



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

**City of Homer
Action Agenda
Worksession
Committee of the Whole
Regular Meeting
Monday, July 22, 2019 at 6:00 PM
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)

APPROVE by consensus.

DISCUSSION TOPIC(S)

a. HERC Next Steps

Memorandum 19-093 Re: Needs and Future Plans for the Homer Education and Recreation Complex

COMMENTS OF THE AUDIENCE (3 minutes)

There were seven who commented.

ADJOURNMENT NO LATER THAN 4:50 P.M.

Next Regular Meeting is Monday, August 12, 2019 at 6:00 p.m., Worksession 4:00 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 4:53 p.m.

Committee of the Whole Agenda

CALL TO ORDER, 5:00 P.M.

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

Department Heads may be called upon to participate.

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)

- a. **USI Benefits Update, Brandon Nyberg (10 minutes)**

CONSENT AGENDA

REGULAR MEETING AGENDA

COMMENTS OF THE AUDIENCE

ADJOURNMENT NO LATER THAN 5:50 P.M.

Next Regular Meeting is Monday, August 12, 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 Agenda

Session 19-20 a Regular Meeting of the Homer City Council was called to order on July 22, 2019 by Mayor Ken Castner at 6:00 p.m. 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
LIBRARY DIRECTOR BERRY
FIRE CHIEF KIRKO
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:

Worksession HERC Next Steps, Written public comments ; **Mayoral Recognitions & Proclamations** Letter of Appreciation for Chief Purcell; **Consent Agenda** Revisor Corrections to Memorandum 19-086 changing Denali Borough in first paragraph to Soldotna, AK and to Ordinance 19-34 adding referenced memo number 19-090 on line 21; **Mayor's Report** Recognition presented to Joy Steward; **City Manager's Report** FY19 Quarterly General Fund Expenditure Report; **New Business** Memorandum 19-088 from City Clerk Re: Letter from City Council to Governor Dunleavy, Senator Stevens and Representative Vance regarding effects of line item vetoes on the Homer Community, Amended letter; **Resolutions** Resolution 19-049(S) A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the A Frame Water Tank Demolition Project to the firm of Building Specialties of Anchor Point, Alaska, in the amount of \$145,850, and authorizes the City Manager to execute the appropriate documents. City Clerk. Memorandum 19-093 from Public Works Director as backup. 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. (Attorney Advice and Direction Regarding RCA Tariff Filing 310-4), following council comments.

APPROVED as amended without discussion.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

- a. Swearing in Chief Mark Kirko, Homer Volunteer Fire Department

Mayor Castner swore in Fire Chief Kirko and gave a letter of appreciation to Interim Chief Purcell.

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

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 Special Meeting minutes of June 19, July 10, and July 15, 2019 and Regular Meeting minutes of June 24, 2019. Recommend approval.
- b. Memorandum 19-082 from Deputy City Clerk Re: Liquor License Transfer for Cafe Cups. Recommend approval.

- c. Memorandum 19-083 from Deputy City Clerk Re: Retail Marijuana License #12866 Renewal for Uncle Herb's. Recommend approval.
- d. Memorandum 19-086 from City Clerk Re: Travel Authorization for Mayor and Two Councilmembers to Attend the AML Summer Conference held August 13-15, 2019 in Soldotna, AK. Recommend approval.
- e. Memorandum 19-087 from City Clerk Re: Travel Authorization for Mayor and Councilmembers to Attend the RCA Tariff 310-4 Hearing Scheduled July 29-August 7, 2019 in Anchorage, AK. Recommend approval.
- f. Memorandum 19-091 from City Clerk Re: Replenishment of City Lapel Pins. Recommend approval.
- g. Ordinance 19-33, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the amount of \$10,000 from the Port and Harbor Reserves Fund for Engineering Services for Deep Water Dock Contingency Planning. City Manager/Port Director. Recommended dates: Introduction July 22, 2019, Public Hearing and Second Reading August 12, 2019.
- h. Ordinance 19-34, An Ordinance of the City Council of Homer, Alaska, Amending the Capital Budget and Authorizing Pass Through Funds for the Alaska Department of Transportation (ADOT) Lake Street Project. City Manager/Public Works Director. Recommended dates: Introduction July 22, 2019, Public Hearing and Second Reading August 12, 2019.
- i. Resolution 19-046, A Resolution of the City Council of Homer, Alaska, Approving a New One-Year Contract with Premera Blue Cross, VSP, and Prudential with a Renewal Date of August 1, 2019. City Manager. Recommend adoption.

Memorandum 19-084 from Employee Committee as backup.

- J. Resolution 19-047, A Resolution of the City Council of Homer, Alaska, Formally Authorizing the City Manager to Submit a Harbor Facility Grant Application to the State of Alaska, Department of Transportation and Public Facilities (AKDOT&PF) in the Amount of \$714,240 for the Homer Harbor Cathodic Protection Project. City Manager/Port Director. Recommend Adoption.

Memorandum 19-085 from Port Director as backup.

- k. Resolution 19-048, A Resolution of the City Council of Homer, Alaska, Establishing Administrative Guidelines and Expectations for City Board Members and Commissioners who Represent the City of Homer on Outside Boards or Commissions. Aderhold. Recommend adoption.

City Clerk Jacobsen read the consent agenda.

ADOPTED as read without discussion.

VISITORS

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

a. Committee of the Whole Report

Councilmember Smith reported they heard an update on employee benefits and discussed Ordinance 19-35 that will move us into a biennial budget process. There are some policy items that still need to be discussed and decided.

b. Worksession Report

City Manager Koester reported Council had a productive discussion on HERC next steps. There was a lot of conversation about a timeline for demolition and emphasizing the need to continue to be able to offer recreational services regardless of what next steps for the facility look like. Some things Council would like to look at in the next worksession are options for keeping the gym while other half of the building is demoed, the value of the concrete foundation, the notion of moving Public Works from HERC 2 to HERC 1, and what other communities are doing with community recreation.

c. Special Meeting Report – None-

d. Mayor's Report

- i. Letters from Mayor to Senator Stevens and Representative Vance Re: State Budget
- ii. Letter to AKDOT Area Planner Joselyn Biloan Re: Pedestrian Safety Study
- iii. South Peninsula Behavioral Health Services Inc. 40th Anniversary
- iv. Recognition for Joy Steward

Mayor Castner reviewed the items listed under his report.

e. Borough Report

f. Library Advisory Board

Mark Massion, Library Advisory Boardmember, reported on library events and budget impacts to library.

g. Homer Advisory Planning Commission

Roberta Highland, Planning Commissioner, reported she heard from local bee keeper Linda Gorman about bee keeping and starting educational program to address some concerns about

bee hives. At their regular meeting they discussed an up to 75 foot height limit in the East End Mixed Use District to assist boat building businesses. They also discussed Ordinance 19-19(S) and have asked for more information to be presented at their next worksession. They selected the Storm Water Master Plan and Barge Mooring/Large Vessel Haul out as their top two CIP projects. In review of the Transportation Plan, they recommended separating Streetscapes and Wayfinding from the plan, and postponing more work on the plan until after the Census is complete as it will provide some needed information. They are reviewing information for an ordinance amending GC1 & 2 regarding manufacturing.

- h. Economic Development Advisory Commission
- i. Parks Art Recreation and Culture Advisory Commission
- j. Port and Harbor Advisory Commission

Catherine Ulmer, Port & Harbor Advisory Commissioner encouraged Council to support Ordinance 19-33 to assist in completing the study and help in serving all possible users, and expressed the importance of Resolution 19-047, the catholics will help us save pilings in the harbor.

- k. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported the Committee met and reviewed items from the Transition Plan that could be incorporated into the Capital Improvement Plan. She also said they got to test out the new grating at the upstairs entrance to City Hall. It's now in compliance.

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 and July 10, 2019, Public Hearing June 10, June 24, July 22, 2019.

Memorandum 19-089 from Councilmember Lord as backup.

Memorandum 19-080 from Councilmembers Lord and Stroozas as backup.

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

POSTPONED to a worksession on August 12, 2019. Also scheduled a Worksession September 16th and public hearing September 23, 2019, with discussion.

- b. 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. Introduction June 24, 2019, Public Hearing and Second Reading July 22, 2019

Memorandum 19-078 from City Planner as backup

ADOPTED without discussion

- c. 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. Introduction June 24, 2019, Public Hearing and Refer to Planning Commission July 22, 2019, Second Reading August 12, 2019.

REFERRED to Planning Commission and Second reading scheduled for August 12, 2019, with discussion.

ORDINANCE(S)

- a. Ordinance 19-35, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 3.05, Budget to Institute a Biennial Budget; Repealing Homer City Code 3.05.040, Equipment Replacement Reserve, Homer City Code 3.05.042, Alternative Funding For Depreciation, And Homer City Code 3.05.043, Health Insurance Reserve Fund; Amending Homer City Code 3.05.045, Balanced Budget Requirements; and Enacting Homer City Code 3.05.046, Emergency Operations Fund; 3.05.047, Capital Asset Repair And Maintenance Account; 3.05.048, Capital Improvement Fund; 3.05.049, General Fund - Fund Balance; And 3.05.050, Prioritization of Funding. Mayor. Recommended dates: Introduction July 22, 2019 Public Hearing and Second Reading August 12, 2019.

INTRODUCED with discussion.

CITY MANAGER'S REPORT

- a. City Managers Report

City Manager Koester provided an update on the East Road Cottages project, the low income housing development in Kachemak City, issuance of notice to rescind the agreement for providing water. After the packet deadline, they reached out and said they are going try again at getting the permission required per the agreement from Kachemak City for the City of Homer to provide those services. She doesn't expect to hear back from them until the end of August.

In response to a question about the Ocean Drive Loop final report, City Manager Koester said Council will see a copy of the final report. It's not in the packet because she wants to provide some cost scenarios for property owners when it's issued. She'll have it in her next report.

- b. Bid Report - Informational Only

PENDING BUSINESS

NEW BUSINESS

- a. Memorandum 19-088 from City Clerk Re: Letter from City Council to Governor Dunleavy, Senator Stevens and Representative Vance regarding effects of line item vetoes on the Homer Community

APPROVED with discussion.

RESOLUTIONS

- a. Resolution 19-049, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the A Frame Water Tank Demolition Project to a Firm to be Announced in an Amount to be Disclosed and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

ADOPTED Substitute without discussion.

COMMENTS OF THE AUDIENCE

There were two who commented.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells commented regarding developments in a case with Mr. Griswold. This is the case where a CUP was applied for by Jose Ramos for more than one building with a principal use, a duplex on a Central Business District lot. The Board of Adjustment granted the permit, it was appealed by Mr. Griswold to the Superior Court. That appeal was dismissed by the Judge based on standing, and that decision was appealed to the Alaska Supreme Court which disagreed and sent it back to the lower court to be decided on the merits. For the first time, we've received an order from the Judge, and basically the City prevailed on all the issues and numerous questions that have been asked over many years, such as is the Advisory Planning Commission advisory or is it a decision making body, conflict of interest and questions

regarding bias that have been repeatedly raised, and questions regarding zoning laws. These are things that are important to the City and come up repeatedly in these cases, and were found to be appropriately decided by the City and the Board of Adjustment. This is just a Superior Court decision, there are several others out there, but it gives us a lot of direction for the Planning Department and an importation one for the City to be aware of. There are a couple more cases outstanding, and she'll continue to keep Council updated.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen reported there are openings on the Planning Commission and the Economic Development Advisory Commission, and there are student representative seats for a high school student to participate on. Information and applications are available on line and at the City Clerk's office.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

COMMENTS OF THE MAYOR

Mayor Castner commented briefly regarding the RCA hearings upcoming in Anchorage. The City is in discussion with other parties who have standing.

COMMENTS OF THE CITY COUNCIL

Councilmembers Venuti commented the college is going to be open and classes are going on for the fall. President Johnson said they'll be keeping as many programs as possible, but things keep changing. She encouraged people interested in signing up for classes to do so. It's been a difficult time for the staff there. She learned a lot tonight about the biennial budget and thanked everyone who spoke, including Mr. Zitzmann. She said yes to better bags, the question of whether to prohibit retailers from providing single use plastic bags will be on the October 2019 ballot. She shared a few facts about plastic bags, only 1% of plastic bags are returned for recycling, according to waste management, the average American family takes home almost 1500 shopping bags a year, plastic bags are use on an average of 12 minutes, and up to 80% of ocean plastics enter enter the ocean from the land. She hopes people become informed and vote yes for better bags in October.

Councilmember Smith welcomed Chief Kirko and thanked Interim Chief Purcell. He thanked Mr. Zitzmann for his comments tonight and thinks we have plenty of work ahead on the budget policies but he has complete confidence they can work them out. He commented about his experience in South America relating it to adjusting to change. He was there for a couple of years and in one location for three months where there was no hot water, so he had to take cold showers. The adaptability of people and communities is pretty amazing, we're resilient. We talk about resiliency in the face of addiction, trauma, ACES, and so forth, but change can

be traumatic, and right now we're facing unknowns with the state, but in comparison to how quickly he adapted and got used to the cold showers, we can adapt and adjust, and be fine at the end of the day. It may not always be comfortable, but we accomplish what we need to do over time. He hopes people hold strong and that we do our part. We don't have to hold silent, Council issued their letter tonight, hopefully represent a good portion of our community. Let your Representatives and your Governor know how you feel and what you expect from them, as they have the ability to appropriate your money.

Councilmember Lord said she thinks most everyone is paying attention, and it's take up a tremendous amount of mental and emotional space for her and a lot of people she knows since February. As Councilmember Smith said, there is a lot of adaption potential. She's though with gratitude about our administration and the job we do at this table where the City Manager works with staff to provide a budget that we make our own. It's our job to vet it and ensure its meeting the needs of the community. She doesn't envy any of the legislators trying to work through the State budget in the timeframe they were given. The capital budget is not funded, and it's not only state dollars but also local matching dollars on the table for harbor projects, federal dollars for infrastructure projects, health care dollars, public safety, education, and so on. Change can happen but it should happen with time, leadership, and vision. That's the message she's been trying to send, and she's glad they work with that at the City level to implement with leadership and vision for the long term. She's thankful for the City of Homer. She congratulated Fire Chief Kirko, and thanked Chief Purcell, she learned a lot from him. The Homer Garden Club has a Gardeners Weekend with a garden tour on Sunday, and her garden is on the tour this year. Lastly she said her nephew from Bristol, England is in the audience, he just arrived.

Councilmember Erickson commented she was in Anchorage with her sister and they were talking about the budget, and she had to say she's pretty proud of us. We saw where the State was heading when putting together funds for the new Police Station to do it on our own. We've been looking at the future and paying attention, we're cleaning up some things that have been stressful at the table and thinks we've been wise. There have been a number of nasty things happening on our roads with car wrecks and the plane crash across the bay. She thanked all of the first responders and EMT's. She hears reports about how everyone works so well together in the midst of these emergencies. She asked everyone to slow down and pay attention on the roads. Tomorrow the cruise ships start coming back for the next couple of weeks. Passengers will just be on Pioneer Avenue because of the construction so keep an eye out for pedestrians. The fireweed is incredible this year, she encouraged everyone enjoy it and all the blessings around us.

Councilmember Aderhold also thanked our first responders, including the Good Samaritan first responders, it's been really amazing and nice to see people working together for the good of others. Work has started on the loop trail on the Poopdeck Platt property, it's going to be a nice trail when it's done. With the number of people who will be on Pioneer Avenue, she

reminded everyone to share the road. Remember pedestrians have the right-of-way in cross walks, so please pause for them, and be on the lookout for bicyclists also.

Councilmember Stroozas commented it's been a great summer, it's been terrific to look at the fireweed and all the other flora, the fishing has been phenomenal, and he encouraged everyone to get out and enjoy the rest of the summer.

SMITH/ADERHOLD MOVED TO ADJOURN INTO 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. (ATTORNEY ADVICE AND DIRECTION REGARDING RCA TARIFF FILING 310-4), AND THAT CITY MANAGER KOESTER AND CITY ATTORNEY WELLS PARTICIPATE AND ATTORNEY ROSS AND CONSULTANT KEEN WILL PARTICIPATE TELEPHONICALLY.

PASSED without discussion.

Council adjourned into executive session at 7:50 p.m. The meeting reconvened at 8:27 p.m.

Councilmember Smith reported council met in 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 and gave direction to our attorneys regarding the RCA Tariff Filing 310-4.

ADJOURNMENT

Next Regular Meeting is Monday, August 12, 2019 at 6:00 p.m., Worksession 4:00 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 8:28 p.m.