

Session 22-12 a Regular Meeting of the City Council of Homer, Alaska was called to order on June 27, 2022 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS ADERHOLD, DAVIS, ERICKSON, HANSEN-CAVASOS, LORD, VENUTI

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON
PUBLIC WORKS DIRECTOR KEISER
LIBRARY DIRECTOR BERRY
INFORMATION TECHNOLOGY ANALYST SULCZYNSKI
CITY ATTORNEY GATTI

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

ADERHOLD/VENUTI MOVED TO ADOPT 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 Councilmember.)

- a. Homer City Council Unapproved Regular Meeting Minutes of June 13, 2022. Recommend adoption.
- b. Memorandum 22-112 from Mayor Castner Re: Appointment of Bradley Parsons to the ADA Compliance Committee and reappointments of Franco Venuti and Brad Conley to the Planning Commission. Recommend approval.
- c. Memorandum 22-113 from City Manager Re: Appointment to the Emergency Services Communications Advisory Board. Recommend approval.

- d. Memorandum 22-114 from Deputy City Clerk Re: Liquor License Transfer for Grog Shop, Grog Shop East End, Patels, Patels 2, Homer Liquor and Wine, and Rum Locker. Recommend approval.
- e. Resolution 22-056, A Resolution of the City Council of Homer, Alaska Approving an Amendment to the South Central Radar Lease by Adding an Additional Adjacent 1760 Square Feet of City Right-of-Way to the Leased Premises of Lot 88-1, Homer Spit Subdivision No. 2, KPB Parcel 18103431. City Manager. Recommend adoption.

Memorandum 22-115 from Harbormaster as backup.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

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

Lorne Carroll, Public Health Nurse III, reported on the State's COVID dashboard regarding local community case rate information, statewide hospital capacity, worldwide status, and Omicron variant status for the US and Alaska. Mr. Carroll also addressed COVID vaccine schedules for pediatric doses, youth doses, and adult doses. In closing he touched on long term COVID impacts and switched gears to address the increase in overdose deaths in Alaska last year, noting that fentanyl was involved in 74% of the opioid overdose deaths.

Derotha Ferraro, South Peninsula Hospital Public Information Officer, reported on weekly dashboard updates for hospital visits, testing and vaccinations, treatments, and hospital staff status. She announced effective July 1st testing will be available Monday through Friday, 9am to 5pm and that insurance will be billed for COVID tests or a \$50 self-pay will be charged at the time of testing or billed later. For weekends and off hours, free home tests are available at the hospital's main entrance and the Homer Chamber of Commerce.

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

- a. Committee of the Whole Report

Councilmember Aderhold provided a recap of the Committee of the Whole discussion on Ordinance 22-35 and rezoning in the lower West Hill area from rural residential to urban residential.

b. Mayor's Report

Mayor Castner reported on when it's appropriate to hold an executive session and when it's appropriate to discuss a matter in an open meeting.

c. Borough Report

d. Economic Development Advisory Commission

A laydown report was provided by Commissioner Jay Cherok. Chair Karin Marks was in attendance and added the Commission will have a final report to Council on their work on balance of quality of life, change, and community growth in September. She shared the Commission continues to keep housing and non-motorized transportation on their agenda for discussion.

e. Parks Art Recreation and Culture Advisory Commission

- i. Memorandum from Parks Art Recreation and Culture Advisory Commission Re: Dogs on Leash in Designated Areas.

Councilmembers discussed the recommendation from the Parks Art Recreation and Culture Advisory Commission to amend code to require dogs to be on leash in city campgrounds, parks, parking lots, and sensitive wildlife habitat areas. Council expressed interest in this matter and Councilmember Venuti agreed to work with the Commission on the topic.

f. Port and Harbor Advisory Commission

PUBLIC HEARING(S)

- a. Ordinance 22-31, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 21.93 Administrative Appeals to Clarify General Appeal Procedures and Related Matters. City Clerk. Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

Memorandum 22-099 from City Clerk as backup.

Memorandum 22-100 from City Planner as backup.

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

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 22-31 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- b. Ordinance 22-32, An Ordinance of the City Council of Homer, Alaska Amending Title 21.03.040 Definitions used in Zoning Code, Title 21.44 Slopes, Title 21.50.020 Site Development Standards – Level One and Title 21.50.020 Site Development Standards – Level Two. Planning Commission. Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

Memorandum 22-101 from City Planner as backup.

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

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 22-32 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Aderhold shared her appreciation for the Planning Commission's work on this and noted a typographical error in the ordinance.

In response to a question from Councilmember Davis regarding building on the slope, City Planner Abboud explained there are different definitions, it depends on the slope of a lot, and there are engineering requirements for development on a slope. He noted this question relates to current code and the ordinance is related code regulations within 300 feet of the bay.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- c. Ordinance 22-33, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget and Appropriating \$11,838 from the General Fund Capital Asset Repair and Maintenance Allowance Fund to Replace Two Vending Stations at the Library. City Manager/Library Director. Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

Memorandum 22-102 from Library Director as backup.

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

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 22-33 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- d. Ordinance 22-34(S), An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating ~~\$422,840~~ **\$497,900** from the Sewer Capital Asset Repair and Maintenance Allowance Fund to Implement a Solution to the Broken Clarifier Belt at the Waste Water Treatment Plant. City Manager/Public Works Director. Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

Memorandum 22-111 from Public Works Director as backup.

Memorandum 22-103 from Public Works Director as backup.

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

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 22-34(S) BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was brief discussion regarding the necessity of this unplanned expenditure.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(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.

ADERHOLD/VENUTI MOVED TO INTRODUCE ORDINANCE 22-35 BY READING OF TITLE ONLY.

Councilmember Aderhold noted this ordinance was their discussion topic at Committee of the Whole where they addressed pros and cons of doing this and why it's being recommended. The Planning Commission held a public hearing and received input, particularly from property owners on the west side, and she'll be interested in hearing more as this moves forward to their next meeting.

Councilmember Lord shared there is information on the Planning Department webpage about this rezone and she confirmed the original proposal was for re-zoning the east and west sides, and the ordinance before them now is written is to re-zone the east side of West Hill only.

There was brief discussion about process if a member wanted to propose an amendment to include the west side. It was explained that if the change was proposed at the next meeting a second public hearing could be scheduled. If a substitute was provided prior to publication of the public hearing notice, a second hearing may not be necessary, but council could also decide to schedule an additional hearing.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Ordinance 22-36, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget and Appropriating \$_____ from the Water Capital Asset Repair and Maintenance Allowance Fund to Replace Six Fire Hydrants along the West Fairview Avenue Path. City Manager/Public Works Director. Introduction June 27, 2022 Public Hearing and Second Reading July 25, 2022.

Memorandum 22-118 from Public Works Director as backup.

ADERHOLD/LORD MOVED TO INTRODUCE ORDINANCE 22-36 BY READING OF TITLE ONLY.

Councilmember Aderhold shared that Public Works received new information about the location of some of the existing utilities related to the West Fairview Path. It's been recommended that this is voted down and new legislation will come forward at a future date.

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

Motion failed.

CITY MANAGER'S REPORT

- a. City Manager's Report

City Manager Dumouchel commented regarding the upcoming work on the Main Street Sidewalk that will begin mid-July and run through August. He recapped items in his written report and responded to questions regarding the new Special Projects Coordinators, noting he'll have more information to share about them soon.

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

- a. Resolution 22-057, A Resolution of the City Council of Homer, Alaska Awarding a Contract to a Firm to be Determined in an Amount to be Disclosed for the Construction of the West Fairview Path and Replacement of Fire Hydrants, and Authoring the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director.

Memorandum 22-118 from Public Works Director as backup.

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 22-057 BY READING OF TITLE ONLY.

Councilmember Aderhold noted this relates to Ordinance 22-36 that they just voted down because of new information related to the project.

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

Motion failed.

COMMENTS OF THE AUDIENCE

Ted Carter, city resident, commented he lives in the area of the potential re-zone and after hearing input on where to find more information, he'll read more about the legislation for the next meeting.

Karin Marks, city resident, commented regarding Ordinance 22-35 the east side is just catch up, west side, that's looking ahead.

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti shared that he was pleased with the drift fisheries decision from the Federal Court and thinks it was a prudent position on the part of the Mayor and Council to participate in that litigation. He thinks the court made a good decision, for the most part.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen announced current openings on the ADA Compliance Committee and the Planning Commission, and there will be a Running for Local Office Open House on July 23rd for anyone interested in information on running for Mayor or City Council this year.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel announced current full time and part time job openings.

COMMENTS OF THE MAYOR

Mayor Castner joined in on the Attorneys comment on the UCIDA case. What we presented through the attorneys is the claim they had done a poor job in making an economic analysis on the economic impacts to our town. While the judge was easy on them in analysis saying they did their best they could with the information provided, in the end he said their decision was arbitrary and capricious.

COMMENTS OF THE CITY COUNCIL

Councilmember Hansen-Cavasos had no comments.

Councilmember Aderhold shared 13.AAC.02.400 riding bicycles on roadways and bicycle paths, reiterating that bicycles have a place on the road and having the roadways cleared of sand and debris by DOT is important and necessary. She added that the non-motorized transportation group that is part of the Homer Drawdown is meeting regularly and there's an opportunity to do trail work on Lee Drive between Heath Street and Kachemak Way. She gave kudos to the Homer Police Officers and a State Trooper who volunteered their time to conduct a self-defense class. It was well done and well attended. She anticipates there will be another class in the future.

Councilmember Davis noted it's been a dry summer and a lot of dust in the parking lots. He's noticed the Public Works Department is doing a good job spreading calcium chloride to keep the dust down on the roads, but having a hard time finding someone who does it commercially for local businesses. He wonders if there's a way for the city to help businesses, for a fee. He also shared that a citizen has been in touch with him about the 35 acres in town that's zoned as town center. They shared an interest that's similar to what he discussed in the Council's visioning session about developing that area into a mixed-use pedestrian friendly area with workforce housing, shops, cafés and green space. Perhaps that's something the new Special Projects Coordinator could take an interest in.

Councilmember Erickson commented this July 4th weekend there will be a big celebration with 50 years of Homer High School graduates coming to town. There are a number of activities throughout the weekend ending with the parade. She also announced two showings of the

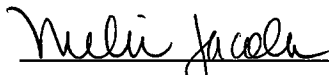
documentary 2000 Mules at a location on Bartlett Street and thanked the workers doing the improvements on East Hill Road.

Councilmember Venuti wished everyone happy July 4th and encouraged attending the parade and being safe. She reminded that fireworks are prohibited in our area and that pets don't like them. She shared about her Canadian mother becoming a US citizen on July 4th and congratulated those who are doing that this year. She had orange hawkweed in her yard, it's an invasive species and you can stop the spread by cutting the flowers off before they go to seed. Lastly she announced that college classes will be listed soon for those interested in taking classes, and she thanked the Mayor for the work on the UCIDA case.

Councilmember Lord was glad to hear about the Running for Local Office Open House coming up and shared that she's happy to talk to anyone who may be interested at any level. She knows a lot of people with COVID right now, some with mild cases and others who are really sick. It's very contagious and encouraged getting vaccinated and boosted. She thanked everyone for a good and short meeting.

ADJOURNMENT

There being no further business to come before the Council Mayor Castner adjourned the meeting at 7:15 p.m. The next Regular Meeting is Monday, July 25, 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: July 25, 2022

