

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 ABBOUD
DEPUTY HARBORMASTER CLARKE
LIBRARY DIRECTOR DIXON
PUBLIC WORKS DIRECTOR MEYER

Councilmember Aderhold has requested telephonic participation.

REYNOLDS/LEWIS – MOVED TO ALLOW COUNCILMEMBER ADERHOLD TO PARTICIPATE BY PHONE.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Council met for a Worksession from 4:00 p.m. to 4:46 p.m. to discuss Election Code Changes and New Police Station/Public Safety Building. From 5:00 p.m. to 5:47 p.m. Council met as a Committee of the Whole to review Ordinance 17-01, Ordinance 17-06, Ordinance 17-07 and 17-07(S), Consent Agenda and Regular Meeting Agenda items.

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

AGENDA APPROVAL

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

The following changes were made: **CONSENT AGENDA - Ordinance 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.

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

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Jan Rumble, Homer resident and Homer Hockey Association President, supports Ordinance 17-04. It will bring economic value to the City, could generate revenue for the ice rink, and provide local options to purchase cars.

Charlie Stewart, city resident, supports Ordinance 17-04. Selling of new cars is not being done anywhere in the city so it won't offend any established business. Last July the ice rink realized \$5,000 to \$6,000 in revenue from the sale of cars on their lot. They would like to be able to have cars sold at both the beginning and the end of the summer.

Salvation Army Captain Christin Fankhauser, city resident, supports Memorandum 17-017 and the drafting of an ordinance to allow zoning for cold weather shelters. She is willing to work with the City and the Planning Commission. It is a good step for something more permanent.

Peggy Kleinleder, city resident, expressed support for Memorandum 17-017 to address terms for long-term shelter and the continuation of care for people to move from homelessness.

Bob Bornt, city resident and SVT Behavioral Health Counselor, supports Memorandum 17-017. Homelessness contributes to mental health issues. He has purchased the old laundromat on Main Street with a goal to create low income housing to serve the population. He has an idea to put tiny houses in the area and create an opportunity village. He would like to see the

homeless become involved in a mental health personal development program, moving forward in phases to get substance abuse recovery. To view the concept go to www.opportunityvillageeugene.org

Mark Hemstreet, Save U More Store Manager, supports the Greatland Street expansion Option A as listed in Memorandum 17-109. The unfinished street is used now for pedestrian traffic and vagrants and homeless occupy the wooded area. He would like to see the ability to make a left turn out of both streets.

RECONSIDERATION

CONSENT AGENDA

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

- A. Homer City Council unapproved 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.

LEWIS/REYNOLDS – MOVED THAT WE ACCEPT THE CONSENT AGENDA AS AMENDED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

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

Hannah Gufstason, Mobilizing Action through Partnership and Planning (MAPP) Committee Coordinator, provided the most recent results of the community needs assessment. MAPP's vision is a proactive, resilient, and innovative community. Great strides have been made over the last eight years with the entities involved.

MAPP has utilized a national template comprised of four sets of assessments: community themes and strengths, local public health system, community health status, and forces of change.

Community themes and strengths: People see the top reasons and strengths of the community as natural beauty and people helping each other. Schools and cultural and arts opportunities are often listed. New to the list this time is recreational opportunities. Most negatively affecting people and the community are physical health, economic costs, and mental and emotional health. Substance abuse is the number one item negatively affecting the community.

Local public health: People see schools, churches, city planners, and elected officials attributing to a positive local public health.

Community health status: Demographics, leading causes of death, and family well-being are tracked. It is hoped that the goal to reduce the number of Alaskans experiencing poor mental health will be met.

Forces of change: Allowing us to better anticipate change, increase our agility and to raise awareness factors that are often out of our control are all forces. These things include politics, legislation, technology, the economy, and the environment.

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. The MAPP program is so well done that Ms. Cooper has provided the school board members their program to review health improvements.

The Assembly has received a Borough efficiencies report. Administration continues to reduce costs and improve efficiencies. There is an estimated savings of \$999,000 which is a combination of a one-time savings of \$592,000 and an annual savings of \$406,000. This was achieved by refinancing South Peninsula Hospital's current bonds for a savings of \$325,000, a fleet reduction to Central Emergency Services for a savings of \$200,000, consolidation of capital projects and purchasing for a savings of \$351,000 annually, publishing the assembly agenda online, converting the annual auction to an online product, and consolidating cell phone service and other improvements.

The Assembly had three turnovers mid-term. Gary Knopp was elected to the State Legislature and his seat was replaced in January. The Assembly will be replacing Glen Gilman's seat at the February 14th meeting and Brandi Holmdahl's seat in March. They both moved out of their districts. The appointments will be for the remainder of this year and then the three seats will run for election in the fall.

The Assembly has completed their state capital project priorities for 2017. Although there will be no capital funding, it is important to stay on top of the needs in the community. As a member of the Alaska Municipal League Board of Directors, President Cooper receives notice of federal grants when they become available. There is \$252M in grants available to fund broadband and underserved rural areas. The information is available on Senator Murkowski's website.

Lastly, the Assembly has begun their budget process. Departments will begin presenting to them in the upcoming months. This week she and Assemblyman Dunn met with the Chamber's Legislative Committee.

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission

Planning Commissioner Savannah Bradley reported on the January 18th 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

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.

Mayor Zak opened the public hearing. In the absence of public testimony, Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Ordinance 17-01 by reading of title only for second and final reading.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. LEWIS, SMITH, ADERHOLD, REYNOLDS, STROOZAS, ERICKSON

Motion carried.

- 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.

Mayor Zak opened the public hearing. In the absence of public testimony, Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Ordinance 17-02 by reading of title only for second and final reading.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

Mayor Zak opened the public hearing. In the absence of public testimony, Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Ordinance 17-03 by reading of title only for second and final reading.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

Mayor Zak opened the public hearing. In the absence of public testimony, Mayor Zak closed the public hearing.

Motion on the floor from January 9: MOTION FOR THE ADOPTION OF RESOLUTION 17-009 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

Mayor Zak opened the public hearing. In the absence of public testimony, Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Resolution 17-010 by reading of title only.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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.

Mayor Zak called for a motion for the introduction of Ordinance 17-04 by reading of title only.

LEWIS/REYNOLDS - SO MOVED.

Opening up the auto uses in the entire Marine Industrial District will avoid spot zoning. Reference was made to Frank Griswold’s comments on spot zoning. In the 1992 court case, Griswold vs. City of Homer, the plaintiff prevailed because a council member did not recuse themselves from voting on a zoning change when he owned land there. Council supports helping the Homer Hockey Association, but wants to avoid spot zoning. The Planning Commission will review the ordinance and then it will go to the Port and Harbor Advisory Commission.

Council expressed consensus on not allowing auto repair work and keeping all other uses temporary. The ordinance also needs to be sensitive to auto rental businesses so it does not undermine the people that have built businesses over the years.

City Planner Abboud expressed appreciation to the Council for providing their input to pass on to the Planning Commission.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- 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.

Mayor Zak called for a motion for the introduction of Ordinance 17-05 by reading of title only.

LEWIS/REYNOLDS - SO MOVED.

There are three different plans for the extension. Council heard from citizens who support Option A. When the Transportation Committee was active they recommended Option C.

LEWIS/STROOZAS - MOVED TO AMEND TO CHANGE OPTION C TO OPTION A AND JUST DO THE STRAIGHT LINE AND IN THE LONG RUN IT WOULD BE CHEAPER.

Councilmember Aderhold would like to see the Planning Commission evaluate each of the options and come back to us with a recommendation.

Public Works Director Meyer said at first glance Option A that uses the existing right-of-way seems to be the appropriate action. The Transportation Plan approved by Council in 2005 suggests Homer could use another east/west corridor. Part of that was constructed this last summer with the Waddell portion. Many of the intersections are not planned well; there are quite a few that are not at 90 degree angles. Option B is in conformance with the Transportation Plan and Option C is a compromise between the two. The Transportation Plan called for the connection to Bartlett Street. The extension of Greatland Street up to Pioneer Avenue creates a weird alignment on the intersection. Greatland Street on the other side of Pioneer Avenue has already been vacated. Option C is a compromise that will make a connection to Pioneer Avenue and will allow for future construction in compliance with the Transportation Plan.

Council discussed the options and offered the following comments: Option A maximizes the usability of the lots which increases land values and property taxes. At the four-way stop at Main Street there is already consternation with the large rigs that have to stop in the winter and traction up to get through the intersection. A straight line would be more efficient to plow. Both directions of Greatland could be right hand turn only. Option A loses less green space and trees. Option A is also the least expensive at a \$300,000 savings from Option C. Option A is not compliant with the Transportation Plan.

Public Works Director Meyer noted there is a short, relatively steep grade from Greatland Street before reaching Pioneer Avenue. The road will still meet the design criteria manual that has a maximum grade of 6%, but provides up to 15% grade for short sections away from intersections. Water and sewer service already runs along Greatland Street. The plan is to have a sidewalk from the Bypass to Pioneer Avenue with curb and gutter and sidewalks on both sides.

City Manager Koester advised Council Option A has multiple property owners and would require a special assessment district. Council would need to initiate it by resolution. She suggested Council include the three options to allow the Planning Commission to have the conversation. If their recommendation comes back as Option A we will then need to proceed with a special assessment district. Adding a whereas clause to the ordinance for Council's preference to Option A was suggested.

VOTE: (amendment) YES. REYNOLDS, LEWIS, STROOZAS, SMITH, ERICKSON

VOTE: NO. ADERHOLD

Motion carried.

Councilmember Aderhold commented there should be the option for the Planning Commission to review all options. There should also be a chance for the public to weigh in. It is a project that will affect everyone in the city.

Councilmember Stroozas noted when the Transportation Plan was put into force in 2005 the state coffers were full of money. We had no issues with money and could get state funding on projects. Times have changed. Here's an opportunity to meet our objective and build this road and save \$300,000.

VOTE: (main motion as amended) YES. REYNOLDS, ERICKSON, STROOZAS, SMITH, LEWIS

VOTE: NO. ADERHOLD

Motion carried.

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

CITY MANAGER'S REPORT

A. City Manager's Report

Industry Forum Travel Report

I, along with other City staff, a representative of the EDC and Mayor Zak, attended the 2017 Industry Outlook Forum on the 11th in Kenai. It was an informative update on the industries that make the Peninsula economy tick including oil and gas, tourism, health care and commercial fishing. Presentations can be found at the Kenai Peninsula Economic Development District website <https://kpedd.org/>

Seawall Report

The attached letter was sent to property owners along the Ocean Drive Seawall updating them on the maintenance procedures and finances of the seawall. As you recall, the City Council established a separate mill rate (special service area) for the purpose of funding maintenance to the seawall. The City also contributes \$10,000 a year to a seawall reserve account. It is my intention to update property owners annually with a maintenance and finance report. It is evident when researching the history of the Seawall that the property owners would benefit from a homeowner's association. This would give them more control over maintenance of the wall and how their tax dollars are spent, a unified voice when communicating with government entities and the ability to insure the infrastructure. I have also attached an impactful picture of the Seawall during a storm that highlights the power of the ocean.

Assistant Fire Chief Update

The hiring climate proved difficult the first round in our search for an Assistant Fire Chief. The City of Homer and KESA both had jobs posted (KESA, for a Deputy Chief) during the same recruitment period. The City re-posted the Assistant Chief position after an unsuccessful search for the right candidate, and KESA fell into the same position. Our original posting was from September 29 – November 13, with 13 candidates applying for the position. The top two candidates were invited to attend in-person interviews scheduled for January. However, one candidate decided against leaving his current job, and the other was offered another position. The position was re-advertised, and does not close until February 7. The hiring committee will meet on February 9 to go over applications, following up with essay questions for the most qualified applicants and Skype interviews. Face to face interviews, a meet and greet with the volunteers, and an instructional component will take place in a two-day process scheduled for mid to late March.

Electronic Monitoring at Homer Jail

The Alaska Department of Corrections is working with the City to install electronic monitoring capabilities at the Homer Jail. The main purpose of electronic monitoring is to reduce the number of people in our jails. Studies have shown that non-violent offenders do better in electronic monitoring programs. They are less likely to have employment related problems and are not any more likely to reoffend. Electronic monitoring will initially be offered to 1st time DUI's. The program may be extended in the future to include other pre-trial cases involving non-violent, first time offenders. Electronic monitoring is court ordered home confinement. The State will provide the required equipment and training. HPD will be able to attach ankle devices to the subjects and then monitor their location via GPS signals. The system will alarm if the subject leaves a defined area resulting in an officer responding to investigate and a possible arrest. The City will be helping the State by reducing the amount of utilized bed space, which lowers costs. At this point we do not have a timeline for implementation, but are in contact with the DOC.

Hickerson Cemetery Update

Public Works is incorporating comments on this project received during Planning Commission public meetings. The final plan will be presented to the Planning Commission in February. Below is the schedule for completion of the project:

Homer Advisory Planning Commission Project Approval	February 1, 2017
Preliminary Plat Approval (Homer Advisory Planning Commission)	February 15, 2017
Construction Bid Documents Complete	March 30, 2017
Preliminary Plat Approval (KPB Platting Commission)	April 20, 2017
Construction Begins	April 28, 2017
Construction Complete	May 21, 2017
Final Plat Approval (KPB Planning Commission)	May 22, 2017
New Burial Plots Available	May 23, 2017

Barge Mooring Facility

Good news: the State recently approved the City's request to transfer capital project funds originally allocated to the Sheet Pile Loading Dock to the Barge Mooring Facility. Council authorized this reallocation request as part of the 2017-2022 CIP update. The City will utilize the remaining Sheet Pile Loading Dock design funds to reach final design of the Barge Mooring Facility, a port project that will improve service to the same fleet that would have benefitted from the Sheet Pile Loading Dock had it proved feasible. We look forward to moving ahead with the Barge Mooring Facility which will provide safe moorage in the harbor's tidal zone and a haul out ramp to access an uplands repair facility, an associated project prioritized in the 2017-2022 CIP for a Legislative request. The Barge Mooring Facility and Haul Out Repair Facility will offer improved services to large vessel owners and will attract additional business to the community.

Legislative Worksessions

The 30th Alaska State Legislature gaveled in on January 17th marking the beginning of a fast paced legislative session with many weighty issues facing the State. The Homer City Council

has decided to take a more personal and proactive role in interacting with Juneau. Many members of the Council expressed an interest in closely following Juneau when I asked about it at the November 21, 2016 meeting. The best way I can come up with for all members to participate and provide timely input to the legislature would be to form a weekly standing worksession that can easily be cancelled when things are slow in Juneau. A standing worksession would be open to the public and advertised as “Issues before the Alaska Legislature including:”

- Revenue Sharing
- PERS/TRS and the Unfunded Liability
- Fiscal Policy
- Revenue measures new taxes (sales tax, income tax, etc.)
- State of Alaska Operating Budget
- Transportation
- Public Safety

Items can be added to the list as appropriate. Members would update each other on the issues they have been following, delegate tasks such as testifying before the legislature and decide on which issues need to come before City Council at a regular meeting for a position statement of the City. A worksession would be a transparent way to quickly confer and organize next steps. I propose meeting at 4 pm on Tuesday so items can be added to the next council agenda if needed. Using the conference room and encouraging telephonic participation by members will help keep things moving quickly, allow for the group to reach a quorum, and hopefully not interfere too much with your busy schedules. I propose the first meeting February 7 at 4 pm. This meeting will be used to plan for the trip to Juneau on the 21st.

Customer Feedback Postcard

At the direction of Mayor Zak, staff has come up with the attached customer feedback postcard that will be available at the front desk of city facilities. The purpose of the postcard is to encourage suggestions and ideas on how we can improve customer service – and hopefully positive feedback when we get things right! A similar online form will be available. Comments provided will be summarized and provided in the Manager’s report on a periodic basis.

Employee Anniversaries (January)

I would like to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer.

Richard Gibson	Public Works	17	Years
Jo Johnson	Clerks	13	Years
Teresa Sundmark	Library	10	Years
Amy Gordon	Library	10	Years
Tomasz Sulczynski	IT	9	Years
Larry Baxter	Police	8	Years
Andrea Browning	Admin	5	Years

Paul McBride Public Works 5 Years

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

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.

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.

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.

Mayor Zak called for a motion for the adoption of Resolution 17-006 by reading of title only.
LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

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

Mayor Zak called for a motion for the approval of the recommendations of Memorandum 17-017 to refer to the Planning Commission.

LEWIS/REYNOLDS - SO MOVED.

Council concurred of the need for temporary shelter for people from the inclement weather. Additionally, agencies could help by setting parameters and helping people move towards a resolution to their homeless situation. The intent is to open zoning for temporary shelters, at the same time refraining from becoming a destination for homeless people. People will need to be working towards helping themselves.

City Planner Abboud said the first step is a shelter from immediate harm. There are ten-year plans sponsored by federal agencies to help eliminate homeless. Some of the bigger issues are the transitional housing. He is committed to working with the agencies and will gather more information as to who is willing to participate.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

LEWIS/REYNOLDS - MOVED TO MOVE CHRISTOPHER ROBINSON 17405119 UP TO SECTION ONE
– APPROVED.

Council has not reviewed the requests for waivers, the recommendations before them are from staff. Resolution 16-079(S)(A) recommends penalties be waived for exceptional circumstances.

City Attorney Wells advised Council there is a process in place for waivers. Council has testimony from one individual through public comment, but doesn't have it from others. It is best to have the Acting Finance Director look at the evidence and make recommendations. Otherwise it is difficult to draw the legislative versus quasi-judicial line. Council should follow the process in place for waivers.

City Manager Koester told Council Mr. Robinson provided detailed and thorough information to the finance department and contacted her personally. His request for abatement does not meet the set of requirements in Resolution 16-079(S)(A). It has been difficult for staff as there are a strict set of requirements for waivers of penalties. She doesn't believe we can come back with a different recommendation, but Council may review the applications at the City Clerk's office. Applications for waivers are not included in the council packet as to keep the applicants' information private. City Manager Koester suggested Council take a moment to review all applications so that it is done in a fair and consistent manner.

Councilmember Lewis commented if the other individuals felt their application was turned down unjustly they would have been here. Mr. Robinson has come to us. Since most people go through realtors and the title companies for purchasing properties they should know whether the assessment has been paid so everyone is on the same page.

Councilmember Stroozas was under the impression that property that when property that had an assessment transferred ownership the assessment had to be paid in full at the time of closure. There are provisions within the sale documents that can transfer the assessment responsibility to the purchaser.

Councilmember Smith believes Mr. Robinson has merit in his request and Council needs to act in good faith. He is not willing to act tonight on Mr. Robinson's testimony that conflicts with the Acting Finance Director's findings without reviewing the documents provided.

City Attorney Wells advised Council it is okay for Council to make a decision with Mr. Robinson's testimony. This decision is a quasi-judicial one circulating documents that are subject to

confidentiality. We have to be careful that some of the more general public documents are still available to the public through a public records request.

Councilmember Aderhold commented there are a lot of people that don't get bills in the mail and there is confusion with the title companies. She believes we need to reassess our process to make sure it is flowing properly and people are getting notified properly.

Councilmember Reynolds agreed with Councilmembers Smith and Aderhold, but if we are going to review one request we should review them all.

VOTE: YES. ERICKSON, LEWIS

VOTE: NO. REYNOLDS, STROOZAS, ADERHOLD, SMITH

Motion failed.

SMITH/ERICKSON - MOVED TO AMEND TO REMOVE #3 FOR FURTHER REVIEW AND ADDRESS THOSE AT THE NEXT COUNCIL MEETING.

Council discussed having a special meeting dedicated to review of penalty waivers.

LEWIS/REYNOLDS – MOVED TO AMEND TO DISCUSS THESE AT A SPECIAL MEETING.

Councilmember Smith had hoped Council could review the applications now.

Asked if Council could discuss the request for waivers in executive session, City Attorney Wells advised they could since Council would be acting as judges. It is appropriate to meet and deliberate outside. When Council has a quasi-judicial role they usually have a public hearing process. Then Council will go into deliberations without an executive session. Council can review the documents and can hold a special meeting solely to have an executive session in which they go into deliberations. It is combining the processes of legislative and quasi-judicial. Council does not have to take testimony. There is a process outlined in Resolution 16-079(S)(A). Council would like to change the process to review the waiver applications to make their decision and that is valid. The process can be changed next year for Council to take a closer view at waiver applications.

City Clerk Johnson told Council there is not an available time slot for a special meeting at the next council meeting.

VOTE: YES. (secondary amendment) STROOZAS, ERICKSON, REYNOLDS, LEWIS, ADERHOLD
VOTE: NO. SMITH

Motion carried.

LEWIS/REYNOLDS – MOVED TO AMEND TO HAVE THE SPECIAL MEETING AN EXECUTIVE SESSION.

The motion was approved by consensus of the Council.

City Attorney Wells advised Council they can chose to go into executive session or chose not to.

Council discussed options for hearing from individuals who have been denied the waiver of penalties. Only Mr. Robinson appeared to protest or challenge the finding. City Attorney Wells advised Council they could take the denials of penalty waivers one by one or as a group with the exception of Mr. Robinson.

VOTE: (main motion as amended) NO. SMITH, REYNOLDS, LEWIS, STROOZAS, ADERHOLD, ERICKSON

Motion failed.

LEWIS - MOVED TO AMEND TO REMOVE MR. ROBINSON FROM THE LIST AND WE REVIEW IT FOR OUR NEXT MEETING AND THEN MAKE A DECISION IN EXECUTIVE SESSION.

This motion was not seconded nor voted on based on recommendations from City Attorney Wells.

City Attorney Wells offered Option 1 and Option 2. Option 1: MOVE TO ACCEPT STAFF RECOMMENDATIONS EXCEPT FOR MR. ROBINSON'S AND WAIVE THE PENALTIES ASSOCIATED WITH MR. ROBINSON'S PARCEL. Option 2: MOVE TO ACCEPT THE RECOMMENDATIONS OF STAFF AND MEMORANDUM 17-018 WITH THE EXCEPTION OF MR. ROBINSON'S PARCEL WHICH WE WILL REVIEW AT OUR NEXT MEETING.

LEWIS/REYNOLDS - MOVED TO ACCEPT OPTION 2.

There was no additional discussion.

VOTE: (main motion) YES. LEWIS, SMITH, ADERHOLD, REYNOLDS, STROOZAS, ERICKSON

Motion carried.

RESOLUTIONS

COMMENTS OF THE AUDIENCE

Christopher Robinson, city resident, thanked Council for their diligent and honorable discussion on Memorandum 17-018. He told Council the City has declared they erred in failing to send a bill to him for the gas assessment. The prior owners did not receive any mailings either.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

COMMENTS OF THE MAYOR

Mayor 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.

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 15th year. He hopes we have many more.

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.

JO JOHNSON, MMC, CITY CLERK

Approved: _____