

Session 13-04 a Special Meeting of the Homer City Council was called to order on February 11, 2013 at 4:01 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  
CITY ATTORNEY KLINKNER

Councilmember Howard has requested excusal.

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

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

Mayor Wythe called for a motion for the approval of the agenda.

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Chip Duggan, city resident, commented on the lack of communication he received from the City on the insurance determination for the sewer back-up. He read that it was determined to be an act of God. He thanked Council for the \$3,500 although it is not near what he has expended.

City Manager Wrede apologized to Mr. Duggan. He was called for jury duty and the insurance company had said they would call the people.

#### **PENDING 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).

LEWIS/ROBERTS - SO MOVED.

Mayor Wythe called for a motion for the approval of the recommendations of Memorandums 13-009 for City Manager Wrede Annual Performance Evaluation/Employment Contract and 13-010 for Special Corps of Engineers Permit Modification Application for the Ocean Drive Loop Seawall.

City Manager Wrede requested his evaluation be conducted in the Executive Session.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### **NEW BUSINESS**

- A. **Memorandum 13-028**, 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 (A Legal Briefing and Report on Insurance Company Investigation into the January 12-13 Sewer System Back-Ups into Three Homes).

Mayor Wythe called for a motion for the approval of the recommendations of Memorandum 13-028 for a Legal Briefing and Report on Insurance Company Investigation into the January 12-13 Sewer System Back-Ups into Three Homes.

BURGESS/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/LEWIS – MOVED TO ADJOURN TO EXECUTIVE SESSION.

There was no discussion.

VOTE: YES. ROBERTS, DOLMA, ZAK, BURGESS LEWIS

Motion carried.

Council recessed to Executive Session at 4:12 p.m. and reconvened the Special Meeting at 4:58 p.m.

Mayor Pro Tempore Roberts stated Council spoke with the attorneys regarding the two issues on the Executive Session and advised them on how to proceed on the Corps of Engineers issue and the sewer issue. Council concluded contract negotiations with the City Manager and extended his contract for two years with no changes in the contract.

### **COMMENTS OF THE AUDIENCE**

There were no comments of the audience.

### **ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 4:59 p.m. The next Regular Meeting is Monday, February 25, 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.

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JO JOHNSON, CMC, CITY CLERK

Approved: \_\_\_\_\_