

Session 18-05 a Regular Meeting of the Homer City Council was called to order on February 26, 2018 at 5:00 p.m. by Mayor Bryan Zak at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

ADERHOLD/ERICKSON MOVED TO ALLOW COUNCILMEMBER STROOZAS TO PARTICIPATE TELEPHONICALLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**PRESENT:** COUNCILMEMBERS: ADERHOLD, ERICKSON, LORD, SMITH, STROOZAS, VENUTI

STAFF: CITY MANAGER KOESTER  
CITY CLERK JACOBSEN  
PUBLIC WORKS DIRECTOR MEYER  
HARBORMASTER HAWKINS  
CITY PLANNER ABOUD  
LIBRARY DIRECTOR DIXON

Council met for a Worksession at 4:00 p.m. to discuss the Police Station Building Project and as Committee of the Whole 5:00 p.m. to discuss to discuss the Police Station Building Project also consent agenda and regular 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: **CONSENT AGENDA Ordinance 18-08**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.28.020, Permitted Uses and Structures; Adding Marijuana Retail Facilities in the Marine Commercial District. Written public comment. **Resolution 18-022**, A Resolution of the City Council of Homer, Alaska, Approving a Five Year Sublease at the Homer Airport Terminal for Ravn Alaska-Corvus Airlines, and Authorizing the City Manager to Execute the Appropriate Documents. Lease information as backup. **Resolution 18-023**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Public Library Privacy Policy. Library Advisory Board Minutes excerpt as backup. **Resolution 18-025** A Resolution of the City Council of Homer, Alaska Reinstating the Transportation Advisory Committee as a Standing Committee. Venuti. Resolution 14-040 and

Memorandum 06-47 as backup. **VISITORS** North Pacific Fisheries Association – UFA Homer Fishing Facts. **CITY MANAGERS REPORT** City Manager’s Report, AML Report from Councilmember Erickson, and Thank you letters from Hospice of Homer and Center for Alaskan Coastal Studies.

ADERHOLD/ERICKSON MOVED TO APPROVE THE AGENDA AS AMENDED

SMITH/ADERHOLD MOVED TO WITHDRAW RESOLUTION 18-019 FROM THE AGENDA

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **MAYORAL PROCLAMATIONS AND RECOGNITIONS**

## **PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

There were no public comments.

## **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 Special and Regular Meeting Minutes of February 12, 2018. City Clerk. Recommend adoption.
- B. **Memorandum 18-023** from Mayor Re: Appointment of Nicole Arevalo to the Economic Development Advisory Commission
- C. **Ordinance 18-08**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.28.020, Permitted Uses and Structures; Adding Marijuana Retail Facilities in the Marine Commercial District. Aderhold/Cannabis Advisory Commission. Recommended dates: Introduction February 26, 2018, Public Hearing and Second Reading March 12, 2018.

Memorandum 18-021 from City Planner as backup

Moved to Ordinances – Smith

- D. **Ordinance 18-09**, An Ordinance of the City Council of Homer, Alaska, Disbanding the Cannabis Advisory Commission and Repealing Homer City Code Chapter 2.78 Outlining the Duties of the Cannabis Advisory Commission. Aderhold. Recommended dates: Introduction February 26, 2018, Public Hearing and Second Reading March 12, 2018.
- E. **Ordinance 18-10**, An Ordinance of the City Council of Homer, Alaska, Accepting the Modified ADEC Municipal Matching Grant (MMG #40909) for an Expanded Water Storage and Distribution Improvement Project, Accepting the Responsibility to Operate and Maintain the Improvements, Agreeing to the Terms and Conditions of the Grant, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommended dates: Introduction February 26, 2018, Public Hearing and Second Reading March 12, 2018.
- F. **Resolution 18-021**, A Resolution of the Homer City Council Confirming the Assessment Roll, Establishing Dates for Payment of Assessments and Establishing Delinquency, Penalty, and Interest Provisions for the Frisbee Court Road Reconstruction and Paving Special Assessment District. City Clerk/Public Works Director.

Memorandum 18-024 from Public Works Director as backup

Moved to Resolutions – Aderhold

- G. **Resolution 18-022**, A Resolution of the City Council of Homer, Alaska, Approving a Five Year Sublease at the Homer Airport Terminal for Ravn Alaska-Corvus Airlines, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager.
- H. **Resolution 18-023**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Public Library Privacy Policy. City Clerk/Library Director.

Memorandum 18-025 from Library Director as backup

- I. **Resolution 18-024**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation of an Artwork Loan from Rosemary Wells of Stella's Starliner Cover Art to be Displayed for an Undetermined amount of time in the Children's Library at the Homer Public Library. City Clerk/Library Director.

- J. **Resolution 18-025**, A Resolution of the City Council of Homer, Alaska, Reinstating the Transportation Advisory Committee as a Standing Committee. Venuti.

Moved to Resolutions – Venuti

Item C. was moved to Ordinances Item A. – Smith

Item F. was moved to Resolutions Item B. – Aderhold

Item J. was moved to Resolutions Item J. – Venuti

ADERHOLD/ERICKSON MOVED TO ADOPT THE CONSENT AGENDA AS READ.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **VISITORS**

- A. North Pacific Fisheries Association - Malcom Milne (10 Minutes)

Malcolm Milne and Jamie O’Conner presented to the Council about the North Pacific Fisheries Association providing a brief history of the Association and the results of a recent membership survey. The Association represents 61 members with 56 vessels and 24 skiffs, and of the variety of species fished, 92% of the members are involved in salmon fisheries. Members spend over \$1.3 million on repairs, upgrades, and supplies in Homer each year, employ over 200 crew members, 75% Alaska residents, and almost 90% are family operations. They also emphasized the important role the members play in the community in the time spent volunteering and participating in community events in their off time.

There was brief discussion with Council on the portfolio of the fleet and the “greying” of the fleet. Mr. Milne and Ms. O’Connor commented that a lot of the members participate in multiple fisheries throughout the year and that there are a lot of young people who are coming up in the industry. Homer has a diverse group of innovative fishermen and women.

- B. 8<sup>th</sup> Annual Kachemak Bay Science Conference – Beth Trowbridge (10 minutes)

Beth Trowbridge presented on the Kachemak Bay Science Conference being held March 7<sup>th</sup> through 10<sup>th</sup>. This year’s theme is “Science without Borders” and will be held at the Alaska Islands and Ocean Visitor Center. She explained it’s a collaborative event and highlighted conference coordinators and funders who have worked to bring the conference together and make it free to people who want to attend. Everyone is invited to attend the workshops, field trips, and presentations. She reviewed the events being held and encouraged people to go to [www.kbayscience.org](http://www.kbayscience.org) for more information and registration.

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

A. Borough Report

Kelly Cooper, Kenai Peninsula Borough Assembly member and President, reported the Homer Marine Trades Association presented their marketing video to the Assembly and it created a great deal of interest in Homer and its training and educational opportunities. The Assembly voted to postpone a resolution authorizing the re-establishment of at 2.5% administration fee for service area operating fund. Service areas currently pay from .5 to 2% on their capital budgets since it was created in 2006 and in 2010 it was stopped after going up to 6.5%. We are still facing declining revenues, so this 2.5% fee is an attempt to generate \$600,000 from the service areas. It will be heard at the March 6<sup>th</sup> meeting. They appropriated \$60,000 to replace boilers at the administration office. There will be public hearing on April 3<sup>rd</sup> on an ordinance to appropriate \$100,000 from the solid waste capital projects fund to enter into a Memorandum of Agreement with the Alaska Electric and Energy Cooperative, an arm of HEA, to conduct a feasibility study to pull the gas out of our landfills, which is required to be done by 2028. There will be a hearing on April 3<sup>rd</sup> to give the administration discretionary authority to partially or totally exempt all or some types of economic development property from taxation as incentives for some new businesses to potentially not pay property taxes during start up. On March 6<sup>th</sup> they will have a public hearing on the 6% bed tax and she will be introducing a .5% sales tax increase that will have a public hearing on April 3<sup>rd</sup>. The Annex will be open here in Homer on March 6<sup>th</sup> for public comment on those items.

There was brief discussion on the bed tax, sales tax, and the budget deficit.

B. Commissions/Board Reports:

1. Library Advisory Board

Mark Massion, Library Advisory Boardmember, commented about some events that happened recently including the Early Childhood Coalition Preschool Fair and a Girl Scouts overnight at the library. The Alaska Reading Program is going on and Nicole Stellon O'Donnell who wrote the book *Steam Laundry* will be here the 11<sup>th</sup> and 12<sup>th</sup>. The Friends of the Library will have the Book Mobile going around to schools and letting each child have a book. He also showed the original book cover art for Stella's Starliner that will be displayed in the Children's Library.

2. Homer Advisory Planning Commission

Don Stead, Planning Commission Chair, reported the Kenai Peninsula Borough Planner attended their last meeting and reviewed their 2018 Comp Plan. They approved a conditional

use permit to expand the existing gas station and a plat for the Bunnell Subdivision of Spruceview.

Councilmember Smith took the opportunity to recognize Mr. Stead and Grace Ridge Brewing for their community support.

3. Economic Development Advisory Commission

Karin Marks, Economic Development Advisory Commission Chair, reported that their Business Expansion and Retention Survey has not only hit the streets in Homer but also solicited a lot of response. It has been requested by others including Mike Navarre, Commissioner of Alaska Dept of Commerce, Community, and Economic Development; Shirley Kelly, Alaska's Economic Development Administrative Representative; Charlie Pierce, Borough Mayor; Assembly members Kelly Cooper and Willy Dunne; Tim Dillon, Executive Director of KPEDD; Carol Swartz, KBC Director; and Debbie Speakman, Homer Chamber of Commerce Executive Director. She reported that the Commission is looking at some actions as a result of the survey and hope to bring back something concrete by the end of April or first of May.

4. Parks Art Recreation and Culture Advisory Commission

5. Port and Harbor Advisory Commission

6. Cannabis Advisory Commission

**PUBLIC HEARING(S)**

- A. **Ordinance 18-06**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2018 Operating Budget to Fund Anticipated Repairs to the Seawall by Establishing Authority in the 2018 Budget for Emergency Repairs to the Seawall. City Manager. Recommended Dates: Introduction February 12, 2018, Public Hearing and Second Reading February 26, 2018.

Mayor Zak opened the public hearing. There were no comments and the hearing was closed.

Mayor Zak asked for a motion to adopt Ordinance 18-06 by reading of title only for second and final reading.

ADERHOLD/ERICKSON MOVED TO ADOPT ORDINANCE 18-06 BY READING OF TITLE ONLY

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **ORDINANCE(S)**

- A. Ordinance 18-08**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.28.020, Permitted Uses and Structures; Adding Marijuana Retail Facilities in the Marine Commercial District. Aderhold/Cannabis Advisory Commission. Recommended dates: Introduction February 26, 2018, Public Hearing and Second Reading March 12, 2018.

Memorandum 18-021 from City Planner as backup

ADERHOLD/LORD MOVED TO INTRODUCE ORDINANCE 18-08.

Councilmember Aderhold commented she sponsored the ordinance because the Cannabis Advisory Commission requested it, the Planning Commission and Port and Harbor Commission reviewed and recommended adopting it, so she's acting on those recommendations. The community, through these commissions, is asking us to put it on the table and introducing it allows the public the opportunity to weigh in. She suggests introducing it tonight to allow for a public hearing, and they can vote accordingly at the next meeting.

Councilmember Smith questioned the rationale for having these retail facilities on the spit, where it can be legally consumed on the spit. He expressed his concern that if the goal is to capture the tourist industry the question needs to be answered where they can legally consume on the spit. If there's no legal place to consume their purchase we'd be complicit in not caring where they consume it. He'd like to know how we draw that line.

Councilmember Erickson shared her concern about the ability to receive federal dollars for the harbor improvements to get the Coast Guard vessels in Homer if there is retail marijuana allowed in the area. Right now there is a lot of tension with people not knowing what is going on federally with the current administration. She thinks they shouldn't do this or at least postpone it until they know where things are going to land. She also thinks they need to have a conversation about how many retail facilities will be allowed in Homer.

Councilmember Lord supports introducing the ordinance, noting they'd be in a tough place if they wait on the entities in the grey areas that exist. She supports introducing this and the work that's gone into it by the Commissions. Not introducing and not holding a public hearing doesn't respect the work been done by the Commissions. Introduction doesn't say they are going pass it, but does allow it to come before the people for their input.

Commissioner Aderhold added that the comments that have been raised are very valid and good points for discussion. Other aspect such as limiting permits hasn't come up yet, but this

has and it has been vetted for months. She believes we need to allow the community to weigh in.

VOTE: YES: ADERHOLD, LORD, VENUTI  
NO: STROOZAS, SMITH, ERICKSON

Mayor Zak voted yes to break the tie.

Motion carried.

### **CITY MANAGER'S REPORT**

#### A. City Manager's Report

City Manager Koester commented briefly on her travel report included in the supplemental packet. She highlighted the potential for Pittman Robertson Funding for trails. The state is having to turn back approximately \$4million in federal grant money under this program because we don't have staff or match money at the state level to take advantage of the federal dollars. Representative Seaton is putting out a call to different organizations to see if they have any projects. She doesn't know the extent of the requirements to access the dollars, but she's working with his office to look at a project on the City's CIP, Beach Access from Main Street including Rehabilitation at the bottom of Crittenden Trail and installing stairs there. It would create a nice trail access loop. She reviewed some of the process that may be involved.

City Manager Koester also reported the City will be holding an open house for the Draft Homer Comprehensive Plan 2018 update on March 1<sup>st</sup> at City Hall, and the Borough will be having a workshop is February 28<sup>th</sup> at McNeil Canyon School. Lastly she noted there is a tour of the HERC building scheduled March 7<sup>th</sup> beginning at 4:00 p.m.

#### B. Bid Report

### **CITY ATTORNEY REPORT**

### **COMMITTEE REPORT**

#### A. Employee Committee Report

#### B. Americans with Disabilities Act Compliance Committee

### **PENDING BUSINESS**



- A. **Resolution 18-019**, A Resolution of the City Council of Homer, Alaska, Amending Chapter 2, Section 2.2 of the City of Homer Property Management Policy and Procedures (Lease Policy) Regarding Committee Membership and Making Other Necessary Changes to Lease Policies. Erickson/Smith.

This item was withdrawn under agenda approval.

## **NEW BUSINESS**

### **RESOLUTIONS**

- A. **Resolution 18-026**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract for the Homer Wastewater Treatment Plant HVAC Rehabilitation 2018 Project to a firm to be announced in an amount to be disclosed and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

There was brief discussion that the contract for the Homer Wastewater Treatment Plant HVAC Rehabilitation Project isn't ready to be awarded. City Clerk Jacobsen noted that postponing indefinitely will make this resolution go away and a new one will come forward at a future date when the contract is able to be awarded.

ERICKSON/ADERHOLD MOVED TO POSTPONE RESOLUTION 18-026 INDEFINITELY

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. **Resolution 18-021**, A Resolution of the Homer City Council Confirming the Assessment Roll, Establishing Dates for Payment of Assessments and Establishing Delinquency, Penalty, and Interest Provisions for the Frisbee Court Road Reconstruction and Paving Special Assessment District. City Clerk/Public Works Director.

Memorandum 18-024 from Public Works Director as backup

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 18-021.

ADERHOLD/LORD MOVED TO AMEND LINE 45 TO CHANGE THE WORD TWENTY TO TEN TO MATCH THE PARENTHETICAL TEN

There was no discussion on the motion to amend.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE (main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- C. **Resolution 18-025**, A Resolution of the City Council of Homer, Alaska, Reinstating the Transportation Advisory Committee as a Standing Committee. Venuti.

VENUTI/ADERHOLD MOVED TO ADOPT RESOLUTION 18-025

Councilmember Venuti commented that she appreciated the feedback and rather than postpone this she'd like to bring back a new one.

There was consensus that this motion fail and a new resolution will come back at a future meeting.

Motion failed.

#### **COMMENTS OF THE AUDIENCE**

There were no comments.

#### **COMMENTS OF THE CITY ATTORNEY**

City Attorney Wells was not present.

#### **COMMENTS OF THE CITY CLERK**

City Clerk Jacobsen apologized for the typographical errors in the packet.

#### **COMMENTS OF THE CITY MANAGER**

City Manager Koester had no comment.

#### **COMMENTS OF THE MAYOR**

Mayor Zak commented they had a wonderful trip to Juneau and a great group of Councilmembers representing the City well. They met with the Coast Guard, DOT, attended the Mayors Conference, and heard other Mayors and Councilmembers from around the state share issues from their communities, and met with Representative Seaton and Senator Stevens. He recommended all Councilmembers take a turn to travel to Juneau.

### **COMMENTS OF THE CITY COUNCIL**

Councilmember Stroozas commented it's only 11:15 pm where he is, not 3 am like last time. He looks forward to his golf tee time tomorrow in the warm climate of Hilton Head.

Councilmember Smith thanked the North Pacific Fisheries Association for being here and being well represented. Obviously our commercial fishing fleet is an important part of our economic engine and provide a wonderful opportunity to our community. He acknowledged Beth Trowbridge and recognized she wears a lot of hats in the community and not enough can be said for what she does. He encouraged everyone to make the Kachemak Bay Science Conference.

Councilmember Venuti congratulated the Battle of the Books winners lead by Coach Marge Dunn from West Homer. They came in first place in the Borough and will represent Homer in the State Battle of the Books. The Homer Emblem Club purchases the books for all the schools for this event, it's a neat thing. She commented that her heart stopped for the school in the tragedy that happened in Florida, and she's proud to live in Homer and said we have a lot of wonderful people here who work with those who may feel neglected and sees that we've stepped up our services to them. It takes a community to be on watch to help keep this from happening in our beautiful community.

Councilmember Erickson expressed her appreciation for being able to go to Juneau. It was great to see their cruise ship docks and better understand why Homer is such a great cruise ship spot. She enjoyed meeting a lot of people from other towns and learn that we all share similar issues and how they've work through some of them. There are a lot of valuable resources found there, and it was fun to see the Governor. The biggest thing she learned is that here we look all the tiny details, how laws affect us, and how we implement them in our community and our lives at this level. When you get to Juneau, you're stepping back and looking at a bigger wider range and it's not all about all the little details like it is here. At the federal level, it's even that much larger. It was a great educational experience, she appreciated it, and encouraged others to attend.

Councilmember Lord commented she really enjoys the conversations they are having and the feedback they are getting from people on the continuation of the police station project. It's not an easy thing. One reason she was excited to have the opportunity to sit on Council is to be able to practice hearing things she doesn't agree with, not getting on the defense, trying to learn other perspectives and thoughts, and share hers as well as she can. It's a good thing to

learn in all of our lives. When things happen, like the tragedy in Florida, in any issue we feel strongly and hold opinions, it's important to be able to hear other opinions and things that strike you as wrong, to be able to hold that and be able to continue to engage in conversation. That's ultimately the role of the people in Juneau, DC, here at the table and ultimately the role of every one of us living in a community. She thanked everyone for the opportunity to practice that and thanked the community for their role in what they do. She also commented she's participating in the Library's Literary Line-Up, explained the program, and encouraged others to check it out.

Councilmember Aderhold commented it was a privilege and honor to represent Homer in Juneau at AML and she'll have a report at the next meeting. She encouraged people to go to the Kachemak Bay Science Conference, it's a great opportunity to learn about what's going on in our back yard and meet people who are doing different things in the bay. She commented there was a protest at the High School and she commended the students for doing it peacefully, within the framework of not interrupting class attendance, and very respectfully. Whether or not students chose to participate, it was democratic choice that the students made and reflective of the governance of our country. She just wanted to commend the students for however they chose to respond to that.

Mayor Zak called for a moment of silence for the victims in Florida.

**ADJOURN**

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, March 12, 2018 at 6:00 p.m., Worksession at 4:00 p.m. Committee of the Whole at 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.

---

MELISSA JACOBSEN, MMC, CITY CLERK

Approved: \_\_\_\_\_