

Session 17-14 a Special Meeting of the Homer City Council was called to order on May 31, 2017 at 4:00 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

Councilmember Reynolds has requested excusal.

AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

Mayor Zak asked for a motion to approve the agenda.

LEWIS/ADERHOLD SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

3. Memorandum 17-083, from City Clerk, Request for Executive Session Pursuant to AS 44.62.310 (A-C)(1 & 5) Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney/Client Privilege (Donna Aderhold, David Lewis, and Catriona Reynolds vs. City of Homer Lawsuit).

Mayor Zak asked for a motion for the approval of the recommendations of Memorandum 17-083 to meet in executive session regarding the Donna Aderhold, David Lewis, and Catriona Reynolds vs. City of Homer Lawsuit.

STROOZAS/ERICKSON SO MOVED

Councilmember Aderhold asked if she and Councilmember Lewis need to participate for decision-making purposes.

Mayor Zak replied they will not participate in the executive session. City Manager Koester concurred in that they will only be giving guidance to the attorney.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Zak asked for a motion to adjourn to executive session.

ERICKSON/STROOZAS SO MOVED

There was no discussion.

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

Motion carried.

Council adjourned to executive session at 4:07 p.m. and reconvened at 4:48 p.m.

Councilmember Smith reported that Council met in executive session to discuss the case brought against the City of Homer by Councilmembers Aderhold, Lewis, and Reynolds and to advise the City's Attorney.

Mayor Zak called for a recess until 5 pm when the absentee voting closed to allow for the public to comment.

4. COMMENTS OF THE AUDIENCE

Kathryn Carssow, city resident, commented in support of the city not moving to recover attorney fees from the councilmembers facing the recall election. She hopes concerned citizens and local governments can request the state's legislature develop more effective legislation that allows recall only the case of truly egregious or unlawful behaviors on the part of our councilmembers.

Mark Schog, city resident, encouraged trying to help the community move beyond this. It's been pretty divisive and he'd like to see things settle, starting with the council to help the heal the divide. One way would be for the city to pay the bill and move forward.

Jody Bitterman, city resident, commented in support of the city trying to re-coup the expense of the lawsuit from the three councilmembers because they sued as private citizens, and they wanted their legal costs paid if they'd won the suit.

Larry Slone, city resident, commented in agreement with the decision of the lawsuit in that it should go to the voters to decide. He thinks it would be appropriate to bring forth a resolution regarding the fees so the rest of the public would have a chance to weigh in.

Sarah Vance, spokesperson for Heartbeat of Homer, said they would like to see the city pursue the three councilmembers, the plaintiffs, to pay the city's legal attorney fees. If they had not pursued a lawsuit ensuing, the city would only have incurred the \$5400 in election costs.

Lanni Raymond, non-resident, commented in support of the city paying the legal costs incurred in the ACLU suit, because the city knew they might have legal expenses if they allowed the recall to go through.

ADJOURNMENT

There being no further business to come before the Council, Mayor Zak adjourned the meeting at p.m. The next Regular Meeting is Monday, June 12, 2017 at 6:00 p.m. and Committee of the Whole 5:00 p.m.

MELISSA JACOBSEN, MMC, CITY CLERK

Approved: _____