

Session 10-28 a Regular Meeting of the Homer City Council was called to order on October 11, 2010 at 6:00 p.m. by Mayor Pro Tempore 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: HOGAN, HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
FINANCE DIRECTOR HARVILLE
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Mayor Hornaday requested excusal due to a knee injury.

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

Council met for a Special Meeting from 4:01 p.m. to 4:30 p.m. in which an Executive Session was held to discuss Hillstrand Eminent Domain Case. Council conducted a Worksession from 4:30 p.m. to 4:56 p.m. to discuss the Capital Improvement Plan and met as a Committee of the Whole from 5:02 p.m. to 5:48 p.m. to discuss the 2011 Budget and Regular Meeting Agenda items.

AGENDA APPROVAL

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

The agenda was amended to add: ORDINANCES Ordinance 10-50, An Ordinance of the City Council of Homer, Alaska, Adopting Homer City Code 14.04.015, Sewer Utility Service Area; and Homer City Code 14.08.025, Water Utility Service Area; Authorizing the Council by Resolution to Determine the Areas Within Which the City May Provide Sewer and Water Utility Service. Zak. (Corrected HCC Chapter); CITY MANAGER'S REPORT Chamber of Commerce – Destination Marketing 2010; RESOLUTIONS Resolution 10-79, A Resolution of the City Council of Homer, Alaska, Determining the Area Within Which the City May Provide Water Utility Service. Zak. Attorney comments, Alaska Public Utilities Commission Certificate on file with Regulatory Commission of Alaska, and public comments; Resolution 10-80, A Resolution of the City Council of Homer, Alaska, Adopting the Amended Public Arts Committee Administrative Guidelines to Incorporate Amendments to Composition, 1% for the Arts Program, Preservation, Promotion and Awareness, and De-Accessioning Sections; and to Add Sections Declaration of Purpose, Meetings, Organization and Procedures, Accession and Gift Policies, and Procedures to Propose a Donation. City Clerk/Public Arts Committee. Amendment to Administrative Guidelines, Meetings of the Public Arts Committee; Resolution 10-83(S), A

Resolution of the City Council Certifying the Results of the City of Homer Regular City Election Held October 5, 2010 to Elect the Mayor and Two Council Members. City Clerk/Canvass Board; Substitute Resolution 10-84(S), A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Kachemak Drive Water/Sewer Improvements Phase II Project to the Firm of Herndon Construction, LLC of Homer, Alaska, in the Amount of \$2,572,927.89 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Memorandum 10-127 from Public Works Director as backup.

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

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no comments from the public.

RECONSIDERATION

None.

CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Regular Meeting minutes of September 27, 2010. City Clerk. Recommend adoption.

Mayor Pro Tempore Wythe called for a motion to approve the recommendations of the consent agenda.

LEWIS/HOGAN – SO MOVED.

Asked about the inclusion of the reconsideration of the FedEx lease (Resolution 10-76), City Clerk Johnson noted it was depicted in COMMENTS OF THE CITY COUNCIL, under Councilmember Wythe's comments. Reference to the reconsideration was listed under Resolution 10-76.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

- A. **Bumppo Bremicker, Don Lane, & Dave Seaman**, Wooden Boat Festival

Don Lane, Dave Seaman, and Bumppo Bremicker provided an overview of the Kachemak Bay Wooden Boat Society. They are a nonprofit group that was formed in 1992 to share the history, preservation, and creation of wooden boats and maritime traditions. The group now has 130 members who are a mix of professional mariners, educators, hobbyists, and those interested in the history and ambience of old wooden boats. They host the annual Wooden Boat Festival, maintain a resource library, and publish a quarterly newsletter. This year's festival was successful, blessed by good weather. In future years they will hold the festival in the fall. They have had discussions with the City and Pratt Museum and are working through the process to see if a lease is available on the Spit or on private property. The group would like to build a boat house as a benefit to the community, providing vocational opportunities for adults and kids. For more information on the Kachemak Bay Wooden Boat Society and the Wooden Boat Festival: www.kbwbs.org

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Borough Report
- B. Commissions/Board Reports:
 - 1. Library Advisory Board
 - 2. Homer Advisory Planning Commission
 - 3. Economic Development Advisory Commission
 - 4. Parks and Recreation Advisory Commission

Bumppo Bremicker, Chair of the Parks and Recreation Advisory Commission, reported they have three new members who are full of knowledge, energy, and great ideas. They hope to get some things moving. They are looking at the different parks and need to focus on long range plans much like those of Karen Hornaday Park for the other parks. There is still one opening on the commission and they would love to have someone interested in doing great things for Homer.

- 5. Port and Harbor Advisory Commission

- C. United Fishermen of Alaska Fall Meeting Report by Councilmember Hogan

Councilmember Hogan reported he attended the Anchorage meeting of the United Fishermen of Alaska. The most striking information he received is the amount of permit holders in our local area. In the Prince William Sound and Bristol Bay area there are a lot of permit holders, producing a lot of economic activity. The group is speaking with legislative aides as they are not getting a fair shake on the raw fish tax sharing revenue. We need to express it to our legislation because there is a lot of money on the table. Homer brings in at least 10 million pounds of halibut and with the City and Borough receiving half of the share of the raw fish tax, it could be upwards of \$.5M.

PUBLIC HEARING(S)

A. 2011 Budget

There were no comments from the public.

ORDINANCE(S)

- A. Ordinance 10-50**, An Ordinance of the City Council of Homer, Alaska, Adopting Homer City Code 14.04.015, Sewer Utility Service Area; and Homer City Code 14.08.025, Water Utility Service Area; Authorizing the Council by Resolution to Determine the Areas Within Which the City May Provide Sewer and Water Utility Service. Zak. Recommended dates: Introduction October 11, 2010, Public Hearing and Second Reading October 25, 2010.

Mayor Pro Tempore Wythe called for a motion for the adoption of Ordinance 10-50 for introduction and first reading by reading of title only.

ZAK/HOWARD - SO MOVED.

Councilmember Roberts will vote against Ordinance 10-50. Providing water and sewer to an area outside of the city that is generally a business area is not a wise idea. It brings up annexation and she cannot support sending services out when we have not provided services within the city.

Councilmember Howard supports Ordinance 10-50 as it will increase membership on the water system. It will allow those that choose to purchase water the ability to have it. The rates will be different than those paid now. A public hearing on the ordinance would allow Council to hear what the citizens have to say.

Councilmember Lewis will vote against the ordinance as he doesn't see the citizens of Kachemak City coming in to say they want water.

Mayor Pro Tempore Wythe will not support the ordinance, as she has mixed feelings about providing services outside the city. There are no whereas clauses to describe its benefit to the citizens and she is not seeing a large contingency asking for it.

Councilmember Hogan would like to see a public hearing to allow people to weigh in. It would expand the base of the water system and allow the collection of sales tax for outsiders using water and sewer.

Councilmember Zak explained we can set the rates and offset the cost to the city. If we have the capability to provide water we can find a way to cooperate. Water is already stubbed out in those East End lots. We have a lot to learn from working with the communities around us.

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

Motion failed.

CITY MANAGER'S REPORT

A. City Manager's Report

1. Memorandum 10-125 from Police Chief, Re: Mercom Recording Device
2. **Chamber of Commerce** – Destination Marketing 2010

City Manager Wrede reported on the Police Department's Mercom recording device. The system is old and outdated and is breaking down a lot, requiring manual updates and expensive fixes. A \$18,218.60 estimate has been provided for replacement of the equipment. The Police Chief has under spent his budget due to vacant positions and less fuel cost. Funds could be transferred by line item or an ordinance could be brought forth to transfer funds for the Mercom purchase. There was no objection from Council on a line item transfer.

City Manager Wrede stated Paul Dauphinais, Director of the Homer Chamber of Commerce, was in the audience tonight and will come to the October 25th meeting as a visitor.

As to Enstar, the City Attorney looked into questions raised about Section 24 in the grant agreement and suggested some amendments to satisfy all issues about liability. We are still waiting for an answer on the amendment to the grant agreement from the State. If they accept those amendments to the grant agreement, the contract for main extension will handle many of the issues raised and a sub-grant agreement may not be necessary.

City Attorney Klinkner advised in the statute governing these grants to municipalities and in the Department of Commerce's standard grant agreement, they have references to the grant being for construction of a public facility. The public facility is associated with certain obligations on the City's part. We are not building a public facility with the grant money. Enstar is building a utility plant. Recognizing that reality is sufficient to address the concerns about liability. It is only the public facility that ties ongoing obligation for the facility to the City. If the facility term is taken out, it is clear the money is passed through to Enstar with them liable. The main extension agreement that Enstar presented to the City includes modifications to recognize the unusual nature of this transaction. It is a legislative grant and with those modifications to the main extension we have all the documents needed.

Asked by Councilmember Hogan if the Mayor has signed yet, City Manager Wrede answered he has not signed the grant agreement. Enstar is getting anxious and would like him to sign as soon as possible. Until he feels comfortable that the changes proposed by the City Attorney are agreed upon and the Council will accept the money, will he sign the agreement.

Councilmember Hogan asked about the budget document that includes lease negotiations with a long term tenant at the Deep Water Dock. City Manager Wrede explained it was old language. Asked about sleep time pay on the budget, City Manager Wrede clarified it means on call time

for fire, water, and sewer facilities. Councilmember Hogan suggested sleep time be renamed to something else.

2. **Chamber of Commerce** – Destination Marketing 2010

B. Bid Report

CITY ATTORNEY REPORT

City Attorney Klinkner stated he met with Council earlier in Executive Session. There were no additional questions from Council.

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

1. Meeting Minutes of September 20, 2010

PENDING BUSINESS

None.

NEW BUSINESS

None.

RESOLUTIONS

- A. **Resolution 10-78**, A Resolution of the Homer City Council Adopting the 2011-2016 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2012. Mayor and City Council.

ROBERTS/HOWARD - MOVED FOR THE ADOPTION OF RESOLUTION 10-78.

LEWIS/HOWARD – MOVED TO REMOVE THE BRIDGE CREEK WATERSHED LAND ACQUISITION PROJECT FROM THE CIP.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/LEWIS - MOVED TO ELIMINATE ITEM 10 EAST BOAT HARBOR FROM THE CIP LIST FOR THE UPCOMING YEAR.

Brief discussion ensued that there has been no action on the harbor expansion and there are other items on the CIP that would be more beneficial to the City.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HOWARD/LEWIS - MOVED TO REMOVE ALTERNATIVE WATER SOURCE FROM THE TOP 15 AND REPLACE WITH SEWER TREATMENT PLANT BIO-SOLIDS TREATMENT IMPROVEMENTS.

Councilmember Zak offered a friendly amendment to move the Sewer Treatment Plant Bio-Solids Treatment Improvements project to #7. The friendly amendment was accepted by the maker of the motion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/LEWIS - MOVED TO ELIMINATE ITEM #14 STERLING HIGHWAY REALIGNMENT FROM THE LIST.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HOWARD/HOGAN - MOVED TO REMOVE THE FIREFIGHTING ENHANCEMENT – AERIAL TRUCK FROM THE TOP 15.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HOGAN/LEWIS - MOVED TO MAKE #4 PORT & HARBOR BUILDING #10 AND #10 HOMER INTERSECTION IMPROVEMENTS #4.

Discussion ensued on leaving the Port and Harbor Building project as #4 due to the dilapidated building. With it rating higher on the CIP, if the City goes out for bonding it shows strong support. Most intersections within the City are State owned and DOT would have to buy into the process to make the projects happen.

VOTE: YES. HOGAN, LEWIS

VOTE: NO. ROBERTS, WYTHE, ZAK, HOWARD

Motion failed.

Mayor Pro Tempore Wythe called for a motion to remove Main Street Reconstruction/Intersection from the top 15 list.

ROBERTS/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/LEWIS - MOVED TO ELIMINATE #12 ALASKA MARITIME ACADEMY FROM THE TOP 15 LIST.

Councilmember Roberts said although it is an important project with a lot of interest, there is no funding in the upcoming legislative session. It would be wiser to have a more diverse group of projects that we might get funding for.

VOTE: YES. HOWARD, LEWIS, ROBERTS

VOTE: NO. HOGAN, WYTHE, ZAK

Motion failed.

Councilmember Roberts noted there was hope for tidal power, which still remains on the top 15 list. The Maritime Academy is not that organized for funding.

Councilmember Wythe called for a motion to reconsider. There was no motion made.

ZAK/HOGAN - MOVED TO REMOVE MARINER PARK IMPROVEMENTS.

Councilmembers Zak and Hogan defended the Maritime Academy as a huge possibility for the City. Removing Mariner Park would be a lower impact.

Councilmember Lewis was in opposition as Mariner Park is well used and anything we can do for improvements will enhance the area.

Councilmember Roberts agreed Mariner Park should remain on the list. The purpose of the CIP list is to show the public the top 15 projects we are working on now. She would never vote to take the academy out of the CIP; it is premature to put on the top 15 list.

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

Motion failed.

Asked about the Fishing Lagoon Improvements, Port and Harbor Director Hawkins answered it is the dredging part of the project that is lacking. More depth is needed in the lagoon to help the fry survive.

Mayor Pro Tempore Wythe called for a recess at 7:03 p.m. and reconvened the meeting at 7:10 p.m.

ROBERTS/ZAK - MOVED TO ADD IN THE PROPOSED NEW PROJECTS THAT ARE AT THE END OF OUR CURRENT CIP LIST: DEEP WATER DOCK UPLAND IMPROVEMENTS, HOMER SPIT DREDGED MATERIAL BENEFICIAL USE PROJECT, HORIZON LOOP TRAIL PHASE 1: FEASIBILITY AND CONCEPTUAL DESIGN, NATURAL GAS PIPELINE ANCHOR POINT TO HOMER, UPGRADE SYSTEM 5: VESSEL SHORE POWER AND WATER, ALASKA MARITIME ACADEMY, AND SOUTH PENINSULA HOSPITAL RFID ASSET TRACKING AND SECURITY.

Mayor Pro Tempore Wythe noted the Alaska Maritime Academy is under other projects and it raises the discussion regarding placement of non-city specific items on the CIP.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Discussion ensued on the Maritime Academy which is listed under other projects. It would not be a City of Homer holding as the structure would be under the university system or the federal maritime commission. The Chamber has taken an interest in the project and there has been discussion about the Chamber taking the lead. It would not be a city project, just supported by the City.

HOGAN/ROBERTS - MOVED TO DROP OFF THE FISHING LAGOON IMPROVEMENTS OFF THE TOP 15.

Councilmember Lewis opposed the amendment because the Fishing Lagoon helps with sales tax revenues. It may have been a bad year since the lagoon was not dredged.

Councilmember Howard expressed opposition to removing the Fishing Lagoon as it has been a proven project in our town. She asked to reconsider taking the Alaska Maritime Academy off the list until it is better organized.

Councilmember Hogan said \$200,000 towards the Fishing Hole will not change the impact in the community. We still get fish back and people throwing lines in the water. It has a budget impact since we spend a lot of money hauling carcasses. If we don't spend money to dredge, it will not make a difference with revenues.

Councilmember Howard noted we move carcasses from all the fish cleaning tables.

Councilmember Zak said if we were to move the Fishing Lagoon off the CIP, we will still dredge it.

City Manager Wrede noted he received a call last week from Fish and Game who is researching fish mortality. There was a concern why young fish in the Fishing Lagoon didn't survive. They are looking at the water depth and she was calling to get information on the dredging process.

VOTE: YES. ZAK, HOGAN, ROBERTS
VOTE: NO. WYTHER, HOWARD, LEWIS

Motion failed.

WYTHER/HOWARD – MOVED TO RECONSIDER THE MARITIME ACADEMY.

Mayor Pro Tempore Wythe stated the academy is not an item specific to the City of Homer. The City can still provide written documentation in support of the project.

Councilmember Zak commented the Chamber is behind the project and other people are moving behind the University of Alaska. We need to set a visionary goal.

VOTE: (reconsideration) YES. ROBERTS, WYTHER, HOWARD, LEWIS
VOTE: NO. ZAK, HOGAN

Motion carried.

VOTE: (to remove the Alaska Maritime Academy) YES. LEWIS, ROBERTS, WYTHER, HOWARD
VOTE: NO. ZAK, HOGAN

Motion carried.

ZAK/ROBERTS - MOVED TO MOVE ITEM 6 NATURAL GAS PIPELINE ANCHOR POINT TO HOMER ABOVE ITEMS 2, 3, 4, AND 5.

There was no discussion.

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

Motion failed.

The amendments listed above resulted in the Capital Improvement Projects for FY 2012 Legislative priorities:

1. Sewer Treatment Plant Bio-solids Treatment Improvements
2. Skyline Fire Station
3. Harbor Float Replacement/Ramp 3 Gangway & Approach Replacement
4. Port & Harbor Building
5. Fire Engine 4 Refurbishment
6. Natural Gas Pipeline Anchor Point to Homer
7. Alternative Water Source
8. Deep Water Dock Expansion, Phase 1
9. Karen Hornaday Park Improvements, Phase 1
10. Homer Intersection Improvements
11. Deep Water Dock Upland Improvements
12. Mariner Park Improvements, Phase 1
13. Fishing Lagoon Improvements
14. Upgrade System 5: Vessel Shore Power and Water
15. Kachemak Bay Tidal Power Feasibility and Conceptual Design

VOTE: (main motion as amended) YES. HOWARD, HOGAN, LEWIS, ROBERTS, WYTHE, ZAK

Motion carried.

B. **Resolution 10-79**, A Resolution of the City Council of Homer, Alaska, Determining the Area Within Which The City May Provide Water Utility Service. Zak.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 10-79 by reading of title only.

ZAK/HOGAN - SO MOVED.

Councilmember Zak expressed hope that someone may reconsider the original ordinance that gives the City the possibility to set up a water/sewer area in the future. Some folks were here that would have liked the opportunity to speak tonight. There was one letter in the packet that supported the concept. We have already done a lot of the work and he would hate to lose momentum.

Councilmember Hogan asked the attorney what it means if the resolution passes after Ordinance 10-50 failed.

City Attorney Klinkner advised the resolution is incomplete. It reports to establish the water service within the City of Homer on lots that have frontage on East End Road. It is not the entire area that receives water service. He recommends postponing the action until the service area description can be determined for the entire water service utility area. It needs updating from what is in the RCA records. Whether the resolution can stand alone without the ordinance is uncertain.

ZAK/HOGAN - MOVED TO POSTPONE UNTIL NOVEMBER 22ND TO ALLOW FOR THE SERVICE AREA TO BE DETERMINED.

There was no discussion.

VOTE: YES. ZAK, HOWARD, HOGAN, LEWIS

VOTE: NO. ROBERTS, WYTHE

Motion carried.

- C. **Resolution 10-80**, A Resolution of the City Council of Homer, Alaska, Adopting the Amended Public Arts Committee Administrative Guidelines to Incorporate Amendments to Composition, 1% for the Arts Program, Preservation, Promotion and Awareness, and De-Accessioning Sections; and to Add Sections Declaration of Purpose, Meetings, Organization and Procedures, Accession and Gift Policies, and Procedures to Propose a Donation. City Clerk/Public Arts Committee.

Memorandum 10-122 from Public Arts Committee as backup.

ROBERTS/LEWIS – MOVED FOR THE ADOPTION OF RESOLUTION 10-80.

ROBERTS/ZAK - MOVED TO POSTPONE RESOLUTION 10-80 TO THE NEXT MEETING AND PUT THIS AS A DISCUSSION ITEM ON THE COMMITTEE OF THE WHOLE. (OCTOBER 25TH)

Councilmember Roberts noted there was confusion on the document as to what is being changed. She requested a member of the Public Arts Committee attend the Committee of the Whole on October 25th.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Resolution 10-81**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Public Arts Committee Administrative Guidelines to Establish the Second Thursday at 5:00 p.m. not to Exceed Ninety Minutes as the Regular Quarterly Meeting Day, Time, and Length. City Clerk/Public Arts Committee.

Memorandum 10-123 from Public Arts Committee as backup.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 10-81 by reading of title only.

LEWIS/ROBERTS - SO MOVED.

HOGAN/ROBERTS - MOVED TO REMOVE "OF EACH MONTH" ON THE 5TH WHEREAS.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

HOWARD/ROBERTS – MOVED TO POSTPONE TO THE OCTOBER 25TH MEETING.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

E. **Resolution 10-82**, A Resolution of the City Council of Homer, Alaska, Approving the Use of the General Contractor/Construction Manager Method of Project Design and Construction Management for Designing and Constructing the Two Story Addition and Completing Renovations to the Existing City Hall Building and Authorizing the City Manager to Prepare and Issue a Request for Proposals for Services. City Manager/City Hall Renovation & Expansion Task Force.

Memorandum 10-124 from City Hall Renovation & Expansion Task Force as backup.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 10-82 by reading of title only.

LEWIS/ROBERTS - SO MOVED.

Brief discussion ensued on the draft RFP. The draft RFP was deemed complete and will be issued with approval of the resolution.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

F. **Resolution 10-83**, A Resolution of the City Council Certifying the Results of the City of Homer Regular Election Held October 5, 2010 to Elect the Mayor and Two Councilmembers. City Clerk.

Resolution 10-83(S), A Resolution of the City Council Certifying the Results of the City of Homer Regular City Election Held October 5, 2010 to Elect the Mayor and Two Council Members. City Clerk/Canvass Board.

Mayor Pro Tempore Wythe called for a motion to substitute Resolution 10-83(S) for Resolution 10-83.

HOWARD/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 10-83(S) by reading of title only.

HOWARD/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

G. **Resolution 10-84**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Kachemak Drive Water/Sewer Improvements Phase II Project to the Firm of _____ of _____, _____, in the Amount of \$_____ and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Resolution 10-84(S), A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Kachemak Drive Water/Sewer Improvements Phase II Project to the Firm of Herndon Construction, LLC of Homer, Alaska, in the Amount of \$2,572,927.89 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 10-127 from Public Works Director as backup.

Mayor Pro Tempore Wythe called for a motion to substitute Resolution 10-84(S) for Resolution 10-84.

LEWIS/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 10-84(S) by reading of title only.

HOWARD/LEWIS - SO MOVED.

Councilmember Roberts noted Herndon Construction, LLC bid responses are significantly below others. She is happy to get a low bid, but asked if there was any reason for concern.

City Manager Wrede answered that Public Works looked at the bid very closely to make sure the bidder was not overlooking anything. This bidder is more prepared than anyone. He did his homework and has a good handle on the costs.

Public Works Director Meyer added Herndon Construction has considerable experience, has done most water and sewer projects for the City, and he is confident they can complete the project as bid.

Councilmember Lewis asked about the soil replacement right afterwards, temperatures, etc.

Public Works Director Meyer answered the bid documents included the Corp of Engineers permit listing the conditions. Herndon Construction is prepared to proceed.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Alan Parks, Homer resident, invited Council to the Homer Ocean Boogie, Friday, October 15th at Alice's Champagne Palace at 6:00 p.m. It is a fundraiser for AAMC.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner commented he had spoke enough tonight.

COMMENTS OF THE CITY CLERK

City Clerk Johnson congratulated Mayor Horanday and Councilmembers Zak and Wythe for their successful victory in the election. Absentee in-person voting for the General Election opens Tuesday, October 19th.

COMMENTS OF THE CITY MANAGER

City Manager Wrede congratulated Councilmembers Zak and Wythe and Mayor Hornaday for their re-election. He looks forward to continuing to work with them. After every meeting the Mayor meets with him and is thankful he doesn't have to break any ties. It was a good meeting for the Mayor to miss. He told the Mayor to get well quick.

COMMENTS OF THE MAYOR

Mayor Pro Tempore Wythe echoed the sentiments to the Mayor. She congratulated Councilmember Zak and Mayor Hornaday and looks forward to his return for the next meeting. She thanked the voters for their continued vote of confidence in her. A young lady in the community is coordinating a Black Friday November 26th event at the Kachemak City Center. It will showcase independent consultants and local crafts persons. There will be door prizes and drawings and will offer support to local vendors.

COMMENTS OF THE CITY COUNCIL

Councilmembers Roberts congratulated the people that were re-elected. She thanked the people that ran. As to the remark there was no time for people to comment on the resolution for water/sewer services outside the city limits, the resolution was on the agenda and could be commented on at the beginning of the meeting. She would have liked to have heard from them.

Councilmember Zak reiterated congratulations to Mayor Hornaday and Councilmember Wythe and the folks who ran in the election. He recommended that more people run in the future. Going through the process you still sweat and wait for the results. He wants the voters to know they can contact anyone of us. He thanked those that voted, noting the significance of it. On November 22nd when the water and sewer comes up, folks can comment. He thanked Council for their actions on the CIP list. He would have liked to see the gas line to Homer project higher, although it is great potential for the City of Homer to realize some cost savings.

Councilmember Howard congratulated the candidates and thanked the voters and the other candidate that was running. She thanked the City Clerk's office for running a non eventful election. She wished the Mayor a speedy recovery. She thanked Mayor Pro Tempore Wythe for stepping up and running tonight's meeting. There is a special meeting on October 19th and on the 13th there is a Spit Comp Plan public hearing at 6:00 p.m. in Council Chambers. She thanked KBBI for broadcasting the meeting and wished all a good evening.

Councilmember Lewis congratulated everyone that ran. With only 21% of the voters showing up at the polls it is a bit disappointing.

Councilmember Hogan congratulated the Homer Mariner Boy's Football Team for a great season. He congratulated the Vosnesenka football team for taking State in their division. He saluted the coaches that give their time for a very worthy cause helping create good leaders.

ADJOURNMENT

There being no further business to come before the Council, Mayor Pro Tempore Wythe adjourned the meeting at 7:52 p.m. The next Regular Meeting is scheduled for Monday, October 25, 2010 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, October 25, 2010 at 5:00 p.m. Special Meetings are scheduled for Tuesday, October 19, 2010 at 6:00 p.m. and Tuesday, October 26, 2010 at 6:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____