

Mayor Hornaday has excused himself from all matters concerning Griswold due to conflict/bias.

Mayor Pro Tempore Wythe called for a motion for the approval of the recommendation of Memorandum 10-38 for Executive Session to discuss Frank Griswold vs. City of Homer and Don Blackwell - Superior Court Case; Frank Griswold vs. City of Homer; City Clerk Jo Johnson; Kachemak Shellfish Mariculture Association - Supreme Court No. S-13734.

LEWIS/ROBERTS - SO MOVED.

Brief discussion ensued on the councilmembers who may participate, as some may have decided the cases at the Planning Commission level. It was decided the question would be posed to the City Attorney in Executive Session for direction.

VOTE: YES. ROBERTS, WYTHE, ZAK, HOGAN, LEWIS

Motion carried.

Council recessed to Executive Session at 4:06 p.m. and reconvened the meeting at 4:40 p.m.

Councilmember Roberts stated Council met with Attorney Tom Klinkner and gave direction as to how to proceed with the legal cases.

COMMENTS OF THE AUDIENCE

There were no comments from the audience.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

COMMENTS OF THE MAYOR

Mayor Hornaday was not present.

COMMENTS OF THE CITY COUNCIL

Councilmembers had no comments.

ADJOURNMENT

There being no further business to come before the Council the meeting was adjourned at 4:41 p.m. by Mayor Pro Tempore Wythe. The next Committee of the Whole is scheduled for Monday, March 8, 2010 at 5:00 p.m. The next Regular Meeting is Monday, March 8, 2010 at 6:00 p.m. A Special Meeting is scheduled for Monday, February 25, 2010 at 4:15 p.m. A Worksession is scheduled for Monday, March 8, 2010 at 4:00 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers.

JO JOHNSON, CMC, CITY CLERK

Approved: _____