

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.

Mayor Zak called for a motion to allow Councilmembers Stroozas and Reynolds to participate by phone.

LEWIS/ADERHOLD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Council met for a Worksession from 4:00 p.m. to 4:48 p.m. to discuss Fire Station Expansion Project. From 5:00 p.m. to 5:46 p.m. Council met as a Committee of the Whole to discuss Resolution 17-021 and Consent 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 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.

Mayor Zak called for a motion to approve the agenda as amended.

LEWIS/ADERHOLD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **MAYORAL PROCLAMATIONS AND RECOGNITIONS**

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

Kelly Cooper, Kachemak City resident, asked that Resolution 17-014(S) be reconsidered and then voted down. It has not been vetted with Kachemak City, nor has there been public input.

Jack Cushing, former mayor and city resident, asked for reconsideration of Resolution 17-014(S) and that it be voted down. He cited a number of things Council should discuss before allowing water lines outside city limits.

Kevin Hogan, city resident, commented on Resolution 17-022. He submitted two applications for the fish pump, both were denied. For the last 30 years he has made an investment in the community and built infrastructure.

## 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.

Mayor Zak called for a motion to reconsider the vote on Resolution 17-014(S).

LEWIS/ADERHOLD - SO MOVED.

There was no discussion.

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

VOTE: NO. STROOZAS

Motion carried.

Councilmember Erickson stated a potential conflict of interest as she owns a lot in the area. Connecting to city water will cost her a lot of money, so she won't hook up.

City Attorney Wells advised Councilmember Erickson did not have a conflict of interest.

## 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.

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

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

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

LEWIS/ADERHOLD - 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

Kenai Peninsula Borough Assembly President Kelly Cooper reported the Assembly has filled the three vacant seats. Five assembly seats are up for election in October. Property assessments have been sent out. The deadline to appeal the assessment is March 31<sup>st</sup>.

Kachemak Board of Realtors and the Assessing Department will meet at a luncheon for a presentation from borough staff.

The Assembly approved an ordinance to start a highway corridor emergency service area. This will provide a more coordinated focus on emergency services where there is a gap in services. It is supported by borough emergency services personnel to find a better way to provide coordinated response services along the Seward and Sterling Highways. The traffic count on the unprotected stretches of Seward and Sterling Highways is between 3,000 to 4,000 vehicles per day; it is 3x that amount during summer peaks. A service area would allow for consistent and coordinated response to highway accidents instead of borrowing emergency service personnel from neighboring areas to fill a gap. It would be funded out of PILT (Payment in Lieu of Taxes) federal funds. Research will continue to analyze the cost per call, service area design, and timeline. They will seek public feedback before standing up the service area, along with another ordinance before the Assembly. They introduced a bill at the state level, will hold community meetings, and bring it to the Assembly for their permission to create the service area.

The annual land sale will be published in the newspaper and on the Borough's website. There are 21 parcels that will be published after March 21<sup>st</sup>. The Assembly will hold a public hearing on March 21<sup>st</sup> sponsored by Assemblyman Dunne to remove the invocation from the assembly agenda. The Borough annex will be open at 6:00 p.m. Tuesday for testimony on that ordinance only. Lastly, the Assembly is starting their budget process and on March 21<sup>st</sup> will have a joint meeting with the School Board.

Council asked if President Cooper would look into better cell service out East End Road in the dead spots.

B. Commissions/Board Reports:

1. Library Advisory Board

Sue Fallon, Library Advisory Board Member, reported on a comparison from 2015 to 2016 library statistics. Library usage has steadily increased with circulation up 15%, 869 new library cards, and 2,644 groups utilizing meeting and study rooms. Attendance is up 4%; internet sessions are up 8%, and program attendance is up 44%. The LAB has been tasked to look at revenue streams. They have held multiple worksessions, talked to the national library guru, and are preparing for a Worksession with City Council on May 8<sup>th</sup> to make their presentation.

2. Homer Advisory Planning Commission

Syverine Abrahamson, Planning Commissioner, provided a report on the commission's February 15<sup>th</sup> and March 1<sup>st</sup> meetings. On February 15<sup>th</sup> Matt Steffy, Homer Soil and Water Conservation District, presented on the Woodard Creek Watershed Plan. It a community project to promote health and safety of the watershed as a community asset. The commission reviewed the Greatland Street extension, auto sales in marine industrial district, and homeless shelters. The commission discussed the Transportation Plan with respect to the Greatland Street extension. The commission recommends not moving forward with the ordinance as written. If the Council moves forward, the commission recommends Option C as it follows the Transportation Plan to prevent traffic issues and provide for long-term planning. The commission failed a motion to add temporary auto sales to the list of permitted uses in the marine industrial district and to define temporary auto sales. They will need to hold a public hearing before resolving the issue. The commission has been reviewing current code provisions for temporary housing and homeless shelters. Planning Commission involvement includes designating buildings as hostels as an immediate solution to cold weather, and a CUP process for a longer term solution to create a homeless shelter or transitional services housed in one location. The Planning Department will compile more information, including an assessment of resources available in the community, and suitable buildings that fall into the current definition of a rooming house or hostel, without making a new definition. They will identify organizations who would volunteer for cost sharing, identify the best available information relating to homelessness in the city, and develop a permanent process for cold weather shelters.

3. Economic Development Advisory Commission

Karin Marks, Chair of the Economic Development Advisory Commission, provided a report on the commission's business. They have reviewed short and mid-term goals for 2017 and hosted two informal lunch gatherings for business owners. They are looking at creating a better business growth, simplifying the sign ordinance, and looking at the availability and possibility of broadband expansion. Their mid-level project is broader based for business interests. They have garnered a lot of good information. The EDC acknowledges the need for long-term projects to include space for gatherings to hold 200 to 500 people and a community center.

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

### **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.

Mayor Zak opened the public hearing.

Coletta Walker, city resident, commented Soundview is the longest running residential street and people tend to speed on it. It is dangerous due to curves and bumps. Residents want three to four speed bumps.

Sarah Vance, city resident, asked that the project be completed quickly for the pedestrians, pets, and children. A stop sign at Mullikin and Soundview would help slow people down. People have become negligent in driving; they are not considerate in Homer.

Deb Lowney, city resident, commented the area with sidewalk becomes unsafe with busses, children on bikes, and pedestrians. She concurs that a stop sign is needed.

Brandy Super, city resident, supports Ordinance 17-08. The street is dangerous and very dark in the mornings. It is a school neighborhood corridor that needs a flashing light.

Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Ordinance 17-08 by reading of title only for second and final reading.



LEWIS/ADERHOLD – SO MOVED.

Public Works Director Carey Meyer reported stop signs are installed when they are needed. They are anticipating signage, crosswalks, and speed humps. A portion of the project was initially funded by the HART Program; \$315,000 was for the sidewalks and \$40,000 was for safety improvements. The DOT grant reduces the City's cost to below \$200,000.

Flashing lights at the school are mostly the City's responsibility, but the school is a stakeholder in the decision. Mr. Meyer has already contacted the school principal to involve him and the community as a whole in the decision. There will be several neighborhood meetings. There is already some design completed and the survey has been completed. Mr. Meyer is fairly confident we can get the pedestrian safety improvements in place before the next school year. The new road off of West Hill would not be tied in. The master plan and rights of-way have established it as Fairview. There will be a stop sign at West Hill.

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

Motion carried.

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 excused himself from participation due to a conflict of interest. His father works at Puffin Electric, the company that was awarded the bid for the wireless control system.

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 17-09 by reading of title only for second and final reading.

LEWIS/ADERHOLD – SO MOVED.

There was no discussion.

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

Motion carried.

Councilmember Smith returned to his seat at the dais.

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.

Mayor Zak opened the public hearing.

Dave Brann, city resident, has concerns that the trail portion of HART will be used for general maintenance and that funds will disappear. Trails are needed, and maintenance of trails is needed.

Deb Lowney, city resident, thinks maintenance and repairs could consume the HART fund quickly. We have lots of pieces of trails that don't connect yet and are working hard to get connectivity. Handicapped access is difficult.

Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Ordinance 17-10 by reading of title only for second and final reading.

LEWIS/ADERHOLD - SO MOVED.

Mayor Zak called for a motion to substitute Ordinance 17-10(S) for Ordinance 17-10.

LEWIS/ADERHOLD - SO MOVED.

City Manager Koester clarified the ordinance does not change the percentage of allocation of HART; it says the percentage allotted to trails can be used for trail maintenance.

The dedicated percentages to roads and trails will not change. Funds will be used for maintenance and there will be funds left for capital projects. It will free up general fund money without generating a new tax.

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

Motion carried.

ERICKSON/LEWIS – MOVED TO AMEND PROPOSITION 1 BY ADDING THE WORD “EXISTING” 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.

There was no discussion.

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

Motion carried.

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

Motion carried.

- 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.

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 17-11 by reading of title only for second and final reading.

LEWIS/ADERHOLD - SO MOVED.

If voters approve Proposition No. 1 this expenditure would be an eligible expense.

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

Motion carried.

- 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.

Mayor Zak opened the public hearing.

Joe Singleton, city resident, asked if the \$110,000 went to a bank account for the public safety building.

Mayor Zak closed the public hearing.

Mayor Zak called for a motion for the adoption of Ordinance 17-12 by reading of title only for second and final reading.

LEWIS/ADERHOLD - SO MOVED.

City Manager Koester explained the funds will be transferred to the project account for the police station. Public Works Director Meyer will work with the task force who is tasked to provide recommendations for a police station. The previous Public Safety Building Review Committee completed their work.

Mayor Zak added we are just waiting for one more resident within city limits to submit an application for the task force before making appointments.

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

Motion carried.

### **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.

Mayor Zak called for a motion for the adoption of Ordinance 17-15 for introduction and first reading by reading of title only.

LEWIS/ADERHOLD - SO MOVED.

City Attorney Wells advised the Council the ordinance includes all the resolutions adopted pertaining to natural gas assessments.

Councilmember Erickson asked for the addition of a mid-year notice to people so that they can be prepared for the July assessment.

City Manager Koester clarified the ordinance gives more discretion to staff on late penalties. Any decision that staff makes is appealable to the Board of Adjustment.

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

Motion carried.

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

## **CITY MANAGER'S REPORT**

### **A. City Manager's Report**

#### **Water Response Symposium**

Chief Painter is working to set up a meeting between the multiple agencies that have a role in water response, the community and City Council. With growth in marine industry and water-based recreation, we are likely to see an increased demand for response to fires, emergencies, and rescues in Kachemak Bay. Chief Painter will invite local responders including Troopers, State Parks, Anchor Point Fire, Seldovia Fire/Rescue, Cook Inlet Marine Safety Group, Coast Guard, Coast Guard Auxiliary, Homer Police Department, Homer Volunteer Fire Department, Kachemak Emergency Services, and Homer Port and Harbor. This meeting will provide an opportunity for the agencies and the public to better understand what role each agency plays in water response and what opportunities there are for increased partnership. At this time, Chief Painter is aiming for a meeting in late May after the Tsunami Operations Workshop (April 18-20) and Marine Fire Fighting Conference (May 12-14).

#### **Worksession on Emergency Management**

Today's worksession was originally scheduled to be an emergency management training for Council and Mayor. However, the State director, who would be facilitating the training, was unable to make it. He also would like more than 50 minutes of your time to do a proper overview of Council and Mayor's role in the event of an emergency and provide ample time for questions and answer (2-3 hours). If Council is agreeable to a longer session on a day you do not have city council, Chief Painter will work with the State director on a time in May that he could come down. Please let me know if there are any dates that work better than others or times you are not available. That information will be helpful for scheduling the Water Response Symposium mentioned above as well.

#### **Alaska LNG Reception Travel Report**

Last Saturday, March 4, I traveled with Mayor Zak, Chamber Director Zak, and Councilmember Erickson to Kenai for an Alaska Natural Gas reception hosted by the State of Alaska. The purpose of the reception was to give potential buyers of Alaska Natural gas from Asian markets an opportunity to get to know the communities on the peninsula. The 2-hour reception was the culmination of a multi-day business trip where visitors toured the North Slope, met with important government and business leaders in Alaska, and toured the liquid natural gas facilities on the Kenai Peninsula. It was a great opportunity to visit with business people from Japan and Korea, Governor Walker, Lt. Governor Mallot, Peninsula legislators and members of

Governor Walker's cabinet. I was pleased to see a number of people from Homer representing our community at the reception. If this project is fruitful and a natural gas line terminates on the Kenai Peninsula, our Port would provide important support for the vessels servicing the industry and some employees of the project would choose to live in Homer. Homer is in a great position to benefit from the project without being overwhelmed by its scale.

### **STIP Comments Submitted**

The State of Alaska Department of Transportation & Public Facilities is asking for comments on the State Transportation Improvement Project (STIP) 2016-2019 Amendment 2. Homer has interest in three projects that are being modified. The City Planner submitted the attached comments on behalf of the City of Homer. In summary, Lake Street Rehabilitation has removed \$331,010 from the FY 2017 budget. These were the only funds appropriated prior to the 'After 2019' category. The City has been assured that this project is progressing on schedule and work should commence in 2019. Rehabilitation – Anchor Point to Baycrest Hill has moved \$500,000 budgeted for FY 2017 and added \$650,000 to FY 2018. Project 18924, Pavement and Bridge Rehabilitation (which includes Pioneer Ave.) is shuffling funds. They add approximately \$11 million to FY 2017 and lower the amount budgeted for 'After 2017' from \$240 million to \$80 million. The timeline for Pioneer Avenue Rehabilitation to commence construction is 2019.

### **Bridge Creek Lot for Sale**

The property owners of Lot 8 Block 1 of Kelly Ranch Estates Subdivision contacted the City of Homer about their property. They initially contacted Planning and Zoning with questions regarding the Bridge Creek Watershed Protection District, because they were interested in selling the lot. Staff mentioned the City may be interested in purchasing the property, and the property owners expressed interest.

The lot is 2.86 acres and overlooks Bridge Creek. The creek does not appear to flow through this lot, but there is about 650 feet of creek bottom along one lot line, the lot is all wetlands. It is in the City's interest to acquire this lot for long-term preservation of city water quality. The lot currently does not have constructed access or utilities. The land is developable for a single-family residence, although the area for a septic system is regulated by the required 200-foot distance from the creek itself.

The Council has expressed an interest in purchasing properties in the watershed as they become available to preserve the quality of our water source and protect landowner rights. If there is an interest from Council, I can follow up with legislation authorizing negotiations on this piece of property.

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

**CITY ATTORNEY REPORT**

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

City Attorney Wells said we have guidance and laws that provide direction on the recall petition process. It is an unclear area of law. There is a lot of ambiguity and not a lot of definition. The recall petition application process is a two-tiered process. The first part of the process is the filing of a recall petition application. When the application is filed, there is an assessment done by the clerk in determining to issue or not to issue a petition. Requirements are ten signatures by municipal voters, addresses, name of a sponsor, an alternate contact, and a statement of particularity regarding the allegations. That is the issuance process; that is the stage we are at now. The clerk is reviewing the application and if she finds that those three criteria have been met, she is mandated to issue the petition.

The clerk then drafts the petition with specific requirements of what goes into the petition. She is preparing petitions with the statement of particularity as made and what needs to be included with signatures and notice.

The next stage is that the recall petition sponsors will circulate the petition if issued. It will come back with the required amount of signatures; that is 25% of the votes cast in the last regular election for that office. Once signatures are secured the petition must be filed within 180 days of the official's last day of their term in office.

We have a recall petition application filed for three councilmembers. The dates of the last day of office are different for Councilmember Aderhold. If the signatures are secured they can be submitted. If the signatures are insufficient there is the ability to supplement the petition, but it all has to be done within 180 days of the councilmember's last day of office. At that time the clerk goes into a second review. It is still primarily a technical review. The determination will be if the signatures provided are sufficient, they meet the requirements, they have the additional information that is necessary, and the statement and the grounds for the recall petition are sufficient. If sufficient, we will move into a recall election process.



If there is a recall election it would be a special election. Voters will be looking at a ballot proposition if the councilmember should be recalled, along with a 200 word statement by the official subject to recall. The official would be defending or responding to the basis for recall. That is the only formal response that is afforded in municipal process.

A petition must be filed by April 11<sup>th</sup> for Councilmembers Lewis and Reynolds. Generally the petitioners would have 60 days to circulate and gather signatures. Because the 60-day time frame runs up against the 180-day time requirement, that time to circulate the petition for signatures will be shortened and require the petition to be circulated by April 11<sup>th</sup> (within 180 days of Councilmembers Lewis and Reynolds last day in office). This does not hold true for Councilmember Aderhold since she has an additional year on her term.

City Attorney Wells has advised councilmembers subject to recall that it is not appropriate to engage in discussion. If the petition is issued by the clerk we are in an election process. For them to engage in discussion while they sit as councilmembers would be questionable. Although it is possible to have two separate recall elections, it is highly unlikely.

## **COMMITTEE REPORT**

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

Councilmember Aderhold reported the committee met last week and had Ann Dixon as a guest. They talked about potential ADA issues at the library. The library has a wheelchair available for use if you ask at the front desk. The committee discussed the schedule for getting started with the evaluation of city buildings. They are hoping to begin on March 21 and will start with City Hall. They now have a full committee.

## **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.

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

STROOZAS/SMITH - SO MOVED.

Councilmember Stroozas has heard from people about why we shouldn't do this. It does not advocate any annexation for the Kachemak City folks. It is currently stranded infrastructure that provides options to property owners north of East End Road to hook up to city water. Councilmember Erickson said she would not hook up due to the cost. If there are people in Kachemak City on the north side of East End Road and they want to pay the fee they should allow them to hook up. This recovers the stranded infrastructure; there is nothing negative about the resolution. It advocates good common sense government and we all want to work towards good common sense government. We have an opportunity to maximize the infrastructure that has been stranded since 2004.

City Attorney Wells advised the Council that their previous ruling that Councilmember Erickson is allowed to participate stands.

Councilmember Aderhold voted against the resolution at the last meeting. The reasons that Jack Cushing brought forward are the reasons why she voted against the resolution. Past councils have spent a lot of time on the matter and we need to honor their concerns. If Kachemak City is not on board we would need to postpone until we have conversation with Kachemak City and they have expressed interest. Outside of our zoning we have no control of what goes into these large lots and how much water is used. If businesses go on those lots they will be competing with ours. We need to prioritize Homer residents with water services.

Councilmember Smith will be voting no because we haven't talked to Kachemak City. With more homework and input from all parties we can get there. The idea that water service will create annex-ability is just to create fear; it is not part of the conversation. We want to include Council and residents of Kachemak City to address their concerns before going ahead. We could put limitations on main extensions and spaghetti lines.

Councilmember Erickson agrees it is important to have the conversation with Kachemak City.

STROOZAS/SMITH - MOVED TO POSTPONE RESOLUTION 17-014(S) UNTIL THE FIRST CITY COUNCIL MEETING IN MAY 2017.

There was no discussion.

VOTE: (postponement) YES. ERICKSON, STROOZAS, SMITH

VOTE: NO. LEWIS, REYNOLDS, ADERHOLD

Mayor Zak broke the tie vote with a NO.

Motion failed.

VOTE: (main motion) YES. STROOZAS

VOTE: NO. ERICKSON, SMITH, REYNOLDS, LEWIS, ADERHOLD

Motion failed.

- 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.

Motion on the floor from January 23: MOTION FOR THE ADOPTION OF ORDINANCE 17-05(A) FOR INTRODUCTION AND FIRST READING BY READING OF TITLE ONLY.

Mayor Zak called for a motion to postpone to March 28, 2017 for public hearing and second reading.

LEWIS/ADERHOLD – SO MOVED.

Councilmember Smith commented we have a Transportation Plan, but are not bound by it. To accommodate the plan is not in the best interest of the City. For the connectivity between the short span, he is not sure he agrees with the Bartlett extension of Options B or C as it creates more congestion. He is in favor of Option A to open up the lots and increase their value for tax revenues. It is beneficial to the City.

Asked by Councilmember Erickson if the property owners on Option A were contacted, City Manager Koester answered there is a process for a special assessment district (SAD) for Council to initiate one by resolution. The majority owner of parcels in the district would have a lot of say.

Councilmember Stroozas commented the Transportation Plan is just a plan and plans can change for a variety of reasons. It is all about the dollar and Option A is the best option.

Councilmember Aderhold commented the Planning Department relies on plans and we need to respect the staff and the Planning Commission.

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

Motion carried.

- 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.

Motion on the floor from January 23: MOTION FOR THE ADOPTION OF ORDINANCE 17-07(S) FOR INTRODUCTION AND FIRST READING BY READING OF TITLE ONLY.

Mayor Zak called for a motion to postpone to March 28, 2017 for Public Hearing and Second Reading.

LEWIS/ADERHOLD - SO MOVED.

There was no discussion.

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

Motion carried.

- 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.

Motion on the floor from December 5, 2016: MOTION FOR THE ADOPTION OF RESOLUTION 16-133.

Councilmember Lewis supports the purchase of the property. Any land to improve and enlarge the park is to our advantage.

Councilmember Smith wants to make sure we are spending money in the best place possible.

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

VOTE: NO. SMITH

Motion carried.

## **NEW BUSINESS**

## **RESOLUTIONS**

- A. **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 recused himself due to his father's employment with Puffin Electric, Inc. and vacated his seat at the dais.

Mayor Zak called for a motion for the adoption of Resolution 17-023 by reading of title only.

LEWIS/ADERHOLD - SO MOVED.

There was no discussion.

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

Motion carried.

Councilmember Smith returned to his seat at the dais.

- B. **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.

ERICKSON/LEWIS – MOVED TO POSTPONE RESOLUTION 17-022 TO AN EXECUTIVE SESSION TO DISCUSS THE CONFIDENTIAL RFPS ON MARCH 28.

There was no discussion.

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

Motion carried.

### **COMMENTS OF THE AUDIENCE**

Sarah Vance, city resident, commented on Ordinance 17-07(S). It is placing a lot of responsibility and power over one person, and that raises concern. She questioned the cost of a hearing officer in comparison to the Board of Adjustment. She commented on the graffiti in the restrooms and suggested posting a sign on the restrooms to tell people where they can go for shelter.

Pamela Hall, city resident, asked for reconsideration of Ordinance 17-07(S). She prefers a board instead of one person.

Tenise Latham, Homer resident, asked for reconsideration of Ordinance 17-07(S). She commented on the recall of council members and the deception of making Homer a sanctuary city. She asked for their resignations.

Larry Zuccaro, city resident, told Council that Ordinance 17-07(S) needs to be reconsidered. He doesn't think the public fully understands what is going on. He spent all weekend reading the emails of the councilmembers and is disgusted.

### **COMMENTS OF THE CITY ATTORNEY**

City Attorney Wells had no comments.

### **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.

### **COMMENTS OF THE CITY MANAGER**

City Manager Koester had no comments.

### **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 19<sup>th</sup> 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.

### **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.

#### **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.

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JO JOHNSON, MMC, CITY CLERK

Approved: \_\_\_\_\_