

# ACTION AGENDA

Monday, July 23, 2012  
Special Meeting  
Committee of the Whole  
Regular Meeting

## SPECIAL MEETING AGENDA

Session 12-20 a Special Meeting of the Homer City Council was called to order on July 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, ZAK

STAFF: CITY MANAGER WREDE  
CITY CLERK JOHNSON  
CITY ATTORNEY WELLS (telephonic)  
CITY ATTORNEY KLINKNER  
PORT AND HARBOR DIRECTOR HAWKINS

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 12-112**, From City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310 (c)(1) Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Public Entity. (Update on Lawsuit: Hogan vs. City of Homer). City Attorney Wells will participate telephonically.

APPROVED with discussion.

City Manager Wrede, City Attorney Klinkner, and Port and Harbor Director Hawkins were allowed to participate in the Executive Session.

Council adjourned to Executive Session at 4:03 p.m. and reconvened the meeting at 4:45 p.m.

Mayor Pro Tempore Wythe reported Council met with the staff and legal counsel and reviewed and received an update regarding the Hogan vs. City of Homer case. Council provided instruction for legal counsel and staff to move forward.

### 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 4:46 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. Natural Gas Distribution Special Assessment District**

- a. Memorandum 12-119 from City Attorney Klinkner

**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 5:52 p.m.

**REGULAR MEETING AGENDA**

Session 12-21 a Regular Meeting of the Homer City Council was called to order on July 23, 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.

<b>PRESENT:</b>	COUNCILMEMBERS:	BURGESS, HOWARD, LEWIS, ROBERTS, WYTHE, ZAK
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STAFF:	CITY MANAGER WREDE CITY CLERK JOHNSON CITY ATTORNEY KLINKNER Economic development coord koester LIBRARY DIRECTOR DIXON
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PORT AND HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS DIRECTOR MEYER  
FINANCE DIRECTOR MAURAS  
CITY PLANNER ABOUD  
SYSTEMS MANAGER POOLOS

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: **PUBLIC HEARINGS - Ordinance 12-29**, An Ordinance of the Homer City Council Amending Homer City Code Chapter 15.10.010 to Exclude Oscar Munson Subdivision Lot 34 from the Ocean Drive Loop Special Service District. Lewis/Wythe. Written public comment; **Ordinance 12-30**, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating a Legislative Grant in the Amount of \$8,150,000 for Construction of the Natural Gas Pipeline from Anchor Point to Homer and Kachemak City. City Manager. Grant Agreement, Corrections from City Attorney Klinkner; **RESOLUTIONS - Resolution 12-069**, A Resolution of the City Council of Homer, Alaska, Initiating a Special Assessment District to Provide a Natural Gas Distribution System in the City, and Authorizing the City Manager to Prepare a Proposed Improvement Plan. City Manager. Written public comment; **Resolution 12-070**, A Resolution of the City Council of Homer, Alaska, Approving a Main Extension Contribution in Aid of Construction Agreement Between the City of Homer and Enstar Natural Gas Company for Construction of a Natural Gas Main Extension from Anchor Point through Homer to the Eastern Boundary of Kachemak City and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Main Extension Contribution in Aid of Construction Agreement.

**3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

There were six who commented.

**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 Special Meeting minutes of June 14 and June 25, 2012 and Regular Meeting minutes of June 25, 2012. City Clerk. Recommend adoption.

APPROVED without discussion.

## 6. VISITORS

- A. **Monte Davis**, Executive Director, Homer Chamber of Commerce, Proposed Economic Development Project, 10 minutes.

Monte Davis, Executive Director of the Homer Chamber of Commerce, unveiled the Chamber's big weekend event planned for June 14 – 16, 2013. It will be an air show to thank the military. He outlined the events planned that include a Wounded Warriors Day for veterans to go fishing, kayaking, and touring the bay at no cost. There will be a military style obstacle course, a statue unveiling at the intersection of Deep Water Dock Road and the Spit Road as a tribute to the Coast Guard. There are tours planned aboard a navy ship, army vehicles, and rotor wing airplanes. An air show, community barbeque, and concert on the Homer High School football field are planned. There will be a John Chapple memorial 5k run. Senators, representatives, and government officials will be in attendance. He asked Council for a resolution in support of the basic concept. Council's support will help the Chamber collect funds and to hire an event coordinator.

## 7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. **Mayor's Recognition** – Phil Needham, Efforts and Work at Karen Hornaday Park Ball Fields.

Mayor Hornaday read and presented the recognition to Phil Needham.

- B. **Mayor's Recognition** – City of Homer Sewer Treatment Facility Winner of the Great Alaska Energy Challenge for the Category "Biggest Change – Electricity"

Mayor Hornaday read and presented the recognition to Public Works Director Carey Meyer.

- C. Borough Report

- D. Commissions/Board Reports:

1. Library Advisory Board

Eileen Faulkner, Chair of the Library Advisory Board, reported the board endorses the mid year budget request for library funds to purchase a new software system. The current system is outdated and costs over \$12,000 annually in upgrades. Last year the system crashed and was down for 10 days. The new software is open source and will provide support, adding increased capabilities without cost. A much needed computer check out and research station can be located in the children's area. Patrons can view what books they have checked out in the past. Participants in the outreach program will be delivered books they have not yet seen. Patrons can be sent hold notifications via email and the software will be compatible with smart phones. The new system will provide for electronic direct orders with vendors. Within three years the Library

will realize the savings of the software purchase, and within five years costs will be \$25,000 less than the current system. She asked Council to support the Library's request (Ordinance 12-32).

2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

Deb Lowney, Parks and Recreation Advisory Commissioner, thanked council for recognizing volunteers such as Phil Needham, Deb Cox, and Miranda Weiss. On Saturday the commission had Parks Day at Jack Gist Park combined with a work day. There was a fairly good turnout of volunteers to work in the park. She encouraged Council to focus on the list of items that need attention. Those include removal of debris and old chicken wire fence, supporting the development of the HERC building, and improvements to Karen Hornaday Park, Jack Gist Park, and the Fishing Hole. At Jack Gist Park we can work to make everything work for all user groups and be good neighbors.

5. Port and Harbor Advisory Commission

## **8. PUBLIC HEARING(S)**

- A. **Ordinance 12-26**, An Ordinance of the City Council of Homer, Alaska, Amending Table 3 Permitted Sign Characteristics by Zoning District, Following Homer City Code 21.60.060, Signs on Private Property, to Permit Changeable Copy Signs for Institutional Uses Permitted in the RR, UR And RO Zoning Districts. Planning. Introduction June 25, 2012, Public Hearing and Second Reading July 23, 2012.  
Memorandum 12-102 from City Planner as backup.

There was no public testimony.

ADOPTED without discussion.

- B. **Ordinance 12-27**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Community Coastal Impact Assistance Program (CIAP) Grant from the State of Alaska in the Amount of \$448,116 for the Beluga Slough Trail Reconstruction Project, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Introduction June 25, 2012, Public Hearing and Second Reading July 23, 2012.

Memorandum 12-104 from Public Works Director as backup.

There was no public testimony.

ADOPTED without discussion.

- C. **Ordinance 12-28**, An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget by Appropriating Up to \$30,000 from the Parks and Recreation Depreciation Reserve Fund for the Relocation of the Mariner Park Driveway Access. Introduction June 25, 2012, Public Hearing and Second Reading July 23, 2012.

Memorandum 12-105 from Public Works Director as backup.

There was no public testimony.

ADOPTED without discussion.

- D. **Ordinance 12-29**, An Ordinance of the Homer City Council Amending Homer City Code Chapter 15.10.010 to Exclude Oscar Munson Subdivision Lot 34 from the Ocean Drive Loop Special Service District. Lewis/Wythe. Introduction June 25, 2012, Public Hearing and Second Reading July 23, 2012.

There was no public testimony.

ADOPTED without discussion.

- E. **Ordinance 12-30**, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating a Legislative Grant in the Amount of \$8,150,000 for Construction of the Natural Gas Pipeline from Anchor Point to Homer and Kachemak City. City Manager. Introduction June 25, 2012, Public Hearing and Second Reading July 23, 2012.

Councilmember Wythe recused herself due to a financial conflict of interest and vacated her seat.

There was no public testimony.

ADOPTED without discussion.

Councilmember Wythe returned to her seat.

## 9. **ORDINANCE(S)**

- A. **Ordinance 12-31**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Revolving Energy Fund, the Water and Sewer Depreciation Fund, and the Port and Harbor Depreciation Fund for Energy Upgrades and Improvements to Facilities and Authorizing the City Manager to Transfer Funds. City Manager/Finance Director. Recommended dates: Introduction July 23, 2012, Public Hearing and Second Reading August 13, 2012.

AMENDED: Lines 31, 32, and 33 to pay the loan amount in full.

ADOPTED with discussion.

- B. **Ordinance 12-32**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 General Fund Balance by Allocating \$544,280 for Depreciation Reserves for the Years 2010 and 2011 to City Hall, Parks And Recreation, Planning, Airport Terminal, Library, Fire, Police, Public Works, Leased Properties, Fire, Police, And Public Works Fleet Depreciation Reserve Accounts and Authorizing the City Manager to Transfer Funds. City Manager/Finance Director. Recommended dates: Introduction July 23, 2012, Public Hearing and Second Reading August 13, 2012.

ADOPTED with discussion.

- C. **Ordinance 12-33**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget, Including Appropriations to the General Fund and the Port and Harbor Fund and Funding New Projects from Various Reserve Accounts, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Finance Director. Recommended dates: Introduction July 23, 2012, Public Hearing and Second Reading August 13, 2012.

Memorandum 12-113 from Systems Manager as backup.

Memorandum 12-114 from Port and Harbor Director as backup.

Memorandum 12-115 from Library Director as backup.

Memorandum 12-116 from Public Works Superintendent as backup.

Memorandum 12-024 from Public Works Director as backup.

Memorandum 12-110 from Community and Economic Development Coordinator as backup.

AMENDED: To add \$10,567 for the Homer Hockey Association (batteries for Zamboni) and to include Attachment 2012 Mid year Budget Amendments to the ordinance.

Mayor Hornaday called for a recess at 6:57 p.m. and reconvened the meeting at 7:04 p.m.

ADOPTED as AMENDED with discussion.

- D. **Ordinance 12-34**, An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget by Appropriating \$1,500.00 from the General Fund for an Open House Celebration for the Renovated City Hall. Roberts/Wythe. Recommended dates: Introduction July 23, 2012, Public Hearing and Second Reading August 13, 2012.

ADOPTED with discussion.

- E. **Ordinance 12-35**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Public Library Assistance Grant for FY 2013 in the Amount of \$6,500.00, with a Local Match of \$7,000.00 for Books and Library Materials, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Library Director. Recommended dates: Introduction July 23, 2012, Public Hearing and Second Reading August 13, 2012.

Memorandum 12-117 from Library Director as backup.  
ADOPTED without discussion.

- F. **Ordinance 12-36**, An Ordinance of the Homer City Council, Enacting Homer City Code Chapter 5.42 Prohibiting Sellers from Providing Customers with Disposable Plastic Shopping Bags. Lewis/Burgess. Recommended dates: Introduction July 23, 2012, Public Hearing and Second Reading August 13, 2012.

ADOPTED without discussion.

- G. **Ordinance 12-37**, An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget by Appropriating Up to \$15,000 from the Port and Harbor Reserve Fund for an Engineering Evaluation of the Existing Port and Harbor Building. City Manager/Port and Harbor Director. Recommended dates: Introduction July 23, 2012, Public Hearing and Second Reading August 13, 2012.

Memorandum 12-121 from Port & Harbor Director as backup

ADOPTED with discussion.

## **10. CITY MANAGER'S REPORT**

- A. City Manager's Report

City Manager Wrede answered questions from Council on the intersections of Lake Street and Pioneer Avenue and Main Street and the Sterling Highway. Council expressed an interest to get the intersection of Main Street and the Sterling Highway fixed as soon as possible with the \$2M set aside for the project. Council rejected the prospect of delaying the project another three years while the State of Alaska Department of Transportation applies for intersection safety funds. The intersection is dangerous with more than enough accidents, both vehicular and pedestrian.

City Manager Wrede will bring an ordinance forward on August 13<sup>th</sup> to appropriate \$51,000 for the Homer High School Track project. This would include a shot put area, blue track, and exterior curbing.

- B. Bid Report

- C. Games Report

- 1. Alaska Marine Conservation Council

- D. Records Destruction Report

## **11. CITY ATTORNEY REPORT**

City Attorney Klinkner had submitted a written report defining his work on the Auction Block litigation and the natural gas special assessment district. Council had no questions of the attorney.

**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
- G. Water and Sewer Rate Task Force

**13. PENDING BUSINESS**

**14. NEW BUSINESS**

**15. RESOLUTIONS**

- A. **Resolution 12-063**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation of Two Paintings, *Kittywake II* and *Life's A Beach*, by Homer Artist Gaye Wolfe. City Clerk/Public Arts Committee.  
Memorandum 12-118 from Public Arts Committee as backup.

ADOPTED with discussion.

- B. **Resolution 12-064**, A Resolution of the City Council of Homer, Alaska, Expressing Support for a Municipal Harbor Facility Grant Application to the State of Alaska, Department of Transportation and Public Facilities (DOT&PF) in the Amount of \$4,206,000 for Ramp 3 Gangway and Approach, Harbor Floats Replacement and Upgrades to Electrical and Potable Water at System 5 and Authorizing the City Manager to Submit the Appropriate Documents. City Manager.

ADOPTED without discussion.

- C. **Resolution 12-065**, A Resolution of the City Council of Homer, Alaska, Expanding the Scope of Work for the Port and Harbor Improvement Committee to Develop a Plan to Resource Funds from Various Sources for the Purpose of Upgrading the Port and Harbor Building. City Clerk/Port and Harbor Advisory Commission.

Memorandum 12-121 from Port and Harbor Director as backup.

ADOPTED with discussion.

- D. **Resolution 12-066**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract to Arno Construction of Homer, Alaska, in the Amount of \$5,880.00 for the Homer Airport Pressurized Sewer Service Line Replacement Project (Bald Mountain Air Sewer Service) and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Memorandums 12-089 and 12-120 from Public Works Inspector as backup.

Councilmember Burgess recused himself for a financial conflict of interest in his business with Bald Mountain Air and vacated his seat.

ADOPTED without discussion.

Councilmember Burgess returned to his seat.

- E. **Resolution 12-067**, A Resolution of the City Council of Homer, Alaska, Noting the Insufficiency of the Petition for Ocean Drive Loop Road Reconstruction and Paving Improvements. City Clerk.

ADOPTED without discussion.

- F. **Resolution 12-068**, A Resolution of the City Council of Homer, Alaska, Noting the Insufficiency of the Petition for Kachemak Drive Phase III Water and Sewer Improvement Special Assessment District. City Clerk.

ADOPTED with discussion.

- G. **Resolution 12-069**, A Resolution of the City Council of Homer, Alaska, Initiating a Special Assessment District to Provide a Natural Gas Distribution System in the City, and Authorizing the City Manager to Prepare a Proposed Improvement Plan. City Manager.

Memorandum 12-119 from City Attorney as backup.

Councilmember Wythe recused herself due to a financial conflict of interest and vacated her seat (for both Resolutions 12-069 and 12-070).

ADOPTED without discussion.

- H. **Resolution 12-070**, A Resolution of the City Council of Homer, Alaska, Approving a Main Extension Contribution in Aid of Construction Agreement Between the City of Homer and Enstar Natural Gas Company for Construction of a Natural Gas Main

Extension from Anchor Point through Homer to the Eastern Boundary of Kachemak City and Authorizing the City Manager to Execute the Appropriate Documents. City Manager.

Councilmember Wythe recused herself due to a financial conflict of interest and vacated her seat.

ADOPTED without discussion.

Councilmember Wythe returned to her seat.

**16. COMMENTS OF THE AUDIENCE**

There were no comments of the audience.

**7. COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner had no comment.

**18. COMMENTS OF THE CITY CLERK**

City Clerk Johnson had no comment.

**19. COMMENTS OF THE CITY MANAGER**

City Manager Wrede had no comment.

**20. COMMENTS OF THE MAYOR**

Mayor Hornaday had no comment.

**21. COMMENTS OF THE CITY COUNCIL**

Councilmember Wythe is glad to see we are moving forward with the Port and Harbor project. In the long run it will be very valuable for the City to maintain that asset.

Councilmember Zak congratulated Councilmember Lewis for passing the ordinance to get Zamboni batteries. He did a good job explaining the economic impact on the City of Homer. He thanked Chamber of Commerce Executive Director Monte Davis for presenting Hoo-rah Homer. The idea has a lot of momentum.

Councilmember Roberts expressed concern about the mid-year budget amendment. She does not think the mid-year budget amendment is the place to add on a non profit; it is more of the regular budget process and impulsive. Most of the public did not have a chance to weigh in and she would be very wary of doing that in the future.

Councilmember Burgess is very pleased to see Council moving forward with natural gas efforts. It shows a lot of leadership and initiative on the part of the Council.

Councilmembers Lewis and Howard had no comment.

## **22. ADJOURNMENT**

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:41 p.m. The next Regular Meeting is Monday, August 13, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.