

Session 18-26 a Regular Meeting of the Homer City Council was called to order on October 22, 2018 at 6:00 p.m. by Mayor Ken Castner 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

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
HARBORMASTER HAWKINS
LIBRARY DIRECTOR DIXON
PERSONNEL DIRECTOR BROWNING
FINANCE DIRECTOR WALTON
FIRE CHIEF KADEL

Council met for a worksession from 4:00 p.m. to 4:23 p.m. to discuss the Comprehensive Plan; and from 5:00 p.m. to 5:50 p.m. to discuss Employee Benefits Update, City Manager Annual Review and Contract Process, 2019 Budget, consent agenda and regular agenda items.

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 Resolution 18-077**, A Resolution of the City Council of Homer, Alaska Amending the Homer Fee Schedule under Library fees, Public Works Fees, Renaming Camping Fees to Camping and Parks Fees and Amending Camping and Parks Fees. City Clerk. Memorandum from Library Advisory Board as backup. **PUBLIC HEARING Ordinance 18-41**, An Ordinance of the City Council of Homer, Alaska, Amending HCC 21.61.040(b) to Codify the City Council's Role as the Local Regulatory Authority under AS 17.38 and Authorizing Council to Decide Whether to Protest Marijuana Establishment Applications filed with the State of Alaska for Sites Within the City of Homer. City Clerk. Memorandum from Planning Commission as backup. **Ordinance 18-43**, An Ordinance of the City Council of Homer, Alaska Prohibiting Sellers from Providing Buyers with Single-Use Disposable Shopping Bags. Venuti. Introduction September 24, 2018, Public Hearing October 8 and 22, 2018 and Second Reading October 22, 2018. **Ordinance 18-43(S)**, An Ordinance of the Homer City Council Prohibiting Sellers From Providing Buyers Single-Use Plastic Carry Out Bags. **City Council of Homer, Alaska, Submitting A Ballot Question To The Voters At The October 1, 2019 Regular Municipal Election Inquiring Whether To Amend City Code To Prohibit Sellers From Providing Buyers Single-Use Plastic Carry Out Bags.** Initiative and petition process information requested by Councilmember Smith. **RESOLUTIONS Resolution 18-083**,

A Resolution of the City Council of Homer, Alaska, Amending the Homer City Council Operating Manual under City Council Agenda and Meeting Conduct Guidelines to Delete Item 3, Mayoral Recognitions and Proclamations and Item 12. City Attorney Report, and Amend Item 8. Announcements/Presentations/Borough Reports Commission Reports to Include Committee Reports; and Updating Conflict of Interest and Code of Ethics Sections. Mayor. Attachment from City Clerk outlining amendments with strikeouts and bold underline. **Resolution 18-085**, A Resolution of the City Council of Homer, Alaska, Amending City of Homer Personnel Regulations, Chapter 3, Section 3.13 Part-Time Appointments, Section 3.14.1 Employment Of Relatives, Chapter 5, Section 5.1.2 Schedule Revisions, Chapter 6, Section 6.1.1 Part-Time Employees, Section 6.2 Leave With Pay, Section 6.8.1 Part-Time, Section 6.91 Part-Time, Section 6.10.1 Part-Time, Section 6.11.1 Part-Time, Chapter 7, Section 7.2.1 Probationary Period, Chapter 8, Section 8.8.3 Step 3, Section 8.8.4 Step 4, Section 8.9.3 Political Activity. City Manager/Personnel Director. Written public comment.

Mayor Castner asked for a motion to approve the agenda as amended.

ERICKSON/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Ron Keffer, city resident, asked Council not to remove mayoral proclamations and recognitions from the City Council's agenda as proposed in Resolution 18-083. Proclamations create a sense of community with our government, draw people into the meetings, and allow an opportunity to become more familiar and at ease with City government. Removing this from the agenda in an effort to avoid controversy is in itself undemocratic, as tough conversations are necessary.

Roberta Highland, city resident, concurred with Mr. Keffer's comments. She agrees that mayoral proclamations and recognitions are very important, and there may be times the person filling during the Mayor's absence wants to continue the opportunity.

Wes Humbyrd, commented in support of the Disaster Declaration for the salmon fishery in Upper Cook Inlet. Cook Inlet has the second largest natural sockeye run and the largest mixed stock fishery in the United States. This year's season was a disaster and the fishermen and women really need the help.

Teresa Sundmark, nonresident and city employee at the Homer Public Library, commented in support of Resolution 18-085 and the proposed changes to the Personnel Regulations. She provided a letter for the packet and shared her history working as a part time employee and impacts of the current regulations.

Larry Slone, city resident, commented in support of eliminating mayoral proclamations. They have been used recently to divide the community rather than bring it together and they should be used for the betterment of the community as a whole.

Kate Finn, city resident, commented in support of keeping mayoral proclamations and recognitions on the Council's agenda. They bring awareness to the community beyond the financial piece of what we do here. It's important for the community to hear about the positive things going on in the community.

Hal Spence, city resident, commented in support of keeping mayoral proclamations and recognitions on the Council's agenda. He sees proclamations as a way to incorporate various parts of our community in the process and be inclusive. He recommends leaving it on the agenda as the Mayor can choose not to do them, but others in the future might want to.

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 October 8, 2018. City Clerk. Recommend adoption.
- B. **Memorandum 18-110** from Mayor Re: Re-appointment of Robert Archibald to the Parks, Art, Recreation & Culture Advisory Commission. Recommend Approval.
- C. **Memorandum 18-111** from City Clerk Re: Liquor License renewals for Grog Shop, Rum Locker, Homer Liquor & Wine Co., Patel's, and Patel's #2. Recommend approval.
- D. **Memorandum 18-112** from City Clerk Re: New Marijuana Cultivation License for 420 on Main Street. Recommend approval.

Moved to New Business B. smith

- E. **Ordinance 18-45**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Project Drive Grant in the Amount of \$27,633 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Recommended dates Introduction October 22, 2018, Public Hearing and Second Reading November 26, 2018.

Memorandum 18-120 from Police Chief as backup

- F. **Ordinance 18-46**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an FY 2018 State Homeland Security Grant for Upgrading the City's Radio Communication System and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates Introduction October 22, 2018, Public Hearing and Second Reading November 26, 2018.

Memorandum 18-122 from Police Chief as backup

- G. **Ordinance 18-47**, An Ordinance of the City Council of Homer, Alaska, Adopting the 2018 Homer Comprehensive Plan and Recommending Adoption by the Kenai Peninsula Borough. City Manager. Recommended dates Introduction October 22, 2018, Public Hearing and Second Reading November 26, 2018.

Memorandum 18-115 from City Planner as backup

- H. **Resolution 18-077**, A Resolution of the City Council of Homer, Alaska Amending the Homer Fee Schedule under Library fees, Public Works Fees, Renaming Camping Fees to Camping and Parks Fees and Amending Camping and Parks Fees. City Clerk. (Follows Budget Ordinance)

- I. **Resolution 18-078**, A Resolution of the City Council of Homer, Alaska Maintaining the Port of Homer Tariff No. 1 at the Current Rates. Tariff. City Clerk. (Follows Budget Ordinance)

- J. **Resolution 18-081**, A Resolution of the City Council of Homer, Alaska, Awarding the Art Work Contract for the Fire Hall Improvements Project to Jeffery H. Dean, of Creative Fires Studio, Inc., of Homer, Alaska, in the Amount of \$6,976.80 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend Adoption.

Memorandum 18-119 from Deputy City Clerk as backup

- K. **Resolution 18-084**, A Resolution of the City Council of Homer, Alaska, Awarding a New Five Year Short Term Lease to Alaska Scrap & Recycling, LLC., on a Portion of Lot 12, Homer Spit Subdivision No. 5, in the Amount of 1 Acre (43,560 sq. ft.) at an Annual Rate \$37,897.20 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 18-121 from Port and Harbor Advisory Commission as backup

Moved to Resolutions item H. Lord.

Item D. moved to New Business item B. Smith

Item K. moved to Resolutions item H. Lord

City Clerk Jacobsen read the consent agenda.

Mayor Castner asked for a motion to approve the recommendations of the consent agenda as read.

ERICKSON/VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS (5 minute limit per report)

- A. Borough Report

Borough Assembly member Kelly Cooper reported that following the election the Borough will be working on plan B for the Kachemak Silo School. The Borough received a State Department of Military and Veteran Affairs, Division of Homeland Security and Emergency Management to

develop a Mass Care Services Plan that will complement the existing Emergency Management Plan. An ordinance will be introduced by the Land Department authorizing a subservice oil and gas lease to Hilcorp for five parcels in the Anchor Point area and there is community concern as those parcels are down by the beach, but its horizontal drilling and it won't be happening on those spots. A Road Service Area Director has been hired, which will be helpful for people, especially in the winter. They received word that the Court ruled against the Borough on the invocation lawsuit, they didn't meet the requirements for the separation so the Assembly will be deciding if they want to appeal that.

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission

Roberta Highland, Planning Commissioner, reported at their last meeting the Commission approved a CUP and a preliminary plat. They held a public hearing to reduce the setback from 20 feet to 10 feet in the central business district and one person spoke against it. The Commission reviewed current status of the rights-of-way in the CBD and they feel the various configurations of the roads deserve more detailed study before changing the setback. At this time they want to do an update on the Transportation Plan and that could provide enough information and detail to evaluate the merits of this setback. They are also working on Green Infrastructure which is an approach to managing wet weather impacts that provide many community benefits. It has a lot to do with storm water plans and making them work with more natural systems.

3. Economic Development Advisory Commission
4. Parks Art Recreation and Culture Advisory Commission

Jon Sharp, Parks Art Recreation and Culture Advisory Commissioner, said the Commission hasn't met since the September 20th meeting and he was available to answer questions. He thanked Council for the re-appointment of Robert Archibald.

There were no questions from Council.

5. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

- A. **Ordinance 18-41**, An Ordinance of the City Council of Homer, Alaska, Amending HCC 21.61.040(b) to Codify the City Council's Role as the Local Regulatory Authority under AS 17.38 and Authorizing Council to Decide Whether to Protest Marijuana

Establishment Applications filed with the State of Alaska for Sites Within the City of Homer. City Clerk. Introduction and Refer to Planning Commission September 10, 2018, Public Hearing and Second Reading, October 22, 2018.

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

ADERHOLD/ERICKSON ASKED FOR A MOTION FOR THE ADOPTION OF ORDINANCE 18-41 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: YES: VENUTI, SMITH, ADERHOLD, LORD, STROOZAS, ERICKSON

Motion carried.

- B. **Ordinance 18-43**, An Ordinance of the City Council of Homer, Alaska Prohibiting Sellers from Providing Buyers with Single-Use Disposable Shopping Bags. Venuti. Introduction September 24, 2018, Public Hearing October 8 and 22, 2018 and Second Reading October 22, 2018.

Ordinance 18-43(S), An Ordinance of the ~~Homer City Council Prohibiting Sellers From Providing Buyers Single Use Plastic Carry Out Bags.~~ **City Council of Homer, Alaska, Submitting A Ballot Question To The Voters At The October 1, 2019 Regular Municipal Election Inquiring Whether To Amend City Code To Prohibit Sellers From Providing Buyers Single-Use Plastic Carry Out Bags.** Venuti.

Mayor Castner opened the public hearing.

Roberta Highland commented on behalf of the Kachemak Bay Conservation Society, in support of Ordinance 18-43 and 18-43(S). She commented regarding the importance of stewardship of the planet and shared regarding some of the negative impacts of plastic on fish. The problem is human caused and each of us can do our part.

Henry Reiske, nonresident, cited statistics of the increased use of plastic bags since they were introduced to the US in 1979 to reduce costs, before we became aware of negative impacts of plastics. We need to take this opportunity to be proactive and carry our community forward and work toward improvement. He encouraged Council to support the original ordinance and not put it off to a vote.

Kate Finn, city resident, echoed other comments that have been shared. She sees limitations of waiting for it to be on the ballot and urged Council to adopt Ordinance 18-43 tonight. She

noted the information she provided at the last meeting and the Save our Seas Act that was recently approved by the President.

Savannah Brinker, city resident, said she loves idea of council approving the original ordinance tonight and deciding it for us. If it goes to a vote, she hopes the community will come and support the decision together.

Jon Sharp, city resident, appreciates the comments people have shared. He thinks it's logical for this to happen and plastic bags not be allowed. He commented about the plastics found in the sand in Hawaii and that it can happen on our beaches as well. Those in the room now may not see it but future generations will.

Cassie Lawver commented it's not the Council's responsibility to educate us and something this controversial should go to the voters.

Roberta Copeland-McKinney, city resident, was glad when this passed the first time and supports the Council making the decision to pass the ordinance tonight. She shared information about negative impacts to the environment and to humans. Vote or no vote, let's do it.

Deb Lowney, city resident, commented we know the facts and convenience of plastic bags and it's important to remember as elected officials that it's not just a duty to vote as constituents tell them but also their responsibility to do their due diligence and research issues thoroughly. She encouraged them to think about the consequences and make the decision tonight.

Brenda Dolma, city resident, encouraged the Council to take action now and pass the ordinance tonight. She shared experiences seeing plastic bags and it's disheartening. She's traveled to places where they banned bags, including just up the road. She talked about the importance of fishing, tourism, and quality of life, and the need to protect the environment.

Connor Schmidt, city resident, commented in support of banning plastic bags and asked Council to consider the future generations. He cited statistics from a 2015 UN report on the 2025 planet population and commented on impacts to the environment.

RJ Nelson commented in support of banning plastic bags and shared information about plastics and trash along the beach lines, and impacts to marine life.

Joe Sallee, city resident, noted comments shared tonight and questioned why he hasn't seen anyone in front of Safeway trying to say, hey, these are bad for you. He's not seeing the education out there.

VENUTI/LORD MOVED TO ADOPT ORDINANCE 18-43 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

VENUTI/ADERHOLD MOVED TO SUBSTITUTE ORDINANCE 18-43(S) FOR 18-43.

Councilmember Venuti commented after having more information regarding different types of bags she is no longer in support of Ordinance 18-43(S). She commented in support of Council taking action on Ordinance 18-43.

Councilmembers Erickson, Lord, and Aderhold were supportive of the substitute ordinance and the idea of putting the question to the voters. It addresses the concern that the voters voted to keep plastic bags. Bringing it forward at the next election also gives community members an opportunity to consider the issue further and make an educated decision.

Councilmember Smith concurred with the notion of having it on the ballot and noted his preference that it come forward through a voter initiative.

Councilmember Stroozas agreed it should be addressed through a voter initiative.

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

Motion carried.

There was no further discussion.

VOTE (adoption of Ord 18-43(S)): YES: ADERHOLD, LORD, VENUTI, ERICKSON
NO: STROOZAS, SMITH

Motion carried.

Mayor Castner called for a recess at 7:21 p.m. and the meeting resumed at 7:32 p.m.

ORDINANCE(S)

- A. **Ordinance 18-44**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds for the Calendar Year 2019 for the General Fund, the Water Fund, the Sewer Fund, the Port/Harbor Fund, Capital Projects, and Internal Service Funds. City Manager. Recommended dates Introduction October 22, 2018, Public Hearing November 26 and December 10, 2018 and Second Reading December 10, 2018.

Memorandum 18-114 from Mayor Re: Budget Review Process

ADERHOLD/VENUTI MOVED TO INTRODUCE ORDINANCE 18-44 BY READING OF TITLE ONLY.

There was discussion on the budget review process, taking into consideration the review schedule proposed by Mayor Castner. They addressed budget surplus information with City Manager Koester and how the city spends its reserves versus how it spends from the fund balance, and also transfers from fund balance.

VOTE: YES: ERICKSON, VENUTI, LORD, STROOZAS, ADERHOLD, SMITH

Motion carried.

- B. **Emergency Ordinance 18-48** An Ordinance of the City Council of Homer, Alaska, Appropriating \$22,000 to Fund Emergency Seawall Repairs and Authorizing a Sole Source Contract with East Road Services to Perform the Repairs. City Manager/Public Works Director.

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ADERHOLD/VENUTI MOVED TO ADOPT EMERGENCY ORDINANCE 18-48 BY READING OF TITLE ONLY.

In response to questions from Council, City Manager Koester explained this the first time we've spent money on the seawall this year. Earlier this year Council addressed the issue of the City Manager's authority to spend budgeted money for emergency repairs. \$28,000 was budgeted for repairs, based on the five year average of expenditures, but it wasn't enough this time.

VOTE: YES: STROOZAS, ERICKSON, SMITH, LORD, VENUTI, ADERHOLD

Motion carried.

CITY MANAGER'S REPORT

- A. City Manager's Report

There were brief comments in appreciation of the lists of city vehicles that was provided in the Manager's report, and that it emphasizes the need to establish a vehicle replacement schedule and process.

There was also brief comment about the Neighborhood Watch Grant information. City Manager Koester commented the Police Department will work with neighborhood groups to help them get started.

CITY ATTORNEY REPORT

COMMITTEE REPORT

- A. Americans with Disabilities Act Compliance Committee
- B. HERC Task Force

PENDING BUSINESS

- A. **Memorandum 18-108** from Councilmember Erickson Re: Council Approval of a Letter to the State of Alaska Requesting Disaster Declaration for Salmon Fishery in Upper Cook Inlet.

ERICKSON/VENUTI MOVED TO APPROVE THE RECOMMENDATION TO SEND THE LETTER REQUESTING DISASTER DECLARATION FOR THE SALMON FISHERY IN UPPER COOK INLET.

There was brief discussion confirming the Mayor will sign on behalf of the Council.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- A. **Memorandum 18-113**, from City Clerk Re: Selection/Appointment of Mayor Pro Tempore 2018/2019.

Mayor Castner opened the floor to nominations for Mayor Pro Tempore.

Councilmember Stroozas nominated Councilmember Smith.

Councilmember Venuti nominated Councilmember Aderhold.

Council voted by secret ballot and the result was three votes for Smith and three votes for Aderhold.

When asked how to proceed, City Clerk Jacobsen suggested following the same process for an election tie and flipping a coin.

Mayor Castner confirmed that no Councilmember wanted the opportunity to vote again and no Councilmember objected to deciding by a coin flip. City Clerk Jacobsen flipped the coin and Councilmember Smith was named Mayor Pro Tempore for 2018/2019.

ADERHOLD/VENUTI MOVED TO AMEND 18-113 TO INCLUDE HEATH SMITH AS MAYOR PRO TEMPORE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. **Memorandum 18-112** from City Clerk Re: New Marijuana Cultivation License for 420 on Main Street.

ADERHOLD/LORD MOVED TO ADOPT MEMORANDUM 18-112 BY READING OF TITLE.

There was discussion regarding the timeline for Council to comment on the license. City Clerk Jacobsen said she would have to look back in the record to confirm but she believed the 60 day deadline is before the next meeting.ⁱ

Councilmember Smith commented in opposition to approving the license because he doesn't believe there was proper notice to the land owners, there will be negative impacts from the smell, and while retail sales is different, this is a cultivation facility and he struggles with it.

Councilmember Aderhold appreciates that consideration, but in accordance with city code it is allowed and she doesn't think it's appropriate to go against code.

Councilmember Stroozas, Lord, and Erickson concurred that it's allowed in code. Councilmember Erickson suggested they may want to have the Planning Commission consider this again.

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

Motion carried.

RESOLUTIONS

- A. **Resolution 18-079**, A Resolution of the City Council of Homer, Alaska, Designating Signatories of City Accounts and Superseding any Previous Resolutions so Designating City Manager.

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 18-079 BY READING OF TITLE ONLY.

ADERHOLD/LORD MOVED TO AMEND THE RESOLUTION TO ADD COUNCILMEMBER SMITH AS MAYOR PRO TEMPORE.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no discussion on the main motion as amended.

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

Motion carried.

- B. **Resolution 18-080**, A Resolution of the City Council of Homer, Alaska, Approving a Memorandum of Agreement between the City of Homer and the Kenai Peninsula Borough Regarding a Regional Application to Assistance to Firefighters Grant Program and Authorizing the City Manager to Execute the Appropriate Documents. City Manager.

Mayor Castner asked for a motion for the adoption of Resolution 18-080 by reading of title only.

ERICKSON/LORD SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- C. **Resolution 18-082**, A Resolution of the City Council of Homer, Alaska, Amending the Homer City Council Operating Manual to Clarify the Duties and Obligations of the Mayor Pro Tempore. Aderhold.

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 18-082 BY READING OF TITLE ONLY.

Mayor Castner ruled the motion to be out of order in that it violates City Council bylaws and state law which is very clear on the duties of the Mayor Pro Tem. Title 29 states the Mayor Pro Tem is to be the presiding officer in the absence of the Mayor. He cited an excerpt from the bylaws and noted there is no authority for the Mayor to write proclamations, and the Mayor Pro Tem's authority is directly related to the Mayor's in state law and city code. This creates an impossible situation giving the Mayor Pro Tem power that he, as the Mayor, doesn't have. Secondly, there's only one Mayor in this town and the Council has no authority under state law to create a second Mayor. The concept that there is a second person created that has all the rights and responsibilities that he has as an elected official is a fraudulent notion. He referenced a chart he prepared that outlines the Mayor's responsibilities, noting the Mayor Pro Tem has the same responsibilities referenced in state and city code, and that the responsibilities under policy, are those which the Mayor Pro Tem may not do.

There were comments that this would have been better addressed directly with the sponsor or discussed during Committee of the Whole as a body.

Councilmember Aderhold explained her intent on clarifying the role of the Mayor Pro Tem when they are running a meeting.

ADERHOLD/LORD MOVED TO APPEAL THE MAYOR'S RULING

City Clerk Jacobsen commented there are levels of authority, which includes the Council's Operating Manual, explained it is adopted by a resolution of the Council, and referenced the areas that apply to the Mayor Pro Tem.

Mayor Castner reiterated that the Mayor Pro Tem cannot assume the powers of his office, but the law is clear the Mayor Pro Tem is supposed to be a presiding officer so the business can go on. It's one thing for the Mayor Pro Tem to act instead of the Mayor, where the actions are consistent with what the Mayor would do. He said he doesn't want to go on vacation and wonder what's going on back in Homer because the Mayor Pro Tem has decided to whatever they thought they could do in his name.

Councilmember Lord commented she's disappointed to hear that perspective toward council. The relationship between Council and the Mayor has long been a more generously spirited one. In this year there have been an unusual number of meetings run by the Mayor Pro Tem and she appreciates that. It isn't clear if this is just targeting proclamations and recognitions, but sounds like more of a higher level procedure, and in that instance if they are disregarding operational standard manuals that aren't codified, that's bigger discussion that she would need more time to wrap her head around. The Council Operating Manual is policy that's been set, voted on by Council, and that they operate under. She understands this resolution as a clarification and thinks it's important, particularly in a situation like they've had this year. She doesn't see this as anything but helpful and never interpreted it as a subversion of power.

Councilmember Smith commented that as Mayor Pro Tem he has no plans to usurp any power, and questioned the Mayor as his specific concern regarding the language proposed in the resolution. Councilmember Smith commented that should something happen to the Mayor, someone has to take his place and be able to conduct business with the power of the Mayor. There are some inherent safeguards to help the City continue to function should the Mayor's absence be extended or permanent. He doesn't take issue with what's proposed.

Mayor Castner clarified his concern is that someone wrote at one time that the Mayor Pro Tem has all the rights and responsibilities as if they'd been sworn in and were Mayor at the same time, which to him is a second Mayor, and code says the Mayor is elected by the people. He campaigned on two items and it upsets him to know that there is a resolution to undo one of those things.

Councilmember Aderhold clarified this resolution was written before the election and was not written with any particular Mayor in mind. She cited what is currently in the operating manual state that “the Mayor Pro Tem shall, in the absence of the Mayor, act as the Mayor of the City of Homer as though they themselves had taken the oath of office of Mayor with all the duties responsibilities and powers of the office of the Mayor of the City of Homer.” It’s already the standard, she is simply trying to clarify for the functioning of meeting, who is in control if the Mayor is not going to be running the meeting.

There were further comments with the Mayor reiterating his concerns, and Councilmembers reiterating their perspective on the role of the Mayor Pro Tem and the ability of that position to serve in the absence of the Mayor.

It was clarified that a yes vote supports the appeal and a no vote supports the Mayor’s ruling.

VOTE (appeal): YES: VENUTI, SMITH, ADERHOLD, LORD, STROOZAS, ERICKSON

Motion carried.

There was no further discussion on the main motion to adopt Resolution 18-082.

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

Motion carried.

- D. **Resolution 18-083**, A Resolution of the City Council of Homer, Alaska, Amending the Homer City Council Operating Manual under City Council Agenda and Meeting Conduct Guidelines to Delete Item 3, Mayoral Recognitions and Proclamations and Item 12. City Attorney Report, and Amend Item 8. Announcements/Presentations/Borough Reports Commission Reports to Include Committee Reports; and Updating Conflict of Interest and Code of Ethics Sections. Mayor.

ERICKSON/SMITH MOVED FOR THE ADOPTION OF RESOLUTION 18-038 BY READING OF TITLE ONLY

ADERHOLD/LORD MOVED TO AMEND AND STRIKE “3. MAYORAL RECOGNITION AND MAYORAL PROCLAMATIONS AND”, ON LINES 9 AND 19, STRIKE LINES 17-23, AND “3. MAYORAL RECOGNITION AND MAYORAL PROCLAMATIONS AND” LINE 38.

Councilmember Aderhold commented she recognizes that Mayor Castner has decided not to bring forward recognitions and proclamations, but future Mayor’s or the Mayor Pro Tem may want to do so. She feels they should stay on the agenda even if they are not done during the present Mayor’s term.

Councilmember Venuti expressed her disappointment regarding the Mayor's stand on issuing proclamations and she talked about the importance of recognizing people in our community.

Councilmember Lord said she will support the amendment because the other pieces in the resolution are good and should move forward. She understands not to expect proclamations or recognitions during Mayor Castner's term, but doesn't believe that should predicate what the Council's operating manual says.

Councilmember Smith explained he will be in favor of the amendment because of the other components in the resolution.

VOTE (amendment): YES: ERICKSON, VENUTI, LORD, STROOZAS, ADERHOLD, SMITH

Motion carried.

ADERHOLD/LORD MOVED TO AMEND LINE 41 TO ADD THE PHRASE TO INCORPORATE LANGUAGE FROM ORDINANCE 18-14(A) TO THE END OF THE SENTENCE.

There was brief comment that this clarifies how the sections will be edited.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- E. **Resolution 18-085**, A Resolution of the City Council of Homer, Alaska, Amending City of Homer Personnel Regulations, Chapter 3, Section 3.13 Part-Time Appointments, Section 3.14.1 Employment Of Relatives, Chapter 5, Section 5.1.2 Schedule Revisions, Chapter 6, Section 6.1.1 Part-Time Employees, Section 6.2 Leave With Pay, Section 6.8.1 Part-Time, Section 6.9.1 Part-Time, Section 6.10.1 Part-Time, Section 6.11.1 Part-Time, Chapter 7, Section 7.2.1 Probationary Period, Chapter 8, Section 8.8.3 Step 3, Section 8.8.4 Step 4, Section 8.9.3 Political Activity. City Manager/Personnel Director.

Memorandum 18-116 from Personnel Director as backup

Memorandum 18-117 from Employee Committee as backup

Mayor Castner asked for a motion for the adoption of Resolution 18-085 by reading of title only.

ERICKSON/VENUTI SO MOVED

There was brief discussion that this relates to the permanent part time employees.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- F. **Resolution 18-086**, A Resolution of the City Council of Homer, Alaska, Authorizing the City to Apply for an Alaska Clean Water Actions 2019-2020 Grant Phase One of a Storm Water Master Plan in an Amount up to \$60,000 and Expressing its Commitment to Provide a Local 40% Match of Grant Funds. City Manager.

LORD/VENUTI MOVED FOR THE ADOPTION OF RESOLUTION 18-086 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- G. **Resolution 18-087**, A Resolution of the City Council of Homer, Alaska, Approving a New One-Year Contract with Premera Blue Cross, VSP, and Prudential. City Manager.

Memorandum 18-117 from Employee Committee as backup

Mayor Castner asked for a motion for the adoption of 18-087 by reading of title only.

ERICKSON/ VENUTI SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- H. **Resolution 18-084**, A Resolution of the City Council of Homer, Alaska, Awarding a New Five Year Short Term Lease to Alaska Scrap & Recycling, LLC., on a Portion of Lot 12, Homer Spit Subdivision No. 5, in the Amount of 1 Acre (43,560 sq. ft.) at an Annual Rate \$37,897.20 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 18-121 from Port and Harbor Advisory Commission as backup

Mayor Castner asked for a motion for the adoption of 18-084 by reading of title only.

ERICKSON/LORD SO MOVED

Councilmember Lord commented she pulled this and got clarification from the City Manager regarding requirement for short term versus long term leases.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

Ron Keffer, city resident, shared that in Latin, Mayor Pro Tempore means Mayor for a while. Tonight's discussion came as a surprise because he's accustomed to watching this group work in an atmosphere of professional collaboration and a great deal of politeness, even when there was some serious disagreement. Tonight an issue was wrangled out of the air, he heard about "my rights and responsibilities" "sticks in my craw" "my powers" "my ability to operate" and with all those "my-s" it became a personal thing. It creates an adversarial spirit and makes him wonder what thinking's were going on behind the scenes. That spirit has got to go away because that can't happen at the table. He also disagrees that it's a valid view of the law or operating manual of the council. He's disappointed at what he saw happen this evening, he was tickled that the councilmembers represented their positions appropriately, firmly, and did the right kinds of things.

Larry Slone, city resident, commented he sees this as an attempt to reset the way this body conducts business according to the law as opposed to how it's drifted off from the main line based on local traditions and interest. He thinks the law is clear and they should get back to that. He also commented that believes they handled the appeal incorrectly in accordance with Robert's Rules of Order.

Jackie McDonough, city resident, thanked everyone for their time and consideration tonight. She thanked them for passing Resolution 18-085 regarding the part time employee benefits.

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen confirmed Council scheduled a Special Meeting November 1st at 4:00 p.m. and share the hours for Absentee in Person voting at city hall.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

COMMENTS OF THE MAYOR

Mayor Castner had no comment.

COMMENTS OF THE CITY COUNCIL

Councilmember Stroozas commented it was an interesting meeting and. In the end it was a good meeting and accomplished some meaningful things.

Councilmember Aderhold thanked the audience for staying with them tonight and said she will be telephonic for the next meeting on November 26th.

Councilmember Erickson thanked President Trump and Senator Sullivan for the Save our Seas Act to aid in ocean clean up. She commented its dark and rainy out and encouraged bicyclists to have reflective items and clothing so motorists can see them on the road.

Councilmember Lord reminded people to vote. Regarding proclamations, she doesn't have the impression there was picking and choosing so much as maybe how open the floodgates were given who was sitting in the Mayor's seat. She commented Halloween is next week, reminded people to be safe, and thanked the Mt. View residents for being available to the kids and Story Real Estate for collecting candy for those residents to hand out.

Councilmember Smith commented one thing is clear that there will be some growing pains, but he looks forward to working with Mayor Castner. He brought some bags of groceries that he didn't get to use, but wanted to illustrate how much the things we buy include plastics.

Councilmember Venuti thanked everyone who comes to the meetings and who speaks at the meetings. She thanked KBBi for their support and those who listen in on the meetings. She encourage people vote.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 9:30 p.m. The next Regular Meeting is Monday, November 26, 2018 at 6:00 p.m., Worksession at 4:00 p.m. Committee of the Whole at 5:00 p.m. and a Special Meeting November 1, 2018 at 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.

MELISSA JACOBSEN, MMC, CITY CLERK

Approved: _____

ⁱ Clerk's note: It was confirmed after the meeting the 60 day review period expires December 6, 2018.