

ACTION AGENDA

Monday, March 13, 2017
Worksession
Committee of the Whole
Regular Meeting

WORKSESSION AGENDA

1. CALL TO ORDER, 4:30 P.M.

Mayor Zak called the meeting to order at 4:30 p.m.

Councilmembers Stroozas and Reynolds have requested telephonic participation.

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. FIRE STATION EXPANSION PROJECT

Memorandum 17-040 from Public Works Director
Memorandum 17-048 from Fire Chief
Memorandum 17-047 from City Manager

4. COMMENTS OF THE AUDIENCE

There was one who commented.

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

Mayor Zak adjourned the meeting at 4:48 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.

Councilmembers Stroozas and Reynolds have requested telephonic participation.

- 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. Resolution 17-021**, A Resolution of the City Council of Homer, Alaska, Amending the Beach Policy for Clarity. City Clerk/Parks Art Recreation and Culture Advisory Commission (PARCAC).

Memorandum 17-039 from Deputy City Planner as backup.

- 4. CONSENT AGENDA**
- 4. REGULAR MEETING AGENDA**
- 5. COMMENTS OF THE AUDIENCE**

There were four who commented.

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

Mayor Zak adjourned the meeting at 5:46 p.m.

REGULAR MEETING AGENDA

Session 17-05 a Regular Meeting of the Homer City Council was called to order on March 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
(telephonic), SMITH, STROOZAS (telephonic)

STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON
CITY ATTORNEY WELLS
CITY PLANNER ABBOUD
IT MANAGER POOLOS
LIBRARY DIRECTOR DIXON
PORT AND HARBOR DIRECTOR HAWKINS

PUBLIC WORKS DIRECTOR MEYER

Councilmembers Stroozas and Reynolds have requested telephonic participation.

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 2.08.040.)

The following changes were made: **RECONSIDERATION - Resolution 17-014(S)**, 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. Written public comments. **CONSENT AGENDA - Memorandum 17-046**, from City Manager, Re: Letter to Governor Walker and Alaska State Legislature Regarding the Effects of Budget Cuts on the City of Homer and Revenue Options for the State of Alaska. Amended Letter and Councilmember Aderhold comments. **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS** - Mayor Zak Juneau Trip Report; Councilmember Smith Juneau Trip Report; Letter to Senator Bishop from Mayor Zak, Re: Importance of Alaska Marine Highway System to coastal communities; **CITY MANAGER'S REPORT** - Written public comments on water services to Alaska Bible Institute. Maps on Bridge Creek lot for sale. **CITY ATTORNEY REPORT - Memorandum 17-037**, from City Attorney, Re: Certification of Petition for Recall Application.

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

3. MAYORAL PROCLAMATIONS AND RECOGNITIONS

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were three who commented.

5. RECONSIDERATION

A. **Resolution 17-014(S)**, 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. Reconsideration issued by Councilmember Lewis on February 28, 2017.

RECONSIDERED.

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 February 27, 2017. City Clerk. Recommend adoption.
- B. **Memorandum 17-033** from Mayor Zak, Re: Appointments of Pam Van Hoozer and Joyanna Geisler to the Americans With Disabilities Act Compliance Committee and Reappointment of Karin Marks to the Economic Development Advisory Commission.
- C. **Memorandum 17-034** from Deputy City Clerk, Re: Liquor License Renewal for American Legion Post #16.
- D. **Ordinance 17-13**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Authorizing the Expenditure of \$19,850 From the Fishing Hole Maintenance Reserve Fund for Improvements to the Nick Dudiak Lagoon Fish Cleaning Station. City Manager/Port and Harbor Director. Recommended dates: Introduction March 13, 2017, Public Hearing and Second Reading March 28, 2017.

Memorandum 17-038 from Port and Harbor Director as backup.

- E. **Ordinance 17-14**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating Funds in the Amount of \$150,000 From Port and Harbor Reserves for the Replacement of the Existing Port and Harbor Management Software. City Manager/Port and Harbor Director. Recommended dates: Introduction March 13, 2017, Public Hearing and Second Reading March 28, 2017.

Memorandum 17-043 from Port and Harbor Director as backup.

- F. **Ordinance 17-15**, An Ordinance of the City Council of Homer, Alaska, Updating and Clarifying the Implementation of a Penalty and Interest Structure for Special Assessments in the Homer Natural Gas Distribution Special Assessment District That Became Delinquent on or After July 1, 2016, and Provided Terms for Reinstatement on or After July 1, 2016 of Assessments That Became Delinquent Before That Date, and the Policies and Procedures for Waiving Penalties on Delinquent Special Assessment

Payments if They Meet Certain Requirements, and Creating an Appeal Process for Waiver Denials to the Board of Adjustment. Aderhold. Recommended dates: Introduction March 13, 2017, Public Hearing and Second Reading March 28, 2017.

Moved to Ordinances, Item A. Erickson.

- G. **Resolution 17-020**, A Resolution of the City Council of Homer, Alaska, Encouraging Congress to Create a Reliable, Predictable Stream of Resources to Address Deferred Maintenance Needs in America's National Park System. Mayor.
- H. **Resolution 17-021**, A Resolution of the City Council of Homer, Alaska, Amending the Beach Policy for Clarity. City Clerk/Parks Art Recreation and Culture Advisory Commission (PARCAC).

Memorandum 17-039 from Deputy City Planner as backup.

- I. **Resolution 17-023**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Wireless Control System for Harbor High Mast Light Poles to the Firm of Puffin Electric, Inc. of Homer, Alaska, in an Amount to be Determined and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port and Harbor Director.

Memorandum 17-049 from Port and Harbor Director as backup.

Moved to Resolutions, Item B. Aderhold.

- J. **Memorandum 17-035**, from Parks Art Recreation and Culture Advisory Commission, Re: Sister City Artwork Display.
- K. **Memorandum 17-046**, from City Manager, Re: Letter to Governor Walker and Alaska State Legislature Regarding the Effects of Budget Cuts on the City of Homer and Revenue Options for the State of Alaska.

Item F, Ordinance 17-15 was moved to Ordinances, Item A. Erickson.

Item I, Resolution 17-023 was moved to Resolutions, Item B. Aderhold.

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

7. VISITORS

**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

Sue Fallon, Library Advisory Board Member, provided a report on the LAB's business.

2. Homer Advisory Planning Commission

Ingrid Abrahamson, Planning Commissioner, provided a report on the commission's business.

3. Economic Development Advisory Commission

Karin Marks, Chair of the Economic Development Advisory Commission, provided a report on the commission's business.

4. Parks Art Recreation and Culture Advisory Commission

5. Port and Harbor Advisory Commission

6. Cannabis Advisory Commission

C. Councilmember Aderhold Juneau Trip Report

D. City Manager Koester Juneau Trip Report

E. Mayor Zak Juneau Trip Report

F. Councilmember Smith Juneau Trip Report

- G. Letter to Senator Bishop from Mayor Zak, Re: Importance of Alaska Marine Highway System to coastal communities

9. PUBLIC HEARING(S)

- A. **Ordinance 17-08**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an Alaska Department of Transportation and Public Facilities Grant for Soundview Pedestrian Safety Improvements. City Manager/Public Works Director. Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017.

There were four who testified.

ADOPTED with discussion.

- B. **Ordinance 17-09**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating Funds in the Amount of \$30,702.00 From Port and Harbor Reserves to Fund a Wireless Control System for the High Mast Light Poles at the Harbor. City Manager/Port and Harbor Director. Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017.

Memorandum 17-030 from Port and Harbor Director as backup.

Councilmember Smith was excused from participation due to a conflict of interest.

There was no public testimony.

ADOPTED without discussion.

- C. **Ordinance 17-10**, An Ordinance of the City Council of Homer, Alaska, Submitting a Ballot Question to the Voters at the October 3, 2017 Regular Municipal Election Inquiring Whether to Amend the Homer Accelerated Roads and Trails (HART) Program to Authorize the Use of Revenues From the Three Fourths Percent (3/4%) Sales Tax Levied to Support the HART Program for the Use of Road and Trail Maintenance and Amending Homer City Code 9.16.010(C) Accordingly Upon Approval by the Voters of Proposition No.1. Mayor. Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017.

Ordinance 17-10(S), An Ordinance of the City Council of Homer, Alaska, Submitting a Ballot Question to the Voters at the October 3, 2017 Regular Municipal Election Inquiring Whether to Amend the Homer Accelerated Roads and Trails (HART) Program to Authorize the Use of Revenues From the Three Fourths Percent (3/4%) Sales Tax Levied to Support the HART Program for the Use of Road and Trail Maintenance and Amending Homer City Code 9.16.010(C) Accordingly Upon Approval by the Voters of Proposition No.1. Mayor. Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017.

Memorandum 17-044 from City Manager as backup.

There were two who testified.

SUBSTITUTE ORDINANCE 17-10(S) AMENDED: Proposition No. 1 to read: AUTHORIZE THE USE OF REVENUE FROM THE 0.75% OF THE **EXISTING** CITY SALES TAX DEDICATED TO THE HOMER ACCELERATED ROADS AND TRAILS (H.A.R.T.) PROGRAM TO INCLUDE MAINTENANCE OF LOCAL ROADS AND TRAILS.

ADOPTED ORDINANCE 17-10(S)(A) with discussion.

- D. **Ordinance 17-11**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget Authorizing the Expenditure of \$9,000 for the Purchase of a Pathway Sander Unit. Aderhold. Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017.

Memorandum 17-031 from Public Works Director as backup.

There was no public testimony.

ADOPTED with discussion.

- E. **Ordinance 17-12**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$110,000 From the Public Safety Building Fund to the Police Station Project to Fund Assessment and Design. Reynolds. Introduction February 27, 2017, Public Hearing and Second Reading March 13, 2017.

There was one who testified.

ADOPTED with discussion.

10. ORDINANCE(S)

- A. **Ordinance 17-15**, An Ordinance of the City Council of Homer, Alaska, Updating and Clarifying the Implementation of a Penalty and Interest Structure for Special Assessments in the Homer Natural Gas Distribution Special Assessment District That Became Delinquent on or After July 1, 2016, and Provided Terms for Reinstatement on or After July 1, 2016 of Assessments That Became Delinquent Before That Date, and the Policies and Procedures for Waiving Penalties on Delinquent Special Assessment Payments if They Meet Certain Requirements, and Creating an Appeal Process for Waiver Denials to the Board of Adjustment. Aderhold. Recommended dates: Introduction March 13, 2017, Public Hearing and Second Reading March 28, 2017.

INTRODUCED with discussion.

Mayor Zak called for a recess at 7:34 p.m. and reconvened the meeting at 7:45 p.m.

11. CITY MANAGER'S REPORT

- A. City Manager's Report

Council asked to add the purchase of the Bridge Creek parcel to the next agenda. The request for connection to city water by the Alaska Bible Institute was discussed at the Committee of the Whole. Council expressed displeasure at the vandalism and graffiti to the downtown restrooms. Police officers will be locking the downtown restrooms at 8:00 p.m. and the Parks personnel will unlock the restrooms at 8:30 a.m. City Manager Koester will provide Council with the cost of cleaning the restrooms.

Mayor Zak announced City Manager Koester, Councilmember Erickson, and he went to the LNG reception in Kenai last weekend to represent Homer. Governor Walker and Lt. Governor Mallott were there along with many investors from Korea and Japan. The Alaska LNG group is working diligently to have a means of selling natural gas.

- B. Bid Report

12. CITY ATTORNEY REPORT

- A. Memorandum 17-037 from City Attorney, Re: Recall Application and Petition Process.

City Attorney Wells provided an overview of the recall application and petition process.

13. COMMITTEE REPORT

- A. Employee Committee Report
- B. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported on the committee's work.

14. PENDING BUSINESS

- A. **If reconsidered: Resolution 17-014(S)**, 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. Reconsideration issued by Councilmember Lewis on February 28, 2017.

FAILED with discussion.

- B. **Ordinance 17-05(A)**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating \$671,053 From the Homer Accelerated Roads/Trails Program (HART) for the Greatland Street Improvements (Option A) Project, and Authorizing the City Manager to Execute All Appropriate Documents. Erickson. Introduced January 23, 2017, Referred to Planning Commission. Recommend Public Hearing March 28, 2017.

Memorandum 17-019 from Public Works Director as backup.

Memorandum 17-041 from City Planner as backup.

POSTPONED to March 28, 2017 for Public Hearing and Second Reading.

- C. **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. Introduced January 23, 2017, Referred to Planning Commission. Recommend Public Hearing March 28, 2017.

Memorandum 17-042 from City Planner as backup.

POSTPONED to March 28, 2017 for Public Hearing and Second Reading.

- D. **Resolution 16-133**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Negotiate and Prepare a Purchase Offer for Kenai Peninsula Borough Parcel No. 17901024, Jack Gist Subdivision Lot 3, in an Amount Not to Exceed Fair Market Value for the Purpose of Enhancing Current Jack Gist Park Facilities. Lewis. Referred to Parks Art Recreation and Culture Advisory Commission on December 5, 2016.

Memorandum 17-036 from Parks Art Recreation and Culture Advisory Commission as backup.

ADOPTED with discussion.

15. NEW BUSINESS

16. RESOLUTIONS

- A. **Resolution 17-022**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Operation of Fish Pump Services on the Homer Port and Harbor Fish Dock to the Firm of Icicle Seafoods, Inc. of Homer, Alaska, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port and Harbor Director.

Memorandum 17-045 from Port and Harbor Director as backup.

POSTPONED to March 28, 2017 for the RFPs to be reviewed in Executive Session.

- B. **Resolution 17-023**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Wireless Control System for Harbor High Mast Light Poles to the Firm of Puffin Electric, Inc. of Homer, Alaska, in an Amount to be Determined and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port and Harbor Director.

Memorandum 17-049 from Port and Harbor Director as backup.

Councilmember Smith was excused due to a conflict of interest.

ADOPTED without discussion.

17. COMMENTS OF THE AUDIENCE

There were four who commented.

18. COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comments.

19. COMMENTS OF THE CITY CLERK

City Clerk Johnson clarified Ordinance 17-07(S) has not yet been adopted. A public hearing and second reading is scheduled for March 28, 2017.

20. COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

21. COMMENTS OF THE MAYOR

Mayor Zak asked whoever is damaging the bathrooms needs to stop doing it. The bathrooms will need to be closed down in the evenings. He feels sorry for the person that has to clean them up and thanks them for that. March 19th is the Homer Winter King Salmon Tournament. There will be a lot of people in town fishing and the opportunity to go out on the Spit and participate in the largest fund raiser for the Homer Chamber of Commerce. They do a lot to publicize our community. He asked people to welcome the visitors and show them a good time.

22. COMMENTS OF THE CITY COUNCIL

Councilmember Reynolds thanked Council for being able to participate telephonically. The Winter King Salmon Tournament should be interesting with the ice. The Big Fat Bike Festival is also happening next weekend.

Councilmember Stroozas hopes the Chamber can pull off the Winter King Salmon Tournament with the ice situation. Tomorrow will be a big decision when the group meets with the harbormaster to see what the plans are. We try to always advocate good common sense government. Tonight this council failed terribly and did not demonstrate it on Resolution 17-014(S). For that he apologized to the public on behalf of the body.

Councilmember Lewis had no comments.

Councilmember Smith said with all due respect Councilmember Stroozas does not need to apologize for him. It is good common sense government that we engage all parties before we move, especially when it has to do with another government body. That is a prudent path forward. He is disappointed that we did not allow for a period of time to do the homework. There was an opportunity that we should have given to do the homework and to get the other answers in place and the concerns addressed. He thanked the public for showing up and

testifying and being part of the process. It is important and essential to keep us in check. Ordinance 17-07(S) will be on the agenda at the next meeting and public testimony will be taken. He appreciates the opportunity to serve.

Councilmember Aderhold commented on Saturday the Kachemak Nordic Ski Club had the ski marathon, the first in a number of years. It was able to take place with the wonderful snow. She heard that the trail conditions were good. She was not on the trail, but at the finish line. Many thanks to the groomers who spent a lot of time putting the trail in place. There were about 100 people that entered the event. About half of those came from outside of Homer. It is a great event for our economy. The age range was from 14 to 70. It is a family-friendly event. She thanked Kachemak Nordic Ski Club for putting the event on and thanked the 50 volunteers that participated.

Councilmember Erickson appreciates getting to attend the LNG reception in Kenai and meeting different people in state government. The sun is shining, it's March and a wonderful time to get outside and do stuff. She encouraged everyone to get outside.

23. ADJOURNMENT

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 8:55 p.m. The next Regular Meeting is Tuesday, March 28, 2017 at 6:00 p.m. and Committee of the Whole 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.