Session 16-07 a Regular Meeting of the Homer City Council was called to order on March 29, 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 PLANNER ABBOUD LIBRARY DIRECTOR DIXON PORT AND HARBOR DIRECTOR HAWKINS

Council met for a Worksession from 4:00 p.m. to 4:48 p.m. to discuss Strategic Doing – Review of Process Comprehensive Plan Update and Memorandum 16-057. Council met as a Committee of the Whole from 5:00 p.m. to 5:48 p.m. to discuss Ordinance 14-18(A), Ordinance 14-18(A)(S), Memorandum 16-054, 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 16-17(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. **Resolution 16-031(S)**, A Resolution of the Homer City Council Concerning the Approving Harbor Enterprises, dba Petro 49 (Formerly Petro Marine Services), a New 20-Year Term Lease for of Lot 8-E-1 Homer Spit #6 and to Enter Into a New 20 Year Term Lease With the City, and Authorizing the City Manager to Execute the Appropriate Documents. City Council. PENDING BUSINESS - Ordinance 14-18(A)(S), An Ordinance of the Homer City Council Amending Homer City Code 21.03.040, Definitions Used in Zoning Code, Homer City Code 21.05.030, Measuring Heights, and Homer City Code 21.70.010, Zoning Permit Required; Repealing Homer City Code Chapter 21.58, Small Wind Energy Systems; and Enacting Homer City Code Chapter 21.58, Towers and Related Structures. Planning. Written public comment. RESOLUTIONS - 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.

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

ZAK/LEWIS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Ken Castner, city resident, commented on the \$1.4M in new money expenditures for this meeting. Each appropriation detracts from Council's #1 priority, the public safety building. Future monies come from Homer's tax base and Council needs to be prudent about spending money.

Kevin Dee, city resident, supports developing existing lands that will add value, such as recreation. He commented on Ordinance 14-18(A)(S) and the need for more due process. He suggested remanding the ordinance back to the Planning Commission for revisions to include where to place towers, make them minimally invasive, and whether there should be clusters or tower farms.

Daniel Zatz, Homer resident and Homer Soccer Association Board Member, spoke in reference to Resolution 16-036. He announced his project of a 70 x 120 ft. sports building behind the junior high school. It is a clear span building that is fantastic for sports. It will benefit kids, adults, and seniors to have a place for indoor sports when the fields are closed. Buildings like this are used all over the country. The community needs this right now; the building will be up and operational by September 30th. Although the Mayor's resolution will invest in the community, he doesn't see how the City can spend \$650,000 during the current fiscal financial crisis. The cost of a building to expand the HERC requires \$200,000 or more. He suggested the City add a little bit more to his project to help upgrade the floor, lightening, and bathrooms; \$100,000 or less would go a long way. The building can be expanded in both directions. It is set on Sonotubes and can be taken apart and moved. It could be placed in the Town Center area later. With no note on the building there will be minimal user fees to cover electricity, gas, and a manager. The building will be just west of the junior high school (Homer Middle School). He has been working with the borough and the school district to acquire the

property that is an old baseball field no longer used. Participants can use the existing parking lot at Homer Middle School.

Michael Dye, city resident, told Council Daniel Zatz is a major investor on the largely privately funded project. He applauded the mayor for identifying a community project and asked for support at the borough level or by leveraging city dollars on a smaller scale.

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 Special and Regular meeting minutes of March 14, 2016. City Clerk. Recommend adoption.
- B. **Memorandum 16-052,** from Mayor Wythe, Re: Appointment of Timothy Clark to the Cannabis Advisory Commission, Appointment of Mark Massion to the Library Advisory Board and Reappointments of Erin Hollowell and Michele Miller to the Public Arts Committee.
- 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. Recommended dates: Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

Memorandum 16-053 from City Clerk as backup.

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. Recommended dates: Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016. Memorandum 16-055 from City Planner as backup.

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. Recommended dates: Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

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

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. Recommended dates: Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

Moved to Ordinances, Item B¹. Reynolds.

G. Ordinance 16-17, An Ordinance of the Homer City Council Determining That a Public Purpose Does Not Exist for Lots 01, 03, 10, 21, 24, 25, 30, 36, of Kachemak Drive, and Authorizing Their Sale. City Manager. Recommended dates: Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

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.

Moved to Ordinances, Item A². Lewis.

H. **Resolution 16-030,** A Resolution of the City Council of Homer, Alaska, Noting the Insufficiency of the Petition for Kramer Lane, Linda, Shirley, and Heidi Court Road Reconstruction and Paving Special Assessment District. City Clerk. Recommend adoption.

¹ Mayor Wythe called this ordinance as Ordinances, Item A.

² Mayor Wythe called this ordinance as Ordinances, Item B.

I. Resolution 16-031, A Resolution of the Homer City Council Concerning the Harbor Enterprises, DBA Petro 49, (Formerly Petro Marine Services) Lease for Lot 8-E-1 Homer Spit #6 and to Enter Into a New 20-Year Term Lease With the City, and Authorizing the City Manager to Execute the Appropriate Documents. City Council. Recommend adoption.

Resolution 16-031(S), A Resolution of the Homer City Council Concerning the <u>Approving</u> Harbor Enterprises, dba Petro 49 (Formerly Petro Marine Services), <u>a New</u> <u>20-Year Term</u> Lease for <u>of</u> Lot 8-E-1 Homer Spit #6 and to Enter Into a New 20 Year <u>Term Lease With the City</u>, and Authorizing the City Manager to Execute the Appropriate Documents. City Council.

Moved to Resolutions, Item E. Lewis.

J. **Resolution 16-034,** A Resolution of the City Council of Homer, Alaska, Requesting the United States Attorney General to Issue a Final Order That Removes Marijuana From Schedule I of Controlled Substances Under the Federal Controlled Substances Act of 1970. Lewis. Recommend adoption.

Moved to Resolutions, Item F. Reynolds.

Item F, Ordinance 16-16 was moved to Ordinances, Item B. Reynolds. Item G, Ordinances 16-17 and 16-17(S) was moved to Ordinances, Item A. Lewis. Item I, Resolutions 16-031 and 16-031(S) was moved to Resolutions, Item E. Lewis. Item J, Resolution 16-034 was moved to Resolutions, Item F. Reynolds.

Mayor Wythe 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. Robert Archibald, Prince William Sound Regional Citizens Advisory Council

Robert Archibald, Prince William Sound Regional Citizens Advisory Council, provided the history of PWSRCAC. Alyeska Pipeline Service Company funds the PWSRCAC. Funding for 2016 is \$3.5M enabling the Council to undertake research projects. Ongoing projects include regional environmental monitoring in Prince William Sound. Data has been collected since 1993. They also present community spill research workshops, a biannual marine firefighting symposium, monitor spill drills, review the Valdez marine terminal tank oil spill contingency plan, and study the best technology for escort tugs. Recent projects include an analysis of air emissions from tank ships and the changing toxicity of North Slope crude and its effect on pink salmon, pacific herring, and shrimp.

Mr. Archibald has been appointed to the Port Operations and Vessel Traffic Committee and the Legislative Affairs Committee. Recently members of the Council traveled to Juneau and Washington, D.C. to speak to the legislators and the Coast Guard on their issues of concern. Those include lifting the ban on exporting Alaska crude oil, tanker ship emissions in Prince William Sound, and ballast water management systems.

The Valdez marine terminal is a 39-year old facility and Alyeska has started small pipe inspections on the terminal. Although it is not mandated, the Council recommends that regular inspections should occur. The Council also recommends support of the oil spill response fund. The Council is in strong support of Representative Seaton's House Bill 38 for invasive species. Crowley Maritime Services has held the marine contract and docking tug escorts for Alyeska, but will be departing the sound in 2018. They were unsuccessful in renegotiating a new contract. Crowley has employed a large number of Alaskans, mainly from Homer.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Mayor's Recognition – Dave Anderson, General Manager of KBBI

Mayor Wythe read and presented the recognition to Dave Anderson.

B. Mayor's Proclamation - Day of National Service, April 5, 2016

Mayor Wythe announced the proclamation.

C. Borough Report

- D. Commissions/Board Reports:
 - 1. Library Advisory Board
 - 2. Homer Advisory Planning Commission
 - a. Minutes of March 2, 2016
 - 3. Economic Development Advisory Commission
 - 4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Louise Ashmun reported the commission recommended changing their bylaws to give the chair more control over the agenda to make meetings more manageable. They approved combining Parks and Recreation with the Public Arts Committee. The PAC initiated the move to make their work go more smoothly. They had trouble making quorums and have less work due to declining revenues for 1% art. The commission recommended their seven members be increased to nine to add two active PAC members. The commission has had more discussion of protecting and preserving green spaces and parks that includes adopting parks and enhancing visibility. They have finalized strategic plan elements and will complete that at the next meeting. There will be an informational symposium at the Safe and Healthy Kids Fair on April 30th that will focus on trails and safety. Lastly, the commission has recommended that the Main Street sidewalk north of Pioneer Avenue be put on the CIP as a high priority for walkability.

5. Port and Harbor Advisory Commission

Port and Harbor Advisory Commissioner Bob Hartley reported R&M Consultants presented conceptual plans for Deep Water Dock and the large vessel harbor (formerly East Harbor). The DWD expansion would allow us to do containerized cargo. It would be a big asset for bringing in freight, instead of shipping freight to Anchorage and trucking it to Homer. The commission finished the harbor rate study and now has a new rate system for the small boat harbor. It is a progressive rate system where larger vessels will pay more. It is in line with what the Council asked the commission to do. The per foot rate is \$43.19 for 6 ft. and every foot longer the cost increases 5 cents. It recognizes the disparity from small vessels to large vessels taking up

more space. The commission wrestled with this for about two years, hearing much testimony. They honestly looked at all different solutions, but not everyone is happy. The commission has been looking at other taxes on the Spit to include a head tax, special area property tax, and a sales tax. The harbor has changed much over the years with literally hundreds of thousands of people coming through. We have to manage all those people, who are great for revenues. Management is borne primarily by the slip holders as it is the only source of revenue to support activities on the Spit. The commission recommended commercialization of marijuana on the Spit with a 4-2 vote.

Asked about charging for parking on the Spit, Commissioner Hartley said they have talked about charging for parking on the Spit. If they do charge it would require putting up kiosks and delineate the parking lots. It would not make much money as maintenance and the hiring of extra staff would eat up the money. It would organize things on the Spit and the benefit would be that people would carpool to get to the Spit.

Lease properties are a source of revenue to the Spit. We took out a bond for the last improvements made at the harbor and the State funded the other half. We don't want to be in that position again, so are trying to build reserves. There is a little over \$2M in reserves.

6. Cannabis Advisory Commission

Councilmember Reynolds announced the commission's next meeting is in April. She thanked Mr. Clark for putting in an application to bring up the membership.

Mayor Wythe called for a recess at 7:00 p.m. and reconvened the meeting at 7:05 p.m.

PUBLIC HEARING(S)

A. **Ordinance 16-08,** An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 19.08.030, Parking or Camping Prohibited-Enforcement, Regarding Winter Camping. Aderhold. Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

Memorandum 16-050 from City Manager as backup.

Mayor Wythe opened the public hearing.

Scott Adams, city resident, appreciates moving the camping area and would like to see the restroom opened in the winter for people using the campground.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 16-08 by reading of title only for second and final reading.

ADERHOLD/REYNOLDS – SO MOVED.

Port and Harbor Director Hawkins informed Council the restroom next to the Fishing Lagoon was not built to be open in the winter; it has to be winterized. The next available restroom is near the load and launch.

Councilmember Zak questioned Section C of removing someone by force. Putting people in jail will compound the issue. If violators are fined \$250 a day they probably won't be able to pay the fine.

Councilmember Aderhold noted Section C remains unchanged. The purpose of bringing the ordinance forward is to look at camping on the Spit in the winter. Amending the language could affect other areas within code and should be done by separate ordinance.

Port and Harbor Director Hawkins advised there is a labor charge within the tariff if we have to do a cleanup.

Councilmember Reynolds pointed out people are established camping at Mariner Park. We could have that campground open with fees applying in January.

City Manager Koester advised Council she has the authority to open campgrounds early. If all campgrounds are closed people could park at Seafarer's Memorial. It has turned into a

problem area with people listing the area as their residence. The Police Department needs Section C to be able to impound vehicles. Moving someone's personal property does not mean putting them in jail. It is a cost to the City and difficult to recover.

Councilmember Smith pointed out there is a process in place to have someone forcibly removed. Something has brought them to the point of having to be forcibly removed.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Memorandum 16-042 from Port and Harbor Director as backup.

Mayor Wythe opened the public hearing.

Anders Gustafson, Homer resident, supports the improvements to a parking lot he frequently uses. There are many potholes and water everywhere.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 16-09 by reading of title only for second and final reading.

LEWIS/REYNOLDS – SO MOVED.

Asked about charges for overnight parking, Port and Harbor Director Hawkins told Council they plan to enforce the 7-day rule instead of charging fees. You may park 7 days free and then must remove your vehicle for 24 hours before returning. Trailer storage is a future subject for the Port and Harbor Advisory Commission. They mostly see boat trailer activity in the parking lot, but the parking pertains to all vehicles. This year they will step up enforcement with the purchase of vehicle boots to impound violators. Last year 85 trailers were impounded. The lot is plugged with the good parking spots next to the ramp taken by overextended stays. Port personnel will enforce the current rules on the improved lot and run with it for another year before reassessing it.

Asked if there was thought of a separate launch fee and parking trailer fee, Port and Harbor Director Hawkins answered the commission has talked about a combination of fees. The positive side is a revenue source; the negative side is enforcement would be tricky. It would require installation of more than one kiosk to pay. If you have someone sitting there trying to read the menu it could bottleneck those vehicles behind him. The lot improvement will get us closer to a fee schedule.

Councilmember Smith expressed concern with people cutting across the parking lot and entry points to use the bathroom. Port and Harbor Director Hawkins assured that some barriers could be placed to prevent cutting through the lot.

Councilmember Reynolds suggested setting a fee for 7 days rather than free parking. Port and Harbor Director Hawkins said less free days was discussed. Building things in the fee structure would create more nuances making it more difficult to enforce with little staff time.

Councilmember Smith questioned the \$15,000 charge for grading from Public Works.

Mayor Wythe explained the Port and Harbor is an entirely separate business that has to sustain itself without support from the community. The \$15,000 will go back in the general fund. When other departments provide services they are billed accordingly. This is done on a regular basis by transfer. The Port and Harbor has always operated as an enterprise fund.

Port and Harbor Director Hawkins explained the \$15,000 is a benefit to the project from Public Works and was not to be charged.

Mayor Wythe said Public Works should not be doing that because the enterprise is supposed to support itself. When Public Works does things for the Port they should be getting transfer funds from the Port.

ZAK/REYNOLDS - MOVE TO AMEND ANYWHERE IN ORDINANCE 16-09 WE SEE \$39,300 THAT WE MAKE THAT \$54,300.

There was no additional discussion.

VOTE: (amendment) YES. ADERHOLD, REYNOLDS, ZAK, VAN DYKE VOTE: NO. LEWIS, SMITH

Motion carried.

Upon a final vote of Ordinance 16-09 City Clerk Johnson advised the amendment was a substantive change, requiring another public hearing.

Mayor Wythe called for a motion to carry this over to the next meeting for a public hearing.

ZAK/LEWIS – SO MOVED.

There was no discussion.

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

Motion carried.

C. **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.

Memorandum 16-043 from Public Works Superintendent as backup.

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 16-10 by reading of title only for second and final reading.

LEWIS/ZAK - SO MOVED.

Councilmembers Zak and Smith questioned the \$75,500 administrative costs for the project.

City Manager Koester advised Council R & M Consultants may be used for the design and that creates an administrative cost. The Public Works Director's time is charged to different projects. The temporary Project Manager position is funded and he works on a project basis. All projects require administration and that overhead is built into any large project.

Mayor Wythe explained there are several places in the budget that have transfers. In every project part of the cost is paying employees that will manage it. Employees keep track of the accounting. Councilmember Reynolds sees it in her own job. There are different accounting buckets for time devoted to different facets of her job.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. **Ordinance 16-11,** An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, and Enacting Homer City Code 10.04.085 Use of Load and Launch Ramp, to Regulate the Use of the Load and Launch Ramp in the Small Boat Harbor. City Manager. Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

Mayor Wythe opened the public hearing.

Scott Adams, city resident, questioned why this goes before the resolution for fees.

Mayor Wythe closed the public hearing.

Port and Harbor Director Hawkins told Council the fine schedule is for the load and launch ramp; adding it to city code makes it a class b misdemeanor for theft of services.

Mayor Wythe called for a motion for the adoption of Ordinance 16-11 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 16-12(A),** An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$89,000 From Homer Accelerated Roads and Trails Fund for the Design of the Storm Drain Rehabilitation Project and Authorizing the City Manager to Execute All Appropriate Documents Necessary to Complete the Work. City Manager/Public Works Director. Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

Memorandum 16-049 from Public Works Director as backup.

Mayor Wythe opened the public hearing.

Scott Adams, city resident, commented HART is for roads and trails and this is a storm drain. It should go to the voters.

Ken Castner, city resident, commented the HART fund has been used on many occasions for improvements other than roads and trails. He agreed with Mr. Adams that Council needs to be consistent when appropriating HART funds.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 16-12(A) for second and final reading.

LEWIS/ADERHOLD – SO MOVED.

City Manager Koester noted storm drains run under streets and this has created sinkholes. Council agreed that storm drains are part of any street system.

VOTE: YES. ADERHOLD, REYNOLDS, LEWIS, ZAK, SMITH, VAN DYKE

Motion carried.

ORDINANCE(S)

B. **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. Recommended dates: Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

Mayor Wythe called for a motion for the adoption of Ordinance 16-16 for introduction and first reading by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

Councilmember Smith questioned the justification of spending \$80,000 to design improvements to the structure.

Ken Castner, Public Safety Building Review Committee Chair, explained \$80,000 is a significant portion of the cost for scoping and the mechanical, structural, and civil engineering for the building. The amount is 10% of what the project will cost. The funds are coming out of the public safety building appropriation. It should give Public Works the ability to put the project out to bid. The committee will come up with a thrifty approach with the hope that there will be money left over. He is anticipating Council is going to draw a line on the fire station expenditures.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

A. Ordinance 16-17, An Ordinance of the Homer City Council Determining That a Public Purpose Does Not Exist for Lots 01, 03, 10, 21, 24, 25, 30, 36, of Kachemak Drive, and Authorizing Their Sale. City Manager. Recommended dates: Introduction March 29, 2016, Public Hearing and Second Reading April 11, 2016.

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.

Mayor Wythe called for a motion for the adoption of Ordinance 16-17 for introduction and first reading by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

Mayor Wythe called for a motion to substitute Ordinance 16-17(S) for Ordinance 16-17.

LEWIS/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Smith asked if there was the thought of a land swap with the Borough. He asked City Manager Koester if she could look into leveraging property that we could use. The Borough or DOT may need a right-of-way.

Councilmember Reynolds commented the properties are to be sold so they can be put back on the tax rolls to generate revenue.

City Manager Koester noted the lots are small and awkward without much value except to an adjacent landowner. Council passed a resolution authorizing the City Manager to sell the lots. The process to sell the lots was then changed. The Request for Proposals for a real estate agent is in progress and we are waiting for responses. These lots can be given to a realtor to sell as the procurement code is protective and we can't just notify people that the lots are for sale.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

Changing the dates of the camping season

Due to unseasonably warm weather and many events around town last weekend, I opened by notice (attached) camping on the Homer spit 2 weeks in advance of the regular season (April 1 - October 30). This brings up the question of whether or not we should permanently open our camping season early. Opening the season early does put a strain on parks staff as they need to begin collecting fees early and enforcing the 14 day rule. Parks does not hire seasonal staff until mid-April and Parks Coordinator Angie Otteson is the lone staff tasked with parks until then. Nevertheless, Angie believes she can handle a March 15 date and that the demand warrants it. The City made \$156,000 in campground fees last year, which should increase this year with an increase in the fee passed by Council in December. Though you have an Ordinance before you tonight that addresses campgrounds, I believe it would be cleaner and easier for the public to follow in a separate ordinance.

Welcome a new face at the HVFD

After over 30 years of service to the City and Homer Volunteer Fire Department, Elaine Grabowski is retiring. Elaine has been an anchor at the Fire Department and has seen it grow and transform. She keeps the department in top shape, in line, and cares for the employees and volunteers. In addition to that, she is a fire fighter and EMT and always ready to lend a hand. Please give Elaine a congratulations and thank you when you see her. Luckily we are not losing Elaine entirely; she plans on taking the summer off and returning as a volunteer.

Jaclyn Arndt was hired to fill the vacated Department Services Coordinator position. Jaclyn was born and raised in Homer. After graduating from the KPBSD Connection Homeschool Program, she moved to Milwaukee, WI for three years to attend school at UW-Milwaukee. In 2012 Jaclyn returned home and began pursuing her interest in Emergency Medical Services, getting her State of Alaska certifications as an EMT-1, FF-1, and FF-2 while volunteering at the Homer Volunteer Fire Department. Please welcome Jaclyn to the City of Homer team.

SAFR Grant for staff at HVFD

As you recall from the budget conversations last year, the Fire Department is in dire need of additional staff. They have had a vacant Assistant Chief position for years and staff is strained to the max from picking up all the additional duties of the Assistant Chief as the demands for services at the department have continued to grow. Combined with a need for succession planning and continuity in leadership when the Chief is unavailable, the department makes a very good argument for the positon and I am committed to working diligently on finding a solution to bring to the Council. One bright spot is a grant opportunity to fund the position through FEMA that has come to our attention. The grant does not require the City to commit to funding the position after the grant funds expire, however, given the need for the position and the importance of Fire/EMS, I would plan on asking Council for this authorization when the time comes. The City has applied for the SAFR grant and we should know by early June if we are successful.

Audit update

This year the Finance Department hired an audit prep service to help the department prepare for the audit. The consultants spend 3 days working with Finance. With the turnover in the department (the three most senior staff), John and I felt that the extra professional help would be necessary to avoid spending even more of the auditor's time. The consultants' work isn't limited to audit preparation. It will make our Finance Department more efficient with respect of identifying and refining the current processes and effective in terms of improving transparency within the Finance Department and the interactions with other departments.

The City's Auditors with be here conducting the audit fieldwork from 3/21 through 4/1. The completion of the final audit report (Comprehensive Annual Financial Report – CAFR) is expected by the end of June, which is about a month later than normal. This is due to the impact of the new reporting requirements on unfunded pension liability.

KPEDD CEDS planning meeting

Councilmember Zak and I attended an all-day Comprehensive Economic Development Strategy (CEDS) planning session for Kenai Peninsula Economic Development District, the Peninsula's ARDOR, on March 15. We learned a lot of good information about the economic climate on the peninsula and demographic trends. This group is responsible for promoting economic development on the entire Kenai Peninsula. I am proud to report that three Homer representatives were at the meeting to make sure that Southern Peninsula priorities were considered when setting the goals and strategies of the organization; in addition to Councilmember Zak and myself, Julie Woodworth of FNBA was there.

Drug use in Homer

A number of Councilmembers have brought to me their deep concern with the growing drug problem, particularly heroin, in Homer. Although the City does not have great resources at this time, it is a problem that needs to be acknowledged. I am not sure what the City's role is. A work session is scheduled for April 11th to spend some time brainstorming how the City can give attention to this problem. It is not an easy solution – especially with the lack of funding-but acknowledging the problem and shedding some light on it may be the first step. I have a list of community members I will reach out to individually, but please let me know if you have suggestions for invitees or recommendations on how to structure the conversation.

City Manager Koester told Council the audit is in full swing. Finance Director Li could have helped with the conversations, but he is upstairs working with the auditors.

Legislation was introduced to increase PERS and TERS contributions and restructure community revenue sharing. Senate Bill 209 proposes to increase PERS contributions to municipalities over the next two years up to a rate of 26.5%. Years ago the State negotiated a deal and capped the amount at 22% for municipalities with the State picking up the rest. This percentage goes to paying the unfunded liability. This is for the State's retirement plan and will cost the City hundreds of thousands of dollars. AML is uniting against Senate Bill 209 on behalf of PERS employers. Senate Bill 210 restructures revenue sharing more favorable for smaller municipalities. We have pulled revenue sharing out of the budget. The bill also allows municipalities to choose whether to allow the senior property tax exemption. City Manager Koester is working with the lobbyist and others on talking points to present to the Legislature. Public testimony will be next week and she would like a full force from the Council.

Councilmember Van Dyke acknowledged Homer's drug abuse in the manager's report. There is a Bill and if passed will instruct the Department of Homeland Security to make funds available to communities with heroin and opiate use issues. If there is money available it would be a worthwhile one to apply for.

Councilmember Zak commented the communities are really feeling the pinch from the State's financial situation. The Legislature has been discussing budget cuts instead of revenue. He urged people to let their state representatives know their concern for the impact it will create. People can make testimony at the Legislative Information Office.

Mayor Wythe announced there are three different bills for use of the Permanent Fund Dividend.

B. Bid Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

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

Ken Castner, Public Safety Building Review Committee Chair, reported their next meeting is April 6th. With the \$80,000 transfer to the fire station project that leaves \$53,000. Stantec sent a structural and mechanical engineer to go through the HERC and they will be writing a report. Depending on the utility of the HERC, they anticipate revisiting the master plan for the lot to include the future location for the fire station. How it fits together needs to be readdressed. The GC/CM came here and spent time with Stantec and toured the HERC and visited with the City Manager. The next phase will involve the general contractor to derive costs for program elements. Addressing the fire station as deferred maintenance will keep it in place for some time, but in the future we will have to replace the facility.

Councilmember Smith expressed his concern with the project(s) due to the economic woes with an uncertain fall-out. When we take something to bond we need to show we recognize the gravity of the situation. The facility must be what we need as we don't want the community to say no to a bond in October. Cost is a factor and will be when it comes time to go to ballot.

Chair Castner commented the public safety building has gone from \$30M to less than half of that. Perhaps the HERC report will show we can reuse a lot of the building. The Mayor's and his goal is to get the police what they need. There has been a lot of very positive feedback, including a recent article in the Tribune.

PENDING BUSINESS

A. Ordinance 14-18(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.03.04, Definitions Used in Zoning Code, the Title of Homer City Code 21.58 and Homer City Code 21.58.010, Purpose and Application; and Enacting Homer City Code 21.58.040, Tower Requirements; to Define and Establish Standards for Any Towers. Zak. Introduction April 28, 2014, Referred to Planning Commission, Public Hearing and Second Reading April 11, 2016.

Ordinance 14-18(A)(S), An Ordinance of the Homer City Council Amending Homer City Code 21.03.040, Definitions Used in Zoning Code, Homer City Code 21.05.030, Measuring Heights, and Homer City Code 21.70.010, Zoning Permit Required; Repealing Homer City Code Chapter 21.58, Small Wind Energy Systems; and Enacting Homer City Code Chapter 21.58, Towers and Related Structures. Planning.

Memorandum 16-054 from City Planner as backup.

Motion on the floor from April 28, 2014: MOTION FOR THE ADOPTION OF ORDINANCE 14-18(A) FOR INTRODUCTION AND FIRST READING BY READING OF TITLE ONLY.

Mayor Wythe called for a motion to substitute Ordinance 14-18(A)(S) for Ordinance 14-18(A).

LEWIS/ZAK – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe called for a motion to postpone to April 11, 2016 for a public hearing and second reading.

ZAK/LEWIS – SO MOVED³.

SMITH/LEWIS – MOVED TO SEND IT BACK TO PLANNING FOR REVIEW.

Council requested Planning to address the following:

- Add an inspection schedule
- Include a third party review paid for by the applicant when submitting an application
- Consider the visual impact; protect our view shed
- Limit the amount of structures with a square mile
- Consider aesthetics, at the minimum include painting

VOTE: (referred to Planning) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

RESOLUTIONS

A. **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. Recommend: Public Hearing April 11, 2016.

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

Mayor Wythe called for a motion for the adoption of Resolution 16-032 by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

Mayor Wythe called for a motion to postpone to April 11, 2016 for a public hearing.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

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

Motion carried.

³ This motion was not voted on.

 B. Resolution 16-033, 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. Recommend: Public Hearing April 11, 2016.

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

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.

Mayor Wythe called for a motion for the adoption of Resolution 16-033 by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

Mayor Wythe called for a motion to substitute Resolution 16-033(S) for Resolution 16-033.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe called for a motion to postpone to April 11, 2016 for a public hearing.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

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

Motion carried.

C. **Resolution 16-035,** A Resolution of the City Council of Homer, Alaska, Approving Necessary Improvements and Upgrades to the Existing Fire Station, Separating the Fire Station From the New Public Safety Building Project, and Authorizing the Public Safety Building Review Committee to Continue Work on the Fire Station Improvement Project. Mayor.

Mayor Wythe called for a motion for the adoption of Resolution 16-035 by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

Mayor Wythe believes the Public Safety Building Review Committee's oversight will be helpful to keep them engaged to see what activities should be completed.

Asked if the committee's involvement would delay progress, City Manager Koester answered more public process slows things down but also provides more opportunity for additional ideas and balance.

VOTE: YES. REYNOLDS, ADERHOLD, ZAK, SMITH, LEWIS VOTE: NO. VAN DYKE

Motion carried.

D. **Resolution 16-036,** A Resolution of the Homer City Council Supporting a Community Gymnasium in the Town Center Area and Committing Up to \$650,000 as a Matching Grant to Facilitate the Construction of the Facility as a Collaborative Community Project. Mayor.

Mayor Wythe called for a motion for the adoption of Resolution 16-036 by reading of title only.

LEWIS/ZAK – SO MOVED.

Mayor Wythe proposed that the \$650,000 come from the general fund. There will be a big benefit to having a start in Town Center. She was not thinking of developing the entire road and water and sewer infrastructure, but instead a driveway and water and sewer. It will be a very small project to plant the seed to opening Town Center. In prior discussions about Town Center it was envisioned as an activity center that would draw people in. Mr. Zatz indicated it would cost an additional \$350,000 - \$400,000 to expand his facility to provide the indoor play area and moving pickleball out of the HERC gymnasium. The City's building maintenance department would be relocated to the new facility too. Mr. Zatz's project and this one could be combined, but his project is moving forward on a timeline that he doesn't want to lose traction on. One of the biggest issues moving forward with the public safety building has been the loss of the gymnasium at the HERC.

Councilmember Lewis commented it would be taking the HERC gym out from causing a stumbling block for the public safety building. This may push forward the public safety building and get it by the voters in the fall. He does not see where it would fit in with a soccer field recreational center.

Mayor Wythe envisions a small two-story building for the soccer center that can be converted to Community Schools. Community support is needed for this to happen. We have already said if the recreation group can create a revenue stream they can have the property.

Mr. Zatz would be in agreement with the facility if we could have it done by the fall. We could end up with a larger building. He plans to order a building by May 15th so it will be ready for the fall.

Councilmember Smith commented the road and water and sewer costs would be substantial. He suggested talking to the Borough to see if there could be a land swap. Although he understands the importance of Town Center and its future, the cost is prohibitive. He would like to work out the borough side of things to see the options before committing money to Town Center land and a facility.

Councilmember Reynolds asked what the relocation costs would be from the junior high school location to Town Center.

Mr. Zatz answered the building could be taken down fairly easily and moved. The floor and bathrooms are questionable. The idea of housing the maintenance facility raises some concerns. We want this to be a healthy place and maintenance doesn't always have the best fumes. If this is a place to store material, that's great, but if the space includes machinery and fuel oil we need to think it further.

Councilmember Aderhold has been a big proponent of a replacement for the HERC. We need a public building, but she doesn't know that this is it. She has concerns about leaping into Town Center without a plan. There was never a community gymnasium in the plans. We may be able to retain the HERC gym for use. Mr. Zatz's gym is great; she can see the City contributing to some degree to enhance the facility. Councilmember Reynolds pointed out the middle school has established parking and infrastructure that is lacking in Town Center. A facility in Town Center may result in another large paved parking lot when we already have one at Homer Middle School.

Councilmember Zak expressed appreciation of the resolution since he has always advocated for a community center. A private investor putting money towards the project makes a lot of sense.

Councilmember Lewis commented Daniel has thought this out and kept it simple to keep maintenance costs down. As you start adding more to it, it increases the cost of keeping the building open. He is all in favor of picking up part of the gym costs to make it a regular field and economic engine. He doesn't know how we can get it in the Town Center in the timeline they are looking at. He's fully behind the project on the borough land.

VOTE: YES. ZAK VOTE: NO. VAN DYKE, LEWIS, REYNOLDS, ADERHOLD, SMITH

Motion failed.

Mayor Wythe called for a recess at 9:00 p.m. and reconvened the meeting at 9:06 p.m.

 Resolution 16-031, A Resolution of the Homer City Council Concerning the Harbor Enterprises, DBA Petro 49, (Formerly Petro Marine Services) Lease for Lot 8-E-1 Homer Spit #6 and to Enter Into a New 20-Year Term Lease With the City, and Authorizing the City Manager to Execute the Appropriate Documents. City Council.

Resolution 16-031(S), A Resolution of the Homer City Council Concerning the **Approving** Harbor Enterprises, dba Petro 49 (Formerly Petro Marine Services), **a New 20-Year Term** Lease for **of** Lot 8-E-1 Homer Spit #6 and to Enter Into a New 20 Year Term Lease With the City, and Authorizing the City Manager to Execute the Appropriate Documents. City Council.

Mayor Wythe called for a motion for the adoption of Resolution 16-031 by reading of title only.

LEWIS/VAN DYKE – SO MOVED.

Mayor Wythe called for a motion to substitute Resolution 16-031(S) for Resolution 16-031.

LEWIS/VAN DYKE – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Smith questioned the amount of the lease and if a percentage of Petro's sales will be included.

City Manager Koester will negotiate the very best deal for the City.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

J. **Resolution 16-034,** A Resolution of the City Council of Homer, Alaska, Requesting the United States Attorney General to Issue a Final Order That Removes Marijuana From Schedule I of Controlled Substances Under the Federal Controlled Substances Act of 1970. Lewis.

LEWIS/REYNOLDS – SO MOVED.

Councilmember Lewis brought the resolution forward so the businesses can operate as any other business without being a huge cash business. It is a public safety issue to make operating safer for a business, its employees, and its customers.

VOTE: YES. REYNOLDS, LEWIS, ADERHOLD VOTE: NO. ZAK, VAN DYKE, SMITH

Mayor Wythe broke the tie vote with a NO.

Motion failed.

COMMENTS OF THE AUDIENCE

Ken Castner, city resident, told Council they will regret repaving roads that are on a schedule. The Port and Harbor is not a port authority; it is Council's discretion that it be called an enterprise fund. Water and sewer used to be an enterprise fund and then it wasn't. The attorney has said HART money can be spent as you wish, but it is too fluid at times.

Scott Adams, city resident, commented Ordinance 16-15 was pushed off. He requested signs for Seafarer's Memorial so RVs are not sitting there for a week. The memorial should be visible from the road. He advocated for the soccer field Mr. Zatz is building as he has everything in place.

Ginny Espenshade, city resident, commented the Seafarer's Memorial is a private partnership with government. She hopes the City can repurpose use of the parking lot within budget. She thanked the City Manager for mentioning the opiate abuse. It is hard to effect change; we have to get past the denial first.

Anders Gustafson, Homer resident, said Daniel has been the driving force of the soccer field with the Homer Soccer Association pushing it forward. They have not come to the City formally requesting funds. The HAS brings money, energy, and enthusiasm to the table and sees an opportunity to partner.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

COMMENTS OF THE MAYOR

Mayor Wythe wished Elaine Grabowski well as she retires. She will be missed at the front desk at the Fire Department. She welcomed Jaclyn Arndt. She wanted to bring Resolution 16-036

forward two weeks ago, but held back. It is exciting to hear we will get some more recreational space.

COMMENTS OF THE CITY COUNCIL

Councilmember Reynolds commented it was an engaged and interesting meeting. Councilmember Aderhold, Deputy Planner Julie Engebretsen, and she participated in a threeday workshop on climate adaptation for coastal communities. It was a fascinating workshop and will help us as we review the Climate Action Plan for the City. She congratulated the Mariner Women's Basketball Team who participated in the state championships this weekend. They received several recognitions for sportsmanship. She announced the Women of Distinction awards this weekend and is proud to have these women in the community.

Councilmember Zak thanked the Chamber of Commerce for the successful Winter King Tournament that brought over 1,500 anglers, their spouses, and children to Homer to eat and stay in the community. Based on Ken Castner's comment he will reconsider Ordinance 16-10 to review the schedule and see if we can prolong paving.

Councilmember Van Dyke announced the Pee Wee Hockey Team who took state championship. His oldest grandson was named MVP on his team.

Councilmember Aderhold thanked the Planning Department, Rick Abboud, and the Planning Commission for their work on the towers ordinance. They worked real hard and they are about 90% there. She thanked the public that has engaged tonight; their good, specific, and substantive comments have helped her. She encouraged the public to provide substantive information that will help them make decisions. The training on climate adaptation was really fantastic. There were thirty people from all over the state in the training, representing local and regional agencies, and tribes. There will be additional trainings and meetings in the fall to keep the ball rolling to help us develop the Climate Action Plan.

Councilmember Smith thanked everyone that came before Council with their input. He appreciates that Daniel Zatz will be building infrastructure to provide a space for youths and adults. Councilmember Smith was part of the Jack Gist Park formation which has proved to be a tremendous asset to the community. He hopes we can find a way to be a partner since partnerships go a long way. Opiate abuse is not unique to this town. There will be a lot of competition for the money from the federal government so we need to be prepared to be in line. The future of this community is at the greatest risk and we need to provide a protective environment. He appreciates what Scott Adams said about Seafarer's Memorial. A classmate of his did the sculpture. It is a great tribute to a central part of our community.

Councilmember Lewis congratulated the women's basketball team. It is the first time Pee Wee Hockey has won state at home. On April 9th and 10th there will be an anniversary celebration of the Kevin Bell Arena. There will be all kinds of activities. The arena is another

partnership where parents have put out hundreds of thousands of dollars and brought in hundreds of thousands of dollars. Over the last weekend \$260,000 was brought in to the Kevin Bell Arena with family members and players. He will always support hockey and look for help there.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 9:37 p.m. The next Regular Meeting is Monday, April 11, 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 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.

JO JOHNSON, MMC, CITY CLERK

Approved: _____