

Session 16-22 a Regular Meeting of the Homer City Council was called to order on October 24, 2016 at 6:00 p.m. by Mayor Bryan Zak 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: ADERHOLD (telephonic), ERICKSON, LEWIS, REYNOLDS, SMITH, STROOZAS

STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON
CITY PLANNER ABOUD
FINANCE DIRECTOR LI
LIBRARY DIRECTOR DIXON
PERSONNEL DIRECTOR BROWNING
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS

Councilmember Aderhold has requested telephonic participation or excusal.

Mayor Zak called for a motion to allow Councilmember Aderhold to participate by telephone.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Council met for a Worksession from 4:00 p.m. to 5:00 p.m. with Borough representatives to discuss Dispatch Consolidation with the Kenai Peninsula Borough. From 5:07 p.m. to 5:52 p.m. Council met as a Committee of the Whole to discuss City Manager's Report (scheduling), 2017 Budget, 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: **CONSENT AGENDA - Ordinance 16-54**, An Ordinance of the Homer City Council Appropriating Funds for the Calendar Year 2017 for the General Fund, the Water Fund, the Sewer Fund, the Port/Harbor Fund, Capital Projects, and Internal Service Funds. City Manager. Budget amendments for Council transportation, subsistence, lobbyist, reserves. **PUBLIC HEARINGS - Ordinance 16-48(S)**, An Ordinance of the City Council of Homer, Alaska, Amending HCC 1.18.030 to Add HCC 1.18.030(q), Which Incorporates HCC 2.04.030, and Its Prohibition Against Council Member Influence and Direction of City Employees and the City Manager, Into the Homer Ethics Code. Smith. Written public comments. **PENDING BUSINESS - Resolution 16-054**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule to Implement a New Graduated Harbor Moorage Rate Structure. Port and Harbor Director/Port and Harbor Advisory Commission. Written public comments. **RESOLUTIONS - Resolution 16-111**, A Resolution of the Homer City Council Giving Direction to the City Manager to Reject/Accept the Proposal to Consolidate 911 Dispatch Services With the Kenai Peninsula Borough. Mayor. Written public comments. Announcements Items A and B were moved to follow agenda approval.

LEWIS/REYNOLDS – MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Mayor's Recognition, Girls and Boys Cross Country Running Teams State Championship and Coach Bill Steyer

Mayor Zak read and presented the recognition to Coach Bill Steyer and the Girls and Boys Cross Country Running Teams.

- B. Mayor's Proclamation, 2016 Extra Mile Day

Mayor Zak read the proclamation and encouraged everyone to go the extra mile on November 1st.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Mako Haggerty, Homer resident, is disappointed in Resolution 16-054 since it is not fair and equitable. The consultant was limited in his scope of work and was told to keep costs for certain classes of vessels below a certain mark. This pushed costs up for smaller vessels. It is

more fair that the funds come out of the general fund to supplement the harbor enterprise fund.

Malcolm Milne, President of North Pacific Fisheries Association, supports Resolution 16-054. He attended the Worksession and Port and Harbor Advisory Commission meetings and believes it is a compromise and can work. Additionally, he appreciates all the work that has gone into it.

Bob Howard, city resident, is opposed to Resolution 16-054. The large vessel owners say it is a compromise, although the Port and Harbor Advisory Commission and the consultant did not say it was a compromise. It raises rates to the highest level for small vessel owners while favoring large vessel owners. The Council should establish fair public policy; they are not rate makers.

Dave Mastolier, city resident, spoke on Resolution 16-054. Although he is not happy rates are going up, he feels it is a compromise and the Port and Harbor Advisory Commission did a great job. The larger your vessel, the more rates will increase. Smaller boat rates will go up proportionate to the size of the boat.

Don Lane, city resident, supports Resolution 16-054. He owns a 60 ft. boat and the harbor is important to the safety and success of his business. It is important that the infrastructure works well to avoid repair costs. We have the most terrific staff at the harbor and it is important to protect the future of the harbor.

Scott Adams, city resident, questioned why Ordinance 16-49 allowed \$180,000 to purchase lights for the whole harbor. He was hoping we started out with the seven lights and saw how they worked before jumping into the purchase of lights for the full harbor.

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 October 10, 2016. City Clerk. Recommend adoption.
- B. Memorandum 16-170 from Mayor Zak Re: Appointment of Sue Fallon to the Library Advisory Board and Justin Arnold to the Planning Commission.

Moved to New Business, Item B. Lewis.

- C. **Ordinance 16-54**, An Ordinance of the Homer City Council Appropriating Funds for the Calendar Year 2017 for the General Fund, the Water Fund, the Sewer Fund, the Port/Harbor Fund, Capital Projects, and Internal Service Funds. City Manager. Recommended dates: Introduction October 24, 2016, Public Hearings November 28, 2016 and December 12, 2016, Second Reading December 12, 2016.
- D. **Ordinance 16-55**, An Ordinance of the City Council of Homer, Alaska, Amending the 2016 Operating Budget by Appropriating \$494,000.00 From the Homer Accelerated Roads and Trails Program (HART) Fund to Provide for Rehabilitation of the Bunnell Street Storm Drain. City Manager/Public Works Director. Recommended dates: Introduction October 24, 2016, Public Hearing and Second Reading November 28, 2016.

Memorandum 16-174 from Public Works Superintendent as backup.

- E. **Resolution 16-107**, A Resolution of the Homer City Council Recognizing Our Duty to Safeguard the Vitality of Ecosystems. Lewis. Recommend adoption.

Moved to Resolutions, Item E. Aderhold.

- F. **Resolution 16-108**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Public Library Policies for Library Card Registration. City Clerk/Library Advisory Board. Recommend adoption.

Memorandum 16-173 from Library Advisory Board as backup.

- G. **Resolution 16-109**, A Resolution of the City Council Amending the City of Homer Fee Schedule Under Administrative, Camping, Library, Planning and Zoning, Fire, and Public Works Department Fees. City Clerk. (To follow Budget Ordinance 16-54 - Public Hearings November 28 and December 12, 2016.)

Memorandum 16-175 from City Clerk as backup.

- H. **Resolution 16-110**, A Resolution of the City Council of Homer, Alaska, Adding Tract 2-A Waddell Park Subdivision 1985 Replat to the City of Homer Land Allocation Plan as a Lot Available for Sale and Authorizing the City Manager to Proceed With a Request for Proposal. City Manager. Recommend adoption.

Moved to Resolutions, Item D. Stroozas.

- I. **Memorandum 16-171**, from City Clerk, Re: Travel Authorization for Mayor Zak and Councilmembers Erickson and Stroozas to Attend the Alaska Municipal League 66th Annual Local Government Conference in Anchorage, Alaska, November 14 - 18, 2016.
- J. **Memorandum 16-176**, from City Clerk, Re: Rescheduling the November and December City Council Meetings.

Item B, Memorandum 16-170 was moved to New Business, Item B. Lewis.

Item H, Resolution 16-110 was moved to Resolutions, Item D. Stroozas.

Item E, Resolution 16-107 was moved to Resolutions, Item E. Aderhold.

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

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

- A. Transition for Ship Escort-Response Vessel System from Crowley Marine Services to Edison Chouest Offshore, Lisa Matlock

Lisa Matlock, Outreach Manager, Prince William Sound Regional Citizens' Advisory Council (PWSRCAC), Brooke Taylor, Director of External Communications of PWSRCAC, and Homer Representative Robert Archibald provided a report on PWSRCAC work.

The Alaska Regional Response Team came up with a new process where stakeholders could get their voices heard during an oil spill. The Regional Stakeholder Committee is made up of directors who are most affected during an oil spill in their region. The changes were going to split the Regional Stakeholder Committee into two different groups: a tribal local government group and an affected stakeholders group. PWSRCAC looked very closely at that and found it would have weakened stakeholder access to the unified command and incident action plans. Mr. Archibald requested and received a letter of non-support for the change from the City of Homer and other entities and the Alaska Regional Response Team pulled that change.

At the September board meeting in Cordova the Department of Environmental Conservation (DEC) announced they were opening a public scoping period to discuss potential changes that the Alaska Regional Response Team may make to oil spill area planning. They are proposing to change the ten areas in the current plan to four areas. It has a potential impact on Kachemak Bay who will be combined with Bristol Bay, the Aleutians, and Kodiak Island areas. The proposed change is meant to align our plans with national and state level plans. Public comment is open until November 15th. People are encouraged to review the DEC page and have their voice heard. A briefing sheet was provided to Council.

Crowley Maritime Corporation has had the marine escort and response tug contract in Valdez since 1990. In 2018 Crowley will be replaced with Edison Chouest Offshore who has nine new vessels and one older vessel. It will impact a lot of people, with 200 jobs affected. The PWSRCAC is onboard with the transition team and is watching the transition. Edison's new boats are being built in the Gulf of Mexico and will have greater bollard pull. The new fleet will be an improvement to the vessel system currently there. PWSRCAC is concerned about the employee gap and has received no information from Alyeska or Edison Chouest to see if they are hiring locally. The biggest concern is to make sure oil spill response is a priority with the transition.

B. Linda Anderson, City Lobbyist, Anderson Group, LLC

Linda Anderson, Anderson Group, LLC, advocated for an extended contract as the City's lobbyist for 2017. As a municipal lobbyist for 35 years, her firm has a higher bar. It is not a time to take ourselves out of the middle of the arena. If we don't have boots on the ground in Juneau we don't have a place at the table to change direction. Alaska Municipal League serves a great purpose, but they are very generic and do not tailor to individual legislation and how it might affect Homer personally. This year during the legislative session Councilmembers Aderhold and Reynolds and City Manager Koester held teleconferences weekly with Anderson Group to receive real time access to legislative proceedings.

Anderson Group has had significant success as the City lobbyist in former years, with Homer getting its share. But there is no more capital budget for a while. We have not seen this level of economic crisis and intense debate on resolutions in the state ever. Anderson Group is well versed in employers' unfunded liability. Their lobbyist firm has been at the forefront and every table where it is discussed. Every 1% shift in PERS becomes a \$60,000 liability for the City of Homer.

Items likely to come back in next year's legislative session include the state sales tax, PERS rate increases, increased bed taxes and a statewide bed tax to fund a statewide marketing campaign. Last year there was an amendment to increase Homer's share of fish taxes, but the fish tax bill did not pass.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Mayor's Recognition, Girls and Boys Cross Country Running Teams State Championship and Coach Bill Steyer

Heard after agenda approval.

- B. Mayor's Proclamation, 2016 Extra Mile Day

Heard after agenda approval.

- C. Borough Report

Kenai Peninsula Borough Assembly Member Kelly Cooper reported the Homer Senior Center is in need of new floor to improve safety and reduce the risk of falls. They have applied for a Rasmuson grant in the amount of \$238,000 and will score higher with support from local government. She has sponsored a resolution to allocate \$10,000 of grant funding to the Senior Center to use for the flooring.

At tomorrow's Assembly meeting there is an ordinance for introduction to allow a permanent motor vehicle registration tax for non-commercial motor vehicles and non-commercial trailers that are at least eight years old. If a \$75 registration tax for the older vehicles is implemented and 25% of eligible vehicles participate, it will be \$600,000 less revenue for the Borough. If there is a \$25 permanent registration tax for older trailers with 25% participation it will be \$40,000 less revenue. Motor vehicle tax is distributed to cities, boroughs, and service areas based on population instead of assessed value. In addition to the motor vehicle tax, the State of Alaska collects a biennial fee of \$100 on non-commercial motor vehicles and \$30 on non-commercial trailers. This would no longer be assessed and collected if the new registration tax is implemented.

The Healthcare Task Force continues to meet, with their next meeting next Wednesday. The task force has found borough-wide gaps in emergency medical services, consistent EMS and transportation across the borough, chronic disease education and prevention, and substance abuse with both in-patient and out-patient treatment programs. The task force recommends that we explore the viability of creating a detox facility. They also found home healthcare and hospice care gaps, but Homer is pretty well set with home healthcare and hospice services. Mental health is also an issue along with non-emergency transportation options to improve

access to care. Last year the Assembly did not fund CARTS (Central Area Rural Transit System); it was a difficult issue. It may be on the list for funding this year.

Mayor Zak directed City Manager Koester to draft a letter of support for the Senior Center floor. It will be provided to the Assembly tomorrow.

Assembly Member Cooper will find out how much the City will lose with the motor vehicle tax.

D. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks Art Recreation and Culture Advisory Commission

Newly appointed Parks Art Recreation and Culture Advisory Commissioners John Sharp and Clark Fair provided an update on the commission's business. At the October 20th meeting they said goodbye to Dave Brann who was on the commission for six years. He has been an important part of trails and the parks system for a long time. They will now need to find a replacement vice chair. A nomination was made, but not yet confirmed since the person was not at the meeting.

They had good information about the Mariner Park capital project and are requesting more information from Public Works. They thanked the City Manager for coming to the meeting and providing good information about the budget. It helped the commission focus on how to apply for grants and which grants are more efficient for the City. The commission approved the donation of a ceramic art piece titled *Husky Star* made by former students of Homer Middle School. It will be added to the Homer Municipal Art Collection and placed at City Hall. The commission approved expending \$500 to match funding from Homer Animal Friends to purchase doggie bag dispensers and receptacles. There was a timber frame raising on the Spit over the weekend for the new structure that the City and visitors will utilize. Dave Brann and Robert Archibald were a big part of that.

5. Port and Harbor Advisory Commission

Port and Harbor Advisory Commissioner Mike Stockburger reported on the commission's business. They have been working on approving the rate schedule and looking at a way to service some of the boats that are not serviced in Homer. Homer Boat Yard hauls a lot of smaller boats and Northern Enterprises hauls bigger boats. There is also an operation on the Spit hauling the bigger flat bottom boats out. There are a number of deep draft boats that need an alternative haul-out, possibly trailers utilizing the new ramp.

6. Cannabis Advisory Commission

Councilmember Reynolds announced the next meeting is Thursday at 5:30 p.m. in Cowles Council Chambers.

Mayor Zak called for a recess at 7:12 p.m. and reconvened the meeting at 7:21 p.m.

PUBLIC HEARING(S)

- A. **Ordinance 16-48(S)**, An Ordinance of the City Council of Homer, Alaska, Amending HCC 1.18.030 to Add HCC 1.18.030(q), Which Incorporates HCC 2.04.030, and Its Prohibition Against Council Member Influence and Direction of City Employees and the City Manager, Into the Homer Ethics Code. Smith. Introduction October 10, 2016, Public Hearing and Second Reading October 24, 2016.

Mayor Zak opened the public hearing. In the absence of public testimony, Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Ordinance 16-48(S) by reading of title only for second and final reading.

LEWIS/REYNOLDS – SO MOVED.

Public comments by Kevin Hogan were acknowledged. City Manager Koester advised Council the comments pertained to the original language in Ordinance 16-48 that Council removed. Council will resume discussion on campaign contributions in January.

REYNOLDS/LEWIS – MOVED TO REPLACE HIM OR HER WITH THEM AND REPLACE HE OR SHE WITH THEY.

The amendment is gender neutral and simplifies reading.

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

Motion carried.

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

Motion carried.

- B. **Ordinance 16-50**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.62.040 Currently Entitled "Pre-Application Conference," to Authorize the City Planner to Recommend to the State of Alaska That It Deny an Application for a Marijuana Establishment That Does Not Comply With Homer City Code and Authorize the City Planner to Recommend That the State Impose Conditions to Approval When Necessary to Ensure Compliance With the Homer City Code. City Manager/Cannabis Advisory Commission. Introduction October 10, 2016, Public Hearing and Second Reading October 24, 2016.

Memorandum 16-163 from Cannabis Advisory Commission as backup.

Memorandum 16-169 from City Planner as backup.

Mayor Zak opened the public hearing. In the absence of public testimony, Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Ordinance 16-50 by reading of title only for second and final reading.

LEWIS/STROOZAS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Ordinance 16-51**, An Ordinance of the City Council of Homer, Alaska, Enacting HCC Chapter 11.36, Vegetation in Rights-of-Way, Providing for the Removal of Vegetation That Interferes With the Reasonable Public Use of a Right-of-Way. City Manager. Introduction October 10, 2016, Public Hearing and Second Reading October 24, 2016.

Memorandum 16-164 from Public Works Superintendent as backup.

Mayor Zak opened the public hearing. In the absence of public testimony, Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Ordinance 16-51 by reading of title only for second and final reading.

LEWIS/REYNOLDS – SO MOVED.

Public Works can provide guidance on keeping the public right-of-ways looking great while maintaining the confines.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- D. **Ordinance 16-52**, An Ordinance of the City Council of Homer, Alaska, Amending the 2016 Operating Budget to Provide for Complete Natural Gas Conversion and Energy Efficient Lighting at the Fire Hall by Appropriating \$115,000 From the Revolving Energy Fund. City Manager/Public Works Director. Introduction October 10, 2016, Public Hearing and Second Reading October 24, 2016.

Memorandum 16-165 from Public Works Director as backup.

Mayor Zak opened the public hearing.

Scott Adams, city resident, suggested taking the remaining funds from the public safety building project and passing it on to this project.

Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Ordinance 16-52 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.

- E. **Ordinance 16-53**, An Ordinance of the City Council of Homer, Alaska, Authorizing the City Manager to Issue a Request for Proposal for Lot 11, Homer Spit Subdivision No. 5, for a Long-Term Communications Tower Lease and Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$12,500.00 From Port and Harbor Depreciation Reserves to Fund Tower Consultant Services With Cityscape Consultants, Inc. City Manager. Introduction October 10, 2016, Public Hearing and Second Reading October 24, 2016.

Mayor Zak opened the public hearing.

Cindy Coughlin, GCI spokesperson, told Council GCI is interested in negotiations for the tower. They were the second place qualified bidder in the original RFP. They could have a tower up and operational before the 2017 tourist season begins and have other national companies co-locate on the tower. She asked for a 30-day extension to provide opportunity to renegotiate their bid.

Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Ordinance 16-53 by reading of title only for second and final reading.

LEWIS/REYNOLDS - SO MOVED.

City Manager Koester explained the City did not specify the type of tower to be built. The RFP specified our goals: to encourage co-location and to minimize the proliferation of towers on the Spit. The hiring of CityScape will allow the City to have an advocate working in the City's best interests. They will review the RFP, advertise it to a national marketplace, and work with us through the negotiation process. The new RFP is in the best interest of the City. Although it will slow down the process some, every local and state company will have the opportunity to bid. The proposals will be reviewed by professionals who can advise staff and the Council.

Asked if we need to look at second and third bids, City Manager Koester answered she has the authority to enter into negotiations with the second bidder, but there is no mandate to do so. Asked about a 30-day review for GCI's proposal, City Manager Koester answered GCI's proposal was revenue neutral and not very competitive. It would be most transparent to start over with a new process. We would like to lean on the expertise of a third party professional working on behalf of the City of Homer.

Councilmembers Stroozas and Lewis agreed on starting the RFP process clean with consultant services. It is more transparent and will address the many nuances with towers, including co-location of towers.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

A. City Manager's Report

Orientation from City Attorney

In the past the City Attorney has provided trainings for Councilmembers and Commissioners on Open Meetings Act, records, Quasi-judicial decision making, ethics and other legal matters. There is a lot of valuable information for new Councilmembers, but also a good review for veteran members, especially since this overview has not been offered in the last 5 years. I would like to schedule a time during the first part of November to bring Holly down and spend a few hours with you (and extend the invite to Commissions, when relevant). I know this is a big ask since November is supposed to be short on Council commitments given the holidays, but it also presents a window of time I would like to take advantage of. At the Council meeting I would like to discuss availability and best times for the body. Holly is available November 7-11 or 16-18 and anticipates needing no more than 3 hours total.

Tours for Councilmembers

Along the same lines, I would like to offer tours of City facilities to Councilmembers. Many of you are already familiar with the large and varied infrastructure you are in charge of, and of course any time you want to schedule a facility visit, I am happy to arrange that. However, I thought I would dedicate a few slots for official tours so they can be advertised and organized to make the best use of your time. I am thinking a couple of 2-hour time slots to visit water/sewer treatment, Homer Police Station, and Port and Harbor. Is there interest? If so, what time of day/week works best?

Visit with Sen. Murkowski

Mayor Zak arranged for a tour of the Homer Police Station when Senator Murkowski was in town on Friday the 14th. We were able to show her the Homer Police Station and she was truly aghast with the cramped and outdated conditions of the station. Though there is no grant program that jumps out as a perfect fit, having firsthand knowledge of our station and needs allows the Senator to keep our needs in mind as potential opportunities pop up. I will be following up with her staff and communicating the 2017 federal priorities.

Campground Notice

Last year Council expanded the camping season from April 1st through October 30th to reflect the greater demand for shoulder season camping. Homer City Code 19.08.030(d) allows the City Manager to open a campground on the Homer Spit to winter camping. The attached notice opens lots 1-16 of the Fishing Hole Campground next to Pier One for winter camping (similar to last year). The restroom at that site cannot be winterized for year-round use. Last year we offered a port-a-john at the campground. However, at a cost of \$1,260 a season, we do not recover those funds in campground fees. Most campers are self-sufficient with facilities in their camper. The Load and Launch restroom is open year-round and 800 feet away and Ramp 5 is 1,000 feet away. According to average walking speed (3 mph), it takes 3 minutes to walk 800 feet.

Update on Revisions to Title IV (Alcohol)

Soldotna City Manager and the Wasilla Mayor presented to the ABC Board on Friday the 14th on concerns they have with the proposal to restrict public convenience licenses (beer and

wine restaurant licenses) and package store restrictions. The City of Soldotna is working with the ABC Board on a proposal to let cities handle permitting of restaurants under the local control argument. There are many details of local control that would need to be worked out, but the premise is that a local municipality knows best if they are having an increase in crime rate or other negative consequences of public convenience license (rather than an arbitrary population number made for urban areas). The City of Homer may be asked to weigh in on recommendations to the ABC Board.

Letter of Non-objection

Alaska Department of Fish and Game has funding to place a gate at the top of Airport Road to restrict vehicle access to the beach at the bottom of the road (this is State property). Restricting access there is consistent with the Homer Beach Policy. First responders have requested a key for the gate that is standardized with other gates (Bishop's Beach, for example) so they can travel down the beach in case of an emergency. With an easy to use key, HVFD and HPD have no problems with a gate. Unless there is objection from Council, I will forward the attached letter to the State.

Letter of Support for Homer Senior Citizens Inc. to KPB

With Council's approval, Mayor Zak will submit the attached letter of support for Kenai Peninsula Borough Resolution 2016-061 approving a \$10,000 budget revision in the 2016/2017 Borough Senior Grant Program for the Homer Senior Citizen's Inc. As the letter states, the City of Homer is grateful to Mayor Navarre and Assembly Member Cooper for introducing the budget amendment that recognizes the need for new flooring at Homer Senior Citizens and shows the support of the Kenai Peninsula Borough for services provided on the Southern Peninsula.

City Manager Koester referenced the letter of support for Kenai Peninsula Borough Resolution 2016-061 to approve a \$10,000 budget revision in the 2016/2017 Borough Senior Grant Program for Homer Senior Citizen's Inc. Funds will be used to provide flooring for the Senior Center. The Borough and City support helps the Senior Center with their request for a grant from Rasmuson Foundation.

Council discussed the gate at Airport Road funded by Fish and Game to restrict vehicle access to the beach. The gate will be a visible and physical barrier. People that have utilized the access to the beach may wish to comment. Council voiced no objection to sending the letter of support for the gate to the State.

ABC Board Title IV is getting good traction from local feedback. The City of Soldotna has proposed to give cities more local control. Stakeholders feel engaged and that they are being listened to. The Alaska Cabaret, Hotel, Restaurant and Retailers Association held their annual convention last week in Homer and are working diligently to keep Title IV at bay; they have been successful over the last year in doing so. If passed it will be a detriment to our

community since Homer has 12 public convenience liquor licenses out of the State's overall 57.

B. Bid Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

- A. Employee Committee Report
- B. Public Safety Building Review Committee
- C. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold announced the committee member opening.

PENDING BUSINESS

- A. **Resolution 16-054**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule to Implement a New Graduated Harbor Moorage Rate Structure. Port and Harbor Director/Port and Harbor Advisory Commission. Public Hearing June 13, 2016. Postponed to September 26, 2016 for Second Public Hearing.

Memorandums 16-084 and 16-101 from Port and Harbor Director as backup.
Memorandum 16-152 from City Clerk as backup.

Motion on the floor from May 23: MOVED TO ADOPT RESOLUTION 16-054 BY READING OF TITLE ONLY.

Council expressed appreciation to the Port and Harbor Advisory Commission for the time and effort they expended on moorage rates.

Councilmember Reynolds thinks this is a middle ground and doesn't know if there is one plan that will make everyone content.

Councilmember Stroozas knows it is a serious and contentious issue. To do nothing would be irresponsible. Although this may not be the best solution, it resolves some issues. Moorage rates can always be visited at some point in the future.

Councilmember Lewis acknowledged the time and effort of the commission and Bob Howard's rebuttal. Fair and equitable is an arbitrary term. Large vessels don't use fish

cleaning stations, some owners don't use the bathrooms, and small vessel owners' fees are going for the ice house and cranes they don't use. We need a harbor reserve because we have an aging infrastructure and replacements are needed. Large boat owners employ a segment of our community with marine trades and we don't know how much small boat owners contribute. The harbor has a finite size and we can only fit so many boats in. He has a small boat and is thankful for the harbor and a place to keep it. Finding a compromise is difficult; one that is fair and equitable is impossible.

Councilmember Smith knows there are a wide variety of users in the harbor and we don't want to exclude users because they don't provide enough revenue or they are not a certain class of boats. Nobody wants to see a rate increase, but we have to have something in place to maintain the infrastructure and replacements. The moorage rates are a change in the right direction and we can revisit over time and tweak as necessary.

Councilmember Aderhold agreed it is a step forward. We will need to revisit and make adjustments if needed. She appreciates that our harbormaster, staff, and port and harbor commission are proactive in maintenance.

Councilmember Erickson knows the commission has struggled and hashed through a lot of discussion. It is not a perfect fix, but if it doesn't work we can revisit it.

Councilmember Reynolds cautioned Council against saying it is a temporary fix. The plan is for the rates to increase gradually over the years. We don't want to give false hope that we will revisit moorage rates since it is a long term plan.

VOTE: YES. SMITH, ADERHOLD, REYNOLDS, STROOZAS, ERICKSON

VOTE: NO. LEWIS.

Motion carried.

NEW BUSINESS

- A. **Memorandum 16-172**, from City Clerk, Re: Selection/Appointment of Mayor Pro Tempore for 2016/2017.

Mayor Zak called for a motion for the approval of the recommendations of Memorandum 16-172.

LEWIS/REYNOLDS – SO MOVED.

Councilmember Reynolds expressed an interest in the position.

STROOZAS/LEWIS – MOVED TO NOMINATE CATRIONA REYNOLDS AS MAYOR PRO TEM FOR 2016/17.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

In the seat selection for the next year Council chose to remain where seated.

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

Motion carried.

B. **Memorandum 16-170** from Mayor Zak, Re: Appointment of Sue Fallon to the Library Advisory Board and Justin Arnold to the Planning Commission.

After careful review, Councilmember Lewis saw that Justin Arnold's application contained more information than just listing his fishing boat. He may need to attend some of the meetings telephonically due to his fishing schedule.

Councilmember Stroozas noted the Planning Commission is not allowed to attend meetings telephonically. The commission has quasi-judicial rulings and the City Attorney deemed it is not appropriate.

Justin Arnold stated he is a commercial fisherman in Bristol Bay and is not available for most of the summer. It is his income and living.

Councilmember Stroozas said the commission just has one meeting in July and it is not uncommon to miss a couple of meetings. You advise the chair in advance that you are not able to attend the meeting. It has not been an issue.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.¹

Motion carried.

¹ Council did not make a motion to approve Memorandum 16-170, but the intent was clear with a unanimous vote.

RESOLUTIONS

- A. **Resolution 16-106**, A Resolution of the Homer City Council Designating Signatories of City Accounts and Superseding Any Previous Resolution So Designating. City Manager.

Mayor Zak called for a motion for the adoption of Resolution 16-106 by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

STROOZAS/ERICKSON - MOVED TO AMEND TO ADD CATRIONA REYNOLDS AS MAYOR PRO TEMPORE.

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.

- B. **Resolution 16-111**, A Resolution of the Homer City Council Giving Direction to the City Manager to Reject/Accept the Proposal to Consolidate 911 Dispatch Services With the Kenai Peninsula Borough. Mayor.

Mayor Zak called for a motion for the adoption of Resolution 16-111 by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

LEWIS/REYNOLDS - MOVED TO AMEND TO STRIKE “ACCEPT” FROM ALL PORTIONS OF RESOLUTION 16-111.

Councilmember Smith appreciates what the City has done, but there are some questions to answer yet before we disregard the consolidation idea. Jayne Probst testified with some emotion to her investment in the dispatch positions and the value to the City. Dispatch at South Peninsula is just as invested and borough residents will be no less dedicated. We need forward thinking instead of being entrenched in what we have done in the past. When we can

embrace the idea of change we can make meaningful decisions. The idea of change is fear based and if we make decisions through emotion, it will murky the water. We have to be willing and prepared to make difficult decisions. We need to get the PERS termination information, find out if we can resolve local knowledge transfer, and see if the Borough will be able to use our system with theirs. If Council cannot have the political will to move forward we will be stuck.

Councilmember Reynolds called it a break even proposition, or we might even spend a little more money. She doesn't see how it would change over the long term. We haven't been convinced this is a beneficial move forward. It would be nice to have more information about PERS, but it looks like the Borough is looking for a yes commitment before they explore details further.

Councilmember Stroozas feels that change is inevitable, and he has always been taught to embrace it. We have some important things to think about. The City Manager and Police Chief have expressed their opinions. The Borough and City are scrambling for every dime to save money. In what he has read and learned from other folks, he is not so sure it will save us money. He talked with the dispatchers today; the means of local knowledge is more than just knowing the local geography and landmarks. More study and time is warranted before we make the decision.

Councilmember Erickson suggested postponing the idea until we see what happens at the state level. It feels like we are pushing ahead too fast. It is safer to keep dispatch here until we see the state laws.

Councilmember Smith said we are looking at building a new police facility. If we get to the point where the consolidation is comfortable, the building does not need to include a dispatch center. The \$77,000 savings grows beyond that in construction of a building. He questioned the overtime for dispatchers of \$94,000 in the proposed 2017 budget. It is almost a double increase when they say they are fully staffed.

Councilmember Lewis commented the consolidation means 4.5 jobs will disappear and we will save \$77,000. We then have to hire one or two administrative assistants at the police department to cover the paperwork that dispatchers are doing and some other duties when dealing with female prisoners.

Councilmember Aderhold is interested in postponing the resolution until we know more about the PERS study. She has concerns that the proposal will increase costs.

Asked about the \$94,000 budgeted for overtime, Police Chief Robl said he did not request an increase in the overtime budget. The Finance Director may have added it.

Finance Director Li clarified the overtime budget is based on the last three years of overtime; it is an average amount for overtime over the last three years.

City Manager Koester told Council we have been working on the consolidation idea since March and it has consumed a large amount of time. The employees are nervous and if we don't provide direction we run the risk of losing employees.

VOTE: (amendment) YES. REYNOLDS, LEWIS, STROOZAS

VOTE: NO. ADERHOLD, SMITH, ERICKSON

Mayor Zak broke the tie with a YES vote.

Motion carried.

REYNOLDS/LEWIS – MOVED TO AMEND TO DELETE OPTION 2 FROM THE RESOLUTION; THAT WOULD BE LINES 29 AND 30.

VOTE: (amendment) YES. LEWIS, REYNOLDS, STROOZAS, ADERHOLD

VOTE: NO. ERICKSON, SMITH

Motion carried.

VOTE: (main motion as amended) YES. STROOZAS, REYNOLDS, LEWIS, ADERHOLD

VOTE: NO. ERICKSON, SMITH

Motion carried.

C. **Resolution 16-112**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 to Implement a New Graduated Harbor Moorage Rate Structure. Port and Harbor Director/Port and Harbor Advisory Commission.

REYNOLDS/STROOZAS – MOVED TO ACCEPT RESOLUTION 16-112.

REYNOLDS/LEWIS - MOVED TO POSTPONE THIS TO NOVEMBER 21ST FOR A PUBLIC HEARING.

There was no discussion.

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

Motion carried.

- D. **Resolution 16-110**, A Resolution of the City Council of Homer, Alaska, Adding Tract 2-A Waddell Park Subdivision 1985 Replat to the City of Homer Land Allocation Plan as a Lot Available for Sale and Authorizing the City Manager to Proceed With a Request for Proposal. City Manager.

Mayor Zak called for a motion for the introduction of Resolution 16-110.

LEWIS/REYNOLDS – SO MOVED.

Councilmember Stroozas noted the property is directly behind the post office that the City owns due to the Waddell Way extension. It is a little over two acres. We may want to hold off on selling it since it could be an alternative site for a new public safety building.

STROOZAS/REYNOLDS - MOVED TO AMEND TO POSTPONE THIS TO A FUTURE MEETING, PENDING THE OUTCOME OF INVESTIGATION OF THE FEASIBILITY FOR ANOTHER BUILDING BUILT ON THAT ON BEHALF OF THE CITY (180 DAYS).

Councilmember Smith agreed since the public is looking for something more scalable to our budget. It is a perfect spot that falls outside the flood zone and there are several pathways out of there.

Asked by Councilmember Reynolds if the lot was considered for the public safety building, City Manager Koester said the committee looked at lots in that area. A 4-acre minimum is needed for ingress/egress. She is happy to add the memo as part of her report for the next meeting. Asked by Councilmember Lewis if we will know at the next council meeting if this is a feasible lot, City Manager Koester answered she will provide information from the committee.

Councilmember Smith said we don't need to wait until the next meeting to make a determination. The property is not big enough to make a campus. There is so much space available in the HERC that is unusable, and we can't put key indicators in the HERC. He questioned if we were married to having the HERC as part of the building. We have to scale

down to get a yes vote so need to come up with an option B. We have to rethink the idea that we need a campus on a prime piece of property.

Councilmember Reynolds said postponing is not necessarily what we need to do. We need to re-task the Public Safety Building Review Committee with exploring this area as a police station.

VOTE: (postponement) NO. SMITH, REYNOLDS, LEWIS, STROOZAS, ADERHOLD, ERICKSON

Motion failed.

The Land Allocation Plan is reviewed in the spring.

E. **Resolution 16-107**, A Resolution of the Homer City Council Recognizing Our Duty to Safeguard the Vitality of Ecosystems. Lewis.

Mayor Zak called for a motion for the adoption of Resolution 16-107 by reading of title only.

STROOZAS/LEWIS – SO MOVED.

LEWIS/REYNOLDS - MOVED TO POSTPONE TO OUR MEETING IN DECEMBER.

There was no discussion.

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

Motion carried.

COMMENTS OF THE AUDIENCE

Scott Adams, city resident, expressed concerns about the failure of Resolution 16-111 since the Borough just gave their presentation today. He would like to see the number of calls first. He commented on changing the hours for Jack Gist Park to accommodate one house that borders the park.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson announced the record number of 142 voters today. Absentee/in-person voting continues through Election Day on November 8th.

COMMENTS OF THE CITY MANAGER

City Manager Koester thanked Council for engaging in a very involved meeting and complimented Mayor Zak on doing a fine job on his first meeting out of the gate.

COMMENTS OF THE MAYOR

Mayor Zak announced the Vic Fischer public lecture tomorrow night at Kachemak Bay Campus. He congratulated Mayor Pro Tempore Reynolds and welcomed Councilmembers Stroozas and Erickson. He thanked Council for a wonderful meeting that required tough decisions and everyone's comments.

COMMENTS OF THE CITY COUNCIL

Councilmember Stroozas said it was a very intense and interesting first meeting. The body will work very well for the citizens of Homer and he is glad to be a part of it.

Councilmember Erickson said it was an interesting day that included a tour of the Police Department. She would like to see everything stay in Homer and nothing move out, but wants to see a little bigger picture and know more. It was an interesting meeting that she enjoyed.

Councilmember Aderhold is looking forward to being back in her chair at the next meeting. She encouraged everyone to vote and keep up our trend.

Councilmember Smith is encouraged to know voter turnout is already doing well. If this election won't get people out of their seats to vote he doesn't know what would. He encouraged everyone to vote. He congratulated Councilmembers Stroozas and Erickson, telling them it takes courage to step forward and it is not always easy. He praised Coach Steyer and the young men and women who won the state championship. He appreciates Coach Steyer's good work with the young people who will benefit the community by living and raising their families here. Go Cubs!

Councilmember Lewis commented on the concerns about Jack Gist Park. The discussion has been going on for the last 4 to 5 years and is not just from one of the neighbors who has lived there before the park was built. PARCAC met with him and the disc golf people and recommended closing the park at 10 p.m. In the next year the disc golf organization is looking at a large parcel of land by Jack Gist that is for sale. Getting it would allow for a better location for disc golf to improve on the size of the park.

Councilmember Reynolds thanked Council for their faith in her as the pro tem. She is excited to have the opportunity to lead meetings when Mayor Zak is not able to be here. She congratulated the cross country team. Her son is on the team, but was not here due to an injury. She has seen their dedication and time management skills. Several of the team members were sworn into the national honor society too. Homer has an amazing set of athletic scholars that hold each other up. She went to the Spit yesterday to see the final pegs pounded into the timber frame. It was built with grant money and Council added a small amount to make the grant possible. The new structure is located near the Kachemak Bay Water Trail. Last week she attended the election conversation about having people more engaged and informed. It was a fascinating conversation with high school and college students participating. She announced a fundraiser for the Mariner Soccer Team on Sunday at the high school. It will be a potluck and donations. There will also be a bike event at Diamond Creek recreation area from 11 a.m. to 4 p.m. on Sunday on the first completed mile of trail.

Mayor Zak announced the Haunted Hickory event on Thursday. Admission requires two cans of food.

ADJOURNMENT

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 9:17 p.m. The next Regular Meeting is Monday, November 21, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Worksession is scheduled for Wednesday, November 9, 2016 from 4:00 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, MMC, CITY CLERK

Approved: _____