

Session 11-05 a Regular Meeting of the Homer City Council was called to order on January 24, 2011 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 (telephonic), HOWARD, ROBERTS,  
WYTHE, ZAK

ABSENT: LEWIS (excused)

STAFF: CITY CLERK JOHNSON  
CITY MANAGER WREDE  
CITY PLANNER ABOUD  
PORT AND HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS DIRECTOR MEYER

Councilmember Hogan has requested telephonic participation.

Mayor Hornaday ruled Councilmember Hogan was allowed telephonic participation and there was no objection from the Council.

Councilmember Lewis has requested excusal.

Mayor Hornaday ruled Councilmember Lewis's absence as excused.

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 4:56 p.m. to hear about the Computer Aided Dispatch Project, Bob Jones, Project Manager, Kenai Peninsula Borough. Council met as a Committee of the Whole from 5:00 p.m. to 5:47 p.m. to discuss Staffing Commissions and Committees, In House Attorney, and Regular Meeting Agenda items.

## **AGENDA APPROVAL**

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

The agenda was amended with the following changes:

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS - Memorandum 11-016 from Harbormaster re: Dredge Materials Management for the City of Homer Port & Harbor; PUBLIC HEARINGS - Ordinance 10-55(A), 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; Excerpt

of December 13, 2010 Special Meeting Minutes; 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; Staff Report PL 10-84 as backup.

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

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

There were no public comments.

### **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 January 10 and 17, 2011 and Regular Meeting minutes of January 10, 2011. City Clerk. Recommend adoption.
- B. **Memorandum 11-009**, from Deputy City Clerk, Re: Liquor License Renewal for Land's End and Kachemak Bowl.

Mayor Hornaday called for a motion to approve the recommendations of the consent agenda.

ZAK/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **VISITORS**

- A. Angela Doroff, Research Coordinator, Kachemak Bay Research Reserve, Present and Upcoming Efforts of the Science Collaborative Grant, 10 minutes

Angela Doroff, Research Coordinator for Kachemak Bay Research Reserve, thanked Council for their energy and enthusiasm behind the project. The Science Collaborative Grant provides for a

three-year project with updates posted on the reserve's website: [www.kbayrr.org](http://www.kbayrr.org). Studies will include:

- Land level changes: earthquakes; glaciers are melting at a fairly rapid rate.
- Relative Sea Level Rise – Important to understand sea level rise projections in the context of land level change.
- The waters in Kachemak Bay are fed by 15 glaciers – the increased melt water is rich in nutrients and sediments which influence the community ecology in the Bay.

It is anticipated the study will accomplish a final report that summarizes land and sea level changes, establishment of long-term monitoring sites to continue to monitor changes beyond the study period, and development of a team of well trained citizen scientists who can participate in the long-term monitoring.

Collaborative learning engages stakeholders through the life of the study to address community driven questions. GPS stations will measure coastal uplift on non-bedrock sites. A discovery lab will be held on February 2<sup>nd</sup> to provide more information.

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

A. **Mayor's Recognition** – Nicky Szarzi, Contributions to the Nick Dudiak Fishing Lagoon

Mayor Hornaday read the proclamation and presented it to Nicky Szarzi.

B. **Mayor's Proclamation** – Brother Asaiah Bates Day – February 14, 2011

Mayor Hornaday read the proclamation.

C. Mayor's Economic Development Speech - 2011 Outlook Industry Forum

D. Thank you from Sister City Teshio

E. Thank you from The Homer Foundation

F. Borough Report

G. 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

1. Dredge Material
2. Credit Cards
  - a. Memorandum 11-010 from Port and Harbor Advisory Commission

Steve Zimmerman, Port and Harbor Advisory Commissioner, reported an estimated 40,000 yards of dredge spoils on the Spit. Harbormaster Bryan Hawkins put together a list of projects to use the spoils on before selling it off the Spit. The commission supports dredge spoils leaving the Spit, as there is nowhere else to store them. Mr. Zimmerman reported the commission requested that the Port be allowed to charge a surcharge for credit cards. When accepting credit cards, an agreement is signed to allow the processing of credit cards and charging a surcharge may result in credit card processing rights being pulled. The Borough accepts credit cards with third party processors and gas stations use a discount for cash payment. Mr. Zimmerman referenced the letter from the Finance Director as an interesting way to save some money. Although \$1.6M harbor revenue was paid by credit cards, it cost the City \$51,500 in processing fees, roughly the price of a police officer position.

**PUBLIC HEARING(S)**

- A. **Ordinance 10-55(A)**, 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. Introduction December 13, 2010, Public Hearing and Second Reading January 24, 2011.

Memorandum 10-148 from City Attorney as backup.

Mayor Hornaday opened the public hearing.

Angie Newby, city resident and Chair of the PAC, introduced committee members Michele Miller and Marianne Aplin. She urged Council to pass Ordinance 10-55(A) and expressed her appreciation of the thorough review and work Council put into it. Recent efforts of the PAC include the parks exhibit at the Airport and wall mural at the Fire Hall. Both projects were accomplished at zero cost to the taxpayers. Upcoming art projects include the Homer Gateway and City Hall Expansion and Renovation.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 10-55(A) by reading of title only for second and final reading.

HOWARD/WYTHER - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **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. Introduction December 13, 2010, Public Hearing and Second Reading January 24, 2011.

Memorandum 10-149 from City Planner as backup.

Mayor Hornaday opened the public hearing.

Scott Adams, city resident, lives on Skyline/East Hill and was annexed into the city. He expressed concern of added costs with the restrictions added to building on a slope.

Mayor Hornaday closed the public hearing.

ROBERTS/WYTHER – MOVED TO ADOPT ORDINANCE 10-56.

Councilmember Wythe expressed concern of the City Engineer approving erosion control methods when an experienced land engineer has designed a plan. She questioned the outcome if the City Engineer and City Planner were not in agreement of the plan. Making things so restrictive that people cannot afford to develop their property is in essence taking their piece of property.

Councilmember Roberts referenced page 23 of the supplemental packet, Staff Report PL 10-84, that compares the existing rules to new rules. Properties with a slope over 45% would require an engineered site plan. Slopes of 30% to 45% would have more opportunity to develop. The City Engineer and City Planner would look at an engineer's plan and consider it. It is not a big issue for most property owners.

Councilmember Howard added when an engineer signs and stamps plans and submits them to the city for review if there is a question the two engineers can work it out. It may require communication and explanation of the plan.

City Manager Wrede explained with the requirement the City sign off on a steep slope development plan, the City would have the responsibility for not only the property being built

on, but all the surrounding properties and properties downhill. City staff would be looking at impacts to downstream.

City Planner Abboud clarified the City Engineer would be involved to review technical plans and see how they integrate with city-wide systems. As the City Planner, Mr. Abboud would be looking at erosion control methods.

Councilmember Zak asked Mr. Abboud if the steep slope regulations affect leach fields proximity to the top of the bluff. City Planner Abboud answered leach fields are regulated by DEC. Councilmember Zak voiced concern about adding water to steep slopes and asked that restrictions to leach fields be considered. City Planner Abboud will pass those concerns on to the Planning Commission.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. **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. Introduction December 13, 2010, Public Hearing and Second Reading January 24, 2011.

Memorandum 10-150 from City Planner as backup.

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 10-57 by reading of title only for second and final reading.

HOWARD/WYTHE - SO MOVED.

Asked by Councilmember Wythe if subdivision requirements were becoming prohibitive due to associated costs to bring them up to standards, City Planner Abboud answered in the Planning Commission's discussions they expressed concerns of what it might take to accomplish the requirements. The ordinance pertains to dedication of easements for future improvement of land. They are described in the Non Motorized Transportation and Trails Plan. Asked how the value of an easement is determined, City Planner Abboud answered there is a 20 ft. setback from the right-of-way; easements require 15 ft. that overlaps the 20 ft. setback.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **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. Introduction December 13, 2010, Public Hearing and Second Reading January 24, 2011.

Memorandum 10-151 from City Planner as backup.

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 10-58 by reading of title only for second and final reading.

WYTHE/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Ordinance 11-01**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 8.02, Business Licenses, Regarding the Requirement of a License to Engage in Business in the City; and Enacting Homer Code 9.16.015, Determining when a Sale, Rental or Service Occurs in the City. Hogan. Introduction January 10, 2011, Public Hearings January 24 and February 15, 2011 and Second Reading February 15, 2011.

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

Councilmember Zak suggested a requirement for business start-up classes (taxes, employees, and business start-up) to benefit small business owners before licenses are issued. The State enforces business licenses. At a local level, enforcement is the issue of concern. It would create additional work on the staff, at a cost that outweighs Councilmember Zak's ability to support it.

Councilmember Hogan expressed his intent to amend the ordinance prior to the next meeting. In its present form, he does not support the ordinance.

- F. **Ordinance 11-02**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Authorizing the Transfer of \$184,700 from the Harbor Reserve and \$173,000 from the Water/Sewer Reserve to the Energy Revolving Loan Fund and Establishing a Budget for the Implementation of Energy Conservation

Measures in the Amount of \$900,500. City Manager/Public Works Director. Introduction January 10, 2011, Public Hearing and Second Reading January 24, 2011.

Memorandum 11-007 from Public Works Director as backup.

**Ordinance 11-02 (S)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Authorizing the Transfer of ~~\$184,700~~ **\$131,335** from the Harbor Reserve and ~~\$173,000~~ **\$172,932** from the Water/Sewer Reserve to the Energy Revolving Loan Fund and Establishing a Budget for the Implementation of Energy Conservation Measures in the Amount of ~~\$900,500~~ **\$847,067**.

Memorandum 11-007(S) from Public Works Director as backup.

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

Mayor Hornaday called for a motion to substitute Ordinance 11-02(S) for Ordinance 11-02.

ROBERTS/HOWARD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-02(S) by reading of title only for second and final reading.

HOWARD/WYTHE – SO MOVED.

Public Works Director Meyer explained there are 11 projects with an 8-year average payback for all projects combined. The table listing projects was amended to reduce the scope and cost of the airport air handling modifications and eliminated work at the harbormaster's office that included a fuel burning heater.

Port and Harbor Director Hawkins added that in-house work will be used to modify the transformers on the cranes at the Fish Dock. Many of the proposed repairs to the harbormaster's office can be completed in-house.

Councilmember Wythe recalled there would be a specific amount set aside to do projects and as repaid would be refreshed to do other projects. She opposes asking for additional funds in excess of the \$300,000 in the Energy Revolving Fund. Fitting the projects within the existing budget is keeping with the plan originally approved. By moving monies out of the Port and Harbor we are not reimbursing them, we are growing the energy revolving fund.



Councilmembers Roberts and Zak favor the ordinance as the energy saving measures will pay back the revolving fund quickly.

WYTHE/HOWARD – MOVED TO POSTPONE ONE MEETING.

Councilmember Wythe asked that the list be prioritized and viewed as two separate things. If using reserve funds from the Port and Harbor those things would be paid to benefit the harbor and they would be the benefactor of the cost savings. The other list would include projects from the energy revolving fund.

VOTE: (postponement) YES. ROBERTS, WYTHE, ZAK, HOWARD, HOGAN

Motion carried.

### **ORDINANCE(S)**

None.

### **CITY MANAGER'S REPORT**

#### **A. City Manager's Report**

Due to the poor telephone communication with Councilmember Hogan, Councilmembers Wythe and Howard moved to remove him from telephonic participation. After Mr. Hogan removed the mute status of his telephone the connection was greatly improved.

1. Fire Training Facility: The fire training facility is constructed and on its way to Homer for final assembly. At this time, we expect it to arrive here on January 26. Chief Painter is planning an open house and dedication. We will be sure to keep you informed.
2. Thanks to the HVFD Volunteers!: Attached is a memorandum prepared by Chief Painter that discusses the monetary value of the volunteers who serve the Homer Volunteer Fire Department. As you can see, the budget impact is tremendous. Not only do the volunteers put their lives on the line and provide a tremendous service to the community, they also save the taxpayers a great deal of money. If you get the opportunity, please take the time to thank the volunteers at HVFD.
3. Staff Turnover: The management team at the City of Homer is about to experience a significant turnover. Personnel Director Sheri Hobbs has submitted her resignation and will be retiring at the end of April. This was not unexpected and we are in the process of planning for life without Sheri. We will be advertising for that position shortly. Sheri is ready for the next chapter in her life and has a long list of projects and trips planned. She will be greatly missed and we wish her the best. Library Director Helen Hill is also on the move. Helen is planning to move to Nevada to be closer to family and pursue other interests. She is also a huge loss and will be difficult to replace. Helen has been with the City for 10 years and Sheri was here for 20. It is hard to replace that kind of experience and institutional knowledge but we wish them both well and I cannot thank them enough for their service.
4. Mr. Hogan goes to DC: Council Member Hogan will be in the DC area next month and has expressed a willingness to do some lobbying for the City if the Council wishes. He requested that this be placed in the Manager's report so that the Council could discuss it if it wishes.
5. City Hall Expansion / Renovation: The Committee appointed by the Council has completed it

work regarding selection of a contractor. A recommendation and resolution awarding a contract appears on this meeting agenda. It is recommended that the Committee stay in place and act as a review board during the design and architectural phase of the project.

6. Lobbyist: The committee formed to evaluate proposals from potential lobbyists has completed its work. This agenda contains a recommendation and resolution awarding a contract for City lobbying services.

7. Energy Efficiency: This agenda contains a substitute ordinance which incorporates the changes Carey discussed at the last meeting. The total recommended cost is now slightly less but the estimated savings are still close to \$100,000 per year with a seven year pay- back period. Could want to take a close look at the recommendation and make sure it is comfortable spending all of the available money at once, spending money from the enterprise reserves, and how the costs are allocated.

8. TORA Agreements: Work is proceeding on all three of the TORA Agreements we discussed at the last meeting. We hope to have the one regarding Spit parking back before you soon.

9. Bridge Creek Fire Mitigation Project: The Planning Commission is scheduled to take this issue up (the CUP Application) on January 19. We anticipate that this application will generate some good debate within the community and we have heard some of it already, both pro and con. Regardless of how this goes at the PC level, I think it was a good discussion to have and an opportunity that needed to be explored fully.

10. Travel: I am planning to spend much of the week of January 31 working in Anchorage. During that time I will be visiting with DOT/PF to talk about the multiple projects we have going on with them and with other agencies and state officials. I will also plan to attend AML on February 8-10 since you have all expressed support for that. In addition to participating in the legislative conference, I will use the time to meet with the City's new lobbyist to make sure he/she thoroughly understands the City's projects and policies positions. We will also work on lobbying strategies and set up visits with key legislators and the administration.

City Manager Wrede reported he received a call from DOT regarding the \$2M for Main Street intersection improvements. DOT does not think \$2M is enough to build the intersection and traffic signal. They want to completely reconstruct the intersection to look like Lake St./Sterling Hwy. It would require redoing the curbs and utilities, at a cost of \$3M. For \$1M DOT can do a roundabout to accommodate any type of truck from the Spit. They asked if Council would be willing to nominate the project for the STIP list. If the project is on the STIP list, DOT can add more money for the Main St. upgrade. If DOT can bring Main St. up to urban road city standards, the City could take Main St. for maintenance. The downside of federalizing the project is that it could add years to the project. Council has stated they want something done as soon as possible.

Mayor Hornaday expressed support for a roundabout.

Councilmember Wythe expressed her frustration that it has been two years and nothing has been done at the intersection. Last year a pedestrian was struck at the intersection. Do we have to rehash everything to just get something done? Direction was provided to DOT and choosing to wait another two to three years to upgrade the intersection and a roundabout is absurd.

Councilmember Roberts is hopeful we may get a roundabout and glad the DOT has put the intersection on the STIP list.

City Manager Wrede will provide a resolution for the February 15<sup>th</sup> meeting.

City Manager Wrede referenced the tidal project on the CIP list. Although the project made the top 15, the City is now out of it as the State has an agreement to work with NOAA. It is the City Manager's recommendation that the project be dropped. It is hoped that the State will support the tidal project and give the Alaska Energy Authority the money it needs.

Councilmember Wythe asked if the tidal project could be moved to the State portion of the CIP so it does not fall off. City Manager Wrede indicated Council could amend the CIP at anytime.

Harbormaster Bryan Hawkins was contacted by Fish and Game as they have \$850,000 grant funds to rebuild the load and launch ramp. The funds would require a 20% city match. Major repairs are needed on the ramp. An ordinance to appropriate the 20% match will be forthcoming. Councilmember Wythe suggested all the harbor improvement plans be put together to develop the harbor improvement program. It could be bonded through the enterprise fund of the port and harbor instead of waiting for money that is not coming. City Manager Wrede will be happy to work with Council on putting a package together.

As to the CAD presentation, City Manager Wrede had intended to have a resolution authorizing the City's participation up to Step 6. That will be forthcoming at the February 15<sup>th</sup> meeting.

The Bridge Creek Watershed Fire Mitigation Project conditional use permit was unanimously approved by the Planning Commission. The project will go forward. The City and Borough took all the measures to protect the water quality and do as little damage as possible. Folks should not panic when they see equipment there; they are urged to call the City Manager anytime.

Councilmember Hogan will need Council approval at the February 15<sup>th</sup> meeting to represent the City in Washington, D.C.

- B. Bid Report
- C. Games Report
  - 1. Homer Hockey Association

## **CITY ATTORNEY REPORT**

## **COMMITTEE REPORT**

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
  - 1. Meeting Minutes for the January 13, 2011 Regular Meeting

- D. Lease Committee
- E. City Hall Renovation and Expansion Task Force
- F. Natural Gas Distribution Task Force

Mayor Hornaday commented Enstar says we are heading in the right direction with the task force. Task Force member Councilmember Zak reported the NGDTF is concerned if they have council support to move forward. Councilmember Howard, member of the NGDTF, reported the task force needs to do a better job of getting organized and approach the components of the large subject matter. The NGDTF has had two meetings, each a month apart, and she would like things to move faster. Staff is providing them with good information; the question is how much of a role the task force should play in bringing gas to the City.

Councilmember Howard, Permanent Fund Committee Chair, reported the committee met and has the year end report indicating the funds earned. The committee is working on getting more timely reports from the bank. The statements will be provided in the council packet quarterly.

#### **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.

Motion on the floor from October 11, 2010: ROBERTS/LEWIS – MOVED FOR THE ADOPTION OF RESOLUTION 10-80.

Motion on the floor from December 13, 2010: ROBERTS/HOWARD - MOVED TO SUBSTITUTE THE GUIDELINES ON PAGE 55 (GUIDELINES AS PROPOSED BY ATTORNEY KLINKNER) FOR THE ORIGINAL PROPOSED GUIDELINES.<sup>1</sup>

The Administrative Guidelines are those as revised by the City Attorney (12/03/10) page 101 packet.

VOTE: (substitute guidelines) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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<sup>1</sup> Motion was not voted on, therefore will return on the floor at the January 24, 2011 meeting. Postponement date of Resolution 10-80 was amended at the Regular Meeting of December 13, 2010.

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

Motion carried.

- 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.

Motion on the floor from October 11, 2010: LEWIS/ROBERTS - MOTION FOR THE ADOPTION OF RESOLUTION 10-81(A) BY READING OF TITLE ONLY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## NEW BUSINESS

- A. **Memorandum 11-011**, from City Clerk, Re: Travel Authorization/No City Expense for Mayor Hornaday and Councilmember Zak's Attendance at Alaska Municipal League Winter Legislative Conference in Juneau, Alaska, February 8 – 10, 2011.

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 11-011 for Mayor and Councilmember travel with no expense to the city.

ZAK/HOGAN – SO MOVED.

WYTHE/ZAK - MOVED TO HAVE THE TWO ITEMS CONSIDERED SEPARATELY, THE TRAVEL AND REPRESENTATION FOR COUNCILMEMBER ZAK SEPARATE FROM THAT OF THE MAYOR.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/ZAK – MOVED TO ACCEPT AND APPROVE THE TRAVEL FOR THE MAYOR REPRESENTING THE CITY AT THE AML.

The Mayor's travel to AML will be at his own expense.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.<sup>2</sup>

Mayor Hornaday called for a motion to approve Councilmember Zak's attendance as explained.

ZAK/HOGAN – SO MOVED.

Councilmember Wythe expressed reservations of Councilmember Zak accepting funds from his employer to attend the conference and represent the City. She does not consider it a gag order, but rather a conflict of interest to represent one entity and represent the City of Homer also. You cannot assure and guarantee every person will make the distinction by your name tag that you are not representing the City, or soliciting support for funding for small business development that would be separate from the City.

Councilmember Howard commented with the Mayor and the City Manager's attendance the City will be well represented.

Councilmember Hogan commented he had no problem with Councilmember Zak wearing two hats as he would be able to make the distinctions that are necessary.

Councilmember Zak responded if the travel request is not approved, a policy should be established for future councilmembers. Mr. Zak requested an opinion from the City Attorney for clarification. Councilmember Zak's impression of a councilman is 24/7 representation. If at the AML representing the Small Business Administration and an opportunity to move something forward on the CIP list should arise, he would like to act in that regard or make visitation to State Representatives. He consistently sees the lack of clarity for City Council when advocating for the City. He was elected to represent the citizens of Homer.

Councilmember Wythe pointed out the ethics section within Homer City Code distinctly identifies that Council acts in the capacity of councilmembers only with the authorization of the Council. When personally contacted by the newspaper and radio with questions, and without authorization from Council, she can only provide her opinion. Only with the authorization of the Council do you represent the Council.

ZAK/ROBERTS – MOVED TO AMEND THAT I WILL PAY MY OWN WAY TO ATTEND AML, IT WILL BE UNDER MY EXPENSE, THEREFORE I WON'T BE PAID BY ANYBODY ELSE AND I WOULD LIKE TO ATTEND.

Councilmember Zak stated he will not be doing anything on behalf of the Small Business Development Center. He will be taking himself to Juneau for the sole purpose of representing the City.

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<sup>2</sup> Motion was reconsidered under Comments of the City Council. The Mayor's trip to Juneau AML will be paid by the City.

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

Motion carried.

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

Motion carried.

## RESOLUTIONS

- A. **Resolution 11-009**, A Resolution of the City Council of Homer, Alaska, Approving a Contract with Siemens Industry, Inc. for the Implementation of Energy Conservation Measures in the Amount of \$795,191 and Authorizing the City Manager to Execute the Appropriate Documents to Complete Recommended Improvements. City Manager/Public Works Director.

Mayor Hornaday called for a motion for the adoption of Resolution 11-009 by reading of title only.

WYTHE/ROBERTS – SO MOVED.

WYTHE/ROBERTS – MOVED TO POSTPONE THIS TO FOLLOW THE ORDINANCE FOR THE MONEY (Ordinance 11-02(S) postponed to February 15, 2011).

There was no discussion.

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

Motion carried.

- B. **Resolution 11-010**, A Resolution of the City Council of Homer, Alaska, Awarding a GC/CM Contract with Steiner's North Star Construction, Inc. of Homer, Alaska, Within the Authorized Project Budget for the City Hall Renovation and Expansion Project and Authorizing the City Manager to Enter into Negotiations and Execute the Appropriate Documents. City Manager.

Memorandum 11-014 from Public Works Director as backup.

Memorandum 11-015 from City Hall Renovation and Expansion Task Force as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-010 by reading of title only.

WYTHE/ZAK – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 11-011**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Pratt Museum's Legislative Grant Request in the Amount of \$650,000 for the Design Phase of its New Facility and Site Redesign Project. Roberts.

ROBERTS/ZAK - MOVED TO ADOPT RESOLUTION 11-011 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Resolution 11-012**, A Resolution of the City Council of Homer, Alaska, Approving a Lobbyist Contract with Anderson Group, LLC of Fairbanks, Alaska, for a Term of One Year Commencing on January 1, 2011 and Ending on December 31, 2011, in an Amount Not to Exceed \$40,000 and Authorizing the City Manager to Negotiate the Final Terms of the Contract in the Best Interest of the City. City Manager.

Memorandum 11-012 from City Manager as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-012 by reading of title only.

WYTHE/ZAK - SO MOVED.

Councilmember Zak commented he has had conversations with councilmembers and mayors from other communities about hiring a lobbyist. We would spend less and have more purpose if the City Manager and elected officials were sent to represent the City.

Councilmember Wythe added when Council met with Senator Stevens and Representative Seaton they commented that having a lobbyist is a good idea, but it does not replace the City's own representatives.

City Manager Wrede commented there is no substitute for the Mayor and Council. It is a shame the Mayor is going to Juneau on his own nickel. In his official capacity as Mayor, the City should pay for his travel.

VOTE: YES. ROBERTS, ZAK, HOWARD, HOGAN

VOTE: NO. WYTHE

Motion carried.



- E. **Resolution 11-013**, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Dispose of a Used and Surplused 70 Foot Aluminum Gangway Pursuant to HCC 18.30.010- 020 and HCC 18.30.040 (b). City Manager.

Mayor Hornaday called for a motion for the adoption of Resolution 11-013 by reading of title only.

WYTHER/ROBERTS – SO MOVED.

City Manager Wrede explained the gangway was in service in the harbor until a ship ran into it and damaged it. The gangway can no longer be used in the harbor, but the engineer says it can be used for another purpose. The City did not re-coup any money.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- F. **Resolution 11-014**, A Resolution of the City Council of Homer, Alaska, Directing the Administration to Issue a Request for Proposals to Identify Potential New Tenants for the Old Homer Intermediate School (Also Known as the Homer Education and Recreation Center) and Requesting that the Economic Development Advisory Commission Serve as the Initial proposal Review Committee. City Manager/Economic Development Advisory Commission.

Mayor Hornaday called for a motion for the adoption of Resolution 11-014 by reading of title only.

ZAK/HOWARD - SO MOVED.

Councilmember Roberts commented the Economic Development Advisory Commission has been working on finding new uses for the Old Intermediate School. Since an RFP (Request for Proposals) means there will be a contract, would the RFP include the restrictions to the use of the building or who would pay for improvements to the building?

City Manager Wrede explained we would be soliciting proposals. The EDC believes there may be a whole array of people interested in the building. The only ones we know about are those that stay in touch and follow city business. Proposals would include the use of the building, how much money the proposer would be willing to invest, and how much they would be willing to pay for rent, utilities, and custodial services. The EDC will be the first review committee for the proposals.

Asked by Councilmember Howard about deed restrictions, City Manager Wrede answered a legal opinion was provided to the EDC. The deed restrictions are that the City cannot sell the land and the building has to be used as a public purpose.

VOTE: YES. HOGAN, WYTHER, ZAK, HOWARD

VOTE: NO. ROBERTS

Motion carried.

### **COMMENTS OF THE AUDIENCE**

There were no comments of the audience.

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

City Attorney Klinkner was not present.

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

City Clerk Johnson had no comment.

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

City Manager Wrede had no comment.

### **COMMENTS OF THE MAYOR**

Mayor Hornaday commented on the passing of Neva Egan, the First Lady of Alaska. She was much beloved and loved to lead us in the singing of the Alaska Flag song.

### **COMMENTS OF THE CITY COUNCIL**

WYTHE/ZAK - MOVED FOR IMMEDIATE RECONSIDERATION ON THE MAYOR'S PORTION OF MEMORANDUM 11-011.

The Mayor is the head of the community and we should be paying for his trip to Juneau AML.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/ZAK - MOVED FOR THE APPROVAL OF MAYOR HORNADAY TO ATTEND THE AML REPRESENTING THE CITY OF HOMER AND FUNDS TO BE APPROPRIATED FROM THE GENERAL FUND FOR THE PURPOSES OF PAYING FOR HIS TRANSPORTATION, LODGING, AND MEALS EXPENSE WHILE HE IS THERE.

The dollar cap will be consistent with travel policy.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Roberts thanked the Planning Commission for the three ordinances, steep slope, subdivision and the rezoning. It was great work on behalf of the Planning Commission. She voted no on Resolution 11-014 due to missing information. In recent packets there has been missing information making it difficult to vote.

Councilmember Zak commented he was a little challenged by the 570 page electronic packet. At 10¢ per page he saved \$57; he encouraged other councilmembers to look at PDFs.

Councilmember Hogan asked the City Manager in his next report to give an accounting of what city funds are held in uninsured deposit accounts and the amounts. He congratulated Steiner's Construction and Anderson Group. There were a lot of good candidates. This marks the first meeting he did not vote no on anything.

Councilmember Howard had no comment.

### **ADJOURNMENT**

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:55 p.m. The next Regular Meeting is scheduled for Tuesday, February 15, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Tuesday, February 15, 2011 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.

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JO JOHNSON, CMC, CITY CLERK

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