

ACTION AGENDA

Monday, September 14, 2015

Worksession

Committee of the Whole

Regular Meeting

WORKSESSION AGENDA

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

Mayor Wythe called the meeting to order at 4:00 p.m.

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

The agenda was approved by consensus of the Council.

3. REVENUE SOURCES FOR GENERAL FUND

4. COMMENTS OF THE AUDIENCE

There were three who commented.

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

Mayor Wythe adjourned the meeting at 4:49 p.m.

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.

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. REVENUES SOURCES FOR GENERAL FUND

4. Memorandum 15-153, from City Manager, Re: Status of Natural Gas HSAD Payments and Proposed Grace Period.

5. CONSENT AGENDA

6. REGULAR MEETING AGENDA

7. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

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

Mayor Wythe adjourned the meeting at 5:35 p.m.

REGULAR MEETING AGENDA

Session 15-28 a Regular Meeting of the Homer City Council was called to order on September 14, 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

STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER
CITY ATTORNEY WELLS (telephonic)
FINANCE DIRECTOR LI
LIBRARY DIRECTOR DIXON

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: **CONSENT AGENDA - Ordinance 15-33**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Code Blue Grant From the State of Alaska in the Amount of \$95,500 and Appropriating the Required Local Match in the Amount of \$84,500 for Replacement of Medic 1 and Authorizing the City Manager to Execute the Appropriate Documents. Burgess. Written documentation on grant award for Medic 1. **Resolution 15-080(S)**, A Resolution of the Homer City Council Awarding the Sale of the Camp Fee Collection Cabin to Pam Fleming of Homer, Alaska, in the Amount of \$5,755 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. **CITY**

MANAGER'S REPORT - Written public comments. **COMMITTEE REPORT** - Report from Vessel Haul-Out Task Force. **RESOLUTIONS - Resolution 15-081**, A Resolution of the City Council of Homer, Alaska, Confirming the Assessment Roll for Condominium Units in the Homer Natural Gas Distribution Special Assessment District, and Establishing Delinquency, Penalty and Interest Provisions for Those Special Assessments. City Manager. Written public comments.

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

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

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 Regular meeting minutes of August 24, 2015. City Clerk. Recommend adoption.
- B. **Memorandum 15-147**, from Mayor, Re: Appointments of Councilmember Francie Roberts, Dr. Dorothy Sherwood, and Casey Moss to the Sustainable Animal Control Review Committee.
- C. **Memorandum 15-150**, from Assistant City Manager, Re: 2016-2021 CIP; FY 2017 Legislative Request Schedule Update.
- D. **Memorandum 15-153**, from City Manager, Re: Status of Natural Gas HSAD Payments and Proposed Grace Period.
- E. **Ordinance 15-32**, An Ordinance of the Homer City Council Amending Homer City Code 7.04.030, Traffic Fine Schedules, and Homer City Code 7.06.020, Use of Jake Brakes Prohibited, to Substitute a Generic Term for the Trademarked Term "Jake Brake," and to Prohibit the Use of Improperly Muffled Engine Brakes. City Manager. Recommended dates: Introduction September 14, 2015, Public Hearing and Second Reading September 28, 2015.
- F. **Ordinance 15-33**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Code Blue Grant From the State of Alaska in the Amount of \$95,500 and Appropriating the Required Local Match in the Amount of \$84,500 for Replacement of Medic 1 and Authorizing the City Manager to Execute the Appropriate

Documents. Burgess. Recommended dates: Introduction September 14, 2015, Public Hearing and Second Reading September 28, 2015.

G. **Ordinance 15-34**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a 2015 State Homeland Security Program Grant From the Division of Homeland Security and Emergency Management (DHS&EM) in the Amount of \$114,300 for a Backup Generator at the Homer Public Library and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates: Introduction September 14, 2015, Public Hearing and Second Reading September 28, 2015.

H. **Resolution 15-078**, A Resolution of the Homer City Council Amending the Library Advisory Board Bylaws to Establish 5:30 p.m. as the Regular Meeting Time. City Clerk/Library Advisory Board. Recommend adoption.

Memorandum 15-154 from Library Advisory Board as backup.

I. **Resolution 15-079**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Ambulance Billing Services to the Firm of Amerik Medical Billing, LLC of Lake Forest, California, in the Amount of 4.5% of Collections Deposited Into the Lockbox and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend adoption.

Moved to Resolutions.

J. **Resolution 15-080**, A Resolution of the Homer City Council Awarding the Sale of the Camp Fee Collection Cabin to Pam Fleming of Homer, Alaska, in the Amount of \$5,755 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend adoption.

Resolution 15-080(S), A Resolution of the Homer City Council Awarding the Sale of the Camp Fee Collection Cabin to Pam Fleming of Homer, Alaska, in the Amount of \$5,755 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend adoption.

Memorandum 15-152 from Public Works Director as backup.

Item I, Resolution 15-079 was moved to Resolutions, Item B. Lewis.

6. VISITORS

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

B. Commissions/Board Reports:

1. Library Advisory Board

Pat Brown, LAB Chair, expressed appreciation for the Homeland Security grant of \$114,300 for a generator for the library. It will save time and energy as the backup will prevent the system from shutting down and requiring several hours of personnel to fix it. Holly Brennan passed the IT certification which will relieve stress on IT allowing them to respond to urgent and timely matters. The Friends of the Homer Library purchased and donated picnic tables. Police and citizens' reports tell us that clearing the area allows people to enjoy the park, and provides a greater sense of comfort and ease. Police are now able to patrol the area and people are taking walks and kids are riding bicycles. In the next weeks the Council will be barraged with money saving tips. The library is a key resource; it is not just a bunch of books in a building. The computer resources allow customers to move businesses forward by researching grants. Chair Brown will be meeting with Margaret Cisco of Assisted Technology of Alaska (ATLA) for people with disabilities. ATLA is looking at using the library as a test site for accessibility for impaired folks. Library Director Ann Dixon and the entire library staff have been patient and helpful to assist those needing resources.

2. Homer Advisory Planning Commission

a. Minutes of August 19, 2015

2. Economic Development Advisory Commission

Karin Marks, EDC Commissioner, reported the commission has focused their attention to the city budget and is looking at increasing the economy through development. They are reviewing Pioneer Avenue revitalization to include Adele Person who was instrumental in the revitalizing of Old Town. The commission is looking at new inventions and gathering information to create a comprehensive plan to market Homer and be ready for inquiries. The EDC welcomes suggestions the Council may have in formulating a marketing plan.

4. Parks and Recreation Advisory Commission

5. Port and Harbor Advisory Commission

Bob Hartley, Port and Harbor Advisory Commissioner, reported a tremendous summer on the Spit with the most people ever seen there. At times there were 3,000 cars parked on a weekend. The commission heard public testimony supporting the construction of a pavilion

in the old harbormaster building area. The general consensus is to look into providing the facility. It would be of great benefit to the visitors at the harbor. A report from the Vessel Haul-Out Task Force will follow. The commission has been discussing harbor rate increases for many months and is waiting for a report from Northern Economics that will provide guidelines on structuring rate increases to be fair and good public policy. On the Capital Improvement Plan wish list, the commission wants to continue work done to promote the East Boat Harbor and provide for a barge and moorage facility and haul-out on list. Those projects will add to the general economy. Spit parking is very crowded and sometimes chaotic. The commission has asked the harbormaster to begin formulating a program to control the situation and develop revenue from parking. The first phase to be implemented next year will charge for parking trailers. We need to get a handle on it to make people more responsible. Last year there were 30 to 40 trailers impounded. The harbor has nine temporary employees and we could have used more.

The load and launch ramp will be closed September 15 to the end of December. The harbormaster will provide other provisions to move boats.

6. Cannabis Advisory Commission

- a. Memorandum 15-151 from Cannabis Advisory Commission, Re: Recommendations on State Proposed Regulations Regarding Cannabis

Councilmember Burgess reported the CAC has been reviewing the draft State regulations for cannabis. The ABC Board has come out with proposed regulations with the last revision due in November. The CAC has offered the Council recommendations on their behalf. Many of the recommendations have been addressed by the ABC Board in previous rounds and updates. The CAC wishes to pass on elements still relevant to the ABC Board at the State level. Keeping municipal and borough control over Title 21 zoning enforcement codes is important. One of the big tenants of the federal government not intervening in states where cannabis is legal for recreational use is that we restrict access to minors and keep criminal elements out of the industry. The City Planner has recommended we follow drug free zone school setbacks, but

the ABC Board is recommending less restrictive setbacks. Recommendations to pass on to the ABC Board include: defining brokerage facility, gifting, and objecting to regulations for zoning. At the September 28th or October 12th council meeting a resolution can be brought forward; the last opportunity for the Council to comment will be October 26th. The Council authorized the City Manager to proceed with the recommendations from the CAC to the ABC Board.

- b. Memorandum from Attorney Wells, Re: Proposed Comments Regarding State of Alaska Marijuana Regulations

- C. AML Summer Legislative Conference Report by Councilmember Zak

Councilmember Zak reported the State is looking at their revenue needs and we are looking at our own. Citizens in the community are affected by both. The City will be having a public budget meeting on September 23rd and community participation will be helpful for the Council.

Representative Seaton will be holding another meeting in October to provide the State's budget information.

8. PUBLIC HEARING(S)

- A. **2016-2021 CAPITAL IMPROVEMENT PLAN AND FY 2017 LEGISLATIVE REQUESTS**

There was no public testimony.

- B. **Homer Natural Gas Special Assessment District – Condominium Assessments**

There was no public testimony.

- C. **Ordinance 15-31**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2015 Operating Budget by Authorizing the Expenditure of \$150,000 for the Purchase of a New Dump Truck From the General Fund, Authorizing the Application of a Loan for Said Purchase, and Authorizing the City Manager To Execute All Appropriate Documents. Burgess. Introduction August 24, 2015, Public Hearing and Second Reading September 14, 2015.

Memorandums 15-125 and 15-135 from Public Works Superintendent as backup.

There was no public testimony.

ADOPTED without discussion.

- D. **Resolution 15-074(A)**, A Resolution of the Homer City Council Amending the City of Homer Fee Schedule Under Sewer Rates. Mayor/City Council.

Memorandum 15-155 from Finance Director as backup.

There was no public testimony.

AMENDED: Line 65 \$76.30 to \$81.20 and \$89.05 to \$93.95.

ADOPTED as AMENDED with discussion.

9. **ORDINANCE(S)**

10. **CITY MANAGER'S REPORT**

- A. City Manager's Report

City Manager Koester reported the City made a \$4M payment to the Borough for the loan on the natural gas special assessment district. There is over \$12M that property owners will be paying back.

A Request for Proposals was issued for janitorial services and the proposals were not favorable. It would have cost more to privatize the services.

Premera Blue Cross is proposing a 10% increase for employee health insurance premiums.

- B. Bid Report

11. **CITY ATTORNEY REPORT**

- A. City Attorney Report – August 2015

12. **COMMITTEE REPORT**

- A. Public Arts Committee
- B. Permanent Fund Committee
- C. Employee Committee Report
- D. Public Safety Building Review Committee
- E. Vessel Haul-Out Task Force

A written report was provided in the supplemental packet.

13. PENDING BUSINESS

- A. **Ordinance 15-23**, An Ordinance of the Homer City Council Amending Homer City Code 21.40.070, Requirements, Regarding Standards for Impervious Coverage in the Bridge Creek Watershed Protection District. Planning. Introduction June 29, 2015, Public Hearing July 27, 2015, Referred to Planning Commission, Second Reading September 14, 2015.

Memorandums 15-100 and 15-148 from City Planner as backup.

POSTPONED Second Reading to October 26.

14. NEW BUSINESS

- A. **Memorandum 15-149**, from City Clerk, Re: Deferred Assessment for Lowe, Williams, Weeks, Prevost, Kratz, Gordon, and Bushell for the Homer Natural Gas Special Assessment District.

APPROVED with discussion.

15. RESOLUTIONS

- A. **Resolution 15-081**, A Resolution of the City Council of Homer, Alaska, Confirming the Assessment Roll for Condominium Units in the Homer Natural Gas Distribution Special Assessment District, and Establishing Delinquency, Penalty and Interest Provisions for Those Special Assessments. City Manager.

Resolution 15-081(S), A Resolution of the City Council of Homer, Alaska, Confirming the Assessment Roll for Condominium Units in the Homer Natural Gas Distribution Special Assessment District, and Establishing Delinquency, Penalty and Interest Provisions for Those Special Assessments. City Manager.

Substitute ADOPTED with discussion.

- B. **Resolution 15-079**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Ambulance Billing Services to the Firm of Amerik Medical Billing, LLC of Lake Forest, California, in the Amount of 4.5% of Collections Deposited Into the Lockbox and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend adoption.

ADOPTED with discussion.

16. COMMENTS OF THE AUDIENCE

There were four who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comment.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson announced absentee voting opens on September 21st and is available during regular office hours until the October 6th election.

19. COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

20. COMMENTS OF THE MAYOR

Mayor Wythe requested that City Clerk Johnson provide a tentative schedule regarding an election runoff and confirm the protocol for current seated candidates up for re-election. She requested a resolution at the next meeting to change the December meeting to Monday, December 7th instead of the 14th due to a conflict with her upcoming graduation for her master's degree. As to the discussion on sales tax driving sales out of town, she believes driving to Anchorage or Soldotna is more of a cultural behavior than to do with the sales tax structure in the City of Homer. If you drove to Soldotna to buy groceries the last four year you have paid sales tax since they never stopped collecting sales tax on food. People shop on Amazon to get items you cannot get here. There are more varieties to shop in Soldotna and Kenai. People drive to Anchorage to get away for the weekend. Mayor Wythe recognized city council candidates Donna Aderhold, Heath Smith, and Joni Wise in the audience.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Roberts welcomed the high school students from the government class. She thanked Councilmember Zak for his report and for representing the City at AML.

Councilmember Zak commented it was a pleasure to attend the AML conference and is so important for the City of Homer to be represented at AML. He thanked the commissioners for their reports. The commissions are gaining a tremendous amount of momentum and the Council appreciates and values their input. The EDC is looking proactively at long-term suggestions; the system is working well.

Councilmember Van Dyke thanked everyone that showed up including the candidates and the commissioners. Without the commissioners' tireless work the Council's job would be a pain.

Councilmember Reynolds thanked the commissioners for their volunteer time. The Homer Volunteer Fire Department will have a 12K rescue run on Saturday from the fire hall to the new Skyline Fire Station. Since the last meeting she has realized that she is proud to be in Homer and to see what a great place it is. The Council works hard to support the infrastructure so the Homeric Market Traders were able to garner a \$50,000 grant as a small business incubator. They have put a lot of work in the business and are on good track. Many local businesses are trying to flourish. She attended the MAPP meeting where the All Alaska Pediatric Partnership brought three people from Anchorage to see how we are collaborating with nonprofits to share resources and strengthen the community. They are looking to us as leading the way. When working on minutes at work today, it boggles her mind the job that Jo and Melissa do in capturing everything so succinctly and managing to get everything right.

Councilmember Burgess commented it was a great and good meeting. We heard from people on why we are delaying the beach policy. Council will definitely get to the issue and will have something forthcoming; we don't intend to disregard the work the task force did on it. On the budget people are debating things and say the choices are between big corporate government and raising taxes. But the choice is really between core city services and raising revenues. If you want police, fire, EMS, port and harbor, and roads maintained at current levels he doesn't see a way without raising revenues. It is not a popular viewpoint but we need to be genuine with the facts. He heard there was vandalism at the burning basket over the weekend. This is an important cathartic event and people put a lot of hard work and effort into it. He asked those people involved in the vandalism to come forward and apologize. It is sad to think of this taking place in Homer.

Councilmember Lewis referenced Resolution 15-081 so people can look up what each condominium will be assessed for natural gas as compared to the private homeowner. Since 2008 he has been on the Council and we have been cutting the budget. We are now at the point where you can't cut any more without cutting muscle and bone. When you vote think about Proposition 1 and what it means across the whole peninsula. Think about what you are allowing people that live outside a municipality to tell the people that are living inside the municipality. We now have seven boys playing on the hockey comp phantom team out of

Kenai. They have beaten out Kenai players to be on the team. Five girls are playing on the U-6 team out of Kenai and last year they made it to nationals.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 7:18 p.m. The next Regular Meeting is Monday, September 28, 2015 at 6:00 p.m., Committee of the Whole 5:00 p.m., and a 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.