

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.

<b>PRESENT:</b>	COUNCILMEMBERS:	BURGESS, LEWIS, REYNOLDS, ROBERTS, VAN DYKE, ZAK (telephonic)
	STAFF:	CITY MANAGER YODER CITY CLERK JOHNSON CITY ATTORNEY KLINKNER CITY PLANNER ABOUD COMMUNITY AND ECONOMIC DEVELOPMENT COORDINATOR KOESTER FINANCE DIRECTOR LI LIBRARY DIRECTOR DIXON PUBLIC WORKS DIRECTOR MEYER PORT AND HARBOR DIRECTOR HAWKINS

Councilmember Zak has requested telephonic participation.

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

LEWIS/VAN DYKE – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The Council conducted a Special Meeting from 4:00 p.m. to 4:43 p.m. in Executive Session to discuss Natural Gas Assessments for Condominiums. The Council met as a Committee of the Whole from 5:00 p.m. to 5:29 p.m. to discuss Resolution 15-007, and Consent and Regular Agenda meeting 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.)

There was no supplemental agenda.

REYNOLDS/ROBERTS - MOVED TO APPROVE THE AGENDA AS PRESENTED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

### **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 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.

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

LEWIS/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

City Clerk Johnson administered the oath to City Manager Yoder.

## **VISITORS**

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

Jim Preston and Marvin Hansen provided a PowerPoint presentation on Woodard Creek. The Woodard Creek watershed comes down through the canyon, almost parallel to Bartlett Street. It crosses Pioneer Avenue and goes to the ocean. Homesteaders settled around Woodard Creek as one of the few perennial water systems. Impacts from developments and road construction caused the creek to slough, raising concerns from citizens. This prompted local citizens to start a water quality monitoring system in 1998. Two reports were made, meetings were held at the Pratt, and there were water quality monitoring programs. In 2002 there was a problem with sedimentation and flooding on Fairview Avenue. The culverts were not adequate and blockage occurred. Then there was the unstable slope from the new parking lot at Karen Hornaday Park. The fill next to Woodard Creek is a risk for channelization and sedimentation, threatening property owners along the creek.

Woodard Creek Coalition has a vision of Woodard Creek as a vibrant, healthy, and safe community asset. The coalition is building off of work that is underway at Karen Hornaday Park, the Pratt Museum, and the Homer Council on the Arts who are all daylighting Woodard Creek. The City of Homer is committed to make Woodard Creek more accessible. Culverts have been removed that were restricting flow and bridges were added at Spruceview and Soundview. Last year the Council adopted a resolution asking DOT to daylight Woodard Creek. Daylighting Woodard Creek will make for better engineering and hydrology down the stream. The creek will be healthier, more accessible, and safer. Woodard Creek Coalition is working to reduce the risk to property owners and the City. It will be a space for gatherings and create an atmosphere that supports and grows local businesses.

Contact Dianne at the Pratt Museum if you wish to get involved.

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

- A. Mayor's Proclamation – The Big Read
- 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

#### **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.

Mayor Wythe opened the public hearing.

Frank Griswold, city resident, suggested adding clauses within the ordinance that name and benefit Mr. Jose Ramos to justify why the ordinance was proposed. He expressed concern the Council as a quasi-judicial body was deliberating on the appeal of CUP 13-13 while at the same time considering the adoption of this ordinance to benefit one body.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 14-56 by reading of title only for second and final reading.

LEWIS/REYNOLDS – SO MOVED.

BURGESS/LEWIS – MOVED TO AMEND TO THE STRIKE THE FIRST SENTENCE ON LINE 46 WHICH IS TITLE 21.90.030; INCLUDE THE AMENDMENT “CORRECTION OF VIOLATIONS” PROPOSED BY THIS ORDINANCE, BUT REMOVE THE SENTENCE BEGINNING WITH “NO PERMIT MAY BE ISSUED UNDER” AND THE SECOND PORTION WOULD BE TO THEN WHAT IS THE FIRST SENTENCE OF THAT TITLE WHICH IS “ANY PERMIT ISSUED IN VIOLATION OF THIS SECTION” TO REPLACE “SECTION” WITH “TITLE.”

Councilmember Burgess commented the section contradicts itself. The intention is as part of the permit approval we have the flexibility to make permit approval. As previously worded it says we can't simultaneous issue the permit. We run into several situations with compliance due to previous noncompliance issues. Because the previous permit was not followed we have to revoke the first permit before doing something else.

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

Motion carried.

BURGESS/ROBERTS – MOVED TO POSTPONE THE ORDINANCE AS AMENDED TO OUR NEXT COUNCIL MEETING AS A PUBLIC HEARING.

There was no discussion.

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

Motion carried.

## **ORDINANCE(S)**

### **CITY MANAGER'S REPORT**

#### A. City Manager's Report

Thank all of you for the warm welcome I have received. The move from Palmer to Homer has gone very well.

**Governors Ball** The City has received information that there will be a Governors' Inauguration Ball in Kenai on January 30. The specifics are as follows: Old Kenai Carrs Mall, Doors Open - 5:30pm, No Host Bar - 6pm, Program/Dinner - 6:30pm, Desserts & Dancing, Semi-Formal/Formal Attire, Tickets - \$50 per person.

**Capital Matching Grant** The City of Homer scored well on their application for a State ADEC Matching Grant. The amount of the project is \$1,980,254. The City will be required to provide a 30% match.

If the CMG program is funded by the legislature, this grant will pay for two water main extensions; one on Shellfish Ave and the other on Kachemak Dr.

The Council will need to determine the funding source for the City match. In the past the city has utilized a DEC/EPA loan at 1.5% interest. This decision will be on a future agenda for Council action.

**Island and Ocean Roof Update** In his December manager report, Walt mentioned the need for funds to repair the roof on the Islands and Ocean building. Katie Koester has informed me that the USF&WS has appropriated funds to complete this project in 2015.

Katie also relayed the following message "Steve Delehanty, Refuge Manager for the Alaska Maritime National Wildlife Refuge, expressed thanks to the Homer City Council for their desire to help the facility and asked that partnership be considered in the future when they may need non-federal advocates. Steve also encouraged the City to do anything we can to keep the Kachemak Bay Research Reserve thriving and located in the Islands and Ocean Visitor Center."

**Land Leases** The City has received notice from the Coast Guard and from Petro Marine that they would like to extend their leases with the City.

Currently, we are awaiting a lease proposal from the Coast Guard. Once a proposed lease is received, the lease committee will review it. You can expect this to be an agenda item in the near future.

The Petro Marine Lease does not expire for two years. They are simply giving notice of their intent to continue leasing the property.

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.

**CITY ATTORNEY REPORT**

A. City Attorney's Report, December 2014

The Council had no questions for the City Attorney.

**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.

**PENDING BUSINESS**

**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.

Mayor Wythe called for a motion to allow Councilmember Zak to serve on the Alaska Municipal League Legislative Position Committee and travel to the legislative meeting and conferences as required.

LEWIS/VAN DYKE – SO MOVED.

Councilmember Burgess asked that Councilmember Zak file a report on the benefits derived since tax dollars were being used for is travel.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **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.

Mayor Wythe called for a motion for the adoption of Resolution 15-004 by reading of title only.

BURGESS/LEWIS - SO MOVED.

Councilmember Burgess noted that asking for reallocation may forfeit the allocation. He suggested postponement to have a better idea of what avenues and recourse there are.

BURGESS/ROBERTS – MOVED TO POSTPONE TO JANUARY 26<sup>TH</sup>.

There was no discussion.

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

Motion carried.

- 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 and passed the gavel to Mayor Pro Tempore Roberts.

Mayor Pro Tempore Roberts called for a motion for the adoption of Resolution 15-005 by reading of title only.

LEWIS/BURGESS - SO MOVED.

Councilmember Burgess asked City Attorney Klinkner for a brief outline as to where the assessment roll approval goes from here.

City Attorney Klinkner advised the Council upon the adoption of this resolution and prior actions of the Council, the administration will develop an assessment roll that will list each parcel in the district subject to an assessment and the amount of assessment. The roll will be available to the public. Notice of individual assessments will be sent to property owners. There is a period of time for the property owner to object to assessments, at least 30 days. The City Council will hold a public hearing on the assessment roll. This is the opportunity for a property owner to come forward to start their objection. After the hearing the Council will decide to adopt the roll as presented or make any corrections to the roll. When amendments are approved it becomes the assessment roll for the district. Any person that objected before the Council to an assessment has the option of appealing to Superior Court within 30 days. After that period of time it is a proceeding in court; it is an appeal from the action of the Council.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Pro Tempore Roberts returned the gavel to Mayor Wythe.

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.

Mayor Wythe called for a motion for the adoption of Resolution 15-007 by reading of title only.

BURGESS/REYNOLDS – SO MOVED.

ROBERTS/LEWIS – MOVED TO AMEND LINE 29 TO ADD: “NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE HOMER CITY COUNCIL THAT 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.”

There was no discussion.

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

Motion carried.

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

Motion carried.

### **COMMENTS OF THE AUDIENCE**

Steve Zimmerman, city resident, expressed opposition to Resolution 15-004. We need Waddell Way and he would like to keep the money and fix the road. He opposes allowing exemptions for gas line assessments and the City buying property and removing it from the tax rolls. Both things increase other people's rates.

### **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.

### **COMMENTS OF THE CITY CLERK**

City Clerk Johnson had no comment.

### **COMMENTS OF THE CITY MANAGER**

City Manager Yoder had no comment.

### **COMMENTS OF THE MAYOR**

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

### **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.

**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.

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JO JOHNSON, MMC, CITY CLERK

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