

ACTION AGENDA

Monday, September 24, 2012

Special Meeting

Committee of the Whole

Regular Meeting

SPECIAL MEETING AGENDA

Session 12-27 a Special Meeting of the Homer City Council was called to order on September 24, 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
ATTORNEY KOZIOL
ATTORNEY WELLS (telephonic)
AML/JIA EXECUTIVE DIRECTOR SMITH
POLICE CHIEF ROBL

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

There were no comments of the public.

4. **NEW BUSINESS**

- A. **Memorandum 12-145**, From City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1 & 5), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney-client Privilege (Attorney Koziol Update on Pending Court Case: Dietzmann vs. City of Homer).

APPROVED.

City Manager Wrede requested Police Chief Robl be allowed to participate in Executive Session and City Attorney Wells be allowed to participate by phone. There was no objection from the Council.

Council adjourned to Executive Session at 4:02 p.m. and reconvened the meeting at 4:53 p.m.

Mayor Pro Tempore Wythe stated Council met with legal counsel and received an update regarding the Dietzmann case.

5. COMMENTS OF THE AUDIENCE

There were two who commented.

6. ADJOURNMENT

Mayor Hornaday adjourned the meeting at 5:56 p.m.

COMMITTEE OF THE WHOLE AGENDA

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

Mayor Hornaday called the meeting to order at 5:01 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. REGULAR MEETING AGENDA

4. COMMENTS OF THE AUDIENCE

There was one who commented.

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

Mayor Hornaday adjourned the meeting at 5:46 p.m.

REGULAR MEETING AGENDA

Session 12-28 a Regular Meeting of the Homer City Council was called to order on September 24, 2012 at 6:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: BURGESS, HOWARD, LEWIS, ROBERTS,
WYTHE, ZAK
STAFF: CITY MANAGER WREDE

CITY CLERK JOHNSON
CITY PLANNER ABOUD
COMMUNITY & ECONOMIC DEVELOPMENT
COORDINATOR KOESTER
FINANCE DIRECTOR MAURAS
FIRE CHIEF PAINTER
LIBRARY DIRECTOR DIXON
PERSONNEL DIRECTOR PETERSEN
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

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

2. AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

The agenda was approved by consensus of the Council with the following changes: **PUBLIC HEARINGS -2013-2018 Capital Improvement Plan & FY 2014 Legislative Requests**, Written public comment. **CITY MANAGER'S REPORT** - Kenai Peninsula Borough Local Disaster Emergency Declaration by Mayor Navarre. **PENDING BUSINESS - Mayor's Veto of Ordinance 12-36(A)**, 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. Written public comment. **RESOLUTIONS - Resolution 12-082(S)**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Snow Removal and Sanding Services 2012/13, 2013/14, and 2014/15 to the Firm of **Clark Plowing of Homer, Alaska**, in the Amount of **\$680.00 Total trip Bid and Pursuant to the Bid Schedule Submitted** and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Memorandum 12-150 from Public Works Superintendent as backup.

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were 29 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 and Regular Meeting minutes of September 10, 2012. City Clerk. Recommend adoption.

APPROVED without discussion.

6. VISITORS

- A. **Old Town Neighborhood Association**, Brianna Allen and Asia Freeman, Pedestrian Safety

Asia Freeman and Brianna Allen presented the pedestrian safety plan for the Old Town neighborhood.

- B. **Center for Alaskan Coastal Studies**, Patrick Chandler, Marine Debris

Patrick Chandler, Center for Alaskan Coastal Studies, made a PowerPoint presentation on the debris on the beaches and the impact the Japan tsunami has had on marine debris.

- C. **Tidal Incubator Project**, Representative Paul Seaton and Kris Holderied, NOAA

Representative Seaton and Kris Holderied of NOAA presented the Tidal Incubator Project, a collaboration of various entities for tidal energy research.

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. **Mayor's Recognition** – Homer Volunteer Fire Department, 60 years.

Mayor Hornaday read and presented the recognition to Fire Chief Bob Painter.

Mayor Hornaday called for a recess at 7:39 p.m. and reconvened the meeting at 7:45 p.m.

- B. Borough Report

- C. Commissions/Board Reports:

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

Robert Archibald, Parks and Recreation Advisory Commissioner, reported on the numerous park projects underway. HoPP (Homer Playground Project) recently had a workday at Karen Hornaday Park spreading gravel and wood chips. Public Works has been working on drainage at the park, but it will require more funding to find a solution. There is now funding for Jack Gist Park. The Spit trail is being engineered and designed and will be a real asset for the community.

Mariner Park driveway will be removed and relocated. The old Beluga Slough Trail has been removed and the new material is going in. In budget preparations he hopes Council looks at parks and recreation funding favorably.

5. Port and Harbor Advisory Commission

8. PUBLIC HEARING(S)

A. 2013-2018 Capital Improvement Plan & FY 2014 Legislative Requests

There were two who testified.

B. **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. Introduction September 10, 2012, Public Hearing and Second Reading September 24, 2012.

Memorandum 12-093 from Public Works Director as backup.

There was no public testimony.

ADOPTED without discussion.

9. ORDINANCE(S)

A. **Ordinance 12-43**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Legislative Grant in the Amount of \$100,000 for Dredging at the Nick Dudiak Fishing Lagoon. City Manager. Recommended dates: Introduction September 24, 2012, Public Hearing and Second Reading October 8, 2012.

ADOPTED without discussion.

B. **Ordinance 12-44**, An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget by Appropriating \$155,000 from the General Fund for the Nick Dudiak Fishing Lagoon Dredging Project. City Manager. Recommended Dates: Introduction September 24, 2012, Public Hearing And Second Reading October 8, 2012.

Memorandum 12-147 from Public Works Director as backup.

AMENDED: \$100,000 FROM Fishing Hole Fund and \$55,000 from General Fund.

ADOPTED.

C. **Ordinance 12-45**, An Ordinance of the City Council of Homer, Alaska, Appropriating \$15,000 from the Leased Property Reserve Account for an Engineering Review and Report Regarding Code Compliance Related Improvements that Might be Required at the Homer Education and Recreation Complex (HERC Building) if There is a Change in

Occupancy. City Manager. Recommended Dates: Introduction September 24, 2012, Public Hearing And Second Reading October 8, 2012.

ADOPTED with discussion.

10. CITY MANAGER'S REPORT

A. City Manager's Report

1. Memorandum 12-148 from Community and Economic Development Coordinator, Re: 2013 Economic Outlook Forum Sponsorship
2. Memorandum 12-149 from Art Selection Committee for Public Restroom Projects, Re: Recommendation to Re-Advertise the Request for Proposals

City Manager Wrede reported the Budget 2013 will be delivered to Council this week. There are parts of the budget he is pleased about, but other parts are a struggle. He is proud to say the water/sewer budget is balanced and looking good. The Port and Harbor Enterprise Fund is doing well. Fees were raised recently to grow the depreciation fund and pay for the bond sale. Fees for operations were not raised, but continue to go up. The General Fund is a different story. He is struggling with a \$300,000 deficit to balance it. There is an astronomical increase in the cost of health care insurance. It is causing us to put some things on hold that we should be doing.

City Manager Wrede noted Katie's memo on the Economic Outlook Forum. They will be holding their forum in Homer and it will draw a lot of people from all over. He asked for Council's input in spending \$1,000 to sponsor the event. It is customary for the sponsor of the event to pay a portion of the cost. There was no input or objection from the Council.

B. Bid Report

11. CITY ATTORNEY REPORT

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

A. **Ordinance 12-36(A)**, 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. (Vetoed by Mayor Hornaday September 7, 2012)

Memorandum 12-143 from City Clerk as backup.

OVERRODE Mayor's Veto 4/2 with discussion.

Ordinance 12-36(A) stands effective January 1, 2013.

14. NEW BUSINESS

A. **Memorandum 12-146** from Deputy City Clerk, Re: Confirmation of Election Workers for the Regular City of Homer Election - October 2, 2012 and All Processes Thereof Pursuant to Homer City Code and Deemed Necessary by the City Clerk. Page 133

APPROVED with discussion.

15. RESOLUTIONS

A. **Resolution 12-081**, A Resolution of the City Council of Homer, Alaska, Accepting and Approving the Improvement Plan Submitted by the City Manager for the Proposed Natural Gas Distribution System Special Assessment District. City Manager.

ADOPTED with discussion.

B. **Resolution 12-082**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Snow Removal and Sanding Services 2012/13, 2013/14, and 2014/15 to the Firm of _____ of _____, _____, in the Amount of \$_____ and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Resolution 12-082(S), A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Snow Removal and Sanding Services 2012/13, 2013/14, and 2014/15 to the Firm of Clark Plowing of Homer, Alaska, in the Amount of \$680.00 Total trip Bid and Pursuant to the Bid Schedule Submitted and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Memorandum 12-150 from Public Works Superintendent as backup.

SUBSTITUTE RESOLUTION 12-082(S) ADOPTED without discussion.

16. COMMENTS OF THE AUDIENCE

There were three who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson announced absentee voting continues through October 1st at the Clerk's office during regular business hours. She encouraged everyone to get out and vote on October 2nd.

19. COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

20. COMMENTS OF THE MAYOR

Mayor Hornaday commented the services for Don Ronda who passed away were Sunday. There was a good turnout. We have lost a lot of city leaders since he has been here, including Leo Rhode, Hazel Heath, Bob Gervis, Harry Gregoire, and Dennis Novak. One thing they all had in common was a deep love for this funny little town at the end of the road, our cosmic hamlet by the sea.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Wythe would like people to get out and vote. She is more interested in the volume of people participating than in the direction that they vote. We have a small turnout on a regular basis and she would like to see a larger number. As to the plastic bag ordinance, people should have the ability to choose and select. She hopes it does not turn into a bigger issue and that we can all move forward for it.

Councilmember Lewis asked everyone to get out and vote please.

Councilmember Zak reiterated the pleasure it is to serve with Mayor Hornaday. He will not look forward to losing him on the Council. He thanked the Mayor for his service, the way he runs the meetings, and what he has given to Alaska, not just Homer. He thanked the people that came out and spoke tonight and raised Council's awareness. And it took a plastic bag ordinance to do it! It was the Climate Action Plan before that we have kind of forgotten about. It raised the community's awareness and he would like hear the momentum is spreading. He is looking forward to continuing to serve.

Councilmember Roberts reminded everyone it is Homer High School homecoming weekend. It's blue and gold weekend, a homecoming game Saturday night, and a bonfire Friday night. She invited all to come and enjoy the homecoming.

Councilmember Burgess sent a special thank you to city staff for working so hard on putting the natural gas line packet together. Staff has been putting in some serious long hours. Your City is working really hard to make sure the public is informed and your voice is heard in the process. Please use them and understand how hard they are working for us. Mayor Hornaday is synonymous of what he thinks of when he thinks of a mayor. For as long as he has lived here Mayor Hornaday has been mayor. There are some large shoes to fill.

Councilmember Howard had no comment.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 8:32 p.m. The next Regular Meeting is Monday, October 8, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Special Meeting is scheduled for Monday, October 15, 2012 at 6:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.