

Session 10-23 a Regular Meeting of the Homer City Council was called to order on August 9, 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, HOWARD, LEWIS, ROBERTS,  
WYTHE, ZAK

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

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

Council conducted a Worksession from 4:00 p.m. to 4:52 p.m. to discuss Lease Policy amendments. Council met as a Committee of the Whole from 5:00 p.m. to 5:50 p.m. to hear from Michael Fastabend and Wade Wahrenbrock, Kenai Peninsula Borough Spruce Bark Beetle Program, Proposed Action Plan for Bridge Creek Watershed, discuss Budget Priorities for 2011, 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 approved by consensus of the Council.

### **PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

Doug Stark, city resident, spoke in support of Resolution 10-67. Nine years ago residents were annexed and promised a fire station in the Skyline Drive area. Mr. Stark has a lot of experience in firefighting and is concerned about the neighborhood. He has seen four fires in the last five years affecting the area on the north ridge.

Robert Archibald, city resident, supports Resolution 10-67. Dave Brann has been with the ski club for a long time and he has hauled trees out with him. It is a win, win situation for skiers and the town. He noted the importance of communication with the project that is on a fast track.

### **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 July 19, 2010 and Regular Meeting minutes of July 26, 2010. City Clerk. Recommend adoption.
- B. **Memorandum 10-107**, from Mayor, Re: Appointment of Franco Venuti to the Planning Commission.

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

ZAK/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **VISITORS**

- A. **Michael Fastabend and Wade Wahrenbrock**, Kenai Peninsula Borough Spruce Bark Beetle Program, Proposed Action Plan for Bridge Creek Watershed.

Michael Fastabend and Wade Wahrenbrock of the Spruce Bark Beetle Program presented the Kenai Peninsula Borough fuel mitigation and forest restoration project to address potential risks in the Bridge Creek Watershed and the Baycrest ski area. ARRA stimulus funds (American Recovery and Reinvestment Act) are available for contract development and administration and field inspection work with beetle kill trees. There are approximately 250 acres infected within the watershed and Baycrest ski area to include Borough, City, University, and private land. The dead beetle-kill spruce trees are susceptible to fire ignition and pose a significant fire risk. Beetle kill trees will be downed, de-limbered, and allowed to decay. Decayed logs will germinate new seedlings in time and useable wood will be made available through the firewood permit program. In the Bridge Creek Watershed area many trees are reaching a decreased value as firewood.

Mechanical treatment of the beetle-kill trees is cost effective. Sensitive areas will involve hand treatment. The project cost is roughly estimated at \$240,000. The total removal of downed trees would add another \$200 to \$300 per acre depending on the skid distance. Since much of the material is in the decay category, it is no longer useable. There is less ground disturbance if the unusable trees are left on the forest floor to act as a depository seed bank. Chipping the remains is an option when high aesthetics are at risk. If the material can break down to lie within 12 inches of the natural ground it will disappear in little time. Treatment maps for the Bridge Creek Watershed and Baycrest Trails Spruce Bark Beetle Mitigation Program can be viewed at: [www.borough.kenai.ak.us/sbb/pages/gis\\_pages/firemoddraft.html](http://www.borough.kenai.ak.us/sbb/pages/gis_pages/firemoddraft.html)

**B. Paul Dauphinais, Executive Director, Homer Chamber of Commerce, Annual Report.**

Paul Dauphinais, Executive Director, Homer Chamber of Commerce, reported on the activities and tourism for this year. Many Alaskans, including military families, are visiting Homer this season. The increase in visitors is attributed to advertising within theatres. Fishing charter, sightseeing, hotel, and bed and breakfast businesses are reporting a good season; many are booked for the remainder of the season. The Chamber continues their membership in the Kenai Peninsula Tourism Marketing Council (KPTMC) and their association with Alaska Travel Industry Association (ATIA). Homer receives a high amount of visitors from Canada, Germany, and the United Kingdom. The Check Local/Buy Local program is underway; programs of this nature normally take two to three years to establish themselves. The Chamber is working on rural to rural networking opportunities with a Nebraska firm to ship local fish to Nebraska. They in turn are looking to ship fresh sweet corn here. An outside college town is looking to create a study away in Homer attracting students and faculty members twice a year. Additionally, the Chamber is working to attract conferences, a Navy ship for a port of call in both May and September to take in the halibut tournament and wooden boat festival. Another small aviation repair business would like to relocate to Homer. The Chamber is preparing a tide book and advertisers are covering the cost. The \$22,500 the City allocated to the Chamber is used for the purposes of economic development and marketing.

**ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

**A. Mayor's Proclamation - Health Center Week, August 9-15, 2010**

Mayor Hornaday read the proclamation.

**B. Borough Report**

Bill Smith, Kenai Peninsula Borough Assemblyman, reported he returned from Akita, Japan, the Borough's Sister City. There were twelve members in the delegation who attended the four-day Kanto Festival. They were greeted with great warmth and hospitality. They visited many museums and the governor. Knowing that the City will be hosting Teshio, Mr. Smith hopes we will give them a warm reception. At the last Borough Assembly meeting the MRI project was approved. The October ballot will include school roof bonds and a proposal to form a managerial form of government instead of strong mayor form.

**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

**PUBLIC HEARING(S)**

- A. **Ordinance 10-35**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2010 Operating Budget by Appropriating \$9,900.00 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. Mayor/Wythe. Introduction July 26, 2010, Public Hearing and Second Reading August 9, 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 10-35 by reading of title only for second and final reading.

WYTHER/ROBERTS – SO MOVED.

Support for the Sister City Program benefits the student exchange program, an opportunity for cultural aspects for Homer's youth.

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

VOTE: NO. HOWARD

Motion carried.

- B. **Ordinance 10-37**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Alaska Police Standards Council Grant in the Amount of \$6,123.00 to Purchase a Commercial Quality Lifecycle Exercise Bike and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Introduction July 26, 2010, Public Hearing and Second Reading August 9, 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 10-37 by reading of title only for second and final reading.

WYTHER/HOWARD - SO MOVED.

Asked by Councilmember Hogan if the funds were already expended, City Manager Wrede replied there was a snafu at the Police Department and they jumped the gun, spending the money prior to formal approval. If the ordinance is amended, money will need to be found elsewhere to pay for the exercise bike.

**HOGAN – MOVED TO AMEND TO STRIKE COMMERCIAL QUALITY LIFECYCLE EXERCISE BIKE AND REPLACE WITH FUND DOMESTIC VIOLENCE INTERVENTION TRAINING.**

Councilmember Hogan supports allocating the money to a better public purpose. The Haven House lost grant funds and would be a more appropriate recipient for the funds under the Police Standards Act. The exercise bike is not a benefit to the community and is limited to the health and hygiene of officers.

Councilmember Roberts and Howard expressed Council's support for the Haven House through a \$6,000 allocation with the 2010 budget. The Police Department fully supports Haven House; the equipment helps support the police.

VOTE: (amendment) YES. HOGAN

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

Motion failed.

VOTE: (main motion as amended) YES. LEWIS, ROBERTS, WYTHE, ZAK, HOWARD

VOTE: NO. HOGAN

Motion carried.

- C. **Ordinance 10-38**, An Ordinance of the City Council of Homer, Alaska, Amending Ordinance 10-21 to Authorize the Purchase of Property within the Bridge Creek Watershed, Kenai Peninsula Borough Parcel No. 17307031 within the Bridge Creek Watershed (N 663 ft. of NE 1/4, SE 1/4, East of Skyline Drive, T6S R 13W Sec 7) with funds 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. Introduction July 26, 2010, Public Hearing and Second Reading August 9, 2010.

Mayor Hornaday opened the public hearing.

Doug Stark, city resident, and engineer and surveyor, commented of the need for a drawing to show the various features.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-38 by reading of title only for second and final reading.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Ordinance 10-39(A)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2010 Operating Budget by Appropriating \$169,000 from the Insurance Settlement Monies and Water Reserve Funds for the Purpose of Demolishing the Existing Water Treatment Plant Building. PW/Fire Dept. Introduction July 26, 2010, Public Hearing and Second Reading August 9, 2010.

Mayor Hornaday opened the public hearing.

Doug Stark, city resident, urged approval as the money will be used to further the goal of a fire station.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-39(A) by reading of title only for second and final reading.

HOWARD/WYTHE - SO MOVED.

Councilmember Hogan expressed his irritation at having to deal with the collapse of the roof. He feels it was not a structural failure, but rather a personnel failure of the department to allow it to happen. He requested disciplinary action for the failure to safeguard our assets. He was given a tour of the building today by Carey Meyer, Public Works Director, and sees the demolition as the cheapest way of decommissioning the building.

Councilmember Roberts is anxious for the new fire station. The best step in getting it started is that the slab will still be there.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### **ORDINANCE(S)**

- A. **Ordinance 10-40**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Grant from the Kenai Peninsula Borough 2008 Cruise Ship Passenger Tax Program Receipts in the Amount of \$2,897.50, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates: Introduction August 9, 2010, Public Hearing and Second Reading August 23, 2010.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-40 for introduction and first reading by reading of title only.

LEWIS/ZAK - SO MOVED.

Asked by Councilmember Roberts where the money would be directed, City Manager Wrede answered he had concerns the money should be spent on port security or fire. An earlier

understanding with the Borough Finance Department was that under statute the money could be used for anything. The latest direction from the Borough is the grant money could be used on signage, bathrooms, or barricades even though the language is different.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 10-41**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Regarding Appeals Procedures Found in Chapter 21.93. City Manager/Planning. Recommended dates: Introduction August 9, 2010, Public Hearing and Second Reading August 23, 2010.

Memorandum 10-109 from City Planner as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-41 for introduction and first reading by reading of title only.

HOWARD/LEWIS - SO MOVED.

ROBERTS/WYTHE – MOVED TO AMEND LINE 44 TO CHANGE “IN FAVOR OF” TO “OPPOSITION”.

The amendment is in line with the Planning Commission recommendations.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

## **CITY MANAGER’S REPORT**

### A. City Manager’s Report

1. **Bridge Creek Watershed / Proposed Wildfire Protection and Forest Health Restoration:**  
At the last meeting, the Council was introduced to a report prepared by the Borough Spruce Bark Beetle Mitigation Program staff which discussed wildfire danger and threats to water quality in the Bridge Creek watershed. The agenda for this meeting contains a resolution which accepts this report and authorizes the City to participate in a project that reduces the fuel load and institutes reforestation. The authors of the report will be at both the Committee of the Whole and the regular meeting to present a concept plan about how fire danger would be reduced, the forest restored, and water quality protected. This is where the “rubber meets the road” and is what most residents, adjacent property owners,

and other concerned citizens will be most interested in. It is important that the Council make a decision soon about participation because the stimulus money must be committed by September 1. However, there is still plenty of time to work out the details of what is actually done. The plan will evolve based upon Council input and that of the public. Also, according to the City code, this activity will likely require a conditional use permit, so there will be at least one hearing at the Planning Commission.

2. Spit Transfer of Responsibility Agreement (TORA): This agenda contains a resolution approving a TORA between the City and ADOT/PF. This is the agreement under which the City is granted authority to regulate and maintain parking, pedestrian crossings, seasonal speed limits, loading zones, etc. within the ROW along the entire length of the Spit Road. At the time this report was written, the City was still discussing a few issues with DOT/PF and some amendments may still be coming. So, it is possible that we may ask Council to postpone this resolution for one meeting. But, we thought we would put it out there in its present form so that the Council and the community could get a look at it. It is not likely to change much.
3. Main Street/Sterling Intersection: Based on the discussion Council had at the last meeting, I wrote a letter to DOT/PF this week stating that the Council still preferred a traffic signal at the intersection of Main St. and the Sterling Highway. I provided a copy of the original resolution expressing that preference and stated that the City requests that DOT/PF begin this project as soon as possible; particularly since we know that DOT/PF now believes it can do it within the amount of money we have available.
4. Sales Tax: I have been receiving a fair amount of calls by people concerned that itinerant merchants and merchants at flea markets and other events are not collecting sales tax. We have had several discussions with the Borough Finance Department over the years about how to better monitor and enforce sales tax laws and we will do so again. The Borough Finance Department has suggested that it would be easier for it to keep track of businesses and enforce the code if the City had business license program. This idea has been discussed in the past but has received little traction.
5. Courtesy Vans: At the last meeting, the Council heard testimony from representatives of two taxi companies who were upset that a local businessman was providing free courtesy van service from the cruise ships to his business. They felt that this was unfair competition. I responded that the City was aware of the complaint and was looking into it. The Police Chief and the City Attorney have determined that these "courtesy" vans cannot be regulated under current state or city code. The City code is tied specifically to persons who provide the service for "hire." Since the operator is not receiving money for the service, he is exempt. Tom Klinkner has looked into this further and reports that other cities have addressed this issue and some regulate these types of services. Kodiak, for example, has a number of courtesy vans that take people for free from the airport to local hotels or other businesses. These vehicles are all attached to specific businesses and are part of their overall business operations. Kodiak regulates them like they would a taxi or other vehicle for hire. So for example, persons or businesses operating these types of vehicles might be required to obtain a chauffeur's license, proper insurance and pass physicals and background checks, like taxi drivers. It would be relatively easy to amend the City code to regulate this activity if the Council wishes.
6. Animal Shelter Fenced Area: At the last meeting we told the Council about a proposal to build a fenced in area adjacent to the shelter that could be used as an off-leash play and



socialization area for animals, primarily dogs, that are housed at the Shelter. Council asked us to look at whether it was feasible to put the fenced area near the RV dump station. Carey looked at that site and determined that it was too wet and would require substantial amounts of fill material. That would cost more, would require a Corps of Engineers Permit, and special permission from all of the agencies that were signers on the conservation easement (that land was purchased with Exxon Valdez funds). In addition, the Homer Animal Friends and Shelter staff and volunteers felt that the facility would not be used as much if it were not adjacent to the Shelter. So, we decided to move ahead with the original plan. \$5,600 of the money needed for this project will come from the Homer Animal Friends and the remaining \$3,000 will come from the existing HPD operating budget. The fence will be chain link with the exception of the section facing the Sterling Highway. That will be cedar. The Parks department staff will also plant shrubs and bushes along the fence for further screening. Contrary to rumors that I understand are floating around town, this will not be a dog park. It is exclusively for the use of Shelter staff and volunteers for animals that are housed at the shelter and people interested in adopting them. The general public and their dogs will not be allowed.

7. July 30 Treasurers Report: Finance Director Regina Harville recently placed a copy of the July 30, 2010 treasurer's report in your mailboxes. A copy of the report is attached here. I included it to give the Council an opportunity to discuss it at the meeting if it wishes. Regina will be there to answer questions. This report is important because it shows us where we are at mid-year. You will recall that when the budget was adopted, the Council stated that it would like to look at perhaps adding some things or increasing funding for some items at mid-year if finances allowed. You will see that the departments are doing a good job at keeping expenditures in line with the budget. Revenues are a little down right now but that is expected since most of the sales tax and almost all of the property tax comes in later in the year. The next quarter, ending September 30, will really tell the story on the sales tax. In short, I don't see any indication at this time that Council can safely add anything major back into the budget.
8. Anchor Point / Homer Gas Line: At the last meeting, the Council approved Memorandum 10-93 which set out a recommended course of action on the Anchor Point to Homer gas line project. Council heard testimony from Enstar that it is ready to build the regulation station and stage one of the gas line to the Anchor River this fall, hopefully starting on September 1. Doing this has advantages because it will set us up to seek the money for Phase II ; the rest of the line into Homer and on to Kachemak City. To do the work on this timeframe will require a leap of faith by the Council. Enstar and the City are currently working on an agreement/contract which should not take too long to complete. After that, Enstar will need a formal Notice to Proceed. They will upfront the money, build the project, and bill the City after the project is complete. One possible hurdle is that we don't have the grant agreement yet. Council normally passes an ordinance accepting and appropriating grants. To stay on this schedule, I would have to issue a notice to proceed before the Council formally accepts the money. If I do that, and the Council changes its mind and does not accept the grant, the City would be on the hook for the money Enstar expended to build the project. I think Council might want to discuss this a little before I proceed too much further to make sure we are all on the same page.

1. Memorandum 10-110 from City Clerk, Re: Amendment to Account Number and Expenditure Description for Ordinance 10-22.

City Manager Wrede reported there is a project on the Capital Improvement Plan (CIP) to acquire a piece of land by Roger's Loop Ski Trails adjacent to where people park. The ski club is attempting to acquire the land through the STIP program; some developments may lead Council to get involved or take action.

Dave Brann defined the property as adjacent and west of Roger's Loop trailhead. The ski club has been trying to develop the area for off road parking for 15 years. The piece of property came up for sale a couple years ago but was too expensive. It is now subdivided into three parcels with a parcel adjacent to the trail now for sale. The ski club is trying to come up with the \$55,000 to purchase it. The ski trail is one of the most popular recreation sites of the city and the parking area would provide a public service.

City Manager Wrede confirmed he has authorized Anne Marie Holen, Special Projects Coordinator, to look for other sources of grant money and fundraising for the purchase of the property.

City Manager Wrede stated Enstar is on a fast track with a pressure reducing station in Anchor Point. They are in the process of acquiring land to construct the project in the winter. The City has not yet received a grant but Enstar would like a notice to proceed and a signed contract. Council would need to agree on the contract.

Mayor Hornaday and Councilmember Wythe expressed opposition to a contract without the grant and actual wording. Enstar is the benefactor of building the line; the City is not gaining a benefit. Enstar would be the owner of the facility. Enstar should be taking the risk. Entering into an agreement puts the City of Homer at risk. Enstar wants the City to pay the upfront money.

City Manager Wrede had an understanding Enstar was going to pay for the entire project upfront. Today he was told by Charlie Pierce that was not the way it would be done. It would be treated as a private extension.

Mayor Hornaday recalled the 40 years in dealing with natural gas. They are nice guys, but we should say no to both proposals. We need to request in writing what Enstar will do; it is far past the time for Charlie Pierce to be making phone calls to the City Manager asking for this type of stuff.

Councilmember Wythe noted as a reimbursable grant, the State would provide the money and the City would transfer it to Enstar as they provide bills to us. They are now asking us to pay the expense for the immediate benefit to the school in Anchor Point. Enstar is asking us to take the burden of their expansion project.

Mayor Hornaday commented our attorneys should be contacting the RCA to see if Enstar should cancel and we get another group in.

Councilmember Zak said one citizen is still in favor of a roundabout at the Main/Sterling intersection. The Transportation Advisory Committee has looked at a roundabout and DOT prefers one, but it will take another \$2M or so to construct it. City Manager Wrede reported it will cost more due to property acquisition on all four corners. The Council issued a resolution for a traffic signal, but he could ask DOT to take another look at the roundabout option.

Itinerant merchants as food vendors and courtesy vans were discussed. Licensed food vendors must show they have a DEC approved system; many itinerant merchants are not licensed. An amendment to city code to make it equitable for transportation companies that are paying will be introduced. A system for regulating chauffeurs is needed.

Councilmember Howard thanked all departments for conserving City funds in view of the mid year expenses.

The West Campus houses the Boys and Girls Club and the college. With the expansion of the Kachemak Bay Campus, the college will be vacating the West Campus. Suggestions on uses for the building included a charter school, maritime academy, community schools or parks and recreation department, arts building, community use building, or giving it back to the Borough.

Councilmember Hogan questioned the City Manager's lack of appointment of Steve Zimmerman to the Lease Committee. City Manager Wrede stated he consulted with the Port and Harbor Advisory Commission Chair and there may have been mixed communication. He will re-contact the Chair in regard to the appointment.

Homer Animal Friends are advocating for a fence for the animal shelter near the building. A wooden fence fronting the Sterling Highway with landscaping will make it presentable.

## **COMMITTEE REPORT**

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

## **PENDING BUSINESS**

None.

## **NEW BUSINESS**

None.

## **RESOLUTIONS**

- A. **Resolution 10-65**, A Resolution of the City Council of Homer, Alaska, Awarding a Three-Year Contract for Certified Public Accountants for the Yearly Audited Financial Statements to the Firm of Mikunda, Cottrell & Co., Inc. of Anchorage, Alaska, in the Amounts of \$72,800 (2010); \$74,200 (2011); and \$75,800 (2012) and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Mayor Hornaday called for a motion for the adoption of Resolution 10-65 by reading of title only.

WYTHER/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 10-66**, A Resolution of the City Council of Homer, Alaska, Requesting that the U.S. Army Corps of Engineers Conclude the East Boat Harbor Feasibility Study by Preparing a Technical Report as Described in the March 3, 2010 Memorandum to the City. City Manager.

Mayor Hornaday called for a motion for the adoption of Resolution 10-66 by reading of title only.

LEWIS/WYTHER - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 10-67**, A Resolution of the City Council of Homer, Alaska, Accepting the Report Prepared by the Kenai Peninsula Borough Spruce Bark Beetle Mitigation Program Entitled "Homer Reservoir Watershed, Forest Condition and Fuel Hazard Assessment", Authorizing City Participation in the Proposed Fuel Mitigation and Forest Health Restoration Program, and Extending that Authorization to City Owned Lands in the Baycrest Ski Area Complex. City Manager.

Memorandum 10-111 from Fire Chief as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 10-67 by reading of title only.

WYTHER/ROBERTS – SO MOVED.

Councilmember Wythe encouraged people to view the map on the Borough website: [www.borough.kenai.ak.us/sbb/pages/gis\\_pages/firemoddraft.html](http://www.borough.kenai.ak.us/sbb/pages/gis_pages/firemoddraft.html)

The concept presented is how quickly and how much area a fire would consume. There are heavily populated areas on East and West Hill.

City Manager Wrede explained Resolution 10-67 authorizes the City to participate in the program. Details will be forthcoming and the information will be shared with the public. Adjacent property owners will be contacted to see if they would like to participate. A conditional use permit will be required from the Planning Commission with a public hearing.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Resolution 10-68**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Execute a One Year Contract for Special Services in the Amount of \$36,000.00 with the Alaska Department of Public Safety. City Manager/Police Chief.

Memorandum 10-108 from Police Chief as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 10-68 by reading of title only.

ZAK/WYTHER - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Resolution 10-69**, A Resolution of the City Council of Homer, Alaska, Approving a Transfer of Responsibility Agreement (TORA) Between the State of Alaska and the City of Homer Regarding Management and Enforcement of Parking, Loading Zones, Pedestrian Crossings, and Seasonal Speed Zones Within the Sterling Highway Right of Way on the Homer Spit. City Manager.

Mayor Hornaday called for a motion for the adoption of Resolution 10-69 by reading of title only.

HOGAN/LEWIS - SO MOVED.

Councilmember Hogan thanked Administration for their persistence. He encouraged enforcement by vehicle, on foot, or by bicycle.

City Manager Wrede asked that Resolution 10-69 be postponed to the next meeting for clarification on who is responsible for costs. The Spit Road is still a state highway. There are some clarifications about the cost of the striping, signage, and enforcement. We have to account for the funds that are spent on improvements to the right-of-way.

Port and Harbor Director Bryan Hawkins and City Planner Rick Abboud met with DOT to get a better detail on crosswalks location. The proposal shows three crosswalks in the boardwalk area. It was suggested that rather than putting crosswalks in, the area be turned into a pedestrian zone. More discussion is needed before moving forward with an agreement.

Councilmember Hogan expressed opposition to a pedestrian zone. Crosswalks should be defined as right now it is a guessing game as to who will cross the street. It is not a safe situation with people in the middle of the road. You could cite people for jaywalking or provide a pedestrian bridge.

Councilmember Howard commented we may want to have driver education about stopping for crosswalks and pedestrian rights.

City Manager Wrede said the agreement is a long time coming, he doesn't anticipate major changes, and it would be fine if it were passed tonight.

Mayor Hornaday asked about insurance coverage. City Manager Wrede answered everything must be preapproved with the state traffic engineer who must sign off on it. We are well protected. We have experience with crosswalks and signage as shown on Pioneer Avenue and Old Town.

**ROBERTS/WYTHE – MOVED TO POSTPONE RESOLUTION 10-69 TO THE NEXT MEETING.**

**VOTE: (postponement) YES. NON OBJECTION. UNANIMOUS CONSENT.**

Motion carried.

### **COMMENTS OF THE AUDIENCE**

Carole Hamik, city resident, supports roundabouts as they move traffic 30% more efficiently, require less gas, are safe, allow room for pedestrians, are efficient for heavy traffic, fit in compact spaces, and are less expensive than signals. Representative Paul Seaton told Mrs. Hamik if a roundabout at the Main Street/Sterling Highway intersection is on the CIP list he would try to round up money for the project next year.

Pat Moss, city resident and Homer Animal Friends (HAF) representative, offered information on the HAF. They have been providing low cost spay and neuter since October 1988. Since that time they have helped spay and neuter over 800 pets at a cost of over \$200,000. Those animals had a potential to produce over 40,000 offspring. In the first six months of this year HAF has helped neuter 261 animals; they spend between \$2,000 and \$3,000 a month on spay and neuter.

The HAF maintains the doggy pots at the end of the Spit Trail, provide animal training tapes and books for the public library, visit classrooms and talk about pet ownership and responsibility and how not to be bitten by dogs. Homer Dog Trainers is a part of HAF, starting in 2004, working with over 400 pet owners and pets. HAF believes the shelter needs a dog exercise yard. It gives volunteers a place to exercise the animals and potential owners a place to take a dog to find out if they fit with their personalities. The HAF proposes to pay 50% of the fencing; the City is to pay 50%. HAF could use more help with costs associated with the fence.

Duane Bannock, Kenai Peninsula Spruce Bark Beetle Program, thanked Council for their time and attention to the Spruce Bark Beetle experts by approving Resolution 10-67. He has heard Council's and the public's concerns. He cares very much about the reputation of the program and their goal is to find a project that works and that the City is proud of.

Bill Smith, Kenai Peninsula Borough Assemblyman, has been working with Mako Haggerty. If Enstar is the organization that brings natural gas here it will tie Homer into the natural gas rate. If the area receives gas from the north slope we will have a gas supply in the future. Enstar has committed in excess of \$300,000 to the project. He hopes Council and the City Manager will continue to explore options. The City could tell Enstar when they receive money from the state they will be happy to put the money in the coffers; there are some options other than telling Enstar to go away. It is the best opportunity in 30 years to get natural gas here.

Leonard Wells, city resident, commented as to Ordinance 10-37 where the money was already spent for the exercise bicycle. The City Attorney or City Manager should look into disciplinary action for whomever stepped beyond their boundaries and appropriate comments included in their personnel report. As to Ordinance 10-40 cruise ship tax being spent in other ways than the language indicates, it sounds like the City Council of Bell, California type activities.

#### **COMMENTS OF THE CITY ATTORNEY**

City Attorney Holly Wells reported she is working with the City Manager in streamlining proceedings, code amendment, inconsistency and other problems.

#### **COMMENTS OF THE CITY CLERK**

City Clerk Johnson reminded the listening audience of absentee voting for the primary election, now through the August 24<sup>th</sup> election.

#### **COMMENTS OF THE CITY MANAGER**

City Manager Wrede stated Ordinance 10-40 will include language of allowed uses at the second reading August 23<sup>rd</sup>.

## **COMMENTS OF THE MAYOR**

Mayor Hornaday commented he attended the Kachemak Bay Research Reserve meeting and viewed their new exhibit that shows where the tide is that day. He also participated in a whale watching tour with the Center for Coastal Studies.

## **COMMENTS OF THE CITY COUNCIL**

Councilmember Wythe complimented the staff on using budgetary constraints. She thanked the managers for their continued fiscal conservatism; she has observed staff taking inordinate measures to make sure they come in under budget. Mid year staff resolves the issues; Council has seldom had to step in. She cannot imagine snow removal on a roundabout. There is a substantial area needed for a roundabout. The purpose of the bypass was for truck traffic. There are so many entries into the Sterling Highway, something is needed that facilitates the continuous flow of traffic rather than defeating it. A roundabout may be helpful in small residential areas to slow traffic. Councilmember Wythe stated discipline to staff members as suggested by Councilmember Hogan should be between the City Manager and the employee. The public should not know personnel issues.

Councilmember Hogan acknowledged the contributions to the community by the late Red Calhoun and his family. He was the first guy Mr. Hogan asked for a job. Although he didn't get the job, Red gave him some advice. Mr. Hogan gives advice to people that do not get jobs with his company, much like Red gave him. Councilmember Hogan acknowledged the late Dave Vanderbrink who served on the Port and Harbor Advisory Commission. He did give Mr. Hogan a job. Mr. Vanderbrink contributed a lot to the community, including the Council horseshoe table.

Councilmember Roberts commented she doesn't agree that we should close all doors to the gas line; we need to look at working together to find a way.

Councilmember Zak echoed Councilmember Roberts' comments on the gas line. He asked that Enstar not be changing the playing field now or hold us over a barrel because they know gas would be beneficial for Homer. The natural gas would lower the costs for heating schools. Council does not want to stand in the way of gas to Anchor Point. He asked that Enstar play fair, keeping it even and reasonable for everyone. He is saddened to see the weeds growing at the West Campus due to the Boys and Girls Club shutting down for the summer. Soon the college will be vacating the building. Councilmember Zak thanked Paul Dauphinais for coming out today. He is actively involved in the community and it makes Mr. Zak feel good about being part of the community. He offered a thank you to Duane Bannock who also has a radio program and does excellent job in bringing people together over tough issues.

Councilmember Howard noted the fee collecting iron ranger on the Spit is frequently out of envelopes. She acknowledged and appreciates the citizens who keep advised and participate in the community.



Councilmember Wythe clarified she doesn't want people to think we don't want the gas line moving forward. Her concern is that the City would have to up front half a million dollars.

Councilmember Lewis had no comment.

### **ADJOURNMENT**

There being no further business to come before the Council the meeting was adjourned at 8:01 p.m. by Mayor James C. Hornaday. The next Regular Meeting is scheduled for Monday, August 23, 2010 at 6:00 P.M. The next Committee of the Whole is scheduled for Monday, August 23, 2010 at 5:00 p.m. A Worksession is scheduled for Monday, August 23, 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.

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JO JOHNSON, CMC, CITY CLERK

Approved: \_\_\_\_\_