

**ACTION AGENDA**  
**Monday, February 10, 2014**  
**Worksession**  
**Committee of the Whole**  
**Regular Meeting**

**WORKSESSION AGENDA**

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

Councilmember Howard has requested excusal.

Mayor Wythe called the meeting to order at 4:02 p.m.

**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. EMPLOYEE COMPENSATION PACKAGE**

**Memorandum 14-025**, from Personnel Director, Re: Compensation.

**4. COMMENTS OF THE AUDIENCE**

There were four who commented.

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

Mayor Wythe adjourned the meeting at 4:54 p.m.

**COMMITTEE OF THE WHOLE AGENDA**

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

Councilmember Howard has requested excusal.

Mayor Wythe called the meeting to order at 5:00 p.m.

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

The agenda was approved by consensus of the Council.

**3. CHARTER COMMISSION**

**A. Memorandum 14-029**, from City Clerk, Re: Charter Commission Election Petition.

- 4. CONSENT AGENDA
- 5. REGULAR MEETING AGENDA
- 6. COMMENTS OF THE AUDIENCE

There were two who commented.

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

Mayor Wythe adjourned the meeting at 5:49 p.m.

### REGULAR MEETING AGENDA

Session 14-04 a Regular Meeting of the Homer City Council was called to order on February 10, 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.

**PRESENT:** COUNCILMEMBERS: BURGESS, HOWARD (telephonic), LEWIS, ROBERTS, VAN DYKE, ZAK

STAFF: CITY MANAGER WREDE  
 CITY CLERK JOHNSON  
 CITY ATTORNEY KLINKNER  
 FINANCE DIRECTOR LI  
 IT MANAGER POOLOS  
 LIBRARY DIRECTOR DIXON  
 PUBLIC WORKS DIRECTOR MEYER  
 PORT AND HARBOR DIRECTOR HAWKINS

Councilmember Howard has requested telephonic participation.

Councilmember Howard 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** - Memorandum 14-030, from City Clerk, Re: Quiet Creek Subdivision

Preliminary Plat; Lobbyist Reports; **CITY ATTORNEY REPORT** - Memorandum from City Attorney, Re: Process for Levying Special Assessments.

The agenda as amended was approved by consensus of the Council.

**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 Special and Regular meeting minutes of January 27, 2014. City Clerk. Recommend adoption.
- B. **Memorandum 14-027**, from Mayor, Re: Appointment of Patricia Utley to the Library Advisory Board and Ralph Crane and Ken Castner to the Public Safety Building Review Committee.
- C. **Memorandum 14-028**, from Deputy City Clerk Re: Liquor License Renewals for AJ's Oldtown Steakhouse & Tavern, BPO Elks Lodge #2127, Oaken Keg, Happy Face, Finn's, and Captain Pattie's Fish House.
- D. **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. Recommended dates: Introduction February 10, 2014, Public Hearing and Second Reading February 24, 2014.
- E. **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 Serviced by City Water and Sewer Services. City Manager/Planning. Recommended dates: Introduction February 10, 2014, Public Hearing and Second Reading February 24, 2014.

Moved to Ordinances.

- F. **Ordinance 14-10**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72.040, "Terms of Commission Members", Changing the Number of Successive Unexcused Absences that Make a Commission Member Subject to Removal

From Two to Three. City Manager/Planning. Recommended dates: Introduction February 10, 2014, Public Hearing and Second Reading February 24, 2014.

Moved to Ordinances.

- G. **Resolution 14-026**, A Resolution of the Homer City Council Confirming the Assessment Roll, Establishing Dates for Payment of Special Assessments and Establishing Delinquency, Penalty, and Interest Provisions for the Crittenden Drive Road Reconstruction and Paving Special Assessment District. City Clerk. Recommend adoption.
- H. **Resolution 14-027**, A Resolution of the Homer City Council Confirming the Assessment Roll, Establishing Dates for Payment of Special Assessments and Establishing Delinquency, Penalty, and Interest Provisions for the Webber Subdivision Road Reconstruction and Paving Special Assessment District. City Clerk. Recommend adoption.
- I. **Resolution 14-030**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Kachemak Bay Research Reserve and Requesting Continued Financial and Administrative Support from the State of Alaska. Lewis. Recommend adoption.
- J. **Resolution 14-031**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply Unallocated Municipal Harbor Grant Funds and Revenue Bond Proceeds Toward Completion of Additional Float Replacement and Improvements That Are Already Included in the Adopted Capital Improvement Program (CIP), and Further, to Issue a Change Order With the Selected Contractor and Expand the Scope of Work to Accomplish This Objective. City Manager. Recommend adoption.

Ordinance 14-09 was moved to Ordinance A. (Burgess)

Ordinance 14-10 was moved to Ordinance B. (Howard)

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

## 6. VISITORS

- A. **Ken Castner**, Charter Commission, 10 minutes.

Ken Castner, petitioner for the charter commission election, provided a status report on the petition and the expected process.

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

- A. **Mayor's Proclamation**, Brother Asaiah Bates Day – February 14, 2014

Mayor Wythe read the proclamation.

- B. Borough Report

Kenai Peninsula Borough Assemblyman Bill Smith reported the Borough is going to Juneau and then to Washington, D.C. Federal priorities to be discussed with the delegation in Washington include:

- Elodea aridification; the infestation of an invasive weed in our lakes
- Cook Inlet Beluga Whale Endangered Species Act; funds for scientific research
- PILT and rural schools funding
- Federal fisheries management; king salmon research and by-catch reduction to protect stream site habitat
- Spruce bark beetle mitigation; to reduce fire hazards

For State priorities the Borough is requesting Tier One:

- \$900,000 for Elodea aridification
- \$1.8 M central landfill equipment maintenance building
- \$6.4M heating ventilation and air-conditioning replacement at the KPB main offices
- \$550,000 for the Tall Tree bridge rebuild and upgrade

Requests for Tier Two:

- Supporting Homer Electric's Seldovia generator replacement request
- Wild fire mitigation
- Revenue sharing
- PERS and TERS
- Educational funding

With reference to the power to plat, state law gives the borough the ability to pass platting and planning to the city. The Borough has passed planning authority to the City of Homer; platting power could be passed to the City of Homer if it wished to have it. The borough maintains a GIS division to make sure all platted parcels are accounted for. Retaining those records in a central place is highly important. Some of the platting could be done by the city to save local sub-dividers time and money. You do not have to have a new constitution to have platting powers. Home Rule cities Kenai and Seward do not exercise platting power.

C. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
  - a. **Memorandum 14-030**, from City Clerk, Re: Quiet Creek Subdivision Preliminary Plat
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Tricia Lillibridge reported she has been reappointed to the commission. For her it has been a dynamic three years. A major accomplishment has been the Karen Hornaday Park Playground. New commissioners bring a renewed sense of energy with Matt Steffy as the chair. A new group has been formed representing recreation, parks, art, and culture. They are known as PARC and will report to the commission. PARC's mission is to create a public survey. The committee is comprised of Mike Illg, Kate Crowley, Asia Freeman, Gail Edgerly, Megan Murphy, and Corbin Arno. The commission joined the Alaska Parks and Recreation Association using their own funds to pay the dues. The statewide conference will be held in Homer the fall of 2015. The conference will bring over 100 professionals and 12 to 15 major vendors here. The commission invites Carey Meyer to their meeting on February 20<sup>th</sup>. She urged people to apply for the commission.

5. Port and Harbor Advisory Commission

E. Lobbyist Reports

8. PUBLIC HEARING(S)

- A. **Ordinance 14-01(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.76.010, Commission - Creation and Membership, to Make a Representative of the Homer Marine Trades Association and the Director of the Homer Chamber of Commerce Ex Officio, Non-Voting Members of the Economic Development Advisory Commission. City Clerk/Economic Development Advisory Commission. Introduction January 13, 2014, Public Hearings January 27 and February 10, 2014 and Second Reading February 10, 2014.

Memorandum 14-024 from Community and Economic Development Coordinator as backup.

There was no public testimony.

ADOPTED without discussion.

- B. **Ordinance 14-05**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating \$500,000 from the Port and Harbor Enterprise Fund Depreciation Reserves for the Purpose of Providing the City's 25% Local Match for the New Port and Harbor Building. City Manager. Introduction January 27, 2014, Public Hearing and Second Reading February 10, 2014.

Memorandum 14-003 from Project Manager as backup.

There was no public testimony.

ADOPTED without discussion.

- C. **Ordinance 14-06(A)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2014 Operating Budget by Appropriating Up to \$300,000 from the General Fund Balance for the Purpose of Providing a Loan to the Port and Harbor Enterprise Fund to Complete the Financing Package for the New Port and Harbor Building. City Manager. Introduction January 27, 2014, Public Hearing and Second Reading February 10, 2014.

Memorandum 14-003 from Project Manager as backup.

Memorandum 14-026 from Port and Harbor Advisory Commission as backup.

There was no public testimony.

ADOPTED with discussion.

- D. **Ordinance 14-07**, An Ordinance of the City Council of Homer, Alaska, Amending the 2014 Operating Budget by Appropriating \$34,089 from the Airport Reserve Fund for the Replacement of the Boilers at the Airport Terminal and Authorizing the City Manager to Execute All Appropriate Documents. City Manager/Public Works Director. Introduction January 27, 2014, Public Hearing and Second Reading February 10, 2014.

Memorandum 14-022 from Public Works Director as backup.

There was no public testimony.

ADOPTED without discussion.

Mayor Wythe called for a recess at 7:01 p.m. and reconvened the meeting at 7:05 p.m.

## 9. **ORDINANCE(S)**

- A. **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 Serviced by City Water and Sewer Services. City Manager/Planning. Recommended dates: Introduction February 10, 2014, Public Hearing and Second Reading February 24, 2014.

ADOPTED with discussion.

- B. **Ordinance 14-10**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72.040, "Terms of Commission Members", Changing the Number of Successive Unexcused Absences that Make a Commission Member Subject to Removal From Two to Three. City Manager/Planning. Recommended dates: Introduction February 10, 2014, Public Hearing and Second Reading February 24, 2014.

FAILED with discussion.

## 10. **CITY MANAGER'S REPORT**

## A. City Manager's Report

City Manager Wrede announced the Citizens Academy and the February 17<sup>th</sup> deadline for signing up. Lobbyist Linda Anderson will have written report at the next meeting and will be available by Skype or teleconference. The lobbyist has been working hard on the critical habitat issue.

Mayor Wythe acknowledged eight employees with 57 years combined employment history. The City Manager is celebrating 11 years.

Public Works Director Meyer presented charts depicting the restructuring of personnel at Public Works. Due to key personnel retiring and more stringent water system regulations the department has undergone significant changes. There have been promotions from within and "new blood" has joined the department. The change of culture and improved span control means increased productivity and effectiveness of employees.

A significant change is moving the supervision of the water distribution and sewer collection unit from the Public Works Superintendent to the Water and Sewer Superintendent. A new Project Manager, an Administrative Assistant, and two Equipment Operators have been hired. It has provided an opportunity for the existing employees to play a bigger role in the operations of the department. A new position Public Works Permit Specialist is currently being advertised. Mr. Meyer is proud to lead the organization. It is made up of people who care about the community.

Port and Harbor Director Hawkins reported on Ramp 7 which broke off from the float connection system and sunk. He met with the insurance adjustor and tomorrow they plan to remove the ramp by crane. The ramp will then be hauled to the chip pad for inspection. The Seldovia Village Tribe will pay for removing the ramp from the water.

City Manager Wrede reported on the Board of Fisheries meeting he attended to provide testimony. The borough was well represented by Mayor Navarre, driftnetters, and the Homer Chamber of Commerce all testifying. Mr. Wrede's remarks were that the Board should base their decisions on good management and science instead of politics. The folks from MatSu were well organized and there in force. Today the Board passed the central management plan that includes two additional fishing days and a new fishing area by Anchor Point as a reaction to Homer testimony. The good news is that the plan is status quo and the drifters did not lose any ground.

## B. Bid Report

### 11. CITY ATTORNEY REPORT

1. City Attorney Report for January 2014
2. Memorandum from City Attorney, Re: Process for Levying Special Assessments

City Attorney Klinkner commented on the memorandum pertaining to special assessments on the natural gas district. Council selected an assessment method on a per lot basis that is still in effect. There is a lot of work to be done once the improvement is completed to bring the final



assessment roll into the facts on the ground. During construction there have been deletions and additions. The condominium issue still remains to be discussed. The assessment roll needs a lot of scrubbing as it includes duplication of multiple units. Once the roll goes to Council, individual property owners are notified of the public hearing and can make objections. Council will decide if adjustments should be made. Objections need to be made at the public hearing or property owners will be excluded for future objections in court later. The public hearing process will happen in the fourth quarter. We don't have final costs from Enstar yet; the final costs will provide the baseline for the overall assessment.

Asked about the Funny River gas district being excluded from the \$1 mcf, Attorney Klinkner advised the decision to charge Homer and Kachemak City was made by the regulatory commission a few years ago. It may be problematic to open that discussion.

Attorney Holly Wells has been made shareholder of Birch Horton Bittner & Cherot.

## **12. COMMITTEE REPORT**

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee
- E. Port and Harbor Improvement Committee

Councilmember Howard reported her wildest dream came true to have extra money to get all things done.

- F. Employee Committee Report
- G. Port and Harbor Building Task Force

Councilmember Howard thanked Council for their vote on the loan to complete the project.

## **13. PENDING BUSINESS**

- A. **Resolution 13-116(A)**, A Resolution of the City Council of Homer, Alaska, Amending the Economic Development Advisory Commission Bylaws to Include That the Director of the Homer Chamber of Commerce and a representative of the Homer Marine Trades Association May Serve as a Non-Voting, Ex-Officio Members of the Commission. City Clerk/Economic Development Advisory Commission. (Postponed from January 27, 2014 to follow Ordinance 14-01(A).)

Memorandum 13-165 from Economic Development Advisory Commission as backup.  
Memorandum 14-024 from Community and Economic Development Coordinator as backup.

ADOPTED without discussion.

**14. NEW BUSINESS**

- A. **Memorandum 14-029**, from City Clerk, Re: Charter Commission Election Petition.

The candidacy filing period shall be March 1 through July 15, 2014.

The charter commission election shall be held at the regular election on October 7, 2014.

**15. RESOLUTIONS**

- 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 to February 24, 2014 to follow Ordinance 14-08.

- B. **Resolution 14-029**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Advisory Planning Commission Bylaws "Quorum; Voting" to Permit Four Instead of Five Members to Approve a Conditional Use Permit or a Variance; and "Vacancies" to Change the Number of Successive Unexcused Absences that Make a Commission Member Subject to Removal From Two to Three. City Manager/Planning.

FAILED without discussion.

**16. COMMENTS OF THE AUDIENCE**

There were five who commented.

**17. COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner commented there are a number of measures changing the rules for city boards and commissions. They have been on a dual track with amendments to the proposed bylaws and city code addressing the same issues. Council may want to consider if this is the best way to address the issues. Should some of the things be the decision of the board or commission, or are they things the Council wants a say on through a code amendment?

In response to Mr. Castner's remarks about the procedure for reassessing properties if a court finds an assessment is incorrect, he quoted a paraphrase of the state statutes on the subject.

**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 commented the operating expenses for the HERC were about \$250,000 a year three to four years ago. Over time, with less use, the costs have gone down. Council is talking about employee total compensation in worksessions. While it may seem like city employees are compensated a lot, compensation is substantially lower than other communities. There is a lot more discussion and work to do. She had the opportunity to ride in the parade in a Bay Weld boat and it was great. She was approached by a member of community that thanked Public Works for getting the snow removed before the festivities.

**21. COMMENTS OF THE CITY COUNCIL**

Councilmember Howard thanked the mayor for running another great meeting. It is tough to participate by phone and she is looking forward to returning to Homer.

Councilmember Burgess commented there is a vast discrepancy between the borough's platting and the city process. He would like to see something from staff to bring those more into alignment for people having platting concerns. He apologized to Kathy Hill for not returning her phone calls about the HERC building. When the HERC was in an operational state it cost over \$200,000 per year. The building in a cold status reduces the operating costs closer to \$75,000 per year. Everyone wants to see community recreation and a facility for it. He would ask for a little more patience and understanding for the vast amount of information received. There are other options and the HERC building may not be the best long term choice. Council is trying to do their best with the information they have.

Councilmember Zak expressed appreciation for the public input and Council's discussion this evening. He thanked Walt for testifying before the Board of Fisheries.

Councilmember Roberts asked if the PARC committee was noticed publicly. She would like to sponsor a resolution on the Quiet Creek Subdivision decision for the next meeting. She thanked the people that organized the Winter Carnival considering we had real winter the day before it began.

Councilmember Van Dyke thanked all the concerned citizens who bring a tremendous amount of information to us. People have spent hours bringing Council information so they can make an informed decision. He thanked all the committees and apologized as he did not mean to belittle any committee. He also apologized for his use of the expletive.

Councilmember Lewis reminded people on Thursday (February 27) at 5:00 p.m. the Public Arts Commission will be discussing a home for Brother Asaiah Bates statue. He offered support for Francie's resolution to send the Quiet Creek Subdivision matter back to the Planning Commission so that all of the information is seen by the Planning Commission.

**22. ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:16 p.m. The next Regular Meeting is Monday, February 24, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession at 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.