

Session 23-19 a Regular Meeting of the City Council of Homer, Alaska was called to order on September 25, 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 DAVIS, ERICKSON, HANSEN, LORD, VENUTI

EXCUSED: COUNCIL MEMBER ADERHOLD (excused)

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON
PUBLIC WORKS DIRECTOR KEISER
CHIEF TECHNOLOGY OFFICER JIRSA
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 the supplemental materials- **PUBLIC HEARINGS: Tasmania Water and Sewer Special Assessment District Final Assessment Roll** - Written public comment, **Ordinance 23-21(S)(A)**, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 22.10.050 to Specify that Preliminary Plats Approved by the City Shall Include all Development Commitments Made to the City. Davis/Erickson. Memorandum CC-23-227 from City Planner as backup, and **Ordinance 23-50**, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Operating Budget by Appropriating \$10,000 from the General Fund Unassigned Fund Balance to Fund Part of the Homer Small Business Advisor Position for the Alaska Small Business Development Center. Venuti/Erickson. Memorandum CC-23-226 from Economic Development Advisory Commission as backup and written public comment.

Mayor Castner requested non-objection to the removal of Resolution 23-101 from the agenda, noting resolve of the matter with staff. No objection was expressed.

LORD/VENUTI MOVED TO AMEND THE AGENDA TO INCLUDE A REPORT FROM THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION UNDER ANNOUNCEMENTS REPORTS AND PRESENTATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

LORD/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Kachemak City Mayor Connie Isenhour commented in support of Resolution 23-098 authorizing a memorandum of agreement for limited road maintenance and continued partnership with the City of Homer.

RECONSIDERATION

CONSENT AGENDA (Items listed below will be enacted by one motion. If a separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- a. Homer City Council Unapproved Regular Meeting Minutes of September 11, 2023. City Clerk. Recommend adoption.
- b. Ordinance 23-51, An Ordinance of the City Council of Homer, Alaska, Amending the FY24 Capital Budget by Accepting and Appropriating a State of Alaska Public Library Assistance Grant for FY24 in the Amount of \$7,000 for Books and Library Materials. City Manager/Library Director. Introduction September 25, 2023 and Public Hearing & Second Reading October 9, 2023.

Memorandum CC-23-218 from Library Director as backup.

- c. Resolution 23-096, A Resolution of the City Council of Homer, Alaska Approving and Economic Development and Tourism Marketing Agreement between the City of Homer and the Homer Chamber of Commerce. City Manager. Recommend Approval.

Memorandum CC-23-219 from Economic Development Manager as backup.

- d. Resolution 23-097, A Resolution of the City Council of Homer, Alaska Approving a Sole Source Contract in the Amount of \$42,500 to Arno Construction to Install Water and Sewer Service Lines for Restrooms at Jack Gist Park and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend approval.

Memorandum CC-23-220 from Public Works Director as backup.

- e. Resolution 23-098, A Resolution of the City Council of Homer, Alaska Approving Extension of the Memorandum of Understanding between the City of Homer and Kachemak City Regarding Road Maintenance on Stellars Jay Drive and Golden Plover Avenue, and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend approval.

Memorandum CC-23-221 from Public Works Director as backup.

- f. Resolution 23-099, A Resolution of the City Council of Homer, Alaska Approving a Term Contract with ChemTrack Alaska, Inc. and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend approval.

Memorandum CC-23-222 from Public Works Director as backup.

- g. Resolution 23-102, A Resolution of the City Council of Homer, Alaska Authorizing Reimbursement in the Amount of \$110,000 to Beachy Construction for the Construction of a Shoulder Extension on West Fairview Avenue for Use by Non-Motorized Transportation and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend approval.

Memorandum CC-23-224 from Public Works Director as backup.

City Clerk Jacobsen read the consent agenda and recommendations.

LORD/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. Lobbyist Report - Christine Hess and Reggie Joule (10 minutes)

Christine Hess, lobbyist for the City, reviewed the report provided by J&H Consulting that was included in the packet. She addressed changes in staffing in the Office of Management and Budget and the possibility of additional across the board budget cuts by the Governor, timing to override vetoes, education will likely be a key issue again, and oil revenues trending above projections. Ms. Hess highlighted her and Reggie Joule's ongoing work between sessions, and upcoming work in preparing for the next legislative session.

- b. Transportation Plan Update - Jan Keiser, Public Works Director

Public Works Director Keiser reported on the upcoming Transportation Plan public meeting hosted by Homer Drawdown and summarized the differences in the new plan, with more focus on non-motorized transportation and safety for all types of transportation. There are four goals with multiple objectives, and a variety of policy issues and more detailed action items, to ensure the goals are accomplished.

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

a. Worksession Report

City Manager Dumouchel reported that he presented and responded to Council regarding Ordinance 23-49 that creates Departments of Library, Economic Development, and Information Technology.

b. Committee of the Whole Report

Council Member Lord reported Council discussed Resolution 23-099 authorizing a term contract with ChemTech, Ordinance 23-21(S)(A) and platting processes, and Resolution 23-101 regarding insurance for vessels in the harbor and delaying enforcement to allow for more discussion on implementation. They also heard public comment regarding concerns about clean-up of a property on Mattox.

c. Mayor's Report

Mayor Castner reported on his attendance at the Port & Harbor Advisory Commission work session where policy matters and moorage agreements were discussed. He attended a dinner with the Borough Assembly when they were in Homer for their meetings, he welcomed the Prince William Sound Regional Citizens Advisory Council to town for their annual meeting, and attended the Homer Harbor Expansion public meeting. At the Borough dinner he thanked Assembly Member Chesley for his service on the Assembly.

d. Borough Report

Mayor Castner read comments provided by Assembly Member Chesley thanking the City for hosting the Borough for their meetings on the 19, and appreciation of the reports from Port Director Hawkins and Public Works Director Keiser.

e. Library Advisory Board

Library Advisory Board Member Red Asslin-Martin reported at their last meeting the Board discussed the Story Walk Upgrade bids that are in process and delayed until next year, reviewed practical details of replacing the library siding, and celebrated the successful fall book and plant sale. She also noted the Boards support for Ordinance 23-49 creating a library department and recent library events.

f. Parks Art Recreation and Culture Advisory Commission

Parks Art Recreation & Culture Advisory Commission Chair David Lewis reported at their last meeting they welcomed Daisy Walker as their new Student Representative, considered a donation from Homer Drawdown for wind chimes on local trails, and scheduled their fall park walk-through and clean up.

g. Economic Development Advisory Commission Report

Economic Development Advisory Commissioner Mel Kim reported at their last meeting the Commission approved their mission statement, voted to recommend funding the Homer Advisor Position for the AK Small Business Development Center, and worked on developing their 2024 strategic plan.

PUBLIC HEARING(S)

a. Tasmania Water and Sewer Special Assessment District Final Assessment Roll

Memorandum CC-23-210 & 211 from Public Works Director as backup.

Memorandum CC-23-212 from City Clerk as backup.

Memorandum CC-23-225 from Deputy City Clerk as backup.

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

Council Members and staff acknowledged letter from Erica Marley and discussed deferrals, noting hardship deferrals are the only type allowed by code. General comments were in opposition to creating deferred assessments outside of what's permitted in code.

Public Works Director Keiser shared information regarding the Evans vacation of a lot line in the district.

Mayor Castner noted that no action was required and a resolution to confirm the final assessment roll for the districts will come before them at their next meeting.

b. Ordinance 23-21(S)(A), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Section 22.10.050 to Specify that Preliminary Plats Approved by the City Shall Include all Development Commitments Made to the City. Davis/Erickson. Introduction April 10, 2023 and Refer to Planning Commission, Public Hearing August 28, 2023, Public Hearing and Second Reading September 25, 2023.

Memorandum CC-23-217 from City Planner as backup.

Mayor Castner opened the public hearing.

Ginny Espenshade, city resident, commented regarding a past experience being involved in trying to put parameters on a new subdivision above the high school. It was a frustrating experience where

neighbors spent hours at Planning Commission meetings. She supports another layer of public hearing, however they can get there.

Pat Case, city resident, concurred with Ms. Espenshade and noted Committee of the Whole discussion regarding redundancy and he feels there's nothing wrong with it. It helps ensure we don't miss something.

There were no further comments and the hearing was closed.

Mayor Castner reminded Council there is a motion on the floor from June 26 to adopt Ordinance 23-21(S)(A) by reading of title only for second and final reading and opened the floor for discussion.

Council Member Davis thanked the Planning Commission for their work on the ordinance. He clarified that the ordinance doesn't ask for new commitments that aren't in code for subdivisions, this ordinance only says that any commitments made by the developers would be captured in a subdivision agreement and included on the preliminary plat. He understands the timing could be problematic, but the preliminary plat is the only time for a public hearing. After talking with Planning staff, it might be better to have a second public hearing. He suggested further postponement after hearing Council's discussion.

City Planner Foster noted there isn't a public hearing for preliminary plats, there is plat consideration which is noticed to neighboring property owners, and property owners are given the opportunity to speak. The Kenai Peninsula Borough conducts a public hearing in their process of final consideration, and a second plat consideration could be scheduled at the City level. He reviewed the recommendations from the Commission included in Memorandum CC-23-227, noting recommendation 1 and 2 are recommended code changes to meet the intent of Ordinance 23-21(S)(A). Recommendations 3 and 4 relate to staff and commission process and procedures to ensure all the steps are accomplished to ensure subdivision agreements are being addressed properly.

There was brief discussion about public hearings and standing, and that a broader discussion may be necessary to address on the topic.

Council Member Erickson doesn't oppose postponing to address a second public comment time but feels it irrelevant to the goal of the ordinance which is to ensure the commitments made by the developer for a project are documented in the preliminary plat.

Council Member Davis noted the intent that Planning and Public Works will be able to review this and provide edits to make it consistent with their practices and procedures, and consider an additional opportunity for public input.

DAVIS/ERICKSON MOVED TO POSTPONE TO THE 2ND MEETING IN OCTOBER.

There was no discussion on the motion to postpone.

VOTE (postponement): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Ordinance 23-50, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Operating Budget by Appropriating \$10,000 from the General Fund Unassigned Fund Balance to Fund Part of the Homer Small Business Advisor Position for the Alaska Small Business Development Center. Venuti/Erickson. Introduction September 11, 2023 Public Hearing and Second Reading September 25, 2023.

Memorandum CC-23-206 from Economic Development Manager as backup.

Mayor Castner opened the public hearing.

Robert Green, Business Advisor with the Alaska Small Business Development Center SBDC, commented in support of Ordinance 23-50 for partial funding of the Homer Business Advisor position and provided statistics of the SBDC in his time in as the advisor.

Suvy Baily commented in support of Ordinance 23-50 and shared her positive experience in working the Homer Business Advisor.

Heath Smith, city resident, commented in support of Ordinance 23-50 and how the Homer Business Advisor provides needed resources for entrepreneurs.

Scott McEwen commented in support of Ordinance 23-50. He explained how the guidance of the Homer Advisor helped his small business succeed.

Cliff Cochran, Alaska SBDC Kenai Peninsula Center Director, commented in support of Ordinance 23-50. He addressed the significance of the SBDC services to the small businesses on the Kenai Peninsula and the reduction in service to the small businesses in Homer if the position isn't funded.

LORD/VENUTI MOVED TO ADOPT ORDINANCE 23-50 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There were brief comments by Council Members in support of the ordinance. Mayor Castner noted the recent budget process and expressed the need to find a way to take care of this in that process.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

a. City Manager's Report

City Manager Dumouchel noted his report in the packet and highlighted the upcoming Transportation Plan public meeting, the finance work session to start reviewing the many funds that make up the City, and that the Comp Plan and Zoning Code contract should be before Council at the next meeting. In response to public comment at Committee of the Whole regarding the property at the corner of Mattox he explained the City has received complaints and made contact with the property owner. Clean-up was expected to start September 18th, so staff will reconnect with them to get it moving or initiate code enforcement action outlined in the nuisance section of Title 5.

PENDING BUSINESS

NEW BUSINESS

- a. Memorandum CC-23-214 from Deputy City Clerk re: Confirmation of Election Judges for the October 3, 2023 City of Homer Regular Election.

LORD/VENUTI MOVED TO APPROVE MEMORANDUM CC-23-214 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Memorandum CC-23-215 from Deputy City Clerk re: Marijuana Cultivation License Renewal for Alaska Loven It, LLC dba Wildflower Farms.

LORD/VENUTI MOVED TO POSTPONE MEMORANDUM CC-23-215 TO THE OCTOBER 9TH REGULAR MEETING.

City Clerk Jacobsen shared her recommendation to wait and hear from the Borough on this matter, given there are notices of unpaid excise tax to the State as noted in their application.

Police Chief Robl commented about his memo that recommends the license be suspended until they come into compliance for failure to pay their marijuana excise tax liability.

There were Council Member comments in support of postponing.

VOTE (postponement): YES: VENUTI, ERICKSON, LORD, DAVIS, HANSEN

Motion carried.

- c. Memorandum CC-23-216 from Councilmembers Lord and Erickson and Mayor Castner re: Strategic Planning Session Priorities: Financial Plan

LORD/ERICKSON MOVED TO APPROVE MEMORANDUM CC-23-216.

Council Members Lord and Erickson addressed the purpose of the memorandum as a starting place to delve into what's needed to start drafting a resolution that provides specific direction to staff that's useful and bounded, and to understand what we want as a Council, to assist members in making sound financial decisions on behalf of the community. They worked to compile some of their ideas, with the hopes of discussion to help form a resolution with more specific direction. They addressed a communication outreach piece that would be an additional ask, as well as a reserve policy for the general fund and enterprise.

Mayor Castner commented regarding reporting components that included balance sheets, dashboards, and budget to actuals reporting. It's information that's easy to understand and it's what he's used to seeing when working with non-profit organizations. He emphasized the need for regular reporting.

There was additional discussion with City Manager Dumouchel responding regarding the finance supplement sheets provided with ordinances allocating funding, recognizing improvement can be made on reporting to Council, and welcoming direct direction from Council. Council regularly talks about a fiscal plan, and the code calls the budget the fiscal plan so in his mind they are asking for extra layers. He also noted upcoming policy discussion where Council can look at the various funds and how to address them.

Council Member Lord acknowledged various comments in their discussion about continuing to exemplify the need for good cross-organizational communicational between Council and Administration and figure out ways to improve that. Her intent is to come back with a resolution that spells out Council's expectations of administration and themselves.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

RESOLUTIONS

- a. Resolution 23-100, A Resolution of the City Council of Homer, Alaska, Awarding the General Counsel Legal Services Contract For A Three Year Term to the Firm of Jermain, Dunnagan & Owens, P.C. of Anchorage, Alaska, and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. Mayor.

LORD/VENUTI MOVED TO ADOPT RESOLUTION 23-100 BY READING OF TITLE ONLY.

Mayor Castner briefly review steps he took in speaking with staff members as to their satisfaction with JDO. He noted he was late in getting notice about the contract and asked that it be tickled for more timely notice going forward.

Council Member Lord added that she'd like to have opportunity for conversation and feedback with the City Attorney in a systematic way, so there's an opportunity remedy complaints or concerns throughout the term of the contract.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Resolution 23-101, A Resolution of the City Council of Homer, Alaska Repealing Section 13 of the Reserved Stall Vessel Moorage Agreement and Section 10 of the Transient Vessel Moorage Agreement and Providing for an Immediate Effective Date. Mayor.

Memorandum CC-23-223 from Mayor as backup.

Resolution 23-101 was pulled at agenda approval.

COMMENTS OF THE AUDIENCE

Karin Marks, city resident and Economic Development Advisory Commission Chair thanked Council for adopting Ordinance 23-50 and thanked those who provided comments regarding the ordinance. She gave an overview of what the Homer Business Advisor position does. She also looks forward to the resolution that will come from their discussion on Memo CC-23-216.

Pat Case, city resident, commented he's looking forward to speaking at the Transportation Plan meeting tomorrow. He supports removing the Fairview extension from the plan because of safety concerns, and shared concerns about budgeting for the Ben Walters sidewalk being put off for other work.

Ginny Espenshade, city resident, commented about earlier comments regarding walls between communication and collaboration. She was struck by different parts of the meeting where there seemed to be organizational walls. As a community member, when we're told to dream big, and then told we can't afford it without backing documentation, she wonders how do we answer that and how does Council do their job in the fiscal dark? There are ways to have information available with options to go deeper, or take the basic information.

Heath Smith, city resident, commented that Council should be championing all policy within the City. He acknowledged the Mayors concern about appropriating outside the budget, but they may find other was to do that, like other non-profits through the Homer Foundation. He shared his frustration with the audit process.

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen commented regarding the absentee and Election Day voting schedule.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel had no comments.

COMMENTS OF THE MAYOR

Mayor Castner highlighted actions coming up including reauthorization of the Homer Accelerated Roads and Trails fund, authorization to use the 30 basis points for a recreation building, and forming 16 storm water districts, all items that will need to be addressed for the 2024 ballot.

COMMENTS OF THE CITY COUNCIL

Council Member Lord wished everyone happy autumn and shared that Saturday is the last Farmer's Market. She thanked everyone who participated this evening and reminded all to vote.

Council Member Venuti looks forward to working with City Manager on the reports Council has requested. She thanked the Board and Commission Chairs who attended the work session today, and she missed Council Member Aderhold tonight. She reminded all to vote on October 3rd and noted upcoming candidate forums.


Council Member Davis had no comments.

Council Member Erickson shared her appreciation for City staff, it's not an easy job on all levels. It's Council's job to ask the hard questions because they have the job of sifting through all the issues, and it's a weight they have to carry to ensure the City runs properly. She shared about moose that have been in her yard recently.

Council Member Hansen shared here appreciation for citizens who commented and for her fellow Council Members.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 8:20 p.m. The next Regular Meeting is Monday, October 9, 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 are 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: October 9, 2023