

Blankenship, Johni

From: Mary Griswold <mgrt@xyz.net>
Sent: Wednesday, October 08, 2014 1:34 PM
To: Blankenship, Johni
Subject: Homer HERC property (Ord 2014-31)

HERC gym hums with busy-ness

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Posted: October 1, 2014 - 4:06pm
By McKibben Jackinsky

Staff writer

The sounds of friendly pickleball competition fill the air inside the gym that is part of the HERC, the Homer Education and Recreation Complex. Laughter, the slap of shoes on the gym floor, the pop of balls on paddles. Three games are in progress, four people each game, more sitting on the sidelines waiting their turn.

A sign on a wall advertises weekly contra dance classes beginning later this month. A notice on the gym door alerts playgroup parents that no real-tire bikes or tricycles are permitted in the gym. Painting supplies are stacked in the middle of a room near the gym that is being readied for a Zumba fitness class.

Just outside, in the late evening sunshine, there's more chatter as a group of skateboarders practice their moves on the curved ramps.

In spite of all the activity on the ground floor of the two-story HERC and the skateboard area, there's a possibility the building may be razed. The site on which it and another building exists is being considered by the city as the location for a new public safety building.

According to city of Homer Resolution 13-096, passed Sept. 23, 2013, the "city council has concluded it is in the best interest of the community to demolish the buildings and use the site for the proposed new public safety building."

The Public Safety Review Committee decided at its Sept. 24 meeting to prepare a memo to be presented to the Homer City Council identifying the site's pros and cons. The memo will be available for review at the committee's Oct. 8 meeting, according to Ken Castner, the committee chair. The meeting will be held at City Hall at 5:30 p.m. and is open to the public.

"The motion was to put together a memo to the council that says here's the site, here are some issues that have to be addressed, some conflicting uses and conditions," Castner told the Homer News. "What it would take to bring that site up to a constructible standard is going to cost some dollars. There will be lost resources of not only recreation stuff, but Public Works has space in one of those buildings. All of those things have to be lumped together."

Other issues listed by Castner that need to be resolved include placing a public safety building next door to Homer Middle School and concerns over wetlands.

Of all the locations considered for a new public safety building, Castner said the HERC site is "the only four-acre site left on the list." That is the size needed for a single-story combined fire and police station according to

a space needs assessment done for the committee by Loren Berry Architect and USHK, now Stantec, and completed in August.

“It’s been my contention all along that (the public safety building) was going to be shoved to this site,” said Castner. “People said we need to look at other sites, but they kind of fall off the list because they’re not four acres. Given what we’re charged to do, that’s the only site that is even viable.”

Kate Crowley, the head organizer of ReCreate Rec, a community group addressing the area’s recreational, wellness and extracurricular needs, is currently circulating a petition requesting that the site be maintained for recreational, cultural and educational purposes. ReCreate Rec also is conducting a needs assessment scheduled to be completed by next spring.

“The petition is to keep the designated use for recreation and education as it has been since the city bought the property in 1998,” said Crowley of the formerly owned borough site.

In 1998, the city of Homer’s Resolution 98-63 urged the borough to convey the 4.303-acre piece of property and buildings on it to the city “to allow public use of the gym and associated restroom facilities.”

The borough followed up two months later with an ordinance that said there was “a large demand from the public for use of the gym” and “the city of Homer is the appropriate entity to properly manage the facility for community purposes as the city has park and recreation powers while the borough presently lacks such powers inside the Homer city limits.”

In 2000, for the price of \$1 the site was quitclaimed to the city with the restriction “that the site shall be owned in perpetuity by the city of Homer or its successor and be managed for the use and benefit of the general public.”

Crowley said that same desire to use the gym exists now as it did in 1998.

“So, for us to have this site really be scooped out from under us when we’re so close to getting a parks needs assessment is really quite painful,” said Crowley.

Since January 2013, 440 people have made a total 9,946 visits to the HERC gym to participate in activities that include a playgroup for ages up to 5, pickleball, gymnastics, youth basketball, youth wrestling, indoor youth soccer, women’s basketball, men’s basketball and contra dance, according to Mike Illg, coordinator of the city’s Community Recreation Program.

Fees from those activities have brought in \$9,194.

In addition to the outdoor skateboard park, there is an outdoor basketball court and a green space used for recreational activities by such groups as Special Olympics and Homer Animal Friends. Illg said he also has received many requests from nonprofits and private businesses interested in using other portions of the HERC.

Deb Lowney, who serves on the city’s Parks and Recreation Advisory Commission, said the HERC gym “is probably one of the top recreational spaces that this community has.” Her concerns about losing it echo those expressed by Crowley.

“It leaves us with absolutely nothing and no path for getting something,” said Lowney. “If we could see two, three years down the road, a new facility to take its place, that would be easier.”

Lowney believes a “thorough vetting” of sites for a new public safety building has not been done. In particular, she noted the additional space that could be gained at the fire and police stations’ current site if the city pursued the possibility of purchasing the borough’s maintenance property east of the stations.

“All we’re asking for is the gymnasium to be saved, with the basketball and skateboard court,” said Lowney. “Those are way too valuable to lose.”

Blankenship, Johni

From: Mary Griswold <mgrt@xyz.net>
Sent: Wednesday, October 08, 2014 1:21 PM
To: Wolf, Kelly; Smalley, Hal; Ogle, Wayne; Bagley, Dale; Pierce, Charlie; McClure, Sue; Johnson, Brent; Smith, Bill; Haggerty, Mako; Blankenship, Johni
Cc: Navarre, Mike
Subject: Ordinance 2014-31

Please defeat or postpone introduction of Ordinance 2014-31 releasing deed restrictions on the property conveyed to the City of Homer in 2000. The city requested this former school property because there was significant interest by the public to use its gym. That interest continues today. However, the city now wants the option to sell this property to purchase other land on which to place a public safety building, if it cannot be built on this site. The public interest in this gym has not diminished. It is highly desirable for a multitude of activities ranging from Zumba to Pickleball to contra dancing. The skateboard park outside the gym is busy almost every afternoon. The city is conducting a study of the recreational needs and funding mechanisms for Homer and the surrounding area, which is scheduled to be completed in April 2015. This property is ideal for public recreational purposes for which it was acquired. Please allow the process to work.

Mary Griswold
Homer

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Blankenship, Johni

From: Mary Griswold <mgrt@xyz.net>
Sent: Thursday, October 09, 2014 4:57 PM
To: Wolf, Kelly; Smalley, Hal; Ogle, Wayne; Bagley, Dale; Pierce, Charlie; McClure, Sue; Johnson, Brent; Smith, Bill; Haggerty, Mako; Blankenship, Johni
Subject: Ordinance 2014-31 Homer deed restriction removal

This issue raises questions on many fronts. The property is prime real estate. It is highly treasured by the recreational community, yet the buildings are vintage, meaning they contain asbestos and little insulation. It will be expensive to raze them and build anew. However, the gym is very usable just as it is. The borough gave the property to the city for "the use and benefit of the general public." Many residents believe the property should be reserved for recreation and education purposes for which it was requested. Some residents accept the city's position that it would be an appropriate location for the proposed new public safety building (combined police and fire departments). Very few residents believe it should be sold to purchase other property for the public safety building. Some believe that if the city cannot honor the deed restriction, it should give the property back to the borough. The city council has lately rallied behind the assertion that the deed restrictions must be removed so the city can obtain financing for the proposed public safety building on this site. I question this assertion because the South Peninsula Hospital bonded its extensive 2007 expansion without even owning the property upon which the hospital sits. It is owned by the City of Homer. Please defeat or postpone introduction of Ordinance 2014-31 until everyone has a better understanding of this situation.

Mary Griswold
Homer resident

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Blankenship, Johni

From: Nina Faust <aknina51@gmail.com>
Sent: Friday, October 10, 2014 8:30 AM
To: Wolf, Kelly; Smalley, Hal; Ogle, Wayne; Bagley, Dale; Pierce, Charlie; McClure, Sue; Johnson, Brent; Smith, Bill; Haggerty, Mako; Blankenship, Johni
Subject: Ordinance 2014-31

P.O. Box 2994
Homer, AK 99603

October 10, 2014

Kenai Peninsula Borough Planning Commission
Kenai Peninsula Borough Assembly
144 N. Binkley ST.
Soldotna AK 99669

Dear Assembly and Commission Members:

I am opposed to the proposed Ordinance 2014-31: Authorizing the Repeal of a Deed Restriction on a parcel of land where the former Homer Intermediate School was located. I do not know the original history of this parcel, but it may, like many other school sites, have been given to the Borough by the State or Federal government to provide land for public schools. Even if this is not the case, repealing the deed restrictions on this parcel should not be a matter of course.

This land has for years been used for public education. It is adjacent to a junior high school. It has provided, and still could continue to provide, services that augment the mission of the adjacent school and provide much needed recreational space for the community. The skate board park, the gym, the home for Boys and Girls Club, college classes, park space for local nonprofits to hold events, and more have all been needed and well used services. Some have lost funding or been discontinued due to uncertainty about the future of the building.

Public Safety also needs a new space, but it does not necessarily have to be this space. There is land available in the area around the existing public safety complex but it is just shy of the requested ideal size. Creative planning and design should be looked at. Repurposing existing facilities is less wasteful. I would like to see more effort put into looking at options.

The HERC building has served this community well. I taught in that building for many years. As far as I know, any problems with asbestos have been resolved by containing it. The gym is a great public asset. We need a good, safely located, permanent space to reinstitute the Boys and Girls Club. This site would serve the community well into the future and be an asset to the adjacent school if we finally dedicate it to this purpose and do some community planning.

I urge the Planning Commission and Assembly to retain the Deed Restrictions and direct the City of Homer to do more work to see how the needs of the Community can be met for both public recreation, education, youth programs, and public safety. Completely taking away one for the other does not resolve the needs of the community.

Sincerely,

Nina Faust

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City of Homer

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October 14, 2014

Mayor Mike Navarre

Assembly President Hal Smalley

Kenai Peninsula Borough

144 N. Binkley St.

Soldotna, AK. 99669

SUBJECT: Ordinance 2014-31

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Dear Mayor Navarre and President Smalley:

Last night, at the Homer City Council meeting, I informed the Council that Ordinance 2014-31 was scheduled for introduction at the October 14, 2014 Assembly meeting. Ordinance 2014-31 is sponsored by Assembly member Bill Smith and Mayor Navarre and it is offered in response to City Council Resolution 13-096. Resolution 13-096 requests that the Borough remove the deed restrictions that were imposed when the Borough conveyed the old school property to the City via Quitclaim deed in 2000. The deed restrictions stipulate that the property must be owned in perpetuity by the City of Homer and managed for the use and benefit of the general public.

The City Council discussed Resolution 13-096 at its last two meetings and there was general agreement that it would be useful to clarify its current thinking on the matter. Resolution 13-096 places a strong emphasis on the City's inability to sell or dispose of the property. There was discussion about selling the property at the time the Resolution was adopted because the City no longer had tenants in the building and was unsuccessful in its efforts to identify other suitable uses. The City could not afford to make improvements or maintain the building if there was no one paying rent. The building had become a financial liability and a drain on the budget. Selling the property and using the sale proceeds for the benefit of the public seemed like a viable option.

Since the resolution was adopted, the situation has changed significantly. This site has now been identified as a likely location for the proposed new public safety building. The City consultants have been asked to prepare site plans that might accommodate recreation facilities as well. The Council thought it was important to clarify that it has no immediate plans to sell or dispose of the property. However, it still thinks it is important to have that option available.

The Council's more immediate concern about the deed restrictions is that they limit the City's options and restrict its ability to make the best use of the property and comply with the Borough's intent;

which was that the property be used for the benefit of the general public. Following are a few examples. If the City decides to build a new public safety building or recreational facility at this location, there are questions about whether lending institutions would accept the land as security with those encumbrances attached. The restrictions could be construed to prevent the City from leasing to private businesses even if the rent were used to support public services. These restrictions would also prevent the City from doing something like selling the land and placing the proceeds in the Permanent Fund; the earning of which are dedicated to funding public services, keeping taxes low, and supporting local nonprofits.

In closing, the Homer City Council appreciates your consideration and support for Ordinance 2014-31. The Council believes removing the deed restrictions is in the best interest of the City and will give it the tools it needs to make the best use of the property and comply with the Borough's intent when the property was conveyed. The Council also wishes to make it clear that it has no intent to sell the property at this time.

Thanks for your time and consideration. I will be at the Lands Committee meeting to answer any questions you may have.

Walt Wrede

City Manager

Havrilla, Brion

From: Blankenship, Johni
Sent: Tuesday, October 14, 2014 2:20 PM
To: Havrilla, Brion
Subject: FW: Ordinance 2014-31 deficiencies

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Johni Blankenship

From: Mary Griswold [<mailto:mgmt@xyz.net>]
Sent: Tuesday, October 14, 2014 2:05 PM
To: Wolf, Kelly; Smalley, Hal; Ogle, Wayne; Bagley, Dale; Pierce, Charlie; McClure, Sue; Johnson, Brent; Smith, Bill; Haggerty, Mako; Blankenship, Johni
Cc: Navarre, Mike; wwrede@ci.homer.ak.us; kelly@glacierviewcabins.com
Subject: Ordinance 2014-31 deficiencies

Speaking on Ordinance 2014-31 Removing deed restrictions on a parcel of land donated by the borough to the City of Homer for public benefit and allowing the city to sell the property.

I urge the sponsors to withdraw this ordinance and allow the City of Homer to reconsider its request and better justify its reasons if it decides to move ahead.

This 4-acre site overlooking the intersection of the Sterling Highway and Pioneer Avenue is ideally suited for public purposes.

At last night's city council meeting, the city manager and council members stated that the request to remove these deed restrictions was poorly written.

Council members have stated at two council meetings that they do not intend to sell the property.

The most recent reason cited for wanting this ordinance is that the council feels it cannot finance construction with the deed restrictions in place. This is not mentioned in the Ordinance. However municipal bonding is not like homeowner construction loans. The city would most likely issue general obligation bonds to finance a public safety building. These bonds are not project specific and are backed by the full faith and credit of the city which can use any source of revenue to pay and even raise taxes to offset a shortfall. The deed restrictions are unlikely to adversely affect bonding.

Section 1 c of the Ordinance says that the city cannot afford to operate and maintain the buildings. In September, 2013 the City passed Resolution 13-095 authorizing the manager to keep the gym on this property open for activities that require the minimal heat to maintain the building. The city budget for calendar year 2014 provided sufficient funds for this maintenance and the proposed 2015 budget continues this funding. The gym is busy with activity which is consistent with the intent of Ordinance 98-12 donating the property to the city: "There is a large

demand for the use of the gym and the City of Homer is the appropriate entity to manage the facility.” There is no language in the original ordinance about allowing the city to sell this donated land to purchase other land for public benefit.

Section 1 e of the Ordinance says that the borough does not have a foreseeable need for the property. But perhaps this is shortsighted. This site would be ideal for a borough recreation service area facility, which happens to be under discussion.

There is no rush to decide the fate of these deed restrictions.

Please withdraw or defeat introduction of Ordinance 2014-31 to allow a better legislative process to evolve.

Thank you,
Mary Griswold
PO Box 1417
Homer city resident