

ACTION AGENDA
Monday, April 23, 2012
Special Meeting
Committee of the Whole
Regular Meeting

Session 12-12 a Special Meeting of the Homer City Council was called to order on April 23, 2012 at 4:00 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

ABSENT: COUNCILMEMBERS: ZAK (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON

Councilmember Zak has requested excusal.

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. **NEW BUSINESS**

- A. **Memorandum 12-062**, 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).

APPROVED without discussion.

Council adjourned to Executive Session at 4:03 p.m. and reconvened the meeting at 4:20 p.m.

Mayor Pro Tempore Wythe stated Council met with the City Manager and he has been authorized to reimburse Mr. Kazan for the cost of survey fees to facilitate easement access.

4. **COMMENTS OF THE AUDIENCE**

There were no comments of the audience.

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

Mayor Hornaday adjourned the meeting at 4:21 p.m.

COMMITTEE OF THE WHOLE AGENDA

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

Councilmember Zak has requested telephonic participation.

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. Linda Anderson & Yuri Morgan, Anderson Group, Lobbyists

4. REGULAR MEETING AGENDA

5. COMMENTS OF THE AUDIENCE

There were two who commented.

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

Mayor Hornaday adjourned the meeting at 5:58 p.m.

REGULAR MEETING AGENDA

Session 12-13 a Regular Meeting of the Homer City Council was called to order on April 23, 2012 at 6:06 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 (telephonic)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY PLANNER ABBOD
Port and Harbor Director Hawkins

Councilmember Zak has requested telephonic participation.

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: **RECONSIDERATION - Ordinance 12-01(S)(A)**, Regulation of Signs. Written public comment; **COMMITTEE REPORT - Memorandum 12-070**, from Public Arts Committee, Re: Baycrest Overlook Improvement Gateways Project and **Memorandum 12-071**, from Public Arts Committee, Re: Request for Support for Funding Contribution for the Baycrest Overlook Improvement Gateways Project.

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were 18 who commented.

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

4. RECONSIDERATION

A. Reconsideration issued by Councilmember Roberts:

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 21.60.120, 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.

FAILED with discussion.

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 Special and Regular Meeting minutes of April 9, 2012. City Clerk. Recommend adoption.

- B. **Memorandum 12-063**, from Mayor, Re: Reappointment of Trina Fellows and Michele Miller to the Public Arts Committee.
- C. **Resolution 12-033**, A Resolution of the City Council of Homer, Alaska, Authorizing Lease Negotiations for Lot 88-3 on the Homer Spit Between the City and William Sullivan, dba Dockside II, and Finding that Awarding a New Lease to the Current Lessee Without a Competitive Bidding Process is in the Public Interest. City Manager/Lease Committee.

Memorandum 12-064 from Lease Committee as backup.

APPROVED with discussion.

6. VISITORS

A. **Representative Paul Seaton**, Legislative Update

Representative Seaton reported he is staying busy in Juneau with the special legislative session. Passed by the Senate and House are a number of road projects including Anchor Point to Baycrest, Greer Road, and Kachemak City roads. The Homer track, Homer gas line, Fishing Lagoon improvements, Diamond Ridge fire station, Pratt Museum design, mariculture projects, I-pod project with the schools, and the Kachemak Bay Campus are all in the budget to be forwarded to the Governor.

Mayor Hornaday commended Representative Seaton for his good work, noting the harbor improvements were turned into statewide transportation projects.

Representative Seaton reported the Seldovia harbor is slated for funding since it had matching funds. In the future he will look for more cruise ship projects along with other possibilities for the harbor.

B. **Linda Anderson & Yuri Morgan, Anderson Group, Lobbyists**

Linda Anderson, City Lobbyist, provided an overview of the legislative session. She is hopeful about the sessions and dialogue on behalf of Homer. Revenue sharing funds were increased \$5M more than last year. As the State makes more money they share revenue dollars with municipalities. Although they would have liked to see support from the Governor's budget going in, Homer did not receive any projects. She encouraged City Council to use an aggressive strategy to get funding at the beginning of the Governor's budget process in October. It is always easier if the Governor puts the money in first before the session begins in Juneau. The fact that Homer received \$6.5M in cruise ship money last year was touted as a reason that Homer did not get port and harbor money this year. Mrs. Anderson suggested large port and road projects be addressed early in the process as it may take a few years to receive funding. The gas line funds are hugely important to Homer. The entire state knows and hopefully the Governor. She encouraged a few councilmembers to meet with the Governor after the special session ends to let him know the effort and personal financial contributions. When the capital budget is transmitted

from the Legislative body to the Governor he has 30 days to decide which projects remain within the budget. She encouraged the communication with the Governor the first part of June.

C. **Jenny Martin**, Families First, Week of the Young Child

Lolita Brache and Bonnie Betley provided information on Families First and the Week of the Young Child. Early education services are vital for young children to ensure their wellbeing.

D. **Megan Murphy & Esther Hammerschlag**, Mobilizing for Action through Planning & Partnerships (MAPP), Community Health Improvement Project and Homer Prevention Project, 10 minutes.

Megan Murphy and Esther Hammerschlag made a presentation of the two related projects: MAPP and the Homer Prevention Project. Both programs will provide economic and physical health to the community based on a national public health framework. Data collection began in November 2008 and community visioning meeting followed. Priority themes and workgroups were identified. The object is to provide a proactive, resilient, innovative community.

The Homer Prevention Project is a five step process:

1. Data collection & needs assessment
2. Build community capacity to implement prevention efforts
3. Strategic planning
4. Implementation of environmental prevent strategies
5. Evaluation of project

An advisory workgroup is being formed with the first meet April 27th from 8:00 to 10:00 a.m. at the college.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. **Mayor's Proclamation** – Week of the Young Child - April 21 - 28, 2012

Mayor Hornaday read the proclamation and presented it to Jenny Martin.

B. **Mayor's Proclamation** – Municipal Clerks Week - April 29 - May 5, 2012

Mayor Hornaday read the proclamation and presented it to City Clerk Jo Johnson.

C. Borough Report

D. 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 and Dave Brann, Parks and Recreation Advisory Commissioners, reported on Resolution 11-090. The commission worked on the resolution and sent it to Council who referred it to the Planning Commission. Backup for the substitute resolution included a proposed funding plan and preliminary engineering plan for the Kachemak Drive path. The trail options were simplified with a trail off the road that is built in utility easements. Funding would be available with Homer Accelerated Roads and Trails (HART) funds; \$100,000 to \$120,000 goes in the trail portion of the HART fund each year. They suggest using those funds. It may take ten years of funding, but it is a priority project connecting East Road past the Spit. It is a big safety issue for people riding bikes. The path would be built on utility easements, not in the DOT right-of-way. With a lot of volunteers working hard it could save a lot of money. The Kachemak Drive Path Committee has worked hard on the project, along with Kevin Walker, a retired state road engineer, who did the mapping.

Also suggested was the sale of a city lot on Kachemak Drive, KPB parcel number 179-100-01 assessed at \$38,100. It could be sold and the funds utilized for the project. Other funds may come from The Homer Foundation, Rasmussen Foundation, Alaska Trails Initiative Grant, private donations, fundraisers, a STIP project, and a series of corporate grants.

The context of the path has already been approved by City Council in the Non Motorized Trails and Transportation Plan (NMTTP) and the CIP. The committee is looking for support to start the process. They are not asking the City to obligate anything more than what is in the HART funds. The trail will be an 8 ft. wide compacted gravel path, not a paved path. In the future it could be paved if that was thought to be the best option.

Much of the proposed trail information was not included with the council packet; therefore, Council was not properly informed on the trail.

The trail would be ADA accessible with one area requiring a 3 to 5 degree slope. All plans for the trail are in the NMTTP. Commissioner Brann relies on a trail design manual for the state of Minnesota. The committee has been working on bike signage on Kachemak Drive, to provide four signs with one on each end and two in the middle. They are hopeful they can get sign posts up by June. New commissioner Lars Bell is welcomed to the commission. They still have one opening on the commission. Additionally they are working on the Karen Hornaday Master Plan that includes trails around the park, a bridge connection, the campground, and the day use area. The Kachemak Bay Rotary Club through the Adopt-a-Park Program painted the bathrooms at Ben Walters Park.

5. Port and Harbor Advisory Commission

8. PUBLIC HEARING(S)

9. ORDINANCE(S)

A. If reconsidered:

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 21.60.120, 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.

Ordinance 12-01(S)(A) was not reconsidered.

B. **Emergency Ordinance 12-17**, An Emergency Ordinance of the City Council of Homer, Alaska, Appropriating \$30,000 from the Port and Harbor Reserves to Make Emergency Repairs and/or Replace Damaged Float Piles in the Homer Harbor and Authorizing the City Manager to Execute a Change Order to the Existing Contract with Pacific Pile and Marine to Conduct the Harbor Float Piling Repair and Replacement Work in an Amount Not to Exceed \$30,000. City Manager.

Memorandum 12-068 from Port and Harbor Director as backup.

ADOPTED without discussion.

Scheduled for PUBLIC HEARING AND SECOND READING May 14.

C. **Ordinance 12-18**, An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget to Allow for the Completion of the 2012 Streets Repaving Project Utilizing Homer Accelerated Roads and Trails Program (HART) Funds in an Amount Not to Exceed \$900,000. City Manager/Public Works Director. Recommended dates: Introduction April 23, 2012, Public Hearing and Second Reading May 14, 2012.

Memorandum 12-065 from Public Works Director as backup.

ADOPTED without discussion.

10. CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Wrede referenced the many projects that include completion of the Spit trail, staging areas for cruise ship passengers, and restrooms. Now is the time for Council to begin a serious dialogue about the gas line. The process will be a workshop, community forums, and ways to get information to the public. We need Enstar at the workshop with a build out of the project. Council needs to make a decision if the City will help participate in financing the build out. Kachemak City is currently in the objection/comment period of their LID. They have spoken to the bond bank and the amount of the money they wish to borrow is not enough on their own. The Homer and Kachemak City gas line projects could be combined. It would be good for us to have a plan in effect by early fall. Enstar would then know and could start the project next summer.

Councilmember Roberts asked if Enstar's cost estimates on the three different ways to provide natural gas to Homer would be provided at the worksession. The first worksession could be scheduled for Monday, June 4th.

Asked by Councilmember Lewis what was going to be done with the dead trees along Pioneer Avenue, City Manager Wrede answered he did not have a good sense of the damage the moose have done. There is a budget for landscaping along Pioneer Ave. generally used for flowers that could replace trees.

B. Bid Report

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

A. Public Arts Committee

1. Memorandum 12-070 from Public Arts Committee, Re: Baycrest Overlook Improvement Gateways Project.
2. Memorandum 12-071 from Public Arts Committee, Re: Request for Support for Funding Contribution for the Baycrest Overlook Improvement Gateways Project.

B. Transportation Advisory Committee

C. Permanent Fund Committee

D. Lease Committee

E. Port and Harbor Improvement Committee

Port and Harbor Improvement Committee Chair Barbara Howard reported the committee has been very busy. On April 19th they had a public hearing and had seven speakers. On Wednesday, April 25th Councilmember Wythe, Harbormaster Hawkins, and City Manager Wrede will be on KBBI's Coffee Table at 9:00 a.m. That evening the Port and Harbor Advisory Commission has a

public hearing at 5:00 p.m. There is a question and answer fact sheet available. A presentation to City Council is scheduled for May 14th.

F. Employee Committee Report

13. PENDING BUSINESS

A. **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.

Memorandum 12-069 from City Clerk as backup.

APPROVED with discussion.

Councilmember Howard was also appointed to the task force.

B. **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.

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

POSTPONED to May 14.

14. NEW BUSINESS

15. RESOLUTIONS

A. **Resolution 12-034**, A Resolution of the City Council of Homer, Alaska, Urging the North Pacific Fishery Management Council to Adopt Measures that Reduce the Halibut Prohibited Species Catch in the Gulf of Alaska Groundfish Fisheries. Lewis.

ADOPTED without discussion.

B. **Resolution 12-035**, A Resolution of the City Council of Homer, Alaska, Approving a New Five Year Lease at the Homer Airport Terminal for Hertz / Pioneer Car Rentals Inc. and Authorizing the City Manager to Execute the Appropriate Documents. City Manager.

Memorandum 12-066 from City Manager as backup.

ADOPTED without discussion.

- C. **Resolution 12-036**, A Resolution of the City Council of Homer, Alaska, Approving a New Short Term Lease (Six Months) for Peninsula Scrap and Salvage on a Portion of Lot 12, Homer Spit Subdivision No. 5 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager.

Memorandum 12-067 from City Manager as backup.

ADOPTED without discussion.

16. COMMENTS OF THE AUDIENCE

There were two who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

19. COMMENTS OF THE CITY MANAGER

City Manager Wrede responded to Don McNamara's comments. He doesn't think the City Council wants to keep the Special Service District (SSD) going regardless of what the Corps does. If the Corps rules the way the Council is hoping it will, there may not be any need for a SSD. He doesn't have the authority to let McNamara's out of the district; Council will need to make that decision. As to the sign code, the Planning Commission worked a lot on the ordinance and accomplished a lot of positive things. Most of it was overlooked due to the discussion on the sandwich boards. The commission liberalized the amount of signage on the boardwalks. The signage was based on a per lot basis; it is now based on a per business basis.

20. COMMENTS OF THE MAYOR

Mayor Hornaday appreciates the good work of the Planning Commission. He welcomed sweet springtime with the eagles building a nest in a different tree across from the post office. The swans and the cranes are back and he even saw eagles making love on Beluga Slough.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Wythe thanked Francie for bringing the sign ordinance back for reconsideration. She recognizes her concerns of feeling there was inadequate input after a substantial change. Even though the reconsideration of the ordinance was not approved we received more input tonight with different things. She thanked Sue Post for her comments of not supporting the

sandwich board signs. She thanked the guests for talking to us about the early childhood development, and the reminder of how many infants need childcare. She thanked the Clerks for providing support to the Council, commissions, committees, and the community.

Councilmember Lewis echoed Beth's comments.

Councilmember Zak thanked Council for allowing him to participate by phone. There was a lot of good testimony.

Councilmembers Roberts and Howard had no comment.

Councilmember Burgess thanked the Clerks for their efforts in informing the public. He reiterated the socio and economic import of investing in our young children. It is a stitch in time saves nine sort of thing. He supports the halibut bycatch limits being lowered, a big issue for local people. He thanked the local businesses and Chamber for showing up to speak about the sign ordinance. We can be a pro-business city council and be pro Homer at the same time. He would like to open the dialogue about the gas line and distribution. The City Council needs to take the lead in facilitating the discussion.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 8:24 p.m. The next Regular Meeting is Monday, May 14, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Worksession is scheduled for Monday, April 30, 2012 from 5:00 p.m. 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.