

Session 16-10 a Regular Meeting of the Homer City Council was called to order on May 9, 2016 at 6:00 p.m. by Mayor Mary E. Wythe 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: ADERHOLD, LEWIS, SMITH, VAN DYKE, ZAK

ABSENT: REYNOLDS (excused)

STAFF: CITY MANAGER KOESTER  
CITY CLERK JOHNSON  
CITY ATTORNEY WELLS  
FINANCE DIRECTOR LI  
FIRE CHIEF PAINTER  
POLICE CHIEF ROBL  
PORT AND HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS DIRECTOR MEYER

Council met for a Worksession from 4:00 p.m. to 4:28 p.m. for Water and Sewer Rates Review. Council met as a Committee of the Whole from 5:00 p.m. to 5:26 p.m. to discuss Resolutions 16-049 and 16-050 and Consent and Regular Meeting Agenda items.

Councilmember Reynolds has requested excusal.

Mayor Wythe ruled Councilmember Reynolds' absence as excused. There was no objection from the 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 following changes were made: **CITY ATTORNEY REPORT** - City Attorney Report – April 2016.

LEWIS/ZAK - MOVED TO AMEND TO ADD VISITORS – SOUTH PENINSULA ATHLETIC AND RECREATION CENTER, DANIEL ZATZ FOR A 10-MINUTE PRESENTATION.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/ADERHOLD - MOVED TO SUSPEND THE ORDER OF BUSINESS TO HEAR ANNOUNCEMENTS/PRESENTATIONS BEFORE VISITORS.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

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

Barb Brodowski, city resident, commented the Kenai Borough attempted to tax food for six months instead of three months and the Assembly voted it down. The Council is trying to increase sales tax on food to 8.5% for three months (June, July and August). It will make it tough for young people to remain in Homer. She suggested amending Ordinance 15-37 to leave sales tax at the existing rate.

Wayne Aderhold, city resident and Homer Cycling Club, announced Bike Month. There is lots of room to improve bike behavior on roads and trails. The League of American Bicyclists will sponsor Smart Cycling, a course taught by two lead cycling instructors. It will be held on August 6<sup>th</sup>. There is a \$50 fee that includes a book and certificate. For more information contact [aderhold@xyz.net](mailto:aderhold@xyz.net).

Kevin Hogan, city resident, commented on Resolutions 16-049 and 16-050. He suggested a 4-month limit to transition for a new attorney by RFP. Consideration could be given to in-house attorneys that get around the PERS penalty. He is glad Holly Wells stepped up for the lead attorney position as she handles herself professionally. Attorney services should stay in the community and keep the dollars from going to Anchorage. He objects to the current firm as they are involved in setting policy and have advised it is okay to discriminate.

August Weber, Homer resident, opposes Ordinance 15-37(A). If an extra 1% sales tax is imposed something should be given back to the taxpayers.

Tim Clark, city resident, opposes Ordinance 15-37(A). When he arrived in Homer 15 years ago there was a 5.5% combined sales tax. He spends a minimum of \$50 a day on groceries to feed

his three kids. He mentioned the new restrooms, sidewalks, several temporary city job openings, community gardens, and giant halibut hook. Some of the spending needs to be cut and the locals can save the 1% sales tax.

## 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 April 25, 2016. City Clerk. Recommend adoption.
  
- B. **Ordinance 16-22**, An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code 2.60, Public Arts Committee; Repealing Homer City Code 2.68, Parks and Recreation Advisory Commission; and Amending Homer City Code 18.07.020, Definitions, Homer City Code 18.07.040, Implementation, Homer City Code 18.07.050, Selection, Homer City Code 18.07.070, Exemptions, Homer City Code 18.07.090, Public Art Fund, and Homer City Code 18.07.100, Ownership and Management of Works of Public Art; to Create the City of Homer Parks, Art, Recreation and Culture Advisory Commission, Prescribe its Duties, and Provide for the Transition From the Former Public Arts Committee and Parks and Recreation Advisory Commission to the New Parks, Art, Recreation and Culture Advisory Commission. City Clerk/Parks and Recreation Advisory Commission. Recommended dates: Introduction May 9, 2016, Public Hearing and Second Reading May 23, 2016.

Memorandum 16-073 from Parks and Recreation Advisory Commission as backup.

Memorandum 16-074 from Public Arts Committee as backup.

- C. **Ordinance 16-23**, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code, Chapter 6.12, Drug Abuse and Paraphernalia. Reynolds. Recommended dates: Introduction May 9, 2016, Public Hearing and Second Reading May 23, 2016.
  
- D. **Resolution 16-047**, A Resolution of the City Council of Homer, Alaska, Authorizing the Formation of the Eric Lane Lillian Walli Subdivision Road, Drainage and Sewer Special Assessment District, and Authorizing the City Manager to Proceed With the Preparation and Construction of the Project. City Clerk. Recommend adoption.

- E. **Resolution 16-048**, A Resolution of the Homer City Council Awarding the Prisoner Meals for the Homer Jail Contract to the Firm of Homer Senior Citizens, Inc. of Homer, Alaska, in the Amount of \$8.50 Breakfast, \$8.50 Lunch, and \$8.50 Dinner Per Day/Per Inmate with a Delivery Fee of \$5.00 Per Trip and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Recommend adoption.

Memorandum 16-075 from Police Chief as backup.

- F. **Resolution 16-051**, A Resolution of the Homer City Council Awarding the Contract for the Construction of the Shellfish/South Slope Water Main Extension and Shellfish Avenue PRV Project to the Firm of Arno Construction, Inc. of Homer, Alaska, in the Amount of \$530,341.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 16-078 from Public Works Director as backup.

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

LEWIS/ADERHOLD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

- A. Mayor's Proclamation, National Police Week – May 15 - 21, 2015 and Memorial Day May 15, 2016

Councilmember Smith read and presented the proclamation to Police Chief Robl.

- B. Mayor's Proclamation, National Emergency Medical Services Week – May 15 – 21, 2016

Councilmember Zak read and presented the proclamation to Fire Chief Painter.

C. Mayor's Proclamation, National Public Works Week – May 15 - 21, 2016

Councilmember Aderhold read and presented the proclamation to Public Works Director Meyer.

D. Mayor's Proclamation, National Hospital Week – May 8 – 14, 2016

Mayor Wythe read and presented the proclamation to Bob Letson, CEO, South Peninsula Hospital.

E. Mayor's Recognition, Homer Hockey Association Pee Wee C Team

Mayor Wythe and Councilmember Van Dyke read and presented the recognition and Alaska Legislature recognitions to the Pee Wee Hockey Team.

F. Mayor's Proclamation, Bike Month - May 2016

Councilmember Aderhold read and presented the proclamation to the Homer Cycling Club.

G. Mayor's Recognition, Alaska Legislature Memoriam of William A. Corey

Mayor Wythe and Councilmember Smith read and acknowledged the Alaska Legislature in Memoriam of William A. Corey to his widow Gloria Corey.

## **VISITORS**

A. South Peninsula Athletic and Recreation Center, Daniel Zatz

Daniel Zatz, Homer Soccer Association and SPARC facilitator, reported the group has been working on the SPARC project and the summer soccer program. Kids usually go to outside camps, but this year the HSA is offering five 2-week soccer camps instead of a 10-week program. They placed an ad for a free round-trip ticket, lodging, transportation, bear viewing, and a fishing trip while here and received hundreds of replies from top level coaches. Instead of the kids going outside, the coaches will be coming here. The kids will have a lot better plays with new ideas and will be more competitive state-wide. It is an opportunity to generate scholarships and will benefit the youth coaches to coach under professional soccer coaches. He has been hearing from people statewide that are coming to Homer to go to soccer camp. He is hoping to grow the program so kids can play year round.

SPARC will be constructing a 72 ft. x 156 ft. building. The group had another meeting with the Borough and now have a tentative site plan with space saved for another building. The building will support all sorts of activities including a walking track, indoor soccer track, and pickleball court. Soccer will occupy the building for two hours a day leaving ten or more hours of open time. They are still on course for the dirt work to begin on July 31<sup>st</sup> and to erect the building September 1<sup>st</sup>. The building can be assembled in 15-20 days. Bathrooms will be completed in the late fall along with the installation of heat. The first games will be on September 30<sup>th</sup>.

The soccer program has 200 kids, ages 4-17, with more expected this year. The cost for the camps is \$85 (2-week camp) for the first three camps and \$150 (2-week camp) for the first three camps for older kids. Families coming from out of town will pay \$150 for a 2-week soccer camp.

SPARC will need a lot of input from the community to make the facility as flexible as possible. They intend to have net curtains on cables to separate the areas.

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

- H.      Bunnell Street Arts Center, Thank You
  
- I.      Borough Report
  
- J.      Commissions/Board Reports:
  - 1.      Library Advisory Board
  
  - 2.      Homer Advisory Planning Commission
    - a.      Minutes of March 16, 2016
  
  - 3.      Economic Development Advisory Commission

Councilmember Smith announced the Tuesday, May 10<sup>th</sup> meeting.

- 4.      Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Deb Lowney reported the trails symposium was a great success with 37 participants. The goals were to inform the public what we have, what is proposed, and the possibilities for safe trail and foot traffic connectivity. This will take the pressure off motorized traffic and enhance downtown walkability. Information and feedback was gathered and the public sector was empowered to be involved in construction and maintenance of trails and Adopt-a-Park. The commission will be focusing on the results of the symposium at their May 18<sup>th</sup> meeting. The commission had a healthy discussion about combining the Public Arts Committee as one commission and all commissioners embraced the opportunity for inclusion of arts and culture. The commission is appreciative of Council's work on the revised beach policy and is fully supportive of SPARC.

5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission
  - a. Memorandum 16-077 from Cannabis Advisory Commission, Re: Support to Allow Retail Cannabis on the Spit.

Police Chief Robl, Member of the Cannabis Advisory Commission, reported the commission talked about generating revenue from the cannabis industry, sales taxes, excise taxes, and license and inspection fees. They have asked both the City Attorney and Finance Director to weigh in on the options. The commission forwarded a motion to City Council in support of the Port and Harbor Advisory Commission's recommendation to allow cannabis sales on the Spit, to allow onsite consumption at retail facilities, but not smoking of any product.

Mayor Wythe called for a recess at 7:10 p.m. and reconvened the meeting at 7:16 p.m.

## **PUBLIC HEARING(S)**

- A. **Ordinance 16-19**, An Ordinance of the City Council of Homer, Alaska, Determining to Retain For a Public Purpose Tax Foreclosed Property in the Homer Recording District, Third Judicial District, State of Alaska Described as SW1/4 NW1/4 Section 4 Township 6S Range 13W Seward Meridian, KPB Tax Parcel No. 173-052-19, Located in the Vicinity of Easy Street and Quinalt Avenue, Last Owner of Record Debra Good. City Manager. Introduction April 25, 2016, Public Hearing and Second Reading May 9, 2016.

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

Mayor Wythe called for a motion for the adoption of Ordinance 16-19 by reading of title only for second and final reading.

LEWIS/ADERHOLD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 16-20**, An Ordinance of the City Council of Homer, Alaska, Amending Subsection (A) of HCC 17.04.040, Initiation of District, to Provide That a Special Assessment District May Be Initiated By a Petition Signed By the Record Owners of Real Property That Would Bear Not Less Than 50 Percent of the Assessed Cost of the Improvement. Smith. Introduction April 25, 2016, Public Hearing and Second Reading May 9, 2016.

Memorandum 16-070 from City Attorney as backup.

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

Mayor Wythe called for a motion for the adoption of Ordinance 16-20 by reading of title only for second and final reading.

LEWIS/VAN DYKE – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Ordinance 16-21**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$189,000 From the General Fund to The Homer Foundation for Purposes of Constructing the South Peninsula Athletic and Recreation Center. Lewis/Smith. Introduction April 25, 2016, Public Hearing and Second Reading May 9, 2016.



**Ordinance 16-21(S)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in ~~the~~ **an** Amount of **Up to** \$189,000 From the General Fund to The Homer Foundation for Purposes of Constructing the South Peninsula Athletic and Recreation Center. Lewis/Smith.

Mayor Wythe opened the public hearing.

Karen Zak, Homer Chamber of Commerce, is supportive of the 11,000 sq. ft. space for all athletics. SPARC can compete with other Kenai facilities in hosting statewide events and stimulate the local economy.

Ken Castner, city resident, supports the SPARC project. It will provide a substitute for the HERC building which is needed to accomplish the public safety building. He supports Ordinance 16-21(S) as it provides opportunities to forge relationships with people and businesses who can contribute to the project.

Deb Lowney, city resident, voiced concern about the proposal for matching funds. She encouraged Council to look at in-kind contributions that the private sector can get involved in. It is a win win for the community and how the funds will be multiplied.

Carl Nostrand, Kachemak City resident, supports the SPARC project. It promotes cradle to grave activities and promotes healthcare for all. Alaska is the only state that doesn't have a college soccer program. With a small sided soccer (5:5) we could create a college high level sport program. This could bring all types of venues to town.

Mike Dye, Homer Soccer Association, thinks this is a great idea. It provides community involvement with private and public bodies working together. It could be the highlight for other communities to progress in these difficult times. He thanked Council for their support.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 16-21 by reading of title only for second and final reading.

LEWIS/VAN DYKE – SO MOVED.

Mayor Wythe called for a motion to substitute Ordinance 16-21(S) for 16-21.

LEWIS/VAN DYKE – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Smith brought the substitute ordinance forward to recognize in-kind contributions. This will give SPARC the opportunity to take full advantage of the funds offered by the City.

Asked how the in-kind service will be valued, City Manager Koester answered she will work with The Homer Foundation on a model formula for in-kind contributions that fits Council's intent.

Councilmember Aderhold appreciates the Parks and Recreation Advisory Commission's support of the project. One of her concerns is that it bypassed Parks and Recreation and came straight to city council. The City has an established process for nonprofits to receive grants through The Homer Foundation and this project bypasses that process. We are setting up a rule by exception. Although the project is pulling funds from revenue sharing we could be using that money for other things. We are not and have not funded reserve accounts for years and have vehicles in a bad state of disrepair. She supports the project, but worries we will end up chasing fun projects and will not get our work done. She does support the replacement for the HERC facility.

Councilmember Zak feels a little apprehensive if we are setting policy for the future. This is an opportunity and we have matching funds for in-kind contributions. At a time when the State is more restrictive on funding, this capital project will be like chickens laying eggs. The Homer Soccer Association advertised for coaches and has nationally recognized coaches coming to Homer. The word's going to get out of their trip to Homer. The SPARC will replace the HERC.

Councilmember Smith clarified this is a separate one-time allocation to The Homer Foundation.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. **Resolution 16-041(S)(A)**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Accelerated Roads and Trails Program (HART) Policy Manual to Change the Allocation of Costs for Street Reconstruction and New Street Construction, and the Basis for Assessing Such Costs; Amending the HART and Homer Accelerated Water and Sewer Program (HAWSP) Policy Manuals to State That Expenditures Under Each Program is Subject to the Availability of Funds; and Referring Other Revisions of the HART Policy Manual to the Homer Advisory Planning Commission for Its Review and Recommendations. City Manager. Public Hearing May 9, 2016.

**Resolution 16-041(S-2)(A)**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Accelerated Roads and Trails Program (HART) Policy Manual to Change the Allocation of Costs for Street Reconstruction and New Street Construction, and the Basis for Assessing Such Costs; Amending the HART and Homer Accelerated Water and Sewer Program (HAWSP) Policy Manuals to State That Expenditures Under Each Program is Subject to the Availability of Funds; **Referring the Development of a Matching Grant Program for Small Scale Greenway Trails to the Parks and Recreation Advisory Commission**; and Referring Other Revisions of the HART Policy Manual to the Homer Advisory Planning Commission for Its Review and Recommendations. City Manager.

Mayor Wythe opened the public hearing.

Deb Lowney, city resident, hopes the grant program for small scale greenway trails can find support. It will be creating something that is doable and empower the public to make things come to life. The Parks and Recreation Advisory Commission embraces the opportunity to take this on.

Mayor Wythe closed the public hearing.

Motion on the floor from April 25: MOTION FOR THE ADOPTION OF RESOLUTION 16-041(S)(A) BY READING OF TITLE ONLY.

Mayor Wythe called for a motion to substitute Resolution 16-041(S-2)(A) for 16-041(S)(A).

ADERHOLD/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

## **ORDINANCE(S)**

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

A. City Manager's Report

### **Happy Public Service Recognition Week**

Last week was Public Service Recognition week and is a great opportunity to reflect on the dedicated, talented and hardworking people we have working for the City of Homer. Working in government can be thankless –and it has been a hard year for City of Homer employees with the budget scrutinizing and talk of cuts. These are the people that keep the peace, keep your water clean, your streets sanded, the bills paid, and the City of Homer world turning. Make someone’s day the next time you see a City employee and thank them for their work!

### **Code Blue Grant Award for Gurney for New Ambulance**

Chief Painter has been informed that the Code Blue request to fund 50% of a gurney for the new ambulance has been approved. Funding for Code Blue Phase 16 is included in the Governor’s budget and there is no indication at this point that it is in jeopardy, but of course that will not be final until the budget is passed and signed. Funding will not be available until about September with the state only picking up a total of \$7,000 towards the project’s \$14,010 current estimate. The City will have to commit any unmet match before the gurney will be ordered by Southern Region EMS Council. However, there is the chance that the per gurney allocation will be increased to \$14,000, as was the case last year when unspent funds were reallocated. If an additional appropriation is needed, I will bring an Ordinance forward to Council this fall.

### **ADEC Extends Comment Period for Changes to the Regional Stakeholder Committee process**

Mayor Wythe sent a letter on April 11, 2016 to ADEC requesting an extension period for comments to the proposal to update the portions of Annex B specifically related to the Regional Stakeholder Committee process. Council followed that with Resolution 16-046 opposing proposed updates to Annex B of the Alaska Federal/State preparedness plan for response to oil and hazardous substance discharges/releases (Unified Plan). To help facilitate further public discussion and input on this proposal the deadline for submitting comments has been extended to the close of business May 31, 2016. ADEC will also post a fact sheet available to the public on the Public Notice website.

### **Utility Poles on Pioneer**

Councilmember Lewis brought to my attention a citizen’s concern regarding the safety and unsightliness of the utility poles down Pioneer Avenue (see attached email). The poles are owned by Alaska Communication Services (ACS) and in ADOT right of way. Public Works surveyed the poles and took the attached pictures. However, they are not qualified to say whether or not there is a safety concern with the state of the existing poles. It would be nice to have the poles underground, but there is a large expense associated with that. HCC 22.10.055(b) states that utilities must go underground if they are being majorly modified. However, there is lots of room in city code for the poles to be maintained without requiring underground installation. Major modifications exclude reconducting, reinsulating or in-kind replacement. There is a long list of exceptions to the underground requirement that can be

granted by the City Manager. Furthermore, City Council can grant an exemption to the underground requirement.

**Natural Gas HSAD Payment and Loan Update**

With July 1, the annual installment payment date for the Natural Gas HSAD just around the corner and the proposal to change the penalty structure for the Natural Gas HSAD in Resolution 16-052 before you this evening, I wanted to provide Council with an update on the Natural Gas assessments, loan, and payment schedule.

Natural Gas HSAD Figures:

Total assessed properties in Natural Gas HSAD	3,788
Number of properties exempted by Council after adoption of final roll	4
Number of properties who qualified for low income deferral in 2015	17
Number of delinquent properties (see attached roster)	181
Number of properties who paid in full in 2015	1,317
Number of properties paying in installments	2,269
Total amount due on July 1, 2016 for property in good standing paying in instalments	\$414.27
Delinquent and pays in full by July 1	\$3,934.64
Delinquent and wishes to participate in grace period per Resolution 16-052 due July 1 (Sept. 1, 2016 payment, interest on principal at 10.5%, 10% penalty and July 1, 2016 payment).	\$1,357.89

Cash Flow

Finance Director Li prepared the attached amortization tables reflecting the payment schedule with the Borough for the Natural Gas HSAD. Through free main allowance payments and payments that have been made since the City made our last payment in 2015, we have a balance of \$2.3 million in the natural gas HSAD account. I plan on making a pre-payment on June 1, 2016 to bring our annual payments under what our anticipated cash flow will be with 2,269 parcels making payments.

Delinquent Properties

I have attached a list of the properties that are currently in delinquent status, excluding leases and government parcels. If none of these properties pay, the Natural Gas HSAD will be required to absorb over half a million dollars in delinquent payments (excluding interest). Payments have trickled in, most commonly with the sale of a property. At some point Council should discuss ways to encourage payment from these properties. Options include initiating foreclosure proceedings or contracting with a collections agency. Part of that conversation will be the cost associated with foreclosure and a collections agency would take around 25% of what are relatively easy funds to collect. The Borough publishes a list of properties every year that they initiate foreclosure proceedings on due to back taxes owed. These properties are rarely actually foreclosed on – it is an effective mechanism to get people’s attention and payment.

City Manager Koester highlighted her report on utility poles on Pioneer Avenue and the natural gas SAD payment schedule. One of the utility poles at Pioneer and Svedlund is right next to the crosswalk making it unsafe for pedestrians. We can engage the owner of the poles and provide encouragement that they put the poles underground, although it is not required and may be expensive. Encouragement from the City Council and City Manager is the first step towards fixing the poles. The project now is just to shave and pave Pioneer Avenue.

### **CITY ATTORNEY REPORT**

- A. City Attorney's Report – April 2016

### **COMMITTEE REPORT**

- A. Public Arts Committee
- B. Employee Committee Report
- C. Public Safety Building Review Committee

Ken Castner, Public Safety Building Review Committee Chair, reported the committee has been very active and will be meeting again on Wednesday, May 11<sup>th</sup> at 5:30 p.m. It will be a public hearing to discuss the contracting methodology for remodeling the Fire Hall. The committee held the charrette, bringing all stakeholders together to design a master plan on how the parcel will work in the future. There is a lot of involvement from departments and the public. Originally the committee thought the HERC and police station would be on the east side, but found that it would have crowded the future fire department. So the police station was moved to the west side of the lot to leave ample room for the new fire station, which will probably be two stories. This leaves room to the east to build a separate facility. The committee talked about how utilities will mesh up and worked on maximizing non essentials in the HERC and minimizing space in the new building. They are aiming for the smallest building possible, still serving every space need. The Police Chief will be working with the lead architect in actual matchups and adjacencies between the HERC and police station. The police station will be built with diligence and intelligence. He encouraged anyone interested to come to the meetings.

The second public purpose will be the skateboard park. The committee would like Council to refer the relocation of the skateboard park to Parks and Recreation Advisory Commission. The kids that use it would like it close to the police station or someplace else.

Core communications, jail cells, and dispatch will be in the new building. The HERC will be used for evidence storage, handling rooms, police training, locker rooms, a break room, shooting range, sally port, and vehicle evidence area.

D. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold announced the meeting on Thursday, May 12<sup>th</sup>.

**PENDING BUSINESS**

- A. **Ordinance 15-37(A)**, An Ordinance of the Homer City Council Amending HCC 9.16.010 to Provide for an Increase in the Rate of the City Sales Tax From 4.5% to 5.5% From April 1st Through September 30th, With the Increase to be Used for General Government Purposes, and Authorizing the City To Submit the Question of Such Sales Tax Increase to the Qualified Voters of The City at a ~~Special~~ **Regular** Election to Be Held in the City on \_\_\_\_\_. Lewis. Introduction October 12, 2015, Public Hearing December 7, 2015, Postponed to May 9, 2016 for Second Reading.

Motion on the floor from December 7, 2015: MOTION FOR THE ADOPTION OF ORDINANCE 15-37(A) BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Lewis brought the ordinance forward when Council was talking about using HART funds to balance the budget. A similar ordinance may come back in two years when the HART fund (diverted to the general fund for 3 years) is returned to HART. If the voters approve the public safety building we will have to pay for that somehow. The ordinance can be voted down, postponed, or be put on the ballot. If we vote it down we will have to look at other forms of revenue.

Council discussed options for the ordinance. They are currently exploring other revenue sources to pay for the public safety building. It is estimated the annual payment on a bond for the public safety building would be \$750,000 and an additional \$150,000 in annual operating expenses.

Councilmember Lewis recommended the ordinance be voted down and there will be a new ordinance to define funds that will be used to fund the public safety building and maintenance.

City Attorney Wells advised Council there are certain perimeters when you dedicate funds. Two propositions that rely upon each other will be needed.

VOTE: NO. LEWIS, SMITH, ADERHOLD, ZAK, VAN DYKE

Motion failed.

## NEW BUSINESS

### RESOLUTIONS

- A. **Resolution 16-049**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Negotiate a New City Attorney Contract With Birch Horton Bittner & Cherot for the Period of August 1, 2016 Through July 31, 2019. City Manager.

Memorandum 16-076 from City Manager as backup.

Mayor Wythe called for a motion for the adoption of Resolution 16-049 by reading of title only.

LEWIS/ADERHOLD - SO MOVED.

Councilmember Lewis commented consistency is important. In-house counsel will not provide the legal support we have with Birch Horton Bittner & Cherot. They have a number of people to do the research and we are paying for a number of people's time. An in-house lawyer could run into the hundreds of thousands of dollars per year.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 16-050**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Issue a Request for Proposals (RFP) for General Counsel Legal Services. City Manager.

Mayor Wythe called for a motion for the adoption of Resolution 16-050 by reading of title only.

Failed for lack of a motion.

- C. **Resolution 16-052**, A Resolution of the City Council of Homer, Alaska, Providing for a New Penalty and Interest Structure for Special Assessments in the Homer Natural Gas Distribution Special Assessment District That Become Delinquent On or After July 1, 2016, and Providing Terms for the Reinstatement On or Before July 1, 2016 of Assessments That Became Delinquent Before That Date. Smith.

Mayor Wythe called for a motion for the adoption of Resolution 16-052 by reading of title only.



SMITH/VAN DYKE – SO MOVED.

Councilmember Smith sponsored the resolution since he's heard a lot of public feedback that collection of the assessments skips delinquency and goes right into default. He wanted to change the process to be fairer and to encourage people to pay on time.

Councilmember Aderhold asked how the changes were from a legal standpoint.

Mayor Wythe called for a recess at 8:10 p.m. and reconvened the meeting at 8:20 p.m.

Councilmember Aderhold conferred with City Attorney Wells and learned legal counsel is fine with the resolution changing the penalty and interest structure for natural gas assessments.

Councilmember Lewis noted it makes it easier on those that are delinquent. If people are not paying the assessment because they don't want to he has a hard time giving them a break.

VOTE: YES. ADERHOLD, ZAK, SMITH, VAN DYKE

VOTE: NO. LEWIS

Motion carried.

### **COMMENTS OF THE AUDIENCE**

Anders Gustafson, Homer resident, thanked Councilmembers Lewis and Smith for collaborating on Ordinance 16-21(S). Now it is on the community to step up and take advantage of the matching funds to get the project up and running. It is a great head start and will provide incredible leverage to community members and businesses.

Daniel Zatz, Homer resident, thanked Council for adopting Ordinance 16-21(S). He will work really hard not to let Council or anyone else in town down. He will try to be open by September 30<sup>th</sup> for adults, kids, and seniors. Youth soccer coaches are needed: [www.homersoccer.com](http://www.homersoccer.com). The first soccer camp starts on May 23<sup>rd</sup> and camps end on August 5<sup>th</sup>. People can participate at any point and time throughout the season.

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

City Attorney Wells thanked Council for the adoption of Resolution 16-049. Birch Horton Bittner & Cherot values working with the council and city administration and the small part they play in this community.

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

City Clerk Johnson had no comments.

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

City Manager Koester had no comments.

### **COMMENTS OF THE MAYOR**

Mayor Wythe had the honor of walking with the college for her graduation. She witnessed the presentation of Emeritus awards to Elizabeth Graber and Michael Hawfield. It was an unusual event for two teachers from Homer to be selected for the award, especially since they are a married couple. She congratulated them on the Emeritus awards and wished them the best of luck in their retirement. Tonight we recognized public administration, police, fire, public works, and the South Peninsula Hospital who will celebrate 60 years on July 9<sup>th</sup>. It was lovely to have the Pee Wee Hockey Team and Grandpa Gus helping with the recognition. She appreciates Gloria Corey sharing the In Memoriam of her late husband. Tonight we were very focused on happy moments.

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

Councilmember Zak commented the community came out strong for Clean-Up Day on Saturday. It was a beautiful day and community members, businesses, and the Chamber pitched in. Homer is a beautiful city and he's glad we live in a place we respect and take care of.

Councilmember Van Dyke congratulated the SPARC people and wished them good luck. The recreation center will be a great addition to the city. Parks and Recreation Advisory Commission will have a great time with greenway trails, which will be another fine addition to the city.

Councilmember Aderhold attended the graduation ceremonies at Kachemak Bay Campus, a facility that is valuable to Homer and the surrounding area. She congratulated Mayor Wythe on receiving her Master of Public Administration. It was good to see people getting their AA and GED. For those that received GED, hats off to you! She congratulated Professors Graber and Hawfield and thanked them for their service to the community. They've both done a lot for the community. She congratulated them on the Emeritus awards. Individuals and organizations that do things for the community are inspirational. These include the Peonies on Pioneer, the ski club, Homer Hockey Association, Homer Cycling Club who has instituted Share the Road and Park and Bike. The people here make it happen. She thanked the public that offered testimony and those that provided letters. It is important to her to receive feedback from the public. In the last few months we have started to see new younger faces at

the council meetings and she appreciates younger folks getting involved to see how city government works.

Councilmember Smith thanked those that participated. He is excited about SPARC and wants to provide man hours for the project. He referred John Li to the technical department to find the silencer on his cell phone. The Safe & Healthy Kids Fair was awesome for those that had the opportunity to participate; he applauded all the people that helped with the event. He congratulated the Pee Wee's and Coach Chris Owen for a good job. The payoff is to see the kids perform at that level. He thanked Gloria Corey for coming in. He has known her and Bill for many years; they are a good rare breed of Alaskans. Bill was a great dog lover, but his dog was not a great human lover.

Councilmember Lewis congratulated the Pee Wee Hockey Team. They are the first team to win state championship on home ice. He is sorry that he missed college graduation, but was Outside to watch his son walk. Kenai Peninsula College is one of the jewels of Homer. It is integrated with marine trades. In the fall they have a semester by the bay that brings students from outside to experience Homer and Kachemak Bay. SPARC will be another fun place to go and hang out.

## **ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:34 p.m. The next Regular Meeting is Monday, May 23, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Worksession is scheduled for Monday, May 16, 2016 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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JO JOHNSON, MMC, CITY CLERK

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