

ACTION AGENDA
Monday, January 28, 2013
Special Meeting
Committee of the Whole
Regular Meeting

Session 13-02 a Special Meeting of the Homer City Council was called to order on January 28, 2013 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, ZAK

ABSENT: HOWARD (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON

Councilmember Howard has requested excusal.

Mayor Wythe declared Councilmember Howard's absence as excused. 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 13-009**, From City Clerk Re: Request for Executive Session Pursuant to AS 44.62.310 (a-c)(2), Matters, Subjects that Tend to Prejudice the Reputation and Character of any Person, Provided the Person May Request a Public Discussion (City Manager Wrede Annual Performance Evaluation/Employment Contract).
- B. **Memorandum 13-010**, From City Clerk Re: Request for Executive Session Pursuant to AS 44.62.310 (a-c)(1) Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Public Entity (Special Corps of Engineers Permit Modification Application for the Ocean Drive Loop Seawall).

APPROVED both memorandums.

City Manager Wrede requested his annual performance evaluation and employment contract be discussed in Executive Session.

Council adjourned to Executive Session at 4:05 p.m. and reconvened the meeting at 4:51 p.m.

Mayor Pro Tempore Roberts stated Council spoke with the attorney and advised him how to proceed relative to legal issues on the Seawall and performed an annual performance evaluation for the City Manager and proposed a new contract.

5. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

6. ADJOURNMENT

Mayor Wythe adjourned the meeting at 4:51 p.m.

COMMITTEE OF THE WHOLE AGENDA

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

Councilmember Howard has requested excusal.

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. RESOLUTIONS

A. **Resolution 13-007**, A Resolution of the City Council of Homer, Alaska, Authorizing a Transfer of Responsibility Agreement (TORA) and a Transfer of Funds Between the City and the Alaska Department of Transportation and Public Facilities (ADOT/PF) Regarding Intersection Improvements and Traffic Control at Main Street and the Sterling Highway. City Manager.

B. **Resolution 13-008**, A Resolution of the City Council of Homer, Alaska, Requesting that the Alaska Legislature Re-Appropriate the \$2 Million the City Received for Improvements at the Sterling Highway and Main Street Intersection to a New Port and Harbor Office and/or a New Skyline Drive Fire Station. Burgess.

4. REGULAR MEETING AGENDA

5. COMMENTS OF THE AUDIENCE

There was one who commented.

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

Mayor Wythe adjourned the meeting at 5:37 p.m.

REGULAR MEETING AGENDA

Session 13-03 a Regular Meeting of the Homer City Council was called to order on January 28, 2013 at 6:01 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

ABSENT: HOWARD (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
COMMUNITY & ECONOMIC DEVELOPMENT
COORDINATOR KOESTER
FINANCE DIRECTOR MAURAS
IT MANAGER POOLOS
LIBRARY DIRECTOR DIXON
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

Councilmember Howard has requested excusal.

Mayor Wythe declared Councilmember Howard's absence as excused. There was no objection from the Council.

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 13-01(A)(S), An Ordinance of the Homer City Council, amending HCC 17.04.190 to Provide for Deferral of Special Assessments for Low Income Residents. Burgess; **ORDINANCES - Ordinance 13-02**, An Ordinance of the City Council of

Homer, Alaska, Creating the City of Homer Natural Gas Distribution Special Assessment District, Approving the Improvement Plan for the District, and Authorizing the City Manager to Proceed with the Improvement. City Manager; Memorandum 13-021 from City Attorney as backup; Memorandum 13-022 from Clerical Assistant as backup; Written public comments; Objections to the Natural Gas Special Assessment District; **CITY MANAGER'S REPORT** - Lobbyist Report, January 23, 2013.

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were four 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 January 14, 2013. City Clerk. Recommend adoption.
- B. **Memorandum 13-011**, from Mayor Wythe, Re: Appointment of Matt Strobel to the Library Advisory Board and Reappointments of Bob Howard and Steve Zimmerman to the Port and Harbor Advisory Commission.
- C. **Memorandum 13-012**, from Mayor Wythe, Re: Appointment of Councilmember Francie Roberts to the Emergency Operations Plan Review Committee.
- D. **Resolution 13-010**, A Resolution of the City Council of Homer, Alaska, Awarding the Art Work for the Four Public Restroom Facilities to Joshua Nordstrom of Homer, Alaska, in the Amount of \$4,200, Melisse Reichman of Homer, Alaska, in the Amount of \$4,610, and Sheila Wyne of Anchorage, Alaska, in the Amount of \$10,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 13-013 from the 1% for the Arts Selection Committee as backup.

- E. **Resolution 13-011**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for City Hall, Parks, and Cemeteries Lawn Maintenance 2013, 2014, and 2015 to the Firm of Dutch Boy Landscaping of Homer, Alaska, in the Amount of \$30,085.64 Per Year and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 13-014 from Parks Maintenance Coordinator as backup.

- F. **Resolution 13-012**, A Resolution of the City Council of Homer, Alaska, Approving the Purchase of a 2004 Volvo EW180B Used Wheeled Excavator in the Amount of \$110,100 Through Pacific Rim Machinery, Inc. of Gig Harbor, Washington, and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Memorandum 13-015 from Public Works Superintendent as backup.

- G. **Resolution 13-013**, A Resolution of the City Council of Homer, Alaska, Authorizing the Allocation of Up to \$2,500 from the Reimbursable Grant Established in Ordinance 12- 51(A) for the Purposes of Funding Phase 1 of the Tidal Energy Incubator Project. City Manager.

Memorandum 13-020 from Community and Economic Development Coordinator as backup.

ADOPTED without discussion.

6. VISITORS

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

Kenai Peninsula Borough Assemblyman Bill Smith reported the Assembly introduced an ordinance to loan money to Kachemak City and the City of Homer for main extensions for the gas line. The ordinance has good support from the Assembly. There have been questions if the funds are coming out of the Borough's fund balance. It is not coming out of the fund balance and the loan will not cost the taxpayers. The Borough maintains both long and short term investments from a variety of service areas and hospital service funds. If the loan is made at an interest rate favorable to both parties, everyone will benefit. Assemblyman Smith plans to go to Juneau with other Assembly members and will promote their Capital Improvement Projects along with the City's. One project is a new artificial turf field for both Homer and Soldotna high schools.

B. Commissions/Board Reports:

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

Lars Bell, Parks and Recreation Advisory Commissioner, thanked Council for working on plans for the HERC building. An engineering firm is now beginning to work on the Kachemak Drive trail.

5. Port and Harbor Advisory Commission

C. 2013 Industry Outlook Forum – January 31st and February 1st at Land’s End Resort

8. PUBLIC HEARING(S)

A. Natural Gas Line Special Assessment District

There was one who testified.

B. **Ordinance 13-01(A)**, An Ordinance of the Homer City Council Amending HCC 17.04.190 to Provide for Deferral of Special Assessments for Low Income Residents. Burgess. Introduction January 14, 2013, Public Hearing and Second Reading January 28, 2013.

Memorandum 13-016 from Planning Technician as backup.

Ordinance 13-01(A)(S), An Ordinance of the Homer City Council Amending HCC 17.04.190 to Provide for Deferral of Special Assessments for Low Income Residents. Burgess.

There was no public testimony.

Mayor Wythe declared her conflict of interest on the gas line and passed the gavel to Mayor Pro Tempore Roberts.

SUBSTITUTE ORDINANCE 13-01(A)(S) ADOPTED.

POSTPONED to February 11 for PUBLIC HEARING and SECOND READING.

9. ORDINANCE(S)

A. **Ordinance 13-02**, An Ordinance of the City Council of Homer, Alaska, Creating the City of Homer Natural Gas Distribution Special Assessment District, Approving the Improvement Plan for the District, and Authorizing the City Manager to Proceed with the Improvement. City Manager. Recommended dates: Introduction January 28, 2013, Public Hearing and Second Reading February 11, 2013.

Memorandum 13-017 from Planning Technician as backup.

Memorandum 13-018 from Clerical Assistant as backup.

Memorandum 13-021 from City Attorney as backup.
Memorandum 13-022 from Clerical Assistant as backup.

ADOPTED with discussion.

- B. **Ordinance 13-03**, An Ordinance of the City Council of Homer, Alaska, Authorizing the City to Issue a Natural Gas Distribution Special Assessment Bond in the Principal Amount of Not to Exceed \$12,700,000 to Finance the Design and Construction of Natural Gas Distribution Improvements in the City, Fixing Certain Details of Such Bond and Authorizing Its Sale; and Repealing HCC Chapter 17.08. City Manager. Recommended dates: Introduction January 28, 2013, Public Hearing and Second Reading February 11, 2013.

ADOPTED without discussion.

Mayor Pro Tempore Roberts passed the gavel back to Mayor Wythe.

10. CITY MANAGER'S REPORT

- A. City Manager's Report
1. Memorandum 13-019 from City Manager, Re: Emergency Procurement / \$10,500 / Sewer Back-Up Emergency Relief.
 2. Lobbyist Report

City Manager Wrede reported an emergency procurement was issued for the backed up sewer line. He had discussed it with the Mayor and Department Heads and decided emergency relief for relocations and discomfort was the right thing to do. An investigation is still underway and the results should be completed this week. The appropriation will require an ordinance at the next meeting. Mayor Wythe asked that the City Manager stay in contact with the affected parties to let them know the outcome.

The lobbyist report was included in the packet. There are no updates to the report. Councilmembers commented on the good report of the lobbyist. The layout emphasizes issues pertinent to the City.

Councilmember Burgess requested that a tax exemption be provided for farm structures such as high tunnels or commercial agriculture operations. City Manager Wrede advised it would require council discussion and consent as a body to proceed with the request.

- B. Bid Report
- C. Records Inventory 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

13. PENDING BUSINESS

14. NEW BUSINESS

15. RESOLUTIONS

- A. **Resolution 13-007**, A Resolution of the City Council of Homer, Alaska, Authorizing a Transfer of Responsibility Agreement (TORA) and a Transfer of Funds Between the City and the Alaska Department of Transportation and Public Facilities (ADOT/PF) Regarding Intersection Improvements and Traffic Control at Main Street and the Sterling Highway. City Manager.

FAILED for lack of a motion.

- B. **Resolution 13-008**, A Resolution of the City Council of Homer, Alaska, Requesting that the Alaska Legislature Re-Appropriate the \$2 Million the City Received for Improvements at the Sterling Highway and Main Street Intersection to a New Port and Harbor Office and/or a New Skyline Drive Fire Station. Burgess.

ADOPTED with discussion.

- C. **Resolution 13-009**, A Resolution of the Homer City Council Exempting Kachemak Moose Habitat, Inc. from City Property Tax; Declaring that the Organization Satisfies the Criteria of Kenai Peninsula Borough Code 5.12.100, Real Property Tax-Exemptions-Community Purposes Property-Condition on Four (4) Parcels, Retroactive to January 1, 2013, and Authorizing the City Manager to Execute Any and All Associated Documents. Roberts/Lewis.

ADOPTED with discussion.

16. COMMENTS OF THE AUDIENCE

There were two who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

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 Wythe thanked everyone for attending. The Industry Forum will be held at Land's End on Thursday and Friday. She requested the trail head for the Kachemak Bay Water Trail be included on the Committee of the Whole agenda for February 11th.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Dolma commented that natural gas to Homer is controversial; it is difficult for everyone to feel it is fair. There are some winners and some losers. Council had to pick a way of being the most fair to the most people. He referenced Memorandum 13-022 and the percentages of people against gas: costs to homeowner and/or to the City 44%; concerns of future gas supply 16%; safety concerns 2%; doubted it would come to area 3%; condo owners 4%; public vote 2%; and renewable energy solar, wind, or tidal 10%. Natural gas is an interim solution for the next 20 years; the most economic solution. Another 16% object due to future gas supply as there is a shortage on the Peninsula. Worldwide we are awash in gas.

Councilmember Zak commented this Thursday and Friday the Economic Development District is having their Economic Outlook Forum at Land's End. There has been much economic development here this year with the Chamber, the Economic Development Advisory Commission, the City's economic development coordinator (Katie Koester), and the new marine trades. They are going to Seattle and getting the word out that Homer is open for business. If you weren't able to make the Forum this year there is always next year. This is the first year it was offered in Homer. We want everyone to know we care about our community and economic development. He hopes the condo owners do get a chance; he will be looking forward to hearing other comments. His real estate instructor Jerry Royce prides himself on helping homeowners associations. Councilmember Zak tried to communicate with the Council his concerns. The moral issue brought up today hurts him hard. The Alaska Statutes may need changing. If it is unclear let's do the right thing.

Councilmember Roberts commented Council was given a copy of every person's objection. She reassured everyone that she and other councilmembers read all the information. She has listened to a lot of you; we are hearing you and are trying our best to be as fair as we can to everyone.

The lobbyist report is very much improved. Any Homer citizen would learn a lot of things to improve Homer in the lobbyist reports.

Councilmember Burgess commented through this process he has learned there are quite a few people in town who are really excited about alternative energy as a heating and power source. He asked people that are serious about throwing their legislative weight behind an alternative energy project to talk to him. Economically in the short term we don't have many viable options, but long term there are options.

Councilmember Lewis wished the co-op hockey team Homer High, Voznesenka, and Kachemak Selo luck this week as they head to regions. They are possibly good enough to make it to State.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 6:58 p.m. The next Regular Meeting is Monday, February 11, 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.