

Session 11-13 a Regular Meeting of the Homer City Council was called to order on March 29, 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, HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK (telephonic)

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

Councilmember Zak has requested telephonic participation.

Mayor Hornaday called for a motion to allow Councilmember Zak to participate by telephone.

ROBERTS/LEWIS – SO MOVED.

MOTION TO ALLOW COUNCILMEMBER ZAK TO PARTICIPATE TELEPHONIC.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Council met from 4:00 p.m. to 4:53 p.m. in a Joint Worksession with Advisory Bodies to discuss the Land Allocation Plan 2011. Council met as a Committee of the Whole from 5:01 p.m. to 5:21 p.m. to discuss Regular Meeting Agenda items.

AGENDA APPROVAL

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

The agenda was amended to include the following items:

CITY MANAGER'S REPORT - Lobbyists Report; PENDING BUSINESS - Ordinance 11-03(A), Regarding the Accessory Use of Storage in Residential Zoning Districts. Planning. Public comments. RESOLUTIONS - Substitute Resolution 11-034(S), A Resolution of the City Council of Homer, Alaska, Approving a Long Term Parking Plan for the Port and Harbor Area on the Homer Spit. City Manager/Port and Harbor Advisory Commission/Port and Harbor Director.

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

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Pete Wedin, city resident, spoke in favor of Resolution 11-033. The North Pacific Fishery Management Council will take up the matter at their meeting this week. Mr. Wedin volunteered to carry the resolution to the NPFMC if passed.

Leonard Wells, city resident, spoke in opposition to Ordinance 11-03(A) and hopes Council takes no action on it. It is very restrictive to allow only one recreational vehicle on a lot.

Wes Humbyrd, city resident, lost his \$250,000 boat in the fire at Kachemak Northern Boat. The lack of water on site and the ½ mile distance to get water contributed to the \$20M loss. He urged Council not to wait for an LID to supply water.

Lolita Broche, Homer resident, represents Family First. She advocated for Ordinance 11-12 for suitable playground equipment at Bayview Park for younger children. The organization will pay for a Porta-Potti at the park again this summer; they hope a toilet for long term use is a feasible project.

Suzanna Webster, Homer resident, supports Ordinance 11-12 to accept grant money from Family First to improve the playgrounds. The organization determined a need, did the research and surveys, and found the money.

Karen Shemet, Homer resident, supports Ordinance 11-12 for improvements at Bayview Park. She appreciates the upkeep the City has provided by cutting the grass and picking up dog poop. Improvements needed include mending the fence, fixing the broken swing, a no pet sign, bear proof garbage can, benches, restrooms, and playground equipment appropriate for young children.

Michael Kennedy, city resident, opposes Ordinance 11-03(A). Although Council pared it down, the next step is to vote it down. Any more restrictions against Urban Residential and Residential Office zones are out of place. Private property rights should trump city zoning ordinances. They should only be written for public health and safety. If you want limitations sign up for subdivision covenants.

Ray Kranich, city resident, voiced opposition to Ordinance 11-03(A). He owns five acres (2 lots) and can have an area 200 ft. sq. on each side of his stuff. If he sells a lot would he have to get nonconforming status? Land use regulations and zoning protect property rights; it is a protection against what happens in a neighborhood. It is for a more homogenous neighborhood, not radical one way or the other.

Brad Faulkner, city resident, opposes Ordinance 11-03(A). At the last meeting a lot of changes were made. Council should not be doing land use regulation on the fly. As to Resolution 11-034(S), a parking study was conducted mid week last July at 8 a.m. The charter guys and others'

cars were already parked. Generally people are not off the water until after 4 p.m. The study was flawed. The parking fee of \$200 for every deckhand is steep. It should not be enforced year round. Is it going to pay to keep an officer enforcing in the winter? The study did not separate overnight parking from charter parking.

Dave Knight, city resident, spoke in opposition to Ordinance 11-03(A). There is a right-of-way on the front and back of his property, leaving him 50 ft. on a 75 ft. lot. Why doesn't the City purchase my property and then they can tell me what to do with it?

Sharon Minsch, city resident and Planning Commission Chair, spoke on her personal views of Ordinance 11-03(A). Changing Ordinance 11-03 on the fly means it needs to be voted down. There has been a bunch of testimony and the message is getting lost. When 10-15 people come you have to listen. The bulk of the people in Homer follow the zoning codes without a million cars on their property. She referenced the quotes in the newspaper by a councilman and asked that Council tell the Planning Commission if they are not happy with them. It would be nice to have an opportunity to address problems. If Council thinks the Borough needs to take on zoning, put it on the agenda.

Wesley Phelps, Homer resident, opposes Ordinance 11-03(A). He asked for an apology to the Planning Commission, as there were unduly harsh words spoken. The Planning Commission does a lot of hard work and it is a thankless position. A lot of work needs to be done in planning, including fire hydrants out Kachemak Drive.

Sue Butler, Homer resident, opposes Ordinance 11-03(A). It seems like Homer is getting to be a bigger town and she asked that people enjoy and embrace the differences how Homer is unique. Everybody is investing in property, and everybody has a different idea. Tolerance is needed and you need to get to know your neighbors. You should be able to store stuff as long as it is not spilling toxic waste and you are conscientious about your neighbors.

Mike DeVaney, Homer resident, spoke in opposition to Ordinance 11-03(A). He moved here because he liked the way it was and didn't like a lot of changes. If people don't like how things are they need to move and leave the rest of us alone. There are other areas that need to be addressed more than what we park in our driveways. His loss at Kachemak Drive was minor. If there was a fire hydrant close there would have been less loss and hard feelings.

Dean Ravin, Homer resident, commented all forms and all levels of government serve for the pleasure of the citizens. As to private property rights, he asked that Council do no harm.

Gary Squires, Homer resident, opposes Ordinance 11-03(A) as he wants to keep what is his on his property.

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 Regular Meeting minutes of March 14, 2011. City Clerk. Recommend adoption.
- B. **Memorandum 11-044**, from Mayor, Re: Reappointment of Robert Hartley, Mark Hottmann, and Catherine Ulmer to the Port and Harbor Advisory Commission and Reappointment of John Velsko to the Transportation Advisory Committee.

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

ROBERTS/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. **Mayor's Recognition** – Joe Martishev, Voznesenka School Wrestling Champion

Mayor Hornaday read and presented the recognition.

- B. **Mayor's Recognition** – Mitch Wyatt, Homer High School Wrestling Champion

Mayor Hornaday read and presented the recognition.

- C. Borough Report

- D. Commissions/Board Reports:

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

4. Parks and Recreation Advisory Commission

Ingrid Harrald, Parks and Recreation Advisory Commissioner, reported they have a dynamic commission with a lot of energy. A subcommittee is working with the Friends of Woodard Creek and Karen Hornaday Park on a bike or multi-use trail on Kachemak Drive. The commission has been working with Mike Illg and Angie Otteson, who are both doing a fantastic job with less people to help them. A MOU with Jack Gist Park is in the works. The commission is organizing a Park Day, possibly in June at Bayview Park. A spring walk through the City's parks is scheduled in April. Other work includes a letter of recommendation for the Wooden Boat Society and updating the strategic plan. Ms. Harrald thanked Julie and Renee for all their hard work on behalf of the commission.

5. Port and Harbor Advisory Commission

Pete Wedin, Port and Harbor Advisory Commissioner, reported the commission supports Resolution 11-034(S). Earlier comments may not be correct. A cod deck hand who is not gone for more than seven days would not fall under the long term parking plan; it is only for vehicles there longer than seven days. If a fisherman had a slip in the harbor and needed a long term parking pass the fee would be \$100. Permits for parking spots in the paved areas and seasonal parking permits were added. The City can make \$500 out of each numbered spot. As to the parking survey that was mentioned, he doesn't remember the commission considering it; it was not part of the determination. He expressed support for the \$250 seasonal permit.

Councilmember Roberts said earlier testimony indicated the permitting system would be year round, she thought it was for seasonal use.

Commissioner Wedin clarified the parking plan is two part, with long term parking and seasonal parking. There is currently stuff parked and stored for a long time. Permits would control the vehicles better. The other part is the permit in season from Memorial Day to Labor Day. The \$250 seasonal permit would mean a spot through the season, eliminating the need to deal with the iron maiden.

PUBLIC HEARING(S)

None.

ORDINANCE(S)

- A. **Ordinance 11-11**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Appropriating \$9,000 from the Homer Accelerated Roads and Trails Fund (HART) for the Construction of the West Homer Elementary Trail Project. City Manager/Public Works Director. Recommended dates: Introduction March 29, 2011, Public Hearing and Second Reading April 11, 2011.

Memorandum 11-049 from Public Works Director as backup.

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

WYTHE/LEWIS - SO MOVED.

Asked by Councilmember Hogan if the work would be done in house, City Manager Wrede answered the project would be put out for bid.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 11-12**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Donation / Grant from Family First in the Amount of \$2,800 for Playground Equipment at Bayview Park and Stipulating that the Funds be Segregated and Used Only for That Purpose. City Manager/Public Works Director. Recommended dates: Introduction March 29, 2011, Public Hearing and Second Reading April 11, 2011.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-12 for introduction and first reading by reading of title only.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

1. Long Term Parking Plan / Homer Spit / Port and Harbor Area: This meeting agenda contains a resolution approving a long term parking plan in the Port and Harbor area. There are several things that should be mentioned. First, the Memorandum to the Council states that the Port and Harbor Commission made recommendations on a long term parking plan but it did not have a quorum in order to take a formal vote at its meeting on February 23. This issue should be addressed by the time the Council meets. The Commission has a meeting scheduled the week of March 21st and hopefully they will have a quorum and be able to pass motions. A second consideration might be the Draft Spit Comprehensive Plan. The Spit Comprehensive Plan was scheduled to be on the agenda for approval at this meeting but was pushed back due to delays in finalizing the maps. The Long Term Parking Plan appears to be consistent with the Spit Comprehensive Plan but it could be argued that maybe they should go forward together. There is urgency to get the parking plan in place before this summer though. Finally, if the parking plan is

approved, we will come back to Council later with an ordinance appropriating money for implementation (signage, etc.) and a resolution establishing the fees for long term parking.

2. SB 46 Capital Budget: Last week the Senate held its first hearing on the capital budget. This was a hearing on the Governor's capital budget as submitted to the legislature. The Senate is now working on its own version of the budget and we are told that we can expect to see it later this month or early in April. As you know, the governor's budget does not contain the gas pipeline or any of the other City CIP projects. They will have to be added by the legislature. The City staff attempted to make sure the word about the hearing got out to key parties advocating for the pipeline around the South Peninsula. We got a good coalition together and the Senate received testimony in favor of the pipeline from the City of Homer, Kachemak City, South Peninsula Hospital, Task Force member Mike Pate, The Kenai Peninsula Borough, and the Kenai Peninsula School District.
3. Boatyard Fire: Last week there was a major fire at the Homer Boat Yard that involved large property losses. Fortunately, no one was injured. Homer and KESA firefighters were faced with a very dangerous scene and they did an excellent job under the circumstances. The lack of fire hydrants on Kachemak Drive really hindered the firefighting effort and I am told that more property might have been saved if hydrants were available closer to the scene. This points out again how important the Kachemak Drive Water and Sewer Project is. Property owners along Kachemak Drive could save money on property insurance if they had fire hydrants close by. The boatyard owner, Mr. Moore, informs me that he may have to close down the entire operation if he does not get access to sewer lines soon.
4. Gas Pipeline Public Information: At the last meeting, the Council passed a resolution which included instructions for the staff to ramp up the public information campaign regarding the gas pipeline. The process has begun. Attached is a copy of a Q and A which now appears on a new gas line webpage. The staff recently worked to get key players to testify on a capital budget hearing. A new ad has been placed in the papers directing people to the City website if they want more information on the proposed gas line. This week, a staff member posted flyers around town and went to visit key business owners to discuss the project.
5. Library Energy Consumption: Attached is a letter from Brian Meissner, the architect for the new Homer Public Library. Brian wrote this letter in response to a recent Opinion Piece in the Homer Tribune. The key points are that the Library is more efficient than other similar buildings, that it achieved efficiency goals, that it can be made more efficient due to its design as a "hybrid" building, that the design took more into consideration than just energy efficiency, and that current consternation about energy costs are not entirely a LEED issue, in fact LEED has little to do with it. The suggestions included at the end of Brian's piece target the exact work the City is already doing through its contract with Bill Smith.
6. HERC / Old Intermediate School. The Draft Request for Proposals has now been revised based upon comments from both the City Attorney and the Appraisal company under contract to conduct the required appraisal. The appraisal has been performed and we now have a reasonable idea of what fair market rent might be for the facility. A recent appraisal is required by the City code as a precondition to sale or lease. We anticipate that the RFP will be issued and available to the public this week or next. The College has

informed me that although they have begun the process of moving out of the facility, they will need to remain for the full term of their lease which expires at the end of April.

7. Potential Land Sales: At one of the meetings in April, I will bring forward resolutions authorizing the sale of several pieces of City property. First, I plan to make another attempt at selling the lots the City owns behind the seawall. Further, new interest has been expressed in the old library lot located on Main Street. I hope to have that lot sold before the summer. Doing so would get another lot on the tax rolls, maybe stimulate some development, and help the City pay down its dept on the new library.
8. Revisions to Standard Land Leases: You will recall that the Council asked the City Attorney to review the standard, base land lease and make recommendations regarding possible amendments. Tom has completed his work and staff members are currently in the process of making comments. This process has not moved as quickly as we hoped due to the workload and other more pressing priorities. We plan to have something to Council in April for your review and approval. The attorney has suggested that it would be advisable to wait until a new lease document is in place before executing agreements with tenants. Three tenants are awaiting new leases at this time.
9. Fire Department Training: All reports indicate that the first training session at the new fire training facility went very well.
10. Emergency Operations Plans Debriefings: There were a number of meetings, at several levels, which took place over the past two weeks to debrief what went right and what went wrong during the recent tsunami warning. The focus has been on what we can all do collectively to improve the level of protection and service provided to the public. We have spent a lot of time locally talking about improving emergency communications within the community. Please let me know if you wish to talk about this topic in more detail.
11. Kachemak Drive Water and Sewer: Carey is moving forward with the new engineers estimate and seeking new bids. He is planning to pull together some neighborhood meetings to provide updates on the project, including the significance of the resolution the Council passed at the last meeting.
12. Audit: The audit work for Fiscal Year 2010 is nearing completion. The auditors spent two full weeks here and left this past Friday. Council will receive a copy of the final audit document when its complete along with a presentation by the auditors.

Councilmember Lewis noted the lack of fire hydrants on Kachemak Drive. In the three years he has been on the Council there have been lots of meetings dealing with Kachemak Drive. There have been dueling engineers, those for and those against it, and now we finally have the project where it is now with a higher cost. He asked if there was anything that could be done right now to get water near the boatyard.

City Manager Wrede answered Council passed a resolution enabling us to go back to the property owners to see if they object if bids come in 15% higher than the cost estimate. The project has been slightly redesigned. It will cost less and we will take it out for bid sooner than later to see what the bids are. If bids come in lower than the cost estimate property owners already approved, we can go ahead without the objection period. We are trying to get the project going in this building season. There has been discussion about a smaller LID, something that took care of the business areas. It would need a new petition or the property owners could help

more with the money. We heard testimony tonight that we should not mess around with LIDs. In the past that is something the City has not done. The City provides incentives, subsidizing a portion of the cost and attractive financing over a long term period. For the City to put in a water line at its own expense would be a change of policy. Council could talk about a smaller area that serves the boatyard if they choose.

Mayor Hornaday commented the quickest way for the LID is to do what we are doing now.

City Manager Wrede stated Public Works Director Carey Meyer is working the LID on two separate tracks. The best scenario is if the bids come in lower or within 15% of the price the property owners already approved. It would then alleviate the objection period.

Councilmember Hogan commented the fire at the boatyard was really scary. Somebody mentioned there was \$20M damage, he thinks it is more like \$250M of property damage, a big chunk of the economy. It is a huge asset base that needs protection, even if we have to do a spaghetti line for water.

City Manager Wrede stated Mr. Moore who owns the boatyard asked if the LID does not work, would the City consider allowing him to finance his own water line into the boatyard and have fire hydrants in the yard. Mr. Wrede told him we would look at it.

Councilmember Howard complimented staff for the public information on the gas line that is thorough and complete.

Councilmember Hogan has had a request from a member of the public to find out how much money was spent on the library energy study. City Manager Wrede will provide the information on the energy study and contract to fix the problems in his next report.

Councilmember Hogan noted the revisions to standard land lease in the Manager's Report. City Manager Wrede answered the Economic Development Advisory Commission was working on changes to the base lease. Council spent a lot of time working on lease policies, but did not get to the base lease. City Attorney Klinkner is working on revamping the base lease. It has not gone as quickly as we would like; he hopes to have it back for the next meeting. Councilmember Hogan commented the EDC did not make recommendations on the base lease. City Attorney Klinkner was asked to amend the base lease by the Council. The lease document is technical with much legal language.

Councilmember Roberts asked about the Emergency Operations Plan review after the tsunami warning a couple weeks ago. She asked if City Manager Wrede was satisfied we are moving in the right direction in correcting the issues that came up in the last tsunami warning, or if Council needed a Worksession to review the EOP. City Manager Wrede believes we have made a lot of progress correcting what happened last time. There have been meetings with the agencies involved and KBBI. There will be a meeting with the other radio station next week as to what to do if an alarm happens in the middle of the night. There is a draft report called Lessons Learned that will be presented at the next meeting. It is never a bad idea for Council to review the EOP. It is something nobody thinks about it until you need it.

Census reports for 2010 indicate Homer lost 451 people last year, but up 1,000 people over the last 10 years. The 2010 Census is a real report, other years are estimates. Special Projects Coordinator Anne Marie Holen is quizzing the State, as the State projected we were close to 6,000. They think that may have included people in the Diamond Ridge area.

Mayor Hornaday may have over vented at the last meeting, but still can't get the picture of the huge wave going across the Spit and killing everyone. He understands there are bound to be errors, but does not understand why the expensive borough equipment does not work. It has not worked for eight years. The announcement is not loud enough, is garbled, and didn't go off in a village across the bay. We need to get on the KPB about the equipment not working and need a drill.

City Manager Wrede answered we do need a drill. The Borough was quizzed hard from a number of sources about the alarms not working. The system is turned up as loud as it can be. For the last tsunami warning the populous was getting mixed messages. The siren went off to say there was a tsunami warning, if people tuned into the internet they saw it was a tsunami watch. We didn't have a good way to let people know what was happening. Alarms go off and say for more information tune to your radio stations. It took at least an hour before the message got out. The KPB came out with a press release shortly after midnight telling people not to evacuate. Dispatch and the radio did not have the information right away. Locally we have the power to improve communications.

Mayor Hornaday reflected when Mt. Augustine exploded in the 80's. They told us to get to Pioneer Avenue. We need something very clear so people understand what to do.

City Manager Wrede said we can do a better job with the education process. Homer has the designation of a tsunami ready community. The Fire Department has community meetings and no one shows up. We have a nice tsunami ready brochure, but no money to print more. He may ask Council for more money to print more copies of the evacuation plan.

The written report of the lobbyists was referenced.

The Bridge Creek Fire Mitigation Project is going forward. They are trying to do as much work as they can this winter. There was a contract award for the mechanized work. Later another contract will issue for the hand work in the sensitive areas. He doesn't want the public to panic if they see equipment taking down trees.

B. Bid Report

C. Games Report

1. Friends of the Homer Library

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

PENDING BUSINESS

- A. **Ordinance 11-03(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.040, Definitions Used in Zoning Code; Homer City Code 21.14.020, 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, Second Reading February 28, 2011, Reconsidered February 28, 2011, Second Reading March 14, 2011, Postponed to March 29, 2011.

Memorandum 11-048 from City Attorney as backup.

Memorandums 11-051, 11-037, and 11-017 from City Planner as backup.

Motion on the floor from March 14: MOTION FOR THE ADOPTION OF ORDINANCE 11-03 (AS AMENDED).

There was no discussion.

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

Motion failed.

NEW BUSINESS

None.

RESOLUTIONS

- A. **Resolution 11-031**, A Resolution of the City Council of Homer, Alaska, Amending the Library Advisory Board Regular Meeting Time to 5:00 p.m. City Clerk/Library Advisory Board.

Memorandum 11-045 from Library Advisory Board as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-031 by reading of title only.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 11-032**, A Resolution of the City Council of Homer, Alaska, in Support of the City's Participation in the Alaska Municipal League Joint Insurance Association (AMLJIA) Loss Control Incentive Program. City Manager.

Mayor Hornaday called for a motion for the adoption of Resolution 11-032 by reading of title only.

WYTHE/LEWIS - SO MOVED.

Asked by Councilmember Hogan if the Loss Control Incentive Program required an annual renewal, City Manager Wrede answered the City must voice their intent to participate each year.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 11-033**, A Resolution of the City Council of Homer, Alaska, Urging the North Pacific Fishery Management Council to Adopt Measures that Reduce the Chinook Salmon Prohibited Species Catch in the Gulf of Alaska Commercial Trawl Fisheries. Hogan.

Mayor Hornaday called for a motion for the adoption of Resolution 11-033 by reading of title only.

LEWIS/HOWARD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Resolution 11-034**, A Resolution of the City Council of Homer, Alaska, Approving a Long Term Parking Plan for the Port and Harbor Area on the Homer Spit. City Manager/Port and Harbor Advisory Commission/Port and Harbor Director.

Memorandums 11-046 and 11-047 from Port and Harbor Director as backup.

Resolution 11-034(S), A Resolution of the City Council of Homer, Alaska, Approving a Long Term Parking Plan for the Port and Harbor Area on the Homer Spit. City Manager/Port and Harbor Advisory Commission/Port and Harbor Director.

Mayor Hornaday called for a motion for the adoption of Resolution 11-034 by reading of title only.

HOWARD/ROBERTS - SO MOVED.

WYTHE/HOWARD – MOVED FOR THE SUBSTITUTION OF RESOLUTION 11-034(S) FOR RESOLUTION 11-034.

Councilmember Howard expressed support for the parking plan. Iron rangers run out of envelopes, the envelopes are wet, people take a lot of them, and it requires going to the bank for the \$5 fee. For the folks that work on the harbor this will be a real help. The \$250 permit is a bargain even though it does not guarantee you have your own space. The parking plan goes a long way to ensure the City has a good stream of revenue.

Councilmember Hogan voiced support to get the parking plan started, although it is not perfect. He asked that Administration look at new technology for parking and enforcement.

VOTE; YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Resolution 11-035**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Refurbishment of One Pedestal Crane on the Homer Fish Dock to the Firm of Alaska Hydraulics, Inc. of Anchorage, Alaska, in the Amount of \$46,780.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 11-050 from Port and Harbor Director as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-035 by reading of title only.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Carey Meyer, Public Works Director and city resident, is frustrated how long it has taken to get the Kachemak Drive water/sewer project complete. There are State and Federal agencies that protect the environment that weigh in on these projects. Obstacles included concerns whether water/sewer service would affect bluff erosion, impact the wetlands, federal agencies suggesting by cutting alders it was a potential impact to the entire moose herd on the Peninsula, easement acquisition, and the bidding problem last November. The closest hydrants to the fire on East End Road would not have been there unless the City had supported a LID for that area. Everyone from Public Works is trying to clear all the hurdles and trying to get the Kachemak Drive LID underway this construction season.

Sharon Minsch, city resident, commented Carey Meyer is doing a great job. Water will need sewer. The City invested \$700,000 into the Kachemak Drive project and if we don't make it happen and make it happen right we are out that money. There have been a lot of issues, but it is way past time to deal with the water and sewer and septic systems sitting in ground water and the outhouses. She raised questions to the Clerk about the process and the letter that will go out to property owners. The letter is asking for \$33,000 when there is no bid on the table. The earlier process approved \$28,000 assessments; you are essentially telling the contractors how much we will pay for the project. She asked Council to make sure the process that is happening is really what you want to happen as there could be unintended consequences.

Leonard Wells, city resident, referenced the comments in the newspaper about the extreme costs of heating the library. People had the impression by using the LEED program heating costs would be less. Windows are not needed for employees as they are there to work, not look outside the windows. If major zoning matters come up in the future he hopes what is brought up at the council meeting gets out to the public. Major zoning changes should be put before the voters.

Wes Humbyrd, Homer resident, apologized for his earlier outburst. He asked that Council look at getting a fire hydrant across from George Hamm's yard where the easement goes into Northern Enterprises boat yard. A pipe under the road from the fire hydrant through the easement could be laid. He has looked all over to replace his boat, the value being almost \$500,000. There has to be an easier way to get the problem solved before we have another accident. With access to a hydrant the fire would have been contained in the #4 bay.

Michael Kennedy, city resident, commented there should be a mechanism where a property owner can extend a water main line at their own expense. Fire suppression is important out at the boatyard. He thanked Council for defeating Ordinance 11-03(A). People fear planning staff will come out with a similar ordinance and hope people don't notice it. There is no public notification when there is a major zoning change that affects your property. As to the tsunami alarm he believes by federal regulation Bill Glynn had to install an automatic alarm, requiring no one at the station.

Jim Henry, Homer resident, pays over \$4,000 for boat moorage and parks his truck when he is gone a good portion of time. To be charged extra for parking is not fair.

Ray Kranich, city resident, hopes slip holders get a little break on a season parking pass. Less than a month ago the Planning Commission and Council had a worksession about signage on the Spit. He thought it was productive and an amicable decorum. Mr. Kranich and the entire Planning Commission were flabbergasted when they read an excerpt of the minutes of the last Council meeting about demeaning language directed at the entire Planning Commission. They all take their commitments seriously and work very hard, possibly putting in more time than councilmembers. He doesn't need to be exposed at receiving demeaning language and that is the sole reason why he resigned from the Planning Commission.

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 voiced appreciation for the service of the Planning Commission and other commissions and committees.

COMMENTS OF THE CITY COUNCIL

Councilmember Wythe commented there are a few people that come in and make public testimony and it is not necessarily the voice of the larger community. In her seven years on the Council she has recognized that repeatedly. She extended to the Planning Commission that same concept; the voice of one person on this council does not necessarily represent the feelings of the whole.

Councilmember Lewis congratulated the Homer Hockey Bantam Tier 3 team for taking State championship, beating teams from Fairbanks, Juneau, and the Valley. Mark Robinson and his crew and the choir had a great show this past weekend.

Councilmember Hogan reiterated his apology. He did not intend to issue demeaning comments to Mr. Kranich, as he has a lot of respect for him. He stood up and congratulated him along with another person for his service on the Council. The boatyard is a big part of our economy and we need to do anything we can do to protect that asset. The taxes paid by the boatyard are the second largest in the city. At budget time Council cut their salary. It wasn't a salary for them to cut as

they receive a stipend. The cut to the stipend requires a code change. Since the last meeting Council met as a Board of Ethics. He missed the original meeting as he was out of town. Mr. Hogan has a lot of concerns about that practice and about how the ordinance came into effect. Council has given itself judicial powers and it is a violation of the code. It should be looked at by a court; he welcomes any citizen that would like to seek judicial review. We have separate branches of the government, we don't look kindly at judges assuming legislative powers, and it is the same way with Council. It is not part of our system that legislative bodies are given judicial powers. It seems contrary to the principles of our government that we have a secret tribunal taking place for ethics. That seems pretty unethical to him. He can't inform the public about what it is about as it is against the rules. Council is exercising power they don't rightfully have by passing judgment on somebody. Council is applying private sector personnel human resources policies to public sector issues. We need to conduct our business in the open. If there is a violation of the Code of Ethics it needs to be handled by a court of law.

Councilmember Roberts commented testimony earlier said zoning ordinances were changing week by week. She does not think that is true as very rarely we are changing our zoning ordinances. She voted no on Ordinance 11-03(S), not because the Planning Commission didn't have some valid things, but by the time the ordinance was changed it was not a proper ordinance. She would like the planning Commission to consider it again to make a better ordinance. She also heard testimony that the only way people could talk about changes to zoning ordinances was at Council level, that there was just one opportunity. She does not think that was true, as when the Planning Commission considers anything they send to the City Council, they have at least one, if not two, public hearings. It is not like we are trying to secretly do something. Ms. Roberts thanked Ray Kranich who has done a lot for the City. He is a tremendous contributor. She urged others to say thank you to him. Ms. Roberts asked if the pay and insurance study will be finished prior to the Personnel Director's retirement.

City Manager answered if not at the next meeting, the parity study will be presented on April 25.

Councilmember Howard thanked the Planning Commission for their tireless work. They put in a lot more hours than Council. She didn't understand Ordinance 11-03(A) until she read the last memo. It was really about vehicles. She asked if Council could get a second chance about this. Vehicles stored and leaking chemicals in ground water should be of importance to all. A new ordinance should address it more clearly. Mrs. Howard thanked Ray Kranich for his service to the City.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:41 p.m. The next Regular Meeting is scheduled for Monday, April 11, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, April 11, 2011 at 5:00 p.m. A Worksession is scheduled for Monday, April 11, 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.

JO JOHNSON, CMC, CITY CLERK

Approved: _____