

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 ABOUD  
PORT AND HARBOR DIRECTOR HAWKINS

Council conducted a Special Meeting from 4:00 p.m. to 4:21 p.m., adjourning to Executive Session to discuss Settlement Negotiations with Nicholas Kazan. From 5:00 p.m. to 5:58 p.m. Council met as a Committee of the Whole to hear from Lobbyist Linda Anderson and discuss Regular Meeting Agenda items.

Councilmember Zak has requested telephonic participation.

Mayor Hornaday called for a motion to approve Councilmember Zak's participation by telephone.

LEWIS/BURGESS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION.

Motion carried.

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 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.

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

Susannah Webster, Homer resident and daycare provider, commented there is a need for child care providers for infants and toddlers.

Pete Wedin, city resident, supports Resolution 12-034. Halibut is fully allocated and longliners were reduced by 50% since quotas were issued. The charters are fighting to protect the two halibut limit; subsistence fishermen are fighting to find fish close to home.

Lisa Aslin, Homer resident and preschool owner, supports early childhood education.

Monte Davis, city resident and Executive Director of Homer Chamber of Commerce, expressed support for Ordinance 12-01(S)(A) as it stands. Mom and pop operations are the heart of the community and have limited financial means to get the message out. There is no record of an accident or safety incident as a result of sandwich boards.

Ingrid Harrald, city resident, supports Ordinance 12-01(S)(A), agreeing with Mr. Davis. Safety issues include no sidewalk on Main Street and lack of snow removal on Poopdeck Trail.

Jackie Dentz, city resident and restaurant owner, supports Ordinance 12-01(S)(A). If Council is not going to represent the business owners they cannot afford to continue doing business to an unfriendly Council.

Sue Post, Homer resident and business owner, expressed opposition to sandwich boards. Her business has been successful for many years without the sandwich boards.

Jerri Martin, Homer resident and Spit business owner, supports Ordinance 12-01(S)(A) as adopted. She uses sandwich boards to advertise available charter trips to late night strollers.

Al Waddell, Homer resident and business owner, told Council to leave the sign ordinance alone and let people try and do business. Homer has the highest rate of sales tax in the state. He is selling his business and equipment due to high property taxes.

Karin Marks, city resident and business owner, supports Ordinance 12-01(S)(A) as adopted.

Holly VanPelt, city resident and owner of a vacation rental, supports Ordinance 12(S)(A) as adopted.

Adrienne Sweeney, city resident and business owner, supports Ordinance 12-01(S)(A). Signs work and the city needs to trust the small businesses to do the right thing.

Fred Kaatz, Homer resident and business owner, supports Ordinance 12-01(S)(A). If you don't tell, you don't sell. It is critical for him to have a sandwich board to let people know he is there.

Nelton Palma, city resident and business owner, supports Ordinance 12-01(S)(A) as adopted. He has heard lots of comments from people that would like less restrictions.

Beth Cumming, city resident, supports Resolution 11-090(S) to construct a non motorized path along Kachemak Drive.

WYTHE/LEWIS - MOVED TO SUSPEND THE RULES SO WE CAN MEET WITH REPRESENTATIVE SEATON AT THIS TIME.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **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 High School 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.

## **PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA (continued)**

Larry Slone, city resident, advocated for sign boards as they create a festive environment. They tell people that you have something interesting and for a limited time.

Dan Coe, Homer resident and business owner, has painted numerous sandwich board signs. He encouraged Council to pay attention to the small businesses and let the cash flow to businesses.

## **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.

ROBERTS/WYTHE - MOTION FOR THE RECONSIDERATION OF ORDINANCE 12-01(S)(A).

Councilmember Roberts moved for the reconsideration as there was a substantial change at the last minute and not all public testimony had been heard. It is important to honor the Planning Commission who Council sent the ordinance to twice.

Councilmember Zak thanked the business owners who communicated an important message. We have to listen to the small business owners.

VOTE: YES. ROBERTS

VOTE: NO. WYTHE, ZAK, HOWARD, BURGESS, LEWIS

Motion failed.

## 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.

Mayor Hornaday called for a motion to approve the recommendations of the consent agenda as read.

HOWARD/LEWIS - SO MOVED.

Asked by Councilmember Lewis if the lease was at fair market value, City Manager Wrede answered it is at the appraised value.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **VISITORS (continued)**

#### **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 so does 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, Co-Chairs of Families First, provided information on local organizations working together to enhance the community's well being. Early education services are vital for children in their first five years of life. The number of words a child learns by age three is a predictor as to how they will do in school. Children that start behind have a tendency to stay behind during their academic careers. Children in stressful or violent homes will have developmental delays, social/emotional problems, medical issues, and mental health problems. Preventative work can make a big difference. Families First promotes good health, good nutrition, supportive bonds with caregivers. High quality childcare, preschool opportunities, support to families, and stimulating environments are important. It also increases the economics and makes for a stronger community.

For over three years Families First has worked to improve early education services for children birth to 8 years and their families. They have collaborated with MAPP on overlapping goals. For the safety and maintenance at Baycrest Park, Families First installed a new slide, boulders, and a Porta-Potty. They have promoted indoor play spaces including the community rec toddler play group and support for HoPP both financially and with volunteers. Families First has acquired a new swing at Bayview Park for children with disabilities. Recently they presented to the

Economic Development Advisory Commission to develop short and long term strategies to enhance early education as developed in the Comprehensive Economic Development Strategy (CEDS). People are encouraged to attend the activities for the Week of the Young Child, [www.pop411.org](http://www.pop411.org). The Strengthening Families Communities Café discussion will be held April 28<sup>th</sup> from 11:00 a.m. to 2:00 p.m. at Kachemak Kids and the Christian Community Church. Charlie Johansen will be providing information on the five protective factors for all families and communities and gathering feedback.

Councilmember Howard congratulated Bonnie Betley on her Women of Distinction award. Any woman that can get a Porta -Potty at a public park deserves an award.

- 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 27<sup>th</sup> from 8:00 to 10:00 a.m. at the college.

## **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORTS**

## **REPORT/COMMISSION**

- 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 Transportation and Trails Plan (NMTTP) and the Capital Improvement Plan. 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 fund. 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

## **PUBLIC HEARING(S)**

None.

## **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) failed reconsideration under RECONSIDERATION.

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.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-17 for first and final reading.

WYTHE/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a motion to introduce Ordinance 12-17 as a regular permanent ordinance and schedule a public hearing and second reading for May 14.



WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-18 for introduction and first reading by reading of title only.

WYTHE/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **CITY MANAGER'S REPORT**

- A. City Manager's Report

### **NATURAL GAS UPDATE**

This Legislative capital budget this year once again contains funding for construction of a natural gas transmission line from Anchor Point to Homer. As some of you know, it was a wild and bumpy ride getting there, to say the least. The Legislative grant funding will come to the City of Homer and the amount is \$8.15 Million. Combined with the \$2.5 Million local match, (raised through the \$1.00 per mcf tariff increase), this will be enough to construct the project.

We are optimistic that the Governor will not veto this line item again. I say that for several reasons. First, he has stated in a letter to the Mayor, in a press interview, and in other conversations, that he was pleased with Homer's willingness to contribute to the cost of the transmission line and its progress in planning for the distribution system. Second, he has stated that he is unlikely to veto many projects, if any this year, because the Legislature stayed within the agreed upon budget caps. So, hold on Homer. It looks like getting natural gas to the area is

much closer than it ever has been before. If the Governor does not veto this item, construction work could start as early as this fall.

Now is the time to really focus on whether the City Council wants to participate and provide financing for the local distribution system. Anchor Point and Kachemak City have already decided to do so. The Borough has established a 200 plus lot LID in Anchor Point and there is discussion about more.

We have talked about this issue in workshops and last year a special committee discussed the topic but did not make specific recommendations. Council has adopted several ordinances that put the City into position to accept gas utility line construction and to finance construction if it chooses. The next big decision, and it is becoming increasingly urgent, is if and how the Council will provide financial assistance to its businesses and residences so that they can hook up quickly. If the Council decides to move ahead with an LID or other financing strategy, the goal would be to have it approved and in place by this fall so that cost estimates will be locked in place and Enstar can make construction plans for the 2013 construction season.

Attached is a copy of a memorandum that I prepared for the workshop we had back in February. Since that time, there have been a number of new developments. They include:

- Enstar has provided cost estimates for three separate build-out scenarios. One is for the “core area”, one for the entire City limits, and one for the core area plus a loop that includes West Hill Road, Skyline Drive, and East Hill Road.
- The City Attorney has determined that lots which front the main transmission line being financed by the State cannot be included in an LID. This is important because there are many such lots and the street main construction costs will be borne by the other properties in the LID. This will drive up the cost per lot from prior estimates.
- The Legislature adopted SB 25. This bill allows AIDEA to provide direct loans for gas pipeline construction and it may provide an alternative source of low interest loans for the distribution system, potentially saving lots of money in bond closing costs and interest payments.
- The Economic Development Commission recently adopted a motion recommending that the Council finance construction of the distribution system using an LID and that the LID encompass the entire town.

#### Suggested Course of Action:

Step 1. Workshop: The first thing the Council must decide is whether it wants to provide financing for construction of the distribution system. If the answer is yes, then the next question is how. For example, it could simply make LIDs available to any area that wants to petition for them. Or, it could initiate an LID on its own that encompassed the core area or the entire town (or some other variation). There is a lot of information that would need to be considered in making this decision (maps, cost estimates, amortization schedules, etc.). That is why I suggest a workshop first, so that the Council can have as much information available to it as possible

before making decisions. This workshop should be widely advertised and perhaps a public hearing might be added to the regular meeting agenda.

Step 2. Initiate an LID under HCC 17.04.040. There are advantages to the Council initiating an LID rather than waiting for individual neighborhoods to get organized. If the Council adopted a resolution initiating an LID under HCC 17.04.040, it would set in motion a whole chain of events including community meetings, development of a specific improvement plan, public hearings, more votes by the Council and so on. The ordinance would be followed from that point on.

I look forward to discussing this issue during the Manager's Report and perhaps during the Committee of the Whole, if there is time.

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 4<sup>th</sup>.

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 Avenue generally used for flowers that could replace trees.

B. Bid Report

**CITY ATTORNEY REPORT**

**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 19<sup>th</sup> they had a public hearing and had seven speakers. On Wednesday, April 25<sup>th</sup> 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 14<sup>th</sup>.

- F. Employee Committee Report

#### **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.

**ROBERTS/WYTHER - MOVED FOR APPROVAL OF MEMORANDUM 12-056.**

Councilmember Burgess referenced the attorney's opinion of Lloyd Moore's appointment to the task force. Conflicts of interest are outlined in the ethics code. Mr. Moore holds a controlling interest in a company that exceeds the monetary limits. If Council decides to represent large water users, we should also represent residents who are not users of water and sewer. Their tax dollars subsidize the water/sewer system when budgetary adjustments are made to supplement the shortfalls of water and sewer.

Councilmember Wythe personally does not have access to water/sewer and will represent that group. It feels discriminatory to exclude Lloyd because he is a party of two water haulers. The task force is not going to set the rates; they will send a recommendation to Council. To exclude him is discriminating against water haulers. The water delivery service is one of the major users of the system. Commercial and residential users will be represented.

**WYTHER/ROBERTS - MOVED TO AMEND THE APPOINTMENT LIST TO INCLUDE COUNCILMEMBER HOWARD AS THE SECOND COUNCILMEMBER SEAT OF THE COUNCIL.**

There was no discussion.

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

Motion carried.

Six people applied to the task force within the time limit, two applied after the deadline and one was told he could not apply since the deadline had passed. Councilmember Wythe applied timely and Council has appointed Councilmember Howard to fill the other council seat.

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

Motion carried.

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.

Motion on the floor from September 12, 2011 – Motion for the adoption of Resolution 11-090 by reading of title only. Council referred Resolution 11-090 to Planning and Zoning due to issues of land use and utility right-of-ways. Some easements in place for sewer and water include limitations. The proposed trail is a land use issue rather than recreation.

Mayor Hornaday called for a motion to substitute Resolution 11-090(S) for Resolution 11-090.

WYTHE/LEWIS - SO MOVED.

WYTHE/ROBERTS - MOVED TO POSTPONE TO THE NEXT MEETING.

Reference information pertaining to the support of the trail was requested for the next packet. It should include page numbers from the following:

- Homer Non Motorized Transportation and Trails Plan
- Homer Area Transportation Plan
- Climate Action Plan
- Homer Accelerated Roads and Trails Policy Manual
- Capital Improvement Plan
- Planning Commission's recommendation

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

Motion carried.

## NEW BUSINESS

## 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.

Mayor Hornaday called for a motion for the adoption of Resolution 12-034 by reading of title only.

LEWIS/BURGESS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

Mayor Hornaday called for a motion for the adoption of Resolution 12-035 by reading of title only.

WYTHE/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

Mayor Hornaday called for a motion for the adoption of Resolution 12-036 by reading of title only.

WYTHE/LEWIS – SO MOVED

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **COMMENTS OF THE AUDIENCE**

Dave Brann, city resident, invited the public to the Water Trails public meeting at Islands and Ocean Visitors Center Wednesday, April 25 from 5:30 to 7:00 p.m. Thursday they will have a meeting in Seldovia.

Don McNamara, city resident, commented it seems like City Council wants to keep the Special Service District (SSD) intact after the CORPS are done. Council never wanted to be involved in maintenance of the seawall; they just wanted to build the wall. The City needs to wash its hands and quit spending the taxpayers' money.

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

City Attorney Klinkner was not present.

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

City Clerk Johnson had no comment.

### **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 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.

## **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.

## **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 impact 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.

## **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.

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JO JOHNSON, CMC, CITY CLERK

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