

Session 20-13 a Regular Meeting of the Homer City Council was called to order on April 13, 2020 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, via Zoom Webinar and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: ADERHOLD, EVENSEN, HANSEN-CAVASOS, LORD, SMITH, VENUTI

STAFF: CITY MANAGER YODER
CITY CLERK JACOBSEN

AGENDA APPROVAL (Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 2.08.040.)

LORD/ADERHOLD MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Penelope Haas, non-resident, commented in support of Memorandum 20-045, Alaska Climate Change Cohort, Resolution 20-043, membership with ICLEI and Resolution 20-035 supporting the Kenai Peninsula Borough Resiliency and Security Commission.

Bjorn Olson, city resident, commented in support of Memorandum 20-045, Alaska Climate Change Cohort, Resolution 20-043, membership with ICLEI and Resolution 20-035 supporting the Kenai Peninsula Borough Resiliency and Security Commission.

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. City Council unapproved Regular Meeting Minutes of March 23, 2020. City Clerk. Recommend adoption.

Moved to New Business item a. Evensen.

- b. Memorandum 20-045 from Councilmember Aderhold Re: Alaska Climate Change Planning Cohort Support. Recommend approval.
- c. Ordinance 20-19, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 19 to add Chapter 19.01 Closures of Use Areas to Reflect the City Manager's Authority to Close City Parks, Campgrounds, and Public Places in an Emergency or other Exigent

Circumstances. City Manager. Recommended dates Introduction April 13, 2020, Public Hearing and Second Reading April 27, 2020.

Memorandum 20-046 from Public Works Director as backup

- d. Resolution 20-032, A Resolution of the City Council of Homer, Alaska Ratifying and Confirming the Appointment of Marvin Yoder as Interim City Manager, and Providing for Related Matters. Mayor. Recommend adoption.
- e. Resolution 20-033, A Resolution of the City Council of Homer, Alaska Designating Signatories of City Accounts and Superseding any Previous Resolutions so Designating. City Manager. Recommend approval.
- f. Resolution 20-034, A Resolution of the City Council of Homer, Alaska Approving the City to Apply for Membership to ICLEI USA-Local Governments for Sustainability. Aderhold. Recommend approval.
- g. Resolution 20-035, A Resolution of the City Council of Homer, Alaska Supporting the Establishment of a Kenai Peninsula Borough Resilience and Security Commission. Aderhold. Recommend adoption.
- h. Resolution 20-036, A Resolution of the City Council of Homer, Alaska Approving a Five Year Lease with Sea Tow South Central Alaska for the City Property Located at 4667 Homer Spit Road and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 20-049 from Port Director/Harbormaster as backup

- i. Resolution 20-037, A Resolution of the City Council of Homer, Alaska Affirming Measures to Provide Increased Time for Certain Payments to Reduce Financial Hardship during the COVID-19 Emergency. Lord/Smith/Aderhold. Recommend adoption.

Item a. moved to New Business item a. Evensen.

LORD/VENUTI MOVED TO ADOPT THE CONSENT AGENDA AS READ.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- a. Legislative Update - Senator Gary Stevens (10 Minutes)

Senator Stevens provided a brief legislative update and responded to questions.

- a. Unified Command Update Re: COVID-19 (10 minutes)

Fire Chief Mark Kirko provided an update of Emergency Operation efforts by the City and their work with other agencies to date. Public Health Nurse Lorne Carroll, South Peninsula Hospital PIO Derotha Ferraro, and City of Homer PIO Jenny Carroll reported on statewide and local COVID-19 cases and shared information on resources available locally.

- b. Kenai Peninsula Economic Development District Update - Tim Dillon, Executive Director (10 minutes)

KPEDD Executive Director Tim Dillon provided an overview of the COVID-19 impacts to local businesses throughout the Kenai Peninsula Borough and strongly encouraged participation in the 2020 Census.

- c. Homer Foundation Grant Update - Mike Miller, Executive Director (10 minutes)

Homer Foundation Executive Director Mike Miller reported on the Homer Foundation grants awarded through the City of Homer Grant Program.

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

- a. Committee of the Whole Report

Councilmember Lord reported the Council discussed the right-of-way legislation on the regular agenda, and also the timeline for City Manager hiring.

- a. Mayor's Report

Mayor Castner reported on work with the ACOM about what the new normal will look like people start getting back to work. They're working on a proposal to the Governor on a business COVID compliant business plan in an effort to get people back to work and follow mandates. He noted the significant damage on the spit with recent winds and high tides and administrative effort that will be needed with other agencies to continue to address this. He also received a request for a letter of support for electric vehicle charging station national grant and is inclined to write the letter unless there's objection, the deadline is April 20, 2020. He reiterated participation in the 2020 Census. Lastly he reported he's hearing a lot from people that we need to get back to work, and he's doing what he can to get there in a smart way. What we're doing now with the masking, staying home, washing hands is working well and we need to continue that until a responsible plan is in place for people to go back to work.

- c. Borough Report
- d. Library Advisory Board
 - i. Library Advisory Board Report

Mayor Castner called for a recess at 7:30 p.m. and reconvened the meeting at 7:35 p.m.

PUBLIC HEARING(S)

- a. Ordinance 20-14, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 5.42 Single-Use Plastic Carryout Bags Section 5.42.040 Exceptions to Change the

Deadline for Providing Single-Use Plastic Carryout Bags from February 14, 2020 to September 15, 2020. Smith. Introduction March 23, 2020, Public Hearing and Second Reading April 13, 2020.

Mayor Castner opened the public hearing.

Kate Finn, city resident, commented in opposition of Ordinance 20-14 explaining since the movement away from plastic bags and some spit businesses have already moved away from single use plastic bags, and this was hardly unexpected. She suggested the City could buy the supply of bags and bury them as a single bulk in the land fill, or work to leverage access to the federal and state dollars that are available to seasonal or small businesses.

Catrin Lovett, city resident, commented in support of Ordinance 20-14 said she supported the plastic bag ordinance but it didn't take into account seasonal businesses and allowing them a window of time to use their existing stock of bags. This doesn't change the intent of the ordinance, it only allows the seasonal businesses an opportunity to use the bags they have in stock.

There were no further comments and the hearing was closed.

LORD/SMITH MOVED TO ADOPT ORDINANCE 20-14 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Venuti shared this goes against the science regarding plastic bags and our environment. There are some businesses on the spit that have gone to other sources of bags, and the City Manager's department webpage has information available for reference on appropriate bags. She thinks this has been anticipated and she'd hate to go backwards on it.

Councilmember Evensen believes they need to uphold the will of the voters and feels this represents private interest. This is a policy for everyone approved by the voters. More than 70% of the voters supported and it's risky to go against that. The science around plastics in our environment is overwhelming and this is harmful for our area.

Councilmember Smith doesn't agree that they are bending the rules for certain people. This about giving the seasonal businesses the same chance others were given to use their bags. Homer had a very aggressive implementation schedule and excluded the summer months to allow people to get rid of their bags. These are bags they purchased before the beginning of the year and given the number of businesses, the impact will likely be low. He thinks this is fair to the seasonal businesses that were closed during the implementation period. He added that the original ordinance that went to the voters didn't include the February deadline. That date came after the proposition was passed, as well as the definition of bags. This has been a moving target for people, and this is an effort to address it for everyone involved.

Councilmember Lord shared her support for the bag ban and appreciates the efforts that have gone into this. She appreciates Ms. Finn's suggestion about the buyback but right now we don't have the resources to implement that. She supports the extension of the implementation date given the circumstances we're in right now.

Councilmember Aderhold appreciates the comments tonight. She fully supports the bag ban, plastics in our environment are a major problem. She also has to weigh how it feels to be a seasonal business

in Homer right now and the turmoil we're all feeling. She agrees a buyback isn't workable right now and she is supportive of the extension.

There was brief discussion regarding Emergency Ordinance 20-18 approved at the last meeting that provides an allowance for using plastic bags during the COVID-19 emergency.

VOTE: YES: SMITH, ADERHOLD, LORD, HANSEN-CAVASOS
NO: VENUTI, EVENSEN

Motion carried.

ORDINANCE(S)

- a. Ordinance 20-20, An Ordinance of the City Council of Homer, Alaska Repealing Homer City Code 11.36 Vegetation in Rights-of-Way. Evensen/Mayor.

LORD/VENUTI MOVED TO INTRODUCE ORDINANCE 20-20 BY READING OF TITLE ONLY.

Councilmember Evensen shared that he has been working as part of the right-of-way working group and doesn't believe the process has worked very well. There have been events where further cutting has taken place during the moratorium and an issue of trust has been breached. He shared his thought that Ordinance 16-51 was written with a handful of statements like "without limitations" with reference to clearing and the policy hasn't been followed. He believes with the end of the moratorium coming up, this code language should be removed and more appropriate language be prepared.

Councilmember Smith commented he's comfortable introducing this tonight and with the discussion at Committee of the Whole regarding extending the moratorium at their next meeting.

Councilmember Lord said she's also comfortable introducing this tonight and looks forward to some legal review. It raises question in her mind what the City's road powers are as the original code was enacted in 2016, but the City was incorporated and maintained right of way vegetation far prior to that. She looks forward to legal review and input on that from the City Attorney. She also noted earlier discussion on extending the moratorium and being supportive as that will allow the Public Works Director to work on what a workable solution looks like.

Councilmember Aderhold expressed she's more in favor of postponing this and working toward revising code rather than removing it. She'd like to hear from the Public Works Director what a way forward might be.

ADERHOLD/LORD MOVED TO POSTPONE THIS TO THEIR NEXT MEETING.

There was discussion in opposition to postponing, it was addressed that this is the introduction and the ordinance can be postponed at the next meeting if needed, and if the moratorium is extended at the next meeting it will provide more time to address new language and a policy.

In response to comments by Councilmember Evensen of tree cutting during the moratorium, Councilmember Aderhold noted they gave the City Manager permission to take care of some trees that were causing imminent safety issues and would like to hear back from staff regarding this.

There was discussion in favor of postponing to allow more time to consider the City's responsibility regarding clearing and to draft appropriate language rather than removing it completely.

VOTE (postponement): YES: LORD, ADERHOLD
NO: EVENSEN, HANSEN-CAVASOS, SMITH, VENUTI

Motion failed.

There was no further discussion on the main motion.

VOTE: YES: HANSEN-CAVASOS, LORD, VENUTI, SMITH, EVENSEN
NO: ADERHOLD

Motion carried.

CITY MANAGER'S REPORT

- a. City Manager's Report
 - COVID-19 Economic Impact Report
 - New Police Status Update
 - April Employee Anniversaries

City Manager Yoder noted upcoming challenges with the summer season and businesses in Homer. We're trying to follow the State mandates and the intrastate travel will be revisited April 21st, and that will have a lot do with how we move forward. It's going to impact businesses and also sales tax to the City. It will be difficult to keep up with what this looks like and may likely prompt future discussion on city services. He addressed stimulus funding that may be coming for smaller cities that the League of Cities is looking at. In light of the recent bankruptcy declaration by Ravn Air, the Attorney brought in a specialist on bankruptcy whose view is it will be some time before we have any answers on what's going to happen regarding their reorganization. Administration will continue to learn and stay up to date on the CARES Act. There is progress in the remote sales tax effort with the Borough which will be very helpful for the City. He explained he's talked with Harbormaster Hawkins about the damage on the spit, they'll get out there to take a look and talk to the agencies involved on what can be done.

PENDING BUSINESS

NEW BUSINESS

- a. City Council unapproved Regular Meeting Minutes of March 23, 2020. City Clerk.

LORD/ADERHOLD MOVED TO APPROVE THE MEETING MINUTES OF MARCH 23RD.

There was discussion about adding specific verbiage under new business item a related to revisiting City Manager Candidates. No changes were made.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

RESOLUTIONS

- a. Resolution 20-038, A Resolution of the City Council of Homer, Alaska Restating the City's Right of Way Policy to be Consistent with Climate Action and Citizen's Needs. Evensen/Mayor. (Follows Ordinance 20-20)

LORD/VENUTI MOVED TO POSTPONE RESOLUTION 20-038 TO THE APRIL 27TH MEETING TO FOLLOW ORDINANCE 20-20.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- b. Resolution 20-039, A Resolution of the City Council of Homer, Alaska Establishing Policy Regarding the Clearing of Vegetation within Street Right-of-Way by the Public Works Department. Lord.

Memorandum 20-047 from Councilmember Lord as backup
Memorandum 20-048 from City Engineer as backup

LORD/MOVE TO POSTPONE RESOLUTION 20-039 TO APRIL 27TH.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

COMMENTS OF THE CITY MANAGER

COMMENTS OF THE MAYOR

City Clerk Jacobsen thanked everyone for their patience in their first Zoom meeting. She share that there is information on the city website called Stay in Touch with Council where people can submit written comments or request to participate telephonically. She noted the need to submit comments in time for Council to read them before the meeting, and to register for telephonic participation before the meetings begin.

COMMENTS OF THE CITY MANAGER

City Manager Yoder said it's good to be here and working with everyone.

COMMENTS OF THE MAYOR

Mayor Castner noted City Manager Yoder will be sworn in by the City Clerk outside of the meeting. He thanked Council for working through the meeting and encouraged everyone to stay safe to help the town get through this.

COMMENTS OF THE CITY COUNCIL

Councilmember Venuti thanked staff for the work to get the Zoom meeting together. Earth Day is April 22nd and she encouraged when people are out walking that they pick up trash along the way. She welcomed Mr. Yoder and looks forward to working with him. She shared about a family friend who recently took their own life and encouraged people who are struggling during this COVID crisis, or any time, to please reach out for help to get through a dark time.

Councilmember Aderhold agreed this is a difficult time, sending hugs out to everyone dealing with this. She acknowledge city staff and community members who have stepped up to help out in the current situation, and business are figuring out ways to support health care staff and community members. She gave a shout out to Joni Wise and the Homer Bear Hunt, people are excited about it and how the kids love to find the bears, she even enjoys finding them. She reiterated the importance of filing out the census at 2020census.gov., and welcomed Mr. Yoder.

Councilmember Hansen-Cavasos shared her pride in South Peninsula Hospital, her employer, for their work with the community. She's blessed to be able to work from home and stay safe. She shared about the challenges of home-schooling now that her kids are home, and if it weren't for all the hard work by the teachers, she isn't sure it would be going very well. She appreciates all the efforts by the school district.

Councilmember Smith shared he has a greater appreciation for home-schooling, it's challenging and he appreciate peoples patience with it. He agrees the Census is important to ensure were property represented to receive federal dollars. He thinks were doing great in the community efforts regarding COVID, and we need to keep it up. He heard from someone who received some confirmation on their stimulus check deposit, that's good news.

Councilmember Lord echoed comments on a successful Zoom meeting. She thanked the Emergency Operations Team and partner agencies for their work; and also shared about home-schooling challenges and appreciation of teacher's efforts for this. She commented about the CCC gym, a place where she's been with her kids for years, being set up as an alternate care facility and her appreciation for the efforts being made during this crisis. She shared sadness for the loss of John Prine and reflected about seeing him perform in Homer. The Alaska Food Hub will go online May 1st and encouraged people to check it out, alaskafoodhub.org. Lastly she noted the street sweepers are out now that is warming up and she appreciates it.

Councilmember Evensen thanked everyone for their thoughtful remarks, and thanked Councilmember Aderhold for the Climate Change Cohort information tonight. He thanked all the people who work at Safeway and Save U More for being out on the front lines every day. He understand there have been negative interactions from patrons who are stressed and encouraged that we all be patient and kind, we'd be lost without our grocery store workers.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 9:03 p.m. The next Regular Meeting is Monday, April 27, 2020 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.

Melissa Jacobsen, MMC, City Clerk

Approved: _____