

# ACTION AGENDA

December 13, 2010  
Special Meeting  
Committee of the Whole  
Regular Meeting

Session 10-34 a Special Meeting of the Homer City Council was called to order on December 13, 2010 at 4:00 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 KLINKNER  
CITY PLANNER ABOUD  
PORT AND HARBOR DIRECTOR HAWKINS

2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

The agenda was approved by consensus of the Council.

### 3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There was one public comment.

### 4. PENDING BUSINESS

- A. **Resolution 10-80**, A Resolution of the City Council of Homer, Alaska, Adopting the Amended Public Arts Committee Administrative Guidelines to Incorporate Amendments to Composition, 1% for the Arts Program, Preservation, Promotion and Awareness, and De-Accessioning Sections; and to Add Sections Declaration of Purpose, Meetings, Organization and Procedures, Accession and Gift Policies, and Procedures to Propose a Donation. City Clerk/Public Arts Committee. (Postponed from October 25, 2010.)

Memorandum 10-122 and 10-130 from Public Arts Committee as backup.  
Memorandum 10-148 from City Attorney as backup.

POSTPONED TO JANUARY 10, 2011<sup>1</sup>.

- B. **Resolution 10-81(A)**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Public Arts Committee Administrative Guidelines to Establish the Second Thursday

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<sup>1</sup> At the Regular Meeting upon reconsideration Resolution 10-80 was postponed to January 24, 2011.

at 5:00 p.m. Not to Exceed Ninety Minutes as the Regular Quarterly Meeting Day, Time, and Length. City Clerk/Public Arts Committee. (Postponed from October 25, 2010.)

Memorandum 10-123 from Public Arts Committee as backup.

POSTPONED TO JANUARY 24, 2011<sup>2</sup>.

## **NEW BUSINESS**

- A. **Ordinance 10-55**, An Ordinance of the City Council of Homer, Alaska, Adopting Homer City Code Chapter 1.70, Public Arts Committee; Amending Homer City Code 18.07.040, Implementation; Amending Homer City Code 18.07.050 Selection; Repealing Homer City Code 18.07.060, Program Administration; Public Arts Committee; and Amending Homer City Code 18.07.070, Exemptions; Regarding the Appointment, Composition and Functions of the Public Arts Committee. City Manager.

Memorandum 10-148 from City Attorney as backup.

ADOPTED.

### **5. COMMENTS OF THE AUDIENCE**

None.

### **6. COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner had no comment.

### **7. COMMENTS OF THE CITY CLERK**

City Clerk Johnson had no comment.

### **8. COMMENTS OF THE CITY MANAGER**

City Manager Wrede had no comment.

### **9. COMMENTS OF THE MAYOR**

Mayor Hornaday had no comment.

### **10. COMMENTS OF THE CITY COUNCIL**

Councilmembers had no comments.

### **11. ADJOURNMENT NO LATER THAN 4:50 p.m.**

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<sup>2</sup> At the Regular Meeting upon reconsideration Resolution 10-81(A) was postponed to January 24, 2011.

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 4:44 p.m. The next Regular Meeting is scheduled for Monday, January 10, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, January 10, 2011 at 5:00 p.m. Special Meetings are scheduled for Tuesday, January 4, 2011 at 5:30 p.m. and Monday, January 10, 2011 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.

### **COMMITTEE OF THE WHOLE AGENDA**

**1. CALL TO ORDER, 5:00 P.M.**

Mayor Hornaday called the meeting to order at 5:00 p.m.

**2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

The agenda was approved by consensus of the Council.

**3. REGULAR MEETING AGENDA**

**4. COMMENTS OF THE AUDIENCE**

There was one who commented.

**5. ADJOURNMENT NO LATER THAN 5:50 p.m.**

Mayor Hornaday adjourned the meeting at 5:52 p.m.

### **REGULAR MEETING AGENDA**

Session 10-35 a Regular Meeting of the Homer City Council was called to order on December 13, 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 KLINKNER  
CITY PLANNER ABOUD  
FINANCE DIRECTOR HARVILLE  
FIRE CHIEF PAINTER  
LIBRARY DIRECTOR HILLE  
POLICE CHIEF ROBL  
PORT AND HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS DIRECTOR MEYER

## 2. 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: **PUBLIC HEARINGS - Ordinance 10-51(S)**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2011 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager. Budget Amendment by Councilmember Howard and written public comments; **RESOLUTIONS - Substitute Resolution 10-92(S)**, A Resolution of the City Council of Homer, Alaska, Authorizing the Purchase of a 2-Stage Snow Blower Attachment, Utilizing General Fund Monies Previously Appropriated in the Amount of \$124,105. City Manager/Public Works Director; and **Resolution 10-97**, A Resolution of the City Council of Homer, Alaska, Establishing the 2011 Regular Meeting Schedule for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission, Lease Committee, Permanent Fund Committee, Public Arts Committee and Transportation Advisory Committee. City Clerk. Memorandum 10-165 from Library Advisory Board as backup.

Resolutions 10-80 and 10-81(A) from the Special Meeting were added to Reconsideration, and if reconsidered, to New Business.

The agenda as amended was approved by consensus of the Council.

## 3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were five who commented.

## 4. RECONSIDERATION

- A. **Resolution 10-92**, A Resolution of the City Council of Homer, Alaska, Authorizing the Purchase of a 2-Stage Snow Blower Attachment, Utilizing General Fund Monies Previously Appropriated in the Amount of \$124,105. City Manager/Public Works Director.

Memorandums 10-140 and 10-152 from Public Works Superintendent as backup.

RECONSIDERED. (Heard under Resolutions)

- A. **Resolution 10-80**, A Resolution of the City Council of Homer, Alaska, Adopting the Amended Public Arts Committee Administrative Guidelines to Incorporate Amendments to Composition, 1% for the Arts Program, Preservation, Promotion and Awareness, and De-Accessioning Sections; and to Add Sections Declaration of Purpose, Meetings, Organization and Procedures, Accession and Gift Policies, and Procedures to Propose a Donation. City Clerk/Public Arts Committee. (Postponed from October 25, 2010.)

Memorandum 10-122 and 10-130 from Public Arts Committee as backup.

Memorandum 10-148 from City Attorney as backup.

RECONSIDERED. Heard under New Business.

- B. **Resolution 10-81(A)**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Public Arts Committee Administrative Guidelines to Establish the Second Thursday at 5:00 p.m. Not to Exceed Ninety Minutes as the Regular Quarterly Meeting Day, Time, and Length. City Clerk/Public Arts Committee. (Postponed from October 25, 2010.)

Memorandum 10-123 from Public Arts Committee as backup.

RECONSIDERED. Heard under New Business.

## 5. 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 November 22, 2010. City Clerk. Recommend adoption.
- B. **Memorandum 10-146**, from Deputy City Clerk, Re: Liquor License Renewal for Beluga Lake Lodge and Best Western Bidarka Inn.
- C. **Memorandum 10-147**, from Mayor, Re: Appointment of Caroline Venuti to the Transportation Advisory Committee.

APPROVED.

## 6. VISITORS

None.

## 7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Borough Report

Bill Smith, KPB Assemblyman, reported he has been appointed as the Chair of the Finance Committee for the Assembly. Sales tax income for the year is not going to meet projections. The Assembly is looking at next year's budget, trying to hold the mill rate at 4.5%. They are constraining money to the school district, knowing there will be increased waste costs with the closure of the Homer landfill. The City of Homer is holding up well with sales, Kenai is going gangbusters, and Soldotna is suffering from the new Kenai stores opening.

- B. Commissions/Board Reports:
  - 1. Library Advisory Board

Eileen Faulkner, Chair of the Library Advisory Board, introduced Flo Larson of the LAB. Ms. Larson asked that the library book budget not be cut. She provided comparisons of book spending with other communities throughout the state.

2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission

Dean Ravin, Economic Development Advisory Commissioner, announced the EDC meeting tomorrow at 6 p.m. the commission is exploring ideas for the old intermediate school.

4. Parks and Recreation Advisory Commission

Robert Archibald, Parks and Recreation Advisory Commissioner, reported they now have a full commission. They have formed two special committees; staff will not be involved, thus no overtime expenditures. The committees are for Kachemak Drive pedestrians and Spit recreation. Soon Council will receive proposals to spend money for engineering or purchases for Karen Hornaday Park. They are seeking a bridge from South Peninsula Hospital.

5. Port and Harbor Advisory Commission

## **8. PUBLIC HEARING(S)**

- A. **Ordinance 10-51(S)**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2011 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager. Introduction October 25, 2010, Public Hearings November 22 and December 13, 2010, Second Reading December 13, 2010.

There were 13 who testified.

Mayor Hornaday called for a recess at 7:12 p.m. and reconvened the meeting at 7:19 p.m.

AMENDMENTS: Funded: Police Officer position (\$91,287 salary & benefits); Lobbyist \$44,000; Overtime for Boards/Commissions \$8,000; Airport Doors \$25,000.

Cuts: Mayor/Council Salaries \$4,915; Mayor/Council Transportation \$2,500; Mayor/Council Training \$1,200; Police Overtime \$6,000.

See Resolution 10-90 Itinerant merchant and Mobile Food Unit fees were tripled.

ADOPTED with discussion.

Mayor Hornaday called for a recess at 8:01 p.m. and reconvened the meeting at 8:06 p.m.

- B. **Resolution 10-89**, A Resolution of the City Council of Homer, Alaska, Revising Certain Portions of the Port and Harbor of Homer Terminal Tariff No. 600 and Amending the City of Homer Fee Schedule Accordingly. City Clerk. Introduction October 25, 2010 and

Public Hearings November 22 and December 13, 2010. (To follow Budget Ordinance 10-51.)

Memorandum 10-153 from Port and Harbor Advisory Commission as backup.

There was no public testimony.

ADOPTED with discussion.

- C. **Resolution 10-90**, A Resolution of the City Council Amending the City of Homer Fee Schedule Under Airport Terminal Facility, Long Term Parking, Under Public Safety, Parking Tickets, and Under Administrative Fees, Modem Transmission, Data Fees, and Document Copy Fees. City Clerk. Introduction October 25, 2010 and Public Hearings November 22 and December 13, 2010. (To follow Budget Ordinance 10-51.)

There was no public testimony.

AMENDED: Itinerant merchant and Mobile Food Unit fees were tripled.

ADOPTED as AMENDED with discussion.

- D. **Resolution 10-91**, A Resolution of the City Council of Homer, Alaska Authorizing the City Administration and the City Auditors to Operate, Budget for, and Audit the Water and Sewer Enterprise Fund as a Special Revenue Fund Under Relevant Statutes and Other Applicable Authorities and Renaming the Homer Water and Sewer Enterprise Fund the Homer Water and Sewer Special Revenue Fund. City Manager/Finance Director. Introduction October 25, 2010 and Public Hearings November 22 and December 13, 2010. (To follow Budget Ordinance 10-51.)

There was no public testimony.

ADOPTED with discussion.

- E. **Ordinance 10-52**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Homeland Security and Emergency Management Grant in the Amount of \$30,000.00 in Federal Funds to Purchase Emergency Medical Dispatch ProQA Software, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Introduction November 22, 2010, Public Hearing and Second Reading December 13, 2010.

Memorandums 10-135 and 10-136 from Police Chief as backup.

There was no public testimony.

ADOPTED with discussion.

- F. **Ordinance 10-53**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating and Alaska Department of Transportation (ADOT) Reimbursement of up to \$6,720.00 for Commercial Vehicle Enforcement Inspections and Authorizing the City

Manager to Execute the Appropriate Documents. City Manager/Police Chief. Introduction November 22, 2010, Public Hearing and Second Reading December 13, 2010.

Memorandum 10-137 from Police Chief as backup.

There was no public testimony.

ADOPTED without discussion.

## 9. ORDINANCE(S)

- A. **Ordinance 10-56**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.040, Definitions; Enacting Homer City Code Chapter 21.44, Slopes; and Amending Homer City Code 21.50.020, Site Development Standards – Level One, and Homer City Code 21.50.030, Site Development Standards – Level Two; Regarding the Regulation of Development Activity on Sites Affected by Slopes. Planning. Recommended dates: Introduction December 13, 2010, Public Hearing and Second Reading January 10, 2011.

Memorandum 10-149 from City Planner as backup.

ADOPTED and POSTPONED to January 24, 2011 for Public Hearing and Second Reading.

- B. **Ordinance 10-57**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 11.04.030, Definitions; Amending Homer City Code **11.04.040, Street Construction, Design and Dedication Requirements—General**; Amending Homer City Code 11.04.120, **Sidewalks**; Amending **Homer City Code 21.52.030, Development Plan**; Amending Homer City Code 22.10.030, Definitions; Amending Homer City Code 22.10.050, Improvement Requirements—General; and Homer City Code 22.10.051, Utility Easements; Regarding Subdivisions and Subdivision and Planned Unit Development Improvement Requirements. Planning. Recommended dates: Introduction December 13, 2010, Public Hearing and Second Reading January 10, 2011.

Memorandum 10-150 from City Planner as backup.

ADOPTED and POSTPONED to January 24, 2011 for Public Hearing and Second Reading.

- C. **Ordinance 10-58**, An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code Chapter 21.95, Legislative Procedures and Amendments, Regarding the Standards and Procedures for Amending Title 21 of the Homer City Code and Amending the Official Zoning Map. Planning. Recommended dates: Introduction December 13, 2010, Public Hearing and Second Reading January 10, 2011.

Memorandum 10-151 from City Planner as backup.

ADOPTED and POSTPONED to January 24, 2011 for Public Hearing and Second Reading.

## 10. CITY MANAGER'S REPORT



A. City Manager's Report

There was no additional discussion on the Manager's Report.

**11. CITY ATTORNEY REPORT**

There was no additional discussion on the Attorney's Report.

**12. COMMITTEE REPORT**

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee
- E. City Hall Renovation and Expansion Task Force

Councilmember Howard reported the Natural Gas Task Force met today and appointed Mike Heimbuch as chair. They will meet on the 2<sup>nd</sup> and 4<sup>th</sup> Monday and hope to move along as quickly as possible.

**13. PENDING BUSINESS**

- A. **Resolution 10-94**, A Resolution of the City Council of Homer, Alaska, Approving a New Lease for Brad Faulkner on Lot 88-4, and Finding that it is in the Public Interest to do so Without a Competitive Bidding Process. Lease Committee. (Postponed from November 22, 2010.)

Memorandum 10-143 from Lease Committee as backup.  
Memorandum 10-160 from City Attorney as backup.

ADOPTED with discussion.

**14. NEW BUSINESS**

- A. **Resolution 10-80**, A Resolution of the City Council of Homer, Alaska, Adopting the Amended Public Arts Committee Administrative Guidelines to Incorporate Amendments to Composition, 1% for the Arts Program, Preservation, Promotion and Awareness, and De-Accessioning Sections; and to Add Sections Declaration of Purpose, Meetings, Organization and Procedures, Accession and Gift Policies, and Procedures to Propose a Donation. City Clerk/Public Arts Committee. (Postponed from October 25, 2010.)

Memorandum 10-122 and 10-130 from Public Arts Committee as backup.  
Memorandum 10-148 from City Attorney as backup.

POSTPONED to January 24, 2011.

- B. **Resolution 10-81(A)**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Public Arts Committee Administrative Guidelines to Establish the Second Thursday at 5:00 p.m. Not to Exceed Ninety Minutes as the Regular Quarterly Meeting Day, Time, and Length. City Clerk/Public Arts Committee. (Postponed from October 25, 2010.)

Memorandum 10-123 from Public Arts Committee as backup.

POSTPONED to January 24, 2011.

## 15. RESOLUTIONS

- A. **(If Reconsidered) Resolution 10-92**, A Resolution of the City Council of Homer, Alaska, Authorizing the Purchase of a 2-Stage Snow Blower Attachment, Utilizing General Fund Monies Previously Appropriated in the Amount of \$124,105. City Manager/Public Works Director.

Memorandum 10-140 and 10-152 from Public Works Superintendent as backup.

ADOPTED SUBSTITUTE RESOLUTION 10-92(S) with discussion.

- B. **Resolution 10-96**, A Resolution of the City Council of Homer, Alaska, Amending the Parks and Recreation Advisory Commission By-Laws to Establish the Time of 5:30 p.m. as the Regular Meeting Time. City Clerk/Parks and Recreation Advisory Commission.

Memorandum 10-162 from Parks and Recreation Advisory Commission as backup.

ADOPTED without discussion.

- C. **Resolution 10-97**, A Resolution of the City Council of Homer, Alaska, Establishing the 2011 Regular Meeting Schedule for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission, Lease Committee, Permanent Fund Committee, Public Arts Committee and Transportation Advisory Committee. City Clerk.

Memorandum 10-155 from Economic Development Advisory Commission as backup.

Memorandum 10-156 from Planning Commission as backup.

Memorandum 10-157 from Transportation Advisory Committee as backup.

Memorandum 10-158 from Port and Harbor Advisory Commission as backup.

Memorandum 10-159 from Lease Committee as backup.

Memorandum 10-163 from Parks and Recreation Advisory Commission as backup.

Memorandum 10-164 from Public Arts Committee as backup.

ADOPTED without discussion.

- D. **Resolution 10-98**, A Resolution of the City Council of Homer, Alaska, Approving a Five Year Lease with Two One Year Options on One Half of Lot 13-B for Snug Harbor Seafoods and Authorizing the City Manager to Negotiate and Execute the Document. Lease Committee.

Memorandum 10-161 from Deputy City Clerk as backup.

Councilmember Hogan declared a conflict of interest and was excused from participation.

ADOPTED without discussion.

## **16. COMMENTS OF THE AUDIENCE**

There were two who commented.

## **17. COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner had no comment.

## **18. COMMENTS OF THE CITY CLERK**

City Clerk Johnson advertised the Kachemak Drive Path Committee and Spit Parks and Recreation Committee meetings for Thursday, December 16<sup>th</sup> at 5:15 and 5:30 respectively. She wished everyone a Merry Christmas.

## **19. COMMENTS OF THE CITY MANAGER**

City Manager Wrede wished everyone a Merry Christmas.

## **20. COMMENTS OF THE MAYOR**

Mayor Hornaday wished everyone a Merry Christmas.

## **21. COMMENTS OF THE CITY COUNCIL**

Councilmember Wythe thanked staff, the community, and Council for their diligence on the budget. She thanked Council for working with her on the January schedule. She wished everyone a Merry Christmas.

Councilmember Lewis wished everyone a Merry Christmas, Happy New Year, and belated Happy Hanukah.

Councilmember Hogan expressed disappointment on the budget. It is important to get staff to buy in with the health care benefit package. It is out of line with the rest of the country; everywhere cities are making drastic cuts. He wished everyone a Merry Christmas.

Councilmember Howard thanked the merchants for all the décor put up. It looks magical and stimulates the thought process. She asked for a worksession the first meeting in March to discuss the budget. Although not perfect, Council's heart is in the right place for the budget. Mrs. Howard wished all Happy Holidays.

Councilmember Roberts commented she heard two people testify to increase the mil rate to balance the budget. Sales tax in the wintertime would be a better way to get money. She sees those issues coming forward next year. Brad Faulkner is a valuable member of the community, yet it is her responsibility as a councilmember to follow lease policy regulations, thus her vote against the lease. She apologized to the listening public for the paper shuffling, as Council had over 1,000 pieces of paper in front of them. Ms. Roberts wished everyone Happy Holidays.

Councilmember Zak thanked Council for their work on the budget. It may have been historical that they dipped into the general fund. He thanked Councilmember Hogan for advocating for the fish tax in Juneau. Mr. Zak thanked everyone that came out; he believes in working together. He thanked the PAC for putting together their resolution; they are doing a lot to create a spirit within the community. He saw that with the McBride family and others that spoke of the Pratt Museum. He wished all a Merry Christmas.

## **22. ADJOURNMENT**

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 8:55 p.m. The next Regular Meeting is scheduled for Monday, January 10, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, January 10, 2011 at 5:00 p.m. Special Meetings are scheduled for Tuesday, January 4, 2011 at 5:30 p.m. and Monday, January 10, 2011 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.