

Session 11-23 a Regular Meeting of the Homer City Council was called to order on July 25, 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, WYTHER, ZAK

ABSENT: HOGAN

STAFF: CITY MANAGER WREDE  
DEPUTY CITY CLERK JACOBSEN  
CITY ATTORNEY KLINKNER  
HARBORMASTER HAWKINS  
PERSONNEL DIRECTOR PETERSEN

Councilmember Hogan requested excusal.

Mayor Hornaday ruled in favor of excusing Councilmember Hogan. There was no objection expressed by Council.

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

#### **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 changes: **CONSENT AGENDA - Memorandum 11-108** memo number change to 11-110 from City Attorney re: backup to Memorandum 11-097 Appointments to the Planning Commission and Port and Harbor Improvement Committee and **RESOLUTIONS - Memorandum 11-103** memo number change to 11-111 re: backup to Resolution 11-076 Amending Parks and Recreation Advisory Commission Bylaws for Monthly Meetings.

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

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

Bill Steyer, Head Coach of the Homer High School Track and Field Program and Cross Country Running Program, appreciates and supports the resolution urging the Borough and State to renovate the Homer High School track and field venue. He explained that the track is a quarter century old and has had no major renovation since its construction. The track is crumbling to pieces. There are pot holes, sink holes, large cracks, and there are few visible lane lines or visible markers. The field venues such as long jump and triple jump are unsafe due to heaving, and there is not enough sand in the landing pits. The situation for the last two and a half years is that the track is so degraded that it is no longer sanctioned for official track meets. The school district has confirmed that it is the most degraded high school facility in the Borough. In his experience traveling to different competitions around the state he feels it is probably the most degraded in the state. Many community members find such neglect unacceptable. Not only is he here

representing the school running programs but also the numerous user groups that use the track and have an interest in a safe and modern facility. Other high school sports venues and P.E. classes use the track for conditioning. Other groups include a community running group, the Relay for Life, a staging area for the Spit Run and the Run for Leo, as well as adults, children, and visitors who frequent the track to exercise. A modern track facility will increase recreational and economic benefits to the community. He remembers a time when Homer High School Track held regional track meets, bringing in several hundred people, and having economic benefits to the community. He thanked the Council for acknowledging the high school track is a very important community asset. He hopes this formal effort and designation will help demonstrate to the Borough and State that Homer community is becoming impatient and a renovation is long overdue.

Lance Williamson also supports the track improvements. He has been involved with the running program at the middle school and high school. When he got involved and saw the condition of the track and the equipment, he could better understand the lack of enthusiasm for the program. It takes commitment to turn a situation like this around. Mr. Steyer has put in a lot of time and resources to get it turned back around and become competitive again with other schools. The kids are taking pride at competing and winning at various meets. The decision has been made to stick with the program and it is going to take support from the community as well as the Borough. We really need to do something at this point or the program won't go ahead.

Cassidy Soistman, a sophomore at Homer High and member of the track and field team, commented that she went to the State Championships the year, so she has been on a good State level track. She realizes it is unfair to the Homer athletes to have to train on this track that is probably the worst one in our region, if not in Alaska. It would be a lot easier if they didn't have to travel for every meet and miss so much school, and it would make it easier for their family members to see them compete. It would be really cool if they could get a new track and jumping venue. She is mainly a jumper and when you land in the pit it hurts because there is not much sand. It would be nice to have blocks that can be seen. She thanked Council for listening and helping to get a new track.

Mayor Hornaday thanked them for their comments and encouraged they share them with at the Borough level as well.

## **RECONSIDERATION**

### **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 June 27, 2011. City Clerk. Recommend adoption.
- B. **Memorandum 11-097**, from Mayor, Re: Appointments of Shelly Erickson and Jennifer Sonneborn to the Advisory Planning Commission, Appointments of Bob Howard and Robert Hartley to the Port and Harbor Improvement Committee.

Memorandum 11-108 from City Attorney as backup.

HOWARD/WYTHE SO MOVED FOR APPROVAL OF THE CONSENT AGENDA AS READ.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## VISITORS

- A. **Buccaneer Alaska Operations, LLC**, Cook Inlet Exploratory Drilling Program, Mark Landt, 15 minutes.

Mark Landt showed a power point overview of the Cook Inlet Exploratory Drilling Program.

- B. **Tsunami Warning System**, Sam Albanese, National Weather Service and Eric Mohrmann, Kenai Peninsula Borough Office of Emergency Management, 20 minutes.

Sam Albanese of the Weather Service Office in Anchorage explained the tsunami warning process and dissemination of the warnings:

- The Tsunami Warning Center in Palmer monitors for seismic events that can generate tsunamis. When an event is detected, the Tsunami Warning Center issues the warning.
- The Forecast Office in Anchorage is responsible to disseminate the warning. It is done via NOAA weather radio and the Emergency Alert System (EAS).
- The State Emergency Coordination Center and Tsunami Warning Center will directly call communities in immediate threat.
- The Forecast office uses the All of Alaska code that ties in with radio stations participating in the EAS system. Those stations have equipment in their studio that will pick up the signal, interrupt the broadcast, make the tone alert, and broadcast the specific warning message which states the areas affected and warning time frame. It is only broadcast one time and the radio or TV station would have to intervene and continue to broadcast the warning message.
- NOAA weather radio broadcasts the warning message and station identification on a continuous basis.

Mr. Albanese explained several years ago a warning was issued that did not get to the targeted community due to problems with Anchorage's infrastructure, which is why they use the all of Alaska Code instead of the geographically specific code. The state has worked with many communities to upgrade the siren systems. The old systems required manual activation, the new ones have the option to do an automated activation and that is the problem they have been running into. The Kenai Peninsula Borough has elected to use the automatic activation, so when the All of Alaska code is activated, it triggers the sirens. It is up to the Borough and its communities to decide to change to manual activation, not something the Weather Service can control.

Police Chief Robl explained that the recommendation is to go away from the automated notification system and use a regional activation system that would be managed by Homer's dispatchers. Seldovia City Manager Tim Dillon commented that Homer and Seldovia are connected at the hip when it comes to this. Seldovia has been involved in all the discussions and at this stage supports this notion. We can't keep going doing what we are doing now and this is the direction we need to go for the future.

In response to Council questions Mr. Albanese explained during the June 23<sup>rd</sup> event the warning was initially sent out to Sand Point and Dutch Harbor. The issue was due to a mix up with the instructions and personnel on duty struggled to get it on NOAA weather radio. The instructions have since been cleaned up and they continue to do proficiency training so that it will not happen again. He reiterated that the weather service broadcast is a one time interrupt, adding that people with NOAA weather radios or marine vhf would hear the repeated message. The EAS has a limit of two minutes for a recorded broadcast.

Eric Mohrmann, Director of the Kenai Peninsula Borough Office of Emergency Management, explained that the EAS triggers the automated system. An issue of taking this off the EAS automatic system is that activation of the system will be reliant on the telephone system which goes uses the internet for Seldovia, Port Graham and Nanwalek and there will be no back up. Installing a back up entails replacement of all 14 radios, upgrades of voice chips, the transmitter utilized would have to be from the police department or fire department dispatch, proper coding available on the radio to activate the siren systems, and ensure the radio could reach Seldovia, Port Graham and Nanwalek, or install some type of repeater or alternative solution if there is to be any redundancy on the system. He recommends redundancy explaining that Seward recently lost phone service, including their sirens, for several hours last week due to a broken fiber optic cable in Anchorage. He believes the Borough stands ready to do what the City decides they would like to do, provided that funding can be made available. Should the City choose their proposed route, standard operating guidelines will likely need to be developed, and that infrastructure issues are addressed.

Police Chief Robl and Seldovia City Manager Dillon commented about both cities' preference to opt out of the system and go back to local activation through the City of Homer dispatchers, the system that has been used effectively for the last 25 years. Based on location Homer and Seldovia's biggest threat will be a sharp local event, and dispatchers are already trained to respond. Mr. Dillon expressed concern that the villages in Port Graham and Nanwalek need to be considered also because they will be more directly affected than Homer and Seldovia in the event of a tsunami.

In closing Mr. Albanese agreed that local activation will improve things. He added that when doing education and outreach about locally generated tsunamis they explain that the Tsunami Warning Center and the Weather Service will probably not get a warning out in a sufficient time. The ground shaking violently is your signal to head for high ground. Mr. Dillon added that in looking at our hazard mitigation plans and preparing for things we hope don't happen, look at the modeling and make sure it is accurate. Seldovia is finding that there are some real flaws in the information they are receiving.

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

A. Borough Report

Bill Smith, Kenai Peninsula Borough Assemblymember, thanked Bill Steyer for his leadership and energy in working on the track issue. It is something the Borough should be paying more attention to and there is some work in progress on it by looking into cost and funding from the State. He reported that the Assembly proposed to ask the voters if they want to add a tenth of a percent on to the sales tax for funding economic development, shifting the burden from property tax to sales tax. Currently the Borough spends \$450,000 a year for economic development and it is coming out of property tax. It will help maintain the balance in the low mil rates we currently have. It will provide more opportunity as it will bring in more money for economic development. A Second class Borough can provide for economic development on a non area wide basis. Doing it on an area wide basis requires agreements with the cities. There are some avenues to make that happen and will be considered at a later time. One tenth of a percent is the smallest increment that was practical to apply and projected to bring in about \$900,000 per year.

Mako Haggerty, Kenai Peninsula Borough Assemblymember, commented that he intends to follow up on the tsunami warning system. As far as he is concerned the system is broken. He agrees that Port Graham and Nanwalek are more vulnerable than we are in the bay and they need to be part of the discussion so their concerns can be addressed as well. He commented when the tests of the system happens on the spit the volume will flatten you in the parking lot, then when you regain yourself the last thing heard is “This test was brought to you by the Kenai Peninsula Borough”. It can be a little embarrassing at times. He thinks the whole system needs to be addressed, including the tests. We have to improve it so we get updates of what is happening during the event. Mr. Smith encouraged that we don’t get distracted by the cost of redundancy to the system. If it isn’t at the local level, there will be the same level of reliability.

In response to questioning about the gas line, Mr. Smith commented that he hopes the Governor is properly embarrassed by thinking the Homer Electric line from Soldotna to Nikiski was a Homer project, and also properly embarrassed to think the sea gull poop washer out on the dock was a justifiable expenditure when our gas line was not. We are just going to keep working on it, hope that reason will prevail, and we will get this done. There are other avenues that are being explored.

B. Mayor’s Proclamation – Community Health Center Week August 7 – 13, 2011

C. Commissions/Board Reports:

1. Library Advisory Board

Eileen Faulkner, Library Advisory Board Chair, stated the Board supports the possible Public Works mid year request for any additional funding for mowing some of the library’s natural areas this year. Her experience has been that the one thing reduced in attempts to save money is the support for maintenance, as is the case with the library. Letters of concern have been provided to address the history and current situation. Funding for landscaping and grounds was eliminated to meet building costs. Unscreened topsoil used for landscaped areas and the decision to go completely natural have contributed to today’s situation. The tall grass at the two Heath Street exits interferes with the line of site for drivers. Alders are growing all over the property

and beside the building. If left unchecked those alders will continue to grow and possibly ruin the foundation, and they also lead to hiding areas. During the design phase gardens were placed around the building but the weeds from the natural areas have taken over the flower gardens. The Friends of the Library and grant funds have allowed a contractor to be hired and the expensive and exhaustive efforts have led to most gardens being available like they are today. However if we continue to allow the natural area to grow, the efforts will be for not. Since the mowing a few weeks ago, areas have been re-discovered. People are using benches that they never knew existed. Last week she watched an adult and three children explore around one of the drainage pond areas, something that couldn't be done before. There are walking stones on the ground that invite walking to the corner garden to sit on the flat rocks of that garden. People couldn't get to that before. She asked the LAB members to ask family and friends if they wanted mowed or unmowed. The consensus is mowed. She has asked for another heavily advertised war on weeds to focus on the garden to the left for August so it can be determined what is in the garden. The landscaping chair will be working with City personnel, the Friends, and anyone else interested during winter months to come up with a complete plan for March of next year. Unfortunately it will probably require more funding for Public Works. Ms. Faulkner, Library Director Dixon, and City Manager Wrede met at the library and determined it would be best to continue mowing the areas that were just mowed. There will still be a lot of natural areas. The mowing would only be required every two or three weeks and the LAB is urgently requesting the possible mid-year funding request be approved.

2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

Robert Archibald, Parks and Recreation Advisory Commissioner advised that Park Day will be held on August 20<sup>th</sup> at Jack Gist Park. There will be a clean up at the park and games set up. They are going to build a sand box out there and will be looking for volunteers with wheelbarrows and strong backs. The Commission has formed a Karen Hornaday Park Special Committee to deal with issues and be a go between with the playground improvement group and Public Works. The Kachemak Drive Path Committee will be bringing forward a recommendation in dealing with a sensitive area on that drive. The Demonstration Forest Management Plan, run by the Soil and Water Conservation District, was up for re-issue. The date has passed but he confirmed that all letters of support would be filed even if filed after the dead line. The Commission agreed by consensus to send a letter to DNR. They recently had a member resign so they are looking for a new Commissioner.

5. Port and Harbor Advisory Commission

D. Newspaper Article: Alaska Plans Large-Scale Disaster Drill, from Mayor Hornaday

## **PUBLIC HEARING(S)**

- A. **Ordinance 11-28**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Coastal Impact Assistance Program Grant of \$65,351.11 Through the Kenai Peninsula Borough for the Beluga Slough Trail Reconstruction Project and

Authorizing the City Manager to Execute the Appropriate Documents. City Manager.  
Introduction June 27, 2011, Public Hearing and Second Reading July 25, 2011.

Mayor Hornaday opened the public hearing. There were no public comments and the public hearing was closed.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-28 by reading of title for second and final reading.

LEWIS/ROBERTS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. **Ordinance 11-29(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code, Chapter 1.74 Parks and Recreation Advisory Commission, Section 1.74.030 Proceedings of the Commission, Amending the Monthly Meeting Frequency to Monthly Meetings with the Exception of the Month of December. City Clerk/Parks and Recreation Advisory Commission. Introduction June 27, 2011, Public Hearing and Second Reading July 25, 2011.

Memorandum 11-090 from Parks and Recreation Advisory Commission as backup.

Mayor Hornaday opened the public hearing.

Robert Archibald, Parks and Recreation Commissioner, commented in favor of this Ordinance. He explained that this new group is working well together and it is hard to keep the continuity with their random schedule.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-29(A) by reading of title for second and final reading.

LEWIS/WYTHE SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**ORDINANCE(S)**

A. **Ordinance 11-30**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 10.04.110, Violation-Penalty; Regarding the Payment of Citations for

Parking Violations in the Harbor Area. City Clerk. Recommended dates: Introduction July 25, 2011, Public Hearing and Second Reading August 8, 2011.

Memorandum 11-098 from City Clerk as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-30 for introduction and first reading by reading of title only.

HOWARD/WYTHE SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

- B. **Ordinance 11-31**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Public Library Assistance Grant for FY 2012 in the Amount of \$6,500.00, with a Local Match of \$7,000.00 for Books and Library Materials and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Library Director.

Memorandum 11-099 from Library Director as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-31 for introduction and first reading by reading of title only.

LEWIS/WYTHE SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- C. **Ordinance 11-32**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.34.010, Purpose; Homer City Code 21.24.020, Permitted Uses; and Homer City Code 21.34.030, Conditional Uses; Regarding the Purpose and Uses Permitted in the Conservation Zoning District. Planning. Recommended dates: Introduction July 25, 2011, Public Hearing and Second Reading August 8, 2011.

Memorandum 11-103 from City Planner as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 11-32 for introduction and first reading by reading of title only.

ROBERTS/LEWIS SO MOVED.

There was no discussion.



VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

## **CITY MANAGER'S REPORT**

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

1. Coastal Animal Care Contract: Coastal Animal Care is currently under contract to operate the Homer Animal Shelter. I have received several questions about this contract over the past months, including some from the Council during the last budget approval process. This contract expires on December 31, 2011. The current contract contains an option for two additional years if continuing on is mutually acceptable to both the contractor and the City. The contractor has submitted a letter expressing her interest in exercising the option for another two years. The City has not yet responded except to acknowledge receipt of the letter. I bring this to your attention now because the administration will soon have to decide if it will recommend a contract extension to the Council. This will also be a topic of discussion in the upcoming budget.
2. Health Insurance: Andrea and I attended the first meeting of the Borough sponsored health insurance roundtable on June 29. A summary of the meeting prepared by Borough staff is attached. The City of Homer was recognized for its management of the self insurance plan, the quality of the plan, and its efforts to contain costs. The next meeting is scheduled for early in August.
3. More Staff Changes in Administration Department: There are about to be several additional significant personnel changes in the Administration Department. Steve Bambakitis, the City IT / Systems Manager has accepted a position in Oregon and is moving there for family reasons. His last day will be August 14. Steve has been with the City for over 10 years and has done an excellent job upgrading, operating, and maintaining the City's computer and phone systems. He will be greatly missed and difficult to replace. We started advertising for this position on Monday the 18th. Anne Marie Holen, the City Special Projects Coordinator has decided to retire effective November 1st. Anne Marie has also been with the City for approximately 10 years and she has been extremely productive in a number of areas; not the least of which is grant writing and capital project development and funding. She will also be greatly missed. The services she provided will likely become even more important in this time of reduced budgets and limited capital funding from the federal government. I have been thinking about this position and options for reorganization, but at this point in time, I would recommend that we fill the position.
4. City Hall Construction: Construction is proceeding on schedule. The foundation has been poured and the remodel of the existing building has begun in earnest. This past week the Public Works Department moved the Mayor's office over to the old school building. Finance Department staff members have moved into the Mayor's old office so that remodeling in the Finance department section can proceed.
5. Construction Projects: Attached is a project status report from the Public Works Director. As you can see, construction activity is really ramping up during this construction season. Construction is about to begin on the Kachemak Drive Phase II Water and Sewer Project. Demolition of the old water treatment plant has been completed as has construction of the trail by the Homer Middle School and the access road adjacent to the new water treatment plant. Construction on the new water and sewer lines and the bridge over Woodard Creek at

the intersection of Soundview and Bartlett Street is underway. The City is also pushing to make progress on some of the other big projects that it has received funding for including the Deep Water Dock and Spit Trail Extension.

6. Old Intermediate School: We are still working with the two groups who submitted proposals to lease the building to work out some of the details of their proposals. In the meantime, Councilmember Lewis has sponsored a resolution that would authorize a short term lease for the Boys and Girls Club so that they can remain in the building at least until December of this year. This would coincide with the period that City staff are expected to remain there until they move back into City Hall. The school year is coming up fast and a decision on the Boys and Girls Club is needed quickly.
7. Library Landscaping: Carey, Ann Dixon, and I are scheduled to meet with members of the LAB this week to talk about landscaping at the library. There are two main issues on the agenda. First, as you know, the Friends of the Homer Public Library have contributed time and money toward improving and maintaining the gardens. This money is limited and may not continue next year. Second, there seems to be a growing consensus that we should abandon the natural look (A LEED certification issue) and start mowing more of the grounds. Both of these issues could require more time and resources from the City; especially if City crews have to spend additional time maintaining flower gardens there. Recall that the Parks maintenance staff took some hits in the last budget. They are already stretched very thin. More summer staff and an increase in the mowing contract could be on the horizon. Expect a report on this topic and perhaps a recommendation/request from the LAB at a future meeting.
8. Employee Committee: An Employee Committee has been formed and its first meeting will be on August 4th. Andrea Peterson, Regina Mauras, and I will provide staff support and get the Committee the budget and benefit information it needs. My intent is to provide information and facilitation functions only and I will not attempt to guide the employees in any particular direction. The Committee members have been told that their charge will be to disseminate information and solicit input from co-workers and to represent all City employees. They have also been told that they will have direct access to and a dialog with the Council.
9. Training Dates: At a recent meeting, during the discussion about the records retention ordinance, it was suggested that a training session for Council (and maybe for Commissions too) about public records and especially the use of e-mail would be a good idea. I discussed this topic with Holly and she could put something together quickly if the Council is ready to proceed. A target date for this training would be very helpful. Feedback from the Council would be very helpful.
10. Port Maintenance: We have been discussing the idea of moving the port and harbor maintenance function back under the supervision of the Port and Harbor Director for the past few years. This is where that function used to be until about 2000 when it was moved to Public Works. I think now is the time to make the move for a variety of reasons; not least of which is significant changes in personnel and staffing expected within the next few months. Public Works has done an excellent job correcting the deficiencies in the port and harbor maintenance program that it inherited. The Port and Harbor Director is prepared to take this program and move it to the next level. I believe we can make this move without adding redundancy or increased costs. We are only talking about routine day to day maintenance. Capital improvements or major repairs will still require involvement by Public Works. I am hoping this will increase efficiency and teamwork at the Port and Harbor and relieve some of

the pressure on Public Works which is understaffed. A transition plan is being prepared and we hope to implement on January 1.

11. Spit Run: At the most recent meeting, Councilmember Hogan asked if the City expended any funds in support of the Spit Run. The Spit Run was not sponsored by the City and little or no public funds were expended. The Community Recreation Program used some of its advertising budget to advertise its program along with other businesses and organizations. Advertising helped to support the run. The Public Works and Fire Departments provided some cones to direct traffic and assist with safety. The Police Department had an increased presence during the race to insure public safety. However, all of this was done with normal shifts. There was no increased staffing or overtime related to the run.
12. More Derelict Vessels to be Removed: The Port and Harbor Director and the City Attorney continue their excellent work on ridding the harbor of derelict vessels. This makes mooring space available for working boats that will create jobs and revenue. The City has reached an agreement with the owner of one vessel to remove it from the harbor and has signed a deal with a recycle company to cut up and remove two other old vessels that have not moved for well over a decade.
13. More Metal Recycling: You will recall that last year the City leased part of the chip pad to Peninsula Scrap for a large recycling project. The target was primarily old vehicles but other metal, including at least two large vessels were included. This was one of the biggest recycling efforts the Peninsula had ever seen and it was very successful. The Borough and the City were both partners and over 6,000 junked vehicles were shipped out. The City just entered into another short term lease with the same company to continue the effort this summer and fall. The City negotiated reduced rent and tariff fees in exchange for the contractor removing and recycling two derelict vessels from the harbor.
14. Baycrest Ski Trails / Diamond Creek Properties Land Use Plan: Several years ago, the City accepted title to two large parcels that were once owned by the University of Alaska. The parcels were obtained with Forest Legacy Funds and private donations. The transaction was spearheaded by the Kachemak Heritage Land Trust with support from the State Department of Natural Resources. A significant portion of the Baycrest Ski Trail system is located on these parcels and the area has historically been used for recreation and conservation purposes. The City Council approved an ordinance designating this as park land and recently approved a conservation easement for the property. Under the deed and the terms of the transaction, the land can only be used for conservation, recreation, and forestry projects. In the past, the need for a resource inventory and management plan has been discussed. The advantages of doing this include better management and development decisions and the fact that not all proposed activities there would have to be reviewed and approved by DNR under the terms of the conservation easement. Some activities can be preapproved if you have a plan. The Homer Soil and Water Conservation District recently received a NRCS grant to conduct this work. They plan to begin work soon and will be working closely with the Planning and Parks and Recreation Commissions and the general public.
15. Tsunami Warning System: Sam Albanese of the National Weather Service and Eric Morhman of the Kenai Peninsula Borough OEM will be visitors at the meeting. Sam will be talking about what went wrong during the last tsunami warning and what the role is of the National Weather Service. Eric will be talking about the recent meetings we have had discussing how to improve the warning system. The most recent was held on July 18th. The discussions are centered on how to avoid false alarms, how to make the alarms more specific to local threats, and how to fix problems with the voice messages. A number of cities,

including Homer, are considering going back to local activation of the alert system, and opting out of the current automated system wide activation. This agenda contains a resolution authorizing the City to opt-out.

16. Natural Gas Pipeline: I have received lots of comments and advice recently from a variety of sources about how the City should proceed with the effort to get a transmission pipe constructed from Anchor Point to Homer now that the Governor has vetoed the project. There are several approaches to look at which including further work with the administration and alternative financing. Community support for this project appears to remain strong but I want to discuss the next steps with the Council with before I spend too much time and effort on this. I would suggest that the pipeline be scheduled as a workshop or Committee of the Whole topic as soon as possible. The Governor's staff will begin working on his budget proposal for next year very soon and it is important that we have a strategy in place. Linda Anderson will be at this Committee of the Whole meeting and the topic could be discussed with here also.

City Manager Wrede reported about items not in his written report.

There is construction under way on the old wooden dock inside the Pioneer Dock. Petro Marine is moving fuel lines off the wooden dock to the Pioneer Dock. They have been working towards this for the last 10 years as it will increase safety and efficiency. Right now they are working on phase 1 which is pushing the lines below the pedestrian walk way. For phase 2 they are looking for the best way to trench a new line through the ferry staging area. It is challenging to work within the timeframes of the ferry schedule. He will keep the Council updated on the progress.

Parking in Old Town in front of Two Sisters and on Bunnell continues to be a problem. Code says that no parking is allowed on the street, but there are not many alternatives in that area. The City doesn't want to stifle the businesses down there, and there is access to two trail heads and Bishops Beach. The City is considering allowing parking on one side of the street and seeing how that will work out.

The Soundview/Woodard Creek project is taking longer than expected. There were some delays and unexpected issues, but it is expected to be drivable next week. His understanding is the cement for the pilings has to cure for at least seven days before the bridge can be set on top of it.

Councilmember Wythe commented on items 12 and 13 about recycling and getting rid of the derelict vessels from the harbor. She is happy to see that moving forward.

Councilmember Howard suggested regarding item 9, that the public records training dates be mid to late October. She also questioned what notice is being given to the Soundview area residents and City Manager Wrede responded that they probably are not communicating as they well as they should but will work to do better. He hopes property owners are listening tonight.

- B. Games Report
1. Alaska Marine Conservation Council
  2. Alaska State Elks Association

## **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

## PENDING BUSINESS

### NEW BUSINESS

- A. **Memorandum 11-100**, From City Clerk Re: 2012 Proposed Budget Schedule.

Mayor Hornaday called for a motion for the approval of the recommendations in 11-100.

HOWARD/WYTHE SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried

- B. **Memorandum 11-101**, From City Clerk Re: Travel Authorization for Councilmember Zak's Attendance at Alaska Municipal League Summer Legislative Meeting in Sitka, Alaska, August 10 - 12, 2011.

Mayor Hornaday called for a motion for the approval of the recommendations in Memorandum 11-101.

HOWARD/WYTHE SO MOVED.

There was brief discussion that there is money in the subsistence budget that is generally used for hotel and food.

Councilmember Wythe commented she does not support the motion. She explained that during last years budget there was discussion about whether or not we were going to attend all the conferences and she doesn't believe it was unintentional not to budget the funds to participate in these conferences. We decided to use the funds last year toward the lobbyist and other things. She feels like it was not the intention to have people at these conferences every time this year.

Councilmember Lewis expressed he is not supporting the motion. He noted that with the election in the fall, they should use the remaining funds should any new individuals come on board for

attendance at the Newly Elected Officials training. He feels that is very beneficial training for the new Councilmembers.

VOTE: YES: ZAK

NO: LEWIS, ROBERTS, WYTHER, HOWARD

Motion failed.

Mayor Hornaday called for a 5 minute break at 7:39 p.m. The meeting resumed at 7:44 p.m.

## RESOLUTIONS

- A. **Resolution 11-070**, A Resolution of the City Council of Homer, Alaska, Extending the Contract for General Counsel Legal Services with the Firm of Birch, Horton, Bittner, Inc. for the Period of August 1, 2011 through July 31, 2012 in the Amount of \$11,000.00 per Month and Authorizing the Mayor to Execute the Contract. City Clerk.

Mayor Hornaday called for a motion for the adoption of Resolution 11-070 by reading of title only.

WYTHER/LEWIS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 11-071**, A Resolution of the City Council of Homer, Alaska, Removing Lot 44C, Rocky Point Subdivision (Kenai Peninsula Borough Tax Parcel No. 179-330-04), from the Preliminary Assessment Roll for the Kachemak Drive Phase Two Water and Sewer Local Improvement District. City Clerk.

Memorandum 11-102 from City Clerk as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-071 by reading of title only.

WYTHER/LEWIS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 11-072**, A Resolution of the City Council of Homer, Alaska, Approving the Amendments to the Cooperative Participation Agreement and Bylaws of the Alaska Municipal League Joint Insurance Association, Inc. Effective July 1, 2011. City Manager.

Mayor Hornaday called for a motion for the adoption of Resolution 11-072 by reading of title only.

WYTHE/LEWIS SO MOVED.

City Manager Wrede commented explained that this resolution is no longer needed. Staff found out that there are no changes made to the bylaws this year and AML said this resolution is moot.

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

Motion failed.

- D. **Resolution 11-073**, A Resolution of the Homer City Council Urging the Kenai Peninsula Borough School District to Repair and Upgrade the Track at Homer High School. Roberts.

Mayor Hornaday called for a motion for the adoption of Resolution 11-073 by reading of title only.

ROBERTS/WYTHE MOVED FOR THE ADOPTION OF RESOLUTION 11-073.

There was brief discussion whether it's the School District or the Borough who does maintenance on the yards and facility.

LEWIS/ROBERTS MOVED TO AMEND TO ADD THE KENAI PENINSULA BOROUGH TO THE TITLE AND THE NOW THEREFORE BE IT RESOLVED SO IT READS DISTRICT AND KENAI PENINSULA BOROUGH.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was no further discussion on the main motion as amended.

VOTE: (Main motion as amended) NON OBJECTION: UNANIMOUS CONSENT

Motion carried

- E. **Resolution 11-074**, A Resolution of the City Council of Homer, Alaska, Amending the Fee Schedule for Port and Harbor Long Term Parking Fines. City Clerk/Port and Harbor Advisory Commission.  
Memorandum 11-104 from City Clerk as backup.

Memorandum 11-109 from Port and Harbor Director as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-074 by reading of title only.

WYTHE/ROBERTS SO MOVED.

Councilmember Roberts raised concern that if someone parks in the day use lots and accrues the fines, they can just stay there because it doesn't matter after reaching the maximum fine.

City Attorney Klinkner recommended an amendment on line 42 after the words \$25.00 per calendar day, insert, provided that the fine for overtime parking in long term parking area will be limited to, and so forth.

ROBERTS/LEWIS SO MOVED THE AMENDMENT.

There was no discussion.

NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion that if there is a vehicle parked in the day use area for over 7 days, the vehicle could be eligible for towing.

Councilmember Howard noted that her understanding is the Port and Harbor Advisory Commission has said this is a work in progress and will see what issues or problems arise. She said it seems that this is working with the annual permits and paid parking by the ramps is a nice thing.

VOTE: (Main motion as amended): UNANIMOUS CONSENT.

Motion carried.

F. **Resolution 11-075**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 to Provide for Long Term Parking Violation Fines. City Clerk/Port and Harbor Advisory Commission.

Memorandum 11-104 from City Clerk as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-075 by reading of title only.

WYTHE/LEWIS SO MOVED.

It was noted that the same reference to long term parking fines needs to be included in this resolution as well.



WYTHE/LEWIS MOVED TO INSERT THE LANGUAGE TO CAUSE THIS TO MATCH PREVIOUS RESOLUTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was no further discussion on the main motion as amended.

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

Motion carried

G. **Resolution 11-076**, A Resolution of the City Council of Homer, Alaska, Amending the Parks and Recreation Advisory Commission Bylaws to Establish Monthly Meetings with the Exception of December. City Clerk/Parks and Recreation Advisory Commission.

Memorandum 11-103 from Parks and Recreation Advisory Commission as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-076 by reading of title only.

WYTHE/LEWIS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

H. **Resolution 11-077**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Issue a Request for Proposals Related to Health Care Insurance Benefit Broker and Consulting Services. City Manager/Personnel Director.

Memorandum 11-105 from Personnel Director as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-077 by reading of title only.

WYTHE/HOWARD SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- I. **Resolution 11-078**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Enter Into a Short Term Lease With the Boys and Girls Club to Extend its Occupancy of the Lower Level of the Old Intermediate School Until January 31, 2012. Lewis.

Mayor Hornaday called for a motion for the adoption of Resolution 11-078 by reading of title only.

LEWIS/WYTHE SO MOVED.

WYTHE/ROBERTS MOVED TO AMEND THE DATE TO DECEMBER 31, 2011

Councilmember Wythe noted that this will follow the anticipated schedule for the City Administration to be out of the building.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was no further discussion of the main motion as amended.

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

Motion carried.

- J. **Resolution 11-079**, A Resolution of the City Council of Homer, Alaska, Authorizing the City of Homer to “Opt-Out” of the Automated, System Wide Tsunami Warning Activation Program. City Manager.

Memorandum 11-106 from City Manager as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-079 by reading of title only.

HOWARD/WYTHE SO MOVED.

Councilmember Wythe expressed the need for assurance that we are not disenfranchising the villages of Port Graham and Nanwalek by making this choice without having talked to them.

HOWARD/WYTHE MOVED TO AMEND THE TITLE AND NOW THEREFORE THAT AFTER WARNING ACTIVATION PROGRAM ADD AND REPLACE IT WITH THE MANUAL SYSTEM OPERATED THROUGH THE CITY OF HOMER POLICE DEPARTMENT.

Councilmember Howard wants to clarify so that in the future it is clear what their intention was.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

City Manager Wrede said he thinks Port Graham and Nanwalek are dispatched through Soldotna, but will confirm that.

Question was raised whether or not to postpone until they have clarification regarding the villages.

City Manager Wrede believes it is okay for Council to move forward and express their intent tonight. There is still work to be done on this, including back up redundancy issues, phone line issues, and addressing the villages as well. There is a meeting scheduled for Thursday with all the City Managers and the Borough Office of Emergency Management. He will be sure to bring this issue up and will report back. Council can address any issues with another resolution if needed.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- K. **Resolution 11-080**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Enter into Lease Negotiations with Alaskan Coastal Freight, LLC for a Lease on Lot 11, Homer Spit Subdivision No. 5. City Manager.

Memorandum 11-107 from City Manager as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-080 by reading of title only.

WYTHER/LEWIS SO MOVED.

There was discussion regarding zoning relating to the conexas that are being proposed for use. Neither City Manager Wrede nor Harbormaster Hawkins recalled any zoning issues being brought up during the Lease Committee review but assured Council that it will be considered in the negotiation process.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- L. **Resolution 11-081**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Enter Into Lease Negotiations with Fortune Sea, LLC for a Lease on Lot 19, Homer Spit Subdivision No. 5. City Manager.

Memorandum 11-108 from City Manager as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 11-081 by reading of title only.

WYTHE/LEWIS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **COMMENTS OF THE AUDIENCE**

Merlin Cordes, city resident and local realtor, posed a situation to Council. Suppose in 1997 someone purchases a home at 499 Meadow Drive and the zoning is rural residential. It's a nice, quiet part of town with nice woods around it. In 2000 their land is annexed. Not knowing governing changes that went on with annexation, they wanted to add onto the house for a growing family. In 2003 they went to the city for a permit and found they couldn't add on. They had to get non-conforming because the zoning has changed to general commercial 1. They pay the \$200 fee and plan to get a CUP in 2004. With great plans to build an addition to their house for the growing family, the birth of a handicapped child consumed the money for the addition. In 2008 they are ready for the addition again, but in 2008 the City passed an ordinance taking away the nonconforming use and they can't add on to the house. Because of the growing family and the house being too small, they had to find a home to rent. Now they are renting a house and still make payments on a house that they could have sold in 2009. It couldn't sell because the potential buyers couldn't get a mortgage due to the GC1 zoning. The family still owns the home. With continuing mortgage payment, insurance, taxes, and other expenses totaling over \$7000, this family of 4 who a year ago could have taken proceeds to move into a bigger home are stuffed into a two bedroom home they rent. He suggested everyone at the table have nice 3 or 4 bedroom homes and asked them to think about what they have done to this family, stuffed into a two bedroom home. He asked if they would accept this if it were their child or grandchild because of a stroke of a pen for a zoning change. He asked them to think about it when they crawl into bed tonight. What is happening is criminal. He brought it to Council's attention 14 months ago. He helped get signatures 50 signatures on a petition for a zoning change and it got dropped. He would like each of them to live in a two bedroom home with four children until they make changes in the zoning jail they have put these people in. If any of them, their daughter, or their grandchildren were in the situation, he is positive they wouldn't have taken 14 months to act on it. They would be jumping up and down screaming at Council. To pull the carpet out from under people and allow this to happen in Homer is pathetic. He will come back more often if that is what's necessary. It isn't just this family in this situation.

Mayor Hornaday said he discussed this briefly with the City Attorney. City Attorney Klinkner said he has been working with the Planning Department on the drafting of a new zoning district that would apply to this area. One element of the zoning district will be an attempt to address this issue.

Mr. Cordes responded that he is glad they are finally addressing it, but it is been 14 months. They are approaching \$10,000 already taken out of their pocket. They can't sell it until the zoning changes. Now we have to wait and wait some more. How long do we have to wait and keep them stuffed in a box before we can act?

## **COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner thanked the Council for renewing their contract. The City's business is appreciated and he appreciated the feedback from the earlier session.

## **COMMENTS OF THE CITY CLERK**

Deputy City Clerk Jacobsen announced that Candidacy filing period for the October 4<sup>th</sup> election will be opening 8:00 a.m. August 1<sup>st</sup> through 5:00 p.m. August 15<sup>th</sup>. Forms are available on line and at the City Clerk's office.

## **COMMENTS OF THE CITY MANAGER**

City Manager Wrede had no comments.

## **COMMENTS OF THE MAYOR**

Mayor Hornaday had no comments.

## **COMMENTS OF THE CITY COUNCIL**

Mayor Pro Tempore Wythe and Councilmember Lewis had no comment.

Councilmember Roberts thanked the Public Works Director for the tour of the new City Hall renovation, it is really coming along. She feels like it could be happening before the New Year.

Councilmember Zak reiterated an earlier statement about the Tsunami Warning System; if the ground starts to shake, get up to higher ground. That's your first warning. If it continues to shake for 5 or 10 more seconds, then hurry up.

Commissioner Howard commented that tonight they completed the formation of the Port and Harbor Improvement Revenue Bonding Project Committee and asked the Clerk prepare a notice for the first meeting to be held mid August.

## **ADJOURNMENT**

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 8:12 p.m. The next Regular meeting is scheduled for August 8, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday August 8, 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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Melissa Jacobsen, CMC, Deputy City Clerk

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