

Session 21-32 a Regular Meeting of the Homer City Council was called to order on December 13, 2021 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
FINANCE DIRECTOR WALTON
PORT DIRECTOR HAWKINS
LIBRARY DIRECTOR BERRY
PUBLIC WORKS DIRECTOR KEISER
CITY ATTORNEY GATTI
ATTORNEY CARTLEDGE

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 supplemental items: **CONSENT AGENDA** Ordinance 21-73, An Ordinance of the City Council of Homer, Alaska Accepting a Healthy and Equitable Community Grant from the State of Alaska Department of Health and Social Services (DHSS) and Authorizing the City Manager to Negotiate and Execute and a Memorandum of Agreement with DHSS and a Sub-Grant Award of the Funds to South Peninsula Hospital to help Maintain Free Community Access to COVID-19 Testing and Vaccines and to Initiate a Community Health Needs Assessment. City Manager. Memorandum of Agreement from State of Alaska Department of Health and Social Services, Division of Public Health; **ANNOUNCEMENTS PRESENTATIONS AND REPORTS** Library Advisory Board written report and AML Reports; **PENDING BUSINESS** Ordinance 21-63(S), An Ordinance of the City Council of Homer, Alaska Settling the Current and Future Distributions of Income and Debt in the Natural Gas Distribution Special Assessment Bond Sinking Fund. City Manager/Mayor. Written public comments; **RESOLUTIONS** Resolution 21-091, A Resolution of the City Council of Homer, Alaska Directing the City Attorney to File an Amicus Brief in the United Cook Inlet Drift Association and Cook Inlet Fishermen's Fund v National Marine Fisheries Service and National Oceanic and Atmospheric Administration, Et Al., 3:21-cv-00255-JMK Litigation. Mayor/Aderhold. Written public comment

ADERHOLD/LORD 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

Rick Vann, non-resident and property owner in the Bunnell Ave/Charles Way Special Assessment District, commented in opposition to Resolution 21-057(S) and (S-2) and the benefitted area

methodology. He and his wife purchased their property 17 or 18 years ago and they could have legally added water and sewer through spaghetti lines at a reasonable rate, but put in septic and water tanks. The assessment is over \$1000 a month for the next ten years for a service they don't need.

Heath Smith, city resident, commented regarding Resolution 21-057(S) and (S-2). When Council amended titles 14 and 17 one thing he fought hard for as our default deal was the equal shares method because he thinks it's the fairest way to go. Different people will have different opinions about it, but he didn't agree with benefitted area because a lot of small lots can push a majority of the burden onto a few lots. Every property gets the same sewer hookup and water spigot, benefitted area can be addressed through property tax on improvements to a property.

Adrienne Sweeny, city resident, commented in opposition to Resolution 21-057(S) and (S-2) and the benefitted area methodology, and shared regarding her family's bad experiences with special assessment districts in the City.

Connie Vann, non-resident and property owner in the Bunnell Ave/Charles Way Special Assessment District, commented in opposition to Resolution 21-057(S) and (S-2) and the benefitted area methodology. Since the Bishops Beach property, owned by the city, is public property, it doesn't fit into the scope of assessment of private property for its use. The city should treat the utility upgrade for Bishops Beach as it would any other needed capital improvement in the city, and the SAD for the other properties could be connected to the City's provided mains. The projects could happen at the same time to save costs and other sources of funding may be available for the main project development.

Cassidy Cameron, Kenai Peninsula Economic Development District (KPEDD) Programs Coordinator, commented regarding the upcoming KPEDD 2022 Industry Outlook Forum. She shared that the US Secretary of Commerce announced there were 60 finalists for the US Economic Development Administration Build Back Better regional challenge, KPEDD partnered with a coalition of other coastal Alaskan communities as the Southeast Conference, and they were chosen as one of the finalists and will compete for phase 2 funding.

Roberta Highland, city resident, commented in support of Resolution 21-091. As a member of the Kachemak Bay Conservation Society, she commented in opposition of HB52 unless the matters are split so the two land matters would stand alone separately, or have HB52 withdrawn from the session to allow time to come to a solutions without the pressure of HB52 progressing through the legislature.

Tad Revelle Russell, non-resident, commented in support of Resolution 21-091 and shared regarding the economic benefits of his Homer based commercial fishing business, and detrimental impacts of closure of the EEZ to commercial fishermen in the upper Cook Inlet Drift Fishery.

Matt Johnson, non-resident and property owner in the Bunnell Ave/Charles Way Special Assessment District, commented in opposition to Resolution 21-057(S) and (S-2) and the benefitted area methodology. He read his written comments explaining he and his sister co-own two properties, one vacant and on with a small cabin that have water and wastewater holding tanks. They were willing to shoulder their share of the project cost under the per parcel method to benefit the neighborhood, but were shocked by the 500% cost increase to their property with the change to the benefitted area

methodology, while the other properties costs were reduced. His written comments were included in the packet.

Jay Farmwald, non-resident, commented regarding the City's opportunity to acquire lots owned by him and three friends in the Bridge Creek Watershed, that's addressed in the City Manager's report.

Penelope Haas, board member of the Kachemak Bay Conservation Society, commented in support of Resolution 21-091. She also shared regarding the Kachemak Bay Conservation Societies strong opposition to HB52, and history on the Tutka Bay Lagoon Hatchery and negative impacts of HB52.

Robert Ruffner, representing the Alaska Salmon Alliance, commented in support of Resolution 21-091. He shared regarding impacts of the EEZ closure to the fishery and community, and the need to be prepared to file the amicus brief, and let the attorneys look at the matters and address them through the court system.

Cristan San Roman, commented regarding HB52 and how it relates negatively to the China Poot Dipnet Fishery, which is an important fishery for personal use, and sockeye egg take.

Bruce Friend, city resident, commented in opposition of HB52 and in support of commercial fishermen and commercial fish processors.

Alan Parks, city resident, commented in support of Resolution 21-091 and in opposition to HB52 noting inaccuracies in Representative Vance's justification for the bill.

RECONSIDERATION

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

- a. Homer City Council Unapproved Special and Regular Meeting Minutes of November 8, 2021. City Clerk. Recommend adoption.
- b. Memorandum 21-203 from Mayor Castner re: Re-appointment of Karin Marks to the Kenai Peninsula Economic Development District Board. Recommend approval.
- c. Memorandum 21-204 from Deputy City Clerk Re: Liquor License Renewal for The Alibi, Kharacters, Down East Saloon, and The Broken Oar. Recommend approval.
- d. Memorandum 21-205 from Deputy City Clerk Re: Retail Marijuana Store License Renewal for Cosmic Seaweed. Recommend approval.
- e. Ordinance 21-68, An Ordinance of the City Council of Homer, Alaska Appropriating \$25,000 from the General Fund for Fiscal Year 2022 to Fund Part of the Homer Business Advisor Position for the Alaska Small Business Development Center and Authorizing the City Manager to Negotiate

and Execute Appropriate Documents. Venuti/Erickson. Recommended dates Introduction December 13, 2021 Public Hearing and Second Reading January 10, 2022.

Memorandum 21-206 from Economic Development Advisory Commission as backup

- f. Ordinance 21-69, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget and Appropriating \$70,485 from the Homer Accelerated Water and Sewer Program (HAWSP) Fund for Installation of a Water Main Extension as part of the Alaska Department of Transportation and Public Facilities Repaving Project. City Manager/Public Works Director. Recommended dates Introduction December 13, 2021 Public Hearing and Second Reading January 10, 2022.

Memorandum 21-207 from Public Works Director as backup

- g. Ordinance 21-70, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 15.10.010 to Include Oscar Munson Subdivision Lot 34 in the Ocean Drive Loop Special Service District. City Manager/Public Works Director. Recommended dates Introduction December 13, 2021 Public Hearing and Second Reading January 10, 2022.

Memorandum 21-208 from Public Works Director as backup

- h. Ordinance 21-71, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget and Appropriating an Additional \$138,399 from the Homer Accelerated Water and Sewer Program (HAWSP) Fund to Complete the Tasmania Court Water and Sewer Improvement Projects. City Manager/Public Works Director. Recommended dates Introduction December 13, 2021 Public Hearing and Second Reading January 10, 2022.

Memorandum 21-216 from Public Works Director as backup

- i. Ordinance 21-72, An Ordinance of the City Council of Homer, Alaska Appropriating \$3,400 from the Land Fund to Acquire Tax Foreclosed Property from the Kenai Peninsula Borough and Retaining the Property for the Public Purpose of Determining the Special Assessment Liens and Creating a Clear Title to the Property, and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Recommended dates Introduction December 13, 2021 Public Hearing and Second Reading January 10, 2022.

Memorandum 21-209 from Deputy City Planner as backup

- j. Ordinance 21-73, An Ordinance of the City Council of Homer, Alaska Accepting a Healthy and Equitable Community Grant from the State of Alaska Department of Health and Social Services (DHSS) and Authorizing the City Manager to Negotiate and Execute and a Memorandum of Agreement with DHSS and a Sub-Grant Award of the Funds to South Peninsula Hospital to help Maintain Free Community Access to COVID-19 Testing and Vaccines and to Initiate a Community Health Needs Assessment. City Manager. Recommended dates Introduction December 13, 2021 Public Hearing and Second Reading January 10, 2022.

Memorandum 21-210 from Special Projects and Communications Coordinator as backup

- k. Resolution 21-083, A Resolution of the City Council of Homer, Alaska Establishing the 2022 Regular Meeting Schedule for City Council, Economic Development Advisory Commission, Library Advisory Board, Parks Art Recreation and Culture Advisory Commission, Planning Commission, Port and Harbor Advisory Commission, and Americans with Disabilities Act Compliance Committee. City Clerk. Recommend adoption.

Memorandum 21-211 from Deputy City Clerk as backup

- l. Resolution 21-084 A Resolution of the City Council of Homer, Alaska Amending the Economic Development Advisory Commission Bylaws Regarding Teleconferencing, Attendance, Vacancies, City Staff Roles, and Rules of Order for Boards and Commissions by amending articles titled Name and Authorization, Membership, Meetings, Bylaw Amendments; adding articles titled City Staff Roles and General Operating Procedures; and removing the article titled Teleconferencing. City Clerk/Economic Development Advisory Commission. Recommend adoption.

Memorandum 21-212 from Deputy City Clerk as backup

- m. Resolution 21-085, A Resolution of the City Council of Homer, Alaska Amending the Library Advisory Board Bylaws Regarding Meeting Schedule, Membership, Teleconferencing, Attendance, Vacancies, City Staff Roles, and Rules of Order for Boards and Commissions by amending articles titled Membership, Meetings, Bylaw Amendments; adding articles titled City Staff Roles and General Operating Procedures; and removing the article titled Teleconferencing. City Clerk/Library Advisory Board. Recommend adoption.

Memorandum 21-213 from Library Advisory Board as backup

- n. Resolution 21-086, A Resolution of the City Council of Homer, Alaska Amending the Parks Art Recreation and Culture Advisory Commission (PARCAC) Bylaws Regarding Teleconferencing, Attendance, Vacancies, City Staff Roles, and Rules of Order for Boards and Commissions by amending articles titled Purpose, Membership, Officers, Meetings, Bylaw Amendments; adding articles titled City Staff Roles and General Operating Procedures; and removing the article titled Teleconferencing. City Clerk/PARCAC. Recommend adoption.

Memorandum 21-214 from Parks Art Recreation & Cultural Advisory Commission as backup

- o. Resolution 21-087, A Resolution of the City Council of Homer, Alaska Approving a Contract for Lobbying Services with J&H Consulting of Juneau, Alaska for a Term of One Year Commencing on December 15, 2021 and Ending December 15, 2022 in the Amount of \$42,000 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Recommend adoption.
- p. Resolution 21-088, A Resolution of the City Council of Homer, Alaska Approving a Contract Amendment with Homer Animal Services, LLC with a 5% Increase for Calendar Year 2022 and 3% Increase for Calendar Year 2023 for Homer Animal Shelter Operation and Management and Authorizes the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Police Chief. Recommend adoption.

Memorandum 21-215 from City Manager as backup

- q. Resolution 21-089, A Resolution of the City Council of Homer, Alaska Awarding a Contract for the Tasmania Court Water and Sewer Main Construction Projects to East Road Services, Inc. of Homer, Alaska in the Amount of \$688,094 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 21-216 from Public Works Director as backup

- r. Resolution 21-090, A Resolution of the City Council of Homer, Alaska Awarding the Contract for the Operation and Maintenance of the Port & Harbor Fish Grinder Facility to the Alaskan Fish Factory of Homer, Alaska in the Amount of \$38 per man-hour and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Port Director. Recommend adoption.

Memorandum 21-217 from Port Director as backup

City Clerk Jacobsen read the consent agenda and recommendations.

ADERHOLD/LORD MOVED TO ADOPT THE CONSENT AGENDA AS READ.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- a. Legislative Update - Representative Sarah Vance (10 Minutes)

Representative Sarah Vance reported the next regular session begins January 18, 2022 and one of her and her team's big priorities is a long term comprehensive fiscal plan. They hope there will be movement on the bi-partisan/bi-cameral fiscal policy work group that did work this past summer there are a lot of fiscal matters that need to be addressed. She also reported regarding her support of a full PFD and the Governors 50/50 split proposal, and she wants to hear from constituents in our district on where they stand on the issue because ultimately she will do the will of the district. Her capital priority is Homer's Deep Water Dock Port and has been following and advocating for it and for federal infrastructure funds to get the ball rolling. She shared regarding the No Patient Left Alone Act and also the status of HB52 that expands the park by adding three parcels and carving out the Tutka Bay Lagoon and hatchery to cure a legal land disposal issue.

- b. COVID-19 Agency Update Derotha Ferraro, South Peninsula Hospital (SPH) Director of Public Relations & Marketing and Lorne Carroll, State of Alaska Public Health Nurse III (10 minutes)

Public Health Nurse Lorne Carroll reviewed the States COVID-19 dashboard regarding daily case counts, and state trends. He shared that the Kenai Peninsula Borough remains in high status of case counts, and also reported on cases, deaths, and hospitalizations for our area, as well as vaccination status. Mr. Carroll reported on the Omicron variant and noted Alaska had its first confirmed case in Anchorage.

SPH Public Information Officer Derotha Ferraro touched on SHP weekly COVID-19 and Delta variant information regarding new admissions, ER visits, monoclonal anti-body infusions, and positivity rates. She shared holiday hours for the testing and vaccine clinic and the availability of at home COVID-19 test kits.

- c. Alaska Small Business Development Center Homer Business Advisor – Cliff Cochran, Kenai Peninsula Center Director (10 minutes)

Kenai Peninsula Center Director Cliff Cochran presented to Council regarding the Alaska Small Business Development Center (SBDC) and the services they provide. He shared a breakdown of the hours and topics of advising shared at the Homer office to date in 2021, a success story of their work with Salmon Sisters, trends of positive levels of new client satisfaction, history of results of SBD’s work in Homer both with and without an advisor, and the significant increase of services and capital infusion into the local economy with a local advisor. Mr. Cochran also reviewed the budget SBDC budget for the peninsula and for Homer specifically.

- d. Cook Inlet Aquaculture Association (CIAA) Report – Dan Miotke, City of Homer Representative (10 minutes)

Dan Miotke, Dean Day, and Andy Wizik reported to Council. Mr. Wizik, a biologist with CIAA, provided a presentation on invasive species the association is working to keep out of our area including Northern Pike not native to Southcentral Alaska and can cause native fish populations to decline; and Elodea, an aquatic invasive plant species that reproduces rapidly, can survive under ice, and float long distances downstream where it can establish new colonies.

Dean Day, CIAA Executive Director, and Dan Miotke, Homer’s representative to CIAA, commented to Council in response to questions on finances of the CIAA.

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

- a. Committee of the Whole Report

Councilmember Aderhold reported Council met at 4:00 p.m. for a special meeting as board of adjustment and referred the appeal that was before them to a hearing officer. At Committee of the Whole at 5:00 p.m. Council confirmed they take final actions on advisory body bylaw amendments and touched briefly on the ordinance regarding SBDC funding. For the remainder of their time they heard from the Finance Director regarding the natural gas fund and Ordinance 21-63(S) and (S-2).

- b. Mayor's Report

Mayor Castner reported at AML and the Alaska Conference of Mayors meetings several Mayors and Managers of coastal communities and created a Coastal Coalition. The Coalition had their first meeting

last week and discussed the Alaska Marine Highway System, ports and harbors, federal fisheries, travel and tourism, shipping expenses, and water and sewer concerns. He and Councilmember Aderhold attended the Borough Assembly meeting regarding the ordinance on appointment of Borough Planning Commission members. They adopted a 14 member Planning Commission and each City gets to appoint their representative, and each Assembly district gets a representative. Lastly he reported the Mayors of the cities in the Borough are meeting January 5th to discuss common purpose things in the Borough.

c. Borough Report

Kenai Peninsula Borough Assembly Member Lane Chesley added to the Mayor's comments that the Borough will take responsibility for advertising for all Planning Commission seats. He reported that the Assembly voted down having an Assembly meeting in Homer in September.

d. Library Advisory Board

Library Advisory Board Chair Kate Finn provided a written report in the supplemental packet.

e. Planning Commission

Planning Commission Chair Scott Smith provided a written report in the packet.

f. Economic Development Advisory Commission

i. Memorandum from Economic Development Advisory Commission Re: Year in Review

Economic Development Advisory Commission Chair Karin Marks reported at their November meeting they approved their 2021/2022 strategic plan and she reviewed near term through long term goals. The Commission provided memo in Council's packet that addresses the Commission's accomplishments for this year. She announced at their meeting tomorrow there will be a presentation of the final draft of the Wayfinding and Streetscape Plan, and invited all to listen in.

g. Parks Art Recreation and Culture Advisory Commission

i. Memorandum from Parks Art Recreation & Culture Advisory Commission Re: Kachemak City Funding Request

h. Port and Harbor Advisory Commission

i. Alaska Municipal League Annual Conference Travel Reports

Written reports were provided from Councilmembers that attended.

j. Prince William Sound Regional Citizens Advisory Council Written Report

PUBLIC HEARING(S)

- a. Ordinance 21-67, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating Grants from the Institute of Museum and Library Services in the Amount of \$25,091 for Purchase and Installation of Little Libraries and Wi-Fi Upgrades at the Library. City

Manager/Library Director. Introduction November 4, 2021 Public Hearing and Second Reading December 13, 2021.

Memorandum 21-196 from Library Director as backup

Mayor Castner opened the public hearing.

Heath Smith, city resident, thinks this is a great idea but expressed concern about associated costs with starting new programs, and how the programs will be funded going forward.

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 21-67 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

At the request of Council Library Director Berry explained in the past the library has partnered with various community organizations, as an example the Rotary Club has maintained the little library at the airport. It's definitely something worth exploring.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

a. City Manager's Report

City Manager Dumouchel reported regarding the strong sales tax start for FY22. He noted a page has been created on the website addressing matters discussed at their recent HERC planning worksession and also the survey is up. He addressed the information regarding an opportunity to purchase property and easements in the Bridge Creek Watershed.

In response to questions, City Manager Dumouchel explained he's working toward scheduling strategic planning and retreat with Council in March, and mid-biennium budget conversations to start in January.

Council comments included having paper copies of the HERC survey available at locations for citizens who don't have computers, questions about what's included on the survey, and sending the link out to Councilmembers and Commissioners.

Councilmember Aderhold congratulated City Manager Dumouchel for his appointment to the Alaska Municipal Management Association Board and Deputy City Clerk Krause for her appointment to the Alaska Association of Municipal Clerks Board.

PENDING BUSINESS

- a. Ordinance 21-63(S), An Ordinance of the City Council of Homer, Alaska Settling the Current and Future Distributions of Income and Debt in the Natural Gas Distribution Special Assessment Bond Sinking Fund. Mayor/City Manager. Introduction October 11, 2021 Public Hearing and Second Reading October 25, 2021 Postponed to November 8, 2021 and December 13, 2021.

Ordinance 21-63(S-2), An Ordinance of the City Council of Homer, Alaska Settling the Current and Future Distributions of Income and Debt in the Natural Gas Distribution Special Assessment Bond Sinking Fund. Mayor/City Manager.

Memorandum 21-200 from City Manager as backup
Memorandum 21-191 from City Manager as backup
Memorandum 21-187 from Finance Director as backup

Mayor Castner announced there is a motion on the floor from the November 8th meeting by Lord/Aderhold to adopt Ordinance 21-63(S) by reading of title only for second and final reading.

ADERHOLD/LORD MOVED TO SUBSTITUTE ORDINANCE 21-63(S-2) FOR 21-63(S)

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

LORD/ADERHOLD MOVED TO AMEND ORDINANCE 21-63(S-2) TO STRIKE SECTION 3 AND ON LINES 63 AND 64 AFTER THE CITY COUNCIL STRIKE THE REST OF LINE 63 AND 64 REPLACE WITH WILL DETERMINE WHEN ACCOUNT 175 HAS A POSITIVE BALANCE, THE BEST APPROPRIATION FOR THOSE FUNDS.

Councilmember Lord explained sections 1 and 2 explain all the special assessments coming in and all free main allowance funds are accepted and appropriated into the sinking fund 175 and that seems like good housekeeping. Section 3 say all the moneys will be transferred to the general fund every year, and she's not comfortable with that. She thinks there needs to be more conversation on what the best utilization of these funds are and feels like they lie with the ratepayers in the future. The second part of the amendment words it so Council will figure out what to do with the money later.

Councilmember Erickson shared that section 3 is important and thinks line 82 could be amended to address the funds being appropriated and having the deadline for the money to be moved and track what's going on.

Councilmember Aderhold questioned if this gives enough of a triggering mechanism for the City to take necessary steps to appropriate the funds and come back to council with an action.

Suggestions were provided and discussed regarding language for section 3 and triggering action.

City Manager Dumouchel requested a brief recess to prepare a proposed amendment for consideration.

Mayor Castner called for a 5 minute recess at 9:20 p.m. and called the meeting back to order at 9:25 p.m.

City Manager Dumouchel commented after discussion with the City Attorney he recommends postponing the matter and he'll bring back an S-3 version on January 10th.

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

Motion failed.

LORD/VENUTI MOVED TO POSTPONE TO JANUARY 10TH.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Resolution 21-057(S), A Resolution of the City Council of Homer, Alaska Acknowledging the Sufficiency of the Bunnell Avenue/Charles Way Water and Sewer Improvement Special Assessment District and Approving the Improvement Plan, Estimated Cost of Improvement and Assessment Methodology. City Manager/Public Works Director.

Resolution 21-057(S-2), A Resolution of the City Council of Homer, Alaska Acknowledging the Sufficiency of the Bunnell Avenue/Charles Way Water and Sewer Improvement Special Assessment District and Approving the Improvement Plan, Estimated Cost of Improvement and Assessment Methodology. City Manager/Public Works Director.

Memorandum 21-218 from Public Works Director as backup
Memorandum 21-190 from Public Works Director as backup
Memorandum 21-148 from Public Works Director as backup

Mayor Castner announced there is a motion on the floor from August 23 to adopt Resolution 21-057(S) by reading of title only.

ADERHOLD/LORD MOVED TO SUBSTITUTE RESOLUTION 21-075(S-2) FOR 21-075(S).

There was no discussion.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

At the request of Council, Public Works Director Keiser reviewed the scope of the project, touched on changes to date, explained she's requesting postponement to allow time to work on different ideas for a better compromise for the neighborhood, and answered questions from Mayor and Council.

ADERHOLD/LORD MOVED TO POSTPONE TO THE SECOND MEETING IN JANUARY.

It was noted that would be the January 24, 2022 regular meeting.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

RESOLUTIONS

- a. Resolution 21-091, A Resolution of the City Council of Homer, Alaska Directing the City Attorney to File an Amicus Brief in the United Cook Inlet Drift Association and Cook Inlet Fishermen's Fund v National Marine Fisheries Service and National Oceanic and Atmospheric Administration, Et Al., 3:21-cv-00255-JMK Litigation. Mayor/Aderhold.

LORD/VENUTI MOVED TO ADOPT RESOLUTION 21-091 BY READING OF TITLE ONLY.

At the request of the Council, Attorney Gatti explained an amicus brief includes research and identifying issues to present, working with City Manager, Mayor, and Council on other back ground issues that they might include in an argument. Typically a motion for leave would be filed to file the amicus brief with the court and the brief would be included along with the motion for leave to file the brief. This a fairly complicated case that's gone on for a long time so there will be a fair amount of research, analysis, and drafting needed to file a thorough and authoritative amicus brief.

Mayor Castner noted the City of Kenai is taking the matter up tomorrow, and Seward will be also.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

Heath Smith, city resident, thanked Public Works Director for her work. When he was elected in one of his first meetings with the City Manager at the time was that he feels it's important that when City is wrong, they own it, make it right, and move on. They'll look good in the eyes of the residents when they do so. That being said we don't make everyone happy all the time, it's up to Council to direct the attorneys to resolve those matters.

Alan Parks, city resident, commented what they heard tonight regarding HB52 is what's been playing out with the Kachemak Bay State Park Citizen Advisory Board meetings for years. He thinks it would be good for someone to have a meaningful public round table on the issue.

Nancy Hillstrand commented regarding the Tutka Bay Hatchery but the connection was poor and most of her comments were inaudible.

Bruce Friend, city resident, thanked Council for asking the right questions and attempting to inform themselves in the situation with the CIAA Board Members tonight. He thinks their financial condition and viability could be dived into further. He encouraged them to consider some of the action CIAA has taken in the recent past regarding illegal net pins in greater Tutka Bay, and the invasive species information provided tonight.

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti said it was a pleasure to be here tonight. He appreciates Council working hard in the public's interest to make the best decisions based on the best facts they can marshal to evaluate. To the extent that he and the firm can help them, please reach out. He wished everyone a great holiday.

Attorney Cartledge commented they had great meetings with staff today and she was able to get information she needed for work she's doing related to a certificate for Public Works and an ordinance that will be coming forth soon.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen commented regarding a current opening on the Library Advisory Board and for Student Representative on the Economic Development Advisory Commission, and noted upcoming openings on the Port and Harbor Advisory Commission.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel had no comments.

COMMENTS OF THE MAYOR

Mayor Castner noted an earlier comment from Councilmember Venuti, it's so important for people to participate in local government. We had a lot of participation tonight and tonight it showed that this is a city that listens, appreciates and process public comment, and reacts to public comments. He thanked Council for their long attention tonight.

COMMENTS OF THE CITY COUNCIL

Councilmember Lord thanked everyone who testified tonight in person and in writing. It's great to hear what people think about and are impacted by different things going on. Big thanks to Public Works and to all the people in private snow removal and snow management business, and all the folks driving safely and managing their own properties to navigate all the snow we've had. It's almost Solstice, Merry Christmas, and happy holidays to everyone.

Councilmember Hansen-Cavasos commented it was a great meeting and she'll see everyone next time. She wished all a Merry Christmas.

Councilmember Aderhold thanked everyone for their work doing snow removal recently. She shared about participating virtually in Lunch with a Councilmember today. The main topic was the large vessel harbor and people commented about their environmental concerns and cultural impact. She's been thinking about the communities in the Midwest that have been impacted by tornadoes and what it

would be like to be an elected official in one of those communities, her heart goes out to them. Happy Holidays to everyone.

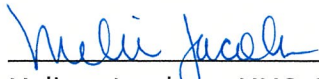
Councilmember Venuti also thanked all the snow plow guys and gals for their work. She encouraged people to get vaccinated to help protect themselves, friends, and family. She also noted the tornadoes in Kentucky and encouraged people to heed emergency warnings when they hear them. She wished everyone Happy Holidays.

Councilmember Erickson commented about the beautiful sunny day. She encouraged younger folks to help their older neighbors with all this snow, and also to be careful around the snow berms. She acknowledged all the city departments that worked hard for us this year and wished everyone Merry Christmas.

Councilmember Davis wished everyone Happy Holidays.

ADJOURN

There being no further business to come before Council Mayor Castner adjourned the meeting at 10:08 p.m. The next Regular Meeting is Monday, January 10, 2022 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



Melissa Jacobsen, MMC, City Clerk

Approved: 

