

Session 22-20 a Regular Meeting of the City Council of Homer, Alaska was called to order on October 10, 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, LORD, VENUTI

**STAFF:** CITY MANAGER DUMOUCHEL  
CITY CLERK JACOBSEN  
FINANCE DIRECTOR WALTON  
PUBLIC WORKS DIRECTOR KEISER  
NETWORK ADMINISTRATOR 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 the supplemental packet items: **Consent Agenda** Resolution 22-074, A Resolution of the City Council of Homer, Alaska Adopting the City of Homer 2022 Non-Motorized Transportation and Trails Implementation Plan. City Manager/Public Works Director. Copy of the Non-Motorized Transportation and Trail Implementation Plan **Ordinances** Ordinance 22-69, An Emergency Ordinance of the City Council of Homer, Alaska Appropriating \$40,000 from the Homer Accelerated Roads and Trails Road Fund to Repair Alder Lane and Authorize an Increase in the East Road Services Indefinite Delivery Indefinite Quantity (IDIQ) Contract for this Work. City Manager/Public Works Director. Financial Supplement Form; **Resolutions** Resolution 22-079(S), A Resolution of the City Council of Homer, Alaska Certifying the Results of the City of Homer Regular Election held October 4, 2022 to Elect a Mayor for a Two Year Term and Two City Council Members for Three Year Terms each. City Clerk/Canvass Board, and Certificate of Election. Memorandum 22-177 from City Clerk as backup, and the Clerk will Administer the Oaths of Office.

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**

Mayor Castner announced that due to issues with the newspaper, the Homer News did not publish the public hearing notice for tonight’s meeting, so public hearings will have to be

postponed to the next meeting. The public may comment on items on the agenda including items listed under public hearing.

Larry Slone, city resident, commented regarding the Capital Improvement Plan and the necessity of including the costly ADA Accessibility projects CIP project for ADA accessibility to City Hall. Once inside there a person can't get past the lobbies. He expressed support for Ordinance 22-62 and funding the Homer Business Advisory Position for the Alaska Small Business Development Center.

Robert Green commented in support of Ordinance 22-62 and funding the Homer Business Advisory Position for the Alaska Small Business Development Center.

Pat Case, city resident, commented in support of Ordinance 22-62 and funding the Homer Business Advisory Position for the Alaska Small Business Development Center and in support of ADA access to city facilities.

Karin Marks, city resident, commented in support of Ordinance 22-62 and funding the Homer Business Advisory Position for the Alaska Small Business Development Center.

## **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 September 12, 2022. City Clerk. Recommend adoption.
- b. Memorandum 22-167 from City Clerk re: Vacation of a Utility Easement Located on Lot 2-A-1 Scenic View Subdivision. Recommend approval.
- c. Ordinance 22-67, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Authorizing a Transfer of \$438,315 from the Utility Fund Fund Balance to include \$200,000 to the Water Capital Asset Repair and Maintenance Allowance (CARMA) Fund and \$238,315 to the Sewer CARMA Fund and by Appropriating those Amounts from the Water CARMA and Sewer CARMA Funds Accordingly to fund Projects identified in the Water and Sewer Financial Plan. City Manager/Public Works Director. Recommended dates Introduction October 10, 2022 Public Hearing and Second Reading October 24, 2022.

Memorandum 22-168 from Finance Director as backup.

- d. Ordinance 22-68, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential District; Homer City Code 21.14, Urban Residential

District; Homer City Code 21.12 Residential Office District; Homer City Code 21.18, Central Business District; Homer City Code 21.20 Town Center District; Homer City Code 21.22, Gateway Business District; Homer City Code 21.24, General Commercial 1 District; Homer City Code 21.26, General Commercial 2 District; And Homer City Code 21.27, East End Mixed Use District, Regarding Conditional Uses in each District. Planning Commission. Recommended dates Introduction October 10, 2022 Public Hearing and Second Reading October 26, 2022.

Memorandum 22-169 from City Planner as backup.

- e. Resolution 22-071, A Resolution of the City Council of Homer, Alaska Accepting the Fiscal Year 2021 Basic Financial Statements and Acknowledging the Management Letter Submitted by the City's Independent Auditor, BDO USA, LLP and Authorizing the City Manager to Execute the Financial Report. City Manager/Finance Director. Recommend adoption.

Memorandum 22-177 from Finance Director as backup.

- f. Resolution 22-073, A Resolution of the City Council of Homer, Alaska Approving a Task Order to Kinney Engineering in the not to exceed amount of \$140,472 for the Design of the Heath Street Pavement Restoration Project and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-170 from Public Works Director as backup.

- g. Resolution 22-074, A Resolution of the City Council of Homer, Alaska Adopting the City of Homer 2022 Non-Motorized Transportation and Trails Implementation Plan. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-171 from Public Works Director as backup.

Moved to Resolutions item b. Aderhold.

- h. Resolution 22-075, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Increase East Road Services Indefinite Delivery Indefinite Quantity (IDIQ) Contract in the Amount of \$39,000 to Construct the Adams Lane Bike Path. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-172 from Public Works Director as backup.

- i. Resolution 22-076, A Resolution of the City Council of Homer, Alaska Supporting Full Funding (\$8,236,815) for the State of Alaska Municipal Harbor Grant Program in the FY 2024 State Capital Budget. City Manager/Port Director. Recommend adoption.

- j. Resolution 22-077, A Resolution of the City Council of Homer Alaska Awarding the Contract for the Small Boat Harbor Cathodic Protection Project to Global Diving & Salvage, Inc. in the Amount of \$503,975 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-173 from Public Works Director as backup.

Item g. moved to Resolutions item b. Aderhold.

City Clerk Jacobsen read the consent agenda and its recommendations.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **VISITORS**

- a. Audit Report - BDO (5 minutes)

BDO Assurance Partner Bikky Shrestha and Finance Director Walton reported the 2021 audit was a clean auditing. There were no findings presented in the financial statements.

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

- a. Worksession Report

City Manager Dumochel reported Council had a presentation regarding short term rentals.

- b. Committee of the Whole Report

Council Member Aderhold reported Council discussed Resolution 22-073 and the design of Heath Street, 22-074 and the Non-Motorized Transportation and Trails Plan, 22-069 and how the elections percentages are calculated, Ordinance 22-68 reducing conditional use permits in zoning districts, and the 2021 audit.

- c. Mayor's Report

Mayor Castner reported he was in Anchorage on Thursday and for some reason his council email was down and discovered it today. He apologized to anyone who sent him an email during that time, he's catching up and will response soon.

d. Borough Report

Kenai Peninsula Borough Assembly Member Lane Chesley Lane reported on a meeting he attended with the Borough Assessor, Borough Finance Director, City Manager Dumouchel and Economic Development Manager Engebretsen regarding short term rentals. He's received phone calls regarding concern about the volume of truck traffic on Pioneer Avenue. Interim Borough Mayor Navarre was sworn in and former Planning Director Max Best was hired as his Chief of Staff. He shared at their next meeting the Assembly will set the schedule for the special election, about participating with a Homer Drawdown event, and regarding the school bond question on the October 4<sup>th</sup> ballot.

e. Port and Harbor Advisory Commission

**PUBLIC HEARING(S)**

ADERHOLD/VENUTI MOVED TO POSTPONE PUBLIC HEARINGS ON ORDINANCES 22-42(S)(A) AND (S-2), 22-62, 22-63, 22-64, 22-65, AND 22-66 TO THE OCTOBER 24<sup>TH</sup> REGULAR MEETING.

Council Member Lord suggested limited presentations.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- a. Ordinance 22-42(S)(A), 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, Referred to Planning Commission, Parks Art Recreation & Culture Advisory Commission, and Public Works, Public Hearing and Second Reading Postponed to October 10, 2022.

Ordinance 22-42(S-2), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Sections 11.04.120, 22.10.050, and 22.10.051 to Specify when New Streets are Required to Provide for Non-Motorized Transportation. Davis/Erickson.

Memorandum 22-165 from Planning Commission as backup.

Memorandum 22-166 from Parks Art Recreation & Culture Advisory Commission as backup.

- b. Ordinance 22-62, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Operating Budget by Appropriating \$10,000 from the General Fund Unassigned Fund Balance to Fund Part of the Homer Business Advisory Position for the Alaska Small Business Development Center, and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. Venuti/Erickson. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022.

Memorandum 22-160 from Economic Development Manager as backup.

- c. Ordinance 22-63, An Ordinance of the City Council of Homer, Alaska Amending Accepting and Appropriating a Grant with the Alaska Energy Authority in the Amount of \$79,500 for the Design of a Micro-Hydro Unit in Homer’s Water System and Authorizing a Sole Source Contract to InPipe Energy for Design Services of the Micro-Hydro Unit(s) in the Amount of \$79,500. City Manager/Public Works Director. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022.

Memorandum 22-161 from Public Works Director as backup.

- d. Ordinance 22-64, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating an FY23 Designated Legislative Grant from the State of Alaska for the Purpose of New Large Vessel Harbor Matching Funds for an Army Corps of Engineers General Investigation and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022
- e. Ordinance 22-65, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Accepting and Appropriating a 2022 Commercial Passenger Vessel Tax Program Grant from the State of Alaska for \$35,445 and a Commercial Passenger Vessel Tax Program 2022 Pass-Through Grant from the Kenai Peninsula Borough in the Amount of \$35,445 to Rebuild Crane #7 on Homer Fish Dock and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Port Director. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022.

Memorandum 22-162 from Port Director as backup.

- f. Ordinance 22-66, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Appropriating \$69,110 from the Port Reserve Fund to Rebuild Crane #7 on Homer Fish Dock and Authorizing a Sole Source Contract with Great Northern Hydraulics, LLC. City Manager/Port Director. Introduction September 26, 2022, Public Hearing and Second Reading October 10, 2022.

Memorandum 22-162 from Port Director as backup.

**ORDINANCE(S)**

- a. Ordinance 22-69, An Emergency Ordinance of the City Council of Homer, Alaska Appropriating \$40,000 from the Homer Accelerated Roads and Trails Road Fund to Repair Alder Lane and Authorize an Increase in the East Road Services Indefinite Delivery Indefinite Quantity (IDIQ) Contract for this Work. City Manager/Public Works Director.

Memorandum 22-175 from Public Works Director as backup.

ADERHOLD/LORD MOVED TO INTRODUCE ORDINANCE 22-69 BY READING OF TITLE ONLY.

At the request of Council Public Works Director explained the issue at Alder Lane where the road has become impassable due to the work being done to install water lines and the rain on substandard road. This will make some improvements to the road and the City will be able to take over some additional maintenance.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

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

- a. City Manager's Report

City Manager Dumouchel commented on the Main Street Sidewalk project nearing completion, budget priorities as a discussion at the next meeting, and the draft RFP for the Comprehensive Plan and Zoning Code updates.

### **PENDING BUSINESS**

- a. Resolution 22-066, A Resolution of the City Council of Homer, Alaska Approving the 2022 Council Operating Manual Update. Aderhold/City Clerk.

Memorandum 22-176 from City Clerk as backup.

Memorandum 22-155 from City Clerk as backup.

Mayor Castner announced there is a motion on the floor from September 12<sup>th</sup> for the adoption of Resolution 22-066 by reading of title only and opened the floor for discussion.

There were comments in support of the new language regarding Political Agendas and an adjournment time of 10:00 p.m.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

### **NEW BUSINESS**

### **RESOLUTIONS**

- a. Resolution 22-078, A Resolution of the City Council of Homer, Alaska Adopting the 2023-2028 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2024. Mayor/City Council.

Memorandum 22-174 from Special Projects and Communications Coordinator as backup.

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 22-079 BY READING OF TITLE ONLY.

ADEROLD/LORD MOVED REMOVE THE PUBLIC RESTROOM ACCESSIBILITY BARRIER REMOVAL, HOMER INTERSECTION IMPROVEMENTS, BELUGA SLOUGH TRAIL EXTENSION, HORIZON LOOP TRAIL, PHASE 1 AND MARINER PARK IMPROVEMENT PROJECTS FROM THE CAPITAL IMPROVEMENT PLAN (CIP).

It was noted these items are either complete, substantially complete, or have no sponsor.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

LORD/ADERHOLD MOVED TO MOVE THE BARGE MOORING & LARGE VESSEL HAUL OUT REPAIR FACILITY FROM THE LEGISLATIVE PRIORITY SECTION TO THE MID-RANGE SECTION; AND MOVE THE DEEP WATER/CRUISE SHIP DOCK EXPANSION AND OLD MAIN DOCK REMOVAL AND DISPOSAL PROJECTS FROM THE MID-RANGE SECTION TO THE LONG-RANGE SECTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ADERHOLD/LORD MOVED TO INCLUDE CITY OF HOMER PROJECTS: A-FRAME WATER TRANSMISSION LINE REPLACEMENT, BELUGA SEWAGE LIFT STATION, FISH GRINDING BUILDING REPLACEMENT, HOMER AIRPORT TERMINAL IMPROVEMENTS, WAYFINDING & STREETScape PLAN IMPLEMENTATION, SVEDLUND AND HERNDON STREET SIDEWALKS HOMER HARBOR DREDGING, AND HOMER HARBOR SYSTEM 5 REDESIGN.

It was noted Council discussed these items at their last Committee of the Whole.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ADERHOLD/LORD MOVED TO ADD HAP LOOP, HEATH STREET REHABILITATION AND MAIN STREET REHABILITATION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.



Motion carried.

LORD/VENUTI MOVED TO APPROVE LEGISLATIVE PRIORITIES LISTED IN THE RESOLUTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was no further discussion on the main motion.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- b. Resolution 22-074, A Resolution of the City Council of Homer, Alaska Adopting the City of Homer 2022 Non-Motorized Transportation and Trails Implementation Plan. City Manager/Public Works Director. Recommend adoption.

Memorandum 22-171 from Public Works Director as backup.

ADERHOLD/LORD MOVED TO POSTPONE RESOLUTION 22-074 TO THEIR NEXT MEETING.

Council Member Aderhold noted they discussed corrections needed for the resolution at the Committee of the Whole.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- c. Resolution 22-079, A Resolution of the City Council of Homer, Alaska Certifying the Results of the City of Homer Regular Election held October 4, 2022 to Elect a Mayor for a Two Year Term and Two City Council Members for Three Year Terms each. City Clerk/Canvass Board.

Resolution 22-079(S), A Resolution of the City Council of Homer, Alaska Certifying the Results of the City of Homer Regular Election held October 4, 2022 to Elect a Mayor for a Two Year Term and Two City Council Members for Three Year Terms each. City Clerk/Canvass Board.

ADERHOLD/LORD MOVED TO ADOPT RESOLUTION 22-079 BY READING OF TITLE ONLY

ADERHOLD/LORD MOVED I MOVE SUBSTITUTE RESOLUTION 22-079(S) FOR 22-079

There was no discussion on the motion to substitute.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no discussion on the main motion.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

City Clerk Jacobsen administered the Oath of Office to the Newly Elected Mayor Castner and Council Members Hansen and Davis.

### **COMMENTS OF THE AUDIENCE**

Louie Flora, borough resident, commented regarding the upcoming HEA Board meeting and a modification to the commercial property assessed clean energy statute that allows a commercial business owner to get a loan for energy improvements for their industrial or commercial property, and repay it through their property tax bill.

Pat Case, city resident, commented on the importance of the City to continue moving forward on barrier removal for accessibility.

Larry Slone, city resident, acknowledged Mr. Case's comments, noted that impacts a smaller segment of society, and commented regarding the physical barriers in city hall being an impediment to him and others.

Rika Mouw, city resident, congratulated the newly elected Mayor and Council Members and thanked the Council for all the work they're doing on the Non-Motorized Transportation Plan and for their hard work overall.

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

City Attorney Gatti congratulated the newly elected officials.

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

City Clerk Jacobsen announced advisory body openings and election information.

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

City Manager Dumouchel had no comments.

### **COMMENTS OF THE MAYOR**

Mayor Castner noted at our next meeting he's mindful of the schedule and getting through the meeting before 10:00 p.m. They will have a presentation from the Japanese Language Class at the next meeting that will take some time, but it's a really important thing and time shouldn't be most important issue.

#### COMMENTS OF THE CITY COUNCIL

Council Member Hansen thanked the voters for their support, she's glad to be serving another term.

Council Member Aderhold congratulated the newly elected officials. She commented today is Indigenous People's Day and she acknowledged the indigenous people here in our state and the diversity of our populations. She participated as a facilitator for the Trails Symposium, there was a really good turnout and really good discussion at the event.

Council Member Davis noted he was originally elected for a one year term and he's looking forward to serving a full term. He thanked everyone for a great year.

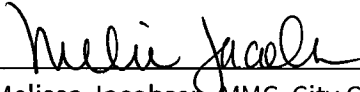
Council Member Erickson congratulated the newly elected officials. She shared that it's getting dark earlier so keep an eye out for moose and children on the sides of the road, and gave a shout out to the workers on East Hill Road.

Council Member Venuti hopes City Manager Dumouchel feels better soon. She acknowledged Indigenous People's Day, it's a day to pause and think about the resilience, strengths, and all the impacts indigenous people have made on the aspects of our society. She thanked all the candidates who ran for office and the voters who voted, she congratulated the newly elected officials.

Council Member Lord encouraged City Manager Dumouchel to stay home, rest, and feel better. She congratulated the newly elected officials and said it was a good meeting.

#### ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 7:25 p.m. The next Regular Meeting is Monday, October 24, 2022 at 6:00 p.m., Worksession 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.

  
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Melissa Jacobsen, MMC, City Clerk

Approved: October 24, 2022

