

ACTION AGENDA

Monday, December 10, 2012

Special Meeting

Committee of the Whole

Regular Meeting

SPECIAL MEETING AGENDA

Session 12-34 a Special Meeting of the Homer City Council was called to order on December 10, 2012 at 4:00 p.m. by Mayor Mary E. Wythe 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, DOLMA, LEWIS, ROBERTS

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

Councilmembers Howard and Zak have requested excusal.

Mayor Wythe declared Councilmembers Howard and Zak as excused absences. There was no objection from the Council.

2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

APPROVED without discussion.

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

4. NEW BUSINESS

- A. **Memorandum 12-178**, 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 (City Attorney Update on Court Cases: Auction Block vs. City of Homer, Griswold vs. City of Homer, and Neal vs. City of Homer).

APPROVED without discussion.

Council adjourned to Executive Session at 4:05 p.m. and reconvened the meeting at 4:38 p.m.

Mayor Pro Tempore Roberts reported Council was briefed by the attorneys and have given them direction with the three cases.

5. COMMENTS OF THE AUDIENCE

There were no comments from the audience.

6. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 4:39 p.m. The next Regular Meeting is Monday, January 14, 2013 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.

COMMITTEE OF THE WHOLE AGENDA

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

Councilmember Howard has requested excusal.

Councilmember Zak has requested telephonic participation.

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

The agenda was approved by consensus of the Council.

3. REGULAR MEETING AGENDA

4. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

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

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

REGULAR MEETING AGENDA

Session 12-35 a Regular Meeting of the Homer City Council was called to order on December 10, 2012 at 6:00 p.m. by Mayor Mary E. Wythe 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, DOLMA, LEWIS, ROBERTS, ZAK
(telephonic)

ABSENT: HOWARD (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY WELLS
COMMUNITY & ECONOMIC DEVELOPMENT
COORDINATOR KOESTER
FINANCE DIRECTOR MAURAS
IT MANAGER POOLOS
LIBRARY DIRECTOR DIXON
PERSONNEL DIRECTOR PETERSEN
POLICE CHIEF ROBL
PORT & HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Councilmember Howard has requested excusal.

Mayor Wythe ruled Councilmember Howard's absence as excused.

Councilmember Zak has requested telephonic participation.

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

2. AGENDA APPROVAL

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

The agenda was approved by the Council with the following changes:

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS - Library Advisory Board, Report from Chair Eileen Faulkner; **PUBLIC HEARINGS** - **Ordinance 12-47(A)**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2013 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager. Memorandum 12-189 from Public Works Director, Re: Project Manager Position

Hiring Recommendations; **Ordinance 12-60**, An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting HCC Chapter 17.04 Regarding Special Assessment Districts. City Manager. Written public comments; Article from The Christian Science Monitor Weekly: Senior discounts: popular, but under fire; **CITY MANAGER'S REPORT - Beluga Slough Trail** – post construction photos; and **Homer City Hall** – newly painted sign photo.

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were two 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 Regular Meeting minutes of November 26, 2012. City Clerk. Recommend adoption.
- B. **Memorandum 12-179**, from Deputy City Clerk, Re: Application for Liquor License Renewals for Beluga Lake Lodge and Best Western Bidarka Inn.
- C. **Memorandum 12-180**, from Mayor, Re: Appointment of Joshua Ross to the Economic Development Advisory Commission.

APPROVED without discussion.

6. VISITORS

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Borough Report
- B. Commissions/Board Reports:
 - 1. Library Advisory Board

2. Homer Advisory Planning Commission

Larry Slone, Homer Advisory Planning Commissioner, reported on the commission's approval of a replat for the trash recycling property and the lighting and the combination of five lots.

3. Economic Development Advisory Commission

Lindianne Sarno, Chair of Economic Development Advisory Commission, reported the commission is looking at three projects to incubate small businesses. Those include a permanent farmer's market building, a business incubator at the HERC building in conjunction with Parks and Recreation and Community Schools for intergenerational dances, and the Wooden Boat Society and Kachemak Bay water trail building on the Spit.

4. Parks and Recreation Advisory Commission

5. Port and Harbor Advisory Commission

C. Homer High School Students and Mayor Wythe Letters, re: Intersections

D. Reports from Mayor Wythe and Councilmembers Burgess, Dolma, and Zak on Alaska Municipal League Conference

8. PUBLIC HEARING(S)

A. **Ordinance 12-53**, An Ordinance of the Homer City Council, Amending HCC 9.16.010(A) and HCC 9.16.040, and Repealing and Reenacting HCC 9.16.100 Reinstating on a Year-Round Basis the City of Homer Sales Tax Imposed on Sales of Non Prepared Foods. Zak. Introduction November 26, 2012, Public Hearing and Second Reading December 10, 2012.

Ordinance 12-53(S), An Ordinance of the Homer City Council, Amending HCC 9.16.010(A) and HCC 9.16.040, and Repealing and Reenacting HCC 9.16.100 Reinstating on a Year-Round Basis the City of Homer Sales Tax Imposed on Sales of Non Prepared Foods. Zak.

There were 11 who testified.

SUBSTITUTE ORDINANCE 12-53(S) FAILED with discussion.

B. **Ordinance 12-54**, An Ordinance of the Homer City Council, Amending HCC 9.16.040 and HCC 9.16.100 to Make Certain Categories of Nonprepared Foods Subject to the City

of Homer Sales Tax on a Year-Round Basis. Lewis. Introduction November 26, 2012, Public Hearing and Second Reading December 10, 2012.

Ordinance 12-54(S), An Ordinance of the Homer City Council, Amending HCC 9.16.040 and HCC 9.16.100 to Make Certain Categories of Nonprepared Foods Subject to the City of Homer Sales Tax on a Year-Round Basis. Lewis.

There were two who testified.

SUBSTITUTE ORDINANCE 12-54(S) FAILED with discussion.

Mayor Wythe called for a recess at 7:23 p.m. and reconvened the meeting at 7:33 p.m.

C. **Ordinance 12-47(A)**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2013 for the General Fund, the Water-Sewer Fund, the Port/Harbor Fund, Debt Funds, and Capital Reserve Funds (Conditional Expenditures). City Manager. Introduction October 22, 2012, Public Hearings November 26 and December 10, 2012, Second Reading December 10, 2012.

There were three who testified.

AMENDED: IT Analyst and Public Works Project Manager positions added. Contribution to Chamber of Commerce amended to \$40,000.

ADOPTED as AMENDED with discussion.

Resolution 12-088, A Resolution of the City Council of Homer, Alaska, Maintaining the City of Homer Fee Schedule at the Current Rates. City Clerk. Recommended to follow Budget Ordinance 12-47 schedule.

ADOPTED with discussion.

Resolution 12-089, A Resolution of the City Council of Homer, Alaska, Maintaining the Port of Homer Terminal Tariff No. 600. City Clerk. Recommended to follow Budget Ordinance 12-47 schedule.

ADOPTED with discussion.

D. **Ordinance 12-55**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Alaska Highway Safety Program Grant for DUI Enforcement and Authorizing the City Manager to Execute the Appropriate Documents. City

Manager/Police Chief. Introduction November 26, 2012, Public Hearing and Second Reading December 10, 2012.

Memorandum 12-172 from Police Chief as backup.

There was no public testimony.

ADOPTED without discussion.

- E. **Ordinance 12-56(A)**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Online With Libraries (OWL) Grant in an Amount up to \$7,280.00 for a Temporary Part-Time IT Aide for the Public Library and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Library Director. Introduction November 26, 2012, Public Hearing and Second Reading December 10, 2012.

Memorandum 12-173 from Library Director as backup.

3

There was no public testimony.

ADOPTED without discussion.

- F. **Ordinance 12-57**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Capital Budget by Appropriating an Additional \$101,250 from the General Fund Balance for Completion of the Nick Dudiak Fishing Lagoon Dredging Project. City Manager/Public Works Director/Port and Harbor Director. Introduction November 26, 2012, Public Hearing and Second Reading December 10, 2012.

Ordinance 12-57(S), An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Capital Budget by Appropriating an Additional ~~\$101,250~~ **\$69,768** from the General Fund Balance for Completion of the Nick Dudiak Fishing Lagoon Dredging Project. City Manager/Public Works Director/Port and Harbor Director.

Memorandum 12-169 from City Manager as backup.

Memorandums 12-156 and 12-147 from Public Works Director as backup.

There was one who testified.

SUBSTITUTE ORDINANCE 12-57(S) ADOPTED with discussion.

9. ORDINANCE(S)

- A. **Ordinance 12-58**, An Ordinance of the City Council of Homer, Alaska, Approving the Disbursement of the Net Earnings of 5% of the Permanent Fund, an Amount of \$3,554.79, to Local Non-Profit Organizations for the Benefit of the Community. City Clerk/Permanent Fund Committee. Recommended dates: Introduction December 10, 2012, Public Hearing and Second Reading January 14, 2013.

ADOPTED without discussion.

- B. **Ordinance 12-59**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Reimbursable Grant in the Amount of \$8,000 from the State of Alaska Department of Environmental Conservation for Hazardous Materials Training and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Deputy Harbormaster. Recommended dates: Introduction December 10, 2012, Public Hearing and Second Reading January 14, 2013.

Memorandum 12-181 from Deputy Harbormaster as backup.

ADOPTED with discussion.

- C. **Ordinance 12-60**, An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting HCC Chapter 17.04 Regarding Special Assessment Districts. City Manager. Recommended dates: Introduction December 10, 2012, Public Hearing and Second Reading January 14, 2013.

ADOPTED without discussion.

10. CITY MANAGER'S REPORT

- A. City Manager's Report

City Manager Wrede referenced Mayor, Council, and Clerks trip report from the AML and AAMC conferences. If Council decides to proceed with the natural gas special assessment district financing through the Borough may be the best means. The Borough is willing to delay the first principle payment. In January Council will be discussing a loan agreement.

The letter from Fish and Game on the Nick Dudiak Fishing Lagoon dredging and pictures of Beluga Slough Trail, Airport sign, and City Hall sign were highlighted.

- B. Games Report

1. K-Bay Marines Detachment 838 Marine Corp. League

11. CITY ATTORNEY REPORT

City Attorney Wells had no information to report.

12. COMMITTEE REPORT

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee

Mayor Wythe expressed appreciation to the committee for the first disbursement of the funds.

- D. Lease Committee
- E. Port and Harbor Improvement Committee
- F. Employee Committee Report
- G. Water and Sewer Rate Task Force

Councilmember Burgess reported the task force is working hard to bring something to Council early in the coming year. They will hold a public comment period soon. The task force is proposing a model much more commodity based. The meter cost is lower, but the cost per gallon will increase. While typical house costs will come down significantly businesses may increase.

13. PENDING BUSINESS

- A. **Resolution 12-096**, A Resolution of the City Council of Homer, Alaska, Approving a New Two Year Contract in the Amount of \$40,000 Per Year with Anderson Group, LLC for Legislative Consulting and Lobbying Services. City Manager. (Postponed from November 26, 2012.)

Resolution 12-096(S), A Resolution of the City Council of Homer, Alaska, Approving a New One Year Contract in the Amount of \$40,000 Per Year with Anderson Group, LLC for Legislative Consulting and Lobbying Services. City Manager.

SUBSTITUTE RESOLUTION 12-096(S) ADOPTED with discussion.

14. NEW BUSINESS

- A. **Memorandum 12-182** from City Clerk, Re: Vacate Portions of Sprucewood Drive a 60-Foot Right-of-Way Located Northeast of Tract A, Block 2, and Any Associated Utility Easements With These Portions of Sprucewood Drive, Dedicated and Granted by Mountain Park Subdivision (Plat HM 78-10); Within Section 14, Township 6 South, Range 14 West, Seward Meridian, City of Homer and Within the Kenai Peninsula Borough, Alaska; KPB File 2012-175; Note: The adjacent existing roadway is to be dedicated with the recording of this plat; Location: City of Homer.

APPROVED with discussion.

15. RESOLUTIONS

- A. **Resolution 12-102**, A Resolution of the City Council of Homer, Alaska, Establishing the 2013 Regular Meeting Schedule for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks and Recreation Advisory Commission, Advisory Planning Commission, Port and Harbor Advisory Commission, Lease Committee, Permanent Fund Committee, Public Arts Committee and Transportation Advisory Committee. City Clerk.

Memorandum 12-183 from Permanent Fund Committee as backup.

Memorandum 12-184 from Economic Development Advisory Commission as backup.

Memorandum 12-185 from Library Advisory Board as backup.

Memorandum 12-186 from Planning Commission as backup.

Memorandum 12-187 from Transportation Advisory Committee as backup.

Memorandum 12-188 from Port and Harbor Advisory Commission as backup.

ADOPTED without discussion.

- B. **Resolution 12-103**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Enter Into a New Short Term Lease with the Homer Boys and Club and to Extend the Club's Occupancy of the Lower Level of the Homer Education and Recreation Complex (HERC) Building for One Additional Year Beginning on January 1, 2013 and Ending December 31, 2013. City Manager.

AMENDED: to add another be it further resolved that the approval of this contract will be contingent upon the approval by the Fire Marshal for the continued use of the building by the Boys and Girls Club.

ADOPTED as AMENDED with discussion.

16. COMMENTS OF THE AUDIENCE

There was one who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comment.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson thanked Council for a thorough meeting and wished everyone Happy Holidays.

19. COMMENTS OF THE CITY MANAGER

City Manager Wrede wished everyone Happy Holidays. He thanked Mayor and Council for their hard work on budget and their helpful comments on city employees.

20. COMMENTS OF THE MAYOR

Mayor Wythe asked Council to review the CIP list and be ready to provide clear instructions for the lobbyist. In the list of projects hanging out there it would help to prioritize projects. Then they can focus their attention more narrowly and work gets done more efficiently. She wished everyone a Merry Christmas and Happy New Year and issued a reminder about the perils of drinking and driving.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Burgess wished everyone Happy Holidays and advised to drive safely. He advised on the rules regarding a two way stop intersection. If you are at a two-way stop and want to go straight and someone else wants to turn left, it goes precedence of right-of-way. The person turning right, then straight, then left has the right-of-way, regardless of who arrives at the two way stop first. This is an important fact and safety issue. He is disappointed even though we are in a decent fiscal spot we put off a tough call this evening. Although sales tax would not have been the best income stream, we need to balance the budget. We need to think about managing the City's future revenues and prospects. There is declining tourism and declining fisheries. We don't want to saddle our children and grandchildren. Council needs to make the tough calls and we don't want to kick that can down the road.

Councilmember Dolma commented on infrastructure improvements as previously stated by the City Manager. For folks that don't want improvements, come down and tell us what you don't want. Without an income funding stream Council needs to know what you don't want. As to his earlier comments on what the Fire and Police Department costs are, those are rhetorical questions. He is not advocating shutting down either department and is aware of the City's responsibilities to provide those services. They could be funded at a lower level. These are things the citizens need to think about.

Councilmember Roberts appreciated the debate about the food sales tax. People presented a lot of interesting view points. The fiscal situation of the City is at risk when we don't consider the sales tax seriously. She wished everyone a great holiday season.

Councilmember Lewis wished all a Happy Hanukkah, Merry Christmas, Happy New Years and Kwanzaa. This weekend if you are bored you may want to go to Ohlson Mountain or Lookout Mountain. There will be a big high school ski meet going on there. They may be looking for volunteers.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:52 p.m. The next Regular Meeting is Monday, January 14, 2013 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.