

ACTION AGENDA
Monday, February 24, 2014
Worksession
Committee of the Whole
Regular Meeting

WORKSESSION AGENDA

1. CALL TO ORDER, 4:00 P.M.

Councilmember Howard 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. NEW INTERGOVERNMENTAL WASTEWATER AGREEMENT BETWEEN THE CITY OF HOMER AND KACHEMAK CITY

4. COMMENTS OF THE AUDIENCE

There were three who commented.

5. ADJOURNMENT NO LATER THAN 4:50 P.M.

Next Regular Meeting is Monday, March 10, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Mayor Wythe adjourned the meeting at 4:55 p.m.

COMMITTEE OF THE WHOLE AGENDA

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

Councilmember Howard 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. CONSENT AGENDA

4. REGULAR MEETING AGENDA

5. COMMENTS OF THE AUDIENCE

There were 3 who commented.

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

Next Regular Meeting is Monday, March 10, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Mayor Wythe adjourned the meeting at 5:40 p.m.

REGULAR MEETING AGENDA

Session 14-05 a Regular Meeting of the Homer City Council was called to order on February 24, 2014 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.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Councilmember Howard has requested telephonic participation and was allowed to participate by telephone.

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 following changes were made:

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS-Report from Anderson Group, LLC dated February 19, 2014; **RESOLUTIONS**- Resolution14-033, A Resolution of the Homer City Council Disapproving the Decision to Approve the Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat by the Homer Advisory Planning Commission and asking the Kenai Peninsula Borough Planning Commission to Reconsider the Plat to Include all Documents that were Submitted. Roberts/Lewis -Written comments from Tony Neal and Memorandum from City Attorney Klinkner re: Participation by Councilmember's Roberts and Burgess.

The amended agenda was approved by consensus of the Council.

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were 8 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 February 10, 2014. City Clerk. Recommend adoption.
- B. **Memorandum 14-031**, from Mayor, Re: Appointment of Larry Slone to the Library Advisory Board and Glen Carroll to the Vessel Haul-out Task Force.
- C. **Ordinance 14-11**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$11,331.48 From the Homer Volunteer Fire Department Reserve Account for the Replacement of Laptop Computers Compatible With Windows 7 for Data Collection, Analysis, and Reporting Requirements. City Manager/Fire Chief. Recommended dates: Introduction February 24, 2014, Public Hearing and Second Reading March 10, 2014.

Memorandum 14-035 from IT Manager as backup.

Moved to Ordinances.

- D. **Resolution 14-032**, A Resolution of the Homer City Council Awarding the Contract for the Airport Terminal Underground Fuel Tank Removal Project to the Firm of Paul's Service of Anchor Point, Alaska, in the Amount of \$4,700 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 14-032 from Project Manager as backup.

- E. **Resolution 14-034**, A Resolution of The Homer City Council Awarding the Contract for the [Operation and Maintenance of the Port and Harbor Fish Grinding Facility](#) to The Fish Factory of Homer, Alaska, Under the Terms Outlined in the Memorandum of Agreement for Calendar Years 2013 to 2016 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Port and Harbor Director. Recommend adoption.

Memorandum 14-033 from Port and Harbor Director as backup.

Ordinance 14-11 was moved to Ordinance A. (Burgess)

The consent agenda as amended was adopted by consensus of the Council.

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
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission
5. Port and Harbor Advisory Commission

C. Lobbyist Report of February 16, 2014

Parks and Recreation Advisory Commission Chair Matt Steffy updated the Council on the Commission's work and other areas of parks and recreation including

- Parks staff is getting flowers started in the greenhouse for summer planting.
- Received updates from Public Works Director Meyer of Spit Trail and interpretive signage.
- Continued discussion of Hornaday park drainage and upgrades, parking issues, and filling the camp host space.
- Endorsed a speed limit reduction at Jack Gist Park entrance and remain at 35 past the entrance for safety of cars turning in and out.
- PARC group is meeting weekly on the parks and recreation needs assessment and the group will be giving regular presentations to Council on their progress.
- Parks & Trails group has put together a phenomenal brochure that will be a great resource for all.
- Recreation programs are doing great.
- They are anxious to fill the Student Representative seat on the Commission.

8. PUBLIC HEARING(S)

- A. **Ordinance 14-08**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.71.050(d), "Commission Hearing and Procedures", to Permit Four Instead of Five Members of the Homer Advisory Planning Commission to Approve a Conditional Use Under the Homer City Code. City Manager/Planning. Introduction February 10, 2014, Public Hearing and Second Reading February 24, 2014.

There were four who testified.

Adopted with discussion.

- B. **Ordinance 14-09**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12.020, "Permitted Uses And Structures", to Expand the Permitted Uses in the Rural Residential District to Include the Addition of a Detached Dwelling Unit as an Accessory to a Single Family Dwelling on a Lot Served by City Water and Sewer Services. City Manager/Planning. Introduction February 10, 2014, Public Hearing and Second Reading February 24, 2014.

There was one who testified.

Amended to include item t. to allow an accessory detached family dwelling on any rural residential lot over one acre without access to city water and sewer.

Referred with the amendment and discussion to the Advisory Planning Commission for consideration.

9. ORDINANCE(S)

- A. **Ordinance 14-11**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$11,331.48 From the Homer Volunteer Fire Department Reserve Account for the Replacement of Laptop Computers Compatible With Windows 7 for Data Collection, Analysis, and Reporting Requirements. City Manager/Fire Chief.
Recommended dates: Introduction February 24, 2014, Public Hearing and Second Reading March 10, 2014.

Memorandum 14-035 from IT Manager as backup.

Amended to appropriate funds from the General Fund instead of the Homer Volunteer Fire Department Depreciation Reserves.

Introduced as amended with discussion.

10. CITY MANAGER'S REPORT

- A. City Manager's Report
1. Memorandum 14-034 from Port and Harbor Director, Re: Report on Alaska Abandoned and Derelict Vessel Task Force.
 2. Memorandum 14-036 from Community and Economic Development Coordinator, Re: First City of Homer Citizens Academy Underway.
- B. Games Report
1. Homer Society of Natural History, Inc.

City Manager Wrede commented that the first session of the Citizens Academy was well attended and received good reviews from the participants. The next session will be held at the Port and Harbor.

He reported that the City had positive meetings with Blue Crest Energy, the company who purchased the Cosmo well off Anchor Point from Buccaneer. Blue Crest had a lot to say about commitment to the project, community and environmental safety, and their plans for the the near future.

Lastly, he advised the Council about an increase in the cost of calcium chloride and the budgetary effect. They budgeted the same amount of money as last year and said if the Council wants to amend the budget he can bring back an ordinance. Public Works Director Meyer commented to the Council and recommended that they leave the budget as it is and Public Works will work with what they have.

Mayor Wythe acknowledged the AML award for Loss Control Containment and thanked staff for their efforts to achieve this award.

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. Port and Harbor Building Task Force

13. PENDING BUSINESS

- A. **Resolution 14-028**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Advisory Planning Commission Policies and Procedures Manual Review Policies for Conditional Use Permits “Review Standards” and Policy for Review of Zoning Variances “Determination” to Permit Four Instead of Five Members of the Homer Advisory Planning Commission to Approve a Conditional Use Permit and a Variance. City Manager/Planning. (Postponed from February 10, 2014 to follow Ordinance 14-08.)

Adopted without discussion.

14. NEW BUSINESS

15. RESOLUTIONS

- A. **Resolution 14-033**, A Resolution of the Homer City Council Disapproving the Decision to Approve the Barnett’s South Slope Subdivision Quiet Creek Park Preliminary Plat by the Homer Advisory Planning Commission and Asking the Kenai Peninsula Borough Planning Commission to Reconsider the Plat to Include All Documents That Were Submitted. Roberts/Lewis.

Councilmember Roberts was excused from participation with discussion.

Councilmember Burgess was allowed to participate with discussion.

Failed with discussion.

16. COMMENTS OF THE AUDIENCE

There were four who commented.

17. COMMENTS OF THE CITY ATTORNEY

- 18. COMMENTS OF THE CITY CLERK**
- 19. COMMENTS OF THE CITY MANAGER**
- 20. COMMENTS OF THE MAYOR**

Mayor Wythe commented to the concerns expressed of due process. As processes go, this was not a standard, easy to interpret, or easy to understand process. It is a situation where the Council really has no jurisdiction, other than this small window where they could potentially object. The opportunity they have is to object to the plat, not send it back to the planning commission, nor to say we don't object but want you to consider further information. The opportunity the Council has is to object, and they chose not to. She doesn't feel it was a bad decision on their part, as this process doesn't fit in to the box of the rules they have to work with. She feels the Council did what they could with what they have to work with.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Howard said she is looking forward to returning and will see them next meeting.

Councilmember Lewis commented that this coming Thursday there is a public hearing with the arts committee on the Asaiah Bates statue. Not this weekend but the following weekend there will be a Bantam State Hockey Tournament in Homer bringing a lot of people to town and games all weekend at the rink.

Councilmember Van Dyke thanked everyone for showing up and said that the Council does the best job they can with the information they have. He encouraged people to keep coming and feeding them as much information as they can.

Councilmember Roberts reminded everyone if they have nothing to do in the next hour it's the last home basketball game of the year.

Councilmember Zak wished the Mayor and Community and Economic Development Coordinator Koester safe travels to Juneau to advocate on behalf of the City. It's going to be an important year for the budget at the state level. Port and harbor is a big deal for us this year. There are a couple bills to meet with the lobbyist on to help people know that Homer is open for business and that our port and harbor is an important piece to the future of Alaska.

Councilmember Burgess thanked everyone. This was a difficult meeting and he wanted to reiterate to the public that he is disappointed that they couldn't find a way without objecting to the Planning Commission's decision to make a reasonable appeal for public input to the Borough; he thinks they could have done a better job with that. He expressed his understanding that when presenting your point of view to the Council it is easy to personify and objectify councilmembers as people who are somehow less than human or have a thicker skin because of the job they do. While you do have to be a glutton for punishment to sit at the council table, he thinks the way a person chooses to make their point or write about a councilmember, whether or not you are in the right factually, says a lot about your character as a person and how you choose to make it. He thinks it informs Council's decision as to how well they should consider what you have to say. There were some things written to them about Councilmember Roberts' conflict and the position she takes that he thinks were probably uncalled for and he would have felt better about considering the person's comments if they had made their point by sticking to the issues and without attacking her character. Mr. Burgess said he likes to hear the facts, to explore them, and hear people based on the merit of their arguments. Bringing people's character into play to get your point across does not do you as good here as it may in a Rush

Limbaugh-esque environment of public discussion. He encouraged people to keep in mind that we all try to be courteous and listen and if they can do the same, it's appreciated.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:09 p.m. Next Regular Meeting is Monday, March 10, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m. and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.