

## **ACTION AGENDA**

Monday, January 23, 2017

Worksession

Committee of the Whole

Regular Meeting

## **WORKSESSION AGENDA**

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

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

Councilmember Aderhold participated by telephone.

### **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. ELECTION CODE CHANGES**

### **4. NEW POLICE STATION/PUBLIC SAFETY BUILDING**

### **5. COMMENTS OF THE AUDIENCE**

There were two who commented.

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

Mayor Zak adjourned the meeting at 4:46 p.m.

## **COMMITTEE OF THE WHOLE AGENDA**

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

Mayor Zak called the meeting to order at 5:00 p.m.

Councilmember Aderhold participated by telephone.

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 17-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.040 to Remove Limitations Placed Upon Public Commenting Before City Council. City Manager.
4. **Ordinance 17-06**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.80 and Homer City Code 1.18.050 to Appoint a Hearing Officer to Hear Ethics Complaints Against City Council Members and the Mayor and to Amend Homer City Code Section 2.08.050 to Permit the Board of Ethics or Hearing Officer to Dismiss Witnesses Prior to the Administrative Hearing and Clarify the Investigative and Hearing Process. Aderhold.
5. **Ordinance 17-07**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 4.10.040, 8.08.120, 14.05.425, 21.93.060, 21.93.070, 21.93.100, 21.93.110, 21.93.500, 21.93.540, 21.93.550, 21.93.560, 21.93.570, 21.93.700, and 21.93.710 to Remove the Board of Adjustment as the Decision Making Body in Appeals of Planning Commission Decisions, Remove the City Manager as the Decision Maker Regarding the Impoundment of Dangerous Animals, Remove the Police Chief as the Decision Maker Regarding Merchant Licenses, and Permit the City Clerk to Designate a Hearing Officer to Determine the Qualifications of a Candidate for Office. Aderhold.

**Ordinance 17-07(S)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 4.10.040, 8.08.120, 14.05.425, 21.93.060, 21.93.070, 21.93.100, 21.93.110, 21.93.500, 21.93.540, 21.93.550, 21.93.560, 21.93.570, 21.93.700, and 21.93.710 to Replace the Board of Adjustment With a Hearing Officer to Decide Administrative Appeals Under the Homer City Code, Including But Not Limited to, the Use of a Hearing Officer to Order Impoundment of Dangerous Animals, Decide Disputes Regarding Itinerant Merchant Licenses, and Decide Disputes Regarding Qualifications of a Candidate for Office. Aderhold.

6. **CONSENT AGENDA**
7. **REGULAR MEETING AGENDA**
8. **COMMENTS OF THE AUDIENCE**

There were two who commented.

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

Mayor Zak adjourned the meeting at 5:47 p.m.

### **REGULAR MEETING AGENDA**

Session 17-02 a Regular Meeting of the Homer City Council was called to order on January 23, 2017 at 6:00 p.m. by Mayor Bryan Zak 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 (telephonic), ERICKSON, LEWIS, REYNOLDS, SMITH, STROOZAS

STAFF: CITY MANAGER KOESTER  
CITY CLERK JOHNSON  
CITY ATTORNEY WELLS  
CITY PLANNER ABBODD  
DEPUTY HARBORMASTER CLARKE  
LIBRARY DIRECTOR DIXON  
PUBLIC WORKS DIRECTOR MEYER

Councilmember Aderhold participated by telephone.

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 17-07(S)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 4.10.040, 8.08.120, 14.05.425, 21.93.060, 21.93.070, 21.93.100, 21.93.110, 21.93.500, 21.93.540, 21.93.550, 21.93.560, 21.93.570, 21.93.700, and 21.93.710 to Replace the Board of Adjustment With a Hearing Officer to Decide Administrative Appeals Under the Homer City Code, Including But Not Limited to, the Use of a Hearing Officer to Order Impoundment of Dangerous Animals, Decide Disputes Regarding Itinerant Merchant Licenses, and Decide Disputes Regarding Qualifications of a Candidate for Office. Aderhold.

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

### **3. MAYORAL PROCLAMATIONS AND RECOGNITIONS**

- A. Mayor's Proclamation – Congenital Heart Defect Awareness Week

Councilmember Reynolds read and presented the proclamation to Dottie Zopp, Chloe's grandmother.

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

There were six who commented.

### **5. RECONSIDERATION**

### **6. 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 January 9, 2017. City Clerk. Recommend adoption.
- B. **Memorandum 17-014** from Mayor Zak, Re: Reappointments of Robert Hartley and Catherine Ulmer to the Port and Harbor Advisory Commission.
- C. **Memorandum 17-015** from City Clerk, Re: Liquor License Renewals for Boardwalk Fish & Chips and Don Jose's Mexican Restaurant.
- D. **Memorandum 17-016** from City Clerk, Re: Travel Authorization for Mayor Zak and Councilmembers Aderhold and Smith to Attend the Alaska Municipal League/Conference of Mayors Winter Legislative Conference in Juneau, Alaska, February 21 – 23, 2017.
- E. **Ordinance 17-04**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.30.020 to Add "Auto Equipment Sales, Rentals, Service, Repair and Storage" to the List of Permitted Uses in the Marine Industrial District. Lewis. Recommended dates: Introduction January 23, 2017, Refer to Planning Commission.

Moved to Ordinances, Item A. Aderhold.

- F. **Ordinance 17-05**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating \$970,870 From the Homer Accelerated Roads/Trails Program (HART) for the Greatland Street Improvements (Option C) Project, and Authorizing the City Manager to Execute All Appropriate Documents. Erickson. Recommended dates: Introduction January 23, 2017, Refer to Planning Commission.

Memorandum 17-019 from Public Works Director as backup.

Moved to Ordinances, Item B. Aderhold.

- G. **Ordinance 17-06**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.80 and Homer City Code 1.18.050 to Appoint a Hearing Officer to Hear Ethics Complaints Against City Council Members and the Mayor and to Amend Homer City Code Section 2.08.050 to Permit the Board of Ethics or Hearing Officer to Dismiss Witnesses Prior to the Administrative Hearing and Clarify the Investigative and Hearing Process. Aderhold. Recommended dates: Introduction January 23, 2017, Public Hearing and Second Reading February 13, 2017.

- H. **Ordinance 17-07**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 4.10.040, 8.08.120, 14.05.425, 21.93.060, 21.93.070, 21.93.100, 21.93.110, 21.93.500, 21.93.540, 21.93.550, 21.93.560, 21.93.570, 21.93.700, and 21.93.710 to Remove the Board of Adjustment as the Decision Making Body in Appeals of Planning Commission Decisions, Remove the City Manager as the Decision Maker Regarding the Impoundment of Dangerous Animals, Remove the Police Chief as the Decision Maker Regarding Merchant Licenses, and Permit the City Clerk to Designate a Hearing Officer to Determine the Qualifications of a Candidate for Office. Aderhold. Recommended dates: Introduction January 23, 2017, Refer to Planning Commission.

**Ordinance 17-07(S)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 4.10.040, 8.08.120, 14.05.425, 21.93.060, 21.93.070, 21.93.100, 21.93.110, 21.93.500, 21.93.540, 21.93.550, 21.93.560, 21.93.570, 21.93.700, and 21.93.710 to Replace the Board of Adjustment With a Hearing Officer to Decide Administrative Appeals Under the Homer City Code, Including But Not Limited to, the Use of a Hearing Officer to Order Impoundment of Dangerous Animals, Decide Disputes Regarding Itinerant Merchant Licenses, and Decide Disputes Regarding Qualifications of a Candidate for Office. Aderhold. Recommended dates: Introduction January 23, 2017, Refer to Planning Commission.

- I. **Resolution 17-012**, A Resolution of the City Council of Homer, Alaska, Noting the Insufficiency of the Petition for Shannon Lane, Shannon Court and Early Spring Street

Road Reconstruction and Paving Special Assessment District. City Clerk. Recommend adoption.

Items E and F, Ordinances 17-04 and 17-05 were moved to Ordinances, Items A and B. Aderhold.

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

## **7. VISITORS**

- A. MAPP Steering Committee, Update on Community Needs Assessment, 10 minutes.

Hannah Gustafson, MAPP Committee Coordinator, presented the most recent results of the community needs assessment.

## **8. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS (10 minute limit per report)**

- A. Borough Report

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

- B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission

Planning Commissioner Savannah Bradley reported on the January 18<sup>th</sup> meeting. The commission approved a conditional use permit for 2080 Shannon Lane, the building of seven small single family cabins. The CUP was approved with conditions and findings and an amendment to move back 50 ft. to the north corner of the property in response to concerns from neighbors. The Planning Commission will be considering other items to include temporary auto sales, removing the Board of Adjustment as the decision making body, and the extension of Greatland Street north to Pioneer Avenue.

3. Economic Development Advisory Commission

Councilmember Smith reported the commission had a great meeting with a full commission. They now have good footing and traction; we will receive good things from them.

4. Parks Art Recreation and Culture Advisory Commission
5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission

Councilmember Lewis announced the next meeting of the commission will be on Thursday, January 26 at 5:30 p.m.

- C. Thank You from Cook Inletkeeper for Funding from Homer Foundation
- D. Mayor Zak Letter to City of Teshio Mayor Asada

**9. PUBLIC HEARING(S)**

- A. **Ordinance 17-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.08.040 to Remove Limitations Placed Upon Public Commenting Before City Council. City Manager. Introduction January 9, 2017, Public Hearing and Second Reading January 23, 2017.

There was no public testimony.

ADOPTED without discussion.

- B. **Ordinance 17-02**, An Ordinance of the City Council of Homer, Alaska, Amending the Official Road Maintenance Map of the City of Homer by Adding Grubstake Avenue and Snowbird Street as Urban Road. City Manager/Public Works Director. Introduction January 9, 2017, Public Hearing and Second Reading January 23, 2017.

Memorandum 17-004 from Public Works Superintendent as backup.

There was no public testimony.

ADOPTED without discussion.

- C. **Ordinance 17-03**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule; and Repealing Subsection (F) of Homer City Code 5.20.020, Open Burning – Permit Requirement, Homer City Code 5.24.060, Violation – Penalty, Homer City Code 8.08.150, Violation – Penalty, Homer City Code 8.11.080, Violation – Penalty, Homer City Code 13.08.170, Violation – Penalty, Homer City Code 14.08.170, Violation – Penalty, Homer City Code 18.20.090, Penalty, Homer City Code 19.04.100, Violation – Penalty, Homer City Code 19.08.120, Violation – Penalty, and Homer City Code 19.12.100 Violation – Penalties, to Provide for the Disposition of Additional Offenses by Bail Forfeiture Without a Court Appearance. City Manager. Introduction January 9, 2017, Public Hearing and Second Reading January 23, 2017.

Memorandum 17-005 from City Clerk as backup.

There was no public testimony.

ADOPTED without discussion.

- D. **Resolution 17-009**, A Resolution of the City Council of Homer, Alaska, Approving Port and Harbor Enterprise's Implementation of Newly Revised Crane Use Agreements. City Manager/Port and Harbor Director. Public Hearing January 23, 2017.

Memorandum 17-008 from Port and Harbor Director as backup.

There was no public testimony.

ADOPTED without discussion.

- E. **Resolution 17-010**, A Resolution of the City Council of Homer, Alaska, Amending the Fee Schedule Under Planning and Zoning to Add Fees for Technical Review of Communication Tower Applications. City Clerk/City Planner. Public Hearing January 23, 2017.

Memorandum 17-009 from City Planner as backup.

There was no public testimony.

ADOPTED without discussion.



## **10. ORDINANCE(S)**

- A. **Ordinance 17-04**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.30.020 to Add “Auto Equipment Sales, Rentals, Service, Repair and Storage” to the List of Permitted Uses in the Marine Industrial District. Lewis. Recommended dates: Introduction January 23, 2017, Refer to Planning Commission.

REFERRED to Planning Commission.

- B. **Ordinance 17-05**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating \$970,870 From the Homer Accelerated Roads/Trails Program (HART) for the Greatland Street Improvements (Option C) Project, and Authorizing the City Manager to Execute All Appropriate Documents. Erickson. Recommended dates: Introduction January 23, 2017, Refer to Planning Commission.

Memorandum 17-019 from Public Works Director as backup.

REFERRED to Planning Commission.

Mayor Zak called for a recess at 7:43 p.m. and reconvened the meeting at 7:50 p.m.

## **11. CITY MANAGER’S REPORT**

- A. City Manager’s Report

Council discussed the plan for the council Worksessions to track the legislative session. The Worksessions will be held each Tuesday at 4:00 p.m. Council will be allowed to participate by phone, creating less impact for all. With full council participation, topics can be divvied up and reports made at the meetings.

Upon the suggestion of Mayor Zak, there is now a customer feedback postcard available at city offices wherever the public interacts. Council would like to review the plans for the expansion of Hickerson Memorial Cemetery to try to make it more affordable for people purchasing plots. Council asked that the Police Chief look at costs of implementing electronic monitoring. Then councilmembers that travel to Juneau can talk to relevant people about increasing the public safety appropriation or restructuring services. Council commended City Manager Koester for her report to Ocean Drive Loop Special Service District (seawall) owners. City Manager shared the kudos with city staff who were instrumental in putting the report together.

B. Bid Report

**12. CITY ATTORNEY REPORT**

Holly Wells reported on *Griswold vs. City of Homer*, one of the three appeals brought to the Superior Court in 2015 and 2016. The City prevailed and final judgment has been issued. To date it has not been appealed to the Alaska Supreme Court. The other two *Griswold vs. City of Homer* cases where the City prevailed are before the Supreme Court on appeal.

**13. COMMITTEE REPORT**

A. Employee Committee Report

B. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported the committee met last week to recap their mission: self-evaluating the City's practices and policies for compliance with ADA, establishing a transition plan for city facilities, and development of a grievance procedure. They reviewed correspondence from David Barton of Northwest ADA on developing a transition plan. David has an interest in providing training for the committee and volunteers. The committee will recommend a contract with Northwest ADA to prepare a transition plan. Council will see that soon. Additionally, the committee reviewed the provisions to the City's special event application to be compliant with ADA.

**14. PENDING BUSINESS**

- A. **Resolution 17-006**, A Resolution of the City Council of Homer, Alaska, Amending the City Council Operating Manual to Remove Limitations Placed Upon Public Commenting Before City Council. City Manager. Postponed from January 9, 2017 to follow Ordinance 17-01.

ADOPTED without discussion.

**15. NEW BUSINESS**

- A. **Memorandum 17-017** from Councilmember Erickson, Re: Temporary Shelter for People from the Cold Weather. Refer to Planning Commission.

APPROVED and REFERRED to the Planning Commission.

- B. **Memorandum 17-018** from Acting Finance Director, Re: Waiver of Penalties for Natural Gas Distribution Special Assessment.

APPROVED with the exception of Christopher Robinson request for waiver of penalties. This matter will be taken up at the February 13<sup>th</sup> council meeting.

**16. RESOLUTIONS**

**17. COMMENTS OF THE AUDIENCE**

There was one who commented.

**18. COMMENTS OF THE CITY ATTORNEY**

City Attorney Wells had no comments.

**19. COMMENTS OF THE CITY CLERK**

City Clerk Johnson had no comments.

**20. COMMENTS OF THE CITY MANAGER**

City Manager Koester had no comments.

**21. COMMENTS OF THE MAYOR**

Mayor Zak thanked Council for the wonderful discussions on the homeless and their hard work. He recognized the congenital heart proclamation and Chloe, now 3 years old. He is looking forward to working on legislative matters before the Juneau trip.

**22. COMMENTS OF THE CITY COUNCIL**

Councilmember Aderhold is attending the Alaska Marine Science Symposium. Two youths, one from Kotzebue and one from Unalaska, spoke and they were amazing. Nick Bond who quoted the phrase “The Blob” has said his prediction for the warm water anomaly is that things will return to normal this summer. About 1,000 people in Homer participated in the March on Washington. She gave a shout out to the City of Homer for their support of the march. Public Works got out bright and early and plowed streets and sanded sidewalks to make it a safe walking environment. The Police Department also provided safety. Kachemak Bay Campus provided a place to meet. Many local businesses donated coffee and snacks. We have a wonderful community.

Councilmember Reynolds thanked Council for the excusal from the last meeting. She had a nice vacation, but missed the Women’s March. It is exciting that we had over 900 people participate; it is incredible for the size of our community. We may have had one of the best per

capita turnouts in the nation. She seconded the kudos to the City and community that Councilmember Aderhold gave. During the walk people experienced the diesel fumes. One of the best green dots with that situation is to get the license plate of the person who did it if you are in a vehicle. We don't want it happening in our community; it is a form of bullying. She thanked everyone that showed up and participated.

Councilmember Stroozas announced tomorrow at noon the Chamber of Commerce will meet at the Bidarka Inn to host their annual membership meeting. At 2:00 p.m. they will converge on the Baycrest Overlook to have the ribbon cutting ceremony and the unveiling of the Homer Chamber of Commerce kiosk. The mayor will be there with the big scissors to cut the ribbon. Everyone is invited.

Councilmember Erickson reflected on the long-time residents that passed on, Sunny Smith and JJ Carroll. She has many years and fond memories of running into them in town. She appreciates their contributions to the community. She recognized the proclamation on congenital heart defects, something close to her heart as she has known the joy, the pain, and the sorrow of that. Many people have had successful operations, but for others it hasn't worked out quite as well. She encouraged everyone to enjoy their loved ones. Life is fragile and a gift.

Councilmember Smith echoed Councilmember Erickson's comments about Sonny and JJ. They were both here before him and their families continue to be here as active participants in the community. They both added a flavor to what makes up this little community. He has known the Carroll family for over 30 years and conducted JJ's funeral on Saturday. It was beautiful to see the people show up and share stories. Atz Kilcher wrote a special song for JJ that was amazing. Councilmember Smith chatted a lot with Sonny at the Glacier. He has a lot of good memories of both men. They were good people and he's grateful to have known them.

Councilmember Lewis attended the Telluride Film Festival put on by City Recreation under Mike Illg. There were wonderful films for both nights. Mike did a great job at the presentation and reminded people it was the City of Homer bringing it forward for the 15<sup>th</sup> year. He hopes we have many more.

## **23. ADJOURNMENT**

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 9:14 p.m. The next Regular Meeting is Monday, February 13, 2017 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.