

## **ACTION AGENDA**

Monday, April 11, 2016

Worksession

Committee of the Whole

Regular Meeting

## **WORKSESSION AGENDA**

### **1. CALL TO ORDER, 4:00 P.M.**

Mayor Wythe called the meeting to order at 4:00 p.m.

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

The agenda was approved by consensus of the Council.

### **3. DRUG USE IN HOMER - HEROIN EPIDEMIC**

### **4. COMMENTS OF THE AUDIENCE**

There were no comments of the audience.

### **5. ADJOURNMENT NO LATER THAN 4:50 P.M.**

Mayor Wythe adjourned the meeting at 4:55 p.m.

## **COMMITTEE OF THE WHOLE AGENDA**

### **1. CALL TO ORDER, 5:00 P.M.**

Mayor Wythe called the meeting to order at 5:02 p.m.

### **2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

The agenda was approved by consensus of the Council.

### **3. LAND ALLOCATION PLAN**

Memorandum 16-061 from Deputy City Planner as backup.

4. **Resolution 16-041**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Accelerated Roads and Trails Program (HART) Policy Manual to Change the Allocation of Costs for Street Reconstruction and New Street Construction, and the Basis for Assessing Such Costs; Amending the HART and Homer Accelerated Water and Sewer Program (HAWSP) Policy Manuals to State That Expenditures Under Each Program is Subject to the Availability of Funds; and Referring Other Revisions of the HART Policy Manual to the Homer Advisory Planning Commission for Its Review and Recommendations. City Manager.

Memorandum 16-063 from City Manager as backup.

5. **Memorandum 16-059**, from City Clerk, Re: Authorization for Councilmember Zak to Travel to Girdwood, Alaska, to Attend the Institute of the North Alaska Dialogue on Devolution: Strengthening State, Local and Tribal Governments on May 20 and 21, 2016.

6. **CONSENT AGENDA**

7. **REGULAR MEETING AGENDA**

8. **COMMENTS OF THE AUDIENCE**

There was one who commented.

9. **ADJOURNMENT NO LATER THAN 5:50 P.M.**

Mayor Wythe adjourned the meeting at 5:48 p.m.

**REGULAR MEETING AGENDA**

Session 16-07 a Regular Meeting of the Homer City Council was called to order on April 11, 2016 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: ADERHOLD, LEWIS, REYNOLDS, SMITH, VAN DYKE, ZAK

STAFF: CITY MANAGER KOESTER  
CITY CLERK JOHNSON  
CITY ATTORNEY KLINKNER  
CITY PLANNER ABOUD  
FIRE CHIEF PAINTER

PROJECT MANAGER ADERHOLD  
PUBLIC WORKS SUPERINTENDENT GARDNER  
POLICE CHIEF ROBL  
PORT AND HARBOR DIRECTOR HAWKINS

Mayor Wythe asked for a moment of silence for Mary Epperson who passed away today.

Department Heads may be called upon from time to time to participate via teleconference.

## **2. 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: **ORDINANCES - Ordinance 16-18**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 3.20, Recreational Facility Matching Grants; and Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$900,000 From the Permanent Fund to the Recreational Facility Matching Grant Fund. Lewis. Written public comments. **CITY ATTORNEY REPORT** - City Attorney's Report – March 2016.

The agenda as amended was approved by consensus of the Council.

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

There was one who commented.

## **4. RECONSIDERATION**

A. **Ordinance 16-10**, An Ordinance of the City Council of Homer, Alaska, Amending the 2016 Operating Budget to Allow for the Completion of the 2016 Streets Repaving Project Utilizing Homer Accelerated Roads and Trails (HART) Funds in an Amount Not to Exceed \$638,000. City Manager/Public Works Director. Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016. Reconsideration issued by Councilmember Zak on March 29, 2016.

Memorandums 16-043 and 16-062 from Public Works Superintendent as backup.

RECONSIDERED.

See Pending Business.

## 5. 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 March 29, 2016. City Clerk. Recommend adoption.
- B. **Memorandum 16-058**, from Mayor Wythe, Re: Appointments of Anders Gustafson to the Economic Development Advisory Commission and Mark Zeiset to the Port and Harbor Advisory Commission.
- C. **Resolution 16-037**, A Resolution of the City Council of Homer, Alaska, Amending the Parks and Recreation Advisory Commission Bylaws, Regular Meetings, Chair or Vice Chair to Conduct Agenda Review. City Clerk/Parks and Recreation Advisory Commission. Recommend adoption.

Memorandum 16-060 from Parks and Recreation Advisory Commission as backup.

- D. **Resolution 16-038**, A Resolution of the City Council of Homer, Alaska, Supporting the Soccer Association of Homer's South Peninsula Athletic and Recreation Center (SPARC) Facility. Reynolds. Recommend adoption.
- E. **Resolution 16-039**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Remote Transactions Parity Act. Reynolds. Recommend adoption.

The consent agenda was approved by consensus of the Council.

## 6. VISITORS

- A. Rachel Lord, Cook Inletkeeper Upcoming Projects, 10 minutes.

Rachel Lord provided an update of the activities at Cook Inletkeeper.

## 7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Mayor's Proclamation, National Library Week, April 10 - 16, 2016

Mayor Wythe read and presented the proclamation to Andy Haas.

B. Borough Report

Kenai Peninsula Borough Assembly Member Kelly Cooper provided a report on the Assembly's business.

C. Commissions/Board Reports:

1. Library Advisory Board

Marcia Kuzmaul, Library Advisory Board Member, provided an update on the LAB's work.

2. Homer Advisory Planning Commission

a. Minutes of March 16, 2016

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Deb Lowney provided an update on the commission's business.

5. Port and Harbor Advisory Commission

Port and Harbor Advisory Commissioner Glen Carroll provided an update on the commission's business.

6. Cannabis Advisory Commission

Mayor Wythe called for a recess at 6:51 p.m. and reconvened the meeting at 6:56 p.m.

**8. PUBLIC HEARING(S)**

**A. KACHEMAK DRIVE PHASE III WATER AND SEWER SPECIAL ASSESSMENT DISTRICT**

There was no public testimony.

**B. Ordinance 16-09(A), An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of ~~\$39,300~~**

**\$54,300** From Port and Harbor Reserves for the Construction of the Sport Fishing Trailer Parking Lot Drainage Improvement and Authorizing the City Manager to Execute All Appropriate Documents Necessary to Complete the Work. City Manager/Port and Harbor Director. Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

Memorandums 16-042 and 16-065 from Port and Harbor Director as backup.

There was no public testimony.

AMENDED: Amount reduced to \$39,300 and new whereas clause added after Line 21 to read: Whereas at a later date staff will present to Council a new harbor reserves appropriation request for the purpose of purchasing fill and final grading for the boat parking lot drainage .

ADOPTED as AMENDED.

- C. **Ordinance 16-13**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 7.16.020 Operating, Stopping or Parking of Motor Vehicles in Beach Areas Prohibited; Exceptions, to Extend From October 1 to March 31 the Period During Which a Person May Operate, Stop and Park a Motor Vehicle Between the South End of Mariner Park Beach and the East End of the Seawall Solely for the Purpose of Gathering Sand and Coal. Lewis. Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

Memorandum 16-053 from City Clerk as backup.

There was no public testimony.

ADOPTED with discussion.

- D. **Ordinance 16-14**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12.020, Permitted Uses and Structures; Regarding the Permission of Detached Dwelling Units in the Rural Residential Zoning District. Planning. Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

Memorandum 16-055 from City Planner as backup.

There was no public testimony.

ADOPTED without discussion.

- E. **Ordinance 16-15**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$9,000 From Port and Harbor Reserves for Homer Spit Parking Signage and Long-Term Boat Trailer Parking Enforcement Improvements. City Manager/Port and Harbor Director. Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

Memorandum 16-056 from Port and Harbor Director as backup.

There was no public testimony.

ADOPTED with discussion.

- F. **Ordinance 16-16**, An Ordinance of the City Council of Homer, Alaska, Authorizing the Transfer of \$80,000 From the Public Safety Building Project to the Fire Station Improvement Project to Fund Design. Mayor. Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

There was one who testified.

Mayor Wythe called for a recess at 7:25 p.m. and reconvened the meeting at 7:33 p.m.

AMENDED: Lines 9, 25, and 30 were amended to read: "assessment design and construction."

ADOPTED as AMENDED with discussion.

- G. **Ordinance 16-17(S)**, An Ordinance of the Homer City Council Determining That a Public Purpose Does Not Exist for City Properties Described as Lot 1, Harry Feyer Subdivision, and the Following Located in Section 14, Township 6, Range 13, Seward Meridian: Govt. Lot 3 Lying East of Kachemak Drive, S. ½ of Govt. Lot 30 Lying West of Kachemak Drive, and Govt. Lots 10, 21, 24, 25 and 36; and Authorizing Their Sale. City Manager. Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

There was no public testimony.

ADOPTED without discussion.

- H. **Resolution 16-032**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule to Include Long Term Boat Trailer Parking. City Manager/Port and Harbor Director.

Memorandum 16-056 from Port and Harbor Director as backup.

There was no public testimony.

ADOPTED without discussion.

- I. **Resolution 16-033(S)**, A Resolution of the City Council of Homer, Alaska Amending the Port of Homer Terminal Tariff No. 600 to Include Long Term Boat Trailer Parking Fees. City Manager/Port and Harbor Director. Page 383

Memorandum 16-056 from Port and Harbor Director as backup.

There was no public testimony.

ADOPTED without discussion.

## 9. **ORDINANCE(S)**

- A. **Ordinance 16-18**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 3.20, Recreational Facility Matching Grants; and Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$900,000 From the Permanent Fund to the Recreational Facility Matching Grant Fund. Lewis. Recommended dates: Introduction April 11, 2016, Public Hearing and Second Reading April 25, 2016.

AMENDED: Amount reduced to \$225,000.

ADOPTED as AMENDED with discussion.

## 10. **CITY MANAGER'S REPORT**

- A. City Manager's Report

City Manager Koester reported on news from the Legislature. SB 209 the PERS contribution rate which would have an adverse effect on the City has died. SB 210 revenue sharing



removed the senior property tax exemption. She was prepared to give testimony on SB 210 this weekend, but after delays ended up submitting written testimony. It will be included in the next manager's report. Legislation is only restructuring revenue sharing and changing the name to community assistance. They are leaving the senior property tax exemption alone.

She referenced the memorandum from Fire Chief Painter that the requirement for burn barrels has changed at the state level. From the period of April 1 through August 31 you will need a permit.

B. Bid Report

## **11. CITY ATTORNEY REPORT**

A. City Attorney's Report – March 2016

City Attorney Klinkner commented on Mr. Castner's remarks on an opinion he had given regarding the spending of HART money and the fact HART money could be spent for any purpose. City Attorney Klinkner did issue such an opinion at one time and after looking at it again it was an open question to the voters without any strings attached for spending funds. A sales tax vote is required by state law, but is an open question without any strings attached for spending the funds. It is an issue that the courts have not yet resolved.

## **12. COMMITTEE REPORT**

A. Public Arts Committee

B. Employee Committee Report

C. Public Safety Building Review Committee

D.

Public Safety Building Review Committee Chair Ken Castner provided an update on the committee's business.

## **13. PENDING BUSINESS**

A. ***If reconsidered: Ordinance 16-10***, An Ordinance of the City Council of Homer, Alaska, Amending the 2016 Operating Budget to Allow for the Completion of the 2016 Streets Repaving Project Utilizing Homer Accelerated Roads and Trails (HART) Funds in an Amount Not to Exceed \$638,000. City Manager/Public Works Director. Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016. Reconsideration issued by Councilmember Zak on March 29, 2016.

Memorandums 16-043 and 16-062 from Public Works Superintendent as backup.

POSTPONED to April 25, 2016.

- B. **Resolution 16-029**, A Resolution of the City Council of Homer, Alaska, Amending the Beach Policy for Operating, Stopping or Parking of Motor Vehicles in Beach Areas Prohibited to Add an Exception to the Southern End of the Vacated Easement Formally Known as Shirlene Circle and the Area West of Bishop's Beach Park Access Between the South End of Mariner Park Beach to the East End of the Seawall From October 31 Through March 1 Solely for the Purpose of Gathering Sand and Coal. Reynolds.

**Resolution 16-029(S)**, A Resolution of the City Council of Homer, Alaska, Amending the Beach Policy for Operating, Stopping or Parking of Motor Vehicles in Beach Areas Prohibited to Add an Exception to the Southern End of the Vacated Easement Formally Known as Shirlene Circle and the Area West of Bishop's Beach Park Access Between the South End of Mariner Park Beach to the East End of the Seawall From October ~~31~~ 1 Through March ~~1~~ 31 Solely for the Purpose of Gathering Sand and Coal. Reynolds.

ADOPTED Substitute Resolution 16-029(S) with discussion.

#### 14. NEW BUSINESS

- A. **Memorandum 16-059**, from City Clerk, Re: Authorization for Councilmember Zak to Travel to Girdwood, Alaska, to Attend the Institute of the North Alaska Dialogue on Devolution: Strengthening State, Local and Tribal Governments on May 20 and 21, 2016.

FAILED.

#### 15. RESOLUTIONS

- A. **Resolution 16-040**, A Resolution of the City Council of Homer, Alaska, Approving a Memorandum of Agreement Between the City of Homer and Homer Electric Association Regarding the Dedication of a Right of Way by Homer Electric Association to the City of Homer So Long as the City Takes Responsibility for Any Environmental Contamination Resulting From the City's Excavation on That Right of Way. City Manager.

Memorandum 16-064 from City Manager as backup.

Mayor Wythe recused herself as an employee of HEA and passed the gavel to Mayor Pro Tempore Lewis.

ADOPTED with discussion.

- B. **Resolution 16-041**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Accelerated Roads and Trails Program (HART) Policy Manual to Change the Allocation of Costs for Street Reconstruction and New Street Construction, and the Basis for Assessing Such Costs; Amending the HART and Homer Accelerated Water and Sewer Program (HAWSP) Policy Manuals to State That Expenditures Under Each Program is Subject to the Availability of Funds; and Referring Other Revisions of the HART Policy Manual to the Homer Advisory Planning Commission for Its Review and Recommendations. City Manager. Recommend Public Hearing April 25, 2016.

Memorandum 16-063 from City Manager as backup.

Mayor Pro Tempore Lewis passed the gavel back to Mayor Wythe.

POSTPONED to April 25, 2016.

**16. COMMENTS OF THE AUDIENCE**

There were four who commented.

**17. COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner said it is always a pleasure to visit.

**18. COMMENTS OF THE CITY CLERK**

City Clerk Johnson had no comments.

**19. COMMENTS OF THE CITY MANAGER**

City Manager Koester said it was a thoughtful and productive meeting. She appreciates the Council didn't hesitate to postpone when we needed more thought and to take a break when we needed a little more time. It is good lawmaking.

**20. COMMENTS OF THE MAYOR**

Mayor Wythe thanked Mr. Gustafson and Mr. Zeiset for stepping up on the commissions. They are the next generation and she is excited to see what comes out of the commissions with new insight. She thanked the community for support in addressing opioids; together we will work towards a long term solution. Mayor Wythe asked the clerk to review Council's schedule to see if we can include a Worksession on the opioid topic every third meeting. We need to do something quickly. Council has differences of opinion and there will be places where we never align. She would like Council to be thoughtful of how we think of the Permanent Fund money. The market will grow and it will be a long term investment for the community.

## **21. COMMENTS OF THE CITY COUNCIL**

Councilmembers Reynolds commented on the Worksession on opioid use. Homer is not alone; it is a national problem. We can tackle it here. She is relieved to see how readily people joined the conversation to talk and figure out ways of prevention and in helping those with an addiction. She commented on the improvements at Jack Gist Park after recently playing disc golf with her family there. It is a great example of community getting involved. If people have questions about health insurance or Medicaid there will be a small presentation at the library at 5:30 p.m. tomorrow.

Councilmember Zak thanked the mayor for arranging for a Worksession on heroin and opioids. He has watched a lot of documentaries on it. Experts in the community are moving away from looking at it as a criminal offense, but instead as a community health need. The participants and Council have a working relationship. He finds it sad that young children are getting introduced to heroin. If we don't address it with prevention it becomes very difficult and costly to treat addicts. He is pleased to see the USDA put high tunnels here in Homer. The Cook Inletkeeper has created the Food Hub where you can order online and pick it up at the Kachemak City Center. They are bringing together businesses that have the high tunnels to buy their food. It takes a full community to do things and make solid progress.

Councilmember Van Dyke commented the Worksession was great. Homer has a drug problem and anything the community can do to reduce and relive it, we should get behind it. Cook Inletkeeper's Food Hub is a good idea. He thanked the soccer people and public safety building committee members. They have done a lot of hard work.

Councilmember Aderhold commented the Worksession was great. She is glad the city is taking part in the conversation. She reminded everyone we have a new ADA Compliance Committee. They had their first meeting and ADA training last week. She is looking forward to learning a lot more. As to strategic planning, we have a lot of plans, with the exception of partnering with private individuals. It is worthy of us thinking about how we best partner with the private sector.

Councilmember Smith thanked the Mayor for the moment of silence for Mary Epperson. She helped shape a lot of young lives. There is a need for recreation and a value of infrastructure for a place where both young and old people can recreate. It is great to recreate as you stay

healthy and feel better about yourself. He is fully supportive of doing something. For strategic doing we have to ask, what will we do? He is most interested in accomplishing something. Investing in our future is important for us to be part of. He is glad to see the interest in the heroin problem. It is going to take the community to make something happen. The more involved the more we will get done.

Councilmember Lewis said goodnight.

## **22. ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 9:09 p.m. The next Regular Meeting is Monday, April 25, 2016 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Worksession is scheduled for Monday, April 18, 2016 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.