

ACTION AGENDA

Monday, April 10, 2017

Worksession

Committee of the Whole

Regular Meeting

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. EMPLOYEE WAGES AND BENEFITS

4. COMMENTS OF THE AUDIENCE

There were five 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. **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, Public Hearing and Second Reading March 28, 2017. Reconsidered by Erickson, March 29, 2017.

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.

4. **LAND ALLOCATION PLAN**

- A. Deputy City Planner Julie Engebretsen

Memorandum 17-058 from Deputy City Planner as backup.

5. **CONSENT AGENDA**

6. **REGULAR MEETING AGENDA**

7. **COMMENTS OF THE AUDIENCE**

There were four who commented.

8. **ADJOURNMENT NO LATER THAN 5:50 P.M.**

Mayor Zak adjourned the meeting at 5:52 p.m.

REGULAR MEETING AGENDA

Session 17-08 a Regular Meeting of the Homer City Council was called to order on April 10, 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
DEPUTY HARBORMASTER CLARKE
FINANCE DIRECTOR WALTON
FIRE CHIEF PAINTER
LIBRARY DIRECTOR DIXON
PUBLIC WORKS DIRECTOR MEYER

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.)

Pending Business was moved to be heard after Reconsideration.

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

3. MAYORAL PROCLAMATIONS AND RECOGNITIONS

A. Mayor’s Proclamation – Chamber of Commerce Clean-Up Day, April 22, 2017

Councilmember Stroozas read and presented the proclamation to Chamber of Commerce Executive Director Karen Zak and Visitor Center & Events Coordinator Jan Knutson.

B. Mayor’s Proclamation – National Library Week, April 9 – 15, 2017

Councilmember Aderhold read and presented the proclamation to Library Director Ann Dixon and Library Advisory Board Member Mark Massion.

C. Mayor’s Recognition - Earth Day, April 22, 2017

Councilmember Reynolds read and presented the proclamation to Roberta Highland, Kachemak Conservation Society.

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were 21 who commented.

5. RECONSIDERATION

- A. **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, Public Hearing and Second Reading March 28, 2017. Reconsidered by Erickson, March 29, 2017.

RECONSIDERED.

14. PENDING BUSINESS

- A. **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, Public Hearing and Second Reading March 28, 2017. Reconsidered by Erickson, March 29, 2017.

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.

SUBSTITUTED ORDINANCE 17-07(S-2) and POSTPONED to April 24, 2017 for Public Hearing and Second Reading.

Councilmember Erickson was excused due to a prior commitment.

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 Special and Regular meeting minutes of March 28, 2017. City Clerk. Recommend adoption.
- B. **Memorandum 17-055** from Mayor Zak, Re: Re-Appointment of Mike Stockburger to the Port and Harbor Advisory Commission and Appointment of Garrette Garroute and Grant Garroute to the Cannabis Advisory Commission.

Moved to New Business, Item A. Aderhold.

- C. **Memorandum 17-056** from Deputy City Clerk, Re: Liquor License Transfer for the Down East Saloon.
- D. **Resolution 17-031**, A Resolution of the City Council of Homer, Alaska, Confirming the Appointments of Elizabeth Walton as Treasurer and Jenna deLumeau as Deputy Treasurer for Calendar Year 2017. City Manager.
- E. **Resolution 17-032**, A Resolution of the City Council of Homer, Alaska, Designating Signatories of City Accounts and Superseding Any Previous Resolution So Designating. City Manager.
- F. **Resolution 17-033**, A Resolution of the City Council of Homer, Alaska, Approving the 2017 Land Allocation Plan. Mayor/City Council.

Memorandum 17-058 from Deputy City Planner as backup.

- G. **Resolution 17-034**, A Resolution of the City Council of Homer, Alaska, Approving the Sale of Lot 1 Harry Feyer Subdivision, Section 14, Township 6 South, Range 13 West, Seward Meridian, KPB Parcel No. 179-110-05 to the Responsible Bidder for One Dollar and Authorizing the City Manager to Execute the Appropriate Documents to Finalize the Sale. City Manager.
- H. **Resolution 17-035**, A Resolution of the City Council of Homer, Alaska, Awarding a Term Contract for Road, Trail and Drainage Professional Engineering Services to HDL Engineering Consultants of Kenai, Alaska, Kinney Engineering of Anchorage, Alaska, and

Nelson Engineering of Kenai, Alaska, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

Memorandum 17-059 from Public Works Director as backup.

- I. **Resolution 17-036**, A Resolution of the City Council of Homer, Alaska, Awarding a Term Contract for Water and Sewer Professional Engineering Services to DOWL of Anchorage, Alaska, and GV Jones and Associates of Anchorage, Alaska, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

Memorandum 17-060 from Public Works Director as backup.

- J. **Resolution 17-037**, A Resolution of the City Council of Homer, Alaska, Awarding a Term Contract for Port/Harbor/Marine Professional Engineering Services to R&M Consultants, Inc. of Anchorage, Alaska, and HDR of Anchorage, Alaska, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

Memorandum 17-061 from Public Works Director as backup.

- K. **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.

Moved to Resolutions, Item A. Aderhold.

- L. **Resolution 17-039**, A Resolution of the City Council of Homer, Alaska, Requesting the City Manager Issue a Request for Proposals for Operation of Fish Pump Services on the South Trestle of the Homer Fish Dock. Erickson.

Item B, Memorandum 17-055 was moved to New Business, Item A. Aderhold.

Item K, Resolution 17-038 was moved to Resolutions, Item A. Aderhold.

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

7. VISITORS

- A. Joy Steward, The Homer Foundation, City of Homer Grants Program, 5 minutes.

Joy Steward of The Homer Foundation provided a report on the City of Homer Grants Program that is administered by the Foundation.

- B. Michael Hawfield, Alaska Historical Commission, 150th Anniversary of the Alaska Treaty of Cession, 5 minutes.

Michael Hawfield of Alaska Historical Commission provided an overview of the Alaska Treaty of Cession.

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

- A. **Memorandum 17-057**, From City Clerk Re: Recall Petition - Councilmembers Aderhold, Lewis, and Reynolds.

- B. Borough Report

Kenai Peninsula Borough Assembly President Kelly Cooper reported the Borough received a grant for \$15,500 from the State of Alaska Division of Homeland Security and Emergency Management to purchase GIS software. This is to help communities implement hazard mitigation measures following a presidential major disaster declaration. The GIS software will evaluate land cover data, derivative hazard, and risk information. This is vital for evaluating land cover during wildland fire or flood response operations.

An ordinance is being introduced to authorize some unused funds from a 2001 grant to Cook Inlet Regional Citizens' Advisory Council to prepare a report on underwater aging pipelines in Cook Inlet. Following the recent incidents of a leaking gas line in Cook Inlet, Governor Walker directed ADEC to make the aging pipelines in Cook Inlet the number one priority.

The Borough Emergency Services Work Group will be having a community meeting Wednesday at 6:00 p.m. in Council Chambers. They will share information about the KPB highway corridor service area project. The bill for this is moving along in the legislature at this time.

Alaska Municipal League is asking communities to send emails to their house representatives in opposition to HB 132 relating to transportation network companies and drivers. The bill is about the state eroding local government control. The senate version has already passed and HB 132 is in rules committee.

Mayor Zak congratulated Kelly Cooper on her award as Woman of Distinction.

C. Commissions/Board Reports:

1. Library Advisory Board

Library Advisory Board Member Mark Massion reported in the first quarter of 2017 circulation is up 12% from last year. In one month of 2017 there were 15,580 items circulated. Friends of the Homer Library bought a one-year subscription to lynda.com. It is an online educational site with an assortment of courses with free access. Additionally, books and materials from the library wish lists can be purchased at the Homer Bookstore and Amazon.com. Mr. Massion thanked the Council for their support to the library and for their work.

Mayor Zak announced the Friends of the Homer Library recognized Millie Martin as a Lifelong Learner.

2. Homer Advisory Planning Commission

Planning Commissioner Roberta Highland reported two preliminary plat time extensions were granted. There was a public hearing on auto sales in the marine industrial district. They reviewed three preliminary plats, a vacation of road easement, and the Comprehensive Plan Chapter 8 Economic Vitality.

Auto sales in marine industrial on the Spit was voted down. Ms. Highland came up with every creative idea she could think of to permit auto sales somewhere, but it changed the zoning and allowed the whole Spit to do this. It is spot zoning if you give it to one entity.

3. Economic Development Advisory Commission

4. Parks Art Recreation and Culture Advisory Commission

Parks Art Recreation and Culture Advisory Commissioner Robert Archibald reported on the March 16th meeting. U.S. Fish and Wildlife will be installing new signage at Bishop's Beach. The commission would like to get similar signage for Mariner Park. They discussed the display of the Teshio art collection at the Pratt Museum. There are 39 pieces that need to be on public display. Small plaques to be placed by city art have been purchased. Mr. Archibald thanked the Council for their approval to purchase property adjacent to Jack Gist Park. Next, the commission will be reviewing the Homer Non-Motorized Trails and Transportation Plan. April 22nd is Earth Day and the city Clean-Up-Day. Since there will be a lot of folks and kids on the road he asked people to drive carefully. Soon the city campgrounds will open. He thanked the folks that worked hard on SPARC. It demonstrates what a committee pulling together can do.

5. Port and Harbor Advisory Commission

Port and Harbor Advisory Commissioner Bob Hartley reported on the commission's meeting on March 22nd. They elected Cathy Ulmer as chair and Steve Zimmerman as vice chair. The commission reviewed the Land Allocation Plan as it pertains to Spit properties and recommended approval. Finally, the commission considered the new port and harbor tariff revision. The revision was needed as the old version was confusing and contradictory. The harbormaster has done an excellent job revising the tariff. There are no great changes and it is now in a format that people can understand.

6. Cannabis Advisory Commission

Councilmember Lewis announced the next meeting on April 27th.

Mayor Zak called for a recess at 7:49 p.m. and reconvened the meeting at 8:00 p.m.

9. PUBLIC HEARING(S)

- A. **Ordinance 17-16**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 5.24.020 to Identify Lighted Free-Floating Luminaries as Fireworks and Prohibit the Sale and Use of these Luminaries within the Corporate City Limits of Homer. City Manager/Fire Chief. Introduction March 28, 2017, Public Hearing and Second Reading April 10, 2017.

There was one who testified.

AMENDED: Line 42 to move "excluding piloted balloons" to the end of Line 44.

ADOPTED as AMENDED with discussion.

- B. **Ordinance 17-17**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.04.030 to Remove the Prohibition on the City Manager and City Employees From Securing or Contributing Money Towards the Nomination or Election of a Candidate for a Municipal Office, and Amending Homer City Code 4.10.050 to Prohibit Candidates for Municipal Office From Accepting or Soliciting Campaign Contributions From City Employees or the City Manager. Smith. Introduction March 28, 2017, Public Hearing and Second Reading April 10, 2017.

There was no public testimony.

AODPTED without discussion.

- C. **Ordinance 17-18**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount of \$5,000 From the General Fund Balance and Authorizing the Use of Limited Staff Time and City Equipment for Public Information on the Ballot Proposition Including Without Limitation Information That May Influence the Outcome of the Election on the Proposition. City Manager. Introduction March 28, 2017, Public Hearing and Second Reading April 10, 2017.

Memorandum 17-052 from Special Projects and Communication Coordinator as backup.

There was no public testimony.

AODPTED with discussion.

10. ORDINANCE(S)

11. CITY MANAGER’S REPORT

- A. City Manager’s Report

City Manager Koester thanked Friends of the Homer Library for sponsoring *Lunch with a Councilmember*. Today was with Councilmembers Reynolds and Erickson. Due to summer approaching, the program will be suspended until September.

Assembly President Kelly Cooper mentioned HB 132 and SB 14. Alaska Municipal League and Representative Seaton’s office has contacted her. It limits local municipalities’ ability to control, regulate, and license taxi drivers and chauffeurs. The current process is that a person registers with the Police Department, has a background check, vehicle inspection, and proof of insurance. She is concerned if the legislation passes as it will take the power away from municipalities. We have been asked for input. Although she cannot take an official position since the Council has not weighed in on it, she can let them know that concerns have been raised.

- B. Bid Report

12. CITY ATTORNEY REPORT

13. COMMITTEE REPORT

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

Councilmember Aderhold reported they will meet this week.

- C. Police Station Building Task Force

14. PENDING BUSINESS

- A. (If Reconsideration Passes) **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, Public Hearing and Second Reading March 28, 2017. Reconsidered by Erickson, March 29, 2017.

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Heard after Reconsideration.

15. NEW BUSINESS

- A. **Memorandum 17-055** from Mayor Zak, Re: Re-Appointment of Mike Stockburger to the Port and Harbor Advisory Commission and Appointment of Garrette Garroue and Grant Garroue to the Cannabis Advisory Commission.

APPROVED the reappointment of Mike Stockburger.

AMENDED to add Ralph Crane to be appointed to the Cannabis Advisory Commission and POSTPONED to April 24, 2017 to appoint Ralph Crane and only one of the Garroue brothers to the Cannabis Advisory Commission.

16. RESOLUTIONS

- A. **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.

POSTPONED to April 24, 2017 for a Public Hearing.

17. COMMENTS OF THE AUDIENCE

There were six who commented.

18. COMMENTS OF THE CITY ATTORNEY

City Attorney Wells was not present.

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 commented the City Clerk’s last day is May 31st. Council received a lot of good information about the employees’ pay scales and benefits. He appreciates the employees who attended the Worksession. He praised the employees for the wonderful job they are doing, likening them to the DNA of the organization. Council always goes through the City Manager to discuss employee matters and the Employee Committee reports to the Council. He appreciates all the citizens who attended tonight. The Council meets tomorrow at 4:00 p.m. for a Worksession on legislative matters. They will address HB 132 and HB 177.

22. COMMENTS OF THE CITY COUNCIL

Councilmember Lewis will not be present at tomorrow's meeting.

Councilmember Smith reminded everyone April 22nd is Clean-Up-Day and Earth Day. He has been involved with the Scouts for many years cleaning up a section with the Lions. It is good to get young people out there appreciating and owning the community. On Tuesday, April 18th the Police Station Building Task Force meets. The ballot proposition failed last year so we want to bring something forward that can be accepted and embraced. He invited the public to come to the meetings and to be constructive in their input. Tomorrow from 6:30 p.m. to 8:00 p.m. is a meet and greet for Edison Chouest who is taking over the waterways for Crowley.

Councilmember Aderhold commented on everything going on this weekend. It reminded her how amazing the community is for its size. We were awarding women of distinction and wise women. We were recognizing life-long learners. We had a string quartet with international acclaim at our high school theatre. SPARC also finished up and there was a fundraiser for Hoxie Parks. This community is amazing.

Councilmember Reynolds echoed Councilmember Aderhold's comments on the amazing things happening with everyone pulling together as a community. She appreciates the information from The Homer Foundation on the non-profit organizations' contributions to the local economy. She gave a shout out to Homer Mariner's Soccer Team who won their first game 6-2 against Grace Christian who they were viewing as a major rival. One player got four goals and her kid got the other two.

Councilmember Stroozas congratulated the North Carolina Tar Heels on winning the NCAA men's basketball tournament. It was a great event. It was a good meeting tonight and it is good to see a lot of the community come out and participate in the council meetings.

23. ADJOURNMENT

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 8:48 p.m. The next Regular Meeting is Monday, April 24, 2017 at 6:00 p.m., Committee of the Whole 5:00 p.m., Worksession 4:00 p.m. and Special Meeting 2:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.