

Session 23-15 a Regular Meeting of the City Council of Homer, Alaska was called to order on July 24, 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  
FINANCE DIRECTOR WALTON  
PUBLIC WORKS DIRECTOR KEISER  
LIBRARY DIRECTOR BERRY  
CITY ATTORNEY GATTI

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

Mayor Castner announced supplemental items: **CONSENT AGENDA** Resolution 23-072, A Resolution of the City Council of Homer, Alaska Providing Comments on Kenai Peninsula Borough Assembly Resolution 2023-048 to Place an Advisory Vote Question on the October 2023 Borough Ballot Asking Whether the Kenai Peninsula Borough Should Change its Regular Election Date. Aderhold/Mayor. KPB Memorandum and Resolution 2023-048 as backup. **VISITORS** add a Report on Municipalities changing Dates to match State and Federal Elections - Kevin Fraley, Printworks **ANNOUNCEMENTS/PRESENTATIONS/REPORTS** Port and Harbor Advisory Commission Written Report and attachments and Library Advisory Board Written Report **PUBLIC HEARING(S)** Ordinance 23-46, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Capital Budget by Accepting and Appropriating a Sub-Recipient Grant from the University of Alaska Anchorage in the Amount of \$1,171,410 for the Kachemak Sponge Green Infrastructure Storm Water Treatment System. City Manager/Public Works Director. Memorandum CC-23-173 as backup. **CITY MANAGER'S REPORT** Memorandum from Special Projects and Communications Coordinator Carrol Re: Update on Federal and State Grant Applications and Written Public Comments.

ADERHOLD/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

#### **MAYORAL PROCLAMATIONS AND RECOGNITIONS**

#### **PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA**

#### **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 Minute of June 26, 2023. City Clerk. Recommend adoption.
- b. Memorandum CC-23-166, from Mayor Castner re: Re-appointment of Joyanna Geisler to the ADA Advisory Board and David Schneider to the Planning Commission. Recommend Approval.
- c. Resolution 23-067, A Resolution of the City Council of Homer, Alaska, Approving a Task Order to RESPEC Consulting LLC in the not to Exceed Amount of \$17,445 to Provide a Final Design for an ADA-Compliant Family Restroom at the Homer Airport Terminal and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend Adoption.

Memorandum CC-23-167 as backup.

- d. Resolution 23-068, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Apply for Clean Water State Revolving Loan Funds from the Alaska Department of Environmental Conservation in the Amount of \$324,000 to Provide Upgraded Storm Water Improvements as Part of the Ohlson Lane and Bunnell Avenue Pavement Restoration Project. City/Manager/Public Works Director. Recommend Adoption.

Memorandum CC-23-168 as backup.

- e. Resolution 23-069, A Resolution of the City Council of Homer, Alaska Approving a Task Order to Nelson Engineering in the Amount of \$11,634 to Design Upgraded Storm Water Improvements on Bunnell Avenue and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend Adoption.
- f. Resolution 23-070, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Apply for Drinking Water State Revolving Loan Funds from the Alaska Department of Environmental Conservation in the Amount of \$491,400 to Replace the Eight Inch Water Distribution Line in Ohlson Lane and Bunnell Avenue. City Manager/Public Works Director. Recommend Adoption.
- g. Resolution 23-071, A Resolution of the City Council of Homer, Alaska Approving a Task Order to Nelson Engineering in the Amount of \$55,867 to Design a Replacement of 8" Cast Iron Water Distribution Line in Ohlson Lane and Bunnell Avenue and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend Adoption.
- h. Resolution 23-072, A Resolution of the City Council of Homer, Alaska Providing Comments on Kenai Peninsula Borough Assembly Resolution 2023-048 to Place an Advisory Vote Question on the October 2023 Borough Ballot Asking Whether the Kenai Peninsula Borough Should Change its Regular Election Date. Aderhold/Mayor. Recommend Adoption.

Memorandum CC-23-169 as backup.

Moved to Resolutions. Erickson.

- i. Resolution 23-073, A Resolution of the City Council of Homer, Alaska Expressing Support for the Homer Spit Climate Resiliency Project and Endorsing the City's Application to the U.S. Department of Transportation for a Planning Grant Under the FY23 Promoting Resilient Operations for Transformative,

Efficient and Cost Effective Transportation (PROTECT) Grant Program. City Manager. Recommend Adoption.

Memorandum CC-23-170 as backup.

Item h. moved to Resolutions item A. Erickson.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### VISITORS

- a. Report on Municipalities changing Dates to match State and Federal Elections - Kevin Fraley, Printworks

Mr. Fraley presented later in the meeting.

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

- a. Worksession Report

City Manager Dumouchel reported that Ronnie McPherson from HDR and Curtis Lee from US Army Corps of Engineers (USACE) presented to Council on the status of the general investigation study as it pertains to the expansion alternatives and measure screening results.

- b. Committee of the Whole Report

Council Member Aderhold reported Council discussed Resolution 23-068 through 23-071 related to storm water improvements and water line replacement on Ohlson Lane and Bunnell Avenue, Resolution 23-067 design for an ADA restroom at the airport, Resolution 23-072 providing comment to the Borough on changing their election day, Resolution 23-073, approving application for the Promoting Resilient Operations for Transformative, Efficient and Cost Effective Transportation (PROTECT) Grant Program, and Ordinance 23-46 accepting the grant for Kachemak Sponge Green Infrastructure Storm Water Treatment System. Special Projects and Communications Coordinator Carroll reviewed her grant update report in the City Manager's report and answered questions.

- c. Mayor's Report

Mayor Caster reported regarding the upcoming AML Summer Legislative Conference in Homer in August. He met with Economic Manager Engebretsen and others regarding the Kachemak Sponge project and acquiring lands and making them eligible for compensation mitigation.

- d. Borough Report

Kenai Peninsula Borough Assembly Member Chesley reported with an update on the Tsunami Early Warning System siren maintenance and installation projects happening the Kachemak Bay area.

- e. Planning Commission
- f. Port and Harbor Advisory Commission

A written report was provided in the supplemental packet.

- g. Americans with Disabilities Act Compliance Committee

**PUBLIC HEARING(S)**

- a. Ordinance 23-41, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Capital Budget by Appropriating \$600,000 from the Land Reserves to Purchase Tietjen Subdivision Tract D, with the Intent of Developing the Parcel into the Site of the Future Public Works Campus. Aderhold/Venuti. Introduction June 26, 2023, Public Hearing and Second Reading July 24, 2023.

Memorandum CC-23-156 as backup.

Mayor Castner opened the public hearing.

Joe Sallee, city resident, expressed is support for moving Public Works but opposes purchasing land because the City owns several other properties in the area.

There were no further comments and the hearing was closed.

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 23-41 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There were comments in support of the land purchase based on the recommendation from the Public Works Campus Task Force report, the tsunami zone concerns, the current physical location is compressed, and reports over the past few years from Public Works and Administrant on the challenges with the current facility. It's not going to get easier to procure land, and the City will have some opportunities with this larger parcel.

There was discussion whether this expenditure will jeopardize matching funds for grants, lack of interest in pursuing a public works building capital project at this time, tsunami impact readiness, and confirming no matching funds are required for the Kachemak Sponge Infrastructure project.

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

Motion carried.

- b. Ordinance 23-42, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Re-Appropriating the Second Tranche of American Rescue Plan Act (ARPA) Funds in the Amount of \$716,685.16 to the General Fund as Revenue Replacement. City Manager/Finance Director. Introduction June 26, 2023, Public Hearing and Second Reading July 24, 2023.

Memorandum CC-23-171 as backup.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 23-42 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was brief comment confirming this is included in the capital budget.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Ordinance 23-43, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget by Accepting and Appropriating the FY23 State of Alaska Community Assistance Program Payment in the Amount of \$204,991.19 for Various Capital Projects. City Manager. Introduction June 26, 2023, Public Hearing and Second Reading July 24, 2023.

Memorandum CC-23-172 as backup.

Mayor Castner opened the floor for public comment.

Pat Case, city resident, commented in opposition of taking money away from ADA funding. He cited the first two whereas clauses that suggest the City can't be relied on to keep their word.

Brad Parsons, city resident, commented on his own behalf that he's disappointed about the re-appropriation of the community assistance payment. He understands the other needs of the City but the original application indicated these funds would be used for ADA improvements. The scope of that encompasses inclusivity and acceptance of all ages and abilities to participate our civic engagement.

There were no further comments and the hearing was closed.

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 23-43 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

At the request of Council Member Aderhold, City Manager Dumouchel provided an overview of the process for applying for the Community Assistance Program payment. He explained at the time of application the City has to express an intent for what the funds will be used for, then if and when funds are dispersed, communities can use it for what their Council's choose to appropriate it for. He noted a year it was applied for with the intent of using it for the HERC but when the funds came in there were used to close a funding gap for SCBA units for the Fire Department. He noted all of the ADA projects requested in the capital budget were approved and because of that he suggested appropriating this allotment to other needs. The goal is to use the funds within the year they are allocated and these projects accomplish that. The application for these funds is made a year in advance, so we never know the exact need for the City until we actually receive notice of receipt of funds.

Following discussion about the capital budget process, projects the funds will be allocated to, Community Assistance Program application processes, and ordinance language, it was suggested the ordinance be postponed to allow for a substitute ordinance with amended language to come back for consideration.

ADERHOLD/VENUTI MOVED TO POSTPONE ORDINANCE 23-43 TO OUR AUGUST 14<sup>TH</sup> MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- d. Ordinance 23-44, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Capital Budget to Fund Anticipated Maintenance to the Seawall by Establishing Authority in the FY24 Budget for Routine Maintenance to the Seawall. City Manager/Finance Director. Introduction June 26, 2023, Public Hearing and Second Reading July 24, 2023.

Memorandum CC-23-157 as backup.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 23-44 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/LORD MOVED TO SUSPEND THE RULES FOR THE VISITOR PRESENTATION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Kevin Fraley with Printworks explained that his company has printed ballots for state and municipal elections for 22 years. He shared from his perspective as a vendor about the challenges of conducting municipal elections at on the same day as the state and federal election, as suggested by the Kenai Peninsula Borough Assembly. He addressed complications including hiring election workers for both state and municipal elections, room to house workers and equipment for state elections and municipal elections in a precinct, and complexities of a borough election with multiple ballot styles combined with complexities of state and federal ballot styles. He explained that if the change happens it can be accommodated, but for the reasons he addressed he wouldn't recommend it.

- e. Ordinance 23-45, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Capital Budget to Fund Anticipated Repairs or Maintenance to the United States Coast Guard Cutter (USCGC) Berth Space by Establishing Authority in the FY24 Budget for Routine Maintenance to the USCGC Berth Space. City Manager/Finance Director. Introduction June 26, 2023, Public Hearing and Second Reading July 24, 2023.

Memorandum CC-23-158 as backup.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 23-45 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was discussion confirming this is allows for operational spending, if there will be a large expense an ordinance will come to Council. This appropriation allows Harbor staff the ability make small repairs when they come up.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- f. Ordinance 23-46, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Capital Budget by Accepting and Appropriating a Sub-Recipient Grant from the University of Alaska Anchorage in the Amount of \$1,171,410 for the Kachemak Sponge Green Infrastructure Storm Water Treatment System. City Manager/Public Works Director. Introduction June 26, 2023, Public Hearing and Second Reading July 24, 2023.

Mayor Castner opened the public hearing.

Katherine Schake, Kachemak Bay National Estuarine Research Reserve (KBNERR) Manager, introduced herself as the incoming reserve manager, expressed support for this ordinance. She shared KBNERR's mission and current projects they have with the City through an MOU and explained KBNERR is here to help the City work through the hurdles of this grant.

There were no further comments and the hearing was closed.

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 23-46 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Council Member Aderhold noted the memorandum from staff to postpone this matter to continue contract negotiations.

Council Member Erickson thanked KBNERR for their work in protecting the watershed.

ADERHOLD/VENUTI MOVED TO POSTPONE TO AUGUST 14<sup>TH</sup>.

There was no discussion.

VOTE (postponement): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **ORDINANCE(S)**

### **CITY MANAGER'S REPORT**

- a. City Manager's Report

City Manager Dumouchel reviewed his report, highlighting the upcoming work session on the HERC building on August 16<sup>th</sup>. He also touched on and answered questions on an upcoming ordinance regarding re-organization of certain departments, and the efforts regarding school district funding and the Mariner Theater and Kate Kuhns Aquatic Center.

**PENDING BUSINESS**

**NEW BUSINESS**

**RESOLUTIONS**

- a. Resolution 23-072, A Resolution of the City Council of Homer, Alaska Providing Comments on Kenai Peninsula Borough Assembly Resolution 2023-048 to Place an Advisory Vote Question on the October 2023 Borough Ballot Asking Whether the Kenai Peninsula Borough Should Change its Regular Election Date. Aderhold/Mayor. Recommend Adoption.

Memorandum CC-23-169 as backup.

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 23-072 BY READING OF TITLE ONLY.

ERICKSON/ADERHOLD MOVED TO AMEND LINE 125 AND ADD THE BULLET POINT THAT IT WOULD NOT COME INTO EFFECT UNTIL THE 2025 ELECTION CYCLE.

Council Member Erickson shared her concern if this is pushed through it will come up at the 2024 national election, and it should be on an off cycle year of to start for the sake of transparency.

ADERHOLD/ERICKSON MOVED TO AMEND THE LANGUAGE TO ADD DELAY IN FRONT OF IT.

Council Member Lord suggested voting the amendments down and amending line 121 to add it to the ballot language.

VOTE (secondary amendment): NO: ADERHOLD, HANSEN, LORD, VENUTI, ERICKSON, DAVIS

Motion failed.

There was no further discussion on the amendment.

VOTE (primary amendment): NO: LORD, ADERHOLD, DAVIS, HANSEN, ERICKSON, VENUTI

Motion failed.

LORD/ADHEROLD MOVED TO AMEND LINE 121 AFTER DATE AND BEFORE QUESTION MARK ADD: ,BEGINNING NO EARLIER THAN THE 2025 ELECTION CYCLE.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

In response to question regarding having the word opposed in the title, Council Member Aderhold said she considered that, but this provides comments than just opposing so she left it out.



VOTE (main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**COMMENTS OF THE AUDIENCE**

Borough Assembly Member Chelsey commented that the assembly is preparing for a \$12 million budget short fall and agrees with earlier comments from Council Member Lord regarding the school district budget, that it's timely to begin strategizing. An idea that's been floated in the past and he hopes will be explored is to change the sales tax gap and dedicating the additional revenue to school funding. He advised that a resolution is coming forward to create a working group to look at election matters as an option for the Assembly instead of the resolution for the advisory vote. He thanked Council for their discussion tonight.

Pat Case, city resident, shared he's made efforts to have a positive relationship with the Council and the importance of echoing the passion of the sentiments he hears from the community. He commented regarding the upcoming Main Street sidewalk project, that a majority of the cost is storm drainage, and encouraged going with the spirit of the law and making it pedestrian safe, and not attributing it to ADA spending. He invited everyone to a gathering at the Independent Living Center for a celebration of the 33<sup>rd</sup> anniversary of the passage of the Americans with Disabilities Act, and to join him for a community walk to have conversations about accessibility.

Bradly Parsons, city resident, echoed Mr. Case, particularly regarding sidewalk installations. In the recent section of Main Street sidewalk improvements, the curb cuts are not ADA best practice curb cuts. He shared that July is Disability Pride Month inviting all citizens regardless of ages and abilities to be involved in this community in any way we can make it happen. He encouraged members to attend the upcoming celebration at ILC, and join Mr. Case on his walk to get a feel for what it's like if you can't drive a car, because it's not fun.

**COMMENTS OF THE CITY ATTORNEY**

City Attorney Gatti had no comments.

**COMMENTS OF THE CITY CLERK**

City Clerk Jacobsen commented regarding the upcoming candidacy filing period for two city council seats.

**COMMENTS OF THE CITY MANAGER**

City Manager Dumouchel noted the invitation to the ILC event is included with the City Manager's report.

**COMMENTS OF THE MAYOR**

Mayor Castner commented the language of the proposed Borough advisory vote reads like an initiative and people would think it was if it passed. He welcomed the Captain and crew of the welcomed the USCG Cutter Aspen to Homer.

**COMMENTS OF THE CITY COUNCIL**

Council Member Hansen had no comment.

Council Member Erickson is thankful for the sunshine so we can get outside again.

Council Member Davis said ditto on the sunshine.

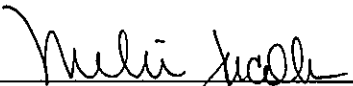
Council Member Aderhold will miss the ILC celebration, but she'll connect with Mr. Case to take that walk together.

Council Member Venuti commented as Coast Guard City, we're responsible to involve ourselves. The Coast Guard's 233<sup>rd</sup> birthday is August 4<sup>th</sup>, so look for Coast Guard trivia on trivia night at Alice's and other recognitions in town. She thanked Commission and Boards for their work and dedication, and thanked those who wrote messages to Council this week.

Council Member Lord agreed the sun is fantastic and welcomed the Aspen. She also thanked the Kachemak Swim Club for offering swimming lessons to the kids, and those who share the locker room during that time.

**ADJOURN**

There being no further business to come before the Council Mayor Castner adjourned the meeting at 8:18 p.m. The next Regular Meeting is Monday, August 14, 2023 at 6:00 p.m., Work Session at 4:00 p.m. and 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.

  
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Melissa Jacobsen, MMC, City Clerk

Approved: August 14, 2023