

Session 10-19 a Regular Meeting of the Homer City Council was called to order on June 14, 2010 at 6:00 p.m. by Mayor James C. Hornaday 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, LEWIS, ROBERTS, WYTHER, ZAK

ABSENT: HOWARD (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Councilmember Howard has requested excusal.

Mayor Hornaday ruled Councilmember Howard as excused. There was no objection from the Council.

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

Council met for a Worksession from 4:00 p.m. to 4:58 p.m. to discuss Lease Policy amendments. Council met as a Committee of the Whole from 5:07 p.m. to 5:30 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: **ORDINANCES** - **Ordinance 10-31**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.20.040 Regarding Dimensional Requirements in the Town Center District to Increase the Maximum Floor Area of Retail and Wholesale Business Uses Within a Single Building from 75,000 to 100,000 Square Feet, and to Increase the Maximum Footprint Area of a Building Whose Main Use is Retail or Wholesale Business from 75,000 to 100,000 Square Feet. Zak - Written public comment; **Ordinance 10-33**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2010 Operating Budget by Appropriating \$4,500 from the Port and Harbor Reserve Account for the Purpose of Conducting an Evaluation and Inspection of the Ice Plant on the Fish Dock. City Manager/Port and Harbor Director. Excerpt from Port and Harbor Advisory Commission minutes of May 26, 2010; and **NEW BUSINESS** - **Memorandum 10-82**, from Mayor, Re: Recommendation of Rick Foster for the Kenai Peninsula Borough Planning Commission. Memorandum 10-88 from City Planner as backup and written public comment. **CONSENT AGENDA** Item B. **Memorandum 10-77** was moved to **NEW BUSINESS** Item B.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Donna Maltz, city resident and small business owner since 1982, opposes Ordinance 10-31. It is an insult to business owners and disservice to the small business community.

Lee Post, city resident and 32-year partner of the Homer Bookstore, opposes Ordinance 10-31.

Janet Fink, Diamond Ridge resident, opposes Ordinance 10-31.

Jeanne Parker, city resident, voiced opposition to Ordinance 10-31.

Kyra Wagner, city resident, supports Resolution 10-52, the VISTA person for the Farmers' Market.

Sue Post, Homer resident and business owner for 16 years, opposes Ordinance 10-31. Small businesses are the backbone of the community and help keep nonprofits afloat.

Meghan Murphy, city resident, spoke in opposition of Ordinance 10-31, stating the Town Center should not be close to a 100,000 sq. ft. building.

Jack Wiles, representing Kachemak Bay Conservation Society, voiced opposition to Ordinance 10-31 and asked that Council vote it down.

Donna Beran, city resident, asked why we are all here again (Ordinance 10-31).

Nina Faust, Homer resident, opposes Ordinance 10-31. Small stores provide socialization and three times return on the dollar. Homer has a unique blend of hard working, spirited businesses.

Jane Regan, city resident, opposes Ordinance 10-31. She favors green space and the small town feel.

Marianne Aplin, city resident, opposes Ordinance 10-31, and asked Council to maintain the wonderful quality of life that drew her and others to this town.

Jennifer Edwards, Diamond Ridge resident, urged Council to vote no on Ordinance 10-31.

Rachel Lord, city resident, spoke against Ordinance 10-31, citing the large marine industrial sector of the community. Local businesses provide generous support for nonprofit agencies.

Rika Moew, city resident, agreed with all previous speakers regarding Ordinance 10-31. Homer is the envy of Alaska; it is the gem of the state. She questioned how the Director of Small Business Development could bring the ordinance forward as it is anti-economic development for Homer.

Gaye Wolf, Diamond Ridge resident, asked Council to keep Homer unique and nip Ordinance 10-31 right away.

Dave Aplin, city resident, opposes Ordinance 10-31, citing it as a big mistake. Homer is unique in its beauty and sustainability.

Bob Shavelson, Cook Inletkeeper, opposes Ordinance 10-31. Homer needs the diversity of the local businesses here.

Micheal Neece, Economic Development Advisory Commissioner, is working to develop the film industry in Homer. He opposes Ordinance 10-31 and urged Council to view the Comprehensive Plan.

Beth Cumming, city resident, opposes Ordinance 10-31. There are many empty businesses in Soldotna from the large stores. She urged residents to reduce costs by eating simple and organic.

Terry Yager, Homer resident and business person, suggested Ordinance 10-31 be placed before the voters, letting the community decide.

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 Special Meeting minutes of May 13 and June 7, 2010 and Regular Meeting minutes of May 24, 2010. City Clerk. Recommend adoption.
- B. **Memorandum 10-77**, from Mayor, Re: Appointment of Sharon Ford to the Planning Commission, Reappointments of Gretchen Druhot and Ray Kranich to the Planning Commission.

Item B moved to New Business Item B.

Mayor Hornaday called for a motion for the adoption of the consent agenda as read.

LEWIS/WYTHE – SO MOVED.

HOGAN/ROBERTS – MOVED TO AMEND THE MINUTES OF JUNE 7TH COMMENTS OF THE COUNCIL (COUNCILMEMBER HOGAN'S COMMENTS) SECOND TO LAST SENTENCE DELETE INSTRUCTIONS AND REPLACE WITH EXCLUSIVE JURISDICTION. (At the same time the ordinance was adopted Council gave itself exclusive jurisdiction on violations of HCC 1.18.)

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE: (main motion as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

A. Representative Paul Seaton

Representative Paul Seaton reported \$4,250,000 was vetoed for the gas line, but over .5M was allocated for the gas line from Anchor Point to Homer project. The project is on its way and when it is fully ready the Legislature will be looking at it in future budgets. A \$300,000 pressure regulation station in Anchor Point to serve both Anchor Point and Homer is scheduled. The line will go from the North Fork pipeline unit to 1,000 sq. ft. short of the Sterling Highway to connect with Enstar's pipeline from Happy Valley.

Council is left with the decision of how the \$525,000 should be used. Representative Seaton suggested \$300,000 for the pressure regulation station in Anchor Point and the remaining \$225,000 to be used for laying pipe to start to Homer, or for studies. Enstar currently has a contract with Armstrong, approved by the RCA. Armstrong is working on two existing wells and plans two more gas wells this year. There are great loans available with the USDA with 0% interest through a cooperative. The Department of Commerce has four provisions in the grant language and is not restrictive about how the money is spent as long as it is Anchor Point to Homer gas line. A revised project description is needed.

Council asked questions of Representative Seaton. He is confident Senator Gary Stevens will have the gas line in the next budget. The expanded version will serve much more of the city and out East End. Council decides the appropriate plan and a determination is made by the USDA for loan qualification. If Enstar would build the line and roll into the tariff base it would be calendared to legislative intent. The contribution Enstar would pay is based on the amount of gas used.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A Mayor's Recognition Kevin & Donna Maltz, Fresh Sourdough Express, Alaska Small Business of the Year

The Maltz's had left the meeting before the recognition. Continued to June 28, 2010.

B. Borough Report

Bill Smith, Kenai Peninsula Borough Assemblyman, reported the budget included dropping 1.5 positions, with the exception of the solid waste department that increased from 7.25 to 21 positions due to taking over the solid waste treatment from contractors. The Assembly adopted a 4.50 mill rate. If the mill rate is increased from 4.5 to 4.75 within the coming years, in 2013 they can stabilize the fund balance. A zero percent increase for the school district was not realistic; the schools make up 65% of the budget. The Central Peninsula Hospital is looking at changing to a governance model; they are looking at selling the facility. The South Peninsula Hospital is owned and contracted by the Borough although it is located on the city's land. There is talk of merging Central Peninsula Hospital with South Peninsula Hospital.

Asked by Councilmember Wythe how the Assembly arrived at zero increase for teachers, Assemblyman Smith answered a zero increase was not appropriate. The majority of the Assembly does not feel there should be a zero percent increase. Teacher salaries constitute 28% of the school district budget.

C. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission

Shelly Erickson, Chair of the Economic Development Advisory Commission, reported the commission encourages small business and she is glad to see the dialogue. EDC's concern was to have consistency in the code. It is critical the EDC does not just hear one side. Next the commission will work on the Spit Comprehensive Plan and CEDS in looking at new ways to market Homer. Local agriculture incentives and how to implement them will be discussed. The commission is taking the month of July off; she thanked Council for filling the commission.

4. Parks and Recreation Advisory Commission
5. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

- A. **Ordinance 10-28(S)**, An Ordinance of the Homer City Council Accepting and Appropriating an Alaska Small Cities Energy Efficiency and Conservation Block Grant in the Amount of \$227,800.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction May 24, 2010, Public Hearing and Second Reading June 14, 2010.

Mayor Hornaday opened the public hearing. In the absence of public testimony, Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-28(S) by reading of title only for second and final reading.

WYTHER/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 10-29(A)**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 1.77, Utility Advisory Commission, to Establish the Utility Advisory Commission and Prescribe its Duties. Hogan. Introduction May 24, 2010, Public Hearing and Second Reading June 14, 2010.

Mayor Hornaday opened the public hearing. In the absence of public testimony, Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-29(A) by reading of title only for second and final reading.

HOGAN/ZAK - SO MOVED.

Councilmember Wythe commented a utility commission is not in the best interest of the community. It was primarily to oversee the gas line that is outside our purview. The State has the RCA that oversees the utilities.

Councilmember Hogan stated the gas line was not the primary function of the utility commission. The commission would provide oversight and input on water/sewer utilities. The legislature had a requirement for funding of the gas line; that was for the City to develop a plan. The utility commission dovetails as a conduit to develop that plan and to serve as liaison between the City and the utility operator. It is a conduit to provide public input in an advisory capacity to water/sewer utilities.

Councilmember Roberts expressed opposition to establishing a new commission due to the costs of more meeting time for the Clerk's office. Council can deal with the gas line issue in a couple of meetings without having a regular commission.

VOTE: YES. ZAK, HOGAN

VOTE: NO. ROBERTS, WYTHER, LEWIS

Motion failed.

ORDINANCE(S)

- A. **Ordinance 10-30**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2010 Operating Budget by Appropriating \$205,000 from the General Fund Reserve Account for the Purpose of Acquiring Three Parcels Immediately Adjacent to the Hickerson Memorial Cemetery to Provide for Future Expansion. City Manager. Recommended dates: Introduction June 14, 2010, Public Hearing and Second Reading June 28, 2010.

Memorandum 10-78 from City Manager as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-30 for introduction and first reading by reading of title only.

ZAK/LEWIS - SO MOVED.

Councilmember Hogan is not sure the City needs to be in the cemetery business, but will vote for introduction.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 10-31**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.20.040 Regarding Dimensional Requirements in the Town Center District to Increase the Maximum Floor Area of Retail and Wholesale Business Uses Within a Single Building from 75,000 to 100,000 Square Feet, and to Increase the Maximum Footprint Area of a Building Whose Main Use is Retail or Wholesale Business from 75,000 to 100,000 Square Feet. Zak. Recommended dates: Introduction June 14, 2010, Refer to Planning Commission.

Memorandum 10-79 from Councilmember Zak as backup.

Memorandum 10-75 from Economic Development Advisory Commission as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-31 for introduction and first reading by reading of title only.

ZAK/ROBERTS - SO MOVED.

ZAK/ROBERTS - MOVED TO AMEND TO CHANGE 100,000 TO 66,000.

Councilmember Wythe reflected on discussions on the subject each year of her five years on the Council. She appreciates everyone's opinions. There is an entire other side of the story that is unrepresented today. In the community, everyone does not agree on the building size. There is no need to discuss it at this time. There is one lot in the area that will benefit. Small business is not incapable of competing with a box store. People come to shop for unique things; box stores don't carry those unique things. The small businesses in the community are well positioned and will do a stellar job at competing against a box store. Economic Development Advisory Commissioners

are small business owners. They brought it forward from a past council member. Their concern is that there is economic development at all levels. Hopefully businesses will come that will bring quality jobs. We have modified parking regulations and a lot of things are taking place that will come forward to make a large scale. She will not vote for a change to 66,000 sq. ft. The citizens of Homer should be allowed a period of rest from discussion of the footprint in the Town Center.

Councilmember Lewis asked for clarification on the size the voters voted for.

Attorney Klinkner answered the referendum was for 66,000; Council subsequently amended it to 75,000 sq. ft.

Councilmember Zak hopes to send the amended 66,000 sq. ft. to the Planning Commission for further discussion. Based on what he heard from small business owners how large 100,000 sq. ft. is, the reduction to 66,000 sq. ft. is appropriate.

VOTE: (amendment) YES. ROBERTS, ZAK

VOTE: NO. LEWIS, WYTHER, HOGAN

Motion failed.

VOTE: (main motion) NO. HOGAN, LEWIS, ROBERTS, WYTHER, ZAK

Motion failed.

- C. **Ordinance 10-32**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2010 Operating Budget by Appropriating \$10,000.00 from the Sister City Reserve Account for the Purpose of Celebrating the Twenty-Five Year Anniversary of the Sister City Relationship Between the City of Homer and the City of Teshio, Japan. City Manager. Recommended dates: Introduction June 14, 2010, Public Hearing and Second Reading June 28, 2010.

Memorandum 10-87 from Administrative Assistant/City Manager as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-32 for introduction and first reading by reading of title only.

WYTHER/LEWIS – SO MOVED.

Brief discussion ensued on what the monies would be spent for. Historically we have put the people up, as they do for us when we visit. The procedure has been established over the last 25 years. There is currently \$25,000 in the Sister City budget. The expenditure amount may change when the details of the visit are worked out.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Ordinance 10-33**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2010 Operating Budget by Appropriating \$4,500 from the Port and Harbor Reserve Account for the Purpose of Conducting an Evaluation and Inspection of the Ice Plant on the Fish Dock. City Manager/Port and Harbor Director. Recommended dates: Introduction June 14, 2010, Public Hearing and Second Reading June 28, 2010.

Memorandum 10-84 from Port and Harbor Director as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-33 for introduction and first reading by reading of title only.

WYTHE/ROBERTS – SO MOVED.

City Attorney Klinkner advised it was appropriate for Councilmember Hogan to disclose his potential conflict and have a ruling from the Mayor.

Councilmember Hogan disclosed a potential conflict of interest as he is in final negotiations to be a regional representative for a firm that makes and markets ice making equipment.

Mayor Hornaday ruled a conflict and there was no objection from the Council.

Councilmember Hogan was excused from participation.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Ordinance 10-34**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2010 Operating Budget by Appropriating \$14,000 from the Library Project Fund for Energy Efficiency Measures at the Library. City Manager. Recommended dates: Introduction June 14, 2010, Public Hearing and Second Reading June 28, 2010.

Memorandum 10-86 from Public Works Director as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-34 for introduction and first reading by reading of title only.

LEWIS/WYTHE - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

Public Works Director Carey Meyer and Todd Cook, Water/Wastewater Treatment Superintendent, spoke on the new and old water treatment plant and water quality reports.

The new Water Treatment Plant came online in June 2009. Test results still contain some of the old water. There have been no violations since service on the new plant. The old Water Treatment Plant was damaged. The value of the tanks and equipment in the building are marginal. We can salvage the value from some of the equipment. Several structural engineers looked at the building and contractors provided quotes for the insurance claim. At the next meeting a recommendation will be brought before Council whether to tear the building down or repair the damage and convert it to a Fire Station as was envisioned in the past.

Spit parking was briefly discussed. City Manager Wrede reported he was inpatient with the MOU from DOT. The email back from the regional director was very positive; we will see how limited parking and loading zones go. Delivery areas for trucks will eliminate double parking. A no parking zone on either side of the crosswalks will be explored.

B. Bid Report

COMMITTEE REPORT

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

PENDING BUSINESS

- A. **Resolution 10-29**, A Resolution of the City Council of Homer, Alaska, Amending the City Property Management Policy and Procedures Manual to Include the Amendments Submitted by the Economic Development Advisory Commission. Hogan. (Postponed from March 22, 2010)

Motion on the floor from March 22:

HOGAN/ROBERTS - MOTION FOR THE ADOPTION OF RESOLUTION 10-29 BY READING OF TITLE ONLY.

Council had a worksession today and is just beginning review of the recommendations of EDC, staff, and the attorney.

WYTHE/HOGAN - MOVED TO POSTPONE TO SEPTEMBER 27TH AND SCHEDULE THREE WORKSESSIONS ON AUGUST 9, AUGUST 23, AND SEPTEMBER 13TH.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

- A. **Memorandum 10-82**, from Mayor, Re: Recommendation of Rick Foster for the Kenai Peninsula Borough Planning Commission.

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 10-82.

WYTHE/ROBERTS - SO MOVED.

Correspondence in the packet raised the question of Mr. Foster's residency. The Planning Commission recommended him for the position.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Memorandum 10-77**, from Mayor, Re: Appointment of Sharon Ford to the Planning Commission, Reappointments of Gretchen Druhot and Ray Kranich to the Planning Commission.

WYTHE/LEWIS - MOVED TO SEPARATE THE APPOINTMENT OF MR. KRANICH DUE TO CONFLICT OF INTEREST.

Councilmember Wythe is the daughter-in-law of Ray Kranich.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

City Clerk Johnson indicated Sharon Ford relayed that she could not accept the Planning Commission appointment due to a conflicting work schedule.

Mayor Hornaday called for a motion to amend to remove Sharon Ford.

WYTHE/ROBERTS – SO MOVED.

There was no discussion.

VOTE: (remove Sharon Ford appointment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE: (Gretchen Druhot appointment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Wythe recused herself from voting for the Ray Kranich appointment due to a conflict. Ray Kranich is her step father-in-law.

VOTE: (Ray Kranich appointment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for recess at 7:57 p.m. and reconvened the meeting at 8:02 p.m.

RESOLUTIONS

- A. **Resolution 10-48**, A Resolution of the City Council of Homer, Alaska, Approving a Conservation Easement Between the City, as Grantor, and the State of Alaska, for the City Owned Land Commonly Referred to as the “Diamond Creek Property”. City Manager.

Memorandum 10-80 from Planning Technician as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 10-48 by reading of title only.

ZAK/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 10-49**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Renewal of the Jail Service Contract for FY 2011 with the State of Alaska

in the Amount of \$416,244.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief.

Memorandum 10-81 from Chief of Police as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 10-49 by reading of title only.

LEWIS/WYTHE - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. **Resolution 10-50**, A Resolution of the City Council of Homer, Alaska, Approving the Craddock General Concession Sublease at the Homer Airport Terminal and Authorizing the City Manager to Sign. City Manager.

Memorandum 10-83 from Personnel/Airport Terminal Manager as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 10-50 by reading of title only.

ROBERTS/ZAK - SO MOVED.

Councilmember Hogan questioned the sublease of a facility the City leases from DOT. It does not comply with the Lease Policy. The lease expired and it did not go out for RFP or to the Lease Committee. It contains an option that is more than 25% of the base amount of the lease.

City Manager Wrede replied if the Council wishes for buildings to be addressed under the Lease Policy we can do so. A few years ago Council had the discussion and decided buildings are unique and had specific uses in the interest of the public. Sheri Hobbs did some research and found there is only one person in town that does vending machines. It could be RFP'd to allow an outside company to do it.

Councilmember Hogan will not oppose the sublease. If we have rules we need to follow them. It does say lease policies apply to facilities; it is necessary to address the lease policies.

Councilmember Roberts questioned how the vending machines are aviation related.

City Manager Wrede answered the people who complain the most when the vending machines are empty are the employees that work at the terminal.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. **Resolution 10-51**, A Resolution of the City Council of Homer, Alaska, Amending Resolution 10-45 to Designate _____ as the Approved Location of the Proposed Jean Keene Memorial Sculpture. Wythe.

City Manager Wrede reported we do not have a designation. He has spoken with the sculptor and the folks who are funding it. They have a new site in mind. They would like to talk to a private land owner. The preferred location is on the Spit Trail almost directly across Mariner Park. It is a wide area in the trail with an expansive view and would have high visibility. They were hoping for more time to work it out. If Council has to pass a resolution the folks would like to designate the spot along the Spit Trail. The site may be in DOT right-of-way and will likely need their approval.

Councilmember Lewis asked if it would be on the Mud Bay side as the 1,000 year storm a couple years ago was the same area where it washed out.

Public Works Director Meyer recalled the trail meandered closer to the bay and washed out during the storm. The trail was relocated up higher on the slope. It left a nice flat area for the bench. An artist should think about placing it there.

Councilmember Roberts favors the Coal Point Park. She questioned the \$1,000 maintenance budget for the sculpture, if it would be required if the sculpture was placed on private property.

Councilmember Wythe suggested rescinding the resolution if the sculpture is placed on private property. Discussion ensued on the funders proposed location that is within the right-of-way of State property. The City has a maintenance agreement with the State to maintain the Spit Trail.

Mayor Hornaday called for a point of order as there was no motion on the floor. He called for a motion for the adoption of Resolution 10-51 by reading of title only.

WYTHE/LEWIS - SO MOVED.

WYTHE/ROBERTS - MOVED TO AMEND TO PLACE COAL POINT PARK OR THE MARINER PARK IN THE BLANK.

Brief discussion ensued if the sculpture would be located in Mariner Park or across the street along the Spit Trail in the DOT right-of-way. City Manager Wrede conveyed he talked extensively with Brad Hughes about Mariner Park and although he likes the park and berm closer to the beach, he doesn't like the gazebo area. The number one priority is the area on the Spit Trail.

Councilmember Roberts commented the location on the Spit Trail in DOT property would raise complications. The objection was to come up with a location on city property.

VOTE: (amendment) YES. HOGAN, LEWIS, ROBERTS, WYTHER, ZAK

Motion carried.

VOTE: (main motion as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

E. **Resolution 10-52**, A Resolution of the City Council of Homer, Alaska, Supporting Homer Farmers' Market Acquiring a Vista Volunteer. Lewis/Roberts.

Mayor Hornaday called for a motion for the adoption of Resolution 10-52 by reading of title only.

HOGAN/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Aaron Larson, owner of Spit Spots wireless internet company, told Council he is rolling out a new service, the fastest internet on the peninsula. He would like to offer it to the public library free of charge in exchange for recognition that he provided it. It would not cost the City anything and people would get a better experience.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner asked Council for any questions; there were none.

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 commented on the American Cancer Society event. Every year there are more survivors, but each year there are more that have passed on. They lit a candle for all lives lost and it went around the high school track.

COMMENTS OF THE CITY COUNCIL

Councilmembers Wythe, Lewis, and Hogan had no comment.

Councilmember Roberts commented it was nice to see the cruise ship and the people it brought to town.

Councilmember Zak thanked the small business owners that came out to give testimony. He learned a lot regarding the community. There was an award for Donna and Kevin Maltz for the small business owners of the year to be given; it can be awarded at the next meeting. Representative Paul Seaton also got to hear a lot about small businesses. We won't be sending Ordinance 10-31 on to the Planning Commission to look at reducing the square footage size. The council had increased it to 75,000 sq. ft. after the Planning Commission left it at 66,000 sq. ft. He appreciates Beth Cumming saying we can eat more organic food. One of the presenters mentioned this weekend is kid's trails day.

ADJOURNMENT

There being no further business to come before the Council the meeting was adjourned at 8:25 p.m. by Mayor James C. Hornaday. The next Regular Meeting is scheduled for Monday, June 28, 2010 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, June 28, 2010 at 5:00 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: _____