



City of Homer

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Memorandum

Agenda Changes/Supplemental Packet

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: MARCH 23, 2020
SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

CONSENT AGENDA

Homer City Council unapproved Special Meetings of February 25 and 26, and March 9, 2020 and Regular Meeting Minutes of March 9, 2020.

Copy of meeting minutes

RESOLUTIONS

Resolution 20-030, A Resolution of the City Council of Homer, Alaska, Approving an Employment Contract for Interim City Manager with Marvin Yoder and Authorizing the Mayor to Execute the Appropriate Documents. City Manager.

Amended contract

Session 20-08 a Special Meeting of the Homer City Council was called to order on February 25, 2020 by Mayor Pro Tempore Rachel Lord 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, EVENSEN, HANSEN-CAVASOS, LORD, SMITH, VENUTI

ABSENT: MAYOR CASTNER (excused)

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN

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

VENUTI/ADERHOLD 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)

PENDING BUSINESS

NEW BUSINESS

- a. 4:00pm - Council Interview #1 - Adam Hammatt
- b. 5:30pm - Council Interview #2 - Michael Bork

Interviews were held with Adam Hammatt and Michael Bork

COMMENTS OF THE AUDIENCE (3 minute time limit)

Mary Griswold, city resident, said she appreciates that Council will be amending the agenda tomorrow to hear audience comments before going into executive session. She asked that after executive session they return to the table to have discussion and vote on their selection for City Manager. They can hold discussion without inflammatory or derogatory remarks about an applicant and if an applicant is selected they can highlight pertinent qualifications that set

him about the others and offer constructive reasons why others weren't selected. It's important to make the decision in public and recorded in the minutes.

Larry Slone, city resident, shared his impression of the candidates. He felt Mr. Hammatt was an effective and focused communicator, who did his homework and was prepared, who listened and responded to questions explicitly, who seemed active and open minded. The Whitefish situation is a negative and hopefully Council can get clarification about it. He found Mr. Bork's personality to be a bit more defuse and his happy laughter concept can have value, but not as a primary management technique. He found it too obscure for him to be comfortable with. He also has limited practical experience applicable at the City Manager level. He would be a wonderful cultural leader, but that's not what we're looking for.

ADJOURNMENT

There being no further business to come before the Council Mayor Pro Tem Lord adjourned the meeting at 6:29 p.m. The next Regular Meeting is Monday, March 9, 2020 at 6:00 p.m., Worksession 4:00 p.m. Committee of the Whole at 5:00 p.m. Special Meeting February 26, 2020 at 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.

Melissa Jacobsen, MMC, City Clerk

Adjourn:_____

Session 20-09 a Special Meeting of the Homer City Council was called to order on February 26, 2020 by Mayor Pro Tempore Rachel Lord at 4:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: ADERHOLD, EVENSEN, HANSEN-CAVASOS, LORD, SMITH, VENUTI

ABSENT: MAYOR CASTNER (excused)

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN

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

ADERHOLD/EVENSEN MOVED TO AMEND TO ADD A PUBLIC COMMENT PERIOD FOLLOWING THE INTERVIEW AND BEFORE TAKING UP THE EXECUTIVE SESSION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

The agenda as amended was approved by consensus.

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

PENDING BUSINESS

NEW BUSINESS

- a. 4:00pm - Council Interview #1 – Randy Robertson

An interview was held with Randy Robertson.

Mayor Pro Tem Lord opened the floor to public comments prior to going into executive session. There were no comments.

Mayor Pro Tem Lord called for at 30 minute recess at 5:14 p.m. to review written comments. The meeting reconvened at 5:44 p.m.

- b. Memorandum 20-034 from City Clerk Re: Request for Executive Session Pursuant to AS 44.62.310 (A-C)(2) Matters, Subjects that tend to Prejudice the Reputation and Character of any Person, Provided the Person May Request a Public Discussion (City Manager Candidate Deliberations)

Mayor Pro Tem Lord reminded Council that anything discussed in executive session needs to be limited to matters that tend to prejudice the reputation and character of the candidate. They will come back into open session to deliberate and make a decision.

ADERHOLD/VENUTI MOVED TO ADJOURN INTO EXECUTIVE SESSION PURSUANT TO AS 44.62.310 (A-C)(2) MATTERS, SUBJECTS THAT TEND TO PREJUDICE THE REPUTATION AND CHARACTER OF ANY PERSON, PROVIDED THE PERSON MAY REQUEST A PUBLIC DISCUSSION (CITY MANAGER CANDIDATE DELIBERATIONS)

Mayor Pro Tem Lord announced that City Manager Koester would participate.

VOTE: YES: ADERHOLD, VENUTI, EVENSEN, LORD, SMITH, HANSEN-CAVASOS

Motion carried.

Council adjourned into executive session at 5:45 p.m.

Mayor Pro Tem Lord called the meeting back to order at 7:47 p.m.

Councilmember Aderhold reported Council met in executive session and discussed the three candidates Council interviewed from the perspective of topics that would tend to prejudice their reputation or were regarding their character. We're now here to discuss the candidates in a bigger way.

Mayor Pro Tem Lord opened the floor for discussion.

Councilmember Smith commented that he was impressed with all three candidates and in working through the process he agrees with the recommendation of the City Manager Hiring Advisory Committee and clearly through his experience, that Randy Robertson would be a great strength to the organization as a whole and a good addition to the community. That's his first choice. Mr. Bork has a great personality and there's a lot to like about him, lacks the experience for the position at this time. He has capacity and potential, but there's no guarantee we'll get another Katie Koester through a training program. He's more interested in established experience at this point. Councilmember Smith said Adam Hammatt continued to surprise him through the process, he made it to the in person interviews because of his experience. He had hesitations about information in his application, but thought his interviews went well, but there are other questions that overshadow him serving in the capacity of City Manager here.

Councilmember Aderhold agrees with Councilmember Smith on the choice between Randy Robertson and Michael Bork. Mr. Bork has managed over 100 people in Fairbanks and the responsibilities stepping into a City Manager position are very different. Other parts of his career would lend well to stepping into the new role. Whoever they hire will have a different personality, management style, and way of interacting than we have now. She appreciated the time and work the committee put into the interviews and the valuable information the provided, and also the community and staff comments.

Councilmember Venuti thanked the candidates and everyone for all the work that's gone into this. She feels Mr. Bork would benefit the culture we have in this community, she doesn't think Mr. Robertson's military background would be a good fit.

Councilmember Evensen said he was pleasantly surprised by the quality of candidates during the interviews. He's been part of a lot of hiring's for higher level manager positions, and felt Adam Hammatt interviewed very well. He also enjoyed Michael Bork's interview and appreciates that he would fit well in the community. He feel it takes a dynamic person to deal with the legislative and operational sides of the City Manager position. He also feels Mr. Robertson's military background and he saw some cultural things he doesn't think are a good fit for Homer. He supports Michael Bork and Adam Hammatt.

Councilmember Hansen-Cavasos she was pleasantly surprised by all three candidates for different reasons. Her top two are Michael Bork and Randy Robertson. They both have good qualities that would benefit Homer. Mr. Bork would be great to work with and has potential to learn and grow. Mr. Robertson has the know how to run the City. Mr. Hammatt had a great interview also.

Mayor Pro Tem Lord appreciates the process they've been going through and work that's gone into it. Randy Robertson is her top choice based on his experience as a City Manager. In looking at what they have moving forward as a City, like the large vessel harbor and community recreation center, HERC and other facility questions, we have a fairly sophisticated City with a lot going on. Having someone with the breadth of experience he has and proven ideas in strong leadership and management, he certainly came out as her top choice. She really liked Michael Bork his ability to manage his employees at the Fairbanks North Star Borough. He talked about measurable metrics, and a lot of things that speak to what she thinks are good strong leadership qualities. She also appreciated the feedback from the Committee and the people who provided written comment as part of the process. There was a lot of support for Randy Robertson for reasons that resonated with her as well.

Councilmember Smith responded to the comments about the militant kind of mindset. Spending 25 years in the forces, that's likely how one expresses themselves, but it doesn't mean that's how he carries everything out. To make that translation is a bit of a leap in his mind. He also noted the amount of positive feedback given in his background check. He

encouraged not making assumptions based on personal experiences but look at the product of their work. That speaks more loudly to him.

Councilmember Aderhold agreed with the notion of setting personal bias aside by sharing an experience of working with the Alaska District Commander of the Corp of Engineers that came to work at company she started working for at same time, and became very good friends with. He was career military and there were military things about him, but is one of the kindest people she knows.

Councilmember Evensen feels the Parks and Recreation experience Mr. Bork has will be very beneficial to Homer, and will be a solid fit. Councilmember Venuti agreed and recognized his locker room renovation response to the question about capital improvements highlighted his ability.

Mayor Pro Tem Lord also recognizes the challenging nature of the City Manager position, as they work for the Council, and also manages the organization as a whole. As elected officials the Council and Mayor are the champions of the people, and the City Manager works within the bounds Council sets and also provide the reality of what's on the ground of how things work, next steps on projects, and so forth. Mr. Bork could grow in the position, but in looking at hiring for the City, Mr. Robertson has the experience with navigating the role of the difference in being the Manager of the City, and navigating the political sphere. She appreciated Mr. Robertson's answers on a lot of that, and that's born out of experience of how that process works.

Councilmember Evensen noted Adam Hammatt brought qualifications to the table others didn't have, like an advance law degree, experience with emergency training response, and a host of successful capital improvement projects, noting the affordable housing project. He thinks he's the most qualified candidate. Mr. Bork is a good candidate and his experience in Alaska is very beneficial.

Councilmember Hansen-Cavasos noted Mr. Robertson's experience in working with the rec center in Cordova and facilitate other needs in the community. He would be on board with our vision for Homer.

EVENSEN/VENUTI MOVED TO OFFER THE ROLE OF CITY MANAGER TO CANDIDATE MICHAEL BORK.

Councilmember Smith expressed his opposition to the motion, reiterating his lack of experience.

Councilmember Aderhold agrees likes Mr. Bork but he lacks City Manager experience.

Mayor Pro Tem Lord agreed with need for an experienced City Manager.

Councilmember Evensen noted we have great staff, strong departments, a community of leaders and having a good Manager to keep a good working environment to allow everything to move forward, delegating early on.

Councilmember Venuti commented everyone has to start somewhere and she wants to take a chance on him.

Discussion continued regarding the candidates experience and the possibility to hold follow up interviews.

VOTE: YES: VENUTI, EVENSEN

NO: SMITH, ADERHOLD, LORD, HANSEN-CAVASOS

Motion failed.

ADERHOLD/LORD MOVED TO REMOVE ADAM HAMMATT FROM CONSIDERATION.

Councilmember Evensen commented in support of maintaining Adam Hammatt as a candidate.

Other members commented in support of removing him from consideration based on the recommendation of the City Manager Hiring Advisory Committee and employee and public comments who did not recommend him.

VOTE: YES: ADERHOLD, HANSEN-CAVASOS, LORD, VENUTI, SMITH

NO: EVENSEN

Motion carried.

There was discussion about what to do next including hiring an interim and re-advertising.

EVENSEN/SMITH MOVED TO BRING IN AN INTERIM CITY MANAGER AND PUT THE POSITION OF CITY MANAGER BACK OUT FOR ADVERTISEMENT.

Councilmember Smith said he's ready to offer the position to someone tonight, but there isn't consensus tonight.

Mayor Pro Tem Lord agrees they have a qualified candidate and feels torn.

VOTE: YES: EVENSEN, SMITH, VENUTI

NO: LORD, ADERHOLD, HANSEN-CAVASOS

Motion failed.

ADERHOLD/LORD MOVED TO OFFER THE CITY MANAGER POSITION TO RANDY ROBERTSON.

Councilmember Smith reiterated that Randy Roberson is the most qualified candidate for the City Manager position.

Councilmember Evensen continued to suggest there was more support at the table for Mr. Bork than Mr. Robertson.

VOTE: YES: HANSEN-CAVASOS, LORD, ADERHOLD, SMITH
NO: VENUTI, EVENSEN

Motion carried.

ADERHOLD/SMITH MOVED TO DIRECT THE MAYOR PRO TEM TO WORK WITH THE CITY MANAGER TO BRING A CONTRACT TO COUNCIL.

Mayor Pro Tem Lord asked for a recess at 9:19 p.m. The meeting resumed at 9:24 p.m.

COMMENTS OF THE AUDIENCE (3 minute time limit)

ADJOURN

There being no further business to come before the Council Mayor Pro Tem Lord adjourned the meeting at 9:30 p.m. The next Regular Meeting is Monday, March 9, 2020 at 6:00 p.m., Worksession 4:00 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: _____

Session 20-10 a Special Meeting of the Homer City Council was called to order on March 9, 2020 by Mayor Ken Castner at 3:30 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, EVENSEN, HANSEN-CAVASOS, LORD, SMITH, VENUTI

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN

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

LORD/SMITH 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)

PENDING BUSINESS

NEW BUSINESS

- a. Memorandum 20-034, from City Clerk, Request for Executive Session Pursuant to AS44.62.310 (A-C)(1&5) Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney/Client Privilege/Potential Litigation. (Baycrest Subdivision).

LORD/ADERHOLD MOVED THAT COUNCIL ADJOURNS INTO EXECUTIVE SESSION PURSUANT TO AS 44.62.310(A-C)(1&5) MATTERS, THE IMMEDIATE KNOWLEDGE OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT UPON THE FINANCES OF THE GOVERNMENT UNIT AND ATTORNEY/CLIENT PRIVILEGE/POTENTIAL LITIGATION IN REGARDS TO THE BAYCREST SUBDIVISION.

Mayor Castner noted for the record that City Manager Koester would attend and City Attorney Gatti would participate telephonically.

VOTE: YES: VENUTI, SMITH, ADERHOLD, LORD, EVENSEN, HANSEN-CAVASOS

Motion carried.

Council adjourned into executive session at 3:32. Mayor Caster reconvened the meeting at at 3:53 p.m.

Councilmember Lord reported Council met in executive session to discuss potential litigation from the residents of Baycrest Subdivision and a matter of which could clearly have an adverse impact on the finances of the City. The City empathizes with the situation the Baycrest residents are in and is continuing to review the background related to this issue.

COMMENTS OF THE AUDIENCE

Scott Adams, city resident, commented the Council needs to take action because he knows they have information pertaining to some of the work done in the area, whether by utilities companies, the City or the State. They need to find out who's at fault and everyone needs to stop pointing the finger at everyone else. The people who are affected aren't getting information, and action means more than words.

Larry Slone, city resident, requested they provide more background information regarding the topics of their executive sessions.

ADJOURN

There being no further business to come before Council Mayor Castner adjourned the meeting at 3:58 p.m. The next Regular Meeting is Monday, March 23, 2020 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:_____

Session 20-11 a Regular Meeting of the Homer City Council was called to order on March 9, 2020 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, EVENSEN, HANSEN-CAVASOS, LORD, SMITH, VENUTI

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
LIBRARY DIRECTOR BERRY

AGENDA APPROVAL (Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 2.08.040.)

The following changes were made: **CONSENT AGENDA** Resolution 20-022, A Resolution of the Homer City Council Approving the City Manager Contract and Authorizing the Mayor to Execute the Appropriate Documents. Mayor/Council. Recommend adoption. Draft City Manager Contract. **PUBLIC HEARINGS** Ordinance 20-12, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 17.02.040 Initiation of the Special Assessment District to Update the Steps in the Special Assessment District Process. City Clerk. Clean draft without notes at the end. **CITY MANAGER'S REPORT** Gated Subdivision Information from Kenai Peninsula Borough. **RESOLUTIONS** Resolution 20-023, A Resolution of the Homer City Council Issuing a Request for Proposals for a Lobbyist to Represent the City at the State Capital. Smith. Written public comments.

LORD/VENUTI MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Larry Slone, city resident, commented regarding coronavirus risks and addressed that those most susceptible are the elderly and those with compromised immune systems.

Former Mayor Jim Hornaday, commented in support of Resolution 20-026 for continued funding the Kachemak Bay National Estuarine Research Reserve. We're the only research reserve in Alaska and they use cutting edge technology to protect the bay and the critters.

Hannah Gustafson, non-resident, commented in support of Resolution 20-024 and improvements to the Skatepark. The revitalization and safety upgrades envisioned by the Friends of the Homer Skatepark will benefit Homer's youth through fun and healthy recreational activities.

Johnathon Crocker, member of Friends of the Homer Skatepark, commented in support of Resolution 20-024. They are working to come up with ways to make the park safer without cost to the City. He and his daughter use the Skatepark regularly and they want it to be as safe and attractive as possible.

RECONSIDERATION

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

- a. Homer City Council Unapproved Special Meeting Minutes of February 12 and 14, 2020 and Regular Meeting Minutes of February 24, 2020. City Clerk. Recommend adoption.
- b. Memorandum 20-036 from Deputy City Clerk Re: Liquor License Approval for Down East Saloon. Recommend approval.
- c. Memorandum 20-037 from City Clerk Re: Travel Authorization for Councilmember Aderhold to attend the Local Government Climate Action Workshop, March 19, 2020 in Anchorage, Alaska. Recommend approval.

Moved to New Business item a. Aderhold.

- d. Resolution 20-022, A Resolution of the Homer City Council Approving the City Manager Contract and Authorizing the Mayor to Execute the Appropriate Documents. Mayor/Council. Recommend adoption.

Moved to Resolutions item e. Aderhold

Item c. was moved to New Business and item d. was moved to Resolutions. Aderhold.

VENUTI/EVENSEN MOVED TO APPROVE THE RECOMMENDATIONS OF THE CONSENT AGENDA AS READ.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- a. Public Health Nursing, SPH and HVFD Joint presentation, COVID-19: What the Community Should Know and City/Public Health Preparedness (15 minutes)

Homer Fire Chief Mark Kirko reported on the City's readiness regarding COVID-19. The Fire Service, EMS Service, and Emergency Management is ready to stand up the Emergency Operation Center (EOC) at any moment as needed to handle any situation that arises in the community. They're taking all the precautions they can to ensure low risk for responders and will respond appropriately as needed. They're coordinating with Public Information Officers (PIO) to get information out to the public and will continue to do so. He encouraged the community to stay safe, eat well, exercise, use great hygiene, wash your hands, and be prepared.

Lorne Carroll, Public Health Nurse with the Alaska Division of Public Health, explained they continued efforts in the community to train and be prepared to respond to emergency situations. He explained this is a new type of Coronavirus and its being closely monitored by US Center for Disease Control and Prevention. He shared statics on the virus and an overview of transmutability, and signs and symptoms. He explained 85% of the cases are mild and encouraged staying up to date on information, the importance of clean hands, self-quarantine at home if you're sick. More information is available at www.coronavirus.Alaska.gov.

Derotha Ferraro, Director of Public Relations and Marketing at South Peninsula Hospital explained the hospital is currently at readiness level 1, which is alter status. They are part of a statewide response team following State and Federal guidelines and recommendations. She reviewed what the hospital is doing locally by continuing its normal mission to provide personalized, high quality, locally coordinated healthcare, and if there are patients with COVID-19 they'll help evaluate, diagnose and treat symptom, and doing it while keeping patients and staff safe. Their highest level priority now is keeping Long Term Care safe. Primary Care Clinics are the places to interact to stay updated and help with symptom management, and if symptoms are critical the Emergency Room is the place to go. She explained they are not the mask distribution center, the masks at the door are for the people to use at the hospital during their visit. They aren't a supply center for those who are well, but worried. They aren't the quarantine center for the community, they isolate someone who has the illness and needs help managing their symptoms. She they aren't the social headquarters, and asked please call before you come to the hospital or clinics. When there is a positive case, they have an infectious disease plan in place. There will be signage and visitation guidelines, they're conserving supplies, staff is trained and works with infectious diseases regularly. The public can get information at www.sphosp.org, www.homermedical.org, and www.coronavirus.Alaska.gov.

She emphasized if you're showing symptoms, call before you come in so they'll be prepared when you arrive at the facility.

In response to questions the group reviewed hospital capacity and explained there are three isolation rooms. Depending on level of care needed it might involve calling the State in, using an alternate care site, or transferring patients. In discussion it was reiterated that in talking about isolation, with COVID, like influenza, people who are sick need to isolate themselves by staying home. Most people rebound after time resting at home. It was noted that the City is working on determining its role related to dealing with cruise ships, and committees are working through other concerns with KPB and the School District involved in those discussions.

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

a. Special Meeting Report

Mayor Castner reported Council met in executive session to discuss the Baycrest Subdivision.

b. Worksession Report

City Manager Koester reported Council discussed the HAWSP follow up from Resolution 20-012(A) and policy decisions on how to ensure the fund is healthy. The city is accepting applications for water and sewer special assessment districts through the Clerk's office.

c. Committee of the Whole Report

Councilmember Lord reported Council discussed Resolution 20-022 and issuing an RFP for Lobbyist Services and also City Manager transition and hiring an interim City Manager.

d. Mayor's Report

Mayor Castner shared that he'd been away and had the opportunity to listen to Rahm Emanuel, two term Mayor of Chicago and President Obama's Chief of Staff. He spoke about change in cities being a horizontal sort of effect that permeates through the cities and is never going to be a directive from the State or Federal government.

Councilmember Lord reported in the Mayor's absence she welcomed the Native Youth Olympics to Homer. It was an honor to have that opportunity and welcome teams from Sterling, Chikaloon, Port Graham, Tyonek, and other communities.

e. Borough Report

f. Library Advisory Board

Jacque Peterson, Library Advisory Board member, reported Homer resident Arnold Wallace left a generous gift in his will to the Library's Children's Room. The Board has continued work on a planned giving program. She shared that tickets for the Lifelong Learning event are available at the Library, that the Plant and Book Sale has been moved to April 17th and 18th, and new table lamps have been installed to provide task lighting throughout the building.

- g. Planning Commission
- h. Economic Development Advisory Commission
- i. Parks Art Recreation and Culture Advisory Commission
- j. Port and Harbor Advisory Commission
- k. Americans with Disabilities Act Compliance Committee

PUBLIC HEARING(S)

- a. Ordinance 19-47(S-2), An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code 2.76 Economic Development Advisory Commission, Requiring Economic Finding to Accompany Recommendations from City Commission, Establishing an Official Mayoral Appointment to the Kenai Peninsula Economic Development District Board of Directors City of Homer Seat and ~~Encouraging Appointment of Task Forces to Address Timely Community Issues~~ **Creating an Annual Process for the City to Review and take Action on Prioritized Economic Development Issues**, and Amending Homer City Code 2.58.020 Creation of City Boards and Commissions to Delete (e) Economic Development Advisory Commission. Lord/**Venuti**. Introduction February 10, 2020 Public Hearing and Second Reading February 24, 2020

Memorandum 20-033 from Councilmember Lord as backup

Mayor Castner opened the public hearing.

Karin Marks, city resident and Economic Development Advisory Commission Chair, commented in support of retaining the EDC and coming back with an ordinance to incorporate the new ideas. She's willing to assist with the ordinance.

There were no further comments and the hearing was closed.

City Clerk Jacobsen advised there is a motion on the floor from the February 24th meeting to adopt Ordinance 19-47(S) by reading of title only for second and final reading.

Councilmember Lord noted her proposed amendments included in Memorandum 20-033 and encouraged voting this ordinance down and starting fresh, rather than trying to amend this one.

Councilmember Smith confirmed he would bring back a new ordinance.

VOTE: NO:

Motion failed.

- b. Ordinance 20-10, An Ordinance of the City Council of Homer, Alaska Amending the 2020 Capital Budget by Appropriating \$10,000 to the Homer Foundation to Create a Library Endowment Fund and Amending the 2021 Operating Budget by Creating a Line Item for Library Endowment Fund Expenditure and Revenue. Aderhold/Venuti. Recommended Dates Introduction February 24, 2020, Public Hearing and Second Reading March 9, 2020.

Ordinance 20-10(S), An Ordinance of the City Council of Homer, Alaska Amending the 2020 Capital Budget by Appropriating **Authorizing the Expenditure of** \$10,000 to the Homer Foundation to Create a Library Endowment Fund ~~and Amending the 2021 Operating Budget by Creating a Line Item for Library Endowment Fund Expenditure and Revenue.~~ Aderhold/Venuti.

Memorandum 20-038 from City Manager as backup

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 20-10 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

ADERHOLD/LORD MOVED TO SUBSTITUTE ORDINANCE 20-10(S) FOR 20-10.

Councilmember Aderhold noted this adds some clarifying language from the Finance Director.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There were comments clarifying these are existing private funds from the library donation fund that are being transferred to the Homer Foundation for the endowment fund, not expending any tax dollars into the fund. It also creates an avenue for people to name the fund specifically in wills and requests.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- a. Resolution 20-020, A Resolution of the City Council of Homer, Alaska Establishing a Field of Interest Fund with the Homer Foundation, Outlining the Process for Oversight of those Funds and Authorizing the City Manager to Execute the Appropriate Documents. Aderhold/Venuti. Follows Ordinance 20-10.

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

ADERHOLD/LORD MOVED TO ADOPT RESOLUTION 20-020 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Smith shared concern that this be self-sustained, not used to create new programs or things that would increase the cost of operating the library.

There was brief discussion that Council is the only authority who can appropriate any of the funds, and the Homer Foundation will report to Council annually and any appropriation will be made by Council through an ordinance.

LORD/ADERHOLD MOVED TO AMEND LINE 7 TO ADD LIBRARY ENDOWMENT BEFORE FIELD OF INTEREST FUND.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

LORD/ADERHOLD MOVED TO AMEND LINE 35 TO DELETE LIBRARY DIRECTOR AND INSERT CITY COUNCIL.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was brief discussion suggesting time to prepare an amendment to address Councilmember Smith's concern.

SMITH/ADERHOLD MOVED TO POSTPONE TO THE NEXT MEETING.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- b. Ordinance 20-11, An Ordinance of the City Council of Homer, Alaska Approving the Disposal of the City's Interest in a .21 Acre Portion of the Existing Sterling Highway at its Intersection with Lake Street at no Cost to the State of Alaska Department of Transportation and Public Facilities, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction February 24, 2020, Public Hearing and Second Reading March 9, 2020.

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

VENUTI/EVENSEN MOVED TO POSTPONE ORDINANCE 20-11 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- d. Ordinance 20-12, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 17.02.040 Initiation of the Special Assessment District to Update the Steps in the Special Assessment District Process. City Clerk. Introduction February 24, 2020, Public Hearing and Second Reading March 9, 2020.

Memorandum 20-031 from City Clerk as backup

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

EVENSEN/VENUTI MOVED TO ADOPT ORDINANCE 20-12 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- e. Ordinance 20-13, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 2.72.010 Homer Planning Commission Established; 2.64 Port and Harbor Advisory Commission Section 2.64.010 Commission – Creation and Membership; and Chapter 2.67 Economic Development Advisory Commission Section 2.76.010 Commission – Creation and Membership to Remove the Mayor and City Manager or

Designee as Consulting Members of the Commissions. Aderhold. Introduction February 24, 2020, Public Hearing and Second Reading March 9, 2020.

Ordinance 20-13(S), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 2.72.010 Homer Planning Commission Established; 2.64 Port and Harbor Advisory Commission Section 2.64.010 Commission – Creation and Membership; and Chapter 2.67 Economic Development Advisory Commission Section 2.76.010 Commission – Creation and Membership to Remove the Mayor and City Manager or Designee as Consulting Members of the Commissions, **and Amending Homer City Code 2.58 Boards and Commissions to add the Mayor, City Manager or Designee as a Consulting Member to all Boards and Commission and Define the Role of a Consulting Member.** Aderhold.

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

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 20-13 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

VENUTI/ADERHOLD MOVED TO SUBSTITUTE ORDINANCE 20-13(S) FOR 20-13

Councilmember Aderhold explained the substitute takes into consideration the feedback from their discussion at the last meeting to define a consulting member. There was discussion regarding the strikeouts and clarifying reference to consulting member is removed from the individual commissions and board and defined the term and included it in the Commission and Board section of code to apply it across the board to all groups.

Councilmembers Smith disagreed in that the definition changes that the consulting member will be there at the pleasure of the advisory board or commission, and that the Mayor or City Manager should be able to address advisory bodies when they feel it's appropriate.

Councilmembers Lord felt the current language better reflects current practice in a more succinct way where, aside from Councilmember Smith's time on the EDC, we don't have a seat at the table in an official capacity. If a need comes up that warrants additional input the Mayor, Manager, or Councilmember may be there.

Mayor Castner explained he's attended some commission meetings and at only one did he take his seat as a member, and he'd advised the Chair beforehand that he may his seat as a member. He thought it was well defined that a consulting member is one with no voting rights. He did so because he felt the Commission needed information that he held and the time for public comment had passed. Two people took immediate exception it, but he had every right to do so according to Code, and he'd notified the Chair. He doesn't feel it was improper or that it warrants this action to restrict his access to commissions.

Councilmember Aderhold shared her concern of ensuring anyone who's elected is representing the Council as a whole. That's the main thing this definition is doing.

Councilmember Evensen said he feels that the Mayor fills a different role than the rest of the Council and shouldn't be limited in their ability to participate. It's skating on thin ice in terms of democracy in general to try to limit one or another elected member's role. He's worried about the optics of this.

Councilmember Lord addressed the perception of the power vested in them as elected officials and responsibility toward the body as a whole. They have power vested in them in law and in appearance. Going to a Commission, a body who has responsibilities as Commissioners, she feels it's important they not influence that beyond the actions the Council has taken, or information they need. They can always participate with their personal opinions.

Councilmember Smith commented he's been to a number of commission meetings and what concerns him about their decision making at times is when there's an absence of information, important to what they're discussing, when it's something Council has clearly discussed. If the Mayor or Manager have a seat at the table, they don't have to suspend the rules to allow participation, they can speak to the subject in context and in harmony with what the Council has done.

There was further discussion reiterating both sides' opinion on the issue.

VOTE (substitution): YES: LORD, ADERHOLD, VENUTI
NO: EVENSEN, HANSEN-CAVASOS, SMITH

Mayor Castner did not vote.

Motion failed.

ORDINANCE(S)

CITY MANAGER'S REPORT

a. City Manager's Report

City Manager Koester noted the correspondence in the supplemental packet she received after packet deadline regarding the proposed action by the Borough on the gated community issue. They solicited comments, but we won't be able to make their deadline but wanted to let Council and the public know the Borough is proposing a memorandum that would still leave the gated community issue in municipalities up to municipalities, which is consistent with the public testimony from the City and Planning Commission.

She also noted City Attorney Gatti and the Finance Attorney met with staff and Councilmember Aderhold for an all-day Seawall session. Councilmember Aderhold had volunteered to help

work through that. They made some progress and want to schedule a worksession on the topic. There was consensus to schedule on March 31st at 4:00 p.m.

There was brief discussion regarding Council reviewing the seasonal service fee the next time they discuss water rates. Rachel asked about seasonal service fee when discuss water rates.

PENDING BUSINESS

NEW BUSINESS

- a. Memorandum 20-037 from City Clerk Re: Travel Authorization for Councilmember Aderhold to attend the Local Government Climate Action Workshop, March 19, 2020 in Anchorage, Alaska.

LORD/VENUTI MOVED TO APPROVE THE RECOMMENDATIONS OF MEMORANDUM 20-037.

EVENSEN/ADERHOLD MOVED TO AMEND MEMORANDUM 20-037 TO INCLUDE HIS NAME TO ATTEND THE WORKSHOP.

There was no discussion on the amendment.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no discussion on the main motion as amended.

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

Motion carried.

RESOLUTIONS

- a. Resolution 20-023, A Resolution of the Homer City Council Issuing a Request for Proposals for a Lobbyist to Represent the City at the State Capital. Smith.

LORD/SMITH MOVED TO ADOPT RESOLUTION 20-023 BY READING OF TITLE ONLY.

Councilmember Smith commented that after traveling to Juneau over the years and the short face time they get with legislators, and understanding the buy-in needed from the State regarding the large vessel harbor, he sees need to employ the right lobbyist to help them achieve their goals. He understands the need for a lobbyist in DC, and that can be addressed at a later time.

Councilmember Lord brought up it would be great to have someone at the State level who also understands the federal nexus with large projects and at what point it would be efficacious.

City Manager Koester recapped her takeaways from this discussion and from Committee of the Whole to look for a state lobbyist out of Juneau who can work on behalf of the City of Homer specifically for the singular purpose of the large vessel harbor project and anything associated with it for the remainder of this year and next year. As part of the qualifications based nature of the RFP to score highly if there a lobbyist with an understanding of large projects with a federal nexus.

There were comments noting that a budget amendment will need to come forward, and discussing and processes for funding that could take place in Juneau.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Resolution 20-024, A Resolution of the City Council of Homer, Alaska Authorizing Friends of the Homer Skatepark to Perform Revitalization Activities at the Skatepark with the Understanding that all Improvements will be Moveable in the Event that the Skatepark Requires Relocation in Association with Plans for the Homer Education and Recreation Complex and a Proposed Future Multi-Use Community Center. Aderhold.

ADERHOLD/EVENSEN MOVED TO ADOPT RESOLUTION 20-024 BY READING OF TITLE ONLY.

Councilmember Lord said she appreciates the firm acknowledgement of the fluctuating nature of the site and how our community is great at making things happen with limited resources.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Resolution 20-025, A Resolution of the City Council of Homer, Alaska Supporting House Bill 198, An Act Relating to Aggravating Factors Considered at Sentencing. Aderhold.

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 20-025 BY READING OF TITLE ONLY.

Councilmember Aderhold shared that similar resolutions have been adopted in Kenai, Soldotna, and the Borough. It basically adds five words related to offences directed at a victim because of the person's race, sex, **sexual orientation or gender identity**, color, creed, physical or mental disability, ancestry or national origin.

Councilmember Lord appreciates the work going on for this bill, and she didn't know there were 37 existing aggravating conditions in statutes. She noted having listened to the discussion on the senate floor session and their discussion on adding an additional aggravating factor for people who have worked in or access to the prison system.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- d. Resolution 20-026, A Resolution of the City Council of Homer Alaska Requesting the Alaska Congressional Delegation Reinstate Funds in the FY 21 Federal Reserve Budget for the Nation estuarine Research Reserve System to Ensure Future Continuation of Importation Ecological and Economic Contributions from the Kachemak Bay National Estuarine Research Reserve to the City of Homer, other Kachemak Bay Communities, and the Lower Kenai Peninsula. Aderhold.

ADERHOLD/LORD MOVED TO ADOPT RESOLUTION 20-026 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- e. Resolution 20-022, A Resolution of the Homer City Council Approving the City Manager Contract and Authorizing the Mayor to Execute the Appropriate Documents. Mayor/Council.

ADERHOLD/ MOVED TO ADOPT RESOLUTION 20-022 BY READING OF TITLE ONLY.

Councilmember Aderhold said unfortunately they heard from their candidate today that he will not be accepting the position.

Councilmember Smith said he spoke to Mr. Robertson today and thinks he may be open to reconsidering. Councilmember Smith believes Mr. Robertson was the best candidate in the pool and is the right guy for Homer, so he's is not willing to give up the negotiations yet. He's hopeful they can approve the contract and give City Manager Koester direction to reengage with Mr. Robertson and see what measures can be taken to accommodate his needs. His email addressed certain things and thinks, as a matter of record, we can make clear what did not represent the opinion of this body, and that it's not appropriate for any singular person to undermine those decisions.

Councilmember Evensen offered an apology to his colleagues around the table. He made comments he felt were in the interest of the community and in the spirit of analyzing an interview after the fact. He did not intend for the comments to have the consequences they did. He would like to apologize to the candidate and to the body at the table.

The Mayor addressed the need for consensus from the Council if it is their desire to move forward with this. City Manager Koester responded that she can communicate the will of the

body and there will be minutes to back it up. Anything they vote on of course is a stronger statement.

Councilmember Lord believes Mr. Robertson would be a great fit for the City. She appreciates this effort and supports it, and would love to see him take the position as City Manager in Homer.

Councilmember Smith noted his conversation with Mr. Robertson and the effort put into getting to know the community while he and his wife were here. She is a master nurse and visited the hospital to see what may be available there. He thinks the tandem would be a beautiful addition to the community.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen commented there are openings on the Library Advisory Board and Economic Development Advisory Commission.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

COMMENTS OF THE MAYOR

Mayor Castner said he's glad to be back and his fingers are crossed.

COMMENTS OF THE CITY COUNCIL

Councilmember Hansen-Cavasos had no comment.

Councilmember Aderhold commented the Rasmussen Foundation was in Homer last week. Each year the Foundation staff take a retreat to a community they have provided grant funds too. She noted their first grant was to the Pratt Museum and the highest dollar grant in Homer went to the Library. She went to the Native Youth Olympics and it was great. There were a lot of teams and it was amazing to watch the kids. She said the friends and family of Duffy Murnane are holding another community discussion on trauma Thursday at 5:30 p.m. at Islands and Ocean, and encourage listeners to attend.

Councilmember Smith shared that he went to Fur Rendezvous in Anchorage. He got to see the start of the Iditarod and it was across the street from where the house where is dad lived. He's

grateful for the Covid-19 presentation tonight and noted the City website has a tremendous amount of information. He reiterated personal responsibility has the greatest effect on how it is or is not transmitted. He encouraged that if you're sick, stay home.

Councilmember Evensen had no comment.

Councilmember Venuti commented Councilmember Lord did a wonderful job as Mayor Pro Tem, and that it's nice to have Mayor Castner back at the helm. She shared about how interesting it can be at the Council meetings where things morph and change. She's hopeful we have a contract for the new City Manager, it was unanimous tonight, she was a hold out before, but believes he'll be a wonderful City Manager if he agrees to take the offer. She note its spring break at the college but there are a lot of things going on so check out their website for more information.

Councilmember Lord said she participated at Lunch with a Councilmember today and that it's a great opportunity to meeting with the community. The next one is April 13th. She's excited that at the Lifelong Learner event they'll be honoring her late mother-in-law Sue Gibson with a new award, Dana Stabenow is the recipient of that and she loves Dana's work in the community.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 8:19 p.m. The next Regular Meeting is Monday, March 23, 2020 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: _____

EMPLOYMENT AGREEMENT

This Employment Agreement ("Agreement"), dated as of April 1, 2020 ("Effective Date"), is between the City of Homer, Alaska ("City") and Marvin Yoder ("Interim Manager").

RECITALS

WHEREAS, the City wishes to employ Marvin Yoder as Interim City Manager and Marvin Yoder has agreed to serve the City in the capacity of Interim City Manager, on the terms and conditions herein set forth,

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and covenants set forth in this Agreement, the City and Interim Manager agree as follows:

Section 1. Duties of Interim Manager.

Interim Manager shall be employed by City as, and hold the title of, "Interim City Manager" of the City of Homer. Interim Manager shall serve at the pleasure of, and report directly to, the Homer City Council ("Council"). Interim Manager shall perform all duties and discharge all responsibilities of that position as prescribed by the laws of the State of Alaska and the Homer City Code, all as may be amended from time to time, and as established by the Council from time to time. Interim Manager shall maintain residency in the City of Homer during the entire term of this Agreement.

Section 2. Compensation of Interim Manager.

A. **Salary.** Interim Manager shall receive a monthly salary of \$9,273.00 payable in regular installments at the time other City employees are paid, or as otherwise agreed upon between the parties in writing. All compensation paid to Interim Manager shall be subject to required employment deductions, taxes, and contributions.

B. **Benefits.** Interim Manager voluntarily requested to be excluded from the Alaska Public Employees Retirement System (PERS) during the term of this Agreement, as Mr. Yoder is already receiving a retirement benefit from PERS. Interim Manager has additionally requested to be excluded from group medical and dental insurance coverage provided to the employees of City.

C. **Leave.** Interim Manager shall accrue combined sick and annual leave at the rate of 9.23 hours per pay period. Leave may be used as it accrues. Interim Manager shall keep the Council apprised of planned absences; and leave exceeding five consecutive days in duration must be approved by the Council. Upon employment separation, including expiration of this Agreement, Interim Manager shall receive payment for all accrued, unused leave, at Interim Manager's current rate of pay. Payment of accrued unused leave shall be subject to all deductions, taxes and contributions required by law.

D. Travel, Meetings, and Professional Development. Interim Manager shall receive allowance for travel, out-of-town meetings or professional development expenses as may be approved by the Council from time to time.

E. Housing. The City shall provide, at no cost to the employee, a site for a Recreational Vehicle with the ability to connect to electric. Utilities, such as internet connection, use of the City dump station, and electric shall be covered by the City.

Section 3. Term And Termination.

A. Term. The term of Interim Manager's employment under this Agreement shall begin on the Effective Date, and unless sooner terminated as provided herein, expire six (6) months from such date. The term of the contract may be extended with the agreement of both the employee and the employer.

B. Termination. Interim Manager's employment under this Agreement is terminable at will and at any time by City, without any notice of any kind whatsoever, with or without cause, it being expressly and explicitly understood and agreed by Interim Manager that he holds the position of Interim City Manager and serves as Interim City Manager at the will of the Council. Interim Manager acknowledges that any action by the Council in connection with terminating Interim Manager's employment under this Agreement is not subject to any administrative or grievance procedure, and Interim Manager hereby waives the benefit of any right to notice, pre- or post- termination hearing or any other procedure that may now or hereafter apply to any such action by the Council or be available to other City employees. Interim Manager shall provide City with written notice of his resignation no less than sixty (60) days prior to the effective date of his resignation or prior to termination of this Agreement. If Interim Manager resigns without providing such notice, then Interim Manager shall forfeit all benefits which Interim Manager otherwise would have been entitled to receive upon resignation under this Agreement, including payment of unused accrued leave.

Section 4. Other Employment.

It is recognized that Interim Manager must devote a great deal of time outside normal office hours to business of the City. Normal work hours in a regular workweek hereunder shall be construed to mean Monday through Friday, an 8-hour period between 7:00 a.m. and 6:00 p.m. Interim Manager shall not take nor undertake employment with any other person, entity or business, without prior approval of the City Council.

Section 5. Indemnification by City.

The City shall indemnify, hold harmless and defend Interim Manager against all claims and liability which may result from any claim, action or suit by person based upon alleged injury to or death of a person or alleged loss of or damage to property that may occur or that may be alleged to have been caused by Interim Manager in the course of performance of his official duties during the duration of his employment with City under this Agreement, *provided,*

however, that City shall not be obliged to indemnify, hold harmless or defend Interim Manager against any such claim that was caused by Interim Manager while acting outside the course of performing his official duties, or from any false, deceptive, dishonest or criminal act or omission under the laws and regulations of the United States of America, the State of Alaska and/or any political subdivision thereof.

Section 6. General Provisions.

Any controversy or claim arising out of or related to this Agreement or the breach thereof shall be governed by the laws of the State of Alaska, and the City of Homer, Alaska, and the venue for any legal proceedings thereon shall be the Superior Court for the State of Alaska, Third Judicial District, at Homer, Alaska.

This Agreement supersedes all prior oral or written agreements, if any, between Interim Manager and City, and constitutes the entire agreement between Interim Manager and City and approved by the Council.

IN WITNESS WHEREOF the City of Homer has caused this Agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and Marvin Yoder has signed and executed this Agreement for and on behalf of himself, both in duplicate, as of the day and year first above written.

CITY OF HOMER

INTERIM MANAGER

Ken Castner, Mayor

Marvin Yoder

ATTEST:

Melissa Jacobsen, MMC, City Clerk

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of _____, 2020, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Marvin Yoder, known to me and to me known to be the individual named in and who executed the foregoing document, and he acknowledged to me that he signed and sealed the same as his free and voluntary act for the uses and purposes therein set forth.

WITNESS my hand and notary seal the day and year first hereinabove written.

Notary Public in and for Alaska
My Commission Expires: _____

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this _____ day of _____, 2020, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared Ken Castner, Mayor, known to me and to me known to be the individual named in and who executed the foregoing document, and he acknowledged to me that he was authorized to execute the foregoing document by authority granted in him by the CITY OF HOMER for the uses and purposes therein set forth.

WITNESS my hand and notary seal the day and year first hereinabove written.

Notary Public in and for Alaska

My Commission Expires: _____