

Session 18-01 a Regular Meeting of the Homer City Council was called to order on January 8, 2018 at 6:00 p.m. by Mayor Pro Tempore Aderhold 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, LORD, SMITH, STROOZAS, VENUTI

ABSENT: MAYOR ZAK (excused timely notice given)

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
CITY ATTORNEY WELLS
PUBLIC WORKS DIRECTOR MEYER
FIRE CHIEF PAINTER

Council met for a Worksession with the Parks Art Recreation and Culture Advisory Commission at 4:00 p.m. to discuss the future of the HERC, and as Committee of the Whole at 5:00 to discuss consent agenda and regular meeting agenda items in Homer City Hall Cowles Council Chambers.

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: **CITY ATTORNEYS REPORT** City Attorney's Written Report; **NEW BUSINESS Memorandum 18-007(S)**, from City Clerk Re: Travel authorization for Mayor Zak and Councilmembers Aderhold and Erickson to attend the Alaska Municipal League/Alaska Conference of Mayors Winter Legislative Conference in Juneau, Alaska February 20-22, 2018

Mayor Pro Tem Aderhold asked for a motion for the approval of the agenda as amended.

STROOZAS/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

A. New Fire Fighter and EMT Swearing In Ceremony

Fire Chief Painter introduced the graduates of the last two recruit Fire Fighter and EMT classes Fire Fighter I & EMT I - Donna McNulty; Fire Fighter I - Courtney Moody and Jacquelyn Lucas; EMT I - Patrick Lane and Devin Kenelty; and EMT 2 Naomi Sheffel.

Mayor Pro Tem Aderhold administered the oath of office to the new Fire Fighters and EMT's.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Frank Griswold, city resident, commented regarding the City Attorney report. He noted her comments regarding work done on one of his Supreme Court cases and the recall petition, and questioned her declaration of conflict of interest regarding the petition and the billing regarding those cases.

Roberta Highland, city resident, commented in support of Resolution 18-006 and keeping the HERC gym open and Resolution 18-004 supporting the Prince William Sound Citizen Advisory Council.

RECONSIDERATION

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 December 11, 2017 City Clerk. Recommend adoption.
- B. **Memorandum 18-001** from Mayor Re: Appointments to the Library Advisory Board and Parks Art Recreation and Culture Advisory Commission. Recommend approval.
- C. **Memorandum 18-002** from City Clerk Re: Liquor License Renewals for Grog Shop East End, Down East Saloon, Salty Dawg Saloon, BPO Elks Lodge 2124, and Finn's, LLC. Recommend approval.
- D. **Ordinance 18-01**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 3.10.040(A) Authorized Investments and Repealing 3.10.130 Governance of

Homer Permanent Fund Assets. City Manager/Finance Director. Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018.

Memorandum 18-009 from Finance Director as backup

- E. **Ordinance 18-02**, An Ordinance Of The City Council Of Homer, Alaska, Appropriating Funds In The Amount Of \$46,200 From Commercial Passenger Vessel Tax Grant Funds To Fund The Design Of A New Ramp 2 Public Restroom Facility. City Manager. Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018.

Memorandum 18-003 from Special Projects Coordinator as backup

- F. **Ordinance 18-03**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$50,000 from the Harbor Reserve Fund for the Purpose of Conducting a Section 22 Planning Assistance to States Program Study for the Homer Large Vessel Harbor Expansion Project and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/ Port and Harbor Director. Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018.

Memorandum 18-004 from Port Director/Harbormaster as backup

- G. **Ordinance 18-04**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.03.040 to Define “Employee-Occupied Recreational Vehicles”; Title 21.54 to add 21.54.325, Permitting Employee-Occupied Recreational Vehicles in the Marine Commercial and Marine Industrial Zoning Districts; and Amending 21.54.200 and 21.54.210 to Reflect the Newly Permitted Use in these Districts. Smith. Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018.

Memorandum 18-005 from City Planner as backup

- H. **Ordinance 18-05**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2017 Operating Budget to Fund Necessary Repairs to Seawall by Appropriating \$83,743 from the Ocean Drive Loop Special Service District and \$18,385 from the Seawall Reserve Account for the Purpose of Funding Emergency Repairs to the Seawall. City Manager. Recommended dates: Introduction January 8, 2018, Public Hearing and Second Reading January 22, 2018.

Memorandum 18-006 from City Manager as backup

- A. **Resolution 18-001**, A Resolution of the City Council of Homer, Alaska Confirming the Appointments of Treasurer and Deputy Treasurer for Calendar Year 2018. City Manager. Recommend adoption.
- B. **Resolution 18-002**, A Resolution of the City Council of Homer, Alaska Approving the Opioid Task Force as a Regular Quarterly Visitor on the Council's Agenda. Aderhold. Recommend adoption.
- C. **Resolution 18-003**, A Resolution of the City Council of Homer, Alaska, Adopting an Alternative Allocation Method for the FY18 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area. City Manager. Recommend adoption.
- E. **Resolution 18-005**, A Resolution of the City Council of Homer, Alaska, Amending the Council Operating Manual to Include Amendments to Homer City Code 1.18.020 and 2.80. City Clerk. Recommend adoption.

Memorandum 18-008 from City Clerk as backup

- F. **Resolution 18-006**, A Resolution of the City Council of Homer, Alaska, Amending Resolution 13-095 Authorizing the City Manager to keep the Homer Education and Recreation Complex (HERC) Gymnasium Open for Community Recreation Programs that Require only Minimal Heat and Utilities until Such Time as the Building is Demolished to Include the Adjacent Classroom as Usable Space for Community Recreation Activities. Lord. Recommend adoption.

Mayor Pro Tem Aderhold asked for a motion to adopt the consent agenda as read.

ERICKSON/LORD SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- A. Opioid Task Force (10 minutes)

Opioid Task Force members Lorne Carroll, Christine Fontaine, and Annie Wiard provided an overview of the task force, explaining it's a community group formed in response to the impacts of the opioid epidemic, that's open to the public and everyone is invited for dialog and

collaboration. Their focus is gathering information to learn how this has impacted the community and seeking to increase community health, increase access to support and services for individuals, and increase community resilience. There are subgroups focused on collecting local data, mobilizing volunteers and providing community outreach. They meet monthly on the 4th Wednesday at the South Peninsula Hospital Training Center and email updates and information can be received by contacting SKPOpioidTaskForce@gmail.com. Current services include The Exchange –Homer’s free and confidential syringe exchange program, Medication Disposal System, Naloxone/Narcan distribution and training, and Road to Recovery, Southern Kenai Peninsula Roadmap for success in treatment and recovery. Current outreach opportunities include OTF information at the 2017 Rotary Health Fair, Homer Middle School 3-day Substance Abuse Prevention Discussion with students in health classes, and community collaboration. Volunteers and community engagement are important, there are always ways to help and be proactive. Their future vision includes holding workshops, support groups, and education.

At the request of Councilmember Smith, Ginny Espenshade commented briefly about the middle school program and the positive experience and feedback of it.

B. Prince William Sound Regional Citizens Advisory Commission Update – Robert Archibald (10 minutes)

Robert Archibald, Homer’s representative on the Prince William Sound Regional Citizens Advisory Council (PWSRCAC) and Brooke Taylor, External Communication Director from Anchorage, provided an update on PWSRCAC transition from Crowley to Edison Chouest that will involve the entire marine contract for Alyeska Pipeline Service Company. It will be a major event to educate the new people to work in Prince William Sound. They reported on the new Alyeska Marine Terminal’s newly submitted contingency plan that was approved by ADEC. The amendment dealt with changes to a scenario for an oil spill at the terminal. Mr. Archibald and Ms. Taylor explained how the changes negatively impacts the response time to an oil spill for the Solomon Gulch Hatchery and the Duck Flats in Valdez. They thanked Council for bringing forward a resolution to support the PWSRCAC request for an adjudicatory hearing on the ADEC’s decision to approve these changes.

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

A. Borough Report

Kelly Cooper, Kenai Peninsula Borough Assembly President, gave a brief update on their budget process, their recent and upcoming worksession with the School District, and efforts to educate new assembly members on the budget process. The Mayor is bringing forward a resolution to establish a material site workgroup to examine Borough Code regarding material

site permit process and consider whether changes should be made. She reported the draft Comprehensive Plan is on the Borough's website, they are accepting input and feedback. She is bringing something forward regarding agricultural land use and extending the time to maintain the status if it's inactive. She also reported on their annual audit presentation where BDO reported that while their revenues were down, expenditures were also down resulting in a \$1.5 million budget surplus.

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission

Roberta Highland, Planning Commissioner, reported Ordinance 18-04 in the Council packet doesn't include the Commission's recommendation for one recreation vehicle. They heard from people who didn't want it at all and discussed that an idea would be to put a cap on it. Ms. Highland also reported that their work on the Comprehensive Plan update is almost done and ready for public review. She reviewed the 2017 permit activity and said they have started work on the natural hazard overlay district on and around Baycrest.

3. Economic Development Advisory Commission

Councilmember Smith reported they had a worksession last week and went of the the BR&E survey findings and their regular meeting is tomorrow.

4. Parks Art Recreation and Culture Advisory Commission

Robert Archibald, Parks Art Recreation and Culture Advisory Commission, commented the Commission has been talking about the HERC worksession. He reported they have a full commission with tonight's appointment and he looks forward to the addition to the group.

5. Port and Harbor Advisory Commission

6. Cannabis Advisory Commission

Mayor Pro Tem Aderhold reported in December the Commission discussed ordinances on changing the group's name to the Marijuana Advisory Commission and changing to quarterly meetings.

PUBLIC HEARING(S)

- A. **Ordinance 17-43**, An Ordinance of the City Council of Homer, Alaska, Amending the Official Road Maintenance Map of the City of Homer by Adding Ternview Place and Little Fireweed Lane. City Manager/Public Works Director. Introduction December 11, 2017, Public Hearing and Second Reading January 8, 2018.

Memorandum 17-143 from Public Works Superintendent as backup

Mayor Pro Tem Aderhold opened the public hearing. There were no comments and the hearing was closed.

Mayor Pro Tem Aderhold asked for a motion for the adoption of Ordinance 17-43 by reading of title only for second and final reading.

STROOZAS/ERICKSON SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. **Ordinance 17-44**, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of \$61,600 from the Homer Accelerated Water and Sewer Program Fund (HAWSP) for Oversizing Water Main Along Nelson Avenue and Ronda Street. City Manager/Public Works Director. Introduction December 11, 2017, Public Hearing and Second Reading January 8, 2018.

Memorandum 17-144 from Public Works Director as backup

Mayor Pro Tem Aderhold opened the public hearing. There were no comments and the hearing was closed.

Mayor Pro Tem Aderhold asked for a motion for the adoption of Ordinance 17-44 by reading of title only for second and final reading.

STROOZAS/VENUTI SO MOVED.

There was brief discussion regarding the phases of the project.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Koester commented that the City has successfully negotiated the transaction on Lot 42 and she'll have an update in the next manager's report. She noted the Planning Commission will be receiving a presentation on the Borough Comprehensive Plan on February 27th if people are interested in attending the meeting.

Mayor Pro Tem Aderhold noted they discussed the 2017 project review at Committee of the Whole and recognized Public Works for their work in completing the work at or under budget and keeping the budget as an important item. She also noted there are two APSC Stakeholder Academy Funding memos and suggest people review them. It's an example of the impacts of State budget cuts and the hidden costs that get passed down to municipalities.

B. Bid Report

CITY ATTORNEY REPORT

City Attorney Wells commented on work done related to land use questions submitted to the City Manager from Frank Griswold regarding the City's maintenance of its rights-of-way, particularly on Fairview Avenue along the unimproved pedestrian section where boulders and signage are placed. In his correspondence Mr. Griswold questioned if it's permissible and if the City has the right to do it. Attorney Wells explained the research completed to determine that the City has the authority to manage the right of way.

Attorney Wells also noted that because they have more than one pending case at the Alaska Supreme Court that involves Mr. Griswold, she includes both when talking about one because the basis in them are so similar, she like to have them both before the Council for clarity.

13. COMMITTEE REPORT

A. Employee Committee Report

B. Americans with Disabilities Act Compliance Committee

14. PENDING BUSINESS

15. NEW BUSINESS

- A. **Memorandum 18-007**, from City Clerk Re: Travel Authorization for Mayor Zak and Councilmembers to attend the Alaska Municipal League/Alaska Conference of Mayors Winter Legislative Conference in Juneau, Alaska February 20-22, 2018 **Page 515**

Memorandum 18-007(S), from City Clerk Re: Travel authorization for Mayor Zak and Councilmembers Aderhold and Erickson to attend the Alaska Municipal League/Alaska Conference of Mayors Winter Legislative Conference in Juneau, Alaska February 20-22, 2018

Mayor Pro Tem Aderhold asked for a motion for the approval of the recommendation in Memorandum 18-007.

LORD/VENUTI SO MOVED

Mayor Pro Tem Aderhold asked for a motion to substitute Memorandum 18-007(S) for 18-007.

LORD/VENUTI SO MOVED

There was no discussion on the motion to substitute.

VOTE (motion to substitute): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was comment that the substitute memo clarifies Councilmembers Aderhold and Erickson will be attending the conference in Juneau.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

RESOLUTIONS

- A. **Resolution 18-004**, A Resolution of the City Council of Homer, Alaska, Supporting the Request for an Adjudicatory Hearing by the Prince William Sound Regional Citizens' Advisory Council, Prince William Sound Aquaculture Corporation, and the City of Valdez, on the Alaska Department of Environmental Conservation's Decision to Approve Amendments to the Valdez Marine Terminal Oil Discharge Prevention and Contingency Plan. Aderhold.

Mayor Pro Tem Aderhold asked for a motion for the adoption of Resolution 18-004 by reading of title only.

ERICKSON/LORD SO MOVED

There was brief comment that it would have been helpful to have more information regarding the changes to the matrix to better understand the issue.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

Sarah Vance, city resident, wished everyone Happy New Year. She congratulated new Councilmembers Lord and Venuti and commented regarding the CERT classes being offered by the Borough and encouraged people to participate.

Mike Illg, city resident and city employee, thanked Council and the Parks Art Recreation and Culture Advisory Commission for the the worksession today on the future of the HERC and commented that it's important to involve the public in this decision. He also reviewed the upcoming Community Recreation events and classes.

Frank Griswold, city resident, noted City Attorney Wells didn't mention the pending court case regarding a public records request. He also pointed out that none of the emails with his questions were provided to Council and quickly explained his concerns regarding the barricades at Fairview Avenue.

Ginny Espenshade, city resident, commented that she knows at least four of the young people sworn in as Fire Fighters and EMT's tonight grew up here here and pointed out that our community is doing a lot of things right.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells commented that Birch Horton is representing as local council for the State of Alaska in the case against Big Pharma on the opioid crisis. It's important issue for the Council her at the local level and if they want an update or summary to let her know and she'll keep them informed.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

COMMENTS OF THE MAYOR

COMMENTS OF THE CITY COUNCIL

Councilmembers Stroozas and Smith had no comments.

Councilmember Erickson said it was a productive night. We're on to sunshine and a new year and she's looking forward to all the good things that are going to happen. She commented that Safe Families is up and running now, it's an organization that helps families in crisis before children have to be placed in the system. The Safe Families program is saving the State thousands of dollars and helping to get families healthy. It's a wonderful organization and they're looking for more host families and support people. It's very exciting to see another way our community is coming together to help families in crisis.

Councilmember Lord wished everyone Happy New Year. She echoed the comments about Safe Families, it's an incredible and inspiring nationwide program. She recognized Councilmember Erickson's daughter for doing a fantastic job running it here in Homer. She noted if anyone is looking for winter, to go up. She recognized the Kachemak Nordic Ski club for their work on keeping the trails at Lookout and McNeil groomed so people can get out and enjoy winter, and also the ski clubs programs. She appreciated the Opioid Task Force report and looks forward to continued updates, and also appreciated the Worksession with Parks Art Recreation and Culture Advisory Commission.

Councilmember Venuti commented about Lunch with a Councilmember this afternoon. Kelly Cooper and the City Manager were there as well and the main topic was the HERC. She recognized the Firefighters and EMT's who were sworn in this evening, she recognized several of them as her former students, and reminded people who are interested in registering for classes to contact the college.

Mayor Pro Tem Aderhold commented on the great worksession with the Parks Art Recreation and Culture Advisory Commission. She's happy to see the public engaging with Lunch with a Councilmember, and she noted to the City Attorney that she would like updates on the opioid case at the state level.

ADJOURN

There being no further business to come before the Council, Mayor Pro Tem Aderhold adjourned the meeting at 7:43 p.m. The next Regular Meeting is Monday, January 22, 2018 at 6:00 p.m., Worksession at 4:00 p.m. and Committee of the Whole 5:00 p.m. There is also a Worksession January 29, 2018 at 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer

HOMER CITY COUNCIL
REGULAR MEETING MINUTES
JANUARY 8, 2018

MELISSA JACOBSEN, MMC, CITY CLERK

Approved: _____