

Session 15-27 a Regular Meeting of the Homer City Council is called to order on August 24, 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 KOESTER
ACTING CITY CLERK JACOBSEN
ASSISTANT CITY MANAGER LAWRENCE
FINANCE DIRECTOR LI
PORT DIRECTOR/HARBORMASTER HAWKINS
LIBRARY DIRECTOR DIXON

The Council met for a worksession at 4:00 to discuss the 2016-2021 Capital Improvement Plan. They met as Committee of the Whole at 5:00 to discussion Resolution 15-074 amending sewer rates and also consent agenda and regular meeting agenda items.

AGENDA APPROVAL

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

The following changes were made: **Consent Agenda- Memorandum 15-141** from Mayor re: Appointment of Marcia Kuszmaul to the Library Advisory Board, Commissioner Application as back up. **Ordinance 15-31** An Ordinance of the City Council of Homer, Alaska, Amending the FY 2015 Operating Budget by Authorizing the Expenditure of \$150,000 for the Purchase of a New Dump Truck From the General Fund, Authorizing the Application of a Loan for Said Purchase, and Authorizing the City Manager To Execute All Appropriate Documents. Burgess; Amending agenda title expenditure amount to \$150,000 and changing Ordinance line 31 from \$159,000 to \$150,000. (Revisor Authority HCC1.08.060(C)(7)); **Public Hearings Ordinance 15-29**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Written Public Comments and KBCCHA Plan Excerpt; Committee Reports adding All Hazard Mitigation Plan Committee Report; **New Business Memorandum 14-143** from Acting City Clerk Re: Deferred Assessment for Satterwhite-Smith, Ridgley, and Jackman-Olson for the Homer Natural Gas Special Assessment District

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

LEWIS/REYNOLDS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

None

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 Regular meeting minutes of August 10, 2015. City Clerk. Recommend adoption.
- B. **Memorandum 15-140**, from Deputy City Clerk, Re: September Strategic Doing Schedule. Recommend adoption.
- C. **Memorandum 15-141**, from Mayor Re: Appointment of Marcia Kuszmaul to the Library Advisory Board. Recommend adoption.
- D. **Ordinance 15-31**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2015 Operating Budget by Authorizing the Expenditure of \$150,000 for the Purchase of a New Dump Truck From the General Fund, Authorizing the Application of a Loan for Said Purchase, and Authorizing the City Manager To Execute All Appropriate Documents. Burgess. Recommended dates: Introduction August 24, 2015, Public Hearing and Second Reading September 14, 2015.

Memorandums 15-125 and 15-135 from Public Works Superintendent as backup.

- E. **Resolution 15-075**, A Resolution of the Homer City Council Establishing an Animal Shelter Review Committee to Strengthen Sustainability of the Shelter. Roberts.
- F. **Resolution 15-076**, A Resolution of the City Council of Homer, Alaska, Amending the Economic Development Advisory Commission Bylaws to Include the Pledge of Allegiance on the Commission's Agenda. City Clerk/Economic Development Advisory Commission.
- G. **Resolution 15-077**, A Resolution of the Homer City Council Awarding the Contract for the Ramp 5 Restroom Project to the Firm of Beachy Construction of Homer, Alaska, in the Amount of \$279,600 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director

Memorandum 15-142 from Public Works Director as backup.

Resolution 15-077 was moved to resolutions by Councilmember Lewis.

Mayor Wythe called for a motion to approve the consent agenda as amended.

LEWIS/VANDYKE SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Borough Report
- B. Commissions/Board Reports:
 - 1. Library Advisory Board
 - 2. Homer Advisory Planning Commission
 - a. Minutes of August 5, 2015
 - 3. Economic Development Advisory Commission
 - 4. Parks and Recreation Advisory Commission
 - 5. Port and Harbor Advisory Commission
 - 6. Cannabis Advisory Commission

PUBLIC HEARING(S)

- A. **Ordinance 15-29**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Lewis/Reynolds. Introduction August 10, 2015, Public Hearing and Second Reading August 24, 2015.

Memorandum 15-130 from Deputy City Planner as backup.

Memorandum 15-131 from Police Chief as backup.

Memorandum 15-142 from Councilmembers Lewis and Reynolds as backup.

Mayor Wythe opened the public hearing.

HOMER CITY COUNCIL
REGULAR MEETING MINUTES
AUGUST 24, 2015

Rika Mouw city resident, acknowledged the intent to vote down ordinance 15-29. The recommendations passed on by the Parks and Recreation Advisory Commission were well researched, well thought out, and included suggestions from a broad cross section of the public. She encouraged that the forthcoming ordinance will need to improve the current situation and also address the future to be viable for the next 10 to 15 years. She provided her written copy for the record.

Roberta Highland, city resident, concurred with Mrs. Mouw's comments and added emphasis to the need to emphasize public safety. We are at the point where more people are using the beaches than before and when mixing pedestrians and vehicle, she hopes it doesn't take a tragedy to make the point.

Rob Rosenfeld, non-resident, commented he was formerly on the Parks and Recreation Commission and participated on the Beach Policy Task Force member from 2000-2001. He questioned how many times this will be revisited and restudied. Traffic laws apply on beaches and need to be enforced. There is a prescriptive easement to the west going to Anchor Point and its laws predate the constitution and the right to drive on the beach on that easement can't be taken away.

Kim Terpening, city resident, has been a beach user for 39 years. She explained that in those years she has collected coal, bull kelp, kelp and seaweed, and garbage, always walking. The area is dangerous now with all the vehicles and she fears a terrible accident. She also questions where the liability falls if an accident does occur. She hopes they can come up with a solution.

Ginny Espenshade, city resident, said she's impressed with the work done by the Parks and Recreation commission. She thanked the makers of the ordinance and encouraged them to keep working at it and read all the testimony received by the Commission. She also suggested asking their attorney whether a prescriptive easement can be created against public lands.

Carrie Harris, city resident, commented that people need to take personal responsibility and report people who are breaking the law on the beaches and not cut off access to people who want to use it. It's a public beach.

Bumppo Bremmicker, city resident, has also served as a Parks and Recreation Commission chair and worked on one of the beach committees. He recognized the rules are contentious but any regulation has to have support of the community. He doesn't think a gate is the answer but supports a speed limit and prohibiting driving to the left to protect the habitat on that side.

Elizabeth Kandror, non-resident, opposes the ordinance. She and her family collect coal from the beach for heat and need to have vehicle access to get farther down the beach.

Todd Steiner, city resident, encouraged keeping vehicle access on the beach. He likes to drive down and out of the way with his family to have campfires and hang out. He believes it is an enforcement issue.

Robert Townsend, non-resident, collects coal from the beach for heat and has neighbors who do the same. There are few places with access to coal. He cited the Kachemak Bay Critical Habitat Area

Management Plan that collecting coal on beaches will continue to be allowed, and also ADF&G will issue a special area permit to the general public for vehicle use for the purpose of gathering coal.

Gordon Terpening, city resident, commented that we don't have to reinvent the wheel, there are cities all over the country are dealing with the same issue and allow driving with restrictions. He noted a time when two children were killed and a number of restrictions were instituted. He noted a comment from a Coast Guard Commander that all regulations are written in blood, and asked what it will take to get regulations here.

Nancy Lord, city resident, talked about her work with the shore birds monitoring program in the Beluga Slough area and the negative impacts to the habitat from vehicles driving to the left on the storm berm over the years. It's unfortunate there hasn't been enforcement of the signage. She has seen low concrete barriers that might be appropriate to help people understand they shouldn't be driving to the left.

Tim Clark, city resident, appreciates the efforts to try to resolve the problem on the beaches, but doesn't think closing it to vehicle access is a solution. This town has a lot of problems in a lot of different places. He collected signatures 406 signatures from people asking Council not to adopt or create an ordinance restricting or prohibiting motorized vehicle access to beaches in Homer and read some of the comments. Mr. Clark provided his signatures for the record.

Lee Burkhardt, non-resident, doesn't like that this ordinance discriminates against a certain user group. People buy property near the beaches, Beluga Lake, or along Baycrest, then complain about people on the beaches, float planes, and trucks. Those things were there before people bought their property. He feels more endangered by loose dogs, but it's public a public area and dogs should be allowed to run. There are risks with freedom. Everything has a risk and an environmental impact. There needs to be balance.

August Weber, city resident, encouraged not discriminating against coal users who need to be able to drive on the beach. He agrees things need to be done, but closing the beach off to motorized vehicles limits too many families who need that heat source. It also closes it off to people who just want to go down to explore and enjoy the different things you can do along the beach.

Rick Vann, non-resident, is a property owner on Bishop's beach and urges that people not be allowed to drive to the left side of the beach. It has gotten worse in that area. To the right, he has used rocks to delineate his property and help manage traffic. He talks to people when they are parked out there about cleaning up after themselves. He agrees that enforcement of the rules already in place is what is needed.

Scott Adams, city resident by annexation, noted the management plan allows driving on the beach and collecting coal. He thinks we can keep the beaches open to vehicles and that they need to find funding for enforcement of the rules in place, including not driving to the left. There are always going to be a few people who cause problems, but we don't have to penalize everyone for the the few.

Louise Ashmun, city resident, addressed vehicle damage to the dune and habitat destruction. Vehicles don't contribute much to beach erosion, which is another issue. Vehicles do damage dune structure and habitat. She supports not driving on beaches, but most importantly not in the area to

the left. Keeping that area pedestrian only makes it a safe place to play and protects the slough habitat.

Yan Kandror, non-resident, collects coal for heat in the winter and asked the beach not be closed to people who need to do that. He added a 10 foot ocean rise is forecasted by 2020 so he doesn't know what kind of habitat we are trying to save here.

Ryan Walker, non-resident, supports driving on the beach for many reasons mentioned but also so people can get down and away from the busy areas to have quite time to help heal their souls. It is a very important reason a lot of people get out to the beach.

Robert Archibald, city resident and member of the Parks and Recreation Advisory Commission, commented they received over 800 pages of information on these subjects. He recognized this is a big issue and we can find consensus on it. There are more issues than the last group dealt with including a bigger population, more dogs, and more cars. The signage needs to be stronger. The land to the east is Fish and Wildlife property, by rights it's private property and to the west down to mean high tide line is also. He hopes they can find compromise; he thinks there are some good ideas on the table to get there. He wishes more councilmembers and audience members had attended their meetings.

Deb Lowney, city resident and member of the Parks and Recreation Advisory Commission, pointed out an issue they talked about in response and reference to the comments about relying on the police. There are statistics in the packet about calls to the police increased tremendously over the last 3 to 4 years. People are calling the police but not getting a response. But the police have responded more times to Bishop's beach. She encouraged reviewing and keeping in mind the Police Chief's comments on his plan for responding out there.

There were no further comments and the public hearing was closed.

Mayor Wythe called for a motion for the adoption of Ordinance 15-29 by reading of title only for second and final reading.

BURGESS/REYNOLDS SO MOVED.

Councilmember Burgess appreciated a lot of the comment tonight and one of the most frustrating parts of the process for him has been time researching what the law says, prescriptive easements in the area, and correcting misinformation on both sides of the issue. We all share the responsibility of having factual dialog. Homer owns its municipal tidelands and multiple sources have shown that the critical habitat in the management plan and jurisdictional bounds of the critical habitat area don't apply to municipal tidelands, unless those plans choose to opt in to the Critical Habitat Area management plan. It can be found in the first paragraph and the paragraph on page 1A both say it doesn't apply to municipal tide lands. He also noted prescriptive easements were developed to safeguard easements on public lands. The attorney's opinion in documentation provided by the task force specifically speaks to it. He thinks there were a lot of pragmatic ideas were brought up tonight. He appreciated the comments about looking towards a long range solution for user groups, finding something that meets the vast majority of user's needs, and factual comments about affecting habitat. He thinks there are ways to move forward with this.

Councilmember Reynolds commented she recommends no vote on the ordinance tonight so they can work on finding solutions that better serve more people than this current ordinance does.

VOTE: NO: LEWIS, BURGESS, ROBERTS, REYNOLDS, ZAK, VAN DYKE

Motion failed.

- B. **Ordinance 15-30**, An Ordinance of the Homer City Council Amending the FY 2015 Operating Budget by Appropriating a 25% Match to the Waddell Road Improvement Legislative Grant in the Amount of \$357,500 From the Homer Accelerated Roads and Trail Program (HART) Fund; Authorizing the Purchase of the Waddell Property in Support of the Waddell Road Improvement Project; and Authorizing the City Manager To Execute All Appropriate Documents. City Manager/Public Works Director. Introduction August 10, 2015, Public Hearing and Second Reading August 24, 2015.

Memorandum 15-134 from Public Works Director as backup.

Mayor Wythe opened the public hearing. There were no comments and the hearing was closed.

Mayor Wythe called for a motion for the adoption of Ordinance 15-30 by reading of title only for second and final reading.

BURGESS/REYNOLDS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- C. **Resolution 15-072**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 and the City of Homer Fee Schedule Annual Moorage Rates. Lewis/Port and Harbor Advisory Commission. Recommend public hearing on August 24, 2015.

Memorandum 15-137 from Port and Harbor Director as backup.

Mayor Wythe opened the public hearing.

Glenn Carroll, commercial fisherman and member of the Port and Harbor Advisory Commission, commented he had a boat in the first boat harbor when the first set of slips was established. He is against the graduated rate option for harbor moorage rates. He doesn't understand why the stall renter the only target to develop this idea of reserves when the City of Homer takes all the sales tax generated in and around the boat harbor and gives none of it back to the harbor, in addition to the \$600,000 of administration fees paid out of the boat harbor. It seems unfair to him. He also questions if other departments have replacement reserves. He doesn't know anyone else who does that, and doubts that other harbors do.

Beaver Nelson, non-resident and commercial fisherman, has had boats in the harbor since 1968 and things have increased over time. He thinks the rates have gone up equitably where everyone shared equally. He doesn't like the graduated linear foot rate structure being developed by this resolution. It tells him they are changing the allocation of the way people are paying for the harbor. He sees an effort to reduce commercial boat usage of the harbor and convert it more to sport and recreational use. He thinks it should just be a 3% increase for everyone and warned this graduated structure will put a higher burden on the commercial use of the harbor. He suggested looking at Ninlchik for an example of what it looks like with seasonal recreational sportfish economy.

There were no further comments and the public hearing was closed.

Mayor Wythe called for a motion for the adoption of Resolution 15-072 by reading of title only.

LEWIS/REYNOLDS SO MOVED.

Councilmember Roberts asked about how the graduated linear rate would be applied. Harbormaster Hawkins explained the Port and Harbor Advisory Commission is interested in Northern Economics conducting a study on developing a graduated linear rate model. Currently rates are applied in a per foot model. The idea is that rates could be graduated to have a rate for each category in going up through the fleet. The study doesn't call out anything specifically other than size class of vessel.

Councilmember Burgess expressed his understanding that the larger vessel could potentially pay more per linear foot of vessel compared to a small one and that is a valid argument. The other part is that a larger vessel is usually a wider boat that has a greater beam, so in looking at the actual surface area of the harbor and what area a vessel takes up a longer vessel has a greater footprint or derives a greater benefit. He thinks that's the rationale behind a graduated rate structure. He noted they are voting to pursue the idea of what the model might look like. He added that we want to be aware of how the rates on larger vessels will compare to other facilities during the process because we want to be economically appealing.

Mayor Wythe concurred and would not perceive this in any way to say we don't want our large vessel fleet to be in the harbor. We certainly want them there; this is a matter of looking toward a cost benefactor, cost payer approach. Mayor Wythe replied to Mr. Carroll's statements that in its purest sense the people using the harbor stalls are gaining the only benefit of the stalls. Regarding the sales tax, she recognizes port and harbor as an enterprise fund which means their responsibility is making enough money from the usage of the harbor and associated facilities that they can afford to maintain the facility and the staff to keep it open. 10 to 12 years ago all the properties in the harbor area were returned to the harbor as harbor revenue when they are leased. As an enterprise it would be like Safeway asking for all the sales tax they generate so they can lower their prices. The harbor is a business collecting sales tax to support the rest of the community and infrastructure that supports the port and harbor, like the roads and other things. Sales tax is the basis by which this community runs.

Councilmember Burgess added that one of the few financial ordinances they have not been compliant in since long before he was elected, is the depreciation reserves. They are required to keep 30 or 40% of the value of the assets in any given area in depreciation reserves, specifically for the purpose of

replenishing fixed assets. He doesn't know anyone who necessarily keeps 100% value on hand, but for the City of Homer and many businesses, best practices is to keep at least 30 to 40% on hand.

Mayor Wythe noted that the other aspect of funding the harbor that came through when bonding was ensuring we develop a reserve account that would hopefully keep us from having to issue another bond the next time. We aren't going to stop maintaining the harbor, but we have to quit doing it in a debt format.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe called for a five minute recess at 7:33 p.m. and the meeting resumed at 7:38 p.m.

ORDINANCE(S)

CITY MANAGER'S REPORT

A. City Manager's Report

Mayor Wythe addressed the Tsunami and Coastal Resilience training information in the City Manager's report. It is a FEMA training course at no cost to participants and is open to members of the community.

B. Bid Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

A. Public Arts Committee

B. Permanent Fund Committee

Councilmember Reynolds reported that the Committee is working toward a recommendation to self-manage the fund. The committee believes it would save money because currently with US Bank we are paying high fees and receiving low returns under the current program.

C. Employee Committee Report

D. Public Safety Building Review Committee

Ken Castner reported that of the last budgetary allocation they have committed \$170,000 to get to our design level and \$20,000 for abatement studies on the two buildings. He anticipates that is what they will need to get to the engineering and drawings up to the level the council has wanted. He encouraged people to attend their meeting on Wednesday night.

E. Vessel Haul-Out Task Force

Harbormaster Hawkins reported the Task Force met on the 18th and discussed the draft Best Management Practices and user agreements for the haul out facility that we have been planning for and working toward. There recommendations will be going before the Port Commission and then to the City Council.

F. All Hazard Mitigation Plan Committee

Councilmember Reynolds reported the All Hazard Mitigation Plan is required by FEMA. The City's current plan expires at the end of June next year and they have been working on revisions and updates. At their last meeting, Scott Nelson a hazard mitigation planner with the State of Alaska participated by phone and it was very helpful. They are improving section four which addresses risk analysis to get it more in line with what FEMA is looking for. They are planning to have a draft plan to the Council after the first of the year.

PENDING BUSINESS

- A. **Resolution 15-074**, A Resolution of the Homer City Council Amending the City of Homer Fee Schedule Under Sewer Rates. Mayor/City Council.

Mayor Wythe called for the adoption of Resolution 15-074 by reading of title only.

LEWIS/REYNOLDS SO MOVED.

BURGESS/LEWIS MOVED TO AMENDED TABLE II COLUMN TWO ~~\$0.0218~~ TO **\$0.0232** AND ~~\$0.0147~~ TO **\$0.0157** COLUMN THREE ~~\$76.30~~ TO **\$81.20** AND ~~\$51.45~~ TO **\$54.95**

Councilmember Burgess noted that this amendment aligns the comparative tables.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ROBERTS/REYNOLDS MOVED TO POSTPONE RESOLUTION 15-074 TO SEPTEMBER 14TH AND INLCUDE PUBLIC HEARING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

- A. **Memorandum 15-143**, from Acting City Clerk, Re: Deferred Assessment for Satterwhite-Smith, Ridgley, and Jackman-Olson for the Homer Natural Gas Special Assessment District

Mayor Wythe declared her on going conflict of interested in natural gas line related issues and passed the gavel to Mayor Pro Tempore Roberts.

Mayor Pro Tempore Roberts called for a motion to approve the memorandum.

LEWIS/ZAK SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Pro Tempore Roberts returned the gavel to Mayor Wythe.

RESOLUTIONS

- A. **Resolution 15-077**, A Resolution of the Homer City Council Awarding the Contract for the Ramp 5 Restroom Project to the Firm of Beachy Construction of Homer, Alaska, in the Amount of \$279,600 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director

Memorandum 15-142(2) from Public Works Director as backup.

Councilmember Burgess declared a conflict of interest as he was on the plan holder's list for this project and has been recused in similar actions, and he left the table.

Mayor Wythe called for a motion for the adoption of Resolution 15-077 by reading of title only.

LEWIS/REYNOLDS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Burgess returned to the table.

COMMENTS OF THE AUDIENCE

Tom Zitzman, city resident commented about the 2007 Bishops Beach task force and the recommendations adopted by council. The council most likely gets an F in policy implementation. He reviewed the meeting count and general process of the Commission relating to their work. He

attended several of the meetings but never saw a councilmember in attendance and acknowledged Chair Steffy for his facilitation at the meetings. He commented about a letter forwarded to him written by Councilmember Burgess. He question if the letter represents the Council as a whole or just the Councilmember who wrote it. Mr. Zitzman expressed his distaste of Mr. Burgess's response at the last council meeting and his reference to Matt Steffy in the letter as well as other other excerpts of Mr. Burgess's letter. Mr. Zitzman commended the City Manager and Mayor on a job well done with the Town Hall meeting. He encouraged they continue to seek public input on solutions to problems.

Ken Castner, city resident, commented Glenn Carroll and Tom Zitzman addressed the council about alternative ways to financing our projects in the future. Having a reserve fund is a fine sort of thing but using it as the sole mechanism for replacement puts an undue burden on today's users in paying todays use and financing tomorrows use. He agrees with Mr. Zitzman's previous comments that we should bond for those things. He also commented regarding investing relating to the permanent fund.

Ginny Espenshade, city resident, spoke to the Council about the tone in which they receive public comment. She compared the tone of the Parks and Recreation Commission where they received 800 pages of testimony, the hours they spent, and how the public felt listened to by the Commission. The tone tonight is the opposite. Her tips for Council were not to treat members of the public who disagree as adversaries; don't treat local media as adversaries; respect and honor the work of the Commissioners. Over the last few years she has seen more and more dismissal of the importance of the Commission process. Don't schedule public town meetings on one of the busiest commercial fishing days of the summer. She challenged them to work on this if they want public engagement. If the tone is being set by one person, the whole council owns it.

Deb Lowney, city resident, also feels this discussion has been framed in a very negative light and concerned about it. She also believes there has been a great deal of miscommunication, perhaps on both sides, words like oppressive minorities taking away people's rights, discriminating against user groups and more. Regarding legalities of the easement she has read the document and interpreted to mean the opposite, so there is room for discussion there as well. As a Parks and Rec member, she wasn't real excited when they were tasked with the assignment of the beach policy, but she and the group embraced it and were dedicated to it. In hind sight the first mistake, potentially, was in not creating the task force they recommended. The membership they proposed would have represented a majority of user groups and it would have been interesting to see where it had gone.

Scott Adams, city resident, noted the picture of Brother Assiah and wonders what he would think of this turmoil about the beaches. He personally thinks there needs to be a compromise because everyone wants a piece of the pie. He talked about what used to be allowed and is hoping there is an area that can be left open and that problems can be resolved through enforcement. This is like annexation, tearing at the heart of the community. He has been to a number of public safety building meetings and is glad to see they will be able get to 35% at a lower cost; he would like to see the cost of the building quite lower than what they are anticipating. He is hoping the location can be changed because that 4.5 acres could be used to serve the community in a better way. They just allocated \$150,000 for a dump truck and wonders at the next meeting if they'll want money for the ambulance, and police cruiser. He wonders when they are going to start putting money toward the fleet depreciation to pay for these things instead of using the general fund.

Robert Archibald, city resident, is looking forward to seeing what they come up with on the beach policy. He hopes they consider people's right to walk safely just as much as the right to drive. There is room for both. He spoke of two youth who were wiped out on the highway by Girdwood and it took that to get some changes in the area. We don't want to see that here. He has spent time out there looking at things. He thinks things may have improved a bit with this ongoing discussion and also seen things he wouldn't approve of. He said there are two openings on the Parks and Recreation Commission and encouraged people to apply.

COMMENTS OF THE CITY ATTORNEY

Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

Acting City Clerk Jacobsen had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

COMMENTS OF THE MAYOR

Mayor Wythe thanked the Parks and Recreation Commissioners for their work. She said it's often disheartening when Commissions or Committees feel that the Council not agreeing with their recommendations or considering it from a different perspective in any way reflects on the Council's appreciation on the work they are doing. She acknowledged the Commissions and Committees do a lot of heavy lifting for the Council, they bring forward a lot of information, and that this Council is very thoughtful in reviewing the information that comes forward so they are in tune with what is going on with the Commissions. With regard to not being at meetings, that is part of the reason we have the Commissions. The Council can't go to every meeting that happens in the course of the month. Mayor Wythe also commented when Councilmembers speak, they aren't necessarily speaking the voice of the entire council, they have the privilege to share their individual opinion with the community. In the process of coming to a consensus to vote, there are a lot of varying opinions addressed. She doesn't want the Commissions to feel like the work they are doing is unappreciated or unrecognized, because it is appreciated and she thanks them very much. She thanked Trish as she is leaving the Parks and Recreation Commission and relocating out of state.

COMMENTS OF THE CITY COUNCIL

Councilmember Roberts thanked the Parks and Recreation Commission and said she also appreciates the work they did, they provided a lot of good information. She thinks the issue isn't the same as it was in 2006, things are different now, this needed to be done, and there is still more work to be done. She recognized that it can feel demoralizing when it seems they haven't been heard. Eventually we all will get there. She thanked Trish Lillibridge and Roger MacCampbell for their work on the Parks and Recreation Commission. During testimony on the ordinance that didn't pass she particularly appreciated Ginny Espenshade talking about how we don't have to make it divisive and Rika Mouw's comments that things are changing. Heath Smith has been here since the beginning of the meetings

and is a candidate for Council, she thanked him for attending. She noticed that Woodard Creek has appeared recently in Homer on Pioneer Avenue, day lighted in a strange manner. She appreciates the people working on that project. She commented about testimony at the 5:00 pm meeting about sending a message to councilmembers via social media and questioned why they didn't get a response. She explained that because of the Open Meetings Act they are required to use their City email to talk to the public and Councilmember email addresses are on the city website. She noted that she personally does not check her social media for city council messages.

Councilmember Lewis agreed with all of Francie's comments. He added that he drove by the Woodard Creek project on Sunday when it was being done. He thanked everyone working on that and reminded drivers to slow down when they see cones and people working on the road.

Councilmember Zak commented that he had a great time at the Alaska Municipal League summer conference in Ketchikan. The Governor attended and shared a little bit about the state budget and what they are talking about tax wise, whether it's a sales tax or a PFD cap, for example. We are at a critical time here as a State due to oil prices. Even today the stock market will affect us even more. He appreciate the City Manager's memorandum 15-146, we need to pay attention to the list of dates because there will be another Town Hall meeting on November 2nd. He appreciates her proactive approach at having budget A and budget B out to the people and having the Town Hall meetings. He commended the Mayor for her efforts for the Town Hall meetings as well. He expressed his concern about the comment about the Council owning it if they allow it, related to a councilmembers individual comment. He listens hard to the people who come out and provide testimony and is grateful for all the Commission and people who spend their time here providing the testimony. They do more than often create a kind of a wedge within the community because they do something different. He commented about a Catholic Priest who sat next to him on a recent flight and it was really cool to hear him explain his trials and tribulations he has been through with his life. Mr. Zak said it made him appreciate more, each individual as we are and what we go through. There was a lot of testimony tonight and he knows we want to get to consensus. He appreciates his fellow council members, the Mayor and the Manager, Commissioners and being proactive about the budget. He appreciates the Priest who sat next to him. Life isn't always easy and we are doing our best, but at the same time we beat ourselves up a lot. We together can get this done with all of our strengths. The greatest reward of sitting on Council is getting to know the community members and their strengths.

Mayor Wythe noted that the Governor is doing a series of meetings throughout the state and the meeting in Homer is September 11th at 6:00 p.m. at Islands and Ocean Visitor Center. The first Town Hall meeting to discuss revenue is tentatively scheduled for September 23rd. It will be important to have the community engaged in our budget process because it's been a lot of years since City of Homer has had to look at the potential of cutting services to make ends meet.

Councilmember Burgess reiterated his appreciation most of the tone of the discussion this evening regard Ordinance 15-29. He appreciated Rika Mouw's forward looking comments, Bumpo acknowledging the many users and that there isn't a perfect solution, Todd Stiner's calm and measured comments, Nancy Lord for her scientific and pragmatic facts about habitat and restoration; Lee's thoughtfulness and perspective on what it means to live in Alaska, and from the landowner at the edge of Bishops Beach who delineated his property and told how he deals with it in a straight forward manner. There was a lot of good comment tonight. He recognized there were at least three people who felt strongly about his letter that he should speak to it. A few points of clarification, as a

council person he is strongly encouraged to have all correspondence that relates to his position as a councilmember come from his city council email. Simply because he takes a point of view on an issue doesn't mean that he represents the other council members. Every council member can take a point of view on an issue, can advocate for that position, and the appropriate place to do it if it relates to council business is their councilmember email address. Regarding his statement in the letter regarding Matt Steffy's rabid fervor, Mr. Steffy said specifically that if Council did not follow the recommendation of ordinance 15-29 that it was like a slap in the face to the Commission. Mr. Burgess said his only response was just because we don't follow the recommendations, it doesn't necessarily mean they don't appreciate the body of work that was done. He said in his letter that Mr. Steffy is "usually a very thoughtful and measured voice in the community whom I usually admire and respect". He would be very happy for them to share his response back to a citizen who he felt deserved a response, in its entirety. To reference it out of context, he believes, is disingenuous. He encouraged that people think about what they want in their elected official. He could easily sit and never say why he voted on an issue; never calling another council member or citizen out if they say something that is legally not true or he thinks is factually incorrect. We could certainly have a quiet process, but he doesn't know that would serve the larger interest of the community. He thinks the community deserves to know why someone takes the position they do and that if he takes an incorrect position, and he knows he has, that it is citizen input that is brought to his attention that has helped him come to a better decision. He hopes people can step back and realize that just because someone takes a different position or doesn't agree doesn't mean they aren't doing their job or doing their job effectively. In the future, if people disagree with him, they will come up and say Councilmember Burgess said this, quote the quote in its entirety and accurately, and call him out on it. You don't have to say the entire council is colored by his comments or vice versa. Please be fair and be measured, it's been frustrating to take a middle road on this issue. A lot of comment tonight was from people who felt they hadn't been heard by the task force because why would we ever close the beach to vehicular access. For whatever reason they may not have participated in the earlier meetings, they have a voice and Council has to represent all of the voices. It's important to be cognizant that just because we don't agree, doesn't mean we don't appreciate the tremendous body of work.

Councilmember Van Dyke congratulated Ken Castner and crew on the savings for the public safety building expenditures. That's a lot of money saved that the city can use for other things, like a dump truck or ambulance. In regard to ordinance 15-29 even though we failed that particular ordinance today, it doesn't mean we will stop working toward a workable solution that will answer the public safety and public nuisance aspects that are prevalent. He wished everyone a great evening.

Councilmember Reynolds thanked Heath Smith for being here. When she decided to run for council attending the council meetings was extremely helpful. She encouraged the other candidates to attend the Monday meetings. Today she went to the opening of the Ocean Acidification display in the breezeway down at Coal Point Trading, it's a partnership between Cook Inletkeeper and one of the organizations Hannah Heimbuch is assorted wit, also Lars Bell and Kami Mattson, it's a neat little kiosk. She encouraged people to go down and explore it. She thanked Ginny for calling her out a little bit. She's been thinking about the year she's been on council when she's had one on one interaction with people, everyone has been calm, respectful, and pleasant to work with wherever the interaction took place. There is only one person that testified tonight, who has been threatening and unpleasant in emails and she appreciates that out of the whole year that is the only bad interaction she's had. She thinks a lot about Green Dot and green dotting this whole process, we can have differences of opinion and can express it respectfully, and that also applies at the council table. She did feel that the

words used about Matt Steffy at the last meeting were very disrespectful and then she saw them reposted on Facebook in letter form, also disrespectful and thinks the same thought could have been worded more respectfully. She said welcome back to school everyone, congratulations to people going off to college for that decision and that success, and also to everyone in the Kenai Peninsula School district, have a good year. She congratulated the Homer Cross Country team, both boys and girls varsity participate with 38 schools and both came in first for small schools division. The girls came in 6th out of 38 and the boys came in 7th out of 38.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:38 p.m. The next Regular Meeting is Monday, September 14, 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.

MELISSA JACOBSEN, CMC, ACTING CITY CLERK

Approved: _____