

Session 11-34 a Regular Meeting of the Homer City Council was called to order on November 28, 2011 at 6:04 p.m. by Mayor Pro Tempore Beth 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 PLANNER ABBOD  
FINANCE DIRECTOR MAURAS  
LIBRARY DIRECTOR DIXON  
PERSONNEL DIRECTOR PETERSEN  
PORT AND HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS DIRECTOR MEYER

Mayor Hornaday has requested excusal.

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

Council met as a Committee of the Whole from 5:00 p.m. to 5:55 p.m. to discuss 2012 Budget, Memorandum 11-150 from Parks and Recreation Advisory Commission, re: 2012 Budget Request; Memorandum 11-151 from Parks and Recreation Advisory Commission, re: Construction and Installation of Vaulted Restroom Facilities at Mariner Park, and Regular Meeting Agenda items.

Mayor Pro Tempore Wythe announced the death of former Councilmember Dennis Novak and reflected on his service and commitment to the City of Homer. A moment of silence followed.

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 approved by consensus of the Council.

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

Bob Hartley, city resident, favors Resolution 11-099 as harbor improvements are needed as soon as possible.

## RECONSIDERATION

- A. **Resolution 11-099**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Draft and Submit a Revenue Bond Sale Application and Take Other Steps Necessary to Prepare for a Possible Bond Sale to Finance Construction of Six Top Priority Capital Projects Within the Homer Harbor. Howard, Lewis, Wythe.

Memorandum 11-145 from City Manager as backup.

Mayor Pro Tempore Wythe called for a motion for the reconsideration of Resolution 11-099.

HOGAN – SO MOVED.

Motion died for lack of second.

## 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 October 24, 2011. City Clerk. Recommend adoption.
- B. **Memorandum 11-146**, from Deputy City Clerk, Re: Liquor License Renewal for Café Cups and Ring of Fire Meadery.

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

ROBERTS/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## VISITORS

- A. **Rachel Lord**, Cook Inletkeeper, Alaska Clean Harbor

Rachel Lord, Outreach and Monitoring Coordinator for Cook Inletkeeper and Statewide Coordinator for the Alaska Clean Harbors Program announced the Homer harbor is the first Alaska clean harbor in the state. It is a voluntary and non regulatory program providing pollution prevention controls for local communities to protect marine resources that support coastal

economies. The Alaska Clean Harbors program leads to increased pollution prevention, increased waste reduction, substantial long term cost savings and ongoing promotion of clean boating. The City of Homer passed a resolution in 2010 endorsing Homer's participation in the program and pursuit of clean harbor certification. Deputy Harbormaster Matt Clarke dedicated time to implementing practices for a clean harbor. The efforts have paid off with the Homer harbor classified as the leader in Alaska for pollution control. It is an example of how to run a large industrial marina. Best management practices implemented in 2011 include an upgrade of ramp signage to include environmental rules and practices, establishing used zinc collection stations at the top of both tidal grids, and creating a new Alaska Clean Harbors page on the Port and Harbor's website. The harbor continues to provide satellite stations to collect used oil, oil filters, antifreeze, and used batteries. Matt, Bryan, and all the harbor staff can be proud.

Rachel Lord presented Matt Clarke, Deputy Harbormaster, the Alaska Clean Harbor certification and a flag.

Matt Clarke, Deputy Harbormaster, thanked Rachel Lord and Alaska Clean Harbors. It was a real learning experience. He reassured the community and harbor users of the City's commitment to the clean harbors pledge. We are here to provide public safety and facilitate an economy and act as stewards for our environment. They will work to improve the harbor.

A. **Peter Micciche**, President of the Boys and Girls Clubs of the Kenai Peninsula and **Kelly Cooper**, Homer Boys and Girls Club Task Force

Peter Micciche, President of the Boys and Girls Clubs of the Kenai Peninsula, has been on the board for twenty years. The club is community based. He has seen many children succeed that statistically shouldn't have, they have gone on to become leaders and have quality families. The Boys and Girls Clubs provide young people a safe place to spend non school hours. They have fun, laugh, and learn, and build new skills. Many programs are targeted to specific problems within communities. There are now six clubs on the Peninsula. The budget was \$1.7M per year and is now at \$1.5M. About .5M in federal funding has been lost and the programs must now be sustained by the community. Since 1999 the Boys and Girls Clubs of the Kenai Peninsula has invested \$1M in the Homer club. They are appreciative of the City's generosity in the past. With the school district and possible state funding we can pull this together for the kids. Mr. Micciche asked Council to pass Resolution 11-105.

Kelly Cooper, Homer Boys and Girls Club Task Force presented a slide show of the Homer club. In addition to after school care for the kids, the club provides:

- Homework assistance
- Computer labs
- Healthy snacks
- Exercise

There are 140 children participating in the local program. Support from the business community has been tremendous as employers realize the majority of our businesses employ parents with children attending the club. The Task Force has been working on:

- Fundraisers

- A pledge drive
- Grants and capital funding (a sizeable block grant can be applied for next year)

A building committee for the HERC building has been formed. It is comprised of experts Larry Shirts, Pat McNary, Jack Cushing and Rick Abboud. They have completed an initial scope of the HERC building including evaluating the general physical condition, space use, diversity and space environmental requirements, and occupancy and climatic design. They are reviewing a 1998 hazmat report on the building commissioned by the borough. We are at the stage of coming to a decision on the long-term use of the HERC building. There are several options for development. She asked for support of Resolution 11-105 and that a Worksession with Council be scheduled in the next few months.

Fundraising efforts for the Soldotna club closed a \$35,000 gap; other clubs within the peninsula are operating in the black. The gap for a summer program for the Homer club is \$67,000. They are asking for community help to narrow that gap. All clubs within the peninsula are year-round with the exception of Homer, which has missed three summer programs. Boys and Girls Clubs across the country are primarily located in school buildings. The Nikiski, Kenai, and Soldotna clubs are within school buildings. From 1988 until 2009 the fee was \$20 per child, per year. It is now \$75 per child, per year. Summer programs are \$200 per child.

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

### **A. Borough Report**

Kenai Peninsula Borough Assemblyman Bill Smith thanked Peter Micciche and Kelly Cooper for the good work they are doing for the Boys and Girls Club. Borough Mayor Mike Navarre is very supportive of the club too, and may offer assistance. Assemblyman Smith is comfortable there will be funding from the Legislature capital projects to do the design work on the Homer High School track. When money becomes available the work will begin. Civil work has begun on the solid waste transfer station. The project will bid in the spring. The Borough has received cruise ship dollars, with the City receiving 50% and the Borough 50%. The Mayor will talk to Bear Creek people about receiving money for cruise ships.

### **B. Commissions/Board Reports:**

#### **1. Library Advisory Board**

Mayor Pro Tempore Wythe announced there is one seat open on the Board and the student member seat is open.

#### **2. Homer Advisory Planning Commission**

#### **3. Economic Development Advisory Commission**

Mayor Pro Tempore Wythe announced there are three seats open on the commission.

4. Parks and Recreation Advisory Commission

a. Memorandum 11- Recommendation to Support Construction and  
Installation of Vaulted Restroom Facilities at Mariner Park.

Bumppo Bremicker, Chair of the Parks and Recreation Advisory Commission, reported a \$1,000 budget request the commission plans to use frugally, with some funds used for Park Day. The Spit Parks and Recreation Committee recommended a better restroom for Mariner Park and a change to the entrance of the park. The park receives high usage in the summer and the entrance at the curve in the road creates a dangerous situation. The committee suggested moving the entrance further toward the base of the Spit where the road is much flatter and straighter. Additionally, the committee recommended reducing the speed in that vicinity to 35 mph. There are two openings on the Parks and Recreation Advisory Commission. The commission has looked at the prospect of moving the road in Karen Hornaday Park. They anticipate having the costs by the end of November. The Wooden Boat Society has volunteered to move the red shed that is near the playground area the HoPP (Homer Playground Project) group is working on. Chair Bremicker requested Council send Resolution 11-090 back to the commission. The Kachemak Drive Path Committee is still working on the plan and hopes to provide a more focused and detailed plan for the path.

5. Port and Harbor Advisory Commission

Mark Hottmann, Port and Harbor Advisory Commissioner, reported the commission held a special meeting on November 9<sup>th</sup> to review the port bond issue. There are many steps before the bond process, including public hearings and reviewing other projects. The commission's next meeting is December 14<sup>th</sup> where they will look at more harbor projects. The pilings behind Pier One Theatre are a concern, along with provisions for big sized boats in the harbor. There is some resistance to a new harbor office.

C. Mayor's Recognition to Joe Young, Treatment Plant Operator, "Water Operator of the Year" and Todd Cook, Water/Wastewater Treatment Superintendent, "Wastewater System of the Year" Awards.

Mayor Pro Tempore Wythe presented awards and recognition to Joe Young as "Water Operator of the Year" and Todd Cook for "Wastewater System of the Year".

Mayor Pro Tempore Wythe called for a recess at 7:03 p.m. and reconvened the meeting at 7:09 p.m.

**PUBLIC HEARING(S)**

A. **Ordinance 11-41**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2012 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures).

City Manager. Introduction October 10, 2011, Public Hearings November 28 and December 12, 2011, Second Reading December 12, 2011.

Mayor Pro Tempore Wythe opened the public hearing.

Milli Martin, Homer resident, spoke in favor of the Pratt Museum that began in 1967. She asked that Council continue the current funding.

Suzanne Haines, city resident, supports continued funding of the Pratt Museum. The museum contains an amazing variety of materials and programs for the community.

Ryjil Christianson, city resident and Director of the Education Program at the Pratt Museum, advocated for funding at the current level.

Monte Davis, Homer Chamber of Commerce Executive Director, asked for \$30,000 for continued advertisement of Homer.

Mayor Pro Tempore Wythe closed the public hearing.

- B.     **Resolution 11-094**, A Resolution of the City Council of Homer, Alaska, Maintaining the City of Homer Fee Schedule at the Current Rates. City Clerk. Recommended to follow Budget Ordinance 11-41 schedule.

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

- C.     **Resolution 11-095**. A Resolution of the City Council of Homer, Alaska, Maintaining the Port of Homer Terminal Tariff No. 600 at the Current Rates. City Clerk. Recommended to follow Budget Ordinance 11-41 schedule.

Kevin Hogan, city resident, commented on the crane usage and ice rates increase of 300% over the years he has operated a business on the Spit. While he has raised his rates to his customers only 13%, one 6% rate increase resulted in the loss of 50% in business. We are beyond the point of sustaining the level of fees at the port. Tariff rates are published with the Federal Maritime Commission so they are nondiscriminatory. He questioned why he pays \$90 per hour for crane usage when a competitor pays \$24 per hour.

- D.     **Ordinance 11-43**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 14.08.037, Water Meters; Regarding the Number of Water Meters Required Per Lot. City Manager. Introduction October 24, 2011, Public Hearing and Second Reading November 28, 2011.

Memorandum 11-143 from City Manager as backup.

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

Mayor Pro Tempore Wythe called for a motion for the adoption of Ordinance 11-43 by reading of title only for second and final reading.

LEWIS/HOWARD - SO MOVED.

The ordinance will limit one meter per lot, with the exception of the Spit where multiple meters are allowed.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **ORDINANCE(S)**

- A. **Ordinance 11-44**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.14.020, Permitted Uses and Structures; 21.16.020, Permitted Uses and Structures; and 21.18.020, Permitted Uses and Structures; to Add One Detached Dwelling Unit as a Permitted Accessory Building to a Principal Single Family Dwelling in the Urban Residential, Residential Office, and Central Business Zoning Districts. Planning. Recommended dates: Introduction November 28, 2011, Public Hearing and Second Reading December 12, 2011.

Memorandum 11-154 from City Planner as backup.

Mayor Pro Tempore Wythe called for a motion for the adoption of Ordinance 11-44 for introduction and first reading by reading of title only.

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 11-45**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget by Accepting and Appropriating a Grant from The Homer Foundation in the Amount of \$4,904.00 for the Purpose of Making Energy Efficiency Improvements at the Port and Harbor Office Building. City Manager. Recommended dates: Introduction November 28, 2011, Public Hearing and Second Reading December 12, 2011.

Mayor Pro Tempore Wythe called for a motion for the adoption of Ordinance 11-45 for introduction and first reading by reading of title only.

HOGAN/LEWIS - SO MOVED.

City Manager Wrede thanked the Lentfer's for their generous donation to The Homer Foundation to help City Council implement the Climate Action Plan. Energy improvements will be made at the Port and Harbor facility until we can get a new building.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Ordinance 11-46**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2011 Operating Budget to Accept and Appropriate \$322,100 in the General Fund, the Utility Fund and the Port and Harbor Fund Operating Budgets for the Purpose of Recognizing and Accounting for State of Alaska PERS Relief Provided in 2011. City Manager/Finance. Recommended dates: Introduction November 28, 2011, Public Hearing and Second Reading December 12, 2011.

ROBERTS/LEWIS - MOVED TO ADOPT ORDINANCE 11-46.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Ordinance 11-47**, An Ordinance of the Homer City Council Amending the FY 2011 Capital Budget by Transferring \$415,873 from the City Hall / Town Center Project Construction Account to the New City Hall Expansion and Renovation Project Construction Account. City Manager/Finance. Recommended dates: Introduction November 28, 2011, Public Hearing and Second Reading December 12, 2011.

ROBERTS/LEWIS – MOVED TO ADOPT ORDINANCE 11-47.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **CITY MANAGER'S REPORT**

- A. City Manager's Report

City Manager Wrede commended Steiner Construction for their timely completion of the City Hall expansion. Tomorrow the Homer High School football team will be helping the Clerks and Finance move to the new areas. Beginning tomorrow there will be a new entrance to Finance as



the reception area will be under construction. At the break between Christmas and New Year's the other departments (Administration, Planning, and IT) will move back. The current construction budget has furniture for all public areas, but there is no money for furniture in the offices. We are putting together a list of furniture that is necessary. Some ancient pieces of furniture would look bad in the new space and some needs replacement ergonomically. Funds for new furniture could be used from the general depreciation account or money authorized from the revolving energy fund. The money already approved can be put into efficiency for the building and for furniture.

In the recent windstorms damage occurred at the dock when two fenders blew off. We plan to use cruise ship money to replace all the fenders. It needs an emergency repair. The engineers have been asked to create a design for the repairs, and an ordinance for an appropriation will be forthcoming at the next meeting. It is hoped the engineers will have the design and cost; a grant will then pay for the work.

A proposal for uses in the HERC building was provided in the supplemental packet. Community Recreation Coordinator Illg put the proposal together. Although the numbers may need to be refined, the basic concept of a community building is there. A group raising money for the Boys and Girls Club has a subcommittee looking at raising funds for the building. If used as an educational component the building may not have to meet code. Kenai Peninsula Mayor Navarre will ask the borough to look at asbestos abatement and they will talk to the Legislature about funding. Kelly Cooper mentioned a block grant that could help with the changes. Fireweed Academy was interested in building, but they would need sprinklers. We are obtaining an estimate for sprinklers. Often times landlords upfront the money for improvements and re-coop the costs through the rent.

Tsunami Warning System: after false alarms Administration recommended and Council approved local control of the siren warning system. The National Weather Service figured out how to do regional tsunami warnings and have given assurance they can do so every time. We told the Office of Emergency Management we were willing to give it a chance to see how it works. At the same time we will take measures to enhance our backup and redundancies. Right now the system is activated by internet. If the internet goes down we want the ability to set off the alarms by radio. We will have the ability to read the FIPS code (Federal Information Processing Standards), a radio frequency the antenna on the bluff receives. We will take those signals and use our own radios to broadcast that.

Ice Rink-Beluga Lake/Ben Walters Park: The City Attorney is reviewing documents to see if there is a legal obligation for the City. It will be a City Council decision since the City has not maintained an ice rink for 22 years. An ice rink was maintained for two years and then was stopped due to budget constraints. The ice rink is a liability issue. Does Council want the additional expense and liability? A non-profit may want to do the work.

City Klinkner commented the Beluga Lake ice rink may be more complex than portrayed in emails to City Manager Wrede. He has reviewed council minutes and documents relating to the transfer. There is more to it than appears on the surface. It goes back to 1983 with development of the park. It was a slowed down process due to issues with the title of the property. In May of

1983 Council adopted a resolution acknowledging and accepting the deed from Mr. Neal that included certain conditions of the property. It must be a park and access road to serve other properties adjacent to the park. There was no reference to an ice rink. Six weeks later covenants were recorded relating to the same property executed by Mr. Neal and then the City Manager. It is here that the ice rink appears, initialed by the signing parties. There is no record of where it was put before the Council. It will need further review.

Another breach of the Seawall occurred over the weekend with a structure threatened. The stabilizing ground behind it washed out exposing tie rods. After impassioned pleas, City Manager Wrede authorized Troy Jones to do a temporary repair. It was a tough decision to make since Council has said to stay away from the Seawall, but he would have had a hard time explaining a house going over the side. The Corps of Engineers (COE) say we must be involved. Council will have to decide whether to fix the Seawall fully.

City Attorney Klinkner reported he reviewed the COE regulations in the text of the permit. There is a disconnect between what the COE assumes and what the City does. The City owns only a small segment of the seawall. The issue is how to correct the permit. COE regulations provide for modification of the permit, where the owner could be corrected. He is looking into pursuing that.

**B. Games Report**

1. Homer Emblem Club 350
2. Popeye Wrestling Club
3. Share the Spirit Inc.
4. Snomads, Inc.

**CITY ATTORNEY REPORT**

City Attorney Klinkner provided a written report and offered to answer any questions. There were no questions from the Council.

**COMMITTEE REPORT**

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee

Mayor Pro Tempore Wythe announced there was one seat open.

- D. Lease Committee
- E. City Hall Renovation and Expansion Task Force

F. Port and Harbor Improvement Committee

## PENDING BUSINESS

- A. **Resolution 11-090**, A Resolution of the City Council of Homer, Alaska, Supporting the Concept and Construction of Non-Motorized Pathways to Increase the Safety for Motorized and Non-Motorized Users Along Kachemak Drive Located Within the City Limits, from the Base of the Homer Spit to East End Road. Lewis/Zak/Parks and Parks and Recreation Advisory Commission. (Referred to the Planning Commission September 12, 2011.)

Memorandum 11-152 from Planning Technician as backup.

Motion on the floor from September 12: MOTION FOR THE ADOPTION OF RESOLUTION 11-090 BY READING OF TITLE ONLY.

HOWARD/HOGAN - MOVED TO AMEND TO REMAND RESOLUTION 11-090 BACK TO THE PARKS AND RECREATION ADVISORY COMMISSION.

There was no discussion.

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

Motion carried.

## NEW BUSINESS

### RESOLUTIONS

- A. ***If reconsidered: Resolution 11-099***, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Draft and Submit a Revenue Bond Sale Application and Take Other Steps Necessary to Prepare for a Possible Bond Sale to Finance Construction of Six Top Priority Capital Projects Within the Homer Harbor. Howard, Lewis, Wythe.

Memorandum 11-145 from City Manager as backup.

Reconsideration failed under RECONSIDERATION.

- B. **Resolution 11-101**, A Resolution of the Homer City Council Adopting an Alternative Allocation Method for the FY 12 Shared Fisheries Business Tax Program and Certifying That This Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area. City Manager.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 11-101 by reading of title only.

ROBERTS/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 11-102**, A Resolution of the City Council of Homer, Alaska, Approving a Borough Area Wide Mutual Aid Agreement for Fire and Emergency Medical Services and Authorizing the City's Participation in That Agreement. City Manager/Fire Chief.

Memorandum 11-147 from Fire Chief as backup.

ROBERTS/LEWIS - MOVED TO ADOPT RESOLUTION 11-102.

Salaries of fire and emergency personnel are paid by the City. If there is not sufficient employee coverage within the city or if the budget does not permit, we do not respond. Whatever the Fire Chief does has to be within the budget already approved.

Asked about the liability, City Attorney Klinkner advised state statutes limit the liability of emergency responders called outside their jurisdiction. There is some liability assumed if responding units from Homer cause damage outside their jurisdiction. If our personnel get hurt it would be covered under workers compensation.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Resolution 11-103**, A Resolution of the City Council of Homer, Alaska, Approving the Grant Aviation, Inc. Air Carrier/Ticket Counter Sublease at the Homer Airport Terminal and Authorizing the City Manager to Sign the Appropriate Documents. City Manager.

Memorandum 11-148 from Airport Terminal Manager as backup.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 11-103 by reading of title only.

HOWARD/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- E. **Resolution 11-104**, A Resolution of the City Council of Homer, Alaska, Approving a New Lease for the Pier One Theatre for a Term of Five Years and a Rental Rate of One Dollar Per Year and Finding That it is in the Public Interest to Award the Lease Without a Competitive Bidding Process and at Less Than Fair Market Rent. City Manager/Lease Committee.

Memorandum 11-149 from City Manager as backup.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 11-104 by reading of title only.

LEWIS/ROBERTS - SO MOVED.

City Manager Wrede reported Pier One Theatre is responsible for capital upgrades. They have already made a number of improvements per the Fire Marshall. He is not sure if they are under the City's umbrella insurance policy. Pier One Theatre does not charge sales tax on tickets.

HOGAN/HOWARD - MOVED TO MAKE CERTIFICATE OF FIRE AND HAZARD INSURANCE A CONDITION OF THE LEASE.

Finance Director Mauras reported the theatre's general liability coverage is \$100,000. Their personal injury limitation of \$1M is consistent with lease requirements.

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

Motion carried.

Asked of the gross revenue of sales for the season, Lance Petersen, representative for Pier One Theatre, reported year to date gross sales are \$77,000. They have a not for profit mission to provide for performing arts. Although they currently do not charge sales tax on tickets, they could. Expenses for the non-profit are \$76,800 year to date.

HOGAN/HOWARD – MOVED TO AMEND LINE 35 BY INSERTING “CERTIFICATE OF OCCUPANCY” AFTER FIRE MARSHALL APPROVAL.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

- F. **Resolution 11-105**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Enter Into a New Short Term Lease With the Homer Boys and Girls Club and to Extend the Club's Occupancy of the Lower Level of the Homer Education and Recreation Complex Building (HERC) Until May 31, 2012. Howard/Lewis.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 11-105 by reading of title only.

HOWARD/LEWIS – SO MOVED.

ZAK/HOGAN – MOVED TO AMEND LINE 41 TO PLACE A PERIOD AFTER THE SCHOOL YEAR AND LINE 55 TO REDUCE THE RENT PER MONTH TO \$1.00.

Councilmember Zak defended the Boys and Girls Club has offered to pay \$750 per month for utilities. With the current momentum, there will be additional support for the building. The \$750 savings will benefit the Boys and Girls Club more than the City receiving the income over the five-month period.

Councilmember Howard noted the lease was proposed with the expectation of the \$750 monthly income from the Boys and Girls Club. It would take away a lot of the pride, ownership, and momentum by reducing the rent.

VOTE: (amendment) YES. ZAK, HOGAN

VOTE: NO. ROBERTS, WYTHER, HOWARD, LEWIS

Motion failed.

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

Motion carried.

- G. **Resolution 11-106**, A Resolution of the Homer City Council Directing the City Manager to Develop a Budget, Scope, and Schedule for the Waddell Way Road Improvement Project. Roberts/Transportation Advisory Committee.

ROBERTS/HOGAN - MOVED TO ADOPT RESOLUTION 11-106.

HART (Homer Accelerated Roads and Trails Program) money is to be used for the model extension. There will be no LID (Local Improvement District) for the Lake Street to Heath Street east to west road that affects two property owners. The resolution authorizes planning for the project.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- H. **Resolution 11-107**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply for and Accept Special Act Appropriations Project (SAAP) Funds in the Form of a Grant (45% Matching Requirement) in the Amount of \$485,000 for the Purpose of Completing the Kachemak Drive (Phase II) Water & Sewer Improvements Project. City Manager/Public Works Director.

Memorandum 11-153 from Public Works Director as backup.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 11-107 by reading of title only.

HOWARD/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- I. **Resolution 11-108**, A Resolution of the City Council of Homer, Alaska, Finding the Need to Create the Crittenden Drive Reconstruction and Paving Local Improvement District (LID) and Setting a Public Hearing for January 23, 2012. City Clerk.

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 11-108 by reading of title only.

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **COMMENTS OF THE AUDIENCE**

Peter Micciche, Soldotna Mayor, thanked Council for their support on Resolution 11-105. He is looking forward to working with the community to make it work for the long term.

Mark (last name indiscernible) expressed his condolences for Dennis Novak. He was one of the good guys that everyone knew.

Kelly Cooper, Homer resident, thanked Council and the City Manager for supporting the Boys and Girls Club.

## **COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner no comment.

## **COMMENTS OF THE CITY CLERK**

City Clerk Johnson had no comment.

## **COMMENTS OF THE CITY MANAGER**

City Manager Wrede had no comment.

## **COMMENTS OF THE MAYOR**

Mayor Pro Tempore Wythe thanked the Boys and Girls Club for coming and presenting. She looks forward to their future success.

## **COMMENTS OF THE CITY COUNCIL**

Councilmember Roberts congratulated the Public Works Department for winning the water awards. It is a wonderful thing for our water and sewer system. There is great water here because of our employees. She was very saddened by the passing of Dennis Novak. He was a mentor to her and a good person who cared about Homer. He was very interested in the community and did a lot for the community. She misses him already.

Councilmember Howard expressed appreciation to Todd Cook, Joe Young, Bryan Hawkins, and Matt Clarke who did us proud. She thanked them for their wonderful achievements. It is exciting that Homer is the first clean harbor. She thanked Beth for her leadership. It was great meeting management, thoughtful, and efficient.

Councilmember Zak expressed appreciation for Councilmember Novak who always had a smile on his face no matter what you talked to him about. He always listened. He has a clear image of him, a good image. He cared about our community and gave. He thanked the people that showed up tonight and the different roles they play in the community. It was full of students tonight learning about city council. He liked listening to Mayor Micciche and hearing of the changes on the federal level. We are left with the pieces at the community level. We are seeing families move away. Unless we provide structure locally there may be a tendency for families to move to large cities. Councilmember Zak puts a high mark on high community value. Millie did a good job with the history of the Pratt Museum and its progression over the years. Ryjil talked about no funding for utilities at the Pratt through the grant process. He got a lot out of tonight's meeting. He offered more thoughts out to Dennis and his family; Dennis has a sister.

Councilmember Lewis offered condolences to Dennis's family. He offered congratulations to water and sewer and the harbor. Events for the upcoming weekend include the Nutcracker fair, the ski meet on Lookout Mountain, and games at the rink with the high school on Thursday, Friday, and Saturday afternoon.



Councilmember Hogan explained he issued reconsideration on the harbor bond resolution out of respect to the Port and Harbor Advisory Commission, not anything against the project or the committee's report. They indicated they needed more input. We appreciate our boards and commissions. He will miss the twinkle in Dennis Novak's eye; it was always there. He congratulated Todd Cook, Joe Young, and Matt Clarke for their awards. He also congratulated Bob Moss who was honored by the United Fishermen of Alaska with a lifetime achievement award. He is a true gentleman.

## **ADJOURNMENT**

There being no further business to come before the Council, Mayor Pro Tempore Wythe adjourned the meeting at 8:37 p.m. The next Regular Meeting is scheduled for Monday, December 12, 2011 at 6:00 p.m. The next Committee of the Whole is scheduled for Monday, December 12, 2011 at 5:00 p.m. A Special Meeting is scheduled for Monday, December 12, 2011 at 4:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

---

JO JOHNSON, CMC, CITY CLERK

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