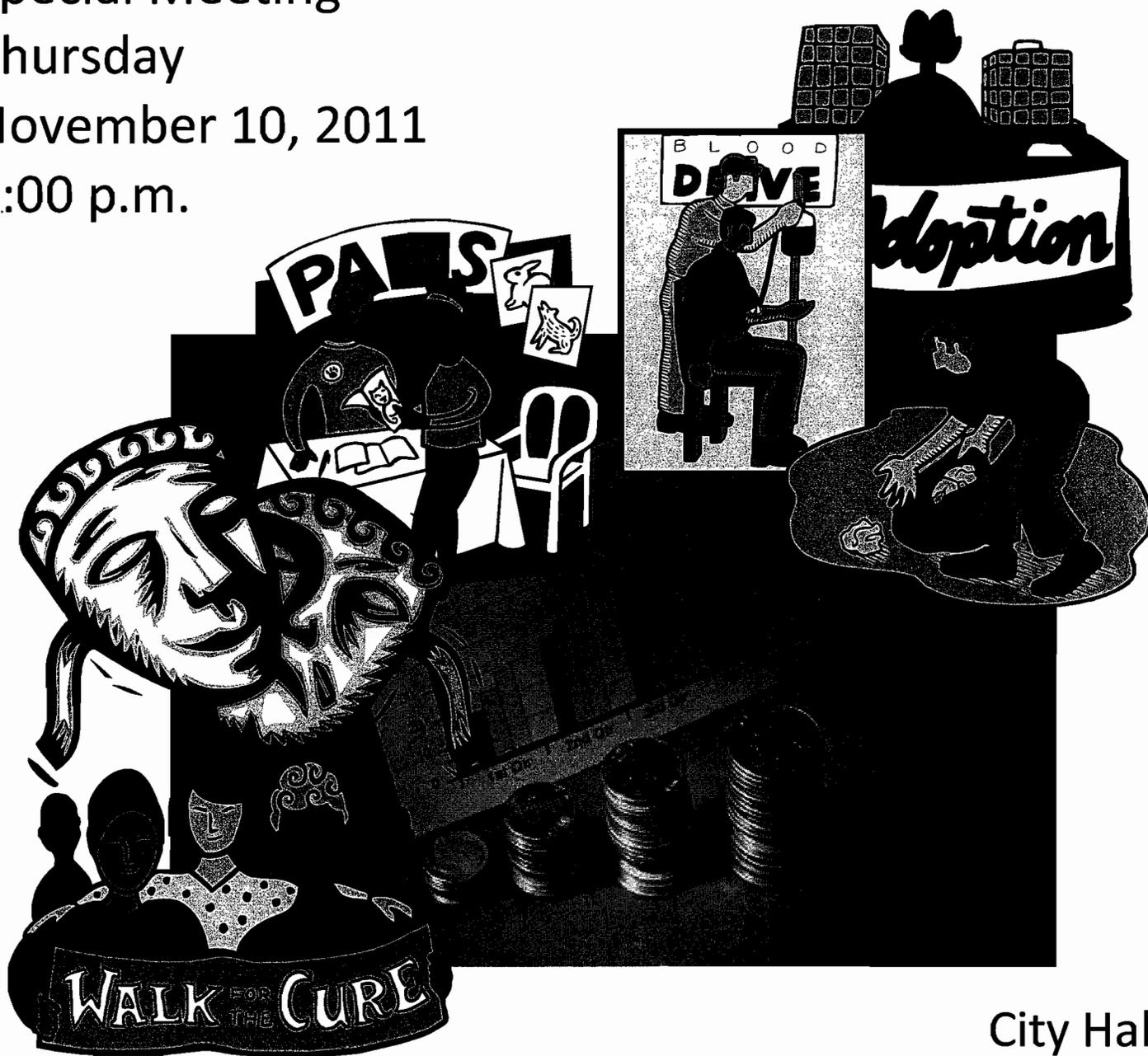


Lease Committee
Special Meeting
Thursday
November 10, 2011
3:00 p.m.



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



**NOTICE OF MEETING
SPECIAL MEETING AGENDA**

1. CALL TO ORDER

Welcome New Member and Representative of the Economic Development Advisory Commission, Michael Neece.

2. APPROVAL OF AGENDA

3. PUBLIC COMMENTS REGARDING ITEMS ON THE AGENDA *(The Public may speak to the Committee regarding matters on the agenda that are not scheduled for Public Hearing. There is a 3 minute time limit.)*

4. APPROVAL OF MINUTES *(Minutes are approved during regular meetings only)*

There are no minutes for approval this meeting.

5. VISITORS *(For scheduled guest, time limit 10 minutes.)*

6. STAFF & COUNCIL REPORTS/COMMITTEE REPORTS/BOROUGH REPORTS

- A. Staff Report – Updates and Status Reports – Terry Felde Verbal
(City Manager Report under New Business – Pier One Lease Proposal)

7. PUBLIC HEARING *(Time Limit for testimony is set at 3 minutes per person.)*

8. PENDING BUSINESS *(Testimony or presentation by a proposal applicant is set at 10 minutes.)*

- A. Additional Guidelines for Reviewing Proposals Submitted by Non-Profit Organizations for Leases on City Owned Property Page 5

9. NEW BUSINESS *(Testimony or presentation by a proposal applicant is set at 10 minutes.)*

- A. Elections of Chair and Vice Chair for the Committee
B. Draft Resolution 11-XX Establishing the 2012 Regular Meeting Schedule. Page 11
C. Pier One Lease Proposal Page 17

10. INFORMATIONAL MATERIALS

- A. Lease Expiration Status Chart Page 57
B. Resolution 11-080, Authorizing the City Manager to Enter into Lease Negotiations with Alaskan Coastal Freight, LLC. For a Lease on Lot 11, Homer Spit Subdivision No. 5 Page 59
C. Resolution 11-080, Authorizing the City Manager to Enter into Lease Negotiations With Fortune Sea, LLC for a Lease on Lot 19, Homer Spit Subdivision No. 5 Page 60
D. City of Homer 2012 Budget Development Schedule Page 61

11. COMMENTS OF THE AUDIENCE

12. COMMENTS OF THE CITY STAFF

13. COMMENTS OF THE COUNCILMEMBER (If one is assigned)

14. COMMENTS OF THE CHAIR

15. COMMENTS OF THE COMMITTEE

16. ADJOURNMENT/NEXT REGULAR MEETING IS SCHEDULED FOR JANUARY 12, 2012

AT 3:00 P.M. at City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue Homer, Alaska 99603.

Office of the City Clerk

Jo Johnson, CMC, City Clerk

Melissa Jacobsen, CMC, Deputy City Clerk II
Renee Krause, CMC, Deputy City Clerk I



491 E. Pioneer Avenue
Homer, Alaska 99603-7624
(907) 235-3130

(907) 235-8121
Extension: 2227
Extension: 2224

Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM

TO: LEASE COMMITTEE
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK I
DATE: NOVEMBER 4, 2011
RE: **ADDITIONAL GUIDELINES FOR REVIEWING PROPOSALS SUBMITTED BY NON-PROFIT ORGANIZATIONS FOR LEASES ON CITY PROPERTY.**

Background

Chair Shelly Erickson requested a discussion on including better guidelines to review and making recommendations for proposals received from non-profit organizations to lease city owned property at the Regular Meeting on April 14, 2011 and requested it to be on the July agenda for further discussion and recommendations from the other committee members on changes or clarifications to handle these types of proposals.

At the July 14, 2011 meeting of the Committee Mr. Hawkins requested this item to continue under pending business item.

An Excerpt from the April 14, 2011 and July 14, 2011 meeting minutes are enclosed.

Recommendation

Make a motion to bring this to the floor for discussion.

April 14, 2011 Regular Meeting

NEW BUSINESS

B. Discussion on Leasing to Non-Profits

Chair Erickson gave a background summary on her request to have this item on the agenda. She expressed her concern regarding the Pier One Theater lease coming up at the end of the year and with the application of the Wooden Boat Society another Non-Profit requesting a substantial long lease term for an extremely low rental amount. She further explained that she did not want to have decisions based on emotional or political reasons. She stated she would be more comfortable establishing a minimum rate and then Council can take the responsibility to reduce it if they desire. There should be additional options. She would like to hold a very frank discussion on this besides \$1.00 per year. She acknowledged the value that non-profits offer or give back to the community but these entities do make money. She wants to be fair to all parties.

Mr. Wrede commented that this was very timely and explained that contact has been attempted with Pier One and there has been no response at this time.

Mr. Abboud commented that it is a political decision of council on who the community supports, whether museum or whatever organization they support and he is very uncomfortable making the decision on who the Committee show support and gets a dollar lease and it should be based on some minimum qualifications and it should be Council who decides to entertain giving a dollar lease. The committee's decision should be based on some set criteria.

Chair Erickson when they received the proposal from the Wooden Boat Society for one dollar a year was a big thing and there are no criteria in the Lease Policy on leasing to non-profits for the reduced fee and she does not want to address this on an emotional basis. She acknowledged that the Mayor supports Pier One and that's good but she wants to establish something more.

Mr. Wrede noted the requirements outlined in the Lease Policies, there is a requirement to consider fair market value, and Council can approve a lease that is less than that amount but there must be cited reasons to lease for less than fair market value and the benefits to do that.

Mr. Abboud reiterated again that the issues are political and the organizations that get a dollar a year lease usually is a result of strong favor from Council.

Continued discussion on the need to establish a set minimum and criteria for non-profits ensues covering suggestions of charging ten percent of the gross revenue, establishing criteria such as how much tax revenue, how many jobs, investment in the property, how do Foundations judge non-profits, how does the non-profits affect the community, impact on the community, take the feel good out of the equation, the non-profit needs to build their case, a top consideration should be considered that the Harbor is an Enterprise Fund and there is not a lot land remaining on the Spit and does the non-profit add more value to the City than a commercial business would. It was noted that parkland should be considered also. A question to ask would be does the entity need to be on the Spit. The Spit Comprehensive Plan recommendation should also be reviewed and if most non-profits were required to pay market rates they would not last. Comments made were that it will be a moot point in a few years there will be no more land available on the Spit non-profit or otherwise and they could take a hard-nosed look and make if fair market value or nothing. Mr. Wrede brought up the decision council made to have staff develop a plan regarding that parcel since there are so many uses for the parcel. Then they should issue the portion for competitive bid.

Chair Erickson requested that the committee take the next few months before the next regular meeting and think of different, creative things that can, such as half the fair market value, incentive-cise it but allowing them to still get something for the parcel.

Mr. Yager inquired if the Spit Comprehensive Plan expressed a percentage that should be designated for non-profits and then require the non-profits to submit a proposal on why they deserve the opportunity. He commented that if a percentage is designated it would take away the ambiguity, emotion and add meat to the thing; he stated that 10% would not be good because another entity could come and offer 20%. A set amount such as 20,000 square feet could be designated for non-profits as an example.

Mr. Abboud explained that during the draft of the Spit Comp Plan it was acknowledged that the Port & purchased the property for a substantial amount and it was determined that they did not want to take away the opportunity to get a return on their investment and they did not want to force the Enterprise

Fund to absorb a charitable work. So they did not designate any required amount for parkland, nonprofits, etc.

Chair Erickson requested this on the agenda for July meeting and asked the Committee Members to consider and get information on how to develop a plan to handle this in the future. It allows them think of ideas.

There was no further discussion.

Minutes from July 14, 2011 Meeting

PENDING BUSINESS

- A. *Additional Guidelines for Reviewing Proposals Submitted by Non-Profit Organizations for Lease on City Owned Property*
1. *Copy of Homer Foundation Grant Guidelines for Non-Profits*

Ms. Felde was unable to attend the meeting but a report was submitted for the Committee to review. Ms. Krause inquired if there were any comments or questions regarding the report submitted by staff.

A brief summary on the existing Lease Policy as it would apply to a proposal submitted from a non-profit was provided by staff.

Chair Erickson gave summary as to why this was brought back before the Committee and she opined that this was an issue that needed to be addressed before the Committee has to evaluate a proposal submitted by a non-profit.

She noted that the EDC spent considerable time on this issue. They must consider what is in the City's best interest when reviewing these proposals. The EDC has also recommended comparing the business as a for profit business versus non-profit business and to be part of the criteria or scoring of the proposals. Additional recommendations for non-profits from the EDC included the following:

- *Apply a head tax such as \$1.00 per person*
- *Structure lease prices similar to how the State charges which is based on a percentage of the total income for the non-profit.*
- *Who pays the property taxes? Is the City was absorbing those costs too.*
- *Financials should be reviewed closely because some non-profits take in considerable amounts and that should be considered when thinking about giving them a \$1.00 per year lease.*

There are non-profit leases that will be coming before the committee and she would like to discuss a way to evaluate these before it becomes an emotional issue as with all non-profits there is an emotional response. She stated that she requested staff to include the information that the Homer Foundation uses to qualify the non-profits.

Mrs. Mauras responded to Chair Erickson that non-profit do not necessarily have to file a tax return and the difference in rent should be considered a donation to the non-profit and reported as such by the City to the non-profit. It was questioned whether this was being done currently. She noted that this would be proper reporting, and would be required as part of their return to the IRS. This would be considered an "in-kind" donation.

A brief discussion on whether the non-profits pay property taxes on leased property and whether the city pays the property taxes or not; decisions to lease should be based on the area; no leases should be extended for \$1.00 per year; use of the existing guidelines; how is the committee being a good steward of city owned land; adding to the Lease Policy specific guidelines and criteria for evaluating a non-profit; does the Committee have the backbone to say no; a precedence has been set on giving non-profits a long term lease for \$1.00 per year; the question to ask is what can the non-profit do so the City is not losing all the profits they could possibly have otherwise; charge a percentage of sales for the year or charge \$1-2.00 per ticket would allow some type of return.

Discussions continued on trying to think outside the box, outlining policies that would allow non-emotional evaluation of a proposal and offer suggestions on This could be based on the amount of revenue, what activities that are generated on the side too; comparisons were done on the volume of business and residual revenue that is created; payment creates an overall sense of ownership and responsibility; examples given were the Pier One Theater, Shorebird Festival, the Pratt Museum; relationships and support with existing businesses and the potential to bring more relationships. There was further discussion on the property tax issues.

Mr. Hawkins read back the following points that the committee would like to see addressed in proposals submitted from non-profit entities:

- 1. Activities days on site*
- 2. Persons Served – per year or month*
- 3. Revenues to the City from the non-profit whether via Head Tax, Rent or percentage of profits*
- 4. Indirect Commerce – How will this affect the City*
- 5. Partnerships with other non-profits or businesses.*
- 6. How many volunteers – such as actors.*
- 7. Profit vs Non-Profit - Benefits versus revenue loss to the City such as property taxes.*

Further discussion on getting past the political and emotional side of reviewing and approving leases for less than the value it should be leased. There was concern how and where they should go next. Ms. Krause added comments received by the City Manager regarding tweaks to the policy and recommendations to council.

Chair Erickson inquired if the Committee would like to make recommendations, drop it or bring it back at the next meeting.

Mr. Hawkins would like to have this on the agenda for the next meeting to discuss recommendations adding a chapter to address non-profits.

Mrs. Mauras left the meeting at 3:36 p.m. She returned at 3:47 p.m.

She commented on the results of her search regarding payment of property taxes by non-profits.

The committee agreed by consensus to put this on the October agenda.

There was no further discussion.

Office of the City Clerk

Jo Johnson, CMC, City Clerk
Melissa Jacobsen, CMC, Deputy City Clerk II
Renee Krause, CMC, Deputy City Clerk I



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2224, 2226, or 2227
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM

TO: COUNCIL'S ADVISORY BODIES

FROM: JO JOHNSON, CITY CLERK

A handwritten signature in cursive script, appearing to read "Jo Johnson", is written over the printed name in the "FROM" field.

DATE: NOVEMBER 2, 2011

SUBJECT: 2012 MEETING SCHEDULE

Please review the 2012 meeting schedule for your Advisory Body and approve with or without amendments. The draft resolution includes the entire 2012 meeting schedule. The resolution will be presented to Council on December 12, 2011 for adoption.

A memo or excerpt from the meeting minutes noting the action by your advisory body is needed. Please return this to the City Clerk by December 6, 2011.

Thank you!

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 11-XXX

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, ESTABLISHING THE 2012 REGULAR MEETING SCHEDULE FOR THE CITY COUNCIL, ECONOMIC DEVELOPMENT ADVISORY COMMISSION, LIBRARY ADVISORY BOARD, PARKS AND RECREATION ADVISORY COMMISSION, ADVISORY PLANNING COMMISSION, PORT AND HARBOR ADVISORY COMMISSION, LEASE COMMITTEE, PERMANENT FUND COMMITTEE, PUBLIC ARTS COMMITTEE AND TRANSPORTATION ADVISORY COMMITTEE.

WHEREAS, Pursuant to Homer City Code Section 1.14.020, the City Council annually sets the schedule for regular and some special meetings, noting the dates, times and places of the City Council, Advisory Commissions, and the Library Advisory Board meetings; and

WHEREAS, The public is informed of such meetings through the kiosks located at Captain's Coffee, Harbormaster's Office, Redden Marine Services of Homer, and the City Clerk's Office, Clerk's Calendar on KBBI, the City Clerk's Home Page on the Internet, and postings at the Clerk's Office at City Hall, and the Public Library; and

WHEREAS, HCC 1.14.020 - 040 states that meetings may be advertised in a local paper of general circulation at least three days before the date of the meeting and that special meetings should be advertised in the same manner or may be broadcast by local radio at least twice a day for three consecutive days or two consecutive days before the day of the meeting plus the day of the meeting; and

WHEREAS, HCC 1.14.010 notes that the notice of meetings applies to the City Council and all commissions, boards, committees, subcommittees, task forces and any sub-unit of the foregoing public bodies of the City, whether meeting in a formal or informal meeting; that the failure to give the notice provided for under this chapter does not invalidate or otherwise affect any action or decision of a public body of the City; however, this sentence does not change the consequences of failing to give the minimum notice required under State Statute; that notice will ordinarily be given by the City Clerk; and that the presiding officer or the person or persons calling a meeting are responsible for notifying the City Clerk of meetings in sufficient time for the Clerk to publish notice in a newspaper of general circulation in the City; and

WHEREAS, This Resolution does not preclude additional meetings such as emergency meetings, special meetings, worksessions, and the like; and

WHEREAS, Council adopted Resolution 06-144 on October 9, 2006 establishing the Regular Meeting site for all bodies to be the City Hall Cowles Council Chambers.

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council, that the 2012 meeting schedule is established for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission, Lease Committee, Permanent Fund Committee, Public Arts Committee and Transportation Advisory Committee of the City of Homer, Alaska, as follows:

Holidays - City Offices closed:

January 1*, New Year's Day, Sunday so will be observed on Monday, January 2	February 20*, Presidents' Day, the third Monday	March 26*, Seward's Day, last Monday	May 28*, Memorial Day, last Monday	July 4*, Independence Day, Wednesday	September 3*, Labor Day, first Monday
October 18*, Alaska Day, Thursday	November 11**, Veterans Day, Sunday so will be observed on Monday, November 12	November 22* Thanksgiving Day, Thursday	November 23*, Friday, the day after Thanksgiving	December 25*, Christmas, Tuesday	

*Indicates holidays - City offices closed.

**If on a Sunday, the following Monday is observed as the legal holiday; if on a Saturday, the preceding Friday is observed as the legal holiday pursuant to the City of Homer Personnel Rules and Regulations.

CITY COUNCIL (CC)

January 9, 23	February 13, 27	March 12, 27*	April 9, 23	May 14, 29*	June 11, 25
July 9**, 23	August 13, 27	September 10, 24	October 2 Election	October 8, 22, for Oath of Office, 15	Canvass Board October 5 or 8
November 6 Run- Off Election	November 12**, 26	December 10****	December 17***** if needed		

City Council's Regular Committee of the Whole Meetings at 5:00 p.m. to no later than 5:50 p.m. prior to every Regular Meeting which are held the second and fourth Monday of each month at 6:00 p.m. *** The City Council traditionally reschedules regular meetings that fall on holidays or High School Graduation days, for the following Tuesday. Council will not conduct a First Regular Meeting in July.

AML Annual Conference Week is tentatively scheduled for November 12 - 16, 2012.

*Tuesday meeting due to Seward's Day/Memorial Day.

**There will be no First Regular Meeting in July or November.

**** The City Council traditionally cancels the last regular meeting in December and holds the first regular meeting and one to two Special Meetings as needed. Generally the second Special Meeting the third week of December, will not be held.

ECONOMIC DEVELOPMENT ADVISORY COMMISSION (EDC)

January 10	February 14	March 13	April 10	May 8	June 12
July 10	August 14	September 11	October 9	November 13	December 11

Economic Development Advisory Commission Regular Meetings are held on the second Tuesday of each Month at 6:00 p.m.

LIBRARY ADVISORY BOARD (LAB)

January 3	February 7	March 6	April 3	May 1	June 5
July 3	August 7	September 4	October 2	November 6	December 4

Library Advisory Board Regular Meetings are held on the first Tuesday of each month at 5:00 p.m.

PARKS AND RECREATION ADVISORY COMMISSION (P/R)

January 19	February 16	March 15	April 19
May 17	June 21	July 19	August 16
September 20	October 25*	November 15	

Parks and Recreation Advisory Commission Regular Meetings are held on the third Thursday of each month, with the exception of December, at 5:30 p.m. *Rescheduled due to Alaska Day Holiday.

PLANNING COMMISSION (P/C)

January 4, 18	February 1, 15	March 7, 21	April 4, 18	May 2, 16	June 6, 20
July 18**	August 1, 15	September 5, 19	October 3, 17	November 7, 21	December 5**

Advisory Planning Commission Regular Meetings are held on the first and third Wednesday of each month at 6:30 p.m. **There will be no First Regular Meeting in July or Second Regular Meeting in December.

PORT AND HARBOR ADVISORY COMMISSION (P/H)

January 25	February 22	March 28	April 25	May 23	June 27
July 25	August 22	September 26	October 24	November 21	December 19

Port and Harbor Advisory Commission Regular Meetings are held on the fourth Wednesday of each month at 5:00 p.m. The Regular Meetings in the months of November and December are traditionally scheduled for the third Wednesday of the month.

LEASE COMMITTEE (LC)

January 12	April 12	July 12	October 11
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Lease Committee Regular Meetings are held quarterly on the second Thursday of each month at 3:00 p.m.

PERMANENT FUND COMMITTEE (PFC)

February 9	May 10	August 9	November 8
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Permanent Fund Committee Regular Meetings are held quarterly on the second Thursday of the months of February, May, August, and November at 5:15 p.m.

PUBLIC ARTS COMMITTEE (PAC)

February 9	May 10	August 9	November 8
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Public Arts Committee Regular Meetings are held quarterly on the third Thursday of the months of February, May, August, and November at 5:00 p.m.

TRANSPORTATION ADVISORY COMMITTEE (TAC)

February 21	May 15	August 21	November 20
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Transportation Advisory Committee Regular Meetings are held quarterly on the third Tuesday of the months of February, May, August, and November at 5:30 p.m.

PASSED AND ADOPTED by the Homer City Council this 12th day of December, 2011.

CITY OF HOMER

JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

Fiscal Impact: Adverting of meetings in regular weekly meeting ad and advertising of any additional meetings.

MEMORANDUM

TO: Lease Committee

FROM: Walt Wrede

DATE: November 4, 2011

SUBJECT: Staff Report / Pier One Theatre Lease Application

Introduction

Pier One Theatre has submitted a request for a new lease for the City owned building it currently occupies and for use of surround land for theatre related parking. The request is for a five year lease for \$1.00 per year; similar to the agreement that is about to expire.

Section 5.2 (A) of the Property Management Policy and Procedures (Lease Policies) provides the criteria to determine if a lease application is complete and responsive to the Request for Proposals. Terry Felde has reviewed the application from this perspective and her report is attached. Terry concludes that the application is substantially complete but additional supplemental information will need to be submitted before a lease can be finalized.

Proposal Evaluation

Section 6.2 (B) of the Lease Policies contains the evaluation criteria by which proposals are to be scored. It should be noted that these criteria are designed to measure proposals for leases that are commercial in nature. Although this is a proposed lease for a non-profit organization, some of the criteria still apply and are useful in the evaluation process. In addition, there are other criteria elsewhere in the Lease Policies that are directly applicable to non-profits. Those criteria are discussed in the next section.

Following is a discussion of the criteria as they pertain to this application:

Compatibility with neighboring uses and consistency with applicable land use regulations including the Comprehensive Plan. At the present time, this proposal appears generally to be consistent with applicable land use regulations and neighboring uses. The newly adopted Homer Spit Comprehensive Plan contains a future land use concept that suggests a good use for this parcel might be a public park which contained facilities for festivals and public gatherings. Back in 1989 the City Council adopted Resolution 98-36 (A) which reserved the land adjacent to the fishing lagoon for public recreational purposes and it specifically mentions the Pier One Theatre.

The Theatre is a seasonal use and it currently is compatible with other uses in the area including public camping, recreation, and limited, sporadic, marine industrial and commercial uses. There has been a good deal of public debate about the best long term use of this property. The City Council requested that the staff produce a land use plan for the property before it makes major decisions about future leasing or development. A short term five year lease seems appropriate from that perspective.

It should be noted that the parcel in question is presently zoned Marine Industrial. A community theatre is not specifically allowed either as a permitted (HCC 21.30.020) or a conditional use (HCC 21.30.030). This may change as the Planning Commission works its way through the process of implementing the new Spit Comprehensive Plan. The Theatre has been at its present location for a long time and the City Council clearly supported that use at the

present location. At the time this report was written, I was not aware that the Theatre had ever requested Planning Commission acceptance of a nonconforming use. This application should be referred to the Planning Department for further review and comment about zoning, and for review of the proposed parking plan.

The development plan including all proposed phases and timetables.

The Theatre does not propose a major new development plan. There are no new buildings or facility expansions anticipated.

The proposed capital investment. There are no significant capital investments proposed. However, it should be noted that the Theatre has made investments over the years as the need arises and funding becomes available. For example, roof damage has been repaired and the entire building has been repainted. Many of the investments were directed at bringing the building up to code. The director noted in his initial consultation with the staff that he had a letter from the Fire Marshall and that the Theatre had addressed the areas of concern. At the time this was written, the letter had not yet been produced. I think it would be prudent for the City to require a Fire Marshall inspection before a lease is finalized. The building was inspected by a team of City staff and found to be pretty sound from a structural perspective. The bottom line is that although the building could use improvements, the Theatre has gradually been making investments which have improved the facility and made it safer for the public.

Experience of the applicant in the proposed business or venture.

The Pier One Theatre has been operating at this location for decades. The facility is well managed and the City finds Pier One Theatre to be a very cooperative and responsible tenant.

Financial capability or backing of the applicant including credit history, prior lease history, and assets that will be used to support the proposed development.

The Theatre has provided a Financial Report which shows assets, liabilities, and fund balance. The staff has concluded that the organization has the financial capacity to maintain the facility and continue to operate it as it currently does.

The number of employees anticipated.

No specific information is provided about employees however, it is this reviewer's understanding that all work performed for the Theatre is done on a volunteer basis.

The proposed rental rate

The proposed rental rate is \$1.00 per year. This is the same rental rate that has been in place for all prior leases. The rent covers the building and the adjacent land required for parking. Utilities are paid for by the leasee. The leasee has also covered repairs and maintenance. Restrooms are provided by the City at the public restrooms next to the Nick Dudiak Fishing Lagoon.

The Lease Committee discussed rental rates for non-profits at prior meetings but there was no consensus or direction provided at that time. The Committee may make a recommendation to the City about the rental rate. The Council will make the final decision (see below).

Other financial impacts such as tax revenues, stimulation of spin-off economic development, or the value of improvements left behind upon termination of the lease.

The proposal contains an attachment dated October 5, 2011 which indirectly addresses economic impacts. Although we have no hard empirical evidence of economic impacts, it seems safe to assume that the Pier One Theatre brings many people into town who then spend money in restaurants, hotels, local shops, and other recreational opportunities. This helps local businesses, preserves or creates jobs, and generates sales tax revenues. It should be noted that supporting and stimulating the arts and music sector of the local economy is a major focus of the recently adopted Homer Comprehensive Economic Development Strategy (CEDS).

Other long term social and economic development.

The Pier One Theatre makes a significant contribution to the social, cultural, and educational fabric of the community. The staff was particular impressed with how many young people are involved in the Youth Theatre Programs. Arts and music are a significant part of the economic and social make-up of Homer. The Pier One Theatre is one of the community's most noteworthy facilities in this respect. The City Council has consistently provided financial support for local non-profits and recognizes the benefits they bring to the community.

Other Considerations:

This lease application requests that a new lease be awarded to the current tenant whose lease has expired. In general, it is the policy of the City that equal opportunities should be provided for the public to compete to lease City public property. The Lease Committee is expected to offer all properties upon which leases have expired to the public through the RFP/competitive bidding process. (11.2 (E). There can be exceptions however.

Section 11.2 (F) states in relevant part:

The City Council, after reviewing a recommendation from the Lease Committee, may elect to not require a competitive bidding process for a property whose lease has expired (including all options) if it finds that it is in the best interest of the City to enter into a lease agreement with the current lessee. If the Council chooses to approve such a new lease without a competitive bidding process, it must approve such new lease by resolution within six months that includes a finding that it is in the public interest to do so, after consideration of relevant facts including, but not limited to, the following:

- The lessee's past capital investment and binding commitment to future capital investment
- The lessee's financial condition and prior lease history
- The number of persons employed and the prospects for future employment
- Tax revenues and other financial benefits to the City of Homer anticipated in the future if the lease is renewed.
- Consistency of the past use and intended future use with all applicable land use codes and regulations, the Comprehensive Plan, and Overall Economic Development Plan
- Other opportunities for use of the property that may provide greater benefits to the City of Homer
- Other social, policy, and economic considerations as determined by the Council.

Discussion: This list of criteria was developed primarily to address commercial activities on City leased land. It does not lend itself well to evaluation of non-profit uses of City land. However, the City Council will still be required to make a finding that it is in the public interest to lease this property to the current tenant without going through the RFP process. If the Committee recommends going this route it will need to be clear in its recommendation why it is in the public interest to do so.

I would suggest that the main arguments for doing so are the prior lease history and performance of the current tenant, the compatibility with current uses in the area, the economic, social, cultural, and educational benefits associated with this use, consistency with the Homer Spit Comprehensive Plan, the Comprehensive Economic Development Strategy, and Resolution 89-36 (A), and the short term nature of the proposed lease.

In general, it is the policy of the City to lease land and buildings at no less than "fair market rent." This proposal requests that the rent be \$1.00 per year. The Council may make exceptions to the fair market rent policy under certain circumstances. Section 7.2 (A) (4) states as follows:

The Council may approve a lease of City land for less than fair market rent, minimum rent, or uniform rental rate only if the motion approving the lease contains a finding that the lease is for a valuable public purpose or use, and a statement identifying such public purpose or use.

Discussion: The City Council has historically made this building available for \$1.00 per year. The reasons include the Council's support for the Theatre and the benefits it provides and the fact that the building itself probably could not be used for much else. This building was old, excess, property that was used at the port when it was acquired by the Pier One Theatre. The City was prepared to destroy it. All improvements were made by the Theatre. In short, they made something out of what was essentially an abandoned building.

As noted above, this Committee has had preliminary discussions about rent for non-profits and about the criteria that should be used for judging non-profit applications. The discussion was preliminary and no action has been taken. The Committee can make whatever recommendation it wants to the Council regarding rent. While the City could use additional revenues and this is potentially valuable commercial land that could be used for other purposes, I am of the opinion that continuing on with \$1.00 per year is appropriate. This recommendation is based upon the short term nature of the proposed lease, the lack of identified demand for the property (the land and the building) at present, and the fact that a long term land use plan has yet to be developed. The community received significant benefits at very little cost.

RECOMMENDATION: A new five year lease at \$1.00 per year with the stipulation that zoning permits and Fire Marshall approval is obtained.



CITY OF HOMER
PROPERTY MANAGEMENT
LEASE APPLICATION CHECKLIST

Applicant Name: Pier One Theatre

Date Application Received: 5/24/2011

CHAPTER 5: LEASE APPLICATION PROCESS

5.1: POLICY

- A. It is the policy of the City of Homer to provide for a streamlined, standardized, and easily understood lease application process. A full and complete application packet shall be provided to all applicants. Applicants must be qualified under Section 18.08.50 of the Homer City Code:
 - (a) a natural person and is responsible, meaning the applicant has sufficient skill, experience and financial capability to perform all the obligations of the lessee under the proposed lease; and
 - (b) a person who is at least nineteen years of age; or
 - (c) a group, association or corporation which is authorized to conduct business under the laws of the State of Alaska. (Ord. 92-10 (part), 1992). 183 (Homer 06/04)

- B. The City administration will provide for pre-application meetings with all potential applicants to provide relevant information on things like land use regulations, lease policies, the permitting process, and other relevant topics.

5.2 PROCEDURES

A. A responsive lease application / proposal shall include:

- 1. A completed application form provided by the City

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

- 2. Any applicable fees

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

Check #10803 for \$30.00

3. A clear and precise narrative description of the proposed use of the property

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

The proposed use is continuation of live theatre.

4. A specific time schedule and benchmarks for development

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

The proposal is for continued use of the building that already exists, and there are no plans for any further development.

5. A proposed site plan drawn to scale that shows at a minimum property lines, easements, existing structures and other improvements, utilities, and the proposed development including all structures and their elevations, parking facilities, utilities, and other proposed improvements.

YES	NO	N/A	INCOMPLETE
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NOTES:

Proposed parking plan would need to be reviewed and approved by Planning.

6. Any other information that is directly pertinent to the proposal scoring criteria contained herein

YES	NO	N/A	INCOMPLETE
------------	-----------	------------	-------------------

NOTES:

The proposal does not indicate a lease rate offer, so it is assumed the applicant desires the same terms of \$1/year. The proposal does not address reasons that the proposed use or purpose should be considered a valuable public purpose and in the public interest to be exempted from the requirement that properties be leased at no less than "fair market rent".

7. All other **required attachments** requested on the application form including, but not limited to, the following documentation: applicant information, plot plan, development plan, insurance, proposed subleases, environmental information, agency approvals and permits, fees, financial information, partnership and corporation statement, certificate of good standing issued by an entity's state of domicile, and references.

Applicant information

Plot Plan

N/A Development Plan

Insurance

N/A Proposed Subleases

N/A Environmental Information

Agency approvals and permits – *Need documentation of Fire Marshal approval*

Financial Information (Financial Statement **REQUIRED**, Surety, bankruptcy, pending litigation are situational).

N/A Partnership information and a copy of the partnership agreement OR

Corporation information and a copy of the Articles of Incorporation and Bylaws

Certificate of good standing issued by the entity's state if domicile

Appropriate References (Total of 4 persons or firms with whom the applicant or its owners have conducted business transactions with during the past three years. Two references must have knowledge of your financial management history (One of which **MUST** be your principal financial institution) and two must have knowledge of your business expertise).

YES	NO	N/A	INCOMPLETE
-----	----	-----	-------------------

NOTES:

Applicant will need to provide documentation of Fire Marshal approval.

8. Any other information required by the solicitation or request for proposals.

YES	NO	N/A	INCOMPLETE
-----	-----------	-----	-------------------

NOTES:

Applicant's lease term and options for renewal have expired and this proposal has been submitted in accordance with 11.2(f) of the City of Homer Property Management Policy and Procedures without solicitation or request for proposals from the City. In order to approve a new lease outside of the competitive bidding process, it must be determined that it is in the public interest to do so.

Application review completed by Luay Fadle on 8/10/11
(date)

Lease Committee
Homer City Hall
491 East Pioneer Avenue
Homer, AK 99603
May 24, 2011

Dear Lease Committee;

This is the cover letter for Pier One Theatre, Inc.'s application to renew the lease for Pier One Theatre on the Homer Spit.

Because the continued partnership between the City of Homer and Pier One Theatre, Inc. serves the public good, we request the lease contain the same terms as it has in the past about the length and cost of the lease.

Thanks for your consideration,



Lance Petersen



**City of Homer
Lease Application/Assignment Form**

Directions:
 1. Please type.
 2. Please submit this application form to the City Manager's Office, 491 Pioneer Avenue, Homer, Alaska 99603.
 3. Please answer all questions on this form, or put "N/A" in the space if it is non applicable.

Applicant Name:	Pier One Theatre, Inc.
EIN Social Security No.	23-7448364
Mailing Address:	PO BOX 894
City, State, ZIP code:	Homer, AK 99603-0894
Business Telephone No.	235-7333
Representative's Name:	LANCE PETERSEN
Mailing Address:	PO BOX 894
City, State, ZIP code:	Homer, AK 99603-0894
Business Telephone No.	235-7333
Property Location:	Homer Spit Near Fishing Lagoon
Legal Description:	Tract 1-A
Type of Business to be placed on property:	Already There: Live Theatre (Non-profit)
Size of Buildings to be placed or leased:	32' X 80'
Duration of Lease requested:	5 years
Options to re-new:	yes
Special lease requirements:	
Number of parking spaces required, per code:	1 space per 5 seats: MAX audience is 200, So Code requires 20 spaces.

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

1.	Plot Plan	<p><u>A drawing of the proposed leased property showing:</u></p> <p><input checked="" type="checkbox"/> Size of lot - dimensions and total square footage. – to scale, please.</p> <p><input checked="" type="checkbox"/> Placement and size of buildings, storage units, miscellaneous structures planned – to scale, please.</p> <p><input type="checkbox"/> Water and sewer lines – location of septic tanks, if needed. <i>NA</i></p> <p><input checked="" type="checkbox"/> Parking spaces – numbered on the drawing with a total number indicated – please refer to Homer City Code _____</p>																				
2.	<p>Development Plan</p> <p><i>already in use</i></p>	<p><input type="checkbox"/> List the time schedule from project initiation to project completion, including major project milestones.</p> <table border="0"> <thead> <tr> <th align="left">Dates</th> <th align="left">Tasks</th> </tr> </thead> <tbody> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> </tbody> </table> <p>For each building, indicate:</p> <table border="0"> <thead> <tr> <th align="left">Building Use</th> <th align="left">Dimensions and square footage</th> </tr> </thead> <tbody> <tr> <td><i>Live Theatre</i></td> <td><i>32' X 80'</i></td> </tr> <tr><td>_____</td><td>_____</td></tr> <tr><td>_____</td><td>_____</td></tr> </tbody> </table>	Dates	Tasks	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	Building Use	Dimensions and square footage	<i>Live Theatre</i>	<i>32' X 80'</i>	_____	_____	_____	_____
Dates	Tasks																					
_____	_____																					
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_____	_____																					
_____	_____																					
Building Use	Dimensions and square footage																					
<i>Live Theatre</i>	<i>32' X 80'</i>																					
_____	_____																					
_____	_____																					
3.	Insurance	<p><input checked="" type="checkbox"/> Attach a statement of proof of insurability of lessee for a minimum liability insurance for combined single limits of \$1,000,000 showing the City of Homer as co-insured. Additional insurance limits may be required due to the nature of the business, lease or exposure. Environmental insurance may be required. If subleases are involved, include appropriate certificates of insurance.</p>																				
4.	Subleases <i>NA</i>	<p><input type="checkbox"/> Please indicate and provide a detailed explanation of any plans that you may have for subleasing the property. The City of Homer will generally require payment of 25% of proceeds paid Lessee by subtenants. Refer to chapter 13 of the Property Management Policy and Procedures manual.</p>																				
5.	Health Requirements <i>NA</i>	<p><input type="checkbox"/> Attach a statement documenting that the plans for the proposed waste disposal system, and for any other necessary health requirements, have been submitted to the State Department of Environmental Conservation for approval. Granting of this lease shall be contingent upon the lessee obtaining all necessary approvals from the State DEC.</p>																				
6.	Agency Approval <i>NA</i>	<p><input type="checkbox"/> Attach statement(s) of proof that your plans have been inspected and approved by any agency which may have jurisdiction of the project; i.e. Fire Marshall, Army Corps of Engineers, EPA, etc. The granting of this lease shall be contingent upon lessee obtaining approval, necessary permits, and/or inspection statements from all appropriate State and/or Federal agencies.</p>																				

7.	Fees	<p><u>All applicable fees must be submitted prior to the preparation and/or execution of a lease.</u></p> <p><input checked="" type="checkbox"/> Application fee - \$30.00. Covers costs associated with processing the application.</p> <p><input type="checkbox"/> Lease fee - \$300.00. Covers the costs of preparing and processing the actual lease.</p> <p><input type="checkbox"/> Assignment fee - \$250.00. Covers the costs of preparing and processing the lease transfer.</p>
8.	Financial Data	<p><u>Please indicate lessee's type of business entity:</u></p> <p><input type="checkbox"/> Sole or individual proprietorship.</p> <p><input type="checkbox"/> Partnership.</p> <p><input checked="" type="checkbox"/> Corporation.</p> <p><input type="checkbox"/> Other – Please explain: _____</p> <hr/> <p><input checked="" type="checkbox"/> Financial Statement – Please attach a financial statement showing the ability of the lessee to meet the required financial obligations.</p> <p><input checked="" type="checkbox"/> Surety Information – Has any surety or bonding company ever been required to perform upon your default or the default of any of the principals in you organization holding more than a 10% interest <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement naming the surety or bonding company, date and amount of bond, and the circumstances surrounding the default or performance.</p> <p><input checked="" type="checkbox"/> Bankruptcy information - Have you or any of the principals of your organization holding more than a 10% interest ever been declared bankrupt or are presently a debtor in a bankruptcy action? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach a statement indicating state, date, Court having jurisdiction, case number and to amount of assets and debt.</p> <p><input checked="" type="checkbox"/> Pending Litigation – Are you or any of the principals of your organization holding more than a 10% interest presently a party to any pending litigation? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. If yes, please attach detailed information as to each claim, cause of action, lien, judgment including dates and case numbers.</p>
9.	Partnership Statement	<p><input type="checkbox"/> If the applicant is a partnership, please provide the following:</p> <p>Date of organization: _____</p> <p>Type: <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership</p> <p>Statement of Partnership Recorded? <input type="checkbox"/> Yes <input type="checkbox"/> No Where _____ When _____</p> <p>Has partnership done business in Alaska? <input type="checkbox"/> Yes <input type="checkbox"/> No Where _____ When _____</p> <p>Name, address, and partnership share. If partner is a corporation, please complete corporation statement.</p> <p>Limited/ <u>General</u> <u>Name</u> <u>Address</u> <u>Share %</u></p>

NA

Please attach a copy of your partnership agreement.

10. Corporation Statement

If the applicant is a corporation, please provide the following:

Date of Incorporation: May 1, 1974

State of Incorporation: Alaska

Is the Corporation authorized to do business in Alaska?

No Yes. Is so, as of what Date? May 1, 1974

Corporation is held? Publicly Privately If publicly held, how and where is the stock traded? _____

Officers & Principal Stockholders [10%+]:

<u>Name</u>	<u>Title</u>	<u>Address</u>	<u>Share</u>
William Bell	President	P.O. Box 894 Homer, AK 99603	N/A
Magnard Smith	Vice-President	Box 3099 " " "	"
Barbara Petersen	Secretary	PO Box 894 " " "	"
Laura Norton	Trustee	1292 Beluga Ct. " " "	"
Lance Petersen	Treasurer	PO Box 894 " " "	"

Please furnish a copy of Articles of Incorporation and By-laws.

Please furnish name and title of officer authorized by Articles and/or By-laws to execute contracts and other corporate commitments.

Name Title
Lance Petersen Treasurer

11. Applicant References

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

Name: Virginia Wise
Firm: FNBA
Title: Customer Service Representative
Address: 3655 Heath Street Homer, AK
Telephone: 235-5800
Nature of business association with Applicant: Represents primary financial institution

Name: Saunders McNeil
Firm: Alaska State Council on The Arts
Title: Community and Native Arts Director
Address: 161 Klein St. Suite 102 Anchorage, AK 99508-1506
Telephone: 907-269-6603
Nature of business association with Applicant: Reviews and grants Funding from State of Alaska and National Endowment for The Arts

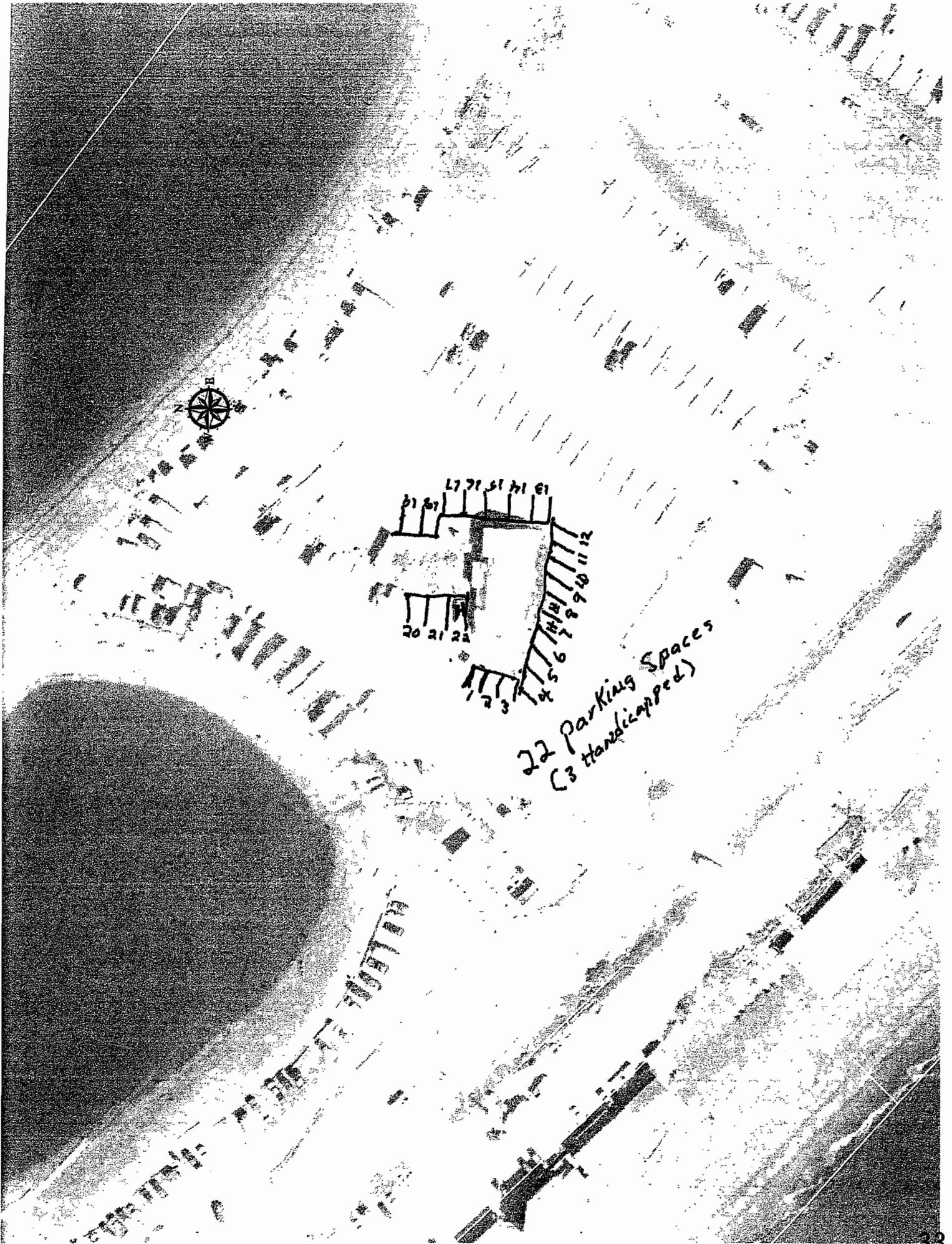
Name: Bruce Turkington
Firm: Spensard Builder Supply
Title: Manager
Address: 3978 Lake St. Homer, AK 99667
Telephone: 235-8506
Nature of business association with Applicant: Bldg Supplies, Paint, hardware - Credit Account

Name: Joe Gallagher
Firm: HEA
Title: Administrator
Address: 3977 Lake Street Homer, AK 99603
Telephone: 235-8551
Nature of business association with Applicant: Supplies electricity and grants for youth theatre

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

Signature: Harold Peterson

Date: 5-24-2011



22 Parking Spaces
(3 Handicapped)

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE LEGISLATIVE COUNCIL ON PLANNING AND CONSERVATION AT THE MEETING OF 11/13/93.

REMYA FROSTELLA, CLERK

BY: *Richard P. King*

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

NOTES

1. BOUNDS OF HOMER ARE THE CITY OF HOMER CONSERVATIVE ZONING, AS SHOWN ON PLAT OF 1987 AND CITY OF HOMER AREA MAPS OF 1987.
2. ALL PERMANENT STRUCTURES SHALL BE CONFINED TO PLACES WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. THESE LOTS SHALL BE SERVED BY CITY SEWER AND WATER. AN ON-SITE WATER ON WATER-UTILITY EASEMENT IS FORWARDED.
4. NO CORRECT ACTIONS TO STATE MAINTENANCE RIGHTS OF WAY IS FORWARDED IN ACCORDANCE WITH THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.

TRACT TWO

LEGEND

- 1. UNIMPROVED LOTS TO BE REMOVED IN CASE
- 2. DIMENSIONS 50' X 20' FROM WITHIN CITY OF HOMER
- 3. DIMENSIONS 50' X 20' FROM WITHIN CITY OF HOMER

SURVEYOR'S CERTIFICATE

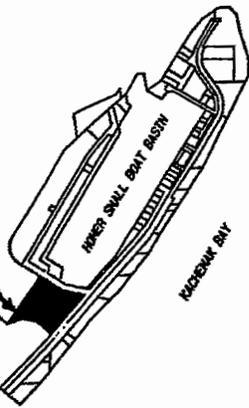
I HEREBY CERTIFY THAT I AM A PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A CORRECT AND ACCURATE SURVEY OF THE PROPERTY DESCRIBED HEREIN, AND THAT THE DIMENSIONS AND BEARINGS ARE CORRECT, AND THAT ALL CORNER MARKS AND OTHER DETAILS ARE CORRECT.

DATE 12/11/93 REGISTRATION NO. 75338-S

Stephen C. Smith
REGISTERED LAND SURVEYOR



THIS PLAT



VICINITY MAP

LOCATED WITHIN THE CITY OF HOMER

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN, AND THAT I HEREBY ADMIT THIS PLAT OF SUBDIVISION, AND BY MY FURTHER CONSENT, I HEREBY AUTHORIZE ALL RIGHTS OF WAY AND PUBLIC AREAS TO BE PLACED AND GRANT ALL EASEMENTS TO THE SAME HEREIN.

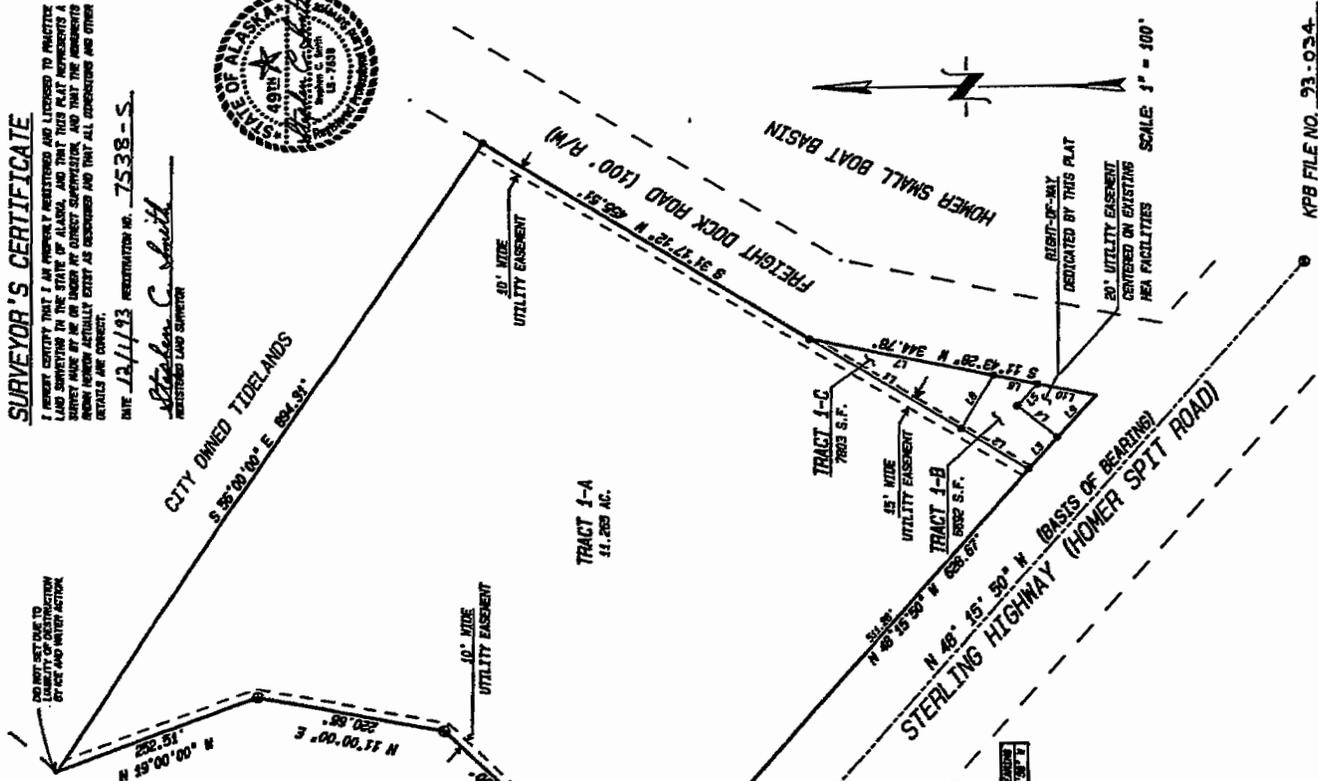
CITY OF HOMER

Richard L. Leland
BY: RICHARD L. LELAND
HOMER CITY MANAGER
HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SIGNED TO BEFORE ME THIS 11th DAY OF DECEMBER, 1993.

FOR: RICHARD L. LELAND
Richard L. Leland
HOMER CITY MANAGER
HOMER, ALASKA 99603



LINE TABLE

LINE	BEARING	DISTANCE
1	N 11° 00' 00" E	120.00
2	N 00° 00' 00" E	120.00
3	N 00° 00' 00" E	120.00
4	N 00° 00' 00" E	120.00
5	N 00° 00' 00" E	120.00
6	N 00° 00' 00" E	120.00
7	N 00° 00' 00" E	120.00
8	N 00° 00' 00" E	120.00
9	N 00° 00' 00" E	120.00
10	N 00° 00' 00" E	120.00
11	N 00° 00' 00" E	120.00
12	N 00° 00' 00" E	120.00
13	N 00° 00' 00" E	120.00
14	N 00° 00' 00" E	120.00
15	N 00° 00' 00" E	120.00
16	N 00° 00' 00" E	120.00
17	N 00° 00' 00" E	120.00
18	N 00° 00' 00" E	120.00
19	N 00° 00' 00" E	120.00
20	N 00° 00' 00" E	120.00

CURVE TABLE

CHORD	ARC	DELTA	CHORD BEARING	CHORD LENGTH	CHORD BEARING
1	100.00	1.9071°	N 89.0929° E	100.00	N 89.0929° E
2	100.00	1.9071°	N 89.0929° E	100.00	N 89.0929° E

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVES THIS SUBDIVISION FOR PLATTING.

DATE 12-24-93

Richard P. King

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BY: RICHARD P. KING

DATE 12-24-93

Richard P. King

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

HOMER RECORDING DISTRICT

THE FISHIN' HOLE NO. 2

A REPLAT OF TRACT ONE, THE FISHIN' HOLE ACCORDING TO PLAT NO. 92-39, HRD LOCATED WITHIN THE SE 1/4 S. 35, T6S, R13W, SEWARD MERIDIAN, ALASKA AND WITHIN THE CITY OF HOMER CONTAINING 11.667 ACRES

HERNDON & THOMPSON, INC.
STEPHEN C. SMITH, PLS
41745 BEAR CREEK DRIVE
HOMER, ALASKA 99603
907-235-8741

DRAWN BY: SCS COMP BY: SCS JOB #92-12

DATE: 4/12/93 SCALE: 1" = 100' SHEET #1 OF 3

KPB FILE NO. 23-034

SHEETS NO. 2 & 3 ARE SIGNATURE SHEETS ONLY

COMMERCIAL LINES POLICY
COMMON POLICY RENEWAL DECLARATIONS
GREAT DIVIDE INSURANCE COMPANY
 A North Dakota Stock Corporation

THIS RENEWS
 POLICY NUMBER: **GC028288-11**

Named Insured and Mailing Address

(No., Street, Town or City, County, State, Zip Code)

Pier One Theatre, Inc

PO Box 894
 Homer

AK 99603 -

Agent and Mailing Address

(No., Street, Town or City, County, State, Zip Code)

The Insurance Center
 2525 Gambell St. Suite 305
 Anchorage, AK 99503

Agency No. 05401 - 02

Policy

Period: From 03/10/2011 to 03/10/2012 at 12:01 A.M. Standard Time at your mailing address shown above

Business Description: Non-profit Theatre

Tax State AK

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY,
 WE WILL PROVIDE YOU THE INSURANCE STATED IN THIS POLICY.

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS INDICATED.
 THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

		PREMIUM
Commercial General Liability Coverage Part	\$	600.00
	\$	_____
	\$	_____
	\$	_____
	\$	_____
	\$	_____
	\$	_____
	\$	_____
TOTAL ADVANCE PREMIUM	\$	600.00
Tax & Fee Schedule Policy Fee	\$	50.00
	\$	50.00
TOTAL	\$	650.00

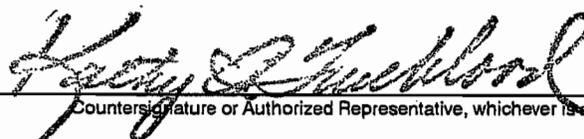
The following changes apply to the renewal of this policy (if no entry appears below, there have been no changes):

- Policy forms deleted:
- Policy forms added: see form S902 (12/98)
- Policy forms amended: see form S902 (12/98)

All other Terms, Conditions, Forms and Endorsements remain unchanged.

Agent: Wells Fargo-Homer

Countersigned: Anchorage, AK
 02/22/2011 BRANDY

By 
 Countersignature or Authorized Representative, whichever is applicable

THESE DECLARATIONS TOGETHER WITH THE COMMON POLICY CONDITIONS, COVERAGE PART DECLARATIONS, COVERAGE PART COVERAGE FORM(S) AND FORMS AND ENDORSEMENTS, IF ANY, ISSUED TO FORM A PART THEREOF, COMPLETE THE ABOVE NUMBERED POLICY. Includes copyrighted material of Insurance Services Office, Inc., with its permission.

COMMERCIAL GENERAL LIABILITY COVERAGE PART DECLARATIONS

POLICY NUMBER: **GC028288-11**

Extension of Declarations is attached.

Effective Date: **03/10/2011 12:01 A.M. Standard Time**

LIMITS OF INSURANCE If box is checked, refer to form S132 Amendment of Limits of Insurance.

General Aggregate Limit (Other Than Products/Completed Operations)	\$	1,000,000	
Products/Completed Operations Aggregate Limit	\$	INCLUDED	
Personal and Advertising Injury Limit	\$	1,000,000	Any One Person Or Organization
Each Occurrence Limit	\$	1,000,000	
Damage To Premises Rented To You Limit	\$	100,000	Any One Premises
Medical Expense Limit	\$	5,000	Any One Person

RETROACTIVE DATE (CG 00 02 ONLY)

This insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" which occurs before the Retroactive Date, if any, shown here: _____ (Enter Date or "NONE" if no Retroactive Date applies)

BUSINESS DESCRIPTION AND LOCATION OF PREMISES

BUSINESS DESCRIPTION: **Non-profit Theatre**

LOCATION OF ALL PREMISES YOU OWN, RENT, OR OCCUPY: Location address is same as mailing address.

1. 3858 Homer Spit Road
Homer AK 99603 -
- 2.

Additional locations (if any) will be shown on form S170, Commercial General Liability Coverage Part Declarations Extension.

LOCATION OF JOB SITE (If Designated Projects are to be Scheduled):

CODE # -	CLASSIFICATION	*	PREMIUM BASIS	RATE		ADVANCE PREMIUM
				Prem/Ops	Prod/Comp Ops	
49185 -	Theaters NOC - NFP "Products/Completed Operations are subject to the General Aggregate Limit"	M	3,500	127.270	INCLUDED	500 MP INCLUDED
49950 -	Additional Insured - All Other	t	1	100.000		100
-						
-						

* **PREMIUM BASIS SYMBOLS** + = **Products/Completed Operations are subject to the General Aggregate Limit**

a = Area (per 1,000 sq. ft. of area)	o = Total Operating Expenditures (per \$1,000 Total Operating Expenditures)	s = Gross Sales (per \$1,000 of Gross Sales)
c = Total Cost (per \$1,000 of Total Cost)	t = See Classification	u = Units (per unit)
m = Admissions (per 1,000 Admissions)	p = Payroll (per \$1,000 of Payroll)	

PREMIUM FOR THIS COVERAGE PART \$ 600

FORMS AND ENDORSEMENTS (other than applicable Forms and Endorsements shown elsewhere in the policy)

Forms and Endorsements applying to this Coverage Part and made part of this policy at time of issue:
Refer to Schedule of Forms and Endorsements

THESE DECLARATIONS ARE PART OF THE POLICY DECLARATIONS CONTAINING THE NAME OF THE INSURED AND THE POLICY PERIOD. Includes copyrighted material of Insurance Services Office, Inc. with its permission.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

CG 20 11 01 96

ADDITIONAL INSURED-MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

1. Designation of Premises (Part Leased to You):
3858 Homer Spit Road
Homer, AK 99603

2. Name of Person or Organization (Additional Insured):
City of Homer
491 East Pioneer Avenue
Homer, AK 99603

3. Additional Premium: \$

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:

1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.

Amended By-Laws
Of
PIER ONE THEATRE, INC.
(Formerly Homer Community Summer Theatre, Inc.)

Adopted 6-12-82
Effective 7-1-82

Article I
Name

The name of the corporation is: PIER ONE THEATRE, INC.

Article II
Purpose

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

1. Sponsoring performances;
2. Stimulating public interest and awareness;
3. Providing practical training; and
4. Awarding scholarships for training and/or courses of study.

Article III
Offices

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

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

Article IV
Membership

The Board of Trustees shall constitute the membership of the corporation. Membership in the corporation must be renewed annually, subject to such terms, membership fees, and restrictions as may be determined by the Board of Trustees from time to time.

Article V
Board of Trustees

Section 1. Purpose, Powers, and Duties.

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

The Board may appoint an Artistic Director and a Managing Director, who shall be responsible to the Board for the artistic, administrative, and business management of the Corporation. The Board may further delegate authority to committees, Trustees, or other individuals as it deems necessary to accomplish the Corporate purpose.

Section 2. Number.

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

Section 3. Election, Term of Office.

Trustees shall normally be elected at the annual meeting of the Corporation by a majority vote of the Trustees then serving in office. Trustees shall be elected to office for a term of five years, or until their successors are duly elected and qualified, except in the case of their earlier death, resignation, or removal from office. A Trustee may be elected to consecutive terms.

Section 4. Ex Officio Trustees.

From time to time, by majority vote of the Trustees then serving in office, the Board may designate ex officio Trustees with vote or ex officio Trustees without vote and determine the length of term to be served, not to exceed one year. Ex officio Trustees with vote shall be counted in determining whether or not a quorum is present at a meeting. Ex officio Trustees without vote shall not be counted in determining the presence of a quorum.

Section 5. Resignation and Removal of Trustees.

Any Trustee may resign by giving written notice of his or her resignation to the Board or to the President or Secretary of the Corporation. Such resignation shall take effect at the time

Section 5, continued.

specified in such notice and the acceptance of such resignation shall not be necessary to make it effective. Any Trustee may be removed, with or without cause, by a two-thirds vote of all Trustees then serving in office.

Section 6. Vacancies.

Vacancies in the Board, however arising, shall be filled by a majority vote of all Trustees then serving in office at any regular meeting of the Board or at a special meeting of the Board called for that purpose.

Article VI
Meetings

Section 1. Annual Meeting.

The annual meeting of the Corporation shall be held on the fourth day of the month of July in each year, or on such other date as may be fixed by the Board of Trustees.

Section 2. Regular Meeting.

The frequency and dates of regular meetings of the Board of Trustees shall be fixed by the Board of Trustees, normally at its annual meeting.

Section 3. Special Meetings.

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

Section 4. Place of Meetings.

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

Section 5. Notice of Meetings.

Written notice of the time and place of the annual and regular meetings shall be sent to each Trustee at least ten days, but not more than thirty days, prior to the date of such meetings. Written notice of special meetings shall be sent to each Trustee not less than four days prior to the date of such meeting or by telegraph or telephone not less than two days prior to the date of such meeting.

Section 6. Waiver.

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

Section 7. Quorum.

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

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

Section 8. Voting.

At any meeting of the Board, every voting Trustee present in person shall be entitled to one vote and, except as otherwise provided by law or by these By-Laws, the act of a majority of the Trustees present in person at any meeting at which a quorum is present shall be the act of the Board.

Section 9. Presumption of Assent.

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

Section 10. Compensation.

By action of the Board, the Trustees may be paid their expenses, if any, at attendance at each meeting of the Board, and may be paid a fixed sum for attendance at each meeting of the Board, or a stated salary as Trustee. No such payment shall preclude any Trustee from serving the Corporation in any other capacity and receiving compensation therefor.

Article VII
Officers

Section 1. Principal Officers.

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

Section 2. Election and Term of Office.

The officers of the Corporation shall normally be elected at the annual meeting of the Board, but may be elected at any meeting of the Board at which a quorum is present, by a vote of the majority of the Trustees present in person at the meeting. Each officer shall hold office until his successor shall have been duly elected and shall have qualified or until his death or until he shall resign or shall have been removed in the manner hereinafter provided.

Section 3. Removal of Officers.

Any officer may be removed, with or without cause, at any time at any Board meeting at which a quorum is present by a vote of two-thirds of the Trustees present in person at the meeting.

Section 4. Vacancies.

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

Section 5. President.

The President shall preside at all meetings of the Board and generally do and perform all acts incident to the office of President, and shall have such additional powers and duties as may from time to time be assigned to him or her by the Board. As the chief executive officer of the Corporation, the President shall have the authority to commit the Board to an action or actions between Board meetings, subject to the review of the Board at the next meeting.

Section 6. Vice President.

In the absence (or inability to act) of the President, the Vice President shall exercise the powers and perform the duties of President. The Vice President shall also generally assist the

Section 6, continued.

President and shall have such other powers and perform such other duties as may from time to time be designated by the President or the Board.

Section 7. Treasurer.

The Treasurer shall act under the supervision of the Board and shall have charge and custody of, and be responsible for, all the funds of the Corporation and shall keep, or cause to be kept, accurate and adequate records of the assets, liabilities, and transactions of the Corporation. He or she shall deposit, or cause to be deposited, all monies and other valuable effects of the Corporation in the name of and to the credit of the Corporation in such banks, trust companies, or other depositories as may be designated from time to time by the Board. He or she shall disburse, or cause to be disbursed, the funds of the Corporation based upon proper vouchers for such disbursement. In general, he or she shall perform all the duties incident to the office of Treasurer and such other duties as may from time to time be assigned by the President or the Board.

Section 8. Secretary.

The Secretary shall act as secretary of, and keep the minutes of all meetings of, the Board in one or more books provided for that purpose and shall see that minutes of the meetings of the Board are distributed promptly to all members of the Board. He or she shall have charge of the books, records, and papers of the Corporation relating to its organization as a corporation and shall see that all reports, statements, and other documents required by law are properly kept or filed, except to the extent that the same are to be kept or filed by the Treasurer. In general, he or she shall perform all the duties incident to the office of Secretary and such other duties as may from time to time be assigned by the President or by the Board.

Section 9. Bonding.

Any officer or employee of the Corporation shall, if required by the Board, give such security for the faithful performance of his or her duties as the Board may require.

Section 10. Compensation.

By action of the Board, officers of the Corporation may be paid a salary for performance of official duties for the Corporation. No officer shall be prevented from receiving such salary by reason of the fact that he is also a Trustee of the Corporation.

Article VIII
Committees

Section 1.

The Board may, at any meeting of the Board, designate advisory standing and/or ad hoc committees of the Board.

Section 2. Membership.

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

Article IX
Miscellaneous

Section 1. Fiscal Year.

The fiscal year of the Corporation shall begin on the first day of ~~July~~ ^{January} and end on the thirty-first day of ~~June~~ ^{December} in each year, commencing with ~~July~~ ^{January} 1, 1982.

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

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

Section 3. Scholarship Awards.

From time to time, as the financial resources of the Corporation permit, and shall be prescribed by the Board, the Corporation shall, by appropriate action of the Board, award scholarships for training and/or study in the performing arts. Scholarship applicants shall fulfill requirements as determined from time to time by the Board.

Article X
Amendments

These By-Laws may be altered, amended, or repealed in whole or in part at any duly organized meeting of the Board of Trustees of the Corporation, by a two-thirds majority vote of the Trustees then serving in office.

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

FILED FOR RECORD
DEPARTMENT OF COMMERCE
STATE OF ALASKA

MAY 1 1974

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

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

SECOND: The period of its duration is perpetual.

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

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

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

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

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

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

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

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

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

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

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

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

Mrs. Barbara Petersen, Box 809, Homer, Alaska

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

Lance Petersen

Richard M. Dixon

Barbara L. Petersen

STATE OF ALASKA)
(ss.
Third Judicial District)

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

Gail M. Dubow

Notary Public in and for Alaska

My commission expires: May 14, 1977

Alaska Corporations, Business and Professional Licensing

Search

- ✓ By Entity Name
- ✓ By AK Entity #
- ✓ By Officer Name
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 - Verify
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 - Biennial Report
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- ✓ Initial Biennial Report
 - LLC
- ✓ File Online
 - Business Corporation
- ✓ File Online
 - Online Orders
- ✓ Register for Online
 - Orders
- ✓ Order Good Standing
 - Name Registration
- ✓ Register a Business
 - Name Online
- ✓ Renew a Business Name

Date: 7/29/2011

Filed Documents

(Click above to view filed documents that are available.)

Print Blank Biennial Report

(To view the report, you must have Acrobat Reader installed.)

Entity Name History

Name	Name Type
PIER ONE THEATRE, INC,	Legal

Nonprofit Corporation Information

AK Entity #:	13110D
Status:	Active - Good Standing
Entity Effective Date:	05/01/1974
Primary NAICS Code:	6100: Schools and Libraries
Home State:	AK
Principal Office Address:	PO BOX 894 HOMER AK 99603
Expiration Date:	Perpetual
Last Biennial Report Filed Date:	8/13/2010
Last Biennial Report Filed:	2010

Registered Agent

Agent Name:	LANCE PETERSEN
Office Address:	592 Ocean Dr Loop Homer AK 99603
Mailing Address:	BOX 894 HOMER AK 99603
Principal Office Address:	PO BOX 894 HOMER AK 99603

Officers, Directors, 5% or more Shareholders, Members or Managers

Name: Lance Petersen
Address: PO Box 894
Homer AK 99603-0894
Title: Vice President
Owner Pct: 0

Name: Lance Petersen
Address: PO Box 894
Homer AK 99603-0894
Title: Director
Owner Pct: 0

Name: William H Bell
Address: PO Box 894
Homer AK 99603
Title: President
Owner Pct: 0

Name: William H Bell
Address: PO Box 894
Homer AK 99603
Title: Director
Owner Pct: 0

Name: Aurora G Neal
Address: 3684 Kechemark Dr
Homer AK 99603-3368
Title: Secretary
Owner Pct: 0

Name: Aurora G Neal
Address: 3684 Kechemark Dr
Homer AK 99603-3368
Title: Director
Owner Pct: 0

Name: Barbara Petersen
Address: PO Box 894
Homer AK 99603
Title: Treasurer

Owner Pct:	0
Name:	Barbara Petersen
Address:	PO Box 894 Homer AK 99603
Title:	Director
Owner Pct:	0

Officers & Directors

E-mail the Corporations Staff (907) 465-2550

License Detail

LicNum: 164835
Business Name: PIER ONE THEATRE
Address: PO BOX 894
HOMER AK 99603
Status: ACTIVE
Original Issue: 01/15/1993
Current Issue: 11/01/2010
Expiration: 12/31/2012
Business Type: CORPORATION
Tobacco Endorsements: 0
Line Of Business: Arts, Entertainment and Recreation
Primary Activity: 711110
Secondary Activity:
Note:
Owners: PIER ONE THEATRE, INC.
PIER ONE THEATRE Home Page.

Contact Phone: (907) 465-2550 Email Professional Licensing

City of Homer Lease info: statistics for Summer of 2011

October 5, 2011

To: Walt Wrede, City Manager

From: Lance Petersen, Artistic Director, Pier One Theatre Inc.

Hi, Walt....

Per our conversation today, here are some statistics and accomplishments for the recently completed Summer Season of Pier One Theatre on the Homer Spit, 2011.

There were 16 different performances, with a total of 55 different events.

Total audience: 4000 (this has been consistent over time.) Of that audience, 19% were Senior Citizens and 12% Youths.

Local residents (Lower Kenai Peninsula) made up 68% Of the audience.

Other Alaskans visiting Homer made up 22 % of the audience.

Visitors from other states and countries made up 10% of the audience.

Approximately 210 Homer area volunteers helped to pop popcorn, pass out programs, and sell tickets.

Approximately 60 young people were involved in Youth Theatre Programs.

Major building maintenance:

Repair roof damage (asphalt shingles blown off) from the windstorm of December, 2010.

Repaint entire building (3 coats of paint, costing some \$1700.00.)

CITY OF HOMER
HOMER, ALASKA

RESOLUTION 89-36(a)

A RESOLUTION OF THE HOMER CITY COUNCIL RESERVING LAND
AROUND THE LAGOON ON THE SPIT FOR PUBLIC RECREATIONAL
PURPOSES.

WHEREAS, the City of Homer has adopted the Interim Spit Plan
which includes the designation of recreation/parking in the
vicinity of the lagoon fishing hole on the Spit as well as Pier 1
Theatre; and

WHEREAS, the Parks and Recreation Commission at a special
meeting held March 31, 1989 recommended that the City Council
reserve the land in the vicinity of the lagoon and Pier 1 Theatre
as indicated in the Interim Spit Plan for recreation/parking.

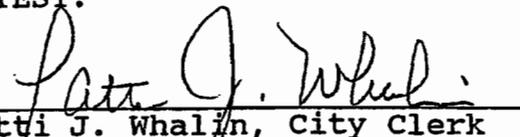
NOW, THEREFORE, BE IT RESOLVED by the Common Council of the
City of Homer, Alaska that the recreational/parking designation
as indicated in the Spit Interim Plan is hereby acknowledge and
continued for such period of time as sport fishing in the lagoon
and the summer theatre activities at that location continue.

DATED at Homer, Alaska this 10th day of April, 1989.

CITY OF HOMER


John P. Calhoun, Mayor

ATTEST:


Patti J. Whalin, City Clerk

Homer Spit Lease Expiration Calendar

updated 7/14/11

Lease Expires	Leaseholder	Details	Action
7/31/2010	Fish Factory	6 mos. Lease Expires	Paying month-to-month til completion of construction brings Lot 12A up to code for lease amendment to include 12B strip
8/14/2010	Alaska Custom Seafoods	lease expires; no options remain	Lease negotiations currently in progress with Alaska Custom Seafoods
9/30/2010	Snug Harbor	lease expires	Lease negotiations currently in progress with Snug Harbor Seafoods
9/10/2011	Homer Spit Campground	lease expires; no options remain	Lease negotiations currently in progress with the Chapples
12/9/2011	Pier One	lease expires	term: 5 years; \$1/yr
1/7/2012	Peninsula Scrap & Salvage	6 mo. lease expires	
4/15/2012	Dockside Two - Sullivan	lease expires; no options remain	Requested new lease 12/16/10
3/31/2013	Sportsman Supply	lease expires; one 5 yr option	
3/31/2013	AK High Hopes-Bob's Trophy Charters	lease expires; one 5 yr option	
11/1/2013	Southcentral Radar	lease expires; two 5 yr options	
11/30/2013	Harbor Ent. Coal Pt.	lease expires; one 5 yr option	
3/3/2014	ACS MACtel cellular	lease expires; no options remain	\$12/yr
7/31/2014	Kachemak Port Services	lease expires; two 1 yr options	
12/31/2014	Happy Face Restaurant	lease expires; no options remain	
11/30/2015	Mike Yourkowski	lease expires; one 10 yr option	
2/1/2016	El Pescador	lease expires; no options remain	
9/30/2016	USCG-Pioneer Dock	lease expires; no options remain	
9/30/2016	USCG-Roanoke Is.	lease expires? Not in file	
12/1/2018	Harbor Ent. 30 acres	lease expires; no options remain	
3/31/2020	Fish Factory	lease expires; two 10 yr options	
9/30/2023	USCG-Lot #20 by PD	lease expires; no options remain	
1/31/2026	Salty Dawg	lease expires; no options remain	
3/31/2028	Harbor Leasing LLC	lease expires; two 5 yr options	

Homer Spit Lease Expiration Calendar

updated 7/14/11

Lease Expires	Leaseholder	Details	Action
1/13/2029	AK Marine Highway	Land Use Permit-NO LONGER IN EFFECT	Superseded by 2010 Lease Agreement
9/14/2029	Icicle Seafoods	lease expires; no options remain	
11/1/2029	Homer Ent. Sport Shed	lease expires; two 5 year options remain	
5/31/2030	Seldovia Village Tribe	Lease Expires, two 5 year options	
4/30/2060	AK Marine Highway	lease expires	

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 11-080

A RESOLUTION OF THE CITY COUNCIL OF HOMER,
ALASKA, AUTHORIZING THE CITY MANAGER TO ENTER
INTO LEASE NEGOTIATIONS WITH ALASKAN COASTAL
FREIGHT, LLC FOR A LEASE ON LOT 11, HOMER SPIT
SUBDIVISION NO. 5.

WHEREAS, The City of Homer recently issued a request for proposals pursuant to the adoption of the 2011 Land Allocation Plan; and

WHEREAS, A proposal was submitted by Alaskan Coastal Freight, LLC to lease Lot 11, Homer Spit Subdivision No. 5 and the proposed use was equipment and freight staging for marine transport; and

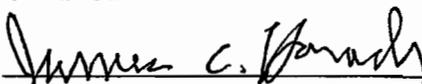
WHEREAS, The Lease Committee reviewed the proposal at a Special Meeting on June 9 and found that although the proposal was lacking sufficient detail in some areas, time was of the essence and that the proposal had enough merit to go directly to the Council for consideration; and

WHEREAS, The Lease Committee passed a recommendation that the City Council adopt a resolution authorizing the City Manager to enter into lease negotiations with Alaskan Coastal Freight, LLC and that the missing details be worked out during the negotiation process.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby authorizes the City Manager to enter into lease negotiations with Alaskan Coastal Freight, LLC for a lease on Lot 11, Homer Spit Subdivision No. 5, as described in the proposal.

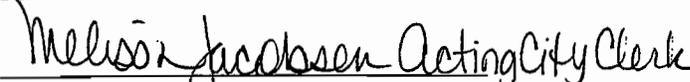
PASSED AND ADOPTED by the Homer City Council this 25th day of July, 2011.

CITY OF HOMER



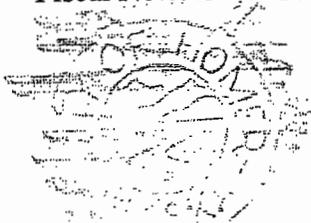
JAMES C. HORNADAY, MAYOR

ATTEST:



JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Lease revenues to be determined.



**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 11-081

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY MANAGER TO ENTER INTO LEASE NEGOTIATIONS WITH FORTUNE SEA, LLC FOR A LEASE ON LOT 19, HOMER SPIT SUBDIVISION NO. 5.

WHEREAS, The City of Homer recently issued a request for proposals pursuant to the adoption of the 2011 Land Allocation Plan; and

WHEREAS, A proposal was submitted by Fortune Sea, LLC to lease Lot 19, Homer Spit Subdivision No. 5 and the proposed use was equipment and freight staging for marine transport; and

WHEREAS, The Lease Committee reviewed the proposal at a Special Meeting on June 9 and found that although the proposal was lacking sufficient detail in some areas, time was of the essence and that the proposal had enough merit to go directly to the Council for consideration; and

WHEREAS, The Lease Committee passed a recommendation that the City Council adopt a resolution authorizing the City Manager to enter into lease negotiations with Fortune Sea, LLC and that the missing details be worked out during the negotiation process.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby authorizes the City Manager to enter into lease negotiations with Fortune Sea, LLC for a lease on Lot 19, Homer Spit Subdivision No. 5, as described in the proposal.

PASSED AND ADOPTED by the Homer City Council this 25th day of July, 2011.



Melissa Jacobson Acting City Clerk
JO JOHNSON, CMC, CITY CLERK

CITY OF HOMER

James C. Hornaday
JAMES C. HORNADAY, MAYOR

Fiscal Note: Lease revenues to be determined.

CITY OF HOMER

2012 PROPOSED BUDGET DEVELOPMENT SCHEDULE

DATE	TIME	EVENT
7/25/2011	6:00 PM	Budget Schedule to Council
8/5/2011		Submit to departments, budget work sheets including salary and fringe benefit costs.
8/8/2011	5:00 PM	During Committee of the Whole, Council to discuss budget priorities for the coming year.
8/8/2011	6:00 PM	Regular Meeting-Public Hearing, Council to seek public input on budget priorities for the coming year.
8/15/2011		Complete budget work sheets, including narratives, and justifications to finance.
8/22/2011	5:00 PM	During Committee of the Whole, Council to discuss Revenue Sources for General Fund.
8/31/2011		Compile data and return copy to departments for review.
9/9/2011	Week of	City Manager & Finance Director review budget requests with Department Heads.
9/12/2011		Preliminary budget assumptions to council.
9/26/2011		City Manager submits Draft Proposed Budget to Council.
10/10/2011	5:00 PM	During Committee of the Whole, Council to discuss budget - 1 hour.
10/10/2011	6:00 PM	Regular Meeting - Public Hearing.
10/24/2011	5:00 PM	During Committee of the Whole, Council to discuss budget - 1 hour
10/24/2011	6:00 PM	Regular Meeting-Budget Ordinance and Resolutions Introduced.
11/28/2011	5:00 PM	During Committee of the Whole, Council to discuss budget - 1 hour
11/28/2011	6:00 PM	Regular Meeting - Public Hearing.
12/12/2011	6:00 PM	Regular Meeting - Public Hearing & Adoption of Proposed Budget.

