

## **ACTION AGENDA**

Monday, April 13, 2015  
Committee of the Whole  
Regular Meeting

### **COMMITTEE OF THE WHOLE AGENDA**

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

Mayor Wythe called the meeting to order at 5:00 p.m.

Councilmember Zak has requested telephonic participation.

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

The agenda was approved by consensus of the Council.

#### **3. Ordinance 15-07(A)**, An Ordinance of the Homer City Council Adopting Chapter 2.78 Entitled "Cannabis Advisory Commission," Establishing a Cannabis Advisory Commission to Advise the City Council on the Governance of Cannabis Use Within the City of Homer, Alaska, and Serve as the City of Homer's Local Regulatory Authority on Cannabis. Burgess. Introduction March 23, 2015, Public Hearing and Second Reading April 13, 2015.

Memorandum 15-043 from City Attorney Wells as backup.

#### **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.**

Mayor Wythe adjourned the meeting at 5:40 p.m.

## REGULAR MEETING AGENDA

Session 15-16 a Regular Meeting of the Homer City Council was called to order on April 13, 2015 at 6:00 p.m. by Mayor Mary E. Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

**PRESENT:** COUNCILMEMBERS: BURGESS, LEWIS, REYNOLDS, ROBERTS, VAN DYKE, ZAK (telephonic)

STAFF: CITY MANAGER KOESTER  
CITY CLERK JOHNSON  
CITY ATTORNEY KLINKNER  
CITY PLANNER ABBOUD  
DEPUTY HARBORMASTER CLARKE  
LIBRARY DIRECTOR DIXON

Councilmember Zak has requested telephonic participation.

Councilmember Zak was allowed to participate by telephone.

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: **VISITORS** - Overview of Homer Shares the Road by Kim McNett; **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS** - Letter to Senator Stevens and Representative Seaton, Re: Support of Robert Ruffner for Appointment to the Board of Fisheries; **CITY MANAGER'S REPORT** - Written public comments on land purchase of lots held by the Mental Health Lands Trust; **NEW BUSINESS - Memorandum 15-050**, from City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310 (A-C)(1 & 5) Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney/Client Privilege (Castner v. City of Homer, Extension of Time for Condominium Owners to Appeal Their Assessments Until After Supreme Court Decision). Written public comments on condominium assessments.

New Business Item A was amended to be heard before Resolutions Item A (as amended in the consent agenda).

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

**3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

There were three who commented.

**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 Special meeting minutes of March 16, 17, and 24, 2015 and Regular meeting minutes of March 23, 2015. City Clerk. Recommend adoption.
- B. **Ordinance 15-08**, An Ordinance of the Homer City Council Amending Subsection (C) of Homer City Code 21.50.020, Site Development Standards – Level One, and Subsection (A) of Homer City Code 21.50.030, Site Development Standards – Level Two, to Require Revegetation of Exposed, Cleared, Filled and Disturbed Soils Within 9 Months. Planning. Recommended dates: Introduction April 13, 2015, Public Hearing and Second Reading April 27, 2015.

Memorandum 15-048 from City Planner as backup.

Moved to Ordinances.

- C. **Ordinance 15-09**, An Ordinance of the City Council of Homer, Alaska, Amending Subsection (d) of Homer City Code Section 21.58.020, Installation Requirements, to Delete the One-Acre Minimum Lot Area for Small Wind Energy Systems. Zak. Recommended dates: Introduction April 13, 2015, Public Hearing and Second Reading April 27, 2015.

Moved to Ordinances.

- D. **Ordinance 15-10**, An Ordinance of the Homer City Council Amending the FY 2015 Operating Budget by Appropriating \$30,000 from the Homer Accelerated Roads and Trail Program (HART) Fund to Repair Fireweed Avenue and Cottonwood Lane and Matching an Amount That the Property Owners Fund for Repairs to the Roads. City Manager/Public Works Director. Recommended dates: Introduction April 13, 2015, Public Hearing and Second Reading April 27, 2015.

Memorandum 15-028 from Public Works Director as backup.

- E. **Resolution 15-022**, A Resolution of the Homer City Council Approving the City Manager Contract With Mary K. Koester and Authorizing the Mayor to Execute the Appropriate Documents. Mayor/City Council. Recommend adoption.
- F. **Resolution 15-023**, A Resolution of the Homer City Council Designating Signatories of City Accounts and Superseding Any Previous Resolution So Designating. City Manager. Recommend adoption.
- G. **Resolution 15-024**, A Resolution of the Homer City Council Awarding the Contract for the Production of a Marine Trades Promotional Video to the Firm of Brinster & Company of Homer, Alaska, or Dickerson Stills & Motion of Homer, Alaska, in an Amount Not to Exceed \$9,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port and Harbor Director. Recommend adoption.

Memorandum 15-049 from Port and Harbor Administrative Secretary as backup.

Moved to Resolutions.

Items B and C, Ordinances 15-08 and 15-09 were moved to Ordinances, Items A and B. Reynolds.

Item G, Resolution 15-024 was moved to Resolutions, Item A. Reynolds.

H. Oath of Office - City Manager Mary K. Koester

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

City Clerk Johnson administered the Oath of Office to City Manager Mary K. Koester.

## **6. VISITORS**

A. Homer Shares the Road, Kim McNett

Kim McNett, Homer Cycling Club, and Adele Person provided an overview of Homer Shares the Road campaign.

B. Homer Early Childhood Coalition, (formerly Best Beginnings Homer), Red Asselin, Megan Murphy, and Rachel Romberg

Red Asselin, Megan Murphy, and Rachel Romberg provided information on the Homer Early Childhood Coalition and the services offered.

- B. Kenai Peninsula Climate Summit, Stacey Buckelew, Coastal Training Program Coordinator

Stacey Buckelew, Coastal Training Program Coordinator for Kachemak Bay Research Reserve, provided an overview of the Climate Summit.

## **7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

- A. Mayor's Proclamation, National Library Week - April 12-18, 2015

Councilmember Reynolds read and presented the proclamation to Library Director Ann Dixon and Board Member Amy Alderfer.

- B. Mayor's Proclamation, Week of the Young Child - April 19-25, 2015

Mayor Wythe read and presented the proclamation to Red Asselin, Lolita Brache, Rachel Romberg, and Megan Murphy.

- C. Mayor's Recognition, Earth Day - April 22, 2015

Councilmember Burgess read the recognition that was sent to Earth Day coordinators.

- D. Mayor's Proclamation, Day of National Service - April 7, 2015

Mayor Pro Tempore Roberts read and presented the proclamation to Megan Murphy and Rachel Romberg.

- E. Borough Report

Kenai Peninsula Borough Assembly Member Kelly Cooper reported a few Assembly Members traveled to Juneau to meet with legislators and attend an informative workshop on cannabis legislation. There were representatives from Washington, Oregon, and Colorado with a lessons learned presentation and law enforcement and alcohol division representatives from Alaska. The Assembly passed a resolution to develop an advisory cannabis task force who will be bringing recommendations to the Assembly.

The seasonal sales tax exemption for non-prepared food has had a number of amendments. The amendment for the exemption to apply from October 1 through March 31 passed and is to be on the ballot to be decided by the voters. Reconsideration has been requested so they may be voting on this again next week. Assembly Member Cooper supports funding for the

school district, but does not support taxing food year round. To find alternative revenue streams, she has introduced an ordinance to increase the maximum amount of sale subject to borough sales tax from \$500 to \$1,000. The public hearing is May 5.

Assembly Member Mako Haggerty has been appointed to the Prince William Sound Regional Citizens Advisory Council. She congratulated Katie on her new appointment.

The Council questioned the fish tax revenues from the Borough. Seward brought in less fish and received more tax. Assembly Member Cooper answered the amount is based on fish processed. The argument is on what constitutes a processed fish. Representative Seaton has been working on it for years. There are a lot of fish going down the road for processing.

Mayor Wythe has talked to the lobbyist and learned the fish tax is determined by Borough regulation. The Borough may have the ability to influence it. Homer's fish tax is hugely disproportionate to Seward's. We are expending funds to maintain the harbor for fish deliveries. Mayor Wythe will provide more information to Assembly Member Cooper.

City Manager Koester commented there were two issues. One is the definition of processed by the State of Alaska which means less tax revenue goes back to the City of Homer. That tax revenue is shared between the Borough and the City. The request by the Port and Harbor Advisory Commission is that the money going to the Borough go back to the affected communities. The Borough retains \$1.5M (2/3) and distributes just over \$500,000.

F. Commissions/Board Reports:

1. Library Advisory Board

Amy Alderfer, Library Advisory Board Member, reported on the programs available at the Library. Some of the programs are lap sit and preschool story time, summer reading programs, and programs for teens and adults. Additionally there is the book club, knitting, genealogy, and the ability to have books and magazines delivered to homebound citizens. The Library is a source for Wi-Fi for residents and visitors and tax forms. The first quarter of 2015 saw a 21.8% increase in circulation in comparison to 2013; a 13% increase in attendance. She encouraged the Council and public to come to the book sale this Friday and Saturday at the Library.

2. Homer Advisory Planning Commission

a. Minutes of March 18, 2015

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

Deb Lowney, Parks and Recreation Advisory Commissioner, welcomed Katie. The commission has been working on the beach policy and has heard a lot of public testimony. They have been working on recommendations to bring to a public forum in May. It is a challenging and consuming process. Saturday, April 18<sup>th</sup> the commission is putting on the first parks, recreation, and trails day symposium from noon to 4:00 p.m. at the Homer High School Commons. The theme of the symposium is *Homer on the Move* with a focus on trails. The event is in lieu of Parks Day. The PARC Needs Assessment will be presented at the symposium. The commission fully supports the efforts of the Homer Early Childhood Coalition in upgrading conditions at Bayview Park. Lastly, the commission provided recommendations on the Land Allocation Plan.

5. Port and Harbor Advisory Commission

G. Mayor's Report on Juneau Trip

Mayor Wythe reported the funding for jails was increased by \$7M resulting in a \$200,000 loss to the City of Homer. Katie and her learned about the budget, but the most exciting event was a party held for Katie. Senators and representatives across the state took time to stop by and give Katie their congratulations.

H. Bunnell Street Arts Center, Re: City of Homer Grants Program Through The Homer Foundation

I. Letter to Senator Stevens and Representative Seaton, Re: Support of Robert Ruffner for Appointment to the Board of Fisheries

Mayor Wythe noted her letter of support for the appointment of Robert Ruffner to the Board of Fisheries. She met Mr. Ruffner at the Climate Summit and Senator Micciche endorsed his appointment.

**8. PUBLIC HEARING(S)**

A. **Ordinance 15-07(A)**, An Ordinance of the Homer City Council Adopting Chapter 2.78 Entitled "Cannabis Advisory Commission," Establishing a Cannabis Advisory Commission to Advise the City Council on the Governance of Cannabis Use Within the City of Homer, Alaska, and Serve as the City of Homer's Local Regulatory Authority on Cannabis. Burgess. Introduction March 23, 2015, Public Hearing and Second Reading April 13, 2015.

Memorandum 15-043 from City Attorney Wells as backup.

There were three who testified.

SUBSTITUTE ORDINANCE 15-07(A)(S) ADOPTED and AMENDED.

Amendments included removing City Planner from commission, maintaining nine members, and adding “cultivation” to the title.

**9. ORDINANCE(S)**

- B. **Ordinance 15-08**, An Ordinance of the Homer City Council Amending Subsection (C) of Homer City Code 21.50.020, Site Development Standards – Level One, and Subsection (A) of Homer City Code 21.50.030, Site Development Standards – Level Two, to Require Revegetation of Exposed, Cleared, Filled and Disturbed Soils Within 9 Months. Planning. Recommended dates: Introduction April 13, 2015, Public Hearing and Second Reading April 27, 2015.

Memorandum 15-048 from City Planner as backup.

INTRODUCED, AMENDED, and REFERRED to the Planning Commission for further review.

- C. **Ordinance 15-09**, An Ordinance of the City Council of Homer, Alaska, Amending Subsection (d) of Homer City Code Section 21.58.020, Installation Requirements, to Delete the One-Acre Minimum Lot Area for Small Wind Energy Systems. Zak. Recommended dates: Introduction April 13, 2015, Public Hearing and Second Reading April 27, 2015.

INTRODUCED and REFERRED to Planning Commission for review. Public Hearing and Second Reading rescheduled for May 26, 2015.

**10. CITY MANAGER’S REPORT**

- A. City Manager’s Report

City Manager Koester will provide additional information on the purchase of the three Spit properties. The Council discussed the repaving of Pioneer Avenue and exorbitant expense for the City to take over maintenance.

Paul McClennan, Project Manager for GCI, announced the company’s plans to lease a small parcel on the Spit for a new cell tower. GCI currently has equipment on an 80 ft. wood pole at Land’s End. They are looking at building a 120 ft. tower near the Freight Dock. The additional 20 ft. of the tower will support additional carriers.



City Planner Abboud reported GCI's request for a tower site lease was reviewed by the Lease Committee. The committee recommended that the City issue a RFP to allow others to submit proposals. The tower requires a conditional use permit through the Planning Commission. Although the RFP will be developed for a specific parcel to meet the needs of GCI, they are not guaranteed the lease. Changes are required to the Land Allocation Plan for a lease on the affected parcel.

B. Bid Report

## **11. CITY ATTORNEY REPORT**

A. City Attorney Report of March 2015

The Council had no questions for City Attorney Klinkner.

## **12. COMMITTEE REPORT**

A. Public Arts Committee

B. Permanent Fund Committee

C. Employee Committee Report

D. Port and Harbor Building Task Force

Deputy Harbormaster Matt Clarke reported the building is still a work in progress. They are getting the operating systems online for communications and are hoping to move in the building by the end of May. A ribbon cutting ceremony will be scheduled around the first week in June.

E. Public Safety Building Review Committee

Public Safety Building Review Committee Chair Ken Castner reported the committee has come up with a building that will function with the activity. Supporting the network of people here tonight is the police department. The starting and ending point for social activity training is not just about shooting guys, chasing cars, or stops. It is personal interaction. The same is true for EMTs and the fire department. There has been a lot of push back as to the size and nature of costs. As a community we can make it work. He believes in the project and will do everything he can to make it efficient, effective, and to get the most for our money.

The fire, police, mayor, and he serve on committee. They will work together to bring all the ideas together into the new reality of the fiscal truth. Stantec has proposed public policy

presentations that need involvement of the Council. We need to get together to come up with what we want for the next 20 years, figure out how to sell it and how to pay for it.

F. Vessel Haul-Out Task Force

Councilmember Reynolds reported the All Hazard Mitigation group will have a Town Hall meeting on Friday, April 17<sup>th</sup> at City Hall Cowles Council Chambers from 6:00 – 8:00 p.m. Every five years FEMA requires a complete update to the All Hazard Mitigation Plan. The community can determine and define potential hazards we need to reduce and plan for.

**13. PENDING BUSINESS**

**15. RESOLUTIONS**

- A. **Resolution 15-024**, A Resolution of the Homer City Council Awarding the Contract for the Production of a Marine Trades Promotional Video to the Firm of Brinster & Company of Homer, Alaska, or Dickerson Stills & Motion of Homer, Alaska, in an Amount Not to Exceed \$9,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port and Harbor Director. Recommend adoption.

Memorandum 15-049 from Port and Harbor Administrative Secretary as backup.

ADOPTED as AMENDED.

Amended fiscal note to read: 100-0112-5227 Advertising.

**15. NEW BUSINESS**

- A. **Memorandum 15-050**, Request for Executive Session Pursuant to AS 44.62.310 (A-C)(1 & 5) Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney/Client Privilege (Castner v. City of Homer, Extension of Time for Condominium Owners to Appeal Their Assessments Until After Supreme Court Decision).

Mayor Wythe recused herself for an ongoing conflict of interest and passed the gavel to Mayor Pro Tempore Roberts.

APPROVED.

The Council met in Executive Session from 8:50 p.m. to 9:07 p.m. with City Attorney Klinkner and City Manager Koester.

Councilmember Lewis stated the attorney is authorized to agree to adjustments in the assessment schedule in light of the pending petition for review.

Mayor Pro Tempore Roberts returned the gavel to Mayor Wythe.

**16. COMMENTS OF THE AUDIENCE**

There were three who commented.

**17. COMMENTS OF THE CITY ATTORNEY**

City Attorney Klinkner had no comments.

**18. COMMENTS OF THE CITY CLERK**

City Clerk Johnson welcomed Katie in her new role.

**19. COMMENTS OF THE CITY MANAGER**

City Manager Koester commented she is humbled and honored to be given this great responsibility and does not take it lightly. She is looking forward to getting to know the Council better and to working with them. That is a fun part of the job. She is blessed to work with the staff, an amazing group of people that gives her the confidence to take this position. The passion the public has for this community is wonderful. She looks forward to harnessing that and working and communicating with people. She thanked the Council for the honor.

**20. COMMENTS OF THE MAYOR**

Mayor Wythe congratulated Katie. She has been a Katie Koester fan for a long while. She has worked with her in a different capacity than the Council has and has had many opportunities to see her perform in an arena much bigger than Homer. She had no doubt of her capabilities to do the job even though Katie still has some concerns. The City Council and staff will be here to support her. She hopes to hear her name at this table for many years.

**21. COMMENTS OF THE CITY COUNCIL**

Councilmember Roberts congratulated Katie. She is glad to have her here and knows she will do a great job. She was heartened with the four proclamations and the three groups that presented. It shows a wonderful community and the people who care about a lot of different things. She read a statement concerning gas line assessments.

Councilmember Zak was no longer present.

Councilmember Van Dyke welcomed Katie on board and thanked those in the audience that spent the evening there.

Councilmember Reynolds welcomed Katie and is pleased to have the opportunity to work with her. She won't be present at the next meeting since she will be in DC bringing concerns about the public safety building and harbor issues to our national legislators. She is looking for the opportunity to be on the big Capitol Hill. She thanked everyone that came and presented today and everyone that stands behind them. All of the organizations represent a lot of volunteer work, collaboration, and staff time. It honors the proclamation for their service.

Councilmember Burgess thanked Interim City Manager Yoder who did a great job while he was here, stepping into those shoes, familiarizing himself with our town, and making good recommendations. He conducted himself really well and the short time he was here he got into subjects he didn't necessarily need to that were of benefit to the City. We owe him our thanks and are grateful to him. He thanked the other applicants within the City, although Katie is the person we have chosen. He thanked Carey and Matt for putting their names in the ring. He wants to make sure everyone that works within the City knows we appreciate the work you do. The Council's decision not to appoint you as city manager has nothing to do with how we value those in the positions they are in. He hopes to work with both gentlemen for a long time. He is so glad we chose Katie. He is happy she is here and is looking forward to working with her. She has great qualities for the job. As to the Week of the Young Child and the matrix MAPP is reaching for, he suggested any young person may ask him for advice. He thanked Ken Castner for his continued vigor and public service on the Public Safety Building Review Committee. Even when he has other legal disagreements with the City he advocates strongly on the issue. This needs to be heard. Regarding Kevin Hogan's comments about pricing structures on the Spit, it's been a long and cumbersome legal process to defend agreements and policies that have been long standing. Part of the process moving forward is for us to evaluate a more equitable means of doing things on the Spit. If for no other reason than the fish tax this is something that we need to consider. He reminded the Council on the Cannabis Commission even though the current police chief is an awesome, level-headed and thoughtful man who can bring a balanced perspective, the Council just appointed a position to the commission, not a man. Positions change and he would like the Council to keep that in mind when making future decisions. The Interim City Manager pointed out the Personnel Policy is not consistent with what you voted tonight. This was an action outside the context of the Personnel Policy.

Councilmember Lewis wished Katie the best of luck.

## **22. ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 9:26 p.m. The next Regular Meeting is Monday, April 27, 2015 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.