

Session 15-06 a Regular Meeting of the Homer City Council was called to order on February 9, 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, LEWIS, REYNOLDS, ROBERTS, VAN
DYKE, ZAK

STAFF: CITY CLERK/ACTING CITY MANAGER JOHNSON
CITY ATTORNEY KLINKNER
IT MANAGER POOLOS
LIBRARY DIRECTOR DIXON
PERSONNEL DIRECTOR BROWNING
PORT AND HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

The Council met for a Worksession from 4:00 p.m. to 4:38 p.m. to discuss the Natural Gas Free Main Allowance. From 5:00 p.m. to 5:11 p.m. the Council met as a Committee of the Whole to discuss Consent Agenda and Regular Meeting Agenda items.

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

AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

The following changes were made: **CITY MANAGER'S REPORT** - Strategic Doing (attachment #1) **CITY ATTORNEY REPORT** - City Attorney Report of January 2015.

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

LEWIS/REYNOLDS – 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 comments of the public.

RECONSIDERATION

- A. **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. Reconsideration issued by Councilmember Van Dyke on January 26, 2015.

Mayor Wythe called for a motion for the reconsideration of Ordinance 15-01.

VAN DYKE/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. LEWIS, BURGESS, ROBERTS, REYNOLDS

VOTE: NO. ZAK, VAN DYKE

Motion carried.

See Pending Business.

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 January 5, 2015 and Regular meeting minutes of January 26, 2015. City Clerk. Recommend adoption.
- B. **Memorandum 15-017**, from Mayor, Re: Reappointment of Carla Stanley to the Cook Inlet Regional Citizens Advisory Council, Reappointment of James Hornaday as the Alternate Board Member for the Cook Inlet Regional Citizens Advisory Council, and Appointment of Robert Archibald to the Prince William Sound Regional Citizens' Advisory Council.
- C. **Memorandum 15-018**, from Deputy City Clerk, Re: Liquor License Transfer for Land's End and New Liquor License for Cannery Bay Restaurant.
- D. **Ordinance 15-03**, An Ordinance of the City Council of Homer, Alaska, Approving the Sale of the City's Interest in Lot 6-A-1, Nils O. Svedlund Subdivision 2013 Replat for \$1,655.50 to Dragonfly, LLC, and Establishing the Terms of the Sale. City Manager.

Recommended dates: Introduction February 9, 2015, Public Hearing and Second Reading February 23, 2015.

- E. **Ordinance 15-04**, An Ordinance of the Homer City Council Accepting and Appropriating a Grant from the Alaska Highway Safety Office in the Amount of \$40,768.01 for the Homer Police Department Project Drive and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Recommended dates: Introduction February 9, 2015, Public Hearing and Second Reading February 23, 2015.

Memorandum 15-019 from Police Chief as backup.

- F. **Resolution 15-011**, A Resolution of the City Council of Homer, Alaska, Acknowledging the January 2015 Surplus Equipment Bid Results. City Clerk. Recommend adoption.

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

- A. John Bushell, Summer Solstice Music Festival

John Bushell (Johnny B) and Jim Stearns (Salmon Stock organizer) presented the idea of a Sol Fest in Homer. The first event will be held June 19 – 21, 2015 in the Town Center area and will include great music, amazing art, and wonderful people.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. **Mayor's Proclamation**, Congenital Heart Defect Awareness Week – February 7 – 14, 2015

Mayor Wythe read and presented the proclamation to Melanie Miller, mother of Chloe who was born with a congenital heart defect.

B. Mayor's Proclamation, Brother Asaiah Bates Day – February 14, 2015

Mayor Wythe acknowledged Brother Asaiah Bates Day. The proclamation will be mailed to Martha Ellen Anderson.

C Borough Report

D. Commissions/Board Reports:

1. Library Advisory Board

Library Board Member Patricia Utley reported a mom in Maine sent \$50 to the library as her son uses the public phone at the library to call home. There are three new board members and all of them have research and grant writing experience. The Board is setting goals and supporting growth of the library and needs of the staff to provide better service. Before the Board is an amendment to HCC 2.48.040 to allow members from outside city limits to serve on the Board. Library use is growing steadily, both in the winter and summer months. In January there were 1,000 more patrons than in January 2014. Ms. Utley commended the library staff in doing a great job of keeping up with the needs. The library is a four-star library.

2. Homer Advisory Planning Commission

a. Minutes of January 21, 2015

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

a. Memorandum 15-022 from Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Robert Archibald provided an update on the commission's efforts on Bishops Beach. They have looked at organization, heard public comment, and are delving into legal issues. They are getting an understanding of the boundaries on the beach to include property lines pre-earthquake 1964. There was a good turnout at the last meeting and he encouraged more public participation. Law enforcement will be at the March meeting. There are a lot of opinions and a lot of problems with dog owners, 4-wheelers, and dog feces.

Memorandum 15-022 would transfer exercise equipment from the City to the Kenai Peninsula Borough School District. The equipment was removed from the red shed at Karen Hornaday Park and is meant to set up along the trail at West Homer Elementary. Attorney Klinkner will review the transfer of the equipment and determine if a more formal process is needed.

5. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

- A. **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. Introduction January 26, 2015, Public Hearing and Second Reading February 9, 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 15-02 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.

ORDINANCE(S)

CITY MANAGER'S REPORT

- A. City Manager's Report

Land Leases

As noted in my previous report there were letters sent to leases on the spit that had one or more non-compliance issues that needed to be resolved. We have received some responses and are working to resolve the outstanding issues. Unresolved issues will be brought to the council.

Emergency Preparedness

Bob Painter, Fire Chief, is working with the Hospital and the State Emergency preparedness personnel to conduct a large disaster training exercise in March. Bob and/or the hospital staff will provide additional information as the plans are formalized.

Resolution 15-004

The City Council at its last meeting voted to postpone Res 15-004 which would request the legislature re-appropriate \$1,405,000 from the Waddell Way project to the Public Safety Building project.

Staff has reviewed that Resolution and has determined that re-appropriating \$1.2 million will accomplish what is needed for the PS building until October of 2016. The remaining \$200,000 will complete the ROW survey and engineering portion of the project. These projects are bid ready.

Using HART funds the city could then construct a pioneer road that could be finished and paved at a later date. The soils in the area will require some time to compact before a paving project could proceed.

Councilmember Burgess commented on the Waddell Way re-appropriation. The project made it on the CIP and there was public support. He suggested exploring the possibility of using HART funds to follow through on the commitment to the public.

Mike Illg, PARC Needs Assessment Member, outlined their mission statement. PARC is prioritizing the community's needs and determining a 10 to 15 year outlook. Results from the community survey are available online on the City's Parks and Recreation webpage under the park logo. PARC is still meeting and is working on the next step of the needs assessment survey. He encouraged people to participate in the survey if they get a phone call asking them to do so.

Kate Crowley, PARC Needs Assessment Member, reported the group has been discussing funding for recreational needs. The assessment will end in April. They have discussed reallocating HART funds and have asked the Council to look at it. Another funding source is establishing a recreational service area. There will be an open forum on February 26 at 3:30 p.m. at the college, Room 201. Representatives from the Borough will be present to answer questions about a service area. Discussion will include boundaries, potential mil rates, and anticipated revenue. She encouraged the public to participate.

B. Games Report

1. Alaska Hotel and Lodging Association

CITY ATTORNEY REPORT

Attorney Klinkner commented on his involvement with the Social Media Committee who is working towards a policy for a Facebook presence.

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

Ken Castner reported Police Chief Robl presented a PowerPoint to the Rotary last week. The group provided immediate feedback, most of it very positive. The next meeting is February 17 at 5:00 p.m.

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

Councilmember Roberts reported the committee will meet on February 11 at 5:15 p.m. to proceed with the hiring process. She hopes after tonight the Council will have narrowed candidates to face-to-face interviews.

PENDING BUSINESS

- A. **If reconsidered - 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 called for a motion for the adoption of Ordinance 15-01 by reading of title only for second and final reading.

LEWIS/BURGESS - SO MOVED.

ROBERTS/BURGESS – MOVED TO AMEND TO ADD ANOTHER NOW THEREFORE THAT THE EFFECTIVE DATE IS MARCH 1, 2015.

There was no discussion.

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

Motion carried.

Councilmember Burgess advocated for the passage of Ordinance 15-01(A) as the Council unanimously appropriated the funds by passing the budget. The Council's obligation is to look at what would empower a potential candidate to have the means to serve on the council. Someone should be able to hold political office and not be held to the funding source that allowed them to serve. The compensation would allow a council member to pay a babysitter.

Councilmember Zak expressed opposition to the stipend increase and suggested the Council find a process to deal with the financial ability of individuals serving in the future. Service on the council is not about financial compensation; it is the knowledge and sense of community one gains from serving.

Councilmember Reynolds commented any member who does not need to take the money doesn't have to. Lost time from work and childcare costs could be a severe barrier for some people to serve on the council.

VOTE: (motion as amended) YES. ROBERTS, REYNOLDS, LEWIS, BURGESS

VOTE: NO. ZAK, VAN DYKE

Motion carried.

NEW BUSINESS

- A. **Memorandum 15-020**, from City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310 (A-C)(2) Subjects That Tend to Prejudice the Reputation and Character of Any Person, Provided the Person May Request a Public Discussion (View Written Public Comments Pertaining to the City Manager Applicants and Discuss the Personal Character of the Applicants); and 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 Attorney/Client Privilege (Haunschild/Duggan vs. City of Homer).

Mayor Wythe called for a motion for the approval of the recommendations of Memorandum 15-020 to meet in Executive Session to view written public comments pertaining to the City

Manager applicants and discuss the personal character of the applicants and to discuss Haunschild/Duggan vs. City of Homer.

LEWIS/ROBERTS – SO MOVED.

The Council discussed the need for a public discussion of the applicants and an Executive Session to discuss the personal character of applicants. They deferred to Attorney Klinkner for direction on the written public comments that were to be reviewed in Executive Session.

Attorney Klinkner advised the Council there were two separate questions pertaining to the written public comments. The first question is whether the documents are public records. The second question is whether discussing them is a proper topic for Executive Session. It is proper for an Executive Session if the comments do address the character and reputation of the applicants.

Councilmember Zak expressed concern about discussing the character of applicants in Executive Session. He questioned if the applicants should be given the choice of discussing their character and reputation in public.

Attorney Klinkner advised the Council the standard subject for Executive Session is to discuss the character and reputation of an applicant and the subject may request the discussion be held in public. He is not sure if such requests have been received or the applicants were notified they have that option.

City Clerk Johnson told the Council the applicants have not been notified individually their character may be discussed by the Council.

The Council discussed the written public comments. It was stated repeatedly during the course of the telephonic interview process that people could add information in the envelope in confidence. It was only after the written comments had been accepted that their confidentiality was questioned. The process was established by the City Manager Selection Committee which is comprised of the mayor and three councilmembers.

Mayor Wythe commented as a Human Resources professional that there are a lot of things that need to be said that for the benefit of the applicant you don't want to say them in public. This is a much more public process than any hiring process of the City of Homer. There is a lot of risk for people that put their application in. If something came out as a result of open discussion it could make them ineligible for hiring at a lot of places. If there are those sort of things you don't want to put them in the public record. The Council wants to receive whatever input they can to make a good choice. The individuals will also be subject to an in-depth background check of their financial history and criminal background. That process hasn't taken place yet. In Human Resource law if you make a decision or statement during the course of the interview process that is disparaging and it becomes public information, the City could be sued. It is as much to protect the City as it is to protect the applicant.

Councilmember Zak expressed concern that the people that wrote the comments for the envelope were unwilling to come out in public and share that information. The applicant wasn't given the right to say whether they wanted the comments read in public and the person who wrote the comments for the envelope needs protection. Both people's rights need to be protected. He suggested destroying what was in the envelope and to then give those people the right to put something in the envelope to consider in Executive Session and notify the applicants it could be discussed in public if they would like it to be.

Asked if the written comments would be public record after this, Attorney Klinkner answered he will need to research and review the procedure that was used for collecting comments and what representation was made to the people that provided them and the content of the comments.

The Council noted city staff may work under a candidate and their comments may not be safe to say in a public arena.

Councilmember Van Dyke commented the whole process is an open forum and the public should know what is there. We have two choices: shred the envelope or open things up and read in the public record.

BURGESS/VAN DYKE - MOVED TO AMEND TO DIVIDE IT INTO TWO MOTIONS TO ADJOURN TO EXECUTIVE SESSION; ONE HAVING TO DO WITH THE LEGAL CASE FACING THE CITY OF HOMER, THE OTHER WITH REGARD TO THE QUESTIONS, FEEDBACK, AND APPLICATIONS FOR CITY MANAGER.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

First question: TO MOVE INTO EXECUTIVE SESSION TO REVIEW CONFIDENTIAL DOCUMENTS REGARDING THE APPLICANTS FOR THE CITY MANAGER.

VOTE: YES. REYNOLDS, ROBERTS, BURGESS, LEWIS

VOTE: NO. VAN DYKE, ZAK

Motion carried.

Second question: TO MOVE INTO EXECUTIVE SESSION TO DISCUSS THE HAUNSCHILD/DUGGAN VS. CITY OF HOMER CLAIM.

City Attorney Klinkner will be included in the Executive Session on this matter.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe called for a motion to adjourn to Executive Session.

LEWIS/VAN DYKE – SO MOVED.

There was no discussion.

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

VOTE: NO. ZAK

Motion carried.

The Council adjourned to Executive Session at 7:08 p.m. and reconvened the Regular Meeting at 8:07 p.m.

Mayor Pro Tempore Roberts stated the Council received an update from the attorney on the legal issues and provided guidance to him. The Council reviewed the confidential comments of the public and council comments regarding the character of the applicants.

B. **Memorandum 15-021**, from City Clerk, Re: Selection of City Manager Applicants for Face-to-Face Interviews and Determine Interview Dates.

Mayor Wythe called for a motion to discuss Memorandum 15-021.

VAN DYKE/ROBERTS - SO MOVED.

The Council discussed the procedure with Councilmember Reynolds suggesting total scores on rubrics for each candidate be discussed.

BURGESS/ROBERTS - MOVED FOR THE SAKE OF EXPEDIENCY, AT LEAST FOR THE BEGINNING PART OF THIS, TO STRIKE PEOPLE OFF THE LIST; IF THERE IS LIMITED CONSENSUS OR WE CAN'T HAVE MOTIONS THAT HAVE A MAJORITY BEYOND THAT THEN WE CAN REVERT TO THE METHOD CATRIONA PRESCRIBED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VAN DYKE/LEWIS - MOVED TO REMOVE DOUGLAS ISAACSON FROM THE POOL.

Councilmember Lewis commented by the rubric he scored high, but his answers and resume indicated he lacked a certain knowledge of Homer. He did not know we had a hospital and he only answered half of the question of quality of life and economic development.

Councilmember Zak added Mr. Isaacson scored high for him also, although not as high as some of the others. Councilmember Zak liked his experience with the state legislature and agreed with some of the points Councilmember Lewis mentioned.

Mayor Wythe commented Mr. Isaacson was her second highest score on the rubric. She had concerns relating to his verbosity of answer without actually answering the question. He scored well because we have a lot of score that is weighted on Alaska experience. She has concerns about his ability to step back from the Legislature to managing a small community in Alaska.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ZAK/REYNOLDS - MOVED TO REMOVE JEFFREY TRINKER.

Councilmember Zak commented he scored Mr. Trinker in considering all the candidates and the input from the public. He scored lower than the other candidates and he could clearly make a delineation to remove him from the candidate list.

Councilmember Lewis commented he scored low, but he liked his answers. Twenty points was automatically knocked off from the start since he has no experience in Alaska or coastal communities. It is a deficit; people that come up here have to go someplace.

Mayor Wythe commented she looked at the location where he lives. It was originally a transport community for railroad and shipping on a river front. Jeffrey Trinker and Carey Meyer scored the same. They were her lowest two scores. The difference in the two was that Carey got the Alaska points and Jeffrey got the other points. She felt like Mr. Trinker was real personable and she would be interested in seeing him for a face-to-face interview. She would not like to see him fall off the list.

Councilmember Van Dyke expressed the same sentiments as the Mayor regarding Mr. Trinker. He scored very near the two and three spot. The only reason he was lower is because you immediately take 20 points away since he has no experience in Alaska. He had a really good feeling at the end of the interview.

Councilmember Reynolds thought Mr. Trinker had good questions at the end of the interview.

Mayor Wythe commented that is what she liked about both external candidates is they had questions at the end of the interview. It speaks of being prepared to interview.

VOTE: YES. ZAK, BURGESS

VOTE: NO. VAN DYKE, REYNOLDS, LEWIS, ROBERTS

Motion failed.

LEWIS/VAN DYKE – MOVED TO INVITE THE THREE REMAINING CANDIDATES FOR FACE-TO-FACE INTERVIEWS.

Mayor Wythe asked if it was customary to bring the spouse for an interview. Personnel Director Browning answered it was.

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

VOTE: NO. BURGESS, ZAK

Motion carried.

The Council discussed meeting dates for the interviews. Personnel Director Browning told the Council three weeks is adequate time for a candidate to be here to interview. The last city manager interview process included the candidates being shown city departments by council members. The next day the Council conducted interviews. She encouraged the Council to keep the interviews close together as it can work for or against applicants if they are spread out weeks at a time. She recommended aiming for the first week of March. She will try to contact the candidates tomorrow to see if the dates work out. The out-of-state candidates can arrive on Sunday, be provided the tour on Monday, interview on Tuesday, and leave on Wednesday. The City put the candidates up for three nights and pays the airline tickets for the candidate and their spouse.

The Council discussed having some flexibility for interviews and not overlapping the out-of-town candidates visits.

ROBERTS/LEWIS - MOVED TO INVITE THE CANDIDATES TO COME TO HOMER IDEALLY ON MARCH 1, 2, AND 3, BUT IF THAT DOESN'T WORK THEN THE ALTERNATIVE COULD BE MARCH 8, 9, AND 10.

City Clerk Johnson advised the Council all regular council meeting for March are filled with Worksessions.

The Council discussed an earlier interview date for the local candidate on February 23. A longer time period is required for each applicant to interview.

ROBERTS/LEWIS - MOVED TO AMEND THE DATES BEGINNING ON FEBRUARY 23 AND SPANNING THROUGH MARCH 3 TO FIND A TIME PERIOD TO INTERVIEW THE THREE CANDIDATES AND HOST THEM.

There was no discussion.

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

Motion carried.

RESOLUTIONS

COMMENTS OF THE AUDIENCE

Ken Castner, city resident, thanked Councilmember Zak for acknowledging the public participation in the interview process. He referenced the website information on objecting to natural gas assessments; the only objection he can make is whether his property should be exempted. His first objection is that you can't tax him for something he doesn't own. His second objection is that he doesn't want the Council to use the special assessment process to increase taxes to the people of Homer. He doesn't want to be taxed on the costs and incorporate fees that equate to a tax. His third objection is he wants the City to get out of the natural gas business as soon as possible.

Larry Slone, city resident, commented the process of narrowing down the city manager candidates was awkward with the written comments in the envelope being excluded from the

public view. The information was provided in a public forum and there was no assurance it was only to be viewed in executive session. It is a separation of respect, support, and confidence between public and the city council. It was alleviated to an extent with Councilmember Lewis' discussion about excluding Mr. Isaacson. It is important from the perspective of the public to maintain continuity, communication, and transparency.

Robert Archibald, city resident on behalf of Woodard Creek Coalition, commented they have completed a plan that will bring together all interested parties in the Woodard Creek Watershed. The plan will protect and respect property, give the community an active voice, balance environmental and social needs, improve water quality, and reduce the risk of flooding. The plan will be outlined at a meeting on February 26 at 6:30 p.m. at Islands and Ocean Visitor's Center. Questions may be directed to Diane Converse or Bob Shavelson. Additionally, PARC will be on KBBI's Wednesday Coffee Talk and the Highland Games will be during Sol Fest.

Ted Schmidt, Homer resident, appreciates the straightforward process of the city manager selection. He agrees with the stipend for the Council to attract a broader contingent. He opposes reallocating funds for Waddell Way road improvement. It is very necessary to redirect traffic and the bottleneck. He commented on Highland Drive traffic and the trucks, jake breaks, speeders, and dump traffic.

Councilmember Burgess commented the Legislature has appropriated funds to improve Waddell Way and the Council is considering a re-appropriate of those funds for the Public Safety building and to use HART funds for Waddell Way.

Ted Schmidt commented HART is a tax he pays to help with infrastructure. He contributes to those funds so they are used for infrastructure. It is not appropriate for us to use HART funds and the taxpayer has no guarantee they will not have to pay more for the road.

Michael Armstrong, Homer News, filed a public records request on public comments made at the public meeting. He is surprised there were other comments made. He was a little concerned about the talk about shredding public records. He hopes that decision would be made through the proper channels.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comments.

COMMENTS OF THE CITY MANAGER

Acting City Manager Johnson had no comments.

COMMENTS OF THE MAYOR

Mayor Wythe understands the Homer News' position of making comments about applicants in a public forum. Through the interview process you develop comments that need to be discussed when you have seven people working together. If you were personally deciding on an applicant you would not have to bring comments to the light of day since you are the only person making the decision. Mayor Wythe disagrees there are not comments that should not be made in public. There are things that often need to be said, but for the safety or security of the applicant, they need to be said in confidence. Whether it is a local or distance applicant any comment made in public regarding their character or characteristics that you picked up through their interview process can be impugning to their ability for future employment. There are innumerable public laws and regulations regarding impugning the character of an applicant for which an entity can be sued if they do not take appropriate precautions. The Council is trying to safeguard the community and the applicants and do a process that is really considerate of them, but meets the need of thoroughly vetting every interview you do. It was also an opportunity for the Council to share with each other their personal opinions of the individuals that were character driven based on the candidates. The Council spoke about the scoring and reasons for removing applicants from the pool. We are trying to meet the balance where we are providing enough open comments for the public to participate in the process, but being able to take public comment in a confidential format. If you have employees or managers that have to work with the person they need the ability to have input as well without concern of it being reflected in their future employment record. We are trying to respect all of the participants in the hiring process. We are looking at using a portion of the current appropriation for Waddell Way to do the initial through-way for that road. We are looking at re-appropriating a portion to keep the public safety building process moving forward. The Juneau conversation will be handled carefully and be very guarded because we don't want to lose the funds. We want to let them know they have appropriated these funds and we can do this portion and do a larger portion on our own. The public safety building is equally as important to us and we need the funding immediately to keep the project moving forward. We are looking for a way to meet both needs and not undermine the intent of the original allocation, but to continue meeting the full needs of the City. On the Capital Improvement Plan, the public safety building is a higher priority than the road was, although they are both in our top five. In the interest of saving funds we are trying to say this is a bigger interest for us without losing the funds.

COMMENTS OF THE CITY COUNCIL

Councilmember Lewis hopes if Waddell Way is paved that we don't end up with the post office parking lot being a short cut jumping across from one area to the other. He thanked the Homer High School Coop Hockey Team for providing an exciting regions game streamed on the internet from Wasilla. He congratulated the women Divas that went to Wisconsin to participate in a hockey tournament and are bringing back the trophy.

Councilmember Burgess gave a shout out to Bob at Homer Saw and Cycle. Six to eight weeks ago Bob said, "You know what is wrong with you darn city council folks, you haven't ordered up winter yet." Councilmember Burgess said this last weekend was for Bob. We would have gotten the snow, but there are tight constraints at the state budget level so we just got the cold this year...maybe next year. As to the Homer News, he appreciates their appeals along the legal lines for justification of Executive Session. With regard to hiring practices he agrees with the Mayor that there is a lot more legal downside maligning someone's character and opening up the City to a lawsuit than there is to having every aspect of an applicant's qualitative consideration be part of the public record. If you did a background check, health record, or legal history on an applicant and that came out and you impugned them that could be hard. City staff are public citizens and deserve the ability to comment, but many of them, if offering any commentary about one of the applicants, could affect their ability to work. He would err on the side of as open public process as possible, but in this case there are aspects that make good sense to discuss in Executive Session. It is great to have the legal appeals and factual appeals for eliminating Executive Session as much as possible. But the moral appeals he struggles with. He doesn't fall into the delusion that newspapers are primarily about informing the public; they are primarily about selling papers. If the Homer News made that distinction more clear the moral appeals made would be easier to deal with. He realizes he is making the cardinal sin of a politician saying bad things about a newspaper.

Councilmember Reynolds serving on the Council only since October, is surprised how people think it's a them and us situation. She's not much different than she was in September or November. She is a member of the public and the community and here doing her best to reflect everyone else's concerns. Sometimes the procedure makes it feel that way. She asked people to reach out to her by email. She encouraged everyone to participate in the Winter Carnival. They just had the 4th annual Big Fat Bike Festival. There were 98 registered participants, 15 from Homer. There was one from Wisconsin, two from Seattle, and the rest from all over the place. They spent the whole weekend and battled some really tough conditions on the beach. Typically a beach ride is guaranteed conditions, but it was pretty burly. Everyone had a good time. Friday is International Bike to Work Day.

Councilmember Van Dyke thanked the public who stayed for the whole meeting and for enduring the process we are going through. He offered kudos to the folks trying to organize the Sol Fest. An endeavor like that could become another cog in the wheel of Homer's economic diversity. To the parks and recreation people, he is pleased Bishops Beach is coming along well and going in the right direction. He asked the public to get involved to help clean up an area that used to be a fantastic family area. The Needs Assessment is on track and

he hopes we get the right information to make good choices. His prayers are with those that have congenital heart disease.

Councilmember Zak commented on congenital heart disease and baby Chloe who attended the council meeting last year. The mother was holding Chloe and she was looking at us with those beautiful blue eyes. He thanked Gus for that prayer and sent condolences to anyone with congenital heart disease. He thanked the public for input on Executive Sessions. We have learned from the public and tried to listen in the interest of transparency. We could have had a much smoother process and better disclosure and conversation. Councilmember Zak expressed concern that we put Waddell Way out there and doesn't want to see the State of Alaska take those funds away. If the re-appropriation was offered up and a percentage of it taken away he is not in favor of having it offered up. It could go away since these are tough times. February 7 - 14 is Congenital Heart Defect Awareness Week. He believes President Roosevelt lost a baby at an early age due to heart defect. The good news is the surgeons today and quality of health care are so much better. He thanked the Mayor for recognizing Brother Asaiah Bates Day as February 14.

Councilmember Roberts agrees with a lot of what Beth and Beau said about the hiring process. There was information in the packet about Recreate Rec using the HART fund to pay for the new recreation monies we need to earn. The argument was we had \$6M in the HART fund. During the earlier meeting she asked Carey Meyer about how much \$6M would build in a road. He answered 2 miles was the amount of road that could be built. We are not flush in our road fund. She congratulated Carla Stanley and James Hornaday on their appointments to the Cook Inlet Regional Citizens Advisory Council and Robert Archibald on his appointment to the Prince William Sound Regional Citizens' Advisory Council. She thanked them for their volunteer time for the City of Homer. All of us have been reading about the State budget and what Governor Walker's proposing. She encouraged the City Manager to stay on top of what is going on. It is very fluid and things change all the time. She read that the jail contracts are going to be eliminated, which is an important part of our public safety budget. We need to pay very careful attention and keep our lobbyists working on these issues and staying out in front of them. The Parks and Recreation people reported they are working on the Bishops Beach issue. Meetings are scheduled in the future and public testimony is needed. It is a good time to get involved if this is an issue you care a lot about.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 9:04 p.m. The next Regular Meeting is Monday, February 23, 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: _____