

Session 21-19 a Regular Meeting of the Homer City Council was called to order on August 9, 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: COUNCILMEMBERS ADERHOLD, VENUTI, LORD, SMITH, HANSEN-CAVASOS

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON
PUBLIC WORKS DIRECTOR KEISER
PORT DIRECTOR HAWKINS
CITY PLANNER ABOUD
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 items to the packet- **CONSENT AGENDA** – a copy of the unapproved minutes of July 26th and Resolution 21-054 Supporting a Joint Resolution with the Kenai Peninsula Borough Spruce Bark Beetle Mitigation Funding Request a copy of the KPB Joint Resolution and backup; **VISITORS** - a copy of tonight's Power Point presentation on the Beach Policy & Management Plan update; **ANNOUNCEMENTS/REPORTS/PRESENTATIONS** a written report from the Planning Commission **PUBLIC HEARINGS** Bunnell Avenue/Charles Way Water and Sewer Special Assessment District, Notice of Objection and Ordinance 21-41 Amending City Code to include a consumption endorsement for marijuana facilities, written public comment; **CITY MANAGERS REPORT** Wayfinding and Streetscape Update, **RESOLUTIONS** Resolutions 21-056 and 057 Bunnell Avenue/Charles Way Water and Sewer Special Assessment District written public comments.

LORD/ADERHOLD 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

Karin Marks, Economic Development and Advisory Commission Chair, shared an update on the Wayfinding and Streetscape Plan project. This is the public comment time and public can hear

staff presentations at tomorrow night's EDC meeting and at their worksession on August 31st, also at the Parks Art Recreation and Culture Advisory Commission August 19th and Port and Harbor Advisory Commission August 25th. Public comments on sign concepts are welcome from now until August 31st, written comments can be emailed to planning@ci.homer.ak.us and people are welcome to call and discuss the project with Deputy City Planner Engebretsen. Information is available on the City website.

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 for July 26, 2021. City Clerk. Recommend adoption.
- b. Memorandum 21-133 from Mayor Castner Re: Reappointment of Joyanna Geisler and Appointment of Vikki Deadrick to the ADA Compliance Committee. Recommend approval.
- c. Memorandum 21-134 from City Clerk Re: Retail Marijuana Store License Renewal for Uncle Herb's. Recommend approval.
- d. Ordinance 21-48, An Ordinance of the City Council of Homer, Alaska, Amending the FY22 Capital Budget by Appropriating Funds in the Amount of \$16,000 from the Port Reserves Fund for the Purpose of Installing Cost Saving Heating Upgrades for the Old Ferry Terminal and City Water Tank Storage Building Located at 4667 Homer Spit Road. City Manager/Port Director. Recommended dates Introduction August 9, 2021, Public Hearing and Second Reading August 23, 2021.

Memorandum 21-135 from Port Director as backup

- e. Ordinance 21-49, An Ordinance of the City Council of Homer, Alaska Amending the FY22 Capital Budget and Authorizing the Expenditure of an Additional \$139,502 for a Total Project Cost of \$392,695 from the Homer Accelerated Water and Sewer Program (HAWSP) to Complete the Alder Lane Water Improvement Project. City Manager/Public Works Director. Recommended dates Introduction August 9, 2021, Public Hearing and Second Reading August 23, 2021

Memorandum 21-136 from Public Works Director as backup

- f. Resolution 21-054, A Resolution of the City Council of Homer, Alaska Expressing Support for a Joint Resolution with the Kenai Peninsula Borough for the Federal

Request of \$35 Million to Mitigate the Spruce Bark Beetle Infestation that has Resurged on the Kenai Peninsula. City Manager. Recommend approval.

City Clerk Jacobsen read the consent agenda and recommendations.

LORD/ADERHOLD 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 Director of Public Relations & Marketing and Lorne Carroll, State of Alaska Public Health Nurse III (10 minutes)

Lorne Carroll, Public Health Nurse III, reviewed the State of Alaska COVID-19 dashboard and noted it's becoming more apparent that getting vaccinated is the most important action a person can take to protect themselves and the community. Most of the state is in high alert status and the 20-29 age group continues to lead in reports of new cases. He reviewed the epidemic curve that predicts just over 1,000 per day in the near future, as close as August 18th.

Derotha Ferraro, South Peninsula Hospital (SPH) Director of Public Relations & Marketing and Public Information Officer reported the last 14 day case counts. July 31 to August 6 the hospital resulted 1036 tests with 86 positive, just over 8% positivity rate. Beginning August 6th the swabs they're collecting will be sent daily by Ravn to Beachtree Labs in Anchorage. The pace is too much for SPH internal processing, and this will result in a 1 to 2 day or more turnaround time. 97 vaccinations were given last week at the COVID Test and Vaccine Center, a significant weekly increase over June through July. As of Wednesday 68% of patient care employees and 65% of all employees are fully vaccinated. Hospitalizations in June include four COVID admissions, July had 11 COVID admissions, and so far month to date in August is 6 COVID admissions. She addressed the outpatient monoclonal antibody infusion therapies a proven effective way to treat patients outside the hospital setting, and a pop up vaccination and testing clinic in Ninilchik.

- b. City of Homer Beach Policy & Management Plan Report - Parks Art Recreation & Culture Advisory Commissioner Deb Lowney (10 minutes)

Deb Lowney, Parks Art Recreation & Culture Advisory (PARCAC) Commissioner, reported on the Commission's updates to the new Beach Policy & Management Plan. She explained the purpose and intent of the updates are to support the enforcement of existing regulations, propose new regulations as needed, provide guidance to keep all city beaches safe and enjoyable, and protect wildlife and the natural environment. She provided history of the original beach policy completed in 2001, and updates through 2016. The goals of the policy are education, prevention and enforcement and updates include reformatting to further delineate policy and management strategy, remove outdated information, and include new regulations adopted by Council since the last update. Proposed changes include review and update every three years, provisions and budgeting for signage, public relations, annual assessment of beach health and development impacts, and support beach clean-up efforts.

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

a. Worksession Report

City Manager Dumouchel reported there was a discussion on Capital Asset Repair and Maintenance Allowance (CARMA) funding mechanisms and use of subaccounts. Council provided feedback and he'll be working with staff to synthesize the information.

b. Committee of the Whole Report

Councilmember Lord reported Council discussed Ordinances 21-48 regarding funds for heating upgrades at the old ferry terminal and water tank storage and 21-49 regarding additional funding for the Alder Lane water project related to procurement and bid process. They discussed Ordinance 21-41 regarding onsite consumption of marijuana, the City Planner gave a presentation on the onsite consumption endorsement and state law regarding marijuana facilities and they had robust discussion with him and the Police Chief on that topic.

c. Mayor's Report

Mayor Castner reported on his attendance at the Conference of Mayors meeting in Fairbanks. Prior to their meeting was the Conference of Young Alaskans that produced 22 resolutions that were presented to the Mayors. It was important to hear their sincerity and for the Mayors to identify what they could do and explain about the bureaucracy that gives you a voice but doesn't know how to listen. He shared that the Mayors were heavily lobbied concerning the fiscal plans for the State moving forward and Senate President was sincere when he said it doesn't seem like anything is going to gel. There's a fiscal policy task force that's meeting that represents all the interest groups within the legislature, but they're having a hard time finding ground. The Governor is proposing a 50/50 plan to be put into the Constitution where half the available money from the permanent fund would go to the legislature and half to the dividends. The fiscal analysis is in three years that could balance, but this year we would be \$1 billion short. The Governor's proposal to solve that is to transfer some of the existing

constitutional mandates to the City's towns and villages. The Mayors were adamant they aren't prepared to pick up the \$1 billion tab. The second solution is a statewide sales tax and that seems to be gathering momentum. Lastly a lot of the coastal communities have decided we need a sea-belt coalition, so they're going to try to coalesce in some way.

d. Borough Report

Kenai Peninsula Board Assembly Member Lane Chesley reported the Borough hosted a community wildfire plan information session at West Homer Elementary to gather information from Homer and southern communities to be included in the Borough-wide Community Wildfire Protection Plan that will be presented to the Assembly later in the year. Phase one of the Homer High School roof repair is underway, the lowest bid came in at \$650,000 and it was anticipated to be over \$1 million and the Borough Contracting Department is planning for the future phases for the total roof replacement. No action was taken on the letter from the Mayor to the Assembly regarding the Borough Planning Commission at the last meeting but the Deputy Borough Attorney indicated a worksession is being recommended to discuss it in more detail before their committee work begins at their August 17th meeting. Reconsideration of Resolution 2021-054 classifying certain parcels of Borough land for sale prevailed and they were able to include two parcels adjacent to the boatyard in the sale and eight were removed from the list and will be slated for 2022 land sale. He advised Public Works Director Keiser in case there's interest in working on those parcels.

e. Library Advisory Board

i. Library Advisory Board Report

f. Planning Commission

A written report from the Planning Commission was provided in the supplemental packet.

g. Port and Harbor Advisory Commission

h. Public Works Campus Task Force

Councilmember Venuti reported the task force worked to finalize their presentation that's scheduled for the August 23rd Council meeting.

PUBLIC HEARING(S)

a. Bunnell Avenue/Charles Way Water and Sewer Special Assessment District

Mayor Castner opened the public hearing.

Ruben Guetschow, property owner in the district, commented regarding his small lot with a dry cabin he rents out which he has no intention of improving by bringing water and sewer in.

He noted the City owns a large parcel and encouraged recognizing that bias and his belief they should approve the benefitted area assessment methodology. A copy of his testimony was provided.

Chris Logan, property owner in the district, explained she owns three properties in the proposed district with two small cabins on Charles Way that currently have DEC approved and installed holding tanks and water tanks. The system on the wetlands is hard to maintain due to frost heaves, she knows she's not the only one in the area with this issue, and noted there are several dry cabins with outhouses contaminating the wetlands in the area. She commented in support of the benefitted area assessment methodology.

There were no further public comments.

Mayor Castner closed the public hearing and noted there are resolutions later on the agenda addressing this special assessment district.

- b. Ordinance 21-41, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.18.020, Central Business District, 21.24.020 General Commercial 1, 21.26.020 General Commercial 2, 21.27.020 East End Mixed Use, 21.62.020 Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities to Include a Consumption Endorsement as Defined by State Law. Planning Commission. Introduction June 28, 2021 **Postponed to July 26, 2021** *Public Hearing and Second Reading July 26, 2021.*

Memorandum 21-110 from City Planner as backup.

Chris Long, co-owner of Cosmic Cannabis Company, commented in support of the ordinance noting some initial confusion on the topic and an email he provided with some clarifying information. They are regulated by State mandates that are pretty stringent, so if there is any smell or smoke, it's a no-go for them. He noted benefits to their business and the tax revenue it would generate for the City. They wouldn't permit access to someone who's already inebriated and if someone isn't able to drive themselves they would provide cab service. He hopes someone will sponsor the ordinance and adopt it.

Chris Logan, co-owner of Cosmic Cannabis Company, noted she provided written comments for the record. She reviewed the history of legalizing marijuana in Alaska and the development of her business. The building that has an unfinished second story deck designed for a marijuana bar with a covered outdoor space with deck heaters and furniture, the surrounding properties are Two Sisters Bakery, lots she and her business partner own, and other vacant lots. There are three businesses in the state that have onsite consumption endorsements, one each in Fairbanks, Juneau, and Ketchikan. If permitted, smoking would be allowed outside only in a designated area with air handlers, not visible to the public, per AMCO regulations. Secondhand smoke shouldn't be a problem because it will only be allowed outside and

consumption of edibles would be allowed inside. Current regulations require video monitoring and an employee observing at all times. It's not like buying and drinking liquor in a liquor store, but buying a drink at a bar and drinking it at the bar. She explained the regulatory limits on the amount that can be sold and consumed to a person in one day. Their goal is to provide a safe and legal place for people to consume, generate tax revenue, and provide jobs for local economy.

Kristen McDonald, a city resident, volunteer with the American Cancer Society, and registered nurse, commented in opposition to the ordinance citing health and safety reasons. She noted the smoke free workplace bill that passed in 2018 and she believes workers should have healthy air to breathe. She shared about challenges she experience working in a hospital trying to have smoking areas with ventilation for patients which hasn't worked. Smoking is a personal choice and it should be done at home. She also shared concerns about the safety of people at Bishops Beach.

There were no further comments and the hearing was closed.

LORD/ADERHOLD MOVED TO ADOPT ORDINANCE 21-41 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Smith commented in opposition to the ordinance. None of the arguments in support have been compelling enough that this is in the best interest of the community. We're in the infancy of legalized marijuana and we don't have a lot of data or information that shows it's a responsible course.

Councilmember Lord shared her opposition based on the opposition of the Planning Commission and concerns expressed by the Police Chief earlier at the Committee of the Whole.

Councilmember Aderhold expressed support based on the strict standards that are imposed by the State and on indications from the City Planner and Police Chief that the marijuana businesses have been following the rules and have been easy to work with. She gets a clear indication that smoke is the problem and she'd like to see a future ordinance that wouldn't allow indoor or outdoor smoking.

Councilmember Venuti expressed opposition. The testimony focused on tourists but we're here for the residents. She agrees second hand smoke is dangerous, it's hard to get rid of on furniture, and it's hard to develop safe place for it.

Councilmember Hansen-Cavasos commented in support of the ordinance. She doesn't believe it's just for tourists, but also for residents. She understands the strict rules the owners have to

follow and if the opposition is to smoking outside, she agrees with Councilmember Aderhold's suggestion of a revised ordinance.

VOTE: YES: ADERHOLD, HANSEN-CAVASOS
NO: SMITH, LORD, VENUTI

Motion failed.

- c. Ordinance 21-44, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.91 Planning Commission and Board of Adjustment to Remove the Board of Adjustment and 21.93 Administrative Appeals Establishing that Administrative Appeals from certain final City Planning Decisions shall be filed before a Hearing Officer and Supplementing Notice Requirements. City Clerk. Introduction July 26, 2021, Public Hearing and Second Reading August 9, 2021.

Ordinance 21-44(S), An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.91 Planning Commission and Board of Adjustment to Remove the Board of Adjustment and 21.93 Administrative Appeals Establishing that Administrative Appeals from certain final City Planning Decisions shall be filed before a Hearing Officer and Supplementing Notice Requirements. City Clerk.

Memorandum 21-137 from City Clerk as backup
Memorandum 21-131 from City Clerk as backup

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

LORD/ADERHOLD MOVED TO ADOPT ORDINANCE 21-44 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

LORD/ADERHOLD MOVED TO SUBSTITUTE ORDINANCE 21-44(S) FOR 21-44.

There was no discussion on the motion to substitute.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

It was noted for the record there were strikeouts needed for references to the Board of Adjustment or the Board that would be done by the Clerk through revisor authority.

Councilmember Lord appreciates the ordinance and thinks it will be beneficial to all parties.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- d. Ordinance 21-45, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Public Library Assistance Grant for the FY 2022 in the Amount of \$7,000.00 for Books and Library Materials and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Library Director. Introduction July 26, 2021, Public Hearing and Second Reading August 9, 2021.

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

LORD/ADERHOLD MOVED TO ADOPT ORDINANCE 21-45 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Castner called for at 10 minute break at 7:29 p.m. and resumed the meeting at 7:39 p.m.

ORDINANCE(S)

CITY MANAGER'S REPORT

- a. City Manager's Report

City Manager Dumouchel reported he attended the AML Summer Conference and Alaska Municipal Manager's Association meeting, and it was a positive experience to make connections with his colleagues throughout the state. The International City Managers Association (ICMA) Executive Board President attended their meeting and he was able to meet with him. The Manager's addressed COVID response, future of remote work, managing multiple generations in the workplace, and the ICMA Board President presented on facilitative leadership.

He commented on continued consideration of the COVID situation in Homer and that the internal working group continues to meet and discusses current COVID context.

Councilmembers Venuti, Aderhold, and Lord commented in response to the Borough tax foreclosed properties in the City and that they don't see any value in requesting conveyance of those properties.

Councilmember Lord requested a presentation from decision makers regarding earthquake and tsunami alerts and decisions. She also strongly expressed her frustration and concerns about the City not following COVID guidelines from CDC regarding requiring masking in group settings.

PENDING BUSINESS

- a. Resolution 21-053, A Resolution of the City Council of Homer, Alaska Amending and Updating the City of Homer Beach Policy and Renaming it the City of Homer Beach Policy and Management Plan. City Clerk/Parks Art Recreation and Culture Advisory Commission.

LORD/ADERHOLD MOVED TO ADOPT RESOLUTION 21-053 BY READING OF TITLE ONLY.

Councilmember Aderhold shared her appreciation of PARCAC and administrations work on the updated document.

Councilmember Venuti appreciates the incorporation of management in the document and title.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

RESOLUTIONS

- a. Resolution 21-055, A Resolution of the City Council of Homer, Alaska Awarding a Term Contract to Bristol Engineering, LLC, for Engineering Services and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director.

Memorandum 21-138 from Public Works Director as backup

LORD/ADERHOLD MOVED TO ADOPT RESOLUTION 21-055 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Resolution 21-056, A Resolution of the City Council of Homer, Alaska Acknowledging the Sufficiency of the Bunnell Avenue/Charles Way Water and Sewer Improvement Special Assessment District and Approving the Improvement Plan, Estimated Cost of Improvement and Assessment Methodology. City Clerk.

Memorandum 21-139 from City Clerk as backup

Mayor Castner requested the rules be suspended to allow Council to discuss Resolution 21-056 and 21-057 simultaneously with the Public Works Director. There was no objection by Council.

Public Works Director Keiser commented this special assessment district (SAD) is to bring water and sewer to the Bunnell Avenue/Charles Way neighborhood which includes Bishops Beach. She reviewed the process to this point and explained objections have been filed and comments have been made, but there isn't a way to revise recommendations until the public notice process is finished and there's some culmination in what the opinions are. At the neighborhood meeting there was strong interest for the project by some but others objected for a variety of reasons. One reason was that some already have water and sewer because they were connected to a spaghetti line. She's learned that the spaghetti lines in this neighborhood were permitted, inspected, installed by insured and bonded 3rd party contractors, the property owners paid a fee, and asbuilts are on file. She recommends not including properties with spaghetti lines in this district. At the neighborhood meeting they also learned there were some who did not need or want water and sewer, either they had provisions, didn't live there full time, or they hauled water, and didn't want the expense or trouble of being connected. Because they were at the end of a line, it was possible to bring the line in shorter and exclude them without detriment to the remaining neighbors in the district. Public Works recommendation is where property owners don't want the line and we're able to exclude them without detriment to other property owners we should do so.

Public Works Director Keiser also commented regarding the assessment methodologies and how former Public Works Director Meyer had determined using different methodologies in different districts for other SADs. She thought using this is a negotiation process to find the most equitable route was normal, but in the code there's a provision that says unless specified otherwise the equal shares method is used. When the City Clerk's office sent out notices they used the equal shares methodology on the preliminary assessment roll. It wasn't communicated about a different system, so there was some communication breakdown there's commitment to resolve that between Public Works and the Clerk's Office. The recommendations from Public Works Department regarding this district are:

1. Use the benefitted area methodology.
2. Do not force property owners with installed inspected and permitted spaghetti lines to join the district.
3. Where possible, exclude property owners where there's no detriment to the remaining property owners.

She suggested voting one of the resolutions tonight, either 21-056 or 21-057, and postpone the other to allow time to assess the letters and bring back a revised boundary and revised assessment roll.

Councilmember Aderhold questioned if any of the lots anticipated being excluded have outhouses and if so what will be done about that. Public Works Director Keiser explained the City received a communication from the Department of Environmental Conservation that they'd received a complaint from a property owner that someone's lot was discharging raw sewage into the environment and asked if we want to take the lead in addressing it. After discussion with the Planning Department and City Manager's office it was concluded that the City doesn't have the authority to address the issue, which is something they'll be looking into in the future. There are two properties on the end and excluding them will do nothing for the rest of the district and the one in the middle with the problem shouldn't be excluded.

Councilmember Smith noted there is something in city code about outhouses and the availability of city sewer. He sees the benefit of having a choice between the three assessment methodologies. With water and sewer, the benefit is the same for all properties, everyone gets a spigot for their water and a discharge point for their sewer. The city lot with the park is larger and gets a lot of use so he could see them taking on more, but in looking at the overall roll the only one substantially impacted is the City. Regarding the spaghetti lines, as long as it's equally applied through all projects that's fine, his property and one in the Alder Lane SAD have the same issue. He questioned if the properties with spaghetti lines paid any portion of the assessment for the main they tied into, he thinks probably not, but that main is what provided the opportunity to hook up.

Public Works Director noted there is enforcement authority to require someone with a failed septic system, which she thinks would include an outhouse, to hook up. But if there's no main, there's no authority. The authority falls under zoning as a nuisance which is difficult to prove and takes time. She hasn't followed up regarding the property on Alder Lane and the status of their spaghetti line. She discussed a late comer fee where someone hooks into a line that's already been installed and paid for, there's nothing in code to address that.

Councilmember Lord supports the flexible use of assessment methodology on a case by case basis for districts. She understands it can be challenging and that getting to yes equitably and fairly is the goal. She supports the benefitted area method here, but has concerns with

excluding specific properties when we talk about city infrastructure development. The water and sewer mains aren't developed for the short term but to last over many years. The idea that it's the end of the line and shortening the mains, she can see it coming back to Council in the future when it's become a problem.

Councilmember Venuti agreed it's best to include all the properties and not exclude the ones at the end just because they don't think they need it now. Property owners come and go and this will be an investment for the property. Excluding just because they don't want it will set a precedent and she doesn't agree with that.

Mayor Castner thinks water and service are what define a city, and someplace that has outhouses is less than a city. He wouldn't want to be Mayor of a city where he's ask why there are still outhouses in the center of the city. He agrees with the Councilmembers who have spoken about not excluding properties and properties with outhouses. He also supports the notion of a fair enrollment where the city will pay an amount, spaghetti lines will pay something, and so forth, and have the City Council bless it as opposed to a specific methodology. After questioning he further explained his intent that the spaghetti lines have to be addressed somehow and it's not using methodology in code or benefitted area. It's more of a fair appraisal of what the benefit to the individual lots.

Public Works Director Keiser noted in some instances when spaghetti lines are connected they pay permit and installation fees, and are charged some contribution to the district they could have been associated with, had they been part of it at the time. There are some that haven't been charged. The City Manager has asked staff to look at how assessments are deferred and if late comer fees have or have not been assessed with a goal of getting some clarity and consistency. She also noted she's heard that people who had a spaghetti had somewhere along the line committed to not objecting to a SAD if it came to their neighborhood, but she hasn't seen it in code.

There were further comments about SAD processes.

LORD/ADERHOLD MOVED TO ADOPT RESOLUTION 21-056 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NO: ADERHOLD, HANSEN-CAVASOS, LORD, VENUTI, SMITH

Motion failed.

- c. Resolution 21-057, A Resolution of the City Council of Homer, Alaska Adopting the Recommendations of the Public Works Department Related to the Proposed Bunnell Avenue/Charles Way Special Assessment District. City Manager/Public Works Director.

Memorandum 21-140 as backup

LORD/ADERHOLD MOVED TO POSTPONE RESOLUTION 21-057 TO THEIR NEXT MEETING.

Councilmember Smith asked that a metric that was used to determine benefitted area so they have a solid understanding of how its determined what's benefitted and what's not in relation to these properties.

Councilmember Lord noted Resolution 21-056 had the language that addresses sufficiency, improvement plan, and other necessary language and wants to ensure that will be included in the revised resolution.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Chris Logan thanked Council for their discussion tonight, it was very interesting. She appreciates them and how government works.

Sasha Raupp, property owner on Charles Way, commented that when they moved to their lot 16 years ago they were told it wasn't possible to move forward with city water and sewer at the time. She and others who got the spaghetti lines had agreed that they would not put in obstacles in the way of developing the main system if it were to come in. She would appreciate more information on what the project would look like when it's developed. She's basically in favor of it but has concerns for those who can't afford it.

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti commented that generally, the idea of special assessments is that benefitted properties are include in the district and the benefit could be present or future. There are at least two Alaska Supreme Court cases that outline that principle.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen commented regarding the Candidate Filing period and Council Appointment application period, and that there are openings on the Library Advisory Board and the ADA Compliance Committee.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel had no comments.

COMMENTS OF THE MAYOR

Mayor Castner commented regarding the recent tsunami warning, and previous ones in July and October last year. At the Conference of Mayors he met with the City Manager and others from Seward, Kodiak, and Sand Point Borough Mayor and discussed tsunami alerts. During this recent event NOAA turned off the tidal gauges and the next day published the data from the gauges. He was upset because there was a number to call to tell us if we really have to do an evacuation, that didn't get done and he's putting it on NOAA because they don't realize what it takes to evacuate the Homer Spit. It's the same in Seward where people packed up and left town. We will have discussion at a higher level than just at the Borough level on what this means and implications of continuing to do this, because there is going to be the cry wolf phenomena that's going to happen and people won't leave and it will be the time they really should.

COMMENTS OF THE CITY COUNCIL

Councilmember Venuti said there was great discussion tonight on all the topic. She thought Ms. Raupp had good comments and encouraged her to talk to Public Works Director Keiser about her questions. She appreciate the Mayor's comments about encouraging youth involvement in government and encouraged applying for the Student Representative seats on the Boards and Commissions.

Councilmember Aderhold commented as a reminder that when tsunami happens it doesn't just happen and go away, tsunami waves can happen over a period of time and there could be other extenuating circumstances like a local landslide. There are a lot of things to keep in mind and we shouldn't make generalizations. She's excited they have a new member on the ADA Compliance Committee and there's still one seat open. The committee is a great group that's doing wonderful things for our city facilities.

Councilmember Smith noted the Mayor's comments and thinks his intent was to point out that we have professionals that make a living off giving us good information, and we should be depending on them to give us good information so we don't have to unnecessarily evacuate or worry about things. He's pleased we had people in the Council Chamber testifying, we've had a lack of that over time. We value the voice of the community.

Councilmembers Lord and Hansen-Cavasos had no comments.

ADJOURNMENT

There being no further business to come before the Council Mayor Castner adjourned the meeting at 8:40 p.m. The next Regular Meeting is Monday, August 23, 2021 at 6:00 p.m., Special Meeting at 3:30 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 23, 2021