

Session 21-10 a Regular Meeting of the Homer City Council was called to order on April 12, 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: COUNCILMEMBER ADERHOLD, EVENSEN, HANSEN-CAVASOS, LORD, SMITH, VENUTI

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON
PUBLIC WORKS DIRECTOR KEISER
PERSONNEL DIRECTOR BROWNING
CITY ATTORNEY GATTI

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

Mayor Castner read the following into the record: **CONSENT AGENDA** Ordinance 21-19, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget by Allocating an Additional \$25,000 from the Information System CARMA Fund for a Total Expenditure of \$75,000 to Replace and Upgrade Departmental Servers across City Departments. City Manager. Backup Memorandum 21-058 changed to Memorandum 21-066 to correct duplicate memo number.

ORDINANCES Ordinance 21-23, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 19.20.020 General Rules, Adding Launching, Landing or Retrieving of Motorized Watercraft in Prohibited from City Owned Beaches Except for Official Business Use. City Manager/Harbormaster. Written public comments

LORD/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Jackson Fox, Director of FAST Planning and nonresident, explained FAST is the State designated transportation planning organization for the Fairbanks and North Pole area. Mr. Fox commented in support of Resolution 21-029 and Homer Council's support or opposition of their proposed amendments to Title 13 of the Alaska Administrative Code to improve safety to pedestrian and bicyclists on our roadways before they submit their final proposal to the Alaska Department of Public Safety. He briefly reviewed the proposed amendments.

Roberta Highland, city resident, commented in support of Resolution 21-029 and Ordinance 21-23. She has concerns regarding our sensitive tidelands and the safety of those on jet skis, kayaks, paddle boarders, kite surfers and swimmers, and urged the ordinance be adopted on April 26th. She expressed her disappointment with the Northern Edge exercises being held during migration times.

Robert Archibald, city resident, commented in support of Ordinance 21-23 and hopes Council keeps in mind the City owned tidelands and the affects these vessels would have on the intertidal areas if permitted to operate in there.

Rika Mouw, city resident, expressed her support of Ordinance 21-23 and of the comments shared by the others. She agrees Homer boat harbor is the only location where motorized watercraft should access in to and out of the water. She appreciates the work of the Harbormaster and the Commissions who made recommendations to Council.

Sue Christianson commented in opposition of the Northern Edge exercises because of impacts to marine life. She expressed support for Ordinance 21-23 and asked that jet skis be restricted in City waters as an effort to maintain bird habits and marine organisms in the tidelands, and cited the Comprehensive Plan as a reference for Council's authority to protect the City owned areas.

Jeanne Parker, city resident, agrees with others in supporting Ordinance 21-23. She's disappointed they're having to take these measures and that jet skis are no longer banned in Kachemak Bay. She shared her observations of areas where she's snorkeled and the impacts of jet skis in those areas.

Patricia Cue commented in support of Ordinance 21-23 and echoes what others have shared regarding support of the ordinance. She challenged the City to develop enforcement guidelines with the input of the Port & Harbor Advisory Commission and the Parks Art Recreation & Culture Advisory Commission.

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 Meeting Minutes for March 22, 2021. City Clerk. Recommend adoption.
- b. Memorandum 21-057 from Mayor Castner Re: Appointment of Adele Person to the Economic Development Advisory Commission and Michael McKinney to the Library Advisory Board. Recommend approval.
- c. Memorandum 21-058 from Deputy City Clerk Re: Liquor License Renewals for Two Sisters Bakery, Kannery Grill, and Mermaid Cafe. Recommend approval.

- d. Ordinance 21-19, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget by Allocating an Additional \$25,000 from the Information System CARMA Fund for a Total Expenditure of \$75,000 to Replace and Upgrade Departmental Servers across City Departments. City Manager. Recommended dates Introduction April 12, 2021 Public Hearing and Second Reading April 26, 2021

Memorandum 21-066 from Library Director as backup

- e. Ordinance 21-20, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing the Expenditure of an Additional \$13,500 from the ADA CARMA Fund for a total of \$48,060 for the Spit Handicapped Parking Paving Project. City Manager/Harbormaster. Recommended dates Introduction April 12, 2021 Public Hearing and Second Reading April 26, 2021

Memorandum 21-059 from Harbormaster as backup

- f. Ordinance 21-21, An Ordinance of the City Council of Homer, Alaska Authorizing the Issuance and Sale of a Series of Harbor Revenue Refunding Bonds for the Purpose of Refunding All or a Portion of the City's Outstanding Harbor Revenue Bond, 2013; Establishing the Terms of the Harbor Revenue Refunding Bond, 2021; and Authorizing the Sale of the Harbor Revenue Refunding Bond, 2021. City Manager. Recommended dates Introduction April 12, 2021 Public Hearing and Second Reading April 26, 2021

Memorandum 21-060 from City Attorney as backup

- g. Ordinance 21-22, An Emergency Ordinance of the City Council of Homer, Alaska Accepting Grant Funds from the State of Alaska Department of Health And Social Services for Distribution of COVID-19 Vaccines, as well as other COVID-19 Related Recovery and Prevention Strategies and Approving a Memorandum of Agreement. City Manager. Recommend adoption.

Memorandum 21-061 from Special Projects and Communications Director as backup

- h. Resolution 21-026, A Resolution of the City Council of Homer, Alaska Approving a Contract with Corvus Design of Anchorage, Alaska, for an Amount not to Exceed \$49,000 for the Wayfinding and Streetscape Project, and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Clerk. Recommend adoption.

Memorandum 21-063 from City Clerk as backup

- i. Resolution 21-027, A Resolution of the City Council of Homer, Alaska Authorizing the City to Apply for a State of Alaska Recreational Trails Program Grant in an Amount up to \$150,000 for Funds to Construct an ADA Accessible Entrance Trail in Karen Hornaday Park and Expressing its Commitment to Provide a 10% Local Match to Grant Funds. City Manager. Recommend adoption.

Memorandum 21-064 from Special Project and Communications Coordinator as backup

- j. Resolution 21-028, A Resolution of the City Council of Homer, Alaska Accepting the Road Financial Plan as a Blueprint for Planning Homer's Transportation Needs and Declaring it should be Updated as part of the City's Budget Cycle. City Manager/Public Works Director. Recommend adoption.

Memorandum 21-065 from Public Works Director as backup

City Clerk Jacobsen read the consent agenda and its recommendations.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- a. Alaska Command Northern Edge Exercise - John Mosher and Michael Hertzog (10 minutes)

John Mosher and Major Michael Hertzog provided an overview of Northern Edge 21 a biennial exercise held in odd numbered years dating back to 1975. The exercise is schedule for May 3-14 and is an air focused exercise with safety and environment as top priorities. It will be similar in size to the 2019 event with approximately 10,000 personnel, 200 fixed wing aircraft, and 4 Navy ships including three Destroyers and one Aircraft Carrier. They reviewed the activities that will take place and protective measures that are in place. The described the minimal impacts to marine species, including fish and mammals, reviewed The Marine Species Monitoring Program that's in place, and also environmental planning and engagement efforts.

- b. Kenai Peninsula Economic Development District (KPEDD) Community Economic Development Strategy Update - Tim Dillion KPEDD Executive Director (10 minutes)

Tim Dillion, KPEDD Executive Director, presented on the Regional Community Economic Development Strategy (CEDS) Update. He shared regarding the planning and outreach efforts that will be taking place, emphasizing their objection to gain feedback. He touched on perceptions and outlook from around the Kenai Peninsula Borough, and their continuing outreach efforts and samplings from major industries and businesses. Mr. Dillion reviewed the identified strengths, weakness, opportunities, and threats throughout the area and addressed the significance and importance of the Regional CEDS for the Borough.

- c. Unified Command Report (20 minutes)

City of Homer Fire Chief Mark Kirko reported the number of positive cases in Homer remains low, however there's a little bit of an uptick on the peninsula. Over the last 7 to 10 days the numbers out of Anchorage, Mat Su, and Fairbanks have stabilized or come down slightly, which is good news as we anticipate a lot of intrastate recreating this summer in our area. He shared his appreciation for all of the partners in the vaccination efforts.

Public Health Nurse Mary Darbonne shared the approximate number of Southern Kenai Peninsula (SKP) vaccination doses given are 9,381, and the total of fully vaccinated is 4,442. Last week was National Public Health Week, recognized as a time to come together as a nation, state, and community to recognize the collective impact our public health system has. Their goal is for everyone to have a chance to live long, happy, healthy lives, and in order to do that we have address underlying causes of poor health. She thanked the City for teaming up with them in making our public health system and community a happy and healthier place.

South Peninsula Hospital (SPH) Public Information Officer Derotha Ferraro reported there have been COVID hospitalizations in the last month. Daily testing continues at the testing and vaccine site on Bartlett where they resulted 714 tests in the last two weeks with 6 positive, putting us at a 1% positivity rate for testing. They continue to stay busy with getting vaccines out to the community. SPH has delivered just over 6,000 doses, and she reminded listeners anyone ages 16 and over living or working in Alaska are eligible for a vaccine. She reviewed upcoming dispensing events that are both by appointment and at their first mass vaccine walk-in clinic. Information is available at www.sphosp.org and by calling 235-0235. SPH is working to accommodate daily walk-in vaccinations at the Bartlett Street site. Mass vaccination clinics will likely end in April as they transition to Pop-Up events that are smaller and targeted to a more specific audience.

City of Homer Public Information Officer Jenny Carroll thanked Council for adopting emergency Ordinance 21-22 and the Memorandum of Agreement with the State for funds they've made available to support the efforts that Unified Command is engaged in for vaccinations. Those funds will support personnel costs associated with planning and logistical support for clinics that have happened and future clinics as well.

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

a. Committee of the Whole Report

Councilmember Lord reported Council discussed Ordinance 21-23 regarding personal watercraft and Resolution 21-029 regarding amendments to Alaska Administrative Code for pedestrian and bicycle safety, and received public comments on 21-029. They spent a bulk of the time discussing Resolution 21-028 regarding the Road Financial Plan with Public Works Director Keiser.

b. Special Meeting Report

Councilmember Lord reported Council met in executive session and gave the City Attorney direction in continuing to develop the response to the RCA complaint in regards to Tire Town and their RCA filing.

b. Mayor's Report

Mayor Castner reported in the three weeks since they last met they held two worksessions with administration and gone over various elements of the next two year capital budget. He thinks there was a lot more information exchanged than he's seen in other budgets. He also reported that on Friday one of the Griswold cases against the City on zoning was won by the City. This settles a lot of issues that have been lingering for many years and he'll comment more at the end of the meeting.

c. Borough Report

Kenai Peninsula Borough Assembly member Lane Chesley reported the Assembly received notice from the Borough's Grant Administrator that the Borough is in line to receive an estimated \$11.3 million from the American Rescue Plan Act. They're waiting for more guidance on it, but it looks like there are four general categories there will be general funding available for. The School Board had notified the Assembly as well that they'll be receiving funding and lowered their additional amount from the Borough down to \$48 million from the cap of \$53.5 million. At their next meeting the Assembly will set their floor for the Assembly's contribution and the Mayor is bringing the floor forward at \$45 million, leaving a \$3 million gap.

e. Planning Commission

i. Planning Commission Report

f. Port and Harbor Advisory Commission

g. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported their meeting was canceled for lack of a quorum.

h. Public Works Campus Task Force

Councilmember Venuti reported the Task Force met and addressed the probability of a tsunami overwhelming the current Public Works Campus to assist with some language for Deputy City Planner Engebretsen to use in community outreach. They reviewed the risk catalog and evaluation, and a memo will be coming to Council with a draft.

Mayor Castner called for a 10 minute break at 7:25 p.m. and reconvened the meeting at 7:36 p.m.

i. Library Advisory Board

Library Advisory Board Chair Marcia Kuszmaul reported the Board held a worksession with the Friends of the Library to further their collaboration on fundraising and major gifts. The result was common messaging framework they developed to facilitate their common goal of supporting the Library. At their regular meeting on April 6 they approved a new donation acceptance and

management policy to replace the current gift acceptance policy. This expands on the types of gifts the library accepts and adds information about the library endowment fund. She recognized outgoing members Jacque Peterson and Gordy Vernon for their work on the Board and welcomed Emilie Springer with her reappointment and new member Michael McKinney who was appointed tonight. She also recognized Deb Lowney recipient of the Lifelong Learning Award and Larry Dunn recipient of the Youth Learner award in the Friends of the Homer Library Celebration of Life Long Learning.

PUBLIC HEARING(S)

- a. Ordinance 21-15, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing Expenditure of \$49,000 from the Sewer CARMA fund and \$49,000 from the Water CARMA fund to pay for Betterments to the City's Utilities Located in East Hill Road as part of the Alaska Department of Transportation and Public Facilities Repaving Project. City Manager/Public Works Director. Introduction March 22, 2021 Public Hearing and Second Reading April 12, 2021.

Memorandum 21-046 from Public Works Director as backup

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

LORD/ADERHOLD MOVED TO ADOPT ORDINANCE 21-15 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Mayor Castner addressed his concern regarding use of the term "betterments" and that it means something beyond the normal scope of what the design has been. In this case it's more of a replacement and repair of existing infrastructure and not a betterment.

There was brief discussion acknowledging the concern expressed and that different wording will be used going forward.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Ordinance 21-16, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing Expenditure of \$50,000 from the HART-Road fund and \$50,000 from the Water CARMA fund to pay for Ground Water Research in the City Limits and Bridge Creek Reservoir Watershed. City Manager/Public Works Director. Introduction March 22, 2021 Public Hearing and Second Reading April 12, 2021.

Memorandum 21-047 from Public Works Director as backup

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

LORD/ADERHOLD MOVED TO ADOPT ORDINANCE 21-16 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was brief discussion regarding using the Water CARMA Fund to pay for a portion of this expenditure and given the nature of the work being done it would be more appropriate to be expended from the HAWSP Fund.

LORD/ADERHOLD MOVED TO AMEND ORDINANCE 21-16 TO CHANGE ALL REFERENCES TO \$50,000 FROM THE WATER CARMA FUND TO READ \$50,000 FROM THE HAWSP FUND.

Question was raised regarding the balance of the HAWSP Fund. Public Works Director Keiser responded there's at least \$2 million in the fund as noted in a memo she prepared.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Evensen asked about expanding this past the city limits because of potential impacts to groundwater from outside the boundaries and noted the landfill area as an example.

Public Works Director Keiser responded this will be tied into a bigger picture ground water study that was done by Professor Mark Rains out of the University of South Florida, and the well logs that Geoph Coble has collected also go beyond the city limits. Once we see what the trends are, we can come back and adjust the direction if needed.

VOTE (main motion as amended): VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Ordinance 21-17, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing Expenditure of Additional Pass Through Funds for the Alaska Department of Transportation and Public Facilities Lake Street Project. City Manager/Public Works Director. Introduction March 22, 2021 Public Hearing and Second Reading April 12, 2021.

Memorandum 21-048 from Public Works Superintendent as backup

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

LORD/ADERHOLD MOVED TO ADOPT ORDINANCE 21-17 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Smith noted resolutions that have been sent to the State requesting a crosswalk be installed. He would like to continue to follow up on that to help ensure it's done.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- d. Ordinance 21-18, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing an Additional Expenditure of \$33,185 from the Water CARMA Fund for a Total Expenditure of \$247,585 for the Raw Water Transmission Line Project – Design. City Manager/Public Works Director. Introduction March 22, 2021 Public Hearing and Second Reading April 12, 2021

Memorandum 21-049 from Public Works Director as backup

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

LORD/ADERHOLD MOVED TO ADOPT ORDINANCE 21-18 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Smith asked about the raw water line and its placement

Public Works Director Keiser responded it will be parallel to the existing line. This redesigns where the pipeline goes into the building to make it more efficient and easier to access the building and remove the old pressure tank.

Councilmember Smith questioned the \$15,000 for Seabright Surveys if the pipelines will be parallel with what exists already.

Public Works Director Keiser explained it isn't for surveying per say, it's for actual redesign of the configuration of the entry point.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE(S)

- a. Ordinance 21-23, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 19.20.020 General Rules, Adding Launching, Landing or Retrieving of Motorized Watercraft in Prohibited from City Owned Beaches Except for Official Business Use. City Manager/Harbormaster. Recommended dates Introduction April 12, 2021 Public Hearing and Second Reading

Memorandum 21-062 from Harbormaster as backup

LORD/ADERHOLD MOVED TO INTRODUCE ORDINANCE 21-23 BY READING OF TITLE ONLY.

Councilmember Lord appreciates the Commission's work and input on this. She's heard concerns from folks that it doesn't address all the issues. One thing she feels that can be done in addition to this ordinance is to look at our speed limit on City waters. She'll be bringing something forward to add to this that expands on our wake zone and falls under a separate section of code.

Councilmember Aderhold also appreciates the Commission's work and knows this is a big issue for a number of public members. She reminded listeners that we're taking this action because of a decision by the State and the City can't change their decision. She agrees with what Councilmember Lord has suggested bringing forward and expressed her concern and the need to address sensitive tidal area that have defined waterway entrances and exits at Louie's Lagoon and Beluga Slough.

Councilmember Evensen shared he's bothered by the decision at the State level putting further obligation by the City and Harbor in terms of search and rescue and police monitoring beaches, with no additional funding to do that. He raised the question regarding increasing the user fees for that type of watercraft. City Attorney Gatti noted the question and responded he'd like to examine that with the City Manager and Harbormaster before responding.

Councilmember Lord commented the City doesn't have nearshore search and rescue. Our Harbor staff and Fire Department are well trained and if we're able to respond that's great, but we can't guarantee that response, we don't have the capacity.

There was further discussion regarding city tidelands, the possibility of amending this ordinance instead of bringing forward a second one, and an urgency to get something addressing tidelands in place before the shorebird festival. Concerns were noted and no amendments were proposed.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

CITY MANAGER'S REPORT

a. City Manager's Report

City Manager Dumouchel highlighted items from his written report including the teamwork efforts for the recent kayak rescue, ongoing work on the Special Events permit process, ongoing hiring for seasonal employees, and clean-up day on the Homer Spit.

Councilmember Aderhold noted the Sisters & Sea Messages video that Matt Steffy and Stevie Drescher entered in the Japan-Alaska Friendship video campaign, they did a great job on the video. She thanked Homer Police Department for the Annual Report.

Councilmember Venuti noted Earth Day is April 22nd so she's glad to learn about the clean-up, and she also appreciated the annual report.

Councilmember Smith suggested having the Police Chief attend to answer questions related to the report and interpret some of the information. The State accounts for 40% of what goes on in our jail and he'd like to see what they pay in relationship to that and if we have a better position to request increased funding.

Councilmember Smith also noted over the last few meetings we've had ordinances where there's been increased funding for certain projects because of cost change over time and a worldwide supply problem. He's curious about the Manager's approach to prioritize things that need to be done in the short term and in this calendar year that we might be able to push into a time where costs can be better controlled. He'd like to see where we're going toward gauging the timing of some of our projects and how critical they might be.

City Manager Dumouchel responded he and staff are aware of this and have had some difficulties and slowdowns due to supply chain issues internationally. With the capital projects that have already been approved if we're going to bring something forward we're looking at whether it makes sense to do it now based on critical need, cost, etc. He noted with the ADA Parking project ordinance, we had funds appropriated but when it went to bid, no one bid low enough. He also noted that was the first round of a two year budget and there were a lot of good faith estimates made, but it's hard to forecast some of these things at a distance and get it right. That's why we're seeing things come back now that we have realistic pricing in the second year of the two year budget.

Councilmember Lord shared is pleased about the COVID status of the City being downgraded and is curious of the Library's plan for opening on Saturdays. City Manager Dumouchel shared his understanding that the Library Director is working with his staff to be able to be open, clean, and manage the flow of people through the building. He'll follow up with Library Director Berry for a more complete answer.

Councilmember Smith followed up with questioning the status of opening City Hall. City Manager Dumouchel shared that City Hall and other buildings are open by appointment. He's been conservative related to walk-ins to allow for staff that wants to be are fully vaccinated and ensure we can always provide full city services. It only takes one sick person to infect a few more, and then to be missing a whole department. He hasn't been in a rush to have a lot of people in the building to protect the ability to provide city services and remain in a good spot while we're in a pandemic.

Councilmember Evensen noted the information regarding the derelict vessel North Pacific and the citizens and staff who helped with that effort. He appreciates their work.

Mayor Castner shared his disappointment that there doesn't appear to be any progress made with the Council Chambers. City Manager Dumouchel explained we're still waiting on camera units and the ceiling is still open to allow for installation when they arrive. The dais is there, microphones have been reconditioned, and a majority of what we need is in place. But to have hybrid meetings, we have to have the cameras and time to calibrate and test the equipment before going live.

Mayor Castner reiterated information he shared over a year ago that fomites were not going to be the problem in the pandemic from a well-respected source related to single source transmission. The CDC recently came out with fomites are not a problem and you don't need to spend all your time scrubbing surfaces. It seems that continuing that practice can be curtailed.

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

- a. Resolution 21-029, A Resolution of the City Council of Homer, Alaska Supporting the Efforts of the Fairbanks Area Surface Transportation Planning Organization and Revision to the Alaska Administrative Code to Improve Safety for Pedestrians and Bicyclists using the Transportation Network. Aderhold.

LORD/ADERHOLD MOVED TO ADOPT RESOLUTION 21-029 BY READING OF TITLE ONLY.

Councilmember Aderhold commented that FAST (Fairbanks Area Surface Transportation Planning Organization) has been working on a resolution to present to the State Department of Public Safety regarding potential changes to Alaska Administrative Code related to bicyclist and pedestrian safety. They're looking for comment and feedback from other communities around the State. We've been working on our own issues related to pedestrian and bicycle safety for a while by adding sidewalks, having the Homer Share's the Road Program, and considering Sharrow markings for narrower roads shared by motorized vehicles and bicycles. She added that FAST has gone through a very rigorous process to vet their proposed changes.

There were comments in support of the resolution and appreciating Mr. Fox who commented at Committee of the Whole and earlier in this meeting regarding FAST efforts in this.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

Robert Archibald thanked Council for introducing Ordinance 21-23. He noted a regulation coming from the Governor's office permitting snow machines, ATV's, and hovercrafts on State roads where the speed limit is less than 45 miles per hour, and hopes Council will consider opting out of that in the city limits.

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen acknowledged she failed to include the updated memo regarding the funding change in Ordinance 21-16 confirming the balance referenced by Public Works Director Keiser and would get it out to Council and posted online following the meeting. She announced openings on the Economic Development Advisory Commission, Library Advisory Board, Planning Commission, and ADA Compliance Committee.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel had no comments.

COMMENTS OF THE MAYOR

Mayor Castner commented further regarding the Alaska Supreme Court Decision that came out on Friday. It brought a lot of our city angst to an end. Article 1, Section 2 of the Constitution says all the power of the Government is inherent from the people. The people pass that power along through their elected officials and the court system and the court systems have always given great deference to what elected officials do. He's spoke before about the presumption of correctness and that's the standard that was applied by the Alaska Supreme Court. He explained the ways they applied it in that they don't care to examine the decisions a City Council makes in any real particular way, and they said the City Council was clear as to what a conditional permit can be used for, and that the presumption of correctness carried not only from the City Council down to the Planning Commission level in how they apply their interpretation of Councils direction. With that presumption comes incredible responsibility to get it right, because it's expensive when you get it wrong. What was unsettled is if there's any difference between a conditional use permit (CUP) and a variance, because that's what's been argued. They didn't decide that because Council has decided that a CUP can be used for a variety of reasons. He said congratulations, but be cautious because it's a huge responsibility when you're given that level of latitude.

COMMENTS OF THE CITY COUNCIL

Councilmember Smith added that it doesn't matter if we're right or wrong, it still costs us a lot of money.

Councilmember Evensen wished everyone a good evening.

Councilmember Hansen- Cavasos hopes everyone has a good night.

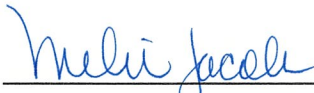
Councilmember Lord congratulated Deb Lowney and Larry Dunn for their lifelong learner awards. She's loving going back into the library and is thankful for the ongoing vaccination efforts. She appreciates the efforts going in to making them widely available.

Councilmember Venuti shared condolences to family and friends of Gail Phillips who recently passed. Gail served on City Council, Borough Assembly, State Representative, and Speaker of the House. Gail really listened to constituents and was very hardworking on getting East End Road paved. She also commented regarding the Library receiving the National Parks Award and they'll start their work in May.

Councilmember Aderhold had no comments.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 8:47 p.m. The next Regular Meeting is Monday, April 26, 2021 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: April 26, 2021