



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer Agenda

Parks, Art, Recreation & Culture Advisory Commission Special Meeting

Thursday, December 02, 2021 at 5:30 PM

Upstairs Conference Room at City Hall

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 ITEMS ALREADY ON THE AGENDA .

VISITORS/PRESENTATIONS (10 Minutes 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. Regular meeting minutes for October 21, 2021

REPORTS - STAFF AND COMMISSION (5 Minute Time limit each)

A. Public Works Director Report

B. Parks Superintendent Report

PENDING BUSINESS (15 minute time limit each topic)

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

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

C. Bishop's Beach Park Master Plan

NEW BUSINESS (15-20 minute time limit per topic)

INFORMATIONAL MATERIALS

- [A.](#) Commission Annual Calendar 2022
- [B.](#) Commission Reappointments
- [C.](#) Japan - Alaska Sister Cities Photo & Essay Campaign
- [D.](#) Memorandum from PARC to City Council re: Recommendation on Kachemak City Request for Funding
- [E.](#) Email Comments received from William Marley Regarding Land for Sale

COMMENTS OF THE AUDIENCE

COMMENTS OF STAFF.

COMMENTS OF THE COMMISSION

ADJOURNMENT

Next Regular Meeting is **THURSDAY, FEBRUARY 17, 2022, at 5:30 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 21-09, a Regular Meeting of the Parks, Art, Recreation and Culture Advisory Commission was called to order by Chair David Lewis at 5:30 p.m. on October 21, 2021 from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska and via Zoom Webinar.

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

STAFF: DEPUTY CITY CLERK TUSSEY
PARKS SUPERINTENDENT STEFFY
PUBLIC WORKS DIRECTOR KEISER

AGENDA APPROVAL

Chair Lewis called for a motion to approve the agenda.

FAIR/LOWNEY MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

William Marley, city resident, spoke to New Business Item D regarding his proposal to the commission to purchase property along the Sterling Highway owned by him for the creation of convention center and park.

Bill Fry, Vice Mayor of Kachemak City, spoke to their parks revitalization project proposal under New Business Item B and provided an update on the project as to date.

VISITORS/PRESENTATIONS

A. Green Cemeteries by Barb Seaman

Chair Lewis introduced the presenter to the Commission.

Ms. Seaman shared her background in land management and spoke to her written proposal on green cemeteries. She explained what a “green cemetery” was and suggested the Commission go through the information provided in the packet to facilitate feedback.

Ms. Seaman facilitated questions and discussion from commissioners on the following:

- Hickerson Cemetery is too small and another cemetery location will be needed
- How to move forward with the project

- Additional methods that people can be buried green
- Interesting approach to death and topic for discussion
- Future agenda item during Land Allocation Plan or Strategic Plan Review
- Possible actions in the interim that could be conducted by Ms. Seaman

RECONSIDERATION

CONSENT AGENDA

- A. Regular Meeting Minutes for August 19, 2021 and September 16, 2021

Chair Lewis requested a motion to approve the Consent Agenda.

FAIR/LOWNEY 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. Community Recreation Report - Recreation Manager Illg

Chair Lewis noted that Recreation Manager Illg was not in attendance but provided a written staff report in the packet.

- B. Fall Park Beach Walk Through Site Visit Report

Chair Lewis introduced the item by reading of the title and requested Commissioners to provide their observations.

Commissioner Lowney opined that it was a productive walk-through, there were many good ideas, they did a good job; there are a lot of concerns regarding the parking. She believed that they were moving in a positive direction and looked forward to future work on a master plan for Bishop's Beach.

Commissioner Harrauld stated that the weather assisted them, making it easier to visualize what they needed around the park, Ms. Mouw had many wonderful ideas and it was a perfect blend of arts and parks.

Commissioner Archibald reiterated the previous comment and offered additional praise for Ms. Mouw and did not want to lose their energy. There are questions and concerns on installation of a round – about.

Commissioner Fair expressed confidence with Rika Mouw and does not foresee her letting it go. He agreed on the importance of getting the parking lot drive through right. There must be a logical traffic pattern and it would be better to get the parking out of the way so that one can experience the park not the parking lot.

Commissioner Roedl arrived at 6:16 p.m.

Parks Superintendent Steffy stated the Public Works Director was interested in the concept of re-routing the traffic, she will continue to pursue the Hillstrand property as well. He also noted that signage created by Dan Coe will be installed for the Beluga Slough Trail during his walk around with Laura Mahler, Manager, Islands and Ocean Visitor Center. He then agreed that he was struggling too with the weather.

Chair Lewis stated that the Commission needs to come up with a precise plan so that they can chip away as the money comes available.

Parks Superintendent Steffy responded to questions on funding availability and steps being taken by staff.

C. Parks & Trails Maintenance Report - Parks Superintendent Steffy

Chair Lewis introduced Parks Superintendent Steffy and invited him to provide his report.

Parks Superintendent Steffy reported on the following items:

- installation of the Skate Park new half pipe equipment
- working to advertise the recreational gear library more
- ADA Parks Transition Plan is in development now work is being done by ADA Coordinator Krause to put that information into a format so they can prioritize the projects and then start getting funded and begin working on them
- Recent meetings on trail improvements
- 2021 Alaska Recreation and Parks Association conference
 - o Congratulated Commissioner Lowney on her award
- Homelessness and the City's involvement
- RTCA visited the library property to view the project as well as the Poopdeck Trail and Water Trail projects

Discussion ensued on how parks in the city are not ADA compliant and a large amount of work will be required to bring them into compliance; informational materials provided were wonderful and provided many great ideas; cross generational activities in the parks and to have that item on a future agenda; use of the haul out area with regard to the ship to be scrapped and that it is in the middle of the space typically used for camping.

D. Public Works Director Report - Jan Keiser, PE

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

Public Works Director Keiser highlighted and addressed the following topics:

- connecting Rika Mouw with Corvus Designs on developing a conceptual Bishop's Beach Park Master Plan
 - o Deadline to submit application for funding from DEC for Clean Water Funding for storm water management drainage
 - o Addressing drainage problems is appropriate to use HART Roads funding
- Trails are being recommended in high numbers recently
- Public Works Department will be receiving two interns January 10, 2022
 - o One intern will be a water wizard and one intern will be a Climate Action Champion
 - o Requesting Student Commissioner Flora for assistance in getting interest from High School Students on the Climate Action
- Restructuring of duties for coverage of restroom cleaning moving from the Parks Division to Custodial Division and also creating a part time position as a restroom custodian in 2022

Public Works Director Keiser facilitated questions and discussion on:

- Trails recommended is there connectivity to existing trails
 - o Issues surrounding ownership, easement, location, etc.
- Appreciation for the Bishop's Beach Park Master Plan
- Wonderful idea to move and separate the restroom custodial care from parks to custodial
- Marriage between economic development and parks and tourism
 - o the city does not do a good enough job to make these connections
 - o future business plan for parks
 - the parks is an economic driver bringing in over \$100,000 annually
- Staffing for Parks Division is extremely limited and cannot support any additional activities or events currently and into the immediate future
- Necessary to create of a Friends of Homer City Parks group
- Temporary employment is guided by the regulations in place for employees in regards to benefits

PUBLIC HEARING

PENDING BUSINESS

NEW BUSINESS

- A. Memorandum from Deputy City Clerk re: PARC Bylaw Amendments
 - Proposed Draft PARC Bylaws
 - Approved PARC Bylaws Adopted 10/14/2019

Chair Lewis introduced the item and invited Deputy City Clerk Tussey to speak to her memorandum.

Deputy City Clerk Tussey explained that the memorandum included her comments and if the Commission had additional questions or comments or any amendments this would be the appropriate time.

Commissioner Harrald commended Deputy City Clerk Tussey for including her comments as it provided a background on why the changes were needed or made.

LOWNEY/ROEDL MOVED TO HOLD A SECOND READING ON THE PROPOSED BYLAWS AMENDMENTS AT THE NEXT SCHEDULED MEETING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Kachemak City Park Revitalization Project

Chair Lewis introduced the item by reading of title.

FAIR/LOWNEY MOVED TO DISCUSS THE KACHEMAK CITY PARK REVITALIZATION PROJECT

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Parks Superintendent Steffy explained that Kachemak City is requesting a donation from the City of Homer and does not have information on where funding would come from. This is basically a reciprocation request since Kachemak City has supported many projects in the City of Homer.

Chair Lewis requested a motion and second.

LOWMEY/FAIR MOVED THAT THE COMMISSION RECOMMENDS THE CITY OF HOMER DONATES \$10,000 TOWARDS THE KACHEMAK CITY PARK REVITALIZATION PROJECT.

Discussion ensued on the funding request and how the city cannot even afford to maintain their own parks facilities and amenities such as replacing picnic tables however there is concern with spending tax payer dollars on non-city parks. Acknowledgement was made on the contributions of the residents of Kachemak City to facilities within city limits, but they also use those facilities and they do not pay to maintain and operate those facilities outside any applicable fees. Commendation was made on the increase of activity and efforts to that Park by Kachemak City but there was a lack of justification for the recommendation of expending those funds requested. The amenities offered by Kachemak City Park provides an option for those residents who live outside the city with young children. If a monetary donation is necessary and can they do an in-kind donation such as equipment and or labor. IT was also noted that the City funded a large donation of \$180,000 to SPARC and tens of thousands of dollars to fund the Hockey Rink and the Zuboni. This shows a mutual aid, respect and recommend working harder with City Council on this project. This will be beneficial to both cities young families.

Public Works Director Keiser stated that they would need direction and permission from City Council to be able to use city equipment and operators. She suggested that the Commission express their support for the development of the park and request City Council authorize Public Works to negotiate with Kachemak City to see what is needed and what other needs that the City of Homer may be able to assist them with such as in-kind services that they are needing to contract.

Chair Lewis opened the floor to Mr. Fry to comment.

Mr. Fry responded that he does not view this as a “yours and ours” and he was not able to come up with anything they really need, and it is really more of Kachemak City’s park but he appreciate the Commission’s time.

Further discussion on the following points were:

- Public Works staff is already busy with their responsibilities, and there was little faith that in-kind services would work in this case

Chair Lewis called for a roll call vote.

NO. HARRALD, ARCHIBALD, FAIR, LOWNEY, ROEDL
YES. LEWIS, GALBRAITH

Motion failed.

Chair Lewis requested a motion to explore in-kind services donation.

LOWNEY/HARRALD MOVED TO RECOMMEND THAT CITY COUNCIL IN LIEU OF THE \$10,000 DONATION TO KACHEMAK CITY FOR THIS PARK LOOK AT THE OPPORTUNITY TO EXPLORE IN-KIND DONATIONS TO ASSIST IN THE PROCESS OF COMPLETING THE PARK.

Discussion ensued on respecting the workload of the City of Homer staff and what is feasible and if there are other ways to provide in-kind services and keep the door open to support the park. It was acknowledged that there are several examples and history of mutual aid agreements and activities and depending on what is needed the City of Homer may be able to assist Kachemak City complete their project. It was agreed that it was not a “your park, our park” situation but that a service area agreement with communities from Ninilchik south should be looked at in the near future.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Memorandum from City Clerk re: Meeting Schedule for 2022

Chair Lewis introduced the item by reading of the title and reviewed the memorandum. He opened the floor for discussion. Hearing no comments or questions from the Commission Chair Lewis requested a motion and second.

LOWNEY/HARRALD MOVED TO APPROVE THE 2022 ADVISORY BODY MEETING SCHEDULE AS PRESENTED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. Memorandum from Deputy City Clerk re: Recommendation on Land Purchase

Chair Lewis introduced the item by reading of the title. He requested a motion to bring the item to floor for discussion.

ARCHIBALD/HARRALD MOVED TO DISCUSS THE PURCHASE OF WILLIAM MARLEY'S PROPERTY.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Discussion was facilitated by Chair Lewis and the following points, comments or questions were made by Commissioners:

- The location would make a beautiful park but the price tag is too high in consideration of all the other items that the city is trying to accomplish such as the HERC and improvements at existing city parks
- it is difficult to pass on the opportunity to expand the city's parks and recreation but there is no financial feasibility to accomplish the purchase
- The Commission can recommend yes or no it is still up to City Council for the final denial or approval of the matter.
- The development of a Convention Center while they are struggling on the direction of the HERC which has also included the possibility of a convention center as well as a recreation center
- The bluff in that area has been quite unstable but the land would offer potential access to the beach west of Bishop's Beach.
- Amending the recommendation to remove the convention center aspect.

Public Works Director Keiser stated that Dr. Marley has visited her and they discussed his dreams, visions and desires to make a profit on the sale of this property for him and his

partners. She respected his vision and desires but that if she had the \$900 million¹ which was the purchase price of the property, she would spend that money on upgrading Karen Hornaday Park with the Master Plan that been sitting on the shelf for some 15 odd years and Bishop's Beach plus other things that we desperately need in our parks system.

Chair Lewis requested a motion and second.

No motions were offered by the Commission.

Commissioner Archibald requested clarification on the status of the issue.

Deputy City Clerk Tussey explained that since no decision was made on the subject it can be brought back before the Commission as it has been done before. She provided further clarification on the tabling of a subject when no date is given which unless brought up from the table effectively ends the topic or action requested. Deputy City Clerk Tussey further noted it was why the Clerks preferred to use the term postpone instead of table.

There was no further discussion.

- E. Request from City Attorney for Further Analysis on the Amendments to the City of Homer Gift, Donation and Art Policies, Procedures & Guidelines

Chair Lewis introduced the item by reading of the title.

ARCHIBALD/HARRALD MOVED TO POSTPONE THIS TOPIC TO THE NEXT MEETING.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. 2021 PARC Annual Calendar
- B. City Manager's Report for October 11, 2021
- C. Letter to the Editor - Dogs in Public Places
- D. Notice of Funding Opportunity Executive Summary: ARPA
- E. Addressing Homelessness in Parks: An Inclusive Practices Guide
- F. Creating Parks and Public Spaces for People of All Ages: A Step by Step Guide
- G. Winter Placemaking Guide

¹ The two parcels were listed for \$1.2 was presented to the Commission in February 2020.

Chair Lewis reviewed the informational materials and requested a volunteer for the City Council meeting.

Commissioner Archibald stated he would provide the report as long as he was being reappointed to the Commission.

Deputy City Clerk Tussey informed the Commission on the re-appointments of Commissioners Galbraith, Archibald and Lewis.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY STAFF

Parks Superintendent Steffy commented his appreciation for the Commissioners time expended at the beach walk through and complimented Commissioner Fair on his editorial for the new lend a leash program. He has also spoken with the Fish & Wildlife regarding dogs and they are commencing a program called Bark Ranger where they will reward responsible dog owners. He then thanked Deputy City Clerk Tussey for her work on the commission by-laws.

COMMENTS OF THE COMMISSION

Commissioner Archibald commented on being a bit torn on the decision and thanked everyone for their time and being appointed for another term.

Commissioner Roedl commented on getting through the 300 page packet and that the information in the back of the packet was really good, he thanked staff for including the information.

Student Representative Flora reported that she will be reaching out to the Public Works Director regarding providing more information at the high school about the environmental intern position.

Commissioner Harrald congratulated Commissioner Lowney and Parks Superintendent Steffy on their achievements, and stating It is very easy from the Commission standpoint to realize how lucky we are for the staff we have and the historical knowledge and the energy they have on this Commission but it is really nice to see the staff recognized on a bigger level and Parks Superintendent Steffy deserves this award 10 times over for all his creativeness, patience and her appreciation for everything that he brings to their community. Commissioner Harrald continued by stating it is really hard to have a meeting where you say no to everything that truly in your heart you support and she believed that it was really important for her to keep in mind that it is really fun to start new and shiny things but it is really hard to fund maintenance, staffing and those things are where they have shortages and are the Commission's priorities. Ms. Harrald continued noting when grants are written, maintenance and staffing never makes the cut, she is glad that they keep that in mind as a group. The new park in Kachemak City will face the same issues in the future. Ms. Harrald expressed her appreciation for the energy and joy that the Commission can bring to development of Bishop's Beach and she will look forward to finding ways that she can be a part of Kachemak City Park outside of this Commission.

Commissioner Lowney echoed the sentiments expressed by Commissioner Harrauld and others regarding the difficulties in making their decisions tonight but stated that after sitting on this Commission for so many years, she knows how hard and the amount of work and energies that the City needs to put into their parks and she expressed that the City is at a stage where they need to stop band-aiding their parks and try to really have an impact on their parks. She requested the Green Burials be on a future agenda. In relation to the events in the packet tonight, she wanted to assure the Public Works Director that she is definitely not intent on taxing the parks staff with those but it just brought back some of the energy from the past and COVID has dwindled some of that but as some of the people are aging out it is important to tap into that knowledge and the groups that have generated some of these activities in the past and re-coordinate with those groups to re-build those bonds. The Pratt Museum and the Pier One Theater is a good example of bringing art into the parks. She noted that the Friends of Karen Hornaday Park has been very inactive for a very long period of time now as well as Adopt A Park and she would like to revitalize those partnerships.

Commissioner Fair related an incident regarding the newly built dormitory at the Soldotna Campus and how it is in mothball status because after working 20-30 years on getting the funding to construct them now they cannot afford the operational costs. He believed the land purchase was an example with what is happening with the city, we have a lot of trails and parks. A lot of infrastructure and it is really hard as hell to take care of it because we are just stretched so thin and we don't have a lot of dollars. On one hand I would love to be able to say let's pony up the money to buy Dr. Marley's property, because even if we didn't do anything with it for a while it would be an incredible piece of property to sometime be able to do something with, in terms of parks. He expressed that he did not see any way possible to make that work and he did not know what would become of that property, but they may regret it someday. Commissioner Fair stated he felt the same way on the request for \$10,000 from Kachemak City. He said no with lots of trepidation as he was unsure if that \$10,000 would even help the city's parks. Sometimes the things you have to do suck.

Vice Mayor Fry commented that they did not have a bathroom at the park because they do not have water so if you could get City Council to approve giving water to Kachemak City then they could have a bathroom at the park and they would not need anything else from the City.

COMMENTS OF THE CHAIR

Chair Lewis requested Commissioner Archibald to include Vice Mayor Fry's request in his report and adjourned the meeting.

ADJOURNMENT

There being no further business to come before the Commission the meeting adjourned at 7:45 p.m. The next Special meeting is scheduled for Thursday, December 2, 2021 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, Art, Recreation & Culture Advisory Commission
FROM: Janette Keiser, Public Works Director
DATE: November 15, 2021
SUBJECT: Director's Report

1. Bishop's Beach Park Master Plan

Corvus Design, Inc. has created a preliminary draft of a conceptual Bishop's Beach Park Master Plan. We'd like to show this to you and talk about what kind of community outreach you'd like to see.

2. Trails

We are happy to report that Christine Drais, Executive Assistant to the City Manager, has offered to help complete the update to the Homer Non-Motorized Trails and Transportation Plan (NMTTP). Aaron Yeaton and Matt Steffy have been working diligently to identify and map potential corridors to enhance new subdivisions or provide connectivity. Christine will draft the opening chapters addressing how the demographics, land use and other social-economic trends have changed since 1994, when the original NMTTP was adopted. Christine will also draft the closing chapter addressing what actions need to be taken to implement the updated NMTTP. Once this work is done, we will present the draft plan to you and talk about what kind of community outreach you'd like to see.

3. Parks Technician position

We have created a new Parks Technician position, which requires a higher level of skills and experience with Parks refurbishment and maintenance. While these are still 6-month temporary positions, the new job description, with a slightly higher wage rate, should help us more effectively execute long-delayed park project work. We will still hire seasonal Parks Laborers for routine maintenance support.



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MEMORANDUM

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

From: Matt Steffy, Parks Superintendent

Date: December 2nd, 2021

Subject: Greatest Parks in the Universe Staff Report

-
- All campgrounds closed at the end of October. HPD have been a fantastic partner in relocating the noncompliant occupants as needed.
 - Our revenue for October was \$1,867. Out of that, \$1,210 came through our T2 kiosks and \$657 came through traditional fee envelopes. The revenue for October 2020 was \$2,460. I will provide some larger trends and analysis in my annual report for the January meeting.
 - City staff have begun work on the wooded area behind the Bartlett restroom that has been the home of some unfortunate social practices for too long. This is an application of Crime Prevention Through Environmental Design (see <https://www.cpted.net/Primer-in-CPTED> for more information.) The City hopes to take a more active role in regulating certain activities in our community through prevention before action is needed. This practice has already proven very successful at Ben Walters and Karen Hornaday.
 - I have continued to work with the RTCA crew and our local Friends of the Library in the planning for development of the West Lot. This last month focused on a finalized Site Description and the Community Engagement components.
 - The new half-pipes continued to be extremely popular up until they were covered in snow. Homer Council of the Arts have begun planning for a potential large event in the spring including demonstrations, lessons, a competition, live music, as well as food and beverage. This is in the very early planning stages.
 - Peter Briggs with Corvus Design has been moving along wonderfully with the Bishops Beach Master Plan. He met with Rika Mouw and myself this month to discuss the incorporation of the ideas brought out of the last site visit. The plans include a hopeful development of the adjacent private parcel into a series of rain gardens designed to capture the Old Town drainage and process it in an environmentally appropriate manner.
 - The City of Homer now has its first official Parks Technicians! This new position carries a higher expectation of skill set and experience, and allows us to offer a slightly more competitive wage. These positions are still seasonal in nature and without benefits, but will allow us to increase the quality of the services we provide. The staffing adjustments were made within the existing budget. John Wolfe and Aaron Levy will be filling this role and will be working on numerous projects through the winter.
 - We have set up the Picnic Table Room at the HERC with an assembly line style that will permit us to process batches of five picnic tables at a time fully painted and 80% assembled. These units will be finished outdoors in the spring and begin replacing our dilapidated inventory out in our Parks.

- The ADA Committee for the Parks ADA Transition Plan meet again this week to discuss the progress so far and the direction ahead. Deputy City Clerk Renee Krause has done a phenomenal job assembling our field notes and discussions into a format that will serve as a useful planning document.
- City Staff have been decorating parks, restrooms, and gazebos around town. The “Light Up Homer” program has also been revived with multiple businesses participating. More buildings and trees are on the schedule for our continued efforts in communal illumination.
- Plans are in place for the annual New Year’s Eve Fireworks display at Mariner Park. This year we held a logistics meeting out at the Harbormasters Office with, HPD, HFD, multiple support staff from P&H, and the event organizer Aaron Weissner. We discussed moving the display to the end of the Spit for safety reasons, but ultimately encountered more safety issues and very complicated logistics. With our adopted traffic plan and signage we feel it will be a safe and very rewarding event.
- We will be meeting soon with Rotary to update the Adopt-a-Park agreement for Ben Walters Park. A great deal of progress has been made over recent years and we will be seeking to recalibrate and maintain that momentum.
- We have identified a means to provide in-kind support for Kachemak City’s Alice Witte Memorial Park. We have some surplus large diameter (36”) piling sheathing that can be repurposed as play structures. We intend to give them one 40’ section, and use the other 40’ section ourselves.



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Office of the City Clerk

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Memorandum

TO: PARKS, ART, RECREATION & CULTURE ADVISORY COMMISSION

FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

DATE: NOVEMBER 22, 2021

SUBJECT: PARC BYLAW AMENDMENTS – SECOND READING

The Commission at their regular meeting on October 21, 2021 reviewed the proposed draft bylaws incorporating new and existing City Code, ensuring that the layout/contents are consistent with Robert's Rules of Order, and including any housekeeping edits.

As a reminder the articles regarding the 1% for the Arts program and gift/donation acceptance policies are removed as those items will be standalone document/policy to be approved by City Council at a future meeting.

The proposed draft includes proposed amendments from staff, such as changing the assigned staff person from Deputy City Planner (Julie) to Recreation Manager (Mike), and adding in the Parks Superintendent (Matt) under consulting members.

The previously approved Bylaws have been provided for comparison.

RECOMMENDATION

Review the final draft of the Commission bylaws. Make any recommended amendments by way of motion. When done, make a motion to approve the proposed Parks, Art, Recreation and Culture Advisory Commission Bylaws as amended and forward to City Council for adoption by resolution.

Attached: DRAFT PARC Bylaws
Current PARC Bylaws – Adopted October 14, 2019

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 _____, 2021 and shall be in effect and govern the procedures of the Parks, Art, Recreation and Culture Advisory Commission.

Commented [RT1]: No change from 2019 bylaws

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.

Commented [RT2]: Revised to match what existing code states under HCC 2.60.040

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.

Commented [RT3]: No change from 2019 bylaws

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.

Commented [RT4]: New section – A section addressing what happens at the expiration of a term and if there are term limits is recommended by Roberts Rules of Order.

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.

Commented [RT5]: New section – A section addressing alternates and what happens if a seat is vacated during a term is recommended by Roberts Rules of Order.

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.

Commented [RT6]: Revised section – Reflects the new HCC language regarding vacancies from Ord 21-50(S)(A)

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.

Commented [RT7]: Existing Sections 2 & 3 merged/revised into one and moved to the bottom of Article III. Includes new allowance for a City Councilmember to be appointed as a non-voting member, similar to the other advisory bodies, and includes Parks Superintendent as a consulting member.

ARTICLE IV – OFFICERS

Commented [RT8]: Same section, just reorganized and slightly wordsmithed to match other advisory bodies.

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

Commented [RT9]: New Article – Existing HCC 2.58 states that bylaws for boards and commissions shall contain info on the staff liaison and recording clerk; the new sections 1 and 2 are nearly verbatim from HCC. The old bylaws did not include this info.

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.

Commented [RT10]: No change from 2019 bylaws

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.

Commented [RT11]: Was section 5, just moved up for better organization and changed Deputy City Planner to staff liaison.

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.

Commented [RT12]: Was section 6, moved up for better organization and includes sentence regarding worksession quorum from the old section 5.

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.

Commented [RT13]: New section – Reflects the new HCC language regarding attendance from Ord 21-50(S)(A)

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

Commented [RT14]: Was section 2, moved down for better organization

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.

Commented [RT15]: Was section 3, moved down for better organization and the generic agenda was revised to reflect the current agenda titles/headers used and bring consistency to all the advisory bodies.

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.

Commented [RT16]: No change

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.

Commented [RT17]: No change

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

Commented [RT18]: New section – Reflects the new HCC language regarding teleconferencing from Ord 21-50(S)(A). This replaces the old Article VIII – Teleconferencing since it's detailed in city code now.

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.

Commented [RT19]: New Article for better organization

Commented [RT20]: Revised section – This is the old Article V. Sec 9, revised to ensure it's consistent with existing HCC, and include a new sentence at the end that clarifies what other areas of HCC and City policies/documents the commission shall abide by. The old Article IX regarding everything public arts (which are now or to be standalone documents) is referenced here.

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.

Commented [RT21]: Revised section – The old Article V. Sec 7 was revised to include language from existing HCC 2.58 better clarifying voting rules.

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.

Commented [RT22]: Was Article VII. Sec 2, moved for better organization

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.

Commented [RT23]: New Article – Existing HCC 2.58 states that bylaws for boards and commissions shall contain info on training and model procedures; the old bylaws did not include this info.

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

Commented [RT24]: No change from 2019 bylaws

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.

Commented [RT25]: Revised Article – Old section 1 is now just Article IX since old section 2 was moved up.

Commented [RT26]: Old Article VIII-Teleconferencing was removed since it was replaced with the new Article VI. Sec 9

Commented [RT27]: Old Article IX-Public Art Program and the Municipal Art Collection was removed since it's to be replaced by two separate, stand-alone documents: the Gift, Donation and Art Policy, and the 1% for the Art Program Procedures.

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 October 14, 2019 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 the problems and development of the following:

- 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
- Administration of the Public Arts Fund

Section 2. Perform the functions as outlined in Homer City Code Chapter 18.07 Funds for Works of Art in Public Places.

Section 3. Direct recommendations to the City Council directly or through the City Manager via memorandum from the Parks, Art, Recreation and Culture Advisory Commission.

Section 4. Consider any specific proposal, problem or project as directed by the City Council and any report or recommendations thereon shall be made directly to the Council, unless otherwise directed by the Council.

Section 5. Solicit donations of money and or property in support of the commission purpose.

Section 6. Make recommendations to Council for the disposition of money or property donated.

ARTICLE III – MEMBERS

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.¹

Section 2. One (1) Homer area high school Student Representative may be appointed by the Mayor, subject to confirmation by the City Council, as a consulting, non-voting member.

¹ Article III, Sec. 1 was revised post-bylaw approval to ensure clarification of term expirations.

Section 3. The Mayor, City Manager, Public Works Director or City Planner may serve as non-voting, consulting members of the Commission.

Section 4. A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission. The Commission shall declare a vacancy when the person appointed:

- Fails to qualify to take office within 30 days after their appointment;
- Resigns and the resignation is accepted;
- Is physically or mentally unable to perform the duties of their office;
- Misses two (2) consecutive regular meetings unless excused;
- Is convicted of a felony.

ARTICLE IV – OFFICERS

Section 1. A Chair and Vice-Chair shall be elected annually from and by the voting members of the Commission.

Section 2. The Chair 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 3. The Vice-Chair shall perform all duties and be subject to all responsibilities of the Chair in their absence, disability or disqualification of office. In the event that both Chair and Vice Chair are absent, and a quorum of members are present, the senior member shall assume and perform the duties and functions of the Chair.

Section 4. The Vice-Chair will succeed the Chair if the office is vacated before the term is completed, to complete the unexpired term. A new Vice-Chair shall be elected at the next regular meeting.

Section 5. Officers shall serve a term of one year from the November meeting at which they are elected and until their successors are duly elected. Officers may be re-elected in subsequent years.

ARTICLE V – 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. Agenda deadline is the Wednesday of the week preceding the meeting date at 5:00 p.m. Allowances will be made for holidays.

Section 3. 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.

NAME OF BODY
PHYSICAL LOCATION OF MEETING
HOMER, ALASKA

DATE OF MEETING
DAY OF WEEK AND TIME OF MEETING
MEETING ROOM

NOTICE OF MEETING
REGULAR MEETING AGENDA

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA. (3 MINUTE TIME LIMIT)
4. RECONSIDERATION
5. APPROVAL OF MINUTES or CONSENT AGENDA.
6. VISITORS (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/BOROUGH REPORTS (Chair set time limit not to exceed 5 minutes.)
8. PUBLIC HEARING (3 MINUTE TIME LIMIT)
9. PENDING BUSINESS
10. NEW BUSINESS
11. INFORMATIONAL MATERIALS (NO ACTION MAY BE TAKEN ON THESE MATTERS, THEY MAY BE DISCUSSED ONLY).
12. COMMENTS OF THE AUDIENCE (3 MINUTE TIME LIMIT)
13. COMMENTS OF THE CITY STAFF (not required) (Staff report may be at this time in the agenda.)
14. COMMENTS OF THE COUNCILMEMBER (If one is assigned)
15. COMMENTS OF THE CHAIR (May be combined with COMMENTS OF THE COMMISSION/BOARD since the Chair is a member of the Commission/Board.)
16. COMMENTS OF THE COMMISSION
17. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR _____ note any 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. (Sometimes the meeting is scheduled for the Conference Room)

Contact info for the department constructing the agenda. Example: City Clerk's Office, clerk@ci.homer.ak.us, 235-3130.

Section 4. 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 Chair's discretion or by a majority vote of the members in attendance.

Section 5. Special Meetings and Worksessions may be called by the Deputy City Planner, Clerk, Chair or a majority of the Commission. Worksessions do not require a quorum, however, no action may be taken at a worksession; items on the agenda are for discussion only. Notice of such meetings shall be posted in the same manner as that of regular meetings.

Section 6. A quorum for the transaction of business at any meeting shall consist of four (4) members. For the purpose of determining the existence of a quorum, honorary members shall not be counted.

Section 7. Four affirmative votes are required to approve any action before the Commission and shall constitute the meaning of "majority vote". The Chairperson may vote upon, and may move or second a proposal/motion before the Commission.

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. The Commission shall abide by existing Alaska State Law, Borough Code of Ordinance, where applicable and Homer City Code as well as Roberts Rules of Order, current edition, in so far as this treatise is consistent with Homer City Code.

ARTICLE VI – 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 VII – BYLAW AMENDMENTS

Section 1. The bylaws may be amended at any meeting of the Commission by a majority plus one vote of the members present, provided that notice of 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.

Section 2. 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.

ARTICLE VIII – TELECONFERENCING

Section 1. Teleconference meetings:

- a. The preferred procedure for a Commission meeting is that all members be physically present at the designated time and location for the meeting. However, physical presence may be waived and a member may participate in a meeting by Teleconference. This allowance is limited to two (2) meetings per year.
- b. There must be a quorum of members physically present in addition to the telephonic member.
- c. A Commission member participating by teleconference shall be deemed to be present at the meeting for all purposes.
- d. In the event the Chair participates telephonically, the Vice-Chair shall run the meeting.

Section 2. Teleconference procedures.

- a. A Commission member who cannot be physically present for a regularly scheduled meeting shall notify the Clerk prior to the scheduled time for the meeting of their intent to appear telephonically.

- b. The Clerk shall notify the other Commissioners of the Commissioner's intent to appear by teleconference prior to the scheduled time of the meeting.
- c. The means used to facilitate a teleconference meeting must enable each Commissioner appearing telephonically to clearly hear, and be heard by all other and members of the public. The Clerk shall note in the attendance record all Commission members appearing telephonically.

ARTICLE IX – PUBLIC ART PROGRAM AND THE MUNICIPAL ART COLLECTION

1% FOR THE ARTS PROGRAM

The State has recognized through the enactment of AS 35.27.010, and the City of Homer hereby recognizes by the enactment of Ordinance 02-25(A), Chapter 18.07, the responsibility of government to foster the development of culture and the arts through the purchase or commissioning of works of art for municipal buildings and facilities. It is therefore declared to be municipal policy that a portion of appropriations for capital expenditures for municipal buildings and facilities be devoted to the acquisition of works of art to be permanently placed or incorporated in such buildings or facilities.

Definitions

The following words, terms and phrases, when used, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

"Art" and "work of art" mean all forms of original creations of visual art, including but not limited to the following:

1. Sculptures: in the round, bas relief, high relief, mobile, fountain, kinetic or electronic, in any material or combination of materials.
2. Painting: all media, including portable and permanently affixed works, such as murals.
3. Graphic arts: printmaking and drawing.
4. Mosaics.
5. Photography.
6. Crafts: in clay, fiber and textiles, wood, metal, plastics and other materials.
7. Calligraphy.
8. Mixed media: any combination of forms or media, including collage

"Construction, remodeling or renovation of municipal buildings and facilities" means any capital improvement projects paid for wholly or in part by the municipality to build, rebuild or improve any decorative or commemorative structure, park or parking facility or any building.

"Total cost of construction, remodeling or renovation" means the total allotted funding for the subject project at the time of award of contract, exclusive of the costs of land acquisition, site investigation, and environmental clean-up or remediation. (Ord. 02-25(A), 2002.)

The Parks, Art, Recreation and Culture Advisory Commission shall be responsible for the following:

1. Determine the dollars allocated for art within the budget of each eligible project;
2. Name a Selection Committee for each project;
3. Develop and monitor policies related to the selection and installation processes;
4. Develop plans that insure the preservation of the art collection;

PROCEDURES FOR THE 1% FOR THE ARTS PROGRAM

Eligible Projects

1. Upon approval of the City budget, the City Manager will provide a copy of the capital improvement budget to the Commission notating all projects he/she believes to be eligible for the 1% for Art Program.
2. Eligible projects include remodeling, renovation, new construction to municipal buildings or facilities when the cost of the project exceeds \$250,000.
3. Staff will update the Commission at least quarterly regarding any new capital improvement projects City Council has approved and will indicate whether the City Manager believes the 1% for Art Program is applicable.

Project Budget

1. 1% of the project cost will be allocated for the purchase of art, with a minimum project value of \$250,000 and a maximum of \$7,000,000. Therefore, the minimum budget is \$2,500 and the maximum is \$70,000. The budget may be increased by the addition of private funds or donations from non-city public funds.
2. Project cost is defined as the cost of the original contract awarded, excluding land acquisition, site investigation, environmental cleanup or remediation. Subsequent change orders and amendments to the contract do not increase or decrease the amount of funding available for artwork.
3. The art budget will include all costs associated with design, construction, installation, and acquisition of works of art.

Selection Committee

1. The Commission will submit to the Council for its approval members of a new Selection Committee for each eligible project. Appointments will be made as early as possible in the construction process to encourage integration of art into the architecture of the building and design of the outdoor spaces.
2. A Selection Committee will be composed of at least five (5) members, including
 - a. One member(s) from the Commission,
 - b. One Artist
 - c. One member from the architectural/design team
 - d. One member from the user department
 - e. Director of building in question or his/her designated representative.

The scope of the project may require the appointment of additional members.

3. The Clerk for the Commission will also assist the Selection Committee. This will facilitate clear communication and cooperation between the two advisory bodies.

4. Diversity. The Commission will specifically include members of the community who share a commitment to the goals of the 1% for Art Program yet represent the diverse citizenry in our community.
5. Responsibilities of the Selection Committee
 - a. Selection Committee members will suggest the most suitable locations for artwork within the building or on the site, often in discussion with the architect or chief designer. It is also appropriate to allow artists to submit proposals for locations not identified by the committee.
 - b. The committee will organize interaction between the design team and artists to ensure that artists are sufficiently briefed about the project opportunities and restrictions. The goal is to generate top quality, responsive proposals.
 - c. Carefully review each eligible submission. This will frequently be a multi-step process, with time between meetings for personal reflection.
 - d. If necessary, a specific member of the committee or the Deputy City Clerk may be directed to discuss modifications to a specific proposal with the artist. All such discussions shall be confidential, and members must exercise care so a specific artist does not construe such discussion as acceptance of work.
 - e. Prepare list of Recommended Artwork for the named project and a short list of runners-up, if possible. (Occasionally 1st choice work will not be available and this process may preclude the need to reconvene the jury.)
 - f. Selection Committee Chair will be present when the Resolution is before Council for final approval and award. Responses to Council questions may include a brief summary of the selection process, including number of submittals, names of the selection committee members and other information that encourages final acceptance by City Council members.
 - g. The Clerk will notify all selected artists of their award and thank all participants.
 - h. All participants, including Committee members and all artists who submitted proposals will be offered a formal opportunity to comment on the process. The Commission will receive these comments.

NOTE: The entire selection process must be handled confidentially. No decisions are final until approved by City Council and final contracts are negotiated with the artists. (Reso. 10-80, 2011.)

ADDITIONAL OVERSIGHT UNDER THE 1% PROGRAM

1. Requests for Proposals (RFP): The Selection Committee with the assistance of the Deputy City Clerk will prepare an RFP for each eligible project. (See sample in Exhibit A). The Clerk's Office will circulate the RFP as required by City code under the City's Procurement Policy. Packets of additional information that describes the project will be available in City Clerk's Office and on the City's website. It will include the brochure, "Special Considerations for Art in Public Places" (See Exhibit B)
2. Establishing Selection Criterion:
 - a. Each member of the Selection Committee will be provided with a complete RFP, including the "Special Considerations" brochure. Members will be asked to remember these considerations in their art selections.
 - b. The Selection Committee will be provided with an Evaluation Checklist (see Exhibit C).

- c. The Selection Committee may specify that certain projects will show a preference for art by local or Alaskan artists.
3. Legal Considerations: The Selection Committee and the Parks, Art, Recreation and Culture Advisory Commission are liaisons between artists and the City, the principals in this program. These guidelines will clarify the understanding between them:
 - a. Ownership of the Art: All art purchased under the 1% for Art Ordinance will be owned by the City of Homer.
 - b. Artist's Rights: Public artwork and art concepts will not be altered, modified, removed or moved from a site which is integral to the concept for the work without prior notice to the artist. If the City's best and reasonable efforts to contact the artist have failed, the City may proceed without such notice.
 - c. Artist's Promise to the City of Homer: The art is unique and original and does not infringe upon any copyright. Neither the art nor a duplicate has been accepted for sale elsewhere. The art is free and clear of any liens. The fabricated and installed art will be free of defects in material and craftsmanship. Maintenance requirements have been accurately described;
4. Contract with an Artist: The City of Homer will enter into a contract with each artist whose work is selected for inclusion in a City project. It will address description of the project, payment schedule, payment of special engineering or installation costs, due date. (See sample in Exhibit D). (Reso. 10-80, 2011.)

ACCESSION POLICY

To establish an orderly and consistent process for reviewing artwork for acceptance into the Municipal Art Collection ensuring that the collection is comprised of artwork of the highest quality.

Definition

"Accession" is to accept artwork in to the Municipal Art Collection

Policy

1. Accession procedures insure that the interests of all concerned parties are represented including the Parks, Art, Recreation and Culture Advisory Commission, the Public, the Artist, the Arts Community and the City of Homer.
2. Artwork shall be distinctive artistic merit and aesthetic quality and will enhance the diversity of the Municipal Art Collection.
3. Artwork shall be appropriate in and for its site, scale, material, form, and content for both its immediate and general social and physical environment.
4. Artwork shall be reasonably durable against theft, vandalism, weather, and excessive maintenance costs.
5. Accession implies the responsibility to preserve, protect, and display the artwork for public benefit.
6. Accession implies a work's permanency within the Municipal Art Collection, providing that the work retains its physical integrity, identity and authenticity.

7. Artwork will be acquired without restrictions as to its future use and disposition except as provided in contracts with artists.
8. Artwork will be accessioned into the City of Homer's Municipal Art Collection only upon completion of all facets of the Commissioning or purchasing contract and final approval of City Council.
9. Each accessioned work into the Municipal Art Collection will be documented to the fullest extent possible, including artist's last known address and when available photograph.
10. The artist's signed contract or release transferring title for the artwork and clearly defining the rights and responsibilities of all parties will accompany every accessioned work and shall be in the documented records of the work.
11. In the case of interagency or inter-local agreements a copy of the agreement and signatures of all parties will be kept in the office of the City Clerk.
12. Accession results from projects and purchases generated as part of the Municipal Art program except in case of donations which will be reviewed in accordance with the City of Homer policy on gifts and if accepted will be accessed pursuant to this accession policy. (Reso. 10-80, 2011.)

GIFT POLICY

Purpose

To identify a procedure and criteria for the Parks, Art, Recreation and Culture Advisory Commission to review proposed gifts of artwork.

Definition

Gifts are personal or real property that is donated or bequeathed with or without restrictions to the City of Homer for actual artwork, property for placement or funds for the acquisition of artwork.

Policy

1. The Parks, Art, Recreation and Culture Advisory Commission will review all proposed gifts as defined above and will evaluate the suitability of proposed gifts and make recommendations to the Homer City Council in accordance with Homer City Code which allows acceptance of donations.
2. Each Proposed gift will be reviewed for the following:
 - a. Aesthetic Quality – the proposed gift has significant aesthetic merit.
 - b. Appropriateness of Chosen Site or Location – scale of artwork is appropriate for the site including relationship between the artwork and the site and obstacles of the site.
 - c. Restrictions from the Donor – any restrictions must be clearly identified and may be a factor in determining whether to accept a gift.
 - d. Originality of Artwork – artworks must be one of a kind or part of an original series reproductions of originals are not considered eligible for acceptance.
 - e. Relationship to the Collection as a Whole – the Commission is committed to creating a diverse collection of art. The proposed gift must be compatible with the Municipal Art Collection without being over represented.

- f. Technical Feasibility – the realistic ability for the proposed project to be built and installed as proposed in the selected location.
 - g. Technical Specifications – the Commission must review the actual work if available or a scale drawing and or model consisting of site plans and elevations describing the following:
 - i. Surrounding site conditions if applicable
 - ii. Dimensions
 - iii. Materials and finishes
 - iv. Colors
 - v. Electrical, Plumbing, or other utility requirements
 - vi. Construction and installation method
 - vii. Additional support material such as text verbally describing the artwork and specifications, models, or presentation drawings by a licensed engineer may be required.
 - h. Budget – cost to manage the project, prepare the site, deliver and or install the work, funds for signage/recognition, and any other cost should be disclosed by the donor in a budget. The Commission will determine if the costs are accurate and realistic and that the donor has clearly delineated responsibility for all costs associated with the project.
 - i. Timeline – expected timeline for donation or installation should be proposed by the donor. The Commission will determine if the timeline is realistic.
 - j. Durability – expected lifetime and staying power of the material used to create the artwork especially if set in the out of doors or in a non-archival exhibition setting and exposed to the elements.
 - k. Warranty – the donor agrees to be responsible for a warranty period of one (1) year from the date of final installation of the artwork to insure the integrity of the material, fabrication and installation when installed in or on a city owned facility or property.
 - l. Vandalism and Safety – the artwork will not be prone to vandalism or pose a safety hazard.
 - m. Maintenance and Preservation – donor’s agreement to provide a technical and maintenance record including a plan for routine care with estimated costs. The donor must indicate if there are any unusual or ongoing costs to maintain artwork.
3. Donors proposing gifts will be informed of the importance of the above criteria in the Commission consideration.
4. The Parks, Art, Recreation and Culture Advisory Commission will have final authority through the City Manager to review and recommend to Homer City Council to accept or reject the donated artwork.
5. All gifts that are recommended for acceptance will only be accessed into the Municipal Art Collection pursuant to the Accession Policy. (Reso. 10-80, 2011.)

PROCEDURE TO PROPOSE A DONATION OF ARTWORK TO THE CITY OF HOMER

The Parks, Art, Recreation and Culture Advisory Commission is charged with the responsibility of evaluating the suitability of a proposed artwork and making recommendation to the City Council as to whether or not to accept it as a gift. If accepted, the donated work becomes the responsibility of the City of Homer, which will inventory, insure, maintain and repair it as required by Homer City Code and Alaska State Law.

Definition

“*Gifts*” are personal or real property that is donated, devised or bequeathed with or without restrictions to the City of Homer. Gifts can be actual artwork, property for placement of artwork or funds for the acquisition of artwork.

“*Gift Policy*” is the policy that identifies the procedure and criteria for reviewing proposed gifts of artwork to the City of Homer.

“*Accession Policy*” is the policy that defines an orderly and consistent process for reviewing artwork for acceptance into the Municipal Art Collection insuring that the collection is comprised of artwork of the highest quality. (Reso. 10-80, 2011.)

Process

The Parks, Art, Recreation and Culture Advisory Commission will review all proposed gifts according to the Gift Policy. They will evaluate the suitability of the proposed gifts and make recommendations to the Homer City Council through the City Manager.

In order to provide the Commission with the information necessary to evaluate the proposed artwork in accordance with the Gift Policy and Accession Policy the potential donor or donor’s representative must complete the Gift Proposal Application and submit to the City of Homer, City Clerk’s Office. (Reso. 10-80, 2011.)

Presentation to the Parks, Art, Recreation and Culture Advisory Commission

If applicable the donor will be scheduled to present his or her proposal to the Commission at the next regular meeting. The donor is expected to present the actual artwork or model or scale drawings of the proposed piece. If it is not possible depending on the artwork a photograph may be accepted upon approval of a majority vote of the Commission.

The Parks, Art, Recreation and Culture Advisory Commission will review the proposal, consider the presentation and make a recommendation at the meeting. If the proposal materials do not give the Commission enough information to make an educated recommendation they may request to postpone recommendation until further information is provided by the donor.

PRESERVATION OF THE MUNICIPAL ART COLLECTION

Registry

The City’s art collection will be catalogued and a registry maintained. Each entry will include

1. Name and contact information for the artist
2. Title of the work, date created, dimensions
3. Photographs of the work
4. The artist’s cleaning and maintenance recommendation
5. An artist’s statement regarding the work, if possible
6. An identification number _____ (year installed), _____ consecutive number (for example: 2006-#21). This number will also be affixed to the piece of art or to its label
7. Exact location of the artwork
8. Techniques and materials used in creating the artwork

The registry will be bound and stored in the City Clerk's Office. The City will also provide an official label for each piece of art that will be consistent in style and material. Information contained will reflect the following:

- Color Photo of artwork
- Artist Name(s)
- Title of Artwork
- Year Completed/Date
- Medium Used
- Size/Dimensions
- Location
- Physical Description of the piece
- Short Summary about the Artist
- Summary Comment on the artwork

Inspection and Maintenance of Artwork

All building and grounds supervisors will be instructed to inform the City Clerk if vandalism is observed or the artwork requires maintenance. All cleaning and maintenance will follow the instructions provided by the artist. If the artwork requires extensive repairs, the City will make a good-faith effort to obtain advice from the artist. If no information is forthcoming, the City may proceed with its best practice.

DE-ACCESSIONING PURCHASED AND DONATED ITEMS

The City has the responsibility for conserving the collection, and because the disposal of artworks may have serious implications for the artists, removing the items from the collection should be a deliberate and seldom-used procedure. It is the policy of the City not to dispose of works simply because they are not currently in fashion and not to dispose of works whose worth might not yet be recognized.

Purchased or donated items which have been accepted into the Municipal Art Collection will be de-accessioned only at the direction of the City Council, which shall consider the recommendations and comments of the Parks, Art, Recreation and Culture Advisory Commission, Staff and any public comment received.

The City will comply with all laws pertaining to de-accessioning of art items. If documents provide for de-accessioning, such documents will determine the method and manner of the de-accessioning.

Examples of situations where de-accessioning would be considered include:

- The item(s) has deteriorated beyond a reasonable means of conservation or in deteriorating, has lost its usefulness.
- The authenticity, attribution, or genuineness of the item(s) is determined to be false or fraudulent.
- The item(s) is redundant or is a duplicate that has no value as part of a series.
- The item(s) is located in an area where jurisdiction will be transferred to another entity or is made inaccessible to the public.

The Parks, Art, Recreation and Culture Advisory Commission may recommend any of the following courses of action as a result of a deaccessioning review. The Commission shall not be limited to these courses of action and may suggest new methods as may be demanded by a particular set of circumstances:

- Relocate the work of art. This course of action shall be given highest priority
- Remove the work from display and maintain in a safe storage
- Yearly City Surplus Sale
- Private sale
- Exchange for another work by the artist
- Gifting the piece to a non-profit organization
- Recycling

Destruction of the item(s) may be considered where the physical condition of the work is severely deteriorated or will be irreparably damaged by the de-accessioning process. In appropriate instances, appraisals of the item(s) to be de-accessioned will be sought from outside sources.

ENCOURAGING ADDITIONAL PUBLIC AND PRIVATE ART IN PUBLIC SPACES, AND PROMOTING PUBLIC AWARENESS AND APPRECIATION FOR THE MUNICIPAL ART COLLECTION

Ordinance 02-25(A) encourages the addition of private money into the public art program. Any art purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility for selection, installation, maintenance and repairs.

The Parks, Art, Recreation and Culture Advisory Commission will be a resource for business owners who wish to include art in their business location.

Parks, Art, Recreation and Culture Advisory Commission will endeavor to obtain buy-in from affected city departments and a wide variety of governmental and non-governmental organizations, as required, to ensure the successful implementation of the public art policy.

The Commission will work to establish partnerships with private funders to help the art policy proponent's work with and advise patrons who are funding public-art projects privately. This will help guarantee that these projects meet a set of agreed-upon requirements and fulfill the goals and vision set forth in this policy.

The Parks, Art, Recreation and Culture Advisory Commission will identify alliance opportunities with institutions, organizations, and the public. Partner with them to publicize and discuss how public art can help further the mission of their specific organization.

Raise support among the press to help the fundraising efforts to educate and inform the public about the many different types of public art, and the wealth and ability of the local arts community.

Keep the information flowing about the progress of any public art initiative.

The Parks, Art, Recreation and Culture Advisory Commission, with the assistance of users, will plan an installation ceremony upon completion of each project. Costs for this event will be from the annual budget or underwritten by donors.

The Parks, Art, Recreation and Culture Advisory Commission will plan events and promotional tools that invite residents and visitors to enjoy the City of Homer art collection. These might include walking tour maps, guest lectures, on-line catalogue, etc. (Reso. 10-80, 2011.)

FUNDING FOR THE MUNICIPAL ART COLLECTION

A public art fund is established in accordance with Homer City Code 18.07.090, Public Art Fund, as a separate, interest bearing account in the city general fund to receive money for the public art program from the following sources:

- Funds for public art fees received from private development.
- Funds donated to the city for public art.
- Other funds appropriated by the City Council for public art.

Money in the public art fund shall be used solely to pay the costs of selecting, commissioning, acquiring, installing, maintaining, public education regarding, administrating, removing and insuring the works of public art, and any other expense related thereto.

Interest earned on money in the public art fund shall be deposited in the public art fund.

The public art fund is administered by the City with the advice of the Parks, Art, Recreation and Culture Advisory Commission.

- The Commission shall prepare a plan annually for expenditures from the public art fund for approval by the city council. (Ord.09-51(A), §1, 2009.)
- Encourage the addition of private money into the public art program. Any art purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility for selection, installation, maintenance and repairs. (Ord. 02-25(A), 2002.)



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
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(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: NOVEMBER 22, 2021

SUBJECT: FURTHER REVIEW AND ANALYSIS OF THE PUBLIC MURAL SECTION OF THE DRAFT CITY OF HOMER GIFT, DONATION AND ART POLICIES, PROCEDURES AND GUIDELINES

At their October 11th regular meeting Council postponed action on Resolution 21-073 that approves the updates to the City of Homer Gift, Donation, and Arts Policies Procedures and Guidelines to add a section on murals. This decision was based on a recommendation from the City Attorney for further analysis of legal and policy issues arising from mural placement on public property.

The Commission postponed this topic at their October 21st regular meeting at the request of the City Clerk as necessary information was not able to be compiled.

The City Attorney has requested further postponement from the Commission so that he can meet with members of the City Clerk's Office and Planning Staff to discuss and point out the needed and required information and to allow staff the time to make those necessary amendments to the proposed draft of the policies.

Recommendation

Make a motion to postpone the topic to the next meeting of the Commission.



City of Homer

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Memorandum 21-175

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: OCTOBER 11, 2021
SUBJECT: RESOLUTION 21-073 ART POLICY

City Attorney Gatti has recommended Resolution 21-073 and the Amended Art Policy be referred back to the Parks Art Recreation and Culture Advisory Commission (PARCAC) for further analysis of legal and policy issues arising from mural placement on public property.

Recommendation: Postpone Resolution 21-073 and the Amended Art Policy Manual to not later than January 10, 2022 and refer back to PARCAC for further review.



Gift, Donation and Art Policies, Procedures & Guidelines



1 **TABLE OF CONTENTS**

2

3

4 Table of Contents1

5 Introductions and Definitions3

6 Accession Policy and Procedures4

7 Deaccessioning Purchased and Donated Items.....5

8 Gift Acceptance Policy6

9 Procedure to Propose Donation8

10 Preservation of the Municipal Art Collection9

11 Mural Policy, Guidelines and Procedures..... **Error! Bookmark not defined.**0

12 Promoting Public Awareness **Error! Bookmark not defined.**3

13 Funding The Municipal Art Collection **Error! Bookmark not defined.**

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INTRODUCTION

The Parks, Art, Recreation and Culture Advisory Commission (**Commission**) is charged with the responsibility of evaluating the suitability of proposed **donations of** artwork, **gifts, or real property** and making recommendations to the City Council as to whether or not to accept **the proposed donation**. ~~it as a gift~~. If accepted, the ~~donated work~~ **donation** becomes the responsibility of the City of Homer, which will **be** inventory**ied**, insured**d**, maintained**ed** and repaired**ed** it as required **in accordance to these policies**, by Homer City Code and Alaska State Law.

DEFINITIONS

"Gifts" are personal or real property that is donated, devised or bequeathed with or without restrictions to the City of Homer. Gifts can be actual artwork, real property ~~for placement of artwork~~ or funds for the acquisition of artwork, **amenities for parks, trails and beaches such as benches, playground equipment, bleachers, etc.**

"Gift Policy" is the policy that identifies the procedure and criteria for reviewing proposed gifts ~~of artwork~~ to the City of Homer.

"Accession Policy" is the policy that defines an orderly and consistent process for reviewing artwork for acceptance into the Municipal Art Collection insuring that the collection is comprised of artwork of the highest quality.

"Accession" is to accept artwork in to the Municipal Art Collection

"Deaccession Policy" is the procedures that are implemented to remove an item from the Municipal Art collection.

~~(Reso. 10-80, 2011.)~~

"Commission" means the Parks, Art, Recreation, and Culture Advisory Commission which is responsible for advising on all City of Homer Parks, Beaches, Trails, Recreation, Art and Culture.

"Public places" means places within the City limits of Homer, which are visible and accessible to the public.

"Commercial" means words or images used elsewhere in the marketplace for the purpose of promoting a particular business, product, service, cause, place or brand.

“Commercial Element” means art that by virtue of its location or proximity to a business may serve a minimal commercial purpose. If that art were in a different location, it would be considered pure art and not commercial in nature.

“Mural” means a picture or representation, in any type of medium, on an exterior surface of a building, structure, fence or wall.

“Preliminary Approval” means the application has been accepted, found to be in good order and complete and the proposed mural is deemed appropriate by the Commission and is recommended for Council Approval.

ACCESSION POLICY AND PROCEDURES FOR ART

To establish an orderly and consistent process for reviewing artwork for acceptance into the Municipal Art Collection ensuring that the collection is comprised of artwork of the highest quality.

Definition

~~Accession is to accept artwork in to the Municipal Art Collection~~

POLICY

1. Accession procedures insure that the interests of all concerned parties are represented including the ~~Parks, Art, Recreation and Culture Advisory Commission~~, the Public, the Artist, the Arts Community and the City of Homer.
2. Artwork shall be distinctive artistic merit and aesthetic quality and will enhance the diversity of the Municipal Art Collection **and the City of Homer.**
3. Artwork shall be appropriate in and for its site, scale, material, form, and content for both its immediate and general social and physical environment.
4. Artwork shall be reasonably durable against theft, vandalism, weather, and excessive maintenance costs.
5. Accession implies the responsibility to preserve, protect, and display the artwork for public benefit.

- 99
- 100 6. Accession implies a work's permanency within the Municipal Art Collection, providing
- 101 that the work retains its physical integrity, identity and authenticity.
- 102
- 103 7. Artwork will be acquired without restrictions as to its future use and disposition except as
- 104 provided in contracts with artists.
- 105
- 106 8. Artwork will be accessioned into the City of Homer's Municipal Art Collection only upon
- 107 completion of all facets of the Commissioning or purchasing contract and final approval of
- 108 City Council.
- 109
- 110 9. Each accessioned work into the Municipal Art Collection will be documented to the fullest
- 111 extent possible, including artist's last known address and when available, a photograph.
- 112
- 113 10. The artist's signed contract or release transferring title for the artwork and clearly
- 114 defining the rights and responsibilities of all parties will accompany every accessioned work
- 115 and shall be in the documented records of the work.
- 116
- 117 11. In the case of inter-agency or inter-local agreements a copy of the agreement and
- 118 signatures of all parties will be kept in the office of the City Clerk.
- 119
- 120 12. Accession results from projects and purchases generated as part of the Municipal Art
- 121 program except in case of donations which will be reviewed in accordance with the City of
- 122 Homer ~~Public Arts Committee~~ policy on gifts and if accepted will be accessioned pursuant to this
- 123 accession policy. (Reso. 10-80, 2011.)
- 124
- 125

126 **DE-ACCESSIONING PURCHASED AND DONATED ITEMS OF ART**

127

128 The City has the responsibility for conserving the collection, and because the disposal of

129 artworks may have serious implications for the artists, removing the items from the

130 collection should be a deliberate and seldom-used procedure. It is the policy of the City

131 not to dispose of works simply because they are not currently in fashion and not to dispose

132 of works whose worth might not yet be recognized.

133

134 **Purchased or donated items which have been accepted into the Municipal Art**

135 **Collection will be de-accessioned only at the direction of the Staff, Commission or**

136 **City Council, which shall consider the recommendations and comments received**

137 **from departments, Commission, Council or the public. City Council will be advised of**

138 **artwork that is de-accessioned by Memorandum**

139

140 The City will comply with all regulations pertaining to de-accessioning of art items. If

141 documents provide for de-accessioning, such documents will determine the method and

manner of the de-accessioning.

Examples of situations where de-accessioning would be considered include:

- a. The item(s) has deteriorated beyond a reasonable means of conservation or in deteriorating, has lost its usefulness.
- b. The authenticity, attribution, or genuineness of the item(s) is determined to be false or fraudulent.
- c. The item(s) is redundant or is a duplicate that has no value as part of a series.
- d. The item(s) is located in an area where jurisdiction will be transferred to another entity or is made inaccessible to the public.

The ~~Parks, Art, Recreation and Culture Advisory~~ Commission may recommend any of the following courses of action as a result of a deaccessioning review. The Commission shall not be limited to these courses of action and may suggest new methods as may be demanded by a particular set of circumstances:

- a. Relocate the work of art. This course of action shall be given highest priority
- b. Remove the work from display and maintain in a safe storage
- c. Yearly City Surplus Sale
- d. Private sale
- e. Exchange for another work by the artist
- f. Gifting the piece to a non-profit organization
- g. Recycling

Destruction of the item(s) may be considered where the physical condition of the work is severely deteriorated or will be irreparably damaged by the de-accessioning process. In appropriate instances, appraisals of the item(s) to be de-accessioned will be sought from outside sources.

GIFT ACCEPTANCE POLICY

Purpose

To identify a procedure and criteria for the ~~Parks, Art, Recreation and Culture Advisory~~ Commission to review proposed gifts of artwork **of real property, artwork or items.**

Definition

~~Gifts are personal or real property that is donated or bequeathed with or without restrictions to the City of Homer for actual artwork, property for placement or funds for the acquisition of artwork.~~

Policy

1. The ~~Parks, Art, Recreation and Culture Advisory~~ Commission will review all proposed

184 gifts as defined above and will evaluate the suitability of proposed gifts and make
185 recommendations to the ~~Homer~~ City Council in accordance with Homer City Code which
186 allows acceptance of donations.

187
188 2. Each proposed gift will be reviewed for the following:

- 189 a. Aesthetic Quality- the proposed gift has significant aesthetic merit.
- 190 b. Appropriateness of Chosen Site or Location - scale of artwork is appropriate for
191 the site including relationship between the artwork and the site and obstacles
192 of the site.
- 193 c. Restrictions from the Donor - any restrictions must be clearly identified and
194 may be a factor in determining whether to accept a gift.
- 195 d. Originality of Artwork- artworks must be one of a kind or part of an original
196 series reproductions of originals are not considered eligible for acceptance.
- 197 e. Relationship to the Collection as a Whole - the ~~Public Arts Committee~~
198 **Commission** is committed to creating a diverse collection of art. The proposed
199 gift must be compatible with the Municipal Art Collection without being over
200 represented.
- 201 f. Technical Feasibility - the realistic ability for the proposed project to be built
202 and installed as proposed in the selected location.
- 203 g. Technical Specifications - the ~~Public Arts Committee~~ **Commission** must review
204 the actual work, if available, or a scale drawing and or model consisting of site
205 plans and elevations describing the following:
 - 206 i. Surrounding site conditions if applicable
 - 207 ii. Dimensions
 - 208 iii. Materials and finishes
 - 209 iv. Colors
 - 210 v. Electrical, Plumbing, or other utility requirements
 - 211 vi. Construction and installation method
 - 212 vii. Additional support material such as text verbally describing the
213 artwork **or item** and specifications, models, or presentation
214 drawings by a licensed engineer may be required.
- 215 h. Budget - cost to manage the project, prepare the site, deliver and or install the
216 work, funds for signage/recognition, and any other cost should be disclosed by the
217 donor in a budget. The Commission will determine **to the best of their ability** if
218 the costs are accurate and realistic and that the donor has clearly delineated
219 responsibility for all costs associated with the project.
- 220 i. Timeline - expected timeline for donation or installation should be proposed by
221 the donor. The Commission will determine if the timeline is realistic.
- 222 j. Durability - expected lifetime and staying power of the material used to create the
223 artwork **or amenity** especially if set in the out of doors or in a non-archival
224 exhibition setting and exposed to the elements.
- 225 k. Warranty - the donor agrees to be responsible for a warranty period of one (1) year
226 from the date of final installation of the artwork **gift** to insure the integrity of the

- material, fabrication and installation when installed in or on a city owned facility or property.
- l. Vandalism and Safety - the artwork will not be prone to vandalism or pose a safety hazard.
 - m. Maintenance and Preservation - donor's agreement to provide a technical and maintenance record including a plan for routine care with estimated costs. The donor must indicate if there are any unusual or ongoing costs to maintain ~~artwork~~ **the gift**.
3. Donors proposing gifts will be informed of the importance of the above criteria in the ~~PARC Advisory~~ Commission's consideration.
4. ~~The Parks, Art, Recreation and Culture Advisory Commission~~ will have final authority ~~through the City Manager~~ to review and recommend to ~~Homer City Council~~ to accept or reject the **proposed gift** ~~donated artwork~~.
5. All gifts **of artwork** that are recommended for acceptance will only be accessed into the Municipal Art Collection pursuant to the Accession Policy. (Reso. 10-80, 2011.)

PROCEDURE TO PROPOSE A DONATION OF ARTWORK TO THE CITY OF HOMER

Process

~~The Parks, Art, Recreation and Culture Advisory Commission~~ will review all proposed gifts according to the Gift Policy. They will evaluate the suitability of the proposed gifts and make recommendations to the ~~Homer City Council~~ ~~through the City Manager~~.

In order to provide the Commission with the information necessary to evaluate the proposed ~~artwork~~ **donation** in accordance with the Gift Policy and Accession Policy the potential donor or donor's representative must complete the ~~Gift Proposal~~ Application and submit to the ~~City of Homer~~, City Clerk's Office.

~~Presentation to the Parks, Art, Recreation and Culture Advisory Commission~~

If applicable the donor will be scheduled to present ~~his or her~~ **their** proposal to the Commission at the next regular meeting. The donor is expected to present the actual artwork **or item** ~~or~~, model **and** or scale drawings of the proposed **artwork or item** ~~piece~~ **with the application**. If it is not possible depending on the ~~artwork~~ **donation** a photograph may be accepted upon approval of a majority vote of the Commission.

~~The Parks, Art, Recreation and Culture Advisory Commission~~ will review the proposal, consider the presentation and make a recommendation at the meeting. If the proposal materials do

not give the Commission enough information to make an educated recommendation they may request to postpone recommendation until further information is provided by the donor.

PRESERVATION OF THE MUNICIPAL ART COLLECTION

1. Registry

The City's art collection will be catalogued and a registry maintained. Each entry will include

- a. Name and contact information for the artist
- b. Title of the work, date created, dimensions
- c. Photographs of the work
- d. The artist's cleaning and maintenance recommendation;
- e. An artist's statement regarding the work, if possible.
- f. An identification number _____ (year installed), _____ consecutive number (for example: 2006-#21). This number will also be affixed to the piece of art or to its label.
- g. Exact location of the artwork.
- h. Techniques and materials used in creating the artwork.

The registry will be bound and stored in the City Clerk's Office. The City will also provide an official label for each piece of art that will be consistent in style and material. Information contained will reflect the following:

- Color Photo of artwork
- Artist Name(s)
- Title of Artwork
- Year Completed/Date
- Medium Used
- Size/Dimensions
- Location
- Physical Description of the piece
- Short Summary about the Artist
- Summary Comment on the artwork

Inspection and Maintenance of Artwork

All building and grounds supervisors will be instructed to inform the City Clerk's Office if vandalism is observed or the artwork requires maintenance. All cleaning and maintenance will follow the instructions provided by the artist. If the artwork requires extensive repairs, the City will make a good-faith effort to obtain advice from the artist. If no information is forthcoming, the City may proceed with its best practice.

MURAL POLICY GUIDELINES AND PROCEDURES

Murals which are non-commercial, contain no advertising copy and do not function as an advertisement are allowed, subject to review by the Parks, Art, Recreation & Culture Advisory Commission (Commission) and final approval by the City Council. These guidelines are provided to assist mural applicants through the process prior to presentation and recommendation by the Commission to City Council.

PURPOSE:

To define the process used by groups or individuals (“Applicants”) who desire to install murals in or on public places or property. The City of Homer understands the importance of art in public places and the role that murals play in preserving our culture, conveying the history of our community, beautifying the city and advancing the arts. These guidelines will provide direction to applicants wishing to install murals in public places.

GENERAL GUIDELINES:

The emphasis of the murals will be on “artistic expression” and must not include an advertisement or be commercial in nature. This will in no way limit or restrict the artist’s right to include speech and/or artistic expression in a mural that is not commercial as defined above. All murals must comply with City ordinances that prohibit indecency or obscenity in public.

Murals shall not contain copy, lettering, symbols or references directly to the promotion of any product, business, brand, organization, service, cause or place. Murals may contain limited commercial elements so long as they are not considered commercial speech with the purpose of promoting a commercial transaction. For those mural applications that may contain limited commercial elements, the Commission will ask the question – “If the business on which the mural is located were to move, would the mural still be good quality art and something the community would want to remain?” If so, the mural is not considered commercial speech or advertisement but rather pure art.

Murals shall not be merely an extension or enlargement of a sign. If the theme of the mural is to promote a business, brand, organization, service, cause or place, it shall meet all requirements of the City of Homer Municipal Code regarding signage. If the proposed mural is determined to be commercial in nature and is therefore deemed by the Commission to be a form of advertisement, the Mural Application will be referred to the City of Homer Planning Department.

Not more than 1% of the mural will contain the name of a sponsor and/or sponsor product likeness. The artist's signature shall not be more than 1% of the mural.

Mural artists will be required to demonstrate their ability and experience to create high quality, well designed and well executed murals and/or art. The artist must provide the Commission a portfolio of work that is reflective of the style of the proposed mural. This will be used to help determine whether the artist will be able to uphold the standards for quality art within the City of Homer. For those artists without a portfolio of work, the Commission will consider other presented forms of art that demonstrate an ability to create a quality mural.

New murals erected without receiving proper approval and that did not go through the Mural Application and Approval Process, will be required to retroactively go through the Process. Property owners will have 30 days after receiving notification to submit a mural application after which the mural will be deemed a sign and subject to all permitting requirements outlined in HCC Title 21.60. The retroactive mural applications will be required to comply with all Mural Policy Guidelines and Procedures and must receive City Council approval. Murals that fail to be approved will be removed within 30 days after the denial at the property owner's expense.

MURAL APPLICATION AND APPROVAL PROCESS:

STEP 1: Muralist(s) must obtain an application from the City Clerk's Office or online on the City website. The time required to process a mural application will vary but will be a maximum of 90 days, not including holidays, from application submittal.

The application will provide information to the City regarding location, size, concept and content of the mural, type of paint/media, owner of the building where the mural will be located, artist(s) name(s), dates of application, individuals who will be responsible for maintenance (if any).

The application must be signed by the individual/group proposing to place the mural, as well as the property owner where the mural will be placed and submitted to the City Clerk's Office along with a sketch, rendering or photo of the proposed mural.

A sampling of a portfolio of work that is reflective of the proposed mural is to be included with the application if there is a known artist. The Commission will use the portfolio samples of work to help determine whether the selected artist has the technical skill and ability to produce a quality mural within the City of Homer.

If the artist is unable to provide a portfolio of work, at a minimum, the artist will be required to provide evidence of artistic talent that satisfies the Commission as to the skill and ability of the artist to create a mural that is of good quality.

If no artist is selected or commissioned at the time of application and the applicant(s) will be issuing a Request for Qualifications or Request for Proposals, a member of the Commission is to sit on the selection committee or be involved in the artist selection process for the proposed mural.

STEP 2: The application, mural rendering and portfolio will be reviewed by the Commission at their next regularly scheduled meeting from date of submission. A special meeting may be scheduled by the Commission to accommodate the review and approval deadline dependent on the proposed project. The review will be conducted to assure compliance with these guidelines, and the ability of the artist(s) proposing the mural to produce a quality mural.

STEP 3: After review and acceptance of the artist's body of work, the Commission will forward a recommendation to the City Council for consideration at their next regular meeting which is the final step in the process. City Council will issue their approval or disapproval. The City Clerk's Office will contact the applicant regarding the final decision of City Council.

In the event that City Council or the Commission does not approve the proposed mural recommendation, revisions can be made to the proposed content or concept of the mural for re-application and submittal to the Commission.

MURAL AGREEMENT:

Following approval by the Commission, whether the mural will be placed on public or private property, the property owner and applicant(s) will be required to provide to the City evidence of a proposed agreement which identifies the terms and conditions under which the mural will be applied. These terms and conditions include, but are not limited to:

- **Specifications regarding the mural (location, size, concept and content of the mural, type of paint/media used to create the mural)**
- **Right of Way Permit if necessary**
- **Identification of ownership of the mural image and use thereof**
- **Expected timeframe for completion**
- **Long term mural maintenance and responsibility (if needed)**
- **Circumstances under which the mural may be removed by the City and/or property owner (i.e. lack of maintenance or in disrepair)**
- **Proof of Liability Insurance; and**
- **Landscape removal and replacement or protection, if any.**

The proposed agreement will be provided to the Commission for the review process and will be submitted to City Council along with the recommendation of the Commission.

FINAL INSPECTION AND ACCEPTANCE:

The City reserves the right to inspect the mural during installation and upon completion to ensure that the final product is in compliance with the approved mural application. Should it be found that the mural is not in compliance, the artist and property owner will be notified and given 30 days to remedy the issue(s). Should the property owner and/or artist fail to make the necessary corrections, the mural will be deemed out of compliance and will be removed at the expense of the property owner and/or artist.

ENCOURAGING ADDITIONAL PUBLIC AND PRIVATE ART IN PUBLIC SPACES, AND PROMOTING PUBLIC AWARENESS AND APPRECIATION FOR THE MUNICIPAL ART COLLECTION

Ordinance 02-25(A) encourages the addition of private money into the public art program. Any art purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility for selection, installation, maintenance and repairs.

~~The Parks, Art, Recreation and Culture Advisory Commission~~ will be a resource for business owners who wish to include art in their business location.

~~The Parks, Art, Recreation and Culture Advisory Commission~~ will endeavor to obtain buy-in from affected city departments and a wide variety of governmental and non-governmental organizations, as required, to ensure the successful implementation of the public art policy.

The Commission will work to establish partnerships with private funders to help the art policy proponent's work with and advise patrons who are funding public-art projects privately. This will help guarantee that these projects meet a set of agreed-upon requirements and fulfill the goals and vision set forth in this policy.

~~The Parks, Art, Recreation and Culture Advisory Commission~~ will identify alliance opportunities with institutions, organizations, and the public, and:

- Partner with them to publicize and discuss how public art can help further the mission of their specific organization.

- Raise support among the press to help the fundraising efforts to educate and inform the public about the many different types of public art, and the wealth and ability of the local arts community.
- Keep the information flowing about the progress of any public art initiatives.

The Parks, Art, Recreation and Culture Advisory Commission, with the assistance of users, will plan an installation ceremony upon completion of each **capital** project. Costs for this event will be from the annual budget or underwritten by donors.

~~The Parks, Art, Recreation and Culture Advisory~~ Commission will plan events and promotional tools that invite residents and visitors to enjoy the City of Homer art collection. These might include walking tour maps, guest lectures, on-line catalogue, etc. (Reso. 10-80, 2011.)

FUNDING FOR THE MUNICIPAL ART COLLECTION

A public art fund is established in accordance with Homer City Code 18.07.090, Public Art Fund, as a separate, interest bearing account in the city general fund to receive money for the public art program from the following sources:

1. Funds for public art fees received from private development.
2. Funds donated to the city for public art.
3. Other funds appropriated by the City Council for public art.

Money in the public art fund shall be used solely to pay the costs of selecting, commissioning, acquiring, installing, maintaining, public education regarding, administrating, removing and insuring the works of public art, and any other expense related thereto.

Interest earned on money in the public art fund shall be deposited in the public art fund.

The public art fund is administered by the City with the advice of the Parks, Art, Recreation and Culture Advisory Commission.

- The Commission shall prepare a plan annually for expenditures from the public art fund for approval by the City Council. (Ord.09-51(A), §1, 2009.)
- Encourage the addition of private money into the public art program. Any art purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility for selection, installation, maintenance and repairs. (Ord. 02-25(A), 2002.)

**CITY OF HOMER
HOMER, ALASKA**

City Clerk/PARCAC

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.

WHEREAS, The City of Homer Donation, Gift and Art Policies and Procedures had not
been updated since 2010; and

WHEREAS, The Parks Art Recreation and Culture Advisory Commission (PARCAC)
reviewed the proposed changes at their regular meetings on August 19, 2021 and September
16, 2021; and

WHEREAS, It was determined that inclusion of a mural policy and procedures was
required in response to recent requests; and

WHEREAS, The 1% for Art program should be a separate as it is addressed in Homer City
Code 18.07; and

WHEREAS, Additional updates to reflect the actual processes that have evolved should
be outlined in the policies and procedures to differentiate between donations of artwork or
items such as benches or land.

NOW, THEREFORE, BE IT RESOLVED the City Council of Homer, Alaska, adopts the
updated City of Homer Gift, Donation and Art Policies, Procedures and Guidelines to add a
section on murals and amend language and processes.

PASSED AND ADOPTED by the Homer City Council this 11th day of October, 2021.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A



Bishop's Beach Park Green Infrastructure Master Plan



CONCEPTUAL IMAGES OF BISHOPS BEACH PARK



PARKS ART RECREATION & CULTURE ADVISORY COMMISSION
2022 Calendar

	AGENDA DEADLINE	MEETING	CITY COUNCIL MEETING FOR REPORT*	ANNUAL TOPICS/EVENTS
JANUARY		No Regular Meeting		
FEBRUARY	Wednesday 2/09 5:00 p.m.	Thursday 2/17 5:30 p.m.	Monday 2/21 6:00 p.m.	<ul style="list-style-type: none"> • Letter to the Editor Topics • Art Policy Review & Amendments
MARCH	Wednesday 3/09 5:00 p.m.	Thursday 3/17 5:30 p.m.	Monday 3/21 6:00 p.m.	<ul style="list-style-type: none"> • Strategic Plan Review & Amendments
APRIL	Wednesday 4/13 5:00 p.m.	Thursday 4/21 5:30 p.m.	Monday 4/25 6:00 p.m.	<ul style="list-style-type: none"> • Budget & Financial Goals Review • Schedule Beach/Park Walk Through
MAY	Wednesday 5/11 5:00 p.m.	Thursday 5/19 5:30 p.m.	Monday 5/23 6:00 p.m.	<ul style="list-style-type: none"> • Recreation & Parks Fee Schedule Review • Letter to the Editor Topics
JUNE	Wednesday 6/8 5:00 p.m.	Thursday 6/16 5:30 p.m.	Monday 6/27 6:00 p.m.	<ul style="list-style-type: none"> • Capital Improvement Plan Review: Recommendations for Any New Parks & Rec-Related Projects • Letter to the Editor Draft Submitted for Review & Approval
JULY		No Regular Meeting		
AUGUST	Wednesday 8/10 5:00 p.m.	Thursday 8/18 5:30 p.m.	Monday 8/22 6:00 p.m.	<ul style="list-style-type: none"> • Commission Fund Expenditure Review
SEPTEMBER	Wednesday 9/7 5:00 p.m.	Thursday 9/15 5:30 p.m.	Monday 9/26 6:00 p.m.	<ul style="list-style-type: none"> • Fall Park/Beach Walk-Thru • Schedule Park Clean Up Day • Reappointment Notices & Applications
OCTOBER	Wednesday 10/12 5:00 p.m.	Thursday 10/20 5:30 p.m.	Monday 10/24 6:00 p.m.	<ul style="list-style-type: none"> • Terms Expire October 31st • Approve 2022 Meeting Schedule
NOVEMBER	Wednesday 11/9 5:00 p.m.	Thursday 11/17 5:30 p.m.	Monday 11/28 6:00 p.m.	<ul style="list-style-type: none"> • Election of Chair & Vice Chair • Advisory Body Training Worksession
DECEMBER		No regular Meeting		

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



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 21-176

TO: HOMER CITY COUNCIL
FROM: MAYOR CASTNER
DATE: OCTOBER 20, 2021
SUBJECT: APPOINTMENT OF TO THE PARKS ART RECREATION AND CULTURE
ADVISORY COMMISSION

Robert Archibald, David Lewis, and Leon Galbraith are re-appointed to the Parks Art Recreation and Culture Advisory Commission. Their terms will expire October 31, 2024.

Recommendation

Confirm the re-appointments of Robert Archibald, David Lewis, and Leon Galbraith to the Parks Art Recreation and Culture Advisory Commission.

City of Homer

Homer, Alaska

Mayor's Certificate of Appointment

Greetings

Be It Known That

Robert Archibald

Has been reappointed to
serve as

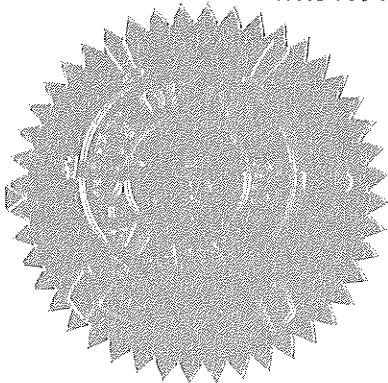
“Commissioner”

on the

“Parks, Art, Recreation and Culture Advisory Commission”

This appointment is made because of your dedication to the cause of good government, your contributions to your community and your willingness to serve your fellow man.

*In Witness whereof I hereunto set my hand
this 27th day of October, 2021.*



A handwritten signature in black ink, appearing to read "Ken Castner", written over a horizontal line.

Ken Castner, Mayor

Attest:

A handwritten signature in black ink, appearing to read "Melissa Jacobsen", written over a horizontal line.

Melissa Jacobsen, MMC, City Clerk

City of Homer

Homer, Alaska

Mayor's Certificate of Appointment

Greetings

Be It Known That

Leon Galbraith

Has been reappointed to
serve as

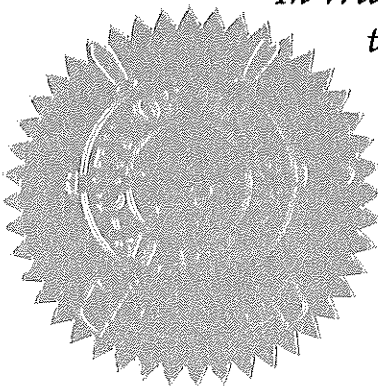
“Commissioner”

on the

“Parks, Art, Recreation and Culture Advisory Commission”

This appointment is made because of your dedication to the cause of good government, your contributions to your community and your willingness to serve your fellow man.

*In Witness whereof I hereunto set my hand
this 27th day of October, 2021.*



A handwritten signature in black ink, appearing to read 'Ken Castner', written over a horizontal line.

Ken Castner, Mayor

Attest:

A handwritten signature in black ink, appearing to read 'Melissa Jacobsen', written over a horizontal line.

Melissa Jacobsen, MMC, City Clerk

City of Homer

Homer, Alaska

Mayor's Certificate of Appointment

Greetings

Be It Known That

David Lewis

Has been reappointed to
serve as

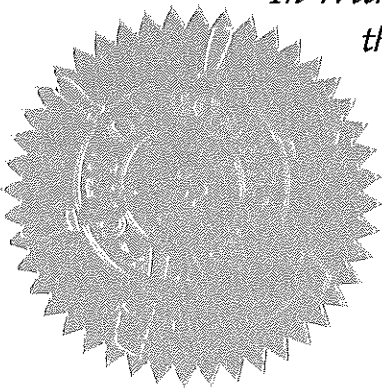
“Commissioner”

on the

“Parks, Art, Recreation and Culture Advisory Commission”

This appointment is made because of your dedication to the cause of good government, your contributions to your community and your willingness to serve your fellow man.

*In Witness whereof I hereunto set my hand
this 27th day of October, 2021.*



A handwritten signature in black ink, appearing to read 'Ken Castner', written over a horizontal line.

Ken Castner, Mayor

Attest:

A handwritten signature in black ink, appearing to read 'Melissa Jacobsen', written over a horizontal line.

Melissa Jacobsen, MMC, City Clerk

THE CONSULAR OFFICE OF JAPAN IN ANCHORAGE

Presents:

JAPAN-ALASKA SISTER CITIES PHOTO + ESSAY CAMPAIGN



Eligibility	Submission	Deadline
<p>Residents from municipalities with Japan-Alaska sister city relationships are eligible to participate.</p> <p>There will be an 'adult' category (19 and over) and a 'youth' category (under 19).</p>	<p>1-5 photos and an essay About 100-1000 words long (English)</p>	<p>12:00 pm on February 4, 2022 (Alaska time)</p>

For more information on eligibility and submission guidelines,
please see the Consular Office's homepage:

https://www.anchorage.us.emb-japan.go.jp/itpr_en/11_000001_00215.html





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: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: PARKS ART RECREATION & CULTURE ADVISORY COMMISSION

THRU: RENEE KRAUSE, MMC, DEPUTY CITY CLERK II

DATE: NOVEMBER 22, 2021

SUBJECT: KACHEMAK CITY PARK FUNDING REQUEST

Background:

The PARC Advisory Commission at their regular meeting on October 21, 2021 discussed a request from Kachemak City to provide funding in the amount of \$10,000 towards the completion of Kachemak City Park. This was a reciprocation request as Kachemak City has supported many projects in the City of Homer.

The Commission expressed concerns and acknowledged the following:

- Funding such a request when they cannot afford to maintain their own parks, facilities, and amenities.
- Kachemak City contributions for facilities such as the Hockey Rink and SPARC
- Kachemak City residents do not pay to maintain and operate the City of Homer facilities
- The Kachemak City Park offers amenities not found in Homer
- If an in-kind donation would be acceptable in place of a monetary donation

The Commission made a motion to recommend City Council donate the requested \$10,000 which failed and passed a recommendation that City Council explore in-kind donations to assist Kachemak City completing their park project.

The minutes excerpt on the Commission's discussion is attached for reference.

Recommendation

City Council approve the recommendation in lieu of the \$10,000 monetary donation requested by Kachemak City that City Council look at exploring in-kind donation opportunities to assist Kachemak City in completing their park project.

A. Kachemak City Park Revitalization Project

Chair Lewis introduced the item by reading of title.

FAIR/LOWNEY MOVED TO DISCUSS THE KACHEMAK CITY PARK REVITALIZATION PROJECT

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Parks Superintendent Steffy explained that Kachemak City is requesting a donation from the City of Homer and does not have information on where funding would come from. This is basically a reciprocation request since Kachemak City has supported many projects in the City of Homer.

Chair Lewis requested a motion and second.

LOWNEY/FAIR MOVED THAT THE COMMISSION RECOMMENDS THE CITY OF HOMER DONATES \$10,000 TOWARDS THE KACHEMAK CITY PARK REVITALIZATION PROJECT.

Discussion ensued on the funding request and how the city cannot even afford to maintain their own parks facilities and amenities such as replacing picnic tables however there is concern with spending tax payer dollars on non-city parks. Acknowledgement was made on the contributions of the residents of Kachemak City to facilities within city limits, but they also use those facilities and they do not pay to maintain and operate those facilities outside any applicable fees. Commendation was made on the increase of activity and efforts to that Park by Kachemak City but there was a lack of justification for the recommendation of expending those funds requested. The amenities offered by Kachemak City Park provides an option for those residents who live outside the city with young children. If a monetary donation is necessary and can they do an in-kind donation such as equipment and or labor. It was noted that the City funded a large donation of \$180,000 to SPARC and tens of thousands of dollars to fund the Hockey Rink and the Zuboni. This shows a mutual aid, respect and recommend working harder with City Council on this project. This project will be beneficial to both cities young families.

Public Works Director Keiser stated that they would need direction and permission from City Council to be able to use city equipment and operators. She suggested that the Commission express their support for the development of the park and request City Council authorize Public Works to negotiate with Kachemak City to see what is needed and what other needs that the City of Homer may be able to assist them with such as in-kind services that they are needing to contract.

Chair Lewis opened the floor to Mr. Fry to comment.

Mr. Fry responded that he does not view this as a “yours and ours” and he was not able to come up with anything they really need, and it is really more of Kachemak City’s park but he appreciate the Commission’s time.

Further discussion on the following points were:

- Public Works staff is already busy with their responsibilities, and the was little faith that in-kind services would work in this case

Chair Lewis called for a roll call vote.

NO. HARRALD, ARCHIBALD, FAIR, LOWNEY, ROEDL
YES. LEWIS, GALBRAITH

Motion failed.

Chair Lewis requested a motion to explore in-kind services donation.

LOWNEY/HARRALD MOVED TO RECOMMEND THAT CITY COUNCIL IN LIEU OF THE \$10,000 DONATION TO KACHEMAK CITY FOR THIS PARK LOOK AT THE OPPORTUNITY TO EXPLORE IN-KIND DONATIONS TO ASSIST IN THE PROCESS OF COMPLETING THE PARK.

Discussion ensued on respecting the workload of the City of Homer staff and what is feasible and if there are other ways to provide in-kind services and keep the door open to support the park. It was acknowledged that there are several examples and history of mutual aid agreements and activities and depending on what is needed the City of Homer may be able to assist Kachemak City complete their project. It was agreed that it was not a “your park, our park” situation but that a service area agreement with communities from Ninilchik south should be looked at in the near future.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

From: [Melissa Jacobsen](#)
To: [Renee Krause](#)
Subject: FW: possiblePark land
Date: Monday, October 25, 2021 10:08:37 AM

Please distribute to PARCAC. Thanks!

From: William Marley <wmarley@mac.com>
Sent: Monday, October 25, 2021 9:23 AM
To: Department Clerk <clerk@ci.homer.ak.us>
Subject: possiblePark land

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

Rene Krause; Renee is it possible for you to send this letter to all of the PARC members via email, hopefully with reasonable short term delivery?

Renee Krause; Could you please send this letter via email to all PARC members as soon as is reasonable. Thanks; WJM

CC: PARC COMMITTEE MEMBERS

October 24, 2021

To: Ms. Jan Keiser
Director of Public works
Homer, Alaska 9603

Thought I would send you a copy of the notes I made to make my very brief presentation to the PARC Committee at the very beginning of the meeting.

For the record I own only one third of the property. The other partners are two CPAs from the state of Washington. We have owned the property for over 47 years. Our two other partners have only economic interest in the future of the land.

I'm sure you really did not mean the listed price for the

property was 900 million dollars when you spoke. It is in fact listed for 925,000 dollars.

Appraised value of the property is

\$2,050,000 Reliant Advisory Services LLC, January, 2018.

Among many other expenses over the years we paid 100,000 dollars for sewer and water service to approximate the property.

It is noteworthy for me to know that in 2016 Sitka, a very comparable community to Homer, found 16 million dollars to build a beautiful log 32,000 ft. convention and community center. How is it that such can not be accomplished ever in Homer?

I very much appreciated your comments about green spaces, community positive economics and culture. Wouldn't such a thing as this land to be an eventual park, be what you are talking about?

As for me, I wish I never had the thought of this to begin with! I simply have a deep seated un-abiding feeling this land as a eventual developed park would have immense value to the future of our community through and through.

My hope was as a result of this meeting, Oct 20 that an ad hoc committee of 5 people would be created for 1; to truly conclude that the City of Homer would wish to have this land as an eventual developed park and 2; to solicit people of financial expertise to investigate possible financing, certainly as Sitka did in finding 16 million dollars. Sitting as a witness

desk before a PARC Committee is not even a little bit conducive to meaningful dialog.

May our unique community benefit from your effort, energy and expertise.

William J. Marley, DDS

Notes by William Marley presented to PARC Committee
October 20, 2021.

William J. Marley, DDS
183 West Bayview Ave
Homer, Ak 99603
(907)-235-8987
wmarley@mac.com

I have few allusions how speaking to you will accomplish anything realizing the recent disposition of things.

Dutch artist Vincent van Gogh was a Dutch Post-Impressionist painter. He lived from 1853-1890. He never sold a painting until he was dead. My proposal of a park/convention center at the present time seems to be likely of the same fate.

Except van Gogh's art lived on but the park land that I have been proposing will very likely at this point will be gone to development and once gone will almost be impossible to become park/convention center land ever again.

This land is a 31 acre parcel of land bordered by the sterling Highway one one side and and ocean bluff/beach on the other side. It has 10-12 acres of developable upland property. It has sewer, water, natural gas electric utilities all approximating the land. The land has 1,400 feet of road frontage and 2,300 feet of beach frontage. It has pull outs to the highway and a most recent

wetlands assessment review. The bluff stability is declared as net neutral by the Kachemak Research Reserve with ocean level rising at 3mm/year yet the land mass rising at 8mm/year. For the record 1 inch =s about 27mm.

Judy my wife and I moved to Homer in 1967 and the population was little over 600 people. Now the population is over 6,000 some 54 years later. Henceforth with in an equal time frame Homer's population could easily be over 60,000, using the same math.

I ask each and every one of you to visualize what it would be like to drive into pristine, scenic Homer, Alaska from Bluff Point and visualize a 10 plus acre park capturing the ocean, and the mountains. Wouldn't this pronounce who we are as a community and how we wish to relate to our beautiful natural surroundings? We all too easily become inured to this experience. Like too many things in life it is not appreciated until you don't have it.

It is reported that the City of Homer simply does not have the money to pay for such a purchase. But for the 54 years I have lived in Homer I have never once, not once, heard of a pool of City money looking for somewhere to be spent. However; again and again when the leadership of Homer has wished for something they have found funding, repeatedly. Hockey rink comes to mind.

The real problem of concern is, just like Vincent van Gogh, who died with unrecognized creativity only to be recognized after his death. In this case the artist canvas is land and the artists are and is you. The art drawn upon this land today will almost certainly depict much of what Homer, Alaska is and perceives itself to be. This is in fact a most unique opportunity for this most unique

property for our entire community.

If nothing else the City of Homer should purchase this unique parcel of land and hold it fallow, forgoing maintenance and delaying short term future community development. I am confident that my two partners would submit to purchase terms such as three equal payments etc.

Should the PARC committee chose to act on this opportunity, my suggestion would be to have a ad hoc committee of five people determine the community values of such as this potential land park then approach how and by what means financing would and could occur.

It has been quite an experience to pursue this endeavor. Getting on an agenda for any committee has been a considerable experience. How one does that is quit a very obscure procedure. This matter is only on the agenda because deputy City Clerk Renee Krause took it upon her apparent initiative to review the history of the effort. I must also recognize PARC committee member Roedl for asking that this item be placed on this meeting agenda. Chairman Lewis did make a place on a previous meeting agenda for this item to be presented.

However; It is a particular note that during the time of Mr. Dave Bran's tenure, as most immediate previous Chair of the PARC Committee, the committee voted unanimously to endorse this park proposal but in the most recent occasion of presentation the motion was tabled? without even any discussion. This certainly brings into question the clarity of the process of bringing any item to any committee processes of our City. The agenda process needs to be clearly spelled out to allow allow City residents to bring new ideas or problems to the City committees. If City

committees are open to community citizens and follow Roberts Rules of order and maintain ethical procedures The City Council should then be committed to respect them?

I must note that the City Public Works Director, Jan Keiser, and the City Manager, Rob Dumouchel both have taken time to listen and Rob Dumouchel took time to visit the property with me.

William J. Marley, DDS