

Session 22-11 a Regular Meeting of the City Council of Homer, Alaska was called to order on June 13, 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  
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)

Mayor Castner announced supplemental items and amendments- **CONSENT AGENDA** Ordinance 22-34, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating \$422,840 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. Ordinance 22-34(S), Updating the expenditure to \$497,900 and Memorandum 22-111 from Public Works Director as backup ; Resolution 22-050, A Resolution of the City Council of Homer, Alaska Establishing a 2022 Mil Rate of 1 Mil for the Ocean Drive Loop Special Service District. City Manager, Resolution 21-037 & Memorandum 21-082 provided as backup.; Resolution 22-054, A Resolution of the City Council of Homer, Alaska Authorizing a Task Order to RESPEC Company to Develop an Engineered Solution for the Waste Water Treatment Plant Clarifier and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Resolution 22-054(S) with the same title and Memorandum 22-110 from City Clerk as backup; and amending the agenda to take up New Business item A, Memorandum 22-109 to recess into executive session regarding VanZant et al vs City of Homer 3HO-20-00251CI at the end following Council member comments.

ADERHOLD/VENUTI MOVED TO ADOPT THE AGENDA AS AMENDED.

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 May 23, 2022. Recommend adoption.
- b. Memorandum 22-096 from Mayor Castner Re: Appointment of Tulio Perez to the Economic Development Advisory Commission. Recommend approval.
- c. Memorandum 22-097 from Mayor Castner Re: Recommendation for the Homer City Seat on the Kenai Peninsula Borough Planning Commission. Recommend approval.
- d. Memorandum 22-098 from City Clerk Re: Renewal of Liquor License for Oaken Keg and Liquor License Transfer for The Twisted Goat. Recommend approval.
- e. 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. Recommended dates 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.

- f. 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. Recommended dates Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

Memorandum 22-101 from City Planner as backup.

- g. 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. Recommended dates Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

Memorandum 22-102 from Library Director as backup.

- h. Ordinance 22-34, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating \$422,840 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. Recommended dates Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

Memorandum 22-103 from Public Works Director as backup.

Moved to Ordinances item a. Aderhold

- i. Resolution 22-050, A Resolution of the City Council of Homer, Alaska Establishing a 2022 Mil Rate of 1 Mil for the Ocean Drive Loop Special Service District. City Manager. Recommend adoption.

Memorandum 22-104 from Public Works Director as backup.

- j. Resolution 22-051, A Resolution of the City Council of Homer, Alaska Adopting the City of Homer 2022 Local Hazards Mitigation Plan Update/Revision. City Manager. Recommend adoption.

Memorandum 22-105 from City Planner as backup.

- k. Resolution 22-052, A Resolution of the City Council of Homer, Alaska Authorizing Task Orders to Kinney Engineering, HDL Engineering, and Nelson Engineering for Pavement Restoration Projects and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-106 from Public Works Director as backup.

- l. Resolution 22-053, An Ordinance of the City Council of Homer, Alaska Authorizing Task Orders to Bishop Engineering, LLC to Design Non-Motorized Transportation Projects and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-107 from Public Works Director as backup.

- m. Resolution 22-054, A Resolution of the City Council of Homer, Alaska Authorizing a Task Order to RESPEC Company to Develop an Engineered Solution for the Waste Water Treatment Plant Clarifier and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-108 from Public Works Director as backup.

Moved to Resolutions item a. Aderhold.

- n. Resolution 22-055, A Resolution of the City Council of Homer, Alaska Directing the City Manager to Present an Ordinance to Fund the Demolition of the Homer Education and Recreation Complex (HERC) II Building. Mayor. Recommend adoption.

Item h. was moved to Ordinance item a. and item m. moved to Resolutions a. Aderhold

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. End of Session Legislative Update - Representative Sarah Vance (10 minutes)

Representative Sarah Vance reported on highlights from the end of the legislative session. She shared her continued support for the port expansion, it continues to be her number one capital project priority for our district. Another project that is a priority for her is funding for abandoned vehicle removal, the senate was able to get it into the budget this year. Other funding for our district is \$14.2 million of federal dollars for the Homer Airport phase II. The budget is still in the process of being transmitted to the Governor. She shared regarding the passage of HB325 regarding domestic violence and sexual assault that adds revenge porn to the category of domestic violence, and HB5 that was attached, the consent bill. She thanked Representative Geran Tarr for her work on this, along with the administration and Department of Law on getting language that would modernize our definition of consent related to rape and sexual assault. She also commented on the Alaska Reads Act that will help our system and school teachers be able to help kids read by age 9, or grade 3 and added funding for pre-K grants.

- b. COVID-19 Agency Update Derotha Ferraro, South Peninsula Hospital Public Information Officer (10 minutes)

Derotha Ferraro reported on weekly dashboard updates for hospital visits, testing and vaccinations, treatments, and hospital staff status. She announced effective July 1<sup>st</sup> 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. Ms. Ferraro also announced the winners of the Homer Steps Up Challenge.

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

a. Committee of the Whole Report

Councilmember Aderhold reported at Committee of the Whole Council discussed Ordinance 22-32 regarding zoning code in areas with coastal slopes, Ordinance 22-34 regarding the Waste Water Treatment Plant Clarifier Belt repair, Resolution 22-051 adopting the All Hazard Mitigation Plan, Resolution 22-050 amending the Ocean Drive Loop Special Service District Mil Rate, and Resolution 22-052 approving task orders for pavement projects. She added that Chief Kirko reported on the Bunnell Avenue fire.

b. Mayor's Report

Mayor Castner reported on his visit to sewer treatment plant after learning about the maintenance issue in Ordinance 22-34.

c. Borough Report

d. Planning Commission

e. Port and Harbor Advisory Commission

Port & Harbor Advisory Commissioner Casey Siekaniec reported on the Commissions recent discussion of harbor zoning districts related to employee housing and their review of the Spit Comprehensive Plan. The Commission is excited about grant funds that are possibly coming the harbors way.

f. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported the committee didn't have a quorum to hold a meeting.

**PUBLIC HEARING(S)**

- a. Ordinance 22-29, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget and Authorizing an Additional Expenditure of \$150,000 from the Sewer Capital Asset Repair and Maintenance Allowance (CARMA) Fund for Sewer Manhole Repair or Replacement Related to the Alaska Department of Transportation and Public Facilities (AKDOT/PF) East Hill Road Repaving Project. City Manager/Public Works Director. Introduction May 23, 2022 Public Hearing and Second Reading June 13, 2022.

Memorandum 22-086 from Public Works Director as backup.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 22-29 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

At the request of Councilmember Erickson, Public Works Director Keiser reviewed the work being done on East Hill and explained the city's responsibility is the utilities along the road, the road repairs are the responsibility of the State.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- b. Ordinance 22-30, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating \$18,150 from the General Fund Capital Asset Repair and Maintenance (CARMA) Fund for the Purpose of Upgrading Software Licenses for the City's Security-Camera Systems. City Manager. Introduction May 23, 2022 Public Hearing and Second Reading June 13, 2022.

Memorandum 22-087 from Police Chief as backup.

Memorandum 22-088 from Library Director as backup.

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

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 22-30 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

**ORDINANCE(S)**

- a. Ordinance 22-34, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget by Appropriating \$422,840 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. Recommended dates Introduction June 13, 2022 Public Hearing and Second Reading June 27, 2022.

Memorandum 22-103 from Public Works Director as backup.

ADERHOLD/VENUTI MOVED TO INTRODUCE ORDINANCE 22-34 BY READING OF TITLE ONLY.

ADERHOLD/VENUTI MOVED TO SUBSTITUTE ORDINANCE 22-34(S) FOR 22-34.

There was no discussion on the motion to substitute.

VOTE (motion to substitute): NON OBJECTION: UNANIMOUS CONSENT:

Motion carried.

Councilmember Lord noted this is about a half a million dollars of unanticipated expense to fix something at the sewer treatment plant that is integral to the treatment of the city's sewage. She appreciated information provided from the Public Works Director at Committee of the Whole and she's had discussions with Superintendent Todd Cook. She's impressed with the running our water and sewer plants. She looks forward to seeing proposals from staff and administration on water/sewer rates in the near future and will support the reinstatement of the capital percentage in the rates.

VOTE (introduction): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **CITY MANAGER'S REPORT**

- a. City Manager's Report

There were no additions to or questions about the City Manager's written report in the packet.

### **PENDING BUSINESS**

#### **NEW BUSINESS**

- a. Memorandum 22-109 from City Clerk re: Request for Executive Session Pursuant to AS 44.62.310 (C)(1 & 3) Matters, the Immediate Knowledge of Which would Clearly have an Adverse Effect upon the Finances of the Government Unit, Pending Litigation, and Attorney/Client Privilege. (VanZant et al vs City of Homer 3HO-20-00251 CI)

Amended during agenda approval to be taken up at the end after Council member comments.

### **RESOLUTIONS**

- a. Resolution 22-054, A Resolution of the City Council of Homer, Alaska Authorizing a Task Order to RESPEC Company to Develop an Engineered Solution for the Waste Water Treatment Plant Clarifier and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-108 from Public Works Director as backup.

ADERHOLD/LORD MOVED TO ADOPT RESOLUTION 22-054.

ADERHOLD/LORD MOVED TO SUBSTITUTE RESOLUTION 22-054(S) FOR 22-054.

There was no discussion on the motion to substitute.

VOTE (motion to substitute): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Aderhold noted a typo that needed to be corrected.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

#### **COMMENTS OF THE AUDIENCE**

Representative Sarah Vance commented regarding the permanent fund dividend and a potential July distribution of the energy relief portion. The decision hasn't been finalized, there are legal and monetary considerations related to residents with low income status.

Donna Beran, non-resident, commented regarding a situation of an elderly person using the cross walk and having to step out into traffic and yell so a driver would stop for the pedestrian. She implored that drivers to be aware of crosswalks and to stop for pedestrians.

#### **COMMENTS OF THE CITY ATTORNEY**

Attorney Gatti had no comments.

#### **COMMENTS OF THE CITY CLERK**

City Clerk Jacobsen had no comments.

#### **COMMENTS OF THE CITY MANAGER**

City Manager Dumouchel had no comments.

#### **COMMENTS OF THE MAYOR**

Mayor Castner commented regarding the dedication of the Duffy Memorial Bench. He thanked the city employees, particularly the police department, who made a strong showing there.

#### **COMMENTS OF THE CITY COUNCIL**

Councilmember Lord commented the Duffy Memorial Bench is beautiful and thanked everyone involved in the project. She also commented regarding additional traffic and people on the



road and reminded everyone to stop at stop signs and crosswalks. People have reached out to her about increased waste, particularly with all the new and wonderful food trucks, and she encouraged everyone to think about reducing waste and using recyclables. She reminded that the Reluctant Dragon is the Pier One Youth Theater production and wished her father-in-law happy birthday.

Councilmember Venuti added regarding food trucks that if people don't need the plastic-ware then don't take it, that would save some. She noted that number 5 plastic isn't taken at our recycling location, and encouraged consideration of alternative recyclable take-out containers. She has noticed increased helicopter flights to the hospital and fire department activity around her house and encouraged safe driving and to watch for bike and pedestrian traffic. She reminded bikers to wear their helmets.

Councilmember Erickson commented about the earthquake trailer at the Middle School today. She gave a shout out to the Police Department for doing the women's safety training and hopes they can do things in the schools to help empower kids in situations that can be scary. The adult softball league and little league are going on and they are fun to watch. One of her mentors Trea Arno passed away and she shared stories of her. She wished her husband happy 41<sup>st</sup> anniversary.

Councilmember Davis thanked Representative Vance for her vote to amend Senate Bill 9 in a way that would have made it possible for Homer to have more breweries and wineries. He knows it wasn't an easy vote, it was brave of her to take that stand, and it was appreciated by several of the brewers and winemakers in town. The version that passed was a little better than the original draft, but as it stands now Homer will need to more than double its population in order to have one more new brewery or winery. He thinks that's unfortunate.

Councilmember Aderhold commented she went to the earthquake truck and it was really impressive to experience what it would be like in a bigger earthquake. The Department of Homeland Security had their mobile command center there and she was able to tour that also. She shared about her visit to Seldovia with other city administration and the Homer Chamber of Commerce. It was a great event and great to learn about Seldovia's economy. She appreciates that this Council is starting to think a lot about non-motorized transportation. She shared Alaska law 13.AAC.02.385 (a) the applicability of regulations to bicycles that states bicycles have all the rights and duties to use the roadways as other vehicles.

Councilmember Hansen-Cavasos wished Councilmember Erickson happy anniversary.

Upon the completion of Council Comments Mayor Castner brought to the floor Memorandum 22-109 from City Clerk re: Request for Executive Session Pursuant to AS 44.62.310 (C)(1 & 3) Matters, the Immediate Knowledge of Which would Clearly have an Adverse Effect upon the

Finances of the Government Unit, Pending Litigation, and Attorney/Client Privilege. (VanZant et al vs City of Homer 3HO-20-00251 CI).

Mayor Castner noted for the record City Manager Dumochel, Public Works Director Keiser, City Attorney Gatti and Attorney Bowman from JDO, and Jim Wilkins with AMLJIA will attend the executive session.

Public Works Director Keiser also attended the executive session.

ADERHOLD/LORD TO RECESS INTO EXECUTIVE SESSION PURSUANT TO AS 44.62.310 (C)(1 & 3) MATTERS, THE IMMEDIATE KNOWLEDGE OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT UPON THE FINANCES OF THE GOVERNMENT UNIT, PENDING LITIGATION, AND ATTORNEY/CLIENT PRIVILEGE, REGARDING VANZANT ET AL VS CITY OF HOMER

There was no discussion.

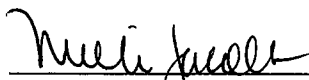
VOTE: YES: VENUTI, ERICKSON, ADERHOLD, LORD, DAVIS, HANSEN-CAVASOS

Motion carried.

Council recessed into executive session at 7:21 p.m. and reconvened the regular meeting at 7:55 p.m.

**ADJOURN**

There being no further business to come before the Council Mayor Castner adjourned the meeting at 7:55 p.m. The next Regular Meeting is Monday, June 27, 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.

  
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Melissa Jacobsen, MMC, City Clerk

Approved: June 27, 2022