

Session 11-08 a Regular Meeting of the Homer City Council was called to order on February 28, 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: HOWARD, LEWIS, ROBERTS, WYTHE, ZAK
ABSENT: HOGAN (excused)
STAFF: CITY CLERK JOHNSON
CITY MANAGER WREDE
CITY PLANNER ABOUD
FIRE CHIEF PAINTER
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Councilmember Hogan has requested excusal.

Mayor Hornaday declared Councilmember Hogan's absence as excused and there was no objection from the Council.

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

Council met for a Worksession from 4:00 p.m. to 4:45 p.m. to discuss Resolutions 11-007 and 11-007(S). Council met as a Committee of the Whole from 5:01 p.m. to 5:38 p.m. to discuss Regular Meeting Agenda items.

AGENDA APPROVAL

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

The agenda was approved by consensus of the Council with the following changes:

PENDING BUSINESS – **Resolution 11-007**, Comprehensive Economic Development Strategy (CEDS), public comment.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Megan Murphy, Homer resident, spoke in support of the CEDS as it proactively addresses peak oil, a local food commission, energy resources, smart growth principles, mixed use transportation, local businesses, and an interconnection between community health.

Kyra Wagner, Homer resident, loves the CEDS. She appreciates that it addresses housing and food, parts of the big 6. In 2008 Chapman School saw subsidized lunches increase from 40% to 60%. People commuting to Homer will have to pay for gas, local affordable housing, and local affordable food.

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 and Regular Meeting minutes of February 15, 2011. City Clerk. Recommend adoption.
- B. **Memorandum 11-026**, from Deputy City Clerk, Re: Liquor License Renewal for Fat Olives.

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

WYTHE/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

- A. Bryan Zak, Small Business Development Center

Bryan Zak, Director for the Small Business Development Center (SBDC), Kenai Peninsula, reported he oversees one of the five regions throughout Alaska. His territory includes cities on the Southern Peninsula including Tyonek and the Aleutian chain. The mission of the SBDC is to promote and assist in the growth and development of small business in Alaska. They assist in finding a plan to reach the next level, are business advisors, and create collaborative experiences with community partners. Annually the SBDC updates the breath and depth of the business tool box, consistently reporting clients' actions. All information gathered is confidential; business ideas are not shared with others unless authorized. Kevin & Donna Maltz, Fresh Sourdough Express owners, are a fine example of a business starting from a bread truck to a viable business they operate and employ lots of people.

The SBDC started in Alaska in 1986, this being their 25th year. The Homer Chamber of Commerce provides an office and two years ago the City allocated funding for classes, creating an opportunity for the SBDC to leverage funds. There are opportunities within sustainable Homer for economic development. Micro lending companies are needed to get small businesses

funded. The SBDC provides different tools for both start-up and existing businesses, along with the tools and strategy to pay credit cards off that were used to fund businesses. Additionally, the SBDC helps with a business plan, enlisting ROPE, PTAC, and BuyAlaska services.

Mayor Hornaday presented Bryan Zak and the SBDC a plaque recognizing the contributions of the director and the organization.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Mayor's Proclamation – Alaskans Choose Respect

Mayor Hornaday read and presented the proclamation to Haven House representative Jessica Lawmaster. On March 31st Homer will participate in planned events to include a stand up for peace to end domestic violence and sexual assault. More events are planned in April, as it is the designated month to end child sexual assaults and child abuse. Haven House events will be advertised in the local newspaper and radio.

B. Borough Report

Kenai Peninsula Borough Assemblyman Bill Smith reported the Assembly is getting into the budget year, deciding on the funding for the school district and the solid waste transfer site at Bayview Hill. The current fund balance is \$19M. The established range is between \$12M and \$22M. Last year \$3M was used to pay off bonds for the solid waste site in Seldovia and other government operations. Eighty percent of the monies the KPB collect goes to the KPBSD. Mayor Carey and Assemblyman Smith are sponsoring a resolution to fund schools the same amount as last year. It will still provide opportunity to fund more later in the year. The KPB School Board will adopt their budget April 4th and forward to the KPB; the KPB then has 30 days to tell them what their minimum funding level will be.

Funding the solid waste transfer site to replace the landfill is another big issue. The landfill has to be closed by August 2013. An extension until December 2013 is sought to get an extra construction season. The intent is to fund the project without going for a bond issue. The project may be phased, with half completed in 2012 and the other half in 2013. The project is anticipated to cost \$9.5M to \$12M, with \$3 to \$3.5M from the land trust fund and \$3.5 from the fund balance. A mil rate increase of .5 mil would raise \$3.2M. Money has been requested from the Legislature as well. Mayor Carey has proposed to eliminate the tax holiday on unprepared food. The food tax holiday costs the KPB \$2.8M per year.

Council asked Assemblyman Smith questions regarding the proposed mil rate, funding for the college, and LNG plant closure. Mr. Smith answered the mil rate increase would be temporary, the college may be funded fully, and the Nikiski plant closure would not have an effect until next year.

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

Mayor Hornaday commented the Climate Action Plan was selected to be included in a book from a professor at Cal Poly (California Polytechnic State University, San Luis Obispo). The CAP is one of six selected for the book and is being used in the classroom.

Mayor Hornaday participated in a telephonic conference with Alaska Mayors and Senator Begich. Proposed cuts in the House would amount to Alaska losing \$42M. Democrats are proposing a level budget (as is); Republicans are proposing huge cuts. Senator Begich was not encouraging about earmarks. They are redefining earmarks. As like other coastal mayors, Mayor Hornaday is concerned about the funding for the port and harbor expansions. The Corps of Engineers does not recommend which projects will be built so Congress has to step in and make a recommendation. Senator Begich hopes for a redefining of earmarks. He is discouraged with the Obama administration on economic development in Alaska. He went on and on about all the regulations and clinkers thrown in to economic development. There are problems with drilling for natural gas, trying to cut off a major portion of the petroleum reserve in the Arctic, no directional drilling in the wildlife refuge, and a halt on Shell's activities.

Representative Seaton's office expressed concern about the resolution passed on the gas line. The Mayor provided a letter to clarify moving the gas line up to the number two CIP project.

PUBLIC HEARING(S)

- A. **Ordinance 11-03**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.040, Definitions Used in Zoning Code; Homer City Code 21.12.020, Rural Residential (RR), Permitted Uses and Structures; Homer City Code 21.14.020, Urban Residential (UR), Permitted Uses and Structures; and Homer City Code 21.16.020, Residential Office (RO), Permitted Uses and Structures; and Homer City Code 21.61.060, Termination of Nonconforming Use or Structure; Regarding the Accessory Use of Storage in Residential Zoning Districts. Planning. Introduction February 15, 2011, Public Hearing and Second Reading February 28, 2011.

Memorandum 11-017 from City Planner as backup.

Mayor Hornaday opened the public hearing.

Mike Kennedy, city resident, and owner of Rural Residential and GC2 property, commented it is another attempt to keep Alaskans from living in the City. The Californication of Homer is an

assault on the tradition of Homer. Some of the code change is personally directed at the type of RR operation he has. It is restricting commercial fishermen from storing gear on their own property. It eliminates any grandfather rights as an Alaskan or fisherman to be part of the City. When annexed, people were promised the uses would continue. The Supreme Court already ruled it as illegal; it will be devastating to Homer.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-03 by reading of title only for second and final reading.

ROBERTS/HOWARD - SO MOVED.

Councilmember Lewis requested City Planner Abboud to address nonconforming use. City Planner Abboud confirmed that part of the ordinance was suggested by the City Attorney. Annexed properties with grandfathered uses will disappear within one year and will be restricted to the 1,500 storage area.

Councilmember Lewis expressed a problem about taking something else when annexation caused such a stir.

ZAK/LEWIS - MOVED TO DELETE LINES 181 AND 182 WHICH WOULD BE ITEM B THAT SAYS "THE RIGHT TO CONTINUE A NONCONFORMING STORAGE USE IN THE RURAL RESIDENTIAL, URBAN RESIDENTIAL OR RESIDENTIAL OFFICE DISTRICTS SHALL TERMINATE AFTER ONE YEAR."

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

B. **Ordinance 11-04**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Legislative Grant in the Amount of \$1,457,758.20 for the Purpose of Expanding and Renovating City Hall. City Manager. Introduction February 15, 2011, Public Hearing and Second Reading February 28, 2011.

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 11-04 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.

- C. **Ordinance 11-05**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Legislative Grant in the Amount of \$1,000,000 for the Purpose of Conducting Preliminary Work on Phase I of the Deep Water Dock Expansion Project to Include Scoping, Feasibility Studies, Environmental Work, and Engineering and Design. City Manager. Introduction February 15, 2011, Public Hearing and Second Reading February 28, 2011.

Mayor Hornaday opened the public hearing.

Doug Stark, city resident, commented that we have been working on the project for over 10 years. Senator Murkowski obtained a \$2M appropriation from Congress and this \$1M completes the funding. It will allow a first class dock, reducing the cost of living, providing for more economic development, a new berth for The Hickory, and more cruise ship passengers. It will design the project to be shovel ready.

Mayor Hornaday closed the public hearing.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-05 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 11-06**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Legislative Grant in the Amount of \$250,000 for the Purpose of Constructing Park Improvements Contained in Phase I of the Karen Hornaday Park Master Plan. City Manager. Introduction February 15, 2011, Public Hearing and Second Reading February 28, 2011.

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 11-06 by reading of title only for second and final reading.

WYTHE/ZAK – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Ordinance 11-07**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Appropriating \$17,000 from the Fire Department Depreciation Reserves for the Purchase and Installation of New Data Collection and Management Software. City Manager/Fire Chief. Introduction February 15, 2011, Public Hearing and Second Reading February 28, 2011.

Memorandum 11-018 from Fire Chief 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 11-07 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.

- F. **Ordinance 11-08**, An Ordinance of the City Council of Homer, Alaska, Authorizing an Expenditure of \$359,800 (\$67,860 from the Water/Sewer Reserve and \$291,940 from the Homer Accelerated Roads and Trails Program (HART) for the Purpose of Completing the Design and Construction of Soundview Avenue / Woodard Creek Crossing Improvement. City Manager/Public Works Director. Introduction February 15, 2011, Public Hearing and Second Reading February 28, 2011.

Memorandum 11-022 and 10-36 from Public Works Director as backup.

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

WYTHE/ROBERTS - MOVED FOR THE ADOPTION OF ORDINANCE 11-08 BY READING OF TITLE WITH A CORRECTION THAT THE TOTAL EXPENDITURE IS \$359,800, \$67,860 OF WHICH WILL BE FROM THE WATER/SEWER RESERVE, AND \$291,940 FROM THE HOMER ACCELERATED ROADS AND TRAILS PROGRAM.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- A. **Ordinance 11-09**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 19.12.020, Definitions; Amending Homer City Code 19.12.040, Reference to Materials Plat—Permits; and Amending Homer City Code 19.12.050, Exceptions; Regarding the Use and Disposal of Dredge Material from City Port and Harbor Facilities. City Manager/Port and Harbor Director. Recommended dates: Introduction February 28, 2011, Public Hearing and Second Reading March 14, 2011.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-09 for introduction and first reading by reading of title only.

HOWARD/WYTHE - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 11-10**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Appropriating \$11,000 from the General Fund for the Purchase and Installation of New Data Collection and Management Software for the City Hall Servers. City Manager. Recommended dates: Introduction February 28, 2011, Public Hearing and Second Reading March 14, 2011.

Memorandum 11-027 from Systems Manager as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-10 for introduction and first reading by reading of title only.

LEWIS/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

1. Fire Training Facility: The fire training facility has arrived in Homer and it is now located at its new home adjacent to the Chip Pad on the Spit. HVFD is presently looking into fencing the area for security reasons and finding the resources to move the fire hydrant to the other side of the street for easier access. Chief Painter is currently planning a "train the trainers" session to familiarize key people with the facility and equipment. A dedication ceremony and open house will be held later this Spring when it warms up a bit. We will keep you informed.
2. Bridge Creek Fire Mitigation Project: At the time this report was written, it was looking increasingly likely that no work will take place this winter. The Spruce Bark Beetle Program staff are extremely busy and no contracts for this project have yet been executed. Further, recent snows have left us with a snow depth that is not conducive to the operation of mechanized equipment. Things could change, but at this point we are likely looking at some hand work and tree stock assessment this summer, and more intensive mechanized work next winter. The Borough has confirmed that the money will be available for the project again next year.
3. Staff Turnover: Library Director Helen Hill has formally submitted her resignation letter and will be retiring at the end of April. We are currently advertising for the position and have been informed by members of the State Library Board that they believe we will get some very qualified candidates. We sure hope they are correct. This week I started the interview process for the Personnel Director position. I am hoping to get someone in that position as quickly as possible so that they can get some training and orientation with Sheri before she departs at the end of April. Sheri is working hard to complete the parity study before she leaves.
4. Potential Cuts to Borough College Funding: You may already be aware that Mayor Carey has proposed eliminating Borough funding for the college system on the Peninsula. He has also proposed eliminating tuition waivers for Peninsula residents. One of the primary stated reasons for proposing this is that the Borough needs money for the Homer landfill project. The voters authorized the Borough to contribute up to one tenth of a Mil to the college system back in 1990. This year the Borough contributed \$637,570 to the University system. Of that amount, \$194,800 or about 31% came to the Kachemak Bay Campus here in Homer. Carol Swartz, the local campus director reports that if eliminated, this funding would directly affect core services such as GED programs, the college library, tutoring, student advisors, testing, and more. It is my understanding that the City of Kenai has already adopted a resolution opposing this proposal and other Cities in the Borough are considering doing the same. Supporting the local college campus is a big part of the City Comprehensive Plan and the College is a significant part of the local economy. Please let us know if you would like to sponsor a resolution. We can help draft it and get it on the next Council agenda.

5. City Hall Expansion / Renovation: The Task Force, the Public Works Director, and the contractors are working very hard to keep us on the ambitious construction schedule established by the Council. This project has taken priority over others at the moment, as requested by Council. A construction contract has been signed and a number of alterations have already been made to the draft site and building plans based upon input from the staff, the department heads, the architect, the building contractor, and the Task Force. At its meeting on Tuesday, the 22nd, the Task Force reviewed preliminary site and building plans, and a preliminary cost estimate for accomplishing all of the items on the current “wish list”. The contractor was looking for feedback on the general direction this project is taking so that we do not waste unnecessary money later on architectural and planning work. The Task Force was presented with a very preliminary spreadsheet showing what could be accomplished with the amount of money available and what additional, identified priority items would cost. The Task Force agreed that the additional items were very desirable and necessary and encouraged us to continue planning as though those items would be included in the final project budget. Accomplishing those items would save the City money in the long run. The additional cost is about \$275,000, much of which could be accomplished with depreciation and energy efficiency funds. The Council members on the Task Force are hoping to bring the Council up to speed at this meeting. The task force will receive costs estimates that are more refined at its next meeting.
6. Lobbyist: Things are working smoothly with the new lobbyist team so far. They really enjoyed their visit to Homer. Please let me know how you would like to receive their lobbyist reports (other than the status update on bills). You might recall that the contract calls for regular updates on City priorities and what they are working on. They could call in at Council meeting or just provide written reports.
7. Energy Efficiency: Work continues to take place on this project now that the Council has approved both a project budget and a contract. We are reevaluating one of the project items (high mast lights) based upon new information we received. If we make any changes, it would simply mean that this item was delayed or placed on hold and less money would be spent than authorized.
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. Staff Training: The City will be providing training this week to employees who have daily contact with the public. The focus is on how to deal with difficult, angry, emotional, harassing, or unstable citizens and customers. This occurs more than you might think. The training will be geared toward providing professional and helpful responses without aggravating the situation or causing it to deteriorate. Training will also be provided on coping skills and how to avoid letting abusive and harassing clients affect your work, attitude, or state of mind.
10. Water and Sewer Rate Setting: As you know, the Council has decided to start working on water and sewer rates at a workshop before the first meeting in April. I think we will start out with a refresher on how rates are set now so everyone is on the same page. The letter below from the Department of Commerce reminded me that there are resources out there which could assist with this process if Council wishes. As a reminder, the Department reviewed the City methods and rate structure several years ago and determined that it was

very good. A University study reached the same conclusion. Regina also attended some training this year on utility rate structuring and came back thinking that the City is in line with recommended practices.

City Manager Wrede reported he informed DOT the Main Street/Sterling Highway Intersection resolution failed and that Council prefers to go ahead with a scaled back intersection improvement with a traffic signal. Council is not pleased it will be another two years before the project and requests an interim short term improvement to address immediate safety concerns. Council will opt for the bigger STIP project later on.

The memorandum about Community Recreation from Mike Illg was addressed at the last council meeting. Mike Illg, Sheri Hobbs, and City Manager Wrede met with school district officials. The meeting was very productive in bringing concerns to the table, things we can do to help the school district, and talk about the cost of water and conservation. Maybe Council would consider not charging the KPBSD the commercial rate, although it would shift costs to someone else. There was discussion the district could use our gym in the event of overflow. The school district wanted to know if we were considering using city equipment to rid snow for earlier play.

On the Bridge Creek Fire Mitigation Project, the Spruce Bark Beetle folks are advertising for a contractor with a closing date of March 8th. They incorporated everything in the Conditional Use Permit. Phase I will be the mechanical work which may not get finished this year, but they can come back next winter. The money will not run out until July 2012. This April there is a contract for the hand work with selected loggers going in and taking trees in areas too sensitive for mechanical equipment.

Councilmember Roberts reported on the City Hall Renovation and Expansion Project. The task force met with Carey Meyer and the contractors last week to review the general drawings of the proposed addition in its 10% design phase. The task force is pleased and moving forward. The budget does not quite cover all the work; they are working to include energy items that will save money in the future and replace worn out items.

Councilmember Wythe reported there is a long list of things identified when the college did their walk through of City Hall. There are genuine wear and tear items on the building. We could use depreciation funding to pay for those items. We will come back to Council to request depreciation funding to make those things happen while in construction.

Councilmember Lewis asked if people would be able to retrieve the wood from the spruce bark beetle mitigation program. City Manager Wrede answered although that was part of the original plan, after talking to the Soil and Water Conservation District there was concern about disturbing the soil by dragging logs out. There is an agreement that no skidding and logging be done; the logs will be dropped and left on the ground. Caution will be used when individuals go in with mechanized equipment.

B. Bid Report

C. Records Inventory Report

CITY ATTORNEY REPORT

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
- F. Natural Gas Distribution Task Force

Councilmember Zak reported the task force met today and forwarded their recommendations to the City Manager with a resolution and supporting documents that will be forwarded to Council. They looked at four questions in determining if they should support natural gas in Homer. The task force had presentations from Enstar, Kachemak City, and other regional partners. Today the task force expressed support for natural gas. Funding to distribute lines off the main lines will be defined at a later time. Kachemak City Mayor Phil Morris spoke about the need to write letters to Legislators for support. The community needs to get behind it to realize the savings. Increase fuel costs are having an impact on property owners.

Letters commenting on the gas line should be copied to the Governor and key Legislators. Addresses can be accessed on the City's website: <http://www.cityofhomer-ak.gov/cityclerk>

PENDING BUSINESS

- A. **Resolution 11-007**, A Resolution of the City Council of Homer, Alaska, Approving and Adopting the Comprehensive Economic Development Strategy (CEDS) and Forwarding the CEDS to the Homer Advisory Planning Commission for a Recommendation on Whether it Should be Adopted as Part of the Homer Comprehensive Plan. Economic Development Advisory Commission. (Postponed from January 10, 2011.)

Resolution 11-007(S), A Resolution of the City Council of Homer, Alaska, Approving and Adopting the Comprehensive Economic Development Strategy (CEDS) and Forwarding the CEDS to the Homer Advisory Planning Commission for a Recommendation on Whether it Should be Adopted as Part of the Homer Comprehensive Plan. Economic Development Advisory Commission.

Memorandum 11-005 from Economic Development Advisory Commission as backup.

Motion on the floor from January 10th: HOGAN/ROBERTS - MOTION FOR THE ADOPTION OF RESOLUTION 11-007 BY READING OF TITLE ONLY.

Mayor Hornaday called for a motion to substitute Resolution 11-007(S) for Resolution 11-007.

ROBERTS/WYTHE – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

WYTHE/ROBERTS - MOVED TO FURTHER AMEND 11-007(S) BY STRIKING IN THE TITLE “AND FORWARD THE CEDS TO THE HOMER ADVISORY PLANNING COMMISSION FOR A RECOMMENDATION ON WHETHER IT SHOULD BE ADOPTED AS PART OF THE HOMER COMPREHENSIVE PLAN” AND ALSO TO STRIKE THE BE IT FURTHER RESOLVED WHICH IS ADDRESSING THE SAME ITEM.

There was no discussion.

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

Motion carried.

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

Motion carried.

NEW BUSINESS

RESOLUTIONS

- A. **Resolution 11-022**, A Resolution of the City Council of Homer, Alaska, Expressing its Intent to Continue Including the Pratt Museum in the City Contract for Snowplowing and Sanding Services and to Provide that Service to the Museum as an “In-Kind” Contribution. City Manager.

Memorandum 11-028 from City Manager as backup.

ZAK/ROBERTS - SO MOVED.

Councilmember Wythe referenced the discussion in the Committee of the Whole. It is not appropriate to provide back billing for services we failed to bill for. The City should not be providing snow plow services for non profits within the city. Councilmember Roberts agreed we need to write off the part of the bill the Pratt was not billed for. Although the City has a special

relationship with the Pratt Museum, she expressed concern with obligating ourselves to do the plowing as the museum grows.

City Manager Wrede noted the phrase “in kind” is associated with a dollar amount and can be used for grant leverage.

ROBERTS/ZAK – MOVED TO AMEND IN THE “NOW THEREFORE BE IT RESOLVED” PARAGRAPH AFTER THE WORDS “IN ITS SNOWPLOWING CONTRACT” ADD THE WORDS “UP TO \$2,500 PER YEAR”.

There was no discussion.

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

Motion carried.

Councilmember Wythe asked that the \$2,500 contribution be included in the budget process when determining the Pratt allocation.

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

Motion carried.

B. **Resolution 11-023**, A Resolution of the Homer City Council Finding the Need to Create the Kachemak Drive Phase Two Water and Sewer Local Improvement District, and Scheduling a Public Hearing on the Necessity of the Improvement and Proposed Improvement Plan at the April 11, 2011 Regular City Council Meeting. City Manager/Public Works Director.

Memorandum 11-029 from Public Works Director as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-023 by reading of title only.

LEWIS/ZAK – SO MOVED.

Councilmember Wythe expressed opposition with reservations about the process. Based on the information from the City Attorney and in code they are within the letter of the code, but maybe not in the spirit.

City Manager Wrede added Attorney Klinkner will be at the next meeting for Council to hear more detail.

ROBERTS/LEWIS - MOVED TO POSTPONE RESOLUTION 11-023 UNTIL THE NEXT MEETING.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 11-024**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Replacement and New Installation of a Card Reader Access System to the Firm of _____ of _____, _____, in the Amount of \$_____ and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

City Clerk Johnson stated the Port and Harbor Director was not yet ready to make the award. Mayor Hornaday pulled the resolution.

COMMENTS OF THE AUDIENCE

Steve Zimmerman, annexed city resident, expressed opposition to Ordinance 11-03. If he leaves a wheelbarrow unmoved it is in violation of the ordinance. Although people are allowed to have greenhouses and do gardening, they can't have a home office or gillnets. He asked Council if they want people to live here or on the edge of town. Meeting after meeting there are more rules and he doesn't agree to the perfect clean utopian yard.

Mike Kennedy, city resident, commented Ordinance 11-03 is a disservice to a lot of the working people in Homer. The 1,500 sq. ft. restricted outdoor storage area is a broken promise to the people that were annexed. With tanner crab coming back people will want pots in the yard. It is forcing people out of town, and forcing them to live a lifestyle that is not Alaskan. He asked Council to reconsider the ordinance.

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 we lost Mary Thompson and a young man, Justin Tennison; too many funerals.

COMMENTS OF THE CITY COUNCIL

Councilmember Wythe commented as to Ordinance 11-03 she is not certain where a vehicle could become a wheelbarrow, since it would not be used on a highway or vehicular right of way. There is a definition of vehicle included, which excludes devices used on stationary rails, tracks and mobile homes. There is no perfect answer to zoning. A volume of area does become a difficulty. There are a lot of downsides to expanding zoning into areas that have been annexed. You bring them into compliance to the code established within the community. As the community grows that is a natural tendency. Although she is not a fan of zoning and planning, she recognizes the necessity of creating areas that are consistent in application and consideration for the people that move into those areas.

Councilmember Lewis called for reconsideration of Ordinance 11-03 to allow people that have become part of the City to have their say. He congratulated the ski team boys on winning regions, the first time in a long time Region 4 has won. Great job and good coaching!

LEWIS/ZAK - MOVED TO RECONSIDER ORDINANCE 11-03.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Ordinance 11-03 will return on March 14, 2011 under Pending Business.

Councilmember Roberts commented besides winning the region's skiing, the Battle of the Books team from the Homer High School won second in the state. She reminded everyone the region basketball tournament will bring 300 people to town beginning Thursday through Saturday. She asked that we welcome the visitors to town and attend the basketball games at Homer High School.

Councilmember Zak reiterated the importance of writing letters to Representative Seaton and Senator Stevens regarding the gas line. If guidance is needed he, or a member of the task force can be contacted. He congratulated the CAP task force to be selected by Cal Poly to be included in their book. He is going to tie into the CEDS document; it was another incredible job. He would hope it is forwarded to Cal Poly to be included in the book; it may be a good fit to tie to economic development. He thanked the Mayor for the SBDC recognition that caught him by surprise.

Councilmember Howard had no comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:31 p.m. The next Regular Meeting is scheduled for Monday, March 14, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, March 14, 2011 at 5:00

p.m. A Special Meeting is scheduled for Thursday, March 3, 2011 at 5:30 p.m. and a Joint Worksession for Monday, March 7, 2011 at 6:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____