

Session 22-14 a Regular Meeting of the City Council of Homer, Alaska was called to order on July 25, 2022 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCIL MEMBERS ADERHOLD, DAVIS, ERICKSON, HANSEN-CAVASOS, LORD, VENUTI

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON
PUBLIC WORKS DIRECTOR KEISER
CITY PLANNER ABOUD
ECONOMIC DEVELOPMENT MANAGER ENGBRETSSEN

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 item: Announcements Reports and Presentations there is a written report from the Planning Commission.

ADERHOLD/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

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 Council Member.)

- a. Homer City Council Unapproved Regular Meeting Minutes of June 27, 2022. City Clerk. Recommend adoption.
- b. Memorandum 22-120 from Mayor Castner Re: Appointment of Mike Stark to the Planning Commission. Recommend approval.
- c. Memorandum 22-121 from Deputy City Clerk Re: New Liquor License for Swell Taco. Recommend approval.

- d. Memorandum 22-122 from City Clerk Re: Vacation of a Portion of Hough Road & Associated Utility Easements. Recommend approval.
- e. Ordinance 22-37, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget and Appropriating \$100,000 from the Water Capital Asset Repair and Maintenance Allowance Fund for a Fire Hydrant Replacement Program. City Manager/Public Works Director. Recommended Dates Introduction July 25, 2022, Public Hearing and Second Reading August 8, 2022.

Memorandum 22-123 from Public Works Director as backup.

- f. Ordinance 22-38, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget and Appropriating \$185,368 from the Homer Accelerated Roads and Trails Fund for the Master Transportation Plan Update. City Manager/Public Works Director. Recommended Dates Introduction July 25, 2022, Public Hearing and Second Reading August 8, 2022.

Memorandum 22-124 from Public Works Director as backup.

- g. Ordinance 22-39, An Ordinance of the City Council of Homer, Alaska Appropriating \$125,000 from the FY23 Capital Budget General Fund Capital Asset Repair and Maintenance Allowance Fund for Professional and Technical Assistance to Support Development and Submission of Infrastructure Investment and Jobs Act Grant Applications. City Manager. Recommended Dates Introduction July 25, 2022, Public Hearing and Second Reading August 8, 2022.

Memorandum 22-125 from Special Projects Coordinator as backup.

- h. Ordinance 22-40, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 11 by Adding Chapter 11.37 Prohibiting Obstructions and Encroachments in City Rights-of-Way and Easements. City Manager/Public Works Director. Recommended Dates Introduction July 25, 2022, Public Hearing and Second Reading August 8, 2022.

Memorandum 22-126 from Public Works Director as backup.

- i. Ordinance 22-41, An Ordinance of the City Council of Homer, Alaska Accepting the Vacation and Dedication of Parklands on Spruceview Avenue. City Manager/City Planner. Recommended Dates Introduction July 25, 2022, Public Hearing and Second Reading August 8, 2022.

Memorandum 22-127 from City Planner as backup.

- j. Resolution 22-058, A Resolution of the City Council of Homer, Alaska Approving Entering a Three Year Participant Membership Agreement with Alaska Municipal League Joint Insurance Association, Inc. and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 22-128 from City Manager as backup.

- k. Resolution 22-059, A Resolution of the City Council of Homer, Alaska Approving a Three Year Contract Extension with Homer Real Estate for Real Estate Broker Services and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Recommend adoption.

City Clerk Jacobsen read the consent agenda and recommendations.

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

VISITORS

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

Lorne Carroll shared information on community case rates for Alaska and the Kenai Peninsula Borough, hospital capacity, and aslo case rates worldwide and US compared to UK. He reviewed current Omicron variant data for Alaska, vaccination schedules for most people for the existing vaccination brands, and COVID treatment information. Lastly gave a brief outbreak alert on Monkeypox.

Derotha Ferraro reported on South Peninsula Hospital (SPH) testing statistics, available treatments for COVID, and SPH visitation guidance. She reviewed the hours for services at the SPH COVID Testing & Vaccine Clinic.

- b. Legislative Update - Representative Sarah Vance (10 minutes)

Representative Vance reported on Permanent Fund Dividend distribution dates that will start September 20th with direct deposits and checks by mail on October 3rd. People who may need assistance in verifying their application status can contact her office. She touched on the upcoming August 16th Primary Election, noting the Division of Elections is in need of poll workers and there is an application link on their website. On Thursday the Governor will be signing House Bill (HB) 325-Domestic Violence and Sexual Offence Bill, HB106-Missing Persons Under 21 Years of Age, Senate Bill (SB) 07-State Trooper Polices and Public Access, and HB123 state recognition of tribes. In addition she noted HB411-Municipal Tax Exemption that allows the municipality to establish an energy and resilience improvement assessment program,

HB41- Shellfish Enhancement Project, HB265- Healthcare Services by Telehealth, and shared highlights about those programs. Representative Vance also reported on programs for abandoned vehicles, Snomad and DNR improvements to the Watermelon Trail, and road construction projects and road maintenance in our area.

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

a. Special Meeting Report

Mayor Castner reported Council met for a Special Meeting at 4:00 p.m. and weren't able to complete their work so will need to resume the executive session at the end of this meeting.

ADERHOLD/ERICKSON MOVED TO SUSPEND THE RULES TO ADD AN ITEM AT THE END OF OUR AGENDA TO RETURN TO THE EXECUTIVE SESSION.

There was no discussion on the motion to suspend the rules.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

ADERHOLD/ERICKSON MOVED THAT COUNCIL WILL RETURN TO THEIR EXECUTIVE SESSION AT THE END OF THIS MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

b. Committee of the Whole Report

Council Member Aderhold reported Council discussed Ordinance 22-38 appropriating funds for a Master Transportation Plan update, Ordinance 22-39 funding professional and technical assistance for Infrastructure Investment and Jobs Act grant applications, and Resolution 22-059 extending the contract for Real Estate Broker services. They also discussed the draft updated Council Operating Manual and provided feedback.

c. Mayor's Report

Mayor Castner reported many boards and Commissions have had shorter schedules over the summer. Council has been tasking the boards and commissions with a lot of work and encouraged the public to pay attention to board and commission agendas.

d. Borough Report

e. Planning Commission

The Planning Commission provided a written report that was included in the supplemental packet.

f. Americans with Disabilities Act Compliance Committee

Council Member Aderhold reported the ADA Compliance Committee met and welcomed their new member Brad Parsons, who will be a great addition. There is one open seat and anyone interested is encouraged to apply. At their last meeting they reviewed preliminary design concepts for ADA access to the Fishing Lagoon, the State is looking at this as well as the City so hopefully something will happen there. They addressed final revisions to an accessibility survey for parks, playgrounds, and campgrounds that they hope to have online soon. The Committee is also continuing to work on the Transition Plan for Parks, Play Areas, and Campground, and discussion on the Capital Improvement Plan projects related to ADA.

PUBLIC HEARING(S)

- a. Ordinance 22-35, An Ordinance of the City Council of Homer, Alaska, Amending the Homer City Zoning Map to Rezone a Portion of the Rural Residential (RR) Zoning District to Urban Residential (UR) Zoning District in the Lower West Hill Road Area. Planning Commission. Introduction June 27, 2022 Public Hearing and Second Reading July 25, 2022.

Memorandum 22-116 from City Planner as backup.

Memorandum 22-117 from City Manager as backup.

Mayor Castner opened the public hearing.

Karin Marks, city resident, commented in support administration's recommendation to include both sides of West Hill Road, citing year-round housing needs for our community.

There were no further comments and the hearing was closed.

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 22-35 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Council Member Lord commented in support of Ordinance 22-35 as presented and is conflicted about including the west side based on public feedback to the Planning Commission, as well as discussion at the 2008 citizens advisory committee and 2009 Council meeting minutes related to the Comprehensive Plan where this was originally proposed.

Council Member Venuti acknowledged the Planning Commission's work and public comment on the matter and supports their recommendation for the east side only.

Council Member Erickson noted the lot size differences between smaller urban residential (UR) and larger rural residential (RR), the requirements for the two aren't going to be the same. Her concerns relate to impacts of storm water and water and sewer that will create the most change that property owners aren't expecting at this point. She's not in support of including the west side.

City Manager Dumouchel responded there are differences in minimum lot sizes between UR and RR, but could end up with a similar development pattern in UR because we don't have maximum lot sizes. A patch of UR could be developed in rural fashion. There are a handful of uses that would be lost going from RR to UR but they are uncommon uses. The advantage he sees is when going through the upzone process is no one in the neighborhood is being forced to change anything, but now there's an element of choice in the future development. We're looking at storm water city wide, anywhere there's development that's a concern, and in the past that hasn't been processed well. Regardless of zoning he doesn't see it as making a difference in that regard. Looking at other amenities like sidewalks there could be some differences but that's where our transportation plans come in to determine where it's valuable to have one.

Council Member Davis agrees that it makes sense to listen to the public and the Planning Commission. He also thinks it's possible that they, as the Council, may take a broader view of the City, its future and lack of affordable housing, that we might decide it makes sense to give the property owners on the other side more freedom to develop their property in the way they see fit. It might make sense to give them the possibility of developing multi-family housing if they want to. He supports the broader approach proposed by administration and is interested in having a public hearing to let them consider both options.

DAVIS/ADERHOLD MOVED THAT THIS DRAFT BE AMENDED TO INCLUDE BOTH SIDES OF WEST HILL.

Discussion ensued on the complexity of the matter. There is a tremendous amount of public comment against the rezone. Some are adamant against multi-family and affordable housing in their neighborhood. On the other hand, Public Works has been successful in doing work to education people, address concerns, and get buy-in in some challenging situations. Planning is a long term process. Coming in after the fact and re-zoning takes away the option for developers and property owners to develop their property in a way they might have done differently.

Scenarios were posed as to what it looks like when someone comes in and proposes a multi-family development on a property, covers an amount of surface with impervious materials, and how that impacts drainage in that area of steep slope. Downhill from there is an area of eroding coastal bluff that is of concern for the house that's there and the Sterling Highway. It

was questioned if including the west side would set us up for problems if a developer wanted to build multi-family housing but can't because of drainage.

Infill is important for our community. It has to be done smartly, especially on the bluff, and we need to protect people's quality of life. There's question if the city can uphold those things and help encourage responsible development to do those things.

VOTE (amendment): YES: DAVIS, ADERHOLD

NO: HANSEN-CAVASOS, VENUTI, LORD, ERICKSON

Motion failed.

Council Member Aderhold thanked the administration for bringing this forward. She supports the ordinance as it is. There was good discussion and good reasons at the Planning Commission why some were in favor of reducing the re-zone area. In her mind it's not a "no" forever on the west side of West Hill, but she thinks there needs to be more thought put into how all these things fit together in planning for the community we want to have in the future.

VOTE (main motion): YES: ERICKSON, DAVIS, VENUTI, HANSEN-CAVASOS, ADERHOLD, LORD

Motion carried.

ORDINANCE(S)

- a. Ordinance 22-42, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 11.04.120 to Clarify that all New Streets which Serve as Public Access Corridors shall have Sidewalks. Davis/Erickson. Introduction July 25, 2022, Public Hearing and Second Reading August 8, 2022.

DAVIS/ERICKSON MOVED TO INTRODUCE ORDINANCE 22-42 BY READING OF TITLE ONLY.

Council Member Davis shared regarding discussions of works in progress by administration related a broader approach being taken related to sidewalks in subdivisions, and that it's a longer process. In reviewing the ordinance on the books, it doesn't require sidewalks, only easements for them. Council adopted a work plan on non-motorized transportation and trails. This simple amendment to the ordinance would ensure that over the next few years while we're working on re-writes of these plans, that we don't get new neighborhoods approved with streets that lead somewhere that don't have sidewalks.

Council Member Erickson added her appreciation for the work being done to fix the things we don't have. But if we want to move forward we need to have a date that says from here on out, this is going to happen while we're working on getting our plans up to date.

There was support to have feedback from the Planning Commission, Parks Art Recreation and Culture Advisory Commission (PARCAC) and Public Works.

VENUTI/ADERHOLD MOVED THAT THIS ORDINANCE BE REFERRED TO THE PLANNING COMMISSION, PARCAC, AND PUBLIC WORKS.

In response to question about timing to bring it back to Council, City Planner Abboud shared that it's challenging because there are structural issues with this related to existing definitions and the updated transportation plan will lay the ground work for analyzing all the roads, making smart decisions, and getting options that can be implemented. There are other necessary code updates to address this that have to be based on the transportation plan, which is required by the State to be part of our Comprehensive Plan. Passing what's propose tonight would require that everyone have a sidewalk on an easement through a lot.

Discussion continued regarding points raised by the City Planner, and Mayor Castner redirected them back to the motion on the floor to refer the matter.

ADERHOLD/LORD MOVED TO AMEND THE MOTION TO INCLUDE HAVING THIS BACK TO COUNCIL AT THEIR SECOND MEETING IN SEPTEMBER.

There was no further discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VOTE (motion to refer): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

a. City Manager's Report

City Manager Dumouchel highlighted the work being done on the Main Street Sidewalk, an upcoming meeting on sidewalks in Old Town, and a progress report related to Resolution 22-043 related to non-motorized transportation.

There was discussion of the status of the Fire Hall garage door, correcting the solid curb to a curb ramp at Lake Street and Ben Walters, audit for the truncated budget year, and a request a breakdown on City Attorney spending on lawsuits, and status of the lawsuits.

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

COMMENTS OF THE AUDIENCE

Adele Person, city resident, expressed appreciation for the work being done around non-motorized transportation, sidewalks, and planning. Even if it's slow it will set the city up for big changes. She shared community effort related to the Climate Change Action Plan and how that ties into the Master Transportation Plan update, and also encouraged looking at how it ties into our economic zones.

Karin Marks, Economic Development Advisory Commission (EDC) Chair, appreciates the Council brings things up through the Commissions, and noted that they sometimes forget the EDC looks at things from an economic point of view and often they should also be included in reviews. She wishes they'd been able to make recommendation regarding the re-zone ordinance to address the west side of West Hill from that perspective.

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen announced the opening on the ADA Compliance Committee, early and absentee voting for the State Primary Election, and the City of Homer Candidacy filing period for Mayor and two City Council Members.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel had no comments.

COMMENTS OF THE MAYOR

Mayor Castner commented regarding terms for roads and streets and when doing the transportation plan we need to introduce classifications of what each road means.

COMMENTS OF THE CITY COUNCIL

Council Member Lord had no comment.

Council Member Venuti thanked the City, Chamber of Commerce, Homer Garden Club, and local businesses for the beautiful gardens around town. The Peony Festival is proving to be quite a draw for visitors. She encouraged getting out to vote in the State Primary.

Council Member Erickson thanked the crews doing construction on East Hill.

Council Member Davis agrees the Peony Celebration is going well and bringing in a lot of people. He's curious about the number of visitors were getting, it seems quieter but the Chamber is reporting record numbers.

Council Member Aderhold shared that Homer raised Kristen Faulkner will be racing in the women's division of the Tour de France. She'll be cheering her on.

Council Member Hansen-Cavasos shared that we lost Mark Vial who passed away last month, who was significant with Homer Hockey and her children's grandpa, and a heartfelt farewell to him.

Mayor and Council recessed to resume their executive session at 8:25 and resumed the meeting at 9:20.

LORD/ MOVED THAT MAYOR CASTNER HAS DIRECTION TO NEGOTIATE A CONTRACT RENEWAL TO BRING BACK TO COUNCIL.

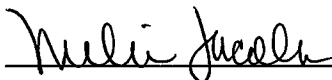
There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ADJOURN

There being no further business to come before Council Mayor Castner adjourned the meeting at 9:25 p.m. The next Regular Meeting is Monday, August 8, 2022 at 6:00 p.m., Worksession at 4:00 p.m. Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



Melissa Jacobsen, MMC, City Clerk

Approved: August 8, 2022