

Session 12-10 a Special Meeting of the Homer City Council was called to order on April 9, 2012 at 4:02 p.m. by Mayor James C. Hornaday 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: HOWARD, LEWIS, ROBERTS, WYTHE, ZAK

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
FIRE CHIEF PAINTER
POLICE CHIEF ROBL

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

Mayor Hornaday called for a motion to amend the agenda by substituting Memorandum 12-053(A) for Memorandum 12-053 and hearing the Seawall as New Business Item B. in an open forum.

WYTHE/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. **Memorandum 12-053**, From City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310 (a-c)(1) & (3) Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Public Entity; and Matters Which by Law, Municipal Charter, or Ordinance are Required to be Confidential. (Kazan Property)(Seawall)(Personnel Staffing).

Memorandum 12-053(A), From City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310 (a-c)(1-3)Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Public Entity (Settlement Negotiations with Nicholas Kazan); and Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Public Entity(Contracting for Services with Another Municipality).

Mayor Hornaday called for a motion to approve the recommendations of Memorandum 12-053(A) to meet in Executive Session with Attorney Klinkner to discuss settlement negotiations with Nicholas Kazan and contracting for services with another municipality.

WYTHE/LEWIS – SO MOVED.

HOWARD/ROBERTS - MOVED TO AMEND TO INCLUDE THE TWO CHIEFS IN THE SECOND SUBJECT MATTER.

There was no discussion.

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

Motion carried.

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

Motion carried.

WYTHE/LEWIS – MOVED TO ADJOURN TO EXECUTIVE SESSION.

There was no discussion.

VOTE: YES. ROBERTS, WYTHE, ZAK, HOWARD, LEWIS

Motion carried.

Council adjourned to Executive Session at 4:05 p.m. and reconvened the meeting at 5:49 p.m.

Mayor Pro Tempore Wythe stated Council met with the attorney and staff and provided direction for both topics: Kazan property and outsourcing.

B. Seawall

City Manager Wrede reported the Council has consistently taken the position the City does not own the Seawall and is not responsible to maintain or repair the wall. Recently that is an issue because we are no longer working with the property owners to maintain the wall. Based on the permit issued in 2002 the Corps of Engineers is requiring the City to maintain and repair the wall. We applied for an amendment to the permit and the Corps has left the door open for the City to cease maintaining the wall. The Corps has issued four options for the Seawall and they will hold a public hearing. The City prefers option B or C. Option B means the City is no longer responsible for maintenance and repair except for sections of the wall that protect public owned property. Option C includes the same language as Option B, except that the permit itself would be transferred to the property owner. City Manager Wrede asked that Council advise if they would like him to comment beyond what he has done so far.

COMMENTS OF THE AUDIENCE

Donna Rae Faulkner, city resident, put in a request to the Corps to make the good faith transfer of the permit for their property on the Seawall. She requests that the City follow through on the

paperwork so the permit transfer will be clean and clear.

City Manager Wrede reported the Corps wants to make a decision on the City's application before the Faulkner/McNamara transfer is considered.

Don McNamara, city resident, commented on elevations on the Corps permit. It shows the elevation of the Seawall at the 20 ft. tide line, then that it should be at the 19.5 ft. tide line, and the as-built survey at Public Works shows it well below the 17 ft. tide line in a couple of places.

ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 4:57 p.m. The next Regular Meeting is Monday, April 23, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. Worksessions are scheduled for April 16 and 30, 2012 from 5:00 to 7:00 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, CMC, CITY CLERK

Approved: _____