

ACTION AGENDA

**April 9, 2012
Special Meeting
Committee of the Whole
Regular Meeting**

SPECIAL MEETING AGENDA

Session 12-10 a Special Meeting of the Homer City Council was called to order on April 9, 2012 at 4:02 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: HOWARD, LEWIS, ROBERTS, WYTHER, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER

- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

The agenda was amended and approved to substitute Memorandum 12-053(A) for Memorandum 12-053 and to hear the Seawall matter in an open forum.

3. NEW BUSINESS

- A. **Memorandum 12-053**, From City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310 (a-c)(1) & (3) Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Public Entity; and Matters Which by Law, Municipal Charter, or Ordinance are Required to be Confidential. (Kazan Property)(Seawall)(Personnel Staffing).

Memorandum 12-053(A), From City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310 (a-c)(1-3)Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Public Entity (Settlement Negotiations with Nicholas Kazan); and Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Public Entity(Contracting for Services with Another Municipality).

APPROVED Memorandum 12-053(A) without discussion and included the Fire Chief and Police Chief in the Executive Session.

Council adjourned to Executive Session at 4:05 p.m. and reconvened the meeting at 5:49 p.m.

Mayor Pro Tempore Wythe stated Council met with the attorney and staff and provided direction for both the Kazan property and outsourcing topics.

B. Seawall

City Manager Wrede reported the Council has consistently taken the position the City does not own the Seawall and is not responsible to maintain or repair the wall. Recently that is an issue because we are no longer working with the property owners to maintain the wall. Based on the permit issued in 2002 the Corps is requiring the City to maintain and repair the wall. We applied for an amendment to the permit and the Corps has left the door open for the City to cease maintaining the wall. The Corps has issued four options for the Seawall and will hold a public hearing. The City prefers option B or C. Option B means the City is no longer responsible for maintenance and repair except for sections of the wall that protect public owned property. Option C includes the same language as Option B, except that the permit itself would be transferred to the property owner. City Manager Wrede asked that Council advise if they would like him to comment beyond what he has done so far.

4. COMMENTS OF THE AUDIENCE

There were two who commented.

5. ADJOURNMENT NO LATER THAN 4:50 P.M.

Mayor Hornaday adjourned the meeting at 4:57 p.m.

COMMITTEE OF THE WHOLE AGENDA

1. CALL TO ORDER, 5:00 P.M.

Mayor Hornaday called the meeting to order at 5:00 p.m.

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

The agenda was approved by consensus of the Council.

- 3. City Council Applicants, 5 minutes each.**
- Sharon Minsch
 - Don Stead
 - Beauregard Burgess

Applicants for the City Council seat each spoke.

- 4. Presentation by Port and Harbor Improvement Committee, Port and Harbor Revenue Bond Project Plan, 15 minutes.**

Port and Harbor Director Hawkins provided a PowerPoint on the proposed improvement projects for the harbor.

5. REGULAR MEETING AGENDA

6. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

7. ADJOURNMENT NO LATER THAN 5:50 P.M.

Mayor Hornaday adjourned the meeting at 5:43 p.m.

REGULAR MEETING AGENDA

Session 12-11 a Regular Meeting of the Homer City Council was called to order on April 9, 2012 at 6:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: BURGESS, HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
ACCOUNTING SUPERVISOR MOORE
CITY PLANNER ABOUD
LIBRARY DIRECTOR DIXON
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

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

2. 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 with the following changes:

CONSENT AGENDA -Memorandum 12-056, from Mayor, Re: Appointments of Ken Castner, Bob Howard, Sharon Minsch, Lloyd Moore, Terry Yager, and Councilmember Mary E. (Beth) Wythe to the Water and Sewer Rate Task Force; Written public comments; **RESOLUTIONS** -

Resolution 12-032(A), A Resolution of the City Council of Homer, Alaska, Awarding a Term Contract for Water and Sewer Professional Engineering Services to the Firms of Bristol Engineering Services Corporation and to CRW Engineering Group, LLC, both of Anchorage, Alaska, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director; Memorandum 12-061(A) from Public Works Director as backup.

New Business items A & B were moved to follow Public Comments Upon Matters Already on the Agenda.

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There was one who commented.

NEW BUSINESS

- A. **Memorandum 12-058**, from City Clerk, re: Selection/Appointment of Councilmember to Fill Vacancy.

By secret ballot Council selected Beauregard Burgess to fill the vacant council seat.

- B. **Oath of Office to New Councilmember**

Memorandum 12-059 from City Clerk as backup.

Beauregard Burgess was sworn the Oath of Office by City Clerk Johnson and took his seat.

4. RECONSIDERATION

5. CONSENT AGENDA

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

- A. Homer City Council unapproved Regular Meeting minutes of March 27, 2012. City Clerk. Recommend adoption.
- B. **Memorandum 12-054**, from Deputy City Clerk, Re: Liquor License Renewal for Harbor Grill and Fresh Sourdough Express.
- C. **Memorandum 12-055**, from Mayor, Re: Appointments of Michael Stockburger to the Port and Harbor Advisory Commission, Lars Bell to the Parks and Recreation Advisory Commission, and Reappointment of Monica Cogger to the Library Advisory Board.

- D. **Memorandum 12-056**, from Mayor, Re: Appointments of Ken Castner, Bob Howard, Sharon Minsch, Lloyd Moore, Terry Yager, and Councilmember Mary E. (Beth) Wythe to the Water and Sewer Rate Task Force.

AMENDED to POSTPONE Memorandum 12-056 to April 23 meeting.

Items A-C APPROVED.

6. VISITORS

- A. **Representative Seaton**, Legislative update

Representative Seaton provided an update on the Legislative Session.

- B. **Joy Steward**, The Homer Foundation, City of Homer Grants Program, 10 minutes.

Joy Steward provided a report on the City's Grants Program that The Homer Foundation administers.

- C. **Kevin Smith**, Executive Director, and **Sean Dewalt**, Risk Control Specialist, Alaska Municipal League/Joint Insurance Association, and **Greg Russell**, Russell Consulting - Safety Measures and Insurance Issues on the Homer Playground Project (HoPP), 10 minutes.

Memorandum 12-057 from AML/JIA, re: Proposed Risk Management Plan for the Homer Playground Project.

Kevin Smith, Executive Director, and Sean Dewalt, Risk Control Specialist, Alaska Municipal League/Joint Insurance Association provided an overview of the measures that will be taken to protect the City's liability during the build week at Karen Hornaday Park.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. **Mayor's Proclamation** – National Library Week – April 8 – 14, 2012

Mayor Hornaday read and presented the proclamation to Library Director Ann Dixon.

- B. Borough Report

Kenai Peninsula Borough Assemblyman Smith congratulated Beau and told him not to forget to file with APOC. There is money for the Homer High School track and Mayor Navarre is working hard to get the Homer gas line project moving forward. The Assembly has discussed the school district budget and Mayor Navarre will propose to fund the entire request of the KPB school district, \$1.7M more than received last year. There is a proposal before the Assembly to appoint members to the area's service boards instead of electing them. Because service areas

were formed by an election and boards formed by each area, Assemblyman Smith believes the decision should be made by the voters. The matter will come back to the Assembly in May, sufficient time to place it on the fall ballot. He expressed hope that Ordinance 12-15 is passed this evening. It is important that LIDs are formed for natural gas; it is important for the community to push forward and make natural gas happen.

Mayor Hornaday announced there are several openings in police dispatch, \$17 to \$23 per hour with benefits.

C. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission
5. Port and Harbor Advisory Commission

Port and Harbor Advisory Commissioner Bob Hartley provided a report on the commission's latest business to include support of a CUP application by Brad Faulkner and providing information to Community and Economic Development Coordinator Katie Koester on the port improvement projects. Mrs. Koester will apply for grants with matching funds from the State. Tariff revisions to support the bond issues were presented to the commission with lively discussion. Those revisions will again be discussed at the commission's April 25th meeting. Mr. Hartley urged anyone who is a harbor user to attend the meeting, as there is a rate increase package for everyone. Commissioner Hottmann submitted his resignation. He will be missed by the commission due to his extensive knowledge of harbor issues. Members of the public commented on the need for fresh water in the winter for charters, the need to control seagulls around the cleaning station, and the need for repairs for the launch ramp.

8. PUBLIC HEARING(S)

- A. Ordinance 12-01(S)(A),** An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.60.040, Definitions; Homer City Code 21.60.060, Signs Allowed on Private Property With and Without Permits; Homer City Code 21.60.070, Permits Required; Homer City Code 21.60.080 Design, Construction, and Maintenance; Homer

City Code 21.60.090, Signs in the Public Right-Of-Way; **Homer City Code 21.60.095, Electoral Signs**; Homer City Code 21.60.100, Signs Exempt from Regulation Under this Chapter; Homer City Code 21.60.110 Signs Prohibited Under this Chapter; Homer City Code 21.60.130, Temporary Signs-Private Property; Homer City Code 21.60.150, Time of Compliance-Nonconforming Signs and Signs Without Permits; and Homer City Code 21.60.170, Enforcement and Remedies; and Repealing ~~Homer City Code 21.60.095, Electoral Signs~~; Homer City Code 21.60.120, General Permit Procedures; Homer City Code 21.60.140, Temporary Signs-Public Rights-Of-Way; and Homer City Code 21.60.160, Violations; Regarding the Regulation of Signs. Planning/City Attorney. Recommended dates: Public Hearing and Second Reading April 9, 2012.

Memorandum 12-007 and 12-051 from City Planner as backup.

Memorandum 12-008 from City Attorney as backup.

Memorandum 12-048 from Economic Development Advisory Commission as backup.

There were four who testified.

AMENDED: Line 371 to strike out “of not more than 14 days in a 90 day period, which days shall be designated on the sign permit.”

ADOPTED with discussion.

- B. **Ordinance 12-15**, An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting HCC Chapter 17.04 Regarding Special Assessment Districts. Lewis/City Manager. Introduction March 27, 2012, Public Hearing and Second Reading April 9, 2012.

There were three who testified.

ADOPTED with discussion.

- C. **Resolution 12-023**, A Resolution of the City Council of Homer, Alaska, Amending the Fee Schedule for Port and Harbor Long Term Parking Fees. City Clerk/Port and Harbor Advisory Commission. Public Hearing April 9, 2012.

Memorandum 12-050 from Port and Harbor Director as backup.

There was no public testimony.

ADOPTED without discussion.

- D. **Resolution 12-024**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 to Provide for Long Term Parking Fees. City Clerk/Port and Harbor Advisory Commission. Public Hearing April 9, 2012.

Memorandum 12-050 from Port and Harbor Director as backup.

There was no public testimony.

ADOPTED without discussion.

9. ORDINANCE(S)

10. CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Wrede reported the Public Arts Committee has been doing a lot of work at City Hall placing art within. There is the new art with the 1% for arts and there is quite a collection of public art. The committee expressed an interest in hearing Council's ideas for an open house. They would like to be involved to help plan it. The committee recommended it should not be done in conjunction with First Friday; it should be a stand alone event. The suggested date is Friday, May 18 with an all day open house or a special evening event.

Council suggested the event be held in the evening to cause the least interruption to employees' work day. It was recommended refreshments be confined to a designated area to prevent spillage throughout the building.

An emergency ordinance will be forthcoming for the damaged piles supporting floats in the harbor.

Ordinance 12-15 made amendments to the LID process already within city ordinance. It is more concise and shortened things up.

The Homer Playground Project (HoPP) will ask that everyone working on the project sign a release of liability. There will be several different documents to relieve the City's liability for child care and work on the project. The AML/JIA risk manager will also be on site. We are trying to reduce the level of exposure.

The rules were suspended to allow Representative Seaton to provide his report via Skype.

Representative Seaton reported he is happy Council passed Ordinance 12-15. This year's session is unusual, as normally Senate puts items in their capital budget and a little discretionary money. The Homer High School track and the Anchor Point to Baycrest Hill road reconstruction projects are in the Senate budget, but larger priorities including the gas line to Homer are not in the budget thus far.

Mayor Hornaday expressed his disappointment at the Senate as we were assured projects would be in the budget and they are not. Representative Seaton answered there are internal politics on the Senate side and so far our priorities are not in there.

- B. Bid Report
- C. Games Report
- D. Records Inventory Report
- E. Other

11. CITY ATTORNEY REPORT

City Attorney Klinkner asked for questions to his written report. There were no questions from Council.

12. COMMITTEE REPORT

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee
- E. Port and Harbor Improvement Committee
- F. Employee Committee Report

13. PENDING BUSINESS

14. NEW BUSINESS

- A. **Memorandum 12-058**, from City Clerk, re: Selection/Appointment of Councilmember to Fill Vacancy.

- B. **Oath of Office to New Councilmember**

Memorandum 12-059 from City Clerk as backup.

(HEARD EARLIER)

15. RESOLUTIONS

- A. **Resolution 12-029**, A Resolution of the City Council Approving the City of Homer 2012 Land Allocation Plan. Mayor/City Council.

Memorandum 12-041 from Economic Development Advisory Commission as backup.

Memorandum 12-042 from Parks and Recreation Advisory Commission as backup.
Memorandum 12-043 from Library Advisory Board as backup.
Memorandum 12-044 from Lease Committee as backup.
Memorandum 12-045 from Port and Harbor Advisory Commission as backup.
Memorandum 12-046 from Planning Commission as backup.

ADOPTED without discussion.

- B. **Resolution 12-030**, A Resolution of the City Council of Homer, Alaska, Authorizing the Formation of the Crittenden Drive Road Reconstruction and Paving Improvement Assessment District and Authorizing the City Manager to Proceed With the Preparation and Construction of the Reconstruction and Paving Project. City Clerk.

ADOPTED without discussion.

- C. **Resolution 12-031**, A Resolution of the City Council of Homer, Alaska, Awarding a Term Contract for Road, Trail, and Drainage Professional Engineering Services to the Firms of Kenney Engineering, LLC of Anchorage, Alaska, and Nelson Engineering of Kenai, Alaska, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

Memorandum 12-060 from Public Works Director as backup.

ADOPTED without discussion.

- D. **Resolution 12-032**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Water and Sewer Projects Engineering Design Services Term Contracts to the Firms of _____ of _____, _____, and _____ of _____, _____, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

Memorandum 12-061 from Public Works Director as backup.

Resolution 12-032(A), A resolution of the City Council of Homer, Alaska, Awarding a Term Contract for Water and Sewer Professional Engineering Services to the Firms of Bristol Engineering Services Corporation and to CRW Engineering Group, LLC, both of Anchorage, Alaska, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

SUBSTITUTE RESOLUTION 12-032(A) ADOPTED without discussion.

16. COMMENTS OF THE AUDIENCE

There was one who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner congratulated Councilmember Burgess on his appointment.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson congratulated Councilmember Burgess too.

19. COMMENTS OF THE CITY MANAGER

City Manager Wrede congratulated Councilmember Burgess too.

20. COMMENTS OF THE MAYOR

Mayor Hornaday welcomed Councilmember Beauregard Burgess, telling him he had as interesting name as Hornaday.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Wythe welcomed Beau, and congratulated Katie on her new baby.

Councilmember Lewis congratulated Beau and Katie and thanked the Friends of Homer Library for a wonderful weekend.

Councilmember Zak congratulated Beau and Katie and thanked the other two community members who put their hats in the ring for the City Council. All three applicants were well qualified.

Councilmember Roberts welcomed Beau and thanked Sharon and Mr. Stead for putting their hat in the ring. It is not an easy choice to choose between qualified people. The voters will have their choice in the fall. She thanked all three candidates for giving Council the choice tonight.

Councilmember Howard thanked the city council candidates and the water and sewer task force candidates. She welcomed Councilmember Burgess and is glad he is sitting next to her. She thanked the Public Works Department for having the streets looking good. She plans to bring forth a land allocation remedy so Council will not need to see the 100 pages of maps again.

Councilmember Burgess thanked fellow councilmembers and the people that showed up. He thanked the other two people that threw their hat into the ring. As to signage, it was a conflicting road to get here. His concern was with legislating things that would be difficult to enforce from a time standpoint. He will do his best.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:27 p.m. The next Regular Meeting is Monday, April 23, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. Worksessions are scheduled for April 16 and 30, 2012 from

5:00 to 7:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.