

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.

### **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.

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

ERICKSON/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **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.

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

Beth Trowbridge, Executive Director of the Center for Alaskan Coastal Studies and Girl Scout Troop Leader, commented in support of Ordinance 18-43. She spoke about the negative impacts of the plastic bags on the beaches, in our ocean, and to marine life who can confuse them with food and eat them. Mrs. Trowbridge also commented about the Boomerang Bag program that Girl Scout Troops are involved with.

Debbie Tobin, Biology Professor at Kachemak Bay Campus, commented in support Ordinance 18-43. She shared her experience growing up when single use plastic bags weren't used. She shared information about impacts to the environment, movements around the world to

eliminate a variety of single use plastics, and impacts to marine life and human's endocrine systems.

Justin Arnold, nonresident, commented he filed the referendum to have the first bag ban repealed five years ago. He has moved outside city limits, but could easily move back and file a referendum to have it repealed again.

Jill Burnham, commented in support of Ordinance 18-43 because we need to protect our environment.

Zobeida Rudkin, college student and Coastal Studies intern, commented in support of Ordinance 18-43. She shared that she has grown up in coastal areas and commented on the negative impacts of plastics bags and other single use plastic to fish, shellfish, and the environmental system.

Henry Reisk, Marine Debris Coordinator with the Center for Alaskan Coastal Studies, commented plastic bags are in the top 10 items they find on the beach when doing the coastal walks and clean ups, and about the impacts to the ocean and marine life. He also commented in support of the Boomerang Bag project to help with transition away from plastic bags.

Rebecca Trowbridge, Girl Scout with Troop 226, commented about the negative impacts of plastic bags that pollute our land and water and impacts to marine life.

Colin Greely, nonresident from Boston and student in the KBC Semester by the Bay Program, commented we're all connected by water and have the same impacts from plastic bags. He shared about whale watch experience where whales were feeding and ingesting plastic bags. He supports eliminating the use of plastic bags and other single use plastics.

Lisa Schaffer, nonresident, commented about negative impacts of plastic bags on the environment and marine life.

Joe Sallee, city resident, comment the plastic bag ban was overturned in 2013, questioned why this is back, and suggested it go to the voters again to decide.

Kate Finn, city resident, commented in supported Ordinance 18-43. She listed 7 countries that have banned plastic bags, and commented on plastics impact's on the environment and marine life.

David Lewis, city resident, commented the grocery industry introduced the single use plastic bag in 1984 to save money and have higher profits. He noted other Alaskan communities that have recently banned plastic bags, and encouraged Homer to do the same.

Ron Keffer, city resident, commented about the importance of voting on issues, working through the process of seeing why people want bags banned and why others don't. It will take time. He shared a brief history of people's opposition to installation of sewer systems and the benefits once the systems were installed.

Sophia Peterson commented in support of the plastic bag ban and comments that others have made tonight. It's not meant to be inconvenient to have to bring your own grocery bags with you, it's just like bringing an umbrella with you when it's raining, or using sunblock with its sunny.

Payton Tobin said he's in favor of the plastic bag ban. People his age are the future and if continue to allow plastic bags in the ocean, there won't be anything for the next generation.

## **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 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.

City Clerk Jacobsen read the consent agenda.

Mayor Pro Tem Aderhold asked for a motion for the adoption of the consent agenda as read.

ERICKSON/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **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.

## **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

**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.

Mayor Pro Tem Adherhold 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 Resolution 18-070(A) by reading of title only.

ERICKSON/VENUTI SO MOVED

There was brief comments in appreciation of staffs work on the Capital Improvement Plan.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Pro Tem Aderhold called for a recess at 7:12 p.m. The meeting reconvened at 7:22 p.m.

### **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.

Mayor Pro Tem Aderhold asked for a motion for the introduction of Ordinance 18-42 by reading of title only.

ERICKSON/LORD SO MOVED

Councilmember Erickson asked for clarification on the transfer of \$32,000 from the sewer fund reserves for the septic pumping contract. City Manager Koester explained the city collects revenue throughout the year from Kachemak City to cover these costs. Kachemak City septic pumping is done every three years so it isn't an annual budget item, and it was not included as an expense in the 2018 budget.

Councilmember Stroozas commented on his proposed amendment for the development of LED Light Conversion Specifications and Work Plan and to determine the cost savings from converting six city facilities to LED lighting.

VOTE (introduction): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

VENUTI/LORD MOVED TO INTRODUCE ORDINANCE 18-43 BY READING OF TITLE ONLY

Councilmember Venuti commented in support of introducing the ordinance. It's been five years since the ban was overturned and she feels like people are more aware of the issues with single use plastic bags. She shared her concerns about the impacts of the plastic bags on our environment, how they impact the ocean and marine life, and how making this change now will help future generations.

Councilmembers Erickson expressed the bigger issue is people are irresponsible with their trash and that's the issue that needs to be addressed.

Councilmembers Smith and Stroozas acknowledged the public comments and would be more likely to support putting it to the voters at the next election than the ordinance as its written.

Councilmember Lord and Mayor Pro Tem Aderhold commented in support of introducing the ordinance to allow more opportunity for the public to weigh in on both sides of the issue and allow council more time to consider the idea and possible amendments.

Mayor Pro Tem Aderhold suggested a second public hearing as this is a complex issue that deserves additional discussion.

VENUTI/LORD MOVED TO AMEND TO SAY INTRODUCE ORDINANCE 18-43 AND SCHEDULE TWO PUBLIC HEARINGS

There were comments supporting additional that the public hearings as it will give more opportunity to hear from the public. There were also comments that more public hearings doesn't change the feeling that this needs to go to the voters so they can decide.

VOTE (amendment): YES: LORD, ADERHOLD, ERICKSON, SMITH, VENUTI  
NO: STROOZAS

There was no further discussion.

VOTE (main motion): YES: ADERHOLD, LORD, VENUTI, ERICKSON  
NO: STROOZAS, SMITH

Motion carried.

**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.

**CITY ATTORNEY REPORT**

**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.

**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)*

Mayor Pro Tem Aderhold commented the Planning Commission has not completed their review of Ordinance 18-39 and asked for a motion to postpone Ordinance 18-39 until no later than January 14, 2019 for public hearing and second reading.

ERICKSON/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **NEW BUSINESS**

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

Mayor Pro Tem Aderhold asked for a motion for the approval of the recommendation of Memorandum 18-105.

LORD/STROOZAS SO MOVED

Councilmember Venuti commented she's about the proposed patio and how it might affect parking at the restaurant.

Councilmember Stroozas reviewed the scale identified in the material and said it looks like they will be enclosing the area designated for outdoor seating without changing the parking.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **RESOLUTIONS**

### **COMMENTS OF THE AUDIENCE**

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

### **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**

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

## **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 Certification 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.

## **ADJOURN**

There being no further business to come before the Council Mayor Pro Tem Aderhold adjourned the meeting at 3:55 p.m. The 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.

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MELISSA JACOBSEN, MMC, CITY CLERK

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