

ACTION AGENDA  
Monday, March 12, 2018  
Special Meeting  
Committee of the Whole  
Regular Meeting

SPECIAL MEETING AGENDA

Session 18-06 a Special Meeting of the Homer City Council was called to order on March 12, 2018 at 4:00 p.m. by Mayor Bryan Zak at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Councilmember Stroozas was excused.

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

STAFF: CITY CLERK JACOBSEN  
DEPUTY CITY CLERK KRAUSE  
CITY ATTORNEY WELLS

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. PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

4. NEW BUSINESS

- A. Memorandum 18-026, from City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(c)(3), Matters, Which by Law, Municipal Charter, or Ordinance are Required to be Confidential. (Ethics Complaint No. 2018-01 and 2018-02)

Mayor Zak called for a motion to approve Memorandum 18-026 from City Clerk to adjourn to Executive Session to review Ethics Complaints 2018-01 and 2018-02.

ADERHOLD/VENUTI – MOVED TO ADJOURN TO EXECUTIVE SESSION TO REVIEW ETHICS COMPLAINTS 2018-01 AND 2018-02.

There was no discussion.

VOTE. YES. VENUTI, SMITH, ADERHOLD, LORD, ERICKSON.

Motion carried.

The Council adjourned to Executive Session at 4:05 p.m. and reconvened the Special Meeting at 4:30 p.m.

Mayor Pro Tem Aderhold stated the following:

In Ethics Complaint 2018-01 that due to impartiality as described in Homer City Code 1.18.020 the matter is being transferred to a Hearing Officer.

In the matter of Ethics Complaint 2018-02 due to Impartiality as described in Homer City Code 1.18.020 the matter is being transferred to a Hearing Officer.

5. COMMENTS OF THE AUDIENCE

There was one that commented.

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

Mayor Zak adjourned the meeting at 4:31 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.

Councilmember Stroozas participated telephonically.

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. LAND ALLOCATION PLAN

Memorandum 18-027 from Deputy City Planner re: 2018 Draft Land Allocation Plan

5. CONSENT AGENDA

6. REGULAR MEETING AGENDA

7. COMMENTS OF THE AUDIENCE

There were two who commented.

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

Mayor Zak adjourned the meeting at 5:48 p.m.

REGULAR MEETING AGENDA

Session 18-07 a Regular Meeting of the Homer City Council was called to order on March 12, 2018 at 6:01 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.

Councilmember Stroozas was approved to participate by telephonically.

PRESENT: COUNCILMEMBERS: STROOZAS (telephonic), ADERHOLD, VENUTI, SMITH, LORD, ERICKSON

STAFF: CITY MANAGER KOESTER  
DEPUTY CITY CLERK KRAUSE  
CITY ATTORNEY WELLS  
FINANCE DIRECTOR WALTON  
IT MANAGER POOLOS  
CITY PLANNER ABOUD  
LIBRARY DIRECTOR DIXON  
PORT AND HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS DIRECTOR MEYER

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 1.24.040.)

The following changes were made to the agenda: PUBLIC HEARING 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.

Grant Letter and Agreement as backup

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. RECONSIDERATION

5. 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 February 26, 2018. City Clerk. Recommend adoption.
- B. Memorandum 18-028, from City Clerk re: Vacation of a portion of the Starboard Way Right-of-Way adjacent to Lots 4-8 Block 1 and Lots 4 and 5 Block 2 Mariner Village Subdivision as dedicated on Mariner Village Subdivision, Plat HM 68- 657. Recommend Approval.
- C. Ordinance 18-11, An Ordinance of the City Council Of Homer, Alaska, Amending Homer City Code Sections 1.16.040, 7.04.030, 10.04.110, 19.08.120, 19.20.070, 20.08.010, and 20.32.020, Adding New Homer City Code Sections 5.08.030, 5.20.060, 8.12.800, 14.04.130, 19.02.100; and Re-Enacting Homer City Code Sections 5.24.060, 5.38.060, 8.08.150, 8.11.080, 13.08.170, 14.08.170, 18.20.090, 19.04.100, 19.08.120, 19.12.100 to Conform Homer City Code to State Law and to Clarify that Certain Code Violations may be Disposed of by Bail Forfeiture without a Court Appearance as Indicated in the Homer City Code Fine Schedules, and all other Violations Require a Court Appearance and are Subject to the General Penalty. City Clerk. Recommended dates: Introduction March 12, 2018, Public Hearing and Second Reading March 27, 2018.

Memorandum 18-029 from City Attorney as backup

- D. Ordinance 18-12, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.54.325, Standards for Recreational Vehicles in the Marine Commercial District and Marine Industrial District. Erickson. Recommended dates: Introduction March 12, 2018, Public Hearing and Second Reading March 27, 2018.
- E. Ordinance 18-13, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of an Additional \$92,592 from the Sewer Reserve Fund to Complete the Wastewater Treatment Plant HVAC Rehabilitation Project. City Manager/Public Works Director. Recommend dates: Introduction March 12, 2018, Public Hearing and Second Reading, March 27, 2018.

Memorandum 18-030 from Public Works Director as backup

- F. Ordinance 18-14, An Ordinance of the City Council of Homer, Alaska Amending Homer **City Code 1.18.020 to Define the Term “Impartial”**; Amending Homer City Code 1.18.030 by Requiring City Council Members to Comply with Homer Workplace Policies and Procedures; Repealing 1.18.050 and Incorporating it Under the Newly Enacted Homer **City Code Chapter 1.19, “Board Of Ethics - Complaints”**, to Clarify the Preliminary Review Process for Ethics Complaints by the City Clerk and City Attorney; Amending Homer City Code 1.18.060 to Prohibit Ethics Complaints Based Upon Actions Taken in Accordance with Advice from the City Attorney; and Repealing Homer City Code Chapter 2.80. Aderhold. Recommended dates: Introduction March 12, 2018, Second Reading and Public Hearing March 27, 2018.

Memorandum 18-031 from City Attorney as backup

- G. Ordinance 18-15, An Ordinance of the City Council of Homer, Alaska, Amending the 2018 Operating Budget by Authorizing the Expenditure of an Additional \$29,550 from the Public Works Fleet Reserve Fund for the Purchase of a Brush Cutter. City Manager/Public Works Director. Recommended dates: Introduction March 12, 2018, Second Reading and Public Hearing March 27, 2018

Memorandum 18-032 from Public Works Superintendent as backup

- H. Resolution 18-027, A Resolution of the City of Homer, Alaska Requesting the Alaska Congressional Delegation Reinstate Funds in the Federal Budget for the National Estuarine Research Reserve System to Ensure Future Continuation of Important Ecological and Economic Contributions from the Kachemak Bay National Estuarine Research Reserve to the City of Homer, Other Kachemak Bay Communities, and the Lower Kenai Peninsula. Aderhold. Recommend adoption.

- I. Resolution 18-028, A Resolution of the Homer City Council Expressing Results of the February 26, 2018 Police Station Worksession and Providing Direction for the Next Step. Council/City Manager. Recommend adoption.

Moved to Resolutions. Aderhold.

- J. Resolution 18-029, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Solid Waste Collection and Disposal Contract to Moore & Moore Services, Inc. of Homer, Alaska, for a Three Year Contract with Two One Year Renewal Options, in the Amount of \$45,890.11 Per Year and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Port & Harbor Director. Recommend adoption.

Memorandum 18-033 from Port Director/Harbormaster as backup

Resolutions 18-028 was moved to Resolutions, Item A. (Aderhold)

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

6. VISITORS
7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

Kenai Peninsula Borough Assembly person Kelly Cooper **provided an update on the Assembly's** work.

B. Commissions/Board Reports:

1. Library Advisory Board

Mark Massion, Library **Advisory Commissioner**, updated the Council on the Board's business regarding meeting schedule for 2018 and student representative position plus research into a few new programs for patrons and business people.

2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission
5. Port and Harbor Advisory Commission

Steve Zimmerman, Port and Harbor Advisory Commissioner, reported on the initial Commission request to Council to approve zoning on the spit for retail marijuana and elaborated on the request of 10% of the revenues from parking tickets

6. Cannabis Advisory Commission

8. PUBLIC HEARING(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. Introduction February 26, 2018, Public Hearing and Second Reading March 12, 2018.

Memorandum 18-021 from City Planner as backup

There were seven who testified. Four in favor and three opposed.

FAILED with discussion.

- B. 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. Introduction February 26, 2018, Public Hearing and Second Reading March 12, 2018.

There was one who testified.

ADOPTED with discussion.

- C. 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. Introduction February 26, 2018, Public Hearing and Second Reading March 12, 2018.

Memorandum 18-034 from Public Works Director as backup

There was no public testimony.

ADOPTED without discussion.

9. ORDINANCE(S)

10. **CITY MANAGER'S REPORT**

A. City Manager's Report

City Manager Koester reported how the city will be applying the Cruise Ship Vessel funds of approximately \$30,000 this year to the Ramp 2 Restroom project and at the Committee of the Whole Council **discussed having worksessions to stay abreast of the Legislature's actions.** The Council had standing worksessions last year where members would provide reports on different issues and Council would discuss how or if they wanted to take formal action or testimony on those issues. The Council discussed and agreed on worksessions every other week on Tuesdays at 4:00 p.m. in the Conference Room upstairs in City Hall.

B. Bid Report

City Manager Koester reviewed the available report.

11. CITY ATTORNEY REPORT

Attorney Wells provided a summary interpretation of the Open Meetings Act regarding more than three council members in attendance at locations other than those that have been

noticed and talking about action on which that they have the authority to act or official acts that they can act and how well the Council avoids unlawful conduct, are very aware of the appearance of impropriety in addition to strict application of the Act they try to limit their interactions at substantive events even when not speaking about official actions.

Attorney Wells noted that the report provides an accurate summary of what the firm has been working on for the community.

12. COMMITTEE REPORT

A. Employee Committee Report

B. American with Disabilities Act Compliance Committee

Councilmember Aderhold provided an update and progress report on the committees review of the report from Northwest ADA and shared those findings with the Harbormaster. They discussed presenting to the Port and Harbor Commission on the ADA Compliance at Port and Harbor facilities. They received notice from AHA that there are several ADA compliance **upgrades that will be implemented to city's website.** City Clerk Jacobsen attended a FEMA webinar on *Recovery from Recent Disasters Lessons for Disability Planning for Remote Areas.*

Councilmember Aderhold provided a brief summary on the changes needed on the website were regarding vision in response to Councilmember Stroozas.

13. PENDING BUSINESS

14. NEW BUSINESS

15. RESOLUTIONS

A. Resolution 18-028, A Resolution of the Homer City Council Expressing Results of the February 26, 2018 Police Station Worksession and Providing Direction for the Next Step. Council/City Manager. Recommend adoption.

AMENDED: Line 22-23 Remove the words, “redesign of the \$6.4 million design concept and replace with “to incorporate in the revised design.” This is to be consistent with the previous decision reflected in Resolution 18-13(A)

ADOPTED with discussion.

16. COMMENTS OF THE AUDIENCE

There was one that commented.

17. COMMENTS OF THE CITY ATTORNEY



City Attorney Wells was no longer at the meeting.

18. COMMENTS OF THE CITY CLERK

Deputy City Clerk Krause thanked the Council for making this easy tonight.

19. COMMENTS OF THE CITY MANAGER

City Manager Koester thanked Deputy City Clerk Krause for taking the minutes and filling in for Melissa while she is gone. She has done an excellent job. Thank you.

20. COMMENTS OF THE MAYOR

Mayor Zak encouraged everyone to attend the Chamber meeting to hear Katie report on the State of the City tomorrow. He next commented on the wonderful Science Conference in Homer, learned about the importance of science and art and the scientist communicating their research through those avenues.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Stroozas reiterated thanks for Katie and encouraged attendance to support the City Manager tomorrow at the Bidarka and that he will be back for the March 27<sup>th</sup> meeting and reminded everyone about the Winter King Tournament, March 24<sup>th</sup>, get out and support the community.

Councilmember Smith commented that they should have provided Katie an opportunity for a warm up and she could have given her state of the city speech tonight but that they probably have several people who could live stream that on Facebook so no one misses hearing it or they could review it later. He did have the opportunity to attend the Opioid/Heroin Summit along with Councilmembers Erickson and Aderhold last Wednesday for three of the five hours and it was very good information. Hard conversations, healthy discussions and ones that are much needed. A broad spectrum of support from the community will be needed to reach any resolution. Excellent interaction. He wanted to wish the following family members Happy Birthday, his Dad, Aunt, his brother and his little Byron who is now 6, his nephew had his first child, Abraham son of Isaac. **The Men's Basketball won the tournament this year. It is great to be a Homer resident.**

Councilmember Erickson commented on reflecting on the opioid epidemic and how they allow certain Facebook interactions, spoke about patterns changing, the privacy laws, we pull back and question from a distance, watching heartbreak, we **don't speak about**, or mention observations to neighbors about their kids actions, take-away looking after our neighbors; she encourage residents to look out for their neighbors and take the time to reach out to them, offering encouragement or assistance. Take the time to walk across the street, reach across the aisle, just be a friend and it is an important part of living in a small town. Spring is starting to hit and the sun is shining. It is a pretty exciting time of year.

Councilmember Aderhold did read recently about a Mayor who came in on a zip line but no pressure. This has been a busy couple of weeks with meetings: Today was Lunch with a Councilmember and she attended with Assembly member Dunn it was good conversation and discussions included the HERC, taxes, and the Homer Comp Plan. There were only 4-5 people there but she finds this very valuable time to meet with community members in a relaxed atmosphere and hopes more people attend in the future. On March 5<sup>th</sup> the CARTS consultant held a public meeting and ended up filling the room and it was good to see the number of people who came out to speak about transportation and how their needs were not being met. It was a very diverse group in attendance. The Opioid summit was facilitated by the state Health and Social Services Office of Substance Misuse and Addiction Prevention. The state is taking the issue seriously and is getting input from communities in solving the problem. The Science Conference was three days focused on Kachemak Bay and most of the speakers were local. There were quite a few visitors from out of town. Many are taking a dive course across the bay now. As part of the science conference was a Chugachmiut Coordinators and Elders meeting. An attendee commented on learning the importance of water to humans he recalled **his mother saying, "Just place your hands on the water."**

Councilmember Venuti commented that she enjoyed the science conference and it was spring break so she was off this week and was looking forward to enjoying it.

Councilmember Lord commented that she just returned from 8 days back in New England, it is good to be home, March and April can be a tough time for a lot of people, the light is coming back, there is daylight savings but it is a period of time like today was beautiful and sunny then sideways snow, then back to sunny and beautiful; a crazy back and forth; she is sure the ski trails are gorgeous now; the spit trail is open and spring is coming; they have tulips coming up in the high tunnel now and thanked everyone at this table and all those who came out to testify tonight.

## 22. ADJOURNMENT

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 7:37 p.m. The next Regular Meeting is Tuesday, March 27, 2018 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.