

Session 17-03 a Regular Meeting of the Homer City Council was called to order on February 13, 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, ERICKSON, LEWIS, REYNOLDS, SMITH, STROOZAS

STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON
CITY ATTORNEY DAVIES
LIBRARY DIRECTOR DIXON
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS

Council met for a Worksession from 4:00 p.m. to 4:39 p.m. to discuss Homer Accelerated Roads and Trails Program (HART) Finances. From 5:00 p.m. to 5:34 p.m. Council met as a Committee of the Whole to discuss 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: PENDING BUSINESS - Resolution 16-128, A Resolution of the City Council of Homer, Alaska, Creating a Police Station Building Task Force and Establishing the Scope of Work and Parameters Under Which the Task Force Will Conduct Its Work. Mayor. Kachemak Center Availability for Police Department Usage.

Mayor Zak called for a motion to move New Business Item A Memorandum 17-026 request for Executive Session to consider Christopher Robinson request for waiver of penalties to be heard as Item B under Pending Business.

STROOZAS/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/REYNOLDS – MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

A. Mayor's Proclamation - Brother Asaiah Bates Day, February 14

Councilmember Aderhold read the proclamation.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Larry Slone, city resident, appreciates the recognition of Asaiah Bates; it is so important at this time. He commented that the failed bond proposition for a new public safety building resulted from personal value systems of how the facility relates to a person individually. Resolution 16-128(S) builds flexibility and review of those issues.

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 23, 2017. City Clerk. Recommend adoption.
- B. **Memorandum 17-020**, from Mayor Zak, Re: Reappointment of Robert Archibald as Homer's Representative to the Prince William Sound Regional Citizens' Advisory Council.
- C. **Memorandum 17-021**, from Mayor Zak, Re: Reappointment of Mark Massion to the Library Advisory Board.

- D. **Memorandum 17-022**, from Deputy City Clerk, Re: Liquor License Renewals for Alice's Champagne Palace, Mermaid Café, Two Sisters Bakery, and Happy Face Restaurant.
- E. **Resolution 17-013**, A Resolution of the Homer City Council Awarding the Contract for the Purchase of a 2016 Chevy Express 4x4 Cargo Van for Public Works to the Firm of Chevy of South Anchorage, of Anchorage, Alaska, in the Amount of \$39,801 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 17-024 from Public Works Superintendent as backup.

- F. **Resolution 17-015**, A Resolution of the Homer City Council Awarding Wireless Edge Towers, LLC of New Rochelle, New York, a Lease for a Wireless Communication Tower on the Homer Spit, With an Initial Ten-Year Term and Four Ten-Year Renewal Terms on Lot 11 Homer Spit Subdivision No. 5, and Authorizing the City Manager to Move Forward With Cityscape Consultants, Inc. on Lease Negotiations and Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 17-023 from Port and Harbor Advisory Commission as backup.

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

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS (10 minute limit per report)

- A. Borough Report

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission

Planning Commissioner Tom Bos reported the commission approved a conditional use permit on Shannon Lane for seven rental units, has worked on the Hickerson Memorial Cemetery expansion Phase I project, and revisions for the Homer Accelerated Water and Sewer Program (HAWSP) manual and Homer Accelerated Roads and Trails (HART) manual. At the next meeting the commission will discuss cold weather shelters for the homeless and auto sales in the marine industrial district. At their Worksession there will be a presentation on the Woodard Creek Watershed Plan.

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

Councilmember Lewis reported the commission met and was to have a presentation from Red Run Cannabis Company in Kenai. Due to scheduling it did not happen. They heard from an individual that plans on a grow operation outside the city limits. There are two seats open on the commission.

C. Thank You From Kachemak Heritage Land Trust and Alaskan Coastal Studies – Grant Awards Through The Homer Foundation

D. Thank You From Pratt Museum – City’s Support for 2017

PUBLIC HEARING(S)

A. FRISBEE COURT ROAD SPECIAL ASSESSMENT DISTRICT

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

- B. **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. Introduction January 23, 2017, Public Hearing and Second Reading February 13, 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 17-06 by reading of title only for second and final reading.

ADERHOLD/REYNOLDS - SO MOVED.

The ordinance clarifies the procedures for ethics complaints so when people bring a complaint forward they are heard by a neutral party.

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

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

- A. City Manager's Report

Additional Information on Hickerson Cemetery Expansion, Phase 1

In the last City Manager's report, I provided an updated timeline for the phase 1 of the expansion of Hickerson Cemetery (completion date end of May 2017). Since then the Planning Commission has held public comment on the project and recommendations from the Commission and the Department have been incorporated into the design including:

- Reduced the number of platted burial plots for Phase 1
- Changed some 10x5 grave burial plots to 2x2 urn burial plots
- Grave plots sections are configured in a 2 plot by 5 plot configuration

- As currently designed, there are 106 10x5 grave plots and 60 2x2 urn plots
- Burial plots section configured to allow for tree plantings
- Plan provides for future columbarium with ADA accessible walking path
- Plan provides for future memorial plaque wall with ADA accessible walking path
- Plan provides for future maintenance equipment storage shed
- Plan provides for snow storage areas

The attached map provides more information on the revised plans. I commend the Planning Commission, Planning staff, and Public Works Department for taking the time and effort to incorporate neighborhood feedback and public comment in the planning process. Public Works is proceeding full steam ahead on this project to meet the goal of having plots available for sale in the spring.

Purchase of Two Used Trucks for Public Works

Public Works was able to purchase two small used trucks under \$40,000 per the direction of City Council in the 2017 budget. Because a small truck with a short bed suits the needs for PW administration vehicles, staff was able to find a good deal and come in just under the budgeted allocation at \$39,718. It is unlikely that the savings would be as great with the purchase of a full sized truck due to the fleet pricing we can obtain through the State contract. On average, the City saves \$7,000 to \$9,000 on a new vehicle with government pricing and can get a utilitarian vehicle without the 'extras' that are common in the used market. A memo from Superintendent Gardner with further detail and price comparisons is attached. Staff is working on a fleet replacement plan to present to Council to demonstrate a holistic picture of the future vehicle needs of the department.

Employee Anniversaries: February 8, 2017

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

Dan Miotke	Fire	15	Years
Tim Yarbrough	Fire	15	Years
Debra Waldorf	Library	9	Years
Jim Knott	Police	7	Years
Mike Parish	Public Works	5	Years
Nate Hull	Police	4	Years
Jenny Carroll	Admin	1	Year
Austin McAvoy	Police	1	Year

Council asked City Manager Koester to provide budget details on the property purchased for Hickerson Memorial Cemetery at the next council meeting.

B. Bid Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

A. Employee Committee Report

B. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported the committee met last Thursday and is moving forward with developing a transition plan. Measurements at primary buildings will be taken by the committee with support from Public Works and the people that occupy those buildings. As the committee moves forward to more complicated situations for compliance, Northwest ADA can be supportive. On Thursday from 10:00 a.m. to noon there is a webinar on ADA transition plans. It will be an opportunity to learn more about ADA compliance issues. There is one seat open on the committee, with another seat open in May.

PENDING BUSINESS

- A. **Resolution 16-128**, A Resolution of the City Council of Homer, Alaska, Creating a Police Station Building Task Force and Establishing the Scope of Work and Parameters Under Which the Task Force Will Conduct Its Work. Mayor. Postponed from December 5, 2016.

Resolution 16-128(S), A Resolution of the City Council of Homer, Alaska, Creating a Police Station Building Task Force and Establishing the Scope of Work and Parameters Under Which the Task Force Will Conduct Its Work. Mayor.

Motion on the floor from December 5, 2016: MOTION FOR THE ADOPTION OF RESOLUTION 16-128 BY READING OF TITLE ONLY.

LEWIS/REYNOLDS - MOVED TO SUBSTITUTE RESOLUTION 16-128(S) FOR 16-128.

Asked if the task force will have a budget, City Manager Koester told Council there may be \$160,000 remaining from the public safety building review committee account. She will verify that figure and then the Council will need to authorize spending through an ordinance.

ERICKSON/LEWIS – MOVED TO AMEND LINES 54 – 57 TO REMOVE THE NAMES AND ADD “OR DESIGNEE.”

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

A May 30th deadline has been set for the task force to return recommendations to Council. If they require additional time they can request an extension. The short timeline is due to getting a proposition on the ballot.

Councilmember Smith opposes the \$9M for a new police station. He has been following the progress of Perryville, Maryland, who has passed a proposition to build a new police station. They have been in a double-wide trailer for 15 years and are building an 8,100 sq. ft. police station for \$2.9M. The coastal community is roughly the same size as ours with a comparable size police force. We need to look hard at what we need versus what we want and what we can provide at a reasonable cost. In Alaska we have higher construction costs, but the \$2.9M is far away from the \$9M figure. The consultants have no incentive for providing a plan for less than what we authorize. Council needs to hold firm and show some fortitude when pressing the cost issue.

Councilmember Lewis commented many times there are sheriffs and state police with separate jails that hold prisoners. We deal with people busted outside of Homer. There may be other things involved in Maryland that do not apply to Homer. He doesn't want to come in low and discover five or ten years from now we need to add space. There were different figures ranging from \$6M to \$12M before the vote to the people. We did not come out with one set figure and stick with it.

Councilmember Stroozas suggested not putting in a budget and allowing the task force to do their job and figure out what the public is willing to pay. If you give someone a figure they will spend every bit they can because for the architects and contractors their profit is based on a percentage of the job. The task force should come up with their suggested dollar figure.

STROOZAS/REYNOLDS - MOVED TO AMEND LINE 42 ON PROPOSED RESOLUTION 16-128(S) TO DELETE THE BUDGET AMOUNT AND THE VERBIAGE SHOULD SAY "NO BUDGET HAS BEEN SET FOR THIS PROJECT."

Councilmember Smith suggested replacing the verbiage that the task force should determine the threshold of the taxpayer so it is an assigned task.

Councilmember Reynolds commented that is what happened the first time, the committee was instructed to create a public safety building with no parameter and they came in with \$35M. She would like a dollar amount included so that the task force knows the parameter.

VOTE: YES. STROOZAS, ERICKSON

VOTE: NO. ADERHOLD, REYNOLDS, LEWIS, SMITH

Motion failed.

Council discussed if the task force will be finding out what the people want or what options are needed for a new building.

Ideas included:

- Looking at a temporary place between getting something built
- Different options that Council can review

Mayor Zak told Council we have had worksessions and Council has had time to think about the options. The committee will be focused with reasonable perimeters including phased and lease options. He would like to allow the task force to get started and councilmembers can attend meetings to follow the progress. There is a lot of history and input from the public on the project already. There is a need for the new facility.

Mayor Zak will be making task force appointments with the consent of the Council.

Councilmember Smith commented a \$9M budget will not force that much creativity and it is not far off the mark from the proposition that failed. He would like Council to consider lowering the budget to force creativity to take place.

SMITH/REYNOLDS – MOVED THAT WE AMEND LINE 42 OF RESOLUTION 16-128(S) TO READ:
PROPOSED BUDGET FOR THE PROJECT NOT TO EXCEED \$6 MILLION DOLLARS.

VOTE: YES. REYNOLDS, ERICKSON, SMITH

VOTE: NO. ADERHOLD, STROOZAS, LEWIS

Mayor Zak broke the tie vote with a NO vote.

Motion failed.

STROOZAS/ERICKSON - MOVED TO FURTHER AMEND LINE 42 THAT THE BUDGET IS NOT TO EXCEED \$4.5 MILLION DOLLARS.

Councilmember Aderhold expressed opposition to arbitrarily restraining the committee.

VOTE: YES. ERICKSON, STROOZAS

VOTE: NO. LEWIS, REYNOLDS, ADERHOLD, SMITH

Motion failed.

REYNOLDS/ERICKSON – MOVED TO AMEND RESOLUTION 16-128(S) TO CHANGE LINE 42 TO BRING BACK TWO PROPOSED PROJECTS, ONE TO NOT EXCEED \$6 MILLION DOLLARS AND ONE TO NOT TO EXCEED \$9 MILLION DOLLARS.

There was no discussion.

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

VOTE: NO. STROOZAS

Motion carried.

VOTE: (motion as amended) YES. SMITH, REYNOLDS, ADERHOLD, ERICKSON

VOTE: NO. LEWIS, STROOZAS

Motion carried.

Mayor Zak announced committee member openings on the task force.

- A. **Memorandum 17-026**, from City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310(A-C)(3), Matters Which by Law, Municipal Charter, or Ordinance are Required to be Confidential (Christopher Robinson Request for Waiver of Penalties for Natural Gas Distribution Special Assessment).

Mayor Zak called for a motion for the approval of Memorandum 17-026 to hold an Executive Session to consider Christopher Robinson's request for waiver of penalties for the natural gas assessment.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/REYNOLDS – MOVED TO INCLUDE THE CITY MANAGER IN THE EXECUTIVE SESSION.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/REYNOLDS – MOVED TO ADJOURN TO EXECUTIVE SESSION.

There was no discussion.

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

Motion carried.

Council adjourned to Executive Session at 6:55 p.m. and Mayor Zak reconvened the meeting at 7:17 p.m.

Mayor Pro Tempore Reynolds stated the Council discussed Mr. Robinson's request for a waiver from the penalties from the natural gas distribution special assessment.

B. **Memorandum 17-018**, from Interim Finance Director, Re: Waiver of Penalties for Natural Gas Distribution Special Assessment. (Christopher Robinson request only.)

Mayor Zak called for a motion to grant the waiver of penalties for the natural gas special assessment to Christopher Robinson.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

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

Motion carried.

NEW BUSINESS

- A. **Memorandum 17-026**, from City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310(A-C)(3), Matters Which by Law, Municipal Charter, or Ordinance are Required to be Confidential (Christopher Robinson Request for Waiver of Penalties for Natural Gas Distribution Special Assessment).

Heard under Pending Business, Item B.

RESOLUTIONS

- A. **Resolution 17-014**, A Resolution of the City Council of Homer, Alaska, Authorizing the Extension of City of Homer Water Services to Benefited Lots in Kachemak City and Nullifying the Statement in Resolution 04-42(A) With Regard to Extending City Water to Non-City Properties. Stroozas.

Mayor Zak called for a motion for the adoption of Resolution 17-014 by reading of title only.

STROOZAS/REYNOLDS – SO MOVED.

Councilmember Erickson declared a potential conflict of interest as she owns property in that district.

Council discussed the potential conflict for Councilmember Erickson and determined she would not have a pecuniary gain. By consensus Mayor and Council declared there was no conflict of interest.

The resolution should include charges for the amount of water that goes into the sewer.

STROOZAS/LEWIS - MOVED TO POSTPONE TO MAKE THAT PART OF THIS RESOLUTION.

STROOZAS/LEWIS - MOVED TO AMEND TO POSTPONE RESOLUTION 17-014 UNTIL THE FEBRUARY 27TH MEETING.

There was no additional discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 17-016**, A Resolution of the Homer City Council Awarding the Contract for the Homer Harbor High Mast Light LED Conversion Project to the Firm of Puffin Electric, Inc. of Homer, Alaska, in the Amount of \$168,423 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Port and Harbor Director. Recommend adoption.

Memorandum 17-025 from Port and Harbor Director as backup.

Mayor Zak called for a motion for the adoption of Resolution 17-016 by reading of title only.

LEWIS/REYNOLDS - SO MOVED.

Councilmember Smith declared a conflict of interest as his father works for Puffin Electric. His father does the bid work for Puffin Electric and he is not sure how he is compensated.

Mayor Zak declared Councilmember Smith did have a conflict of interest. Council did not voice objection.

The lightbulbs had to meet certain specifications. Although the proposal from Puffin Electric was not the lowest price of all proposals submitted, the coverage in the other bids was not sufficient.

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

Motion carried.

COMMENTS OF THE AUDIENCE

Michael Armstrong, Homer News reporter, commented on Memorandum 17-026 for the Executive Session. He consulted with the Clerk earlier who told him the Mayor would ask for this to be held in an open meeting. That was also the perception made at the Committee of the Whole. He would like the Council to err on the side of being public and to make it clear why they are not public.

COMMENTS OF THE CITY ATTORNEY

City Attorney Davies 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 commented tomorrow is Brother Asaiah Bates Day. It is an important time for us to be thinking about his message to the citizens of Homer and our country.

COMMENTS OF THE CITY COUNCIL

Councilmember Reynolds thanked community members who attended the meeting tonight and *Lunch with a Councilmember* today. It is a great way to get less formal input and feedback. She encouraged the public to come and participate.

Councilmember Stroozas announced he will be physically absent for the next two meetings, but will be participating telephonically.

Councilmember Lewis had no comments.

Councilmember Smith wished everyone a Happy Valentine's Day. He thanked Jenny Espenshade for her work in securing the \$10,000 grant for the syringe exchange program.

Councilmember Aderhold thanked Robert Archibald for wanting to continue his service on the Prince William Sound Regional Citizens' Advisory Council. It is an important role for someone with his expertise. She appreciates his volunteerism. Fish and Wildlife is working on signs for Bishop's Beach; she has seen the drafts and they are very nice.

Councilmember Erickson said it was nice to have snow and cold for the Winter Carnival. There are a lot of wintertime activities coming up. The Fun Run is next weekend, the Epic 100 by the Homer Cycling Club, and the NRA banquet is March 4th. She encouraged everyone to get out and play in the sun and snow.

ADJOURNMENT

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 7:32 p.m. The next Regular Meeting is Monday, February 27, 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: _____