

ACTION AGENDA

Monday, June 26, 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. CITY ATTORNEY WELLS, HEARING OFFICER AND BOARD OF ADJUSTMENTS

4. 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.

ORDINANCE 17-07(S-3), 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, and 21.93.710 Requiring the City of Homer to use a Hearing Officer when Appealing a Homer Advisory Planning Commission Decision and Permitting all Other Appellants the Choice Between an Appeal Before the Board of Adjustment or a Hearing Officer in Appeals of Planning Commission Decisions. Erickson.

5. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Monday, July 24, 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.

Mayor Zak adjourned the meeting at 4:42 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)

3. RESOLUTION 17-067, A Resolution of the City Council of Homer, Alaska, Authorizing the City to Submit a Land and Water Conservation Fund Grant Application to the State of Alaska to Assist with Building the Ramp Two Restroom at the Port and Harbor. City Manager.

Memorandum 17-099 from Special Projects and Communications Coordinator as backup.

4. RESOLUTION 17-069, A Resolution of the City Council of Homer, Alaska, Authorizing the City to Submit Three Municipal Infrastructure Projects, (1) The Barge Mooring/Large Vessel Haul Out Repair Facility, (2) Water Storage and Distribution Improvements, and (3) Seafarers Memorial Parking Expansion in Order of Priority to the State of Alaska for Nomination to the Trump Administration Infrastructure Program. City Manager.

5. CITY MANAGER'S REPORT

6. CONSENT AGENDA

7. REGULAR MEETING AGENDA

8. COMMENTS OF THE AUDIENCE

There was one who commented.

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

Next Regular Meeting is Monday, July 24, 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.

Mayor Zak adjourned the meeting at 5:45 p.m.

REGULAR MEETING AGENDA

Session 17-17 a Regular Meeting of the Homer City Council was called to order on June 26, 2017 at 6:00 p.m. by Mayor Zak at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

Worksession 4:00 p.m. and Committee of the Whole 5:00 p.m. in Homer City Hall Cowles Council Chambers.

PRESENT: COUNCILMEMBERS: ADERHOLD, ERICKSON, LEWIS, REYNOLDS, SMITH,
STROOZAS

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
CITY ATTORNEY WELLS
PORT DIRECTOR HAWKINS
CITY PLANNER ABOUD
PUBLIC WORKS DIRECTOR MEYER
PERSONNEL DIRECTOR BROWNING

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: **PENDING BUSINESS** - **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. Memorandum 17-101, from City Manager Re: Analysis of versions of Ordinance 17-07 as back up. **CONSENT AGENDA Resolution 17-067**, A Resolution of the City Council of Homer, Alaska, Authorizing the City to Submit a Land and Water Conservation Fund Grant Application to the State of Alaska for the Replacement of Ramp 2 Restroom in an Amount up to \$125,000 and Expressing its Commitment to Provide a Local Match to Grant Funds. City Manager. Concept Cost information as back up. **CITY MANAGER'S REPORT** Written Public Comments **NEW BUSINESS Memorandum 17-096**, from City Clerk Re: Roadway easement vacation along the western boundary of Lot 12-A-1, DeGarmo Sub. No. 2. Aerial photo depicting area to be vacated as back up.

The agenda was approved as amended.

3. MAYORAL PROCLAMATIONS AND RECOGNITIONS

- A. Mayoral Recognition of new Police Officers Jessica Poling and Morgan Tracy

Police Chief Robl introduced Officers Poling and Tracy.

- B. Mayoral Proclamation, Lori Evans, Homer News Editor

Mayor Zak read and presented the proclamation recognizing Lori Evans

- C. Mayoral Proclamation, Homer Chamber of Commerce July 4th Parade

Councilmember Stroozas read the proclamation announcing the July 4th Parade.

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were three 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 June 12, 2017 and Special Meeting minutes of June 19, 2017. City Clerk. Recommend adoption.

- B. **Ordinance 17-26**, An Ordinance of the City Council of Homer, Amending the FY 2017 Operating Budget by Appropriating \$18,095 from the Fire Donations Fund to Purchase a New ATV and Rescue Skid Unit. City Manager/Fire Chief. Recommended dates Introduction June 26, 2017, Public Hearing and Second Reading July 24, 2017.

Memorandum 17-094 from Training Officer/Captain as backup.

- C. **Ordinance 17-27**, An Ordinance of the City Council of Homer, Alaska, Amending the 2017 Operating Budget by Appropriating Sewer Reserve Funds in the amount of \$16,000 for the Replacement of Security Fencing at the Sewer Treatment Plant. City Manager/Public Works Director. Recommended dates: Recommended dates Introduction June 26, 2017, Public Hearing and Second Reading July 24, 2017.

Memorandum 17-100 from Public Works Director as backup.

- D. **Resolution 17-065**, A Resolution of the City Council of Homer, Alaska, Approving a Lease Assignment for the Harbor Leasing, LLC Lease to Southwind Foods, LLC/Great American Seafood Imports Co. and Awarding a new 20-Year Lease with Two Five Year Options to Renew on Lot 12-C Homer Port Industrial Subdivision No. 4 at an Annual Base Rent of Approximately \$25,626.36 and Authorizing the City Manager to Move Forward with Lease Negotiations and Execute the Appropriate Documents. City Manager/ Port Director.

Memorandum 17-098 from Port and Harbor Advisory Commission as back up.

- E. **Resolution 17-066**, A Resolution of the City of Homer, Alaska, Recognizing the Natural Functions and Values of the Woodard Creek Watershed, Acknowledging the Woodard Creek Coalition's February 2017 Woodard Creek Watershed Plan, Referencing Appropriate Sections of the Plan in the City of Homer's Comprehensive Plan, Promoting the Plan on the City of Homer's Website, and Making the Plan Available for Reference in the Planning Department. Aderhold.

- F. **Resolution 17-067**, A Resolution of the City Council of Homer, Alaska, Authorizing the City to Submit a Land and Water Conservation Fund Grant Application to the State of Alaska for the Replacement of Ramp 2 Restroom in an Amount up to \$125,000 and Expressing its Commitment to Provide a Local Match to Grant Funds. City Manager.

Memorandum 17-099 from Special Projects and Communications Coordinator as backup.

- G. **Resolution 17-068**, A Resolution of the Homer City Council Inviting the Alaska Municipal League to hold their 2019 Summer Legislative Conference in Homer. Mayor.

- H. **Resolution 17-069**, A Resolution of the City Council of Homer, Alaska, Authorizing the City to Submit Three Municipal Infrastructure Projects, (1) The Barge Mooring/Large Vessel Haul Out Repair Facility, (2) Water Storage and Distribution Improvements, and (3) Seafarers Memorial Parking Expansion in Order of Priority to the State of Alaska for Nomination to the Trump Administration Infrastructure Program. City Manager.

- I. **Resolution 17-070**, A Resolution of the Homer City Council Authorizing STANTEC to Perform Stakeholder Engagement on Behalf of the Police Station Project. Aderhold.

Resolution 17-070 moved to Resolutions item A. Erickson.

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

7. VISITORS

A. Bob Letson, South Peninsula Hospital (10 minutes)

Derotha Ferarro, Director of Public Relations and Holly Torres, Chief Financial Officer presented to the Council and addressed

- New providers and extended services,
- Hospital usage relating to acute care, surgery volumes, home health services, and outpatient visits,
- Community benefits to the local economy,
- Coming attractions including Master Site Plan, Pricing Structure and financial aid, and recruitment through social media.

They showed a short video that

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

A. Borough Report

Dale Bagley Borough Assembly member said he was in town and stopped by for the meeting. The Borough approved their budget, unfortunately there is a \$4 million deficit, and no action has been taken to address it. They started working on the Central Peninsula lease agreement and have two hearings scheduled.

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission

Karin Marks, Economic Development Advisory Commission Chair, updated Council on the Commission's work on the Business Retention and Expansion program which should be up and running by Friday, June 30th. The survey is on the Economic Development Advisory Commission webpage on the City of Homer website. There are web articles written for the site with a link to the survey. The article will be featured on the City's main page as well. Press releases should go out this week and postcard mailings to 1680 names should be done by July 7th, flyers are done, and a power point is done for people who might want to share it in their own organizations. Requests for the information or for the survey can be made by calling 907-435-3102 or email jcarroll@ci.homer.ak.us. Paper surveys are available as well. They tried to be inclusive in their mailing, but encouraged sharing postcards with other businesses so they can participate as well. Their goal is to gather and provide information to be able to set up specific plans and projects, and they are very interested in red flag items that people in the business

community would like to see solved. These will be things the Commission can work on in 2018. Again, she encouraged everyone to participate.

4. Parks Art Recreation and Culture Advisory Commission

Deb Lowney, Parks Art Recreation and Culture Advisory Commissioner, reported that the commission discussed the Capital Improvement Plan. They discussed their struggle to get items on the CIP which is very limited and there is a history of projects they would like to see completed. Their top two recommendations this time are the Main Street Sidewalk and Karen Hornaday Park road upgrade. Hornaday Park is the one of the most used parks and there are safety issues with traffic, parking, and pedestrians. The Commission discussed the ramp 2 restroom improvements and supported option C as it offers the greatest public use and there will be savings in the winter by closing most of the restrooms. Ms. Lowney talked about the Adopt a Park and Adopt a Trail program and encouraged individuals and organizations to sign up for the program. Applications are available at the Clerk's Office. Lastly she thanked the Councilmembers for attending and supporting the various activities in town.

5. Port and Harbor Advisory Commission

6. Cannabis Advisory Commission

9. PUBLIC HEARING(S)

A. **Ordinance 17-24**, An Ordinance of the City Council of Homer, Alaska authorizing the City Manager to purchase Kenai Peninsula Borough Parcel No. 17305408, Lot 8, Block 1, Kelly Ranch Estates for \$21,000 and designating its use for the purpose of protecting the Bridge Creek Watershed. City Manager. Introduction June 12, 2017; Public Hearing and Second Reading June 26, 2017.

There was no public comment.

ADOPTED without discussion.

B. **Ordinance 17-25**, An Ordinance of the City Council of Homer, Alaska Amending HCC 2.52 to Clarify the Police Department and Fire Department as Departments within the City and not Divisions under the Department of Public Safety. City Manager/Police Chief. Introduction June 12, 2017; Public Hearing and Second Reading June 26, 2017.

There was no public comment.

ADOPTED without discussion.

C. **Resolution 17-060**, A Resolution of the City Council of Homer, Alaska, Adopting the Revised Port and Harbor Tariff 1. City Manager/Port and Harbor Director. Public Hearing June 26, 2017.

Memorandum 17-087, from Port and Harbor Director as backup.

There was no public comment.

ADOPTED without discussion.

- D. **Resolution 17-061**, A Resolution of the City Council of Homer, Alaska Amending the Fee Schedule under Port and Harbor to Reflect the Changes from the Port and Harbor Tariff
1. City Manager/Port and Harbor Director. Public Hearing June 26, 2017.

Memorandum 17-088, from Port and Harbor Director as backup.

There were no comments.

ADOPTED without discussion.

10. ORDINANCE(S)

11. CITY MANAGER'S REPORT

- A. City Manager's Report

City Manager Koester commented regarding budgeting for and holding a Citizens Academy in 2018. She touched on the schedule and success of the one that was held in 2014.

Councilmember Reynolds and Aderhold expressed their support for scheduling the academy, and Councilmember Aderhold suggested a training session open to the public to talk about some of the basic things about what the Council does.

City Manager Koester also brought their attention to Ordinance 17-23 that was adopted to repeal the permanent fund and allocate the funds, acknowledging it was done so with incomplete information. She referenced the updated information included noting the value of the fund has increased by about 22% and the savings in interest on the library loan is just shy of half a million dollars, not the \$1 million that was reported. She expressed that she hopes both the Council and public knows, that while mistakes will happen, when they happen she will bring them to their attention and operate in a transparent manner.

Councilmember Erickson gave notice to bring forward a motion to rescind Ordinance 17-23 at the July 24th meeting.

Councilmember Lewis added that he'd like to see another ordinance with the same idea of paying off the library loan and leaving the remaining money in the fund. He suggested they also talk about how they want to continue to invest the funds.

Councilmember Stroozas noted for the audience that since the fund was started in March 2016 through June 2017, the 22.86% was equated to \$368,943 generated. He's glad to be able to reevaluate this going forward.

Councilmember Smith pointed out it's important to understand we haven't realized a return, we've realized an increase in value, and until we cash out that asset is hasn't really made or lost anything, and that it can change at any time.

B. Bid Report

12. CITY ATTORNEY REPORT

City Attorney Wells didn't have a report but said she would be willing to volunteer time to participate in the Citizen's Academy.

13. COMMITTEE REPORT

A. Employee Committee Report

B. Americans with Disabilities Act Compliance Committee

C. Police Station Building Task Force

14. PENDING BUSINESS

Postponed from March 28:

A. **Ordinance 17-05(A-2)**, 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, Public Hearing March 28, 2017, Postponed to June 26, 2017.

Memorandum 17-095 from Public Works Director as backup.

Memorandum 17-019 from Public Works Director as backup.

Memorandum 17-041 from City Planner as backup.

AMENDED: Lines 36-47, ~~The City Council supports improvements to Greatland Street, preferring Option A based on cost and recommendations of the Homer Transportation Plan~~ **The overall benefit to the City of Homer is such that the Homer City Council recommends full funding of Option A with HART dollars and foregoes the Special Assessment District process.**

Line 51: \$970,870 ~~\$~~**671,053**

ADOPTED as amended.

Postponed from April 24:

- B. **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. Introduction January 1, 2017, Public Hearing March 28 and April 24, 2017, Postponed to June 26, 2017.

Ordinance 17-07(S-3), 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, and 21.93.710 Requiring the City of Homer to use a Hearing Officer when Appealing a Homer Advisory Planning Commission Decision and Permitting all Other Appellants the Choice Between an Appeal Before the Board of Adjustment or a Hearing Officer in Appeals of Planning Commission Decisions. Erickson.

SUBSTITUTE ORDINANCE 17-07(S-3) AMENDED:

- Lines 429 and 429 members and a quorum of the Board is four members. If it is not possible to obtain a quorum of the Planning Commission or Board of Adjustment to hear;
- Add **Homer City Code 21.93.700 to add subsection (e) to state: e. For purposes of hearing an appeal, a quorum of the Board is four members. If it is not possible to obtain a quorum of the Board to hear an appeal without the participation of members who have chosen to abstain or been disqualified by the Board due to substantial financial interest, bias or partiality, then the hearing shall be postponed and a hearing officer shall be appointed. A hearing officer appointed under this subsection shall conduct the rescheduled hearing no more than 60 days after the original hearing date except that the hearing officer may extend the hearing date for good cause shown.;**
- Line 11-14 and ~~Permitting all Other Appellants the Choice Between an Appeal Before the Board of Adjustment or a Hearing Officer in Appeals of Planning Commission Decisions~~ **Requiring All Appellants to use a Hearing Officer when a Board of Adjustment Quorum Cannot be Obtained Due to Conflict of Interest, Bias or Partiality, and Permitting all Other Appellants the Choice Between an Appeal Before the Board of Adjustment and a Hearing Officer in Appeals of Planning Commission Decisions**

ADOPTED as amended with discussion.

15. NEW BUSINESS

- A. **Memorandum 17-096** from City Clerk Re: Vacate that portion of the 33-foot public roadway easement that lies along the western boundary of Lot 12-A-1 of DeGarmo Subdivision No. 2, Plat HM 2009-05, as granted in United States Patent 1137121 on December 15, 1952; within the SW1/4 NW1/4 of Section 23, T6S, R13W, S.M., Alaska and within the City of Homer and the KPB; Location: off Kachemak Drive; KPB File 2017-005V; KPBPC Resolution 2017-15.

APPROVED without discussion.

- B. **Memorandum 17-097** from Councilmember Smith Re: Amending City Code to Allow a Caretaker RV on Lots in the Marine Commercial District.

APPROVED with discussion.

16. RESOLUTIONS

- A. **Resolution 17-070**, A Resolution of the Homer City Council Authorizing STANTEC to Perform Stakeholder Engagement on Behalf of the Police Station Project. Aderhold.

FAILED with discussion.

17. COMMENTS OF THE AUDIENCE

There were two who commented.

18. COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comment.

19. COMMENTS OF THE CITY CLERK

City Clerk Jacobsen had no comment.

20. COMMENTS OF THE CITY MANAGER

City Manager Koester commented in addition to the great barbeque at the Elk's Lodge, the community is invited to come out and have a hot dog and scoop of ice cream at the Homer Volunteer Fire Department, as a thank you to the community for their support. Come to the picnic on July 4th starting at 4:00 p.m. and stay for the parade.

21. COMMENTS OF THE MAYOR

Mayor Zak commented that the parade Grand Marshall's Leroy and Rita Jo Schultz and other peony growers are another example of new economy in our area. The beautification of Pioneer Avenue and the time Rita Jo spent planning and working with other volunteers in planting will

be seen during the parade. He encouraged everyone to come out and celebrate in the community.

22. COMMENTS OF THE CITY COUNCIL

Councilmember Stroozas read a statement he prepared for the special meeting on the 19th but didn't have an opportunity to share. He read, Our Community has gone through a period of conflict. These are the times that have tried the souls of Homer residents on both sides of the issue. Now we come together again as a City Council upon which we may now reflect on the issue that has been one of the most contentious in Homer's history. The first thing that comes to my mind is that of the Golden Rule, "Do unto others as you would have done unto you."; Sir Isaac Newton's third law of motion relates to physic but perhaps could be applied here, "For every action, there is an equal and opposite reaction."; and the great Albert Einstein said "The high destiny of the individual is to serve, rather than rule." Finally it was Hippocrates who said "Healing is a matter of time, but it is sometimes also a matter of opportunity." Thus we now have the opportunity to heal. Let's all work together to make sure that we as elected officials take the time to dedicate ourselves to this healing process.

Councilmember Lewis commented that most of you missed the most wonderful time on Friday afternoon at the Harbormaster's office when another one of the great Bayweld Boats, the St. Lawrence Island, was christened. He thinks it's the biggest boat they've built and the second one built for the Norton Sound Economic Development Commission. For the commissioning, they brought down the whole Board and the Savoonga Dancers, and were very appreciative of Homer, the city and the harbor. They've had a very good experience with Bayweld and are very happy with their boat. It's great we can keep this business within the State of Alaska.

Councilmember Erickson commented she was very encouraged tonight to see our new police officers. It makes her so happy to see kids that grew up in Homer, come back to Homer to live and raise their families. She's part of a generation that did that and seeing her own children and grandchildren love this place and want to come back to live and raise their families is exciting to her. She encouraged everyone to ignore the weather apps and get out and enjoy July.

Councilmember Smith said thank you Homer for being Homer. He loves you, you're his home, and he's grateful for the opportunity to serve on the Council. It's embodied way more than he ever expected it to, but he appreciates the opportunity. He's open any time anyone wants to engage with him on city business or otherwise.

Councilmember Reynolds welcomed the GCI Board of Directors here in Homer, they go to different communities each year, and while she missed the picnic, she spent time with some of them on a bike tour. She too is looking forward to moving on from the recall. She extended her appreciation to city staff and everyone who handled this difficult time with such grace. She knows Melissa has a lot on her plate as the new City Clerk but thinks it would be great to work with the State Legislature on purging the voter rolls so we have a better idea of how many people actually are registered to vote in Homer. She also would like the Clerk's Association to work with the State Legislature to clarify some of the things that ended up not being so clear

to attorneys regarding the recall process, to make sure their intent is something that is easy to follow and get to, like wise with tightening up language in our city code. She is looking forward to the 4th of July parade, it's one of her favorite moments of the year.

Councilmember Aderhold had no comment.

23. ADJOURNMENT

Mayor Zak adjourned the meeting at 8:22 p.m.

The next Regular Meeting is Monday, July 24, 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.