

Session 12-26 a Regular Meeting of the Homer City Council was called to order on September 10, 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, ROBERTS,
WYTHE, ZAK (telephonic)

ABSENT: LEWIS (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY WELLS
COMMUNITY & ECONOMIC DEVELOPMENT
COORDINATOR KOESTER
FINANCE DIRECTOR MAURAS
LIBRARY DIRECTOR DIXON
PERSONNEL DIRECTOR PETERSEN
PORT AND HARBOR DIRECTOR HAWKINS
SYSTEMS MANAGER POOLOS

Council met for a Special Meeting in Executive Session on court case Hogan vs. City of Homer from 4:00 p.m. to 4:27 p.m. A Worksession on the 2013-2018 Capital Improvement Plan & FY 2014 Legislative Requests was held from 4:27 p.m. to 4:56 p.m. Council met as a Committee of the Whole from 5:05 p.m. to 5:39 p.m. to continue discussion on the 2013-2018 Capital Improvement Plan & FY 2014 Legislative Requests and Regular Meeting Agenda items.

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

Councilmember Lewis has requested excusal.

Mayor Hornaday ruled Councilmember Lewis' absence as excused. There was no objection from the Council.

Councilmember Zak has requested telephonic participation.

Mayor Hornaday called for a motion to allow Councilmember Zak to participate by phone.

WYTHE/BURGESS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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: **ORDINANCES** - **Ordinance 12-42**, An Ordinance of the City Council of Homer, Alaska, Approving the Purchase Agreement and Appropriating Funds in the Amount of \$106,000 for the Acquisition of Lot 75, Bunnells Subdivision. City Manager. Written public comment; **CITY MANAGER'S REPORT** - Homer Foundation Quarterly Report; Site Map for City's Natural Gas Website; **NEW BUSINESS** - **Mayor's Veto** of Ordinance 12-36(A); Memorandum 12-143 from City Clerk as backup; **RESOLUTIONS** - **Resolution 12-079**, A Resolution of the City Council of Homer, Alaska, Accepting and Approving the Recommendations of the Kachemak Drive Path Committee, Parks and Recreation Advisory Commission, and the Transportation Advisory Committee Approving the Pursuit of a Non-Motorized Trail Along Kachemak Drive from the Base of the Homer Spit to East End Road as a City Construction Project, and Using Hart Trail Funds as a Potential Funding Source. City Clerk/Parks and Recreation Advisory Commission, Written public comment; **Resolution 12-080(S)**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Karen Hornaday Park Red Shed Removal to the Firm of **Arctic General Contracting** of **Ninilchik, Alaska**, in the Amount of **\$3,250** and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director; Memorandum 12-144 from Public Works Inspector as backup.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Mayor Hornaday passed the gavel to Mayor Pro Tempore Wythe to offer public comment.

James Hornaday, city resident and Mayor of Homer, commented he vetoed the plastic bag ordinance as a number of people oppose banning the bags. It reminds him of the smoking ban when the liberals and conservatives agreed they did not want regulation. The bag ordinance is very confusing, adds costs to small businesses, and he hopes a voluntary program will work.

Dave Brann, city resident, supports Resolution 12-079 for the Kachemak Drive trail. It is most essential that a pathway be created for safety measures. It will happen timely with the City rather than the State or DOT. A lot of thought and effort has gone into creating a path. Using HART funds is a way to get pieces of funding. The total project cost is mind-boggling so it is better to look at it in bits and pieces.

Kevin Walker, Homer resident, supports Resolution 12-079. He worked closely with the Kachemak Drive Path Committee, working on graphics. City support is needed for funding and easements across people's property. When a survey is done we can get started and ease into grants from other areas. He opposes Resolution 12-080 for the land purchase; he supports using the Pratt's restroom for the public.

Sue Post, Homer business owner, supports Resolution 12-079 since we need connecting paths. She is against the veto on Ordinance 12-036(A) and was thrilled when she heard the plastic bag

ban will go in effect. Unless it is law people will not change their ways. She showed an array of cloth bags and expressed a willingness to serve on a task force for plastic bags.

Larry Sloan, city resident, asked Council to uphold Resolution 12-079. The ban on plastic bags is causing undue burden on store owners as several say it will cost hundreds of dollars. Council should revisit it again as the populous needs to be educated.

Lynn Burt, city resident and Kachemak Drive Path Committee member, urged support for Resolution 12-079.

Beth Cumming, city resident, urged passage of Resolution 12-079. She supports a path along Kachemak Drive from the base of the Spit to East End Road as a city project. The first section of trail would be 1/3 of a mile starting at the base of the Spit to long term parking. It is an accident waiting to happen because it is heavy industrial area.

Craig Forrest, Homer business owner, supports Resolution 12-079. He supports the Mayor's veto of Ordinance 12-036(A) because education is the best source for plastic bags. Ninety percent of the customers at his business do not want the plastic bags offered. If it is raining visitors must have plastic bags instead of paper.

Robert Archibald, city resident, lives on Highland Drive and Sprucewood, a bio-fare to the dump. A lot of people go flying through and he picks up their plastic bags. The City could reevaluate fines and increase revenue for loose debris from cars.

RECONSIDERATION

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 August 27, 2012. City Clerk. Recommend adoption.
- B. **Memorandum 12-139**, from Mayor, Re: Appointment of Kevin Walker to the Transportation Advisory Committee.

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

WYTHE/BURGESS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

A. **Vicki Sarber**, Mrs. America

Mayor Hornaday read the recognition and presented it to Vicki Sarber along with a key to the City.

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

A. Borough Report

Bill Smith, Kenai Peninsula Borough Assemblyman, reported the school board meeting is tonight at Homer High School. Next Tuesday at 7:00 p.m. the Assembly will meet in Homer for their meeting. He invited everyone to participate.

B. Commissions/Board Reports:

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

Parks and Recreation Advisory Commissioner Dave Brann reported the commission is seeking more funds for recreational purposes. Mike Illg is working hard on ways to utilize the HERC building. Improvements at Karen Hornaday Park are moving right along. The park has been cleaned up considerably and the playground is great. Mike Illg has been nominated for various statewide recognitions, along with the Public Works crew that maintains the park. There are still surveying and drainage issues at the park. The red shed is being torn down; no one stepped forward to repurpose it. Improvements at Jack Gist Park are coming along. The ball fields will need an investment to make them viable areas for competition ball on a State level. There are drainage problems there too. The Park Walk Thru is Saturday, September 15th at 9 a.m. (meet at City Hall). The Mariner Park driveway will be redone and it is hoped the speed limit can be reduced to the corner to make it safer.

5. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

ORDINANCE(S)

- A. **Ordinance 12-42**, An Ordinance of the City Council of Homer, Alaska, Approving the Purchase Agreement and Appropriating Funds in the Amount of \$106,000 for the Acquisition of Lot 75, Bunnells Subdivision. City Manager. Recommended dates: Introduction September 10, 2012, Public Hearing and Second Reading September 24, 2012.

Memorandum 12-093 from Public Works Director as backup.

Mayor Hornaday called for a motion for the adoption of Ordinance 12-42 for introduction and first reading by reading of title only.

WYTHE/HOWARD - SO MOVED.

Councilmember Burgess noted purchasing the lot is in the long term road acquisition plan to include restrooms.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

1. Memorandum 12-140, re: Employee Wellness Program from Employee Committee.

This City Manager's report will be devoted primarily to a verbal update on progress regarding the proposed transition plan for moving the Community Recreation Program into the HERC Building. The timing for this discussion and presentation is good because the Council requested that I bring forward a proposal for consideration as part of the budget process. We are working on the draft budget right now and we are scheduled to deliver it to the Council at the meeting on September 24. The Parks and Recreation Commission has recommended that Community Recreation be moved into this facility. They have also recommended that renovation of this building be a CIP Priority for the City. Further, the Boys and Girls Club wishes to work with Community Recreation and they have held off on submitting a proposal for a long term lease until they see what they Council will do with respect to Community recreation and the CIP request.

As you can see, this discussion is timely for a variety of reasons. The Council is about to take up both the budget and the CIP list and Community recreation and the HERC Building will be important parts of the discussion.

City Manager Wrede referenced Memorandum 12-140 on the wellness program. Councilmember Wythe made a suggestion and the committee took it under advisement. Katie provided a laydown outlining the website for the gas distribution project. The website is actively under development.

Mr. Wrede asked Council to review the information and let him know if more information was needed. Questions and answers regarding the gas line will be provided. Most people don't realize they will be paying an assessment whether they hook up to gas or not. The map in Council Chambers will be added to the website soon. It shows properties that will not be included in the Special Assessment District.

A MOU between the City and DOT for the Spit Trail has been signed. The extension of the trail on the other side of the Spit can be designed in conjunction with cruise ship money.

A MOU with the Alaska Marine Highway System was signed. Starting September 19th there will be construction in the driveway. Petro Marine will be replacing their pipeline, removing pipe on the old wooden dock. When the new piping is done the old dock will come before Council.

The jackup rig is still at the dock and Buccaneer has requested an extension until September 18th to be there. They are still doing work and need some more permits and certifications before the rig can be towed to the drilling site. They will be off the dock next Saturday for the incoming cruise ship and then return to the dock.

Mayor Hornaday asked that a letter be written to Buccaneer to request a job fair here. City Manager Wrede noted they have 60 people working, some locals and some brought into town. They are eating in restaurants or buying food locally; it is an economic shot in the arm.

Rental rates for the HERC building were discussed at the Committee of the Whole. Councilmember Wythe requested an ordinance expending money for an engineer's report to see what upgrades from code perspective would be required to change the occupancy from classroom to other uses.

B. Bid Report

CITY ATTORNEY REPORT

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

PENDING BUSINESS

- A. **Resolution 12-050**, A Resolution of the City of Homer Authorizing the Initiation of a Special Service District in the Lillian Walli Estate Subdivision Identified as HM 0880017 T06S R14W S24 Lillian Walli Estate Subdivision Lots 39 - 42, and 51 -77, for the Purposes of Preparing the Lots Owned by the City of Homer for Sale and Further Residential Development. Wythe. (Postponed from June 25, 2012.)

Resolution 12-050(S), A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Initiate a Special Assessment District Using the Petition Process Provided in HCC 17.04.040 (a) (2) in the Lillian Walli Estate Subdivision Described as HM0880017 T06S R14W S24 Lillian Walli Estate Subdivision, to Include Lots 39-42, and 51-77, for The Purposes of Preparing the Lots Owned by the City For Sale and Further Residential Development. Wythe.

Memorandum 12-106 from City Manager as backup.

Motion on the floor from May 29: MOTION FOR THE ADOPTION OF RESOLUTION 12-050 BY READING OF TITLE ONLY.

Mayor Hornaday called for a motion to substitute Resolution 12-050(S) for Resolution 12-050. WYTHE/HOWARD - SO MOVED.

Councilmember Wythe explained the change in the resolution is to move out of a council enforced LID to the City of Homer as a resident in the community petitioning for the process to move forward. She wants to give people the opportunity to adopt it.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

- A. **Mayor's Veto** of Ordinance 12-36(A).

Memorandum 12-143 from City Clerk as backup.

WYTHE/BURGESS – MOVED TO POSTPONE MAYOR'S VETO OF ORDINANCE 12-36(A) TO THE SEPTEMBER 24 MEETING WHEN ALL COUNCILMEMBERS WILL BE PRESENT.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

- A. **Resolution 12-079**, A Resolution of the City Council of Homer, Alaska, Accepting and Approving the Recommendations of the Kachemak Drive Path Committee, Parks and Recreation Advisory Commission, and the Transportation Advisory Committee Approving the Pursuit of a Non-Motorized Trail Along Kachemak Drive from the Base of the Homer Spit to East End Road as a City Construction Project, and Using Hart Trail Funds as a Potential Funding Source. City Clerk/Parks and Recreation Advisory Commission.

Memorandum 12-142 from Kachemak Drive Path Committee, Parks & Recreation Advisory Commission, Transportation Advisory Committee

ROBERTS/BURGESS - MOVED THE ADOPTION OF RESOLUTION 12-079 BY READING OF TITLE ONLY.

Councilmember Wythe expressed concern with the information provided. The trail has been a top priority of the Parks and Recreation Advisory Commission. The project will require all trail dollars from HART for many years. She is not opposed to building the trail, but rather concerned with the amount of money it will require and the other projects that will languish.

HOWARD/WYTHER – MOVED TO POSTPONE TO SEPTEMBER 24.

There was no discussion.

VOTE: (postponement) YES. WYTHER, HOWARD

VOTE: NO. ROBERTS, ZAK, BURGESS

Motion failed.

Councilmembers Burgess and Roberts asked that a breakdown of costs and phases be provided. Although they support the concept they want a more specific idea to move forward, including phases for the project. It is hard to see where things are going with the resolution in its current state.

Councilmember Howard appreciates the vision, but noted problems with the concept. If the trail is built it encourages folks to go on the trail and then they end up on the industrial road.

City Manager Wrede reported it was the intent of the committee that we spend a certain amount of money for engineering work to help with the design and costs. That can be handled with an ordinance at a subsequent meeting. The path is a terrific project as the trail is needed. It is a monumental effort that will require a huge amount of staff time to get easements and permits. It

will take many years. It is a big effort on many levels and the City will have to maintain the trail on the State right of way when it is done. That will require patching, plowing, and sweeping.

Councilmember Howard questioned the \$200,000 fiscal note on the resolution, asking if they were supposed to ignore it.

Parks and Recreation Advisory Commissioner Dave Brann reported the committee does not have the expertise to do the surveying and come up with detailed costs. They are asking for up to \$20,000 for surveying from the end of the Spit to the access road. For the longer term it may require \$150,000 for preliminary engineering and design. This will provide professional judgment on the grade and slope.

WYTHE/BURGESS - MOVED TO RETURN RESOLUTION 12-079 TO STAFF AND THE PARKS AND RECREATION ADVISORY COMMISSION WITH VERY SPECIFIC REQUESTS THAT THEY ADDRESS THE RESOLUTION TO BE EXACTLY WHAT THEY ARE ASKING FOR AT THIS PHASE.

The resolution title is not currently in agreement with the therefore, now be it resolved. There are many unresolved questions. If design money is needed for Phase I of the project that would be a better request with specifics rather than asking for open ended funding.

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

Motion carried.

Mayor Hornaday commented in the interest of full disclosure at the last meeting when the Kachemak Drive trail was discussed extensively, a member of the public came and represented that the City Manager had met with the committee and assured them there was no problem getting the property owners to sign off on the easements. It is Mayor Hornaday's understanding that is not a correct interpretation of what the City Manager told the committee. The comment was made at an open meeting in City Manager Wrede's absence.

City Manager Wrede acknowledged he had heard about the comment and does not know why the person would have said that. The problem is exactly the opposite. There are a few people that gave easements for the sewer project that told Public Works Director Carey Meyer specifically not to come back looking for a trail easement.

- B. **Resolution 12-080**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Karen Hornaday Park Red Shed Removal to the Firm of _____ of _____, _____, and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Resolution 12-080(S), A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Karen Hornaday Park Red Shed Removal to the Firm of **Arctic General Contracting** of **Ninilchik, Alaska**, in the Amount of **\$3,250** and Authorizing the City

Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Memorandum 12-144 from Public Works Inspector as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 12-080 by reading of title only.

WYTHE/ROBERTS - SO MOVED.

Mayor Hornaday called for a motion to substitute Resolution 12-080(S) for Resolution 12-080.

WYTHE/BURGESS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

COMMENTS OF THE AUDIENCE

Dave Brann, city resident and Parks and Recreation Advisory Commissioner, expressed frustration over Resolution 12-079. He requested a meeting with one or more councilmembers and the City Manager to get the wording for the resolution.

Kevin Walker, Homer resident, commented on Resolution 12-079. A maximum of \$20,000 is needed for detailed information of what the section of trail will cost. Then the trail can be opened up to other funding sources for trails. Trail maintenance of the gravel trail will not kill the budget.

Beth Cumming, city resident and Kachemak Drive Path Committee member, would like for Council to tell them what they want. She asked for up to \$20,000 to determine the cost of building 1/3 of a mile of the trail which would be from the base of the Spit to long term parking.

Ingrid Herral, city resident, repeated the sentiment of other frustrated speakers. The Parks and Recreation Advisory Commission and Kachemak Drive Path Committee worked really hard with open houses and public feedback. She is not sure how many councilmembers attended the public hearings. The committee did research, got input, and conducted surveys. She is frustrated their work is stagnating.

Larry Slone, city resident, reminded Council of the competing interest for a limited amount of funds that the City has. There are a lack of walkways and facilities for Main Street that is used

year round. Many people without vehicles live up there. Walking at night in dark clothes is extremely dangerous. Council needs to keep that area in mind as a competing interest.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comment.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

COMMENTS OF THE MAYOR

Mayor Hornaday urged everyone to enjoy the sun while it lasts.

COMMENTS OF THE CITY COUNCIL

Councilmember Wythe appreciates Sue Post's comments on plastic bags. Homer is a town of grass roots movements and a task force is not needed for a movement for reusable bags. A group can work through the Chamber of Commerce for a bag that is promoted by all businesses in Homer. It can be accomplished by the community without a law that would be difficult to enforce. She appreciates the work the Kachemak Drive Path Committee has put into the path. Mr. Slone brought up valid points which the Council has succinctly identified, including a priority list of the many projects included in the trail. Council has asked for a resolution that will very succinctly identify the \$20,000 that will be used for an engineering review of the first part of the trail. The wording should flow consistently from the title to the now therefore be it resolved clauses. She would be happy to work with the commission in drafting the resolution.

Councilmember Roberts is glad to see a MOU signed with DOT to finish the Spit Trail. It is a wonderful addition to the community. The Kachemak Drive trail is a valid project. The resolution was very broad and asked for a lot of things, along with more money than committee members are telling us they want. She would be happy to help the commission rewrite the resolution. There is support for the trail, although it is a project that has to go in small steps and increments. As presented tonight there is no clue to the bottom line costs and she cannot commit the City of Homer to it.

Councilmember Howard commented resolutions and ordinances are the marching orders for distribution of the taxpayer's dollars. The auditors expect the allocation amounts to match the checks that are written. She did not hear or read \$20,000 until the end of testimony; the resolution states \$200,000. Council has to be picky for the protection of all. She is glad to hear two councilmembers are willing to work with the commission on the language. She is sure the commission will be successful next time.

Councilmember Burgess reiterated comments of Councilmembers Roberts and Howard. He loves the idea of a trail on Kachemak Drive as it is a dangerous industrial area. He walked it with a committee member and family member. It is a matter of getting the legalese and the bureaucratic process to line up so Council can get behind and represent the public interest. Council can't sign a blank check or approve wording that does not match the title.

Councilmember Zak had no comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:16 p.m. The next Regular Meeting is Monday, September 24, 2012 at 6:00 p.m., Special Meeting 4:00 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.

JO JOHNSON, CMC, CITY CLERK

Approved: _____