



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

City of Homer Action Agenda

**City Council Special Meeting as Board of Adjustment
Committee of the Whole
Regular Meeting**

Monday, December 13, 2021 at 4:00 PM

In Person at City Hall Cowles Council Chambers and by Zoom Webinar

SPECIAL MEETING

Session 21-31 a Special Meeting of the Homer City Council was called to order on December 13, 2021 by Mayor Ken Castner at 4:00 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, DAVIS, ERICKSON, HANSEN-CAVASOS, LORD

ABSENT: COUNCILMEMBER VENUTI (excused)

STAFF: CITY CLERK JACOBSEN
ATTORNEY BRANDT-ERICHSEN

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

Mayor Castner noted supplemental items: Laydown information from Frank Griswold, Appellant including Preliminary Matters, laydown materials from the November 8th special meeting, also Appellants motion for sanctions & default judgement dated April 4, 2021, Appellants Motion to Strike New Evidence dated July 26, 2021, and August 4, 2021 Planning Commission Minutes.

APPROVED agenda without discussion.

REFERRED matters to a hearing officer with discussion.

PENDING BUSINESS

- a. Consideration of Motion for Leave to Supplement Points on Appeal to Address Planning Commission's Dismissal of Appeal by Frank Griswold, Appellant

Memorandum 21-201 from City Clerk as backup

- b. Recommendation by the Planning Commission to Dismiss the Appeal of Conditional Use Permit (CUP) 20-15 for the Reconstruction of a Restaurant Building at 106 W. Bunnell Avenue, Homer, Alaska based on the Applicant's Withdrawal of their CUP Application.

Memorandum 21-202 from City Clerk as backup

NEW BUSINESS

COMMENTS OF THE AUDIENCE

ADJOURNMENT NO LATER THAN 4:50 P.M.

Next Regular Meeting is Monday, January 10, 2022 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 4:37 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)

APPROVED without discussion.

CONSENT AGENDA

REGULAR MEETING AGENDA

DISCUSSION TOPIC(S)

- a. Ordinance 21-63(S), An Ordinance of the City Council of Homer, Alaska Settling the Current and Future Distributions of Income and Debt in the Natural Gas Distribution Special Assessment Bond Sinking Fund. Mayor/City Manager. Introduction October 11, 2021 Public Hearing and Second Reading October 25, 2021 Postponed to November 8, 2021 and December 13, 2021.

Ordinance 21-63(S-2), An Ordinance of the City Council of Homer, Alaska Settling the Current and Future Distributions of Income and Debt in the Natural Gas Distribution Special Assessment Bond Sinking Fund. Mayor/City Manager.

Memorandum 21-200 from City Manager as backup
Memorandum 21-191 from City Manager as backup
Memorandum 21-187 from Finance Director as backup

COMMENTS OF THE AUDIENCE

Two people commented.

ADJOURNMENT NO LATER THAN 5:50 P.M.

Next Regular Meeting is Monday, January 10, 2022 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 5:55.

REGULAR MEETING

Session 21-32 a Regular Meeting of the Homer City Council was called to order on December 13, 2021 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, DAVIS, ERICKSON, HANSEN-CAVASOS, LORD, VENUTI

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON
PORT DIRECTOR HAWKINS
LIBRARY DIRECTOR BERRY
PUBLIC WORKS DIRECTOR KEISER
CITY ATTORNEY GATTI
ATTORNEY CARTLEDGE

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

Supplemental Items to the packet- **CONSENT AGENDA** Ordinance 21-73, An Ordinance of the City Council of Homer, Alaska Accepting a Healthy and Equitable Community Grant from the State of Alaska Department of Health and Social Services (DHSS) and Authorizing the City Manager to Negotiate and Execute and a Memorandum of Agreement with DHSS and a Sub-Grant Award of the Funds to South Peninsula Hospital to help Maintain Free Community Access to COVID-19 Testing and Vaccines and to Initiate a Community Health Needs Assessment. City Manager. Memorandum of Agreement from State of Alaska Department of Health and Social Services, Division of Public Health; **ANNOUNCEMENTS PRESENTATIONS AND REPORTS** Library Advisory Board written report and AML Reports ; **PENDING BUSINESS** Ordinance 21-63(S), An Ordinance of the City Council of Homer, Alaska Settling the Current and Future Distributions of Income and Debt in the Natural Gas Distribution Special Assessment Bond Sinking Fund. City Manager/Mayor. Written public comments; **RESOLUTIONS** Resolution 21-091, A Resolution of the City Council of Homer, Alaska Directing the City Attorney to File an

Amicus Brief in the United Cook Inlet Drift Association and Cook Inlet Fishermen's Fund v National Marine Fisheries Service and National Oceanic and Atmospheric Administration, Et Al., 3:21-cv-00255-JMK Litigation. Mayor/Aderhold. Written public comment

APPROVED without discussion.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

13 people 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 Special and Regular Meeting Minutes of November 8, 2021. City Clerk. Recommend adoption.
- b. Memorandum 21-203 from Mayor Castner re: Re-appointment of Karin Marks to the Kenai Peninsula Economic Development District Board. Recommend approval.
- c. Memorandum 21-204 from Deputy City Clerk Re: Liquor License Renewal for The Alibi, Kharacters, Down East Saloon, and The Broken Oar. Recommend approval.
- d. Memorandum 21-205 from Deputy City Clerk Re: Retail Marijuana Store License Renewal for Cosmic Seaweed. Recommend approval.
- e. Ordinance 21-68, An Ordinance of the City Council of Homer, Alaska Appropriating \$25,000 from the General Fund for Fiscal Year 2022 to Fund Part of the Homer Business Advisor Position for the Alaska Small Business Development Center and Authorizing the City Manager to Negotiate and Execute Appropriate Documents. Venuti/Erickson. Recommended dates Introduction December 13, 2021 Public Hearing and Second Reading January 10, 2022.

Memorandum 21-206 from Economic Development Advisory Commission as backup

- f. Ordinance 21-69, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget and Appropriating \$70,485 from the Homer Accelerated Water and Sewer Program (HAWSP) Fund for Installation of a Water Main Extension as part of the Alaska Department of Transportation and Public Facilities Repaving Project. City Manager/Public Works Director. Recommended dates Introduction December 13, 2021 Public Hearing and Second Reading January 10, 2022.

Memorandum 21-207 from Public Works Director as backup

- g. Ordinance 21-70, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 15.10.010 to Include Oscar Munson Subdivision Lot 34 in the Ocean Drive Loop Special Service District. City Manager/Public Works Director. Recommended dates Introduction December 13, 2021 Public Hearing and Second Reading January 10, 2022.

Memorandum 21-208 from Public Works Director as backup

- h. Ordinance 21-71, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget and Appropriating an Additional \$138,399 from the Homer Accelerated Water and Sewer Program (HAWSP) Fund to Complete the Tasmania Court Water and Sewer Improvement Projects. City Manager/Public Works Director. Recommended dates Introduction December 13, 2021 Public Hearing and Second Reading January 10, 2022.

Memorandum 21-216 from Public Works Director as backup

- i. Ordinance 21-72, An Ordinance of the City Council of Homer, Alaska Appropriating \$3,400 from the Land Fund to Acquire Tax Foreclosed Property from the Kenai Peninsula Borough and Retaining the Property for the Public Purpose of Determining the Special Assessment Liens and Creating a Clear Title to the Property, and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Recommended dates Introduction December 13, 2021 Public Hearing and Second Reading January 10, 2022.

Memorandum 21-209 from Deputy City Planner as backup

- j. Ordinance 21-73, An Ordinance of the City Council of Homer, Alaska Accepting a Healthy and Equitable Community Grant from the State of Alaska Department of Health and Social Services (DHSS) and Authorizing the City Manager to Negotiate and Execute and a Memorandum of Agreement with DHSS and a Sub-Grant Award of the Funds to South Peninsula Hospital to help Maintain Free Community Access to COVID-19 Testing and Vaccines and to Initiate a Community Health Needs Assessment. City Manager. Recommended dates Introduction December 13, 2021 Public Hearing and Second Reading January 10, 2022.

Memorandum 21-210 from Special Projects and Communications Coordinator as backup

- k. Resolution 21-083, A Resolution of the City Council of Homer, Alaska Establishing the 2022 Regular Meeting Schedule for City Council, Economic Development Advisory Commission, Library Advisory Board, Parks Art Recreation and Culture Advisory Commission, Planning Commission, Port and Harbor Advisory Commission, and Americans with Disabilities Act Compliance Committee. City Clerk. Recommend adoption.

Memorandum 21-211 from Deputy City Clerk as backup

- l. Resolution 21-084 A Resolution of the City Council of Homer, Alaska Amending the Economic Development Advisory Commission Bylaws Regarding Teleconferencing, Attendance, Vacancies, City Staff Roles, and Rules of Order for Boards and Commissions by amending articles titled Name and Authorization, Membership, Meetings, Bylaw Amendments; adding articles titled City Staff Roles and General Operating Procedures; and removing the article titled Teleconferencing. City Clerk/Economic Development Advisory Commission. Recommend adoption.

Memorandum 21-212 from Deputy City Clerk as backup

- m. Resolution 21-085, A Resolution of the City Council of Homer, Alaska Amending the Library Advisory Board Bylaws Regarding Meeting Schedule, Membership, Teleconferencing, Attendance, Vacancies, City Staff Roles, and Rules of Order for Boards and Commissions by amending articles titled Membership, Meetings, Bylaw Amendments; adding articles titled City Staff Roles and General Operating Procedures; and removing the article titled Teleconferencing. City Clerk/Library Advisory Board. Recommend adoption.

Memorandum 21-213 from Library Advisory Board as backup

- n. Resolution 21-086, A Resolution of the City Council of Homer, Alaska Amending the Parks Art Recreation and Culture Advisory Commission (PARCAC) Bylaws Regarding Teleconferencing, Attendance, Vacancies, City Staff Roles, and Rules of Order for Boards and Commissions by amending articles titled Purpose, Membership, Officers, Meetings, Bylaw Amendments; adding articles titled City Staff Roles and General Operating Procedures; and removing the article titled Teleconferencing. City Clerk/PARCAC. Recommend adoption.

Memorandum 21-214 from Parks Art Recreation & Cultural Advisory Commission as backup

- o. Resolution 21-087, A Resolution of the City Council of Homer, Alaska Approving a Contract for Lobbying Services with J&H Consulting of Juneau, Alaska for a Term of One Year Commencing on December 15, 2021 and Ending December 15, 2022 in the Amount of \$42,000 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Recommend adoption.
- p. Resolution 21-088, A Resolution of the City Council of Homer, Alaska Approving a Contract Amendment with Homer Animal Services, LLC with a 5% Increase for Calendar Year 2022 and 3% Increase for Calendar Year 2023 for Homer Animal Shelter Operation and Management and Authorizes the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Police Chief. Recommend adoption.

Memorandum 21-215 from City Manager as backup

- q. Resolution 21-089, A Resolution of the City Council of Homer, Alaska Awarding a Contract for the Tasmania Court Water and Sewer Main Construction Projects to East

Road Services, Inc. of Homer, Alaska in the Amount of \$688,094 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 21-216 from Public Works Director as backup

- r. Resolution 21-090, A Resolution of the City Council of Homer, Alaska Awarding the Contract for the Operation and Maintenance of the Port & Harbor Fish Grinder Facility to the Alaskan Fish Factory of Homer, Alaska in the Amount of \$38 per man-hour and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Port Director. Recommend adoption.

Memorandum 21-217 from Port Director as backup

ADOPTED without discussion.

VISITORS

- a. Legislative Update - Representative Sarah Vance (10 Minutes)

Representative Vance provided a legislative update.

- b. COVID-19 Agency Update Derotha Ferraro, South Peninsula Hospital Director of Public Relations & Marketing and Lorne Carroll, State of Alaska Public Health Nurse III (10 minutes)

Lorne Carroll and Derotha Ferraro, South Peninsula Hospital Director of Public Relations & Marketing reported.

- c. Alaska Small Business Development Center Homer Business Advisor – Cliff Cochran, Kenai Peninsula Center Director (10 minutes)

Cliff Cochran presented.

- d. Cook Inlet Aquaculture Association Report – Dan Miotke, City of Homer Representative (10 minutes)

Dan Miotke, Dean Day, and Andy Wizik reported.

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

- a. Committee of the Whole Report

Councilmember Aderhold reported on Committee of the Whole and the 4:00 p.m. Special Meeting.

- b. Mayor's Report

Mayor Castner reported.

c. Borough Report

Borough Assembly Member Lane Chesley reported.

d. Library Advisory Board

e. Planning Commission

f. Economic Development Advisory Commission

- i. Memorandum from Economic Development Advisory Commission Re: Year in Review

Economic Development Advisory Chair Karin Marks reported.

g. Parks Art Recreation and Culture Advisory Commission

- i. Memorandum from Parks Art Recreation & Culture Advisory Commission Re: Kachemak City Funding Request

h. Port and Harbor Advisory Commission

i. Alaska Municipal League Annual Conference Travel Reports

j. Prince William Sound Regional Citizens Advisory Council Written Report

PUBLIC HEARING(S)

- a. Ordinance 21-67, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating Grants from the Institute of Museum and Library Services in the Amount of \$25,091 for Purchase and Installation of Little Libraries and Wi-Fi Upgrades at the Library. City Manager/Library Director. Introduction November 4, 2021 Public Hearing and Second Reading December 13, 2021.

Memorandum 21-196 from Library Director as backup

One person testified.

ADOPTED with discussion.

ORDINANCE(S)

CITY MANAGER'S REPORT

- a. City Manager's Report

City Manager Dumouchel reported and answered questions.

PENDING BUSINESS

- a. Ordinance 21-63(S), An Ordinance of the City Council of Homer, Alaska Settling the Current and Future Distributions of Income and Debt in the Natural Gas Distribution

Special Assessment Bond Sinking Fund. Mayor/City Manager. Introduction October 11, 2021 Public Hearing and Second Reading October 25, 2021 Postponed to November 8, 2021 and December 13, 2021.

Ordinance 21-63(S-2), An Ordinance of the City Council of Homer, Alaska Settling the Current and Future Distributions of Income and Debt in the Natural Gas Distribution Special Assessment Bond Sinking Fund. Mayor/City Manager.

Memorandum 21-200 from City Manager as backup
Memorandum 21-191 from City Manager as backup
Memorandum 21-187 from Finance Director as backup

SUBSTITUTED 21-63(S-2) for 21-63(S) without discussion.

POSTPONED to January 10, 2022 with discussion.

- b. Resolution 21-057(S), A Resolution of the City Council of Homer, Alaska Acknowledging the Sufficiency of the Bunnell Avenue/Charles Way Water and Sewer Improvement Special Assessment District and Approving the Improvement Plan, Estimated Cost of Improvement and Assessment Methodology. City Manager/Public Works Director.

Resolution 21-057(S-2), A Resolution of the City Council of Homer, Alaska Acknowledging the Sufficiency of the Bunnell Avenue/Charles Way Water and Sewer Improvement Special Assessment District and Approving the Improvement Plan, Estimated Cost of Improvement and Assessment Methodology. City Manager/Public Works Director.

Memorandum 21-218 from Public Works Director as backup
Memorandum 21-190 from Public Works Director as backup
Memorandum 21-148 from Public Works Director as backup

SUBSTITUTED 21-057(S-2) for 21-057(S) without discussion.

POSTPONED to January 24, 2022 with discussion.

NEW BUSINESS

RESOLUTIONS

- a. Resolution 21-091, A Resolution of the City Council of Homer, Alaska Directing the City Attorney to File an Amicus Brief in the United Cook Inlet Drift Association and Cook Inlet Fishermen's Fund v National Marine Fisheries Service and National Oceanic and Atmospheric Administration, Et Al., 3:21-cv-00255-JMK Litigation. Mayor/Aderhold.

ADOPTED with discussion.

COMMENTS OF THE AUDIENCE

Four people commented.

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti and Attorney Cartledge commented.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen commented.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel had no comments.

COMMENTS OF THE MAYOR

Mayor Castner commented.

COMMENTS OF THE CITY COUNCIL

Councilmembers Commented

ADJOURNMENT

Next Regular Meeting is Monday, January 10, 2022 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 10:09 p.m.