

ACTION AGENDA

Monday, February 23, 2015
Worksession
Committee of the Whole
Regular Meeting

WORKSESSION AGENDA

1. CALL TO ORDER, 4:00 P.M.

Mayor Wythe called the meeting to order at 4:00 p.m.

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. GREEN DOT TRAINING

4. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

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

Mayor Wythe adjourned the meeting at 4:50 p.m.

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.

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. CONSENT AGENDA

4. REGULAR MEETING AGENDA

5. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

6. ADJOURNMENT NO LATER THAN 5:50 P.M.

Mayor Wythe adjourned the meeting at 5:09 p.m.

REGULAR MEETING AGENDA

Session 15-07 a Regular Meeting of the Homer City Council was called to order on February 23, 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 MANAGER YODER
CITY CLERK JOHNSON
COMMUNITY & ECONOMIC DEVELOPMENT
COORDINATOR KOESTER
FINANCE DIRECTOR LI
LIBRARY DIRECTOR DIXON
PORT & HARBOR DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR MEYER

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 following changes were made:

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS -
Lobbyist Report, AML Policy Committee Report by Councilmember Zak. **CITY MANAGER'S REPORT** - Status of City Projects by Public Works Director.

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There was one who commented.

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 Special meeting minutes of February 2, 2015 and Regular meeting minutes of February 9, 2015. City Clerk. Recommend adoption.
- B. **Memorandum 15-023**, from Deputy City Clerk, Re: Liquor License Renewals For Alice's Champagne Palace, the Grog Shop, Land's End, Best Western Bidarka Inn, Don Jose's, American Legion Post 16, Homer Liquor & Wine Co., Patel's, Patel's#2, Fat Olives, Rum Locker, Boardwalk Fish & Chips, Mermaid Café, Beluga Lake Lodge, Fresh Catch Café, and Two Sister's Bakery.
- C. **Ordinance 15-05**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Section 2.48.040, Board—Creation and Membership, to Decrease From Five to Three the Number of Library Advisory Board Members Who Must Be City Residents. City Manager/Library Advisory Board. Recommended dates: Introduction February 23, 2015, Public Hearing and Second Reading March 9, 2015.

Memorandum 15-024 from Library Advisory Board as backup.

Moved to Ordinances.

Item C, Ordinance 15-05 was moved to Ordinances, Item A. Roberts.

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

6. VISITORS

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Borough Report

B. Commissions/Board Reports:

1. Library Advisory Board

Library Advisory Board Member Patricia Utley reported they are hopeful about taking in board members outside the city. She suggested the Council could reduce the number of non-residents to three or they can send it back to the LAB. It makes sense taxpayers should be on the Board if they have control over the money. The LAB is setting up goals, talking to the Library, and hearing what the Library needs. There are three grant writers on the Board and more board members would empower the Board to keep the momentum going.

2. Homer Advisory Planning Commission

a. Minutes of February 4, 2015

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commission Chair Matt Steffy reported there was a PARC Steering Committee to hear the results from the December survey. The preliminary gap analysis will show what the community does, what they want to do and where the gap is. They will be sending the analysis back and forth with the contractor Agnew::Beck. Statistically valid cold calls will begin. There is an upcoming meeting on Thursday at the Kachemak Bay Campus at 3:30 p.m. with the Borough Mayor Special Assistant Michele Aranguiz who will discuss a special service area.

The commission has been reviewing the Beach Policy and gathering public comments to make recommendations. At the next meeting the Homer Police Department will talk about enforcement and their resources. They are asking for public participation. On the City's webpage you may look up topics and submit written public comments. The more input the commission receives the more balanced their decision will be.

There is a Woodard Creek Coalition presentation and informal workshop February 26 at 6:30 p.m. at Islands & Ocean Visitor Center. The National Park Service staff will be present. There are now 511 parcels within the Woodard Creek Watershed.

The commission is endorsing the Recreation Trails Symposium that will be held on April 18 at the Homer High School. The topic will focus on walkability with work groups, local

businesses, and local user groups. If there is good community response the commission will contribute to the symposium again next year.

The swimming pool is number two on the needs assessment. The school board is discussing the possibility of ending swimming due to the recent deficit projected for the Borough.

5. Port and Harbor Advisory Commission

C. Lobbyist Report

D. AML Policy Committee Report by Councilmember Zak

8. PUBLIC HEARING(S)

- A. **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. Introduction February 9, 2015, Public Hearing and Second Reading February 23, 2015.

There was no public testimony.

ADOPTED without discussion.

- B. **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. Introduction February 9, 2015, Public Hearing and Second Reading February 23, 2015.

Memorandum 15-019 from Police Chief as backup.

There was no public testimony.

ADOPTED without discussion.

9. ORDINANCE(S)

- A. **Ordinance 15-05**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Section 2.48.040, Board—Creation and Membership, to Decrease From Five to Three the Number of Library Advisory Board Members Who Must Be City Residents. City Manager/Library Advisory Board. Recommended dates: Introduction February 23, 2015, Public Hearing and Second Reading March 9, 2015. Memorandum 15-024 from Library Advisory Board as backup.

FAILED.

10. CITY MANAGER'S REPORT

- A. City Manager's Report 1.
Status of City Projects by Public Works Director

City Manager Yoder reported he attended a meeting last week in Juneau on upcoming marijuana issues. He also met with City Attorney Holly Wells to discuss what the City should be involved in with marijuana regulations. There will be zoning, three or four different licenses that will be handled differently from growing, manufacturing, to retail. The initiative said cities can have an advisory board. One half of the license fees paid by people doing activities will go to the city if they have an advisory board. There are a lot of different things that will come up. Mr. Yoder brought up a question before the ABC Board if cities will have the right to collect extra taxes. The ABC Board will be writing regulations on procedures for licenses. There are three different groups that are working on the issue and it will probably be a year before everything is completed. In the next few weeks the Council will have a memo from Attorney Wells on the subject.

In his trip to Juneau Mr. Yoder met with Lobbyist Linda Anderson. The Governor proposed a \$10M statewide cut in jail contracts. It has since been changed to \$3M, with \$7M returned to the budget. There was not a lot of coordination between the state troopers and the court system when this was initially discussed. We still have some cuts coming to jails and the ALMAR radio system program. The ALMAR was designed by the State of Alaska a number of years ago to make sure local government, state troopers, and DOT were on the same length in case of a disaster. When initially put forward the money mainly came from Homeland Security with the State paying operating costs. The State is now backing out and cities may have to contribute if they want to remain on the system.

Personnel changes in Finance resulted when one person left. Two people moved up one step and we will hire an entry employee.

A correction to the report is there are seven sports teams, with seven cities represented of both boys and girls, so it will be fourteen teams coming to Homer.

The Finance Department received the first check for the Free Main Allowance from Enstar. The attorney is still working on the proper language on how the fund will work. The money will go in a fund and will be used in making loan payments if there are problems. After all assessments and loans are paid back, the property owners will get paid back.

Mr. Yoder attended a meeting on Waddell Road with Homer Electric. We may work out an agreement to obtain the right-of-way without any cash money because HEA has an easement they want to get rid of. He talked to the attorney today about that as well.

The Deep Water Dock Feasibility Study RFP was advertised and preliminary scores were done. We are getting ready to move the project forward.

As to Lillian Walli subdivision, property owners asked for a LID just for Eric Lane that connects with Fairview Way. The way the subdivision was designed with large lots and lots of cul-de-sacs, if the whole subdivision were included in the district it could be in excess of \$80,000 per lot. A plat note says you can't do one lot without doing all lots. He talked to the attorney about that as well and will try to come up with some solutions.

On water distribution storage improvements the DEC budget still includes our project. It has some federal match so it will probably stay. The HART and HAWSP funds are still available.

Mr. Yoder will miss the March 9th meeting but will try to call in.

Councilmember Lewis asked if the ABC Board has talked about limiting the number of establishments that would sell pot. Mr. Yoder answered the ABC Board met to report on the Colorado trip and had lots of information as to how Colorado was handling things. He thinks there will be some limitation; his preference would be to turn it over to municipalities to let them decide. Municipalities can say there will be no establishments. He would like to see municipalities have more control about how many licenses are issued.

B. Bid Report

11. CITY ATTORNEY REPORT

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

Ken Castner reported the survey on the property along with soil surveys is done. There are fairly consolidated soils with no peat or clay. The public safety building project had a \$300,000 budget and there is now \$57,000 left. It is not enough money to go to 35% design. An estimate for demolition of the two buildings came in at \$40 per square foot. It will cost \$1M to remove the two buildings. A big chunk for disposal is the cost of hauling away the materials. He asked Public Works to look for a lot to put clean solid fill in. The committee feels it is their job to push the project. The Council needs to appropriate money to go to 35% design. If the Council could decide on an ordinance to appropriate funds, Stantec could go into the design. We are working toward 100% design with all public safety facilities in the design. He urged the Council to get together with Stantec and do some public policy work. The \$30M needed is a big hurdle if the majority is coming from local participation. Stantec is the right group to facilitate the discussion and it needs to be addressed soon if we are looking at a bond proposition in the fall. Senior exemptions on property taxes have increased 5% per year according to the Borough. That percentage will steadily increase with the baby boomers coming of age.

Spending money on the design now provides for a deliverable of design of the building. The longer you wait to move forward the more expensive it will be; the need to have it will never go away. The Council will need to come up with \$540,000 to get to 35% design.

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

Councilmember Roberts reported the interviews for the two city manager candidates are on March 3rd at 4:00 p.m. and 6:00 p.m. Candidates will be here visiting city departments and employees on March 2nd.

13. PENDING BUSINESS

14. NEW BUSINESS

- A. **Memorandum 15-025** 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 Attorney/Client Privilege (Castner vs. City of Homer Resumed Litigation).

Mayor Wythe was recused from the proceedings due to her ongoing conflict. She passed the gavel to Mayor Pro Tempore Roberts.

The Council met in open session to discuss Castner vs. City of Homer litigation and adjourned to Executive Session at 7:02 p.m. to discuss the case with City Attorney Klinkner. The Council reconvened the Regular Meeting at 7:22 p.m.

Councilmember Lewis stated the Council intends to follow prior court ruling in Castner case in the assessment of Mr. Castner's condominium property. Council will be considering at the March 9th meeting amending the preliminary assessment roll to correct the assessment for Mr. Castner's condominium building.

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

15. RESOLUTIONS

16. COMMENTS OF THE AUDIENCE

There were four who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comments.

19. COMMENTS OF THE CITY MANAGER

City Manager Yoder had no comments.

20. COMMENTS OF THE MAYOR

Mayor Wythe congratulated Karen on her new position and looks forward to working with her. She urged people to check out the city webpage associated with the Beach Task Force.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Roberts congratulated Karen and welcomed her to the Chamber of Commerce. At the 4:00 p.m. meeting the Council was trained by Green Dot people. She appreciated the training and learned a lot. She encouraged others to get involved with the program as it could be helpful to our community. She thanked Councilmember Zak for his AML report; she read it with interest and it was good information. She asked the City Manager to look into the water reservoir and report back to the Council on the long term water situation. She doesn't know how much water comes from rain versus snowfall, but there doesn't appear to be a lot of snow pack to feed the reservoir this year.

Councilmember Zak congratulated his wife, Karen Zak, as new Chamber Executive Director. They will both have an opportunity to serve on the Economic Development Advisory Commission. Their first meeting is March 10th. Matt gave an excellent report regarding parks and recreation. Tomorrow night the school board will be discussing whether to fund the swimming pool. The meeting will be at the high school at 5:00 p.m. He encouraged the community to provide input. February 24th is the date Proposition 2 goes into effect. The City Manager is on the ABC Board and has expertise in that area having attended the meetings in Juneau. He will keep us up to date on the progress. We need to be careful within the community; it is still a crime to smoke in public. It is good to have Marvin Yoder on board with us.

Councilmember Van Dyke commented on the state tournaments in the City Manager's report. March 13, 14, and 15 we have the little squirt hockey team playing their state championship at the Kevin Bell Ice Arena. It will bring quite a few people here. He is a proud grandpa and it is a fun thing to watch.

Councilmember Reynolds mentioned Green Dot and congratulated Francie for doing her first green dot by talking about it on the air. There are plenty of people with green buttons now and you can ask them what Green Dot is or find out on Facebook. She is glad the public participated today. With Adele mentioning walkability, she was looking at a property listing for some friends. Items that made the house more appealing was its walkability. The website was set up to connect with a map to show how many restaurants were within walking distance. It is very interesting having a walkable town; it has many positive effects.

Councilmember Burgess reminded people February 24th the use of cannabis becomes legal; he urged people to not get too caught up in the merriment that they forget there is a borough assembly meeting that evening on that very issue. He congratulated Karen as the new Executive Director of the Homer Chamber of Commerce. It is a demanding position with different interests and the budget to balance. On the gas line there was discussion the process wasn't as inclusive as people wanted it to be. He assured the public he did his best to make sure that wasn't the case leading up to and during the gas line assessment. The Council had extensive discussion about the different kinds and methods of assessment, one being property evaluation and one being per lineal foot of street frontage of a lot to the gas line. There were lots of alternatives weighed. One big strike against property evaluation was that you would have to assess and value properties and decide what was germane information and what wasn't for each mode of valuation. It would dramatically encumber the process. There was per lineal front footage, but the utility is not commensurate to how much of your property is against the gas line. The Council went with the simplest solution; that was to assess per unit of real property, condo or lot, per unit of assessment. It may not be a perfect measure but there are benefits to the community. When you pay a hospital bill you are paying for natural gas instead of fuel. There are benefits to the larger institutions that citizens use. He asked Ken Castner why he won't run for City Council. He would love to be sitting with Mr. Castner at the table. On beach policy use there are lots of voices who would use the authority of government to impose strict rules on the beach. Councilmember Burgess feels that beaches are public space and we don't want to heavily regulate uses. Rest assured he is not going to support anything heavy handed or overly intrusive with regard to beach regulation. He ended with a quote from Tao Te Ching.

Councilmember Lewis congratulated Mrs. Zak. He thanked Bryan for bringing up the pool. It is a public facility that is paid for with our tax dollars; people pay a nominal fee to use it. It costs the district \$800,000 a year to keep it open. The school district will have meetings and it will be interesting to see if they close the pool and who they will expect to run the pool. Now they know what it is like for the ice rink and Kevin Bell Arena and what those parents have been going through to keep that building open with some public money, but basically money out of their pockets and from the supporters.

Mayor Wythe announced the youth events of basketball and hockey both weekends on both sides of the spring break. We could be inundated with people. She hopes everyone has a nice break. Katie and her will be heading to Juneau tomorrow morning and will return with a trip report.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 7:44 p.m. The next Regular Meeting is Monday, March 9, 2015 at 6:00 p.m.,

Committee of the Whole 5:00 p.m., and a Worksession 4:00 p.m. A Special Meeting is scheduled for Tuesday, March 3, 2015 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.