

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  
PORT AND HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS DIRECTOR MEYER

Councilmember Howard has requested telephonic participation.

Mayor Wythe called for a motion to allow Councilmember Howard to participate by telephone.

LEWIS/BURGESS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Council met for a Worksession from 4:02 p.m. to 4:54 p.m. to discuss Employee Compensation Package. From 5:00 p.m. to 5:49 p.m. Council met as a Committee of the Whole to discuss the Charter Commission, Consent Agenda and Regular Meeting Agenda items.

Department Heads may be called upon from time to time to participate via teleconference.

## **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.

Mayor Wythe called for a motion for the adoption of the agenda as amended.

LEWIS/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Ginny Espenshade, city resident, asked Council to take a hard look at the plat, the process, and missing documents on the Quiet Creek plat.

Brian Harrison, city resident, thanked Council for the resolution on the Board of Fisheries proposals for commercial drift fishing.

## **RECONSIDERATION**

### **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)

Mayor Wythe called for a motion for the approval of the recommendations of the consent agenda as read.

LEWIS/BURGESS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **VISITORS**

### **A. Ken Castner, Charter Commission**

Ken Castner started the petition for a charter commission along with Ginny Espenshade. If the voters approve, it will be a year of work to write the charter. He would like to have an open dialogue with city administration about the benefits and the costs on subjects like platting and port authority. He envisions the process will include people writing white papers describing what the benefits and changes would be. He would like the white papers to be available on the city's website and the public's ability to blog in for comments.

The people will have to say the charter is the best thing or it will not happen. Mr. Castner is committed to an open process with a lot of education. It is anticipated that people will look at Homer's charter and say that is what they need. The vote for the charter commission can take place at the regular election in October. An earlier special election is not needed.

Mr. Castner explained between now and the October election people will declare themselves as candidates and each collect 50 signatures. They will have discussions with people to say why it is worth pursuing. Those conversations will lead us into the right path; it will either be a community project that will work or won't work. There is nothing negative about this; this will make Homer a better community.

To prospective commissioners, not a lot of time would be spent revisiting city code. Mr. Castner expects to build sideboards along city government; some ideas will float or they won't. There are certain sections that will take time such as port authority, platting authority and a new tax regime. The general form of the constitution will settle up quite quickly with the collection of writers here in Homer.

After the charter commission is elected they are free to chart their own course. Once the ideas are out there, things will fall into place quickly. Very specific questions for the attorney on the charter commission's guidelines are premature.

All provisions in the charter will be heavily discussed and the voters will have a chance to vote on the charter. The constitution is the highest document, yet there are amendments done all the time. Just because it is restrictive now doesn't mean the voters can't change it later on.

## **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

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

**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.

Mayor Wythe opened the public hearing. In the absence of public testimony Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 14-01(A) by reading of title only for second and final reading.

LEWIS/ZAK – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

Mayor Wythe opened the public hearing. In the absence of public testimony Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 14-05 by reading of title only for second and final reading.

HOWARD/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

Mayor Wythe opened the public hearing. In the absence of public testimony Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 14-06(A) by reading of title only for second and final reading.

HOWARD/LEWIS – SO MOVED.

Councilmember Van Dyke expressed serious concerns about taking \$300,000 from the general fund. He believes the building committee can still work on ways to decrease costs on the harbor building.

City Manager Wrede commented the general fund balance includes six months of normal annual expenditures. The funds will be coming from the general fund balance (a reserve fund) instead of the operating budget. Providing the loan means the fund will be fully restored.

Councilmember Roberts noted the entire \$300,000 may not be needed. Harbor statistics for November indicated there were sixteen different meetings held there in a month. A conference room is well needed.

City Manager Wrede commented the money would be invested in another annuity if not used for the harbor building. Councilmember Howard likened the loan to the money that was lent to the animal shelter. It is a bridge to close the financial gap. Mayor Wythe agreed on the loan over a five-year period.

Councilmember Zak asked about taking the money from port and harbor reserves. City Manager Wrede answered the port and harbor must maintain enough in reserves to make bond payments. There is a high value of infrastructure at the port and the reserves are minimal; there is not enough in depreciation accounts. He is comfortable that it is a clean separation of accounts. If the City didn't loan the money we would need to go to a private sector or a bank.

Councilmember Van Dyke reiterated his concern that the \$2M building is \$300,000 over budget. Why can't the building be built for the money that was there instead of going over budget?

Councilmember Burgess commented we work hard to set and meet budgets. Staff feels the pinch with the dedication to live within our means. The \$2M mark was not a budget item set; it was what the State was willing to give us. We tried to get as much money from the State for the building that is to serve the harbor for the next 30 years. Councilmember Lewis pointed out we first started at \$3.5M for the building and cut the plans to the bare bones. We still have a usable building for the port and harbor for the next 20 to 30 years. The building must grow and be usable or it will cost the City more by having to do it all over again at a later date.

Mayor Wythe explained it is not uncommon for decisions to be made that cost more money. Every time we put a project out and arrive at a critical point with a slight addition it makes good sense to have a better product for a longer term.

Grant monies could not be used for the harbor building; they could only be used for float infrastructure and things in the water.



VOTE: YES. LEWIS, BURGESS, ROBERTS, HOWARD, ZAK, VAN DYKE

Motion carried.

- 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.

Mayor Wythe opened the public hearing. In the absence of public testimony Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 14-07 by reading of title only for second and final reading.

ROBERTS/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

#### **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.

Mayor Wythe called for a motion for the adoption of Ordinance 14-09 for introduction and first reading by reading of title only.

BURGESS/ZAK – SO MOVED.

Councilmember Burgess commented the amendment streamlines the process and reduces administrative costs, but gives financial, geographical, and logistical advantage to lots that

have city water and sewer. He questioned why the permitted uses should be conditional on water and sewer services.

Councilmember Zak noted a lot served with DEC approved septic could be included in the permitted use unless we were trying to give incentive for city water and sewer services.

Councilmember Lewis asked if a 10,000 sq. ft. lot would have room for DEC approved septic.

City Planner Abboud advised without city water and sewer services the lot would be subject to dimensional requirements. You would need a 20,000 sq. ft. if served by either water or sewer. If you had neither, you would need a 40,000 sq. ft. per structure. They should all have DEC approved services. The requirement helps control density to just one accessory structure.

Councilmember Burgess explained the vast majority of city residents live in rural residential. Are we giving a distinct financial advantage to a lot because it has water and sewer? There are lots of rural residential lots that are five acres that cannot have an accessory dwelling without going through the CUP process. Why wouldn't we also make it a permitted activity for a lot without water and sewer over 25,000 sq. ft.? City Planner Abboud answered that is our experience; we are getting a lot of people asking for added dwellings without piped water and sewer.

Attorney Klinkner advised the process of permitting an accessory dwelling for a lot with water and sewer is ministerial. If you have a lot served by a well and septic there is a lot more analysis to do to see whether the use would be permissible in relation to the location of the well, location of the septic, DEC approval and the like. It is a more complicated discretionary issue.

Councilmember Burgess believes zoning rules should be inclusive and not discriminatory. If you are putting up a new structure on any lot you are subject to the building permitting process. They would consider water supply and sewer disposal. Do we make this a CUP requirement or do we make it permissible? If we can save ourselves one lawsuit or one discussion by allowing it should we consider it?

City Planner Abboud commented if you have a water and sewer line you are at an advantage. That is why people are asking to put another structure on their property.

Councilmember Zak noted there are further implications that may be deeper than we are addressing tonight. It will make things easier for the Planning Commission when these permitted uses don't have to go through the CUP process. He asked if Mr. Abboud would rather have a property re-platted if there was not enough space for additional buildings.

City Planner Abboud answered the amendment will make it easier for the applicant. If you start putting a lot of buildings on one property you are going to have loan and value issues. Financially a property owner would be motivated to divide up the lot to get their financing. If you buy it out of pocket and construct a lot of buildings, the next buyer will have issues with it. Frequently people subdivide lands with a lot of structures to manipulate their finances.

Councilmember Van Dyke asked if the amendment includes additional dwellings that would hook up to water and sewer. Mr. Abboud answered yes, if it is a dwelling it is required to hook up to water and sewer. A garage with a restroom is not considered a dwelling. There is no separate sewer and water assessment to hook up the additional dwelling.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

Mayor Wythe called for a motion for the adoption of Ordinance 14-10 for introduction and first reading by reading of title only.

HOWARD/LEWIS – SO MOVED.

Councilmember Howard expressed opposition to increasing the number of allowable unexcused absences to three. The Clerk verified unexcused absence means someone did not notify the Clerk of their absence. It would encourage behavior we don't want. It makes a person totally unaccountable.

City Planner Abboud commented the commission chair would determine unexcused absences. The Planning Commission had a lively debate on the matter and decided the chair would make the call. If we have to start tossing commissioners for being absent two consecutive meetings it becomes problematic to keep the seats full. It would mean for whatever reason they didn't show up for a meeting would be up for debate.

Councilmember Burgess suggested sending the ordinance back to the Planning Commission to ask them to clarify the procedures.

VOTE: NO. ROBERTS, HOWARD, LEWIS, ZAK, BURGESS, VAN DYKE

Motion failed.

## CITY MANAGER'S REPORT

### A. City Manager's Report

1. Public Works Department: Carey Meyer wears many hats for the City and he juggles many important responsibilities. The Council and the Public see him and interact with him most often in his roles as Project Manager and City Engineer. In fact, that is where

he spends a great deal of time and where his work is most visible. However, Carey is also the Public Works Director and the head of the City's largest department, with the biggest budget and the most personnel. The Public Works Department has experienced a number of retirements lately and it has lost many great employees and years of experience. This was not a surprise and we knew this was coming for several years. As a result, Carey has been involved in succession planning and in looking at ways to reorganize the department with the goal of increasing efficiency, saving money, and providing an even better product to the public. Carey has a report on this for you (attached) and I would like to devote my time for the Manager's report to Carey so you can get some insight into what is happening in the City's biggest ( and many in the public would say most important) department.

2. Ramp 7: As most of you probably know by now, we experienced a structural failure at Ramp 7 last weekend and the lower end of the ramp is currently sitting in the water. The ramp is blocked off so that the public cannot access it. This is the ramp constructed by the Seldovia Village Tribe (SVT) to access the Seldovia Ferry Berth. It also provides much improved access to the System 5 float. The ramp is available for public use and will become the property of the City when the lease expires. We are currently working closely with SVT to determine the cause, get the ramp out of the water, and repair the damage.
3. Board of Fisheries Testimony: I went to Anchorage last week to provide testimony at the Board of Fish meetings related to Resolution 14-019. A copy of my testimony is attached for your information. I plan to head back to Anchorage on Thursday, the 6<sup>th</sup> to provide additional testimony at committee meetings.
4. Harbor Construction Projects: The last agenda contained a resolution awarding a construction contract for the replacement of Ramp 3 and several floats in the harbor. You may recall that this work was paid for by a 4.2 Million State grant and \$4.2 Million in bond sale revenue. Here is the good news. All of the bids came in under the engineers estimate and the two lowest, from very reputable companies, came in approximately \$2 Million under the estimate. Carey has double checked the bids and he and Bryan have talked to the engineers who did the cost estimate to look for discrepancies. The Bond Bank and the State of Alaska have approved the idea (that we talked about at the last meeting) of using the unallocated funds for additional float replacement and improvements that are already on the CIP and are simply an expansion of the existing work. The Port and Harbor Commission has reviewed and endorsed this approach. This agenda contains a resolution authorizing us to proceed accordingly.
5. Parks and Recreation Needs Assessment: The second meeting of the Needs Assess Steering Committee took place on Wednesday, February 5<sup>th</sup>. The focus of this meeting was reviewing other needs assessments, reviewing draft RFPs, and talking about the kinds of questions that should be asked.
6. Citizen's Academy: Katie is working very hard on setting up the Citizens Academy. The Academy is scheduled to begin February 20. We appreciate the helpful input from Council member Howard. Attached is a memorandum from Katie on this topic. This information appeared in the last packet. Since the time is getting short and we want to get the word out to the public, I thought it would be good to include this information again.

7. Enstar Meeting: We had a meeting with Enstar officials last week to discuss the workplan for the upcoming construction season (which has already begun apparently!). In the next month we will be approving the workplan, and adjusting the assessment roll to account for decisions that were made during construction last year. Enstar's contractor, UTI is already working on the Spit, which you may have noticed. They expect to have gas to Spit business by April. Kachemak Drive will be next and then the bluff areas. Enstar projects that it could be done and construction completed by the end of August.
8. Critical Habitat Legislation: The legislation that would remove the Homer Port and Harbor from the critical habitat area is on the move. Companion bills have been read across in both the House and the Senate. Committee hearings in both Chambers are scheduled this week and I will testify, once from Homer and once from Anchorage.

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

**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.

**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.

**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.

Motion on the floor from January 27: MOTION FOR THE ADOPTION OF RESOLUTION 13-116(A) BY READING OF TITLE ONLY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**NEW BUSINESS**

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

Mayor Wythe called for a motion to discuss Memorandum 14-029.

LEWIS/HOWARD - SO MOVED.

LEWIS/ROBERTS - MOVED TO SET THE CANDIDACY FILING PERIOD TO MARCH 1<sup>ST</sup> THROUGH JULY 15<sup>TH</sup>.

There was brief discussion on the need to advance the candidacy filing period to March instead of the recommended May 1<sup>st</sup>. People may be involved in other activities or fishing in May.

VOTE: YES. ROBERTS, VAN DYKE, ZAK, BURGESS, LEWIS

VOTE: NO. HOWARD

Motion carried.

BURGESS/LEWIS - MOVED TO SET THE (CHARTER COMMISSION) ELECTION DATE FOR THE REGULAR ELECTION OF OCTOBER 7<sup>TH</sup>.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The consensus of the Council was not to take any further action until after the election. Council does not want to meddle in the procedures or define the process prematurely. A council member could file candidacy for the charter commission and serve on it if elected.

## 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.

ROBERTS/BURGESS - MOVED TO ADOPT RESOLUTION 14-028.

ROBERTS/LEWIS - MOVED TO POSTPONE TO FEBRUARY 24<sup>TH</sup> TO FOLLOW ORDINANCE 14-08.

There was no discussion.

VOTE: (postponement) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

Mayor Wythe called for a motion to postpone to February 24<sup>th</sup> to follow Ordinances 14-08 and 14-10.

Failed for lack of a motion.



## **COMMENTS OF THE AUDIENCE**

Kathy Hill, city resident, commented on Councilmember Burgess' unreturned calls and his remark of it costing \$250,000 to keep the HERC building running.

Barb Brodowski, city resident, asked for an update on employee healthcare costs for the February 24<sup>th</sup> meeting. Council will be starting the 2015 budget process soon.

Ken Castner, city resident and petitioner for the charter commission, concurs with the process Council has decided on. He questioned the assessments on the natural gas project after the judicial review on condominiums.

Larry Slone, city resident, commended Councilmember Van Dyke for his inquiry on Ordinance 14-06(A) to contain costs on the new harbor building.

Ginny Espenshade, city resident, commended Police Sergeant Ryan Browning for his willingness to work with her schedule on the criminal justice program. The police department reflects well on the city government with an attitude that people who live outside city limits can still be served.

## **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.

## **COMMENTS OF THE CITY CLERK**

City Clerk Johnson had no comment.

## **COMMENTS OF THE CITY MANAGER**

City Manager Wrede had no comment.

## **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.

## **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.

## **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.

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JO JOHNSON, MMC, CITY CLERK

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