

Session 22-21 a Regular Meeting of the City Council of Homer, Alaska was called to order on October 24, 2022 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

**PRESENT:** COUNCILMEMBERS ADERHOLD, DAVIS, ERICKSON, LORD, VENUTI

**ABSENT:** COUNCILMEMBER HANSEN (excused)

**STAFF:** CITY MANAGER DUMOUCHEL  
CITY CLERK JACOBSEN  
FINANCE DIRECTOR WALTON  
PUBLIC WORKS DIRECTOR KEISER  
CITY PLANNER ABOUD  
NETWORK ADMINISTRATOR SULCZYNSKI  
CITY ATTORNEY GATTI

ADERHOLD/ERICKSON MOVED TO SUSPEND THE RULES TO HEAR FROM THE WEST HOMER JAPANESE CLASS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Megumi Beams, West Homer Japanese Class Facilitator, shared about the West Homer Japanese after school program where students learn about Japanese culture and language. She also talked about the Sister City Program and her role as the liaison between the City of Homer and our Sister City in Teshio, Hokkaido, Japan.

Ms. Beams then lead the student group leaders in introducing themselves in Japanese.

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

Mayor Castner announced the supplemental packet items: **CONSENT AGENDA Memorandum 22-178** from Mayor re: Reappointment of Clark Fair and Peter Roedl to the Parks, Art, Recreation & Culture Advisory Commission. **Ordinance 22-71**, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget by Appropriating \$20,250 From the Port Reserve Fund to Pump, Dispose/Recycle, and Replace the City Ice Plant's Ammonia Stores and Authorizing the City Manager to Execute the Appropriate Documents for a Sole Source Contract with Multifrost. City Manager/Port Director. Financial Supplement Form as backup, **Resolution 22-074**, A Resolution of the City Council of Homer, Alaska Adopting the City of Homer 2022 Non-Motorized Transportation and Trails Implementation Plan. City Manager/Public Works Director. Written Public Comment as backup, **PUBLIC HEARINGS Ordinance 22-42(S-2)**, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Sections 11.04.120, 22.10.050, and 22-10.051 to Specify when New Streets are Required to Provide for Non-Motorized Transportation. Davis/Erickson. Staff Report PL 22-64 from City Planner and Excerpt of Unapproved Meeting Minutes for October 19, 2022 as backup. **Ordinance 22-68**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential District; Homer City Code 21.14, Urban Residential District; Homer City Code 21.12 Residential Office District; Homer City Code 21.18, Central Business District; Homer City Code 21.20 Town Center District; Homer City Code 21.22, Gateway Business District; Homer City Code 21.24, General Commercial 1 District; Homer City

Code 21.26, General Commercial 2 District; And Homer City Code 21.27, East End Mixed Use District, Regarding Conditional Uses in each District. Planning Commission. Introduction October 10, 2022 Public Hearing and Second Reading October 24, 2022. Memorandum 22-187 from City Clerk as back up and Written Public Comment as backup, **ORDINANCES Ordinance 22-73(S)**, Ordinance 22-73(S), An Ordinance of the City Council of Homer, Alaska, Amending the FY~~2223~~ Capital Budget ~~to Authorize the Expenditure by Appropriating~~ of \$~~97,860.73~~ **98,281** from the Sewer CARMA Fund to Fully Fund Repairs of the Broken Clarifier Belt at the Waste Water Treatment Plant. City Manager/Public Works Director. City Manager/Public Works Director. Financial Supplement Form as backup.

ADERHOLD/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **MAYORAL PROCLAMATIONS AND RECOGNITIONS**

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

Frank Griswold, city resident, commented in opposition to the introduction of Ordinance 22-72. He scrutinized the verbiage in the whereas clauses, and noted the Police Chief's comments of four animal at large complaints in the last two years as not being excessive. He challenged comments regarding voice control not being an effective way to control animals. He shared positive encounters he's observed of animals under voice control, noting that dogs who are regularly exercised aren't a problem, dog owners who keep their dogs chained without providing exercise and mental stimulation are the problem. He also asked if horse owners are required to diaper their horses as required in HCC 20.08.040(a)(2).

Scott Adams, city resident, commented regarding Resolution 22-080 and wished Council good luck trying to get the State to lower the speed limit on East End Road, and shared his experience in attempting to have the speed limit from Ben Walters to Paul Banks Elementary reduced, that didn't go anywhere.

### **RECONSIDERATION**

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

- a. Homer City Council Unapproved Regular Meeting Minutes of September 26th and October 10, 2022. City Clerk. Recommend approval.
- b. Memorandum 22-178 from Mayor re: Appointments/Reappointment(s) to Advisory Bodies. Recommend Approval.
- c. Ordinance 22-70, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code, Section 21.60.100 Signs Exempt from Regulation to Exempt Signs Not Visible from Public Rights of Way. Lord. Introduction October 24, 2022 S Public Hearing and Second Reading November 14, 2022.

Memorandum 22-179 from Councilmember as backup.

Moved to Ordinances item b. Aderhold.

- d. Ordinance 22-71, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget by Appropriating \$20,250 From the Port Reserve Fund to Pump, Dispose/Recycle, and Replace the City Ice Plant's Ammonia Stores and Authorizing the City Manager to Execute the Appropriate Documents for a Sole Source Contract with Multifrost. City Manager/Port Director. Introduction October 24, 2022 Public Hearing and Second Reading November 14, 2022

Memorandum 22-180 from Port Director as backup.

- e. Ordinance 22-72, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 20 Animals, Sections 20.04.020 Definitions, 20.08.010 Animals At Large, 20.08.040 Nuisance Animals And 20.32.020 Fine Schedule to Refine the Definition of "At Large", Clarify Areas Where Animals Are To Be On Leash At All Times and Amend Related Fines. Venuti/Erickson. Introduction October 24, 2022 Public Hearing and Second Reading November 14, 2022.

Memorandum 22-181 from Police Chief as backup.

Memorandum 22-182 from Parks, Art, Recreation & Culture Advisory Commission as backup.

Moved to Ordinances item c. Aderhold.

- f. Resolution 22-074, A Resolution of the City Council of Homer, Alaska Adopting the City of Homer 2022 Non-Motorized Transportation and Trails Implementation Plan. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-171 from Public Works Director as backup.

Public Comment received

Moved to Resolutions item c. Aderhold.

- g. Resolution 22-081, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the 2022-2025 Snow Removal and Sanding Services to the Firm of Gregoire Construction of Homer, Alaska, in the Amount of \$535 Snow Removal Per Trip and \$436 Sanding Per Trip, and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption.

Memorandum 22-184 from Public Works Superintendent as backup.

- h. Resolution 22-082, A Resolution of the City Council of Homer, Alaska, Approving a Joint Resolution of the Councils of the Seldovia Village Tribe and Cities of Seldovia and Homer, Respectively, Establishing a Regional Partnership Between Homer and Seldovia. City Manager. Recommend adoption.

Memorandum 22-185 from City Manager as backup.

Items c. and e. moved to Ordinances b. and c. and item f. moved to Resolutions item b.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**VISITORS**

- a. West Homer Japanese Class

Taken up at the beginning of the meeting.

- b. Tim Dillon, KPEDD Update (10 minutes)

Tim Dillon, Executive Director of the Kenai Peninsula Economic Development District (KPEDD), provided an overview of KPEDD’s role in economic development for our region, introduced the staff members, reviewed the Kenai Peninsula’s diverse economy make-up, and partnering opportunities for tourism, Ocean Pasture Restoration, and the Alaska Mariculture Cluster. Mr. Dillon talked about strengths, weaknesses, and opportunities in the workforce, housing, transportation, and childcare and education. Lastly, he announced the upcoming Industry Outlook Forum on January 5, 2023 in Homer.

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

- a. Worksession Report

City Manager Dumouchel reported Council heard from Kenai Peninsula Borough Finance Director Brandi Harbaugh on sales tax revenue trends for the City and Borough, and also Interim Mayor Navarre.

- b. Committee of the Whole Report

Council Member Aderhold reported Council discussed Ordinances 22-70, 22-72, 22-68, and Resolution 22-074, as well as FY24/25 Budget Priorities.

- c. Mayor's Report

- i. Non-Motorized Transportation Plan Update - Jan Keiser, Public Works Director

Mayor Castner reported on his attendance at the Ben Walters Park lawn breaking ceremony with Rotary and participation on the KBBI Coffee Table with the City Manager.

Public Works Director Keiser shared information about public outreach opportunities related to the Non-Motorized Transportation Plan.

d. Borough Report

e. Advisory Body Reports

i. Library Advisory Board

Library Advisory Board Member Doug Bailey reported at their last meeting they heard a report on the Comprehensive Transportation Plan & People Oriented Transportation Presentation, discussed the relationship with the library and community user groups that use the facility, and a new library service, Kanopy, that allows library cardholder to access feature and documentary films and other video material on their personal devices at no charge.

ii. Planning Commission

Planning Commissioner Mike Stark reported at their last meeting the Commission heard the Comprehensive Transportation Plan & People Oriented Transportation Presentation, approved a CUP for Emerald Air on Lakeshore Drive, and reviewed the Sidewalk Ordinance 22-42(S-2).

iii. Economic Development Advisory Commission

iv. Parks Art Recreation and Culture Advisory Commission

Parks Art Recreation and Culture Advisory Commissioner Leon Galbraith reported the Commission hosted a recognition ceremony at Ben Walters Park for Kachemak Bay Rotary, at their last meeting they heard the Comprehensive Transportation Plan & People Oriented Transportation Presentation, discussed the nuisance animals ordinance and the Karen Hornaday Park Master Plan.

v. Americans with Disabilities Act (ADA) Advisory Board

Council Member Aderhold reported the Board heard the Comprehensive Transportation Plan & People Oriented Transportation Presentation, worked on their bylaws, heard public commented regarding accessibilities issues at local businesses, and barriers for sidewalks and locations for high visibility crosswalks.

**PUBLIC HEARING(S)**

a. FY24/25 Budget Priorities

Memorandum 22-186 from City Manager as backup.

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

There was no action required regarding this matter.

b. Ordinance 22-42(S)(A), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 11.04.120 to Clarify that all New Streets which Serve as Public Access Corridors shall have Sidewalks. Davis/Erickson. Introduction July 25, 2022, Referred to Planning Commission, Parks Art Recreation &

Culture Advisory Commission, and Public Works, Public Hearing and Second Reading Postponed to October 10, 2022 Postponed to October 24, 2022.

Ordinance 22-42(S-2), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Sections 11.04.120, 22.10.050, and 22.10.051 to Specify when New Streets are Required to Provide for Non-Motorized Transportation. Davis/Erickson.

Memorandum 22-165 from Planning Commission as backup.

Memorandum 22-166 from Parks Art Recreation & Culture Advisory Commission as backup.

Mayor Castner opened the public hearing.

Pat Case, city resident, commented in support of Ordinance 22-42 and its importance to the community.

DAVIS/ ERICKSON MOVED TO ADOPT ORDINANCE 22-42(S)(A) BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

DAVIS/ERICKSON MOVED TO SUBSTITUTE ORDINANCE 22-42(S-2) FOR 22-42(S)(A).

There was no discussion on the motion to substitute.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was discussion with City Attorney Gatti regarding sections of the ordinance he felt warranted additional review, including criteria enforcement mechanisms and timelines, combining subdivision requirements with sidewalk requirement, reference to liberal construction and provisions of the chapter are remedial in nature, the appeal process.

ADERHOLD/LORD MOVED TO POSTPONE TO THEIR NEXT MEETING FOR LEGAL REVIEW.

There was brief discussion as to whether they could adopt tonight and overcome the other matters after the fact.

VOTE (postponement): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Ordinance 22-62, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Operating Budget by Appropriating \$10,000 from the General Fund Unassigned Fund Balance to Fund Part of the Homer Business Advisory Position for the Alaska Small Business Development Center, and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. Venuti/Erickson. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022 Postponed to October 24, 2022 Postponed to October 24, 2022.

Memorandum 22-160 from Economic Development Manager as backup.

Mayor Castner opened the public hearing.

Robert Green commented in support of Ordinance 22-62 and highlighted benefits to the community.

Cliff Cochran commented in support of Ordinance 22-62 and the positive impact of Mr. Green as the Homer Business Advisor.

There were no further comments and the hearing was closed.

VENUTI/ERICKSON MOVED TO ADOPT ORDINANCE 22-62 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- d. Ordinance 22-63, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating a Grant with the Alaska Energy Authority in the Amount of \$79,500 for the Design of a Micro-Hydro Unit in Homer's Water System and Authorizing a Sole Source Contract to InPipe Energy for Design Services of the Micro-Hydro Unit(s) in the Amount of \$79,500. City Manager/Public Works Director. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022 Postponed to October 24, 2022.

Memorandum 22-161 from Public Works Director as backup.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 22-63 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

In response to questions Public Works Director Keiser confirmed this cost is for design, not implementation or gear, and that most of the basic data was established in the earlier reports. Most of the design is an analysis of whether it's feasible and cost benefit.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- e. Ordinance 22-64, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating an FY23 Designated Legislative Grant from the State of Alaska for the Purpose of New Large Vessel Harbor Matching Funds for an Army Corps of Engineers General Investigation and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Introduction

September 26, 2022, Public Hearing and Second Reading October 10, 2022 Postponed to October 24, 2022.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 22-64 BY READING OF TITLE ONLY.

Council Member Lord noted several years ago Council put aside a \$750,000 match for this project and it's delightful to have the funds from the State, she appreciates the hard work of Council, staff, and the legislature for this appropriation.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Mayor Castner called for a ten minute recess at 7:34 p.m. and called the meeting back to order at 7:44 p.m.

- f. Ordinance 22-65, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Accepting and Appropriating a 2022 Commercial Passenger Vessel Tax Program Grant from the State of Alaska for \$35,445 and a Commercial Passenger Vessel Tax Program 2022 Pass-Through Grant from the Kenai Peninsula Borough in the Amount of \$35,445 to Rebuild Crane #7 on Homer Fish Dock and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Port Director. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022 Postponed to October 24, 2022.

Memorandum 22-162 from Port Director as backup.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 22-65 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- g. Ordinance 22-66, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$69,110 from the Port Reserve Fund to Rebuild Crane #7 on Homer Fish Dock and Authorizing a Sole Source Contract with Great Northern Hydraulics, LLC. City Manager/Port Director. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022 Postponed to October 24, 2022.

Memorandum 22-162 from Port Director as backup.

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



ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 22-66 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- h. Ordinance 22-67, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Authorizing a Transfer of \$438,315 from the Utility Fund Fund Balance to include \$200,000 to the Water Capital Asset Repair and Maintenance Allowance (CARMA) Fund and \$238,315 to the Sewer CARMA Fund and by Appropriating those Amounts from the Water CARMA and Sewer CARMA Funds Accordingly to fund Projects identified in the Water and Sewer Financial Plan. City Manager/Public Works Director. Introduction October 10, 2022 Public Hearing and Second Reading October 24, 2022.

Memorandum 22-168 from Finance Director as backup.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 22-67 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- i. Ordinance 22-68, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential District; Homer City Code 21.14, Urban Residential District; Homer City Code 21.12 Residential Office District; Homer City Code 21.18, Central Business District; Homer City Code 21.20 Town Center District; Homer City Code 21.22, Gateway Business District; Homer City Code 21.24, General Commercial 1 District; Homer City Code 21.26, General Commercial 2 District; And Homer City Code 21.27, East End Mixed Use District, Regarding Conditional Uses in each District. Planning Commission. Introduction October 10, 2022 Public Hearing and Second Reading October 24, 2022.

Memorandum 22-169 from City Planner as backup.

Public Comment Received

Mayor Castner opened the public hearing.

Frank Griswold, city resident, commented in opposition to Ordinance 22-68. He cited comments by the City Manager and Mayor from the KBBI Coffee Table program and refuted those comments.

Rika Mouw, city resident, commented in opposition to Ordinance 22-68. She noted a recent Planning Commission public hearing on a conditional use permit and shared her perspective of the inadequacy of the existing public hearing process.

Hellen (Nell) Gustafson, city resident, commented in opposition of Ordinance 22-68 and specifically to allowing up to four buildings on a lot for use as dwelling units. She expressed her feelings that there has been too much development in the Homer area and happening too fast, and the ordinance will open the door to runaway development.

There were no further comments and the hearing was closed.

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 22-68 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Council Member Erickson requested comments from the City Manager and City Attorney regarding this ordinance.

City Manager Dumouchel explained this is a streamlining measure. In working with the City Planner they did a ten year review of use permits and found a lot of use permits that have no conditions, and the ones that did were conditions that should apply to everyone, like screening dumpsters, or restatements of what's in city code. In considering this from the staff side and from a landowners side, it's eating up capacity that the city could be using to forward other council objectives and as a landowner if it's a use that comes up regularly that no one has a problem with, why are we charging them money to get a condition-less permit. As he mentioned recently on the radio, Homer has several zoning districts in different areas that need different rules, and if we're interested in supporting housing why should we make it harder for someone to build a house.

City Attorney Gatti explained he's reviewed this with City Planner and agrees it's a streamlining effort and is within Council's policy discretion to adopt or not.

Council Member Lord commented this is challenging because conditional use permits (CUP's) are one piece of a larger context of planning and zoning code, and she agrees with administration. She acknowledged concerns that have been raised by the public and noted other pieces of code, like dimensional requirements and storm water code, provide better measures that help development go in a way we'd like it to as a community. The CUP's aren't working to do what a lot of people want them to do. She looks forward to a Comp Plan and Title 21 re-vamp because that's we're going to see bigger concerns addressed. She encouraged listeners who are concerned with development to keep an eye on the Planning Commission's meeting agenda, because it's important to know what's going on even if you don't live within the noticed area.

Council Member Venuti questioned the rapid growth that's happening in the city and if the infrastructure is ready for it. She feels the CUP process is important so the neighbors are made aware of development that's happening around them. She also noted there haven't been any of the builders coming and complaining about the process or the cost for CUP's.

City Manager Dumouchel reminded that this is one item that was identified as something that would be reasonable to bring forward now while we wait for the Comp Plan and Title 21 work. This may feel like a big change but it's just moving a few uses per zone district.

Council Member Aderhold is torn about this ordinance. She thinks the public process is important for people within a certain distance of proposed project that may be outside what would usually be built there. She has concerns about losing that by eliminating some of the conditional uses. Another concern is the idea of meaningful conditions, she's unsure what meaningful conditions look like. It feels to her the conditions put on the projects she's seen aren't real meaningful.

City Manager Dumouchel shared examples of what reasonable conditions might look like, noting it could depend on what zoning district is impact.

Council Member Davis commented that based on his time on the Planning Commission, he thinks a reason there are so few serious conditions is that we're churning through large numbers of CUP's for things that make common sense. He acknowledged really good points have been made, but he supports the change.

Council Member Aderhold asked about language in GC1 that has townhouses as an allowable use but a multi-family dwelling is a conditional use, but they are not very different from each other. City Planner Abboud agreed and noted it would make sense to have townhouses as conditional also.

ADERHOLD/LORD MOVED TO AMEND SECTION SEVEN GENERAL COMMERCIAL DISTRICT ONE ON LINE 283 TO REMOVE MM. TOWNHOUSES AND ON LINE 307 REMOVE THE STRIKEOUT FOR TOWNHOUSES, ITEM G.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ADERHOLD/LORD MOVED TO AMEND LINE 54 AT THE END OF THE CLAUSE AFTER LOT TO ADD EXCEPT AS PROVIDED FOR IN HCC 21.12.020(S).

There was brief discussion explaining there are four instances in the ordinance where the language should be added. City Clerk Jacobsen noted it occurs on lines 54, 86, 137, and 279.

ADERHOLD/ERICKSON MOVED TO AMEND HER AMENDMENT TO INCLUDE LINES 86, 137, AND 279 IN ADDITION TO LINE 54.<sup>1</sup>

There was no discussion.

VOTE (secondary amendment): NON OBJECTION: UNANIMOUS CONSENT

---

<sup>1</sup> Clerk's note - The line numbers referenced in the motion are inaccurate and are lines 52, 84, 136, and 277 in the final draft of Ordinance 22-68(A)

There was no further discussion on the amendment as amended.

VOTE (primary amendment as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Council Member Lord questioned the increase from 305 to 40% of the lot area on the dimensional requirements. City Planner Abboud explained this is building coverage area. It's a rare event anything comes in at that alone, and when doing the calculations it has to provide parking and other requirements. They didn't feel it added much to make an allowance for that.

LORD/ADERHOLD MOVED TO AMEND LINES 135, 198, 271, AND 330 TO TAKE IT FROM 40 BACK DOWN TO 30%.

Council Member Lord shared she isn't comfortable addressing dimensional requirements and building size changing. She's open to having the discussion about it, but not couched in this ordinance.

Council Member Davis thought keeping the number low was to promote more density.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Council Member Erickson asked how it would work if something isn't in code and some wants to get a permit and the Planner thinks there's something that needs to trigger a CUP.

City Manager Dumouchel responded that if during review of a proposal an associated use is found to be something that is indicated is a conditional use, it would trigger the use permit process. Outside of that he'd have to confer with the Planner about the process. It's typically pretty clear what the uses are.

VOTE: YES: ADERHOLD, LORD, ERICKSON, DAVIS  
NO: VENUTI

Motion carried.

### **ORDINANCE(S)**

- a. Ordinance 22-73, An Ordinance of the City Council of Homer, Alaska, Amending the FY22 Capital Budget to Authorize the Expenditure of \$97,860.73 from the Sewer CARMA Fund to Fully Fund Repairs of the Broken Clarifier Belt at the Waste Water Treatment Plant. City Manager/Public Works Director. Introduction October 24, 2022 Public Hearing and Second Reading November 14, 2022.

Ordinance 22-73(S), An Ordinance of the City Council of Homer, Alaska, Amending the FY22~~23~~ Capital Budget to Authorize the Expenditure **by Appropriating** of \$97,860.73 **98,281** from the Sewer CARMA Fund to Fully Fund Repairs of the Broken Clarifier Belt at the Waste Water Treatment Plant. City Manager/Public Works Director.

Memorandum 22-183 from Public Works Director as backup.

ADERHOLD/VENUTI MOVED TO INTRODUCE ORDINANCE 22-73 BY READING OF TITLE ONLY.

ADERHOLD/VENUTI MOVED TO SUBSTITUTE ORDINANCE 22-73(S) FOR 22-72.

There was no discussion on the motion to substitute.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

In response to question from Council regarding this additional appropriation Public Works Director Keiser explained she made a mistake in failing to consider prevailing wages for the work

VOTE (introduction): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- b. Ordinance 22-70, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code, Section 21.60.100 Signs Exempt from Regulation to Exempt Signs Not Visible from Public Rights of Way. Lord. Introduction October 24, 2022 S Public Hearing and Second Reading November 14, 2022.

Memorandum 22-179 from Councilmember as backup.

LORD/ADERHOLD MOVED TO INTRODUCE ORDINANCE 22-70 BY READING OF TITLE ONLY AND DIRECT IT TO THE PLANNING COMMISSION AT THEIR NEXT MEETING FOR DIRECTION BACK TO COUNCIL.

There was brief discussion confirming it will come back to Council at their November 28<sup>th</sup> regular meeting.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- c. Ordinance 22-72, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 20 Animals, Sections 20.04.020 Definitions, 20.08.010 Animals At Large, 20.08.040 Nuisance Animals And 20.32.020 Fine Schedule to Refine the Definition of “At Large”, Clarify Areas Where Animals Are To Be On Leash At All Times and Amend Related Fines. Venuti/Erickson. Introduction October 24, 2022 Public Hearing and Second Reading November 14, 2022.

Memorandum 22-181 from Police Chief as backup.

Memorandum 22-182 from Parks, Art, Recreation & Culture Advisory Commission as backup.

VENUTI/ERICKSON MOVED TO INTRODUCE ORDINANCE 22-72.

VENUTI/ERICKSON MOVED TO POSTPONE ORDINANCE 22-72 TO THEIR FIRST MEETING IN JANUARY.

Council Member Venuti noted the comments from Jillian Rogers, Animal Shelter Manager, during Committee of the Whole and the need for more conversation with Parks Art Recreation and Culture Advisory Commission (PARCAC).

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VENUTI/ERICKSON MOVED TO REFER ORDINANCE 22-72 TO PARCAC AT THEIR NEXT MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

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

a. City Manager's Report

City Manager Dumouchel commented regarding the Main Street Sidewalk is paved, the Computer Aided Dispatch (CAD) System went partially live last week, and the upcoming Open House at the Fire Hall.

There was brief discussion about the DOT project from Anchor Point to Baycrest.

### **PENDING BUSINESS**

### **NEW BUSINESS**

### **RESOLUTIONS**

- a. Resolution 22-080, A Resolution of the City Council of Homer, Alaska, Requesting the State of Alaska Department of Transportation and Public Facilities (AKDOT/PF) to Conduct a Speed Limit Review on East End Road to Evaluate Decreasing the Current 45 Mile Per Hour (MPH) Speed Limit to 35 MPH within the City Limits of Homer. Lord/Mayor.

LORD/VENUTI MOVED TO ADOPT RESOLUTION 22-080 BY READING OF TITLE ONLY.

Council Member Lord acknowledged the public comment at the beginning of the meeting, but the understanding is this is a long and belabored process for speed limit reviews and changes. DOT has said if there is interest, there needs to be resolutions from municipalities to help get the ball rolling.

There was brief discussion about doing a light survey as well, but there was agreement that the speed limit matter should be taken up on its own.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- b. Resolution 22-074, A Resolution of the City Council of Homer, Alaska Adopting the City of Homer 2022 Non-Motorized Transportation and Trails Implementation Plan. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-171 from Public Works Director as backup.

ADERHOLD/ERICKSON MOVED TO ADOPT RESOLUTION 22-074 BY READING OF TITLE ONLY.

ADERHOLD/ERICKSON MOVED TO AMEND THE DOCUMENT IN FIGURE E REMOVE ROUTE OPTION 1, 2, AND THE AREA OF INTEREST FROM THE MAP AND LEGEND.

Council Member Davis expressed his opposition to removing the Beluga Slough from the area of interest.

Public Works Director Keiser reminded that this plan is referenced in the versions of Ordinance 22-42. There is time that if the resolution is postponed the plan could be edited and brought back.

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

Motion failed.

ADERHOLD/LORD MOVED TO POSTPONE TO THE NEXT MEETING.

Council Member Aderhold noted this is to have the maps in the plan updated.

Council Member Davis would like to see emphasis to the Beluga Slough and the importance of keeping dogs out and protecting the wildlife habitat in the area, without moving the trail all the way up to the road.

VOTE (postponement): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

#### **COMMENTS OF THE AUDIENCE**

Frank Griswold, city resident, commented no one in the public supported Ordinance 22-68 and all who testified opposed it; and argued this ordinance isn't streamlining but adding new code and something that isn't just an obviously permitted use. Substantial amendments were made and it should be referred back to the Planning Commission for further public comments.

Wayne Aderhold, city resident, commented that a resolution passed about a year ago in support of changes to the Alaska Administrative Code related to bicycle safety and nothing has happened. The Department of Public Safety received the recommendations, but has not started the process.

Pat Case, city resident, expressed his disappointment with the Council for not adopting Ordinance 22-42(S-2) tonight and his feeling that his time was disrespected by the delay in the City Attorney's review. He commented about the City's efforts related to snow plowing in the winter and the need to do a better job in the crosswalks to remove the mounds of snow that get left in the roads.

Rika Mouw, city resident, shared her grievance about last Wednesday’s Planning Commission meeting regarding the public hearing and approval of a 16000 square foot airplane hangar on the lake, not on airport property. There were no additional conditions put on this project beyond downward lighting and buffers. It’s disrupting a forest, it’s proposed in a different kind of neighborhood that isn’t meant for airplane hangars, and she’s disappointed in the public notice that was given.

**COMMENTS OF THE CITY ATTORNEY**

City Attorney Gatti had no comments.

**COMMENTS OF THE CITY CLERK**

City Clerk Jacobsen commented with election updates and advisory body openings.

**COMMENTS OF THE CITY MANAGER**

City Manager Dumouchel had no comments.

**COMMENTS OF THE MAYOR**

Mayor Castner noted they will be taking up selection of Mayor Pro Tem at their next meeting. He appreciated the presentation by the Japanese class and thanked Megumi Beams and Principal Waltenbaugh for putting it together, and encouraged everyone to see Beauty and the Beast.

**COMMENTS OF THE CITY COUNCIL**

Council Member Lord agreed that Beauty and the Beast was excellent. She reminded listeners Halloween is coming up so be extra careful. She thanked Megumi Beams for the amazing after school activities, she’s proud to be a part of the community.

Council Member Venuti thanked Megumi Beams, reminded listeners about Halloween with Pioneer Avenue businesses. There was good discussion tonight and they don’t have a meeting in December.

Council Member Erickson enjoyed hearing all the kids when they said the Pledge of Allegiance. She went to the understudy performance of Beauty and the Beast and it was fun to see the kids she taught music to in leading roles. She thanked the East Hill and West Hill road crews for their work.

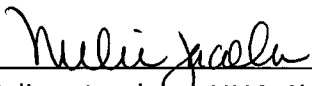
Council Member Davis said his son gave a big thumbs up the Main Street Sidewalk. She noted the ordinance regarding parking in the rights-of-way so don’t leave cars parked in the road. He added that Belle will be appearing at Library Story Time on Wednesday.

Council Member Aderhold noted that Gregoire Construction does the plowing and sanding of parking lots, not streets. There was a small turnout for Lunch with a Council Member but those who attended discussed items taken up at the last council meeting, short term rentals, and calculation of council votes. She recognized Homer High School for being the State Football Champions. She noted the upcoming Rec Room open house, she thanked the Chamber for hosting the Candidate Forums and KBBI for airing them. She also encouraged seeing Beauty and the Beast.



**ADJOURN**

There being no further business to come before the Council Mayor Castner adjourned the meeting at 9:30 p.m. The next Regular Meeting is Monday, November 14, 2022, at 6:00 p.m. Committee of the Whole at 5:00 p.m. All meetings are scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

  
\_\_\_\_\_  
Melissa Jacobsen, MMC, City Clerk

Approved: November 14, 2022

