

**ACTION AGENDA**

Monday, January 11, 2016

Worksession

Committee of the Whole

Regular Meeting

**WORKSESSION AGENDA**

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

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

Councilmember Reynolds has requested excusal.

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

The agenda was approved by consensus of the Council.

**3. PUBLIC SAFETY BUILDING OPTIONS**

**4. COMMENTS OF THE AUDIENCE**

There was one who commented.

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

Mayor Wythe adjourned the meeting at 4:47 p.m.

**COMMITTEE OF THE WHOLE AGENDA**

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

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

Councilmember Reynolds has requested excusal.

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

The agenda was approved by consensus of the Council.

- 3. Ordinance 16-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.030, Composition of Governing Body – Terms of Office, Homer City Code 4.35.010, Review of Election Documents by Canvass Board, and Homer City Code 4.40.010, Runoff Election – Required; and Enacting Homer City Code 4.35.020, Votes Required to be Elected, Homer City Code 4.35.030, Tie Vote, And Homer City Code 4.35.040, Certification of Election; Regarding the Procedure for Electing the Mayor and Council Members. Mayor. Recommended dates: Introduction January 11, 2016, Public Hearing and Second Reading January 25, 2016.

Memorandum 16-003 from City Clerk as backup.

- 4. Memorandum 16-001**, from Mayor Wythe, Re: Appointment of a Person to be Named to the Kenai Peninsula Economic Development District.

- 5. Memorandum 16-008**, from City Clerk, Re: 2016 Meeting Schedule.

- 6. CONSENT AGENDA**

- 7. REGULAR MEETING AGENDA**

- 8. COMMENTS OF THE AUDIENCE**

There were no comments of the audience.

Mayor Pro Tempore Lewis read a recognition from the Council to Mayor Wythe for obtaining a Masters of Public Administration degree and cake was served.

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

Mayor Wythe adjourned the meeting at 5:49 p.m.

### **REGULAR MEETING AGENDA**

Session 16-01 a Regular Meeting of the Homer City Council was called to order on January 11, 2016 at 6:00 p.m. by Mayor Mary E. Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

<b>PRESENT:</b>	<b>COUNCILMEMBERS:</b>	ADERHOLD, LEWIS, SMITH, VAN DYKE, ZAK
	<b>ABSENT:</b>	REYNOLDS (excused)
	<b>STAFF:</b>	CITY MANAGER KOESTER CITY CLERK JOHNSON

CITY ATTORNEY KLINKNER  
FINANCE DIRECTOR LI  
FIRE CHIEF PAINTER  
PORT AND HARBOR DIRECTOR HAWKINS

Councilmember Reynolds has requested excusal.

Mayor Wythe ruled Councilmember Reynolds' absence as excused and there was no objection from the Council.

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

## **2. AGENDA APPROVAL**

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

The following changes were made: **CONSENT AGENDA - Ordinance 16-03(S)**, An Ordinance of the City Council of Homer, Alaska, Amending Ordinance 13-03(S)(2) to State the Actual Principal Amount of, and Change the Payment Dates for, the Natural Gas Distribution Special Assessment Bond Authorized by Ordinance 13-02, and Authorizing an Amendment to the Loan Agreement Between the City and the Kenai Peninsula Borough Regarding the Bond. City Manager. **ANNOUNCEMENTS** - Report from Councilmember Zak, Re: Alaska Housing Summit, January 6, 2016. **CITY MANAGER'S REPORT** - Hickerson Memorial Cemetery - written public comments. **CITY ATTORNEY REPORT** - City Attorney Report – December 2015.

Announcements Item A. EMT Swearing in was removed from the agenda and Item B. Mayor's Recognition – Homer High Wrestling Team was moved to follow agenda approval.

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

### **B. Mayor's Recognition – Homer High Wrestling Team**

Mayor Wythe read the recognition and presented it to the Homer High Wrestling Team and Coaches Chris Perk and Bubba Wells.

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

There were two who commented.

## **4. RECONSIDERATION**

## **5. CONSENT AGENDA**

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Regular meeting minutes of December 7, 2015. City Clerk. Recommend adoption.
  
- B. **Memorandum 16-002**, from Deputy City Clerk, Re: Liquor License Renewals for BPO Elks Lodge #2127, Kharacters, AJ's Old Town Steakhouse & Tavern, Captain Patties Fish House, Café Cups, Finn's, Little Mermaid, The Alibi, Salty Dawg Saloon, Down East Saloon, Pho & Thai Restaurant, and Grog Shop East End.
  
- C. **Ordinance 16-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.030, Composition of Governing Body – Terms of Office, Homer City Code 4.35.010, Review of Election Documents by Canvass Board, and Homer City Code 4.40.010, Runoff Election – Required; and Enacting Homer City Code 4.35.020, Votes Required to be Elected, Homer City Code 4.35.030, Tie Vote, and Homer City Code 4.35.040, Certification of Election; Regarding the Procedure for Electing the Mayor and Council Members. Mayor. Recommended dates: Introduction January 11, 2016, Public Hearing and Second Reading January 25, 2016.

Memorandum 16-003 from City Clerk as backup.

Moved to Ordinances, Item B. Smith.

- D. **Ordinance 16-02**, An Ordinance of the Homer City Council Amending the 2016 Operating Budget by Appropriating Funds in the Amount of \$20,000 From Port and Harbor Reserves to Purchase Eight Light Emitting Plasma (LEP) Lamps for the Fish Dock. City Manager/Port and Harbor Director. Recommended dates: Introduction January 11, 2016, Public Hearing and Second Reading January 25, 2016.

Memorandum 16-007 from Port and Harbor Director as backup.

- E. **Ordinance 16-03**, An Ordinance of the City Council of Homer, Alaska Amending Ordinance 13-03(S)(2) to State the Actual Principal Amount of, and Change the Payment Dates for, the Natural Gas Distribution Special Assessment Bond Authorized by Ordinance 13-02, and Authorizing an Amendment to the Loan Agreement Between the City and the Kenai Peninsula Borough Regarding the Bond. City Manager. Recommended dates: Introduction January 11, 2016, Public Hearing and Second Reading January 25, 2016.

Moved to Ordinances, Item A. Lewis.

- F. **Resolution 16-001**, A Resolution of the Homer City Council Confirming the City Manager's Appointment of Jo Johnson as Acting City Manager and Mark Robl as Backup Acting City Manager for Calendar Year 2016. City Manager. Recommend adoption.
- G. **Resolution 16-002**, A Resolution of the Homer City Council Confirming the Appointments of Zhiyong Li as Treasurer and Jenna deLumeau as Deputy Treasurer for Calendar Year 2016. City Manager. Recommend adoption.
- H. **Resolution 16-003**, A Resolution of the City Council of Homer, Alaska, Acknowledging the December 2015 Surplus Equipment Bid Results. City Clerk. Recommend adoption.
- I. **Resolution 16-004**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Dispose of Used and Surplus Equipment Pursuant to HCC 18.30.010 and HCC 18.30.040(b). City Manager. Recommend adoption.

Memorandum 16-009 from City Manager as backup.

Moved to Resolutions, Item A. Smith.

- J. **Resolution 16-005**, A Resolution of the Homer City Council Excluding Kenai Peninsula Borough Parcel 17708014 Owned by Cook Inlet Region, Inc. from the Homer Natural Gas Special Assessment District. City Manager. Recommend adoption.

Moved to Resolutions, Item B. Smith.

- K. **Resolution 16-006**, A Resolution of the Homer City Council Adopting an Alternative Allocation Method for the FY16 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area. City Manager. Recommend adoption.
- L. **Resolution 16-007**, A Resolution of the City Council of Homer, Alaska, in Support of Full Funding for the State of Alaska Harbor Facility Grant Program in the FY 2017 State Capital Budget. City Manager/Port and Harbor Director. Recommend adoption.
- M. **Resolution 16-008**, A Resolution of the City Council of Homer, Alaska, Supporting the Establishment of a Syringe Exchange Program in Homer. Lewis. Recommend adoption.

- N. **Resolution 16-009**, A Resolution of the City Council of Homer, Alaska, Requesting That Any Additional Taxes Levied Against Commercial Marijuana Activities by the Kenai Peninsula Borough, on Businesses Located Within the Municipal Boundaries of Homer, Alaska, is Remitted to the City of Homer. Reynolds/Cannabis Advisory Commission. Recommend adoption.
- O. **Memorandum 16-004**, Travel Authorization for Mayor Wythe and Councilmembers Lewis and Reynolds to Travel to Juneau to Advocate for the City February 2 – 4, 2016. Recommend adoption.

Moved to New Business, Item B. Smith

- P. **Memorandum 16-005**, Travel Authorization for Councilmember Zak to Travel to Anchorage to Attend the Alaska Housing Summit January 6, 2016.
- Q. **Memorandum 16-006**, from City Clerk, Re: Amendment of Resolution 15-105 for March 2016 Meeting Schedule of Council.

Item C, Ordinance 16-01 was moved to Ordinances, Item B. Smith.

Item E, Ordinance 16-03 was moved to Ordinances, Item A. Lewis.

Item I, Resolution 16-004 was moved to Resolutions, Item A. Smith.

Item J, Resolution 16-005 was moved to Resolutions, Item B. Smith.

Item O, Memorandum 16-004 was moved to New Business, Item B. Smith.

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

## **6. VISITORS**

- A. Fire Chief Painter, All-Hazard Mitigation Plan Update

Fire Chief Painter provided an update on the All-Hazard Mitigation Plan. The plan is posted on the City’s website and the public comment period is open.

- B. Arni Thomson, Alaska Salmon Alliance, Economic Impact of the Seafood Industry in Southcentral Alaska

Arni Thomson, Alaska Salmon Alliance Executive Director, provided an overview of “The Economic Impact of the Seafood Industry in Southcentral Alaska” as prepared by McDowell Group.

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

- A. EMT Swearing In

Removed from the agenda.

B. Mayor's Recognition – Homer High Wrestling Team

Presented after agenda approval.

C. Borough Report

Kenai Peninsula Borough Assembly Member Kelly Cooper reported the health care task force subcommittee meets on January 20<sup>th</sup> at 5:30 p.m. at South Peninsula Hospital. They are meeting with stakeholders in the medical community to get input to improve services while reducing costs. On February 3<sup>rd</sup> the health care task force meets. The meetings are open to the public, with meeting agendas and minutes posted on the borough website. They are having deliberate conversations, not rushing anything, with the goal to make it sustainable for all employees and to get great medical care at all the hospitals.

The Borough's marijuana task force meets January 20<sup>th</sup>. There is an ordinance designed to name the Kenai Peninsula Borough Planning Commission as the regulatory authority in the borough. There is an assembly member bringing forward an ordinance to create a moratorium on all cannabis operations on the borough, but there is not enough support for its passage.

The Assembly is working on the 2016 state capital budget priorities. They included wildfire mitigation, municipal revenue sharing, PERS and TERS funding, road maintenance funding, and support for University of Alaska Kenai Peninsula College campuses, along with multiple capital improvement projects for schools on the southern peninsula. The majority of school projects are based in Homer and Anchor Point. The Lake Street rehab and Pioneer Avenue reconstruction projects continue to be capital project priorities.

The Kenai Peninsula Borough will not be sending a full delegation to Juneau this year due to budget constraints. Only the mayor and one or two assembly members will attend.

D. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
  - a. Minutes of December 2, 2015
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

Matt Steffy, Parks and Recreation Advisory Commission Chair, reported a full commission with just the student position vacancy. The commission is enthusiastic and supportive of the boathouse project that is moving forward. It will be a great addition to green space and public meeting space on the Spit. The annual park walk-throughs were conducted. Some parks are in decent shape, but some need obvious repair. The commission is speaking with user groups and adopt-a-park groups to get projects done. The commission had a brief discussion of HART funds, of spending money for new trails versus maintenance of existing trails. The consensus of the commission is to make sure existing trails are safe, free from brush, and accessible. The new dog waste dispensers are available at Homer Hounds, the Homer veterinarian, Homer Animal Shelter, Homer Dog Trainers, and the Port and Harbor office. The use of bags is encouraged for hygiene in the parks, beaches, and area trails. A few commissioners are working on the HERC feasibility project. They are meeting with community members to ensure that as long as the HERC is open it should be used to full capacity. They are looking at creative ways of generating revenue for the facility. The next commission meeting is January 21<sup>st</sup>. Community recreation is booming, with Thursday and Saturday being the Telluride Film Festival.

Mayor Wythe stated uses of the HERC building, other than the gymnasium, up to 35 people at a time are not approved by the Fire Marshal. The City is not pursuing that, but having the City's commission working in direct opposition to the City Council's direction seems really counterproductive to her at this time.

Mr. Steffy said the commission is not seeking to exceed the restrictions on the HERC facility; they just want to utilize the facility to the full extent.

Accolades are still pouring in from the parks and recreation conference held last fall. The commission will be reviewing the financials from the conference at their January meeting.

5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission
- E. Thank you from Cook Inletkeeper
- F. Thank you from Nordic Ski Club
- G. Letters to Council, Re: Crosswalks and a Rec Center
- H. Report from Councilmember Zak, Re: Alaska Housing Summit, January 6, 2016



Councilmember Zak reported the Governor and Lt. Governor held the Alaska Housing Summit to discuss affordable housing that is lacking in remote areas and Anchorage. Attendees broke into different committees to discuss mortgage financing, tiny houses, land swaps, high rents, and energy efficiency. The group viewed the challenges faced by prisoners put on the street with nothing and no source of income. It is great to see the state leadership taking time for housing concerns.

**8. PUBLIC HEARING(S)**

**9. ORDINANCE(S)**

- A. **Ordinance 16-03**, An Ordinance of the City Council of Homer, Alaska Amending Ordinance 13-03(S)(2) to State the Actual Principal Amount of, and Change the Payment Dates for, the Natural Gas Distribution Special Assessment Bond Authorized by Ordinance 13-02, and Authorizing an Amendment to the Loan Agreement Between the City and the Kenai Peninsula Borough Regarding the Bond. City Manager. Recommended dates: Introduction January 11, 2016, Public Hearing and Second Reading January 25, 2016.

**Ordinance 16-03(S)**, An Ordinance of the City Council of Homer, Alaska Amending Ordinance 13-03(S)(2) to State the Actual Principal Amount of, and Change the Payment Dates for, the Natural Gas Distribution Special Assessment Bond Authorized by Ordinance 13-02, and Authorizing an Amendment to the Loan Agreement Between the City and the Kenai Peninsula Borough Regarding the Bond. City Manager.

Substitute Ordinance 16-03(S) ADOPTED without discussion.

- B. **Ordinance 16-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.030, Composition of Governing Body – Terms of Office, Homer City Code 4.35.010, Review of Election Documents by Canvass Board, and Homer City Code 4.40.010, Runoff Election – Required; and Enacting Homer City Code 4.35.020, Votes Required to be Elected, Homer City Code 4.35.030, Tie Vote, and Homer City Code 4.35.040, Certification of Election; Regarding the Procedure for Electing the Mayor and Council Members. Mayor. Recommended dates: Introduction January 11, 2016, Public Hearing and Second Reading January 25, 2016.

AMENDED: Lines 28 and 29 amended to read: “A person so elected to office under this chapter shall take office at the first regular council meeting following the election, immediately after the final certification of that election.”

Line 153 amended: deleted “his” and replaced with “the candidate’s”

Line 8 title amended: to add “HOMER CITY CODE 4.10.010 DECLARATION OF CANDIDACY” after TERMS OF OFFICE.

City Attorney Klinkner will provide a substitute ordinance to the amendment to include verbiage that the Council will make a determination of any other provisions that are not clear.

ADOPTED as AMENDED with discussion.

**10. CITY MANAGER’S REPORT**

A. City Manager’s Report

City Manager Koester referenced the proposed open house for councilmembers at the Library once a month. It would provide an opportunity for the public to stop by and ask questions. She suggested the first or second Monday of the month at noon. It is a different time of day for those that can’t get to meetings to ask the Council questions. The Friends of the Homer Library have offered to advertise and promote it. The Council decided two members would attend each open house.

A neighborhood meeting for Hickerson Memorial Cemetery concerned residents has been scheduled for February 10<sup>th</sup> at 5:30 p.m. Asked if the City could require vaults be used for burials, City Attorney Klinkner said the City could impose more strict requirements than the State of Alaska.

City Manager Koester said the current break-ins and robberies are very unusual for Homer. In the 30 years that Police Chief Robl has been with the City, there have only been a handful of armed robberies. In the last few months there have been many. The Police Chief’s advice to people who may be in a robbery situation is to be a good witness instead of a hero.

B. Bid Report

**11. CITY ATTORNEY REPORT**

A. City Attorney Report – December 2015

**12. COMMITTEE REPORT**

A. Public Arts Committee

B. Permanent Fund Committee

C. Employee Committee Report

D. Public Safety Building Review Committee

Mayor Wythe reported the Council was presented with three alternatives for the public safety building at the Worksession today. At the next meeting there may be something brought forward to the Council.

- E. Sustainable Animal Control Review Committee

### 13. PENDING BUSINESS

- A. **Ordinance 15-43**, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code Chapter 3.12, Permanent Fund, Placing the Funds in a Self-Managed Brokerage and Disbanding the Permanent Fund Committee. City Clerk/Permanent Fund Committee. Introduction November 23, 2015, Public Hearing and Second Reading December 7, 2015, Postponed to January 11, 2016.

**Ordinance 15-43(S)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 3.10.130, Governance of Homer Permanent Fund Assets, Regarding the Management of Investments of the Homer Permanent Fund. City Clerk/Permanent Fund Committee. Recommend: Public Hearing January 25, 2016.

Memorandum 15-190 from Permanent Fund Committee as backup.

*Motion on the floor from December 7<sup>th</sup>*: MOTION FOR THE ADOPTION OF ORDINANCE 15-43 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Substitute Ordinance 15-43(S) ADOPTED with discussion. Public Hearing is January 25, 2016.

- B. **Resolution 15-109**, A Resolution of the Homer City Council to Support the Repair and Reopening of Rocky River State of Alaska Road Easement to the Gulf of Alaska. Mayor. Recommend adoption. Postponed to January 11, 2016.

*Motion on the floor from December 7<sup>th</sup>*: MOTION FOR THE ADOPTION OF RESOLUTION 15-109 BY READING OF TITLE ONLY.

ADOPTED with discussion.

### 14. NEW BUSINESS

- A. **Memorandum 16-001**, from Mayor Wythe, Re: Appointment of a Person to be Named to the Kenai Peninsula Economic Development District.

AMENDED: Mayor to appoint a person and the Council will approve. Postponed to January 25, 2016.

- B. **Memorandum 16-004**, Travel Authorization for Mayor Wythe and Councilmembers Lewis and Reynolds to Travel to Juneau to Advocate for the City February 2 – 4, 2016. Recommend adoption.

FAILED with discussion.

**15. RESOLUTIONS**

- A. **Resolution 16-004**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Dispose of Used and Surplus Equipment Pursuant to HCC 18.30.010 and HCC 18.30.040(b). City Manager. Recommend adoption.

Memorandum 16-009 from City Manager as backup.

ADOPTED without discussion.

- B. **Resolution 16-005**, A Resolution of the Homer City Council Excluding Kenai Peninsula Borough Parcel 17708014 Owned by Cook Inlet Region, Inc. from the Homer Natural Gas Special Assessment District. City Manager. Recommend adoption.

ADOTPED with discussion.

**16. COMMENTS OF THE AUDIENCE**

There were no comments of the audience.

**17. COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner referenced his December report and that he would be happy to answer any questions from Council.

**18. COMMENTS OF THE CITY CLERK**

City Clerk Johnson had no comment.

**19. COMMENTS OF THE CITY MANAGER**

City Manager Koester commented she enjoyed the long break, but it is good to meet again and touch base. She thanked Mayor and Council for a good meeting.

**20. COMMENTS OF THE MAYOR**

Mayor Wythe announced she will pay for her own trip to Juneau. The value of our face in Juneau is still very valid. She appreciates everybody coming in and the time and energy they put into the meeting.

**21. COMMENTS OF THE CITY COUNCIL**

Councilmember Lewis had no comment.

Councilmember Smith congratulated Chris Perk and the excellent job he has done with the wrestlers. Chris and he had the same coach through high school. In 1983 one wrestler was sent to State and they won the team championship. He thanked the commissions and committees for their hard work; he appreciates the time they put in.

Councilmember Aderhold congratulated the wrestling team. There were no girls on the teams when she was in high school so she was thrilled to sit behind so many young women who are champion wrestlers. Lobbyist Linda Anderson suggested we set up a legislative subcommittee and she would like to volunteer for that committee. With things moving forward with the public safety building we need to be thinking about the HERC and what we are doing to continue providing a rec center of some sort.

Councilmember Van Dyke commented there were excellent reports and information received from Chief Painter, the seafood industry, parks and rec, and wrestling.

Councilmember Zak thanked the seafood folks who appeared in force to share their report. The report shows the impact of oil and gas for the state. The days of \$100 for a barrel of oil are gone. If there are changes for the fishermen they will let us know how much it impacts them. The icy and dark conditions have increased the number of thefts and robberies. He cautioned people to be careful out there. He sent condolences to Assembly Member Cooper whose daughter was injured pretty badly in a car accident on the highway.

## **22. ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 7:58 p.m. The next Regular Meeting is Monday, January 25, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.