



# Action Agenda

## Special Meeting, Worksession, Committee of the Whole and City Council Regular Meeting

Monday, February 10, 2025

City Hall Cowles Council Chambers In-Person & Via Zoom Webinar

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### Homer City Hall

491 E. Pioneer Avenue  
Homer, Alaska 99603  
[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

<https://cityofhomer.zoom.us>

Dial: 346-248-7799 or 669-900-6833;  
(Toll Free) 888-788-0099 or 877-853-5247

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### SPECIAL MEETING

Zoom Webinar ID: 922 2201 3235 Password: 411958

### CALL TO ORDER, 3:30 P.M.

Mayor Pro Tem Aderhold called the meeting to order.

City Clerk Krause performed roll call.

Mayor Pro Tem Aderhold noted that Mayor Lord requested excusal and timely notice was provided.

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

Mayor Pro Tem Aderhold requested a motion and second.

ERICKSON/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

There was no public present.

### NEW BUSINESS

- a. Memorandum CC-25-058 from City Clerk re: Request for Executive Session Pursuant to AS 44.62.310 (A-C)(1,4) Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity and which by law, municipal charter or ordinance are required to be confidential, (Potential Litigation Airport Lease Termination)

Mayor Pro Tem Aderhold introduced the item by reading of the title and requested a motion.

ERICKSON/VENUTI MOVED TO ADJOURN TO EXECUTIVE SESSION PURSUANT TO AS 44.62.310 (A-C)(1,4) MATTERS, THE IMMEDIATE KNOWLEDGE OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT UPON THE FINANCES OF THE PUBLIC ENTITY AND WHICH BY LAW, MUNICIPAL CHARTER OR ORDINANCE ARE REQUIRED TO BE CONFIDENTIAL, (POTENTIAL LITIGATION AIRPORT LEASE TERMINATION)

There was no discussion.

VOTE. YES. DAVIS, HANSEN, ERICKSON, PARSONS, VENUTI, ADERHOLD

Motion carried

Mayor Pro Tem Aderhold adjourned the meeting to executive session at 3:36 p.m. The meeting was reconvened at 4:03 p.m.

### **COMMENTS OF THE AUDIENCE**

There was no public present.

### **ADJOURNMENT NO LATER THAN 3:50 P.M.**

Mayor Pro Tem Aderhold adjourned the meeting at 4:05 p.m.

### **WORKSESSION**

**Zoom Webinar ID: 965 8631 4135 Password: 792566**

### **CALL TO ORDER, 4:00 P.M.**

Mayor Pro Tem Aderhold called the Meeting to order and request the clerk to call the roll.

City Clerk Krause performed a roll call

Mayor Pro Tem Aderhold noted for record that Mayor Lord requested excusal and timely notice was provided.

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

ERICKSON/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

### **DISCUSSION TOPIC(S)**

- a. Utility Rate Model Discussion – *Refer to Supplemental Packet*

Finance Director Fischer presented to the Council and facilitated discussion on the following points:

- Clarified fire hydrant rents are charged to the general fund
- Shifting the costs from high volume users to the low volume user
- Bulk Water monthly fees would not have a sewer fee incorporated
- Structuring a monthly svc fee that covers a set quantity of water used
  - Trying to address the seasonal users
  - Minimal payment does not impact low volume users

- Considering a rental fee structure similar to Seldovia
- Model is consumption based so no matter what fees or minimums are established it impacts the low volume user
  - Determine the user group to set fees
  - Determine if review and overhaul of the rate model should be done
    - Establish task force or committee to review and make recommendations on other billing methods that may be more equitable
  - Minimum rate fee will be reflected for 1000 gallons
- Only apply a service fee to those accounts without usage for the month
- Typical family household usage is approximately 3000-3500 gallons
- Meters available for gardens, high tunnels etc.
  - removes sewer charge on those quantities of water
- Fee applies to infrastructure while it is not being used or billed for
  - Average household pays for that infrastructure and covers the costs for those that only reside here seasonally
- Percentage of accounts that are low volume versus average and high
- Raising consumption amount be more consistent with actuals
  - Removing low consumption
- How to best determine the monthly service fee
  - Methodology
  - Addressing inequity
  - Bar graph on usage in June compared to October/November
- Suggested possible solutions

#### **COMMENTS OF THE AUDIENCE (3 minutes)**

There was one person who commented.

#### **ADJOURNMENT NO LATER THAN 4:50 P.M.**

Mayor pro Tem Aderhold adjourned the meeting at 4:50 p.m.

#### **COMMITTEE OF THE WHOLE**

**Zoom Webinar ID: 953 097 829 Password: 234969**

#### **CALL TO ORDER, 5:00 P.M.**

Mayor Pro Tem Aderhold called the meeting to order.

Mayor Lord requested excusal and timely notice was provided.

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

ERICKSON/VENUTI MOVED TO APPROVE THE AGENDA

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### **CONSENT AGENDA**

Council held brief clarifications on the following:

- Ordinance 25-11 regarding the process, this is addressed in HCC 21.93
- Resolution 25-010 regarding sole source procurement over advertising for bids.

## **REGULAR MEETING AGENDA**

Council held brief discussion on the following:

- Agenda process for Memorandum CC-25-028 and Ord 25-01
- Ordinance 25-07 City Manager provided an additional memorandum with alternate options
  - can postpone to the next meeting if desired to have staff bring back additional recommendations.

## **DISCUSSION TOPIC(S)**

- a. Draft Comprehensive Plan Presentation and Review

Mayor Pro Tem Aderhold introduced the item by reading of the title and invited Shelly Wade from Agnew::Beck to speak to Council.

Shelly Wade presented the draft comp plan in summary, expressed appreciation to the public, council, and advisory bodies for the immense input over the past year; identified next steps and process; noted that the document was prepared with a full review of the 2018 plan to use as a foundational document, would like comments from all the advisory bodies on the Draft and noted that the photos used were submissions from the photo contest, and encouraged everyone to attend the Open House Event tomorrow evening, Tuesday, Feb 11<sup>th</sup> doors open at 5p.m.

Ms. Wade facilitated questions from the Council on the following:

- Timeline for the Homer City Code Title 21 re-write
- Provided Executive Summary overview and changes noting the Sections entitled Community Voices, Land use, Housing and Governance
- Correction needed on formatting of title on page 6 of the draft document, recommended the word Homer should be in green, not yellow
- Land Acknowledgement and confirmation that City of Homer is actually included in the Ninilchik tribal lands
- Facts provided on pages 3-4 regarding number of people in age categories
- Marine Industrial only designated on the spit and portions of Kachemak Drive

## **COMMENTS OF THE AUDIENCE**

There were five who commented.

## **ADJOURNMENT**

Mayor Pro Tem Aderhold adjourned the meeting at 5:50 p.m.

## **REGULAR MEETING**

**Zoom Webinar ID: 205 093 973 Password: 610853**

Session 25-04 a Regular Meeting of the City Council of Homer, Alaska was called to order on Monday, February 10, 2025 by Mayor Pro Tem Aderhold 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. City Council held a Special Meeting

at 3:30 p.m. to consider potential litigation of an airport lease termination and had a presentation of the Draft Comprehensive Plan by Agnew::Beck during the Committee of the Whole at 5:00 p.m.

## **CALL TO ORDER, PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Aderhold called the meeting to order and requested attendees to stand for the Pledge of Allegiance.

City Clerk Krause took roll call and noted Mayor Lord requested excusal and timely notice was provided.

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

Due to the City Clerk forgetting to include the Supplemental items listing for Mayor Pro Tem Aderhold to read into the record, Ms. Krause read the items into the record for City Council.

Supplemental Items for the record: **CONSENT AGENDA** Item c. Memorandum CC-25-041 from City Clerk re: New Marijuana Manufacturing License Application. Memorandum from Chief of Police re: Non-Objection. Item d. Memorandum CC-25-042 from City Clerk re: New Restaurant/Eating Place Seasonal Alcohol License Application Memorandum from Chief of Police re: Non-objection **VISITORS** item a. Pratt Museum Budget Appropriation Request Pratt Museum Presentation, 2024 Pratt Museum Annual Report and External Strategic Plan 2025-2030 **CITY MANAGER'S REPORT** Item a. City Manager's Report for February 10, 2025 item b. Financial Report Combined Fund Balance Report **PENDING BUSINESS** Item b. Memorandum CC-25-028 Vacation of a Portion of B Street Right of Way and Associated Utility Easements South of Bay Avenue granted by Bay View Subdivision Plat HM839 Public Comments Received Item c. Ordinance 25-01, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.10.030 Amending the Homer City Zoning Map to Rezone a Portion of the Rural Residential (RR) Zoning District to General Commercial 1 (GC1) Zoning District. Public Comments Received **RESOLUTIONS** Item a. Resolution 25-014, A Resolution of the City Council of Homer, Alaska, Stating the City's 2025 Legislative Priorities and Positions. Proposed Amendment submitted by Councilmember Aderhold

Mayor Pro Tem Aderhold requested a motion and second.

ERICKSON/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**

Mayor Pro Tem Aderhold invited the public to provide comment on any subject on the agenda except those ordinances for public hearing:

- Ordinance 25-07, Appropriating \$67,480.81 from the HAWSP Fund for the Purpose of Reimbursing Seven Property Owners in the Bunnell Ave/Charles Way Special Assessment District for the Cost of E-One Lift Stations
- Ordinance 25-08, Amending Homer City Code to Add Chapter 2.30 Entitled Incident Management Planning;

- Ordinance 25-09, Appropriating \$50,000 from Port Reserves Fund for the Purpose of Obtaining Professional Grant Writing Services on a Grant Application to Replace Float Systems 4 and 1 in the Small Boat Harbor;
- Ordinance 25-10, Reappropriating \$40,000 from the Workstation Upgrade to Microsoft Office 2021 Project.

You will have three minutes to speak, if you are attending via Zoom please use the raise hand icon on your device or press star 9 on your phone and the Clerk will unmute your connection. She stated for clarification that if the public was here to comment on the Doyon related issues, the time was now.

There were 16 who commented.

## **RECONSIDERATION**

### **CONSENT AGENDA**

Mayor Pro Tem Aderhold noted the 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.

Councilmember Erickson pulled Ordinance 25-11 and Ordinance 25-12 from the Consent Agenda. These were moved to Ordinances item a and b respectively.

City Clerk Krause read the Consent Agenda into the record.

- Homer City Council Unapproved Regular Meeting Minutes of January 27, 2025. City Clerk. Recommend adoption.
- Memorandum CC-25-040 from Mayor re: Appointment of David Atwood to the Port & Harbor Advisory Commission. Recommend approval.
- Memorandum CC-25-041 from City Clerk re: New Marijuana Manufacturing License Application. Recommend approval.
- Memorandum CC-25-042 from City Clerk re: New Restaurant/Eating Place Seasonal Alcohol License Application. Recommend approval.
- Ordinance 25-11, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.90 Administration and Enforcement to Direct Appeals to the Office of Administrative Hearings or a Hearing Officer Appointed by the City Manager. City Manager. Introduction February 10, 2025 Public Hearing and Second Reading February 24, 2025.

Memorandum CC-25-043 from Community Development Director as backup

This ordinance moved to Ordinances Item a.

- Ordinance 25-12, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 1.04, General Provisions to Create a Hearing Officer Appointment Procedure. City Manager. Introduction February 10, 2025 Public Hearing and Second Reading February 24, 2025.

Memorandum CC-25-044 from Community Development Director as backup

This ordinance moved to Ordinances item b.

- g. Ordinance 25-13, An Ordinance of the City Council of Homer, Alaska, Adopting Revisions to the Port of Homer Terminal Tariff No. 1, Rule Five Section 5.05 regarding Liability Insurance Requirements for Recreational Vessels. City Manager/Port Director. Introduction February 10, 2025 Public Hearing and Second Reading February 24, 2025.

Memorandum CC-25-045 from Port Director as backup

- h. Ordinance 25-14, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating the Hazard Mitigation Grant 4413-001 Amendment #2 from the Alaska Division of Homeland Security & Emergency Management, which Adds Funds in the Amount of \$120,300 to Procure and Construct a Fiber Optic Line as Part of the Raw Water Transmission Main Replacement Project and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Introduction February 10, 2025 Public Hearing and Second Reading February 24, 2025.

Memorandum CC-25-046 from Public Works Director as backup

- i. Ordinance 25-15, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Grant from the Homer Foundation Youth Advisory Committee in the Amount of \$1,000 for the Homer Public Library. City Manager/Library Director. Introduction February 10, 2025 Public Hearing and Second Reading February 24, 2025.

Memorandum CC-25-047 from Library Director as backup

- j. Ordinance 25-16, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2025 Capital Budget by Appropriating \$22,000 from the Port Reserves Fund to Install Electricity to the Camera Poles at Ramps One Through Five. City Manager/Port Director. Introduction February 10, 2025 Public Hearing and Second Reading February 24, 2025.

Memorandum CC-25-048 from Port Director as backup

- k. Resolution 25-008, A Resolution of the City Council of Homer, Alaska, Acknowledging the City of Homer Surplus Equipment Sale Winter 2025 Bid Results. City Clerk. Recommend adoption.
- l. Resolution 25-009, A Resolution of the City Council of Homer, Alaska, Requesting the Kenai Peninsula Borough Provide the City of Homer a Fee Waiver for Scrap Metals and Brush/Slash and Authorizing the City Manager to Negotiate Disposal Terms with the Kenai Peninsula Borough. City Manager/Public Works Director. Recommend adoption.

Memorandum CC-25-049 from Public Works Director as backup

- m. Resolution 25-010, A Resolution of the City Council of Homer, Alaska, Authorizing the Single Source Procurement of Ice Metering Equipment from North Star Ice Equipment Corporation of Seattle, Washington in the Amount of \$101,100 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Port Director. Recommend adoption.

Memorandum CC-25-050 from Port Director as backup

- n. Resolution 25-011, Authorizing the Establishment of an Field of Interest Fund with the Homer Foundation to Support the Sister City Program of Homer. Venuti. Recommend adoption.

Memorandum CC-25-051 from Sister City Coordinator as backup

- o. Resolution 25-012, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Homer Spit Transportation Resiliency Project and Endorsing the Alaska Department of Transportation and Public Facilities Application to the U.S. Department of Transportation for a Planning Grant Under the FY24/FY26 Promoting Resilient Operations for a Transformative, Efficient and Cost Effective Transportation (PROTECT) Grant Program. Mayor. Recommend adoption.
- p. Resolution 25-013, A Resolution of the City Council of Homer, Alaska, Authorizing a Task Order to HDR Engineering in an Amount Not to Exceed \$50,000 for Grant Writing Services for a FY2025 Federal Port Infrastructure Development Program Grant to Support Replacing Float Systems in Homer's Small Boat Harbor and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Port Director. Recommend adoption.

Memorandum CC-25-052 from Port Director as backup

ERICKSON/VENUTI MOVED TO ADOPT THE CONSENT AGENDA READ.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried

## **VISITORS**

- a. Pratt Museum Budget Appropriation Request - Patty Relay

- Pratt Museum Presentation
- 2024 Pratt Museum Annual Report
- External Strategic Plan 2025-2030

Mayor Pro Tem Aderhold introduced the topic and invited Patty Relay to make her presentation.

Ms. Relay presented to the City Council on the progress to become sustainable and to support the FY26/FY27 Budget Request of \$200,000. She noted new marketing strategies and materials and expressed the Museum's appreciation for the ongoing support from the City.

- b. Lighthouse Village Development Project by Doyon - Zach Dunlap, Operations Director

Mayor pro tem Aderhold introduced the topic and invited Mr. Dunlap to make his presentation.

Zach Dunlap, Operations Director with Doyon Limited presented project information using illustrative drawings of the proposed project, pointing out the ADA Compliant Pedestrian Trail to two viewing platforms and sidewalks to the intersection of Kachemak Drive and Homer Spit Road from the B Street/Bay Avenue right of way access, the plat note granting the public access easement to the City and the location of the vegetated buffer as well as other locations for vegetation.

Mr. Dunlap facilitated questions and answers from Council members on the following:

- Lighting
- Connection Access to the Homer Spit Road
- What would happen if the Council vetoed the vacation or rezoning of the parcel



- Parking
- Deterrent to overflow parking on Bay Avenue
- Assurance to the City on not clearcutting the existing vegetation on Lot 163
  - Instruction to a contractor to ensure that will not be cleared
- Disposition of the utilities within the right of way

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

a. Worksession Report

City Manager Jacobsen reported on worksession and discussion will continue at the next meeting.

b. Committee of the Whole Report

City Manager Jacobsen reported on receiving a presentation regarding the Draft Comprehensive Plan.

c. Mayor's Report

Mayor Pro Tem Aderhold reported on the two letters included in the supplemental packet.

d. Borough Report

Kelly Cooper, Assembly person, reported on:

- New Borough Website
- Appointment of Assemblyperson Leslie Morton to fill Bill Elam's seat for District 5
- Purchasing a Building Automation System for Port Graham Schools
- Purchase an Excavator for the Homer Transfer Station
- Next Meeting is February 26th for Tourism Industry Work Group and
- February 18<sup>th</sup> is a Virtual Workshop on the comprehensive safety action plan
- Encouraged attendance at the Budget development talks at the 6pm
- School Budget development Meeting on February 11<sup>th</sup> at 6:00 p.m. at Homer High School

e. Planning Commission

Mike Stark, Commissioner reported on:

- Reviewing title 21
- Approving Rezone on Kachemak Drive
- Adding dance Studio as a permitted use
- Clarification on contiguous
- Impacts on new development in residential and commercial areas
- Enforcement issues

Commissioner Stark confirmed that the Commission approved the rezone for Councilmember Venuti.

f. Port and Harbor Advisory Commission

- i. Memorandum CC-25-053 re: Recommendations Requested via Reso 24-024 Land Allocation Plan - Large Vessel Haul Out Area

Mayor Pro tem called for a recess at 7:55 p.m. The meeting was called back to order at 8:05 p.m.

**PUBLIC HEARING(S)**

- a. Ordinance 25-07, An Ordinance of the City Council of Homer, Alaska, Amending the FY25 Capital Budget by Appropriation \$67,480.81 from the Homer Accelerated Water and Sewer Program (HAWSP) for the Purpose of Reimbursing Seven Property Owners in the Bunnell Ave/Charles Way Special Assessment District for the Cost of E-One Lift Stations. City Manager. Introduction January 27, 2025 Public Hearing and Second Reading February 10, 2025.

Memorandum CC-25-030 from City Manager as backup

Memorandum CC-25-059 from City Manager as backup

Mayor Pro tem Aderhold opened the public hearing for Ordinance 25-07.

There was one who testified.

Mayor Pro Tem Aderhold closed the public hearing and requested a motion.

ERICKSON/DAVIS - MOVED TO ADOPT ORDINANCE 25-07 BY READING OF TITLE FOR SECOND AND FINAL READING.

Discussion ensued on following points:

- Requested clarification on how the project costs were distributed
- Information provided on the original assessment was calculated using the benefitted area methodology which was then modified by the developable land area by the former Public Works Director so smaller lots were assessed at 7500 sf, the Van parcel was assessed at a little larger and the City property was assessed the full area due to the Bishops Beach Park property.
- Memorandum CC-25-059 provided additional options such as dividing the city's portion, postponing and request staff calculate a more equitable reimbursement or remove the city's reimbursement and divide that among property owners that did not receive lift stations
- E-one lift station costs were spread across the district and but only a few are getting reimbursed

ERICKSON/VENUTI MOVED TO POSTPONE ORDINANCE 25-07 AND REQUEST STAFF TO RECALCULATE A MORE EQUITABLE REIMBURSEMENT BASED ON ACTUAL BENEFIT OTHER PROPERTY OWNERS RECEIVED AND DETERMINE A TIMELINE AND METHOD FOR HOLDING THESE REIMBURSEMENT FUNDS AND CRITERIA TO REIMBURSE PROPERTY OWNERS WHEN THEY DEVELOP THEIR PROPERTY TO THE MARCH 10<sup>TH</sup> MEETING.

There was no further discussion on the motion.

VOTE. NON-OBJECTION. UANIMOUS CONSENT.

Motion carried.

City Manager Jacobsen expressed her appreciation for Mr. Long's patience and willingness to work with the city on this very unusual situation.

- b. Ordinance 25-08, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code to Add Chapter 2.30 Entitled Incident Management Planning. Erickson. Introduction January 27, 2025 Public Hearing and Second Reading February 10, 2025.

Ordinance 25-08(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code to Add Chapter 2.30 Entitled Incident Management Planning. Erickson.

Memorandum CC-25-036 from Councilmember Erickson as backup

Mayor Pro tem Aderhold opened the public hearing for Ordinance 25-08. Having no public coming forward to testify she closed the public hearing and requested a motion.

ERICKSON/VENUTI - MOVED TO ADOPT ORDINANCE 25-08 BY READING OF TITLE FOR SECOND AND FINAL READING.

Mayor Pro Tem Aderhold asked if there was any discussion or motion.

ERICKSON/VENUTI MOVED TO SUBSTITUTE ORDINANCE 25-08 WITH ORDINANCE 25-08(S) BY READING OF TITLE.

Councilmember Erickson briefly expressed the reason for forward the substitute.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- c. Ordinance 25-09, An Ordinance of the City Council of Homer, Alaska, Amending the FY25 Capital Budget by Appropriating \$50,000 from Port Reserves Fund for the Purpose of Obtaining Professional Grant Writing Services to Assist with a Federal FY2025 Port Infrastructure Development Program Grant Application to Replace Float Systems 4 and 1 in the Small Boat Harbor. City Manager/Port Director. Introduction January 27, 2025 Public Hearing and Second Reading February 10, 2025.

Memorandum CC-25-033 from Port Director & Special Projects Coordinator as backup

Mayor Pro Tem Aderhold opened the public hearing for Ordinance 25-09. Having no public coming forward to testify she closed the public hearing and requested a motion.

ERICKSON/VENUTI MOVE TO ADOPT ORDINANCE 25-09 BY READING OF TITLE FOR SECOND AND FINAL READING.

Councilmember Venuti briefly commented on supporting the ordinance due to the condition of the floats.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- d. Ordinance 25-10, An Ordinance of the City Council of Homer, Alaska, Amending the FY25 Capital Budget by Reappropriating FY23 State of Alaska Community Assistance Program Payment in the Amount of \$40,000 from the Workstation Upgrade to Microsoft Office 2021 Project. City Manager/Chief Technology Officer. Introduction January 27, 2025 Public Hearing and Second Reading February 10, 2025.

Memorandum CC-25-034 from Chief Technology Officer as backup

Mayor Pro Tem Aderhold opened the public hearing for Ordinance 25-10. Having no public coming forward to testify she closed the public hearing and requested a motion.

ERICKSON/VENUTI MOVE TO ADOPT ORDINANCE 25-10 BY READING OF TITLE FOR SECOND AND FINAL READING.

There was a brief discussion on the pilot plan for Office 365 to determine it would work efficiently for the city.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **ORDINANCE(S)**

- a. Ordinance 25-11, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.90 Administration and Enforcement to Direct Appeals to the Office of Administrative Hearings or a Hearing Officer Appointed by the City Manager. City Manager. Introduction February 10, 2025 Public Hearing and Second Reading February 24, 2025.

Memorandum CC-25-043 from Community Development Director as backup

Mayor Pro Tem Aderhold introduced Ordinance 25-11 by reading of the title and requested a motion to introduce.

ERICKSON/VENUTI MOVED TO INTRODUCE ORDINANCE 25-11 BY READING OF THE TITLE.

Discussion on the following points was conducted:

- moving to Hearing Officer, maintaining neutrality and protecting city employees/commissioners.
- City Manager Jacobsen reviewed a possible implementation of using a Hearing Officer, appellant chose the Council and the limited knowledge of legal proceedings
- process on selection of a hearing officer
- Office of Administrative Hearings (OAH) does create longer timelines for processing
  - There were some delays in the process but the OAH uses a pre-hearing clearance as well

City Attorney Gatti offered comments on the value of the process, use experienced law judges, and provided example of previous appeals.

Further discussion on the following points were made:

- Clarification on this is action is bringing appeals of Zoning Permit, right now it would go to the PC
- Defined a Hearing Officer
- OAH appoints available judge
- City Manager would select from a listing of Hearing Officer Services
  - Listing would be created from results of a Request for Proposals or similar process
- Changes from 30 days to 10 days – is to tighten up the process – this is a satisfactory time period to respond to an appeal filed and appellant/appellee can file appeal to superior or supreme court.
- Amending the title regarding appointment of hearing officer
  - Staff will review

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- b. Ordinance 25-12, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 1.04, General Provisions to Create a Hearing Officer Appointment Procedure. City Manager. Introduction February 10, 2025 Public Hearing and Second Reading February 24, 2025.

Memorandum CC-25-044 from Community Development Director as backup

Mayor Pro Tem Aderhold introduced Ordinance 25-12 by reading of the title and requested a motion to introduce.

ERICKSON/VENUTI MOVED TO INTRODUCE ORDINANCE 25-12 BY READING OF THE TITLE.

Discussion on the following points was conducted:

Most of the concern were covered in the proceeding discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

- a. City Manager's Report—*Please Refer to Supplemental Packet*

City Manager Jacobsen commented on the following:

- Interest in buying the City's parcel on Main Street.
  - Comments expressed by Council were:
    - It was offered previously for sale with no interest and Council at that time pulled from the market
    - Fist of Five poll done at the table indicated Council would be interested in discussion
    - Schedule at future Committee of the Whole before the Land Allocation Plan
    - Use of the property for parking and load/unload zone for tour buses
      - Acknowledged lots of work needed for this option
- Kachemak City Council will provide a response to the March 10<sup>th</sup> Worksession date at their meeting on Wednesday, February 12<sup>th</sup>
  - Specific topics for discussion can be forwarded to City Manager Jacobsen for this worksession on March 10<sup>th</sup> with Kachemak City

- b. Financial Report

FY25 2nd Quarter Report

Combined Financial

### **PENDING BUSINESS**

- a. Resolution 24-124, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Pursue the Purchase of Lands for the Purpose of Green Infrastructure Planning, Construction, and Conservation and to Bring Forward the Necessary Ordinances to the City Council. City Manager/Community Development Director.

Resolution 24-124(S), A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Pursue the Purchase of Lands for the Purpose of Green Infrastructure Planning, ~~Construction~~, and Conservation and to Bring Forward the Necessary Ordinances to the City Council. City Manager/Community Development Director.

Memorandum CC-24-248 from Community Development Director as backup

Memorandum CC-25-054 from Community Development Director as backup

Mayor Pro Tem Aderhold questioned if there was a motion on the floor to adopt this resolution from a previous meeting.

City Manager Jacobsen confirmed that there was a motion to adopt before the Council

Mayor Pro Tem Aderhold requested a motion to substitute.

ERICKSON/VENUTI MOVED TO SUBSTITUTE RESOLUTION 24-124 WITH RESOLUTION 24-124(S) BY READING OF TITLE ONLY.

Community Development Director Engebretsen provided clarification on the following:

- intent of the original resolution
- concerns of the HART Fund and fiscal situation
  - better strategy at this point would be to stick to acquiring parcels for conservation
- probable costs of the overall project running into the millions of dollars
- Still meeting the requirements of the grant
- There was no required match for this grant funding
- Grant monies do not cover infrastructure
- Land must be purchased with other funding to construct stormwater infrastructure

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- b. Memorandum CC-25-028 from City Clerk re: Vacation of a Portion of B Street Right of Way and Associated Utility Easements South of Bay Avenue granted by Bay View Subdivision Plat HM839.

Memorandum CC-25-055 from City Planner as backup

Mayor Pro Tem Aderhold introduced the topic by reading of the title. She requested clarification from Staff whether there was motion on the table before them from the previous meeting.

There was a brief discussion on whether there was a previous motion on the floor and it was clarified that there was no motion, Council requested information from the City Planner and postponed to this meeting.

City Manager Jacobsen provided further clarification on the next steps Council could take with the City Clerk providing a nod in agreement – make a motion adopt the recommendation of Memorandum CC-25-028 or move to veto the Borough's approval of the proposed vacation.

Mayor Pro Tem Aderhold advised Council that comments must be limited to the vacation of the right of way, clarifying that issues or concerns regarding items addressed by the Conditional Use Permit are not on the table for Council to address and they do not have the authority to change what has been approved by the Planning Commission. She further stated that if a motion to veto is made then Council must provide very good reasons why they are vetoing the vacation.

City Manager Jacobsen reiterated the next steps for Council.

Discussion was facilitated on the following points:

- Pages 441 and 442 of the packet include directions from Robert Ruffner, Kenai Peninsula Borough Planning Director, that City Council is to provide a yes or no vote. There is no more negotiating, or conditions as there has been some confusion expressed this past week and that statement makes it very clear.
- City Council must state on the record why they are vetoing.

DAVIS/ERICKSON MOVED TO ADOPT THE RECOMMENDATION IN MEMORANDUM CC-25-028 BY READING OF TITLE ONLY.

Councilmember Parsons pointed out the approval vote by the Borough Planning Commission as six in favor, one recusal and one absence. The Homer Planning Commission six in favor and one absence noting that the topic of equal of better access was discussed multiple times and if you go back to the Planning Commission November 3<sup>rd</sup> meeting at the start of part 2 in the recording it is clearly stated that in their opinion this is far more superior, providing better access. He expressed concerns on if it is the Council's intent to veto this action based on the Commission voices how they could move that forward.

Councilmember Erickson recalled her service on the Planning Commission and following the letter of the law and the different requirements for a CUP that has to be met, noting that there are not a lot of other choices. She stated that it is not about your feelings but whether they (applicant) has met the letter of the law. They have met the letter of the law with the CUP and has shown us what they plan which was a really nice boardwalk, viewing stations and they are going to take care of that, noted the ADA compliance and getting over to the Spit Road. She is comfortable with the project as presented and noted that it was a weighty issue and make a decision based on fact.

There was no further discussion or comments.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- c. Ordinance 25-01, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.10.030 Amending the Homer City Zoning Map to Rezone a Portion of the Rural Residential (RR) Zoning District to General Commercial 1 (GC1) Zoning District. Planning Commission. Introduction January 13, 2025 Public Hearing and Second Reading January 27, 2025.

Memorandum CC-25-004 from City Planner as backup

Memorandum CC-25-029 from City Planner as backup

Memorandum CC-25-056 from City Planner as backup

Public Comment Received

Mayor Pro Tem Aderhold introduced the topic by reading of the title. She noted that this was introduced on January 13, 2025, a Public Hearing was conducted on January 27, 2025 and it was postponed to this meeting. She noted the memoranda provided as backup and written public comment received. There was a motion before the Council as follows:

ADERHOLD VENUTI MOVE TO ADOPT ORDINANCE 25-01 BY READING OF TITLE FOR SECOND AND FINAL READING.

Mayor Pro Tem Aderhold opened the floor to additional discussion if any.

Discussion ensued regarding the following:

- placement of the proposed condos from the bluff edge
- combining the lots and placement of putting it all on one lot
- review of the buffer zone and how it is beneficial to the project

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**NEW BUSINESS**

## **RESOLUTIONS**

- a. Resolution 25-014, A Resolution of the City Council of Homer, Alaska, Stating the City's 2025 Legislative Priorities and Positions. Aderhold.

Memorandum CC-25-057 from Councilmember as backup

Mayor Pro Tem Aderhold introduced the resolution by reading of the title and requested a motion.

ERICKSON/VENUTI MOVED TO ADOPT RESOLUTION 25-014 BY READING OF TITLE ONLY.

Mayor Pro Tem Aderhold requested a volunteer to make an amendment as requested. She clarified why the entire amendment as provided was needed.

VENUTI/DAVIS MOVED TO AMEND RESOLUTION 25-014 AFTER LINE 81, ADD A NEW BULLET TO READ “HB60, MUNICIPAL AND STATE PROCUREMENT: HB60 PROPOSES A MANDATE THAT PUBLIC INSTITUTIONS, INCLUDING JAILS, PRIORITIZE THE PROCUREMENT OF ALASKA-GROWN AGRICULTURAL AND SEAFOOD PRODUCTS. WHILE THE BILL AIMS TO SUPPORT LOCAL PRODUCERS, IT HAS SIGNIFICANT IMPLICATIONS FOR MUNICIPAL OPERATIONS, FISCAL POLICY, AND ECONOMIC COMPETITIVENESS. THE HOMER JAIL PROVIDES PRISONER MEALS THROUGH A COMPETITIVELY BID CONTRACT. REQUIRING THE CONTRACTOR TO PROVIDE MEALS WITH ALASKA-GROWN AGRICULTURAL AND SEAFOOD PRODUCTS COULD IMPOSE UNDESIRABLE CONSTRAINTS ON THE CONTRACTOR AND INCREASE OUR COSTS, RESULTING IN AN UNFUNDED MANDATE.”

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

Motion carried.

Mayor Pro Tem Aderhold noted they now have the Amended

Discussion ensued on the drafting of this resolution, trying to capture the important legislative actions and the state's actions resulting in pushing costs onto the municipalities.

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

Motion carried.

## **COMMENTS OF THE AUDIENCE**

There were 4 who commented.

## **COMMENTS OF THE CITY ATTORNEY**

City Attorney Gatti did not have any additional comments.

## **COMMENTS OF THE CITY CLERK**

City Clerk Krause commented on having a good meeting and announced vacancies on the ADA Advisory Board for residents or non-residents.

## **COMMENTS OF THE CITY MANAGER**

City Manager Jacobsen announced open positions within the City and encouraged people to apply.

## **COMMENTS OF THE MAYOR**



## **COMMENTS OF THE CITY COUNCIL**

Councilmember Venuti commented on the Winter Carnival and Parade, noted the School Board meeting and Open House event on the Draft Comp Plan, families moving to Anchorage for opportunities, wished everyone a Happy Valentine's Day.

Councilmember Parsons expressed appreciation for the City Manager, the Clerk's Office, and Mayor Pro Tem Aderhold for her work on the AML. He noted that he has had numerous conversations with the public on the Doyon project and they were always calm and polite.

Councilmember Davis had no additional comments.

Councilmember Erickson commented on the public comments received on the intersection of Kachemak Drive and the Homer Spit Road and spoke with DOT who informed her that there is a planned visit at the end of the month and they are required by policy to review roads that they have worked on after two years so this is time appropriate. Ms. Erickson reported the death of Lee Shelford and recounted personal experiences as a child growing up and stated that the community is losing someone that has done quite a bit for Homer and wished everyone a Happy Valentine's Day.

Councilmember Hansen commented on a recent hiking trip on the land purchased above Karen Hornaday Park and noted that the hike was steep, but the views were wonderful. Ms. Hansen then expressed comments on the upcoming wrestling event for Homer Middle School and encouraged everyone to come out and support the kids.

Mayor Pro Tem Aderhold expressed appreciation for the public comment received in person and in writing and noted that there are some very passionate people in the community. She agreed that they needed to hold Doyon to account on what they say they are going to do and looked forward to see how the project progresses.

## **ADJOURNMENT**

Mayor Pro Tem Aderhold adjourned the meeting at 9:23 p.m. The next Regular Meeting is Monday, February 24, 2025 at 6:00 p.m., Committee of the Whole at 5:00 p.m. A worksession is scheduled for 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.