

Session 25-04 a Regular Meeting of the City Council of Homer, Alaska was called to order on Monday, February 10, 2025 by Mayor Pro Tem Aderhold at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance. City Council held a Special Meeting at 3:30 p.m. to consider potential litigation of an airport lease termination and were presented the Draft Comprehensive Plan by Agnew::Beck at the Committee of the Whole meeting at 5:00 p.m.

PRESENT: COUNCILMEMBERS ERICKSON, HANSEN, ADERHOLD, VENUTI, PARSONS, DAVIS

ABSENT: MAYOR LORD (EXCUSED)

STAFF: CITY MANAGER JACOBSEN
CITY CLERK KRAUSE
PORT DIRECTOR HAWKINS
CHIEF TECHNOLOGY OFFICER JIRSA
COMMUNITY DEVELOPMENT MANAGER ENGBRETSSEN
PUBLIC WORKS DIRECTOR KORT
FINANCE DIRECTOR FISCHER
SPECIAL PROJECTS AND COMMUNICATIONS COORDINATOR CARROLL
HR DIRECTOR BROWNING
CITY PLANNER FOSTER
RECREATION MANAGER ILLG
CITY ATTORNEY GATTI
POLICE CHIEF ROBL
LIBRARY DIRECTOR BERRY

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

Due to the City Clerk omitting the Supplemental items listing for Mayor Pro Tem Aderhold to read into the record, Ms. Krause read the items into the record for City Council: **CONSENT AGENDA** Item e. Resolution 25-006, Approving a Lease Assignment from Eagle Eye Charters, LLC DBA Bob's Trophy Charters to The Dragging Anchor, LLC Memorandum CC-25-037 from Deputy City Clerk as backup. Item f. Resolution 25-007, Stating the City's Intention to Formally Partner with the State of Alaska Department of Transportation and Public Facilities in Local Sponsorship of a US Army Corps of Engineers General Investigation to Address Homer Spit Coastal Erosion a corrected Resolution 25-007 fixing typographical error on Line 95 (Missing zero). **PUBLIC HEARINGS** Item a. Ordinance 25-01, Amending the Homer City Zoning Map to Rezone a Portion of the Rural Residential (RR) Zoning District to General Commercial 1 (GC1) Zoning District. Public Comments Received. Item b. Ordinance 25-02, Appropriating \$135,000 for the Purchase of Twenty Acres located North of Karen Hornaday Hillside Park a corrected Financial Supplement identifying the correct fund and public comment received. **ORDINANCES** Item a. Ordinance 25-08, Amending Homer City Code to Add Chapter 2.30 Entitled Incident Management Planning. Memorandum CC-25-036 from Councilmember Erickson as backup. **NEW BUSINESS** b. Memorandum CC-25-028 from City Clerk re: Vacation of a Portion of B Street Right of Way Public Comment Received and requested a motion and second.

Mayor Pro Tem Aderhold requested a motion.

ERICKSON/VENUTI MOVE TO APPROVE THE AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

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

- Ordinance 25-07, Appropriating \$67,480.81 from the HAWSP Fund for the Purpose of Reimbursing Seven Property Owners in the Bunnell Ave/Charles Way Special Assessment District for the Cost of E-One Lift Stations
- Ordinance 25-08, Amending Homer City Code to Add Chapter 2.30 Entitled Incident Management Planning;
- Ordinance 25-09, Appropriating \$50,000 from Port Reserves Fund for the Purpose of Obtaining Professional Grant Writing Services on a Grant Application to Replace Float Systems 4 and 1 in the Small Boat Harbor;
- Ordinance 25-10, Reappropriating \$40,000 from the Workstation Upgrade to Microsoft Office 2021 Project.

Frank Griswold, city resident, expressed concerns on Ordinance 25-11 and Ordinance 25-12 recommending that they be pulled from the Consent Agenda believing they needed further discussion due to the details surrounding the City Manager appointing a Hearing Officer.

Penelope Haas, non-resident, commenting on behalf of the Kachemak Bay Conservation Society, expressed concerns on Memorandum CC-25-028 and Ordinance 25-01 and encouraged the Council to deny these actions believing that city code provides the basis for this action.

Marie McCarty, non-resident, speaking on behalf of Kachemak Heritage Land Trust, commented on Resolution 24-124(S), stating they are working with the city and expressed full support on the substitute resolution.

Bruce Petska, city resident, expressed comments in support of Memorandum CC-25-028 and Ordinance 25-01 noting the benefit that most of those here to testify, have been fortunate to live in a couple of generations of prosperity, carving out their little piece of paradise and emphasizing the need for the future generations.

Heath Smith, city resident, commented on compromise, stating if Memorandum CC-25-028 and Ordinance 25-01 are voted down and the city has to implement new taxes, that is problematic since the City would be closing the door on new businesses, jobs and tax revenue. He advocated for the City to look to the future to determine what they want, and what it takes to do those things as a city. He noted that there is another generation involved in that process.

Karin Marks, city resident, commented in support of Memorandum CC-25-028 and Ordinance 25-01. Ms. Marks wanted to offered a correction on an error she noticed in the minutes of a planning commission meeting stating that she commented in opposition of the project which she was never in opposition. Ms. Marks expressed

further comments in support of the project, noting the efforts made by Doyon to meet the residents' concerns and the economic benefit to Homer.

Richard Rosenbloom, city resident, expressed his objection to Memorandum CC-25-028 and Ordinance 25-01 and urged City Council to require Doyon to provide robust legal protections for public access from B Street to the Homer Spit Road and the two viewing platforms on a permanent basis.

Mike Stark, non-resident, expressed comments in support of Memorandum 25-028 and Ordinance 25-01 citing his experience in construction, the approval by the Kenai Peninsula Borough Planning Commission, possible mitigation requirements with contaminated soils and runoff flowing into the wetlands and believing that what is being proposed was a fair and equitable trade.

Scott Adams, city resident, expressed comments on Memorandum CC-25-028 and Ordinance 25-01 noting the changes over the 30 years he was away from South Miami where he was born comparing them to Alaska and Homer questioning Doyon's intent when they purchased the parcel on Bay Avenue, knowing they needed the vacation of the right of way.

Glenn Seaman, city resident and property owner on Bay Avenue, commented on Memorandum CC-25-028 and Ordinance 25-01 expressed his appreciation for Doyon's willingness to come back with a much friendlier proposal and the 30-foot vegetated buffer but questioned whether that meant they were keeping the existing spruce trees and vegetation, and then questioned the number of parking spaces to be adequate to serve the hotel guests, conference facilities, employees, restaurant, etc. and the fear of people parking on Bay Avenue and where the overflow cars would park as well as birders wishing to use the platforms. He recommended Council postpone Ordinance 25-01 until those issues are clarified and addressed.

Tammy Schrader, non-resident, stated she would like Council to deny Ordinance 25-01 and Memorandum CC-25-028 as it was their duty to protect public lands and public access to those lands. She cited previous council actions and borough code regarding vacating rights of way, there have been too many moving parts to this project and believed the planning commission did not fully address the issues, environmental impacts and the rural residential area being surrounded by GC1 zoning.

Mary Griswold, city resident, commented in support of Memorandum CC-25-028 and Ordinance 25-01 noting the benefits to the City by providing ADA compliant access to two new platforms, access to the Homer Spit Road from Bay Avenue/Ocean Drive, similarities to the Farmwald Circle Right of Way vacation with this project, building a trail south along the right of way was not appropriate as people and dogs should not trample sensitive wetland habitat nor trespass on private property. She then proceeded to provide what the City will receive for granting the vacation noting it was beneficial to residents and visitors.

Lani Raymond, city resident, commented on Memorandum CC-25-028 and Ordinance 25-01 expressing that the City should secure better public access guarantees to the lighthouse viewing area before giving Doyon the right of way, stating that the city has the responsibility to do what is in the public and city's best interest, historical and traditional use of the lighthouse viewing platform has been available for viewing the shorebirds there. The Right of way should only be given with ironclad agreements for public access from Bay Avenue to Homer Spit Road for both viewing platforms.

Michael Armstrong, non-resident, member of the Kachemak Bay Shorebird Festival Planning Committee and active birder, speaking for himself. Mr. Armstrong advocated for City Council to perform their due diligence to

make sure that they are getting their money's worth for the vacation. He expressed concerns on the public access or pedestrian easement for the viewing platform and how that is applied.

Rika Mouw, city resident, expressed comments related to Memorandum CC-25-028 and Ordinance 25-01 citing Comprehensive Plan update being presented to the public, noting the top priorities outlined, holding developers to the spirit of sustainable growth, require planning to follow the Comprehensive Plan, traffic considerations, limit Doyon to the currently zoned parcels with a more appropriately scaled project which would be echoing the Comprehensive Plan.

Gregor Welpton, city resident and property owner, commented on Memorandum CC-25-028 and Ordinance 25-01 expressing concerns with the parcel having no vegetation to block their view of the hotel and parking and requested Council to not approve these actions until Doyon can provide answers to these concerns. He then noted that he was not against the project.

Doug Van Patten, city resident, expressed concerns regarding Memorandum CC-25-028 and Ordinance 25-01 regarding traffic impacts especially at the intersection of Kachemak Drive and Homer Spit Road, building that large a structure in a known flight path of an active runway, listing several past accidents then commented that Town Center would be better location for a project such as this where there is 26 acres of land to develop and it would benefit everyone.

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

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

Councilmember Erickson requested this item be moved to Ordinances item a.

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

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

Councilmember Erickson requested this item be moved to Ordinances item b.

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

Memorandum CC-25-045 from Port Director as backup

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

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

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

Memorandum CC-25-047 from Library Director as backup

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

Memorandum CC-25-048 from Port Director as backup

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

and Authorizing the City Manager to Negotiate Disposal Terms with the Kenai Peninsula Borough. City Manager/Public Works Director. Recommend adoption.

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

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

Memorandum CC-25-050 from Port Director as backup

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

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

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

Memorandum CC-25-052 from Port Director as backup

ERICKSON/VENUTI MOVE TO APPROVE THE CONSENT AGENDA AS READ.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

- a. Pratt Museum Budget Appropriation Request - Patty Relay
- Pratt Museum Presentation
 - 2024 Pratt Museum Annual Report
 - External Strategic Plan 2025-2030

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

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

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

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

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

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

- Lighting
- Connection Access to the Homer Spit Road
- What would happen if the Council vetoed the vacation or rezoning of the parcel
- Parking
- Deterrent to overflow parking on Bay Avenue
- Assurance to the City on not clearcutting the existing vegetation on Lot 163
 - Instruction to a contractor to ensure that will not be cleared
- Disposition of the utilities within the right of way

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

a. Worksession Report

City Manager Jacobsen reported Council discussion focused on the Water and Sewer Rate Model and information provided by Finance Director Fischer, with discussion continuing at the next meeting regarding monthly service fees, consumption rates, addressing inequity between seasonal residents and year round residents.

b. Committee of the Whole Report

City Manager Jacobsen reported on receiving a presentation regarding the Draft Comprehensive Plan from Shelly Wade with Agnew::Beck.

c. Mayor's Report

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

d. Borough Report

Kelly Cooper, Assembly person, reported on:

- New Borough Website

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

e. Planning Commission

Mike Stark, Commissioner reported on:

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

Commissioner Stark confirmed that the Commission approved the rezone on Kachemak Drive property for Councilmember Venuti.

f. Port and Harbor Advisory Commission

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

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

PUBLIC HEARING(S)

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

Memorandum CC-25-030 from City Manager as backup

Memorandum CC-25-059 from City Manager as backup

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

There was one who testified.

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

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

Discussion ensued on following points:

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

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

There was no further discussion on the motion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

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

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

Memorandum CC-25-036 from Councilmember Erickson as backup

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

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

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

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

Councilmember Erickson briefly expressed the reason for forward the substitute.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

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

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

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

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

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

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

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

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

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

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

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

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

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

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

Discussion on the following points was conducted:

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

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

Further discussion on the following points were made:

- Clarification provided that this ordinance would bring appeals of a Zoning Permit before OAH or Hearing Officer appointed by the City Manager, right now it would go to the Planning Commission
- Definition of a Hearing Officer
- OAH appoints available judge
- City Manager would select from a listing of Hearing Officer Services
 - Listing would be created from results of a Request for Proposals or similar process
 - Qualifications would be as required such as experience, etc.
- Changes from 30 days to 10 days – is to tighten up the process – this is a satisfactory time period to respond to an appeal filed and appellant/appellee can file appeal to superior or supreme court.
- Amending the title regarding appointment of hearing officer
 - Staff will review for amendments

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

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

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

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

Councilmember Davis noted that the concerns were covered in the proceeding discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

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

City Manager Jacobsen commented on the following:

- Interest in buying the City's parcel on Main Street.
 - Comments expressed by Council were:
 - It was offered previously for sale with no interest and Council at that time pulled from the market
 - Fist of Five poll done at the table indicated Council would be interested in discussion
 - Schedule at future Committee of the Whole before the Land Allocation Plan
 - Use of the property for parking and load/unload zone for tour buses
 - Acknowledged lots of work needed for this option
 - Kachemak City Council will provide a response to the March 10th Worksession date at their meeting on Wednesday, February 12th
 - Specific topics for discussion can be forwarded to City Manager Jacobsen for this worksession on March 10th with Kachemak City
- b. Financial Report
- FY25 2nd Quarter Report
 - Combined Financial

PENDING BUSINESS

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

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

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

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

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

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

City Clerk Krause nodded in consent.

Mayor Pro Tem Aderhold requested a motion to substitute.

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

Community Development Director Engebretsen provided clarification on the following:

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

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Memorandum CC-25-055 from City Planner as backup

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

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

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

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

City Manager Jacobsen reiterated the next steps for Council.

Discussion was facilitated on the following points:

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

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

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

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

There was no further discussion or comments.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Memorandum CC-25-004 from City Planner as backup
Memorandum CC-25-029 from City Planner as backup
Memorandum CC-25-056 from City Planner as backup

Public Comment Received

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

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

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

Discussion ensued regarding the following:

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

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

RESOLUTION(S)

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

Memorandum CC-25-057 from Councilmember as backup

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

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

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

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

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

Motion carried.

Mayor Pro Tem Aderhold noted they now have the Amended

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

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

Motion carried.

COMMENTS OF THE AUDIENCE

Karin Marks, city resident, expressed her appreciation for Council approval of Memorandum CC-25-028 and Ordinance 25-01 and assured them that Doyon and this project will be watched closely by the community to make sure that they fulfill all their promises.

Wayne Aderhold, city resident, commented on the Haven House Ski for women Fund Raiser.

Bruce Petska, city resident, expressed his concerns for the next generation, the not in my backyard attitudes and creating an image that Homer is open for business should be embraced, stating it was more than Doyon's

project here but included the people in Juneau and farther down the line to streamline the money that is going to come here and we have got to change that perspective. He noted the meetings for the next evening regarding the school funding and the comprehensive plan and commented on healthy food and meals for prisoners and school children. Mr. Petska noted that it was up to this generation to make sure that the next generation had the opportunities and protection available.

Zach Dunlap, Doyon Limited, expressed his appreciation for the City Council, and staff and the public with this project.

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti did not have any additional comments.

COMMENTS OF THE CITY CLERK

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

COMMENTS OF THE CITY MANAGER

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

COMMENTS OF THE MAYOR

COMMENTS OF THE CITY COUNCIL

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

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

Councilmember Davis had no additional comments.

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

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

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

ADJOURNMENT

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

RENEE KRAUSE, MMC, CITY CLERK

APPROVED: _____