

Session 20-22 a Special Meeting of the Homer City Council was called to order on July 1, 2020 by Mayor Ken Castner at 5:00 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, VENUTI, EVENSEN, LORD, SMITH, HANSEN-CAVASOS

STAFF: ACTING CITY MANAGER ABBOUD
HR DIRECTOR BROWNING
DEPUTY CITY CLERK KRAUSE
DEPUTY CITY CLERK TUSSEY

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

The following changes was made: **Consent Agenda** Ordinance 20-40 An Emergency Ordinance of the City Council of Homer, Alaska, Declaring the Failure of the Woodard Creek Culverts on Fairview Avenue to Constitute an Emergency and Authorizing Emergency Procurement Procedures. City Manager/Public Works Director. Introduction and Public Reading July 1, 2020. Memorandum 20-100 from Public Works Director as backup. Amend the number of Resolution 20-060, A Resolution of the City Council of Homer, Alaska, Initiating a Seawall Improvement Special Assessment District for Armor Rock Toe Improvements. City Manager. To Resolution 20-062 to correct a duplicated resolution number. **New Business** Consideration of City Manager Candidates. Memorandum 20-099 from City Manager Hiring Advisory Committee. Memorandum 20-094 from Councilmember Aderhold re: Letter to Governor regarding Development of Homer Specific COVID 19 Mitigation Plan. Revised Letter to the Governor, Written Public Comments, Proposed verbiage provided by Councilmembers Evensen and Hansen-Cavasos.

LORD/ADERHOLD - MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Castner recognized the City of Homer Team 1st Place win 4th year in a row with approximately 14 million steps and Harper School of Music and Dance for Small Group that blew the doors off everyone with the assistance of team member Betty Gugel, 90, for logging 1,607,000 averaging 57,000 steps a day in the Homer Steps Up Walking Challenge. He displayed an award that he will be delivering to Ms. Gugel for bring such an inspiration to the community and leading everyone in the challenge.

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA (3 minute time limit)

David Raskin, commented on Memorandum 20-094 and the letter to Governor Dunleavy noting the urgency to control COVID 19 and supported the wearing of masks indoors and the adoption of these policies believing that are needed.

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. Memorandum 20-095 from Mayor re: Appointments to the Planning Commission. Recommend approval.
- b. Ordinance 20-40, An Emergency Ordinance of the City Council of Homer, Alaska, Declaring the Failure of the Woodard Creek Culverts on Fairview Avenue to Constitute an Emergency and Authorizing Emergency Procurement Procedures. City Manager/Public Works Director. Introduction and Public Reading July 1, 2020. Recommend adoption.

Memorandum 20-096 from Public Works Director as backup.

Moved to New Business Item d. by Councilmember Aderhold

- c. Resolution 20-058, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply to the State of Alaska, Department of Environmental Conservation (ADEC) for a Loan from the Alaska Drinking Water Fund for the Project Entitled Homer Seawall Armor Rock Improvement. City Manager. Recommend adoption.

Moved to New Business Item e. by Councilmember Evensen

- d. Resolution 20-062, A Resolution of the City Council of Homer, Alaska, Initiating a Seawall Improvement Special Assessment District for Armor Rock Toe Improvements. City Manager. Recommend adoption.

Memorandum 20-097 from City Clerk as backup

Memorandum 20-098 from Public Works Director as backup

- e. Resolution 20-061, A Resolution of the Homer City Council Amending the Small Business Economic Recovery Grant (SBERG) Program to Clarify Eligibility Requirements related to Delinquent Status with the Kenai Peninsula Borough Tax Department and Requesting a Review of Audit Requirements and City Process from Staff. Lord. Recommend adoption.

Deputy City Clerk Krause read the consent agenda.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

CITY MANAGER’S REPORT

a. City Manager’s Report

Acting City Manager Abboud responded to Councilmember Smith inquiry on the impact to the HERC facility regarding limitations if it was moved to a weekly use that he has a call into the Fire Marshall but he believed it was Class B use and he wants to confirm that before they go further.

Councilmember Lord apprised Council and City Manager that the Food Hub is actively looking for an alternative location and recommended holding tight on the City’s next step.

PENDING BUSINESS

NEW BUSINESS

a. Telephonic Interviews with City Manager Applicant – Rob Dumouchel

An in-person interview via Zoom was held with Rob Dumouchel with prepared questions posed by each Councilmember in round robin format. Each Councilmember asked a follow-up question of Mr. Dumouchel at the end of the prepared questions.

b. Consideration of City Manager Candidates

Mayor Castner requested a motion from Council.

LORD/ADERHOLD – MOVED TO DISCUSS CANDIDATES FOR CITY MANAGER.

Points of discussion on candidate Dumouchel included the following:

- appreciated the input from the City Manager Hiring Committee and the diverse questions that were presented
- overall application and resume
- educational background
- experience in natural resources and maritime community
- calm and even approach to issues
- apparent fit for Homer

LORD/ADERHOLD - MOVED TO OFFER THE JOB OF CITY MANAGER TO ROB DUMOUCHEL AND AUTHORIZE THE ACTING CITY MANAGER TO NEGOTIATE A CONTRACT WITH THE ASSISTANCE FROM THE MAYOR.

Council member Smith requested the motion include the HR Director.

Mayor Castner inquired if Councilmember Lord was amenable to that change.

There was no objection.

Mayor Castner restated the motion for the record.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Castner congratulated Mr. Dumouchel and provided comments on attending the City Manager Hiring Committee meeting on Monday, June 29, 2020 noting the breadth of knowledge of the members of the committee and diversity and that they and Council did an excellent job.

c. Memorandum 20-094 from Councilmember Aderhold re: Letter to Governor Regarding Development of Homer Specific COVID 19 Mitigation Plan

Revised Letter to Governor Dunleavy re: Request for State Consultation in Developing Homer Specific COVID-19 Mitigation Plan

Substitute Letter to Governor Dunleavy offered by Councilmembers Evensen and Hansen-Cavasos

Mayor Castner requested a motion.

LORD/ADERHOLD MOVED TO OPEN DISCUSSION ON THE LETTER TO GOVERNOR

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Aderhold provided a brief summary on the development of the letter and the amended letter to the Governor noting the feedback and revisions received and presented in the revised letter.

A lengthy discussion ensued on the points for bringing this before the Council, the content of the letter and how the request should be presented to the Governor for state resources; the absence of the ability for the city to enact something related to lack of health powers; a plan that provides benchmarks to work by; the number of public comments received and taking the burden from the businesses with regards to masking.

ADERHOLD/LORD MOVED TO SUBSTITUTE THE LETTER IN THE PACKET WITH THE AMENDED LETTER IN THE SUPPLEMENTAL PACKET.

At the request of Councilmember Evensen, Mayor Castner provided some input on the short letter over the longer letter.

Additional comments from Councilmembers on analogy comparison on safety protocols for certain activities and the issues with enforcement and being open for business for residents and visitors and that children will be able to attend school in the fall.

ADERHOLD/VENUTI MOVED TO AMEND LINE 38 OF THE AMENDED LETTER TO ADD THE WORD "IMMEDIATELY"

There was no discussion.

VOTE. (Amendment)NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Castner called for further discussion by Councilmembers.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- d. Ordinance 20-40, An Emergency Ordinance of the City Council of Homer, Alaska, Declaring the Failure of the Woodard Creek Culverts on Fairview Avenue to Constitute an Emergency and Authorizing Emergency Procurement Procedures. City Manager/Public Works Director. Introduction and Public Reading July 1, 2020. Recommend adoption.

Memorandum 20-096 from Public Works Director as backup.

Ordinance 20-40(A), An Emergency Ordinance of the City Council of Homer, Alaska, Declaring the Failure of the Woodard Creek Culverts on Fairview Avenue to Constitute an Emergency and Amending the 2020 Capital Budget and Authorizing Expenditure of up to \$500,000 from the HART – Road Fund for the Woodard Creek Culvert Rehabilitation Project. City Manager/Public Works Director.

Memorandum 20-100 from Public Works Director as backup.

Mayor Castner requested a motion from Council after reading of the title into the record.

LORD/ADERHOLD MOVED TO ADOPT EMERGENCY ORDINANCE 20-40 BY READING OF TITLE ONLY

Discussion ensued on the process for adopting the ordinance and if the amendments were made, if those amendments would require a public hearing; narrowing the funding amount to closely reflect the requirements to correct the problem; issues surrounding recent flood events and possible future events; the proposed and preferred repair to daylight the Woodard Creek watershed and the available funding to construct and perform the daylighting project; hydrology issues to guarantee no flooding or catastrophic events are brought onto the property owners further downstream.

Questions were posed to Public Works Director Keiser and Deputy City Clerk Krause on process and refinements on the expected costs.

Mayor Castner commented on the work being done on Fairview Avenue and that this ordinance was an appropriation document and they did not want to delay until August to get the road fixed.

Public Works Director Keiser responded on the current repairs, describing the slip lining project and detailed the additional benefits of effecting approved plans and the impact that would have to the community; the existing unknowns that are needing refinement and her opinion that the project costs would be closer to \$300,000 or \$350,000 range.

Mayor Castner requested the Council get the Clerk's ruling on the substantial changes presented.

Mayor Castner requested the Clerk to provide input on the proposed amendments and then noted that they appeared more of a substitute than amended and questioned the process of an emergency ordinance to the regular budget appropriating ordinance.

Public Works Director Keiser interjected that to be clear the patch that they installed was to allow the road to be open, but both culverts are extremely rotted, they look like Swiss cheese. A big flood with debris, gravel, and lots of water could take out those culverts this fall if this is not repaired properly. She added that if Council approves the Slip Lining method they require 6 weeks so the contractor can order the materials and get it lined up it would be close and if they are lucky and the weather holds they could get it done before fall but they need to give the contractor a notice to proceed in the next couple of days. The daylighting option would be the best overall plan and in accordance with an adopted plan approved by City Council, it is unlikely that they could get it done this year and they would have to keep their fingers crossed but it would achieve two important goals from the Woodard Creek Watershed Management plan and the Comprehensive Plan that has been around for years.

Discussion ensued on the necessity of making a decision on extending this ordinance and discussion to another meeting and could amending the Ordinance 20-40(A) to reflect a closer project amount of \$300,000 be appropriate. It was determined that the project could be worked for that amount. That the design could be started and if necessary they would just have to submit another ordinance to appropriate the additional required funding. It was noted that they still would need to know from the Clerk if they can adopt the amended ordinance.

Public Works Director Keiser requested a moment to comment on the various planning documents, review of said documents and identifying projects that have been sitting that may have possible funding and value to the community that should be moved upon.

Further points were made on the opportunistic timing of the daylighting project along with the available funding and concerns on the amount shown in the ordinance as an over appropriation.

LORD/EVENSEN MOVED TO AMEND THE MOTION TO ORDINANCE 20-40(A) WITH THE PROPOSED AMENDMENTS AS SHOWN IN THE LAYDOWN PACKET WITH THE EXCEPTION OF THE AMOUNT CHANGED TO REFLECT \$350,000 IN THE APPROPRIATE LOCATIONS WITHIN THE ORDINANCE.

Discussion ensued on the document provided in the laydown packet containing the list of amendments proposed; concern expressed on the content of the ordinance reflecting only those whereas clauses that pertain to the daylighting of the creek; the intent of Council is to approve the larger project to daylight Woodard Creek.

VOTE. (Amendment). NON-OBJECTION. UNNIMOUS CONSENT.

Motion carried.

Mayor Castner then requested if there was any additional discussion.

Councilmember Evensen expressed his appreciation to the Councilmembers for approving this ordinance and the productive discussion.

VOTE. (Main) NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- e. Resolution 20-058, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply to the State of Alaska, Department of Environmental Conservation (ADEC) for a Loan from the Alaska Drinking Water Fund for the Project Entitled Homer Seawall Armor Rock Improvement. City Manager. Recommend adoption.

Mayor Castner requested a motion to adopt Resolution 20-058.

LORD/ADERHOLD MOVED TO ADOPT RESOLUTION 20-058 BY READING OF TITLE ONLY.

Discussion ensued on default of repayment of the loan by the residents and the impact to the city; this action is only allowing the city to apply for the loan and if the SAD fails then the city will not accept the loan.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Larry Slone, city resident, commented on offering Rob Dumouchel the position of City Manager being a good fit; Councilmember Venuti comments on the city having a wonderful radio station and stated that he agreed noting that the city has a few of them, he believes that KBBI does provide good community based information but took exception as he believes they also make extremely biased presentations oriented solely towards the liberals and blatantly pushing peoples buttons. He further commented on the regulations for wearing masks and that it will not go very well, a feel good approach that will not go well, he provided his reasoning that it will encourage people to gather indoors and encourage continued education to people on gathering indoors.

Kate Finn, city resident, commented that she agrees with the choice of hiring Rob Dumouchel for City Manager. She then reported that right before she signed on tonight the Washington Post reported the United States reached 50,000 of new diagnosed cases. She agreed that masks are worn incorrectly and something is better than nothing; a whole lot more information can be provided; she believed Homer if COVID aware; she does not know how much more information that can be provided. Ms. Finn did not have any ideas for enforcement, but firmly believed that it would take the burden from the individual businesses. She is continually blown away on the number of people who do not wear masks. She applauds the City Council for the direction they are taking.

Juli Tomich commented on the NRA party being held at Ulmer's and asked if anything can be done about that. She has seen no information on this and since it is not on public property she is not sure what can be done.

Mayor Castner commented that he appreciated where the Council ended up today and going through this process.

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

Deputy City Clerk Krause thanked City Council for a good meeting.

COMMENTS OF THE CITY MANAGER

COMMENTS OF THE MAYOR

Mayor Castner reported that he was approached by Gary Porter to support his permit application to begin scheduled flights. He was sorry that no one in Council put this on the agenda. He explained it was to add scheduled flights in tandem with his unscheduled flights.

COMMENTS OF THE CITY COUNCIL

Councilmember Aderhold commented on the lack of notice for the approval of including the action from the agenda in response to Mayor Castner's comment. It was a bit of the chicken and the egg

scenario. She would have supported the permit application if they had received the information sooner. She then commented on the request to wear masks noting that it is a reminder to her to stand back and keep distance. She believed that a mask mandate would show that they are a caring community and would hope that people will take this seriously and find masks that fit them appropriately. This is a silent thing and that they don't know that they are infected until they infect others. She has her fingers crossed that they will have a new City Manager hitting the road and headed their way very soon. There was some really great questions and responses and that they live in a great community.

Councilmember Lord echoed the sentiments of Councilmember Aderhold on the hiring process, and really enthusiastic about Rob and excited to welcoming him to town and wanted to express a big thanks to Rick for stepping up, who has another job, it has been hugely appreciated and to all the other staff who have other jobs. She would like to continue forward. She appreciates Jan and her efforts in reviewing the plans to see what was previously approved by Council. She will also make a mask plea, she sometimes feels silly but she is still wearing her mask even though the bulk of her deliveries are contactless. She also has children that she would like to see go back to school this fall. They need to work together to keep the numbers low. As Kate said something is better than nothing. We cover our mouths when we cough and having small children around it really does something. The less masks we have will result is less business and no schools. We want the businesses open and the kids in school.

Councilmember Evensen thanked the Councilmembers, Acting City Manager and Deputy City Clerk and Public Works Director noting the very productive meeting tonight. He is excited about the prospects for the city manager candidate to accept the job and apologized for his Barbara Walters-esque question regarding what type of tree. Have a great weekend.

Councilmember Hansen-Cavasos thanked the staff at city hall for double dutying, it is amazing that everyone stepped up and wished everyone enjoy the long weekend.

Councilmember Smith wished everyone a Happy 4th; then he recounted a recent visit on the Spit and the lack of social distancing at the fishing hole. He has spoken to business owners on the Spit and it is going to be busy this weekend. When he starts thinking about COVID 19 it is different for different people . There are people who dismiss the disease as something just passing through to those that may have underlying issues. He is not sure how to bridge that gap. They need to get along. He has heard an analogy that this is a tug of war and they are not going to beat this disease if they are pulling on both ends of the rope. Everyone needs to work together. They do not need to encourage undue stress. He is really tired of COVID 19 as he is sure others are too. He was really impressed with Rob and he hopes the negotiations go well and they can put him to work really soon.

Councilmember Venuti commented on people wearing masks and it being very fashion statement. She knows a woman who has a mask for every day. She thanked the Mayor for recognizing Better

Gugle and commented that she was a neighbor of hers on Kodiak. She views the staff all wearing masks while they are working. She commented that makes a statement and says a lot about them as a city. She appreciated the consensus on hiring Rob. She noted that it was Dominion Day if you were Canadian. There are things that can be done in lieu of going into crowds and if you go out, keep your distance. She cautioned people to drive safely this weekend and wished everyone a Happy 4th.

Mayor Castner announced the streaming of Hamilton on Disney plus starting Friday, July 3, 2020.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 5:20 p.m. Next Regular Meeting is Monday, June 22, 2020 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held virtually in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: _____