

Session 23-03 a Regular Meeting of the City Council of Homer, Alaska was called to order on February 13, 2023 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, LORD, VENUTI

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
DEPUTY CITY CLERK TUSSEY
FINANCE DIRECTOR WALTON
PORT DIRECTOR HAWKINS
PUBLIC WORKS DIRECTOR KEISER
SPECIAL PROJECTS & COMMUNICATIONS DIRECTOR CARROLL
ECONOMIC MANAGER ENGBRETSSEN
CITY PLANNER ABOUD
FIRE CHIEF KIRKO
SPECIAL PROJECTS COORDINATOR FOSTER
NETWORK ADMINISTRATOR SULCZYNSKI
CITY ATTORNEY GATTI

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

Mayor Castner announced the supplemental items: **CONSENT AGENDA** Written public comments for Resolution 23-013 supporting application to the State DOT Transportation Alternatives Program for the Homer All Ages and Abilities Pedestrian Path and committing matching funds and Resolution 23-014 supporting the Homer Trails Alliance on Trails and Trailhead Related Projects upon receipt of State DOT Transportation Alternatives Program Grant; **City Manager's Report** FY23 Q2 Financial Report; **Resolutions** Planning Commission Agenda Item Report from Feb 1 Meeting as backup to Resolution 23-015 supporting Planning Commission reconsideration of Forest Trails Preliminary Plat.

ADERHOLD/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

3. MAYORAL PROCLAMATIONS AND RECOGNITIONS

Mayor Castner acknowledged that February 14th is recognized as Brother Asaiah Bates Day.

4. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA (3 minutes)

Katie Bursch, city resident, commented in support of Resolution 23-014. She spoke to the importance of connectivity to recreation in the Rogers Loop to Diamond Ridge area and the need for parking at Rogers Loop trail head.

Billy Day non-resident, commented in support of Resolution 23-014. He shared history of the Diamond Creek Plan and addressed the importance of connectivity from Rogers Loop to Diamond Ridge and Diamond Creek.

Scott Adams, city resident, commented in opposition to Ordinance 23-013 and the use of HART funds to pay off an assessment. HART funds aren't to be used for paying off assessments or buying property and the owner of the assessed property is responsible for the amount due to the city. He commented in support of Resolution 23-015, and shared the need for standards for setbacks to creeks and streams.

Pat Case, city resident, commented in support of Resolution 23-015 and the need for sidewalks. He commented in support of the resolutions for grants to increase our mobility in Homer.

Robert Archibald, city resident, commented in support of Resolution 23-014 and shared history of the Diamond Creek recreation area and the importance of access to the recreation area. He's president of the Kachemak Bay State Park Citizens Advisory Board and the Board is in favor of pursuing the TAP Grant to bring this to fruition.

Larry Slone, city resident, commented in opposition Ordinance 23-11. He feels \$650,000 is an excessive amount of money to spend to update the Comprehensive Plan and Title 21.

5. RECONSIDERATION

6. CONSENT AGENDA (Items listed below will be enacted by one motion. If 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.)

- 6.A. Homer City Council Unapproved Regular Meeting Minutes of January 23, 2022. City Clerk. Recommend adoption.
- 6.B. Appointment of Lisa Asselin Martin to the Library Advisory Board. Mayor. Recommend approval.
- 6.C. Ordinance 23-08, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 21.20, Town Center District. Planning Commission. Recommend introduction February 13, 2023, public hearing and second reading February 27, 2023.
- 6.D. Ordinance 23-09, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$40,000 from the General Fund Fleet Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purchase of an Arctic Shark Ice Removal Attachment and Authorizing a Sole Source Purchase from Ultramech, LLC. City Manager/Public Works Director. Recommend introduction February 13, 2023, public hearing and second reading February 27, 2023.
- 6.E. Ordinance 23-10, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Authorizing an Expenditure of \$482,412 from the Homer Accelerated Water and

Sewer Program (HAWSP) Fund to Provide Interim Financing to Complete the East Bunnell Ave./Charles Way Water and Sewer Improvement Projects. City Manager/Public Works Director. Recommend introduction February 13, 2023, public hearing and second reading February 27, 2023.

- 6.F. Ordinance 23-11, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating an Amount not to Exceed \$650,00 from the General Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purpose of Developing a New Comprehensive Plan and a Complete Title 21 Zoning and Planning Code for the City of Homer. City Manager. Recommend introduction February 13, 2023, public hearing and second reading February 27, 2023.

Moved to Ordinances item B. Aderhold

- 6.G. Ordinance 23-12, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$63,070 from the Port Reserves Fund for Professional and Technical Assistance to Support Submission of a Port Infrastructure Development Program Grant Application for the Purpose of Float Replacement in the Small Boat Harbor. City Manager/Port Director. Recommend introduction February 13, 2023, public hearing and second reading February 27, 2023.

- 6.H. Resolution 23-009, A Resolution of the City Council of Homer, Alaska Acknowledging the City of Homer December 2022/January 2023 Surplus Equipment Sale Results. City Clerk. Recommend adoption.

- 6.I. Resolution 23-010, A Resolution of the City Council of Homer, Alaska Awarding a Contract to HTRW, LLC of Anchorage, Alaska in the Amount of \$45,000 to Test for PCB's at the Homer Education and Recreation Complex (HERC) Buildings and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Recommend adoption.

Moved to Resolutions item B. Aderhold

- 6.J. Resolution 23-011, A Resolution of the City Council of Homer, Alaska in Support of the City of Homer's Application to the State of Alaska Department of Transportation and Public Facilities (AK DOT&PF) Community Transportation Program (CTP) for Main Street Rehabilitation and Committing Local Match Funds. City Manager. Recommend adoption.

- 6.K. Resolution 23-012, A Resolution of the City Council of Homer, Alaska Expressing Support for the Realizing Equitable Accessible Connectivity in Homer (REACH) Project and Endorsing the City's Application to the FY23 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) for REACH Planning and Design Funds. City Manager. Recommend adoption.

- 6.L. Resolution 23-013, A Resolution of the City Council of Homer, Alaska in Support of the City of Homer's Application to the State of Alaska Department of Transportation and Public Facilities (AK DOT&PF) Transportation Alternatives Program (TAP) for the Homer All Ages and Abilities

Pedestrian Path (HAPP) and Committing Local Match Funds. City Manager. Recommend adoption.

- 6.M. Resolution 23-014, A Resolution of the City Council of Homer, Alaska Intending to Add Rogers Loop Off-Street Parking Project to its Capital Improvement Plan and to Work with Homer Trails Alliance on Trails and Trailhead Related Projects if the Organization Receives a Transportation Alternative Program (TAP) Grant from the Alaska Department of Transportation and Public Facilities (AK DOT&PF). Aderhold/Davis. Recommend adoption.

Item 6.F. moved to Ordinances item B. and item 6.I. moved to Resolutions item B.

City Clerk Jacobsen read the consent agenda and recommendations.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

7. VISITORS

8. ANNOUNCEMENTS/PRESENTATIONS/REPORTS (5 minutes each)

8.A. Committee of the Whole

Council Member Aderhold reported on Council's discussion on Ordinance 23-09 for the purchase of the Arctic Shark ice removal tool and Resolution 23-010 for sampling for PCB's at the HERC II building. They also had robust discussion about resolutions regarding grant applications that were just passed on the Consent Agenda.

8.B. Mayor's Report

Mayor Castner commented regarding the federal infrastructure bill and grant funding to access those funds. He reported on meeting with Representative Peltola, and his upcoming attendance at the Economic Development Commission and Planning Commission meetings in his role as consulting member. He also reported on his attendance at the February 1st Planning Commission meeting and shared his horror of seeing the Forest Trails plat's lack of sidewalk amenities, and that it didn't meet the conditions of the Borough for a plat. This is the first plat to come after Council's work on the sidewalk ordinance.

8.C. Borough Report

8.D. Planning Commission Report

Planning Commissioner Roberta Highland reported the commission is scheduled to reconsider the Forest Trails plat at their next meeting. At their last worksession they heard from the Army Corps of Engineers (ACOE)

regarding regulatory overview of wetland areas and the relationship between the City and the ACOE. At their regular meeting they approved the recommendations for the Forest Trails Subdivision Preliminary Plat that will be up for reconsideration at their next meeting.

8.E. Port & Harbor Advisory Commission

Port and Harbor Advisory Commissioner Casey Siekaniec, reported at their last meeting they had a presentation from Special Projects and Communications Coordinator Carroll on the Infrastructure Investment and Jobs Act (IIJA) work plan for Port Projects. They discussed the information as a business item and moved to support that work in its entirety. It seems like a unique opportunity and time to pursue these grants.

Council Member Lord shared her interest connecting with Council to put forward a suggestion to the Commission to start looking at reserve policies and assistance with draft those policies. Commissioner Siekaniec agreed that would be a good idea.

Council Member Erickson noted the large matches required for the upcoming grants and shared her perspective of the need for the Commission to prepare a business plan for the Harbor. Commissioner Siekaniec noted that is being worked on and they expect to see it on an upcoming agenda.

8.F. ADA Advisory Board

Council Member Aderhold reported at their last meeting the Board reviewed and provided comments on the Library Western Lot Conceptual Design that came from the RTCA Grant process, and on a schematic for the City Hall front entrance ramp replacement. They discussed advocacy efforts the Board could engage in, including presenting to the Economic Development Advisory Commission and inviting ADA related experts to present to them, and potentially to Council. They supported the RAISE Grant resolution that was passed on the Consent Agenda. They also discussed ADA Capital Budget requests for sidewalk replacement and an accessible bathroom at the airport.

8.G. Alaska Municipal League (AML) Legislative Committee Report - Council Member Aderhold

Council Member Aderhold reported the AML Legislative Committee continues to discuss PERS defined benefit plan, base student allocation, school construction and major maintenance funding, PFD amount and its impact on state spending, and gold and silver as legal tender and its impact on taxing. She also noted AML has a new bill tracking software on AML website.

9. PUBLIC HEARING(S)

- 9.A. Ordinance 23-02(A), An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating an Amount not to Exceed \$70,000 Divided Equally Between the Homer Accelerated Roads and Trails (HART) Trails Fund and from the Land Reserves to Purchase a 4.53 Acre Parcel in the Bridge Creek Watershed Protection District. Aderhold. Introduction January 9, 2023, public hearing and second reading postponed to February 27, 2023.

Mayor Castner opened the public hearing.

Mike Arno, non-resident, expressed his concern with the city spending a lot of money buying property when we have streets and roads, and water and sewer that are not getting developed. Developable areas for residential and commercial development in and out of the city are dwindling and he doesn't support the city buying and tying up land.

Jay Farmwald, non-resident, commented in support of Ordinance 23-02(A). His understanding is the property is being purchased to protect and preserved the watershed under the Bridge Creek Watershed Protection program and thinks the purchase is a good idea in that context.

There were no further comments and the hearing was closed.

Mayor Castner announced there is a motion on the floor from January 23rd to adopt Ordinance 23-02(A) by reading of title only for second and final reading, and opened the floor for discussion.

At the City Manager's request Economic Development Manager Julie Engebretsen addressed strategic acquisition of land by the City. If a property is near the reservoir, on a creek, or a wetland, those are the top tier things. This property is contiguous to a portion of a creek and also to other properties the city owns. Land is becoming more expensive over time and it's important to consider if this is an area the City wants developed, and we have to think about how to accommodate growth in Homer. Policy has been created through zoning that the watershed area won't be developed and it's protected for watershed purposes.

Council Member Aderhold added there is a drainage that goes through what was platted as a cul-de-sac, and purchasing this parcel allows the city to vacate that right-of-way. The purchase of the parcel is about protecting the Bridge Creek Watershed District, the recreational aspect is secondary.

There was brief discussion about using land trades to acquire property when possible.

Other members commented in support of the purchase, acknowledging protecting the watershed has an economic benefit to the City.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- 9.B. Ordinance 23-05, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$20,239 from the General Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purpose of Obtaining Short Term Rental Tracking Services from GOVOS. Aderhold/Davis. Introduction January 23, 2023, public hearing and second reading February 13, 2023.

Mayor Castner opened the public hearing.

Scott Adams, city resident, feels this service is overreaching in the information it will collect related to someone's personal property. We asked residents to open B&B's years ago because we didn't have hotel rooms to accommodate visitors, and it's growing. He doesn't think government should be jumping in on this.

There were no further comments and the hearing was closed.

ADERHOLD/DAVIS MOVED TO ADOPT ORDINANCE 23-05 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Council Member Aderhold explained she and Council Member Davis learned about this product at the AML Conference in December. Subscribing to this service is an attempt at getting to know the landscape of short term rentals as a result of Council's discussion of housing challenges at their Visioning work session.

Council Member Lord supports this from the perspective of gathering information, but doesn't see the need to use the service for the long term. She also noted the need for establishing a Capital Asset Repair and Maintenance (CARMA) Fund policy to help us contextualize these spending decisions.

Council Member Erickson shared she's conflicted about this as can see the benefits of it, but she feels it's invasive for property owners. It's low on her priority for where she wants to spend this money, and thinks they should push on the Borough a little harder until we make it through the maze of finding matching monies for upcoming grants.

Council Member Aderhold added that through this service, we'd be able to provide proprietors of these short term rental services information about related existing code to keep properties being good neighbors to those who live day to day in the neighborhoods. She noted business owners have to follow rules such as a obtaining a business license and collecting taxes. She doesn't feel it's anymore invasive than any other business that's required to provide information. Internet rentals like Airbnb and VRBO are opaque, and B&B's typically have a sign outside of their homes. Some portion of this cost will be paid for in that it will help identify short term rentals who are not currently collecting Borough and City sales tax.

Council Member Davis thought about the privacy issue, but feels that these people are advertising on a national platform and bringing in a lot of people over the course of a summer in a way that does affect their neighbors and the community.

City Manager Dumouchel noted that this is a one year subscription and the Council can re-appropriate if they choose to extend it for another year.

VOTE: YES: VENUTI, ERICKSON, ADERHOLD, LORD, DAVIS, HANSEN.

Motion carried.

9.C. Ordinance 23-07, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$6,950 from the General Fund Fleet Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purchase of a Mobile Radio from ProComm

Alaska. City Manager/Police Chief. Introduction January 23, 2023, public hearing and second reading February 13, 2023.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 23-07 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- 9.D. Ordinance 23-06, An Ordinance of the City Council of Homer, Alaska Amending the FY 23 Capital Budget by Accepting a Donation from Homer Rotary in the Amount of \$8,112 and Appropriating \$6,115 for the Purchase of Motorola Pagers and \$1,997 for Restoration of an Antique Water Tanks. City Manager/Fire Chief. Introduction January 23, 2023, public hearing and second reading February 13, 2023.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 23-06 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Council Member Aderhold expressed appreciation to Homer Rotary for their donation.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

10. ORDINANCE(S)

- 10.A. Ordinance 23-13, An Ordinance of the City Council of Homer, Alaska Updating the Assessment Owed from Lot 10-A-3, Bunnell's Subdivision No. 17 Replat, KPB Tax Parcel No. 175-133-52 and Amending the FY23 Capital Budget by Appropriating \$15,432.52 from the Homer Accelerated Roads and Trails (HART) Roads Fund to Pay the Remainder of this Assessment. Lord. Introduction February 13, 2023, public hearing and second reading February 27, 2023.

LORD/ERICKSON MOVED TO INTRODUCE ORDINANCE 23-13 BY READING OF TITLE ONLY.

Council Member Lord reviewed her research of the situation with this parcel, explaining it was one large parcel that did not front the road when it was built through an assessment district process. The City owned a piece of land between the road and this parcel. The owners asked to be involved in the district to have approximately 40 feet of access on the west side of Woodard Creek at some point. Fast forward, the road is built and the final

assessment roll is adopted by resolution, there was a memorandum that notes the property owner approached the City regarding obtaining access across the park property to serve a proposed new lot. He expressed a willingness to pay some portion of the assessment if access is provided by the City. The recommendation was no assessment for lot 11A should be levied at this time, until future access is provided, and the assessment be based on frontage of the lot being served. She stated one of the challenges with this that she's loathed to ever politicize assessment districts. This issue was brought to her attention, she feels the city hasn't done its due diligence in tracking all the pieces of assessment districts, and councils over time have approved certain things, leaving out critical other pieces. This was deferred, with notes from the City Attorney that it would be appropriate to do so, because the lot had no access to the road, and the Council deferred it. The property didn't have access to the road until 2018 when it was replatted to four lots, with three that front Spruceview. Through part of the replat the City accepted a donation of property that fronts Spruceveiw, which the City vacated and gave our pieces of property to the people on either side. So in 2018 they gained access to Spruceveiw, but the assessment wasn't addressed in 2018, which she sees as an oversight on the City's part, and this assessment still existed. Homer City Code is silent on what should happen with an assessment that is still do at the time of a lot being subdivided. She noted other municipality's codes address a proration in cases like this. In the City Manager's memo staff says the total assessment is owed to lot 10-A-3, the western most lot. She doesn't think it's right, we own a large amount of footage on this and the City should pay a proration of that portion. She feels HART is appropriate for funding, but is open to a different solution.

Mayor Castner added that the city owned the entire frontage when this was done. He noted legal theories will be shared about this process, but the triggering point was when the back lot became a front lot. He concurs with Council Member Lord's view on the proration of the assessments.

Council Member Davis also disagrees with legislating a solution to an assessment issue, but in distilling this down, he agrees this is egregious. He shared his agreement with Council Member Lords assessment.

Council Member Erickson questioned if the cost to the City could be written off as bad debt. It was noted that is still an impact to the general fund.

City Manager Dumouchel shared staff's perspective to this matter. The party asked to be part of the assessment district, they agreed to the final assessment roll, and received an interest free loan. He agrees in 2018 there was a missed opportunity to correct the situation, but he doesn't feel the amount owed has changed from what was agreed to in the final assessment roll. He doesn't see any legislative back up for the recommendation in the memo. From an administrative perspective staff has looked at this in a number of different ways, but still come up with the same answer, that the assessment is owed to the City.

City Attorney Gatti concurred with the City Manager's assessment and cited Title 29's provision for objections regarding assessments to properties, and appeals to the superior court. If an objection is made and an appeal doesn't take place within the time period then the assessment is final and complete. In his opinion there's no legal obligation on the part of the City to modify the assessment. A test that the courts look toward with respect to property subject to a special assessment district is has that property been benefitted. He doesn't think it's legally appropriate to go back and modify an assessment roll after the fact at this point.

Council Member Lord clarified she isn't asking to adjust the assessment roll, but that the amount due be prorated between the City and the other property.

There was further discussion on the timeline of the assessment district process and benefit to the property owner doesn't have to be current, it also pertains to future benefit.

VOTE (introduction): YES: ADERHOLD, HANSEN, LORD, VENUTI, ERICKSON, DAVIS

Motion carried.

- 10.B. Ordinance 23-11, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating an Amount not to Exceed \$650,00 from the General Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund for the Purpose of Developing a New Comprehensive Plan and a Complete Title 21 Zoning and Planning Code for the City of Homer. City Manager. Recommend introduction February 13, 2023, public hearing and second reading February 27, 2023

ADERHOLD/VENUTI MOVED TO INTRODUCE ORDINANCE 23-11 BY READING OF TITLE ONLY.

Special Projects Coordinator Foster presented to Council regarding the project timeline, what Homer expects to receive from this process, anticipated outcomes, and next steps.

Council Member Lord appreciates the depth of work involved in this work and big red flag to her is the timeline, she doesn't agree with public outreach in May, people will be busy and will be mad. That has been a complaint in the past. She shared her enjoyment with being involved with the 2008 Comprehensive Plan when she was new to the community. What was presented about challenges with Title 21 is true for just about every title, and agrees a Title 21 re-write would be beneficial. She wants Council to be partners with administration and contractors, part of the conversation sitting at the table, and apprised of the project throughout.

Council Member Venuti commented she agrees May isn't a good time for public outreach. She added she hasn't seen a lot of successful things come out of public outreach from any other firms that have been hired. She associates a lot of problems with the HERC is that we handed it over to someone else. She wonders if this could be done more successfully in-house.

Council Member Aderhold emphasized the importance of the public outreach piece, noting and describing the Anchorage 2020 effort. She understands the expense is what it is, but she want to make sure there will be rigorous public involvement.

Special Projects Coordinator Foster agrees it's crucial to have good public participation, particularly for the Comprehensive Plan. City Manager Dumochel highlighted that staff can assist in the process by going to groups for outreach.

City Manager Dumouchel added this isn't something one person can do, or one firm. The Consultants build teams with other firms to build expertise to be able to have expertise because it's such wide sweeping project.

~~Council Member Davis is supportive of this it's something we need and all supported.~~

Council Member Erickson was part of the 2008 re-write and one thing she learned is there are a lot of unintended consequences when planning ahead, and she shared some of those challenges. She feels like a 20 year plan is

too long and wonders if a 15 year plan is better to help them be more realistic in planning. She also noted that when they first talked about this, they didn't know about all the grant opportunities now coming forward that require matches and we're being hit with a lot of things, she agrees this re-write is necessary but thinks they may need to pull back a little bit to make good decisions on the upcoming grants. When she attended AML in December, they talked about how Councils need to address values and what they see as important. They haven't had a chance to do that, but need to, to get other people to come along with them.

Mayor Castner said he's unenthusiastic about this because it locks us in stasis and we can't afford to do that, it puts us in a two year lock down on changing things in code. He won't live with that, there are things that need to be changed now. He also doesn't agree with the cost, it would be different if over the last year they had come up with some sort of a fiscal plan.

VOTE (introduction): YES: LORD, ADERHOLD, DAVIS, HANSEN, ERICKSON, VENUTI

Motion carried.

11. CITY MANAGER'S REPORT

11.A. City Manager's Report

City Manager Dumouchel reviewed items from his written report including highlights from staff's recent trip to Juneau, an update to the airport lease five year renewal, and the Kenai Peninsula Borough Safe Streets for All Grant Award.

Council Member Lord addressed the importance of Council engagement, especially related to the Large Vessel Harbor Project.

12. PENDING BUSINESS

13. NEW BUSINESS

14. RESOLUTIONS

- 14.A. Resolution 23-015, A Resolution of the City Council of Homer, Alaska Supporting the Homer Planning Commission's Reconsideration of its February 1, 2023 Approval of a Preliminary Plat for the Forest Trails Subdivision; and Urging the Planning Commission to Include a Reference to New Requirements Related to Sidewalks Laid out in Homer City Code 11.04.120. Davis/Erickson.

DAVIS/ERICKSON MOVED TO ADOPT RESOLUTION 23-015 BY READING OF TITLE ONLY.

Council Member Aderhold asked for a conflict of interest ruling from the Mayor since she is President of the Board of the Kachemak Heritage Land Trust (KHLT). The Calvin and Coyle Trail is adjacent to the parcel in question and KHLT commented at the Planning Commission about this project. In thinking of her roles with KHLT and the City Council, she feels there is a conflict and somebody may think she's making decisions that are

not unbiased. KHLT had an agenda item at their last Board meeting and she recused herself from that discussion and doesn't know what conversation the Board had.

Mayor Castner ruled that she doesn't have a conflict of interest because of her responsibility to uphold the laws of the City of Homer, which she took an oath of office to do. This action is merely asking the Planning Commission to reexamine their decision based on an existing law.

There was no objection from Council on the Mayor's ruling.

Council Member Venuti asked for a conflict of interest ruling from the Mayor, because her husband serves on the Planning Commission and issued the notice of reconsideration.

Mayor Castner ruled that she does have a conflict of interest.

There was no objection from Council on the Mayor's ruling.

Council Member Davis explained this is the first subdivision since the sidewalk Ordinance 22-42(S-3) was adopted. He was surprised to hear that this had a preliminary plat approved that didn't include sidewalk easements or a trail leading along the road to connect to the other sidewalks. There were some notes in the City Planner's memo to the Commission stating the developer could make the shoulder wider on the gravel road, but nothing about it on the plat. There was reference to the developer working with Public Works to develop a walkable path on the south side of the right-of-way, but looking at the plat there is nothing to show that. He and Council Member Erickson thought it would be appropriate to bring forth this resolution commending them for reconsidering and urging them to consider including easements and indicate locations of dedicated facilities for non-motorized trails in accordance with HCC 11.04.120.

Council Member Lord supports this and it made her think of the Quiet Creek subdivision where there was going to be a separated path on the lower portion of Nelson, but it was never built. If there are things we really care about, and this is something we care about, we need to follow through with it. The community cares about it deeply and we have acted on their behalf.

Council Member Erickson commented the perception is important to see us working with Planning and we're working toward this transition together. The fact that it's a gravel road as part of the Rural Residential standard, is something that may need addressing.

City Planner Abboud explained the process for the Planning Commission to make recommendations to the Kenai Peninsula Borough regarding plats as outlined in the standards in Homer City Code, and he reviewed the Forest Trails Subdivision Plat.

VOTE: YES: HANSEN, LORD, DAVIS, ADERHOLD, ERICKSON

Motion carried.

- 14.B. Resolution 23-010, A Resolution of the City Council of Homer, Alaska Awarding a Contract to HTRW, LLC of Anchorage, Alaska in the Amount of \$45,000 to Test for PCB's at the Homer Education and Recreation Complex (HERC) Buildings and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager.

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 23-010 BY READING OF TITLE ONLY.

Council Member Davis expressed his hesitation of approving \$45,000 without anyone bidding on it just to test for PCB's at the HERC. He researched the subject and found a 2021 fact sheet he shared with the City Manager that said that almost half the buildings in the US are contaminated with PCB's and basically everything built between 1950 and 1979 is contaminated. It says an owner may choose to test or choose to treat the suspect materials as if they contain PCB's and do necessary remediation. There is one company nationwide that does the incineration and they have a branch in Anchorage that does the testing and the collection of materials to be shipped to the lower 48 for incineration. He wonders if it makes sense to get a bid from that company.

Mayor Castner expressed his agreement with treating it as if it's contaminated, because it probably is, and dealing with it appropriately.

Council Member Lord pointed out information from staff that the Borough requires that to dispose of hazardous material the testing has to be done. She noted reference to taking representative samples from HERC 1, but HERC 1 isn't referenced anywhere in the bid documents.

There was brief discussion of potential options and requirements of the Borough:

Council Member Lord noted the packet includes comments from the proposed consultant that DEC is still reviewing the sample analysis plan, and notes that the site visit will happen in February.

LORD/DAVIS MOVED TO POSTPONE TO THEIR NEXT MEETING.

There was no discussion.

VOTE (postponement): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

15. COMMENTS OF THE AUDIENCE (3 minutes, any topic)

Pat Case, city resident, commented he'll be attending the Planning Commission meeting because he wants them to taste the passion that we passed the sidewalk ordinance with. He's been involved in many meeting in the community of the last month and the two main issues coming up over and over are parking and connecting pathways. The community is engaged. He appreciates the work done on clearing sidewalks this winter.

Robert Archibald, city resident, commented he felt some the angst tonight about promises of development, he remembers Quiet Creek coming to the Parks Commission talking about the trails they were going to put in, but it never happened. He asked at what point the Council and Commission makes them do it.

Scott Adams, city resident, commented the Comprehensive Plan will take two years, the harbor survey with ACOE will take three years, so that's money being paid out for something we won't see for years. Planning says it's something they need in order to do standards, but they re-write code all the time. He's not a believer. Like

Mike Arno said, most of the property in Homer is already developed or in private hands. Over the last 3 years, of seven new subdivisions in Homer, only one has a pathway.

LORD/ADERHOLD MOVED TO SUSPEND THE RULES AND EXTEND THE MEETING TO 10:30 P.M.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Wayne Aderhold, city resident, shared some history about Brother Assaiah. He thanked Council for their hard work.

David Haeg, non-resident, commented regarding efforts of the Kenai Grand Jury investigation on corruption in the Alaska's Judicial System.

Larry Slone, city resident, thinks it's appropriate that Council adopted Ordinance 23-05 for short term rental tracking services. He noted Council Member Aderhold's Anchorage 2020 comments regarding Ordinance 23-11 for the Comprehensive Plan, a lot of money and time expended and it went nowhere. It's not a plan, it's a vision, and no one can predict the future. There are lot of other items pending and necessary to be dealt with and hiring a person to focus on that would be sufficient.

16. COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti had no comments.

17. COMMENTS OF THE CITY CLERK

City Clerk Jacobsen noted the system issues were discovered around 2:30 today and commended Network Administrator Sulczynski for getting everything up and running in time for the meetings to begin as scheduled. She also commented regarding Tuesday's Special Election.

18. COMMENTS OF THE CITY MANAGER

City Manager Dumouchel had no comments.

19. COMMENTS OF THE MAYOR

Mayor Castner commented the entire public process on a plat review is at the introduction of the plat, and nothing after. He thanked everyone for their work tonight, that was a lot of money. Our capital is our lubrication to get things done in this town. He keeps harping about a fiscal plan, and that's why.

20. COMMENTS OF THE CITY COUNCIL

Council Member Hansen encouraged listeners to help out with the Food Pantry's Community Fridge.

Council Member Erickson commented about the upcoming Snomads Fun Run Fund Raiser.

Council Member Davis shared kudos to Chamber of Commerce for a successful Winter Carnival Parade, and noted the Winter King Tournament is coming up next.

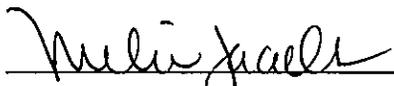
Council Member Aderhold reminded listeners to get out and vote tomorrow. She wanted to end by saying Good-night and Good-bye Annabelle.

Council Member Venuti commented regarding the tonight's shooting at Michigan's Lansing College. She urged everyone in Homer if they see someone struggling with mental illness or hear someone making threats to themselves or a group of people, please report it. She also commented about building codes in Turkey and Syria that aren't enforced and the disaster of recent the earthquakes there. We need to have building codes. Gratitude to the Chamber for the Winter Carnival Parade, it was wonderful to see everyone.

Council Member Lord said don't forget to vote tomorrow, and the School District will be meeting at the high school giving a budget talk. They've talked about not doing them anymore because the turnout is super low.

21. ADJOURNMENT

There being no further business to come before the Council Mayor Castner adjourned the meeting at 10:15 p.m. The next Regular Meeting is Monday, February 27, 2023 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: March 13, 2023