

Session 22-08 a Regular Meeting of the Homer City Council was called to order on April 25, 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, HANSEN-CAVASOS, LORD, VENUTI

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
POLICE CHIEF ROBL
FINANCE DIRECTOR WALTON
FIRE CHIEF KIRKO
PUBLIC WORKS DIRECTOR KEISER
SPECIAL PROJECTS & COMMUNICATIONS COORDINATOR CARROLL
ECONOMIC DEVELOPMENT MANAGER ENGBRETSSEN
RECREATION MANAGER ILLG
INFORMATION TECHNOLOGY ANALYST SULCZYNSKI

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

Mayor Castner announced the following supplemental items and agenda correction- **VISITORS** HERC/Pioneer Avenue Gateway Revitalization Project Planning Phase I Final Report, Written public comments **ANNOUNCEMENTS / PRESENTATIONS / REPORTS** Cook Inlet Regional Citizens Advisory Council Written Report from Carla Stanley, City of Homer representative, and Correct Memorandum 22-073 backup to Ordinance 22-22 to Memorandum 22-074.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Dr. William Marley, city resident, congratulated the City in their effort to create a community recreation center and encouraged they consider purchasing the Bay Club as an alternative to the proposal by Stantec.

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 April 11, 2022. City Clerk. Recommend adoption.

- b. Memorandum 22-066 from Mayor Castner Re: Appointment of Douglas Baily to the Library Advisory Board. Recommend approval.

Moved to New Business item a. Aderhold.

- c. Memorandum 22-067 from Deputy City Clerk Re: Liquor License Renewals for Captain Patties Fish House and AJ's Oldtown Steakhouse. Recommend approval.
- d. Ordinance 22-23, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget and Appropriating \$18,712 from the General Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund to Complete the Purchase of the Bi-Directional Amplifier System for the Homer Police Department and Microwave Links for Homer's Repeaters. City Manager/Police Chief. Recommended dates Introduction April 25, 2022, Public Hearing and Second Reading May 9, 2022.

Memorandum 22-068 from Police Chief as backup.

- e. Resolution 22-031, A Resolution of the City Council of Homer, Alaska Acknowledging the City of Homer Surplus Equipment Sale - April 2022 Results. City Clerk. Recommend adoption.

Memorandum 22-069 from Deputy City Clerk as backup.

- f. Resolution 22-032, An Ordinance of the City Council of Homer, Alaska Awarding a Contract to Anchor 907, LLC, of Homer, Alaska for Public Restroom Custodial Services in the Amount of \$80,000 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-070 from Public Works Director as backup.

- g. Resolution 22-033, A Resolution of the City Council of Homer, Alaska Awarding a Contract to the Kachemak Bay National Estuarine Research Reserve in the Amount of \$50,000 for Ground Water Research and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-071 from Public Works Director as backup.

- h. Resolution 22-034, A Resolution of the City Council of Homer, Alaska Approving a Recreational Use Agreement Between the City of Homer and the Kachemak Nordic Ski Club Regarding the Maintenance and Operation of Nordic Ski Trails on City Owned Land in the Baycrest Ski Area and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Recommend Adoption.

Memorandum 22-034 from Recreation Manager as backup.

Item b. moved to New Business item a. Aderhold.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VISITORS

- a. COVID-19 Agency Update Derotha Ferraro, South Peninsula Hospital Public Information Officer and Lorne Carroll, State of Alaska Public Health Nurse III (10 minutes)

Derotha Ferraro, South Peninsula Hospital (SPH) Public Information Officer, reported on numbers related to testing, positivity rate, hospitalizations, and vaccinations at SPH. She explained there are therapeutics available so reach out to your health care provider if you test positive. She added that it's expected that starting July 1 testing will shift to a fee based service. They're hoping to do a test and vaccine pop-up at the harbor in May.

Lorne Carroll, State of Alaska Public Health Nurse III, reviewed Southern Kenai Peninsula average daily cases, community levels, and omicron variants. He shared reports from the Health Alert Network that highlights therapies that are unproven for treating COVID, shouldn't be used, and could create harm if used; and the FDA has fully approved vaccinations for young children.

- b. HERC/Pioneer Avenue Gateway Revitalization Project Planning Phase I Final Report - Julie Engebretsen, Economic Development Manager (10 minutes)

Julie Engebretsen, Economic Development Manager, reviewed the work that has been done regarding the HERC/Pioneer Gateway Revitalization Project Planning Phase I and that public input is still being taken. She recommended scheduling a worksession for May 9th to discuss how to move forward to address three proposed options: 1. Do nothing; wait until the building condition forces a reaction. 2. Spend the remaining budget. Quantify operations and maintenance costs. Continue to refine plans for a building and grounds with construction costs between \$13 and \$23 million. 3. Consider other options. Building reuse has focused on the gym. This has always been problematic as the gym is located down a set of stairs and it's difficult to make this accessible. Are there other options to reuse the concrete foundation of the classroom wing with a much lower construction cost?

Economic Development Manager Engebretsen answered questions and took feedback from Council and confirmed the May 9th worksession.

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

a. Worksession Report

City Manager Dumouchel provided an overview of the worksession discussion on the Lobbyist's report and Public Works Director Keiser's memorandum regarding funding requests from the Homer Accelerated Road and Trail Program funds.

b. Committee of the Whole Report

Councilmember Aderhold provided an overview of the Committee of the Whole discussion of the Spit Parking Study presentation by HDL Engineering and continued discussion on Public Works Director Keiser's memorandum regarding funding requests from the Homer Accelerated Road and Trail Program funds.

c. Mayor's Report

Mayor Castner reported that he, Public Works Director Keiser, and Economic Development Manager Engebretsen attended the Kenai Peninsula Borough Lands Meeting to present the City's Green Infrastructure Project. While there, they also discussed the possibility of considering a land exchange for the purpose of the borough acquiring the land the hospital sits on.

d. Borough Report

Kenai Peninsula Borough Assembly Member Lane Chesley shared his appreciation for the Homer team's presentation at the Lands Meeting. It helped show the public value of the properties that were slated for the Borough's land disposal process. He, Assembly President Johnson, and Assembly Vice President Hibbert will have an ordinance for introduction that increases the sales tax cap from \$500 to \$1000 on May 17th and encouraged a resolution of support from City Council. Lastly he commented regarding South Peninsula Hospital's master facility planning process that is under way and he's the Borough representative on the committee that's supporting the planning contractor. They're hopeful the process will give us a vision of what our hospital is going to be in 25 years, and what it will take in terms of programs and services to support our community.

e. Library Advisory Board

Library Advisory Board Chair Kate Finn reported the Board approved a revision to the Library Use Policy at their last meeting. They also discussed the proposed re-organization of the City

administration structure and will provide feedback to the City Manager. She announced the upcoming Friends of the Homer Library Book and Plant sale and schedule for the Book Mobile.

- f. Planning Commission
- g. Economic Development Advisory Commission
- h. Parks Art Recreation and Culture Advisory Commission

Parks Art Recreation and Culture Advisory Commissioner Peter Roedl reported the Commission approved an art donation and discussed pedestrian connectivity for new developments. It was reported that parks has a lot of new picnic tables but could use more, and the Commission is going to do a walk-through of the HERC with Parks Superintendent Matt Steffy.

- i. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported the committee welcomed new member Nona Safra and announced they still have one opening. They edited their community survey on accessibility that will go to the City Manager for approval, and continued work on the Transition Plan for Jack Gist Park and the Fishing Lagoon.

PUBLIC HEARING(S)

- a. Ordinance 22-21, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget and Authorizing the Expenditure of \$13,800 from the General Fund Capital Asset Repair and Maintenance Allowance Fund for Upgrades to the City Clerk's Office and Equipment for City Hall. City Manager/City Clerk. Introduction April 11, 2022, Public Hearing and Second Reading April 25, 2022.

Memorandum 22-060 from City Clerk as backup.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 22-21 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Ordinance 22-22, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by an Amount not to Exceed \$800,000 from the General Fund Fleet Capital Asset Repair and Maintenance Allowance Fund for the Purchase of an Enforcer 2500 Gallon Tender Fire Truck. City Manager/Mayor. Introduction April 11, 2022, Public Hearing and Second Reading April 25, 2022.

Memorandum 22-074 from Fire Chief as backup.

Memorandum 22-061 from City Manager as backup.

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

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

At the request of the Mayor, City Manager Dumouchel confirmed the delivery of the truck is 2 years out.

Councilmember Lord appreciates the backup material provided. She noted in terms of the overall funds for the CARMA, this appropriation is 36% of the current amount of general fund fleet and she shared her constant concern that this account has to replace all the city's departments. Every purchase seems well justified but how does it fit into the big picture of how we fund all the fleet needs. City Manager Dumouchel explained administration is working on that bigger picture and as we make the slow march into the FY24/25 budget we're identifying needs and pull departmental long term plans together in a unified approach.

Fire Chief Kirko confirmed that Kachemak City Council approved the purchase of their fire truck.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

- a. City Manager's Report

City Manager Dumouchel reported we're gearing up for a busy summer. He highlighted items from his written report including recruiting for open positions, and in the City Manager's office they're working through concepts from the visioning session in March and laying groundwork

for moving those ideas forward. In response to questions he addressed efforts regarding cybersecurity and using inside and outside help, and sales tax on short term rentals.

Councilmember Aderhold recognized the Clerk's Office and the upcoming Municipal Clerks Week.

PENDING BUSINESS

NEW BUSINESS

- a. Memorandum 22-066 from Mayor Castner Re: Appointment of Douglas Baily to the Library Advisory Board. Recommend approval.

ADERHOLD/LORD MOVED TO POSTPONE MEMORANDUM 22-066 TO THEIR NEXT MEETING.

There was brief comment explaining that Mr. Baily would like to attend, but was unable to tonight.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

- a. Resolution 22-035, A Resolution of the City Council of Homer, Alaska Supporting Alaska House Bill 252, No Patient Left Alone Act. Erickson.

ERICKSON/HANSEN-CAVASOS MOVED TO ADOPT RESOLUTION 22-025 BY READING OF TITLE ONLY.

ERICKSON/ADERHOLD MOVED TO MOVE TO AMEND RESO 22-35 ON LINE 23 TO STRIKE "OF THESE PATIENTS" AND REPLACE IT WITH "ALASKANS", LINE 42 STRIKE THE WORD INCONSISTENT, AND LINE 52 STRIKE LANGUAGE AFTER "REQUEST THE" AND REPLACE IT WITH 32ND ALASKA STATE LEGISLATURE TO PASS HB 252 INTO LAW BEFORE THE END OF THE SECOND REGULAR SESSION.

Councilmember Erickson explained she spent some time talking to Derotha Ferraro from SPH who recommended the changes.

VOTE (motion to amend): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Lord commented regarding her efforts in reaching out to some of the doctors in town as a Councilmember at the city level wading into hospital policies and health care settings and they were cautiously supportive of the concept of the bill. She also shared her frustration that most of the co-sponsors are legislators who she's seen over the last 2+ years actively work to politicize a public health emergency and worked against the health care communities and the community at large in reducing the disease, its transmission, and people dying alone in hospitals and nursing homes. She feels this is a good idea in concept, but we should be working as decision makers and leaders to support one another and our community and not be thwarting these efforts and then coming through at the back end.

Councilmember Erickson appreciated the comments and shared there are points in life where we step back and look at what we did well, and what areas were we short in and what can we do to fix it. She explained that's where she's coming from and shared about her experience of being ill not being able to have her caregiver be there for her. It's important that this supports everyone, it shouldn't be political but it went that way. We can at least bring it to the floor to give people hope that we've heard from both sides and family and caregivers are important in any kind of crisis.

Councilmember Aderhold shared she's torn about this because it's something that shouldn't need to be legislated. The decisions about how hospitals dealt with patients during COVID was a difficult decision for them to make. She acknowledged hospital workers around the world who have had to deal with this incredibly difficult pandemic, recognizing that many have left the field, committed suicide, or had long COVID themselves. Visitors weren't allowed in hospitals for very serious reasons, and looking back maybe it wasn't the correct decision, but she still struggles with whether the State should legislate that. She understands why this was brought forward and she agrees with the sentiment, but she can't agree with it being mandated by the State.

Councilmember Davis recognizes the tragic stories about people who weren't even allowed to have physical contact for months at a time because of the policies of the places they were staying. He thinks having someone with you in the hospital when undergoing a procedure makes sense. But regarding nursing homes, this legislation provides that every resident has a right to bring someone in. The pandemic fatality rate was low, less than 1% as he recalls, yet it devastated so many nursing homes despite all the restrictions. He posed the question what if there is one where the fatality rate is 2 or 3%? In a 200 person facility and everyone has a right to bring someone off the street into the facility, even if there's a state or federal disaster declaration in place. He doesn't see how it would make sense for a state to say that in advance that everyone has that absolute right to bring someone in to a very vulnerable facility. He doesn't think he can support that.

Councilmember Erickson responded the parents in the home who weren't allowed to have their family members come in when they were ill and dying is the bottom line. Now we're seeing the trauma for those who weren't allowed to be there and she feels that people have the right to have someone there. She shared further about her personal situation of needing assistance when she was sick, but not able to have it. There's a point where humanity has to be part of the equation.

Councilmember Lord understands those are heartfelt and real things, but agrees that if there's a pandemic with a higher fatality rate, at what point does someone's right to have a loved one with them infringe on another's right to have themselves or their loved one be kept safe, in what medical professionals are considering to be safe. When we talk about showing that people matter, we need to be making real decisions that take into account things like mental health because they are part of healing and humanity. But individual freedom and rights do, in community settings, have impacts on others. She added there isn't back up documentation to this legislation and she wonders what the legal implications are, and some of the questions Councilmember Davis raised aren't answered within this bill which makes it hard to fully support it. She'd like to see a legal analysis of what it means.

Councilmember Venuti expressed her concern about the language related to a patients right to a support person under this section may not be withheld based on a state or federal declaration of disaster and the implications of the language.

VOTE (main motion as amended): YES: HANSEN-CAVASOS, ERICKSON
NO: ADERHOLD, LORD, VENUTI, DAVIS

Motion failed.

COMMENTS OF THE AUDIENCE

Kenneth Bryant commented regarding the Federal Nursing Home Reform Act and legal precedence to what was just being discussed.

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen commented regarding current advisory body openings.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel announced current job openings.

COMMENTS OF THE MAYOR

Mayor Castner commented he wasn't inclined to calendar Resolution 22-035 because it's not roads, sewer, taxes, etc. It's something that's not in the Council's wheelhouse and taking up something like that leads to these heart wrenching discussions of what do we do. But he's also not inclined to limit their ability to bring things forth and put them before their peers to see if they can get four votes.

COMMENTS OF THE CITY COUNCIL

Councilmember Aderhold commented that although she didn't vote in favor of the resolution, she believes it the prerogative of the City Council to bring issues like that forward to the public, and encouraged they continue to be added to the agenda. Next Tuesday at Kachemak Bay Campus there will be a community conversation about Ukraine with several speakers from our community and a moderated community conversation.

Councilmember Davis shared this was a big week in Homer for beekeepers because 140 packages that each contained 15,000 bees were delivered to Homer this past Saturday. The date they arrive is based on the weather in California, and is really too early here. So until the dandelions bloom, the bees have to be fed sugar/water syrup to keep them going. He shared about a movement in the Midwest for No Mow May because in those area you can be fined for not mowing or letting dandelions get too prolific in your lawn. It's important to mention that for most of the month of May the only source of pollen and nectar for Homer honeybees is dandelions. If people can wait to mow for a week or so, it will be a big service to the honeybees.

Councilmember Erickson thanked everyone for a good meeting, she thinks they have to be willing to have the hard discussions. She announced the Hockey Association will be at the high school and encouraged people attend to celebrate. The girls' softball has started, baseball is happening, music events, and a lot of good things to do outside.

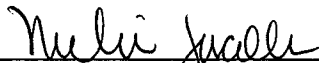
Councilmember Hansen-Cavasos shared her appreciation for all the work that goes into preparing materials for the Council packets.

Councilmember Lord concurred that gatekeeping resolutions isn't a good idea. There are a lot of issues that come before them that people have strong feelings about and aren't directly the running of the City and she has conflicting feelings about whether it's a good use of their time. But it's important and she doesn't know where they'd draw those lines. Related to Resolution 22-035 the details of legislation, including words and legal requirements matter. When questions come up about how it would actually work, if she can't get those answers she can't say yes. To those interested and concern about pedestrian/cyclist safety and sidewalks, we're working on it as well as staff is doing great work. She encouraged public comments to continue on the matters. She expressed her appreciation of teachers and staff, and she shared about her recent trip to Bristol England and the murals all around on the buildings.

Councilmember Venuti commented regarding the upcoming Kenai Peninsula College virtual graduation. The Kachemak Bay Campus will be open so people can watch there. She recognized Homer graduates Winston Ajayake, Alyssa Veldstra, Rosie Kauffman, and Chloe Pleznac.

ADJOURN

There being no further comments to come before Council Mayor Castner adjourned the meeting at 8:09 p.m. The next Regular Meeting is Monday, May 9, 2022 at 6:00 p.m., Worksession at 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: May 9, 2022