

Session 15-04 a Regular Meeting of the Homer City Council was called to order on January 26, 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.

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

Councilmember Burgess has requested telephonic participation.

Councilmember Roberts has requested excusal.

LEWIS/REYNOLDS - MOVED TO ALLOW COUNCILMEMBER BURGESS TO PARTICIPATE BY TELEPHONE.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe ruled Councilmember Roberts' absence as excused. There was no objection from the Council.

The Council met in a Worksession from 4:00 p.m. to 4:56 p.m. with Facilitator Melissa Houston and Community and Economic Development Coordinator Katie Koester to discuss Strategic Doing. From 5:02 p.m. to 5:15 p.m. the Council met as a Committee of the Whole to discuss Memorandum 15-013 and Consent 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:

CONSENT AGENDA - Memorandum 15-009, from Deputy City Clerk, Re: New Liquor License for La Baleine Cafe. Non-Objection from Kenai Peninsula Borough and Homer Police Chief; **PUBLIC HEARINGS - Ordinance 14-56(A)**, 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. Written public comments.

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

LEWIS/REYNOLDS – SO MOVED.

Mayor Wythe called for a motion to amend the agenda to hear New Business Memorandum 15-012 after comments of the City Council.

ZAK/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE: (primary motion as amended) 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 Special meeting minutes of December 1, 2014 and January 12, 2015 and Regular meeting minutes of January 12, 2015. City Clerk. Recommend adoption.
- B. **Memorandum 15-008**, from Mayor, Re: Appointments of Daniel Stanislaw and David Friedlander to the Economic Development Advisory Commission, and Reappointment of Glen Carroll to the Port and Harbor Advisory Commission.
- C. **Memorandum 15-009**, from Deputy City Clerk, Re: New Liquor License for La Baleine Cafe.
- D. **Ordinance 15-02**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Grant From The Homer Foundation in the Amount of \$930 for the Public Library Fireplace Natural Gas Conversion. City Manager. Recommended dates: Introduction January 26, 2015, Public Hearing and Second Reading February 9, 2015.
- E. **Resolution 15-008**, A Resolution of the Homer City Council Awarding the Contract for the Purchase of a 2015 Ford F-550 Truck for Public Works to the Firm of Worthington Ford of Anchorage, Alaska, in the Amount of \$36,367 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 15-010 from Public Works Superintendent as backup.

- F. **Resolution 15-009**, A Resolution of the Homer City Council Amending the U.S. Coast Guard Lease on Government Lot 20 to Add an Additional 20 Years of One-Year Renewals, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 15-011 from Port and Harbor Advisory Commission as backup.

- G. **Resolution 15-010**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply for an Alaska Drinking Water Fund (ADWF) Loan for {Phase I of the Homer Water Distribution/Storage Improvement Project in the Amount of \$594,075. City Manager/Public Works Director. Recommend adoption.

Memorandum 15-014 from Public Works Director as backup.

Moved to Resolutions.

Item G, Resolution 15-010 was moved to Resolutions, Item A. Reynolds.

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

LEWIS/REYNOLDS - 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 Assembly Member Kelly Cooper reported members of the Homer area can now make borough sales and property tax payments at the local borough office. Checks or cash are not accepted, but residents can pay bills electronically.

The Borough approved their capital project priorities for 2015 and in the upcoming weeks will be lobbying for the projects in Juneau. Last week the Assembly heard lengthy testimony by Assembly Member Wolf who introduced an ordinance to prohibit the operation of marijuana cultivation facilities in areas of the Peninsula outside of the cities. This will be up for public hearing on February 24th. Homer area residents may testify telephonically at the Borough Annex at 6:00 p.m. Assembly Member Cooper finds the ordinance premature and irresponsible and would like to put together working committees to monitor the State as they navigate this legislation.

She looks forward to participating in the park (MAPP) meeting this week, the Port and Harbor Advisory Commission Worksession, and the grand opening of Diamond Ridge Fire Station.

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
 - a. Minutes of January 7, 2015
3. Economic Development Advisory Commission

- b. Memorandum 15-013, From Economic Development Advisory Commission, Re: Affordable Housing Tax Incentive
 - 4. Parks and Recreation Advisory Commission
 - 5. Port and Harbor Advisory Commission
- C. Homer Foundation Quarterly Report for City of Homer Fund

PUBLIC HEARING(S)

- A. **Ordinance 14-56(A)**, 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 Hearings January 12 and 26, 2015 and Second Reading January 26, 2015.

Memorandum 14-177 from City Planner 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 14-56(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 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. Introduction January 12, 2015, Public Hearing and Second Reading January 26, 2015.

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 15-01 by reading of title only for second and final reading.

LEWIS/VAN DYKE – SO MOVED.

There was no discussion.

VOTE: YES. LEWIS, BURGESS, REYNOLDS

VOTE: NO. ZAK, VAN DYKE

Motion failed.

ORDINANCE(S)

CITY MANAGER’S REPORT

A. City Manager’s Report

Natural Gas as-built

I spoke with Julie Engebretsen and Dan Gardner about the as-built drawings. Both believed that these drawings were proprietary Enstar property. Staff has attempted to provide adequate information to the council for each amendment to the assessment roll. If there is concern about specific parcels we will research those issues for you.

Travel

I serve on the ABC Board for the State. There are 5 meetings per year. The next meeting is in Juneau and I will be there February 10 - 12. I have contacted the Homer City Lobbyist to set up some meetings with our legislators while I am there. I will be available by phone. Jo Johnson will be acting manager in my absence.

STIP

The State of Alaska has provided the latest Transportation priorities. Those of interest to Homer are as follows:

- | | | |
|---|--------------|--------------|
| • Pioneer Ave Rehabilitation | FY 2015 | \$ 336,590 |
| • MP 157 - 169 (Anchor Point to Baycrest) | FY 2015 | \$55,265,000 |
| After 2015 | \$72,700,000 | |
| • MP 114 - 135 Pavement Preservation | After 2015 | \$20,000,000 |

Land Purchase

Several years ago Walt had discussions with a land owner regarding the parcel of land next to the sewer treatment plant. The parcel sold but is now for sale again. I received an email that there was an offer on the property but that the city could have the first chance to purchase.

This parcel would give public works a buffer around the public works complex and offer opportunity for future expansion. Is there a consensus to begin discussions with the owner? If a tentative agreement was reached, it would be brought to the council on a future agenda.

Library Grant

The library received notification that they have been awarded a continuing education grant. The city will be reimbursed up to \$1000.00 for expenses incurred by a library staff member attending the AKLA Conference in Juneau.

FYI

The City received information about the Rasmuson Foundation funding an annual award program for Alaskan artists. The 2015 Individual Artist Award Program application period is now open.

City Manager Yoder reported at the last council meeting there was a request for as-builts so the Council could see the natural gas system. Some properties were deleted from the roll. The information he received back was as-builts were considered Enstar propriety property. If there are specific areas the Council would like to know about he will get specific answers.

Mr. Yoder serves on the ABC Board and will be in Juneau the week of February 10th. He has meetings scheduled with Lobbyist Linda Anderson and both legislators. The State of Alaska provided their STIP priorities. The three projects that affect Homer on the STIP are: Pioneer Avenue rehabilitation has been moved to 2015; Anchor Point is part of 2015, with pavement preservation after that.

Mr. Yoder received an email from a property owner next to the sewer treatment plant. He thought he had an offer on the property and wanted to know if the city wanted first right. It is not a high priority item. The City had looked at it before to add to the public works area. He asked if the Council was interested in pursuing the property.

The Library has received a \$1,000 grant for training to allow a library staff member to attend a conference in Juneau. Additional information is from the Rasmuson Foundation and their program for Alaskan artists.

There was work being done at 3850 Heath Street next to Horizon with no permit in place. We issued a stop order until the permits are in place. He is not sure if they are qualified for a permit.

Councilmember Burgess expressed his frustration with the feedback from the Planning Department on which right-of-ways the gas line was installed in. The Council is going to be approving a \$12M assessment roll without as-builts for right-of-ways. We hired Enstar to build the natural gas line and can't even know which right-of-ways the natural gas line is in. Anyone who dials 811 can have access to this information. Most people objecting to the natural gas

line are relying on the Council's knowledge where the gas line is. He believes the Planning Department needs to step up and provide better information. He doesn't want to rely on Sharpie lines on a map to determine who should and shouldn't get an assessment.

B. Bid Report

CITY ATTORNEY REPORT

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

PENDING BUSINESS

- 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.

Motion on the floor from January 12: MOTION FOR THE ADOPTION OF RESOLUTION 15-004 BY READING OF TITLE ONLY.

Community & Economic Development Coordinator Koester and Mayor Wythe will be traveling to Juneau the end of February and will ask about the re-appropriation then. Postponing the resolution until March will allow time to be more clear on what the Legislature might allow us to do.

ZAK/LEWIS – MOVED TO POSTPONE TO THE FIRST MEETING IN MARCH.

There was no discussion.

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

Motion carried.

NEW BUSINESS

- A. **Memorandum 15-012**, 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 (Pending Litigation).

Mayor Wythe called for a motion for the approval of the recommendations of Memorandum 15-012 to meet in Executive Session to discuss pending litigation.

LEWIS/ZAK SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe called for a motion to suspend the rules and move Memorandum 15-012 to follow comments of the City Council.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

- G. **Resolution 15-010**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply for an Alaska Drinking Water Fund (ADWF) Loan for {Phase I of the Homer Water Distribution/Storage Improvement Project in the Amount of \$594,075. City Manager/Public Works Director. Recommend adoption.

Memorandum 15-014 from Public Works Director as backup.

Councilmember Burgess declared a conflict of interest due to his financial interest in real property in the area of the proposed project.

Mayor Wythe ruled Councilmember Burgess did have a conflict of interest. There was no objection from the Council.

Councilmember Burgess was excused from participation.

Mayor Wythe called for a motion for the adoption of Resolution 15-010 by reading of title only.

LEWIS/ZAK – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Burgess rejoined the meeting.

COMMENTS OF THE AUDIENCE

There were no comments of the audience.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Yoder told the Council he was asked by the Chamber of Commerce to speak at their February 17th meeting.

COMMENTS OF THE MAYOR

Mayor Wythe had no comment.

COMMENTS OF THE CITY COUNCIL

Councilmember Burgess commented it was unfortunate the Council decided not to approve the pay increase as appropriated in the budget.

Councilmember Lewis had no comment.

Councilmember Reynolds encouraged everyone to go to the Green Dot celebration Friday night. It is recognition of the community's participation. All city employees got certified; it will strengthen the community to get the program in place.

Councilmember Van Dyke said he was speechless.

Councilmember Zak is happy to be back to Homer. He thanked the Council for allowing him to be telephonic. He commented on the Strategic Doing Worksession and encouraged people to view the City's website to find the Comprehensive Plan and a tactical way of implementing it. The Mayor has been leading the effort and it is exciting to see how the Council and the city are working towards achieving the elements.

NEW BUSINESS

- A. **Memorandum 15-012**, 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 (Pending Litigation).

Councilmember Burgess was excused due to his telephonic participation.

LEWIS/REYNOLDS – MOVED TO ADJOURN TO EXECUTIVE SESSION.

There was no discussion.

VOTE: YES. REYNOLDS, LEWIS, ZAK, VAN DYKE

Motion carried.

The Council adjourned to Executive Session at 6:31 p.m.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 6:31 p.m. The next Regular Meeting is Monday, February 9, 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.

JO JOHNSON, MMC, CITY CLERK

Approved: _____