Public Visitations held at the Funeral Home	
Administrative Fee for Completing Death Certificate (when Funeral Home is not involved)	\$ 75.00

(Normal Hours of Operation are Monday-Friday 8 a.m.-5 p.m.)

TRANSPORTATION

Transfer of Deceased to Funeral Home (\$3 per mile beyond 25 mile radius)	\$ 395.00
Funeral Coach / Hearse (\$3 per mile beyond 25 mile radius)	\$ 395.00
Service / Utility Vehicle (\$3 per mile beyond 25 mile radius)	\$ 395.00
Transportation To/From Anchorage Airport	\$ 195.00

OTHER SERVICES

Crematory Fee (This Fee is for the Use of the Crematory <u>only</u> and <u>does not</u> include Basic Services or Transfer Charges)	\$ 1,250.00
Mailing of Certified Copies of Death Certificate(s) (by U.S. Priority Mail)	\$ 10.00
Packaging and Mailing of Cremated Remains (by U.S. Priority Express Mail) Starting At	\$ 95.00

MERCHANDISE

Caskets (A Detailed list can be obtained at the Funeral Home)	\$1,895.00 to \$3,995.00
Cremation Tray	\$ 75.00
Outer Burial Container (Non-Biodegradable, Water & Chemical Resistant Polymers)	\$ 895.00
State or local law does not require that you buy a container to surround the casket in the grave. However, some cemeteries require that you have such a container so that the grave will not sink in. Either a grave liner or a burial vault will satisfy these requirements.	
Air Tray <i>Used for transfer of casketed remains by common carrier such as a Transport Co. or Airline</i>	\$ 275.00
Combination Shipping Unit <i>Used to transfer remains without casket by common carrier such as a Transport Co. or Airline</i>	\$ 275.00
Cremation Urns (A Detailed list can be obtained at the Funeral Home)	\$25.00 - \$450.00
Cremation Jewelry (A detailed list can be obtained at the Funeral Home)	\$135.00 and up
Memorial Markers/Headstones (A Detailed list can be obtained at the Funeral Home)	\$335.00 and up
Guest Books with personalized printing	\$35.00 - \$125.00
Tribute Blanket	\$ 150.00
Memorial Folders (with photographs and personalization)	First 100 Cards \$ 80.00 Each Additional 100 Cards \$ 55.00
Acknowledgement/Thank You Cards (2 boxes of 25 cards/bx.)	\$ 25.00
Wood Flag Case (Cherry or Walnut Stained)	\$ 75.00

SPECIAL CHARGES

This list does not include prices for cash advance items, such as cemetery charges, death certificates, newspaper notices, and flowers. The prices for these items will be shown on your itemized bill or the statement describing the funeral goods and services you selected.

Forwarding Remains to Another Funeral Home	\$ 1,995.00
Our charge includes: Basic Services of Funeral Director & Staff, Transfer of deceased to Funeral Home, Embalming, Combination Shipping Unit or Air Tray if Casket is purchased, and Transportation to the Anchorage airport.	
Receiving Remains from Another Funeral Home (without any ceremony)	\$ 1,450.00
Our charge includes: Basic Services of Funeral Director & Staff, Transfer of deceased to Funeral Home, and Transportation to a local cemetery.	
Immediate Burial	Starting at \$1,995.00
Our charge for an immediate burial (without ceremony) includes: Basic Services of Funeral Director & Staff, Transfer of Deceased to Funeral Home, Dressing & Casketing, and Transportation to local cemetery.	
A) Immediate Burial with Customer Provided Casket	\$ 1,995.00
B) Immediate Burial with Minimum 20 Gauge Metal Casket	\$ 3,890.00
Direct Cremation	\$1,950.00 to \$1,995.00
Our charge for a Direct Cremation (without a ceremony) includes: Basic Services of Funeral Director & Staff, Transfer of Deceased to Funeral Home, Cremation Process, Cremation Tray, and a Temporary Container for the cremains. <i>If you want to arrange a direct cremation, you can use an alternative container. Alternative Containers encase the body and can be made of materials like fiberboard or composition materials (with or without an outside covering). The containers we provide are cardboard trays.</i>	
A) Direct Cremation with Customer Provided Container	\$ 1,950.00
B) Direct Cremation with Funeral Home Provided Cardboard Tray	\$ 1,995.00

MISSION STATEMENT

"Our mission at Peninsula Memorial Chapel is to provide the best care for your loved one and you, their family & friends. We strive to provide the dignified, compassionate service that is of the utmost importance at this critical time in your life. It is our philosophy to treat those we care for as if they were our own loved ones."

COPY

Ref: 23⁵²



Doc ID: 001098360017 Type: DEE

FILED FOR RECORD
OCCONEE COUNTY, S.C.
REGISTER OF DEEDS

BK 1537 PG 140-156

CONSERVATION EASEMENT

OCT 11 P 12:47

State Forever

PO Box 2308

Greenville, SC 29602

006653

THIS CONSERVATION EASEMENT made and entered into this 11th day of October, 2006 by and between MEMORIAL ECOSYSTEMS, INC., a corporation organized and existing under the laws of the State of South Carolina (hereinafter referred to as "Grantor"), and UPSTATE FOREVER, a non-profit corporation organized and existing under the laws of the State of South Carolina (hereinafter referred to as "Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner in fee simple of certain real property, more particularly described on Exhibit A, attached hereto and hereinafter referred to as the "Protected Property";

WHEREAS, the Protected Property functions as a green burial cemetery dedicated to landscape-level conservation and providing economical, environmentally sensitive, and alternative approaches to conventional burials; and

WHEREAS, Grantor promotes and encourages ethical and sustainable practices in the deathcare system and, when possible, the use of the burial process as a means of facilitating ecological restoration and protecting and preserving valuable natural areas of distinctive beauty; and

WHEREAS, the Baseline Report dated October 11, 2006 prepared by Grantee and approved by Grantor (hereinafter referred to as "the Baseline Report") fairly and accurately describes the condition of the Protected Property as of the date of this Conservation Easement; and

WHEREAS, the Protected Property contains significant frontage on Ramsey Creek, a wide variety of native flora and fauna,

and exceptionally diverse habitat for wildlife (the foregoing values being hereinafter referred to collectively as "conservation values") of great importance to Grantor and Grantee and the people of Oconee County and the State of South Carolina; and

WHEREAS, Grantor intends that the conservation values of the Protected Property be preserved and maintained in accordance with the terms and conditions provided herein; and

WHEREAS, Grantor intends that the Protected Property will be open to the general public in accordance with guidelines established by Grantor to insure all activities are respectful and have a low ecological impact; and

WHEREAS, Grantor is desirous of conveying to Grantee a Conservation Easement pursuant to the terms of the South Carolina Conservation Easement Act of 1991 (S.C. Code of Laws Ann. §§ 27-8-10, et. seq.) (hereinafter referred to as "the Act"); and

WHEREAS, Grantee is a qualified "holder" within the meaning of the Act and is otherwise authorized to receive, hold and enforce conservation easements; and

WHEREAS, Grantee, by accepting this Conservation Easement, has committed to honor and defend the terms, conditions and purposes stated herein in perpetuity for the benefit of the citizens of Oconee County, the State of South Carolina and the nation; and

WHEREAS, Grantor's Board of Directors has approved the granting of this Conservation Easement;

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants and promises contained herein, Grantor does hereby grant, bargain and convey unto Grantee, its successors and assigns forever, this Conservation Easement in perpetuity over the Protected Property subject to the following conditions and restrictions:

1. Restrictions on Uses of the Protected Property.

A. *Development.* There shall be no building or development or any residential, commercial or industrial use or activity of any nature undertaken or allowed on the Protected Property or any portion thereof except as provided in Section 1 (B).

B. *Ramsey Creek Preserve.* Grantor shall have the right to construct, operate, and maintain on the Protected Property a green burial cemetery known as "Ramsey Creek Preserve" subject to the following conditions and restrictions:

(1) *Density of Burials.* There shall be no more than an average of seventy-five whole-body burials per acre and no more than three hundred ashes burials per acre. Grantor may increase the average number of whole body burials by (a) providing a written justification for such increase that has been approved by Grantor's Board of Directors and (b) receiving Grantee's written consent to the increase. The justification may be based on financial grounds. Grantee may withhold its consent if it reasonably determines that the requested increase would substantially impair the conservation values of the Protected Property. There shall be no limit on the scattering of ashes unless it is determined that the volume of ashes is changing soil chemistry in a way that impairs the conservation values of the Protected Property.

(2) *Burial Locations.* No whole body burials shall occur in jurisdictional wetlands or in areas that would substantially impair the conservation values of the Protected Property. The locations of these particularly sensitive areas are shown in Exhibit B. No whole body burials shall occur on slopes with a gradient greater than twenty degrees within a six foot area or additional areas as defined by Grantor and approved in writing by Grantee. Burials in the 100 year flood plain of Ramsey Creek will be limited to

those sold and promised prior to the signing of this Conservation Easement and shall not exceed ten whole body burials.

- (3) **Embalming.** No embalmed bodies shall be permitted.
- (4) **Vaults.** No vaults shall be permitted.
- (5) **Burial Containers.** Burial containers shall consist of biodegradable materials.
- (6) **Additional Structures and Facilities.** Grantor shall have the right to maintain and operate all existing structures on the Protected Property, as described in the Baseline Report. In addition, Grantor may construct and operate additional structures and facilities such as chapels, pedestrian trails, boardwalks, observation decks, benches, picnic shelters, parking areas, restroom facilities, maintenance facilities and ancillary structures, provided that Grantee shall approve in writing a plan for such structures and facilities before any construction shall begin.
- (7) **Memorials.** Markers shall be made of stone consistent with the local surface geology and shall comply with Grantor's requirements and guidelines.
- (8) **Protection of Native Plants.** Grantor shall exercise its best efforts to protect existing native plant species at the Protected Property and to restore and enhance conditions for such species. All plants used for restoration and memorials shall be site appropriate species native to the region.
- (9) **Soil disturbance, removal, and replacement.** Grantor shall use reasonable measures to insure that removed soils are replaced in the same area when conducting burials. As much as reasonably practical, removed topsoil (approximately the top 12 inches) will be replaced at the top of the burial sites so as to encourage reestablishment of native vegetative covers.
- (10) **Mechanical Equipment.** Grantor shall have the right to use and operate the mechanical equipment described in Exhibit C at the Protected Property

except in any area that is within 50 feet of the bank of Ramsey Creek.

(11) *Operating and Management Requirements.*

Grantor has established extensive requirements for the operation and management of the Ramsey Creek Preserve. Grantor shall have the right to administer and enforce such requirements provided they do not conflict with or are not inconsistent with the purposes of this Conservation Easement. In the event of such conflict or inconsistency, this Conservation Easement shall prevail.

C. *Subdividing.* The Protected Property shall not be subdivided.

D. *Signs.* There shall be no construction or placing of signs, billboards, or any type of advertising devices or materials on the Protected Property except for directional signs required by law, for "no trespassing signs," signs required for management of the Protected Property, signs required for institutional controls of human activities associated with the Protected Property, signs required for purposes of public safety, and for signs associated with the uses and activities, particularly environmental education, described in Section 1 (B) hereof.

E. *Riparian Buffers.* Grantor shall not disturb or alter any area that is within 100 feet of the bank of Ramsey Creek except as follows: (1) to construct and maintain pedestrian trails, decks, exhibits, benches, shelters and similar facilities with Grantee's prior written consent; (2) to eliminate undesirable or invasive species provided such removal shall be in accordance with the best management practices of the South Carolina Forestry Commission (or successor agency) and is first approved in writing by Grantee; (3) to install no more than three hundred ashes burials per acre; and (4) to bury a total of no more than ten bodies but such burials shall be at least 50 feet from the bank of Ramsey Creek and shall be first approved in writing by Grantee.

F. Removal of Trees and Vegetation. Grantor shall have the right to remove trees, shrubs and vegetation from the Protected Property in order to (1) operate the Ramsey Creek Preserve in accordance with Section 1 (B); (2) to install the facilities permitted in Section 1 (B) (6); (3) to eliminate undesirable or invasive species provided such removal shall be in accordance with the best management practices established by the South Carolina Forestry Commission (or successor agency) and is first approved in writing by Grantee; and (4) to remove diseased or dead trees that present a hazard to life or property.

G. Hunting and Fishing. Hunting and fishing shall be permitted on the Protected Property in accordance with applicable law and for purposes of scientific research or for controlling nuisance species.

H. No Other Disturbances. Except as may be reasonably required in connection with any of the uses and activities expressly permitted by this Conservation Easement and except for the installation, use and maintenance of erosion control measures in full compliance with applicable laws and regulations, there shall be no filling, excavating, diking, or mining; no removal of topsoil, sand, gravel, rock, minerals or other materials; no dumping of trash, garbage, or any other material; and no alteration of the topography of the land in any manner.

2. Representation of Title. Grantor represents and warrants that it owns valid, fee simple absolute title to the Protected Property and has the right to grant and convey this Conservation Easement and that the Protected Property is free and clear of all mortgages, liens and encumbrances of any nature whatsoever (except for encumbrances relating to cemeteries).

3. Inspection. Grantee and its agents, contractors and representatives shall have the right, in a reasonable manner and at reasonable times, and with prior notice to Grantor, to enter the Protected Property for the purpose of inspecting it to determine compliance with the provisions of this Conservation Easement.

4. Grantee's Remedies. If Grantee determines that a violation of this Conservation Easement has occurred, is occurring or is threatened, Grantee shall give written notice to Grantor of such violation and demand corrective action to cease or cure the violation or where such violation involves injury to the Protected Property resulting from any use or activity inconsistent with the purposes of this Conservation Easement, to restore the Protected Property so injured. If Grantor fails to cease or cure the violation within thirty days after receipt of Grantee's notice or, if the circumstances are such that the violation cannot be cured within the thirty day period, Grantor does not begin curing such violation within the thirty day period, or if Grantor fails to continue diligently to cure the violation until finally cured, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Conservation Easement. In such action, Grantee may seek a temporary or permanent injunction, damages for violation of this Conservation Easement, including damages for the loss of the conservation values of the Protected Property, and an order requiring Grantor to restore the Protected Property to the condition that existed prior to injury.

If Grantee, in its reasonable discretion, determines that a violation of this Conservation Easement has occurred or is occurring and that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of the Protected Property, Grantee may pursue its remedies under this Section 4 without prior notice to Grantor and without waiting for the thirty day notice of cure to expire.

Grantor agrees that Grantee's remedies for violation of the terms of this Conservation Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this Section, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Conservation Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this Section 4 shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

In the event Grantor is determined by any court of competent jurisdiction to have violated the terms of this Conservation Easement, all costs incurred by Grantee in enforcing the terms of this Conservation Easement against Grantor, including, without limitation, costs of suit and attorneys' fees, and any costs of restoration necessitated by Grantor's violation of the terms of this Conservation Easement shall be borne solely by Grantor.

In the event Grantor brings action against Grantee and Grantee is determined by any court of competent jurisdiction to have violated the terms of this Conservation Easement, all costs and fees are born solely by Grantee.

Enforcement of the terms of this Conservation Easement shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Conservation Easement in the event of any breach of any provision of this Conservation Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such provision or of any subsequent breach of the same or any other provision of this Conservation Easement or of any of Grantee's rights under this Conservation Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

Nothing herein shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Protected Property resulting from causes beyond Grantor's reasonable control, including, without limitation, fire, floods, storms or unauthorized wrongful acts of third persons.

5. Costs and Liabilities. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind relating to the ownership, operation, upkeep, and maintenance of the Protected Property, including maintenance of adequate comprehensive general liability insurance coverage. Grantor shall keep the Protected Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor.

6. **Taxes.** Grantor shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Protected Property by competent authority.

7. **Extinguishment.**

(a) If circumstances arise in the future which render the purpose of this Conservation Easement impossible to accomplish, this Conservation Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction, and the amount of the proceeds to which Grantee shall be entitled, after the satisfaction of prior claims, from any sale, exchange, or involuntary conversion of all or any portion of the Protected Property subsequent to such termination or extinguishment, shall be determined, unless otherwise provided by South Carolina law at the time, in accordance with paragraph 7(b) below. Grantee shall use all such proceeds in a manner consistent with the conservation purposes of this grant.

(b) This Conservation Easement constitutes a real Protected Property interest immediately vested in Grantee, which, for the purposes of this Section 7, the parties stipulate to have a fair market value determined by multiplying the fair market value of the Protected Property unencumbered by the Conservation Easement (minus any increase in value after the date of this grant attributable to improvements) by the ratio of the value of the Conservation Easement at the time of this grant to the value of the Protected Property, without deduction for the value of the Conservation Easement, at the time of this grant. The values at the time of this grant shall be those values used to calculate the deduction for federal income tax purposes allowable by reason of this grant, pursuant to Section 170(h) of the Internal Revenue Code, as amended. For the purposes of this provision, the ratio of the value of the Conservation Easement to the value of the Protected Property unencumbered by the Conservation Easement shall remain constant.

8. **Assignment.** This Conservation Easement is assignable, but Grantee may assign its rights and obligations under this Conservation Easement only to an organization which is a qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code, as amended (or any successor provision then applicable), and the applicable regulations promulgated

thereunder, and which is authorized to acquire and hold Conservation Easements under South Carolina law, and any such assignment shall be first approved in writing by Grantor, which approval shall not be unreasonably withheld. An express condition of such assignment is that the assignee organization shall have the commitment, ability and resources to meet its responsibilities and obligations under this Conservation Easement and to take the necessary steps to protect the conservation values of the Protected Property.

If Grantee shall cease to exist or to be a qualified organization under Section 170(h) of the Internal Revenue Code, or if Grantee is unable or unwilling to carry out its obligations under this Conservation Easement, then Grantee's rights and obligations shall become immediately vested in The Nature Conservancy. If The Nature Conservancy is no longer in existence at the time the rights and obligations under this Conservation Easement would otherwise vest in it, or if at such time The Nature Conservancy is not qualified or authorized to hold conservation easements under Section 170(h) of the Internal Revenue Code, as amended (or any successor provision then applicable) or if The Nature Conservancy shall refuse such rights and obligations, then the rights and obligations under this Conservation Easement shall vest in such other qualified organization as a court of competent jurisdiction shall direct pursuant to applicable law.

9. Rules of Construction. The parties recognize and agree that the primary purposes of this Conservation Easement are to preserve the Protected Property predominantly in its present condition and to protect the conservation values of the Protected Property. Accordingly, this Conservation Easement shall be liberally construed in favor of these purposes. If any provision is found to be ambiguous, an interpretation consistent with the primary purposes of this Conservation Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

10. Modification. This Conservation Easement may not be modified or amended except pursuant to a written agreement signed by both parties. Any such modification or amendment shall be consistent with the purposes of this Conservation Easement.

11. Resolution of Disputes. The parties shall promptly and in good faith attempt to resolve any dispute arising out of or relating to this Conservation Easement. If those negotiations are not successful, the parties shall in good faith attempt to resolve the dispute through mediation. The parties shall appoint a mutually acceptable person who has been certified as a civil mediator by South Carolina Board of Mediator and Arbitrator Certification (or successor agency). If the parties cannot agree on who should serve as mediator, such Board (or successor agency) shall appoint the mediator. The mediation will be held no later than ninety days after the dispute has arisen, and the costs of the mediation shall be shared equally by the parties. The mediation shall be governed by the rules established by the South Carolina Supreme Court for civil mediations. Except as provided in Section 4 of this Conservation Easement, no judicial action may be instituted by either party until after such mediation has been held. If the mediation is not successful and a judicial action is instituted, the parties shall not assert the defense of the statute of limitations or laches based upon the time devoted to attempting to resolve the dispute in accordance with this Section 11.

12. Notice. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other party shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantor: George William Campbell, MD
(or successor)
Memorial Ecosystems, Inc.
111 W. Main Street
Post Office Box 188
Westminster, SC 29693

To Grantee: Dana H. Leavitt (or successor)
Land Trust Director
Upstate Forever
Post Office Box 2308
Greenville, S.C. 29602

13. **Severability.** If any provision of this Easement is determined by a court of competent jurisdiction to be void and unenforceable, all remaining terms shall remain valid and binding.

14. **Binding Effect.** The burdens of this Conservation Easement shall run with the Protected Property in perpetuity and shall be enforceable against Grantor and its successors and assigns and all future owners of the Protected Property and all persons or entities having any interest therein, in perpetuity. The benefits of this Conservation Easement shall inure to Grantee and its successors and assigns and to the citizens of Oconee County and of the State of South Carolina.

FILED FOR RECORD
OCCONEE COUNTY, S.C.
REGISTER OF DEEDS
OCT 11 P 12:47

IN WITNESS WHEREOF, Grantor and Grantee have executed this Conservation Easement as of the date and year first above written.

WITNESSETH:

Grantor:

Shannon Dickson
Macy Duncan

MEMORIAL ECOSYSTEMS, INC.

By: George William Campbell, MD
George William Campbell, MD
President

Grantee:

UPSTATE FOREVER

Shannon Dickson
Macy Duncan

By: Dana H. Leavitt
Dana H. Leavitt
Land Trust Director

STATE OF SOUTH CAROLINA

)
)

) ACKNOWLEDGEMENT

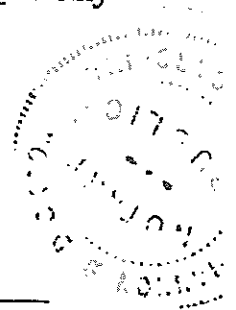
COUNTY OF OCONEE)

I, Shannon B Dickson, a notary public for the State of South Carolina, do hereby certify that George William Campbell personally appeared before me and acknowledged being the Grantor Memorial Ecosystems, Inc. and acknowledged the due execution of the foregoing Conservation Easement this 11th day of October, 2006.

Shannon B Dickson

Notary Public for South

My commission expires: 10-6-2009



STATE OF SOUTH CAROLINA

)
)

) ACKNOWLEDGEMENT

COUNTY OF OCONEE)

I, Shannon B Dickson, a notary public for the State of South Carolina, do hereby certify that Dana H. Leavitt personally appeared before me and acknowledged being the Land Trust Director of the Grantee Upstate Forever and acknowledged the due execution of the foregoing instrument this 11th day of October, 2006.

Shannon B Dickson

Notary Public for South

My commission expires: 10-6-2009



EXHIBIT A

All that certain piece, parcel or tract of land lying and being situate in the State of South Carolina, County of Oconee, Tugaloo Township, **containing 32.20 ACRES**, more or less, as shown and more fully described on a Plat thereof by Michael L. Henderson, PS #6946, dated 2-19-98 and recorded in Plat Book A632, page 7, records of Oconee County, South Carolina.

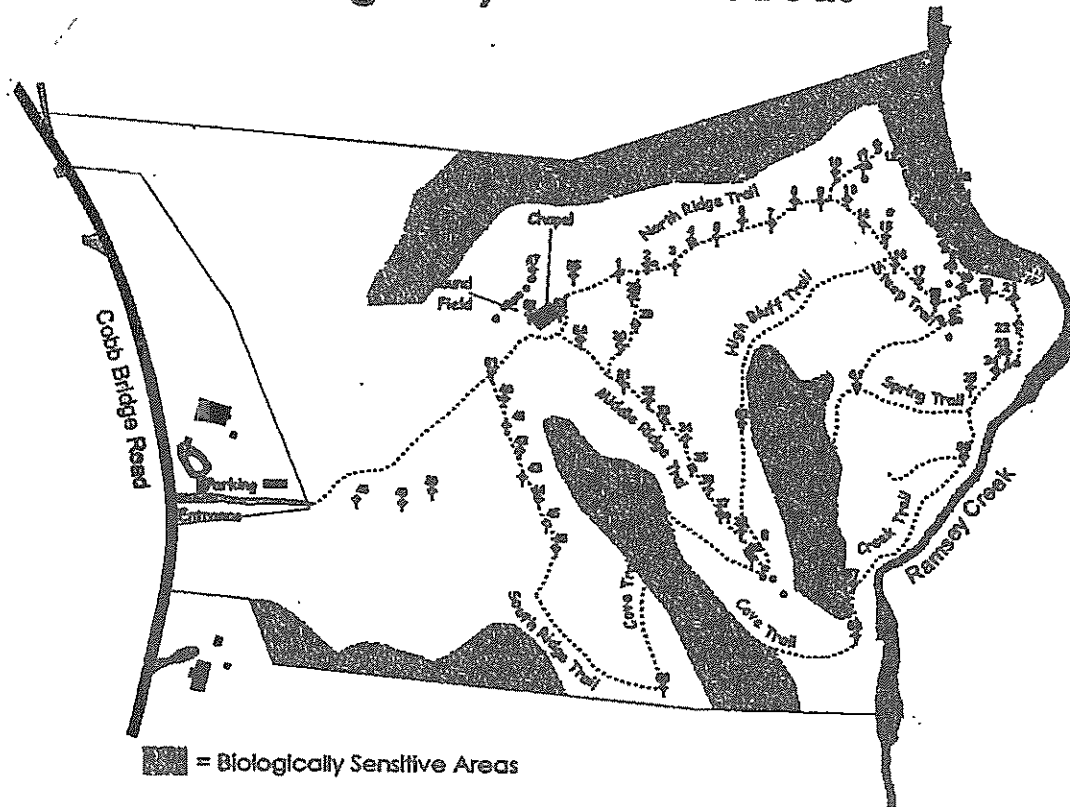
This is the identical lot of land conveyed to Memorial Ecosystems, Inc. by deed of George William Campbell and Kimberly A. Campbell, recorded on the 24th day of September, 1998 in Deed Book 996 at page 29, records of Oconee County, South Carolina.

FILED FOR RECORD
OCONEE COUNTY, S.C.
REGISTER OF DEEDS

2008 OCT 11 P 12:47

Exhibit B

Biologically Sensitive Areas



From: [Christina Whiting](#)
Subject: Memorial bench update by artist Brad Hughes
Date: Wednesday, January 12, 2022 9:36:15 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

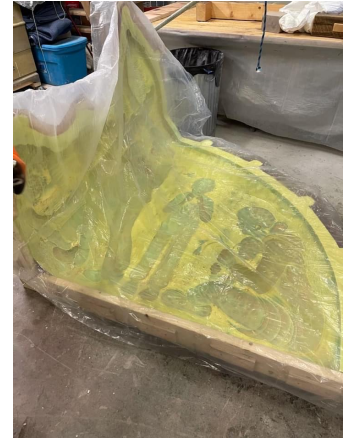
"The Loved & Lost memorial bench project is in its ninth month since inception, such a long-short time ago, last spring. We had thought we would be seeing and enjoying the "baby" by now, but in fact the best description of the situation is that we know it is healthy and we can feel it moving, but the delivery is still some time in the future. We are now looking to May or June.

This is a wonderful project that has gone and is going extremely well, and on many important levels. The main one is that over time, Duffy's mother Sara and I have been able to come to a vision that utilizes my lifetime of skills to realize her very specific thoughts, ideas and feelings to powerfully deliver a public message on this difficult subject of missing and murdered individuals. This is by far the most complex and challenging creative project of my life. I am passionately in love with the work and feel confident, creaky though I may be, that I am creating this memorial bench in an exciting and satisfying way.

As to the physical state of the art, the casting team of Matt, Rob and myself have finished making the mold for the first side. The other side is nearing completion as a sculpture in clay, and we will tackle that next. Importantly, we will have accomplished the most difficult and innovative aspect of the whole project and that is very satisfying to us as workmen, as our ideas have worked out well and no complications or mishaps have kept us from success on the tech front.

I am taking a short break right now due to some pain issues in my right hand resulting from a little too much pushing globs of clay around, but this happens from time to time in this line of work and I am already much better. Overall my health is very good and I look forward to wrapping up this phase and moving on to casting the end supports.

The community response to the creation of this memorial bench has been really great and it would be difficult to count all the hands that have thrown in on so many levels to make this happen. Thank you to everyone involved." Brad



**CITY OF HOMER PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION
BYLAWS**

ARTICLE I – NAME AND AUTHORIZATION

This organization shall be called the Parks, Art, Recreation and Culture Advisory Commission, established via Ordinance 16-22, existing by virtue of the provisions of Chapter 2.60 and Chapter 18.07 of the Homer Municipal Code, and exercising the powers and authority and assuming the responsibilities delegated under said Code. The following bylaws were adopted on December 13, 2021 and shall be in effect and govern the procedures of the Parks, Art, Recreation and Culture Advisory Commission.

ARTICLE II – PURPOSE

Section 1. Act in an advisory capacity to the City Manager and the City Council on matters involving:

- City Parks
- Recreation Facilities
- Public Beaches and Trails
- Support of the Arts
- Acquisition, maintenance and disposition of works of art
- Land Use and Future Development related to Parks and Recreation Facilities
- The administration of the public arts fund established by HCC 18.07.090.

Any recommendation by the Commission regarding the matters described above shall be directed to the City Council through the City Manager, except that the recommendation shall be sent directly to the Council when the Commission so requests.

Section 2. Perform the functions prescribed in Chapter 18.07 HCC related to funding works of art in public spaces.

Section 3. Further the development and awareness of the arts in the City.

Section 4. Consider any specific proposal, problem or project as directed by the City Council and report thereon directly to the Council or as the Council otherwise directs.

Section 5. Solicit donations of money and property in support of the commission's duties, and make recommendations to the Council for the disposition of money or property so received.

ARTICLE III – MEMBERSHIP

Section 1. The Commission will be composed of seven members, comprised of at least four (4) members that reside inside city limits. Members shall be nominated by the Mayor and confirmed by City Council to serve for three-year terms to expire on October 31st of designated years.

Section 2. Notice of term expirations will be delivered to members by the City Clerk's Office. Members wishing to continue services upon the completion of a three-year term must submit a reappointment application to the City Clerk's Office, which is subject to review by the Mayor and confirmed by City Council. There are no limits on the number of terms a member may serve.

Section 3. Members may not have alternates. If a position is vacated during a term, it shall be filled for the unexpired term by an appointee selected by the Mayor and confirmed by City Council.

Section 4. A member's appointment is vacated under the following conditions:

- A member fails to qualify to take office within 30 days after their appointment;
- A member resigns;
- A member is physically or mentally unable to perform the duties of the office;
- A member is convicted of a felony or of an offense involving a violation of their oath of office; or
- A member has three consecutive unexcused absences, or misses half of all meetings within an appointment year, whether excused or unexcused.

Section 5. The Mayor may appoint, subject to confirmation by the City Council, one City Council member and one Homer area high school Student Representative to serve as consulting, non-voting members. The Mayor, City Manager, Public Works Director, City Planner, and Parks Superintendent may serve as non-voting, consulting members.

ARTICLE IV – OFFICERS

Section 1. A Chairperson and Vice-Chairperson shall be elected from among the appointed commissioners at the regular November meeting of the Commission.

Section 2. Officers shall serve a term of one year from the February meeting at which they are elected, and until their successors are duly elected. Officers may be re-elected in subsequent years.

Section 3. The Chairperson shall preside at all meetings of the Commission, authorize calls for any special meetings, execute all documents authorized by the Commission, serve as ex officio/voting member of all committees, and generally perform all duties associated with that office.

Section 4. In the event of the absence, or disability of the Chairperson, the Vice-Chairperson shall assume and perform the duties of the Chair. If both the Chairperson and Vice-Chairperson are absent, and a quorum of four members are present, the senior member shall assume and perform the duties and functions of the Chair.

ARTICLE V – CITY STAFF ROLES

Section 1. The Recreation Manager shall serve as a staff liaison to the 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. The staff liaison shall submit reports and recommendations for those agenda items requiring decisions or recommendations by the 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 information. The information submitted may be oral, written or graphic, or some combination of all.

Section 2. The City Clerk shall designate a recording clerk to take minutes for the Commission and serve as the Commission's parliamentary advisory pursuant to AS 29.20.380(10) and HCC 2.12.010, and assist the Chairperson with the conduct of the meeting.

ARTICLE VI – MEETINGS

Section 1. Regular meetings shall be open to the public and held on the third Thursday February through June and August through November at 5:30 p.m. in the designated location and shall be posted for public information as required by Homer City Code and Alaska State Statutes.

Section 2. Special meetings and Worksessions may be called by the staff liaison, Chair, or a majority of the Commission. Notice of such meetings shall be posted in the same manner as that for regular meetings.

Section 3. A quorum for the transaction of business at any meeting shall consist of four members. For purposes of determining the existence of a quorum, consulting members shall not be counted. Worksessions do not require a quorum, however, no action may be taken at a worksession; items on the agenda are for discussion only.

Section 4. Any member who is unable to attend a meeting, whether regular or special, shall contact the Clerk in advance no later than two hours prior to the scheduled meeting time for excusal.

Section 5. Meeting agenda deadline is at 5:00 p.m. the Wednesday preceding the meeting. Allowances will be made for holidays.

Section 6. The order of business for the regular meetings shall include, but not be limited to, the following items, which shall be covered in the sequence shown, as far as circumstances permit. Agenda shall be posted for public information as required by Homer City Code and Alaska State Statutes.

CITY LOGO

NOTICE OF MEETING
REGULAR MEETING AGENDA
NAME OF BODY

DEPT. CONTACT INFO
(City Clerk's Office)

DAY OF WEEK, DATE, AND TIME OF MEETING
PHYSICAL LOCATION OF MEETING & MEETING ROOM

1. CALL TO ORDER
2. AGENDA APPROVAL
3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA (3 minute time limit)
4. RECONSIDERATION
5. APPROVAL OF MINUTES
6. VISITORS/PRESENTATIONS (Chair set time limit not to exceed 20 minutes. Public may not comment on the visitor or the visitor's topic until audience comments. No action may be taken at this time.)
7. STAFF & COUNCIL REPORT/COMMITTEE REPORTS
8. PUBLIC HEARING (3 minute time limit)
9. PENDING BUSINESS
10. NEW BUSINESS
11. INFORMATIONAL MATERIALS (No action may be taken on these matters, for discussion only.)
12. COMMENTS OF THE AUDIENCE (3 minute time limit)
13. COMMENTS OF THE CITY STAFF
14. COMMENTS OF THE COUNCILMEMBER (If one is assigned)
15. COMMENTS OF THE COMMISSION (includes Comments of the Chair since they are part of the commission.)

16. ADJOURNMENT Next regular meeting is scheduled for _____. (Note any other worksessions, special meetings, committee meetings etc.) All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. (The meeting may be scheduled for the Conference Room or virtually.)

Section 7. Per Resolution of the City Council (Resolution 06-115(A)), Public Testimony shall normally be limited to three minutes per person. Exceptions may be provided for at the Chairperson's discretion or by a majority vote of the members in attendance.

Section 8. Recorded minutes shall be made available by the City Clerk's Office to the Commission prior to the next meeting and a record of all voting will be included in the minutes of each meeting. Minutes shall be available to the public as required by Homer City Code and Alaska State Statutes.

Section 9. Teleconference participation is allowed per the rules and limitations set forth in Homer City Code 2.58.060.

ARTICLE VII – GENERAL OPERATING PROCEDURES

Section 1. The Commission shall abide by the current edition of Robert's Rules of Order insofar as it is consistent with the Commission's bylaws, other provisions of Homer City Code, or standing rules. In all other cases, bylaws, the code, or the standing rule shall prevail. This includes, but is not limited to, HCC 1.18 Conflicts of Interest, Partiality, and Code of Ethics; HCC 2.58 Boards and Commissions; HCC 2.60 Parks, Art, Recreation, and Culture Advisory Commission; the Open Meetings Act – AS 44.62.310-312; HCC 18.07 Funds for Works of Art in Public Places; the City of Homer Gift, Donation and Art Policies, Procedures and Guidelines; and the City of Homer 1% for the Arts Program Procedures.

Section 2. Each member, including the chairperson, shall vote, and shall not abstain from voting, unless such member claims a conflict of interest, or has an excused absence, in which event the member shall be excused from voting. The member shall then state for the record the basis for the abstention. Four affirmative votes are required to pass a motion. Voting will be by a roll call vote, the order to be rotated; or by unanimous consent if no objection is expressed. Voting by proxy or absentee is prohibited.

Section 3. Any rule or resolution of the Commission, whether contained in these Bylaws or otherwise, may be suspended temporarily in connection with business at hand; and such suspension to be valid; may be taken only at a meeting at which at least four of the members of the Commission shall be present, and two-thirds of those present shall so approve.

Section 4. 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. 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 the Commission.

ARTICLE VIII – COMMITTEES

Section 1. Committees of one or more members for such specific purposes as the business of the Commission will only become active upon approval of Council. A memorandum and resolution will go before Council outlining the reason, tasks assigned and termination date. Committees shall be

considered to be discharged upon completion of the purpose for which it was appointed, and after its final report is made to and approved by the Commission.

Section 2. All committees shall make a progress report to the Commission at each of its meetings.

ARTICLE IX – BYLAW AMENDMENTS

The Bylaws may be amended at any meeting of the Commission by a majority plus one of the members, provided that notice of said proposed amendment is given to each member in writing. The proposed amendment shall be introduced at one meeting and action shall be taken at the next Commission meeting. Amendments to bylaws shall be effective upon approval of the amendments by City Council via resolution.

WILLIAM J. DDS & JUDY A. MARLEY

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Sunday, January 9, 2022

To:: All Members of Homer City Council, Mayor Ken Castner City, Manager Rob Dumouchel, Julie Engebretsen Planning and any interested parties

Entering the City of Homer from Bluff Point has to be one of the most pristine view experiences of geography and nature, ever. Living here we too easily take it all for granted. But without assertive leadership this scene could well have an equivalency of driving through Soldotna with advertising and commercial services of many sorts defacing this most pristine experience. Believe it or not, "The Sterling Bypass" once was meant to be devoid of commercialism and yet today is a very highly developed area.

Presently, the City of Homer has contracted with the firm of Stantec to develop a plan for the redevelopment of HERC complex on its 4.3 acres. This 4.3 acres of land is indeed a very useful and well placed piece of land. The direction of The City Council to Stantec is to lay plans for a Community/Convention Center and recreation facility. Problem: The HERC complex is already used by the Public Works department (storage and equipment) and the Recreation Department (Pickle Ball). Once the HERC complex is demolished (which most people think should be done) the very functions that are already there will need to be replaced most certainly on that property.

Added to that is that in the past fifty years Homer has grown by just about a multiple of 10. Personal opinion is that at a multiple of 10, in fifty years, Homer, Alaska would have a population of 60,000. But let's say that just with a multiple of 5 in fifty years Homer would have a population of 30,000 and, very likely, several hundred employees and long in need of a new City Hall. The current HERC

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property would be an absolutely ideal majestic place for a then long needed new City Hall.

Wouldn't it be wise to give at least consideration for such an event in the future?

Most Cities in Alaska have a community center which may or may not have a combined convention/conference center. As a one third owner of a 10-12 acre piece of property for 47 years that lies between Sterling Highway and the ocean at the bottom of the Bluff Point drive into Homer it has long given me cause to think of what would be the best use of this land in the best interest for our community. This parcel of land would most certainly would be highly conducive to a City Park with an architecturally exceptional and appealing facility at its eastern end. That facility would function as a park including a convention/community center, a significant income producer for Homer. People entering look towards the Kachemak Bay scenery, the ocean, the spit, the mountains, the glaciers and rarely to the left (north). The HERC building site seems hardly visible as one drives into town. Imagine the impressions people would get from a unique entry experience. Imagine how proud citizens of Homer would be of such a facility. Imagine how all of that would reverberate throughout the community with a sense of pride for us all.

- ✕ The City Council should restructure the Stantec agreement to include any lands in Homer that would be best suited for a community/convention center to meet the requirements of the EDA (Economic Development Administration).

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- ✕ The City Council should adhere to the 2018 Comprehensive plan for planing and the benefit of the community. Otherwise what is ever the use of a comprehensive plan?
- ✕ The City of Homer should strongly consider purchasing the Bay Club. The purchase price most certainly would be far less than creating such a facility from the ground up. City ownership could greatly reduce the citizen participation and utilization costs with mental and physical health clear beneficiaries of such a facility. A facility called PEAK in Great Falls Montana is a very good model. Should the City of Homer duplicate Bay Club services it would be a clear violation of antitrust.
- ✕ While financing via EDA will be challenging as always all sources of financing need to be pursued. State grants, a service unit area, hospital participation, Seldovia Village Tribe, health insurance companies and foundations. A small ad hoc committee including local citizens with financial expertise should certainly be considered.
- ✕ Homer, Alaska is a unique, picturesque, friendly community that is certainly destined to grow. May we all put genuine effort into making it economically, friendly, with citizens who are physically and mentally healthy.

Sincerely,

William J. Marley

Judy A. Marley

Judy A. Marley