

Session 14-21 a Regular Meeting of the Homer City Council was called to order on September 8, 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, LEWIS, ROBERTS, VAN DYKE,

ABSENT: ZAK (excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY WELLS
COMMUNITY & ECONOMIC DEVELOPMENT
COORDINATOR KOESTER
PORT & HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

The Council met as a Committee of the Whole from 5:30 p.m. until 5:54 p.m. to discuss 2015 BUDGET – REVENUE SOURCES, Consent and Regular Meeting Agenda items.

Councilmember Zak has requested excusal.

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

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: **PUBLIC HEARINGS** - 2015-2020 CAPITAL IMPROVEMENT PLAN FY 2016 LEGISLATIVE REQUESTS, Written public comments. **CITY MANAGER’S REPORT** - City Manager’s Report of September 8, 2014; Memorandum 14-137 from Community and Economic Development Coordinator, Re: Plan Selection for Strategic Implementation Planning; **PENDING BUSINESS** - **Ordinance 14-45**, An Ordinance of the Homer City Council Amending Homer City Code 21.93.060 Standing – Appeal to Board of Adjustment and 21.93.500 Parties Eligible to Appeal to Board of Adjustment – Notice of Appearance, Providing for the City Planner or Designee to Participate in Appeals to the Board of Adjustment. City Manager; Written public comments; **RESOLUTIONS** - **Resolution 14-096(S)**, A Resolution of

the Homer City Council Awarding the Karen Hornaday Park Campground/Trail Improvement Project to Arno Construction, LLC of Homer, Alaska, in the Amount of \$70,438.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Memorandum 14-136 from Public Works Director as backup.

Mayor Wythe called for a motion to approve 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

There were no public comments.

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 Regular meeting minutes of August 25, 2014. City Clerk. Recommend adoption.

- B. **Resolution 14-089**, A Resolution of the Homer City Council Awarding the Contract for Tree Clearing on the Town Center Site Project to the Firm of Gregoire Construction of Homer, Alaska, in the Amount of \$7,250 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 14-131 from Public Works Director as backup.

Moved to Resolutions.

- C. **Resolution 14-090**, A Resolution of the Homer City Council Awarding the Contract for Tree Clearing on the Library Site Project to the Firm of Gregoire Construction of Homer, Alaska, in the Amount of \$2,450 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 14-132 from Public Works Director as backup.

Moved to Resolutions.

- D. **Resolution 14-091**, A Resolution of the Homer City Council Awarding the Contract for Strategic Implementation Planning for the Homer City Council to the University of Alaska, Center for Economic Development, in an Amount Not to Exceed \$7,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.

- E. **Resolution 14-092**, A Resolution of the Homer City Council Amending the Preliminary Assessment Roll for the Homer Natural Gas Special Assessment District by Exempting Certain Properties and Making Amendments for Recorded Property Plat Actions Through July 28, 2014. City Clerk. Recommend adoption.

Memorandum 14-133 from Deputy City Planner as backup.

Moved to Resolutions.

- F. **Resolution 14-094**, A Resolution of the Homer City Council Disbanding the Port and Harbor Improvement Committee. City Manager. Recommend adoption.

- G. **Resolution 14-095**, A Resolution of the City Council of Homer, Alaska, Requesting That the Alaska Board of Fisheries Hold Its 2017 Upper Cook Inlet Finfish Meeting on the Kenai Peninsula and Approving Joint Resolution 2014-01. City Manager. Recommend adoption.

Resolutions 14-089 and 14-090 were moved to Resolutions B and C. (Lewis)
Resolution 14-092 was moved to Resolutions D. (Roberts)

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

HOWARD/BURGESS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

Kenai Peninsula Borough Assemblyman Bill Smith reported on the upcoming ballot issues. They include limited animal control for cities outside city limits. The measure will benefit the City of Homer. Services will be contracted and paid for by a 0.2 (two tenths) mil rate. Another ballot measure is whether the Borough shall adopt a vote by mail system. It is a controversial topic, but Assemblyman Smith believes it will increase voter turnout. The final measure is for the South Peninsula Hospital service area expansion. The expansion will include the southern end of the borough to take in all the waters. The Borough Assembly will meet in Homer on Tuesday, September 16th.

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
 - a. Meeting Minutes of August 20, 2014
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Deb Lowney reported on the recent improvements at Karen Hornaday Park. They have applied for the Rivers, Trails, and Conservation Assistance Program where the National Park Service assists in finding grants for the Woodard Creek portion of Karen Hornaday Park. The other restoration of Woodard Creek is being worked on by individuals in the community. Commissioner Lowney thanked the Council for their support of the HERC building. Commissioner business includes the continuing use of the HERC building as a recreational facility, seeking funds for trails and safe routes to school, and ways to link Homer by connector trails.

5. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

**A. 2015-2020 CAPITAL IMPROVEMENT PLAN
FY 2016 LEGISLATIVE REQUESTS**

Resolution 14-093 , A Resolution of the Homer City Council Adopting the 2015-2020 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2016. Mayor/City Council. Recommend postponement to September 22, 2014.

Memorandum 14-134 from Community and Economic Development Coordinator as backup.

Mayor Wythe opened the public hearing.

Diane Borgman, President of Homer Council on the Arts (HCOA), asked that the HCOA building renovation be included in the CIP.

Chloe Pleznac, 14-year-old student, requested support for HCOA.

Devry Garity, city resident, spoke in support of arts and the renovation/expansion of HCOA.

Donna Aderhold, city resident, expressed opposition to including roads/transportation plans in the CIP.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Resolution 14-093 by reading of title only.

LEWIS/ROBERTS - SO MOVED.

ROBERTS/LEWIS - MOVED TO POSTPONE RESOLUTION 14-093 TO SEPTEMBER 22, 2014.

There was no discussion.

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

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

A. City Manager's Report

1. Memorandum 14-137 from Community and Economic Development Coordinator, Re: Plan Selection for Strategic Implementation Planning.

B. Public Safety Building Open House Flyer

1. Tsunami Warning System: As most of you know, we had another false alarm this past week which caused quite a bit of disruption and anxiety for a short period of time. Police Dispatch, the Port and Harbor Office and City Hall spent a fair amount of time fielding phone calls and helping to get the information out that it was a false alarm. Homer, Seward, Seldovia and Nanwalek were affected. NOAA reports that it was a computer glitch. What was supposed to be a test message came across that way on the weather radios. Unfortunately, it came across as a real warning on the sirens. Chief Painter, Chief Robl, and Port and Harbor Director Bryan Hawkins have all been communicating with the Borough Office of Emergency Management about this incident. One positive outcome was that the manually activated "all clear" message worked.
2. Public Safety Building Open House: There is an open house this Wednesday, September 10th, at 6 PM here at City Hall. The purpose of the open house is to give the public an opportunity to learn more about the proposed new public safety building. Emphasis will be placed on the deficiencies of the two existing buildings and the space needs analysis. Attached is a flyer announcing the event. We encourage the public to come, get informed, and get involved in the discussion during the early stages of planning.
3. Public Safety Building Committee Requests: At the last Council meeting, Committee Chair Ken Castner stated that it would be really helpful to the Committee going forward if the Council could give it guidance on two specific issues: 1) Is the Council "locked in" on the HERC property as the location for the public safety building? Does the Committee have the green light to evaluate additional sites or would it be wasting time and energy by doing so? 2) Is the Council open to the idea of having a private company build the building and entering into a lease agreement? On the first question, the City Clerks researched the record and no resolution specifically naming the HERC site as the location for the building could be found. There are numerous memorandums and project descriptions which mention this site as a preferred location. There are many reasons why the Council initially identified this as a likely location. Those reasons included location, parcel size, terrain,

access, ownership, proximity to utilities, already developed infrastructure, a local match for outside funding, etc. However, the Council has not specifically or unequivocally identified this site as the location for the building. I think the idea was to wait for a recommendation from the Committee and the Consultants. I agree that it would be helpful to let the Committee know where the Council is on this.

On the second question, this is an option the Council has not discussed with respect to the public safety building. Some of you will recall that it was part of the discussion when the new city hall in Town Center was being considered. The Council at that time decided that it was more in the long term public interest to own the building and finance it with public dollars than it would be to lease. In this case, there are clearly advantages and disadvantages to leasing.

Much depends upon how the lease is structured. For example, if the City owned the building and the ground under it at the end of the lease term, leasing might be worth considering. There are many variables that would have to be taken into consideration. Who pays for building maintenance and repair? Those types of considerations would be addressed through the proposal and lease negotiation process. Following is a quick snapshot of some advantages and disadvantages:

Advantages

- The financing package could come together quicker.
- Initial investment made by the private sector and not the taxpayers
- The City does not incur long term debt, in the conventional sense.
- HVFD and HPD could occupy the building quicker.

Disadvantages

- The City may have less control over location
- The City may be making lease payments for many years instead of loan payments on a building it owns.
- Leasing might take away the City's ability to leverage other public funds.
- Homer taxpayers could end up paying the full cost of the building.
- A large, probably outside investor, or group of investors, would need to be involved, and they would be looking to recoup their investment and turn a profit. That is not a bad thing. We just need to be cognizant of who is paying for it.

That is a very brief outline of some of the considerations. Again, I agree with Ken that it is important for the Council to rule this option in or out at some point soon. If the Council wants to pursue the lease option, the strategy will be important. For example, if Council wants to design the building itself and select the location, it may have a little time. Then you are simply telling investors you want them to build this building at this location and if

they do so, you will lease it from them. If you want to solicit proposals for a building with basic space needs only specified, we should think about doing that sooner.

4. CUP 13-12 Remand: CUP 13-12, the one having to do with a proposed communications tower, was remanded from the Board of Adjustment back to the Planning Commission. City Planner Rick Abboud requested that the Council be informed that the permit applicant, Kodiak Microwave System, LLC has withdrawn its application. Therefore, no further action is planned or scheduled related to this remand.
5. Strategic Planning: Attached is a brief update on the October 25 Strategic Planning session. Katie will be available to discuss this with you at the meeting if there are comments or questions.
6. Kachemak City Sewer Agreement and Fee Schedule Changes: This agenda contains Resolution 14-008 (sewer agreement) and Resolution 14-088 (Fee Schedule amendments) under Pending Business. They were postponed at the last meeting in order to give the Kachemak City Council time to review the agreement. It turns out that Kachemak City was not able to schedule a meeting until Wednesday, September 10th. So, I will be asking you to postpone these two resolutions again, until September 22. In the meantime, I am working with Holly on some of the amendments requested by Councilmember Burgess.
7. Ordinance 14-45: Ordinance 14-45 is the ordinance which addresses appeals to the Board of Adjustment. This ordinance appears under pending business instead of under public hearings and second reading, as you might expect. The reason for that is we were reminded that this ordinance amends Title 21 and therefore, must be reviewed by the Planning Commission. So, we placed this ordinance under Pending Business and will request that Council postpone it until the PC can review it. They will do so at the next available meeting.
8. DOT/PF Scoping Meeting / MP 157-169 / Anchor Point to Baycrest Hill: DOT/PF will be holding public scoping meetings on September 15 and 16 to gather public input on the Sterling Highway MP 157-169 (Anchor Point to Baycrest Hill) project. (AKSAS#58106). Anticipated work includes reconstructing the roadway, realigning horizontal and vertical curves, adding passing and climbing lanes, improving intersections, replacing culverts, constructing a bridge over the North Fork Anchor River, replacing the bridge over the South Fork Anchor River, increasing shoulder width, and clearing vegetation. A copy of the flyer announcing the meetings is attached.
9. Hospice of Homer Open House: Attached is an invitation from Hospice of Homer to the Mayor and Council to attend the open house at their new facility on Wednesday, Oct. 15, from 5 to 7 PM. As always, please notify the Clerk if you plan to attend so we can put out a public notice if necessary.
10. Karen Hornaday Park Fire Circle Project: Attached is a copy of a letter from the Homer Foundation that was written to Public Works Director Carey Meyer. A fire circle is an important component of the Karen Hornaday Park Improvement Plan. This park has benefitted frequently from collaborative community effort and the fire circle is just another example. Many thanks to the Rotary Club, the Homer Foundation, and the Homer Playground project for their support.

11. Kachemak Bay Research Reserve: Things are looking up and appear to be moving in a good direction concerning the Research Reserve. You will recall that State Funding and support was in jeopardy this spring and the Council adopted a Resolution of support and authorized the staff and the City Lobbyist to work on the issue with the legislature. I have been representing the City at Reserve Community Council meetings and there will be another one this coming week. At this point, it looks like the Reserve will partnering with and possibly become part of the University of Alaska, Anchorage. This is potentially a very positive development on several levels.

City Manager Wrede told the Council if the HERC building turns out to be the site of the new public safety building we will lose the gym and Public Works shop, a very important part of what we do. We will have to figure out what to do with Mike Riley and his shop and staff. They currently occupy a 4,000 sq. ft. area in the HERC building. There are a number of needs at the Public Works complex for both long and short range planning needs. These will be discussed at a future Worksession.

The Parks, Arts, Recreation, and Culture Committee (PARC) has a contract in place with consultants. They met today to review surveys and research methodology. Regular reports will be provided to the Council.

Mayor Wythe announced the public safety building open house Wednesday, September 10 at 6:00 p.m. There will be a review of space needs, information the committee has talked about, and you can meet with the contractors. At the last meeting Chairman Castner asked if Council was locked in on the HERC property for the building site. Last year as the Council was preparing legislative requests they looked at a number of properties and narrowed it down to the HERC site. If the committee presents a more preferred site the Council will consider it. In looking at the initial size requirement, the HERC is the best site.

Mayor Wythe noted there is also the potential for leasing a facility. Her position is since the City owns property it can be used as a matching contribution to the construction of the facility. City Manager Wrede advised the Council that the State may provide capital funds for a building, but a lease is considered operations and is not funded. The Council unanimously agreed against leasing a facility. There is more opportunity for State funding if the City provides the land asset. Mayor Wythe requested a resolution that the Council is not considering a lease option for the September 22 meeting

Community and Economic Development Coordinator Koester provided information about the upcoming strategic planning session.

Public Works Director Meyer explained the new fire pit and bench at Karen Hornaday Park that the Rotary Club sponsored. It is a nice addition to the new picnic shelter at the park.

City Manager Wrede announced upcoming meetings the Department of Transportation will hold on roadway reconstruction and new bridges for Milepost 157-169 of the Sterling Highway. The area will cover from Anchor Point to Baycrest Hill. Meetings are scheduled for September 15 and 16.

CITY ATTORNEY REPORT

A. City Attorney's Report

City Attorney Wells reported on September 3 an appeal to the Court of Appeals for the Ninth Circuit was filed by Auction Block on the Federal Maritime decision dismissing the claims against the City. An executive session will be scheduled soon to explain the process to the Council.

COMMITTEE REPORT

- A. Public Arts Committee
- B. Permanent Fund Committee
- C. Port and Harbor Improvement Committee
- D. Employee Committee Report
- E. Port and Harbor Building Task Force
- F. Public Safety Building Review Committee
- G. Vessel Haul-Out Task Force

Councilmember Howard reported the task force will make a presentation to the Council on September 22 at 4:00 p.m.

PENDING BUSINESS

- A. **Ordinance 14-45**, An Ordinance of the Homer City Council Amending Homer City Code 21.93.060 Standing – Appeal to Board of Adjustment and 21.93.500 Parties Eligible to Appeal to Board of Adjustment – Notice of Appearance, Providing for the City Planner or Designee to Participate in Appeals to the Board of Adjustment. City

Manager. Introduction August 25, 2014. Recommend Refer to Planning Commission for Review and schedule Public Hearing September 22, 2014.

Memorandum 14-123 from City Attorney as backup.

Mayor Wythe called for a motion to refer to the Planning Commission and postpone to September 22, 2014 for public hearing and second reading.

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. **Resolution 14-008**, A Resolution of the City Council of Homer, Alaska, Approving a New Intergovernmental Wastewater Agreement Between the City of Homer and Kachemak City. City Manager. (Postponed from August 25, 2014.)

Memorandum 14-125 from City Manager as backup.

Mayor Wythe called for a motion to postpone to September 22, 2014.

LEWIS/ROBERTS - SO MOVED.

The postponement will allow Kachemak City Council to meet and discuss the wastewater agreement.

Councilmember Burgess objected to the postponement for the sake of expediency and requested amendments to the agreement.

VOTE: (postponement) NO. LEWIS, BURGESS, ROBERTS, HOWARD, VAN DYKE

Motion failed.

BURGESS/ROBERTS - MOVED TO AMEND THE INTERGOVERNMENTAL AGREEMENT FIFTH WHEREAS, LINE 2, TO READ “BY THE PARTIES IN 1988 THAT WAS ONE OF THE BASIS FOR JOINT FUNDING.”

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/ROBERTS – MOVED TO AMEND THE INTERGOVERNMENTAL AGREEMENT ARTICLE 2.3, LINE 3, TO STRIKE “LESS I & I.”

The amendment will eliminate an exemption that Kachemak City receives from I & I (inflow and infiltration). Exempting Kachemak City from I & I skews the ratio of maintenance costs for the overall system from Kachemak City.

City Manager Wrede noted we do not have a mechanism for measuring inflow and infiltration that is precise.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/ROBERTS - MOVED TO AMEND THE INTERGOVERNMENTAL AGREEMENT ARTICLE 4.3, LINE 1, TO READ “HOMER SHALL REVIEW UTILITY RATES AT LEAST BIENNIALLY.”

Although the Council passed the idea of reviewing water and sewer rates annually, it should not be specified in a contractual agreement with a customer. Future councils may change it back to biennially.

VOTE: YES. VAN DYKE

VOTE: NO. ROBERTS, HOWARD, LEWIS, BURGESS

Motion failed.

BURGESS/HOWARD – MOVED TO AMEND THE INTERGOVERNMENTAL AGREEMENT ARTICLE 4.3, LINE 1, TO READ: HOMER SHALL REVIEW UTILITY RATES PERIODICALLY AND STRIKE “AT LEAST ANNUALLY” FROM THE RECORD.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Burgess referenced Article 4.3, Line 5, that states Kachemak utility customers shall pay the same rate for utility service as Homer utility customers. Many of his constituents feel there should be a cost levied to support the water and sewer system if you live outside the City of Homer. City residents already pay property tax and sales tax to support the water

and sewer system. He feels Kachemak City customers should pay the same rate as a City of Homer customer, including applicable taxes and fees, ie. the city of Homer sales tax.

Councilmember Howard agreed Kachemak City customers should be subject to the charges and the sales tax that Homer residents pay.

Councilmember Lewis believes the rate structure should reflect what the sales tax is although we can't charge them sales tax.

City Attorney Wells advised there is a very precise test with the Borough to determine if we can charge sales tax. Often you can charge sales tax when there is ambiguity where the services are given. The plant is located within the city of Homer and it travels to a resident outside the city of Homer to a government entity that acts as a conduit to the residents. There is a lot to work out in this area; it will require significant legal work. There may be an argument if there is no basis for a tax, raising a rate to incorporate a tax is a de facto tax. If the tax was not proper or legal we may have a problem. The research has not been done; it is something we have to look into.

ROBERTS - MOVED TO DELETE THAT SENTENCE (INTERGOVERNMENTAL AGREEMENT ARTICLE 4.3, LINE 5, "UTILITY CUSTOMERS IN KACHEMAK SHALL PAY THE SAME RATE FOR UTILITY SERVICE AS UTILITY CUSTOMERS IN HOMER THAT RECEIVE THE SAME CATEGORY OF SERVICE.")

Motion died for lack of second.

Councilmember Burgess referenced other sentences in Articles 4.3 and 4.4 that speak to the same thing. The agreement could be referred back to staff with a consensus from the Council that users in Kachemak City pay what an equivalent user in the city of Homer would.

City Attorney Wells advised the Council that City Manager Wrede and she have been working on the agreement. It would parallel and be consistent with what they have been doing over the last couple weeks.

Councilmember Van Dyke asked if the services are being provided within the city of Homer doesn't it qualify as a tax collectible process?

City Attorney Wells answered under the Borough code there is a strong possibility that is the case. It is outlined by the provisions in the Borough; we need to understand the right answer to that question. At the Council's direction language will be crafted that is lawful.

BURGESS/ROBERTS - MOVED TO AMEND THE INTERGOVERNMENTAL AGREEMENT ARTICLE 4.4, LINE 6, TO STRIKE "ESTIMATED RESIDENTIAL" SINCE KACHEMAK CITY IS NOT ENTIRELY COMPRISED OF RESIDENCES.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Burgess questioned language in Article 4.4, Line 8, and why it is necessary to specifically include amortization, depreciation of capital improvements, and a rate structure or to specify it in a contract.

City Manager Wrede answered the language was included because there was a lot of confusion about it in the discussion with Kachemak City. They wanted to know exactly what the bill included. The bill is not only maintenance and operations, but includes the cost of administration and depreciation expenses. Capital costs were addressed elsewhere in the agreement.

Councilmember Burgess asked if the language could be clarified since there is some ambiguity now.

BURGESS/LEWIS - MOVED TO POSTPONE TO OCTOBER 27 AS AMENDED AND RETURN TO STAFF FOR UPDATES.

There was brief discussion on a postponement date that would allow Kachemak City to review the amendments.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 14-088**, A Resolution of the City Council of Homer, Alaska, Amending the Sewer Fee Schedule to Provide a Fee Structure for Metered Sewer Only Customers. Mayor/City Council. (Postponed from August 25, 2014.)

Councilmember Burgess asked if we want it specific to Kachemak City or specific to metered versus non-metered customers. It may make sense to rework the amendments in the Fee Schedule to exclude Kachemak City agreements.

BURGESS/HOWARD – MOVED TO POSTPONE TO OCTOBER 27th PENDING STAFF REVIEW WITH REGARD TO SPECIFICITY TO SOME OF THE LANGUAGE IN THE FEE SCHEDULE.

There was no additional discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

RESOLUTIONS

- A. **Resolution 14-096**, A Resolution of the Homer City Council Awarding the Karen Hornaday Park Campground/Trail Improvement Project to the Firm to be Announced in the Amount to be Announced and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Resolution 14-096(S), A Resolution of the Homer City Council Awarding the Karen Hornaday Park Campground/Trail Improvement Project to Arno Construction, LLC of Homer, Alaska, in the Amount of \$70,438.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 14-136 from Public Works Director as backup.

Councilmember Burgess declared a conflict of interest due to his company being on the plan holders list for projects in Resolutions 14-096(S), 14-089, and 14-090. Councilmember Burgess was exited the dais.

Mayor Wythe called for a motion for the adoption of Resolution 14-096 by reading of title only.

HOWARD/LEWIS - SO MOVED.

Mayor Wythe called for a motion to substitute Resolution 14-096(S) for Resolution 14-096.

HOWARD/LEWIS - SO MOVED.

There was no discussion.

VOTE: (main motion as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 14-089**, A Resolution of the Homer City Council Awarding the Contract for Tree Clearing on the Town Center Site Project to the Firm of Gregoire Construction of Homer, Alaska, in the Amount of \$7,250 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

Memorandum 14-131 from Public Works Director as backup.

Councilmember Burgess was previously excused due to a conflict of interest.

Mayor Wythe called for a motion for the adoption of Resolution 14-089 by reading of title only.

LEWIS/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Resolution 14-090**, A Resolution of the Homer City Council Awarding the Contract for Tree Clearing on the Library Site Project to the Firm of Gregoire Construction of Homer, Alaska, in the Amount of \$2,450 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

Memorandum 14-132 from Public Works Director as backup.

Councilmember Burgess was previously excused due to a conflict of interest.

Mayor Wythe called for a motion for the adoption of Resolution 14-090 by reading of title only.

LEWIS/VAN DYKE – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Burgess returned to his seat.

- D. **Resolution 14-092**, A Resolution of the Homer City Council Amending the Preliminary Assessment Roll for the Homer Natural Gas Special Assessment District by Exempting Certain Properties and Making Amendments for Recorded Property Plat Actions Through July 28, 2014. City Clerk.

Memorandum 14-133 from Deputy City Planner as backup.

Mayor Wythe recused herself due to an ongoing conflict of interest and passed the gavel to Mayor Pro Tempore Roberts.

Mayor Pro Tempore Roberts called for a motion for the adoption of Resolution 14-092 by reading of title only.

LEWIS/BURGESS – SO MOVED.

Councilmember Burgess requested a map with the actual build-out of the gas lines and exempted lots indicated before the final determination on the assessment roll.

Councilmember Lewis asked if the map would include the number of condominiums or just the lot itself.

Councilmember Burgess looks forward to an in-depth discussion about condos, but for now just requests the map depicting exempted properties. The gas line build-out is slightly different than what was proposed.

City Manager Wrede advised the Council that Enstar is preparing final as-built maps. It will show the lots, where the gas line is, and which lots have been exempted through Council actions.

City Manager Wrede suggested adding another whereas clause after the fourth whereas to read: “WHEREAS, A NUMBER OF LOTS ARE EXEMPTED BECAUSE OF ENGINEERING AND CONSTRUCTION CHANGES THEY ARE NOT SERVED.”

Mayor Pro Tempore Roberts called for a motion to that effect.

LEWIS/BURGESS – SO MOVED.

There was no discussion.

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

Motion carried.

VOTE: (main motion as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Pro Tempore Roberts called for a recess at 7:17 p.m. and reconvened the meeting at 7:19 p.m., returning the gavel to Mayor Wythe.

COMMENTS OF THE AUDIENCE

Ken Landfield, city resident, expressed support for the HCOA on the CIP. He would like to see Council adopt a resolution on corporate personhood.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Wrede commented the meeting has left him speechless.

COMMENTS OF THE MAYOR

Mayor Wythe thanked everyone that came out to talk about the CIP. She acknowledged Borough Assembly Candidate Kelly Cooper, Homer City Council Candidate Catriona Lowe, and Homer Mayor Candidate Lindianne Sarno in the audience.

COMMENTS OF THE CITY COUNCIL

Councilmember Lewis liked Ken Landfield's idea and asked for a resolution for the next meeting.

Councilmember Burgess commented on the history of corporations and asked to co-sponsor the resolution with Councilmember Lewis. He asked that no more funds be appropriated to the harbor until Bryan Hawkins agrees not to shave his beard since he is devilishly handsome with it. There are lots of things going on in the harbor; get down there and check it out.

Councilmember Roberts is happy to vote yes for Resolution 14-095 for the Board of Fisheries to hold their meeting here. She thanked the Rotary Club for the fire circle and The Homer Foundation for improving Karen Hornaday Park. She thanked the Port and Harbor Improvement Committee Members who did a ton of work. Without that group we would not be telling everyone to go out to the harbor.

Councilmembers Howard and Van Dyke had no comment.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 7:25 p.m. The next Regular Meeting is Monday, September 22, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a Worksession 4:00 p.m. Special Meetings are scheduled for Monday, September 15, 2014 at 5:30 p.m. and 6:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, MMC, CITY CLERK

Approved: _____