

Session 15-30 a Regular Meeting of the Homer City Council was called to order on October 12, 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: LEWIS, ROBERTS, VAN DYKE, ZAK

ABSENT: BURGESS, REYNOLDS (both excused)

STAFF: CITY MANAGER KOESTER  
CITY CLERK JOHNSON  
CITY ATTORNEYS KLINKNER AND DAVIES  
ASSISTANT CITY MANAGER LAWRENCE  
FINANCE DIRECTOR LI  
IT MANAGER POOLOS

Councilmembers Burgess and Reynolds have requested excusal.

Mayor Wythe declared both Councilmembers Burgess and Reynolds absence as excused. There was no objection from the Council.

The Council met for a Worksession from 4:03 p.m. to 4:49 p.m. to discuss 2016 Budget, Ordinances 15-36(A), 15-37, and 15-39, and Resolution 15-086(A). From 5:00 p.m. to 5:44 p.m. the Council met as a Committee of the Whole to discuss same topics as the Worksession and Consent 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** - Recognizing Councilmembers' Service, Written public comment; International Economic Development Conference, Report by Councilmember Zak. **PUBLIC HEARINGS** - **Ordinance 15-36(A)(S)**, An Ordinance Amending HCC 9.16.010 to Suspend the Dedication of 0.75% of the City Sales Tax to the Homer Accelerated Roads and Trails (H.A.R.T.) Program for a Period of Up to Three Years, **Subject to Earlier Termination by Ordinance**, and Authorizing the City to Submit the Question of Suspending Such Sales Tax Dedication to the Qualified Voters of the City at a Special Election to be Held in the City on \_\_\_\_\_ . Mayor. **RESOLUTIONS** - **Resolution 15-087(S)**, A Resolution of the

City Council Certifying the Results of the City of Homer Regular City Election Held October 6, 2015 to Elect Two Council Members. City Clerk/Canvass Board. Written public comment.

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

LEWIS/ZAK – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

Mary Griswold, city resident, commented on Resolution 15-087. She offered a correction to Exhibit A to include total votes. Percent of votes should say percent of half the votes or the percentages should be cut in half to reflect 100%. She is glad the attorney changed his interpretation of the Homer code and that there is a runoff election.

### **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 September 28, 2015. City Clerk. Recommend adoption.
- B. **Memorandum 15-165** from Mayor, Re: Appointment of Ken Sprague to the Economic Development Advisory Commission and Appointments of Dixie Hart and Louise Ashmun to the Parks and Recreation Advisory Commission.
- C. **Ordinance 15-38**, An Ordinance of the Homer City Council Amending the FY 2015 Operating Budget by Appropriating \$42,500 From the Homer Natural Gas Special Assessment District Account for Settlement Costs in the Castner vs. City of Homer Court Case Challenging Assessments for Condominiums Within the District. City Manager. Recommended dates: Introduction October 12, 2015, Public Hearing and Second Reading October 26, 2015.

- D. **Ordinance 15-40**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Curiosity Creates Grant From the Association of Library Service to Children in the Amount of \$7,500 for the Homer Public Library and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Library Director. Recommended dates: Introduction October 12, 2015, Public Hearing and Second Reading October 26, 2015.
- E. **Resolution 15-088**, A Resolution of the City Council Of Homer, Alaska, Expressing Support for a Homer Yacht Club Application to the Recreational Trail Grant Program of the State of Alaska Division of Parks and Outdoor Recreation for Mooring Buoys In Kachemak Bay. Burgess. Recommend adoption.
- F. **Resolution 15-089**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Alaska Department of Transportation and Public Facilities (ADOT/PF) Homer Airport Improvements. Mayor. Recommend adoption.
- G. **Resolution 15-094**, A Resolution of the City Council of Homer, Alaska, Approving Recommended Comments and Questions to the State of Alaska Marijuana Control Board on the Proposed State Marijuana Regulations. City Manager. Recommend adoption.

Memorandum 15-170 from Cannabis Advisory Commission as backup.

Moved to resolutions.

- H. **Resolution 15-095**, A Resolution of the Homer City Council Awarding a Sole Source Contract for the Beluga Slough Trail Reconstruction (Phase II) Helical Pier Foundation Installation to the Firm of Techno Metal Post of Alaska of Homer, Alaska, in the Amount of \$18,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Item G, Resolution 15-094 was moved to Resolutions, Item F. Lewis.

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

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **VISITORS**

### A. Homer Marine Trades and Port and Harbor Promotional Video

Mike Stockburger presented the Homer Marine Trades and Port and Harbor promotional video. The video will be taken to the Pacific Marine Expo in November and the Anchorage Boat Show in March.

## **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 September 16, 2015

Planning Commissioner Tom Bos reported on the commission's activities that include transportation recommendations for sidewalks on portions of trails and a presentation from Public Works Director Carey Meyer on the status of the Waddell Way project. The last couple weeks the commission has had discussions on the marijuana industry regulation in regard to retail, cultivation, testing and manufacturing as it relates to zoning. Options will follow along with public hearings in November and December.

3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

Dave Brann, Parks and Recreation Advisory Commissioner, reported there was no meeting last month, but now they have two new members. Alaska Recreation and Parks Association had their conference in Homer last weekend along with their 40<sup>th</sup> anniversary. The conference attracted people from all over the state and across the country. A number of council members and staff attended the award banquet. Governor Walker and First Lady Donna were also in attendance. The highlight was that Mike Illg received the highest award the association hands out, as the most outstanding professional. Matt Steffy read a moving recommendation and summary of Mike's efforts for parks and recreation.

5. Port and Harbor Advisory Commission

Mike Stockburger, Port and Harbor Advisory Commissioner, reported the commission has been working on the video. The load and launch ramp is under full bore construction and is looking good. It may be done earlier than the anticipated December date. The commission has been looking at rates, specifically graduated lineal rates.

6. Cannabis Advisory Commission

C. Recognizing Councilmembers' Service

Mayor Wythe recognized Councilmember Roberts' nine years of service, including Mayor Pro Tempore for three years.

Councilmember Roberts thanked everyone for their kind words. She expressed appreciation for the councilmembers that have done wonderful things for Homer. She thanked the City of Homer employees for their work and assistance to her. Many citizens care about Homer; they are all wonderful people. She has tried to do the best she could, to vote for things that will benefit the most citizens of Homer. She wished the Council good luck.

D. International Economic Development Conference, Report by Councilmember Zak

Mayor Wythe called for a recess at 6:30 p.m. to recognize outgoing Mayor Pro Tempore Roberts. Cake was served to all in attendance. Mayor Wythe reconvened the meeting at 6:43 p.m.

The rules were suspended to allow the Library Advisory Board report.

Susan Braund, Library Advisory Board Member, issued kudos to Claudia, the Children's Librarian, who has been invited to speak at Stanford University. Her contributions go far beyond Homer. She has been asked to co-author a book on media mentorship that will

publish in February 2016. The library received a Curiosity Creates Grant in the amount of \$7,500 that will be used for weekly after school programs. Holly Brennan passed her Comp TIA+ test and is now certified in many aspects of IT services at the library. The LAB voted on the following proposed changes: fines and fees being collected, decreasing the color copy fee, temporary cards, and interlibrary loans. Lastly, the Board has been reviewing the Cannabis Advisory Commission recommendations and is working on designating the library as a restricted zone to mirror schools. If Council has a vision of the library being static, she asked them to replace their vision that the library is organic, vital, and fluid. There are people of all ages in and out, kids that need help, and babies that attend story time.

## **PUBLIC HEARING(S)**

### **A. BUDGET 2016**

Mayor Wythe opened the public hearing. In the absence of public testimony Mayor Wythe closed the public hearing.

### **B. Exclusion requests from the Homer Natural Gas Special Assessment District:**

#### **1. HomePlate LLC - KPB Parcel 17316009**

Shelly Erickson, property owner, was in the processing of purchasing the subject property when the assessment exception period closed. The parcel is a huge ravine that drops 200 ft. from the road all the way down and is not buildable. The only use for the property would be a zip-line requiring a helicopter to pull people up. There is nothing they can do with it except to enjoy the alders; the area is also susceptible to erosion.

LEWIS/ROBERTS - MOVED TO EXCLUDE PARCEL FOR HOMEPLATE LLC 17316009.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### **2. Daniel and Brenda Farren – KPB Parcel 17324145**

Daniel Farren, property owner, referenced his one-acre parcel on the Corps of Engineers map. The property is on the upland of his other parcels, is 70% wetlands and is unbuildable. Enstar said if they run gas back there the three lots would be at their own expense. He wouldn't be able to recapture the investment over his lifetime.

LEWIS - MOVED TO EXEMPT 17324145 WESTWOOD ESTATES.

Failed for lack of a second.

3. Phoebe Estill – KPB Parcel 17928022

Property owner did not appear.

Council discussed the property and planning staff's recommendation that although the property is wetlands, developing is more complicated but is not impossible. The property can front a road that can be built. There are a number of lots the gas line does not extend to, but Enstar is under legal contract to extend gas to them.

Failed for lack of a motion.

The decision of the Council on an application is final and non-appealable.

C. **Ordinance 15-35**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.08.020, Enactment Procedures, to Authorize the Introduction of Ordinances by the City Clerk. City Manager. Introduction September 28, 2015, Public Hearing and Second Reading October 12, 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 15-35 by reading of title only for second and final reading.

LEWIS/ROBERTS- SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. **Ordinance 15-36(A)**, An Ordinance Amending HCC 9.16.010 to Suspend the Dedication of 0.75% of the City Sales Tax to the Homer Accelerated Roads And Trails (H.A.R.T.) Program for a Period of Up to Three Years, and Authorizing the City to Submit the Question of Suspending Such Sales Tax Dedication to the Qualified Voters of the City at a Special Election to Be Held in the City on \_\_\_\_\_. Mayor. Introduction September 28, 2015, Public Hearing and Second Reading October 12, 2015.

**Ordinance 15-36(A)(S)**, An Ordinance Amending HCC 9.16.010 to Suspend the Dedication of 0.75% of the City Sales Tax to the Homer Accelerated Roads and Trails (H.A.R.T.) Program for a Period of Up to Three Years, **Subject to Earlier Termination by Ordinance**, and Authorizing the City to Submit the Question of Suspending Such Sales Tax Dedication to the Qualified Voters of the City at a Special Election to be Held in the City on \_\_\_\_\_. Mayor.

Mayor Wythe opened the public hearing.

Adele Person, city resident, commented on the tremendous need for road and trail improvements. There are proposed sidewalk extensions to provide for safe crossings at Homer Elementary and Homer Middle School that will be asking for HART funds.

Ken Castner, city resident, commented \$7M has been accumulated over the last 8 - 9 years in the HART Fund. A little bit of money has dribbled out of HART with some funds going into parking lots. The HART Fund is the easiest money to go after, but if someone floats a \$7M proposal for a new road we need to go to bond.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion to substitute Ordinance 15-36(A)(S) for Ordinance 15-36(A).

LEWIS/ZAK – SO MOVED.

Mayor Wythe called for a recess at 7:10 p.m. and reconvened the meeting at 7:13 p.m.

The additional language in the ballot proposed in the substitute ordinance may cause confusion. The ballot should be clear and succinct language.

City Attorney Klinkner clarified the money under the suspension is placed in the general fund without restriction. The Council can appropriate it as it sees fit, including back to the HART Fund.



VOTE: NO. LEWIS, ROBERTS, ZAK, VAN DYKE

Motion failed.

ROBERTS/ZAK – MOVED TO STRIKE THE WORDS “UP TO” IN LINE 9 OF THE TITLE AND ANY OTHER PLACE THERE IS AN “UP TO” AND ALSO IN LINE 79 TO DELETE THE WORDS “OR EARLIER.”

There was no discussion.

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

Motion carried.

The \$7M in the HART Fund would not be touched; those funds have been collected for roads and trails. This amendment creates no additional sales tax or financial impact for residents. It reallocates money already being collected through sales tax to the general fund instead of for roads for three years.

ZAK/LEWIS - MOVED THAT THE ELECTION BE HELD ON DECEMBER 1, 2015.

The vote on December 1<sup>st</sup> will provide the Council with direction from the community in balancing the budget. The allocation will allow the Council to review and approve a budget and provides more latitude for maintaining programs and employees.

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

Motion carried.

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

Motion carried.

E. **Resolution 15-084(A)**, A Resolution of the Homer City Council Adopting the 2016-2021 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for State Fiscal Year 2017. Mayor/City Council.

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 Resolution 15-084(A) by reading of title only.

VAN DYKE/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**ORDINANCE(S)**

- A. **Ordinance 15-37**, An Ordinance of the Homer City Council Amending HCC 9.16.010 to Provide for an Increase in the Rate of the City Sales Tax From 4.5% to 5.5% From April 1<sup>st</sup> Through September 30<sup>th</sup>, With the Increase to be Used for General Government Purposes, and Authorizing the City To Submit the Question of Such Sales Tax Increase to the Qualified Voters of The City at a Special Election to Be Held in the City on \_\_\_\_\_. Lewis. Recommended dates: Introduction October 12, 2015, Public Hearing and Second Reading October 26, 2015.

Mayor Wythe called for a motion for the adoption of Ordinance 15-37 for introduction and first reading by reading of title only.

LEWIS/ROBERTS – SO MOVED.

Council discussed moving the ordinance forward in case HART funds are not approved. By postponing second reading to December 7<sup>th</sup> the outcome of the special election will be known. Council could then consider the proposition for the October 2016 ballot.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/ZAK - MOVED TO POSTPONE ORDINANCE 15-27 TO THE DECEMBER 7<sup>TH</sup> MEETING FOR SECOND READING AND PUBLIC HEARING.

There was no additional discussion.

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

Motion carried.

- B. **Ordinance 15-39**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$\_\_\_\_\_ From the General Fund Balance for Public Information on the Ballot Propositions to Suspend the Dedication of City Sales Tax to the H.A.R.T. Program, and/or to Increase the Rate of the City Sales Tax From 4.5% to

5.5% From April 1<sup>st</sup> Through September 30<sup>th</sup>, Including Without Limitation Information That May Influence the Outcome of the Election on the Proposition. Mayor. Recommended dates: Introduction October 12, 2015, Public Hearing and Second Reading October 26, 2015.

**Ordinance 15-39(S)**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$5,000 From the General Fund Balance for Public Information on the Ballot Propositions to Suspend the Dedication of City Sales Tax to the H.A.R.T. Program, and/or to Increase the Rate of the City Sales Tax From 4.5% to 5.5% From April 1<sup>st</sup> Through September 30<sup>th</sup>, Including Without Limitation Information That May Influence the Outcome of the Election on the Propositions, and Appropriating Funds in the Amount of \$6,000 From the General Fund Balance for the Costs of a Special Election on Either or Both Propositions. Mayor.

Mayor Wythe called for a motion for the adoption of Ordinance 15-39 for introduction and first reading by reading of title only.

LEWIS/ZAK - SO MOVED.

Mayor Wythe called for a motion to substitute Ordinance 15-39(S) for Ordinance 15-39.

LEWIS/ZAK – SO MOVED.

The ordinance appropriates funds for either or both ballot propositions and needs no amendment.

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

Motion carried.

## **CITY MANAGER’S REPORT**

### A. City Manager’s Report

A short City Manager’s report this meeting reflects the amount of time and effort budget preparations have consumed. Staff has been swamped with preparing budget, leaving little time for other pursuits and City business.

### **Accolades for Homer Public Library Staff**

Children’s Librarian Claudia Haines has been asked to co-author a book about media mentorship. It will follow up the recent publication of the Association of Library Service to Children white paper “Media Mentorship in Libraries Serving Youth” (which she co-authored) and give librarians solid examples of what media mentorship can look like and ideas for ways

to take on the role of media mentor in their communities. The book will be published by ALA Editions (American Library Association) in 2016.

Claudia has also has been invited to speak at an event, “Supporting Diverse Families With Media,” at Stanford University on October 30. Though she is using personal time to participate, the City is proud that Claudia’s contributions to childhood literacy extend far beyond Homer.

### **Natural Gas Payments**

At the last Council meeting we discussed extending the grace period for payment of the Natural Gas HSAD to October 6. This over 30-day grace period would allow people to pay after they received their Permanent Fund Dividend. The Finance Department sent out delinquency notices to almost 600 lot owners who had not made a payment. About half of those lot owners made a payment: we are left with 308 lots that have not paid, received a deferral or exemption. Without interest, this represents over \$1 million dollars (total value of assessments). Per Resolution 15-081(S) and 15-017, a 10% fine (\$326.58) will be added to their amount due and the interest rate will increase from 4% to 10.5%. There are a few parcels that we are still working though issues with. For example, AKDOT&PF has refused to pay on 8 of their lots and I am asking them for either payment for benefited parcels or to bring an official request for exemption to the Council.

City Manager Koester reported her focus has been on the budget. She referenced the LAB report and echoed kudos to Children’s Librarian Claudia Haines. She recognized Mike Illg for receiving Professional of the Year at the Alaska Recreation and Parks Association conference. It is a lifetime achievement award.

### **CITY ATTORNEY REPORT**

- A. City Attorney Report – September 2015

Attorney Klinkner referenced his written report. In the last few days he has been devoting time to the issue of certification of the election.

### **COMMITTEE REPORT**

- A. Public Arts Committee
- B. Permanent Fund Committee
- C. Employee Committee Report
- D. Public Safety Building Review Committee

Ken Castner, Chairman of the Public Safety Building Review Committee, announced the October 14<sup>th</sup> meeting at 5:30 p.m. The committee is having monthly meetings for public participation and information. Everyone realizes this is a project people will need to get

behind to understand the need and cost of designing replacements for aging buildings. A public meeting a couple weeks ago was sparsely attended, but there was a spirited discussion.

E. Vessel Haul-Out Task Force

1. Presentation from Vessel Haul-Out Task Force

Barbara Howard and Mike Stockburger provided a report on the task force's work. Task force members include: Barbara Howard, Mike Stockburger, Mike Pate, Ian Pitzman, Glen Carroll, David Lewis, and Bryan Hawkins. Members came to every meeting well prepared and ready to work. They received unprecedented staff support from the clerk and harbormaster offices. They held 17 meetings that were well attended by marine industry users. There is a need for a marine repair and maintenance facility of vessels too large to be hauled out by the private sector and the niche can be filled with minimal investment and funds. When designing the business model their top priority was the integrity of the beach area and pristine waterways. They have met those objections to the satisfaction of all regulatory agencies. Before Council tonight is the City of Homer Marine Repair and Maintenance Facility. It is located in the marine industrial zone between the Fishing Hole and Freight Dock Road. They ask for support and approval of Resolutions 15-090, 15-091, and 15-092. Resolution 15-090 approves best management practices and includes forms that are approved by the legal department and similar to forms used around the state. They are confident the new service center will generate sufficient funds to support staffing necessary for a successful business model. If Council finds the task force's work sufficient, a resolution dismissing the task force will be forthcoming.

F. Sustainable Animal Control Review Committee

Councilmember Roberts reported the committee has its first meeting last week and tasked Patrick with finding many answers to their questions. The next meeting is October 22<sup>nd</sup> at 5:15 p.m.

**PENDING BUSINESS**

- A. **Resolution 15-086(A)**, A Resolution of the City Council of the City of Homer, Alaska, Calling for a Special Election to Be Held in the City on \_\_\_\_\_, for the Purpose of Submitting to the Qualified Voters of the City a Proposition to Suspend the Dedication of 0.75% of the City Sales Tax to the Homer Accelerated Roads and Trails (H.A.R.T.) Program for a Period of Up to Three Years. Mayor.

Memorandum 15-163 from City Clerk and City Manager as backup.

Motion on the floor from September 28: MOTION FOR THE ADOPTION OF RESOLUTION 15-086(A) BY READING OF TITLE ONLY.

LEWIS/VAN DYKE - MOVED TO AMEND THAT THE ELECTION WILL BE HELD ON TUESDAY, DECEMBER 1<sup>ST</sup>.

There was no discussion.

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

Motion carried.

LEWIS/ROBERTS - MOVED TO REMOVE "UP TO" IN ALL PARTS THAT IS SHOWS AND JUST HAVE 3 YEARS; LINE 18 WE HAVE 3 YEARS INSTEAD OF 5 YEARS AND "UP TO" REMOVED.

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.

## **NEW BUSINESS**

- A. **Memorandum 15-166**, from City Clerk, Re: Travel Authorization for Mayor Wythe and Councilmembers, and Newly Elected Councilmember(s) to Attend the Alaska Municipal League 65<sup>th</sup> Annual Local Government Conference in Anchorage, Alaska, November 16 – 20, 2015.

Mayor Wythe called for a motion for the approval of the recommendations of Memorandum 15-166 to authorize travel for Mayor Wythe, Councilmembers, and newly elected Councilmembers to attend AML.

ZAK/LEWIS – SO MOVED.

The authorization includes present councilmembers and newly elected councilmembers to attend training. Mayor Wythe will attend the Conference of Mayors.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## RESOLUTIONS

A. **Resolution 15-087**, A Resolution of the City Council Certifying the Results of the City of Homer Regular Election Held October 6, 2015 to Elect Two Councilmembers. City Clerk/Canvass Board.

**Resolution 15-087(S)**, A Resolution of the City Council Certifying the Results of the City of Homer Regular City Election Held October 6, 2015 to Elect Two Council Members. City Clerk/Canvass Board.

Mayor Wythe called for a motion for the adoption of Resolution 15-087 by reading of title only.

LEWIS/ZAK - SO MOVED.

ROBERTS/LEWIS – MOVED TO AMEND RESOLUTION 15-087(S) LINE 33 - CHANGE THE WORDS “CANDIDATES ARE” TO “CANDIDATE IS”; LINE 34 – DELETE THE WORD “ONE”; LINE 38 – CHANGING THE WORD “TWO” TO “ONE YEAR TERM” WITH SINGULAR ON TERM; LINE 41 – REMOVE THE NAME HEATH SMITH; LINE 38 – CHANGE COUNCILMEMBERS TO COUNCILMEMBER; LINE 37: INSERT THESE WORDS: BE IT FURTHER RESOLVED THAT THE REMAINING COUNCIL SEAT SHALL BE FILLED BY A RUNOFF ELECTION BY THE TWO CANDIDATES THAT HAVE RECEIVED THE NEXT HIGHEST NUMBER OF VOTES.

Mayor Wythe called for a recess at 7:48 p.m. and reconvened the meeting at 7:51 p.m.

Amendments should be to Resolution 15-087 instead of Resolution 15-087(S).

VOTE: (amendment) NO. ROBERTS, VAN DYKE, ZAK, LEWIS

Motion failed.

ROBERTS/LEWIS - MOVED TO AMEND RESOLUTION 15-087 LINE 17 PLACE 1,233 IN THE BLANK; LINE 33 CHANGE THE WORD “CANDIDATES ARE” TO “CANDIDATE IS”; LINE 34 AFTER THE COMMA DELETE THE WORD “ONE”; LINE 38 CHANGE TO “COUNCILMEMBER” INSTEAD OF “COUNCILMEMBERS” AND INSTEAD OF “TWO” IT IS “ONE THREE-YEAR TERM” WITH NO “S” AT

THE END OF TERM; LINE 40 PLACE “DONNA ADERHOLD”; AFTER LINE 37 INSERT: BE IT FURTHER RESOLVED THAT THE REMAINING COUNCIL SEAT SHALL BE FILLED BY A RUNOFF ELECTION BETWEEN THE TWO CANDIDATES THAT RECEIVED THE NEXT HIGHEST NUMBER OF VOTES.

A change in the interpretation of the required percentage of votes per candidate resulted in the need for a runoff for the next two candidates receiving the next highest number of votes: Heath Smith and Beauregard Burgess. The runoff election is scheduled for November 3<sup>rd</sup>.

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

Motion carried.

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

Motion carried.

B. **Resolution 15-090**, A Resolution of the City Council of Homer, Alaska, Approving the Homer Marine Repair Facility and Its Policies and Best Management Practices. Mayor/Lewis/Reynolds/Zak/Burgess. Recommend Public Hearing October 26, 2015.

Mayor Wythe called for a motion for the adoption of Resolution 15-090 by reading of title only.

LEWIS/ROBERTS – SO MOVED.

Mayor Wythe called for a motion to postpone Resolution 15-090 to October 26<sup>th</sup> for a public hearing.

ROBERTS/LEWIS - SO MOVED.

There was no discussion.

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

Motion carried.



- C. **Resolution 15-091**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule to Include Homer Repair Facility Fees. Mayor/Lewis/Reynolds/Zak/Burgess. Recommend Public Hearing October 26, 2015.

Mayor Wythe called for a motion for the adoption of Resolution 15-091 by reading of title only.

LEWIS/ROBERTS - SO MOVED.

Mayor Wythe called for a motion to postpone Resolution 15-091 to October 26<sup>th</sup> for a public hearing.

ZAK/LEWIS - SO MOVED.

There was no discussion.

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

Motion carried.

- D. **Resolution 15-092**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 to Include Homer Repair Facility Fees. Mayor/Lewis/Reynolds/Zak/Burgess. Recommend Public Hearing October 26, 2015.

Mayor Wythe called for a motion for the adoption of Resolution 15-092 by reading of title only.

LEWIS/ROBERTS – SO MOVED.

Mayor Wythe called for a motion to postpone Resolution 15-092 to October 26<sup>th</sup> for a public hearing.

LEWIS/ROBERTS – SO MOVED.

There was no discussion.

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

Motion carried.

- E. **Resolution 15-093**, A Resolution of the Homer City Council Excluding Certain Properties From the Homer Natural Gas Special Assessment District. City Clerk.

Memorandum 15-167 from City Clerk as backup.

Mayor Wythe called for a motion for the adoption of Resolution 15-093 by reading of title only.

LEWIS/ROBERTS – SO MOVED.

ROBERTS/LEWIS - MOVED TO ADD ON LINE 28 AFTER THE WORDS “KPB PARCEL” 17316009 HOMEPLATE, LLC.

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.

- F. **Resolution 15-094**, A Resolution of the City Council of Homer, Alaska, Approving Recommended Comments and Questions to the State of Alaska Marijuana Control Board on the Proposed State Marijuana Regulations. City Manager. Recommend adoption.

Memorandum 15-170 from Cannabis Advisory Commission as backup.

Mayor Wythe called for a motion for the adoption of Resolution 15-094 by reading of title only.

LEWIS/VAN DYKE – SO MOVED.

LEWIS/ROBERTS - MOVED TO AMEND LINE 32 AFTER MUNICIPALITIES TO ADD NEW SENTENCE: THIS INCLUDES PROVIDING MUNICIPALITIES THE ABILITY TO PERMIT OR PROHIBIT THE OPERATION OF PRIVATE MARIJUANA CLUBS OR ESTABLISHMENTS WITHIN THEIR BOUNDARIES.

Councilmember Lewis explained the Alaska Marijuana Control Board has said they do not want any form of marijuana clubs or anything else. Denver, Colorado had banned any form of cannabis clubs. Since then there have been over 1,000 citations written for people smoking in public. We will have people in town purchasing cannabis products. Presently you cannot smoke in public, most hotels will ban smoking in rooms, and there will be no place for them to legally use their product. People will be smoking the product out in the open and breaking the law. The added language will allow a person who can legally purchase cannabis to go inside a facility like a bar and then leave without breaking the law. It keeps it out of the public view.

Councilmember Roberts noted by passing the amendment Homer is given more of a decision-making ability. The resolution is what we are recommending to the Alaska Marijuana Control Board that they should allow municipalities to do. The CAC recommends it will be an additional ability of a local municipality.

Councilmember Zak is not in favor of having marijuana clubs in Homer.

Councilmember Lewis defended the amendment pointing out that the Homer voters overwhelmingly supported marijuana. There is a window of time to comment to the Alaska Marijuana Control Board.

Councilmember Zak said there is real controversy over the subject. The Alaska Marijuana Control Board may want to bring this forward later.

VOTE: (amendment) YES. VAN DYKE, LEWIS, ROBERTS

VOTE: NO. ZAK

Motion failed.

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

Motion carried.

### **COMMENTS OF THE AUDIENCE**

Ken Castner, city resident, thanked Francie for her service on the Council, commissions, and task forces. He thanked Jo and Tom for considering the additional information and the need for a runoff election. He questioned the budget.

City Manager Koester clarified we are moving forward with Budget A; Budget B cuts are conditional without a revenue source.

Mr. Castner will have a difficult time supporting a revenue source when the Council is determined to hold onto all the money it has and ask for new revenues. He doesn't want to live in a town so fixed on a finite list of things. It is going after the money everyone else wants for their quality of life things. He is interested in the information that will be provided to the public of the benefits.

### **COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner had no comments.

### **COMMENTS OF THE CITY CLERK**

City Clerk Johnson clarified there will be a runoff election on November 3<sup>rd</sup> and absentee voting will open on October 20<sup>th</sup>. She wished Councilmember Roberts well.

### **COMMENTS OF THE CITY MANAGER**

City Manager Koester thanked Council for navigating a complicated agenda. She congratulated Councilmember Roberts on her service. She first met her as her geometry teacher who had a lot of patience. She hopes Councilmember Roberts continues to be a source of help for her.

### **COMMENTS OF THE MAYOR**

Mayor Wythe commented on the Alaska Recreation and Parks Association conference and congratulated Mike Illg and HOWL. She requested a special meeting on November 9<sup>th</sup> to swear in the councilmember as a result of the runoff election. She responded to Ken Castner on the City bonding: the Council and herself do not believe in debt economics, of pushing the expense to future users. We have to support core services and pay the mortgage before we take a vacation. The Council is trying to make the best choice for a middle ground. City Manager Koester did an excellent job bringing forward two budgets. They can be shuffled and melded to arrive at an appropriate level. She congratulated the Vessel Haul-Out Task Force that has produced a great and viable product. She asked City Manager Koester to look at the city ordinance regarding elections to make a change next year.

### **COMMENTS OF THE CITY COUNCIL**

Councilmember Roberts praised the Homer High School cross country running teams for their victory in the state competitions. The girls took first place and the boys took second place in state. She is glad to see the code was reviewed and there will be a runoff election. She thanked everyone for their kind words. Katie revealed her age when she revealed she was her geometry teacher. She wished everyone good luck and said it was a pleasure serving Homer.

Councilmember Van Dyke commented Francie does deserve everything nice everybody says about her. There are 4,510 registered voters and just 1,233 good mindful people who care about the City of Homer turned out to vote. He is ashamed that few of people came out and voted. We have a couple more elections and he would like to see the amount of voters double.

Councilmember Lewis commented his pet peeve is when it is 18% of registered voters passing something. He thanked Francie for her service. He has learned a lot from her over the last seven years. He wished her the best of luck and hopes she enjoys the rest of the school year and Monday nights.

Councilmember Zak thanked Francie for being his kindergarten teacher and for serving on the Council. We have had fun together and have always sat next to each other. He sees how committed she is and all the notes she takes. He thanked the candidates that ran and he recognized Heath Smith in the audience. He congratulated Donna Aderhold (also in the audience). He thanked Katie for preparing the budget documents that make his job much easier. Bringing the ballot proposition to the voters will allow us to get through the budget. He announced the Rotary Health Fair on November 7<sup>th</sup>. People can get their blood work done now. The reduced costs can make a difference for families. He commented on the conferences in Homer and the positive economic impact to local businesses. Governor Walker attended the Senior Summit and there is support for adding an Alzheimer's wing to the Senior Center. The fundraising has begun with a lot of support. Keren Kelly and staff did a super wonderful job arranging the summit. He commented on the low voter turnout and setting a goal to increase voter participation.

## **ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:27 p.m. The next Regular Meeting is Monday, October 26, 2015 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Special Meeting is scheduled for Monday, November 9, 2015 at 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.

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JO JOHNSON, MMC, CITY CLERK

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