

Session 15-15 a Special Meeting of the Homer City Council was called to order on April 8, 2015 at 5:00 p.m. by Mayor Pro Tempore Francie Roberts 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

ABSENT: ZAK (excused)

STAFF: CITY MANAGER YODER
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER (telephonic)

Councilmember Zak has requested excusal.

Mayor Pro Tempore Roberts ruled Councilmember Zak's absence as excused. There was no objection from the Council.

AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

Mayor Pro Tempore Roberts called for a motion for the approval of the agenda.

LEWIS/BURGESS - SO MOVED.

The Council will issue a statement following the Executive Session.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Memorandum 15-047, 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 (Order Compelling Compliance With Decision and Order Re: Castner v. City of Homer, Special Assessments on Condominium Unit Owners: Natural Gas Special Assessment District).

Mayor Pro Tempore Roberts called for a motion for the approval of the recommendations of Memorandum 15-047 to discuss Order Compelling Compliance With Decision and Order Re: Castner v. City of Homer, Special Assessments on Condominium Unit Owners: Natural Gas Special Assessment District.

LEWIS/BURGESS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/REYNOLDS - MOVED TO ADJOURN TO EXECUTIVE SESSION.

There was no discussion.

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

Motion carried.

The Council adjourned to Executive Session at 5:03 p.m. and reconvened the meeting at 6:30 p.m.

Councilmember Lewis stated the City will petition the Alaska Supreme Court for review of the Superior Court's April 3rd order and will seek a stay of that order pending review with regard to assessments of condo tax parcels only.

COMMENTS OF THE AUDIENCE

Ginny Espenshade, city resident, teaches youth about the judicial system. She is embarrassed with the City and hopes the Council shows the respect that is due to the other branches of government.

Kevin Hogan, city resident, is embarrassed too. The Council spent 1.5 hrs. on the Birch Horton meter. He is tired of the Council spending our money doing the wrong thing and hopes funds come out of the Council's pockets if the assessment roll needs to be corrected.

Wayne Aderhold, city resident, commented on the flawed process from the beginning of the gas assessment district. He objected at every stage with his properties. He proposed a workable method of assessment using G1 – G4 assessments (small pipe to large pipe). It is a system Enstar has in place and it has gone through the Alaska Regulatory Commission.

Amy Springer, city resident, expressed her frustration of nobody hearing her. The condo owner population is a large number of people. She questioned if the Council was delivering their decision tonight on the advice of counsel.

Margarida Kondak, city resident, is disappointed and dismayed with the statement made tonight. It is troubling that the City Council has had two rulings from the judge and still thinks it knows better than the court. She read the letter from Jim and Ruth Lavrakas.

ADJOURNMENT

There being no further business to come before the Council, Mayor Pro Tempore Roberts adjourned the meeting at 6:40 p.m. The next Regular Meeting is Monday, April 13, 2015 at 6:00 p.m. and Committee of the Whole 5:00 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: _____