

Session 16-06 a Regular Meeting of the Homer City Council was called to order on March 14, 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 (telephonic – partial meeting), VAN DYKE, ZAK

STAFF: CITY MANAGER KOESTER  
CITY CLERK JOHNSON  
CITY ATTORNEY KLINKNER  
CITY PLANNER ABOUD  
FINANCE DIRECTOR LI  
POLICE CHIEF ROBL

Councilmember Smith has requested telephonic participation.

Mayor Wythe called for a motion to allow Councilmember Smith to participate by telephone.

VAN DYKE/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 4:20 p.m. to hear from Kevin Smith, Alaska Municipal League/Joint Insurance Agency. From 4:20 p.m. to 4:52 p.m. Council held a Special Meeting and approved Memorandum 16-044 to meet in Executive Session to discuss AML-JIA Insurance Claims Experience. From 5:03 p.m. to 5:21 p.m. Council met as a Committee of the Whole to discuss Ordinance 16-04(A)(S-2)(A) 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: **RECONSIDERATION/PENDING BUSINESS - Ordinance 16-04(A)(S-3)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; to Identify

the Zoning Districts Permitting Marijuana Facilities; and Adopting Homer City Code Chapter 21.62, Marijuana Facilities, Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities; to be Effective Only Upon Certification of a Majority Vote Rejecting the Proposition to Prohibit Marijuana Establishments in the City at the Special Election to be Held in the City on April 19, 2016. Mayor.

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

LEWIS/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Roberta Highland, city resident, commented on Ordinance 16-04(A)(S-2)(A). She agrees with no marijuana activities in rural residential. We need to see how it goes first because there are a lot of questions and not enough information.

#### **RECONSIDERATION**

- A. **Ordinance 16-04(A)(S-2)(A)**, An Ordinance of the City Council of Homer, Alaska, Amending **Homer City Code 21.12, Rural Residential**; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities" Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities **to be Effective Only Upon Certification of a Majority Vote Rejecting 16-07 the Proposition to Prohibit Marijuana Establishments in the City at the General Election to be Held in the City on October 4, 2016. a Special Election to be Held in the City on April 19, 2016.** Mayor.

Memorandums 16-016 and 16-032 from City Clerk as backup.

Memorandums 16-017 and 16-023 from City Planner as backup.

Memorandum 16-036 from Police Chief as backup.

Memorandum 16-037 from Police Chief and Fire Chief as backup.

Memorandums 16-040 and 16-046 from Deputy City Clerk as backup.

Mayor Wythe called for a motion for the reconsideration of Ordinance 16-04(A)(S-2)(A).

LEWIS/ZAK - SO MOVED.

There was confusion at the last meeting when making amendments, therefore the Council must redo the ordinance.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **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 February 22, 2016. City Clerk. Recommend adoption.
- B. **Memorandum 16-041**, from Mayor Wythe, Re: Reappointment of Marcia Kuszmaul to the Library Advisory Board and Appointments of Patrick Brown, Rick Malley, Linda Munns, Tess Dally, and Councilmember Donna Aderhold to the Americans With Disabilities Act Compliance Committee.
- C. **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. Recommended dates: Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

Memorandum 16-050 from City Manager as backup.

- D. **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. Recommended dates: Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

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

- E. **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. Recommended dates: Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

Memorandum 16-043 from Public Works Superintendent as backup.

- F. **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. Recommended dates: Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

- G. **Ordinance 16-12**, 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. Recommended dates: Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

Memorandum 16-049 from Public Works Director as backup.

Moved to Ordinances, Item A. Lewis.

- H. **Resolution 16-025**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Continuation of Welding Courses and the Vocational-Technical Program at Homer High School. Lewis. Recommend adoption.
- I. **Resolution 16-026**, A Resolution of the Homer City Council Awarding the Contract for the Ambulance Replacement to the Firm of Rocky Mountain Ambulance Sales and Service of Paragonah, Utah, in the Amount of \$167,000.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Fire Chief. Recommend adoption.

Memorandum 16-045 from Fire Chief as backup.

- J. **Resolution 16-027**, A Resolution of the Homer City Council Awarding the Contract for Waddell Way Road and Water Main Improvements 2016 Project to the Firm of East Road Services, Inc. of Homer, Alaska, in the Amount of \$925,570.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption.

Memorandum 16-048 from Public Works Director as backup.

- K. **Resolution 16-028**, A Resolution of the City Council of Homer, Alaska, Respectfully Requesting the Alaska Legislature Consider Less Severe Cuts to the Alaska Public Broadcasting Commission in the FY17 Budget. Reynolds. Recommend adoption.
- L. **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. Recommend adoption.

Memorandum 16-047 from City Clerk as backup.

Moved to Resolutions, Item B. Lewis.

Item G, Ordinance 16-12 was moved to Ordinances, Item A. Lewis.

Item L, Resolution 16-029 was moved to Resolutions, Item B. Lewis.

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

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## VISITORS

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

- A. Borough Report
- B. Commissions/Board Reports:
  - 1. Library Advisory Board

Library Advisory Board Member Terry Smith reported the library had 2,000 more items checked out and 1,000 more persons visiting in February than in February of the previous year. A Rasmuson grant of \$23,000 was approved that will help offset budget costs. A letter was sent to the Tribune to encourage parents to bring their kids to the library. Posters are displayed at the library to recruit new LAB members. The Senate Committee is considering cuts to OWL; this will severely hurt rural libraries and cut the video conferencing capability. The LAB is working to update the library mission statement. The Celebration of Lifelong Learning will be held at the library on April 9<sup>th</sup>. It will include food, music, a trivia contest, and a silent auction.

- 2. Homer Advisory Planning Commission
  - a. Minutes of March 2, 2016

Planning Commissioner Tom Bos reported the commission is discussing FEMA and the State Hazard Mitigation Program. They reviewed the code language in rural residential pertaining to detached dwelling units and have no changes. The commission is currently working on the Comprehensive Plan, starting on transportation this week.

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

Parks and Recreation Advisory Commissioner Louise Ashmun is happy to see beach policy revisions to provide vehicle restrictions. The two biggest areas of discussion were cars and dogs. Signs will soon go up in partnership with Fish and Wildlife. Dogs could be addressed on the signs too. The commission is revising the Strategic Plan and has crossed off many things completed on the plan. They are taking results from the PARC Needs Assessment to make short and long term plans for the community. Those plans include protecting parks and green spaces, deferred maintenance, and the lack of our ability to take care of the spaces. As things deteriorate it encourages more vandalism and fewer people use the facilities. The commission wants to develop a stronger community culture for the care of our public spaces and promote cleaning up after ourselves. The current budget does not allow the City to provide all the services.

5. Port and Harbor Advisory Commission

Port and Harbor Advisory Commissioner Bob Hartley reported the commission has been reviewing a new rate system for leases. They have two to three options to choose from and after discussions will bring something to the Council. They are considering ways of paying for facilities that have a large number of people. It has created lively testimony and they find it's difficult to please everybody. It takes a lot of back and forth to reach an accommodation for everyone to be moderately happy. The new drilling rig at the Deep Water Dock will be there until the end of May and then go out to begin drilling operations. It is hoped we will receive economic benefits much like the last rig at the harbor.

6. Cannabis Advisory Commission

Councilmember Lewis reported the commission has postponed all future meetings until after the vote, if there is one on April 19<sup>th</sup>.

**PUBLIC HEARING(S)**

- A. **Ordinance 16-07(A)**, An Ordinance of the Homer City Council Submitting to the Qualified Voters of the City the Question Whether Marijuana Establishments Shall Be Prohibited in the City at ~~the Regular Election to Be Held in the City on October 4, 2016,~~ **a Special Election to Be Held in the City on April 19, 2016** and Prohibiting Marijuana Establishments in the City Until Certification of the Result of the Election on That Question. Mayor. Introduction February 22, 2016, Public Hearing and Second Reading March 14, 2016.

Mayor Wythe opened the public hearing.

Roberta Highland, city resident, asked the audience to be respectful and considerate. She does not support an all-out ban. It may be good to put it out for a vote. She would like to do more research on limiting licenses.

Lindianne Sarno, Homer resident, told Council the opt-out provision of the Alaska cannabis initiative says the Council is responsible for making the choice to opt-out or not. Local

government is to discern the will of the people, not impose their personal or political opinions. The electorate has shown their preference and it is incumbent of the Council to uphold it; they can't justify going against the will of the vote. The Council has acted cowardly and it is unconstitutional. She cited the Alaska Constitution and the need for the Council to listen to the people's will.

Marianne Snowden, Homer resident, supports personal, recreational, medical, and ongoing research for cannabis. She supports a commercial growth and sales, but opposes an election. Personal beliefs for lack of knowledge will choke the overall will of the citizens. Cannabis is not a cult. It will provide new business opportunities.

Carrie Harris, city resident, told Council the voters voted for this. She asked Council if they had the integrity to follow the will of the people who took the time to vote. She did not vote for this, but believes in the democratic process for the Council to follow the will of the people.

Tim Clark, city resident, supports going through with legalization because we can control it better with the regulations. Banning it hasn't worked; we have a black market and are losing tax. It is a major investment to open a business and people will do it right to keep it regulated and safe. He is afraid that putting it to a vote people may vote it down because they want to grow it in a black market.

August Weber, Homer resident, commented by using marijuana and hemp we can revolutionize the consumer world by realizing the many uses of marijuana. Many of the people are showing a positive outlook on this opportunity and that they can work in a respectful and civilized manner.

Jeremiah Emmerson, Homer resident, commented on the potential for tax revenues and the medical benefits. A lot of people are disengaged; they say their vote doesn't count. People have gotten very frustrated. Prohibition is over and we should do another approach. If Council moves forward on the opt-out, people could disengage from the political process.

Kimberly Hemphill, Homer resident, voted for it, but has no interest in marijuana. She is frustrated the people voted and will now have to vote again. Council has let their personal opinions come into play when they are supposed to represent the people.

Dave Harris, Homer resident, doesn't want a vote. People will prohibit it and it will be countered with another vote. Save time and drop it tonight.

Megan Reeves, Homer resident, told Council marijuana is not Homer's dirty secret. Instead of debating something harmless we should be using the revenue to open a treatment facility. People out there have real drug and alcohol problems; this is a waste of time. We need to keep meth, heroin, and alcohol out of kids' hands.

Marc Landwehr, Ninilchik resident, wants the Council to make logical decisions. They have heard good input from the public. In the demographics of our generation all the young children that come behind us will overturn these ordinances. He hopes this is not writing in the sand that the tide will wash away.

Mayor Wythe called for a recess at 6:53 p.m. and reconvened the meeting at 7:00 p.m.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 16-07(A) by reading of title only for second and final reading.

ZAK/VAN DYKE – SO MOVED.

Councilmember Lewis opposes the ordinance. If this passes we will spend \$6,000 on a special election. No matter what happens there will be legal sales, growing, testing, and manufacturing in the Homer area. It may not be in the Homer proper so we will then lose any revenue from it. Economics will work out the number of businesses. We don't see a big flux of people coming in to set up businesses as it will be expensive to do so. There is a lot of much ado about nothing. He will vote no.

Councilmember Aderhold will vote no. The community wants us to make a decision. The voters have already spoken. There is a petition in the works to bring it to a vote and she fully supports those individuals that want to bring it to a vote. That is their privilege as members of the community and it is their responsibility to bring it to vote instead of the Council's.

Councilmember Reynolds will vote no due to some of the reasons Councilmembers Lewis and Aderhold have stated.

Councilmember Zak is not sure what the voters voted on, but he thinks they didn't vote to approve marijuana retail sales in Homer. He is glad to see there may be additional methods to bring it back before the voters and that is the fairest way to go.

Mayor Wythe read the statement for local control that allows a local government to prohibit marijuana cultivation, product manufacturing, testing, and retail marijuana stores through enactment of an ordinance or voter initiative. It does not prohibit the Council from taking a vote.

Mayor Wythe commented for 12 years she has never voted in opposition to the vote of the people on a ballot. On this matter she stands on the other side of the river from where you stand. The 47% that voted against it have the right to be represented. It is her personal option. This is the solution that she came up with instead of taking away the option at all.

There is a petition that will flow out this week if this vote fails. It will be a much more delayed process, but it will come before the voters.

Councilmember Van Dyke commented on the 53%/47% vote. If that vote were amongst this council that proposition would have failed. It would not have had the four-person vote here. The opt-out clause is one of the situations. There were over 109 votes that separated the issue. He's had over that amount of people say they like personal use, but don't like the commercial part as it doesn't need to infiltrate the town. He is pushing to bring it to the people for a vote. If the pros win the vote for commercial he is all for it. He believes personal and medicinal use should be okay. He is just split on what to do with the commercial part. He will vote to let the people tell us what they want.

Councilmember Lewis has met with a lot of people who know it is here whether you like it or not. The legitimate cannabis business is not going to invest that kind of money and go rogue. They want to run a good business within the limits of the law. It is much ado about nothing, except that we want money. When we ask people for money in the fall for a public safety building, why should we be taking other money if we don't want this money?

Councilmember Reynolds commented there are people who don't want to break the law when buying marijuana. They want a more measured and dose-able product so they know what they are buying and can treat themselves.

VOTE: YES. VAN DYKE

VOTE: NO. LEWIS, ADERHOLD, REYNOLDS, ZAK

Motion failed.

## **ORDINANCE(S)**

- A. **Ordinance 16-12**, 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. Recommended dates: Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

Mayor Wythe called for a motion for the adoption of Ordinance 16-12 for introduction and first reading by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

LEWIS/REYNOLDS – MOVED TO AMEND LINE 30 TO STRIKE THE WORD “CONSTRUCTION” AND ADD THE WORD “DESIGN.”

The funds will only cover the design of the storm drain, not the construction.

Councilmember Van Dyke questioned why there should be any design. He would like to put it out to bid and let the bidders decide how to do it.

Councilmember Aderhold answered you have to tell the bidders what they are bidding on. There is a lot more that the engineer needs to determine how the project can be done.

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

Motion carried.

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

Motion carried.

## **CITY MANAGER’S REPORT**

### A. City Manager’s Report

#### **Time to think about replacing COH radio system: \$\$\$**

The City of Homer radio system is aging and will have to be replaced by 2022 to be in full compliance with FCC regulations. Chief Robl has an excellent memo attached that details why the system needs replacement, what replacement entails and cost estimates. The bottom line is it is going to cost a lot of money to replace the system: repeaters, dispatch consoles and hand held radios system wide. Chief Robl’s estimate is between \$1.3 - \$1.6 million. The City will need to begin replacement as early as 2018, which means at a minimum the next budget will need to include funding for phase 1 of this multi-year project. Current Police Reserves are just over \$100,000.

#### **Letter of support for Carrie Creek**

The State Office of Historical Preservation has requested the Mayor’s input on the naming of a small, previously unnamed creek in the Homer area “Carrie Creek.” The name is to commemorate the daughter of one of the property owners whose land the creek flows through. Unless there is an objection, I will submit a letter of support on behalf of the Mayor and Council before the March 30 deadline. See the attached letter and nomination packet for more information.

### **Homer Foundation December 31, 2015 Quarterly Report**

The Homer Foundation has submitted the attached report for the quarter ending December 31, 2015. According to Executive Director Steward, Homer Foundation investments have suffered a long downward spiral. However, the trend slowed in December and January, and in the month of February investments are starting to rebound and the Fund is showing strong gains.

### **Invasive Bird Trapping at Ben Walters Park**

Fish and Game has been given permission to live trap starlings at Ben Walters Park. The starling is an invasive species that takes over other bird nests and threatens to endanger natural bird habitat. The lower 48 has many problems with this bird, however it has just arrived on the peninsula and the department would like to make sure the species does not take hold. A 6'x8'x6' trap will be placed next to the trees of the park behind the restroom. It will be placed to minimize disruption of park use and maximize the potential for catching starlings.

The trap is constructed from wood and chicken wire. It is well signed and checked at least once daily. The plan is to bait it with bird seed/dog food and water and keep at least one live starling in it at all times. A live bird helps to attract other individuals. If for some reason Fish and Game is not able to check the trap, it would be closed but left in place. Fish and Game will have the trap in place until the end of May. If all the starlings are not caught, they would like to put the trap out again in November.

### **Moving Beluga Slough**

You may have noticed heavy equipment on Bishop's Beach on Wednesday the 9<sup>th</sup> near the outlet of Beluga Slough. Property owners who live near the outlet have received a permit from the Corps to move Beluga Slough. The Slough has been relocated back to the west to eliminate erosion of lots in the Ocean Drive Loop neighborhood many times over the years.

US Fish and Wildlife has given the landowners the authority to access the site. The cost of relocating the outlet has been paid for by the property owners.

The permitting agencies require that the City monitor work on the beach as part of their proposed permit conditions. Public Works has met with Fish and Wildlife on site and monitored the project.

### **What is Next for Beach Policy**

The Port and Harbor has large anchors that they received from the Coast Guard that Public Works will place above high tide along the east side of Bishop's Beach to restrict access. The barrier will have a means for emergency response vehicles to get through. The anchors are a great solution for a physical barrier: they have a maritime look, are very sturdy and difficult to move and save money that would otherwise be spent purchasing boulders. Public Works will work on the challenge of moving such heavy items and hopes to have the anchors staged in the next few weeks (see attached picture).

The second part of implementing the beach policy changes Council passed will be signage. Fish and Wildlife has agreed to take the lead on signage and has budgeted \$5,000 for signage at Bishop's Beach. The next step is to get together with Fish and Wildlife and discuss budget and design for not only Bishop's Beach but also Mariner Park, understanding the importance that the signage be uniform and friendly. The Council will likely have to pass a budget ordinance to fund signage at Mariner Park; however, I will have a better handle on what that looks like once we meet with Fish and Wildlife.

### **Chill, It's a Drill**

On Wednesday, March 30 between 10:15 AM and 10:45 AM tsunami sirens may sound, and TV and radio audiences may see or hear a message that a tsunami warning has been issued impacting Alaska. This is a test to make sure that the tsunami warning system works from one end to the other. So tell your friends and family:

- It's not a real emergency
- Do not evacuate your home
- Do not call 911

In short, on March 30, Chill, it's a Drill!

City Manager Koester highlighted the memorandum from Chief Robl regarding the replacement of the radio system. We need to start funding replacement of the \$1.3M to \$1.6M system and putting reserves away now. FCC regulations allow the radio system to be replaced in phases.

Fish and Wildlife is not a fan of the anchors Port and Harbor has to use as a physical barrier east of Beluga Slough. Fish and Wildlife is willing to purchase boulders instead. We will work with them to keep the fiscal portion neutral for the City; there will be labor costs involved. Immediate signage is needed for enforcement and we will work on long term educational signage.

City Manager Koester received Council's authorization to write a letter to the legislative delegation about the City's Capital Improvement Plan. If there is a capital budget it will be a very small one, but we have projects on the CIP that are small dollar items. Council's top priority remains the public safety building.

### **B. Bid Report**

### **CITY ATTORNEY REPORT**

#### **A. City Attorney Report – February 2016**

City Attorney Klinkner reported Frank Griswold has appealed two matters to the Alaska Supreme Court. Those include a public records request and a zoning matter.

## COMMITTEE REPORT

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

Public Safety Building Review Committee Chair Ken Castner reported Council will see a resolution at the March 29<sup>th</sup> council meeting to move forward with scoping and entering into a construction budget for the fire station. The existing GC/CM contract team will get into the design expediently. On the police department the committee is rethinking how space needs may be handled, and achieve a building for \$11M to \$12M. If 6,500 sq. ft. of the east end of the HERC building can be utilized for non-essential space, it will save money. We could capture useable space at \$150 per sq. ft. versus \$600 per sq. ft. We need to spend a little money on doing a feasibility assessment on reusing the HERC building. Spending \$15,000 on the feasibility assessment has the possibility of keeping the project whole to accomplish a 30-year design. The police lived in a 800 sq. ft. building many years ago and are now outgrowing the current building. A new building will be good for a long time. It is the committee's hope it will be a project the community will get behind. We need to have a great place for these people to work.

## PENDING BUSINESS

- A. ***If Reconsidered - Ordinance 16-04(A)(S-2)(A)***, An Ordinance of the City Council of Homer, Alaska, Amending **Homer City Code 21.12, Rural Residential**; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities" Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities **to be Effective Only Upon Certification of a Majority Vote Rejecting 16-07 the Proposition to Prohibit Marijuana Establishments in the City at the General Election to be Held in the City on October 4, 2016. a Special Election to be Held in the City on April 19, 2016.** Mayor.

Memorandums 16-016 and 16-032 from City Clerk as backup.  
Memorandums 16-017 and 16-023 from City Planner as backup.  
Memorandum 16-036 from Police Chief as backup.

Memorandum 16-037 from Police Chief and Fire Chief as backup.  
Memorandums 16-040 and 16-046 from Deputy City Clerk as backup.

Mayor Wythe called for a motion to substitute Ordinance 16-04(A)(S-2)(A) for Ordinance 16-04(A).

ZAK/REYNOLDS – SO MOVED.

There was no discussion.

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

Motion failed.

New Substitute:

**Ordinance 16-04(A)(S-3)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; to Identify the Zoning Districts Permitting Marijuana Facilities; and Adopting Homer City Code Chapter 21.62, Marijuana Facilities, Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities; to be Effective Only Upon Certification of a Majority Vote Rejecting the Proposition to Prohibit Marijuana Establishments in the City at the Special Election to be Held in the City on April 19, 2016. Mayor.

Mayor Wythe called for a motion to substitute Ordinance 16-04(A)(S-3) for Ordinance 16-04(A).

REYNOLDS/ZAK - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ADERHOLD/LEWIS - MOVED TO AMEND TO REMOVE THE SPECIAL ELECTION LANGUAGE PER ATTORNEY'S RECOMMENDATION: TITLE LINE 15, STRIKE EVERYTHING AFTER WORDS "RETAIL FACILITIES." FIRST WHEREAS LINE 23, STRIKE EVERYTHING AFTER "STORE SELLING MARIJUANA." ON SECOND TO LAST PAGE LINE 395, STRIKE ALL OF SECTION 6 AND ON LINE 399 RENUMBER SECTION 7 AS 6.

There was no discussion.

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

Motion carried.

Mayor Wythe called for a motion for the adoption of Ordinance 16-04(A)(S-3) as amended for second and final reading by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

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

Motion carried.

## **NEW BUSINESS**

### **RESOLUTIONS**

- A. **Resolution 16-024**, A Resolution of the City Council of Homer, Alaska, Calling for a Special Election to be Held in the City on April 19, 2016, for the Purpose of Submitting to the Qualified Voters of the City a Proposition asking the Question Whether Marijuana Establishments Shall be Prohibited in the City. Mayor.

Mayor Wythe called for a motion for the adoption of Resolution 16-024 by reading of title only.

ZAK/VAN DYKE – SO MOVED.

There was no discussion.

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

Motion carried.

- 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. Recommend adoption.

Memorandum 16-047 from City Clerk as backup.

Mayor Wythe called for a motion for the adoption of Resolution 16-029 by reading of title only.

REYNOLDS/LEWIS – SO MOVED.

Dates for vehicle access are to be amended to October 1 through March 31.

LEWIS/REYNOLDS - MOVED TO POSTPONE TO APRIL 11<sup>TH</sup> TO BRING BACK THE ORDINANCE ON THE BEACH POLICY TO HAVE CORRECTED DATES FROM MARCH 1<sup>ST</sup> THROUGH OCTOBER 31<sup>ST</sup> (FOR VEHICLE ACCESS).

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **COMMENTS OF THE AUDIENCE**

Megan Reeves, Homer resident, commented it shows a tremendous amount of cheek to have a special election before 4/20.

Jeremiah Emmerson, thanked Council for reinstating his faith in the democratic political process. He is looking forward to working to develop better guidelines for the industry and excited to go back to the Planning Commission and other meetings to talk about this more.

Carrie Harris, Homer resident, thanked Council for following the will of the voters. She hopes Council encourages the supporters of the prohibition initiative. The more people we get involved in politics the faster we crush that culture of thought that our votes don't count.

Tim Clark, Homer resident, thanked Council for doing a great job. We can now move on to the next step.

Ken Castner, city resident, commented marijuana is not the biggest issue; it is heroin. It will destroy the town quicker than anything you can imagine. He's hopeful through churches, social structures, and government we can work to address this together.

Mark Landwehr, Ninilchik resident, said spending \$13M will stimulate the new justice center. It sounds extravagant to a town that doesn't even like BB guns. It is risky to spend this money at this time and is not an effective use of the City's money.

August Weber, Homer resident, reflected on the things we have accomplished as a whole town that has saved a lot of money. The Karen Hornaday playground is an example. We are looking at putting money in a jail facility at the same time we are talking about legalizing marijuana. He suggested community support for many of the projects to save money for other projects.

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

City Attorney Klinkner congratulated Council on a very productive evening.

#### **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 commented the public safety building was needed long before the legalization of marijuana and it has nothing to do with it. The police department's highest exposure is for liability. They are responsible for prisoners' safety and to provide a habitable place for employees so diseases are not communicated. A new facility is a substantial need for the community as the current facility floods several times a year. There is also a strong need for a public detox facility. The State is looking at this as well. The first line of defense for detox patients is the hospital instead of the jail. People go to the hospital and end up in jail. She gets it that legal marijuana is what the voters want, but it won't make it safe and keep it away from children. Legalized alcohol and cigarettes did not keep it out of the hands of our youth. She would like to lose the illusion that people can create a safety net. People must live in a secure and quiet environment if they haven't seen the drug problem in Homer. The drug free zone at the high school is known as the free drugs zone. When we can socially agree that drugs are not okay we may have a chance to do something different about drugs.

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

Councilmembers Lewis said thank you.

Councilmember Aderhold commented on the recent events in and around Homer with more coming up. At each of these events our local businesses donate time and merchandise. They make it happen. As to volunteerism in Homer, they completely rock; the community wouldn't be what it is without them. There are some things that need to be engineered and designed to be built. Volunteers can't do everything; we need to recognize where to use volunteers and where to use professionals.

Councilmember Van Dyke commented the City Council was elected by the people to represent all the people, all 100%. As a group of six, there are many hard decisions. When we make decisions we make them based on what we feel is the best for the entire community. When someone mentions we are not doing our jobs it is a big slap in the face and makes the job harder for us to do. We are just six regular people and do the best job we can. He thanked everyone for coming out. We listen and try to make the best decision we can.

Councilmember Zak has been paying attention to what is happening in Juneau. The state budget is facing us all. He gave in here and there tonight to make progress. Perhaps there is revenue that will come to the City. Some funds could be used to create a treatment facility. It hurt to have to go along with allowing retail and commercial growing, but the referendum could put it before the voters. He asked the public to pay attention to what the legislators are doing in Juneau and give them your input. There have to be additional income sources, some senators have good suggestions, but they need input. Have a great Winter King Salmon Tournament weekend; hope for beautiful weather.

Councilmember Reynolds thanked everyone who spoke and the volunteers on commissions and boards who are doing vital work. It is a great way to get involved. The EDC and LAB have openings. She has been on her bike a lot; with the increased light in the evenings a lot of people are out. She was traveling on the bypass on a beautiful evening, but there was a thick fog of dust. The State and City will sweep as soon as they can. Over the weekend there was a huge wrestling competition, a ski marathon, and the fat bike festival, each bringing lots of people to town. She thanked everyone for helping and advertised the Winter King Salmon Tournament next weekend.

## **ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:04 p.m. The next Regular Meeting is Tuesday, March 29, 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, March 21, 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.

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JO JOHNSON, MMC, CITY CLERK

HOMER CITY COUNCIL  
REGULAR MEETING MINUTES  
MARCH 14, 2016

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