

Session 19-35 a Regular Meeting of the Homer City Council was called to order on December 9, 2019 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, LORD, SMITH, VENUTI

ABSENT: HANSEN-CAVASOS (excused)

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
CITY ATTORNEY GATTI

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: **ANNOUNCEMENTS / PRESENTATIONS / REPORTS** **Mayor's Report** Letter from AKDOT Commissioner John MacKinnon Re: Silvertip Station **City Council Travel Report** Travel Report from Councilmember Venuti re: AML Conference November 2019 **PUBLIC HEARINGS** **Ordinance 19-57**, An Ordinance of the City Council of Homer, Alaska, Transferring Necessary Funding to Properly Close Projects Citywide in the 2019 Fiscal Year (General Fund, Water/Sewer Fund and Port & Harbor Fund). Mayor. **Ordinance 19-57(S-2)**, Same title. Mayor.; **RESOLUTIONS** **Resolution 20-007**, A Resolution of the City Council of Homer, Alaska Opposing the State's Repeal of Alaska Administrative Code 5 AAC 95.310 which would Remove the Prohibition on Personal Watercraft Use in the Fox River Flats and Kachemak Bay Critical Habitat Areas and Affirming the Deleterious Consequences for Community and Economy if Personal Watercraft are Allowed in Kachemak Bay. Evensen. **Resolution 20-007(S)**, A Resolution of the City Council of Homer, Alaska Urging the State of Alaska to Retain the Ban on Personal Watercraft in the Kachemak Bay and Fox River Flats Critical Habitat Areas under 5 AAC 95.310 until the Department of Fish & Game Provides Responses to The City's Previous Concerns, an Analysis Detailing the City's Potential Legal Liability Exposure, and Adequate Funding for the City to Adopt and Enforce new Rules if 5 AAC 95.310 is Repealed. Evensen/Aderhold, with Backup Information from ADF&F and Written Public Comments; **Resolution 20-008**, A Resolution of the Homer City Council Designating Homer Spit Amended Lot 31, Known as Seafarer's Memorial, as Green Space and Adopting a Land Management Policy that Preserves Lot 31 for Wildlife and as a Natural Agent for Erosion Mitigation. Evensen/Hansen-Cavasos, **Resolution 20-008(S)**, A Resolution of the Homer City Council Designating Homer Spit Amended Lot 31, Known as Seafarer's Memorial, as Green Space and Adopting a Land Management Policy that Preserves Lot 31 for Wildlife and as a Natural Agent for Erosion Mitigation. Evensen/Hansen-Cavasos.

VENUTI/ADERHOLD 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

Casey Fetterhoff, city resident, commented in support of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area, sharing his support for lifting the ban and questioning why the City feels the need to get involved.

Cassie Lawver, non-resident, shared her appreciation for the substitute Resolution 20-007(S), and also shared her support of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. She thinks they should oppose it personally and not address it on behalf of the city.

Patricia Cue, non-resident, commented in support of Resolution 20-007(S) and opposition of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. She noted negative impacts eco-tourism businesses, private property owners, and marine life.

Josh Wiesneski, non-resident, commented in support of Resolution 20-007(S) and opposition of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area, sharing negative impacts to commercial fishing in the bay and the lack of process by the State in bringing the repeal forward.

Vernon Atkinson, commented in support of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area, and protecting individual's rights, freedom, and liberty.

Shannon McBride-Morin, resident of Homer and China Poot Bay, commented in opposition of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area, addressing costs to the community in enforcement and impacts to the tourist industry.

Rick Harness, non-resident, commented in support of Resolution 20-007(S) and opposition of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. He shared history of the ban, other states and countries where they're banned,

and other areas in the State where they are allowed to be used without impacting critical habitat areas.

Pat Irwin, city resident, commented in support Resolution 20-007(S) and opposition of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. Jet Skis are fun, but he doesn't want to listen to them.

Kate Finn, city resident, commented in support of Resolution 20-007(S) and opposition of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area because of the negative impacts to marine life and the need to sustain their lives.

Marcia Kuszmaul, city resident and President of the Homer Bed and Breakfast Association, commented on behalf of the members in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area sharing impacts to the eco-tourism industry.

Leanna Stern, city resident, commented in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area, noting enforcement that will become necessary and costs to the community.

Dorle Harness, non-resident, commented in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. She opposed the argument of access explaining you can't have drone, guns, ATV, and cars in certain locations, there are restrictions in place for good reasons.

Ben Martin, lifetime resident and also a commercial fisherman, commented in opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. He shared safety concerns about congestion in the harbor and at the launch ramp, as well as extreme tides and weather, and shared enforcement concerns.

Poppy Benson, city resident and founding mother of the Kachemak Bay Shorebird Festival, commented in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat. She explained the critical habitat area is a designated site within the Western Hemisphere Shorebird Reserve Network, and also the negative impacts lifting the ban would create.

Bob Shavelson, Advocacy Director for Cook Inletkeeper, commented in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. He concurred with Ms. Morin's comments and shared concerns about the State's process in bringing this forward, and cost and liability to the City.

Robert Archibald, city resident, commented in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area sharing history of the ban, concerns of lack of process, and not working with proper agencies. He also supports Resolution 20-008(S) and the Seafarer's Memorial being designated as green space.

Jared Bradshaw, city resident, commented in support of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. He shared information and statics he's read regarding personal water craft, personal experience dealing with congestion in and around the harbor, and cited the last paragraph of Resolution 17-019. Jason Davis, city resident, commented in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. He's bothered comments that this is about picking a fight, finding something new to ban, or an example of hate. He sees it as politicians in Juneau trying to meddle and not following proper process.

Charles Anderson commented in opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. He's invested in the economic opportunities in Homer, he disagrees with the notion personal watercraft will harm the marine life, and he supports open access to the bay.

Alison O'Hara, city resident, commented in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area, expressing concerns on cost of enforcement of regulations and environmental impacts.

Larry Slone, city resident, commented in opposition to Resolution 20-008(S) and the Seafarer's Memorial being designated as green space because the Port and Harbor's efforts in advocating for that area to be a parking lot. He also opposes Resolution 20-007(S) and the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area and feels that personal water craft are less destructive to the environment.

Gart Curtis, city resident, commented in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. He thinks it's fine to have an area where they aren't allowed and it doesn't infringe on personal rights, as they are many areas they can go.

RECONSIDERATION

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

- a. Homer City Council Unapproved Regular Meeting Minutes of December 9, 2019 and Special Meetings of December 16, 2019. City Clerk. Recommend adoption.
- b. Memorandum 20-001 from Deputy City Clerk Re: Liquor License Renewals for Oaken Keg#1832, The Alibi, Kharacters, and Grace Ridge Brewing. Recommend approval.
- c. Memorandum 20-002 from City Clerk Re: Travel Authorization for Councilmembers Smith and Lord to Attend the Alaska Municipal League Winter Legislative Conference held February 18-20, 2020 in Juneau, Alaska. Recommend approval.
- d. Memorandum 20-003 from Councilmember Lord Re: Request for PARCAC to Evaluate Parking Barrier Solutions at Karen Hornaday Park. Recommend approval.
- e. Ordinance 20-01, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2020 Operating Budget to Fund Anticipated Repairs to the Seawall by Establishing Authority in the 2020 Budget for Emergency Repairs to the Seawall. City Manager. Recommended dates Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020.
- f. Ordinance 20-02, An Ordinance of the City Council of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Lot 9 Tract A, Nils O Svedlund Subdivision Amended Excluding any Portion within Lot 9A Thomas Shelford Subdivision '68 Addition a Portion of the Residential Office (RO) Zoning District to Central Business (CBD) Zoning District. Planning Commission. Recommended dates Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020

Memorandum 20-006 from City Planner as backup

- g. Ordinance 20-03, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.70.040, Permit Terms to Require an As-Built Survey be Submitted to the City Planner After Completion of any Building or Structure. Planning Commission. Recommended dates Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020

Memorandum 20-007 from City Planner as backup

- h. Ordinance 20-04, An Ordinance of the City Council of Homer, Alaska Amending the Capital Budget and Authorizing \$20,825 Additional Pass Through Funds for the Alaska Department of Transportation (ADOT) Lake Street Project. City Manager/Public Works Director. Recommended dates Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020

Memorandum 20-005 from Public Works Director as backup

- i. Ordinance 20-05, An Ordinance of the Homer City Council Adopting the Industrial Waste Disposal Permit. City Manager. Recommended dates Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020
- j. Resolution 20-001, A Resolution of the City Council of Homer, Alaska Confirming the Appointment of Elizabeth Walton as Treasurer and Jenna De Lumeau as Deputy Treasurer for the Calendar Year 2020. City Manager. Recommend adoption.
- k. Resolution 20-002, A Resolution of the City Council of Homer, Alaska Confirming the City Manager's Appointment of Rick Abboud as the Acting City Manager for the Calendar Year 2020. City Manager. Recommend adoption.
- l. Resolution 20-003, A Resolution of the City Council of Homer, Alaska Adopting an Alternative Allocation Method for the FY 2020 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area. City Manager. Recommend adoption.
- m. Resolution 20-004, A Resolution of the Homer City Council Approving an Economic Development and Tourism Marketing Agreement between the City of Homer and the Homer Chamber of Commerce. City Manager.

Moved to Resolutions. Aderhold.

- n. Resolution 20-005, A Resolution of the Homer City Council Adopting the Commercial Waste Disposal Permit and Water Filling Station Permit as Part of the Public Utility System Application Process. City Manager. Recommend adoption.
- o. Resolution 20-006, A Resolution of the City Council of Homer, Alaska Authorizing the City Accept a Land Transfer from the Nature Conservancy for a 2.62 Acre Parcel on the Western Side of the Homer Spit, also known as Kenai Peninsula Borough Parcel ID Number 18103007, and Authoring the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 20-004 from PARCAC as backup

Moved to Resolutions. Aderhold.

Items m. and n. were moved to Resolutions d. and e. Aderhold.

City Clerk Jacobsen read the consent agenda with its recommendations.

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. Homer Foundation - Mike Miller, Executive Director (10 minutes)

Mike Miller, Homer Foundation Executive Director, gave an overview of the Homer Foundation, explaining what a Community Foundation is, how the Homer Foundation was started, opportunities to make contributions, and the categories of community grants that were provided over the last year. Ways to stay connected include signing up for their newsletter, liking them on Facebook, and following on Instagram.

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

- a. Worksession Report

City Manager Koester reported that Council reviewed the Land Allocation Plan with Deputy City Planner Engebretsen and the Library Advisory Board presented information on a Library Endowment Fund.

- b. Committee of the Whole Report

Councilmember Lord reported Council discussed Resolutions 20-004 the Chamber Marketing Agreement, 20-006 and liability regarding erosion and the Nature Conservancy property, and 20-009 the Automatic Aid Agreement. They also discussed Ordinances 20-04 pass through funds for the ADOT work on Lake Street, 20-03 as-built survey requirement noting potential burden on property owners, 19-57 project close also recognizing Acting Finance Director De Lumeau for her work on this along with the rest of the Finance Department. They had a brief seawall update, touching on Ordinance 20-01 and Memorandum 20-007, both related to the seawall.

- c. Mayor's Report

Mayor Castner reported on Council's retreat where they set their priorities for the next 6 months. He'll work with the City Manager and City Clerk on putting together a calendar to help track items.

- d. Borough Report

Kelly Cooper, Kenai Peninsula Borough Assembly President, reported the Borough Administration introduced an ordinance to appropriate \$220,000 for an RFP for a Facilities

Management Strategic Plan for Borough Facilities; Administration has asked for additional appropriations for outside Counsel to represent them with their application filed with Federal Energy Regulatory Commission (FERC) for the Alaska LNG project; they introduced the junk and abandoned vehicle ordinance; and Assembly member Johnson introduced an ordinance to correct efficiencies in their code regarding candidate qualifications in their elections, and will introduce an ordinance addressing election contests.

e. Library Advisory Board

Marcia Kuszmaul, Library Advisory Board Chair, thanked Council for the worksession this evening to discuss the Library Endowment Fund. She commented about Lunch with a Councilmember today and shared some 2019 year end statistics. She provided information about the 2020 Lit Lineup event, and about the upcoming Library Facility tour.

f. Planning Commission

Jason Davis, Planning Commissioner, reported at their last meeting they held a worksession to discuss the creation of a medical zoning district. At their regular meeting they approved their decision and findings for CUP 19-07 a parking lot expansion adjacent to the Seafarer's Memorial. They held public hearings and approved CUP 20-02 an amendment to CUP 18-04 for multiple buildings at 680 Sterling Highway, extending end dates for work to be done on the site; and CUP 20-01 to allow a second story addition to the Nomar building and a new 4-plex on the same property at 104 Pioneer Avenue. They concluded the meeting with a discussion of the Borough's draft substitute Ordinance on gated communities and will have their recommendations to Council at their next meeting.

g. Economic Development Advisory Commission

h. Parks Art Recreation and Culture Advisory Commission

Robert Archibald, Parks Art Recreation and Culture Advisory Commissioner, reported the Commission doesn't meet in December and January, and will meet again in February. He commented regarding the Community Recreation and recognized Mike Illg for the work he puts into the programs.

i. Port and Harbor Advisory Commission

j. Americans with Disabilities Act Compliance Committee

k. Right of Way Policy Evaluation Team

Councilmember Lord briefly recapped the organization of the group in Resolution 19-073(S). It's made up of herself and Councilmember Evensen, along with City Manager Koester, Public Works Director Meyer, and Public Works Superintendent Gardner. They've met once to lay out the groundwork to understand terminology and concerns expressed to date, in trying to

establish what they're looking for in terms of their product to come to Council as a result of their efforts. They'll meet again soon.

Mayor Castner called for a break at 7:37 p.m. and reconvened the meeting at 7:45 p.m.

PUBLIC HEARING(S)

- a. Ordinance 19-55, An Ordinance of the City Council of Homer, Amending Homer City Code 2.08.040, Bylaws for Council Procedures to Establish that Newly Elected Members will be Seated at a Special Meeting Following the Canvass of the Election; and 4.35.404 Certification of Election to Clarify the Time for Certification of a Regular and Special Election. Evensen/Hansen-Cavasos. Introduction November 25, 2019 Postponed. Introduction December 9, 2019. Public Hearing and Second Reading January 13, 2020.

Ordinance 19-55(S), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code ~~2.08.040, Bylaws for Council Procedures to Establish that Newly Elected Members will be Seated at a Special Meeting Following the Canvass of the Election; and 4.35.404 Certification of Election~~ **2.08.030 Composition of Governing Body-Terms of Office** to Clarify the Time for **Election** Certification of a Regular and Special Election. Evensen/Hansen-Cavasos.

Mayor Castner opened the public hearing.

Larry Slone, city resident, commented in support of the substitute. It gets the new members seated immediately and they can participate in the ongoing discussion on relevant activities regarding the City.

Cassie Lawver, non-resident, commented she has shared her ideas for proposed changes and encouraged more of a big picture change to the election code.

There were no further comments and the hearing was closed.

LORD/VENUTI MOVED TO ADOPT ORDINANCE 19-55 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

LORD/EVENSEN MOVED TO SUBSTITUTE ORDINANCE 19-55(S) FOR 19-55.

Councilmember Evensen shared that the substitute changes the election certification to the beginning of the regular meeting rather than requiring a special meeting having to be scheduled.

VOTE (substitute): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was discussion that Councilmembers Smith and Aderhold were going to look at the election code as a whole, as it's something that came up at their retreat to work on. It was suggested it could be postponed. It was noted that it could be adopted because this is a small piece of the code that could be dispensed with tonight.

ADERHOLD/EVENSEN MOVED TO AMEND TO REMOVE THE 1ST AND 3RD WHEREAS IN THE SUBSTITUTE ORDINANCE.

Councilmember Aderhold commented they refer to a special meeting, which isn't applicable in the substitute ordinance.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

There was further discussion suggesting addressing the election code in its entirety.

VOTE: YES: EVENSEN

NO: VENUTI, SMITH, ADERHOLD, LORD

Motion failed.

- b. Ordinance 19-58, An Ordinance of the City Council of Homer, Alaska, Transferring \$3,101,082 from the Utility Operations Fund (200) to the HAWSP Fund (205) to Correct the Misallocation of Beginning Fund Balance for the Utility Fund when Converting from an Enterprise Fund to a Special Revenue Fund. Mayor. Introduction December 9, 2019, Public Hearing and Second Reading January 13, 2020

EVENSEN/VENUTI MOVED TO ADOPT ORDINANCE 19-58 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Lord commented they've discussed this for quite some time.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Ordinance 19-57, An Ordinance of the City Council of Homer, Alaska, Transferring Necessary Funding to Properly Close Projects Citywide in the 2019 Fiscal Year (General Fund, Water/Sewer Fund and Port & Harbor Fund). Mayor. Introduction December 9, 2019 Public Hearing and Second Reading January 13, 2020.

Ordinance 19-57(S), An Ordinance of the City Council of Homer, Alaska, Transferring Necessary Funding to Properly Close Projects Citywide in the 2019 Fiscal Year (General Fund, Water/Sewer Fund and Port & Harbor Fund). Mayor.

Memorandum 20-011 from Acting Finance Director as backup

Ordinance 19-57(S-2), An Ordinance of the City Council of Homer, Alaska, Transferring Necessary Funding to Properly Close Projects Citywide in the 2019 Fiscal Year (General Fund, Water/Sewer Fund and Port & Harbor Fund). Mayor.

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

VENUTI/EVENSEN MOVED TO ADOPT ORDINANCE 19-57 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

VENUTI/ LORD MOVED TO SUBSTITUTE ORDINANCE 19-57(S-2) FOR 19-57.

There was no discussion on the motion to substitute.

VOTE (substitute): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Aderhold commented this was a tremendous amount of work and thanked Finance for all their efforts in going through the projects and finding this information that's been very valuable and gives us a way forward to ensure we don't have these issues again.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- d. Ordinance 19-59, An Ordinance of the City Council of Homer, Alaska, Approving the Sale of the Homer Public Library Lot Located at 3713 Main Street and Authorizing the City Manager to Execute the Appropriate Documents to Dispose of the Lot. Venuti. Introduction December 9, 2019. Public Hearing and Second Reading January 13, 2020.

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

VENUTI/ADERHOLD MOVED TO ADOPT ORDINANCE 19-59 BY READING OF TITLE ONLY.

Councilmembers Evensen and Smith commented in support of the City maintaining ownership of the lot as a city resource because of its natural habitat, the City has two lots in the city center with access to all the utilities, this and the police station lot, town center development is light years away, and there are plenty of lots in the CBD on the market. Selling would create a shortage in our inventory, and there is more economic gain having greenspace with a mix of shopping and hopefully sidewalks on Main Street. It's the last lot like it in that area.

Councilmembers Aderhold, Lord, and Venuti commented in support of selling the lot. It's a fragment of habitat that's bound by two busy roads, it was originally purchased to provide overflow parking for the library at the time so was always intended to be developed, the City has been working to infill water and sewer, small patches of green space that don't connect to others are less valuable than strategically considered greenbelt corridors, this is a small lot, and it needs a lot of work. The city has control over a large portion of town center that is undeveloped, wooded, and has no access to any utilities, and KHLT has the Poopdeck property that will not be developed in perpetuity that provides greenspace in the CBD. It was on the market for the last dozen of years and Main Street could benefit from increased economic development.

VOTE: YES: ADERHOLD, LORD, VENUTI
NO: SMITH, EVENSEN

Motion failed.

ORDINANCE(S)

CITY MANAGER'S REPORT

a. City Manager's Report

City Manager Koester commented regarding facility tours that are ongoing, the next ones are the old Police Station on the 17th and the Library on the 24th.

There were comments regarding the road improvements on Ocean Drive and the opportunity to participate in the Governors conversation. They also discussed the exchange recipes with Teshio, the importance of our Sister City relationship, and the need to re-engage in that relationship.

b. Bid Report (informational only)

PENDING BUSINESS

NEW BUSINESS

a. Memorandum 20-008 from Councilmember Aderhold re: Request for a Legal Opinion Concerning the Seawall

Councilmember Aderhold commented this memo is about taking next steps on how we're going to defend the integrity of the seawall.

ADERHOLD MOVED TO APPROVE MEMORANDUM 20-008 CONCERNING THE SEAWALL AND REQUEST THE CITY ATTORNEY ADDRESS THE QUESTIONS INCLUDED IN THE MEMORANDUM.

Mayor Castner noted they addressed the timeline at the Committee of the Whole and would be addressed in a reasonable amount of time.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Memorandum 20-009 from City Manager re: Travel to Juneau to Advocate for Alaska Marine Highway System.

VENUTI/EVENSEN MOVED TO APPROVE MEMORANDUM 20-009 AUTHORIZING TRAVEL FOR ONE COUNCILMEMBER OR THE MAYOR TO PARTICIPATE IN THE AML ALASKA MARINE HIGHWAY SYSTEM FERRY CAUCUS IN JUNEAU JANUARY 21-23, 2020.

Council discussed attendance, and both the Mayor and Councilmember Aderhold expressed interest in participating. Councilmember Aderhold noted she's been sponsoring some of the correspondence they've been sending to the State but is fine with the Mayor attending if he's amenable. Mayor Caster said he's available and interested because of the work being done through the Council of Mayors where they took a fairly straight forward position as well. Council agreed that two people don't need to travel and agreed that Mayor Castner would attend.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Memorandum 20-010 from City Manager re: Next Steps for City Manager Search

City Manager Koester summarized there are attachments showing where we are in the hiring process, including the flyer sent out to through GovHR, and she recommends an executive session on February 3rd to review initial qualified applicants and cull it down to telephonic interview participants. In addressing how to incorporate public input, she explained the Mayor recommended a small advisory group of three community members and two staff members and an action can be taken to authorizing a City Manager Hiring Advisory Committee, with the understanding Council is the final hiring body.

In response to questions, City Manager Koester explained her understanding the Advisory Committee would interview finalists in person the same day Council does, and Council could decide the order that would be appropriate. City Attorney Gatti provided feedback on what he's seen other communities do in relation to public feedback and positive comments about GovHR.

LORD/VENUTI MOVED TO SCHEDULE AN EXECUTIVE SESSION FEBRUARY 3RD AT 4:00 P.M. TO REVIEW INITIAL QUALIFIED CANDIDATES.

Councilmember Evensen noted he is unable to attend on February 3rd and will be out until the 16th

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

In response to questions, City Manager Koester said she would have to talk to HR and City Attorney about the possibility of Councilmember Evensen having an opportunity to review the applicants and provide his feedback to Council prior to the meeting. In regard to potentially rescheduling to January 31st, she explained the position closes on January 30th so there would need to be some time to review the final applications that come in before providing them to Council for review. She can ask HR if that's feasible.

VENUTI/LORD MOVED TO TRY TO SCHEDULE THE FIRST TIME WE DO THIS TO JANUARY 31ST AT 4:00 P.M. WITH THE SECOND OPTION OF FEBRUARY 3RD AT 4:00 P.M. AS AN ALTERNATIVE

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

LORD/EVENSEN MOVED TO AUTHORIZE THE CITY MANAGER HIRING ADVISORY COMMITTEE CONSISTING OF THREE MEMBERS OF THE PUBLIC AND TWO STAFF MEMBERS TO BE APPOINTED BY THE MAYOR AND CONFIRMED BY COUNCIL AT THE JANUARY 27TH COUNCIL MEETING.

There were comments in support of the motion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

RESOLUTIONS

- a. Resolution 20-007, A Resolution of the City Council of Homer, Alaska Opposing the State's Repeal of Alaska Administrative Code 5 AAC 95.310 which would Remove the Prohibition on Personal Watercraft Use in the Fox River Flats and Kachemak Bay Critical Habitat Areas and Affirming the Deleterious Consequences for Community and Economy if Personal Watercraft are Allowed in Kachemak Bay. Evensen.

Resolution 20-007(S), Same title adding Aderhold as a sponsor. Evensen/Aderhold.

EVENSEN/ADERHOLD MOVED TO ADOPT RESOLUTION 20-007 BY READING OF TITLE ONLY.

EVENSEN/ADERHOLD MOVED TO SUBSTITUTE RESOLUTION 20-007(S) FOR 20-007.

Councilmember Evensen noted the changes in attempt to improve the language from the initial resolution.

VOTE (substation): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Evensen this resolution speaks to the community needs and is good follow up to the last resolution.

Councilmember Aderhold appreciates the public comment they had tonight. She noted they are not the decision making body in relation to the repeal, but what a number of people asked for was a public process which is what this resolution asks for. It asks Fish and Game to follow a process they've followed in the past. Also people have conflicting information about what the potential effects may be and it would be beneficial to have some analysis to determine what the effects might be to the City and on City tidelands.

Councilmember Lord shared she received emails and talked to people, and also appreciates the public testimony tonight. She believes it's appropriate for the City to provide comment as a stakeholder, and with that there's a responsibility to be tempered in regard to speaking as a governmental body. She believes governmental regulation should be made based on findings, information, and facts. Council requested information and rationale from the department in December and they haven't responded. The latest information she has is from a 2017 memorandum from Fish and Game where a review was done by staff at ADF&F which they finished by saying in summary based on their review of information available, since the personal watercraft prohibition was adopted in 2001, they feel there's no new information that would warrant rescinding the prohibition and in fact the newer information highlights most of the concerns identified when the prohibition was adopted. The department hasn't provided anything to substantiate this regulation change.

Councilmember Smith supported the resolution at the last meeting because it directly asked the decision making body to increase the time, and what findings they used to direct their decision making process. He doesn't see that this does anything more than the last one and there have been concerns raised if it's Council's spot to tell other agencies how they should be making their decisions. He hopes everyone tonight submitted public comment directly to Fish and Game rather than depending on us to do so by a decision at this table.

Councilmember Aderhold noted the substitute resolution before them does not take a stance, it asks for action to provide public process, provide some information, let the public understand where the decision is coming from, and help us as a City understand how we'll be affected.

Councilmember Venuti shared her support for the substitute and appreciated the comments about speaking up for the animals in the bay, we need to consider the marine life.

Mayor Castner shared he received comments saying don't substitute your voice for my voice. He thinks the substitution of voice came from the top, there was one person who substituted their voice for everyone else in the State and that's what brought us to the table. However when you gather the voice of the City, you have to ensure that it's meaningful and appropriate. He doesn't know if anyone cares about the voice of the City is in this regard. He agrees that if this turns sideways that the City continue to have a seat at the table like they have through past processes for the park and critical habitat plan.

VOTE: YES: LORD, ADERHOLD, EVENSEN, VENUTI
NO: SMITH

Motion carried.

- b. Resolution 20-008, A Resolution of the Homer City Council Designating Homer Spit Amended Lot 31, Known as Seafarer's Memorial, as Green Space and Adopting a Land Management Policy that Preserves Lot 31 for Wildlife and as a Natural Agent for Erosion Mitigation. Evensen/Hansen-Cavasos.

Resolution 20-008(S), A Resolution of the Homer City Council Designating Homer Spit Amended Lot 31, Known as Seafarer's Memorial, as Green Space and Adopting a Land Management Policy that Preserves Lot 31 for Wildlife and as a Natural Agent for Erosion Mitigation. Evensen/Hansen-Cavasos.

EVENSEN/VENUTI MOVED TO ADOPT RESOLUTION 20-008 BY READING OF TITLE ONLY.

EVENSEN/VENUTI MOVED TO SUBSTITUTE RESOLUTION 20-008(S) FOR 20-008.

Councilmember Evensen noted the bold and underlined changes in the substitute resolution.

VOTE (substation): NON OBJECTION: UNANIMOUS CONSENT

Councilmember Evensen said this came up from public feedback during the Planning Commissions review of a CUP for parking at the Seafarer's Memorial. Community members have pointed out there are few places on the spit that are open spaces and the importance of maintaining the habitat it offers. There's a healthy lobe of sand and not interfering with that portion will benefit the spit, particularly the eastern most beaches and the end of the spit, through natural processes.

Councilmember Aderhold shared her appreciation for this and acknowledged it's a big decision. She doesn't feel one meeting allows for adequate discussion and it overlaps with

responsibilities with Port and Harbor Commission and Planning Commission at a minimum. She'd like guidance from those Commissions and more opportunity for public input.

Councilmember Smith agreed and added they just funded a parking study for the spit. It will be important to know what those findings are before making any final decisions as there may be minimal ability to do some improvements in that area.

LORD/EVENSEN MOVED TO POSTPONE THIS RESOLUTION TO OUR SECOND MEETING IN APRIL AND REFER IT TO PLANNING AND PORT AND HARBOR COMMISSIONS FOR THEIR REVIEW PRIOR TO THAT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Resolution 20-009, A Resolution of the Homer City Council Approving an Automatic Aid Agreement and Operational Plan between Anchor Point Fire and Emergency Medical Service Area and the City of Homer Volunteer Fire Department for Fire Response Services and Authorizing the City Manager to Execute the Appropriate Documents. Smith.

VENUTI/EVENSEN MOVED TO ADOPT RESOLUTION 20-009 BY READING OF TITLE ONLY.

Councilmembers Smith and Lord summarized the discussion from their worksession this is in relation to improving the response time with our fire apparatus in helping surrounding areas, as well as Anchor Point assisting in response to City emergencies.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- d. Resolution 20-004, A Resolution of the Homer City Council Approving an Economic Development and Tourism Marketing Agreement between the City of Homer and the Homer Chamber of Commerce. City Manager.

ADERHOLD/LORD MOVED TO ADOPT RESOLUTION 20-004 BY READING OF TITLE ONLY.

Councilmember Aderhold noted they discussed this resolution at Committee of the Whole and the request by the Chamber for additional funding relate to the shack on the spit. The Chamber would like to change it from the Derby Shack to more of a spit visitor center location. They didn't come to agreement on whether to increase the funds or how the fund might be used. City Manager Koester suggested if the intent is to discuss a budget amendment, and they are okay with the marketing agreement, they approve the resolution as is, and then direct her to

work with the Chamber on an amendment. The amendment would come back as an ordinance.

The group discussed the most appropriate way to address the resolution and also the requested budget amendment. It was clarified that if a budget amendment results, it will have to be addressed by ordinance.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Castner asked if there is a motion authorizing the City Manager to negotiate some changes to the marketing agreement that would include providing insurances for community activities, such as the fireworks display, burning basket, and other community events that would require an insurance certificate.

LORD/ADERHOLD MOVED TO DIRECT THE CITY MANAGER TO WORK WITH CHAMBER IN REGARDS TO THE MARKETING AGREEMENT AND CITY BUDGET GIVEN THE CONVERSATION AT THE TABLE, THE FEEDBACK THAT'S BEEN RECEIVED SPECIFICALLY RELATED TO THE SCOPE OF WORK IN TERMS OF THE VISITOR CENTER FOCUS AND ALSO ADDING THE INSURANCE COVERAGE FOR COMMUNITY EVENTS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- e. Resolution 20-006, A Resolution of the City Council of Homer, Alaska Authorizing the City Accept a Land Transfer from the Nature Conservancy for a 2.62 Acre Parcel on the Western Side of the Homer Spit, also known as Kenai Peninsula Borough Parcel ID Number 18103007, and Authoring the City Manager to Negotiate and Execute the Appropriate Documents. City Manager.

LORD/VENUTI MOVED TO ADOPT RESOLUTION 20-006 BY READING OF TITLE ONLY.

There was brief discussion regarding increased liability related to erosion. They also touched on the City's responsibility based on the grant information, and that it's been extensively reviewed by staff and the Attorney, and staff is comfortable accepting the property. It was pointed out in the historical documentation that the Nature Conservancy acquired the property with the intent of the City taking on the property at a future date.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

Kate Finn, city resident, commented that Duffy Murnane has not been found and pleaded with listeners that anyone who has information to contact Homer Police Department at 235-3150 or Alaska Crime Stoppers at 907-561-7867. She shared that we are celebrating 100 years of the Women's Right to Vote. There is a march on the 18th from the HERC parking lot to WKFL and events at the Kachemak Bay Campus.

Patricia Cue thanked Council for approving Resolution 20-007(S). She thinks that by moving forward with the resolution, they've done their due diligence as a governing body. The ball is in their court on what they're going to do.

Wayne Aderhold, city resident, commented he just arrived because he was next door at a class at the college. Today is the first day of classes for the spring semester at the campus and he feels very lucky that we have this great asset and encouraged participating in the classes. He's taking a history class where everyone is very motivated. He noted he'll be manning the table for the League of Women Voters after the march on Saturday, he learned a few months ago that men can be members, so he is one now.

Larry Slone, city resident, acknowledged the effort by the Finance Department on project close out and appreciates the Mayor working to initiate the resolution of the issue.

COMMENTS OF THE CITY ATTORNEY

Attorney Gatti wished everyone Happy New Year.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen commented in her almost 16 years working in the City Clerk's office there has a residency contest in 2005, an election contest was filed in or around 2014, we had a member who wanted to launch a write in campaign but was unable to because of their voter registration didn't meet the requirements in code, and this most recent election contest. Both election contests resulted in upholding the results as certified by the Election Canvass Board. She explained the city's election process is very similar to other municipalities in within the borough and throughout the state. She agrees there are areas that could use clarification and looks forward to seeing what the borough brings forward in the next month, but doesn't feel that the city's process is broken or is in need of a big overhaul in response to this last election experience. She also commented there are openings on the ADA Compliance Committee, Port and Harbor Advisory Commission, and Library Advisory Board. She thanked Council for a good meeting and looks forward to working with them in to 2020.

COMMENTS OF THE CITY MANAGER

City Manager Koester recalled the Special Meeting was scheduled for February 3rd because the City Manager job posting closes January 30th and they wanted to allow Council time to review applications before meeting.

COMMENTS OF THE MAYOR

Mayor Castner thanked everyone who came out and commented tonight. He isn't looking forward to having a big February fight going on when we're interviewing City Manager candidates, it's not the side of the City he wants to show. He hopes some calmer heads look at this thing its totality because he thinks it's a process that is extremely broken. He hopes cooler heads prevail and don't want to turn it into a local fight where there shouldn't be one. At the next meeting he'll probably bring a Resolution to lift the Moratorium for LID's¹ for the HAWSP fund and anticipates it will be forwarded to the Planning Commission for review and actions.

COMMENTS OF THE CITY COUNCIL

Councilmember Aderhold expressed her appreciation for public comments because the voices in the community help them have better legislation, city code, and city actions. She also appreciates they had a good retreat on Saturday, everyone at the table tonight participated, and she looks forward to working on their outcomes. She reminded the group and Commissioners that we provide guidance to the Commission's as a body and if it hasn't been voted on by the body, then it needs to be clear each person is speaking or writing for themselves and not on behalf of the body. She reminded everyone listening that Homer shares the road and encouraged drivers to watch out for pedestrians and bicyclists who get pushed out onto the road because of unmaintained sidewalks, and also the pedestrians and bicyclists to make themselves visible to motorists. She noted that they've been talking about going above and beyond, and she's though about how our city staff goes above and beyond. She highlighted the Finance Department for going above and beyond over the last few months with the HAWSP fund and the project close out, and also the Public Works equipment operators who arrange their personal schedules around the weather to be available when additional staff need to be called in. She really appreciates that the staff thinks about the city and care about our residents. She thanked staff for going above and beyond.

Councilmember Smith commented it was a pleasure to go to the library today for Lunch with a Councilmember, it was a packed house today and they had good conversation on a lot of topics. He thanked those who came to the library and also to comment tonight. He reminded everyone his contact information is on the City website and encourage them to reach out to him. He shared about his snuggle time with his son.

Councilmember Evensen thanked Council for a productive meeting, and thanked the public for their comments tonight.

¹ LID is an old acronym for Local Improvement District, which has been renamed Special Assessment District or SAD

Councilmember Venuti commented the plastic bag ban went into effect on January 1st and thanked everyone for their efforts in making this happen. She thanked Special Projects and Communications Coordinator Carroll for her work to make sure people are aware of the changes. She shared about a scholarship opportunity for students interested the tourism industry, more information is available at the Chamber of Commerce or at Kachemak Bay Campus.

Councilmember Lord echoed the thanks to the public who wrote, called, or came to testify. At their retreat the facilitator addressed what makes a group effective, and predictors of group effectiveness. One thing that came up was “Psychological Safety” which is the lack of fear of retribution. That makes sense for a particular group of people, but she’s thought about it in regards to community. She commented about trying to work toward giving each other grace, benefit of the doubt, and space to say things we may not agree with, but at the end of the day we’ll help each other out when needed because that’s what this community is about. The Alaska Association of Harbormasters and Port Administrators has three scholarships available statewide for students entering marine related studies.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 9:55 p.m. The next Regular Meeting is Monday, January 27, 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: _____