

Session 17-21 a Regular Meeting of the Homer City Council was called to order on September 11, 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.

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

ABSENT: REYNOLDS (excused)

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
LIBRARY DIRECTOR DIXON

City Council met for a Worksession from 4:00 p.m. to 4:55 p.m. to discuss the Emergency Operations Plan and from 5:00 p.m. to 5:30 p.m. to discuss Revenue Sources for General Fund, Consent Agenda 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: **CONSENT AGENDA Ordinance 17-33**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 9, Taxation, by Adding a New Section 9.04.049 to Exempt Disabled Veterans and Surviving Spouses from Real Property Taxes. Kenai Peninsula Borough Code 5.12.105 as backup **CITY MANAGER'S REPORT** Councilmember Smith's AML Summer Conference Report

Mayor Zak asked for a motion for the approval of the agenda as amended.

LEWIS/ADERHOLD SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

A. Mayoral Proclamation Elk's Patriotism Week, September 11-17, 2017

Councilmember Smith read and presented the Proclamation to Tom Stroozas, Exalted Ruler of the Homer Elks.

B. Mayoral Proclamation National Estuaries Week September 16-23, 2017

Councilmember Aderhold read and presented the Proclamation to Coowe Walker, Kachemak Bay National Estuarine Research Reserve Program Watershed Ecologist, and her daughter Daisy Walker.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Scott Adams, city resident, commented in support of Memorandum 17-117. He explained that his son purchased property in that area not knowing the impacts of the drainage issues there, and that it needs to be addressed.

Sarah Vance, city resident, commented in support of reconsidering Memorandum 17-114 and Resolution 17-078. She cited the decision by Superior Court Judge Marsten in the case of the ACLU versus the City of Homer. Having recall language liberally construed is so that it can be determined by the will of the voters.

Hal Smith, city resident, commented in opposition to reconsidering Memorandum 17-114 and Resolution 17-078. He said close to forty states have defined the issue of misconduct more definitively to minimize chances of the vagueness that can occur. This resolution and memorandum asks the state to do what the Supreme Court asked the state to do decades ago, and he supports that.

Ron Keffer, city resident, commented in opposition to reconsideration of Memorandum 17-114 and Resolution 17-078. He echoed Dr. Smith's comments that throughout the country recall statutes have been defined. Alaska's statute is the poorest because almost any kind of complaint can end up resulting in a recall. It's disruptive and expensive. The resolution doesn't say what it should say, only that it's time to review this again.

Kimberly Ketter, city resident, commented in opposition to reconsideration of Memorandum 17-114 and Resolution 17-078. The recall effort was based on feelings, not facts. Also, it puts our City Clerk in a position as if she's a lawyer, and she's not. She agrees the statue needs to be revised, especially since two of the seats were available.

Ken Langfield, city resident, commented in support of the memorandum to allow the sale of cannabis on the spit. It is legal now, like other psychoactive substances, alcohol, tobacco, caffeine, and chocolate that are for sale on the spit. It's hypocritical not to allow cannabis products on the spit.

Kate Finn, city resident, commented in opposition to reconsideration of Memorandum 17-114. She doesn't see any reason not to bring up a discussion and review statutes that have been in the State of Alaska for a while, and doesn't understand what people are worried about. Bringing it to the Alaska Municipal League is more than appropriate.

Aaron Falkler, city resident, commented in support of the legal sale of marijuana on the spit. A big issue in the city and entire nation is the illegal sale of marijuana. Legalizing it could potentially reduce the black market sales, and help reduce the crime rate in the city. He appreciated the Mayors comment related to Patriots Day that hopefully we are thinking about somebody else, and explained how he lost his best friend in North Tower on 9/11.

RECONSIDERATION

- A. **Memorandum 17-114** from Councilmembers Aderhold and Smith Re: Approval to Submit a Resolution Regarding Standards for Recalling Municipal Officers to the Alaska Municipal League (AML) Winter Conference.

Mayor Zak asked for a motion for the reconsideration of Memorandum 17-114.

STROOZAS/ERICKSON SO MOVED

Councilmember Stroozas commented he asked to reconsider because the system works fine and we need to talk about it in more detail so the public gets a good handle on what this is about. When asked why he didn't bring it up at the last meeting, Councilmember Stroozas explained he thought someone else would bring it up, and they went through the consent agenda quickly and he didn't get a chance to before it was adopted.

Councilmember Smith commented in opposition to reconsidering, he supports asking the legislature to revisit any statute, and specifically this one at this time. It is a political process that's open to the people, and any amendment that might be suggested would go through the public process. The public would have the opportunity to speak for or against any amendments. He doesn't think we should fear the political process.

VOTE: YES: STROOZAS

NO: LEWIS, SMITH, ADERHOLD, ERICKSON

Motion to reconsider failed.

- B. **Resolution 17-078**, A Resolution of the City of Homer Requesting that the Legislature Revisit the Standards for Recalling Municipal Officials to Determent the Sufficiency of the Definitions There-In. Aderhold/Smith.

Mayor Zak asked for a motion for the reconsideration of Resolution 17-078.

STROOZAS SO MOVED

Motion failed for lack of a second.

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 August 28, 2017 City Clerk. Recommend adoption.
- B. **Memorandum 17-116** from Mayor Re: Appointments of Mandy Bernard to the Homer Advisory Planning Commission and Ethen Groves to the Economic Development Advisory Commission as Student Representative. Recommend approval.
- C. **Ordinance 17-33**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 9, Taxation, by Adding a New Section 9.04.049 to Exempt Disabled Veterans and Surviving Spouses from Real Property Taxes. Stroozas. Recommended dates: Introduction September 11, 2017, Public Hearing and Second Reading September 25, 2017.

Mayor Zak asked for a motion to approve the consent agenda.

LEWIS/ADERHOLD SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- A. Keren Kelly, Homer Senior Citizens (10 minutes)

Keren Kelley, Executive Director of Homer Senior Citizens, Inc., commented that Homer Senior Citizens was incorporated in 1973 and is the third largest non-profit in Homer. She explained their mission is to offer seniors essential services (assisted and unassisted housing, nutrition, education and transportation) and reviewed the current programs offered including the Senior Meal Program, Meals on Wheels, Transportation, Friendship Center – Adult Day Services,

Assisted Living, Housing, Exercise Programs, Support Groups – Parkinson's, Family Caregiver, Grandparents Raising Grandchildren, Daily Social and Educational Activities, Evening Activities, and Intergenerational Program. She was happy to report they were one of the winners of Fifty Cars for Fifty States from Meals on Wheels of America and Subaru. Two vehicles were awarded in Alaska, the other to Kenai, because they did such a good job explaining the difficult road conditions and the distances within the community. Last year 76 people received home delivered meals and the new vehicle will make the program available to more people in our community who need it. She challenged the Council to sign up to go with a driver and meet the people in the community who take advantage of this very important program. She also reviewed and emphasized the Intergenerational Programs geared at integrating seniors with youth and middle age again. It's an evidence based program, they are tracking data, showing the process, and will be presenting it in the next American Society on Aging meeting.

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

- A. Borough Report
- B. Commissions/Board Reports:
 - 1. Library Advisory Board
 - 2. Homer Advisory Planning Commission
 - 3. Economic Development Advisory Commission

Rachel Lord, Economic Development Advisory Commissioner, reminded and encouraged people to participate in the Business Retention and Expansion (BRE) survey. They have had about 90 people respond so far and commissioners have been working to follow up with folks who have requested it. She thanked Council for appointing the student representative.

- 4. Parks Art Recreation and Culture Advisory Commission

Ingrid Harrald, Parks Art Recreation and Culture Advisory Commissioner, invited the Mayor, Council, and community to attend the Karen Hornaday Park Trail Grand Opening on Sunday September 24th at the new pavilion. There will be a tour of the area along Fairview Avenue, and hot dogs, chips and cake will be provided at the pavilion by the City of Homer Parks Art Recreation and Culture Advisory Commission to celebrate the hard work, time and efforts of the volunteers who worked to complete the project. Ms. Harrald also commented about the Burning Basket, an event that mixes art and culture.

- 5. Port and Harbor Advisory Commission

6. Cannabis Advisory Commission
 - a. Memorandum from Cannabis Advisory Commission Re: Recommendation to Oppose Onsite Consumption of Marijuana by Smoking.
 - b. Memorandum from Cannabis Advisory Commission Re: Recommendation to Amend Zoning on the Homer Spit to Allow Cannabis.

Councilmember Lewis commented regarding the Commissions discussion opposing onsite consumption by smoking, but approving consumption by other means.

PUBLIC HEARING(S)

ORDINANCE(S)

CITY MANAGER'S REPORT

- A. City Manager's Report

City Manager Koester announced the 2019 AML Summer Conference will be held in Homer.

There was brief discussion about the community jail contract information. City Manager Koester commented there has been communication regarding the contract, but we aren't in a place to decide which way to go on the jail. Commissioner Williams was brainstorming an expanded role for a jail in Homer and that's something Council would need to spend a lot of time thinking about. She encouraged councilmembers to give her any direction for adding that potential variable in October.

CITY ATTORNEY REPORT

COMMITTEE REPORT

- A. Employee Committee Report
- B. Americans with Disabilities Act Compliance Committee
- C. Police Station Building Task Force

PENDING BUSINESS

NEW BUSINESS

- A. **Memorandum 17-117** from Councilmember Erickson Re: Approving an Invitation to AKDOT, Enstar, and Kenai Peninsula Borough to have a Conversation Regarding Drainage Issues On and Around Judy Rebecca Court and Potential Solutions.

ERICKSON/ADERHOLD MOVED TO POSTPONE THIS TO THE NEXT MEETING AND BRING BACK A RESOLUTION OR MEMORANDUM REGARDING JUDY REBECCA COURT DRAINAGE.

There was brief discussion that more information should be available for the next meeting.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

RESOLUTIONS

- A. **Resolution 17-079**, A Resolution of the Homer City Council Adopting the 2018-2023 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2019. Mayor/City Council. Recommend Public Hearing and Adoption September 25, 2017.

Memorandum 17-118 from Special Projects & Communication Coordinator as backup.

Mayor Zak asked for a motion to adopt Resolution 17-079 by reading of title only.

LEWIS/ADERHOLD SO MOVED

ADERHOLD/LEWIS MOVED TO ADD THE PORT AND HARBOR WOOD GRID REPLACEMENT PROJECT TO THE CIP.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ERICKSON/ADERHOLD MOVED TO REMOVE THE EAST WEST TRANSPORTATION CORRIDOR FROM THE CIP.

There discussion this is outdated and there are other road coming into play now.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

LEWIS/STROOZAS MOVED TO ADD ICE PLANT UPGRADE PHASE 1.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/LEWIS MOVED TO ADD THE SOUTH PENINSULA HOSPITAL HILLSIDE STABILITY STUDY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

LEWIS/ADERHOLD MOVED TO COMBINE THE BARGE MOORING FACILITY AND LARGE VESSEL HAUL OUT REPAIR FACILITY

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/LEWIS MOVED TO ADD THE SOUTH PENINSULA BEHAVIORAL HEALTH SERVICES ANNEX UPGRADE PROJECT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

LEWIS/ADERHOLD MOVED TO MOVE RAMP 2 PUBLIC RESTROOM FROM THE LONG RANGE TO MID RANGE SECTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/LEWIS MOVED TO AMEND PUBLIC SAFETY BUILDING PHASE 1 PROJECT TO THE NEW HOMER POLICE STATION PROJECT

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

LEWIS/ADERHOLD MOVED TO TAKE THE PUBLIC SAFETY BUILDING PHASE ONE PROJECT DESCRIPTION AND AMEND IT TO REFLECT THE CURRENT PROJECTS FOCUS ON A NEW STAND ALONE POLICE STATION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/LEWIS MOVED TO REMOVE LAND ACQUISITION FOR NEW ROADS FROM THE CIP.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/ERICKSON MOVED TO REMOVE HEATH STREET PIONEER TO ANDERSON PROJECT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Zak asked for a motion to postpone to the next meeting for a public hearing.

LEWIS/ADERHOLD SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

Brian Nahmis, city resident on Ben Walters Lane, commented regarding people speeding down Ben Walters in an effort to avoid Lake Street. Jeffrey Park is there and he shared an instance of a vehicle speeding down the road and veering toward the ditch, then over correcting and coming toward his yard, but fortunately not having a major accident. He's contacted the Police Department and asked about putting a car on one of the streets, but was told it's considered entrapment. He suggested that if a stop sign could be put in at some mid-range point it could be enforced if someone runs the stop sign. It's worse at night. It's a real safety hazard and surprising to him that nothing can be done to address this.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells was not present.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen commented that Absentee in Person voting opens September 18th at the City Clerk's Office.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

COMMENTS OF THE MAYOR

Mayor Zak commented he was just in Nashville and wore his Homer, Alaska t-shirt. At the Grand Ole Opry they recognized that the Mayor of Homer, Alaska was there in front of about 4,000 people, and the crowd went wild.

COMMENTS OF THE CITY COUNCIL

Councilmember Lewis commented he was listing to Fresh Air on KBBI today and the discussion was about the first responders of 9/11 and how there was a time limit of 96 hours for first responders when they receive benefits for any injuries incurred, short or long term. It took an individual who had an 8,000 lb. piece of steel fall on his foot just after the 96 hour timeline, 9 years before the house and senate voted to extend the time limit of first responders who could receive benefits, and more people to get it lengthened more. Those things might be coming up after the hurricanes and dealing especially with effects of chemical waste. We should work with State and Federal Legislators to support those things no matter the cost.

Councilmember Smith commented that in remembering 9/11, he doesn't think anyone that was paying attention to those events was left unchanged. He hopes we don't ever lose sight of

what it means to come together as a community and a nation. He thinks we're seeing that in what's happening in Florida, Houston, Texas, and the earthquake in Mexico with amount of goodwill and compassion seen in the relief efforts. It's good to see the heart of the people and their willingness to do good in light of very horrific circumstances. He appreciates people who step up and serve within our community in whatever capacity they can. He spent Saturday afternoon in Seward, it was a beautiful day and he watched our Mariner Football team beat the Seahawks. He congratulated them on a fourth consecutive win.

Councilmember Aderhold attended the Cook Inlet RCAC board meeting in Homer. She thanked them for being here, it was good to see several members of the public taking part. She was able to present about the program she works on and appreciated the dedication of the board with their questions and good discussion. She spent a couple hours working on the last part of the Karen Hornaday Park Trail, she appreciates all the people's efforts who worked on the trail and looks forward to the grand opening, September 24th at 2 pm. We were lucky to have Louise Erdrich here for a reading at the college last week, it was a wonderful experience. She hopes everyone knows past writer laureate Nancy Lord is having a book launch at the library for her new novel pH. Today was the first Lunch with a Councilmember for the season. She had good discussion with folks and many thanks to those who came out. It's once a month through the winter, Councilmember Erickson is next month, and Councilmember Stroozas in November. Lastly she commented about a hit and run accident this morning at Heath Street and the bypass involving a vehicle and bicyclist. She doesn't know any details about the accident but as a bicyclist, pedestrian and driver in our community she encouraged everyone to remember we all need to share the road, obey the rules that apply to us, and please pay attention to others on the road.

Councilmember Erickson commented regarding the worksession discussion on the Emergency Operations Plan. Her takeaway is that if we have a natural disaster, we will all be doing something to help respond to the people around us. She challenged everyone to take advantage of classes that come up in person or on line that would be helpful in looking at a bigger incident so we are prepared, even in our own homes, like finding exits, identifying who we need to call and who's living alone.

Councilmember Stroozas commented there is always a lot going on in Homer. Saturday from 5 to 9 pm the Homer Elks Lodge is hosting the AK Kids to DC annual fundraiser for Homer students who will be going to Washington DC next spring. It will include music, dinner, and a silent auction. Also, the Chamber of Commerce is hosting a Borough Mayoral Candidate Forum at the Elks Lodge on the 14th at 5:30 p.m.

ADJOURNMENT

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 7:30 p.m. The next Regular Meeting is Monday, September 25, 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.

HOMER CITY COUNCIL
REGULAR MEETING MINUTES
SEPTEMBER 11, 2017

MELISSA JACOBSEN, MMC, CITY CLERK

Date: _____