

Session 10-15 a Regular Meeting of the Homer City Council was called to order on May 10, 2010 at 6:01 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, HOWARD, LEWIS,
ROBERTS, WYTHE, ZAK

STAFF: ACTING CITY MANAGER PAINTER
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
CITY PLANNER ABOUD
ACCOUNTING SUPERVISOR MOORE
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Mayor Hornaday has requested excusal.

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

Council met for a Worksession from 4:08 p.m. to 4:57 p.m. to hear Tom Anderson, Kenai Peninsula Borough Assessor and Lease Policy Amendments as presented by Chair Shelly Erickson of the Economic Development Advisory Commission. Council met as a Committee of the Whole from 5:04 p.m. to 5:20 p.m. to discuss 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: Substitute Ordinance 10-24(S), An Ordinance of the City Council of Homer, Alaska, Purchasing Tax Foreclosure Property Owned by the Kenai Peninsula Borough (KPB) for the Amount of \$386.83, Legal Description T 6S R 13W Sec 14 Seward Meridian HM S1/2 of Govt Lot 30 Lying West of Kachemak Dr, KPB Tax Parcel Number 179-080-50, Last Owner of Record Elmer Daarud, Located at 4757 Kachemak Drive, **Finding That a Public Need for the Property Does Not Exist, Determining to Offer the Property for Sale, and Designating its Use for Public Purpose** and Authorizing the City Manager to Execute the Appropriate Documents. City Manager.

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

LEWIS/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Patty Boily, city resident, supports Ordinance 10-23. The three parks are important to the physical and mental health of the community. She asked that ADA accessibility measures be kept in mind.

Sharon Whytal, city resident and coordinator of the South Kenai Peninsula Project, supports Ordinance 10-23. Based on the recent assessment one of the top priorities was healthy lifestyle choices. Funding the parks means we have the healthy lifestyle built into our daily lives.

Ray Kranich, city resident, spoke in opposition to Resolution 10-45. The community is divided in the actions of the individual for which the memorial is sought. Individual personal memorials should not be on city property. Nick Dudiak Fishing Lagoon, Cowles Council Chambers, WKFL Park and Seafarer's Memorial are acceptable due to their contributions to the community.

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 26, 2010. City Clerk. Recommend adoption.
- B. **Memorandum 10-63**, from Mayor Pro Tempore, Re: Appointment of Elias Garvey to the Parks and Recreation Advisory Commission.

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

LEWIS/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITOR

- A. Taz Tally, Renewable Energy

Taz Tally, Energy Efficiency & Renewable Energy Advocate, provided a PowerPoint presentation. He has applied for a USDA grant to help small businesses conduct energy audits and implement energy saving measures. With the grant award he anticipates helping 20-30 small businesses. The 5 Step Energy Master Plan includes:

- Perform energy efficiency audit to assess energy use and potential improvements
- Prioritize energy efficiency upgrades
- Perform most important/cost effective efficiency improvements
- Conclude and evaluate renewable energy audit
- Install renewable energy systems

Additionally, Mr. Tally plans to install the first vertical axis wind turbine (VAT) in Alaska at his office on East End Road. The VAT offers the following advantages:

- Short poles (12-25 ft. tall)
- Work in turbulent flow areas
- Small stand-off distances
- No Guy wires
- Cool graphics-ready vertical windmill turbines
- Quiet: 50db @ 12 feet
- Low maintenance (gearless)
- Low wind cut-in/energy production wind speeds: 3/4 mph
- No Energy cutout \geq 50-60 mph
- Good candidates for urban environments

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. **Mayor's Proclamation** – Peace Officers Memorial Day, May 15 and National Police Week, May 9 – 15

Mayor Pro Tempore Wythe read the proclamation.

- B. **Mayor's Proclamation** – National Public Works Week May 16 – 22

Mayor Pro Tempore Wythe read the proclamation.

- C. Borough Report

- D. 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

PUBLIC HEARING(S)

- A. **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. Introduction April 26, 2010, Public Hearing and Second Reading May 10, 2010.

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

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

LEWIS/ROBERTS - SO MOVED.

Asked about the bid process and planned uses by Councilmember Hogan, Fire Chief Painter explained the equipment will go through the RFP (Request for Proposals) process. There are half a dozen vendors that build these devices; \$10,000 has been set aside in depreciation reserves for a forcible entry training prop. The training trailer will be shared with other communities from Ninilchik to KESA. It is trailerable as it is mounted on a chassis and could be loaded on the ferry and taken to Seldovia.

Fire Chief Painter described the live fire training trailer as a 40 ft. connex or steel trailer. About a quarter length portion of the trailer contains high heat insulated tiles and construction to allow for repeated Class A fuel fires for firefighting practices. Various hatches, stairwells, doorway, and window props allow for multi-training. There are exterior and interior stairways for simulating different types of fires. It allows for multiple types of fire training at one location. The fire safety education house located on the Spit was donated to the Fire Department by the Denali Safety Commission. It is used for training children on fire safety. No live fire is used.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- A. **Ordinance 10-16**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Section 1.43.010 to Change the Name of the Community Schools Program to Community Recreation Program. City Manager. Introduction March 22, 2010, Public Hearing April 12, 2010 Postponed to May 10, 2010.

Memorandum 10-49 from Community Recreation Coordinator through City Manager as backup.

Mayor Pro Tempore called for a motion for the adoption of Ordinance 10-16 by reading of title for second and final reading.

HOWARD/HOGAN – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 10-23**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2010 Operating Budget by Re-Appropriating \$161,979.77 Received in American Recovery and Reinvestment Act (Stimulus) Funds to Several Parks and Recreation Capital Projects Within the City. City Manager. Recommended dates: Introduction May 10, 2010, Public Hearing and Second Reading May 24, 2010.

Mayor Pro Tempore Wythe called for a motion for the adoption of Ordinance 10-23 for introduction and first reading by reading of title only.

ROBERTS/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Ordinance 10-24**, An Ordinance of the City Council of Homer, Alaska, Purchasing Tax Foreclosure Property Owned by the Kenai Peninsula Borough (KPB) for the Amount of \$386.83, Legal Description T 6S R 13W Sec 14 Seward Meridian HM S1/2 of Govt Lot 30 Lying West of Kachemak Dr, KPB Tax Parcel Number 179-080-50, Last Owner of Record Elmer Daarud, Located at 4757 Kachemak Drive, and Designating its Use for Public Purpose and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates: Introduction May 10, 2010, Public Hearing and Second Reading May 24, 2010.

Memorandum 10-64 from Public Works Director as backup.

Ordinance 10-24(S), An Ordinance of the City Council of Homer, Alaska, Purchasing Tax Foreclosure Property Owned by the Kenai Peninsula Borough (KPB) for the Amount of \$386.83, Legal Description T 6S R 13W Sec 14 Seward Meridian HM S1/2 of Govt Lot 30 Lying West of Kachemak Dr, KPB Tax Parcel Number 179-080-50, Last Owner

of Record Elmer Daarud, Located at 4757 Kachemak Drive, **Finding That a Public Need for the Property Does Not Exist, Determining to Offer the Property for Sale, and Designating its Use for Public Purpose** and Authorizing the City Manager to Execute the Appropriate Documents. City Manager.

Mayor Pro Tempore Wythe called for a motion to substitute Ordinance 10-24(S) for Ordinance 10-24.

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Pro Tempore Wythe called for a motion for the adoption of Ordinance 10-24(S) for introduction and first reading by reading of title only.

HOWARD/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. **Ordinance 10-25**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 4.01.050, Notice of Election, and Homer City Code 4.01.060, Precincts and Polling Places, Regarding Election Notice Requirements; and Amending Homer City Code 4.30.030, Application for Ballot, Regarding the Time to Apply by Mail for an Absentee Ballot. City Clerk. Recommended dates: Introduction May 10, 2010, Public Hearing and Second Reading May 24, 2010.

Memorandum 10-65 from City Clerk as backup.

Mayor Pro Tempore Wythe called for a motion for the adoption of Ordinance 10-25 for introduction and first reading by reading of title only.

HOWARD/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Ordinance 10-26**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.75.010 Storm Water Plan – When Required, Amending Homer City Code 21.75.020 Standards for Storm Water Plan, and Repealing and Reenacting Homer City Code 21.75.030 Financial Responsibility, Regarding Storm Water Plan Requirements. City Manager/City Planner. Recommended dates: Introduction May 10, 2010, Public Hearing and Second Reading May 24, 2010.

Memorandum 10-66 from City Planner and Planning Technician as backup.

Mayor Pro Tempore Wythe called for a motion for the adoption of Ordinance 10-26 for introduction and first reading by reading of title only.

HOWARD/ROBERTS - SO MOVED.

Brief discussion ensued of the 1999 Comprehensive Plan date listed in the resolution. City Planner Abboud confirmed the 1999 date is appropriate since the recently adopted 2008 Comprehensive Plan is still before the Kenai Peninsula Borough Assembly for adoption.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- F. **Ordinance 10-27**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2010 Operating Budget by Appropriating \$11,200 from the Information System Budget for the Purpose of Purchasing Computer Equipment. City Manager/Public Works Director/Finance Director. Recommended dates: Introduction May 10, 2010, Public Hearing and Second Reading May 24, 2010.

Memorandum 10-70 from Finance Director as backup.

Mayor Pro Tempore Wythe called for a motion for the adoption of Ordinance 10-27 for introduction and first reading 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

Acting City Manager Painter referenced the written Manager's Report in the packet. Asked if the Governor has been made aware of the Marine Academy, Port and Harbor Director Hawkins answered the resolution has been sent to him. More information is needed prior to presenting the idea.

COMMITTEE REPORT

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

PENDING BUSINESS

- A. **Resolution 09-113**, A Resolution of the City Council of Homer, Alaska, Establishing a 2010 Mil Rate of _____ Mills for the Ocean Drive Loop Special Service District in Addition to the General Real Property Tax Mil Rate. City Manager. (Postponed from March 8, 2010.)

ROBERTS/HOWARD – MOVED TO ADOPT RESOLUTION 09-113.

VOTE: YES. ZAK

VOTE: NO. HOWARD, HOGAN, LEWIS, ROBERTS, WYTHE

Motion carried.

- B. **Resolution 10-36**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Disposal of Junk Cars to the Firm of Moore and Moore Services Inc., dba Quick Sanitation, and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/City Planner. (Postponed from April 12, 2010.)

Memorandum 10-57 from City Planner and Planning Technician as backup.

Resolution 10-36(S), A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Disposal of Junk Cars to the Firm of Moore and Moore Services Inc., dba Quick Sanitation, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/City Clerk/City Planner.

Mayor Pro Tempore Wythe called for a motion to substitute Resolution 10-36(S) for Resolution 10-36.

HOWARD/HOGAN - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 10-36(S) by reading of title only.

LEWIS/HOWARD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

- A. **Memorandum 10-67**, from Permanent Fund Committee, Re: Change Regular Meeting Time for the Permanent Fund Committee to 5:15 p.m.

Mayor Pro Tempore Wythe called for a motion for the approval of the recommendations of Memorandum 10-67.

HOWARD/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

- A. **Resolution 10-41**, A Resolution of the City Council of Homer, Alaska, Approving a Long Term Lease for Lot 21, Homer Spit Subdivision No. 5 Between the City and Seldovia Bay Ferry LLC, an Entity Wholly Owned by Seldovia Village Tribe, for the Purpose of Constructing a Ferry Staging and Loading Area and Public Access Improvements Within the Harbor. City Manager.

ROBERTS/LEWIS – MOVED TO ADOPT RESOLUTION 10-41 BY READING OF TITLE ONLY.

Councilmember Hogan commented he would like to see improvements going into the harbor separated from the uplands lease and have a separate terminal agreement. Given the dollar

amount of the improvements, it is contrary to current lease policies. It is a good project and he realizes the people want to get going so will support the resolution.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 10-42**, A Resolution of the City Council of Homer, Alaska, Amending Kachemak Drive (Phase II) Water and Sewer Improvement Assessment Roll by Exempting Government Lot 51 West of Kachemak Drive, Kenai Peninsula Borough Parcel No. 179-100-17 Owned by Kachemak Moose Habitat, Inc. City Manager.

Memorandum 10-68 from Public Works Director as backup.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 10-42 by reading of title only.

ZAK/ROBERTS - SO MOVED.

Councilmember Lewis asked who would get the land if the Moose Habitat goes kaput. Asked if it was a deferral or exemption of the assessment, City Attorney Klinkner advised it was an exemption, although change in use of the property would revive the assessment.

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

VOTE: NO. HOGAN

Motion carried.

- C. **Resolution 10-43**, A Resolution of the Homer City Council Approving a Mutual Aid Agreement and an Annual Operations Plan Between the City of Homer and the Kenai Peninsula Borough on Behalf of the Kachemak Emergency Service Area. City Manager.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 10-43 by reading of title only.

ZAK/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Resolution 10-44**, A Resolution of the City Council of Homer, Alaska, Approving and Adopting Policies and Procedures for the Revolving Energy Fund. Roberts.

ROBERTS/LEWIS - MOVED TO ADOPT RESOLUTION 10-44.

Councilmember Roberts noted the Revolving Energy Fund was established by ordinance last month. Resolution 10-44 will set the policies and procedures to manage the fund. Taz Tally provided the 5 step plan and the City is moving in that same direction. It will put the City in the same path he is suggesting for local businesses.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

E. **Resolution 10-45**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting a Proposal from Brad Hughes to Create a Jean Keene Memorial Sculpture and Granting Permission to Locate the Sculpture on City Land Adjacent to the Seafarer's Memorial. City Manager.

Memorandum 10-69 from Public Arts Committee as backup.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 10-45 by reading of title only.

LEWIS/LEWIS – SO MOVED.

Councilmember Howard questioned if there was a section of code that refers to personal memorializing on public land.

Mayor Pro Tempore Wythe called for a recess at 6:58 p.m. and reconvened the meeting at 7:01 p.m.

City Attorney Klinkner advised Homer City Code contains no preclusion from placing a memorial on city property. The only restrictions pertain to monuments within the cemetery.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Alex Simpson, newly appointed Economic Development Advisory Commissioner, commented tomorrow will be his first meeting. He agrees with the fire training which is beneficial at land or sea.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner commented Frank Griswold appealed the decision to Superior Court holding the restrictions on standing of appeals of zoning matters to the Board of Adjustment. Briefing is closed, no one has submitted request for oral argument; a court decision is anticipated within six months.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

Acting City Manager Painter had no comment.

COMMENTS OF THE MAYOR

Mayor Pro Tempore Wythe thanked Bob for sitting in for Walt in his absence. She reported she attended a Mayor/Manager meeting in Kenai today to develop a caucus for the Peninsula. She put forth recommendations to the bylaws to build consistency. It is expected a resolution will come before Council to become a due paying member of the group. The annual dues are \$750 and would provide us with one representative vote.

COMMENTS OF THE CITY COUNCIL

Councilmembers Roberts is glad business was concluded on Resolution 10-36. Planning has done a good job in organizing the junk car program and it is time to go forward on it. She thanked Moore and Moore Services and the City Manager for renegotiating the contract.

Councilmember Zak welcomed Alex Simpson, the new EDC commissioner. Having just returned from Texas, the 40 ft. trailer for the Fire Department is the standard Texas BBQ. He is glad to see we may get some additional use out of it up here. Mr. Zak just returned from the National Institute of Standards and Technology for Malcolm Baldrige examiner training. It is a super program for managing businesses effectively. The City of Seward has begun the journey. If we decide to do something like that he would be happy to share the information.

Councilmember Howard thanked the Planning Department, Moore & Moore Services, and the City Manager for the rework of the junk car contract. She thanked Mayor Pro Tempore Wythe for the good job.

Councilmember Lewis had no comment.

Councilmember Hogan commented on the excellent telephonic connection at the last meeting. Telephonic participation is not allowed for executive session. He is not sure it is in the best interest of the Council or the City and would like to see it changed. The City Attorney was not present in the room, but allowed to participate by phone. He has a hard time struggling with the fact that \$15,000 was appropriated three years ago for a parking study. Here we are again in another busy summer season and still don't have the study to act on. This weekend there was a lot of traffic on the Spit. It is a health and safety issue that we need to address ASAP, even if it requires an emergency ordinance.

ADJOURNMENT

There being no further business to come before the Council the meeting was adjourned at 7:10 p.m. by Mayor Pro Tempore Wythe. The next Regular Meeting is scheduled for Monday, May 24, 2010 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, May 24, 2010 at 5:00 p.m. A Worksession is scheduled for Monday, May 24, 2010 at 4:00 p.m. Special Meetings are scheduled for Thursday, May 13, 2010 at 4:00 p.m. and 5:30 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: _____