

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  
CITY ATTORNEY KLINKNER (telephonic)  
COMMUNITY & ECONOMIC DEVELOPMENT  
COORDINATOR KOESTER  
FINANCE DIRECTOR LI  
LIBRARY DIRECTOR DIXON  
PORT AND HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS DIRECTOR MEYER

The Council met for a Worksession from 4:00 p.m. to 4:50 p.m. for Green Dot training. The Council met as a Committee of the Whole from 5:00 p.m. to 5:09 p.m. 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: **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.

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**

Kevin Hogan, city resident, objected to the Executive Session as the subject is an order to show cause. He asserted the subject does not qualify under HCC 1.10 and the Council should hire their own attorney since they are not acting in their official capacity.

### **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 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.

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

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
- 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 meeting 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. There is an upcoming meeting on Thursday, February 26<sup>th</sup> 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

**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.

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 15-03 by reading of title only for second and final reading.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

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 15-04 by reading of title only for second and final reading.

ZAK/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **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.

Mayor Wythe called for a motion for the adoption of Ordinance 15-05 for introduction and first reading by reading of title only.

ZAK/LEWIS - SO MOVED.

Councilmembers Roberts and Burgess expressed opposition to four non-resident members on the LAB since they do not pay taxes to support the Library. In the best interests of the taxpayers they cannot support the ordinance that provides non-residents the ability to create policy and decide on fiscal needs. A service area for the Library may be a possibility.

Councilmember Lewis suggested an amendment to allow three members to be non-residents allowing Homer residents to have a majority on the board.

LEWIS/ZAK – MOVED TO AMEND OCCURENCES OF THREE TO FOUR (MEMBERS WHO MUST BE CITY RESIDENTS).

VOTE: (amendment) YES. LEWIS, BURGESS, ZAK, VAN DYKE

VOTE: NO. ROBERTS, REYNOLDS

Motion carried.

VOTE: (main motion as amended) YES. LEWIS, ZAK, VAN DYKE

VOTE: NO. REYNOLDS, ROBERTS, BURGESS

Mayor Wythe broke the tie vote with a NO VOTE.

Motion failed.

## **CITY MANAGER’S REPORT**

### A. City Manager’s Report

#### 1. Status of City Projects by Public Works Director

### **Budget Cuts**

During my trip to Juneau I was able to talk with Linda Anderson about the proposed budget cuts to the Contract Jails program. If these cuts are adopted the city could lose over \$500,000. Chief Robl provided a lot of information about the impact such cuts would have in Homer.

We are now hearing that neither the Troopers nor the Court system had sufficient input on this issue prior to it being introduced. Linda is keeping us updated on what is happening with this critical budget issue.

### **Resolution 15-004**

I spoke with Linda Anderson, Rep. Paul Seaton and Sen. Gary Stevens about this issue. Nothing is certain at this time. It is hoped that the State Budget will be more in focus by the time Mayor Wythe and Katie visit Juneau next month.

### **Personnel**

The finance Department is having some personnel changes. Longtime employee Jo Earls resigned. Two employees were promoted new positions in the department and the city is recruiting and entry-level receptionist.

### **School News**

Homer will host the 3A regional basketball tournament March 5 – 7. There will be 7 visiting teams in Homer that weekend.

### **Enstar Refund**

The Finance Department received check and the following statement from Shay Pesta of Enstar regarding the FMA payment. “I have attached the excel spreadsheet for the 546 refunds totaling \$624,166 which are for 2nd, 3<sup>rd</sup> and 4<sup>th</sup> quarters of 2014 with some from the 1<sup>st</sup> quarter. You can tell by the meter set dates. We are still working on 2013 and part of the 1<sup>st</sup> quarter of 2014.”

The FMA funds will go into a sinking/reserve fund until the bonds are paid off. Disbursements to the property owners will be made after the bonds are retired.

City Manager Yoder reported he attended a meeting last week with the ABC Board 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 9<sup>th</sup> 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

## **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

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 3<sup>rd</sup> at 4:00 p.m. and 6:00 p.m. Candidates will be here visiting city departments and employees on March 2<sup>nd</sup>.

## **PENDING BUSINESS**

## **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 recused herself due to her ongoing conflict on the natural gas line project. She passed the gavel to Mayor Pro Tempore Roberts.

Mayor Pro Tempore Roberts called for motion for the approval of the recommendations of Memorandum 15-025 to meet in Executive Session to discuss Castner vs. City of Homer Resumed Litigation.

No motion was offered.

Councilmember Burgess requested as much discussion in public as possible and to adjourn to Executive Session to discuss legal strategy.

**BURGESS/LEWIS - MOVED THAT WE POSTPONE VOTING ON MEMORANDUM 15-025 UNTIL WE HAVE EXHAUSTED ALL DISCUSSION IN PUBLIC.**

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Attorney Klinkner was called and joined by telephone.

Councilmember Burgess provided the background on the natural gas line special assessment district. About 80% of the owners did not object to the project and the gas line was completed last fall. We are now finalizing assessments, the objection period is open, and the Council will cure and correct the final assessment roll. Ken Castner is one of several owners of condominiums with his condominium located on Smokey Bay Way and Ben Walters Lane. When someone parcels out a physical unit they physically divide real title. If you break it up into condos you have taken one piece of real property and turned it into multiple pieces. All owners received notice of assessments. Mr. Castner's interpretation is that the notices would be final assessments. Mr. Castner has 4 to 5 condos and received 7, 8, or 9 notices and filed suit and the judge found in Mr. Castner's favor. The City has yet to assess any financial obligation on any lot. Mr. Castner said he disputed what the City might do with the final assessment roll and the judge agreed with Mr. Castner.

The City has decided not to depart from the original assessment; the City didn't want to override the judge's ruling. People may ask why the City is making a decision that is not in the interest of condominium owners. Roughly 2% to 3% of the lots in Homer are condominiums. If they are no longer assessed, 13 mega condos at the end of the Spit pay one \$3,200 assessment. Others pick up the increased costs. It is not an issue of not agreeing with the judge, it is sticking with the assessment and allowing everyone else to go through the assessment process. Almost every condo owner on the Spit made it very clear to please bring us natural gas. It is difficult for Councilmember Burgess to represent the financial interests of the City of Homer when high dollar real estate is saving a tremendous amount. There is no interest in going against the court. The Council has not decided to change their policy on the initial tax roll.

Councilmember Lewis commented were not assessing individual lots, but were going by who receives a property tax assessment. A residential condominium receives the same benefit as an individual house. He doesn't know of any less difference a condominium would get than

an individual residence. You can argue about office condos and Mr. Castner has. We should proceed with the normal process and at the end the process the Council will deal with exemptions for good reason and follow the court order.

Councilmember Reynolds commented Mr. Castner went directly to the court when there was a way to bring the disagreement of the assessment to the Council. We have taken some properties out on a case by case basis. The court ruling came out of sequence as to how the events would have gone if the process had been followed.

Councilmember Burgess asked Attorney Klinkner to explain the process and objection period and why one can't take legal issue before an event has occurred.

City Attorney Klinkner advised the Council the legal doctrine is called exhaustion of administrative remedies. If there is process in place to resolve a dispute at an administrative level, that process should be completed and exhausted before a person dissatisfied with the result goes to court. They still have their day in court but should attempt to resolve it through the existing administrative process and not take up the court's time unless it is really required.

Councilmember Burgess asked what bearing the judge's decision in Mr. Castner's favor has on the other condominium owners who say we are in contempt of court by not applying the ruling to the rest of the assessment.

City Attorney Klinkner answered when the Council last discussed assessing condominiums at the February 9<sup>th</sup> meeting, after the Executive Session the Council announced it had decided to follow the original improvement plan in assessing condominiums. It didn't carve out an exception for Mr. Castner's situation and the ruling from the court. Mr. Castner was led to believe that the Council intended not to comply with the court's order for his property. On top of that he tacked on a more general challenge asserting the court's decision was a more general application to condominiums other than his own. It would be beneficial for the Council on the record to affirm that Mr. Castner's property will be assessed as the court directed. In conjunction, because the announcement was taken by city staff that Mr. Castner's property should have multiple assessments, the Council should agree to entertain a resolution for consideration at the March 9<sup>th</sup> meeting correcting the preliminary assessment roll from three assessments to a portion of one assessment as ordered by the court. It is Attorney Klinkner's strong view that Mr. Castner's contempt motion with the regard to the

treatment of other condominium units has no merit and will be rejected by the court. It is not a judgment that binds the City to other condominium properties.

LEWIS/REYNOLDS - MOVED TO ADJOURN TO EXECUTIVE SESSION PER MEMORANDUM 15-025.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Pro Tempore Roberts called for a motion to adjourn to Executive Session.

BURGESS/LEWIS - SO MOVED.

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

Motion carried.

The Council adjourned to Executive Session at 7:02 p.m. and reconvened the 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 9<sup>th</sup> meeting amending the preliminary assessment roll to correct the assessment for Mr. Castner's condominium building.

## **RESOLUTIONS**

## **COMMENTS OF THE AUDIENCE**

Scott Adams, city resident, commented on the need for both Waddell Way and a public safety building. He uses Bishop's Beach to drive to Anchor Point, collect coal, subsistence fishing, 4-wheeling, and for ATVs. He advocated for continued access to all beaches and enforcement on the beaches. Responsible folks should not be penalized because of a few.

Karen Zak, city resident and new Executive Director of the Chamber of Commerce, told the Council she looks forward to working on the Economic Development Advisory Commission and promoting tourism in the community.

Doug Van Patten, city resident, agreed with Scott Adams on beach access. A few people are making it difficult for the rest of us. It would be nice if there were enforcement to handle it. He thanked Councilmember Burgess for his presentation on the condominium assessments. He commended the Council for not allowing the condominium associations to have one assessment. A better assessment method would have been based on the valuation of properties.

Adelle Person, city resident, has had conversations with Julie Engebretsen on walkability and what the Council wants to put into action. At the community MAPP meeting on March 27 they will be addressing a wide variety of options. The Parks and Recreation Advisory Commission will have a symposium focused on walkability on April 18 at the high school.

#### **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 had no comments.

#### **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.

#### **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 10<sup>th</sup>. 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 24<sup>th</sup> 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 24<sup>th</sup> 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.

## **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.

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JO JOHNSON, MMC, CITY CLERK

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