

ACTION AGENDA

Monday, April 24, 2017
Special Meeting 2:00 p.m.
Worksession 4:00 p.m.
Committee of the Whole 5:00 p.m.
Regular Meeting 6:00 p.m.

Session 17-09 a Special Meeting of the Homer City Council was called to order on April 24, 2017 at 2:00 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 WELLS
FINANCE DIRECTOR WALTON

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. NEW BUSINESS

A. Appeal to the Board of Adjustment

Appeal of Penalty on Delinquent Assessment Payment for the Homer Natural Gas Special Assessment District.

Council granted the waiver of penalty for William Stovell, Dan Gardner, Steven Rich, and Guy and June Morgan.

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 2:40 p.m.

WORKSESSION AGENDA

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

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

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. WATER AND SEWER RATES

A. Memorandum 17-067 from City Manager Re: Water and Sewer Rate Recommendations

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 4:45 p.m.

COMMITTEE OF THE WHOLE AGENDA

1. CALL TO ORDER, 5:00 P.M.

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

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 17-040, A Resolution of the City Council of Homer, Alaska Declaring the 2017 Property Tax Assessments to be Unfair in Relationship to Other Borough Communities and Request Said Assessments be Invalidated Until the New Tax Model is Fairly Implemented Borough Wide. Stroozas/Erickson/Smith.

4. CONSENT AGENDA

5. REGULAR MEETING AGENDA

6. COMMENTS OF THE AUDIENCE

There were five who commented.

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

Mayor Zak adjourned the meeting at 5:57 p.m.

REGULAR MEETING AGENDA

Session 17-10 a Regular Meeting of the Homer City Council was called to order on April 24, 2017 at 6:02 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 WELLS
CITY PLANNER ABOUD
FINANCE DIRECTOR WALTON
POLICE CHIEF ROBL
PORT AND HARBOR DIRECTOR HAWKINS

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: **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS** - Thank You from Bunnell Street Arts Center; **CONSENT AGENDA - Resolution 17-040**, A Resolution of the City Council of Homer, Alaska, Declaring the 2017 Property Tax Assessments to be Unfair in Relationship to Other Borough Communities and Request Said Assessments be Invalidated Until the New Tax Model is Fairly Implemented Borough Wide. Stroozas/Erickson/Smith. Written public comments. **PUBLIC HEARING(S) - Ordinance 17-07(S-2)**, An Ordinance of the City Council Of Homer, Alaska, Amending Homer City Code 21.93.060, 21.93.070, 21.93.080, 21.93.100, 21.93.110, 21.93.500, 21.93.540, 21.93.550, 21.93.560, 21.93.570, 21.93.700, 21.93.710 to Offer Appellants the Choice Between an Appeal

Before the Board of Adjustment or a Hearing Officer in Appeals of Planning Commission Decisions. Erickson. Written public comments. **PENDING BUSINESS - Ordinance 17-04**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.30.020 to Add “Auto Equipment Sales, Rentals, Service, Repair and Storage” to the List of Permitted Uses in the Marine Industrial District. Lewis. Written public comments.

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

3. MAYORAL PROCLAMATIONS AND RECOGNITIONS

- A. Promotion of Police Officer Larry Baxter to Investigations Sergeant

Mayor Zak administered the oath to Sergeant Larry Baxter.

- B. Mayor’s Proclamation, Week of the Young Child, April 24-28, 2017

Councilmember Smith read and presented the proclamation to Red Asselin Martin.

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were six who commented.

5. RECONSIDERATION

6. CONSENT AGENDA

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

- A. Homer City Council unapproved Regular meeting minutes of April 10, 2017. City Clerk. Recommend adoption.
- B. **Resolution 17-040**, A Resolution of the City Council of Homer, Alaska, Declaring the 2017 Property Tax Assessments to be Unfair in Relationship to Other Borough Communities and Request Said Assessments be Invalidated Until the New Tax Model is Fairly Implemented Borough Wide. Stroozas/Erickson/Smith. Recommend adoption.

Moved to Resolutions, Item A. Aderhold.

- C. **Resolution 17-041**, A Resolution of the City Council of Homer, Alaska, Approving the Terms and Conditions for the Sale of T 7S R 13W Sec 1 Seward Meridian HM 0890034

Homer Spit Sub Amended Lot 47, KPB Parcel No. 18103408 and Authorizing the City Manager to Enter into Negotiations. City Manager. Recommend adoption.

- D. **Resolution 17-042**, A Resolution of the City Council of Homer, Alaska, Supporting HB 177, An Act Relating to the Response to, and Control of, Aquatic Invasive Species; Establishing the Aquatic Invasive Species Response Fund; and Relating to the Provision of Information About Aquatic Invasive Species. Aderhold. Recommend adoption.
- E. **Resolution 17-043**, A Resolution of the Homer City Council Opposing SB 14, HB 132, Prohibiting Municipalities From Regulating Transportation Network Companies and Network Company Drivers. Mayor/City Council. Recommend adoption.
- F. **Resolution 17-044**, A Resolution of the City Council of Homer, Alaska, Re-adopting the Established Investment Policy for the Permanent Fund. City Manager. Recommend adoption.

Memorandum 16-066 from Finance Director as backup.

Moved to Resolutions, Item B. Smith.

Item B, Resolution 17-040 was moved to Resolutions, Item A. Aderhold.

Item F, Resolution 17-044 was moved to Resolutions, Item B. Smith.

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

7. VISITORS

- A. Lisa Asselin Martin, Week of the Young Child, 10 Minutes

Red Asselin Martin, Coordinator for Early Childhood Coalition and Outreach Specialist for Sprout Family Services, provided a report.

- B. Safe and Healthy Kids Fair Coalition, 10 Minutes

Brittany August, Safe and Healthy Kids Coalition, and Mike Illg, Recreation Manager for City of Homer, provided an overview of the upcoming events.

8. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

(10 minute limit per report)

- A. Memorandum 17-065 from City Clerk, Re: Ballot Language for the Special Election of June 13, 2017.
- B. Borough Report
- C. Commissions/Board Reports:
 - 1. Library Advisory Board
 - 2. Homer Advisory Planning Commission
 - 3. Economic Development Advisory Commission
 - 4. Parks Art Recreation and Culture Advisory Commission

Louise Ashmun, PARCAC, reported the commission met last week to discuss the Sister City art collection and the support of a mayoral proclamation for Kids to Parks Day. They reviewed the mockups of Mariner Park and Bishop's Beach signs to make rules clearer. They discussed the prospect of gates and rock barriers at Mariner Park. The commission reviewed the 2004 Non-Motorized Transportation and Trails Plan. Although most of the policies in the plan have been implemented, most of the recommended sidewalks have not been completed. The safety needs are the sidewalks, specifically for Main Street and Svedlund Street. PARCAC will put sidewalks on the CIP list each year. A high school student has applied for the student seat on the PARCAC. Ms. Ashmun appreciates Councilmember Reynolds attending their last meeting.

5. Port and Harbor Advisory Commission

Port and Harbor Advisory Commissioner Bob Hartley reported the harbor is beginning to ramp up for the coming summer months. This includes the salmon derby, new hires for the harbor, the charter fleet, and charging fees at the load and launch. The commission is evaluating the port and harbor tariff. It is one of the most important documents for harbor operations. It covers rates, charges, and all other rules and regulations. The new tariff will replace the old outdated document that is very confusing and contradictory. He invited the Council and public to their meeting on Wednesday.

6. Cannabis Advisory Commission

Councilmember Lewis reported the commission will meet on Thursday.

9. PUBLIC HEARING(S)

- A. **Ordinance 17-07(S-2)**, An Ordinance of the City Council Of Homer, Alaska, Amending Homer City Code 21.93.060, 21.93.070, 21.93.080, 21.93.100, 21.93.110, 21.93.500, 21.93.540, 21.93.550, 21.93.560, 21.93.570, 21.93.700, 21.93.710 to Offer Appellants the Choice Between an Appeal Before the Board of Adjustment or a Hearing Officer in Appeals of Planning Commission Decisions. Erickson. Introduced January 23, 2017, Referred to Planning Commission, Public Hearing and Second Reading March 28, 2017. Reconsidered by Erickson, March 29, 2017. Substitute S-2 Introduced April 10, 2017, Public Hearing and Second Reading April 24, 2017

Memorandum 17-064 from Councilmember Aderhold as backup.

There were three who testified.

POSTPONED to the second meeting in June or the July meeting for a Worksession with the attorney. (July 24)

- B. **Resolution 17-038**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Accelerated Roads and Trails Program Policy Manual Adding Sections for Project Eligibility and Funding for Sidewalks, Eliminating the Provision for Debt Service Ratio, and Editing for Readability and Consistency. City Clerk/Planning Commission.

Memorandum 17-028 from Deputy City Planner as backup.

There was one who testified.

ADOPTED with discussion.

The agenda was amended to hear Resolution 17-040 while Mayor Navarre was in the audience.

Mayor Zak called for a recess at 7:48 p.m. and reconvened the meeting at 7:52 p.m.

- A. **Resolution 17-040**, A Resolution of the City Council of Homer, Alaska, Declaring the 2017 Property Tax Assessments to be Unfair in Relationship to Other Borough Communities and Request Said Assessments be Invalidated Until the New Tax Model is Fairly Implemented Borough Wide. Stroozas/Erickson/Smith. Recommend adoption.

AMENDED and FAILED with discussion.

10. **ORDINANCE(S)**

11. **CITY MANAGER'S REPORT**

- A. City Manager's Report

City Manager Koester said the ice machine on the Spit will be a 6-month short-term agreement with Alaska Ice, LLC. We will then issue a RFP to provide the opportunity for people to submit a proposal. The ice machine will be located at the top of Ramp 4 and will be the responsibility of the vendor.

The USS Hopper, a Navy destroyer, will visit Homer April 29 - May 2 and tie up to the Deep Water Dock. Asked about tours of the vessel, City Manager Koester said they are checking with Navy personnel.

B. Bid Report

C. Records Destruction Report

12. CITY ATTORNEY REPORT

City Attorney Wells reported there are three pending Alaska Supreme Court cases filed by Frank Griswold. They all regard conditional use and land use permits from other applicants that Mr. Griswold has taken issue with. We prevailed on all cases on the first round. Two cases are awaiting decision and one is at the early stages of arguing.

This afternoon the ACLU filed a civil complaint on behalf of Councilmembers Aderhold, Lewis, and Reynolds challenging the certification of the recall petition. The City anticipated that the certification might be vulnerable to challenge given the lack of clarity in the state statutes governing recall. We are moving as quickly as possible to get court guidance and direction and take steps to argue the City's position to support and defend the basis for certification, and to do so before the recall election in an expedited manner. This will be fast moving, more so than any other litigation. It will be trying to beat the June election date. An Executive Session will need to be held with the non-conflicted council members. The main topic of discussion will be attorney fees, the City's largest vulnerability. The ACLU is seeking full costs and attorneys' fees. We need to discuss how to move forward. She has advised Council not to speak as a council on the recall election. It will take research on her part to determine how Council gives direction on the litigation regarding the recall election. The Executive Session will likely be scheduled for May 8th.

13. COMMITTEE REPORT

A. Employee Committee Report

B. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported there was no quorum so no meeting was held. Last Friday some committee members met and spent a couple hours starting the building assessment. They measured entryways with the assistance of Public Works.

C. Police Station Building Task Force

Police Station Building Task Force Member Coletta Walker reported there are photos and drawings coming in for a steel building from a northwest distributor and she is also looking at the possibility of a modular wooden frame police station. Photos with the station layout will be sent. The first drawing is for a 10,000 sq. ft. building, but she hopes to get to an 8,000 sq. ft. building staying under \$6M. She has also visited with a gentleman that will build to suit and do a lease purchase. If we can do the project for under \$6M it will be good. Apprising the public at the council meetings will keep them on board with the project. She would like to do a remodel, but questioned what to do with the police force during a remodel. The HERC building was suggested, but may be a big expense to relocate the police while remodeling. It may be better to start with new construction. The goal is to be expedient, stay under budget, and use creative ways of coming up with the money without state and federal funding.

14. PENDING BUSINESS

A. **Ordinance 17-04**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.30.020 to Add “Auto Equipment Sales, Rentals, Service, Repair and Storage” to the List of Permitted Uses in the Marine Industrial District. Lewis. Introduced January 23, 2017, Referred to Planning Commission. Recommend Public Hearing May 8, 2017.

Ordinance 17-04(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.30.040 to add a Definition of “Temporary Auto Sales” and 21.30.050 to add “Temporary Auto Sales” to the List of Permitted Uses in the Marine Industrial District. Lewis.

Memorandum 17-063 from City Planner as backup.

FAILED with discussion.

B. **Memorandum 17-055(A)**, From Mayor Zak, Appointment of Ralph Crane and Garrette Garoutte to the Cannabis Advisory Commission.

APPROVED without discussion.

15. NEW BUSINESS

16. RESOLUTIONS

A. **Resolution 17-040**, A Resolution of the City Council of Homer, Alaska, Declaring the 2017 Property Tax Assessments to be Unfair in Relationship to Other Borough Communities and Request Said Assessments be Invalidated Until the New Tax Model is Fairly Implemented Borough Wide. Stroozas/Erickson/Smith. Recommend adoption.

Moved to be heard following Public Hearings.

- B. **Resolution 17-044**, A Resolution of the City Council of Homer, Alaska, Re-adopting the Established Investment Policy for the Permanent Fund. City Manager. Recommend adoption.

Memorandum 16-066 from Finance Director as backup.

ADOPTED with 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 had no comments.

20. COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

21. COMMENTS OF THE MAYOR

Mayor Zak appreciates Mayor Navarre coming to speak to us and thanked Councilmember Stroozas for bringing Resolution 17-040 forward. Mayor Navarre did a good job explaining the process. He is happy to hear the Board of Equalization will come to Homer for people. He is looking forward to all the good things community members are doing to welcome the USS Hopper. The ship is named after Grace Hopper who led the Navy into the age of computers.

22. COMMENTS OF THE CITY COUNCIL

Councilmember Lewis said, "It's late, goodnight."

Councilmember Smith expressed gratitude for Mayor Navarre coming here. He loves him and hopes to see him playing softball this summer.

Councilmember Aderhold said it was a great clean-up and there is still more to do. She encouraged people to carry plastic bags and continue to pick up trash.

Councilmember Erickson said it was a long day. Life is good! It will be a fun weekend with the Navy ship here. She encouraged people to support them.

Councilmember Reynolds thanked Mayor Navarre for coming down. She thanked all the volunteers. Last weekend was a whirlwind of events, including Circus Auditions, Earth Day and science based events. Upcoming events include the Safe and Healthy Kids Fair and the Shorebird Festival. We thrive because of all the efforts and volunteers. She is happy with the street sweeping. She thanked the 911 dispatcher and police officers for their professionalism and follow-up when she needed them.

Councilmember Stroozas noted we have been in meetings for seven hours. He expressed gratitude to Mayor Navarre for coming down and listening and sharing. The Homer Elks will be working with the USS Hopper crew at a project at the lodge and will be treating the sailors to a good time when they are done.

23. ADJOURNMENT

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 8:58 p.m. The next Regular Meeting is Monday, May 8, 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.