

Session 16-04 a Regular Meeting of the Homer City Council was called to order on February 22, 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
ACTING CITY CLERK JACOBSEN
CITY ATTORNEY DAVIES
POLICE CHIEF ROBL
PUBLIC WORKS DIRECTOR MEYER
CITY PLANNER ABBODD
PERSONNEL DIRECTOR BROWNING

Council met for a Worksession from 4:00 p.m. to 4:55 p.m. to discuss Homer Accelerated Water and Sewer Program (HAWSP) and Homer Accelerated Roads and Trails Program (HART), Memorandum 16-030 from City Manager, Memorandum 16-022 from Deputy City Clerk, Memorandum 15-099 from Economic Development Advisory Commission, and Memorandums 15-193 and 16-027 from Public Works Director as backup. Council met as a Committee of the Whole from 5:00 p.m. to 5:49 p.m. to discuss **Ordinance 16-07**, 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 and Prohibiting Marijuana Establishments in the City Until Certification of the Result of the Election on that Question. Mayor. **Ordinance 16-06**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 6.18, Marijuana Establishments, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores in the City. Smith/Van Dyke. **Ordinance 16-04(A)**, 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; Homer City Code 21.28, Marine Commercial; 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. Planning Commission; **Ordinance 16-04(A)(S)**, 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. Lewis; Memorandum 16-016 from City Clerk and Memorandums 16-017 and 16-023 from City Planner as backup, and **Ordinance 16-04(A)(S-2)**, **Ordinance 16-04(A)(S)**, 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 The Proposition To Prohibit Marijuana Establishments In The City At The General Election To Be Held In The City On October 4, 2016. Mayor.

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.)

Written Public Comments On Ordinance 16-05(S)(A) Beach Regulations, Ordinance 16-06 Prohibiting Commercial Marijuana, Ordinance 16-04(A)(S) Zoning For Commercial Marijuana, Resolution 16-013 And 16-014 Homer Enterprise Spit Leases, And 16-016 Public Safety Building, Memorandum 16-039 From The Police Chief As Backup To Resolution 16-016 On The Public Safety Building; Under City Manager's Report Aml Legislative Meeting Report From Councilmember Zak And A Lobbyist Report And Under Resolutions, Substitute Resolution 16-021(S) And Memorandum 16-038 From Public Works Director As Backup.

The amended agenda was approved by consensus of the Council.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Bumppo Bremicker, city resident, commented against banning driving on city beaches and that we just need to support and enforce the reasonable laws we already have.

Michael Crawford, city resident, commented in opposition to Ordinance 16-07 and in support of allowing commercial activity so people who want to do it can get started. He also supports allowing retail on the spit.

Robert Townsend commented in support of keeping the beaches open for vehicles to allow people who heat with coal the ability to go out and collect the coal they need. He supports keeping the area open in front of Mariner Park to the left and right from October to March.

Jill Gann, non-resident, commented regarding Hickerson Cemetery. She expressed her appreciation for the neighborhood meeting and the neighbors requests that were brought up included a treed buffer, not removing any trees on the west portion and plant additional ones, improve the image of the existing cemetery, downsize the footprint of the proposed expansion by 50%, inquire about moving the American Legion's pavilion and use that land for additional plots, change code to require vaults and use something besides chain link for the fencing.

Kevin Hogan, city resident, commented in support of renewing both leases in Resolution 16-013 and 16-014. Petro Marine has been a good neighbor and provides a lot of jobs for the community.

Roberta Highland, city resident, commented that she supports the beach ordinance that passed last time which limits motorized use in a lot of areas. Regarding not allowing cannabis in rural residential encourages a slower process and will allow us to see what it's going to look like in our community.

Jeremiah Emerson, non-resident, apologized for his inflammatory comments of Facebook and recognizes the need to work together on this. He does not support Ordinance 16-07 putting this back

to the voters but to allow commercial activity in the city. He thinks there will be enough growers outside the city to support business here and that restricting in the Rural Residential district is a good compromise to give it some time and more public education.

Scott Adams, city resident, expressed concern about the beach ordinance because it's hard to keep up with the changes. He reviewed the actions taken previously and disagrees with closing Homer beaches that have been used historically and traditionally and supports the seasonal allowance. He also commented in support of renewing the leases for Petro Marine, they are a good partner at the harbor.

Jordan Michelle commented she does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. She explained how marijuana has benefitted her in dealing with her medical issues.

Smokey Norton, Petro Marine Sales Terminal and Marketing VP, requested the council renew both leases before the Council tonight noting his letter in the packet. Petro isn't bothered by the idea of competition, but that they have huge investment and not renewing both leases impedes any additional improvement they can do.

Carrie Harris, city resident, commented that she does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. She cited the current availability through the black market and black market growers who want to become legal, also loss of city revenue.

Lela Ryterksi, city resident, commented that she does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. We need to decriminalize it and tax it. Alcohol is worse, and the ballot language is hard to understand.

Rebecca Jones, non-resident, echoed Mr. Bremmicker's comments to keep the beaches open and enforcing the rules in place. She is a frequent beach user and hasn't felt threatened or that users are disrespectful. She does not support the beach ordinance.

Robert Archibald, city resident, commented in support of the beach ordinance. He agrees there is a need for the coalers to be able to get out in the winter. Regarding commercial marijuana, he would like to see grow operations prohibited in Rural Residential in the city, there are a lot of questions that haven't been answered yet. He also supports limiting the number of licenses issued for commercial marijuana.

Lindainne Sarno, city resident, commented that she does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. The vote is another form of a ban and creates divisiveness. She talked about people who will benefit from it and encouraged not making businesses wait.

Mike Kennedy, city resident, commented Alaska allows burial anywhere in the state and recently rescinded the prohibition on transporting a body not embalmed. Burying someone isn't a pollutant unless they are embalmed. He commented about green burial movement and what should be banned is embalming. He appreciates the beach effort but does not support closing the beaches.

Ruth Swearingen commented she does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. She explained how marijuana has benefitted her husband in dealing with his medical issues.

James Donally, city resident commented he does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. Big pharma is looking at marijuana and at places that look like a good market for them. He wants to make sure we are ready and can't let them in.

Mila Chaney, non-resident, commented she does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana in the city. She explained how marijuana has benefitted her in dealing with her medical issues.

Mike Fairman, city resident, commented he does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. He encouraged everyone to do the research to see why it was banned in the first place.

David Harris, city resident, commented he does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. Bringing it to the voters again proves the council can't do their job.

Kimberly Ketter, city resident, commented she does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. Alcohol is a worse business than marijuana.

Christie Hill, non-resident, commented she does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. She explained how marijuana has benefitted her husband in dealing with his medical issues and the challenges with getting prescribed medication due to Medicare requirements.

Michael McGuire, non-resident, commented he does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. He understands they are in a tough position but encouraged becoming better educated on the topic and not putting it to another vote.

Ray Kranich, city resident, commented in support of renewing the leases in Resolutions 16-013 and 16-014. He commented about the beach ordinance and would like the access north and east of the airport open back up. He doesn't support restricting beach access, but if that is what they decide to do then leave the designated area open in the winter.

August Weber commented against restricting access to the beach. Families should be allowed to collect coal anytime and it's unfair to put that burden on them in the winter when they may want to do other activities.

Kevin Walker, non-resident, commented he does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. The city needs the revenue.

Ryan Walker, non-resident, opposes restricting vehicle access on the beach. He also opposes Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city.

Tim Clark, city resident, opposes restricting beach access; they need to be open year round for people to collect coal. He also opposes Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city.

Larry Garvey, city resident, opposes restricting beach access and asked they consider keeping it open so people can collect coal to heat their homes.

Mayor Wythe called for a recess at 7:15 p.m. and the meeting reconvened at 7:25 p.m.

RECONSIDERATION

A. Reconsideration issued by Councilmember Lewis:

Ordinance 16-05(S)(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds/Aderhold.

Memorandum 16-018 from City Manager as backup.

Memorandum 16-031 from City Attorney as backup.

Mayor Wythe called for a motion for the reconsideration of Ordinance 16-05(S)(A) by reading of title only.

LEWIS/REYNOLDS SO MOVED.

Councilmember Lewis commented we won't make everyone happy but opening the area near Mariner Park from October to March is a fair trade.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Reconsideration issued by Councilmember Aderhold:

Ordinance 16-04(A)(S), 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. Reynolds/Aderhold.

Memorandums 16-016 and 16-032 from City Clerk as backup.
Memorandums 16-017 and 16-023 from City Planner as backup.

Mayor Wythe called for a motion for the reconsideration of Ordinance 16-04(A)(S) by reading of title only.

ADERHOLD/REYNOLDS SO MOVED.

Councilmember Aderhold commented she looked back through the Planning Commission's evaluation of rural residential and reasoning for leaving out the district. One reason being the strict requirements associated with a limited cultivation facility would be much more of a commercial operation than anything that occurs in rural residential.

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

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 8, 2016. City Clerk. Recommend adoption.
- B. **Memorandum 16-033**, from Mayor Wythe, Re: Appointment of Cassandra Peterson to the Economic Development Advisory Commission and Jacque Peterson to the Library Advisory Board. Recommend adoption.
- C. **Resolution 16-022**, A Resolution of the Homer City Council Noting the Insufficiency of the Petition for Road Reconstruction and Paving for Shelford Street. City Clerk. Recommend adoption.
- D. **Resolution 16-023**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation from the Homer Animal Friends of a Bronze Dog by Alaskan Artist Steve Kelly to be Placed at the Memorial Garden at the Animal Shelter. City Clerk. Recommend adoption.
Memorandum 16-034 from Police Chief as backup.
- E. **Resolution 16-020**, A Resolution of the Homer City Council Awarding the Contract for the Chip Pad Fence Demolition Project to the Firm of Alaska Marine Excavation, LLC of Anchor Point, Alaska, in the Amount of \$14,700 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 16-035 from Public Works Director as backup.

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

LEWIS/REYNOLDS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

A. South Peninsula Hospital, Service Area Board, Ralph Brosches, 10 minutes.

Ralph Broches gave a historical overview of the hospital since it first opened in Homer. He addressed the hospital's service area and provided information showing the demographics of the aging population in the area. Mr. Broches explained the responsibilities of the service area board and reviewed financial information including tax revenues, expenses, general obligation bonds and examples of capital purchases. Lastly he touched on the role of the hospital in our community and informed the Council that a Healthcare Task Force was appointed by the Borough Mayor to to analyze the current hospital service area structure and evaluate whether changes should be recommended to better serve all residents of the Kenai Peninsula. Additionally, the Task Force will collect and analyze information regarding the healthcare system operations, practices, service delivery and costs within the Kenai Peninsula Borough.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Letter of appreciation to Councilmember Zak from Governor Walker

B. Borough Report

C. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
 - a. Minutes of February 3, 2016

Planning Commissioner Roberta Highland reported the Commission is working on a draft ordinance to simplify some language relating to accessory dwellings in the Rural Residential Zoning District. She noted that the amendment does not propose any property use changes. She also reported they have begun looking at the Comprehensive Plan update and started with the energy chapter. Their goal is to produce a plan that has a more logical and easy flow to it. The energy chapter has some

implementation tables that may not be realistic and the commission will review the content, discuss why things haven't moved forward, and what it might take to become realistic.

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

Parks and Recreation Advisory Commissioner Robert Archibald reported that the Early Childhood Coalition spoke to the Commission about needed improvements at Bayview Park, particularly the picket fence. The Coalition is fundraising to collect money to fix the fence and may be looking to the City for some funding for that. The Friends of Woodard Creek and Karen Hornaday Park are going to finance a survey of the east property line of Hornaday Park to find out where the line is and look at putting a trail there. The Commission is going to amend the bylaws so the Chair can vet agenda items to help make it easier on staff. They are also going to review the Strategic Plan to bring it more in line with the Homer Recreational and Cultural Needs Assessment. Lastly \$20,000 has been raised so far for the water trail pavilion.

5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission

PUBLIC HEARING(S)

- A. **Ordinance 16-06**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 6.18, Marijuana Establishments, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores in the City. Smith/Van Dyke. Introduction February 8, 2016, Public Hearing and Second Reading February 22, 2016.

Mayor Wythe opened the public hearing.

Stuart Schmutzler, non-resident, commented in opposition of Ordinance 16-06. He shared the history of how cannabis became illegal many years ago explaining up until the 20th century the federal government supported it and in the late 30's 1930's two major manufactures were key in creating this great fear of the product due to their fear of competition. He added that allowing commercial sales will allow for additional revenue and won't increase availability to the youth, it already is there.

Christin Fankhouser, city resident, commented in support of Ordinance 16-06. She shared statistics of harmful impacts of marijuana and that legalization may encourage more youth to experiment with it. In her profession as a Salvation Army officer, which includes work as a pastor and social worker, she sees the effects on a daily basis.

Walter Swearingen commented in opposition to Ordinance 16-06. He commented that by legalizing marijuana we can control it, educate, and improve in keeping away the criminal element. He finds it disturbing how it seems they are ignoring the people who use it medically. This has already been voted on and passed.

Roberta Highland, city resident, commented about things she has learned related to marijuana. She said the state said the city can limit the number licenses as a city, but the attorney says it could open us up to a suit, which she doesn't understand. There are a lot of questions and that probably means we should slow down a little. She thinks it's worth discussion that it's still illegal federally. There has been nasty social media going around and some people aren't here tonight because they are afraid. She doesn't support an all-out ban but does want a limit on numbers and supports a slower approach.

David Harris, city resident, cited HCC 1.18.010(a) and that by voting the councilmembers in, voters are putting their trust in them to represent. If council can't follow this section in code and a vote where 53% of Homer approves something then you don't need to be in office.

Susan Killfoile, non-resident, commented she provided a list of documentaries and wondered if anyone had watched. She commented that for every study there is a counter study. She appreciates what they are doing but encouraged keeping an open mind and look at some of the documentaries because the information is crucial.

Jerimiah Emmerson, non-resident, commented about the importance of public education and is willing to do a presentation to the Council on commercial cannabis. He explained timelines, tracking, and cash handling, adding that retail stores wouldn't open until September or October.

Mayor Wythe asked Mr. Emmerson to contact the Clerk's office about being scheduled as a visitor on a Council agenda.

Kimberly Ketter, city resident, commented she studies the social work field, substance abuse and the mental health association. Years ago weed was only seen as an issue because it's a gateway drug and where she came from in Pennsylvania when pot was hard to get a hold of, kids started on heroin. She noted the bust that just happened and as big as it was, no one knew about it, that's how mellow it could be. She also commented the elderly is a vulnerable population and she doesn't know why that would be suggested.

Rebecca Jones, non-resident, commented in opposition to Ordinance 16-06. Personally she doesn't use marijuana but believes in the democratic process. People are already using it and have access to it. She commented about her experience having lived on the Mexican border and seen first-hand the effects of smuggling. She asked Council to allow it at the local level citing economic benefit and help our vulnerable neighbors to the south.

Mako Haggerty, non-resident, thanked Mr. Schmutzler the background information he shared. He opposes Ordinance 16-06. Legal marijuana has increased revenues in Colorado with little or no adverse effects to the social health of that state. He suggests councilmembers make themselves aware of the numbers. The City will be the biggest loser if this passes.

Ryan Walker, non-resident, commented in opposition to Ordinance 16-06. The rights for people who use a plant are no different than, women's rights, freeing blacks from slavery, or gay rights. People's ideas have been wrong before. We are users of a plant and have rights as a culture; we aren't going away and aren't going to back down. He asked that they please respect the vote.

Ruth Swearingen commented in opposition of Ordinance 16-06. She used to work with the Salvation Army and has helped with a lot of people and did a lot of volunteer work. She commented on her faith and family, reiterating the benefits of marijuana for her husband's health issues.

Joni Wise, city resident, commented we aren't debating medical marijuana, it is legal. We are debating dispensaries in city limits. To say allowing them will help control it, has forgotten how that has worked with alcohol. She commented about the rude behavior directed at council, the law is the council that has been elected to make these decisions, and that those who disagree can run for office. Council is trying to make the best decision for the city as a whole.

Logan Jensen, city resident, commented in opposition to Ordinance 16-06 and shared his experience in San Francisco as a medical cannabis patient. He's disappointed that despite legal medical marijuana there isn't any place to buy it legally. He's also disappointed that the Council isn't confident enough in the vote of the people to pass an ordinance or get educated on this issue that is important to the community.

Dan Miotke, city resident, commented that none of us think marijuana is new to town and know that it readily available if you want it, and now it's okay to grow it yourself and use it. His concern is whether we want to open it free reins at this point. He encouraged slowing down and putting it to a vote.

Carrie Harris, city resident, commented in opposition of Ordinance 16-06. She isn't worried about the results of the vote. She heard a lot about tourism at the last meeting and said do not discount our local tourist from the area and around the state who spend money here. So don't discount what they have to say.

Michael McGuire, non-resident, commented in opposition to Ordinance 16-06. He encourage that there is urgency upon us to treat each other better. We need to learn from this and get better educated on all areas including personal use, medical use, and commercial benefits.

Terry Reed, city resident, does not support Ordinance 16-06. We have already voted on this and she want to see green cross dispensaries with people who are knowledgeable about their products and what will be most helpful for a person's needs.

Megan Anderson, non-resident, noted community groups she's involved with and that she is commenting on her own beliefs. She opposes Ordinance 16-06. The black market industry has been flourishing and will continue regardless. We're at a crossroads where we can continue to spend resources we don't have or embrace the voter's wishes and generate tax revenue we desperately need. She encouraged keeping an open mind and giving it a chance.

Mike Fairman, city resident, commented in opposition to Ordinance 16-06 and proposes getting educated on the topic.

Mike Kennedy, city resident, commented that he doesn't think the hostility over all this is directed personally, but at the frustration at the process. He doesn't support Ordinance 16-06. He encouraged people to understand this is an herb, not a drug. It's used medically and recreationally. He asked people to use liberal thinking and interpretation for the City to put forward commercialization of marijuana and don't overlook the potential of it.

Tim Clark, city resident, commented he does not support Ordinance 16-06. Banning it throws away opportunities for jobs, opportunities to better themselves, and opportunities to regulate and know where it's at. This has been all over social media and local media so people are aware and his personal perspective is a lot more people are for it.

August Weber commented against Ordinance 16-06. People are already doing it and banning won't stop it. Allowing commercial marijuana could do a lot for the community.

Mark Landwer, non-resident, commented in opposition to Ordinance 16-06. He thinks the Council is giving up their responsibility to proactively handle this and rejecting the public's desire to handle this in an open way. He talked about an opportunity he had with a building that he let go of.

Christie Hill, non-resident, commented in opposition to Ordinance 16-06. She commented about the benefits of being able to tax it and current cuts that are being made at the high school. It would be great to say no to this ordinance so we can get the tax dollars here.

Scott Owens commented in opposition to Ordinance 16-06. He spoke about the local cannabis club and that it has 150 members. He commented about the revenue the city could see if they legalize commercial activities and also about how marijuana has benefitted him as one who suffers from PTSD and how it can help others.

Frank Hodnik, city resident, commented in opposition to Ordinance 16-06. He commented that there are a lot of the professionals in town who support commercial marijuana but won't testify because we've been dealing with 70 years of prohibition. He spoke briefly about how marijuana can help people and benefits he has seen particularly working with veterans.

There were no further comments and the public hearing was closed.

Mayor Wythe called for a motion for the adoption of Ordinance 16-06 by reading of title only for second and final reading.

VAN DYKE SO MOVED.

Motion failed for lack of a second.

B. **Ordinance 16-04(A)(S)**, 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. Lewis. Introduction January 25, 2016, Public Hearings February 8 and 22, 2016, and Second Reading February 22, 2016.

Ordinance 16-04(A)(S-2), 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 the Proposition to Prohibit Marijuana Establishments in the City at the Regular Election to be Held in the City on October 4, 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.

Mayor Wythe called for a recess at 8:55 p.m. The meeting reconvened at 9:00 p.m.

Mayor Wythe opened the public hearing.

Roberta Highland, city resident, commented as a reminder that the vote allowed cities to opt out and quite a few cities have done that. The City council is doing their job and encouraged people to be respectful about that. She commented in support of holding off on rural residential just to get a feel for this in the beginning. This is new territory.

Mike Kennedy, city resident, commented this amendment is kind of a back door approach to making an election. He doesn't support a special election and it's a no brainer that it will pass. He thinks the council should take the responsibility and not pass it on to us. He recalled elections for the city center that got voted down and a special election about smoking and Homer voted smoking in, they voted for choice, also the food tax is another good example.

David Harris, city resident, commented Ordinance 16-04 needs to pass but the amendment needs to go down tonight, it needs to end. The majority voted on it and you all are here to represent the majority of the voters.

Carrie Harris, city resident, said yes to 16-04 as it is. That's the compromise. No to 16-04 (A)(S-2) the ordinance to bring it to a vote. If you bring it to a vote, you will pay in a lot more ways than just with the cannabis public initiative she will put forth tomorrow morning.

Robert Archibald, city resident, commented that the vote for this did not count the major majority of the population of Homer so it's not a mandate. He appreciates Council being a little cautious on this and entertaining another vote. From all the discussion that has been going on, he thinks the discussion that has gone on; there is a better educated public. If the majority votes for commercial marijuana, so be it. That's the will of the people.

Jeremiah Emerson, non-resident, commented in support of Ordinance 16-04(A). He doesn't like the S-2 version. He suggested the City begin looking forward to how they will deal with the excise tax. Right now he believes the state is going to take it and decide how to allocate it and the City could make a resolution or letter to the Department of Revenue asking for a certain percentage. That is where most of the financial benefit will come to the city. He said he is available and will do his part to answer questions and help educate the public.

There were no further comments and the public hearing was closed.

With approval of the reconsideration, the following motion is on the floor:

LEWIS/REYNOLDS SO MOVED TO SUBSTITUTE ORDINANCE 16-04(A)(S) FOR ORDINANCE 16-04(A).

There was discussion clarifying that if they vote down 16-04(A)(S) that 16-04(A) is back on the floor and then a motion can be made to substitute 16-04(A)(S-2).

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

Motion failed.

SMITH/VAN DYKE MOVED TO SUSPEND THE RULES AND DISCUSS ORDINANCE 16-07.

There was no discussion.

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

Motion carried.

After the introduction of Ordinance 16-07 as amended, discussion resumed on Ordinance 16-04(A)

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

ZAK/VAN DYKE SO MOVED.

Councilmember Aderhold commented that S-2 includes the rural residential zoning, which they want to remove. She asked if they need to vote down what they just did.

Mayor Wythe said they want to get rid of rural residential, so it would be A-2 so we keep the language about the vote certification.

City Manager Koester explained that to be consistent with the action that has been taken two categories of amendment need to happen. One would be to change the date from a regular election in October to a special election in April. The second would be to take it back to version A which didn't allow limited cultivation in rural residential. She said Attorney Davies is working on an amendment to the substitute to do that.

Mayor Wythe called for a motion on page 163 line 20 to delete the October 4th and insert April 19th, and again on page 175, line 502 delete regular election to be held in the City on October 4th and insert Special Election to be held in the City on April 19th.

ZAK/VAN DYKE SO MOVED.

There was brief discussion this makes it consistent with ordinance 16-07(A).

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe commented that Attorney Davies is still working on an amendment and asked for a motion to suspend the rules to hear the City Manager's report while she completes the amendment.

LEWIS/ADERHOLD MOVED TO START ON THE CITY MANAGER'S REPORT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

After completion of the City Manager's Report discussion resumed on Ordinance 16-04(A)(S-2).

City Manager Koester asked for confirmation that the Council is working on version 16-04(A)(S-2).

Acting City Clerk Jacobsen confirmed that is correct.

Based on comments some members the discussion was directed to version 16-04(A).

City Manager Koester asked for clarification on amendments made thus far.

Acting City Clerk Jacobsen replied that the motion was to substitute 16-04(A)(S-2) and it was amended to change the date from October to April for the election, so the next change would be to address rural residential zoning. Mayor Wythe interjected to bring it back to 16A.

Attorney Davies said she went back to the A version which doesn't contain the rural residential language and added the enactment language to the title and last section. She asked to confirm that is what Council is at. Mayor Wythe said she thinks that's where Council thinks they are as well.

REYNOLDS/LEWIS MOVED TO ADD TO THE TITLE ON STARTING ON LINE 16 TO BE EFFECTIVE ONLY UPON CERTIFICATION OF A MAJORITY VOTE REJECTING 16-07. ON LINE 20 WHICH ENDS OPERATE A RETAIL STORE SELLING MARIJUANA AND, ADD THE WORDS THE PROPOSITION TO PROHIBIT MARIJUANA ESTABLISHMENTS IN THE CITY AT THE SPECIAL ELECTION TO BE HELD ON APRIL 19, 2016. LASTLY, LINE 415 SECTION 7 READ THIS ORDINANCE SHALL TAKE EFFECT 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 Wythe asked if there if there was any objection to the adoption of 16-04(A-2)

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- A. **Ordinance 16-07**, 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 and Prohibiting Marijuana Establishments in the City Until Certification of the Result of the Election on that Question. Mayor. Recommended dates: Introduction February 22, 2016, Public Hearing and Second Reading March 14, 2016.

Mayor Wythe called for a motion for the introduction of Ordinance 16-07 by reading of title only.

SMITH/VAN DYKE SO MOVED.

LEWIS/REYNOLDS MOVED TO AMEND TO DELETE LINE 9 AND 10 THE REGULAR ELECTION TO BE HELD IN THE CITY ON OCTOBER 4, 2016, AND INSERT A SPECIAL ELECTION TO BE HELD IN THE CITY ON APRIL 19, 2016

Councilmember Lewis commented if this ordinance passes the people who support commercial marijuana deserve to have the vote as soon as possible.

Mayor Wythe agreed. She explained the reason she brought this forward is there are people on the other side of the issue who think it's a bad idea. If the Council were to move this forward it has a chance of moving more quickly than if the community moves it forward. Regardless of the decision the council would make today there will likely be a referendum before them. She feels like the six Councilmembers and the Mayor shouldn't necessarily be the ones making the decision this time. She understands people voted for it at the state election. She understands that if she has to break a tie, her vote will likely be no, so she is trying to give this an opportunity for a second chance. She expressed her disagreement with comments that the Council isn't doing their job here. She added that the comments that have come out these last few weeks have caused a lot of people to step back. The negative and ugly comments of the supporters in social media and at the meetings isn't helping the cause but solidifying perspective of the people who don't support it.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

LEWIS/ZAK MOVED ON LINE 37 DELETE OCTOBER 4, 2016 REGULAR MUNICIPAL ELECTION AND ADD APRIL 19, 2016.

There was no discussion.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was discussion on the amendments provided to Council by Attorney Davies at the Committee of the Whole.

Mayor Wythe called for a motion to amend to add Section 2. Commercial Marijuana establishments shall not be permitted within the boundaries of the City of Homer; and section 4. This ordinance shall become effective immediately upon its enactment except for section 2 of this ordinance which shall be effective upon the passage of proposition 1.

ZAK/VAN DYKE SO MOVED.

Mayor Wythe commented that these amendments were recommended so that the ordinance, if it moves forward, will have the parameters that will work with the zoning ordinance.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Councilmember Reynolds thinks the voters have spoken and there won't be a problem passing it. She doesn't think we need to go through the expense of an election and that it will prolong division of the community. She doesn't think there is a need to step outside respectful communication about any of the things we discuss here, even when emotions run high. She acknowledged people who are interested in getting started in the industry and this caught them unaware and is probably where it stemmed from. She is puzzled about the possibility of referendum, but she does feel they were elected to hear the points of view and make a decision.

Councilmember Lewis commented if this passes the City gains nothing but will lose tax revenue. The businesses will be right outside city limits and those areas are still called Homer, so this won't accomplish a whole lot. We aren't putting the beach policy to a vote and this shouldn't be either.

Councilmember Smith commented that the ballot measure people voted on provided for this discussion to be part of the process. He appreciates the communities input and thinks it's important to talk about legalization and commercial operation. They aren't questioning the medical benefits or the legality of having it, they are addressing the commercialization. The language wouldn't be there if it weren't to be considered.

Councilmember Zak asked about how this impacts the zoning ordinance.

There was discussion that they can pass a version of the zoning ordinance 16-04 tonight so it will be in place once the election is certified.

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

Mayor Wythe voted yes to break the tie.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Koester noted:

- The Library received a grant for books and supplies from the Rasmussen Foundation.
- Having a working group of Councilmembers who can touch base with the lobbyist in Juneau once a week. Councilmembers will check in with the City Manager to sign up and participate.

Councilmember Lewis commented regarding the issues last time there was a jack up rig at the dock. He questioned if we should vote to have a rig tied up at the harbor.

There was brief discussion on scheduling the Councilmember lunches and Councilmember Smith's conflict on Monday's when the Council is scheduled to meet.

Councilmember Lewis initiated the discussion about the requests that came from the Hickerson Cemetery meeting. He thinks if the property owners in the area want something special we should start discussing cost sharing. He also touched on whether there can be a requirement that embalmed bodies must be in a vault.

City Manager Koester suggested one way to proceed would be to send the project to the Planning Commission for some vetting provided the Council accompanies it with specific directives. They could also choose the option to move forward with the project with a policy for burials. Other things to address are raising the cost of a plot to help offset increased cost of making a more aesthetically pleasing cemetery and conversation about the no build option as the city incurs costs to maintain the cemetery.

Brief comments were made regarding if a fence is required, disrepair of the current fence, raised headstones despite the code language that the must be flat, and if it's viable to expect someone else to take over the business.

Councilmember Aderhold raised the point they need to decide if the City wants to expand the cemetery and continue running it.

Councilmember Smith suggested there are other options noting that at cemeteries in other countries there are a lot of urn holders used for entire families and they are very beautiful. It doesn't have to be putting bodies in the ground.

City Manager Koester said she spoke to the funeral home about a Niche Wall that is being built up the road for about \$25,000. She couldn't recall the capacity and it is something that can be researched further. She will ask the Planning Commission to look the Niche Wall, the no build option, and addressing requirements for a vault if a body is embalmed and not requiring if the body isn't embalmed.

Lastly, City Manager Koester talked to the Council about the Homer Volunteer Fire Departments request for a councilmember to participate with setting their strategic planning goals. Councilmember Smith expressed interest, depending on when they plan to meet.

B. Bid Report

CITY ATTORNEY REPORT

- A. City Attorney Report

COMMITTEE REPORT

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

Public Safety Building Committee Chair Ken Castner encourage Council to make a decision tonight on an option and target a price when they take up Resolution 16-016.

13. PENDING BUSINESS

- A. **If Reconsideration passes:**

Ordinance 16-05(S)(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds/Aderhold.

Ordinance 16-05(S)(A)(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Lewis.

Memorandum 16-018 from City Manager as backup.

Memorandum 16-031 from City Attorney as backup.

After reconsideration the following motion is on the floor:

ADOPTION OF ORDINANCE 16-05(S) AS AMENDED FOR SECOND AND FINAL READING

Mayor Wythe called for a motion for the substitution of Ordinance 16-05(S)(A)(S) for Ordinance 16-04(S)(A)

LEWIS/ADERHOLD SO MOVED.

Councilmember Lewis acknowledged tonight's testimony on the beach. Opening the area of the beach from October 1 through March 31 is a compromise that will allow people to get out and collect coal.

Councilmember Van Dyke commented when this first came to council over a year ago it was to address a problem people were having at Bishops Beach and now it's escalated into all the beaches in Homer being closed off for vehicular traffic. He doesn't think that's right. He thinks they should fix the problem on the beach that has the problem and leave the rest alone.

Councilmember Aderhold appreciates Mr. Van Dyke's comments but wants to honor the work of the Parks and Recreation Commission and their best recommendation based on a number of public hearings. She thinks there are issues on our beaches and we need to be cognizant of that.

Councilmember Smith added that growing up here he has used the beaches for a lot of the same reasons people use them. He thinks it's a public space and for us to be deciding whose recreational needs more important is too much sometimes. He thinks we should have open spaces for a lot of different uses. He hates to have to limit it. He's in favor of this change opening more of the beach. After talking with a member of the public he thinks the boundaries defined in the ordinance should be changed slightly to keep people from going all the way to the mouth.

There was brief discussion to define the area Mr. Smith is referring to.

SMITH/REYNOLDS MOVED TO AMEND IT TO BE FROM THE SOUTH END OF MARINER PARK BEACH ACCESS TO THE EAST END OF THE SEAWALL.

There was brief discussion.

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

Motion carried.

There was no further discussion on the motion to adopt Ordinance 16-05(S)(A)(S) as amended.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. **Resolution 16-013**, 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 Directing that it be Canceled at the Term of the Lease December 1, 2018, and that the Property be Advertised for Lease in a Request for Proposals. City Manager. Postponed from January 25, 2016.

Memorandum 16-012 from Port and Harbor Advisory Commission as backup.

The motion on the floor from January 25, 2016:

LEWIS/VAN DYKE SO MOVED THE ADOPTION OF RESOLUTION 16-013 BY READING OF TITLE ONLY.

Councilmember Lewis commented he has spent a summer working at this fuel dock. It's basically an overflow dock and to allow it to go to bid could mess things up on the dock. He respects what the Port and Harbor Advisory Commission wants, but if Petro Marine loses the lease they would remove their tanks, building, ramp, and wooden dock, leaving a couple of pilings there. He doesn't think anyone else could afford to put in the infrastructure and run a dock. He suggests voting it down and sending it back to the lease committee and Commission to work something out with Petro Marine.

Councilmember Smith supports the RFP process for us to do what's in the best interest of the community. He agrees it will be difficult to compete with Petro Marine in the process. He recalled his experience with an RFP at the airport and the city lost two clients and the spaces sat empty. We have to be careful when we have people willing to invest the time and resources, sometimes it's good policy and good form to extend them invitation to continue to do business here.

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

Motion failed.

- C. **Resolution 16-014**, A Resolution of the Homer City Council Amending the Harbor Enterprises, dba Petro 49, (Formerly Petro Marine Services) Lease on the Coal Point Fuel Float and the Terminal Tank Farm on the Coal Point Lot (Sec 1 T7S, R13W, S.M.) and to Enter Into a New 20-Year Term Lease With the City, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Postponed from January 25, 2016.

Memorandum 16-012 from Port and Harbor Advisory Commission as backup.

The motion is on the floor from January 25, 2016:

LEWIS/REYNOLDS SO MOVED THE ADOPTION OF RESOLUTION 16-014 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- D. **Resolution 16-016**, A Resolution of the City Council of Homer, Alaska, in Support of the Homer Public Safety Building as Presented by the Public Safety Building Review Committee. Mayor. Postponed from January 25, 2016.

The motion on the floor from January 25, 2016:

LEWIS/REYNOLDS SO MOVED THE ADOPTION OF RESOLUTION 16-016 BY READING OF TITLE ONLY.

Councilmember Van Dyke does not support any of the three options regardless of the work that has been done and the cost of it is prohibitive.

VAN DYKE/SMITH MOVED TO AMEND TO A BOND REQUEST FOR AN OPTION TO BE DEVELOPED BY THE COMMITTEE FOR THE CONSTRUCTION OF A POLICE DEPARTMENT ONLY NOT TO EXCEED SEVEN MILLION DOLLARS.

Councilmember Reynolds is not supportive of this and has an amendment to propose.

Councilmember Smith commented about the new Fire Station built in Nikiski five years ago for six million dollars, including the land acquisition. He supports looking at options in a lower price range. He doesn't discount the work that has gone in to a needs assessment, but there is also the community needs assessment that comes along with the price tag that we need to consider as well. He agrees it needs to move forward but we don't want it to fail at the ballot because of the cost.

Councilmember Lewis doesn't think you can compare a police stations needs to a fire station, particularly with jail cells, communication center, and emergency areas.

Mayor Wythe concurred with Mr. Lewis regarding the differences between police and fire stations, noting air handling equipment needed for a jail facility when trying to mitigate airborne diseases and so forth. There are mechanicals required costing up to five million dollars that wouldn't necessarily be part of a fire hall.

Councilmember Aderhold added this amendment doesn't address the fire hall.

Councilmember Van Dyke commented that the building proposed will last 300 years at our present growth rate and he thinks it can be scaled back making it more affordable. In option 3 the police building is ten million dollars at 24,000 square feet. He questions why we can't build a 15,000 square feet for six million dollars.

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

Mayor Wythe voted no to break the tie.

Motion failed.

REYNOLDS/LEWIS MOVED TO AMEND LINE 39 TO READ OPTION 3 AND REMOVING OPTION 2 AND OPTION 1; AND LINE 40, CONSTRUCTION OF A REDUCED SIZE PHASED PUBLIC SAFETY CAMPUS WITH POLICE STATION ONLY TO THE VOTERS OF THE CITY OF HOMER DURING THE GENERAL ELECTION IN 2016 IN THE AMOUNT NOT TO EXCEED TWELVE MILLION DOLLARS.

Councilmember Reynolds commented based on information from last week's worksession and other meetings she has attended, this would be a good way to get started on the police station. She also noted the memorandum from the Fire Chief explaining that refurbishments to the fire hall to extend the life about ten years would cost one million dollars.

Question was raised if the 12 million includes the one million for the fire station. Ms. Reynolds replied no, but it could.

Discussion ensued regarding previous talk that the police station could be done for 10 million dollars. Comment was made that it was bonding for 10 million dollars and coming up with additional monies from funds that may be available through the city.

They also briefly addressed monies already allocated and expended.

Mayor Wythe commented about language being omitted regarding bringing this to the voters of the City of Homer during the General Election October 2016 and it should be added back.

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

Motion carried.

There was further discussion that \$650,000 has been authorized to be expended and are currently under contract for \$490,000.

ZAK/VAN DYKE MOVED TO AMEND THE 12 MILLION TO 11.5 MILLION

Councilmember Smith asked if this would include the improvements to the existing fire hall. Mr. Zak said yes, it would.

Further discussion clarified that the resolution is only setting the budget not the building size. After the resolution is adopted, it will be up to the committee to work with the architect to work to create a building in the size that will work in the allocated budget.

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

Mayor Wythe voted no to break the tie.

Mayor Wythe called for a motion to add back the language bringing this to the voters of the City of Homer during the General Election October 2016 and it should be added back.

LEWIS/ADERHOLD SO MOVED.

Councilmember Reynolds noted it wasn't her intention to remove that language in her original motion.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was no further discussion.

VOTE (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

14. NEW BUSINESS

15. RESOLUTIONS

- A. **Resolution 16-021**, A Resolution of the Homer City Council Awarding the Contract for the Deep Water Dock Uplands Improvements 2016 Project to a Firm to be Named in an Amount to be Announced and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Councilmember Smith disclosed that his father works for Puffin Electric, the firm being awarded the contract.

Mayor Wythe ruled that he does not have a conflict of interest as he does not benefit directly from the award of the contract. Councilmembers did not raise objection to her ruling.

Mayor Wythe called for a motion adoption of Resolution 16-021 by reading of title only.

LEWIS/REYNOLDS SO MOVED.

Mayor Wythe called for a motion for the substitute of Resolution 16-021(S) for Resolution 16-021.

LEWIS/REYNOLDS SO MOVED.

There was no discussion.

VOTE (Substitution): NON OBJECTION: UNANIMOUS CONSENT.

There was brief discussion regarding the difference between the amount of in the resolution to award and the actual bid amount in the memorandum. City Manager Koester explained that there is a very strict budget on the project because it's a legislative grant and it cannot exceed one million dollars. Minor adjustments had to be made to the project cost bringing the cost down from the original bid amount to the amount in the substitute resolution.

VOTE (Main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

16. COMMENTS OF THE AUDIENCE

Carrie Harris, city resident, commented every time you over regulate you create a larger mentality that there is nothing we can do about it. It causes people not to participate in government and results in lower voter turnout. Bringing this back makes the voters question, why bother. She asked how much of a majority of a majority do they need? If she's offended the council on social media, in the new paper, on the street, or anywhere else, she suggests they toughen up a little bit because she doesn't sugar coat anything.

Kimberly Ketter, city resident, commented that the pot thing is silly and ridiculous and she's wondering, do we vote on the cop building? We voted against the trail fund, she can't find the break down, and asked where the transparency is because she can't see where funds go. We want to talk commercial marijuana in the city, but yet there is business being done in residential marked areas in the city and people living in commercially marked areas in the city limits. She lives in the city and it's expensive to pay all the utilities and stuff, and we get taxed heavy to take care of the tourists. She can

use the sidewalk to bike and walk but the sidewalks aren't taken care of. They are taken care of in the summer for the tourists while we're slipping and falling on the ice. She was told that comes out of the general fund not the trail fund. She commented additionally about trails that aren't complete and how quickly building a road will use up the three million dollars in the account.

Mayor Wythe commented that the budget is available on the City of Homer website.

Mike Kennedy, city resident, is disappointed this majority decision is going back for a re-do, it insults the voters that voted before. He supports democracy and we voted. To make another vote and call it democracy is a ruse. If we are going to have a special election we should save some money and put the public safety building up now. Lets do about a dozen advisory votes since we are going to spend \$6,000 on a special election. Why not vote on annexation, and where was the council when we had a chance to vote on the natural gas assessments? Why not vote on a bed tax and to re-do the grocery tax. The city voted down a civic center, let's put up the public safety building. Dave Lewis had a great idea to vote on whether to have drill rigs come into Kachemak Bay and tie up again. Why didn't we vote on the \$100,000 spent on the emergency generator for the library. Democracy isn't pick and choose. If you want a real democracy, vote on all of this because obviously there is a lot of controversy.

Scott Adams, city resident, thanked council for reconsidering the beach ordinance, it will help a lot of people. He sees a different twist on the special election vote, the state allowed us to vote on allowing it legal in Alaska and cities were the ones to decide if it's legal in the city limits. Wasilla went through the city council process and voted it down. Council has given people the the vote for it and he appreciates that too. Regarding the public safety building, he would like to see some skin from the city when we bond for it. We just did a twelve million dollar gas line assessment and bond. He would like the see the wording for the special election to say yes, you want it and no, you don't want it. The wording is not straight forward. He isn't sure what the borough is doing relating to marijuana. He would like to see \$1 million to the fire department, the bond be \$10 million total, and the city put some skin in it.

Ken Castner, city resident, thanked the Council for doing something with the public safety building. He is fiscally conservative. There will be some costs incurred along the way and what he would like them to do is to take care of the Fire Department soon and get going as a project. He would be upset if it was tied into a bond proposition later as these are all deferred maintenance items. It will be a challenge to do what needs to be done with the police station project; the costs aren't in the square footage of the building but in electrical and mechanical costs. The Committee will get to work to bring something back to council fairly quickly with new ideas that will make it work.

Mark Landwer, non-resident, commented about the HERC building giving them the additional challenge of knocking down a white elephant. The lot Gus mentioned down on Mr. Waddell's property is vacant and someone commented building on the lot they have. He commented on his experience helping build a building around a machine. You've got that good property there and you don't want to separate the two. It's interesting that there is a flight to money, to bonds. He commented about the state budget cuts and refiguring how they value things and falling oil costs.

Ryan Walker, non-resident, commented thinks it's silly to re-vote. What if in April we re-voted on all the council positions to make sure we like you all? The vote was 53 to 47 with a pretty big turnout for

voters. He isn't sure what the turnout was when the council members were voted in. He read the quote "Incapable of Discouragement" from JohnA Passaro.

17. COMMENTS OF THE CITY ATTORNEY

Attorney Davies had no comment.

18. COMMENTS OF THE CITY CLERK

Deputy City Clerk Jacobsen commented the city councils of Palmer and Wasilla banned commercial marijuana sales activities in their cities. It's something to think about.

19. COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

COMMENTS OF THE MAYOR

Mayor Wythe commented it's important for the voters to work through this process. Just as easily as bringing it to a vote she could have voted no and it would be just as done as Wasilla and Palmer but we have a different path to resolve that. If your method of approaching and dealing with that is a referendum to recall the council or mayor, that is up to the voters as well. In regard to public comment about the budget, it can be found on the website along with an accounting tool to look closer at expenditures and so forth. She thanked the Council for their work tonight.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Lewis clarified the Wasilla City Council voted it down and the city voters had voted it down, Palmer residents had voted yes and the City Council, lead by the Mayor who was against it, voted no. He thanked the plow drivers who came through his neighborhood on Sunday. They did a good job of clearing and not leaving a berm in front of his driveway.

Councilmember Smith also recognized the city workers did a fine job on Sunday. He thanked the public for testifying tonight, last meeting, and talking to him directly or by email. He wants to respect all the walks of life and we wouldn't be having this discussion if ballot measure two did not have the provision to explore this option. That would have been a definitive yes/no, but the language that exists provides the option, so we need to do our due diligence and make sure we have a definitive answer. He knows it may present itself as aggravating but choosing to be insulted is a personal choice. We are trying to work to the best benefit of the City.

Councilmember Aderhold also appreciates the people who have testified. She reminded the public that the ordinance for a special election was only introduced tonight. There will be a public hearing on it at the March 14th meeting so people can testify about it at that time.

Councilmember Van Dyke said goodnight.

Councilmember Zak commented it won't be until October when we vote on the public safety building so it will be better aware of what the state is looking at. He was trying to be a bit conservative tonight

and cut back a little. He commented about Sunday's Daytona 500 being the closest race ever and a photo finish race. It was a close vote when the voters of Alaska voted to approve marijuana and it left the ability to make the decision at the local level. Now could be the opportunity to vote again on April 19th to get it before the voters sooner than later. It wasn't easy tonight, probably one of the toughest council meetings, but interesting in listening to all the people and hearing the benefits of marijuana who are using it in a way that changes their lives. We are really going to have to decide what's reasonable in our community.

Commissioner Reynolds echoed a thank you to the people who testified. It's easier for her when people participate because she doesn't have to wonder what they are thinking. She finds it perplexing the idea that the City and City Council are different than property owners, because they aren't, like the skin in the game part when talking about the public safety building and reallocating funds. She feels like there are some questions that need to be answered on 16-04(A)(S-2), particularly what happens if they don't move forward with the vote. Lastly she commented about getting to spend some time riding fat tire bikes with some travel agents who were here from China as part of the Go West Summit in Anchorage this week.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 11:37 p.m. The next Regular Meeting is Monday, March 14, 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.

MELISSA JACOBSEN, CMC, ACTING CITY CLERK

Approved: _____