

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 ABBOD
DEPUTY HARBORMASTER CLARKE
LIBRARY DIRECTOR DIXON

Councilmember Zak has requested telephonic participation.

Mayor Wythe called for a motion to allow Councilmember Zak to participate by telephone.

BURGESS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The Council met as a Committee of the Whole from 5:00 p.m. to 5:40 p.m. to discuss Ordinance 15-07(A), Consent Agenda, and Regular Agenda Meeting 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 1.24.040.)

The following amendments 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.

Mayor Wythe called for a motion for the approval of the agenda as amended.

LEWIS/BURGESS – SO MOVED.

ROBERTS/BURGESS – MOVED TO AMEND THE AGENDA TO SWITCH THE POSTION OF ITEM 14A NEW BUSINESS MEMORANDUM 15-050 WITH RESOLUTIONS, WITH RESOLUTIONS TO BE ITEM 14 AND NEW BUSINESS TO BE ITEM 15.

There was no discussion.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Barbara Howard, city resident, thanked the Council for the good recruitment process of the city manager. She thanked Mr. Yoder for his interim services and the candidates. Katie's experience, great attitude, and winning smile will go a long way with her success as city manager.

Megan Murphy, city resident, thanked Catriona and Mayor Wythe for participating in the Climate Action Symposium in Kenai and for revisiting our own Climate Action Plan.

Kevin Hogan, city resident, commented on the city manager's report as to the lease RFPs and Mental Health Trust parcels. He objected to using taxpayer money for the lots and objected to a purchase outside public process. It is the result of turning the lease committee over to staff with no public representation on the lease committee.

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 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

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

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.

Mayor Wythe called for a motion for the approval of the recommendations of the consent agenda as read.

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

- A. Homer Shares the Road, Kim McNett

Kim McNett, President of the Homer Cycling Club, presented an overview of their advocacy and education campaign: Homer Shares the Road. The campaign is funded by The Homer Foundation and endorsed by the Homer Police Department. It is an effort to encourage safe non-motorized use and provide tools and reminders to all to help share the streets in a respectful and cooperative way.

The Homer Cycling Club encourages people to ride bicycles, walk, and use alternative modes of transportation. It is enjoyable and beneficial to the community and environment and individual's health. As part of the campaign, suggestions for safety measures are offered for drivers, bicycle riders, and walkers. All people using the roadways should be courteous, attentive, patient, and respectful. Although there are infrastructure challenges, making changes will take time and money. Bumper stickers and bike stickers are available through the Homer Cycling Club.

Adele Person, representing people on foot, advocated for more crosswalks. She announced the Homer on the Move symposium on Saturday, April 18th at Homer High School Commons from Noon to 4:00 p.m. It is hosted by the Parks and Recreation Advisory Commission. It is an opportunity for the public to talk to representatives from cycling, running, nature walks, and the safe routes coalition.

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

Red Asselin, Coordinator for Early Childhood Coalition, outlined the services of the coalition. They offer support for families with children under the age of seven by providing community support, parent education and engagement, language and literacy programs, business and economic workgroups, and a play spaces workgroup. They are restoring Bayview Park by installing an ADA parking pad and trail.

Rachel Romberg added the coalition is concerned for families' well-being and resiliency. Brain development in early childhood is critical. Their goal is to prevent adverse childhood experiences by offering support.

Megan Murphy, MAPP coordinator, noted the coalition supports positive role models, relationships and family cohesion, a network and social support, adequate housing, family wellness and resiliency. The State has cut many programs including funding for the Homer Early Childhood Coalition. She encouraged support for the coalition and joining the coalition to promote events. On April 22 from 6:00 p.m. to 8:00 p.m. the Homer Theatre will show Raising of America. On April 24 the Homer United Methodist will host a coalition for the annual community café.

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

Stacey Buckelew, Coastal Training Program Coordinator, thanked Mayor Wythe, Councilmember Reynolds, and the Homer residents who participated in the Climate Summit. Topics at the conference were changes to water temperatures in salmon streams, wildfire patterns, bluff erosion and mitigation measures.

The conference included a mayor's panel about more energy efficiency in communities. Next steps are for the Kenai Peninsula Borough to adopt a climate adaptation plan.

Recommendations for the City of Homer to bolster its own readiness plan include:

- Reinststate the climate task force
- Provide a current report on climate action plan progress that highlights energy and cost savings
- Revisit the Climate Action Plan; consider updates to adaptation actions
- Dedicate a council member to liaise with the task force
- Locally incorporate climate considerations into planning and decision-making
- Maintain climate leadership on the Peninsula
- Engage with mayors and councils
- Share specific successes and recommendations with the Borough

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 18th 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.

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.

Mayor Wythe opened the public hearing.

Shane Monroe, Homer resident, commented on the importance of forming the commission. Influence from city employees is appreciated, but not as voting members. He understands the Mayor wants commissioners to know policy writing; city government is where you get the experience.

Tony Burgess, city resident, asked that Council have faith in the civic process. They should take the advice of paid city employees but should not have the commission dominated by city employees.

Jenny Medley, Homer resident, commented on the great business opportunity that cannabis provides. We want to make sure the commission looks at business and helps the community from a tax basis. City employees should be there to provide their perspective, but shouldn’t have a vote.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 15-07(A) by reading of title only for second and final reading.

LEWIS/BURGESS - SO MOVED.

ROBERTS/LEWIS - MOVED TO SUBSTITUTE ORDINANCE 15-07(A)(S) FOR 15-07(A).

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Attorney Klinkner advised the Council on the amendments proposed in the substitute ordinance. The appointment process and terms for commission members need to be tied to which seat the member occupies. Public members are appointed by the Mayor and confirmed by the Council and serve for specified terms. There are other members on the commission by virtue of offices they hold; their term would coincide with their term of office. There is a proposal to add the City Planner. If there is a change in the number of members it needs to ripple through to include staggered terms.

BURGESS/ROBERTS – MOVED TO AMEND SUBSTITUTE ORDINANCE BY STRIKING CONTENTS OF LINE 78 – CITY PLANNER.

The Council agreed at the Committee of the Whole that the commission should include a Planning Commissioner, but not the City Planner.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/REYNOLDS - MOVED TO AMEND WHEREVER NUMBER 10 APPEARS IS STRUCK AND 9 WILL BE THE NUMBER OF MEMBERS FOR THE COMMISSION.

There was no discussion.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/LEWIS - MOVED TO AMEND LINE 10 FOLLOWING THE WORD CANNABIS THAT THE WORDS “CULTIVATION AND” BE INSERTED.

There are other references to cultivation and use within the ordinance.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/LEWIS - MOVED TO AMEND LINE 99 TO CHANGE THE LAST 4 CHARACTERS TO READ “B.2, OR 3, OR” AND DELETE THE REST.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/ BURGESS – MOVED TO AMEND LINE 73 TO READ 5 PUBLIC MEMBERS, AT LEAST 3 OF WHOM SHALL BE CITY RESIDENTS.

There will be two councilmembers who are city residents and three city residents to make five members. This will create a broader base to allow for people who may have more expertise. Shane Monroe and Beth Carroll who live outside the city have familiarized themselves with the legislative process, hosting community input, and have appeared on KBBI.

The Planning Commission will be notified of the seat on the commission.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGTRESS/LEWIS - MOVED TO STRIKE THE BODY OF LINE 77, REMOVING THE CHIEF OF POLICE AS A VOTING ACTIVE MEMBER OF THE COMMISSION.

Reasons cited for removing the Chief of Police were under the 2009 Personnel Regulations, Item 8.9 Political Activity, subsection 8.9.4. It states an employee may not be a member of any policy making board, council, commission, or other governing body that may be interpreted as representing the City and or receiving appropriations from the City unless such membership is approved by the City Manager. It puts staff in a difficult position since the Police Chief will always be wearing his professional public safety hat. If he voted in a way that did not align it may hurt him professionally. It protects city staff to have them provide expertise, but not be a voting member. When the legalization matter came before the voters, the police opposed it.

Reasons cited for retaining the Police Chief on the commission were the Cannabis Advisory Commission is advisory only. They make their recommendations to the Council who makes the decision. The Police Chief understands how to develop policy and DUI enforcement measures.

VOTE: YES. LEWIS, BURGESS, VAN DYKE

VOTE: NO. ROBERTS, REYNOLDS, ZAK

Mayor Wythe broke the tie with a NO vote.

Motion failed.

ROBERTS/LEWIS – MOVED TO AMEND LINE 96 TO READ TWO MEMBERS SHALL BE APPOINTED FOR TWO YEAR TERMS.

Staggered terms apply to the five public members.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

ORDINANCE(S)

- A. **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.

Mayor Wythe called for a motion for the adoption of Ordinance 15-08 for introduction and first reading by reading of title only.

ROBERTS/REYNOLDS – SO MOVED.

REYNOLDS/ROBERTS – MOVED TO AMEND TO STRIKE 9 MONTHS AND PROPOSE 6 MONTHS (LINES 30-34).

The Council discussed shortening the time for requiring revegetation. It is impractical and an added expense for a builder to have to revegetate halfway through the building process. It is not effectively accomplishing the goal to prevent erosion and promote positive species. In our long winter season it is difficult to have a project finished within 9 months after start.

Councilmember Roberts called for the question.

VOTE: YES. REYNOLDS

VOTE: NO. ROBERTS, LEWIS, ZAK, BURGESS, VAN DYKE

Motion failed.

The Council discussed sending the ordinance back to the Planning Commission since Item 1C incites litigation.

BURGESS/VAN DYKE - MOVED TO STRIKE CONTENTS IN LINES 21 - 26.

The Council suggested that the Planning Commission review the language from a regulatory standpoint.

VOTE: (amendment) YES. VAN DYKE, BURGESS

VOTE: NO. REYNOLDS, ROBERTS, ZAK, LEWIS

Motion failed.

VOTE: (introduction) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/LEWIS - MOVED TO REFER THIS TO THE PLANNING COMMISSION.

A time frame within completion of a project is more important than time frame from initial disturbance. Adjustments may be made for projects that have erosion considerations. The post-construction time for revegetation is needed.

ROBERTS/BURGESS – MOVED TO AMEND TO POSTPONE THE SECOND READING.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE: (refer to Planning Commission as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

REYNOLDS/BURGESS – MOVED THAT LINE 29 HAVE MORE SPECIFIC LANGUAGE: VEGETATIVE NATIVE COVER AND WEED FREE PLANTS WITH NO INVASIVE SPECIES.

Although there are few plant varieties native to Alaska, the plant material center in Palmer may help the Planning Commission determine which plants are invasive species.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/ROBERTS – MOVED TO AMEND THAT IN ALL THE SECTIONS THEY OFFER REASONABLE EROSION PREVENTIONAL ALTERNATIVES TO VEGETATIVE COVER IF AND WHEN

APPROPRIATE FOR SWPP LIKE BURLAP MATTING OR THOSE CONTROL SACKS THAT YOU CAN USE FOR HIGHWAY PROJECTS OR WOOD CHIPS OR LANDSCAPING MATERIALS OR GRAVELS.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

BURGESS/REYNOLDS – MOVED TO ASK THE PLANNING COMMISSION TO REVISIT THE ENTIRE SECTION OF CODE WITH SPECIFIC REGARD FOR ENFORCEABILITY AND POTENTIAL LEGAL RAMIFICATIONS OF ENFORCEABILITY FOR THE CITY OF HOMER AND INTER-NEIGHBOR RELATIONSHIPS, SPECIFICALLY SECTION 1 OF ITEM C.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

REYNOLDS/ROBERTS –MOVED THAT DURING THE CONSTRUCTION PERIOD THAT THE SOIL IS DISTURBED IF THERE COULD BE ANY MEASURES PUT IN THAT INVASIVES DON'T GET HOLD THEN THAT THEY WOULD BE REMOVED.

The Council discussed the burden it would place on property owners since practically everything is invasive. Most invasive plants are wind or water populated. Regulating anyone who leaves an area open and disturbed that may be populated by an invasive species has an economic obligation to remove the invasive species. This would require removing invasive species from public right-of-ways.

There are a number of invasive species that are problematic and the City does work with Soil and Water Conservation to reduce and remove the invasive species.

VOTE: YES. LEWIS, REYNOLDS, ZAK, ROBERTS

VOTE: NO. VAN DYKE, BURGESS

Motion carried.

Mayor Wythe asked for a motion that the Planning Commission consider enforceability and non-prohibitive development.

BURGESS/LEWIS – SO MOVED TO DO WHAT THE MAYOR SAID.

Mayor Wythe commented the amendments have made it prohibitive to develop at a time when economic development is going to become extremely key for us to do anything to resemble a park and recreation. It is important we don't continue building regulation that prevents people from developing properties. She asked that the Planning Commission look at it fresh as to how it will affect the ability of an individual to develop their properties.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. **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.

Mayor Wythe called for a motion for the adoption of Ordinance 15-09 for introduction and first reading by reading of title only.

BURGESS/REYNOLDS - SO MOVED.

The Council expressed approval to Councilmember Zak for bringing the ordinance forward.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/LEWIS - MOVED TO SEND ORDINANCE 15-09 TO THE PLANNING COMMISSION AND TO POSTPONE SECOND READING UNTIL IT RETURNS FROM THEM.

Although the Planning Commission may have nothing to add, all ordinances affecting planning and zoning are vetted by the commission.

BURGESS/ROBERTS - MOVED TO AMEND TO HAVE THE PLANNING COMMISSION GET THE ORDINANCE BACK TO US FOR OUR MAY 26TH MEETING.

There was brief discussion on the commission meeting dates.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE: (refer to Planning Commission as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

Pioneer Avenue

ADOT/PF has included new pavement on Pioneer Avenue in the STIP. There was some interest in having the travel lanes narrowed so that there could be stripping for a bicycle lane on one side of the highway. The ADOT position is that if the City wants to modify the State plans, the City would be required to assume the maintenance of that street once the repair work is done.

DOT Email (We did have this reso, as I reviewed my records, but there is one outstanding question...In order to do the striping and the skinnier lanes to accommodate the bike lanes we need the City to take over ownership and maintenance of the final project. If it stays a DOT road we will just mill and pave it to our standards. If we are giving Pioneer Ave to the City we can provide the bike lanes and skinnier lanes the city requested.)

Lease RFP's

The City, in response to a couple of requests, has prepared two Requests for Proposals to lease property on the spit and in the Airport Terminal. If we get responses that meet the City requirements, they will be presented to the council for approval on a future agenda.

There may need to be an adjustment to the City Land Allocation Plan before the lease is signed.

Mental Health Trust Land Sale

Attached is a scope of work authorized by the Trust Land Office (State of Alaska Mental Health Trust) to appraise several parcels of land. The Mental Health Trust owns 3 parcels of land on the spit in the area of the Coal Bay Subdivision. The Trust is willing to sell these parcels to the City for fair market value.

The City Administration has agreed to the assumptions and the deliverables. The appraisal should be complete in several months. The City Council will then decide if the City will purchase these parcels.

Fish Tax

At the last meeting the Council approved a resolution to request fish tax revenue from the Borough. The United Fishermen of Alaska provided fact sheets that emphasize the inequities.

<u>Community</u>	<u>Ex-vessel price</u>	<u>Fish Tax received</u>
Homer	\$ 80,000,000	\$ 37,136
Seward	\$ 11,300,000	\$ 498,298
KPB	\$132,700,000	\$1,500,000

The Ex-vessel price of the fish landed in Homer is 60% of the fish landed in the entire Borough; the City received 2.5% of the Fish tax.

Cannabis Commission

The City received a memo from a Homer Citizen re: the make-up of the Cannabis Commission.

There were two quotes from the Homer Personnel Regulations that need clarification.

- 8.7 restricts an employee from using their position with the city to promote a ‘personal interest’. The purpose of having the Police Chief on the Commission is to offer a ‘Professional’ not a personal opinion. Regardless of whether they are officially appointed to the Commission the City should request police input before setting policy.
- 8.9 restricts employees from serving on ‘policy making’ boards. The Cannabis Commission is an advisory not a policy board. Recommendations from the Cannabis Commission will be placed on the City Council agenda. It will be a Council decision on whether to enact the recommendations into regulation or policy.

The Council needs to decide if it is advisable to have staff on the Commission to enunciate the City interests, even if staff is not a voting member.

FYI

Trust Land Office –Appraisal assumptions

Safebuilt –Municipalities and Mary Jane

HB 172 MARIJUANA REG., CLUBS; MUNIS, LOCAL OPTIONS

UFA –Commercial Fishing and Seafood Processing Facts, Homer

AEA –Battle Creek Diversion

Calibrating a New Membrane Plant

B. Bid Report

CITY ATTORNEY REPORT

A. City Attorney Report of March 2015

The Council had no questions for City Attorney Klinkner.

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 17th 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.

PENDING BUSINESS

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.

Mayor Wythe called for a motion for the adoption of Resolution 15-024 by reading of title only.

LEWIS/ROBERTS – SO MOVED.

ROBERTS/LEWIS – MOVED TO CHANGE LINE 55 ON FISCAL NOTE LINE TO ACCOUNT NO. 100-0112-5227 TO CHANGE TO ADVERTISING.

There was no discussion.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

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 passed the gavel to Mayor Pro Tempore Roberts.

Mayor Pro Tempore Roberts called for a motion for the approval of the recommendations of Memorandum 15-050 to meet in Executive Session to discuss Castner v. City of Homer, Extension of Time for Condominium Owners to Appeal Their Assessments Until After Supreme Court Decision.

LEWIS/VAN DYKE - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Pro Tempore Roberts called for a motion to adjourn to Executive Session.

LEWIS/VAN DYKE – SO MOVED.

Councilmember Zak was excused from participation due to his telephonic status.

VOTE: YES. VAN DYKE, BURGESS, REYNOLDS, LEWIS, ROBERTS

Motion carried.

The Council recessed to Executive Session at 8:50 p.m. and reconvened the meeting at 9:07 p.m.

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.

COMMENTS OF THE AUDIENCE

Ken Castner, city resident, told the Council it was time to end recusal of the Mayor for gas related matters. It was the former mayor that imposed that and she can't stop the gas line at

this point. He expressed his support for Katie who grew up in this town and knows all the players, feelings, and emotions. He is confident she will do a good job.

Ginny Espenshade, city resident, invited the community to a presentation about heroin in our community. Presenters are Brian Partridge, Assistant Professor of Psychology and Dr. Sarah Spencer. Dr. Spencer is coming to Homer to offer treatment for opiate addiction. The presentation will be on April 20th from 6:00 p.m. to 7:30 p.m. at Pioneer Building at the college.

Kevin Hogan, city resident, agreed with Ken's comments on the Mayor's recusal. The City is not getting the fish tax since they are sending it to Seward. The Council is subsidizing a Seward company with public money and charging Mr. Hogan to make up the difference. In August 2013 the competitor spent \$2,570 to use the Fish Dock; Mr. Hogan spent \$88,000. The City spent close to \$1M defending that policy and the right to discriminate. The Council has had the opportunity to stop sending the fish tax to Seward but has refused.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Johnson welcomed Katie in her new role.

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.

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.

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.

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.

JO JOHNSON, MMC, CITY CLERK

Approved: _____