

**ACTION AGENDA**  
**Monday, January 12, 2015**  
**Special Meeting**  
**Committee of the Whole**  
**Regular Meeting**

**SPECIAL MEETING AGENDA**

Session 15-02 a Special Meeting of the Homer City Council was called to order on January 12, 2015 at 4:00 p.m. by Mayor Pro Tempore Francie Roberts at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

Mayor Pro Tempore Roberts ruled Councilmember Zak's absence as excused. There was no objection from the Council.

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. **Memorandum 15-001**, From City Clerk Re: Request for Executive Session Pursuant to AS 44.62.310 (a-c)(1 & 5) Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit, and Matters that are Attorney-Client Privilege (Natural Gas Assessments for Condominiums).

APPROVED.

The Council adjourned to Executive Session at 4:04 p.m. and reconvened the Special Meeting at 4:41 p.m.

Councilmember Lewis stated the Council met with the attorney regarding condo assessments and decided to file the original improvement plan.

4. **COMMENTS OF THE AUDIENCE**

There were no comments of the audience.

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

There being no further business to come before the Council, Mayor Pro Tempore Roberts adjourned the meeting at 4:43 p.m. The next Regular Meeting is scheduled for Monday, January 26, 2014 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a 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.

### **COMMITTEE OF THE WHOLE AGENDA**

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

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

Councilmember Zak has requested telephonic participation.

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

The agenda was approved by consensus of the Council.

**3. Resolution 15-007**, A Resolution of the Homer City Council Approving the Recommendations of the Public Safety Building Review Committee. Mayor.

Memorandum 15-007 from Public Safety Building Review Committee as backup.

**4. CONSENT AGENDA**

**5. REGULAR MEETING AGENDA**

**6. COMMENTS OF THE AUDIENCE**

There was one who commented.

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

Mayor Wythe adjourned the meeting at 5:29 p.m.

### **REGULAR MEETING AGENDA**

Session 15-03 a Regular Meeting of the Homer City Council was called to order on January 12, 2015 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.

Councilmember Zak has requested telephonic participation.

Councilmember Zak 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 agenda was approved as presented.

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

There were no comments of the audience.

## **4. RECONSIDERATION**

## **5. CONSENT AGENDA**

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Regular meeting minutes of December 8, 2014. City Clerk. Recommend adoption.
- B. **Memorandum 15-002**, from Mayor, Re: Appointment of Therese Smith to the Library Advisory Board, Karin Marks to the Economic Development Advisory Commission, and Reappointment of Daniel Donich to the Port and Harbor Advisory Commission.
- C. **Ordinance 15-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.040(M) Regarding Compensation for the Mayor and Council. City Council. Recommended dates: Introduction January 12, 2015, Public Hearing and Second Reading January 26, 2015.
- D. **Resolution 15-001**, A Resolution of the City Council of Homer, Alaska, Ratifying and Confirming the Appointment of an Interim City Manager, and Providing for Related Matters. Mayor. Recommend adoption.
- E. **Resolution 15-002**, A Resolution of the Homer City Council Confirming the Appointments of Zhiyong Li as Treasurer and Laurie Moore as Deputy Treasurer for Calendar Year 2015. City Manager. Recommend adoption.
- F. **Resolution 15-003**, A Resolution of the Homer City Council Designating Signatories of City Accounts and Superseding Any Previous Resolution So Designating. City Manager. Recommend adoption.

- G. **Resolution 15-006**, A Resolution of the City Council of Homer, Alaska, Re-Adopting the Established Investment Policies of the Permanent Fund. City Clerk/Permanent Fund Committee. Recommend adoption.

Memorandum 15-006 from Permanent Fund Committee as backup.

- H. **Resolution 15-007**, A Resolution of the Homer City Council Approving the Recommendations of the Public Safety Building Review Committee. Mayor. Recommend adoption.

Memorandum 15-007 from Public Safety Building Review Committee as backup.

Moved to Resolutions.

- I. **Memorandum 15-004**, from City Clerk, Re: Amendment of Resolution 14-120(A) the 2015 Meeting Schedule for Council and Advisory Bodies. Recommend adoption.

Item H, Resolution 15-007 was moved to Resolutions, Item C. Roberts.

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

- J. **Oath of Office – City Manager Yoder**

City Clerk Johnson administered the oath to City Manager Yoder.

## 6. VISITORS

- A. Woodard Creek Coalition – Jim Preston & Marvin Hansen, 10 minutes

Jim Preston and Marvin Hansen, Woodard Creek Coalition members, provided an overview of the history and proposed improvements for Woodard Creek.

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

- A. Mayor’s Proclamation – The Big Read

Mayor Wythe read and presented the proclamation to Library Director Dixon and members of the Library Advisory Board.

- B. Borough Report

C. Commissions/Board Reports:

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

Parks and Recreation Advisory Commissioner Robert Archibald reported Mike Illg deserves a pat on the shoulder for all the work he has done with Community Recreation. The commission is assigned the beach task force. Special meetings have been scheduled as follows:

- January 22 – review existing management strategies in Homer City Code Title 19 and 19.6 park rules
- February 5 – review of legal access and land ownership of the beaches (with the City Planner and Attorney)
- February 19 – enforcement, rights, and fires on the beach (with the Homer Police Department)

He hopes they will get public turnout.

5. Port and Harbor Advisory Commission

Port and Harbor Advisory Commissioner Steve Zimmerman reported the harbor has 21 capital projects underway and is using some uptown resources. The income from the projects should help city coffers. At their next meeting they will discuss using some of the city sales tax money to help the port and harbor out. It is the opinion that the Council takes a lot of money out of the harbor with 19% of the port's budget towards administrative fees. The commission is always trying to figure out ways to get some revenue back in the harbor. There will also be a discussion on fish tax. Currently the State collects tax with 25% allocated to the Borough and 25% to the City. The commission will ask the Borough to give their portion back. A Worksession is scheduled for January 28 at 3:00 p.m. regarding harbor rate increases. He asked that a council member attend to hear ideas. They will see if they can hammer out good ways to keep the revenue flowing without having to raise rates so high.

D. Thank You from Cook Inletkeeper and Homer Senior Citizens for City Contributions

**8. PUBLIC HEARING(S)**

A. **Ordinance 14-56**, An Ordinance of the Homer City Council Amending Homer City Code 21.70.010, Zoning Permit Required, and 21.90.030, Invalid Land Use Permits, Regarding the Requirement for a Zoning Permit and the Relationship of Zoning Violations to Permit Issuance. Planning. Introduction December 8, 2014, Public Hearing and Second Reading January 12, 2015.

Memorandum 14-177 from City Planner as backup.

There was one who testified.

AMENDED: Strike first sentence on Line 46.

POSTPONED to January 26 for public hearing and second reading.

**9. ORDINANCE(S)**

**10. CITY MANAGER'S REPORT**

A. City Manager's Report

City Manager Yoder thanked everyone for the warm welcome and the Council for choosing him as Interim City Manager. The Governor's Ball is to be held in Kenai on January 30 in the Carr's building; \$50 per person.

The City received a tentative agreement on a \$1.9M capital matching grant for water and sewer. It is not a legislative grant; it is a program grant where we provide a 30% match. The grant is dependent on whether the Legislature funds the program this year. At the next meeting we may have to request the 30% match.

At the last meeting Walt mentioned funds for repair to Islands and Ocean roof. Fish and Wildlife has appropriated those funds.

At the next or future meetings there will be land leases for the U.S. Coast Guard and Petro Marine. We will be starting negotiations and will bring the information forward when available. Four noncompliance letters on leases on the Spit have been sent.

The Economic Development Council will be meeting February 5 to provide annual projections. A special speaker with experience in economic development is scheduled; \$75 to attend.

Kachemak City is considering applying for a legislative grant for Jack Gist Park projects in the City's CIP list. Katie has been working with them. Julie Nelsen has decided to take a job in Las Vegas; she is the first lost employee since he's been here. We will be advertising for that position.

Councilmember Burgess asked for an accurate as-built as to where gas lines are. The as-built should show where the physical lines have been installed. The Council needs something specific from the contractor for those that may object to the assessments. EMS may be interested in the information as well.

B. Bid Report

C. Games Report

1. Homer Society of Natural History Inc.

## **11. CITY ATTORNEY REPORT**

A. City Attorney's Report, December 2014

The Council had no questions for the City Attorney.

## **12. COMMITTEE REPORT**

A. Public Arts Committee

B. Permanent Fund Committee

C. Employee Committee Report

D. Port and Harbor Building Task Force

E. Public Safety Building Review Committee

Chair Ken Castner announced the meeting on January 19 at 5:30 p.m. There is a resolution before the Council to move the project along. The committee wrote a comprehensive report to the Council (Memorandum 15-007). He is dedicated to getting things moving along for the project in the foreseeable future. There is a real necessity to upgrade the police station very

soon. He would like to hear from everyone, as there has to be an affordable solution. This is the main way to keep the town safe; people under appreciate the level of social service the police department provides. He encouraged people to come to the meetings since it is a problem the community will have to solve.

- F. Vessel Haul-Out Task Force
- G. City Manager Selection Committee

Chair Francie Roberts announced the meeting on January 14 at 4:00 p.m. in the Conference Room. The committee is working on finalizing the hiring process and interview procedure. We anticipate announcing a short list of candidates in the next few weeks.

### **13. PENDING BUSINESS**

### **14. NEW BUSINESS**

- A. **Memorandum 15-003**, from City Clerk, Re: Authorization for Councilmember Zak to Serve on the Alaska Municipal League Legislative Position Committee and Travel to the Legislative Meeting and Conferences as Required.

APPROVED with discussion.

### **15. RESOLUTIONS**

- A. **Resolution 15-004**, A Resolution of the City Council of Homer, Alaska, Requesting That the Alaska Legislature Re-Appropriate the \$1,405,000 That the City Received for the Waddell Way Road Improvement to a New Public Safety Building. Mayor.

POSTPONED to January 26, 2014 with discussion.

- B. **Resolution 15-005**, 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 January 5, 2015. City Clerk.

Memorandum 15-005 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.



ADOPTED with discussion.

Mayor Pro Tempore Roberts passed the gavel back to Mayor Wythe.

- C. **Resolution 15-007**, A Resolution of the Homer City Council Approving the Recommendations of the Public Safety Building Review Committee. Mayor. Recommend adoption.

Memorandum 15-007 from Public Safety Building Review Committee as backup.

AMENDED: Add Line 29 to read: NOW, THEREFORE, BE IT FURTHER RESOLVED Resolution 14-020 is amended to extend the Public Safety Building Review Committee until the project is completed or the committee is otherwise dissolved by the Homer City Council; and the scope of work of the committee is expanded to advise the Council on all further phases of design and construction.

ADOPTED as AMENDED without discussion.

#### **16. COMMENTS OF THE AUDIENCE**

There was one who commented.

#### **17. COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner advised the premise for any exemption for the gas line is that the property exempted is not benefitting from the improvement. This is usually because the property cannot be developed or the property is located so that the gas line can't serve it. There are no exemptions for properties just because they are government owned or owned by nonprofits. The exemptions are narrow and benefit related.

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

City Clerk Johnson had no comment.

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

City Manager Yoder had no comment.

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

Mayor Wythe wished everyone a Happy New Year and welcomed them back to a new season.

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

Councilmember Reynolds encouraged everyone to participate in The Big Read. It is most effective when it has widespread participation. She challenged the Council to read it.

Councilmember Van Dyke welcomed the new interim city manager and thanked him for loaning us his expertise.

Councilmember Burgess commented we are not giving special consideration to anyone for exemptions of gas assessments. If having access to natural gas was never going to benefit a property it would be grounds for an exemption. The process exists if a mistake is made on the assessment roll someone can bring the mistake to our attention to avoid being unfairly assessed. He congratulated the City Manager on his first day that he survived. As to Mr. Zimmerman's comments of divesting the City of property and increasing tax rolls, to his knowledge the City is keeping a very lean inventory. If property is better served in private hands he would like to hear that. The public often better has an idea of a better use of property. He thanked the Woodard Creek presenters. It is a profound idea before its time; it is interesting to watch how we treat stormwater. It is great to see the public enthusiasm and he looks forward to seeing more work there.

Councilmember Zak had no comment.

Councilmember Lewis asked the Mayor or City Manager to ask Senator Gary Stevens if he will carry on the tradition of holding legislative meetings here like Senator Micciche did. This is the last weekend that the Homer High School hockey team will be playing. Valley players will be coming down; it makes for interesting hockey games. It would be nice to see a lot of people out at the rink.

Councilmember Roberts is glad to have the Parks and Recreation Advisory Commission tell us they are working on the beach access program. She is impressed how thoroughly they are addressing the situation. Steve Zimmerman testified we have all this property tied up and have to raise property taxes. Over the last eight years that she has been on the council we have not changed the mil rate; it may not be well correlated. She welcomed Marvin.

## **22. ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 7:02 p.m. The next Regular Meeting is Monday, January 26, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.