

Session 20-17 a Regular Meeting of the Homer City Council was called to order on May 26, 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, 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.)

The following changes were made: **Consent Agenda** – Resolution 20-049 A Resolution of the City Council of Homer, Alaska Establishing a 2020 Mill Rate of 9.962541 Mills for the Ocean Drive Loop Special Service District. City Manager. Memorandum 20-067 from City Manager as backup; **Ordinances-** Ordinance 20-24, An Emergency Ordinance of the City Council of Homer, Alaska Amending the 2020 Budget by Appropriating Funds in the Amount of \$255,000 for the Purpose of Overtime, Emergency, and Standby Personnel Costs Associated with COVID-19 Preparation and Response. City Manager. Memorandum 20-068 from Finance Director as backup. Ordinance 20-25, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating the First Payment for COVID-19 Related Expenditures under the CARES Act in the Amount of \$3,854,686. Mayor/Smith. Memorandum 20-066 from Mayor as back up.

LORD/ADERHOLD MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

- a. Mary Epperson Day, June 6, 2020

Mayor Castner announced Mary Epperson Day is Saturday, June 6th.

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 Regular Meeting Minutes of May 11, 2020. City Clerk. Recommend adoption.
- b. Memorandum 20-061 from Special Projects and Communications Coordinator Carroll Re: 2021-2026 CIP; FY2022 Legislative Request Development Schedule. Recommend approval.
- c. Resolution 20-048 A Resolution of the Homer City Council Establishing the City of Homer Property Tax Mill Levy at 4.5 Mills for 2020. City Manager. Recommend adoption.
- d. Resolution 20-049 A Resolution of the City Council of Homer, Alaska Establishing a 2020 Mill Rate of 9.962541 Mills for the Ocean Drive Loop Special Service District. City Manager. Recommend adoption.

Moved to Resolutions item c. Aderhold.

Item d. moved to Resolutions item c. Aderhold.

City Clerk Jacobsen read the consent agenda and its recommendations.

LORD/VENUTI MOVED TO APPROVE THE RECOMMENDATIONS OF THE CONSENT AGENDA AS READ.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- a. Unified Command Report (10 Minutes)

Lorne Carroll, Public Health Nurse, shared the a COVID-19 situational update, that currently there are 5.6 million confirmed cases and 350,000 deaths globally, surpassing H1N1 from 2009 by far. In the United States we're at 1.7 million reported cases reported and 100,000 reported deaths, and 380,000 recovered. In Alaska were at 411 reported cases, 88% have recovered, 45 hospitalizations, 10 deaths, and in the Kenia Peninsula 27 reported cases, 4 in Homer and all 4 have recovered. He noted these are known reported cases thus far. Mr. Carroll explained 80% of the known cases are very mild indicating there is a lot of activity we're unaware of. With fisheries opening up, mandates, and other seasonal work that comes with summer, and an increase access to asymptomatic testing we'll see more cases, resulting in more contact investigations, and more contact tracing. Asymptomatic could mean a case that never has symptoms throughout the course of the virus, that a person doesn't have signs or symptoms prior to the onset of the virus, or deny signs and symptoms of COVID. He also explained how

the State gear up their system if needed to train for working through increased cases and contact tracing.

Derotha Ferraro, South Peninsula Hospital (SPH) PIO, reported SPH has submitted 915 COVID-19 tests, 883 were negative, 6 positive, and 26 pending. They've sent 21 anti-body tests in with no positives to date. SPH is working toward increased testing capabilities to allow for more reliable rapid test processing on-site and the ability to provide reliable results within an hour. Services are opening up at the hospital and clinics with in person visits, telemedicine, or phone consult. Expect universal masking, advanced phone screenings before and upon arrival, defined waiting areas, reduced occupancy, and required COVID-19 testing prior to some specific processes. Drive up testing remains opens 24/7 with no charge to the individual.

Fire Chief Mark Kirko reported on the City's Emergency Operation Center "new normal" operational picture, reviewing some of the scaled back functions and continuation of others, primarily for the Public Information and Finance teams. Emergency disaster declarations are still in place and we still have active cases in the state and community, and we need to remain vigilant as we experience more travel and social interaction under the Governor's re-opening responsibly plan. He's continuing to review City of Homer re-opening plans provided by Department Heads are providing to ensure they reflect opening in a safe and measureable manner that meets the safety outlines and precautions of the mandates. He reported on other activities he's involved in related to incident command, and the continued efforts of the Public Information Officers Jenny Carroll and Rachel Tussey.

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

a. Committee of the Whole Report

Councilmember Lord reported Council discussed information regarding FEMA and CARES Act funding, and funding and reimbursement strategy for the City moving forward. The discussed CARES Act funding coming to the City through the State, and discussed the support for the Commissions and Board to continue to meet remotely at least through June, with more assessment to follow.

b. Worksession Report

City Manager Yoder reported Council reviewed the City Manager applications and will schedule telephonic interview with six applicants.

c. Mayor's Report

Mayor Castner reported he's been hearing complaints about both sides of masking related to the virus. He explained the businesses get to decide on how to address masking at their

establishment and encouraged respecting their decisions. The virus is still out there and with all the mixing around the state right now, so we'll see what's going to happen.

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

Marcia Kuszmaul, Library Advisory Board Chair, reported on the anticipated Library soft re-opening on June 8th, and that the Summer Reading Program, Food for Kids and Teens, and Bob the Bookmobile are getting started. The Board's next meeting is scheduled for August 8th and they're attempting to plan a worksession before then to discuss the Library Endowment Fund. They have two vacancies on the Board and also a seat for their Student Representative.

- f. Planning Commission
 - i. Planning Commission Report

PUBLIC HEARING(S)

- a. 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. Introduction April 13, 2020, Public Hearing and Second Reading April 27, 2020.

Memorandum 20-045 from Public Works Director as backup

Ordinance 20-19(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 19 to add Chapter 19.01 Closures of **Public** 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 Owned Public Use Areas upon Written Findings that it's in the Public's Interest to do so.** City Manager.

Mayor Castner opened the public hearing. There were no comments and the hearing was closed.

LORD/VENUTI MOVED TO ADOPT ORDINANCE 20-19 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

LORD/VENUTI MOVED TO SUBSTITUTE ORDINANCE 20-19(S) FOR 20-19.

It was noted the substitute clarifies public use areas that are city owned and clarifies the written findings.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

SMITH/LORD MOVED TO AMEND LINE 24 TO READ CLOSURE OF PUBLIC USE AREAS.

There was brief discussion if it should read city owned public use areas. No additional changes were proposed.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

SMITH/LORD MOVED TO AMEND LINE 27 TO ADD "IN ADDITION TO THE WRITTEN FINDINGS THE CITY MANAGER WILL PROVIDE THE CONDITIONS THAT MUST BE MET IN ORDER TO RE-OPEN ANY AREAS CLOSED AND A PROJECTED DATE OF RE-OPENING"

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- b. Ordinance 20-21, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code by Repealing 2.08.100 Teleconference Participation in Meetings, 2.08.110, Teleconference Procedures, 2.08.120 Teleconference Limitations, and Reenacting 2.08.100 Teleconference and Web-Hosted Meetings. City Clerk. Recommended dates: Introduction May 11, 2020, Public Hearing and Second Reading May 26, 2020

Ordinance 20-21(S), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code by ~~Repealing~~ **Amending** 2.08.100 Teleconference Participation in Meetings, 2.08.110, Teleconference Procedures, 2.08.120 Teleconference Limitations, and ~~Reenacting 2.08.100 Teleconference and Web-Hosted Meetings~~ **to Allow for Exceptions in Emergency Circumstances and in Notification of Intent to Teleconference for Good Cause Shown. Lord/Venuti**

Memorandum 20-064 from City Clerk as backup
Memorandum 20-056 from City Clerk as backup

Mayor Castner opened the public hearing. There were no comments and the hearing was closed.

LORD/VENUTI MOVED TO ADOPT ORDINANCE 20-21 BY READING OF TITLE ONLY.

LORD/VENUTI MOVED TO SUBSTITUTE ORDINANCE 20-21(S) FOR 20-21.

Councilmember Lord shared the substitute keeps the vast majority of our current code. She identified the changes in the substitute that allow for all to participate in teleconference meetings when an emergency declaration is in place, and addresses shorter notice allowances that can be approved by vote of the Council.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Councilmember Aderhold noted the backup memorandum and its suggestions from the City Attorney regarding the Mayor presiding over the meeting and denying a member's participation.

Discussion ensued regarding variables where the Mayor may be participating by teleconference. Generally participating telephonically raises challenges for the Mayor presiding such as knowing when to call on members or guide a conversation, and it's not clear how a hybrid model will work when the Mayor may participate by a web based means. A general understanding was expressed that, per code, there are steps that can be taken if the connectivity is poor, or the Mayor or Council could address passing the gavel to the Mayor Pro Tem or member physically present in the chambers if needed.

ADERHOLD/VENUTI MOVED TO DELETE LINES 56-59 THAT READ D. IF THE MAYOR PARTICIPATES TELEPHONICALLY ~~—~~ **BY TELECONFERENCE**, THE MAYOR MAY VOTE TELEPHONICALLY TO BREAK A TIE AS PERMITTED IN HCC 2.08.040(H), BUT THE MAYOR PRO TEM, OR THE SENIOR COUNCIL MEMBER IN THE MAYOR PRO TEM'S ABSENCE, SHALL PRESIDE OVER AND PERFORM ALL OTHER FUNCTIONS OF THE MAYOR AT THE MEETING.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Aderhold commented regarding the section on lines 143-147 that read "b. Participation by teleconference may be denied whenever the physical presence of the individual is considered essential to effective participation in the meeting or to the proper conduct of the business to be addressed at the meeting and c. If teleconferencing is denied the individual will be listed as absent." She shared her understanding, based on feedback from the City Attorney, that the seated council would be making a determination that the individual who is teleconferencing does not have the right to vote, and questions if it their right to do that.

The attorney is saying we're elected to vote and acting on this section of code takes away the member's right to do so by denying participation.

There were comments in support of removing the language.

VENUTI/EVENSEN MOVED TO DELETE LINES 143-147.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

There was brief discussion regarding line 100 and whether it should read Subsections a., b., and c., but it was confirmed that c. does not need to be included.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Castner asked for a break at 7:38 p.m. and reconvened the meeting at 7:45 p.m.

ORDINANCE(S)

- a. Ordinance 20-24, An Emergency Ordinance of the City Council of Homer, Alaska Amending the 2020 Budget by Appropriating Funds in the Amount of \$255,000 for the Purpose of Overtime, Emergency, and Standby Personnel Costs Associated with COVID-19 Preparation and Response. City Manager.

Memorandum 20-063 from City Manager as backup

Memorandum 20-065 from Finance Director as backup

LORD/VENUTI MOVED TO ADOPT EMERGENCY ORDINANCE 20-24 BY READING OF TITLE ONLY.

In response to questions, City Manager Yoder explained Ordinance 20-22 that passed at the last meeting was for \$80,000 in supplies. This ordinance addresses personnel costs outside of budgeted items that have been coded to a specific account to facilitate the reimbursable expenses. The ordinance identifies the amount spent and the projected amount anticipated for the next 60 days. He explained instances where personnel shifts had to be adjusted, and inability to use HVFD volunteers due to mandates and having two temporary emergency hires.

An explanation of the estimated COVID related personnel costs with a justification of the costs for the next 60 days was requested by Council.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Ordinance 20-25, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating the First Payment for COVID-19 Related Expenditures under the CARES Act in the Amount of \$3,854,686. Mayor/Smith. Recommended Dates Introduction May 26, 2020, Public Hearing and Second Reading June 8, 2020.

LORD/ VENUTI MOVED TO INTRODUCE ORDINANCE 20-25 BY READING OF TITLE ONLY.

Councilmember Lord noted Council started discussion on this at Committee of the Whole and she'd like to work on a substitute for the next meeting. She agrees with the numbers but not comfortable appropriating without a responsible level of detail regarding the program that needs to be addressed as part of the ordinance. There also needs to be clarifying language that logically lays out the determination of necessity by the City.

Mayor Castner explained he modeled this after the City of Lacey, Washington that had an ordinance doing the appropriate and a resolution that lined out the details. He's happy to work her on that, rather than incorporating it into the ordinance.

Councilmember Aderhold agreed with Councilmember Lord on the need for detailed information on the program and how it will be administered, and if it's going to be detailed by resolution, it should be paired with and follow the ordinance. She's willing to work on it also.

Councilmember Evensen brought up the idea of Homer Bucks which was brought up at their May 6th worksession. He likes that they are purchased and used locally so there is a direct benefit to the community.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

CITY MANAGER'S REPORT

- a. City Manager's Report

City manager Yoder commented regarding the seawall worksession and an issue that came up is if something catastrophic did happen to the seawall it would impact more than just the current owners and whether we should expand it. We believe there's a way forward to do something similar assessing the repairs on an area-wide basis.

Councilmember Aderhold asked he could provide an update on the demolition study for the HERC at their next meeting.

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

- a. Resolution 20-050, A Resolution of the City Council of Homer, Alaska Delaying Certain Non-Critical Capital Projects and Encouraging Conservative Operational Spending with the Intent to Reassess Capital and Operating Expenses after the First and Second Fiscal Quarters with Developing Financial Scenarios for FY2020 and FY2021. Lord/Smith.

LORD/VENUTI MOVED TO ADOPT RESOLUTION 20-050 BY READING OF TITLE ONLY.

Councilmember Lord commented she and Councilmember Smith have been thinking about ways to encourage conservative spending and put a pause on capital expenses that aren't necessary or fiscally prudent for the next couple of quarters. As noted in the resolution the Borough is within their budget period and the Borough Mayor has estimated reduction in sales taxes and property taxes, and this resolution is proactively encouraging prudent conservative fiscal activities, and requesting a worksession for their first meeting in June with updates on our finances.

Councilmember Smith added there may be some encouraging signs with the economy after this weekend, but it's about a period of time when we talk about the 2nd and 3rd quarters so we can look back and assess, rather than look back and wish we'd done something different.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Resolution 20-051, A Resolution of the City Council of Homer, Alaska Authorizing Acceptance of Coronavirus Relief Funds in the Amount of \$7,899,085.29 for Costs that are Necessary Expenditures Incurred due to the Public Health Emergency with Respect to the Coronavirus Disease 2019 (COVID-19), from the Alaska Department of Commerce, Community, and Economic Development, and Authorizing the City Manager to Execute the Grant Agreement. City Manager.

Memorandum 20-062 from City Manager as backup

LORD/ADERHOLD MOVED TO ADOPT RESOLUTION 20-051 BY READING OF TITLE ONLY.

There was brief discussion regarding verbiage in section 3 of the agreement that reads "The Grantee may only use the funds provided under this Agreement for expenses that were not accounted for in its most recently approved budget as of March 27, 2020". City Manager Yoder referenced a document that reads you can use the funds for budgeted money if the use is substantially different from any expected use of the fund. It was requested the City Manager discuss section three with the Alaska Department of Commerce, Community, and Economic Development and get clarification on this and to be in communication with AML and other municipalities through this process.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Resolution 20-049 A Resolution of the City Council of Homer, Alaska Establishing a 2020 Mill Rate of 9.962541 Mills for the Ocean Drive Loop Special Service District. City Manager.

LORD/ADERHOLD MOVED TO ADOPT RESOLUTION 20-049 BY READING OF TITLE ONLY.

Councilmember Aderhold commented Council has been discussion whether this mill rate will allow for future maintenance of the seawall and her understanding is that it will, if the armor rock work is completed this year, but if it's not done this year the fund will become empty.

City Manager Yoder explained the City Engineer thinks some damage may not have to be repaired this year if put in armor rock and we need to address how to move forward with this major project. If we don't get armor rock placed more money will be needed next year for repairs.

Councilmember Evensen suggested a more economical approach may be using cement blocks up to 75% or more volume in volume and finish with the armor rock.

Councilmember Lord noted the report from HDR gives a couple of options, but if we want to pursue any of them, the next step of work to refining the numbers needs to be addressed. In terms of moving forward she looks forward to that conversation.

Mayor Castner added walking from the spit down toward the boat yard there are a lot of different methods used and the cement blocks just get moved around to easily with the ocean power, and the large dense rock is necessary.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

City Clerk Jacobsen announced openings on the Library Advisory Board, including Student Representative, and on the Economic Development Advisory Commission.

COMMENTS OF THE CITY MANAGER

City Manager Yoder said it's been an interesting meeting, he has a full page of notes for things he needs to get working on before the next meeting.

COMMENTS OF THE MAYOR

Mayor Castner commented that it was a good meeting.

COMMENTS OF THE CITY COUNCIL

Councilmember Smith recognized National EMS Appreciate Week and Memorial Day. Last year he and a few others had the opportunity to fly out to the USS Roosevelt, and he shared his respect for those who currently serve, have served, and those who died in the service of our Country.

Councilmember Hansen-Cavasos commented the community was amazing for high school graduation, it was one of the better ones and there was great community support.

Councilmember Venuti thanked the Mayor for recognizing Mary Epperson Day on June 6th and recognized her contributions our community. She thanked the businesses along Pioneer Avenue for their patience through a long winter and now the road work going on. She appreciates KBBI for their continued service in broadcasting meeting and encouraged the public to continue attending and providing feedback on agenda items.

Councilmember Aderhold said she walked over and watched graduation and it was the best. Watching the graduates drive by was wonderful and it was so nice to get out and celebrate something. Kudos to the School District and everyone who helped plan the graduation. The Cook Inletkeeper and Kachemak Bay Conservation Society and other groups are reading the book *Drawdown* and looking at climate solution that the Homer Community can implement. Information to participate is the Cook Inletkeeper website. On Memorial Day she spent time reflecting on what it means, and also our response to the pandemic. We're approaching 100,000 who have died in the country from COVID-19, more than the number of people who died in the Viet Nam and Korean Wars combined over just a few months. The New York Times had an online article where they touched on a number of people who have died, with their names, where they're from, and one line about who they were. She encouraged looking at it and taking it seriously. In Alaska we implemented health measures early which has made a lot of difference and we need to continue to keep up with washing hands, wearing masks, and maintaining physical distance, even though some of the mandates have been lifted.

Councilmember Lord followed those same thoughts and implore us all to try and be kind and patient. She's seen kindness and also some rude interactions in stores around town. She feels for everyone working a job where it's not their choice or decision, but their boss who's telling them what to enforce. We can all be kind to the extent possible and have grace and patience

for those around us. If you feel sick stay home. The Governor has put onus on all of us to make responsible choices for ourselves and our community. She shared the Farmer's Market is opening up with some changes to the look and feel, and she's excited about the Summer Reading Program starting up.

Councilmember Evensen thanked everyone for their thoughtful comments. Spring fever coming of a long after a long winter and COVID. He reminded everyone doing projects to call 811 before you dig, it's a small step for safety.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 8:49 p.m. The next Regular Meeting is Monday, June 8, 2020 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 virtually from the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved: _____