



Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603
www.cityofhomer-ak.gov

**City of Homer
Action Agenda
City Council Worksession
Committee of the Whole
Regular Meeting
Monday, June 24, 2019
City Hall Cowles Council Chambers**

WORKSESSION

CALL TO ORDER, 4:00 P.M.

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

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

APPROVED by consensus

DISCUSSION TOPIC(S)

MUNICODE MEETINGS LEGISLATOR TRAINING AND ELECTRONIC PACKETS

COMMENTS OF THE AUDIENCE (3 minutes)

There was one who commented.

ADJOURNMENT NO LATER THAN 4:50 P.M.

Next Regular Meeting is Monday, July 22, 2019 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska

Mayor Castner adjourned the meeting at 4:45 p.m.

COMMITTEE OF THE WHOLE

CALL TO ORDER, 5:00 P.M.

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

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

Department Heads may be called upon to participate.

APPROVED by consensus.

CONSENT AGENDA

REGULAR MEETING AGENDA

DISCUSSION TOPIC(S)

- a. Resolution 19-044, A Resolution of the City Council of Homer, Alaska, Approving a Request for Proposals (RFP) for General Counsel Services. Mayor/Council.
- b. Army Corps Planning Assistance to States Large Vessel Expansion Project Report from Port Director/Harbor Master Hawkins (10 minutes)

COMMENTS OF THE AUDIENCE

ADJOURNMENT

Next Regular Meeting is Monday, July 22, 2019 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska

Mayor Castner adjourned the meeting at 5:48 p.m.

REGULAR MEETING

Session 19-17 a Regular Meeting of the Homer City Council was called to order on June 24, 2019 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
CITY PLANNER ABOUD

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** Ordinance 19-32, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72 Advisory Planning Commission; Homer City Code 11.12.010 Street Address Assignment Plan Adopted; Homer City Code 21.03.040 Definitions Used in Zoning; and Homer City Code 22.10.040 Applicable and Exempted Subdivisions to Change the Name of the Advisory Planning Commission to the Planning Commission Throughout. Mayor. Ordinance 19-32(S), With the same title that includes City Attorney Edits; **Announcements/Presentations/Reports** Mayor's Report- Letter to Mayor

Castner from Homer Chamber of Commerce Re: KPB Bed Tax; **Public Hearings** Ordinance 19-28, An Ordinance of the City Council of Homer, Alaska, Authorizing the Expenditure in an Amount up to \$6,000 from the HART Funds for Construction of an ADA Accessible Trail on City of Homer Property and Kachemak Heritage Land Trust Property. Mayor. Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019 MOU between the City of Homer and Kachemak Heritage Land Trust as backup; **Resolutions** Resolution 19-044, A Resolution of the City Council of Homer, Alaska, Approving a Request for Proposals (RFP) for General Counsel Services. Mayor/Council. Proposed amendments from the Mayor.

APPROVED as amended without discussion

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

One person commented.

RECONSIDERATION

CONSENT AGENDA (Items listed below will be enacted by one motion. If a 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 June 10, 2019. City Clerk. Recommend adoption.
- b. Memorandum 19-076 from Mayor Re: Reappointment of Franco Venuti and Syverine Bentz to the Homer Advisory Planning Commission. Recommend approval.
- c. Memorandum 19-077 from City Clerk Re: Liquor License - Restaurant Designation Permit and Licensed Premises Diagram Change for Captain Pattie's Fish House. Recommend approval.
- d. Ordinance 19-31, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.18 Central Business District, Section 21.18.020, Permitted Uses and Structures, to Add Medical Clinics as a Permitted Use. Planning Commission. Recommended dates: Introduction June 24, 2019 Public Hearing and Second Reading July 22, 2019.

Memorandum 19-078 from City Planner as backup.

- e. Ordinance 19-32, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72 Advisory Planning Commission; Homer City Code 11.12.010 Street Address Assignment Plan Adopted; Homer City Code 21.03.040 Definitions Used in

Zoning; and Homer City Code 22.10.040 Applicable and Exempted Subdivisions to Change the Name of the Advisory Planning Commission to the Planning Commission Throughout. Mayor. Recommended dates: Introduction June 24, 2019. Public Hearing and Second Reading July 22, 2019.

Moved to Ordinances item a. Aderhold

- f. Resolution 19-043, A Resolution of the City Council of Homer, Alaska, Urging the U.S. Army Corps of Engineers to Consider the Economic Impacts to the Bear Viewing Industry in the Pebble Mine Impact Statement. Aderhold. Recommend approval.

Moved to Resolutions item c. Smith

Item e was moved to Ordinances item a. by Aderhold

Item f was moved to Resolutions item c. by Smith

APPROVED without discussion.

VISITORS

ANNOUNCEMENTS / PRESENTATIONS / REPORTS (5 Minute limit per report)

- a. Committee of the Whole Report

Councilmember Smith reported the Council discussed the proposed RFP for General Counsel Services and heard an update on the large vessel harbor expansion project from Port and Harbor Director Hawkins Harbormaster.

- b. Worksession Report

City Manager Koester reported the worksession was on the Municode Agenda Management Software the City utilizes and Good Reader, the program used to read epackets.

- c. Special Meeting Report

Mayor Castner reported that the Special Meeting scheduled tonight was canceled.

- d. Mayor's Report

- i. Letter of Support for KBBI
- ii. July Parks and Recreation Month
- iii. Letter from Chamber of Commerce

Mayor Castner noted the items listed under his report.

- e. Borough Report

Assembly member Kelly Cooper reported the Material Site Task Force has concluded and presented to the Assembly regarding proposed changes to code. She's suggested the Planning Commission, Assembly and Planning Department have a work session to work together on appropriate amendments. The Ordinance on the bed tax was amended from 12% to 10% and to include RV parks and tent sites. There's been an organized effort requesting the Mayor to veto the ordinance, it would have to happen by their meeting on July 2nd, otherwise it will be on the fall ballot. She rescinding Ordinance 2019-11 regarding the sales tax cap as there is an Ordinance coming forward to ask the voters to approve raising the cap from \$500 to \$1000. She reminded listeners that \$3 million of our deficit is due to cost shifting from the state with the school bond debt reimbursement and the fish tax. The Mayor vetoed the \$100,000 for the Kenai Tourism and Marketing Council (KTMC) and they've moved in to the building with KPEDD, will be mentored, and will hopefully be able to continue marketing services. A borough building in Soldotna closed so there will be an additional \$375,000 yearly appropriation for utility, maintenance, and insurance costs. She will be introducing an ordinance on July 2nd to ask voters to approve a Borough Manager form of government. She believes there would be cost savings in the long run and bring stability to the Borough by hiring a manager that has experience and qualifications. The Mayor would then become the Chair of the Assembly, have veto authority, vote in the case of a tie, and have a more active role on the assembly. 12 of the 19 Borough's in the state are a Manager form of government, as well as many municipalities.

In response to questions Assembly Member Cooper explained an ordinance can come forward after things settle to appropriate funds to the KTMC. She explained, regarding moving to a Manager form of Government, that currently when a Mayor is elected they are paid a salary that has nothing to do with their qualifications, they have the authority to hire a Chief of Staff at a good salary that is not approved by the Assembly, whose qualifications don't line up well, where a Manager form would have one person in that role and an Administrative Assistant type of position with less payroll in the long run. Over the years there have been Mayors who are qualified and who were not. Often additional costs are seen in mistakes, in litigation that may not have happened with an experienced Manager in the role, more efficiencies with not bringing a political platform, and there would be more stability with longevity and fewer severance agreements to fulfill. She commented briefly about the recent invocation experience that drew some publicity.

Councilmember Venuti thanked Assembly Member Cooper for her work on the Assembly and for her reports to Council.

f. Library Advisory Board

Mark Massion, Library Advisory Boardmember, reported on the Summer Reading Program, that in July there will be a class for young women interested in science and engineering, and that food for kids and teens continues. Food can be picked up at the library on Wednesday's at the library through August 14th, and one more time on Thursday at Karen Hornaday Park from 4:30 – 6:00 pm. He thanked people who have been bringing donations of food, but noted the library

isn't a collection point, and encouraged the donations be made to the Food Pantry. He also noted the Book Mobile will be on display at Grace Ridge Brewery on July 5th.

g. Homer Advisory Planning Commission

Tom Bos, Planning Commissioner, reported they finished decisions and findings for the medical clinic remand, and approved preliminary plats on West Bayview and on Mission Road. They're continuing discussions regarding zoning permits and conditional use permits, and the criteria expected by the Commission to issue on, and regarding building heights in the East End Mixed Use district. They had a worksession with the City Attorney on Quasi-Judicial process, the Open Meetings Act, and drafting findings, and there is currently an opening on the Planning Commission.

h. Economic Development Advisory Commission

Jeffrey Johnson, Economic Development Advisory Commissioner, reported there was a worksession prior to their last meeting to layout current, ongoing short, mid, and long term goals as listed in the Comp Plan, the Comprehensive Economic Development Strategies (CEDs), and the Business Retention and Expansion Survey. They are moving toward priorities with Wayfinding and Street Scape efforts follow-up, researching zoning recommendations to forward to the Planning Commission, reviewing the CEDs, moving toward downtown vitalization, forming telecommuter workgroup to collaborate on an initiative with the Chamber of Commerce, continued familiarization with Smart Growth principals and best practices, and assessing job training needs in Homer. At their regular meeting they had a presentation from City Planner Abboud on zoning considerations. They aren't meeting in July and will discuss and evaluate Ordinance 19-19(S) at their August meeting as requested by Council.

i. Parks Art Recreation and Culture Advisory Commission

Deb Lowney, Parks Art Recreation and Culture Advisory Commissioner, reported they welcomed new Commissioner Charles Barnwell, and have an opening for a Student Representative. The Commission received information from Wayne Aderhold regarding upgrading a portion of an alley way between KBBI and the Alibi that would connect to Poopdeck. It addresses some drainage issues on the properties and could potentially be used as a trail, and they'll discuss it on a future agenda. Karin Marks from the Economic Development Advisory Commission gave a presentation on Wayfinding that was very interesting, particularly relating to parks and trails and staying connected to the process and forward movement of any work in progress with it. The Commission discussed the Capital Improvement Plan and proposed Main Street and Bayview Park as their top two for consideration. They also voted to use \$500 to do improvements in the Karen Hornaday Park trail system related to drainage and erosion, and they've discovered a need to stabilize the slope along that area as its getting well used. They'll be submitting a request for \$1,500 from

HART to purchase needed supplies and use volunteer labor. She commented about the work Girl Scout Troop 226 has done in clearing along the Fairview section of the trail.

In response to questions, Ms. Lowney explained the traffic calming project for Karen Hornaday Park that was approved by Council has a July-August time frame for completion, and gave a brief overview of what will be done.

Councilmember Lord thanked the Commission and volunteers who work on our City parks and trails.

j. Port and Harbor Advisory Commission

Cathrine Ulmer, Port and Harbor Advisory Commissioner, thanked Council for their support of the Harbor expansion, it will enhance our community and the economic situation for our harbor. She recognized Port Director Hawkins for his work and dedication. She that loves our Commissions and Council represent our community at large, they're doing a good job, male/female and young/old, and she put out a plea for young-ish women to apply to serve on the Port and Harbor Advisory Commission. She'd like to see more balance on their Commission.

k. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported the Committee met and reviewed the Capital Improvement Plan and will be working toward making a recommendation to Council. They also heard a presentation on the alley-way, Klondike Alley Trail, from the Poopdeck Trail to behind KBBI.

There was brief discussion about accessibility at the high school and the potential of using the SPARC facility as an evacuation location.

l. Kenai Peninsula Borough Election Stake Holder s Task Force Report

Councilmember Aderhold commented on the work of the Task Force, it's been an interesting process, she's learn so much about elections, and it's been really beneficial. They haven't voted on their recommendations yet, but they've made a motion to recommend moving to a hybrid by-mail system that will include options to vote by mail or vote in person at one of five vote centers that will be located throughout the Borough. They've discussed appointing service area representatives instead of electing them. Typically there's only one applicant per seat and it significantly complicates the voting districts. They're planning to institute a public information campaign for by-mail voting to help voters understand the system. They've also moved to use ranked choice voting for the Borough Mayor to avoid run-off elections. Lastly they're planning to modernize the voter pamphlet in conjunction with moving to the new voting system. In response to questions she gave a brief explanation of ranked choice voting.

PUBLIC HEARING(S)

- a. Ordinance 19-23(S) An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code Title 14 to be Entitled “Homer Public Utility Systems” and Homer City Code Title 17 to be Entitled “Public Assessments” to: 1) Consolidate Water and Sewer System Regulations and Rates; 2) Update Definitions and Common Terms, and 3) Create Uniformity Between Service and Assessment Practices and Repealing Homer City Code Chapters 9.08, 13.24 and 13.28 to Relocate Utility Construction Practices and Fees from Homer City Code 13.24 and Homer City Code 13.28 Into Titles 14 and 17 and Move Homer City Code 9.08 to Homer City Code 17.03 and Update Assessment Lien Enforcement Provisions to Incorporate State Law Requirements. Lord/Stroozas. Introduction May 28, 2019, Worksession June 10, 2019. Public Hearing June 10, 2019, Public Hearing and Second Reading June 24, 2019.

Memorandum 19-058 from Stroozas/Lord as backup.
Memorandum 19-063 from City Attorney as backup.

There were no public comments.

POSTPONED to July 22, 2019 with discussion.

- b. Ordinance 19-26, An Ordinance of the City Council of Homer, Alaska Adding Rural Residential Zoning District 21.12.060 Lighting Standards and Urban Residential Zoning District 21.14.060 Lighting Standards. Planning Commission. Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

Ordinance 19-26(S) An Ordinance of the City Council of Homer, Alaska, ~~Adding Rural Residential Zoning District 21.12.060 Lighting Standards and Urban Residential Zoning District 21.14.060 Lighting Standards.~~ **Amending Homer City Code Title 21, Zoning and Planning, to Adopt Lighting Standards in HCC Chapter 21.12, RR Rural Residential District, and in HCC Chapter 21.14, UR Urban Residential District. Planning Commission.**

Memorandum from City Planner as Backup

There were no public comments.

ADOPTED Substitute without discussion.

- c. Ordinance 19-27, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 11.36, “Vegetation in Rights-of-Way” to Amend HCC 11.36.020 and Add HCC 11.36.030 “Removal for Compliance-Public Works Director Discretion,” to Permit Public Works Director to Authorize Removal of Vegetation to Bring Roads Constructed Prior to City Regulation into Compliance with City Laws and Construction Procedures. Stroozas. Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

Ordinance 19-27(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 11.36, "Vegetation in Rights of Way" to Amend Homer City Code 11.36.020 and Add Homer City Code 11.36.030, "Removal for Compliance-Public Works Director Discretion," to Permit Public Works Director to Authorize Removal of Vegetation to Bring Roads Constructed Prior to City Regulation into Compliance with City Laws and Construction Procedures. Stroozas/Lord.

Three people commented.

ADOPTED Substitute with discussion.

- d. Ordinance 19-28, An Ordinance of the City Council of Homer, Alaska, Authorizing the Expenditure in an Amount up to \$6,000 from the HART Funds for Construction of an ADA Accessible Trail on City of Homer Property and Kachemak Heritage Land Trust Property. Mayor. Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

Memorandum 19-070 from Deputy City Planner as backup.

There were no public comments.

ADOPTED without discussion.

- e. Ordinance 19-29, An Ordinance of the City Council of Homer, Alaska, Authorizing the Expenditure in an Amount up to \$13,900 from the HART Funds for Construction of an ADA Accessible Trail on City of Homer Property and Kachemak Heritage Land Trust Property. Venuti. Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

Memorandum from Parks Art Recreation & Culture Advisory Commission as backup

There were no public comments.

ADOPTED with discussion.

- f. Ordinance 19-30, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Commercial Vessel Passenger Tax Program Pass Through Grant from the Kenai Peninsula Borough for Calendar Year 2018 in the Amount of \$35,815 and a Commercial Vessel Passenger Tax Appropriation from the State of Alaska For \$35,815 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

There were no public comments.

ADOPTED with discussion.

ORDINANCE(S)

- a. Ordinance 19-32, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72 Advisory Planning Commission; Homer City Code 11.12.010 Street Address Assignment Plan Adopted; Homer City Code 21.03.040 Definitions Used in Zoning; and Homer City Code 22.10.040 Applicable and Exempted Subdivisions to Change the Name of the Advisory Planning Commission to the Planning Commission Throughout. Mayor. Recommended dates: Introduction June 24, 2019. Public Hearing and Second Reading July 22, 2019.

Ordinance 19-32(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72 Advisory Planning Commission; Homer City Code 11.12.010 Street Address Assignment Plan Adopted; Homer City Code 21.03.040 Definitions Used in Zoning; and Homer City Code 22.10.040 Applicable and Exempted Subdivisions to Change the Name of the Advisory Planning Commission to the Planning Commission Throughout. Mayor.

INTRODUCED Substitute with discussion.

CITY MANAGER'S REPORT

- a. City Manager's Report

City Manager Koester reported that no proposals were submitted for the HERC building so Council will need to meet and talk about potential next steps on that. It was suggested it be scheduled for the next available worksession and Councilmember Aderhold agreed to work with the City Manager in preparing for that worksession.

City Manager Koester reminded listeners that there will be an Open House in the Council Chambers Tuesday starting at 4:00 p.m. on six DOT projects that are either in process or upcoming.

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

- a. Resolution 19-044, A Resolution of the City Council of Homer, Alaska, Approving a Request for Proposals (RFP) for General Counsel Services. Mayor/Council.

POSTPONED with discussion to a Special Meeting July 10, 2019

- b. Resolution 19-045, A Resolution of the City Council of Homer, Alaska, Supporting Kenai Peninsula Borough Ordinance 2019-11 Repealing KPB 5.18.430(F) which Requires Voter Approval to Increase the Sales Tax Cap. Aderhold.

FAILED with discussion.

COMMENTS OF THE AUDIENCE

Two people commented.

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen commented there were a few issues in their worksession training and she heard some negative comments about the Municode program. Municode and Good Reader are programs that work well and the problems today had to do with some unanticipated issues with setting up logins and iPad restrictions. She hopes Council will stay open minded and continue to work with getting used to using the e-packets.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

COMMENTS OF THE MAYOR

Mayor Castner commented there is a meeting at City Hall tomorrow at 4:00 p.m. for people to come, ask questions, and make their views known regarding the upcoming and ongoing DOT projects. He's been working with staff on our fund balances and he thinks they've worked out the hierarchy on funding and also spending and it will be coming to Council on July 22nd. In the process they've found some things with project funding that the Finance Director has had concerns over and they'll be looking at getting those cleaned up.

COMMENTS OF THE CITY COUNCIL

Councilmember Stroozas commented there will be a cruise ship in port tomorrow and on Wednesday. When you see the passengers around town, be sure to welcome them to our community.

Councilmember Aderhold commented she attended the Kachemak Bay Writer's Conference last week. Every year the conference gets better, the faculty improves, the key-note speakers are always phenomenal, and it's a huge benefit to our community.

Councilmember Erickson had no comment.

Councilmember Lord said she was excited to hear Northern Enterprises received funding to purchase a 150 ton travel lift for their boat yard. Northern Enterprises have been very dedicated to the maritime community and industry in this town for decades. This funding is part of the Maritime Administration Small Shipyard's Grant. She was working at the Farmer's Market with her daughter and it was fun talking to her about the Pride Parade coming through and what it means, it was well attended, she was proud of the community, and it was great having them come through. She commented about summer swimming lessons by the Kachemak Swim Club and also at the Bay Club, and on the importance of learning how to swim. She thanked the Clerk's Office for the work they do preparing agenda packets, the information is important to the Council, but also to the community and for transparent government. Lastly she commented there will be a special legislative session starting July 8th, there are questions where it will be held and leadership of the House and Senate have suggested they'd like it in Juneau. She encouraged people to appreciate the access to our legislature through Gavel to Gavel when they're in Juneau.

Councilmember Smith offered a belated happy Father's Day and happy Solstice. He commented on the fire on the Peninsula and he hopes people are being careful and mindful that it's really dry out there. He heard the festivities of the Pride March that started close to his house and wished a happy Pride Month. The adult softball league is playing at Jack Gist Park and invited people out to come watch the games at 6:30 and 8:00 p.m.

Councilmember Venuti thanked the Commission members for the reports they give Council, she appreciates the information. She's proud that there are community members here who participate. She attended the MAPP meeting last week regarding how the Homer community can be prepared by using our shared resources if we have a disaster. There's one week left to submit public comment on the draft EIS for Pebble Mine. Senator Murkowski called 2019 the year of the salmon and encouraged people to submit public comments through the Cook Inletkeeper webpage. Lastly she commented about a plastic free eco-challenge for the month of July to help shift away from the dependency on single use plastic. You can go to <https://plasticfree.ecochallenge.org/> to see what others are doing.

ADJOURNMENT

Next Regular Meeting is Monday, July 22, 2019, at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Mayor Castner adjourned the meeting at 8:57 p.m.