

**ACTION AGENDA
Special Meeting
Worksession
Committee of the Whole
Regular Meeting**

SPECIAL MEETING

Session 18-23 a Regular Meeting of the Homer City Council was called to order on September 24, 2018 at 3:00 p.m. by Mayor Pro Tempore Donna Aderhold at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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

ABSENT: MAYOR ZAK (excused)

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
CITY ATTORNEY WELLS

2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

The following change was made. **Memorandum 18-103** from City Clerk, Request for Executive Session Pursuant to AS 44.42.310(A-C)(1&5), Matters, the Immediate Knowledge of Which Would Clearly have an Adverse Effect Upon the Finances of the Public Entity and Attorney-Client Privilege (City Attorney Billings and City Attorney Update on Pending Court Cases Griswold vs. City of Homer) Informational materials from Mr. Griswold.

APPROVED as amended with discussion.

3. **PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA**

4. **NEW BUSINESS**

- A. **Memorandum 18-103** from City Clerk, Request for Executive Session Pursuant to AS 44.42.310(A-C)(1&5), Matters, the Immediate Knowledge of Which Would Clearly have an Adverse Effect Upon the Finances of the Public Entity and Attorney-Client Privilege (City Attorney Billings and City Attorney Update on Pending Court Cases Griswold vs. City of Homer)

City Manager Koester clarified the executive session is being requested to discuss specific litigation strategies to mitigate the cost of ongoing and routine Griswold litigation specifically

Griswold vs Homer City Council, et al, Griswold vs Homer Board of Adjustment, et al, and Griswold vs Homer Advisory Planning Commission, et al.

APPROVED with discussion.

Council adjourned into executive session at 3:07 p.m.

Council reconvened the Special Meeting at 3:54 p.m.

Councilmember Smith stated the Homer City Council adjourned into executive session at 3:07 p.m. to receive updates from City Attorney Wells on three Griswold cases, ongoing cases Griswold vs Homer City Council, et al, Griswold vs Homer Board of Adjustment, et al, and recently filed Griswold vs Homer Advisory Planning Commission, et al. Conversation included specific litigation strategies to mitigate cost of ongoing and routine Griswold litigation. The City Council direct the City Attorney to prepare a historical review of Griswold legal expenses and the substantive basis for his appeals.

5. COMMENTS OF THE AUDIENCE

6. ADJOURNMENT NO LATER THAN 3:50 P.M.

Next Regular Meeting is Monday, October 8, 2018 at 6:00 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.

Mayor Pro Tem Aderhold adjourned the meeting at 3:55 p.m.

WORKSESSION

1. CALL TO ORDER, 4:00 P.M.

Mayor Pro Tem Aderhold called the meeting to order at 4:00 p.m.

Mayor Zak participated telephonically.

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

APPROVED without discussion.

3. HERC TASK FORCE JOINT WORKSESSION

4. COMMENTS OF THE AUDIENCE

There were three who commented.

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

Next Regular Meeting is Monday, October 8, 2018 at 6:00 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.

Mayor Pro Tem Aderhold adjourned the meeting at 4:54 p.m.

COMMITTEE OF THE WHOLE

1. CALL TO ORDER, 5:00 P.M.

Mayor Pro Tem Aderhold called the meeting to order at 5:00 p.m.

Mayor Zak participated telephonically.

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

APPROVED without discussion.

3. BDO 2017 AUDIT REPORT

4. CONSENT AGENDA

5. REGULAR MEETING AGENDA

6. COMMENTS OF THE AUDIENCE

There was one who commented.

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

Next Regular Meeting is Monday, October 8, 2018 at 6:00 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.

Mayor Pro Tem Aderhold adjourned the meeting at 5:50 p.m.

REGULAR MEETING

Session 18-24 a Regular Meeting of the Homer City Council was called to order on September 24, 2018 at 6:00 p.m. by Mayor Pro Tempore Donna 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
MAYOR ZAK (telephonic)

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
CITY ATTORNEY WELLS
HARBORMASTER HAWKINS
FINANCE DIRECTOR WALTON

Council met for a Special Meeting at 3:00 p.m. for an executive session on City Attorney Billings and City Attorney Update on Pending Court Cases Griswold vs. City of Homer, a Joint Worksession at 4:00 p.m. with the HERC Task Force, and Committee of the Whole at 5:00 p.m. to for the 2017 Audit report from BDO, 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.

2. 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: **PUBLIC HEARING Resolution 18-070(A)**, A Resolution of the City Council of Homer, Alaska, Adopting the 2019-2024 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2020. Mayor/City Council. Written public comment. **ORDINANCES Ordinance 18-43**, An Ordinance of the City Council of Homer, Alaska Prohibiting Sellers from Providing Buyers with Single-Use Plastic Disposable Shopping Bags. Venuti. Informational materials from sponsor. **PENDING BUSINESS Ordinance 18-39**, An Ordinance of the City Council of Homer, Alaska, Amending HCC 21.18.040 to Reduce the Setback Requiring a Conditional Use Permit from Twenty Feet to Ten Feet in the Central Business District. Aderhold. Written public comment.

APPROVED as amended without discussion.

3. MAYORAL PROCLAMATIONS AND RECOGNITIONS

A. Mayoral Recognition of Mavis Mueller and the Burning Basket Project

Councilmember Smith read and presented the recognition to Mavis Muller. Ms. Muller introduced Willy Dunn and Char Jump and acknowledged others who have help in this creative process over the 15 years. She thanked Mayor Zak for this special recognition. It's been a labor of love to build and give the gift and she thanked community for accepting the gift in the spirit with which it is given. Homer is a unique community and we are stronger when we collaborate.

B. Mayoral Recognition of Keegan Partridge Eagle Scout Project

Councilmember Venuti read and presented the recognition to Scout Keegan Partridge.

C. Mayoral Proclamation of October as Domestic Violence Awareness Month

Mayor Pro Tem Aderhold read and presented the proclamation to Ronnie Leach, Executive Director of Haven House. Ms. Leach thanked the city and community for the ongoing support.

D. Mayoral Proclamation of October as Breast Cancer Awareness Month

Councilmember Lord read and presented the proclamation to Melon Purcell, secretary for the Kachemak Bay Family Planning Clinic Board of Directors, who thanked the city and Mayor for bringing this to the forefront. She hopes everyone will support the businesses with the pink flags that will fly in October.

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were 14 who commented.

5. RECONSIDERATION

6. 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 September 10, 2018. City Clerk. Recommend adoption.

B. **Memorandum 18-104** from Mayor Pro Tem Re: Appointment of William Richardson to the Economic Development Advisory Commission. Recommend approval.

- C. **Memorandum 18-105** from City Clerk Re: Liquor License Amendment for Fat Olives Restaurant. Recommend approval.

Moved to New Business Item A. Venuti.

- D. **Memorandum 18-106** from Deputy City Clerk Re: Confirming Election Judges for the City of Homer Regular Election October 2, 2018. Recommend approval.
- E. **Resolution 18-074**, A Resolution of the Homer City Council Accepting the 2017 Comprehensive Annual Financial Report with Audit and Financial Statements and Acknowledging the Management Letter Submitted by the City's Independent Auditor, BDO, USA, LLP and Authorizing the City Manager to Execute the Financial Report. City Manager/Finance Director. Recommend adoption.
- F. **Resolution 18-075**, A Resolution of the City Council of Homer, Alaska, Approving a Lease Re-Assignment for the Transfer of the Salty Dawg/John Warren Lease from name of John Warren to Warren, LLC., and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.

Item C moved to New Business item A. Venuti.

APPROVED without discussion.

7. VISITORS

- A. BDO 2017 Audit Report (10 minutes)

Lia Patton, BDO Assurance Partner, reported BDO has substantially completed the audit of financial statements and federal awards for year ended December 31, 2017. They plan to issue unmodified opinions on the financial statements as well as compliance requirements that could have a direct and material effect on each federal major program. The City ended its fiscal year 2017 on the statement of net position with \$172 million in total assets, liabilities of approximately \$35 million, ended with \$136 million in total net position. She highlighted breakdown of these amounts as provided in the financial reports that are available to the public.

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

- A. Borough Report

Assembly member Kelly Cooper reported they started a school safety roundtable in June made up of a wide variety of participants with the goal of being proactive instead of reactive and improve student safety. At the assembly meeting last week they held a public hearing for the appropriation of \$2,428,000 for road service area capital projects, the southern peninsula will be receiving \$1.5 million of that for road work outside the city. They passed a resolution for an MOA between the Borough and municipalities to establish a multi-jurisdictional team to review and coordinate Hazard Mitigation Plans effecting the Borough; introduced an ordinance for the issuance and sale of general obligation bonds not to exceed \$5,450,000 for the Boroughs share of the construction of a new Kachemak Silo school if the ballot initiative passes; received grant funds to update Community Wildfire Protection Plans; and received community revenue sharing dollars and municipalities will be setting their own hearings. She reviewed hearing dates for outlying areas.

B. Commissions/Board Reports:

1. Library Advisory Board

Kate Finn, Library Advisory Boardmember, reviewed what's coming up at the library.

2. Homer Advisory Planning Commission

Councilmember Smith reported he attended the last Planning Commission meeting. They issued a CUP to Kachemak Medical Center and it was a lively debate.

3. Economic Development Advisory Commission

Councilmember Smith reported the Commission is continuing to work on wayfinding and also incorporating the sign ordinance into that.

4. Parks Art Recreation and Culture Advisory Commission

David Lewis PARCAC member, reported the Commission has had discussion on Ben Walters Park Improvements by Rotary and McDonalds, Mike Illg's budget request for personnel, Woodard Park Dedication upcoming in the spring, Sister City Art display, and sidewalk maintenance. Ingrid Harrald was elected as commission Chair, and they scheduled their fall park and beach walk through.

There was brief discussion about the Sister City Art display.

5. Port and Harbor Advisory Commission

9. PUBLIC HEARING(S)

- A. **Resolution 18-070(A)**, A Resolution of the City Council of Homer, Alaska, Adopting the 2019-2024 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2020. Mayor/City Council.

ADOPTED without discussion.

Council took a recess at 7:12 p.m. and the meeting reconvened at 7:22 p.m.

10. ORDINANCE(S)

- A. **Ordinance 18-42**, An Ordinance of the City Council of Homer, Alaska Amending the FY 2018 Operating and Capital Budgets to Provide for Necessary Mid-Year Adjustment by Appropriating and Transferring Funds from the General and Water Sewer Funds. City Manager/Finance Director. Recommended dates Introduction September 24, 2018, Public Hearing and Second Reading October 8, 2018.

INTRODUCED with discussion.

- B. **Ordinance 18-43**, An Ordinance of the City Council of Homer, Alaska Prohibiting Sellers from Providing Buyers with Single-Use Plastic Disposable Shopping Bags. Venuti. Recommended dates Introduction September 24, 2018, Public Hearing and Second Reading October 8, 2018.

Amended to include two public hearings.

INTRODUCED as amended with discussion.

11. CITY MANAGER'S REPORT

- A. City Manager's Report

City Manager Koester noted the ribbon cutting ceremony for Greatland Street, and the information from ACOE. She clarified there is no proposed development on city property for the comment period related to the ACOE letter in her report. It doesn't preclude the City of Homer from commenting on the draft EIS, expected in January 2019 and there will be a hearing in Homer. Updates are available at <https://pebbleprojecteis.com/>

Councilmember Lord appreciates the information included about cyber security.

12. CITY ATTORNEY REPORT

13. COMMITTEE REPORT

A. Americans with Disabilities Act Compliance Committee

Mayor Pro Tem Aderhold reported the committee discussed improving access to the grievance form online. They continued discussion on the transition plan and are making headway.

B. HERC Task Force

Mayor Pro Tem Aderhold noted there was a joint worksession with the task force at 4:00 that was very productive. Their progress to date is impressive and Council gave them some direction they had general consensus on related to public private partnerships and footprint.

14. PENDING BUSINESS

- A. **Ordinance 18-39**, An Ordinance of the City Council of Homer, Alaska, Amending HCC 21.18.040 to Reduce the Setback Requiring a Conditional Use Permit from Twenty Feet to Ten Feet in the Central Business District. Aderhold. Introduction and Refer to Planning Commission August 27, 2018, Public Hearing and Second Reading September 24, 2018. *(Recommend postpone to a date certain for continued Planning Commission consideration)*

POSTPONED to not later than January 14, 2019 without discussion.

15. NEW BUSINESS

- A. **Memorandum 18-105** from City Clerk Re: Liquor License Amendment for Fat Olives Restaurant.

APPROVED with discussion.

16. RESOLUTIONS

17. COMMENTS OF THE AUDIENCE

18. COMMENTS OF THE CITY ATTORNEY

19. COMMENTS OF THE CITY CLERK

City Clerk Jacobsen had no comment.

20. COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

21. COMMENTS OF THE MAYOR

Mayor Zak said everyone did a great job tonight, keep up the great work.

22. COMMENTS OF THE CITY COUNCIL

Councilmember Venuti thanked everyone for the discussion tonight, it was meaningful and she looks forward to doing more work on Ordinance 18-43.

Councilmember Smith commented he attended two memorial services on Saturday for Ed Stading and for Michael Wurtz. It was a moving ceremony honoring Ed's life, he appreciates the amount of people who showed up to pay respects. It's obvious he left a big hole in the community. He's grateful for Ed's service as a police officer and community member. He will be missed.

Councilmember Lord commented it's been a hard fall season, there's opportunity for giving as much love as we can to those around us. She acknowledge that through times like this there's comfort recognizing the sun comes up as people work through anger and grief, and keep putting another foot in front of the other. It's nice to hear the Mayor's voice and glad he could participate and she's excited about tomorrow afternoon at Greatland Street, she and her kids have enjoyed watching the progress. She commented about the Harbormaster's meetings held in Homer last week and commended the Harbormaster and his staff for a great conference and the amazing job they do out there. She said she will be requesting telephonic participation at the next meeting.

Councilmember Erickson thanked the everyone for their work on Greatland Street, they did a great job, she loves the bike lanes and sidewalks. She recognized the good feedback received during the Harbormasters Conference on Homer's Clean Harbor Certificaiton and work on derelict boats, it made her proud.

Councilmember Stroozas echoed the comments about Ed Stading. There was great discussion tonight, no matter what side you're on it was a lively discussion and we listened to each other. He's sorry he'll miss the ribbon cutting tomorrow, and he'll be absent for the next meeting.

Mayor Pro Tem Aderhold thanked everyone.

23. ADJOURNMENT

Next Regular Meeting is Monday, October 8, 2018 at 6:00 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.

Mayor Pro Tem Aderhold adjourned the meeting at 8:32 p.m.