

Session 10-14 a Regular Meeting of the Homer City Council was called to order on April 26, 2010 at 6:00 p.m. by Mayor Pro Tempore Beth Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: HOGAN (telephonic), HOWARD, LEWIS,
ROBERTS, WYTHER, ZAK (telephonic)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY PLANNER ABOUD
FINANCE DIRECTOR HARVILLE
PLANNING TECHNICIAN ENGBRETSSEN
PORT & HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Mayor Hornaday has requested excusal.
Councilmembers Hogan and Zak have requested telephonic participation.

Department Heads may be called upon from time to time to participate via teleconference.

Mayor Pro Tempore Wythe ruled Mayor Hornaday as excused. There was no objection from the Council.

Mayor Pro Tempore Wythe called for a motion to grant telephonic participation to Councilmembers Hogan and Zak.

LEWIS/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Council met for a Worksession from 4:01 p.m. to 4:34 p.m. to discuss Ordinance 09-40(S), An Ordinance of the Homer City Council Adopting the 2008 Homer Comprehensive Plan and Recommending Adoption by the Kenai Peninsula Borough. City Manager. Council met as a Committee of the Whole from 5:00 p.m. to 5:35 p.m. to discuss Tsunami Alert System and Regular Meeting Agenda items.

AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

The agenda was amended to add Representative Paul Seaton as Item B under VISITORS and backup information was provided on Item A, Brad Hughes, Jean Keene Memorial on the Homer Spit. Memorandum 10-61 under ORDINANCES was moved as Item A. Public hearing is to be taken for Item B Ordinance 10-21, and then Council will adjourn to Executive Session.

Mayor Pro Tempore Wythe called for a motion for the approval of the agenda as amended.

ROBERTS/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Angie Newby, city resident and Public Arts Committee Chair, spoke in support of Brad Hughes project. Mr. Hughes attended a PAC meeting to present the proposal. The sculpture is to be located on public land near the Seafarers Memorial, therefore, will become a part of the public art collection. To ensure long term maintenance of the artwork, \$1,000 will be donated and set aside. Another donation for the Fire Hall from the Kenai Peninsula FireWise Program will be forthcoming. It is a winning school poster evolved into a ceramic wall hanging by students at Kenai Peninsula College.

Asked by Councilmember Roberts about the maintenance fee, Mrs. Newby explained the memorial committee recommended a \$5,000 maintenance fee. When the PAC realized there would be no maintenance with the sculpture, in the interest of long term they recommended a \$1,000 maintenance fee.

RECONSIDERATION

None.

CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Regular Meeting minutes of April 12, 2010. City Clerk. Recommend adoption.
- B. **Memorandum 10-59**, from Mayor, Re: Appointment of Alexander Simpson and Paul Dauphinais to the Economic Development Advisory Commission, Reappointment of

Brad Faulkner to the Economic Development Advisory Commission, and Reappointments of Angie Newby and Trina Fellows to the Public Arts Committee.

Mayor Pro Tempore Wythe called for a motion for the approval of the recommendations of the consent agenda as read.

LEWIS/HOWARD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

A. Brad Hughes, Sculpture for Jean Keene Memorial

Brad Hughes presented the idea for the sculpture in remembrance of Jean Keene. Its composition is similar to the Public Library sign, with ground up beach materials. The inside is a solid cast steel reinforced concrete, fiberglass, and glue core. It will provide seating for two people to view the bay on the west side and a carved bas relief of eagles on the east side. A citizens group has provided \$15,000 to commission the sculpture. Transportation of the 5,000 lb. piece of art work will be provided to the site near the Seafarers Memorial on the Spit. The sculpture will require less maintenance than a granite boulder. It will be impervious to paint, allowing for solvents to remove graffiti paint. Although it could be damaged with a hammer, the glue agent allows for new concrete to be added to the old. Mr. Hughes is not worried about the sculpture being damaged. He will fix things that are broken for the rest of his life.

B. Representative Paul Seaton

Representative Paul Seaton recently returned from the 90-day Legislative Session. There were many bills heard in a short period of time without much time for public comment. Citizens have through Friday morning to add letters of support for capital items. They may send email to Representative Seaton and the Governor relating to the capital projects. It was a large capital budget that the Governor has said it is too large for him. There will be vetoes. Currently there is \$4.8M for a pressure reducing station in Anchor Point and a natural gas pipeline to Homer. It is an economic driver for the southern Kenai Peninsula. The conditions put on the \$4.8M include:

- Consumer costs for the state funded pipeline would not be less than that for other users in the Cook Inlet basin.
- Before construction, determination will be made that new customers will not adversely affect existing customers.
- State funds will offset consumer rates throughout the Cook Inlet basin.
- The City of Homer develop a plan:
 - a. for distribution that identifies residential, commercial, public facility users, and industrial users within municipal boundaries

- b. that provides access to the pipeline along the route of the pipeline for potential users that are outside the municipal boundary
- c. that provides extension beyond the municipal boundary

Anchor Point, Diamond Ridge, Old Sterling Highway, and other places would be able to take off gas. It is a 14-mile pipeline that could be extended to Kachemak City and out East End Road. The Ninilchik school is saving a lot by converting to natural gas. It could become a ripple effect on the Southern Peninsula with schools and the hospital improving their energy costs. The Deep Water Dock extension, Karen Hornaday Park, and Kachemak Bay Campus were other items in the capital budget.

Councilmember Zak commented the Ocean Drive Loop seawall owners are looking for armor rock, a shovel-ready project. Representative Seaton answered there is no money to direct in between Legislative sessions. Emergency funding from the Department of Military Veterans Affairs through Homeland Security may be an option.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. **Mayor's Proclamation** - Municipal Clerks Week – May 2 – 8

B. Borough Report

Bill Smith, Kenai Peninsula Borough Assemblyman, reported the Assembly has thus far funded the schools at a rate of \$4M less than the cap. There is still opportunity for the Assembly to vote in more funding, depending on input from the KPB school district. For the last three years the school district has been funded to the cap and they had money left over at the end of the year to the tune of \$3M and \$4M. For the current budget and the 4.5 mil rate there will be a shortage. Additionally, a dual service ordinance was passed which prevents the city council serving concurrently on the Borough Assembly. The Spruce Bark Beetle Program will be working with City Manager Wrede for a plan to clear trees within the Bridge Creek Watershed Protection District. Private property owners adjacent to the Bridge Creek reservoir who want harvesting done should contact the Borough office. There will be reforestation as well. Assemblyman Smith appreciates the City's resolution to keep the Homer Annex office open, even though Mayor Carey has said it will be funded.

C. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

5. Port and Harbor Advisory Commission

8. PUBLIC HEARING(S)

A. **Memorandum 10-61**, From City Clerk Re: Request for Executive Session Pursuant to AS 44.62.310(C)(1&5), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of a Government Unit and Attorney Client Privilege. (Ordinance 10-21)

ROBERTS/LEWIS – MOVED THAT THE EXECUTIVE SESSION BE AUTHORIZED IMMEDIATELY FOLLOWING THE PUBLIC HEARING BUT PRIOR TO TAKING ACTION ON ORDINANCE 10-21.

There was no discussion.

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

Motion carried.

B. **Ordinance 10-21**, An Ordinance of the City Council of Homer, Alaska, Authorizing the Purchase of Property Within the Bridge Creek Watershed, Kenai Peninsula Borough Parcel No. 17307031 (N 663 ft. of NE 1/4, SE 1/4, East of Skyline Drive, T 6S R 13W SEC 7), in the Amount of \$90,000 from the Water Depreciation Reserve Account for the Purpose of Protecting the Watershed and Providing Alternate Access to Property North of the City's Water Treatment Plant. City Manager/Public Works Director. Introduction April 12, 2010, Public Hearing and Second Reading April 26, 2010.

Memorandum 10-58 from Public Works Director as backup.

Mayor Pro Tempore Wythe opened the public hearing. In the absence of public comment Mayor Pro Tempore Wythe closed the public hearing.

Council adjourned to Executive Session at 6:37 p.m. and reconvened at 6:47 p.m.

Councilmember Roberts stated Council met with the attorney who advised them and they are ready to proceed with the meeting.

Mayor Pro Tempore Wythe called for a motion for the adoption of Ordinance 10-21 by reading of title only for second and final reading.

LEWIS/HOWARD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- A. **Ordinance 09-40(S)**, An Ordinance of the Homer City Council Adopting the 2008 Homer Comprehensive Plan and Recommending Adoption by the Kenai Peninsula Borough. City Manager. Introduction September 14, 2009, Public Hearings October 12 & 26, November 23, 2009, January 25, February 8 & 22, March 8, 2010 and April 12, 2010. Worksession November 9, 2009. Hearing March 22, 2010 and Second Reading April 26, 2010.

Memorandum 10-11, 10-56, and 10-62 from City Planner and Planning Technician as backup.

Motion on the floor from February 8, 2010: MOTION FOR THE ADOPTION OF ORDINANCE 09-40(S) FOR SECOND AND FINAL READING.

ROBERTS/HOWARD – MOVED TO AMEND CHAPTER 10 PG. 10-1 TO ADD A NEW SENTENCE AS THE LAST SENTENCE UNDER PROCESS FOR REVISING THE COMPREHENSIVE PLAN: THE TIME FRAMES IN THE IMPLEMENTATION TABLES ARE NOT BINDING, BUT ARE SUGGESTED SEQUENTIAL STEPS.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HOWARD/ROBERTS - MOVED TO AMEND CHAPTER 4 PG. 4-5 UNDER COMMERCIAL AND MIXED USE DISTRICTS TO DELETE THE PARAGRAPH NC NEIGHBORHOOD COMMERCIAL WEST HILL.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/LEWIS - MOVED TO AMEND CHAPTER 4 PG. 4-16 UNDER IMPLEMENTATION STRATEGIES DELETE THE LAST SENTENCE: “THE NEIGHBORHOOD COMMERCIAL AREAS ON WEST HILL ...”.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/LEWIS - MOVED TO AMEND APPENDIX B PG. B8 UNDER DEVELOPMENT STANDARDS DELETE REFERENCES TO THE WEST HILL NC AREA.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE: (main motion as amended to adopt Ordinance 09-40(S) YES. WYTHER, ZAK, HOWARD, LEWIS, ROBERTS

VOTE: NO. HOGAN

Motion carried.

B. **Ordinance 10-22**, An Ordinance of the Homer City Council Accepting and Appropriating a Federal Emergency Management Agency (FEMA) and Department of Homeland Security (DHS) Grant in the Amount of \$194,275.00 (95%) with a Local Match of \$10,225.00 (5%) to Provide Assistance to Firefighters and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Fire Chief. Recommended dates: Introduction April 26, 2010, Public Hearing and Second Reading May 10, 2010.

Mayor Pro Tempore Wythe called for a motion for the introduction and first reading of Ordinance 10-22 by reading of title only.

HOWARD/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Wrede reported he received a petition for Old Town with over 200 signatures of residents, business owners, and patrons concerned about traffic, speeding, and the dangerous situation for pedestrians. Police Chief Robl and he met with Old Town residents and talked about short and long term solutions. Upgrading of streets, separated sidewalks, parking fixes, one-way traffic, speed bumps, and a 3-way stop across from Two Sisters Bakery were suggestions.

Maps of fire mitigation measures within the watershed area were available. The maps indicate the direction fires would spread if started. Work will be focused on the north side of the reservoir

which is mostly public land to include Borough, City, and University land. The Borough is proposing to complete logging in the fall and winter for the least impact. In the past the Nordic Ski Club was opposed to mitigation work; they are now favorable to the idea. A heavy snow load was cause for the collapse of the roof on the old water treatment plant. It was the building that we had been thinking about turning into the Skyline Drive fire station. The cave-in caused significant damage, but the shop is still in good shape. Other parts of the building may have to be knocked down. City Manager Wrede will draft a letter to the Governor in support of Homer's projects. Projects that were not mentioned earlier in Representative Seaton's report include Pratt Museum, Community Schools, and re-appropriation of money for City Hall. Additionally, there was \$1M for Tutka Bay Hatchery. Council passed a resolution authorizing the appropriation of \$163,000 in stimulus funds to three projects: \$75,000 to the Fire Hall, \$55 to the Fishing Hole, and the remainder to Jack Gist Park. There are immediate needs for dredging at the Fishing Hole, which is an important economic engine for the city. Mr. Wrede suggested that some of the money be shifted from the Fire Hall to Karen Hornaday Park. It will provide more for a match for the Land and Water Conservation Fund Grant for Karen Hornaday Park. This will provide for Phase I improvements to include: ballfields, drainage, parking areas, and for the engineering and design phase for road removal and trails along Woodard Creek, a later project. He suggested \$55,000 for the Fishing Hole, take \$55 from the Fire Hall and move to Karen Hornaday Park, and take the remainder from the Fire Hall and move to Jack Gist Park for the ballfields. In the State Capital budget \$50M is included in the alternative energy program. It will fund the City's tidal power feasibility study.

Asked by Councilmember Hogan if he was able to advocate for the Maritime Academy, Mr. Wrede answered was not, but he hopes to follow up in the Anchorage office with the Governor.

COMMITTEE REPORT

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee

PENDING BUSINESS

NEW BUSINESS

- A. **Memorandum 10-60**, from City Clerk, Re: Vacate a Portion of Hough Road and Associated Utility Easement Adjacent to Tract B-1C, Dedicated by Christensen Tracts No. 3 (Plat HM 2003-90); and Vacate a Portion of Hough Road Adjacent to Tract B-2-A, Dedicated by Stream Hill Park Unit 1 (Plat HM 2006-54); Within Section 16, Township 6 South, Range 13 West; Seward Meridian, Alaska, Within the City of Homer and the Kenai Peninsula Borough; KPB File No. 2010-025.

Councilmember Hogan declared a conflict of interest as the owner of abutting property to the easement. He does not believe it would affect the value of his property.

Mayor Pro Tempore Wythe ruled Councilmember Hogan had no conflict of interest.

There was no objection from the City Council or staff.

Mayor Pro Tempore Wythe called for a motion for the approval of the recommendations of Memorandum 10-60.

ROBERTS/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

- A. **Resolution 10-37**, A Resolution of the City Council of Homer, Alaska, Approving the Amendments to the Cooperative Participation Agreement and Bylaws of the Alaska Municipal League Joint Insurance Association, Inc. Effective July 1, 2010. City Manager.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 10-37 by reading of title only.

LEWIS/ROBERTS - SO MOVED.

Asked by Councilmember Hogan if the City Attorney had reviewed the agreement, City Manager Wrede answered it had not, but all the municipalities in the state need to vote on it.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 10-38**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Investment of the Permanent Fund to the Firm of U.S. Bank of Seattle, Washington, at the Rate of .75 percent (3/4 of 1%) on the Total Market Value of Assets Managed and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 10-38 by reading of title only.

HOWARD/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 10-39**, A Resolution of the Homer City Council Requesting that the Kenai Peninsula Borough Continue Funding the Full Time Position at the Kenai Peninsula Borough Annex Office in Homer. Mayor.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 10-39 by reading of title only.

LEWIS/HOWARD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Resolution 10-40**, A Resolution of the City Council of Homer, Alaska, Approving a Long Term Lease Agreement Between the City of Homer and the State of Alaska, Alaska Marine Highway System, for a Portion of Lot 45A, Homer Spit No. Six, Velma's Addition Subdivision and a Portion of Lot 48, Homer Spit Subdivision Amended. City Manager.

Memorandum 08-101 from City Manager as backup.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 10-40 by reading of title only.

LEWIS/ROBERTS - SO MOVED.

Councilmember Hogan commented on the provisions to AMHS with no revenue in return.

City Manager Wrede explained AMHS has a land use permit for Lot 45-A with an agreement they will not pay rent for the land. We are trading an equivalent piece of land. AMHS is relinquishing claim to the Coast Guard land and instead will get land for a warehouse that the Coast Guard used to have. There is no way to get rent from them, as it was a long term agreement with the State when they contributed to building the dock. Later there will be a preferential docking agreement where if conditions change they can pay the City for more docking and moorage fees. AMHS now homeports the Tustumena here with more visits and they do tie up the dock more often. The Kennicott is coming here also. AMHS is occupying the Pioneer Dock more than anticipated when the agreement was first reached. Pioneer Dock is a

multi-vessel dock and we want to allow other vessels to tie up and other commerce to happen. Negotiations have changed enough to open discussions on the berthing agreement.

Councilmember Hogan expressed concern at having the cruise ships tie up at Deep Water Dock. He is glad to hear the report.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Stephen Rollins, city resident, is in the process of building a home. He thanked Dan Gardner, Dotti Harness-Foster, and Shelly Rosencrans for their help. He has dreamed for years of living in Homer. He thanked Mayor and Council for supporting employees who explain things patiently and kindly more than once.

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 Pro Tempore Wythe thanked the community, staff, and the Planning Commission for their work on the Comp Plan. We ended up with a good product. She is excited about moving forward with the investment of Permanent Fund monies. It is one of the first things she brought forward as a Councilmember. She asked that staff bring forward review of the Ocean Drive Loop seawall study.

COMMENTS OF THE CITY COUNCIL

Councilmember Roberts is grateful Council took the time on the Comp Plan. She also appreciates lots of people's patience. Julie and Rick were here for many nights. She welcomed back Walt and thanked him for all he did in Juneau on behalf of the City.

Councilmember Howard gave a special recognition to the City Clerk and Clerk's office. She thanked Beth for conducting the meeting, Walt for the good work he did in Juneau, and

Councilmembers Hogan and Zak for their patience on being on the telephone. She thanked the audience and is very happy to have passed the Comp Plan in her lifetime.

Councilmember Lewis dittoed what everyone else said.

Councilmember Zak thanked Walt for going to Juneau and Representative Seaton who is representing us well with the gas line to Homer. When he found out we were not part of the original line to Anchor Point he went to work for the City.

Councilmember Hogan had no comment.

ADJOURNMENT

There being no further business to come before the Council the meeting was adjourned at 7:24 p.m. by Mayor Pro Tempore Wythe. The next Regular Meeting is scheduled for Monday, May 10, 2010 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, May 10, 2010 at 5:00 p.m. A Worksession is scheduled for Monday, May 10, 2010 at 4:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____