

**ACTION AGENDA**  
Monday, April 8, 2013  
Worksession  
Committee of the Whole  
Regular Meeting

**WORKSESSION AGENDA**

1. **CALL TO ORDER, 4:00 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

APPROVED with discussion.

3. **Waddell Way/Heath Street Intersection**
4. **Water and Sewer Rate Task Force Draft Rate Model**

Mayor Wythe passed the gavel to Mayor Pro Tempore Roberts and reviewed the Water and Sewer Draft Rate Model.

5. **COMMENTS OF THE AUDIENCE**
6. **ADJOURNMENT NO LATER THAN 4:50 P.M.**

Mayor Pro Tempore Roberts adjourned the meeting at 4:58 pm.

**WORKSESSION AGENDA**

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

Mayor Wythe called the meeting to order at 5:08 p.m.

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. **CONSENT AGENDA**

**4. REGULAR MEETING AGENDA**

**5. COMMENTS OF THE AUDIENCE**

None

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

Mayor Wythe adjourned the meeting at 5:22 p.m.

**REGULAR MEETING**

Session 13-09, a Regular Meeting of the Homer City Council was called to order on March 26, 2013 at 6:00 p.m. by Mayor Mary E. Wythe at 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, HOWARD, LEWIS,  
ROBERTS, ZAK

STAFF: CITY MANAGER WREDE  
CITY ATTORNEY KLINKNER  
DEPUTY CITY CLERK JACOBSEN  
COMMUNITY & ECONOMIC DEVELOPMENT  
COORDINATOR KOESTER  
PORT AND HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS DIRECTOR MEYER  
LIBRARY DIRECTOR DIXON

**1. CALL TO ORDER, PLEDGE OF ALLEGIANCE**

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.)

APPROVED with the following changes:

**CONSENT AGENDA** Substitute Resolution 13-036(S) Awarding the Contract for the Homer Library Vestibule Improvement in the amount of \$7,570 to the firm of Mark's Drywall, Inc. Of Anchor Point, Alaska and authorizing the City Manager to execute the appropriate documents. Memorandum 13-050 from Public Works Director as backup.

**CITY ATTORNEY'S REPORT**- Written report for March 2013.

AMEND Consent Agenda to move items F and G to Resolutions.

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

There was no public comment.

**4. RECONSIDERATION**

None

**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 March 26, 2013. City Clerk. Recommend adoption.
- B. **Ordinance 13-10**, An Ordinance of the City Council of Homer, Alaska, Amending the 2013 Operating Budget by Appropriating up to \$45,000 from the Water Reserve Fund for the Demolition of the Redwood Tank at the Water Treatment Plant. Recommended dates: Introduction April 8, 2013, Public Hearing and Second Reading April 22, 2013.

Memorandum 13-047 from Public Works Director as backup.

- C. **Resolution 13-032**, A Resolution of the Homer City Council Approving the City of Homer 2013 Land Allocation Plan. Mayor/City Council. Recommend Adoption.

Memorandum 13-048 from Planning Technician as backup.

- D. **Resolution 13-033**, A Resolution of the City Council of Homer, Alaska, Approving a 2005 Transportation Plan Central Business District East/West Corridor Alternative using Hazel Avenue as the Connection to Heath Street, and the Waddell Way Portion Of The Road Corridor be Connected to Heath Street at Bonanza Avenue. City Manager/Public Works Director. Recommend adoption.

Memorandum 13-049 from Public Works Director as backup.

- E. **Resolution 13-034**, A Resolution of the City Council of Homer, Alaska, Approving a Ten Year Lease with Two 2.5 Year Options for William Sullivan, DBA Kachemak Bay Seafoods on Lot 88-3, Homer Spit Subdivision No. 2. City Manager. Recommend adoption.

- F. **Resolution 13-035**, A Resolution of the Homer City Council Amending the City Council Operating Manual to include the Tablet Usage Policy. City Clerk/IT Manager. Recommend adoption.
- G. **Resolution 13-036**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Library Vestibule Improvements to the Firm of \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_, in the Amount of \$\_\_\_\_\_ and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend move to Resolutions.

APPROVED/ADOPTED without discussion.

## 6. VISITORS

## 7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. **Mayor's Recognition** – Earth Day 2013
- 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

Dave Brann from the Parks and Recreation Advisory Commission said the Commission is very active. They have been following the ongoing issue of the HERC building and understand that it may go away, and if it does, they want to start the thought process on replacing it with a recreation building because the community needs it. The Commission is pleased with the spit trail plan changes and appreciates the response to concerns that were shared. He pointed out that volunteers make a difference in the beautification of parks. There was a small group that did some clearing a ditch at Hornaday Park to help with the drainage. Ben Walters Park has been adopted by the local Rotary Club and has plans for barrels with flowers, to straighten posts along the road going in, and straighten kiosks if time allows. It's important to recognize the value of volunteers in making those kind of things happen. It looks like there will be a campground host at Hornaday Park Campground this summer which is exciting because it should be very helpful. The commission hopes the Pier 1 campground will be usable for the season, it looks like a lot of work, but when people get into it, things can happen quickly. They see it as a valuable asset. Mr.

Brann said the Council will be receiving the Diamond Creek Recreational Master Plan Draft. The commission has approved of the plan and it is working its way through other commissions to the council. With help from Planning, progress is being made to get 3 yellow bicycle signs for Kachemak Drive within the DOT right of way as an indicator to motorists that there is a potential for bicycles on the road. Planning staff is working on the permits, he has raised money to pay for the signs, post, anchors, and hardware, but DOT or city staff will have to set the posts because DOT won't allow it to be done by volunteers. The Kachemak Drive Path Committee has changed their focus to concentrate on the Mud Bay portion for a multi user trail from the end of the spit trail to the access road from the airport.

5. Port and Harbor Advisory Commission

8. PUBLIC HEARING(S)

- A. **Ordinance 13-08**, An Ordinance of the City Council of Homer, Alaska, Amending the 2013 Operating Budget by Appropriating Up to \$110,000 From the Sewer Reserve Fund for the Repair of Flood Damage at the Wastewater Treatment Plant and Implementing Mitigation Measures. City Manager/Public Works Director. Recommended dates: Introduction March 26, 2013, Public Hearing and Second Reading April 8, 2013.

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Memorandum 13-039 from Public Works Director as backup.

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There were no public comments.

ADOPTED with discussion.

- B. **Ordinance 13-09**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds and Establishing a Project Budget for Administration and Direct Services Provided in Support of the Homer Natural Gas Distribution System Special Assessment District. City Manager. Recommended dates: Introduction March 26, 2013, Public Hearing and Second Reading April 8, 2013.

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There were no public comments.

ADOPTED with discussion.

9. ORDINANCE(S)

10. CITY MANAGER'S REPORT

- A. City Manager's Report

City Manager Wrede gave a verbal trip report from his meetings in Anchorage and Juneau, and noted the laydown items from the lobbyist that were received just before tonight's meeting.

Regarding the PERS information provided, there is a lot of information there and is still a moving target with 8 days left in the legislature, so he is unsure how to advise council. Our lobbyists have been working hard on this with other municipalities, AML, and legislative staff. They have come upon what seems to be a good deal for municipalities whereby if they agree to pay a little more than the 22% for PERS, then we could, in exchange, get out from under the cost of termination studies and some costs of long terms PERS liability when a class of employee is eliminated. At this point City Manager Wrede suggests not taking a position, but with Council's permission he and the Mayor could monitor the progress and say, at a minimum, that we do or don't object, depending on how it affects the City.

City Manager Wrede reported that he met with DOT in Anchorage on the MOU for the \$2 million earmark and the deep water dock. He thinks they are getting close to wrapping it up to get to work on the deep water dock expansion feasibility study, and thinks it is close enough to expect a resolution on the next agenda. He met with City Attorney Klinkner to discuss court cases, which are mentioned in the City Attorney's report. City Manager Wrede reported that in Juneau, besides lobbying for capital projects, he and the Mayor visited with the Coast Guard Admiral. They talked about Coast Guard housing needs, sequestration, shrinking budgets, and new talk about consolidating vessels in Kodiak. The Admiral offered feedback about improvements that would be beneficial for Homer to consider, and that they are talking about where to locate a new vessel coming in to replace an old one. He couldn't recall which vessel. It is something to keep an eye on, and also look at what we can do to make Homer more attractive for the Coast Guard to be here. It would be a big impact if they left. City Manager Wrede said they thanked the Admiral for the Coast Guard being here and expressed how much we appreciate the new marine safety detachment and how beneficial they have already been to the economy and to safety as well. He said he visited the bond bank and hand delivered the application for the \$4.2 million for the harbor projects. The preliminary financial report shows that the city is in really good shape fiscally, and easily capable of handling bond payments. They were impressed by the actions already taken to prepare for this. He and the Mayor talked to legislators about legislation the council is on record as supporting, and timing was good. It is a really lean capital budget with the senate cutting \$100 million from the Governors capital budget, fortunately the \$4.2 million for the harbor match and appropriation of traffic signal money to Skyline Fire Station and Harbormaster building were still in there. The house will have the budget now and are under pressure to cut it even further with the assumption that the Governor's oil tax bill will pass.

Mayor Wythe added that she will have some recommendations in her report at the next meeting in an effort to establish a more linear way of looking at and thinking about long range planning. On both the state and federal level it will become much more incumbent that the city is doing all the front work so they put forth shovel ready projects for them to consider. The city's preparedness for the Harbor projects was very helpful in keeping those monies in the budget. She commented that her takeaway from talking with Coast Guard was pre-planning is very beneficial. They talked about the dock expansion and the new harbor, and part of the purpose of the new harbor would be to provide them with a better and safe harbor. He indicated the city would have the ability to put forth a proposal of what the city is looking at and a plan, but in order for it to be feasible for the city, we would need some long term commitments. Potentially

through that process the city could garner a long term commitment from the Coast Guard. Mayor Wythe added that after this trip she has a better understanding of why former Mayor Hornaday always returned from these trips so doom and gloom, because talking to them is like it is a black hole. She recognized it is going to get difficult, but feels like they have to sharpen their pencils and look at how to make it move forward. She hopes we can keep it shiny here whether it is shiny there or not.

City Manager Wrede added they had a good meeting with Commissioner of DOT and really emphasized the deplorable condition of Pioneer Avenue and Lake Street. The Commissioner wasn't optimistic about the passing of a bill to dedicated transportation funds that would give more money and flexibility to DOT. After passing the resolution inviting the Governor to hold a picnic in Homer, Mayor Wythe invited Commissioners Bell and Kemp to Homer if we are awarded the picnic. If they come we can show them Pioneer Avenue first hand.

B. Employee Anniversaries

Mayor Wythe recognized there are 9 employees celebrating anniversaries this month for a total of 54 years of contribution to the City of Homer, and we appreciate them greatly.

C. National Registry of Emergency Medical Technicians Certificate of Recognition of Fire Chief Painter

D. Alaska Corps of Coastal Observers pamphlet

## **11. CITY ATTORNEY REPORT**

City Attorney Klinkner apologized for his late report. He commented regarding the Castner case, he filed a motion for summary judgment to dismiss the claims, Mr. Castner responded with alacrity and he suspects the case will be fully briefed and submitted to the court for, what he hopes to be, a prompt decision. The Auction Block case is kind of adrift now; the administrative law judge at the FMC has given herself an additional four months to do an initial and final decision on the case. The other issue with the Auction Block Company and its affiliates is their lease with the city. The lease is encumbered by a deed of trust for a secured loan to finance the improvement of the property with the processing facility, and the deed of trust is in default, with a foreclosure sale scheduled for some time in early May. Attorney Wells has been in communication with Wells Fargo's lawyer in charge of the foreclosure, and also with Mr. Hogan's council who is now a lawyer who is a bankruptcy specialist. Attorney Klinkner thinks that Mr. Hogan will either work out an arrangement with the bank before the foreclosure sale, or he is in chapter 11 or 7. Lastly he noted the case pending before the Alaska Supreme Court brought by Frank Griswold complaining about the handling of a public records request back in 2008 and renewed in 2010, was submitted for decision. His office received a call from the court clerk requesting some pieces of the record that were sidetracked on their way to the Supreme Court, so he thinks there may be a decision in this matter soon. He will keep them posted.

## 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

Mayor Wythe commented the Task Force presented their work to Council during the worksession today. It is not up to Council to consider for the new rate schedule.

## 13. PENDING BUSINESS

## 14. NEW BUSINESS

## 15. RESOLUTIONS

- A. **Resolution 13-036**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Library Vestibule Improvements to the Firm of \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_, in the Amount of \$\_\_\_\_\_ and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Moved to Resolutions to consider Substitute Resolution

Resolution 13-036(S), A Resolution of the City Council of Homer, Alaska, Awarding a Contract for the Homer Library Vestibule Improvement Project in the Amount of \$5750 to the Firm of Mark's Drywall, Inc. of Anchor Point, Alaska, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

ADOPTED Substitute resolution without discussion.

- B. **Resolution 13-035**, A Resolution of the Homer City Council Amending the City Council Operating Manual to include the Tablet Usage Policy. City Clerk/IT Manager.

ADOPTED with amendments.

AMEND Resolution line thirteen to add **Whereas the city requires a system to preserve the electronic communications of elected city officials that are public records; and**



## AMEND Tablet Usage Policy:

### Section 4. Liability

- a. Recipients are responsible for all material sent by and/or stored on the tablet issued to them **which they will knowingly and intentionally send or store/install**. Recipients accept responsibility for keeping their tablet free from all inappropriate or dangerous files.
- b. The City of Homer is not liable for any inappropriate material sent by and/or stored on tablets issued under this policy, **outside of the scope of use expected by a city official**.

### Section 5. Email Usage

- a. The recipient of a device under this policy agrees to conduct all email communications **which are stored on this device** through their assigned City email account. All emails sent through the City's email system are archived and retained by the City in a manner consistent with the City's Record Retention Policy.
- b. Syncing personal email accounts is **to** the issued device, other than the recipient's assigned City email account, is prohibited.

### Section 6. Acceptable Use

- b. ~~Personal use of the tablet is not permissible. The tablet is not to be used for personal profit or non-profit purposes such as advertising, rentals, selling or buying things, soliciting for charity, or other such uses that are not directly in support of the recipient's role as an elected official of the City of Homer.~~ **The device may only be used for limited personal use, that does not interfere with the ability of the device to be used for official intended purposes.**

### Section 8. Installation of applications

- d. **Applications for personal use that do not interfere with city use may be allowed by the IT Manager on a case by case basis.**

### Section 10. Loss and Damage

- a. Recipients of tablets under this policy are ~~personally responsible for the security and safety of their assigned tablets and will be held fully liable if stolen, lost, destroyed or not returned. Recipients will be required to reimburse the City for the full replacement cost of the tablet and/or accessories if they are stolen, lost, destroyed or not returned. The replacement cost will be the same as the original purchase price of the tablet and/or accessories.~~ **encouraged to keep the device safe and in good working order. If a user demonstrates extreme negligence with a device, or loses a replacement device within 18 months of being issued a replacement, then he or she shall be financially responsible for the cost of the replacement.**

## 16. COMMENTS OF THE AUDIENCE

There were three who commented.

## 17. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner commented that at the next meeting they will be presented, for introduction, an ordinance that establishes the structure and authorizes the issuance of the first

series of harbor revenue bonds for funding this year's projects. The structure will be such that the city can easily issue additional series of bonds in future years if they find the need and the revenues of the harbor will support the borrowing. He will not be present at the meeting but will be available by phone to discuss the details.

#### **18. COMMENTS OF THE CITY CLERK**

None

#### **19. COMMENTS OF THE CITY MANAGER**

None

#### **20. COMMENTS OF THE MAYOR**

Mayor Wythe thanked Deputy City Clerk Jacobsen for coming in and working with them. It has been really good, and hopefully good for her as a learning experience while the City Clerk has been enjoying time off. As we move forward, at the next meeting she will have some recommendations as a result of her trip to Juneau. They will result in some work for council as she feels like there are some strategic planning initiatives they need to take, and not defer to committees and commissions. Also the Council will begin to undertake the review of the water and sewer rates with the objective of having the rates available to the consumers in advance of the July implementation date. She further noted that the Ocean Drive assessment and property tax mil rate as well.

#### **21. COMMENTS OF THE CITY COUNCIL**

Councilmember Burgess thanked Mr. Slone for his comments and clarity on the water and sewer task force. He thinks it is important to keep in mind as complex as the rate model seems, a commodity based model encourages the most apolitical discussion about this topic. It eliminates the need to every two years have a group come in claiming they are being punished, it comes down to a gallon of water is a gallon of water, a hook up is a hook up, and it costs what it costs. If we can keep with that sentiment and feeling we won't undermine the work that the task force has done. In his mind there are three main components to address the larger issues of water and sewer. One is the rate schedule we choose, then infill, and lastly is thinking about an effective long term strategy for expanding the system in a way that is cost effective and equitable.

Councilmember Lewis recognized to 2 hockey players from Homer High who participated in national tournaments. Tommy Bowe, who plays for the Ice Hawks out of Kenai was in Detroit. Hannah Baird who plays for an Anchorage U19 girls team at the national tournament in San Jose. Unfortunately they aren't coming home with the big trophies but they did a good job.

Councilmember Zak thanked the Mayor, City Manager, and Lobbyist for the reports. Maybe in the future we won't see as many opportunities for the capital improvement plan, but it's good to see there are some senate bills that could affect us positively here on the peninsula. It is good to

see young people in the audience, and it's good to have the community feedback. It's good to see positive outcomes for future economic development, Dave Brann brought up quite a few opportunities. There is a lot going on. It's good to hear the Mayor coming back from Juneau talking optimistically and proactively about our community. Good job Councilmembers for the progress we have made. If you are concerned about water and sewer rates, he saw a breakdown at one of the breaks and thinks it will be easy for users to understand when they see their bill.

Councilmember Roberts acknowledged the certificate in the packet for Fire Chief Painter who was recognized for 30 years of service as an EMT. We are very fortunate to have him and his expertise on our fire department; she was impressed to see that. She also noted the the Alaska Corps Coastal Observers who are looking for people who live on or around the water in Alaska. There is more information at [akcoastalcorps.org](http://akcoastalcorps.org) for people how might be interested.

Councilmembers Howard and Dolma had no further comments.

## **22. ADJOURNMENT**

There being no further business to come before the Council the meeting is adjourned at 7:07 p.m. The next Regular Meeting is Monday, April 8, 2013 at 6:00 pm and Committee of the whole at 5:00 pm. All meeting scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.