



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer Agenda

City Council Worksession

Monday, September 16, 2019 at 3:00 PM

City Hall Cowles Council Chambers

CALL TO ORDER, 3:00 P.M.

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

DISCUSSION TOPIC(S)

A. 1. INTRODUCTION AND OVERVIEW (5 minutes)

2. ORDINANCE 19-23 (15 minutes)

Page 5

a. Updated draft ordinance after feedback given during August 12th worksession

Page 40

b. Updated memo and charts from City Attorney to accompany final version of Ordinance 19-23(S-2)

Page 75

GOAL: Review and discuss any outstanding questions on the ordinance.

3. PERMITS (10 minutes)

a. PW Permits and Fees overview by Public Works with code references from Lord

Page 89

i. Draft Resolution approving permits to be introduction on the 23rd

b. Draft permits (8) – *provided as a laydown item*

GOAL: Review and provide staff with any questions/follow up on permits.

4. Industrial Waste (10 minutes)

a. Draft Industrial Waste Pretreatment Manual (pulled and updated from current Title 14); Ordinance 90-24(A) accompanies the manual **Page 110**

i. Draft Resolution approving Industrial Waste Pretreatment Manual to be introduced at the September 23, 2019 meeting

GOAL: Review and provide follow up questions for staff.

5. Fees (10 minutes)

Page 164

a. Discuss fees, if amounts are appropriate; “Water and Sewer Fine Schedule (excerpt from HCC 1.16.040)” provided for discussion

i. Draft Resolution amending fee schedule to be introduced on the 23rd

GOAL: Review suggested changes, and develop any additional suggestions or feedback.

6. HAWSP (45 minutes)

a. Memo from City Manager on HAWP History and Finances **Page 165**

i. 2017 audit pages for HAWSP **Page 168**

ii. Resolution 16-041(S-2)(A) **Page 170**

iii. Resolution 16-074 **Page 172**

1. Walk through how a hypothetical water/sewer improvement moves through the proposed new code.

b. Draft HAWSP Policy Manual **Page 174**

c. HAWSP Policy Manual (current) **Page 177**

d. 2016-17 Minutes from Planning Commission meetings discussing HAWSP **Page 185**

e. Draft Memo from City Planner RE: HAWSP Recommendations **Page 206**

GOAL:

- Review the current and draft HAWSP Manuals
- Discuss any updates/changes in content related to Ordinance 19-23(S)
- Discuss overarching policy questions posed in memo
- Create a list of outstanding questions from Council, develop a HAWSP schedule for continuing moving forward (next available worksession October 28)

7. HART (20 minutes)

a. Draft HART policy manual **Page 209**

b. Minutes from Planning Commission **Page 214**

Goal:

- Review the current HART manual
- Propose any updates/changes in content related to Ordinance 19-23(S)
- Create a list of outstanding questions or needs for further review and schedule time for review

COMMENTS OF THE AUDIENCE (3 minutes)

ADJOURNMENT NO LATER THAN 5:00 P.M.

Next Regular Meeting is Monday, September 23, 2019, at 6:00 p.m. Worksession at 4:00 p.m. and 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.

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-23(S)

An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code Title 14 to be Entitled “Homer Public Utility Systems” and Homer City Code Title 17 to be Entitled “Public Assessments” to: 1) Consolidate Water and Sewer System Regulations and Rates; 2) Update Definitions and Common Terms, and 3) Create Uniformity Between Service and Assessment Practices and Repealing Homer City Code Chapters 9.08, 13.24 and 13.28 to Relocate Utility Construction Practices and Fees from Homer City Code 13.24 and Homer City Code 13.28 Into Titles 14 and 17 and Move Homer City Code 9.08 to Homer City Code 17.03 and Update Assessment Lien Enforcement Provisions to Incorporate State Law Requirements.

Sponsor: Lord/Stroozas

1. City Council Regular Meeting May 28, 2019 Introduction

Memorandum 19-058 from Councilmembers Lord and Stroozas as backup
Memorandum 19-063 from City Attorney as backup

2. City Council Regular Meeting June 10, 2019 Worksession and Public Hearing

Memorandum 19-058 from Councilmembers Lord and Stroozas as backup
Memorandum 19-063 from City Attorney as backup

3. City Council Regular Meeting June 24, 2019 Public Hearing

Memorandum 19-058 from Councilmembers Lord and Stroozas as backup
Memorandum 19-063 from City Attorney as backup

4. City Council Worksession July 10, 2019

Memorandum 19-058 from Councilmembers Lord and Stroozas as backup
Memorandum 19-063 from City Attorney as backup

5. City Council Regular Meeting July 22, 2019, Public Hearing

Memorandum 19-089 from Councilmember Lord as backup
Memorandum 19-063 from City Attorney as backup
Memorandum 19-058 from Councilmembers Lord and Stroozas as backup

6. City Council Worksession August 12, 2019

Memorandum 19-089 from Councilmember Lord as backup

Memorandum 19-063 from City Attorney as backup

Memorandum 19-058 from Councilmembers Lord and Stroozas as backup

7. City Council Worksession September 16, 2019

Memorandum 19-089 from Councilmember Lord as backup

Memorandum 19-063 from City Attorney as backup

Memorandum 19-058 from Councilmembers Lord and Stroozas as backup

**CITY OF HOMER
HOMER, ALASKA**

Lord/Stroozas

ORDINANCE 19-23(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
REPEALING AND REENACTING HOMER CITY CODE TITLE 14 TO BE
ENTITLED "HOMER PUBLIC UTILITY SYSTEMS" AND HOMER CITY
CODE TITLE 17 TO BE ENTITLED "PUBLIC ASSESSMENTS" TO: 1)
CONSOLIDATE WATER AND SEWER SYSTEM REGULATIONS AND
RATES; 2) UPDATE DEFINITIONS AND COMMON TERMS, AND 3)
CREATE UNIFORMITY BETWEEN SERVICE AND ASSESSMENT
PRACTICES AND REPEALING HOMER CITY CODE CHAPTERS 9.08,
13.24 AND 13.28 TO RELOCATE UTILITY CONSTRUCTION
PRACTICES AND FEES FROM HOMER CITY CODE 13.24 AND
HOMER CITY CODE 13.28 INTO TITLES 14 AND 17 AND MOVE
HOMER CITY CODE 9.08 TO HOMER CITY CODE 17.03 AND
UPDATE ASSESSMENT LIEN ENFORCEMENT PROVISIONS TO
INCORPORATE STATE LAW REQUIREMENTS.

WHEREAS, The Homer City Code currently requires property owners to connect to the
Homer Sanitary Wastewater and Sewage System and the Homer Public Water System and
regulates construction, installation, and use of these systems; and

WHEREAS, The regulatory, assessment, and fee provisions regarding Homer's public
utilities are located in various sections throughout the Code; and

WHEREAS, The laws governing Homer's public utilities have not been recently
updated to reflect the City's growth, progress, and needs; and

WHEREAS, The Code contains technical construction and installation requirements
that are best addressed via permit criteria rather than provisions in the Code; and

WHEREAS, It is in the City's and the public's best interest to identify assessments and
procedures arising from public utilities and capital improvements in the same title and
ensure all assessment procedures are clear, consistent, and easily understood; and

WHEREAS, Certain fees and assessments were addressed in Titles 9, 13, and 14 while
others were in Title 17.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1: Chapter 13.24 entitled “Sanitary Systems” is hereby repealed.

Section 2: Chapter 13.28 entitled “Water Systems” is hereby repealed.

Section 3: Chapter 9.08 entitled “Enforcement of Local Improvement District Assessments” is hereby repealed.

Section 4: Title 14 “Public Services” is repealed and reenacted to read as follows:

TITLE 14
CITY OF HOMER PUBLIC UTILITY SYSTEMS

Chapters

- 14.01 Homer Public Utility Systems-General Provisions
- 14.04 Homer Sanitary Wastewater and Sewage System
- 14.08 Homer Public Water System
- 14.50 Utility Distribution Facilities

CHAPTER 14.01
HOMER PUBLIC UTILITY SYSTEMS-GENERAL PROVISIONS

Sections:

- 14.01.010 Water and sewer service area.
- 14.01.020 City Manager rule making authority.
- 14.01.030 Immunity for discretionary acts.
- 14.01.040 Violation-Penalty.
- 14.01.045 Violation-Right of appeal.
- 14.01.050 Bond or cash deposit.
- 14.01.060 State contractor required.
- 14.04.070 Utility permits-Appeal procedure.
- 14.01.080 Utility permit appeals-Superior court.
- 14.04.090 Water and sewer rate schedules.

- 14.01.010 Water and sewer service area.

a. No water or sewer service shall be provided beyond the boundaries of the City of Homer except as otherwise provided in this title or upon approval granted by City Council via ordinance.

- 14.01.020 City Manager rulemaking authority

a. The City Manager is empowered to make rules and regulations for the administration of City water and sewer services and construction, repair, operations, and maintenance of City water and sewer systems. Any rules and regulations adopted by the City Manager under this section and the current utility rates adopted by Council shall be available for public inspection at the City Clerk's office, the Public Works Department, and on the City's website.

b. No person shall fail to comply with any rule or regulation adopted under the authority of this section.

14.01.030 Immunity for discretionary acts.

An action for damages may not be brought against the City, or any of its agents, officers, contractors or employees, for a claim based on the exercise or failure to exercise any discretionary function or duty granted in this title, whether or not the discretion was abused, including, without limitation, the exercise of discretion to restrict, interrupt, decrease, or terminate the sale of water to bulk water customers, resellers, or others for export or consumption outside the certificated service area or the discontinuance of water or sewer services. Nothing in this section shall be construed to limit any defenses or immunities available under AS 09.65.070 or any other provision of law.

14.01.040 Violation-Penalty.

a. The penalty for violating a provision of this title is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

b. The City shall provide notice of a violation via certified return receipt U.S. mail to the owner of the property on which the violation is occurring. This notice shall include the name of the property owner, the location of the violation, the Code provisions violated, and the action necessary to correct the violation.

c. Before assessing penalties under this section, the City shall provide written notice of penalty to the property owner via certified return receipt U.S. mail and personal delivery. This notice shall include all the information required in subsection (b), the date from which penalties incur, and notice of the right to appeal to the City Manager.

14.01.045 Violation-Right of appeal.

a. The finding of a violation and assessment of a penalty within 30 days from the date the notice of penalty was postmarked.

b. Untimely appeals shall not be accepted. A notice of appeal must be filed in writing with the City Clerk and be accompanied by the appeal fee set forth in the Homer fee schedule. The notice must contain:

1. Name and address of the owner of the property issued the citation;
2. A copy of the notice being appealed;
3. A statement of the grounds for appeal that must include detailed and specific allegations of error and references to applicable provisions of the Code or other law.

c. The City Manager may appoint a hearing officer or City official, other than the Public Works Director, to act as the decision maker in an appeal under this section.

d. An appeal before the City Manager or his or her designee shall be heard within 30 days from the day the appeal is filed. The person against whom the violation is assessed shall be given an opportunity to be heard at a public hearing and shall have an opportunity to make an oral argument and present evidence.

e. The City Manager or his or her designee shall issue a final written decision with his or her findings no more than 30 days after the hearing.

14.01.050 Bond or cash deposit

a. Every person, firm or corporate entity carrying on the business of construction and connecting to City sewer and/or water within the City may be required to deposit a bond or cash deposit in favor of the City in an amount and under such conditions deemed appropriate by the City Manager or his or her designee to cover damages of any kind resulting from that person's, firm's or entity's operations. All such sewer or water construction and connections shall be completed in a good and workmanlike manner in accordance with the specifications required by the City. The bond or cash deposit shall be further conditioned that the principal shall repair any damage done to the public sewer or water system on account of such work and shall return the surface of the ground, street, road, building, facility, right-of-way or easement to its original condition insofar as possible and in accordance with the requirements of the City.

b. Every person, firm or corporate entity carrying on the business of construction and connecting to City sewer and/or water within the City must be approved in writing by the Public Works Director. The Public Works Director shall approve a person, firm or corporate entity under this section so long as he, she or it:

1. Meets all state and local licensing requirements
2. Provides a statement demonstrating experience in substantially similar or the same construction projects
3. Carries liability insurance in the aggregate amount of not less than \$500,000 or as may be additionally required in an amount in excess of \$500,000 as may be deemed

necessary for the work by the Public Works Director or their designee to cover the insurance requirement of the work.

14.01.060 State contractor required.

A contractor working for the City on a water or sewer project or conducting construction within a public easement or right-of-way shall file a copy of their current State contractor's certificate with the office of the City Clerk.

14.01.070 Utility permits-Appeal procedure.

a. Any person who is dissatisfied with the approval or denial of a permit under this title may appeal the decision to the City Manager no more than 30 days after the Public Works Director approves or denies the permit.

b. An appeal to the City Manager must be filed within 30 days of the written approval or denial of a permit under this chapter. Untimely appeals shall not be accepted. A notice of appeal must be filed in writing with the City Clerk and be accompanied by the appeal fee set forth in the Homer fee schedule. The notice must contain:

1. Name and address of the permit applicant;
2. A copy of the order or decision being appealed;
3. A statement of the grounds for appeal that must include detailed and specific allegations of error and references to applicable provisions of the Code or other law.

c. The City Manager may appoint a hearing officer or City official, other than the Public Works Director, to act as the decision maker in an appeal under this section.

d. An appeal before the City Manager or his or her designee shall be heard within 30 days from the day the appeal is filed. The permit applicant shall be given an opportunity to be heard at a public hearing and shall have an opportunity to make an oral argument and present evidence.

e. The City Manager or his or her designee shall issue a final written decision with his or her findings no more than 30 days after the hearing.

14.01.080 Utility permit appeals- Superior Court

A final decision of the City Manager or his or her designee may be appealed to the Superior Court no later than 30 days following the date the decision of the hearing officer is issued. An appeal to the court must be filed according to the applicable court rules.

14.01.090 Water and sewer rate schedule

a. The City Council shall adopt, renew, review and amend, as necessary, a water and sewer rate schedule annually via resolution. Copies of the rate schedule shall be available at the Public Works Department. The schedule may also be available on the City's website.

b. The City will allow, upon approval of a written application and payment of fee established by the City Council, a second water usage meter to measure the flow of City water that is not discharged to the Sanitary System. This second meter will be read monthly and sewer charges will be credited monthly.

CHAPTER 14.04 HOMER SANITARY WASTEWATER AND SEWAGE SYSTEM

Sections:

- 14.04.010 Purpose.
- 14.04.015 Definitions.
- 14.04.018 Service connection charges.
- 14.04.020 Connection – Required.
- 14.04.030 Industrial waste.
- 14.04.050 Sewer service connection and extension permit.
- 14.04.055 Sewer connection and extension permit fee.
- 14.04.060 Disposition of revenue.
- 14.04.070 Destruction/abandonment of private sewage disposal systems.
- 14.04.080 Commercial waste disposal permit.
- 14.04.090 Industrial waste disposal permit.
- 14.04.100 Discharge of surface drainage into HSWS illegal.

14.04.010 Purpose.

It is the intent of this chapter to establish rules and regulations for the operation and installation of the Homer Sanitary Wastewater and Sewage System, which may be called the "HSWS" or the "Sanitary System" throughout this chapter. It is the goal of the City of Homer for all wastewater and sewage within City boundaries to be connected to the HSWS, ensuring proper wastewater and sewage management throughout the City. This Code should be interpreted in furtherance of that goal.

14.04.015 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings set forth below:

"ADEC" means the State of Alaska Department of Environmental Conservation.

A “directly adjacent” sewer main means either (1) the main extends the entire length of the frontage of the lot along an easement or right-of-way; or (2) it extends at least 10 feet into an easement or right-of-way adjacent to the lot and the Public Works Director determines that the main will not be extended to serve additional lots.

“Domestic sewage” means waste containing human or animal excretion, other than industrial waste.

“Dwelling” or “dwelling unit” means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one family.

“Industrial plant” means a plant or works producing waste material, other than domestic sewage.

“Industrial waste” means liquid or solids contained within a liquid, other than domestic sewage.

“Multiple-family dwelling” means a building or portion thereof designed for occupancy by two or more families living independently in separate dwelling units which may or may not share common entrances and/or other spaces.

“On-site sewer connection line” means the part of the sewer connection line located on the property being serviced by that line.

“Off-site sewer connection line” means the part of the sewer connection line located in a public easement or right-of-way.

“Premises” means a lot, parcel of land, building or establishment.

“Sewage” means a combination of liquid- or water-carried human waste conducted away from residences, business buildings and institutions, which is known as domestic sewage, together with the liquid- or water-carried waste resulting from a manufacturing process employed in industrial establishments, including the washing, cleaning or drain water from such process or establishment, which is known as industrial waste.

“Sewer connection line” means a line or pipe carrying sewage from a premises to a sewer main.

“Sewer extension” means an extension of the sewer main.

“Spaghetti line” means a pipe or line connecting to a sewer main that is not directly adjacent to the lot being serviced by the line or pipe.

14.04.018 Service connection charges.

A person applying for sewer service to property not previously connected to the Sanitary System shall pay a sewer connection charge, which shall include engineering costs of inspecting and/or installing the on-site sewer connection line and permit application fees and costs. The amount of the sewer connection charge and the costs included in that charge shall be published annually on the City website and a newspaper of general circulation.

14.04.020 Connection – Required.

a. Except as otherwise provided in this chapter, no person shall erect or occupy a dwelling or commercial or industrial building directly adjacent to the Sanitary System without connecting to the Sanitary System.

b. Except when expressly approved by permit, spaghetti lines are prohibited. No service will be provided to a lot that is not directly adjacent to a sewer main.

c. Where the Sanitary System is not available, a septic system may be used so long as the septic system is installed and maintained as required by ADEC and all other laws and provide adequate disposal of waste.

d. Except as otherwise provided in this section, Property owners must connect to the Sanitary System no more than three years after the owner of a property receives written notice that the Sanitary System is available to the property.

e. Property owners with compliant and fully functioning septic systems may wait to connect to the Sanitary System but shall connect to the Sanitary System before and instead of replacing or repairing any substantial component of a septic system on the property. Property owners delaying connection the Sewer System under this subsection must provide written notice of the property owner’s intent to temporarily stay connection only in compliance with the code. The notice of stay must be received by the City no more than 60 days after the City provides written notice to the property owner that the Sanitary System is available to the property. A Notice to Stay Connection is available at the Clerk’s office, the Public Works Department, and/or on the City’s website.

f. Outhouses, cesspools, privies or any private wastewater system that is not subject to approval and regulation by **ADEC** is prohibited within the City.

14.04.030 Industrial Waste.

The City shall adopt industrial pretreatment discharge and waste disposal procedures and regulations. These procedures and regulations and any amendments to them must be approved by Council via ordinance.

14.04.050 Sewer service connection and extension permit.

a. No person shall install a sewer extension or a sewer connection line without first obtaining a sewer connection permit from the City. Permit applications may be obtained from the Public Works Department, the City Clerk's office, and/or the City's website. Permit fees must be paid at the time the application is submitted. The sewer connection and extension permit fee shall include all inspection and administrative costs. All other fees for delayed or deferred services, in lieu of assessments and necessary right-of-way permits shall be in addition to the permit fee.

b. A property owner installing a sewer connection or extension which qualifies for a deferred assessment payment or makes a payment in lieu of assessment, shall pay the assessment prior to issuance of the connection or extension permit.

c. The sewer connection permit criteria shall be identified in the permit application obtained from the Public Works Office.

d. All work and materials must meet the standards and specifications as described in the permit application, Homer City Code, the Uniform Building Code, and ADEC.

e. Property owners connecting to the Sanitary System shall provide and pay for all materials, labor, and equipment for the excavation, connection and installation of the sewer line and shall be responsible for any liability, damages or costs arising from installation, excavation, and connection.

f. All sewer connections and extensions shall be inspected by the Public Works Department before the connection is used. The customer shall make arrangements with the Public Works Department at least 24 hours in advance for all required inspections.

14.04.070 Destruction/Abandonment of private sewage disposal systems.

All septic tanks, cesspools, privies, or sewage holding tank/vaults shall be removed, filled or destroyed in full compliance with Conservation requirements and the Uniform Plumbing Code.

14.04.080 Commercial waste disposal permit.

a. Except for property owners connecting to the Sanitary System for disposal of waste from a single family dwelling or property owners required to obtain an industrial waste disposal permit, all property owners must obtain a commercial waste disposal permit before discharging any waste into the Sanitary System.

b. The waste disposal permit application shall be available at the Public Works Office and may be available on the City's website. The permit fee must be paid at the time the application is submitted. The criteria for the permit shall be included in the application.

c. The Public Works Director shall issue a commercial waste disposal permit so long as:

1. The Public Works Director reasonably believes, and the property attests that the type of waste reported by the property owner will not damage the Sanitary System; and
2. The sewer pipeline has sufficient capacity to dispose of the disclosed wastes.

d. The Public Works Director or his designee may revoke, modify or impose conditions upon a disposal permit if he or she finds, in his or her sole discretion, that revocation, conditions or modifications to the permit are required to prevent or stop damage to the Sanitary System. Except when immediate action is necessary to protect the Sanitary System and prevent immediate harm to public health and sanitation, the Public Works Director shall provide notice to the property owner at least 30 days before revoking or modifying a disposal permit.

14.04.090 Industrial waste disposal permit.

a. All significant industrial users must obtain an industrial waste disposal permit from the City. A significant industrial user means an industrial user of the System who meets any one of the following criteria:

1. Is subject to or potentially subject to national pretreatment standards promulgated under Section 307(b) or (c) of the Clean Water Act;
2. Has in its wastes any priority toxic pollutants listed in 40 CFR 401.15 or 40 CFR Part 403 or listed by the Public Works Director;
3. Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Clean Water Act or regulations promulgated thereto;
4. Has a discharge flow of 10,000 gallons or more of wastewater per average work day;
5. Has a flow greater than five percent of the flow into the HSWS or of the design pollutant loading capacity of the HSWS; or
6. Is determined by the Public Works Director to have a significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the HSWS effluent quality, or air emissions generated by the HSWS.

b. The industrial waste disposal permit application shall be available at the Public Works Office, and may also be available on the City's website. The permit fee must be paid at the time the application is submitted. The criteria for the permit shall be included in the application.

c. The Public Works Director shall only issue an industrial waste disposal permit after finding that:

1. The applicant and the sewage generated on the property subject to the permit complies with the City of Homer Industrial Pretreatment and Discharge Policies as adopted by Council; and
2. The sewer pipeline has sufficient capacity to dispose of the disclosed wastes.

d. The Public Works Director or his designee may revoke, modify or impose conditions upon an industrial waste disposal permit if he or she finds, in his or her sole discretion, revocation, conditions or modifications to the permit are required to prevent or stop damage to the Sanitary System. Except when immediate action is necessary to protect the Sanitary System and prevent immediate harm to public health and sanitation, the Public Works Director shall provide notice to the property owner at least 30 days before revoking or modifying a disposal permit.

14.04.100 Discharge of surface drainage into HSWS Illegal.

No connections shall be made to any public sewer or any premises for the purpose of directing or diverting any storm water or any surface or underground drainage into the sewer, and no person shall discharge into any public sewer or house lateral any leader pipe from a roof, surface drain, underground drain or any solid or liquid waste other than the sewage composed of the ordinary liquid wastes of residences, business buildings and institutions from baths, toilets, laundries, wash tubs, sinks and floor drains. Connections of surface or groundwater to the sanitary sewer are considered illegal.

CHAPTER 14.08 HOMER PUBLIC WATER SYSTEM

Sections:

- 14.08.010 Purpose.
- 14.08.020 Definitions.
- 14.08.030 Water connections and extensions.
- 14.08.037 Water meters.
- 14.08.040 Water meter installation.
- 14.08.050 Water connection and extension permit.
- 14.08.060 Disconnection due to nonpayment.
- 14.08.070 Frozen pipes – City not liable.
- 14.08.080 Discontinuance of water.
- 14.08.090 Priority use of water.

- 14.08.100 Surplus water – Sale.
- 14.08.110 Water shortage or emergency declaration.
- 14.08.120 Water shortage or emergency – Interruption of sale of surplus water –
Other measures.
- 14.08.130 Water shortage or emergency – Appeal.
- 14.08.150 Service deposits.
- 14.08.160 Bulk water sales.
- 14.08.170 Water filling station permit.

14.08.010 Purpose.

It is the intent of this chapter to establish rules and regulations for the operation of the Homer Public Water System. The Homer Public Water System may also be called “HPWS” or the “Water System” in this chapter, permit applications, and/or City regulations and policies. The provisions in this chapter also provide for the financial management of the Water System.

14.08.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings set forth below:

“Bulk water” means water purchased from the City and supplied to the customer by means of fire hydrant, tanker truck, or by any other means other than through a direct connection from a water main to the premises where the water is consumed.

“Bulk water customer” means a person who purchases bulk water from the City.

A “directly adjacent” water main either (1) extends the entire length of the frontage of the lot along a public easement or right-of-way; or (2) extends at least 10 feet into the easement or right-of-way adjacent to the lot and the Public Works Director has determined that at no time will the water main be extended to serve additional lots.

“Reseller” or “reseller of water” means a person who purchases water from the City and, for valuable consideration, provides any quantity of such water to another person, but it shall not include any eating or drinking establishment that provides its customers City water only by the glass.

“Standard service account” means an established City water utility account for metered water service through a direct connection from the City water main to the premises served.

“Surplus water” means water that the City administration has determined, in its sole discretion, is in excess of the water needed to meet the consumption, sanitation, and fire protection needs within the boundaries of the City.

“Multiple-family dwelling” means a building or portion thereof designed for occupancy by two or more families living independently in separate dwelling units which may or may not share common entrances and/or other spaces.

“Off-site water connection line” means the part of the water connection line located in a public easement or right-of-way.

“On-site water connection line” means the part of the water connection line located on the property being serviced by that line.

“Premises” means a lot, parcel of land, building or establishment.

“Water connection line” means a line or pipe carrying water from the water main to a premises.

“Water extension” means an extension of the water main.

“Spaghetti line” means a pipe or line connecting to a sewer main that is not directly adjacent to the lot being serviced by the line or pipe.

“Water filling station” means a non-City facility used to supply bulk water from the Water System to a tanker truck or other means of conveyance.

14.08.030 Operation of water valves, fire hydrants and curb stops.

Only authorized City personnel shall operate water valves, fire hydrants, and curb stops.

14.08.040 Water meter installation.

a. Property owners must install a water meter and related components before they will be eligible to connect to the Water System. Installation of all water meters must comply with installation instructions drafted by the Public Works Department and approved by City Council and available at the City Clerk’s Office and Public Work’s office. A violation of the installation instructions shall constitute a violation of this chapter.

b. The property owner required to install the water meter shall be responsible for all costs associated with installation of that meter and its corresponding mechanisms and a rental fee for the meter from the City.

c. The City shall have the right to install a water meter remote on a building serviced or scheduled to be serviced by the Water System. The meter shall be the size and model indicated by the Public Works Director.

d. Water meters remain City property. Persons renting meters shall be responsible for damage arising from external damage and freezing. Internal wear and tear and failure of the meter due to general external wear and tear shall be the responsibility of the City. Customers shall provide reasonable access for City personnel to maintain, monitor, and service a meter.

14.08.050 Water connection and extension permit.

a. All property owners connecting to the Water System must obtain a permit prior to starting construction.

b. The Water System connection and extension permit application shall be available at the City Clerk's office, the Public Works Department, and/or on the City's website. The permit fee must be paid at the time the application is submitted. The criteria for the permit shall be included in the application.

c. The Public Works Director or his or her designee may revoke, modify or impose conditions upon a Water System permit if he or she finds, in his or her sole discretion, that revocation, conditions or modifications to the permit are required to prevent or stop damage to the Water System. Except when immediate action is necessary to protect the Water System and prevent immediate harm to public health and sanitation, the Public Works Director shall provide notice to the property owner at least 30 days before revoking or modifying a Water System permit.

d. Installation of a Water System connection or extension of a water main must meet the standards and specification in the permit application, the Homer City Code, and any applicable state or federal law or regulations, including but not limited to State of Alaska Department of Labor Occupational Safety and Health requirements.

e. A property owner installing an on-site water connection line or extending a water main is solely responsible for all costs and liability associated with or arising from the excavation, connection, and installation of the on-site water line or water main extension.

14.08.060 Disconnection due to nonpayment.

The City may discontinue water service for nonpayment of any utility service charges, connection fees and related charges. The City shall provide notice to a Water System user at least 30 days before discontinuing water service due to nonpayment.

584
585 14.08.070 Frozen pipes – City not liable.
586
587 Customers will be solely responsible for all on-property frozen water connections and
588 extensions.
589
590 14.08.080 Discontinuance of water.
591
592 Water may at any time be shut off from water mains without notice for repairs, extensions or
593 other necessary purposes. The City will not be liable to the customer for any loss or damage
594 caused by disruptions in water service.
595
596 14.08.090 Priority use of water.
597
598 The first priority of use of the water produced by the Water System is to provide for human
599 consumption, sanitation, and fire protection needs of water consumers within the
600 boundaries of the City of Homer.
601
602 14.08.100 Surplus water – Sale.
603
604 a. Subject to subsection (b) of this section and other provisions of this chapter, water may be
605 made available for sale to bulk water customers, resellers, and others for export or
606 consumption outside the boundaries of the City of Homer.
607
608 b. Notwithstanding any other provision of this title, City Council may by resolution restrict,
609 interrupt, decrease, or terminate the sale of water for export or consumption outside the
610 boundaries of the City if Council determines it is in the best interests of the City to do so.
611
612 14.08.110 Water shortage or emergency declaration.
613
614 a. City Council may declare a water shortage and restrict the use of water within the
615 boundaries of the City if it finds, via resolution, and after conducting a public hearing,
616 insufficient water available to meet the sanitation, fire protection, and consumption needs
617 within the boundaries of the City.
618
619 b. City Council may declare a surplus water shortage via resolution and restrict use of surplus
620 water as Council deems necessary and in the City's best interest.
621
622 c. The City Manager may declare a water emergency of up to 30 days if he or she finds that
623 there is an imminent threat or actual impairment to the City's ability to meet water supply
624 demands. The City Manager shall submit a summary of the declaration of water emergency
625 and the reasons for the declaration at the next regularly scheduled Council meeting.

14.08.120 Water shortage or emergency – Interruption of sale of surplus water – Other measures.

a. If a water shortage or water emergency is declared, the City shall first restrict, decrease, interrupt, or terminate the sale of surplus water. The City may take any other measures that the City determines, in its sole discretion, are necessary to address the water shortage or emergency so long as it does so without discrimination between similarly situated consumers.

b. Any measures adopted in response to a declared water shortage or emergency shall, for the duration of the period of the declared shortage or emergency, prevail over any conflicting provisions of law establishing rights of persons to receive specific or proportionate amounts of the water supply.

c. Any measures adopted in response to a declared water shortage or water emergency will be made available for public inspection at the City Clerk's office, at the City Library, and at the Public Works Department while those measures are in effect. Notice of the measures shall also be posted on the City's website within 48 hours after the declaration of the water shortage or emergency.

14.08.130 Water shortage or emergency – Appeal.

Any person aggrieved by a City Council declaration of a water shortage or water emergency under HCC 14.08.110, or by any action taken by the City in response to such a declaration, may appeal the declaration or action to the Superior Court. The appeal must be filed within 30 days from the date the declaration was adopted or action taken. The declaration or action of the City shall not be reversed except on the ground that such declaration or action was fraudulent, arbitrary, or capricious.

14.08.150 Service deposits.

a. All water service users, at the time the service is established, shall pay a deposit based on meter size, established by Council via resolution.

b. Deposits and any accrued interest shall be refunded:

1. After one year of service provided the customer has made all payments owed in full and at the time due; or

2. No more than 45 days after the date customer is disconnected from the Water System or stops receiving service. Service deposits and any interest shall first be applied to any outstanding balance owed by the disconnecting customer. If there is a balance, the remaining deposit and interest after the payment of that balance shall be refunded to the disconnecting customer.

c. Waiving of Deposits. If a customer has had utility service with the City within the last two years and paid their City utility payments on time, the Finance Department may waive the deposit requirement under this section.

d. Landlord Agreement. An owner/customer who requests an automatic continuance of utility service between renters may enter into a landlord agreement with the City for this purpose. This request should be directed to the Finance Department.

14.08.160 Bulk water sales.

a. Bulk water sales rates shall be established by City Council via resolution. The schedule for service fees shall apply to all bulk water service requests.

b. The meter deposit will be returned when the meter is returned undamaged.

c. If a bulk water customer purchases a meter from the City for measuring the quantity of water purchased it shall be exempt from the monthly meter service charge. It is the responsibility of the bulk water customer to maintain that meter so the City can accurately determine the amount of water being purchased. In the event the meter fails, the customer must repair or replace the meter at its sole expense. The City may at any time test the meter for accuracy and reject a repaired meter that it is not accurate.

14.08.170 Water filling station permit.

a. No person shall establish or operate a water filling station to obtain water from the Water System unless that person has a water filling station permit issued by the City.

b. A person shall apply for a water filling station permit on a form provided by the City. The permit application is available at the City Clerk's office, the Public Works Department, and may be available on the City's website. The permit fee must be submitted with the application.

c. The water filling station permit criteria shall be included in the permit application and any conditions and terms of the permit shall be included on the face of the permit. Water filling station permit terms and conditions may include, but are not be limited to, uniform or site-specific flow rate restrictions, storage tank requirements, and other provisions required by the Public Works Department to minimize adverse effects on the Water System and promote its efficient operation.

CHAPTER 14.50
UTILITY DISTRIBUTION FACILITIES

Sections:

14.50.010 Definitions.

14.50.020 Underground installation of cable extensions.

14.50.030 Enforcement of this chapter.

14.50.010 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Cable” includes cables and wires of all descriptions.

“Natural Gas Assessment District” means City of Homer Natural Gas Distribution Special Assessment District created by Homer City Ordinance 13-02.

“Public utility” includes every corporation, whether public, cooperative, or otherwise, company, individual, or association of individuals, their lessees, trustees, or receivers appointed by a court, that owns, operates, manages, or controls any plant or system for (1) furnishing, by generation, transmission, or distribution, electrical service to the public for compensation; (2) furnishing telecommunication service to the public for compensation.

“Public utility” includes all public utilities, whether or not subject to regulation by the Regulatory Commission of Alaska.

“Telecommunications” means the transmission and reception of messages, images, impressions, pictures, data, and signals by means of electricity, electromagnetic waves, and any other kind of energy, force variations, or impulses, whether conveyed by cable, wire, radiated through space, or transmitted through other media within a specified area or between designated points.

14.50.020 Underground installation of cable extensions.

After October 24, 2006, all public utility cable facilities, including, but not limited to, electric power, telephone, and telecommunications cables constructed or installed for the purpose of providing utility service to any land not served before that date by overhead cable facilities, shall be installed underground, and no cables or supporting poles shall be constructed or installed above ground for such purpose, unless the utility obtains an approved exception pursuant to HCC 22.10.055(e) or (f).

14.50.030 Enforcement of this chapter.

a. In addition to penalties and remedies set forth in this title, no permit may be issued to install a utility line on City property or in a City-owned or controlled easement or right-of-way in violation of this chapter.

Section 8: Title 17 entitled “Improvement Districts” is hereby repealed and reenacted to read as follows:

TITLE 17
PUBLIC ASSESSMENTS

Chapters:

- 17.01 General Provisions
- 17.02 Special Assessment Districts
- 17.03 Enforcement of Public Assessments
- 17.05 Homer Public Water System Assessment Fund
- 17.10 Water and Sewer Zone Connection Assessments
- 17.15 Water and Sewer Individual Connection Assessments
- 17.15 Public Utility and improvement short-term financing
- 17.20 Developer Reimbursement Plans

CHAPTER 17.01
GENERAL PROVISIONS

Sections:

- 17.01.010 Definitions.
- 17.01.020 Purpose.
- 17.01.030 Assessment authority.
- 17.01.010 Definitions.
- 17.01.010 Definitions.

For the purposes of this title, the following words and phrases shall have the meanings set forth below:

“Benefited area method” means a method of assessment that determines each parcel’s share of the assessment by dividing the total cost of the improvements on which the assessment is based by the total square footage of land benefitted by the improvement and then allocating a portion of the cost of the assessment to each parcel based upon the square footage of the land benefitted by the improvement. The Public Works Director has the authority and discretion to calculate and apply the benefited area method. The square footage included in the calculation shall include only developable land.

“Cost” means all expenses incurred by the City for an improvement, including but not limited to, advertising expenses, fees of engineers, architects and surveyors, legal fees, costs of

property acquisition, payments to construction contractors, costs of interim and long-term financing of the improvement, including costs of issuing bonds and notes, and City administrative costs.

“Developable land” means land that, in the discretion of the Public Works Director, can be reasonably developed for uses permitted within the property’s zoning district.

“District” means a special assessment district created under this chapter unless otherwise specified.

“Improvement” means a capital improvement, including without limitation streets, sidewalks, alleys and bridges; street lighting; drainage and flood control facilities; sanitary sewage collection and treatment facilities; water supply and distribution facilities; natural gas distribution facilities; and parks, playgrounds, public squares and open space.

“Public Works Director” means the Public Works Director or his or her designee. If the Public Works Director position is not filled or temporarily empty, the City Manager or his or her designee will serve as the “Public Works Director” for purposes of this Title.

“Special Assessment Application Fee” means the fee charged for the processing of the special assessment district application. The fee is approved annually by Council in the resolution adopting the City fee schedule.

“Record owner” means the person in whose name real property is listed on the property tax roll prepared by the Kenai Peninsula Borough and thus the record owner of that real property for purposes of this Title.

17.01.020 Purpose.

a. The purpose of this title is to identify the assessments the City may charge for acquiring, installing or constructing capital improvements and utility systems that benefit real property within City boundaries.

17.01.030 Assessment authority.

The City may assess all or part of the cost of a capital improvement against real property benefited by the improvement, whether the property is privately or governmentally owned, including real property that is exempt from taxation.

CHAPTER 17.02 SPECIAL ASSESSMENT DISTRICTS

Sections:

17.02.030 Purpose and authority for special assessment districts.

17.02.040 Initiation of a special assessment district.

17.02.050 Creation of a special assessment district.

17.02.060 Contract – Approval of increased costs.

17.02.070 Special assessment roll.

17.02.080 Certification of assessment roll.

17.02.090 Payment.

17.02.100 Subdivision after levy of assessments.

17.02.120 Reassessment.

17.02.130 Objection and appeal.

17.02.140 Interim financing.

17.02.150 Special assessment bonds.

17.02.160 Time limit for special assessment districts.

17.02.170 Water and sewer connections required.

~~17.02.180 Road improvement assessments for lots with two street frontages.~~ **[This section was clarified and moved to a new Chapter, HCC 17.15. The original language of the section has been edited in HCC 17.15 to permit review of the changes.]**

17.02.190 Hardship deferrals.

17.02.200 Payment in lieu of assessment.

17.02.030 Purpose and authority for special assessment districts.

a. A special assessment district may be created for the purpose of acquiring, installing or constructing a capital improvement that primarily benefits real property in the district, in contrast to capital improvements that benefit the entire community and are paid for with general government resources or improvements that benefit a specific individual parcel.

b. The purpose of this chapter is to prescribe the procedure for initiating a special assessment district, authorizing an improvement in a special assessment district, approving and levying special assessments, payment of special assessments, and the authorization of special assessment bonds, for public information and administrative guidance.

17.02.040 Initiation of special assessment district.

a. A special assessment district may be initiated by:

1. A Resolution, initiated by a Council member, the City Manager, or through the developer reimbursement application process set forth in this Title and approved by a vote of not less than three-fourths of Council; or

2. A Petition signed by 50% of the total record owners who receive notice from the City Clerk's office that they will be assessed a portion of the costs of a single capital improvement.

b. Special assessment petition applications are available from the Clerk's office. A benefitted property owner proposing a special assessment district by petition must file with the Clerk a complete special assessment petition application no more than 60 days after the notice of assessment is issued to record owners. The Clerk shall approve all properly and timely submitted applications within 10 days of the date on which the application is filed. The Clerk shall notify the petition sponsor in writing that the petition has been approved, prepare the petition, and distribute it by certified mail to all record owners of property in the proposed district no more than 30 days after the petition application is approved.

c. Upon adoption of a resolution initiating a special assessment district, or the filing of a sufficient petition with the Clerk, the City Clerk shall:

1. Schedule a meeting of record owners of real property in the proposed district, notify the record owners by mail of the date, time and location of the meeting, and include a copy of the notice in the City's regular meeting advertisement; and

2. Refer the proposed district to the Public Works Director, who shall prepare an improvement plan for the proposed district. The proposed district improvement plan shall include:

A. The boundaries of the proposed district

B. The design of the proposed improvement

C. A cost estimate for the improvement

D. The assessment allocation method used to calculate the amount owed by each record owner in the proposed district

E. The percentage of the improvement cost to be assessed against properties in the district

F. The time period over which assessments will be financed, and

G. Preliminary assessment roll for the proposed district.

3. The Public Works Director shall use the benefitted area method in calculating the assessment amount unless another method is specified in the improvement plan.

17.02.050 Creation of a special assessment district.

a. Upon completion of an improvement plan under this chapter, the City Clerk shall set a time for a public hearing on the necessity of the improvement and proposed improvement plan. Notice of the hearing shall be published at least twice in a newspaper of general circulation in the City, and mailed via certified mail to every record owner of real property in the proposed district not less than 60 days before the hearing.

b. A record owner of real property in the proposed district may file a written objection to the improvement plan with the City Clerk no later than the day before the date of the public hearing on the improvement plan. If owners of real property that would bear 50 percent or more of the assessed cost of the improvement file timely written objections, the Council may not proceed with the improvement unless it revises the improvement plan to reduce the assessed cost of the improvement that is borne by objecting record owners to less than 50 percent of the assessed cost of the improvement. If the resolution changes the district boundary in the improvement plan, the City Clerk shall notify all record owners of property included in the district under the improvement plan of the change.

c. At the noticed date and time, Council shall hold a public hearing and shall adopt a resolution approving the assessment if Council finds, via resolution, that the improvement is necessary and benefits the properties that will be assessed. Council must also approve the proposed improvement plan. The resolution shall contain a description of the improvement, the estimated cost of the improvement, the percentage of the cost to be assessed against the properties in the district, and a description of the properties to be assessed.

d. If record owners of all real property in the proposed assessment district waive in writing the notice, protest period and public hearing required under this section, the question of creating the district may be submitted to Council without such notice, protest period or public hearing.

17.02.060 Contract – Approval of increased costs.

a. After a special assessment district has been created, the City shall contract for the construction of the improvement. If the City will own the improvement, it shall solicit bids for construction of the improvement. If the City will not own the improvement, it shall contract with the owner of the improvement to provide for its construction.

b. If the cost of constructing the improvement will exceed 15 percent of the estimated cost of construction identified in the improvement plan, the City shall not contract for the construction of the improvement without first notifying all record owners in the district via certified mail of the increased cost and providing record owners in the proposed district 30 days to object to the increase.

c. If the City receives written objections from record owners collectively bearing one-half or more of the cost of the improvement, the City may not contract to construct the improvement unless it can do so at an amount not more than 15 percent above the estimated cost of construction identified in the improvement plan. The City may still impose an assessment or levy taxes on the district for the costs of developing the improvement plan so long as the record owners approved the initiation of the district and the improvement plan.

17.02.070 Special assessment roll.

a. After completion of the improvement, the City shall assess costs of the improvement and prepare an assessment roll stating for each property in the special assessment district the name and address of the record owner, Kenai Peninsula Borough parcel number, the legal description of the property, the amount assessed against the property, and the assessed value of the property as determined by the Borough Assessor.

b. Council shall certify the assessment roll by resolution.

c. Prior to certifying the assessment roll, Council shall hold a hearing. All record owners in the proposed district will have an opportunity to raise objections to the assessment roll at the hearing. At least 15 days before the hearing, the City Clerk shall send written notice of the hearing on the certification of the assessment roll by certified mail to each record owner appearing on the assessment roll and publish notice of the hearing in a newspaper of general circulation in the City.

17.02.080 Certification of assessment roll.

After the hearing the Council shall correct any errors or inequalities in the assessment roll. If an assessment is increased, a new hearing shall be set and notice published, except that a new hearing and notice is not required if all record owners of property subject to the increased assessment consent in writing to the increase. Objection to the increased assessment shall be limited to record owners of properties whose assessments were increased. When the assessment roll is corrected, the Council shall confirm the assessment roll by resolution. The City Clerk shall record the resolution and confirmed assessment roll with the District Recorder.

17.02.090 Payment.

a. In the resolution certifying the assessment roll, Council shall fix the time or times when assessments or assessment installments are due, the amount of penalty on a delinquent payment and the rate of interest on the unpaid balance of an assessment. An assessment that is to be paid in a single payment shall not be due before 60 days after billing.

b. Within 30 days after fixing the time when payment of the assessments is due, the Finance Director shall mail a statement to the record owner of each assessed property identifying the property and stating the assessment amount, the payment due date, and the amount of the penalty on a delinquent payment. Within five days after mailing the statements, the Finance Director shall publish notice of mailing the statements in a newspaper of general circulation in the City.

17.02.100 Subdivision after levy of assessments.

a. Except as otherwise provided in this section or required by a governing tariff, a “subdivided property connection fee” shall be paid before subdivided lots may be connected to an improvement for which the original assessment was levied.

b. The “subdivided property connection fee” shall only be required when the original assessment on the pre-subdivided lot was apportioned equally between parcels and was not apportioned based upon lot size or area.

c. The amount of the “subdivided property connection fee” shall be equal to the amount of the original assessment adjusted by the increase in the number of parcels.

d. If the original assessment was payable in installments the City may enter into a written agreement for the payment of the connection fee in installments on terms that are substantially the same as those authorized for the payment of the original assessment, secured by a deed of trust on the parcel.

e. Upon the subdivision of a property assessed as a single parcel in an assessment district for natural gas distribution improvements where assessments were levied in an equal amount per parcel (i.e., without regard to parcel area, dimension or other characteristic), the assessment levied on the property that is to be subdivided shall be paid in full before the recording of the final plat. No parcel that results from the subdivision shall be subject to assessment for the improvements, but shall be charged for connecting to the improvements in accordance with the tariff of the public utility that provides natural gas service to the parcel.

f. Subdivisions of lots included in the original assessment shall only incur the “subdivided property connection fee” when the subdivision of the lot occurs on or before the date the total assessment for the district is paid in full.

g. All subdivided property connection fees collected under this section shall be deposited in the Homer Accelerated Water Sewer Program fund.

17.02.120 Reassessment.

a. Council shall within one year correct any deficiency in a special assessment found by a court, under the procedure for certification of the assessment roll in HCC 17.02.

b. Payments on the initial assessment are credited to the property upon reassessment. The reassessment becomes a charge upon the property notwithstanding failure to comply with any provision of the assessment procedure.

17.02.130 Objection and appeal.

a. An assessment may only be contested by a person who filed a written objection to the assessment roll before its certification. Council's decision regarding an objection to the assessment role is final and may be appealed to the Superior Court within 30 days after the date of certification of the assessment roll.

b. If no objection is filed or appeal taken within the time provided in this section, the assessment procedure shall be considered regular and valid in all respects.

17.02.140 Interim financing.

a. Council may provide by resolution or ordinance for the issuance of notes to pay the costs of an improvement from the special assessments for that improvement. The notes shall bear interest at a rate or rates authorized by the resolution or ordinance, and shall be redeemed either in cash or bonds for the improvement project.

b. Notes issued against assessments shall be claims against the assessments that are prior and superior to a right, lien or claim of a surety on the bond given to the City to secure the performance of the contract for construction of the improvement, or to secure the payment of persons who have performed work or furnished materials under the contract.

c. The Finance Director may accept notes against special assessments on conditions prescribed by the Council in payment of:

1. Assessments against which the notes were issued in order of priority;
2. Judgments rendered against property owners who have become delinquent in the payment of assessments; and
3. Certificates of purchase when property has been sold under execution or at tax sale for failure to pay the assessments.

17.02.150 Special assessment bonds.

a. Council by ordinance may authorize the issuance and sale of special assessment bonds to pay all or part of the cost of an improvement in a special assessment district. The principal and interest of the bonds shall be payable solely from the special assessments levied against property in the district. The assessment shall constitute a sinking fund for the payment of principal and interest on the bonds. The benefited property may be pledged by the Council to secure payment of the bonds.

b. On default in a payment due on a special assessment bond, a bondholder may enforce payment of principal, interest, and costs of collection in a civil action in the same manner and

with the same effect as actions for the foreclosure of mortgages on real property. Foreclosure shall be against all property on which assessments are in default. The period for redemption is the same as for a mortgage foreclosure on real property.

c. Before the Council may issue special assessment bonds, it shall establish a guarantee fund and appropriate to the fund annually a sum adequate to cover a deficiency in meeting payments of principal and interest on bonds if the reason for the deficiency is nonpayment of assessments when due. Money received from actions taken against property for nonpayment of assessments shall be credited to the guarantee fund.

17.02.160 Time limit for special assessment districts.

a. If five or more years elapse between the creation of a special assessment district and the City contracting for construction of the improvement, the City may not enter into the contract unless the Council by resolution extends the period for entering into the contract by not more than an additional five years.

b. Before the Council acts on a resolution under subsection (a) of this section, the City Clerk shall mail notice of the resolution to each current record owner of property listed on the preliminary assessment roll that the City will not contract for construction of the improvement in the district unless the resolution is adopted. The notice also shall include an updated copy of the preliminary assessment roll.

17.02.170 Water and sewer connections required.

Except as otherwise provided in Title 14, the owner of property in a water or sewer special assessment district that contains an occupied building shall connect to the improvement constructed in the district within three years after the date that the resolution confirming the assessment roll for the district becomes final.

17.02.190 Hardship Deferrals.

a. A person may obtain a deferment of assessment payments under this section if the person:

1. Has an annual family income that is less than 200% of the current U.S. Health and Human Services Poverty Guidelines for Alaska;
2. Is the record owner of the assessed property, and permanently resides in a single-family dwelling on the property; and
3. Is not determined by the City, after notice and hearing, to have been conveyed the property primarily for the purpose of obtaining the deferment.

b. A person seeking deferment of an assessment payment shall file a written application with the Finance Director supported by documentation showing that the applicant meets the

criteria in subsection (a) of this section. A person requesting an assessment payment deferment the first year the assessment is levied must file an application for deferment with the City no more than 15 days after receiving the initial assessment. A person requesting an assessment payment deferment under this section in any year after the first year must file an application for deferment no later than April 15th of the year for which the deferment is sought. A person must file an application each year for which deferment is sought and shall be required to prove eligibility for deferment as of January 1st of each year for which a deferment is requested. Within the same year the City for good cause shown may waive the claimant's failure to make timely application and approve the application as if timely filed.

c. A person who receives an assessment payment deferment shall execute a deed of trust on the property subject to assessment, together with a promissory note payable to the City on demand, to secure the eventual payment of the deferred payment.

d. A deferred assessment payment shall be immediately due and payable upon the earlier to occur of the following events:

1. The sale or lease of the assessed property; or
2. The death of both the deferred assessment applicant and the applicant's surviving spouse, if any.

e. Except for assessments imposed upon the Natural Gas Assessment District, hardship deferrals are not available from assessment payments for the infrastructure of a privately owned utility.

17.02.200 Payment in lieu of assessment.

a. A payment in lieu of assessment may be available to owners of property outside a special assessment district who want to connect to the improvement funded by a special assessment district. In order to qualify for connection to an improvement under this section, the record owner of the property and the City shall enter into a written agreement. The record owner shall agree in writing to:

1. Pay the full and actual costs of extending the benefit of the improvement onto their property; and
2. Pay in full the property's pro-rated share of the assessed improvement.

b. The Public Works Director retains authority to deny a request for extension of an improvement under this section.

c. A payment in lieu of assessment must be paid in an equal or shorter period than the term of the original assessment.

d. Property accessing an improvement under this section may be included in a special assessment district for the same service created in the future. If a property is included in an assessment district under this subsection, the property will receive a credit towards the total assessment equal to (1) the amount of the “in lieu of assessment” already paid for the property or (2) the amount of the assessment levied on the property in the future special assessment district, whichever amount is less.

CHAPTER 17.03

ENFORCEMENT OF PUBLIC ASSESSMENTS

Sections:

17.03.010 Delinquent assessment payments-enforcement.

17.03.020 Priority of lien.

17.03.010 Delinquent assessment payments-enforcement.

a. Assessments under this title and any interest or penalties on these assessments are liens on the property assessed.

b. Foreclosure of assessment liens shall be in accordance with the procedures required for foreclosure of property tax liens under Alaska Statute.

17.03.020 Priority of Lien.

a. Assessments under this title and any interest or penalties on these assessments are liens on the property assessed and are prior and paramount to all liens except municipal tax liens. Assessment liens may be enforced as provided in this Code and AS 29.45.320-29.45.470 for enforcement of property tax liens.

b. Assessment liens run with the land, and that portion of the assessment under the assessment contract that has not yet become due is not eliminated by foreclosure of a property tax lien.

CHAPTER 17.15

ROAD IMPROVEMENT ASSESSMENTS

Sections

17.15.010 Partial payment for inaccessible frontage road.

17.15.020 Corner lot assessment.

17.15.010 Partial payment for inaccessible frontage road.

a. The record owner of a through lot or flag lot may delay payment of the part of an assessment for road improvements that is based on frontage on a road to which the lot does

not yet have access. To delay payment under this section, the owner shall enter into a delayed payment agreement with the City before the end of the period for filing objections to the district under HCC 17.01.050.

b. A delayed payment agreement shall include provisions confirming:

1. The lot fronts two streets but only has access to one of those streets;

2. The lot owner agrees to pay the part of the assessment based on frontage on the street to which the lot has access; and

3. When and if the lot acquires access to the other street the property fronts, the owner agrees to the remaining part of the assessment.

c. A delayed payment agreement shall be recorded with the District Recorder's office.

17.15.010 Corner lot assessment.

The assessment for road improvements against a corner lot shall be based only on the longer of the lot's road frontages.

CHAPTER 17.18 DEVELOPER REIMBURSEMENT PROGRAM

Sections:

17.18.010 Purpose.

17.18.020 Definitions.

17.18.030 Developer Requested Special Assessment District

17.18.040 Developer Incentive and Reimbursement Program

17.18.010 Purpose.

It is the intent of this chapter to provide incentive through reimbursement and access to the City's special assessment district process and procedures to developers expanding access to public utilities and capital improvements within the boundaries of the City.

17.18.020 Definitions.

In this chapter, unless otherwise provided, or the context otherwise requires, the following words and phrases shall have the meaning set forth below:

"Benefiting property" means one or more parcel(s) of real property which are adjacent to, will benefit from, or are likely to require connection to a Municipal Improvement.

“Cost of Construction” means the developer’s actual direct cost of constructing a Municipal Improvement.

“Developer” means an owner of real property who is developing his, her, or its real property.

“Developer Reimbursement Agreement” means a written contract between the City, as approved by the Council, and one or more developers, which provides for reimbursement of a portion of the Costs of Construction of a Municipal Improvement by a developer, and the method for assessing the pro rata share of the Costs of Construction of a Municipal Improvement to Benefitted Property.

“Municipal Improvement” means water, sewer, electrical, and/or storm water systems or other capital improvements which have been designed and constructed according to City standards, approved by the City, accepted by the City, and provide potential benefits and/or service to Benefitted Property.

17.18.030 Developer Requested Special Assessment District.

a. A developer may request a Resolution of the Council approving a special assessment district in connection with the construction of a Municipal Improvement as set forth in HCC 17.02.040.

b. A request for special assessment district initiated by a developer shall be filed on the Special Assessment District Resolution Request Form, which is available from the City Clerk’s Office.

c. The developer’s request must include all information required by the Special Assessment District Resolution Request Form, including, without limitation, a description of the boundaries of the district requested and the Municipal Improvement the developer intends to construct or extend, a cost estimate for the improvements to be constructed, the proposed method used to calculate the amount claimed by each record owner of Benefitted Property in the proposed district, the percentage of the improvement cost to be assessed to Benefitted Properties within the district, and the percentage of the improvement cost to be assessed to the developer’s property and/or project.

d. Upon adoption of a Resolution of Council finding there is a necessity for the special assessment district identified by the developer in the developer’s application and the initiation of the special assessment district process under this chapter, a Developer Reimbursement Agreement must also be presented to Council for approval. This agreement must include the terms and conditions of the improvement plan and the proposed construction and installation terms by the Contractor.

17.18.040 Developer Incentive and Reimbursement Program.

a. If Council approves the district and the Developer Reimbursement Agreement under the procedures set forth in Title 17.02, and upon completion of the approved Municipal Improvement in accordance with the City's standards and acceptance of the same by the City, and only to the extent permitted by law, the City shall transfer any payments received by the City in payment for the assessments within the district. The City will disburse any payments received from property owners in the district to the developer within 90 days from the date the City collects or receives the assessment payment.

b. The City may collect, but is not required to collect, the amounts assessed to any Benefitted Property for the pro rata share of the developer's Costs of Construction. The Pro Rata Payment must be paid before any Benefitted Property connects to or uses the Municipal Improvement. No Benefitted Property is permitted to connect to or use the Municipal Improvement without first making the Pro Rata Payment. The Pro Rata Payment is in addition to any connection fees, service fees, or other fees that may be charged for connection and/or use of the Municipal Improvement, or any other fees chargeable by the City under the Code for the construction of a particular Municipal Improvement.

c. The City accepts no liability to collect any Pro Rata Payment from the owners of Benefitted Property, or in the event of non-payment, to pursue enforcement for non-payment of any Pro Rata Payment, or to disconnect or remove any Benefitted Property from the Municipal Improvement for non-payment of a Pro Rata Payment. The City assumes no liability or responsibility regarding the enforceability of any Reimbursement Agreement, or the developer's ability to seek a Pro Rata Payment. To the extent permitted by law, enforcement matters relating in any way to a Pro Rata Payment, or recovery or reimbursement of any Costs of Construction, shall be the sole responsibility of the private developer.

Section 9: This ordinance is of a permanent and general character and shall be included in the Homer City Code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ____ DAY OF _____, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

1337

1338 YES:

1339 NO:

1340 ABSTAIN:

1341 ABSENT:

1342

1343 First Reading:

1344 Public Hearing:

1345 Second Reading:

1346 Effective Date:

1347

1348

1349 Reviewed and approved as to form:

1350

1351 _____

1352 Katie Koester, City Manager

1353

1354 Date: _____

1355

Holly Wells, City Attorney

Date: _____

**CITY OF HOMER
HOMER, ALASKA**

Lord/Stroozas

ORDINANCE 19-23(S-2)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA REPEALING AND REENACTING HOMER CITY CODE TITLE 14 TO BE ENTITLED "HOMER PUBLIC UTILITY SYSTEMS" AND HOMER CITY CODE TITLE 17 TO BE ENTITLED "PUBLIC ASSESSMENTS" TO: (1) CONSOLIDATE WATER AND SEWER SYSTEM REGULATIONS AND RATES; (2) UPDATE DEFINITIONS AND COMMON TERMS; AND (3) CREATE UNIFORMITY BETWEEN SERVICE AND ASSESSMENT PRACTICES AND REPEALING HOMER CITY CODE CHAPTERS 9.08, 13.24 AND 13.28 TO MOVE UTILITY CONSTRUCTION PRACTICES AND FEES FROM HCC 13.24 AND 13.28 TO HCC TITLES 14 AND 17 AND MOVE HCC 9.08 TO HCC 17.03, AND UPDATE ASSESSMENT LIEN ENFORCEMENT PROVISIONS TO INCORPORATE STATE LAW REQUIREMENTS.

WHEREAS, the Homer City Code currently requires property owners to connect to the Homer Sanitary Wastewater and Sewage System and the Homer Public Water System and regulates construction, installation, and use of these systems; and

WHEREAS, the regulatory, assessment, and fee provisions regarding the City of Homer's public utilities are located in various sections throughout the Code; and

WHEREAS, the laws governing Homer's public utilities have not been recently updated to reflect the City's growth, progress, and needs; and

WHEREAS, the Code contains technical construction and installation requirements that are best addressed via permit criteria rather than provisions in the Code; and

WHEREAS, it is in the City's and the public's best interest to identify assessments and procedures arising from public utilities and capital improvements in the same title and ensure all assessment procedures are clear, consistent, and easily understood; and

WHEREAS, certain fees and assessments were addressed in Titles 9, 13, and 14 while others were in Title 17.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1: Chapter 13.24 entitled "Sanitary Systems" is hereby repealed.

Section 2: Chapter 13.28 entitled “Water Systems” is hereby repealed.

Section 3: Chapter 9.08 entitled “Enforcement of Local Improvement District Assessments” is hereby repealed.

Section 4: Title 14 entitled “Public Services” is repealed and reenacted to read as follows:

TITLE 14
CITY OF HOMER PUBLIC UTILITY SYSTEMS

Chapters

- 14.01 Homer Public Utility Systems-General Provisions
- 14.04 Homer Sanitary Wastewater and Sewage System
- 14.08 Homer Public Water System
- 14.50 Utility Distribution Facilities

CHAPTER 14.01
HOMER PUBLIC UTILITY SYSTEMS-GENERAL PROVISIONS

Sections:

- 14.01.010 Water and sewer service area.
- 14.01.020 City Manager rule making authority.
- 14.01.030 Immunity for discretionary acts.
- 14.01.040 Violation-Penalty.
- 14.01.045 Violation-Right of appeal.
- 14.01.050 Utility permits-Appeal procedure.
- 14.01.060 Utility permit appeals-Superior court.
- 14.01.070 Bond or cash deposit.
- 14.01.080 State contractor required.
- 14.01.090 Water and sewer rate schedules.

- 14.01.010 Water and sewer service area.

No water or sewer service shall be provided beyond the boundaries of the City of Homer except as otherwise provided in this title or upon approval granted by City Council via ordinance.

- 14.01.020 City Manager rulemaking authority.

a. The City Manager has authority to make administrative rules and regulations for the administration of City water and sewer services and construction, repair, operations, and maintenance of City water and sewer systems. Except as otherwise provided in this title, City Council shall approve via resolution all administrative rules and regulations or amendments to rules and regulations authorized under this title.

b. All administrative rules and regulations approved by Council shall be available for public inspection at the City Clerk's office, the Public Works Department, and on the City's website.

c. No person shall fail to comply with any administrative rule or regulation authorized under this title and approved by Council.

14.01.030 Immunity for discretionary acts.

a. An action for damages may not be brought against the City, or any of its agents, officers, contractors or employees, for a claim based on the exercise, failure to exercise or abuse of any discretionary function or duty granted in or performed under this title.

b. Immunity under this section includes, but is not limited to, the exercise of discretion to restrict, interrupt, decrease, or terminate the sale of water to bulk water customers, resellers, or others for export or consumption outside the certificated service area or the discontinuance of water or sewer services.

c. Nothing in this section shall be construed to limit any defenses or immunities available under AS 09.65.070 or any other provision of law.

14.01.040 Violation-Penalty.

a. Except as otherwise provided in this title, the penalty for violating a provision of this title is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040 or otherwise provided in this title, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010.

b. The City shall provide notice of a violation of this title via certified return receipt U.S. mail to the operator, agent or property owner perpetrating or permitting the perpetration of a violation of this title. The notice shall include the name of the property owner, the location of the violation, the Code provisions violated, and the action necessary to correct the violation.

c. Before assessing penalties under this title, the City shall provide written notice of the penalties to the property owner, operator or agent perpetrating the violation via certified return receipt U.S. mail and shall deliver the notice of penalties to the property owner, operator or agent in person. If the City is unable to deliver the notice despite efforts to do so

at the owner's, operator's or agent's last known address, the City shall post the notice on the City website or in a newspaper of general circulation within the City for ten days before assessing penalties. This notice shall include all the information required in subsection (b), the date from which penalties incur, and notice of the right to appeal to the City Manager.

14.01.045 Violation-Right of appeal.

a. The finding of a violation and assessment of a penalty may be appealed within 30 days from the date the notice of penalty was postmarked.

b. Untimely appeals shall not be accepted. A notice of appeal must be filed in writing with the City Clerk and be accompanied by the appeal fee set forth in the Homer fee schedule. The notice must contain:

1. Name and address of the owner of the property, operator or agent issued the citation;
2. A copy of the notice being appealed; and
3. A statement of the grounds for appeal that must include detailed and specific allegations of error and references to applicable provisions of the Code or other law.

c. The City Manager may appoint a hearing officer or City official to act as the decision-maker in an appeal under this section. The Public Works Director may not be appointed as a hearing officer under this subsection.

d. An appeal before the City Manager or his or her designee shall be heard within 30 days from the day the appeal is filed. The person against whom the violation is assessed shall be given an opportunity to be heard at a public hearing and shall have an opportunity to make an oral argument and present evidence.

e. The City Manager shall issue a final written decision with his or her findings no more than 30 days after the hearing.

14.01.050 Utility permits-Appeal procedure.

a. Any person who is dissatisfied with the approval or denial of a permit under this title may appeal the decision to the City Manager no more than 30 days after the Public Works Director approves or denies the permit.

b. An appeal to the City Manager must be filed within 30 days of the written approval or denial of a permit under this chapter. Untimely appeals shall not be accepted. A notice of

appeal must be filed in writing with the City Clerk and be accompanied by the appeal fee set forth in the Homer Fee Schedule. The notice must contain:

1. Name and address of the permit applicant;
2. A copy of the order or decision being appealed; and
3. A statement of appeal.

c. The statement of appeal must include detailed and specific allegations of error and references to applicable provisions of the Code or other law.

d. The City Manager may appoint a hearing officer or City official to act as the decision-maker in an appeal under this section. The Public Works Director may not be appointed as a hearing officer under this subsection.

e. An appeal before the City Manager or his or her designee shall be heard within 30 days from the day the appeal is filed. The permit applicant shall be given an opportunity to be heard at a public hearing and shall have an opportunity to make an oral argument and present evidence.

f. The City Manager or his or her designee shall issue a final written decision with his or her findings no more than 30 days after the hearing.

14.01.060 Utility permit appeals- Superior Court.

A final decision of the City Manager or his or her designee may be appealed to the Superior Court no later than 30 days following the date the decision of the hearing officer is issued. An appeal to the court must be filed according to the applicable court rules.

14.01.070 Bond or cash deposit.

a. Every person, firm or corporate entity carrying on the business of construction and connecting to City sewer and/or water within the City may be required to deposit a bond or cash deposit in favor of the City in an amount and under such conditions deemed appropriate by the City Manager or his or her designee to cover damages of any kind resulting from that person's, firm's or entity's operations. All such sewer or water construction and connections shall be completed in a good and workmanlike manner in accordance with the specifications required by the City. The bond or cash deposit shall be further conditioned that the principal shall repair any damage done to the public sewer or water system on account of such work and shall return the surface of the ground, street, road, building, facility, right-of-way or easement to its original condition insofar as possible and in accordance with the requirements of the City.

b. Every person, firm or corporate entity carrying on the business of construction and connecting to City sewer and/or water within the City must be approved in writing by the Public Works Director. The Public Works Director shall approve a person, firm or corporate entity under this section so long as he, she or it:

1. Meets all state and local licensing requirements;
2. Provides a statement demonstrating experience in substantially similar or the same construction projects; and
3. Carries liability insurance in the aggregate amount of not less than \$500,000 or as may be additionally required in an amount in excess of \$500,000 as may be deemed necessary for the work by the Public Works Director or their designee to cover the insurance requirement of the work.

14.01.080 State contractor required.

A contractor working for the City on a water or sewer project or conducting construction within a public easement or right-of-way shall file a copy of their current State contractor's certificate with the City Clerk's office.

14.01.090 Water and sewer rate schedule.

a. The City Council shall adopt, renew, review and amend, as necessary, a water and sewer rate schedule annually via resolution. Copies of the rate schedule shall be available at the Public Works Department. The schedule may also be available on the City's website.

b. The City will allow, upon approval of a written application and payment of the fee established by City Council, a second water usage meter to measure the flow of City water that is not discharged to the Sanitary System. This second meter will be read monthly and sewer charges will be credited monthly.

CHAPTER 14.04 HOMER SANITARY WASTEWATER AND SEWAGE SYSTEM

Sections:

- 14.04.010 Purpose.
- 14.04.015 Definitions.
- 14.04.018 Service connection charges.
- 14.04.020 Connection – Required.
- 14.04.050 Sewer service connection and extension permit.
- 14.04.070 Destruction/abandonment of private sewage disposal systems.
- 14.04.080 Commercial waste disposal permit.

252 14.04.100 Discharge of surface drainage into the Sanitary System illegal.
253 14.04.110 Industrial Waste pretreatment and discharge requirements.
254 14.04.120 Industrial Waste Disposal Permit.
255 14.04.130 Industrial waste disposal permit-Penalties.

256

257

258 14.04.010 Purpose.

259

260 It is the intent of this chapter to adopt laws governing the operation and installation of the
261 Homer Sanitary Wastewater and Sewage System, which may be called the "Sanitary System."
262 It is the goal of the City for all wastewater and sewage within City boundaries to be connected
263 to the Sanitary System, ensuring proper wastewater and sewage management throughout
264 the City. This Code should be interpreted in furtherance of that goal.

265

266 14.04.015 Definitions.

267

268 For the purposes of this chapter, the following words and phrases shall have the meanings
269 set forth below:

270

271 "ADEC" means the State of Alaska Department of Environmental Conservation.

272

273 "City of Homer Industrial Pretreatment Discharge and Waste Disposal Manual" means the
274 Industrial Waste Manual.

275

276 A "directly adjacent" sewer main means either (1) the main extends the entire length of the
277 frontage of the lot along an easement or right-of-way; or (2) it extends at least 10 feet into an
278 easement or right-of-way adjacent to the lot and the Public Works Director determines that
279 the main will not be extended to serve additional lots.

280

281 "Domestic sewage" means waste containing human or animal excretion, other than
282 industrial waste.

283

284 "Dwelling" or "dwelling unit" means any building or portion thereof which contains living
285 facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than
286 one family.

287

288 "Industrial plant" means a plant or works producing waste material, other than domestic
289 sewage.

290

291 "Industrial waste" means liquid or solids contained within a liquid, other than domestic
292 sewage.

293

“Multiple-family dwelling” means a building or portion thereof designed for occupancy by two or more families living independently in separate dwelling units which may or may not share common entrances and/or other spaces.

“On-site sewer connection line” means the part of the sewer connection line located on the property being serviced by that line.

“Off-site sewer connection line” means the part of the sewer connection line located in a public easement or right-of-way.

“Premises” means a lot, parcel of land, building or establishment.

“Sewage” means a combination of liquid- or water-carried human waste conducted away from residences, business buildings and institutions, which is known as domestic sewage, together with the liquid- or water-carried waste resulting from a manufacturing process employed in industrial establishments, including the washing, cleaning or drain water from such process or establishment, which is known as industrial waste.

“Sewer connection line” means a line or pipe carrying sewage from a premises to a sewer main.

“Sewer extension” means an extension of the sewer main.

“Significant Industrial User” means an industrial user of the Sanitary System who meets any one of the following criteria:

1. Is subject to or potentially subject to national pretreatment standards promulgated under Section 307(b) or (c) of the Clean Water Act;
2. Has in its wastes any priority toxic pollutants listed in 40 CFR 401.15 or 40 CFR Part 403 or listed by the Public Works Director;
3. Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Clean Water Act or regulations promulgated thereto;
4. Has a discharge flow of 10,000 gallons or more of wastewater per average work day;
5. Has a flow greater than five percent of the flow into the Sanitary System or of the design pollutant loading capacity of the Sanitary System; or
6. Is determined by the Public Works Director to have a significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the Sanitary System effluent quality, or air emissions generated by the Sanitary System.

“Spaghetti line” means a pipe or line connecting to a sewer main that is not directly adjacent to the lot being serviced by the line or pipe.

14.04.018 Service connection charges.

A person applying for sewer service to property not previously connected to the Sanitary System shall pay a sewer connection charge, which shall include engineering costs of inspecting and/or installing the on-site sewer connection line and permit application fees and costs. The amount of the sewer connection charge and the costs included in that charge shall be published annually on the City website and a newspaper of general circulation.

14.04.020 Connection–Required.

a. Except as otherwise provided in this chapter, no person shall erect or occupy a dwelling or commercial or industrial building directly adjacent to the Sanitary System without connecting to the Sanitary System.

b. Except when expressly approved by permit, spaghetti lines are prohibited. No service will be provided to a lot that is not directly adjacent to a sewer main.

c. Where the Sanitary System is not available, a septic system may be used so long as the septic system is installed and maintained as required by ADEC and all other laws and provides adequate disposal of waste.

d. Except as otherwise provided in this section, property owners must connect to the Sanitary System no more than three years after the owner of a property receives written notice that the Sanitary System is available to the property.

e. Property owners with compliant and fully functioning septic systems may wait to connect to the Sanitary System but shall connect to the Sanitary System before and instead of replacing or repairing any substantial component of a septic system on the property. Property owners delaying connection to the Sewer System under this subsection must provide written notice of the property owner’s intent to temporarily stay connection only in compliance with the Code. The notice of stay must be received by the City no more than 60 days after the City provides written notice to the property owner that the Sanitary System is available to the property. A Notice to Stay Connection is available at the Clerk’s office, the Public Works Department, and/or on the City’s website.

f. Outhouses, cesspools, privies or any private wastewater system that is not subject to approval and regulation by ADEC is prohibited within the City.

14.04.050 Sewer service connection and extension permit.

a. No person shall install a sewer extension or a sewer connection line without first obtaining a sewer connection permit from the City. Permit applications may be obtained from the Public Works Department, the City Clerk's office, and/or the City's website. Permit fees must be paid at the time the application is submitted. The sewer connection and extension permit fee shall include all inspection and administrative costs. All other fees for delayed or deferred services, in lieu of assessments and necessary right-of-way permits shall be in addition to the permit fee.

b. A property owner installing a sewer connection or extension which qualifies for a deferred assessment payment or makes a payment in lieu of assessment, shall pay the assessment prior to issuance of the connection or extension permit.

c. The sewer connection permit criteria shall be identified in the permit application obtained from the Public Works Department, the City Clerk's office, and/or the City's website.

d. All work and materials must meet the standards and specifications as described in the permit application, Homer City Code, the Uniform Building Code, and ADEC.

e. Property owners connecting to the Sanitary System shall provide and pay for all materials, labor, and equipment for the excavation, connection and installation of the sewer line and shall be responsible for any liability, damages or costs arising from installation, excavation, and connection.

f. All sewer connections and extensions shall be inspected by the Public Works Department before the connection is used. The customer shall make arrangements with the Public Works Department at least 24 hours in advance for all required inspections.

14.04.070 Destruction/Abandonment of private sewage disposal systems.

All septic tanks, cesspools, privies, or sewage holding tank/vaults shall be removed, filled or destroyed in full compliance with conservation requirements and the Uniform Plumbing Code.

14.04.080 Commercial waste disposal permit.

a. Except for property owners connecting to the Sanitary System for disposal of waste from a single-family dwelling or property owners required to obtain an industrial waste disposal permit, all property owners must obtain a commercial waste disposal permit before discharging any waste into the Sanitary System.

b. The waste disposal permit application shall be available at the Public Works Office and may be available on the City's website. The permit fee must be paid at the time the application is submitted. The criteria for the permit shall be included in the application.

c. The Public Works Director shall issue a commercial waste disposal permit so long as:

1. The Public Works Director reasonably believes, and the property attests that the type of waste reported by the property owner will not damage the Sanitary System; and
2. The sewer pipeline has sufficient capacity to dispose of the disclosed wastes.

d. The Public Works Director or his designee may revoke, modify or impose conditions upon a disposal permit if he or she finds, in his or her sole discretion, that revocation, conditions or modifications to the permit are required to prevent or stop damage to the Sanitary System. Except when immediate action is necessary to protect the Sanitary System and prevent immediate harm to public health and sanitation, the Public Works Director shall provide notice to the property owner at least 30 days before revoking or modifying a disposal permit.

14.04.100 Discharge of drainage into the Sanitary System Illegal.

No connections shall be made to any public sewer or any premises for the purpose of directing or diverting any storm water or any surface or underground drainage into the sewer, and no person shall discharge into any public sewer or house lateral any leader pipe from a roof, surface drain, underground drain or any solid or liquid waste other than the sewage composed of the ordinary liquid wastes of residences, business buildings and institutions from baths, toilets, laundries, wash tubs, sinks and floor drains. Connections of surface or groundwater to the Sanitary System are considered illegal.

14.04.110 Industrial Waste pretreatment and discharge requirements.

a. Significant Industrial Users must provide wastewater pretreatment in full compliance with federal and state law, this section, and the City of Homer Industrial Waste Pretreatment Discharge and Disposal Manual, which may be referred to as the Industrial Waste Manual in the Code.

b. The Industrial Waste Manual shall contain administrative rules and regulations governing discharge of industrial waste into the Sanitary System. These rules and regulations and any amendments to them must be approved by Council via ordinance before they become effective.

14.04.120 Industrial waste disposal permit.

a. All Significant Industrial Users must obtain an industrial waste disposal permit from the City.

b. The industrial waste disposal permit application shall be available at the Public Works Office and may also be available on the City's website. The permit fee must be paid at the time the application is submitted. The criteria for the permit shall be included in the application.

c. The Public Works Director shall only issue an industrial waste disposal permit after finding that:

1. The applicant and the sewage generated on the property subject to the permit complies with the City of Homer Industrial Pretreatment and Discharge Administrative Rules and Regulations as adopted by Council; and
2. The sewer pipeline has sufficient capacity to dispose of the disclosed wastes.

d. The Public Works Director or his designee may revoke, modify or impose conditions upon an industrial waste disposal permit if he or she finds, in his or her sole discretion, revocation, conditions or modifications to the permit are required to prevent or stop damage to the Sanitary System. Except when immediate action is necessary to protect the Sanitary System and prevent immediate harm to public health and sanitation, the Public Works Director shall provide written notice to the property owner at least 30 days before revoking or modifying a disposal permit.

14.04.130 Industrial waste disposal permit-Penalties.

a. A Significant Industrial User who violates this chapter shall be liable to the City for a civil penalty not to exceed \$1,000 per violation. Each day a violation continues constitutes a separate violation. Such penalties may be recovered by judicial actions or, to the extent permitted by State or local law, by administrative procedures.

b. A Significant Industrial User who violates this chapter, or who discharges or causes a discharge producing interference with, deposit in, or obstruction of the Sanitary System, or who causes damage to or impairs the Sanitary System, shall be liable to the City for any expense, loss or damage caused by such violation or discharge. The City shall bill the user for the cost incurred by the City for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs is a violation of this chapter.

c. A Significant Industrial User who violates any requirement of this chapter or any permit, industrial wastewater acceptance notification or other authorization required by the Industrial Waste Manual is guilty of a misdemeanor and shall be fined not more than \$1,000

per violation or imprisoned for 90 days or both. Each day a violation continues constitutes a separate violation.

CHAPTER 14.08
HOMER PUBLIC WATER SYSTEM

Sections:

- 14.08.010 Purpose.
- 14.08.020 Definitions.
- 14.08.040 Water connection and extension permit.
- 14.08.050 Water meter installation.
- 14.08.060 Disconnection due to nonpayment.
- 14.08.070 Frozen pipes–City not liable.
- 14.08.075 Operation of water valves, fire hydrants and curb stops.
- 14.08.080 Discontinuance of water.
- 14.08.090 Priority use of water.
- 14.08.100 Surplus water–Sale.
- 14.08.110 Water shortage or emergency declaration.
- 14.08.120 Water shortage or emergency–Interruption of sale of surplus water–
Other measures.
- 14.08.130 Water shortage or emergency–Appeal.
- 14.08.150 Service deposits.
- 14.08.160 Bulk water sales.
- 14.08.170 Water filling station permit.

14.08.010 Purpose.

It is the intent of this chapter to establish laws for the operation of the Homer Public Water System. The Homer Public Water System may also be called “HPWS” or the “Water System” in this chapter, permit applications, and/or City regulations and policies. The provisions in this chapter also provide for the financial management of the Water System.

14.08.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings set forth below:

“Bulk water” means water purchased from the City and supplied to the customer by means of fire hydrant, tanker truck, or by any other means other than through a direct connection from a water main to the premises where the water is consumed.

“Bulk water customer” means a person who purchases bulk water from the City.

A “directly adjacent” water main either (1) extends the entire length of the frontage of the lot along a public easement or right-of-way; or (2) extends at least 10 feet into the easement or right-of-way adjacent to the lot and the Public Works Director has determined that at no time will the water main be extended to serve additional lots.

“Reseller” or “reseller of water” means a person who purchases water from the City and, for valuable consideration, provides any quantity of such water to another person, but it shall not include any eating or drinking establishment that provides its customers City water only by the glass.

“Standard service account” means an established City water utility account for metered water service through a direct connection from the City water main to the premises served.

“Surplus water” means water that the City administration has determined, in its sole discretion, is in excess of the water needed to meet the consumption, sanitation, and fire protection needs within the boundaries of the City.

“Multiple-family dwelling” means a building or portion thereof designed for occupancy by two or more families living independently in separate dwelling units which may or may not share common entrances and/or other spaces.

“Off-site water connection line” means the part of the water connection line located in a public easement or right-of-way.

“On-site water connection line” means the part of the water connection line located on the property being serviced by that line.

“Premises” means a lot, parcel of land, building or establishment.

“Water connection line” means a line or pipe carrying water from the water main to a premises.

“Water extension” means an extension of the water main.

“Spaghetti line” means a pipe or line connecting to a water main that is not directly adjacent to the lot being serviced by the line or pipe.

“Water filling station” means a non-City facility used to supply bulk water from the Water System to a tanker truck or other means of conveyance.

14.08.040 Water connection and extension permit.

a. All property owners connecting to the Water System must obtain a permit prior to starting construction.

b. The Water System connection and extension permit application shall be available at the City Clerk's office, the Public Works Department, and/or on the City's website. The permit fee must be paid at the time the application is submitted. The criteria for the permit shall be included in the application.

c. The Public Works Director or his or her designee may revoke, modify or impose conditions upon a Water System permit if he or she finds, in his or her sole discretion, that revocation, conditions or modifications to the permit are required to prevent or stop damage to the Water System. Except when immediate action is necessary to protect the Water System and prevent immediate harm to public health and sanitation, the Public Works Director shall provide notice to the property owner at least 30 days before revoking or modifying a Water System permit.

d. Installation of a Water System connection or extension of a water main must meet the standards and specification in the permit application, the Homer City Code, and any applicable state or federal law or regulations, including but not limited to State of Alaska Department of Labor Occupational Safety and Health requirements.

e. A property owner installing an on-site water connection line or extending a water main is solely responsible for all costs and liability associated with or arising from the excavation, connection, and installation of the on-site water line or water main extension.

14.08.050 Water meter installation.

a. Property owners must install a water meter and related components before they will be eligible to connect to the Water System. Installation of all water meters must comply with installation instructions drafted by the Public Works Department and approved by City Council and available at the City Clerk's Office and Public Work's office. A violation of the installation instructions shall constitute a violation of this chapter.

b. The property owner required to install the water meter shall be responsible for all costs associated with installation of that meter and its corresponding mechanisms and a rental fee for the meter from the City.

c. The City shall have the right to install a water meter remote on a building serviced or scheduled to be serviced by the Water System. The meter shall be the size and model indicated by the Public Works Director.

d. Water meters remain City property. Persons renting meters shall be responsible for damage arising from external damage and freezing. Internal wear and tear and failure of the meter due to general external wear and tear shall be the responsibility of the City. Customers shall provide reasonable access for City personnel to maintain, monitor, and service a meter.

14.08.060 Disconnection due to nonpayment.

The City may discontinue water service for nonpayment of any utility service charges, connection fees and related charges. The City shall provide notice to a Water System user at least 30 days before discontinuing water service due to nonpayment.

14.08.070 Frozen pipes--City not liable.

Customers will be solely responsible for all on-property frozen water connections and extensions.

14.08.075 Operation of water valves, fire hydrants and curb stops.

Only persons authorized by the City may operate water valves, fire hydrants, and/or curb stops.

14.08.080 Discontinuance of water.

Water may at any time be shut off from water mains without notice for repairs, extensions or other necessary purposes. The City will not be liable to the customer for any loss or damage caused by disruptions in water service.

14.08.090 Priority use of water.

The first priority of use of the water produced by the Water System is to provide for human consumption, sanitation, and fire protection needs of water consumers within the boundaries of the City of Homer.

14.08.100 Surplus water--Sale.

a. Subject to subsection (b) of this section and other provisions of this chapter, water may be made available for sale to bulk water customers, resellers, and others for export or consumption outside the boundaries of the City of Homer.

b. Notwithstanding any other provision of this title, City Council may by resolution restrict, interrupt, decrease, or terminate the sale of water for export or consumption outside the boundaries of the City if Council determines it is in the best interests of the City to do so.

14.08.110 Water shortage or emergency declaration.

a. City Council may declare a water shortage and restrict the use of water within the boundaries of the City if it finds, via resolution, and after conducting a public hearing, insufficient water available to meet the sanitation, fire protection, and consumption needs within the boundaries of the City.

b. City Council may declare a surplus water shortage via resolution and restrict use of surplus water as Council deems necessary and in the City's best interest.

c. The City Manager may declare a water emergency of up to 30 days if he or she finds that there is an imminent threat or actual impairment to the City's ability to meet water supply demands. The City Manager shall submit a summary of the declaration of water emergency and the reasons for the declaration at the next regularly scheduled Council meeting.

14.08.120 Water shortage or emergency–Interruption of sale of surplus water–Other measures.

a. If a water shortage or water emergency is declared, the City shall first restrict, decrease, interrupt, or terminate the sale of surplus water. The City may take any other measures that the City determines, in its sole discretion, are necessary to address the water shortage or emergency so long as it does so without discrimination between similarly situated consumers.

b. Any measures adopted in response to a declared water shortage or emergency shall, for the duration of the period of the declared shortage or emergency, prevail over any conflicting provisions of law establishing rights of persons to receive specific or proportionate amounts of the water supply.

c. Any measures adopted in response to a declared water shortage or water emergency will be made available for public inspection at the City Clerk's office, at the City Library, and at the Public Works Department while those measures are in effect. Notice of the measures shall also be posted on the City's website within 48 hours after the declaration of the water shortage or emergency.

14.08.130 Water shortage or emergency–Appeal.

Any person aggrieved by a City Council declaration of a water shortage or water emergency under HCC 14.08.110, or by any action taken by the City in response to such a declaration, may appeal the declaration or action to the Superior Court. The appeal must be filed within 30 days from the date the declaration was adopted or action taken. The declaration or action of the City shall not be reversed except on the ground that such declaration or action was fraudulent, arbitrary, or capricious.

14.08.150 Service deposits.

a. All water service users, at the time the service is established, shall pay a deposit based on meter size, established by Council via resolution.

b. Deposits and any accrued interest shall be refunded:

1. After one year of service provided the customer has made all payments owed in full and at the time due; or
2. No more than 45 days after the date customer is disconnected from the Water System or stops receiving service. Service deposits and any interest shall first be applied to any outstanding balance owed by the disconnecting customer. If there is a balance, the remaining deposit and interest after the payment of that balance shall be refunded to the disconnecting customer.

c. If a customer has had utility service with the City within the last two years and paid their City utility payments on time, the Finance Department may waive the deposit requirement under this section.

d. Customers requesting an automatic continuance of utility service between renters may enter into a landlord agreement with the City for this purpose.

14.08.160 Bulk water sales.

a. Bulk water sales rates shall be established by City Council via resolution. The schedule for service fees shall apply to all bulk water service requests.

b. The meter deposit will be returned when the meter is returned undamaged.

c. If a bulk water customer purchases a meter from the City for measuring the quantity of water purchased it shall be exempt from the monthly meter service charge. It is the responsibility of the bulk water customer to maintain that meter so the City can accurately determine the amount of water being purchased. In the event the meter fails, the customer must repair or replace the meter at its sole expense. The City may at any time test the meter for accuracy and reject a repaired meter that it is not accurate.

14.08.170 Water filling station permit.

a. No person shall establish or operate a water filling station to obtain water from the Water System unless that person has a water filling station permit issued by the City.

b. A person shall apply for a water filling station permit on a form provided by the City. The permit application is available at the City Clerk's office, the Public Works Department, and may be available on the City's website. The permit fee must be submitted with the application.

c. The water filling station permit criteria shall be included in the permit application and any conditions and terms of the permit shall be included on the face of the permit. Water filling station permit terms and conditions may include, but are not be limited to, uniform or site-specific flow rate restrictions, storage tank requirements, and other provisions required by the Public Works Department to minimize adverse effects on the Water System and promote its efficient operation.

CHAPTER 14.50 UTILITY DISTRIBUTION FACILITIES

Sections:

14.50.010 Definitions.

14.50.020 Underground installation of cable extensions.

14.50.030 Enforcement of this chapter.

14.50.010 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Cable" includes cables and wires of all descriptions.

"Natural Gas Assessment District" means City of Homer Natural Gas Distribution Special Assessment District created by Homer City Ordinance 13-02.

"Public utility" includes every corporation, whether public, cooperative, or otherwise, company, individual, or association of individuals, their lessees, trustees, or receivers appointed by a court, that owns, operates, manages, or controls any plant or system for (1) furnishing, by generation, transmission, or distribution, electrical service to the public for compensation; (2) furnishing telecommunication service to the public for compensation.

“Public utility” includes all public utilities, whether or not subject to regulation by the Regulatory Commission of Alaska.

“Telecommunications” means the transmission and reception of messages, images, impressions, pictures, data, and signals by means of electricity, electromagnetic waves, and any other kind of energy, force variations, or impulses, whether conveyed by cable, wire, radiated through space, or transmitted through other media within a specified area or between designated points.

14.50.020 Underground installation of cable extensions.

After October 24, 2006, all public utility cable facilities, including, but not limited to, electric power, telephone, and telecommunications cables constructed or installed for the purpose of providing utility service to any land not served before that date by overhead cable facilities, shall be installed underground, and no cables or supporting poles shall be constructed or installed above ground for such purpose, unless the utility obtains an approved exception pursuant to HCC 22.10.055(e) or (f).

14.50.030 Enforcement of this chapter.

In addition to penalties and remedies set forth in this title, no permit may be issued to install a utility line on City property or in a City-owned or controlled easement or right-of-way in violation of this chapter.

Section 5: Title 17 entitled “Improvement Districts” is hereby repealed and reenacted to read as follows:

TITLE 17 PUBLIC ASSESSMENTS

Chapters:

- 17.01 General Provisions
- 17.02 Special Assessment Districts
- 17.03 Enforcement of Public Assessments
- 17.15 Road Improvement Assessments
- 17.18 Developer Reimbursement Program

CHAPTER 17.01 GENERAL PROVISIONS

Sections:

834 17.01.010 Definitions.

835 17.01.020 Purpose.

836 17.01.030 Assessment authority.

837

838 17.01.010 Definitions.

839

840 For the purposes of this title, the following words and phrases shall have the meanings set
841 forth below:

842

843 “Benefited area method” means a method of assessment that determines each parcel’s share
844 of the assessment by dividing the total cost of the improvements on which the assessment is
845 based by the total square footage of land benefited by the improvement and then allocating
846 a portion of the cost of the assessment to each parcel based upon the square footage of the
847 land benefited by the improvement. The square footage included in the calculation shall
848 exclude undevelopable land. For a lot 50% larger than the average lot in the district, the
849 Public Works Director may determine that benefited area only includes the first 200 feet of
850 the lot so long as Council approves that determination.

851

852 “Cost” means all expenses incurred by the City for an improvement, including but not limited
853 to, advertising expenses, fees of engineers, architects and surveyors, legal fees, costs of
854 property acquisition, payments to construction contractors, costs of interim and long-term
855 financing of the improvement, including costs of issuing bonds and notes, and City
856 administrative costs.

857

858 “Developable land” means land that, in the discretion of the Public Works Director, can be
859 reasonably developed for uses permitted within the property’s zoning district.

860

861 “District” means a special assessment district created under this chapter unless otherwise
862 specified.

863

864 “Equal area method” means an assessment method allocating costs equally to each lot in a
865 District.

866

867 “Front footage method” means an assessment method allocating costs between lots in a
868 District based on the linear feet fronting the improvement for which the District was created.
869 Under this method, and except as provided in this definition, lots fronting the improvement
870 on more than one side and only accessing the improvement from one side will only be
871 assessed for linear feet on one side. Lots fronting the improvement on more than one side
872 and accessing the improvement from more than one side, will be assessed for linear feet on
873 all sides accessing the improvement.

874

“Improvement” means a capital improvement, including without limitation streets, sidewalks, alleys and bridges; street lighting; drainage and flood control facilities; sanitary sewage collection and treatment facilities; water supply and distribution facilities; natural gas distribution facilities; and parks, playgrounds, public squares and open space.

“Public Works Director” means the Public Works Director or his or her designee. If the Public Works Director position is not filled or is temporarily empty, the City Manager or his or her designee will serve as the “Public Works Director” for purposes of this title.

“Special Assessment Application Fee” means the fee charged for the processing of the special assessment district application. The fee is approved annually by Council in the resolution adopting the City fee schedule.

“Record owner” means the person in whose name real property is listed on the property tax roll prepared by the Kenai Peninsula Borough.

“Undevelopable land” means land that cannot be practicably developed due to natural characteristics, which may include, but are not limited to, steep grade, ravines, and wetlands.

17.01.020 Purpose.

The purpose of this title is to identify the assessments the City may charge for acquiring, installing or constructing capital improvements and utility systems that benefit real property within City boundaries.

17.01.030 Assessment authority.

The City may assess all or part of the cost of a capital improvement against real property benefited by the improvement, whether the property is privately or governmentally owned, including real property that is exempt from taxation.

CHAPTER 17.02 SPECIAL ASSESSMENT DISTRICTS

Sections:

- 17.02.030 Purpose and authority for special assessment districts.
- 17.02.040 Initiation of a special assessment district.
- 17.02.050 Creation of a special assessment district.
- 17.02.060 Contract–Approval of increased costs.
- 17.02.070 Special assessment roll.
- 17.02.080 Certification of assessment roll.
- 17.02.090 Payment.

917 17.02.100 Subdivision after levy of assessments.

918 17.02.120 Reassessment.

919 17.02.130 Objection and appeal.

920 17.02.140 Interim financing.

921 17.02.150 Special assessment bonds.

922 17.02.160 Time limit for special assessment districts.

923 17.02.170 Water and sewer connections required.

924 17.02.190 Hardship deferrals.

925 17.02.200 Payment in lieu of assessment.

926

927 17.02.030 Purpose and authority for special assessment districts.

928

929 a. A special assessment district may be created for the purpose of acquiring, installing or
930 constructing a capital improvement that primarily benefits real property in the district, in
931 contrast to capital improvements that benefit the entire community and are paid for with
932 general government resources or improvements that benefit a specific individual parcel.

933

934 b. The purpose of this chapter is to prescribe the procedure for initiating a special assessment
935 district, authorizing an improvement in a special assessment district, approving and levying
936 special assessments, payment of special assessments, and the authorization of special
937 assessment bonds, for public information and administrative guidance.

938

939 17.02.040 Initiation of special assessment district.

940

941 a. A special assessment district may be initiated by:

942

943 1. A Resolution, initiated by a Council member, the City Manager, or through the
944 developer reimbursement application process set forth in this title and
945 approved by a vote of not less than three-fourths of Council; or

946 2. A Petition signed by 50% of the total record owners who receive notice from
947 the City Clerk's office that they will be assessed a portion of the costs of a
948 single capital improvement.

949

950 b. Special assessment petition applications are available from the Clerk's office. A benefited
951 property owner proposing a special assessment district by petition must file with the Clerk a
952 complete special assessment petition application no more than 60 days after the notice of
953 assessment is issued to record owners. The Clerk shall approve all properly and timely
954 submitted applications within 10 days of the date on which the application is filed. The Clerk
955 shall notify the petition sponsor in writing that the petition has been approved, prepare the
956 petition, and distribute it by certified mail to all record owners of property in the proposed
957 district no more than 30 days after the petition application is approved.

958

c. Upon adoption of a resolution initiating a special assessment district, or the filing of a sufficient petition with the Clerk, the City Clerk shall:

1. Schedule a meeting of record owners of real property in the proposed district, notify the record owners by mail of the date, time and location of the meeting, and include a copy of the notice in the City's regular meeting advertisement;
2. Refer the proposed district to the Public Works Director, who shall prepare an improvement plan for the proposed district. The proposed district improvement plan shall include:
 - A. The boundaries of the proposed district;
 - B. The design of the proposed improvement;
 - C. A cost estimate for the improvement;
 - D. The assessment allocation method used to calculate the amount owed by each record owner in the proposed district;
 - E. The percentage of the improvement cost to be assessed against properties in the district;
 - F. The time period over which assessments will be financed; and
 - G. Preliminary assessment roll for the proposed district.
3. The Public Works Director shall use the equal area method in calculating the assessment amount unless another method is specified in the improvement plan.

17.02.050 Creation of a special assessment district.

a. Upon completion of an improvement plan under this chapter, the City Clerk shall set a time for a public hearing on the necessity of the improvement and proposed improvement plan. Notice of the hearing shall be published at least twice in a newspaper of general circulation in the City, and mailed via certified mail to every record owner of real property in the proposed district not less than 60 days before the hearing.

b. A record owner of real property in the proposed district may file a written objection to the improvement plan with the City Clerk no later than the day before the date of the public hearing on the improvement plan. If owners of real property that would bear 50 percent or more of the assessed cost of the improvement file timely written objections, the Council may not proceed with the improvement unless it revises the improvement plan to reduce the assessed cost of the improvement that is borne by objecting record owners to less than 50 percent of the assessed cost of the improvement. If the resolution changes the district boundary in the improvement plan, the City Clerk shall notify all record owners of property included in the district under the improvement plan of the change.

c. At the noticed date and time, Council shall hold a public hearing and shall adopt a resolution approving the assessment if Council finds, via resolution, that the improvement is necessary and benefits the properties that will be assessed. Council must also approve the proposed improvement plan. The resolution shall contain a description of the improvement, the estimated cost of the improvement, the percentage of the cost to be assessed against the properties in the district, and a description of the properties to be assessed.

d. If record owners of all real property in the proposed assessment district waive in writing the notice, protest period and public hearing required under this section, the question of creating the district may be submitted to Council without such notice, protest period or public hearing.

17.02.060 Contract-Approval of increased costs.

a. After a special assessment district has been created, the City shall contract for the construction of the improvement. If the City will own the improvement, it shall solicit bids for construction of the improvement. If the City will not own the improvement, it shall contract with the owner of the improvement to provide for its construction.

b. If the cost of constructing the improvement will exceed 15 percent of the estimated cost of construction identified in the improvement plan, the City shall not contract for the construction of the improvement without first notifying all record owners in the district via certified mail of the increased cost and providing record owners in the proposed district 30 days to object to the increase.

c. If the City receives written objections from record owners collectively bearing one-half or more of the cost of the improvement, the City may not contract to construct the improvement unless it can do so at an amount not more than 15 percent above the estimated cost of construction identified in the improvement plan. The City may still impose an assessment or levy taxes on the district for the costs of developing the improvement plan so long as the record owners approved the initiation of the district and the improvement plan.

17.02.070 Special assessment roll.

a. After completion of the improvement, the City shall assess costs of the improvement and prepare an assessment roll stating for each property in the special assessment district the name and address of the record owner, Kenai Peninsula Borough parcel number, the legal description of the property, the amount assessed against the property, and the assessed value of the property as determined by the Borough Assessor.

b. Council shall certify the assessment roll by resolution.

c. Prior to certifying the assessment roll, Council shall hold a hearing. All record owners in the proposed district will have an opportunity to raise objections to the assessment roll at the hearing. At least 15 days before the hearing, the City Clerk shall send written notice of the hearing on the certification of the assessment roll by certified mail to each record owner appearing on the assessment roll and publish notice of the hearing in a newspaper of general circulation in the City.

17.02.080 Certification of assessment roll.

After the hearing the Council shall correct any errors or inequalities in the assessment roll. If an assessment is increased, a new hearing shall be set and notice published, except that a new hearing and notice is not required if all record owners of property subject to the increased assessment consent in writing to the increase. Objection to the increased assessment shall be limited to record owners of properties whose assessments were increased. When the assessment roll is corrected, the Council shall confirm the assessment roll by resolution. The City Clerk shall record the resolution and confirmed assessment roll with the District Recorder.

17.02.090 Payment.

a. In the resolution certifying the assessment roll, Council shall fix the time or times when assessments or assessment installments are due, the amount of penalty on a delinquent payment and the rate of interest on the unpaid balance of an assessment. An assessment that is to be paid in a single payment shall not be due before 60 days after billing.

b. Within 30 days after fixing the time when payment of the assessments is due, the Finance Director shall mail a statement to the record owner of each assessed property identifying the property and stating the assessment amount, the payment due date, and the amount of the penalty on a delinquent payment. Within five days after mailing the statements, the Finance Director shall publish notice of mailing the statements in a newspaper of general circulation in the City.

17.02.100 Subdivision after levy of assessments.

a. Except as otherwise provided in this section or required by a governing tariff, a “subdivided property connection fee” shall be paid before subdivided lots may be connected to an improvement for which the original assessment was levied.

b. The “subdivided property connection fee” shall only be required when the original assessment on the pre-subdivided lot was apportioned equally between parcels and was not apportioned based upon lot size or area.

c. The amount of the “subdivided property connection fee” shall be equal to the amount of the original assessment adjusted by the increase in the number of parcels.

d. If the original assessment was payable in installments, the City may enter into a written agreement for the payment of the connection fee in installments on terms that are substantially the same as those authorized for the payment of the original assessment, secured by a deed of trust on the parcel.

e. Upon the subdivision of a property assessed as a single parcel in the Natural Gas District improvements where assessments were levied in an equal amount per parcel (i.e., without regard to parcel area, dimension or other characteristic), the assessment levied on the property that is to be subdivided shall be paid in full before the recording of the final plat. No parcel that results from the subdivision shall be subject to assessment for the improvements, but shall be charged for connecting to the improvements in accordance with the tariff of the public utility that provides natural gas service to the parcel.

f. Subdivisions of lots included in the original assessment shall only incur the “subdivided property connection fee” when the subdivision of the lot occurs on or before the date the total assessment for the district is paid in full.

g. All subdivided property connection fees collected under this section shall be deposited in the Homer Accelerated Water Sewer Program fund.

17.02.120 Reassessment.

a. Council shall within one year correct any deficiency in a special assessment found by a court, under the procedure for certification of the assessment roll in HCC 17.02.

b. Payments on the initial assessment are credited to the property upon reassessment. The reassessment becomes a charge upon the property notwithstanding failure to comply with any provision of the assessment procedure.

17.02.130 Objection and appeal.

a. An assessment may only be contested by a person who filed a written objection to the assessment roll before its certification. Council’s decision regarding an objection to the assessment roll is final and may be appealed to the Superior Court within 30 days after the date of certification of the assessment roll.

b. If no objection is filed or appeal taken within the time provided in this section, the assessment procedure shall be considered regular and valid in all respects.

17.02.140 Interim financing.

a. Council may provide by resolution or ordinance for the issuance of notes to pay the costs of an improvement from the special assessments for that improvement. The notes shall bear interest at a rate or rates authorized by the resolution or ordinance, and shall be redeemed either in cash or bonds for the improvement project.

b. Notes issued against assessments shall be claims against the assessments that are prior and superior to a right, lien or claim of a surety on the bond given to the City to secure the performance of the contract for construction of the improvement, or to secure the payment of persons who have performed work or furnished materials under the contract.

c. The Finance Director may accept notes against special assessments on conditions prescribed by the Council in payment of:

1. Assessments against which the notes were issued in order of priority;
2. Judgments rendered against property owners who have become delinquent in the payment of assessments; and
3. Certificates of purchase when property has been sold under execution or at tax sale for failure to pay the assessments.

17.02.150 Special assessment bonds.

a. Council by ordinance may authorize the issuance and sale of special assessment bonds to pay all or part of the cost of an improvement in a special assessment district. The principal and interest of the bonds shall be payable solely from the special assessments levied against property in the district. The assessment shall constitute a sinking fund for the payment of principal and interest on the bonds. The benefited property may be pledged by the Council to secure payment of the bonds.

b. On default in a payment due on a special assessment bond, a bondholder may enforce payment of principal, interest, and costs of collection in a civil action in the same manner and with the same effect as actions for the foreclosure of mortgages on real property. Foreclosure shall be against all property on which assessments are in default. The period for redemption is the same as for a mortgage foreclosure on real property.

c. Before the Council may issue special assessment bonds, it shall establish a guarantee fund and appropriate to the fund annually a sum adequate to cover a deficiency in meeting payments of principal and interest on bonds if the reason for the deficiency is nonpayment of assessments when due. Money received from actions taken against property for nonpayment of assessments shall be credited to the guarantee fund.

1169 17.02.160 Time limit for special assessment districts.

1170
1171 a. If five or more years elapse between the creation of a special assessment district and the
1172 City contracting for construction of the improvement, the City may not enter into the contract
1173 unless the Council by resolution extends the period for entering into the contract by not more
1174 than an additional five years.

1175
1176 b. Before the Council acts on a resolution under subsection (a) of this section, the City Clerk
1177 shall mail notice of the resolution to each current record owner of property listed on the
1178 preliminary assessment roll that the City will not contract for construction of the
1179 improvement in the district unless the resolution is adopted. The notice also shall include an
1180 updated copy of the preliminary assessment roll.

1181
1182 17.02.170 Water and sewer connections required.

1183
1184 Except as otherwise provided in the Code, the owner of property in a water or sewer special
1185 assessment district that contains an occupied building shall connect to the improvement
1186 constructed in the district within three years after the date that the resolution confirming the
1187 assessment roll for the district becomes final.

1188
1189 17.02.190 Hardship Deferrals.

1190
1191 a. A person may obtain a deferment of assessment payments under this section if the person:

- 1192
1193 1. Has an annual family income that is less than 125% of the current U.S. Health
1194 and Human Services Poverty Guidelines for Alaska;
1195 2. Is the record owner of the assessed property, and permanently resides in a
1196 single-family dwelling on the property; and
1197 3. Is not determined by the City, after notice and hearing, to have been conveyed
1198 the property primarily for the purpose of obtaining the deferment.

1199
1200 b. A person seeking deferment of an assessment payment shall file a written application with
1201 the Finance Director supported by documentation showing that the applicant meets the
1202 criteria in subsection (a) of this section. A person requesting an assessment payment
1203 deferment the first year the assessment is levied must file an application for deferment with
1204 the City no more than 15 days after receiving the initial assessment. A person requesting an
1205 assessment payment deferment under this section in any year after the first year must file an
1206 application for deferment no later than April 15th of the year for which the deferment is
1207 sought. A person must file an application each year for which deferment is sought and shall
1208 be required to prove eligibility for deferment as of January 1st of each year for which a
1209 deferment is requested. Within the same year, the City for good cause shown may waive the
1210 claimant's failure to make timely application and approve the application as if timely filed.

c. A person who receives an assessment payment deferment shall execute a deed of trust on the property subject to assessment, together with a promissory note payable to the City on demand, to secure the eventual payment of the deferred payment.

d. A deferred assessment payment shall be immediately due and payable upon the earlier to occur of the following events:

1. The sale or lease of the assessed property; or
2. The death of both the deferred assessment applicant and the applicant's surviving spouse, if any.

e. Except for assessments imposed upon the Natural Gas Assessment District, hardship deferrals are not available from assessment payments for the infrastructure of a privately-owned utility.

17.02.200 Payment in lieu of assessment.

a. The purpose of an in lieu of assessment is to allow the City to respond to changing circumstances and allow a lot outside a special assessment district access to an improvement after the formation of the District. It provides a mechanism for the City to be compensated for access to the improvement while maintaining an incentive for the formation of future special assessment districts. An in lieu of assessment should be used infrequently and only in furtherance of this purpose.

b. A payment in lieu of assessment may be available to owners of property outside a special assessment district who want to connect to the improvement funded by a special assessment district. In order to qualify for connection to an improvement under this section, the record owner of the property and the City shall enter into a written agreement. The record owner shall agree in writing to:

1. Pay the full and actual costs of extending the benefit of the improvement onto their property; and
2. Pay in full the property's pro-rated share of the assessed improvement.

c. The Public Works Director retains authority to deny a request for extension of an improvement under this section.

d. A payment in lieu of assessment must be paid in an equal or shorter period than the term of the original assessment.

e. Property accessing an improvement under this section may be included in a special assessment district for the same service created in the future. If a property is included in an assessment district under this subsection, the property will receive a credit towards the total assessment equal to (1) the amount of the “in lieu of assessment” already paid for the property or (2) the amount of the assessment levied on the property in the future special assessment district, whichever amount is less.

CHAPTER 17.03 ENFORCEMENT OF PUBLIC ASSESSMENTS

Sections:

17.03.010 Delinquent assessment payments-enforcement.

17.03.020 Priority of lien.

17.03.010 Delinquent assessment payments-enforcement.

a. Assessments under this title and any interest or penalties on these assessments are liens on the property assessed.

b. Foreclosure of assessment liens shall be in accordance with the procedures required for foreclosure of property tax liens under Alaska Statute.

17.03.020 Priority of Lien.

a. Assessments under this title and any interest or penalties on these assessments are liens on the property assessed and are prior and paramount to all liens except municipal tax liens. Assessment liens may be enforced as provided in this Code and AS 29.45.320-29.45.470 for enforcement of property tax liens.

b. Assessment liens run with the land, and that portion of the assessment under the assessment contract that has not yet become due is not eliminated by foreclosure of a property tax lien.

CHAPTER 17.15 ROAD IMPROVEMENT ASSESSMENTS

Sections:

17.15.010 Partial payment for inaccessible frontage road.

17.15.020 Corner lot assessment.

17.15.010 Partial payment for inaccessible frontage road.

a. The record owner of a through lot or flag lot may delay payment of the part of an assessment for road improvements that is based on frontage on a road to which the lot does not yet have access. To delay payment under this section, the owner shall enter into a delayed payment agreement with the City before the end of the period for filing objections to the district under HCC 17.02.050.

b. A delayed payment agreement shall include provisions confirming:

1. The lot fronts two streets but only has access to one of those streets;
2. The lot owner agrees to pay the part of the assessment based on frontage on the street to which the lot has access; and
3. When and if the lot acquires access to the other street the property fronts, the owner agrees to pay the remaining part of the assessment.

c. A delayed payment agreement shall be recorded with the District Recorder's office.

17.15.020 Corner lot assessment.

The assessment for road improvements against a corner lot shall be based only on the longer of the lot's road frontages.

CHAPTER 17.18 DEVELOPER REIMBURSEMENT PROGRAM

Sections:

- 17.18.010 Purpose.
17.18.020 Definitions.
17.18.030 Developer Requested Special Assessment District.
17.18.040 Developer Incentive and Reimbursement Program.

17.18.010 Purpose.

It is the intent of this chapter to provide incentive through reimbursement and access to the City's special assessment district process and procedures to developers expanding access to public utilities and capital improvements within the boundaries of the City.

17.18.020 Definitions.

In this chapter, unless otherwise provided, or the context otherwise requires, the following words and phrases shall have the meaning set forth below:

“Benefiting property” means one or more parcel(s) of real property which are adjacent to, will benefit from, or are likely to require connection to a Municipal Improvement.

“Cost of Construction” means the developer’s actual direct cost of constructing a Municipal Improvement.

“Developer” means an owner of real property who is developing his, her, or its real property.

“Developer Reimbursement Agreement” means a written contract between the City, as approved by the Council, and one or more developers, which provides for reimbursement of a portion of the Costs of Construction of a Municipal Improvement by a developer, and the method for assessing the pro rata share of the Costs of Construction of a Municipal Improvement to Benefited Property.

“Municipal Improvement” means water, sewer, electrical, and/or storm water systems or other capital improvements which have been designed and constructed according to City standards, approved by the City, accepted by the City, and provide potential benefits and/or service to Benefited Property.

17.18.030 Developer Requested Special Assessment District.

a. A developer may request a Resolution of the Council approving a special assessment district in connection with the construction of a Municipal Improvement as set forth in HCC 17.02.040.

b. A request for special assessment district initiated by a developer shall be filed on the Special Assessment District Resolution Request Form, which is available from the City Clerk’s Office.

c. The developer’s request must include all information required by the Special Assessment District Resolution Request Form, including, without limitation, a description of the boundaries of the district requested and the Municipal Improvement the developer intends to construct or extend, a cost estimate for the improvements to be constructed, the proposed method used to calculate the amount claimed by each record owner of Benefited Property in the proposed district, the percentage of the improvement cost to be assessed to Benefited Properties within the district, and the percentage of the improvement cost to be assessed to the developer’s property and/or project.

d. Upon adoption of a Resolution of Council finding there is a necessity for the special assessment district identified by the developer in the developer’s application and the initiation of the special assessment district process under this chapter, a Developer Reimbursement Agreement must also be presented to Council for approval. This agreement

must include the terms and conditions of the improvement plan and the proposed construction and installation terms by the Contractor.

17.18.040 Developer Incentive and Reimbursement Program.

a. If Council approves the district and the Developer Reimbursement Agreement under the procedures set forth in Title 17.02, and upon completion of the approved Municipal Improvement in accordance with the City's standards and acceptance of the same by the City, and only to the extent permitted by law, the City shall transfer any payments received by the City in payment for the assessments within the district. The City will disburse any payments received from property owners in the district to the developer within 90 days from the date the City collects or receives the assessment payment.

b. The City may collect, but is not required to collect, the amounts assessed to any Benefited Property for the pro rata share of the developer's Costs of Construction. The Pro Rata Payment must be paid before any Benefited Property connects to or uses the Municipal Improvement. No Benefited Property is permitted to connect to or use the Municipal Improvement without first making the Pro Rata Payment. The Pro Rata Payment is in addition to any connection fees, service fees, or other fees that may be charged for connection and/or use of the Municipal Improvement, or any other fees chargeable by the City under the Code for the construction of a particular Municipal Improvement.

c. The City accepts no liability to collect any Pro Rata Payment from the owners of Benefited Property, or in the event of non-payment, to pursue enforcement for non-payment of any Pro Rata Payment, or to disconnect or remove any Benefited Property from the Municipal Improvement for non-payment of a Pro Rata Payment. The City assumes no liability or responsibility regarding the enforceability of any Reimbursement Agreement, or the developer's ability to seek a Pro Rata Payment. To the extent permitted by law, enforcement matters relating in any way to a Pro Rata Payment, or recovery or reimbursement of any Costs of Construction, shall be the sole responsibility of the private developer.

Section 6: This ordinance is of a permanent and general character and shall be included in the Homer City Code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ____ DAY OF _____, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Katie Koester, City Manager

Date:_____

Michael Gatti, City Attorney

Date:_____

MEMORANDUM

**TO: HOMER CITY COUNCIL
KATIE KOESTER, CITY MANAGER**

FROM: HOLLY C. WELLS

**RE: ORDINANCE 19-23: PUBLIC UTILITY SYSTEM AND SPECIAL
ASSESSMENTS ORDINANCE**

CLIENT: CITY OF HOMER

FILE NO.: 506,742.27

DATE: SEPTEMBER 12, 2019

INTRODUCTION

The following is an updated table for use at the September 16, 2019 work session. This table incorporates changes into the Ordinance after the May 22, 2019 memo distributed to Council regarding the purpose and scope of the revisions proposed in Ordinance 19-23.

Table 1: Title 14 Comparison

Current HCC Title 14	The Ordinance
No Chapter 14.01	<p>Chapter 14.01 was added to consolidate general provisions that apply to all utilities. It includes a definition of the “service area,” the City Manager’s rulemaking authority, City immunity, and contractor licensure requirements. It also incorporates the appeal and violation procedures that apply to all violations of Title 14 and all Title 14 permit appeals.</p> <p>Specifically, the HCC 14.01 sections are as follows:</p> <p>14.01.010 Water and sewer service area.</p> <p>14.01.020 City Manager rule making authority.</p>

	<p>14.01.030 Immunity for discretionary acts.</p> <p>14.01.040 Violation-Penalty.</p> <p>14.01.045 Violation-Right of appeal.</p> <p>14.01.050 Utility permits-Appeal procedure.</p> <p>14.01.060 Utility permit appeals-Superior court.</p> <p>14.04.070 Bond or cash deposit.</p> <p>14.01.080 State contractor required.</p> <p>14.04.090 Water and sewer rate schedules.</p>
<p>HCC 14.04.115 “Extraterritorial services.”</p> <p>HCC 14.04.115 provides a process where an application for sewer service is presented to Public Works for approval, evaluated by Public Works and the Finance Department, and granted or denied by Council based upon specified criteria in the Code. There is no provision for water services outside the City.</p>	<p>PHCC 14.01.010 “Water and sewer service Area” replaces HCC 14.04.115. PHCC 14.01.010 prohibits water/sewer service unless approved by ordinance or otherwise permitted in Title 14. While it applies to both water and sewer, it removes all the specific requirements for extraterritorial services previously required. The intent of the substantially simplified proposed provision was to permit Council to revisit extraterritorial services outside the Title 14&17 review process in light of the significant policy implications of this section. However, there is not an ordinance currently pending before Council and Ordinance 19-19, which specifically addressed extraterritorial services requirements, failed to pass at Council’s September 9, 2019 meeting. As a result, Council may want to consider incorporating the existing approval process in HCC 14.04.115 into this proposed section.</p>
HCC 14.04.120 and HCC 14.08.055	<p>PHCC 14.01.020 “City Manager rule making authority” consolidates the enabling provisions currently located in both water and sewer. Currently, both</p>

	provisions in the Code state the “City Manager is empowered, subject to approval of Council, to make rules and regulations not inconsistent with law...” Council has expressed a desire to change the reference to “rules and regulations” in the current Title or to create more clarity regarding “rules and regulations” and “procedure” references throughout Code. ¹
No HCC 14.01.030 but see HCC 14.08.079 “Immunity for discretionary acts.”	PHCC 14.01.030 “Immunity for discretionary acts” essentially expands the scope of the immunity provision in HCC 14.08, which applies to the Water System, to all public utility systems.
<u>Sewer System Provisions</u> HCC 14.04.100 “Appeals-Board of Appeals-Notice of appeal.” HCC 14.04.105 “Appeals-Procedure.” HCC 14.04.110 “Appeal to Superior Court.” HCC 14.04.130 “Violation-Penalty.” <u>Water System Provisions</u> HCC 14.08.140 “Appeals – Board of Appeals – Notice of appeal.” HCC 14.08.150 “Appeals – Procedure.” HCC 14.08.160 “Appeal to Superior Court.” HCC 14.08.170 “Violation – Penalty.” HCC 14.08.130 “Permit suspension, revocation.”	The following sections were added to Chapter 14.01, which created a uniform penalty assessment, revocation, suspension, and appeal process for all utilities, including waste and water. These provisions replace all of the provisions listed on the other side of the column in the current Code. PHCC14.01.040 “Violation-Penalty” PHCC 14.01.045 “Violation-Right to Appeal” PHCC 14.01.050 “Utility permits-Appeal procedure” PHCC 14.01.060 “Utility permit appeals-Superior court.” PHCC 14.04.130 “Industrial Waste-Penalties” remains separate and in the Code and other process and hearing procedures specific to industrial waste remain in the rules and regulations moved to the Industrial Waste Manual.

¹ For Council’s edification, please see the attached worksheet entitled “Understanding References to Rules, Regulations, Policies, and Procedures in Homer, Alaska.” As Council correctly noted, there is longstanding inconsistency throughout Homer City Code referencing policies, procedures, rules, and regulations.

No purpose section in HCC 14.04	PHCC 14.04.010 “Purpose” added. This section provides a formal name for the City’s system, namely, the “Homer Sanitary Wastewater and Sewage System” and recognizes the general purpose of the Code to ensure that all properties are eventually connected to the City’s system.
HCC 14.04.010 “Definitions.”	PHCC 14.04.010 is the purpose section and definitions are in PHCC 14.04.015. “Definitions” have been revised to remove definitions not referenced in Title 14 and adds definitions for important terms such as “directly adjacent,” “on-site sewer connection line,” “off-site sewer connection line,” “sewer connection line,” and “spaghetti line.” The Ordinance revises the Code to ensure these defined terms are consistently and uniformly used throughout. A definition for “Significant Industrial User” now appears in definitions.
No HCC 14.04.018	PHCC 14.04.018 “Service Connection Charges” consolidates numerous sections regarding fees and costs surrounding connection in one user-friendly location.
HCC 14.04.020 “Connection-Required.” Exempts “alternative sanitary facilities” in one subsection but requires all properties to connect to the system when available in another subsection.	PHCC 14.04.020 “Connection-Required” provides property owners three years instead of just one to connect to the City System and provides an exemption from connection for those with compliant and fully-functioning septic systems until those systems require replacement or substantial repair. A person seeking such exemption must complete a Notice to Stay Connection.
HCC 14.04.050 “Sewer service connections and extensions.”	PHCC 14.04.050 “Sewer Service connections and extensions permits” removes the lengthy references to the

	standards and specifications needed to install a connection or extension and instead creates a permit process. This allows the property owner to access the permit application and have clearly-delineated requirements applicable to that process. It also allows the City to update the permit criteria as needed.
HCC 14.04.060 "Disposition of Revenue."	Removed: Provision requiring 100% of funds deposited into "central treasury" of the City and the "sewer utility fund" referred to requirements that are no longer necessary.
HCC 14.04.070 "Destruction of private sewage disposal systems." Requires destruction of private sewage facilities within 60 days of connection to City System.	PHCC 14.04.070 "Destruction/Abandonment of private sewage disposal systems" removes the 60-day restriction because in practice it may be too strict but instead requires compliance with the Alaska Department of Environmental Conservation.
HCC 14.04.080 "Sewage or waste disposal permit requirements." Grants a "permit" to one family existing or "future" dwellings connecting to the system and requires all others to have a permit, except for "significant industrial users." There is no notice provision.	PHCC 14.04.080 "Commercial waste disposal permit" Incorporates as-built and survey requirements unless the specific lease agreement provides otherwise. It simplifies language but adds protections for permit applicants, such as requiring notice before revocation or modification of a permit, except in cases of emergency.
HCC 14.04.090 "Discharge of Surface Drainage into City Sewer."	Moved to PHCC 14.04.100 "Discharge of surface drainage into HSWS Illegal." Simplified and clarified language.
HCC 14.04.100 "Board of Appeals."	Moved to PHCC 14.01.070 and changed from permitting an appeal to the "Board of Appeals," which was Council and the Mayor to the City Manager or a designated hearing officer.

HCC 14.04.105 “Appeals Procedure.”	Moved to PHCC 14.01.050 “Utility Permits-Appeal Procedure.” Provides less extensive appeal procedures because briefing schedules and process can be tailored to the needs of each case. Different permits will have differing levels of complexity.
HCC 14.04.110 “Appeal to Superior Court.”	Moved to PHCC 14.01.060 “Utility Permit Appeals-Superior Court.”
HCC 14.04.115 “Extraterritorial services.”	See explanation above. Moved to PHCC 14.01.010 “Water and sewer service area.” Removes lengthy extraterritorial services application procedure for sewage and provides for a uniform policy for water and sewer, both of which will require Council approval by ordinance before property outside the City will be approved to connect to the System.
HCC 14.04.120 “Rulemaking Authority.”	Moved to PHCC 14.01.020 and language clarified. Now requires City Council to approve the rules and regulations by resolution.
HCC 14.04.130 “Violation.”	Moved to PHCC 14.01.040 “Violation Penalty” and PHCC 14.01.045 “Violation right to appeal.” Adopts uniform appeal procedures and rights to appeal for all Title 14 violations.
Chapter 14.05 “Sewage-Industrial Pretreatment and Discharge.”	Chapter 14.05 repealed. Inserted PHCC 14.04.110 “Industrial waste pretreatment and disposal requirements,” PHCC 14.04.120 “Industrial waste disposal permit requirements,” and PHCC 14.04.130 “Industrial waste-penalties.” These provisions provide the basic requirements for industrial users and

	notification that the criteria and technical specifications are located in separate rules and regulations. The remainder of HCC 14.05 is incorporated through a separate rules and regulations manual adopted and/or revised by Council via ordinance.
HCC Chapter 14.08 “Water Rules and Regulations.”	PHCC Chapter 14.08 renames the chapter “Homer Public Water System.” HCC Chapter 13.28 is repealed and its provisions incorporated into PHCC 14.08.
HCC 14.08.010 “Purpose.”	PHCC 14.08.010 “Purpose” revises the purpose to include reference to the intent to provide for the financial management of the Water System and to include a formal name for the system, namely “The Homer Public Water System.”
HCC 14.08.020 “Definitions.”	PHCC 14.08.020 provides a consistent definition of “directly adjacent,” defines “surplus water,” “water connection line,” “water extension,” “spaghetti line,” “water filling station,” “on-site water connection line,” “off-site water connection line,” and provides a definition of “multiple-family dwelling.” It removes the definition for “certified service area” since the service area section for both water and sewer is incorporated into PHCC 14.01.010.
HCC 14.08.030 “Water connections and extensions.”	PHCC 14.08.075 “Operation of water valves, fire hydrants, and curb stops” incorporates the basic requirement in HCC 13.28.040 “Operation of water valves, fire hydrants, and curb stops” that only City personnel may operate these things.
HCC 14.08.040 “Private water systems-Connection Permits-Fees.”	PHCC 14.08.040 encompasses prohibition against connecting to the Water System without a permit.

HCC 14.08.037 "Water meters."	PHCC 14.08.050 "Water meter installation"
HCC 14.08.050 "Water connections and extensions."	PHCC 14.08.040 "Water connections and extension permit."
HCC 14.08.060 "Frozen Pipes-City not liable."	Moved to PHCC 14.08.070 "Frozen Pipes-City not liable." No substantial changes.
HCC 14.08.070 "Discontinuance of supply."	Moved to PHCC 14.08.080 and renamed "Discontinuance of water". No substantial changes.
HCC 14.08.072 "Priority use of water."	Moved to PHCC 14.08.090 "Priority use of water." No substantial changes.
HCC 14.08.074 "Surplus water-Sale."	Moved to PHCC 14.08.100 "Surplus water-Sale" simplified but not substantially changed.
HCC 14.08.076 "Water shortage or emergency declaration."	Moved to PHCC 14.08.110 "Water shortage or emergency declaration" simplified the water shortage declaration process and requires a resolution by Council but does not require the hearing and other procedures that may derail a response to a water shortage.
HCC 14.08.077 "Water shortage or emergency-Interruption of sale of surplus water-Other measures."	Moved to HCC 14.08.120 and simplified to provide the City Manager with the flexibility to react swiftly to a water shortage but ensure public awareness and notice.
HCC 14.08.078 "Water Shortage or emergency-Appeal."	Moved to PHCC 14.08.130. No substantial changes.
HCC 14.08.079 "Immunity for discretionary acts."	Moved to PHCC 14.01.030 to apply to all public utility systems.

HCC 14.08.080 "Schedule of rates-Rules and regulations and HCC 14.08.090 "Schedule of Rates Outside of the City Limits."	Moved to PHCC 14.01.090 "Sewer and water rate schedule," which consolidates the rate provisions for sewer and water and provides that rates will be in a schedule adopted by Council.
HCC 14.08.091 "Service deposits."	Moved to PHCC 14.08.150 "Service deposits." No substantial changes but language was simplified to identify clear criteria for refund.
HCC 14.08.100 "Bulk Water Sales."	Moved to PHCC 14.08.160; No substantial changes.
HCC 14.08.105 "Resale of water."	Repealed.
HCC 14.08.110 "Permit for resale of water."	Moved to PHCC 14.08.170 "Water filling station permit." Requires a permit application but moves the technical criteria for the permit into the permit application itself. It does identify some of the types of criteria that will be included in the application to ensure applicants have notice of the nature and scope of the permit criteria.
HCC 14.08.130 "Permit suspension, revocation." HCC 14.08.140 "Board of appeals-Notice of appeal." HCC 14.08.150 "Appeals-procedure." HCC 14.08.160 "Appeal to superior court." HCC 14.08.170 "Violation-penalty."	Moved to PHCC 14.01.040 "Violation"; PHCC 14.01.050 "Utility permits-Appeal procedure"; and PHCC 14.01.060 "Utility permit appeals-Superior Court" and applied to all City\public utility systems.
HCC Chapter 14.12 "Water and Sewer Zone Connection Fee."	Repealed. This fee has not been charged and is not administered. The Code was adopted to reflect longstanding practice.

HCW/PSC

SECTION TITLES COMPARISON

CURRENT HOMER CITY CODE TITLE 14	PROPOSED HOMER CITY CODE TITLE 14
TITLE 14	
NO CHAPTER 14.01 IN CURRENT CODE	<p style="text-align: center;">CHAPTER 14.01 HOMER PUBLIC UTILITY SYSTEMS-GENERAL PROVISIONS</p> <p>Sections:</p> <p>14.01.010 Water and sewer service area.</p> <p>14.01.020 City Manager rule making authority.</p> <p>14.01.030 Immunity for discretionary acts.</p> <p>14.01.040 Violation-Penalty.</p> <p>14.01.045 Violation-Right of appeal.</p> <p>14.01.050 Utility permits-Appeal procedure.</p> <p>14.01.060 Utility permit appeals-Superior court.</p> <p>14.01.070 Bond or cash deposit.</p> <p>14.01.080 State contractor required.</p> <p>14.01.090 Water and sewer rate schedules.</p>
<p style="text-align: center;">Chapter 14.04 “Sewage- General provisions”</p> <p>Sections:</p> <p>14.04.010 Definitions.</p> <p>14.04.020 Connection – Required.</p> <p>14.04.030 Sewage rental collection – Disconnection for nonpayment.</p> <p>14.04.040 Sewer rate schedule.</p> <p>14.04.050 Sewer service connections and extensions.</p>	<p style="text-align: center;">CHAPTER 14.04 HOMER SANITARY WASTEWATER AND SEWAGE SYSTEM</p> <p>Sections:</p> <p>14.04.010 Purpose.</p> <p>14.04.015 Definitions.</p> <p>14.04.018 Service connection charges.</p> <p>14.04.020 Connection – Required.</p> <p>14.04.050 Sewer service connection and extension permit.</p>

CURRENT HOMER CITY CODE TITLE 14	PROPOSED HOMER CITY CODE TITLE 14
14.04.055 Sewer connection and extension permit fee. 14.04.060 Disposition of revenue. 14.04.070 Destruction of private sewage disposal systems. 14.04.080 Sewage or waste disposal permit – Requirements. 14.04.090 Discharge of surface drainage into public sewer. 14.04.100 Appeals – Board of Appeals – Notice of appeal. 14.04.105 Appeals – Procedure. 14.04.110 Appeal to Superior Court. 14.04.115 Extraterritorial services. 14.04.120 Rule making authority. 14.04.130 Violation – Penalty.	14.04.070 Destruction/abandonment of private sewage disposal systems. 14.04.080 Commercial waste disposal permit. 14.04.090 Industrial waste disposal permit. 14.04.100 Discharge of surface drainage into the Sanitary System illegal. 14.04.110 Industrial Waste pretreatment and discharge requirements. 14.04.120 Industrial waste disposal permit. 14.04.130 Industrial waste disposal permit-Penalties.
<p style="text-align: center;">Chapter 14.08 WATER RULES AND REGULATIONS</p> <p>Sections:</p> 14.08.010 Purpose. 14.08.020 Definitions. 14.08.030 Water connections and extensions. 14.08.037 Water meters. 14.08.040 Private water systems – Connection permits – Fees. 14.08.050 Condition of service – Rule making authority. 14.08.055 Rule making authority. 14.08.060 Frozen pipes – City not liable. 14.08.070 Discontinuance of supply. 14.08.072 Priority use of water. 14.08.074 Surplus water – Sale.	<p style="text-align: center;">CHAPTER 14.08 HOMER PUBLIC WATER SYSTEM</p> <p>Sections:</p> 14.08.010 Purpose. 14.08.020 Definitions. 14.08.040 Water connection and extension permit. 14.08.050 Water meter installation. 14.08.060 Disconnection due to nonpayment. 14.08.070 Frozen pipes–City not liable. 14.08.075 Operation of water valves, fire hydrants and curb stops. 14.08.080 Discontinuance of water. 14.08.090 Priority use of water. 14.08.100 Surplus water–Sale.

CURRENT HOMER CITY CODE TITLE 14	PROPOSED HOMER CITY CODE TITLE 14
14.08.076 Water shortage or emergency declaration. 14.08.077 Water shortage or emergency – Interruption of sale of surplus water – Other measures. 14.08.078 Water shortage or emergency – Appeal. 14.08.079 Immunity for discretionary acts. 14.08.080 Schedule of rates – Rules and regulations. 14.08.090 Schedule of rates outside of the City limits. 14.08.091 Service deposits. 14.08.100 Bulk water sales. 14.08.105 Resale of water. 14.08.110 Permit for resale of water. 14.08.120 Permit for water filling station. 14.08.130 Permit suspension, revocation. 14.08.140 Appeals – Board of Appeals – Notice of appeal. 14.08.150 Appeals – Procedure. 14.08.160 Appeal to Superior Court. 14.08.170 Violation – Penalty.	14.08.110 Water shortage or emergency declaration. 14.08.120 Water shortage or emergency–Interruption of sale of surplus water– Other measures. 14.08.130 Water shortage or emergency–Appeal. 14.08.150 Service deposits. 14.08.160 Bulk water sales. 14.08.170 Water filling station permit.
<p style="text-align: center;">Chapter 14.50 UTILITY DISTRIBUTION FACILITIES</p> <p>Sections:</p> 14.50.010 Definitions. 14.50.020 Underground installation of cable extensions. 14.50.030 Enforcement of this chapter.	<p style="text-align: center;">CHAPTER 14.50 UTILITY DISTRIBUTION FACILITIES</p> <p>Sections:</p> 14.50.010 Definitions. 14.50.020 Underground installation of cable extensions. 14.50.030 Enforcement of this chapter.

CURRENT HOMER CITY CODE TITLE 14	PROPOSED HOMER CITY CODE TITLE 14
TITLE 17	
	<p>CHAPTER 17.01 GENERAL PROVISIONS</p> <p>Sections: 17.01.010 Definitions. 17.01.020 Purpose. 17.01.030 Assessment authority.</p>
<p>Chapter 17.04 SPECIAL ASSESSMENT DISTRICTS</p> <p>Sections: 17.04.010 Definitions. 17.04.020 Purpose of chapter. 17.04.030 Assessment authority. 17.04.040 Initiation of district. 17.04.050 Creation of district. 17.04.060 Contract – Approval of increased costs. 17.04.070 Assessment roll. 17.04.080 Certification of assessment roll. 17.04.090 Payment. 17.04.100 Subdivision after levy of assessments. 17.04.110 Assessments to be liens. 17.04.120 Reassessment. 17.04.130 Objection and appeal.</p>	<p>CHAPTER 17.02 SPECIAL ASSESSMENT DISTRICTS</p> <p>Sections: 17.02.030 Purpose and authority for special assessment districts. 17.02.040 Initiation of a special assessment district. 17.02.050 Creation of a special assessment district. 17.02.060 Contract–Approval of increased costs. 17.02.070 Special assessment roll. 17.02.080 Certification of assessment roll. 17.02.090 Payment. 17.02.100 Subdivision after levy of assessments. 17.02.120 Reassessment. 17.02.130 Objection and appeal. 17.02.140 Interim financing. 17.02.150 Special assessment bonds.</p>

CURRENT HOMER CITY CODE TITLE 14	PROPOSED HOMER CITY CODE TITLE 14
17.04.140 Interim financing. 17.04.150 Special assessment bonds. 17.04.160 Time limit for special assessment districts. 17.04.170 Water and sewer connections required. 17.04.180 Road improvement assessments for lots with two street frontages. 17.04.190 Deferment of assessment payments for low income residents. 17.04.200 In lieu of assessment.	17.02.160 Time limit for special assessment districts. 17.02.170 Water and sewer connections required. 17.02.190 Hardship deferrals. 17.02.200 Payment in lieu of assessment.
	<p style="text-align: center;">CHAPTER 17.03 ENFORCEMENT OF PUBLIC ASSESSMENTS</p> <p>Sections:</p> 17.03.010 Delinquent assessment payments-enforcement. 17.03.020 Priority of lien.
	<p style="text-align: center;">CHAPTER 17.15 ROAD IMPROVEMENT ASSESSMENTS</p> <p>Sections:</p> 17.15.010 Partial payment for inaccessible frontage road. 17.15.020 Corner lot assessment.

Overview of September 16, 2019 Worksession Goals

(Compiled by Rachel with information from Public Works, City Manager)

Permits & Fees

Goal for the 9/16 Worksession: Review these permit criteria overviews provided by PW, the associated Ord.19-23(S) PHCC references (commentary is from RL), answer any questions, and review the draft permits. Develop any questions or feedback, with anticipated actions to approve the permits & fee schedule at an upcoming date alongside Ord. 19-23(S).

Sewer Main Extension permit: Information required to apply for the permit includes (but may not be limited to), name of developer and contact information, engineering firm completing design /inspection and contact information, itemized cost of main extension, and a deposit covering City design review/inspection costs.

14.04.050 Sewer service connection and extension permit. This seemingly refers to a single permit – a ‘sewer connection permit’ that would cover connection and extension. Is it a ‘sewer connection permit’ (line 343) or a ‘sewer connection and extension permit’ (line 345)? How are the fees related to the service connection charges referenced in 14.04.018?

Sewer Service Connection permit: Information required to apply for the permit includes (but may not be limited to), service address applicants name, owners name, mailing address, phone number, legal description of lot to be served, size of service requested, and fee as established by the current City Fee Schedule.

*14.04.018: Service connection charges – a calculated amount, or a set amount? Notes that it is published annually – check on this? Is this part of the rate schedule?
See notes above re: 14.04.050 Sewer service connection and extension permit.*

Water Main Extension permit: Information required to apply for the permit includes (but may not be limited to), name of developer and contact information, engineering firm completing design /inspection and contact information, itemized cost of main extension, and a deposit covering City design review/inspection costs.

14.08.050 Water connection and extension permit. Similar to sewer – the proposed code reads as a single permit, whereas this list includes two. Be consistent in terming “water service” vs. just water connection etc.

Water Service Connection permit: Information required to apply for the permit includes (but may not be limited to), service address, applicants name, owners name, mailing address, phone number, legal description of lot to be served, size of service requested, justification for meter larger than one inch, and fee as established by the current City Fee Schedule.

14.08.050 See Above.

Water Filling Station permit: Information required to apply for the permit includes (but may not be limited to), name of developer and contact information, engineering firm completing design /inspection and contact information, itemized cost of fill station improvements, and a deposit covering City design review/inspection costs.

14.08.170 Water filling station permit. Code also references uniform or site-specific flow rate restrictions, storage tank requirements, and other provisions...

Commercial Waste Disposal permit: Information required to apply for the permit includes (but may not be limited to), service address, applicants name, owners name, mailing address, phone number, description of commercial waste to be discharged to the sewer system, quantity of waste, proposed timing of discharge, and fee as established by the current City Fee Schedule (or established by the Public Works Director)

14.04.080: Commercial waste disposal permit

Industrial Waste Disposal permit: Information required to apply for the permit includes (but may not be limited to), service address, applicants name, owners name, mailing address, phone number, description of industrial waste to be discharged to the sewer system, quantity of waste, proposed timing of discharge, and fee as established by the current City Fee Schedule (or established by the Public Works Director).

Consolidated, I believe, in the working new draft. June 11 PHCC 14.04.030 Industrial Waste refers to procedures and regulations, which must be adopted by Council. This should be the chapter that we removed in the proposed change. 14.04.090 Industrial waste disposal permit.

A few additional questions regarding references to Permits & Fees:

14.04.020 (e): Do we have a 'Notice to Stay Connection' already?

14.08.040 (a): Installation of all water meters must comply with installation instructions that are approved by City Council. Do we have that?

14.08.160 (a): "The schedule for service fees shall apply to all bulk water service requests." What does that mean? (b) What does this mean?



CITY OF HOMER
APPLICATION & PERMIT TO CONSTRUCT AND MAINTAIN
DRIVEWAY ON PUBLIC RIGHT-OF-WAY

PART 1: To Be Completed by Permittee

Permit No: _____

DRIVEWAY ADDRESS: _____

Permittee: _____

Date: _____

Address: _____

Phone: _____

Lot: _____ Block: _____

Sub: _____

CONTRACTOR: _____

KPB Parcel Number: _____ ☒ Residential ☐ Commercial

Field inspection an notice required 24 hours in advance of construction.

Call Public Works Inspector at 235-3170.

The permittee certifies that: (1) he/she is the owner and/or authorized agent of the property, (2) that the conditions, restrictions and regulations of the City will be complied with, (3) that he/she will maintain the driveway in accordance with City standards, and (4) that the minimum clearance between the proposed finished driveway grade and the lowest aerial utility conductor shall not be less than 18 feet.

I have read the above application and know the contents thereof, the same is true and correct. I agree the above work will be done in accordance with all State and City laws and ordinances, and further agree to hold the City harmless from any and all claims of whatever kind or nature which may arise from activities under this permit.

Signed by Permittee _____ **\$45.00** _____ (Initials)

Code 2105

PART 2: For Public Works Department Use

☐ No ☐ Yes Culvert Required Minimum CMP Culvert **18"x20'**

☐ No ☐ Yes Paving Required Maximum driveway width at culvert: _____

☐ Applicant required to install a culvert if later conditions warrant.

SPECIAL INSTRUCTIONS _____

Initial inspection by: _____ Date: _____

Permit granted by: _____ Date: _____

Final inspection by: _____ Date: _____

Driveway ☐ Does ☐ Does not meet requirements

Improvements or corrections required: _____

CONSTRUCTION APPROVED BY _____ Date: _____
(Public Works Inspector)

PERMIT APPROVED BY: _____ Date: _____
(Director of Public Works)

- DISTRIBUTION: 1 ~ Permittee (completed part 1)
2 ~ Inspector (permit granted)
3 ~ Planning Department (address file)
4 ~ Inspector (final inspection/and approval)

Received By:
Paid By:
Date:

DRIVEWAY CONSTRUCTION INSTRUCTIONS

A permit to use or occupy roads or streets with access or driveway approaches must be obtained before any work shall be undertaken within the limits of a street right-of-way. **The cost of all the construction AND maintenance of the work shall be borne by the applicant, his grantees, successors and assigns (11.80.090)**

Our inspector will review the driveway site with permittee and/or contractor before construction begins and will advise permittee and/or contractor of the City requirements and grant the permit accordingly. **24 hours notice in advance of construction is required ~ 235-3170.**

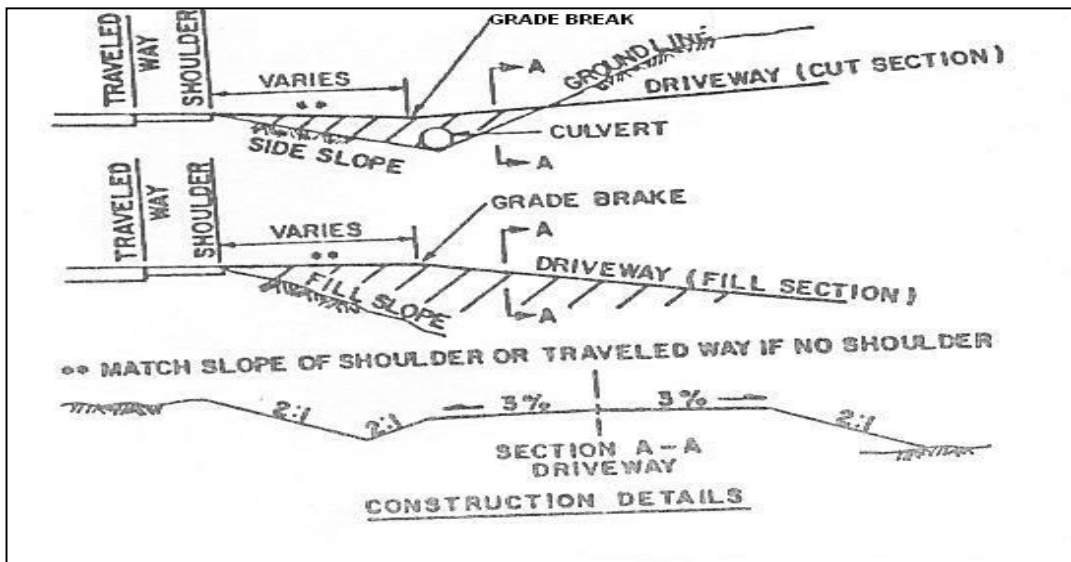
After the driveway is completed, our inspector will inspect the work. If it is acceptable, the inspector will note on the permit that the construction is approved. If not acceptable, the inspector will advise the permittee and/or contractor and note on permit why it is unacceptable to the City.

Should the permittee and/or contractor not know the exact date that the driveway construction will begin, the Public Works **Inspector must be notified at least 24 hours in advance as to when the work will begin.**

Any questions regarding the City's requirements regarding construction should be directed to the Public Works Inspector (235-3170).

CONSTRUCTION NOTES:

1. Stabilized fill material is required for the top two feet of the driveway for a distance of 15 feet from the shoulder line. Fill will not contain material exceeding two inches in diameter, and the top six inches within the R.O.W. must match the top course material of the road surface, however, not exceeding one inch in diameter.
2. Driveway will be constructed to match slope of shoulder or traveled way if no shoulder, for a distance as directed by the inspector.
3. Stabilized material for bedding for a minimum distance of six inches around the culvert will not contain material exceeding two inches in diameter.
4. All construction materials, methods and practices shall be in accordance with HMC Title 13, Standard Construction Practices.
5. Contractor must be licensed in the State of Alaska, bonded and insured to work in the City R.O.W.





City of Homer

Utility Construction Project Permit

3575 Heath Street, Homer, Alaska 99603

**CITY OF HOMER
COMMERCIAL WASTE DISPOSAL PERMIT APPLICATION
(HCC 14.04.080)**

A permit is required before disposing of commercial waste into the City sewer system. Commercial waste is waste from all properties that are not single-family residential properties or properties that are required to obtain an industrial waste disposal permit. HCC 14.04.080. Please consult the Public Works Department if you are unsure whether you need a Commercial Waste Disposal Permit or an Industrial Waste Disposal Permit. Disposing of unauthorized waste into the City sewer system is a violation subject to a civil penalty. See HCC 14.01.040. Complete this application form and submit it to the Public Works Department along with the required fee well in advance to ensure approval before you begin disposal.

The Fee Schedule is posted on the City of Homer website at www.cityofhomer-ak.gov/.

Please contact the Public Works Department with any questions about the permit criteria, building specifications, approval process, timing, fees, or other information.

If you are dissatisfied with either the approval or denial of this permit, you have the right to appeal the decision to the City Manager no more than 30 days after the Public Works Director approves or denies the permit. See HCC 14.01.050. If you choose to appeal, you must file a written notice of appeal with the City Clerk and pay the fee set for the in the Fee Schedule within 30 days of the Public Works Director's decision on the permit application. Additional requirements for an appeal can be found in HCC 14.01.050(b).

Date: _____

Location of Proposed Discharge: _____
(include drawing of location)_____

Proposed Material to be Discharged: _____

Quantity: _____

Timing of Discharge: _____

Commercial Waste Disposal Permit Application (rev. 9-12-19)

Material Concentration:_____

Property Owner Name:_____

Address:_____

Contact:_____

Phone:_____ Email:_____

Known Alternatives to Proposed Discharge(s):_____

Please call Todd Cook @ (907) 235-3170 for an appointment to discuss potential permit conditions and fees.



City of Homer

Utility Construction Project Permit

3575 Heath Street, Homer, Alaska 99603

INDUSTRIAL PRETREATMENT AND DISCHARGE PERMIT APPLICATION

Introduction

A permit is required before disposing of industrial waste into the City sewer system. A person or entity qualifies as a "Significant Industrial User" when he, she or it meets at least one of the criteria listed in the definition of "Significant Industrial User" in HCC 14.04.015. Please consult the Public Works Department if you are unsure whether you need an Industrial Waste Disposal Permit. Disposing of unauthorized waste into the City sewer system is a violation subject to a civil penalty. See HCC 14.01.040. Complete this application form and submit it to the Public Works Department along with the required fee well in advance to ensure approval before you begin disposal.

The Public Works Director will issue an Industrial Waste Disposal Permit only after finding that the applicant and the sewage comply with the City of Homer Industrial Pretreatment and Discharge Rules and Regulations, and the sewer system has sufficient capacity to dispose of the waste.

The Fee Schedule is posted on the City of Homer website at <https://www.cityofhomer-ak.gov>. The City of Homer Industrial Pretreatment and Discharge Rules and Regulations are available on the City of Homer website and in the Public Works Department offices.

Please contact the Public Works Department with any questions about the permit criteria, building specifications, approval process, timing, fees, or other information.

If you are dissatisfied with either the approval or denial of this permit, you have the right to appeal the decision to the City Manager no more than 30 days after the Public Works Director approves or denies the permit. See HCC 14.01.050. If you choose to appeal, you must file a written notice of appeal with the City Clerk and pay the fee set for the in the Fee Schedule within 30 days of the Public Works Director's decision on the permit application. Additional requirements for an appeal can be found in HCC 14.01.050(b).

Date: _____

Applicant/Developer: _____

Contact Name: _____

Address: _____

Phone Number: _____ email address: _____

Disposal Site Address and Legal Description:

1. The name, mailing address and physical location of the Significant Industrial User (SIU) facility including the names of the operator and owner;
2. The 2012 North American Industry Classification System (NAICS) number of the SIU;
3. A list of all environmental permits held by or for the SIU facility;
4. A description of each product produced by type, amount, process or processes and rate of production, and a description of the type and amount of chemicals and raw materials utilized in the process (average and maximum amounts per day);
5. Site plans, floor plans, mechanical and plumbing plans and details of the SIU facility showing all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;
6. A description of the SIU operations, including a description of activities, facilities and plant process on the premises, and a description of all materials which are or may be discharged into the Sanitary System and the time and duration of such discharges;

7. A description of the average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any, and time and duration of discharges;
8. A listing of existing and anticipated wastewater constituents and their characteristics, which shall include, but is not limited to, those substances identified in this chapter or possessing characteristics identified in this chapter, as determined by chemical and biological analyses performed by a laboratory certified by the ADEC;
9. A description of the nature, quantity and concentration of all pollutants or materials limited or prohibited by this chapter, that are discharged or are anticipated to be discharged into the Sanitary System, together with a statement regarding whether or not compliance with this chapter is being or will be achieved on a consistent basis and, if not, whether additional operation and maintenance activities or additional pretreatment is necessary for the SIU to comply with these rules.
10. Provide copies of licenses you hold – City business license, state business license, and/or state contractor license. (HCC 14.01.070(b)(1))
11. Provide a statement demonstrating your experience in substantially similar or the same construction projects. (HCC 14.01.070(b)(2))
12. Provide proof of liability insurance of not less than \$500,000 (or more if required by the Public Works Director). (HCC 14.01.070(b)(3))
13. Will the type of waste proposed for disposal damage the sewer system?
14. Provide the contact information for the engineering firm that will perform the work.

Engineering Firm: _____
Contact Name: _____
Address: _____
Phone Number: _____ email address: _____

15. Include the appropriate fee with your completed application. See **Fee Schedule** for the fee.

APPLICANT

Signature: _____ Date: _____

For Public Works Department use only

Fee paid? _____

Bond/Cash Deposit required by HCC 14.01.070? _____ if yes, amount: _____

Permit approved? _____

PUBLIC WORKS DIRECTOR

Signature: _____ Date: _____

Attach schedule of additional pretreatment or operational and maintenance activities if required

DRAFT
KACHEMAK CITY

PERMIT NO. _____

SEWER CONNECTION PERMIT

Service Address _____

Application Date _____ Account # _____

Applicant _____ Owner _____

Mailing Address _____

Telephone Number (home) _____ (work) _____

Lot _____ Block _____ Subdivision _____

Parcel Number _____ Contractor _____

Size of Service _____

Date Installed _____ Date Inspected _____

Date Connected _____ Inspector _____

Access Easement Filed _____

FEES

Inspection Fee _____ \$ **\$255.00** 2108

Tank _____ \$ **\$2,294.25** **\$176** 2108

Connection Kit _____ \$ **\$1,236.33** 2108

Includes: 2 -3" HDPE 45 ° Molded Elbow S172

1 -3" HDPE Stub End w/Backup Flange S174

1 -3" Y' Assembly for Cleanout S171

3 - Cleanout Rings and Covers S372

1 - PVC Stub End w/4 Bolt Backup Flange S175

For sewer tap only 1 3"x 4" **Branch Saddle** **\$170**

2 3" **HDPE 90° Elbow** **\$173**

Other _____

Subtotal **\$3,785.58**

2104 Sales Tax \$ **37.50**

Total Charge **\$3,823.08**

Date Paid _____

Amount Paid _____

Signature _____

Comments _____

Received By:
Paid By:
Date:
Approved By:

- Read attached Kachemak City Sewer Connection Policy.
- Notify City of Homer Public Works Inspector **24 Hours Prior to any Construction.**
- Inspections performed outside of "Normal Working Hours" shall be billed to the Customer.
(This is in addition to the customary Inspection Fees.)
- Permittee is Responsible for Complying with State Regulations Regarding Location of Septic Tank and Piping.



City of Homer
Utility Construction Project Permit
3575 Heath Street, Homer, Alaska 99603

Permit No. _____

UTILITY:

Utility Contact Person/Phone #: _____

Name: _____

Address: _____

Start Date: _____ Completion Date: _____

SUBCONTRACTOR

Subcontractor Contact Person: _____

Name: _____ Phone Number: _____

Address: _____

Business License #: _____ Expiration Date: _____

Contractor License #: _____ Expiration Date: _____

Location of Project: _____

Description of Work _____

(Attach Drawings)

Name of Surveyor or Method of locating & marking ROW boundaries: _____

Will facilities be located as assigned by Homer City Code 11.24.030? Yes _____ No _____

Attach explanation as to why an exception is requested.

Will a detour of traffic be necessary? Yes _____ No _____

If so, attach traffic routing narrative statement and plan as required by Homer City Code 11.24.060.

By submitting this application, applicant agrees to the conditions of the permit as set out in Homer City Code Section 11.21. Attached are: plans, drawings, or sketches showing the length, offset distances from ROW lines, and configuration of the improvement and its relationship to the roadway, if one exists.

Applicant's Signature: _____ Date: _____

Applicant's Title: _____

Approved By: _____ Date: _____

Title: _____ Fee Received (amount/initials): _____

Subject to these additional permit conditions: None: _____ See Below: _____



DRAFT

CITY OF HOMER

PERMIT NO. _____

WATER / SEWER CONNECTION PERMIT APPLICATION

SERVICE CODE _____

SERVICE ADDRESS _____

APPLICATION DATE _____ ACCOUNT # _____

APPLICANT _____ OWNER _____

MAILING ADDRESS _____

PHONE NUMBER (HOME) _____ (WORK) _____

LOT _____ BLOCK _____ SUBDIVISION _____

KPB PARCEL # _____ CONTRACTOR _____

SIZE OF SERVICE _____ SIZE OF METER _____

DATE CONNECTED _____ ORION # _____

METER READING _____ RT/SEQ # _____

REQUESTED SERVICE: WATER _____ SEWER _____

WATER RATE: Commercial/Residential _____ **SEWER RATE:** Commercial/Residential _____

Living Units in Apartments _____

Served by mainline lift station Y/N _____

Before connecting to or building an extension of the City of Homer water system, a permit is required. See HCC 14.08.040. Unauthorized work on the City water system is a violation subject to a civil penalty. See HCC 14.01.040. Complete this application form and submit it to the Public Works Department along with the required fee well in advance to ensure approval before your construction date.

The Fee Schedule is posted on the City of Homer website at www.cityofhomer-ak.gov/.

Please contact the Public Works Department with any questions about the permit criteria, building specifications, approval process, timing, fees, or other information. If you are dissatisfied with either the approval or denial of this permit, you have the right to appeal the decision to the City Manager no more than 30 days after the Public Works Director approves or denies the permit. See HCC 14.01.050. If you choose to appeal, you must file a written notice of appeal with the City Clerk and pay the fee set for the in the Fee Schedule within 30 days of the Public Works Director's decision on the permit application. Additional requirements for an appeal can be found in HCC 14.01.050(b).

FEES

WATER PERMIT/INSPECTION PERMIT _____
METER LEASE FEE _____
DEPOSIT _____
CONNECTION FEE _____
SEWER PERMIT/INSPECTION PERMIT _____
DEFERRED SERVICE - WATER _____
DEFERRED SERVICE - SEWER _____
CITY ROW PERMIT - MINOR _____
CITY ROW PERMIT - MAJOR _____
DEVELOPMENT PERMIT _____

\$ _____
\$ _____
\$ _____
\$ _____
\$ _____
\$ _____
\$ _____
\$ _____
\$ _____
\$ _____

CODES

2107 T
2102 T (prv also)
2103
2101 T
2108 T
WADEF
SEDEF
2111
2112
122

OTHER			\$	
	SUBTOTAL		\$	0.00
	TAX	Code 2104	\$	
	TOTAL CHARGES		\$	0.00
DATE PAID			\$	
AMOUNT PAID			\$	0.00

Received By:

Paid By:

Date:

1. Provide copies of licenses you hold – City business license, state business license, and/or state contractor license. (HCC 14.01.070(b)(1))
2. Provide a statement demonstrating your experience in substantially similar or the same construction projects. (HCC 14.01.070(b)(2))
3. Provide proof of liability insurance of not less than \$500,000 (or more if required by the Public Works Director). (HCC 14.01.070(b)(3))
4. If a connection, are water meter and related components already installed? (HCC 14.08.050(a))

INSTALLATION INSTRUCTIONS ON PAGE 3

SIGNATURE

*CUSTOMER RESPONSIBLE FOR MONTHLY BILLINGS

COMMENTS

*Customer must be owner or an authorized agent or renter/lessee.

Original - Applicant, Copy : Planning, PW, Finance)

UTILITY INSTALLATION INSTRUCTIONS

1. The Applicant/Owner obtains a water & sewer permit at the Public Works Department.
2. The Applicant/Owner pays for all materials, labor and equipment required for the utility installation
3. Construction materials and practices must conform to Section 13 of the Homer City Code.
4. Work must be performed by a Licensed and Bonded Contractor.
5. Inspections must be performed for all utility installations by Public Works employees.
24 HOUR NOTICE IS REQUIRED BEFORE ALL INSPECTIONS. Call Public Works at 235-3170.
6. The City assumes no responsibility for the accuracy of any City held Asbuilt Drawing or the Permittee's interpretation thereof.

SAMPLE WATER METER INSTALLATION



Meter shall be installed in a horizontal, upright position.

Meter shall be inside a warm, dry, easily accessible place.

Meter shall be installed prior to providing any water service to customer.

The applicant is responsible for purchasing a pressure reducing valve and one way check valve, to be placed in line with all meter installations.

WARNING

IT IS ILLEGAL TO CONNECT RAIN GUTTERS, ROOF DRAINS, DRAIN TILE SYSTEMS, SUMP PUMPS OR OTHER FRESH WATER SOURCES TO THE CITY SEWER SYSTEM.



City of Homer

Utility Construction Project Permit

3575 Heath Street, Homer, Alaska 99603

**CITY OF HOMER
WATER SYSTEM FILLING STATION PERMIT APPLICATION
(HCC 14.08.170)**

Date: _____

Applicant/Developer: _____

Contact Name: _____

Address: _____

Phone Number: _____ email address: _____

Filling Station Site Address and Legal Description:

Introduction to Application Requirements

Before establishing or operating a water filling station to obtain water from the City of Homer water system, a permit is required. See HCC 14.08.170. Operating an unauthorized water filling station is a violation subject to a civil penalty. See HCC 14.01.040. Complete this application form and submit it to the Public Works Department along with the required fee well in advance to ensure approval before your construction date.

The Fee Schedule is posted on the City of Homer website at <https://www.cityofhomer-ak.gov/>. Please contact the Public Works Department with any questions about the permit criteria, building specifications, approval process, timing, fees, or other information. Please complete this application and submit it, along with the information requested within this application, to the Public Works Department. Please include the appropriate fee with your completed application. (See City of Homer Fee Schedule for associated fees)

If you are dissatisfied with either the approval or denial of this permit, you have the right to appeal the decision to the City Manager no more than 30 days after the Public Works Director approves or denies the permit. See HCC 14.01.050. If you choose to appeal, you must file a written notice of appeal with the City Clerk and pay the fee set for the in the Fee Schedule within 30 days of the Public Works Director's decision on the permit application. Additional requirements for an appeal can be found in HCC 14.01.050(b).

Document and Information Request

Please provide the following information and documentation to the Public Works Director:

1. Copies of licenses you hold – City business license, state business license, and/or state contractor license. (HCC 14.01.070(b)(1))
2. A statement demonstrating your experience in substantially similar or the same construction projects. (HCC 14.01.070(b)(2))
3. Proof of liability insurance of not less than \$500,000 (or more if required by the Public Works Director). (HCC 14.01.070(b)(3))
4. A written description of the proposed water filling station site.
5. Uniform or site-specific flow rate restrictions. (HCC 14.08.170(c))
6. Storage tank requirements. (HCC 14.08.170(c))
7. An itemized cost breakdown of the proposed water filling station improvements.
8. Provide the contact information for the engineering firm that will perform the work.

Engineering Firm: _____

Contact Name: _____

Address: _____

Phone Number: _____ email address: _____

Questions

1. Will the proposed water filling station cause adverse effects to the City Water System, and if so, how will the adverse effects be minimized? (HCC 14.08.170(c))

APPLICANT

Signature: _____ Date: _____

For Public Works Department use only

Fee paid? _____
Bond/Cash Deposit required by HCC 14.01.070? _____ if yes, amount: _____
Permit approved? _____

PUBLIC WORKS DIRECTOR

Signature: _____ Date: _____

List any Conditions imposed under HCC 14.08170(c):



City of Homer

3575 Heath Street

Homer, Alaska 99603

CITY OF HOMER

WATER/SEWER EXTENSION PERMIT APPLICATION FORM

Before building an extension of the City of Homer water or sewer mains, a permit is required. See HCC 14.04.050 and HCC 14.08.040. Unauthorized work on a City water or sewer main is a violation subject to a civil penalty. See HCC 14.01.040. Complete this application form and submit it to the Public Works Department along with the required fee well in advance to ensure approval before your construction date.

The Fee Schedule is posted on the City of Homer website at <https://www.cityofhomer-ak.gov/>.

Please call Jean Hughes @ (907) 235-3170 for an appointment to execute extension agreement. A draft copy of the proposed agreement is attached. Owner/Developer is responsible for all costs associated with the extension of the sewer or water main.

Please contact the Public Works Department with any other questions about the permit criteria, building specifications, approval process, timing, fees, or other information.

If you are dissatisfied with either the approval or denial of this permit, you have the right to appeal the decision to the City Manager no more than 30 days after the Public Works Director approves or denies the permit. See HCC 14.01.050. If you choose to appeal, you must file a written notice of appeal with the City Clerk and pay the fee set for the in the Fee Schedule within 30 days of the Public Works Director's decision on the permit application. Additional requirements for an appeal can be found in HCC 14.01.050(b).

CITY OF HOMER
WATER/SEWER EXTENSION PERMIT APPLICATION FORM

Date: _____

Is this an application for a (check one): ____ **WATER ?** or ____ **SEWER?**

Applicant/Developer: _____

Contact Name: _____

Address: _____

Phone Number: _____ email address: _____

Location of proposed extension: _____

Property Address and Legal Description: _____

1. Provide copies of licenses you hold – City business license, state business license, and/or state contractor license. (HCC 14.01.070(b)(1))
2. Provide a statement demonstrating your experience in substantially similar or the same construction projects. (HCC 14.01.070(b)(2))
3. Provide proof of liability insurance of not less than \$500,000 (or more if required by the Public Works Director). (HCC 14.01.070(b)(3))
4. Provide a written description of the proposed extension.
5. Provide a map or diagram of the proposed extension, including location of existing and proposed sewer, property lines, roads, buildings, and other significant physical features.
6. Provide an engineer's itemized cost breakdown of the proposed extension, and include the costs for the main extension, design/engineering, utility relocation, inspection, and total project cost.
7. Provide the contact information for the engineering firm that will perform the work.

Engineering Firm: _____

Contact Name: _____

Address: _____

Phone Number: _____ email address: _____

8. Include the appropriate fee with your completed application. See **Fee Schedule** for the fee.

APPLICANT

Signature: _____ Date: _____

For Public Works Department use only

Fee paid? _____

Bond/Cash Deposit required by HCC 14.01.070? _____ if yes, amount: _____

Permit approved? _____

PUBLIC WORKS DIRECTOR

Signature: _____ Date: _____

DRAFT

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 90-24(A)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, REPEALING AND REENACTING IN ENTIRETY CHAPTER 14.04. 14.05 and 14.08 OF THE HOMER CITY CODE.

WHEREAS, the Public Works Department has been working closely with EPA Region 10 and the City's attorney for nearly eight months to formulate regulations in order to meet the requirements of the Clean Water Act; and

WHEREAS, the proposed regulations are a requirement of EPA/ADEC as part of the City's Clean Water Act Grant Funding for the new sewer treatment plant; and

WHEREAS, in addition to these regulatory requirements relative to industrial pretreatment and discharge, the regulations were developed to insure compliance with the City's Deep Shaft Technology, Inc. Warranty Agreement; and

WHEREAS, the fish processors at the Harbor seasonally use a larger volumes of water that will not be come into the City's domestic sewer system (the current rate for domestic sewer systems is \$3.17 per thousand gallons of water consumed), currently there is no mechanism to bill the fish processors for their domestic sewage other than by total water consumption meter data; and

WHEREAS, the recommendation of staff is that these fish processors install separate water meters on their domestic water lines and from this meter data the customer will be billed monthly.

NOW, THEREFORE, BE IT ORDAINED by the City of Homer, Alaska that Chapter 14.04, 14.05 and 14.08 of the Homer City Code are Repealed and Reenacted as follows:

Title 14

PUBLIC SERVICES*

Chapters:

<u>14.04</u>	<u>Sewage - General Provisions</u>
<u>14.05</u>	<u>Sewage - Industrial Pretreatment and Discharge</u>
<u>14.08</u>	<u>Water Rules and Regulations</u>

Chapter 14.04

SEWAGE**

Sections:

- 14.04.010 Definitions.
- 14.04.020 Connection--Required.
- 14.04.030 Sewage rental collection--Disconnection for nonpayment.
- 14.04.040 Sewer rate schedule.
- 14.04.050 Sewer connections and extensions.
- 14.04.055 Sewer connection and extension permit fee.
- 14.04.060 Disposition of revenue.
- 14.04.070 Destruction of private sewage disposal systems.
- 14.04.080 Sewage or industrial waste disposal permit--Requirements.
- 14.04.090 Discharge of surface drainage into public sewer.
- 14.04.100 Appeals.

14.04.010 Definitions. For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

a. "Apartment" means a room, or suite of rooms, occupied by one family doing its cooking therein.

b. "Automobile camp" means land or premises used for occupancy by campers traveling by automobile or otherwise, or for occupancy by trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.

c. "Automobile court" means a group of two or more detached or semidetached buildings, containing guest rooms or apartments with automobile storage space, serving such rooms or apartments provided in connection therewith, or without such automobile storage space, which group is used primarily for the accommodation of automobile travelers; including such groups designated as auto cabin, motor lodge, motel or by similar designations.

d. "Biochemical oxygen demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard procedure in 5 days at 20 degrees Centigrade, expressed in milligrams per liter.

e. "Club" means an association primarily organized for some common, nonprofit purpose, including lodges and fraternal orders, but not including groups organized primarily to render a service which is customarily carried on as a business.

f. "Domestic sewage" means waste containing human or animal excreta, other than industrial waste.

* For statutory provisions authorizing municipalities to provide water services, see A.S. 29.35.200.

** Prior ordinance history: Ordinances 70-7, 72-8, 72-10, 76-15 and 76-17.

g. "Dwelling group" means a group or row of detached or semidetached dwellings occupying a parcel of land in one ownership and having a yard or court in common, including bungalow courts, but not including automobile court.

h. "Industrial plant" means a plant or works producing waste material, other than domestic sewage.

i. "Industrial waste" means liquid or solids contained within a liquid, other than domestic sewage.

j. "Mobile home park" means land or premises used for occupancy by trailers, mobile homes, and modular structures of a permanent or semipermanent nature.

k. "Multiple dwelling" means a building occupied by three or more families, each living independently as a separate housekeeping unit, including apartment houses, apartment hotels and flats.

l. "One-family dwelling" means a detached building containing only one kitchen and occupied by one family exclusively.

m. "Premises" means a lot, parcel of land, building or establishment.

n. "Sewage" means a combination of liquid or water carried human waste conducted away from residences, business buildings and institutions, which is known as domestic sewage, together with the liquid or water carried waste resulting from a manufacturing process employed in industrial establishments, including the washing, cleaning or drain water from such process or establishment, which is known as industrial waste.

o. "Sewer connection" means that part of the sewage collections system between the sewer main and the abutting property.

p. "Sewer extension" means that part of the sewage collection system extending from the sewer connection system into the premises served.

q. "Two-family dwelling" means a building occupied by two families exclusively, living independently of each other. (Ord. 87-28 §§6, 7, 1988; prior code §14-300.1).

14.04.020 Connection--Required a. No person shall erect any dwelling or commercial or industrial building, except as such may be specifically exempted under the City Code, without providing sewage facilities and connection to the City sewer system; provided, that such connection need not be made if the proposed alternative sanitary facility shall have been approved by the Alaska Department of Environmental Conservation as providing adequate disposal of wastes and continues to function as approved.

b. After October 1, 1973, no person shall occupy and no person shall own, maintain or control any structure or premises used as a home, apartment, or other living quarters unless the structure is connected to the City sewer; nor, after October 1, 1973, shall any person occupy, maintain or control any structure or premises used for any commercial, industrial or business use unless the structure is connected to sewer; provided, however, that the provisions of this subsection shall not apply if the existing sanitary facilities shall have been approved by the Alaska

Department of Environmental Conservation as providing adequate disposal of wastes and continues to function as approved.

c. All septic tanks now in use or hereafter constructed within the City shall meet the specifications of the Alaska Department of Environmental Conservation, and no septic tank shall be hereinafter constructed without obtaining written approval from the Alaska Department of Environmental Conversation. Vaults, privies, and cesspools shall not be considered adequate sanitary facilities. (Ord. 85-3, §2, 1985; prior code §14-300.12).

14.04.030 Sewage rental collection--Disconnection for nonpayment. a. Sewage rentals specified in this chapter shall be charged, collected and enforced in the same manner, at the same time and by the same person as are the charges for water furnished by the City, and the amount thereof shall be included in the total amount due for water. All provisions of the City Code applicable to the charge, collection and enforcement of rates for water furnished by the City are made applicable to this chapter. All sewer rentals due and unpaid shall become a lien against the property served.

b. In the event of any person neglecting, failing or refusing to pay the rental charges established by or pursuant to this chapter, by the tenth day of the month following the month for which sewage rental charges are due, or in the event of any person neglecting, failing or refusing to comply with any applicable provision of this chapter or rule or regulation of the City of any duly authorized requirement of the City Manager, the City Manager shall cause the water service to be discontinued by the disconnection of the connection of the premises of the person to the City water system.

c. In the event of the disconnection of any water service because of failure of the person affected by such disconnection to pay the sewage rental charges, such person shall pay to the City a charge of five dollars in addition to any sewage rental charges due before the premises of such person shall be again connected with the water system and served with City water. (Prior code §14-300.7).

14.04.040 Sewer rate schedule. All sewer utility services shall be billed according to the following schedule. This schedule is for monthly sewer service and is in addition to any charges for connecting or disconnecting the service, installation of the service or any assessments of the improvements.

a. Sewer Rate Schedule.

<u>Customer Class</u>	<u>Cost per Thousand Gallons Water Consumed</u>
Industrial, commercial, restaurants and bakeries	\$4.67
All other domestic-strength discharges	\$3.17

Other nondomestic-strength
discharges

\$2.56 + \$.00211 mg/1 BOD

Charges for restaurants and bakeries are computed at a BOD strength of one thousand mg/1; charges for domestic strength dischargers are computed at a BOD strength of two hundred ninety mg/1. If characteristics of restaurants or bakeries would lead to the conclusion that BOD strengths average an amount different than one thousand mg/1, then, after measurement and/or negotiation with the City, a different BOD strength will be used to compute wastewater charges.

b. Sewer System Dischargers Who are not Water System Users. For sewer system dischargers who are not water system users the rate shall be negotiated, but not less than fourteen dollars and twenty-six cents per month.

c. Seasonal Adjustment for Residential Customers. Residential customers' sewer system charges during the months of June, July and August of each year will be based upon each customer's average monthly water consumption during the preceding months of September through May of each year. Provided, however, that the City Manager may, upon a written finding of a system-wide unusual water consumption pattern, decide to omit either or both September or May from the calculation of average monthly water consumption.

d. Domestic sewer service customers that use large quantities of City water for industrial processing in addition to their domestic use shall be allowed, with the Public Works Director's approval, to install an additional water meter on the domestic water use line for the purpose of metering and charging for domestic sewer system use. Sewer system use will be billed monthly.

14.04.050 Sewer service connections and extensions.

a. Sewer connections to the City sewer system shall be installed only by a City-approved contractor or agent, and then only upon payment of fees as prescribed by the City.

b. No person shall install a sewer extension or connection without first obtaining a written permit from the City.

c. All work and materials must meet the standards and specifications as described in Title 13 of this code, and the State of Alaska Department of Labor Occupational Safety and Health Standards.

d. The customer requesting a new sewer connection or sewer extension shall provide all materials, labor, and equipment for the excavation, connection and installation of the sewer line. (Ord. 87-28 §8. 1988).

14.04.055 Sewer connection and extension permit fee.

a. The sewer connection and extension permit fee shall include all inspection and administrative costs. All other fees for deferred services, in lieu of assessments and necessary right-

of-way permits shall be in addition to the permit fee.

b. The sewer connection and extension permit fee shall be two hundred dollars. All sewer connections and extensions shall be inspected by the Public Works Department. The customer shall make arrangements with the Public Works Department at least twenty-four hours in advance for all required inspections.

c. The customer shall pay for any necessary right-of-way permit fees. The fees are as follows:

	<u>City Right-of-way</u>	<u>State Right-of-way</u>
Minor	\$ 5.00	\$ 100.00
Major	25.00	450.00

Major city right-of-way permits involve the review of project plans and specifications. Additional permit fees may be charged at permit execution for special inspections or reviews.

d. The customer requesting a sewer connection or sewer extension which requires a deferred service, or in lieu of assessment payment, shall pay a fee as determined by the Finance Department. (Ord. 87-28 §9, 1988).

14.04.060 Disposition of revenue. One hundred percent of each monthly bill for sewer service shall be deposited in the central treasury of the City and accounted for in the sewer utility fund. (Ord. 85-3 §3, 1985: prior code §14-300.8).

14.04.070 Destruction of private sewage disposal systems. All septic tanks, cesspools, privies, or vaults shall be earth filled or destroyed within sixty days after connection to the City sewer system, unless specifically exempted from such requirement by the City Manager. (Prior code §14-300.3)

14.04.080 Sewage or waste disposal permit--Requirements.

a. Each person having, or who in the future shall have, a one-family dwelling with a sewer connection connecting with the sewer system of the City is hereby granted a permit to discharge domestic sewage from such one-family dwelling. All other persons owning or occupying any other premises in the City which is now served, or which in the future shall require service, by a connection with the City sewer system, whereby domestic sewage, industrial wastes, or both, are disposed of by the City, shall obtain from the City Clerk, a permit to discharge such sewage.

b. Application for a permit to discharge domestic sewage or industrial waste by an industrial user that is not a significant industrial user as defined in Section 14.05.115(19) shall be in writing and shall contain, among other things, the following information:

1. The name and address of the applicant.
2. The proposed location of connection.
3. The character of waste or sewage proposed to be

discharged.

4. Other information that may be deemed to be necessary by the City Manager or his or her designee.

c. In the event that the City Manager finds and determines:

1. That such wastes will not result in damage to the sewer system; and

2. That the pipeline in which the connection has discharged, or is to discharge, has efficient capacity for the disposition of these wastes;

then the City Clerk shall issue a permit to the applicant as requested. (Prior code §14-300.4).

d. The City Manager or his or her designee may revoke, modify or impose conditions upon the permit as necessary to ensure that the waste will not result in damage to the sewer system.

14.04.090 Discharge of surface drainage into public sewer.

No connections shall be made to any public sewer or house lateral for the purpose of conducting any storm water, or any surface or underground drainage into the sewer, and no person shall discharge into any public sewer or house lateral any leader pipe from a roof, surface drain, underground drain or any solid or liquid waste other than the sewage composed of the ordinary liquid wastes of residences, business building and institutions from baths, toilets, laundries, wash tubs, sinks and floor drains. (Prior code §14-300.9)

14.04.100 Appeals.

a. Any person who is dissatisfied with the action of the City Manager or his or her designee under this chapter in denying a permit or granting a permit where conditions are imposed or in modifying or revoking a permit, or with any other order in which the person may be affected, may, within thirty days from the date of such action, appeal to the City Council by giving notice thereof to the City Clerk. In event of such appeal, the City Manager shall transfer to the City Council a report setting forth the reason for denying the permit, requiring a change therein, imposing conditions prior to granting the same, modifying or revoking the permit, or the reason for any other order affecting the person appealing.

b. The City Council shall have full power to review any action on the part of the City Manager under this chapter, or any order made by him, and the determination of the City Council shall be final. (Prior code §14-300.11).

CHAPTER 14.05

SEWAGE - INDUSTRIAL PRETREATMENT AND DISCHARGE

ARTICLE 1 - GENERAL PROVISIONS

14.05.110 PURPOSE. The purpose of this Chapter is to:

1. Identify users subject to pretreatment requirements.
2. Prohibit the discharge into the City Sewer Treatment works (STW) of any substance that would prevent the City from satisfying limitations contained in its NPDES Permit or that would otherwise violate Federal or State law.
3. Prohibit the discharge into the STW of any substance which could, by its nature or quantity, damage the STW or its operation or jeopardize the safety or health of STW workers.
4. Prevent the introduction of any substance into the City STW which will interfere with the operation of the STW or contaminate the resulting sludge.
5. Provide for regulation of direct and indirect contributors to the STW through the issuance of permits to certain non-domestic users of the STW and through enforcement of general requirements for all users; and
6. Establish monitoring and enforcement activities to ensure that these purposes are achieved.

14.05.115 DEFINITIONS. In this Chapter, unless otherwise provided, or the context otherwise requires, the following words and phrases shall have the meaning set forth below:

1. "Act" means the Federal Water Pollution Control Act and the Clean Water Act, Pub. L. No. 92-500, as amended, codified at 33 U.S.C. §1251 et seq.
2. "Biochemical oxygen demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard procedure in 5 days at 20 degrees Centigrade, expressed in milligrams per liter.
3. "City" means the City of Homer's duly authorized agent or representative.
4. "City Manager" means the City Manager of the City of Homer or the person designated by the City Manager to administer this Chapter.
5. "Control manhole" means a manhole through which the total

facility industrial wastewater flows, and which contains installed equipment for wastewater sampling and flow measurement.

6. "Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or water to which the only pollutant added is heat.
7. "Discharge" means the direct or indirect introduction into the STW of pollutants from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act or under this ordinance. Holding tank waste introduced into the STW is a discharge.
8. "Industrial user" means an industrial or commercial establishment that introduces or causes the entry into the STW of nondomestic wastewaters having the characteristics of industrial wastes, or any other source of nondomestic pollutant introduced or discharged into the STW.
9. "Industrial wastes" means solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, or business process or from the development, recovery or processing of natural resources.
10. "Liquid-Waste Hauler (LWH)" means any person or business engaged in the activity of pumping, hauling, transporting and dumping of permitted wastes defined as septic tank pumpings, portable-toilet pumpings, food service grease traps, and sludge from domestic wastewater treatment plants and lagoons, at a Public Owned Treatment Works (POTW).

LWH's are herein classified as Significant Industrial Users (SIU's), as determined by EPA, and are subject to the National Pretreatment Program (NPP) and must obtain an Industrial Wastewater Acceptance Notification (IWAN) from the City prior to disposal of permitted waste into the Sewer Treatment Works (STW).

11. "Mass limitations" means limitations applied to a discharge which are relative to quantity rather than quality or concentration.
12. "NPDES Permit" means a National Pollutant Discharge Elimination System permit issued to the STW pursuant to Section 402 of the Act.
13. "National categorical pretreatment standards" means the standards established in any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Section 307(b) or (c) of the Act and which apply to a specific category of industrial users.

14. "pH" means the logarithm of the reciprocal of hydrogen ion activity expressed in moles per liter.
15. "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal, marine and agricultural waste discharged into the STW, or any other substance discharged into the STW which, if discharged directly would alter the chemical, physical, biological, or radiological integrity of the water.
16. "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the STW.
17. "Receiving waters" means those waters into which wastes are discharged.
18. "Sewage" means water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.
19. "Sewage treatment works" or "STW" means the Sewage Treatment Plant of the City of Homer, and the sewers and conveyance appurtenances discharging to and from the Sewage Treatment Plant.
20. "Significant industrial user" means an industrial user of the City wastewater disposal system who meets any one of the following criteria:
 - (1) Is subject to or potentially subject to national pretreatment standards promulgated under Section 307(b) or (c) of the Act;
 - (2) Has in its wastes any priority toxic pollutants listed in 40 CFR 401.15 or 40 CFR Part 403 or listed by the City Manager;
 - (3) Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or regulations promulgated thereto;
 - (4) Has a discharge flow of ten thousand (10,000) gallons or more of wastewater per average work day;

- (5) Has a flow greater than 5 percent of the flow into the STW or of the design pollutant loading capacity of the STW, or;
- (6) Is determined by the City Manager to have a significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the STW effluent quality, or air emissions generated by the STW.
21. "Slug load" means any substance released in a discharge at a rate or concentration which causes inhibition or disruption of the STW, its treatments, or its operation, or causes the STW to violate its NPDES permit.
22. "Stormwater" means any flow occurring during or following any form of natural precipitation and resulting therefrom.
23. "Suspended Solids" means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.
24. "Toxic Pollutant" means any pollutant or combination of pollutants listed as toxic by the Administrator of the Environmental Protection Agency under the provisions of Section 307 of the Act, 40 CFR 401.15, 40 CFR Part 403, or listed as toxic by the City Manager.
25. "Upset" means an exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with the standards adopted under this ordinance or established as part of the user's IWAN, due to factors beyond the reasonable control of the user, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations thereof.
26. "User" means any person who contributes, causes or permits the contribution of wastewater into the STW. "User" includes industrial users and significant industrial users.

14.05.120 ABBREVIATIONS.

AAC	Alaska Administrative Code
ADEC	Alaska Department of Environmental Conservation
CFR	Code of Federal Regulations
EPA	Environmental Protection Agency
IWAN	Industrial Wastewater Acceptance Notification
L	Liter

<u>LWH</u>	<u>Liquid-Waste Hauler</u>
mg	Milligram
mg/L	Milligram per Liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
ppm	Parts per million
STW	Sewage Treatment Works
SIC	Standard Industrial Classification
SIU	Significant Industrial User

14.05.125 FEES. The City Manager may establish a schedule of fees and charges for users, applications, interpretations, permits, inspections, release of information and other actions of the City under this Chapter.

ARTICLE 2 - INDUSTRIAL FACILITIES OPERATION

14.05.210 WASTEWATER PRETREATMENT FACILITIES. a. Users shall provide such wastewater pretreatment as is necessary to comply with this Chapter and shall achieve compliance within the time limitations specified by the City. Facilities and equipment necessary to pretreat wastewater to meet the provisions of this Chapter shall be provided, operated and maintained at the user's expense.

b. Detailed drawings and specifications showing the pretreatment facilities and operating procedures shall be submitted to the City for review and approval before commencement of discharge into the STW. The review and approval of such drawings, specifications and operating procedures will not relieve the user of responsibility for modifying the facility as necessary to meet the provisions of this Chapter.

c. Any changes in the pretreatment facilities or method of operation to be made after approval of the plans by the City must be reported to the City of Homer Department of Public Works for approval before the changes are made.

14.05.215 IWAN REQUIRED FOR SIGNIFICANT INDUSTRIAL USERS. No significant industrial user (SIU) may connect to or remain connected to the STW, or otherwise introduce or cause the entry of waste into the STW after (date of ordinance adoption), without first obtaining an Industrial Wastewater Acceptance Notification (IWAN).

14.05.220 APPLICATION FOR INDUSTRIAL WASTEWATER ACCEPTANCE.

a. All significant industrial users shall complete and file with the City an application for industrial wastewater acceptance. An existing significant industrial user shall file an application within 30 days of notification by the City. A proposed new significant industrial user shall file an application at least 90 days prior to connecting to the STW.

b. The application for industrial wastewater acceptance shall be made in writing on forms provided by the City and shall include:

1. The name, mailing address and physical location of the SIU facility including the names of the operator and owner;
2. The Standard Industrial Classification (SIC) number of the SIU according to the Standard Industrial Classification Manual of the U.S. Bureau of the Budget, 1972, as amended;
3. A list of all environmental permits held by or for the SIU facility;

4. A description of each product produced by type, amount, process or processes and rate of production, and a description of the type and amount of chemicals and raw materials utilized in the process (average and maximum amounts per day);
 5. Site plans, floor plans, mechanical and plumbing plans and details of the SIU facility showing all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;
 6. A description of the SIU operations, including a description of activities, facilities and plant process on the premises, and a description of all materials which are or may be discharged into the STW and the time and duration of such discharges;
 7. A description of the average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any, and time and duration of discharges;
 8. A listing of existing and anticipated wastewater constituents and their characteristics, which shall include but is not limited to, those substances identified in this Chapter or possessing characteristics identified in this Chapter, as determined by chemical and biological analyses performed by a laboratory certified by the Alaska Department of Environmental Conservation (ADEC).
 9. A description of the nature, quantity and concentration of all pollutants or materials limited or prohibited by this Chapter, that are discharged or are anticipated to be discharged into the STW, together with a statement regarding whether or not compliance with this Chapter is being or will be achieved on a consistent basis and if not, whether additional operation and maintenance activities or additional pretreatment is necessary for the SIU to comply with these rules;
- c. Where additional pretreatment or additional operation and maintenance activities are necessary to comply with these rules, the SIU shall comply with the following requirements:
1. The SIU shall provide to the City, with its application, a plan containing the shortest schedule by which the user will provide such additional pretreatment and implement such additional operational and maintenance activities as are necessary to comply with these rules.
 2. The schedule shall contain milestone dates for the

commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of these rules including, but not limited to, dates relating to hiring an engineer registered in the State of Alaska, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and other acts necessary to achieve compliance with these rules.

3. The schedule is subject to the approval of the City Manager. Neither the entire schedule nor any step may exceed a reasonable time as determined by the City Manager; and no single major step may exceed nine months.
4. No later than 14 days following each milestone date in the schedule and the final date for compliance, the SIU shall submit a progress report to the City including a Statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with that increment of progress, the reasons for delay, and the steps being taken by the SIU to return the construction to the approved schedule. In no event may more than 9 months elapse between such progress reports to the City. Failure to adhere to the 9-month deadline will result in disconnection of sewer service.

d. The application and, where necessary, the schedule of additional pretreatment or operational and maintenance activities shall be signed by a principal executive officer of the SIU.

14.05.225 MATERIALS AND SUBSTANCES PROHIBITED IN STW.

- a. No user may discharge or cause to be discharged into the STW, except as authorized in an IWAN issued by the City, any wastewater containing concentrations of pollutants in excess of the following:

<u>Pollutant</u>	<u>Limit (mg/L)</u>
Arsenic	0.1
BOD	500
Cadmium	0.085
Chromium - Total	4.31
Chromium - Hexavalent	4.0
Copper	1.0
Cyanide	0.3
Lead	0.54
Mercury	0.002
Nickel	0.74
Silver	0.09
Suspended solids	500
Zinc	2.78

The limitations listed above apply to the total discharge from a user exclusive of sanitary wastewater. Wherever a discharger is subject to both a National categorical pretreatment standard and a local limit for a given pollutant, the more stringent shall apply.

b. No user may discharge or cause or permit to be discharged into the STW, the following wastes or waters:

1. Any stormwater, surface water or runoff, groundwater, roof runoff, subsurface drainage, cooling water or other unpolluted water.
2. Any water or wastes which contain more than 100 ppm by weight of fat, oil or grease.
3. Any solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the STW, including, but not limited to, ashes, cinders, sand, mud, metal, feathers, glass, rags, wood, plastics, lime, slurry, lime residues, chemical residues, paint or ink residues or bulk solids. Particle size of any allowed substance is limited to one half (1/2) inch in any dimension.
4. Any liquids, solids or gases including but not limited to gasoline, diesel oil, oil, benzene, naphtha, fuel, mineral spirits or solvent that by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the operation of STW, or jeopardizing the safety of STW workers.
5. Any wastes or waters containing toxic or poisonous substances in quantities or concentrations determined by the City Manager to constitute a hazard to humans or animals, to interfere with any sewage treatment process, to create any hazard in the waters receiving discharge from the STW, or to exceed Federal categorical pretreatment standards.
6. Any wastes or waters having a pH lower than 5.0 or higher than 11.0 at any time, or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the STW.
7. Any waters containing quantities of radioactive substances in excess of limits for drinking water established by State and Federal regulations.

8. Any substance with objectionable color not removed by the STW, including, but not limited to, excess fly ash, dye wastes and vegetable tanning solutions.
9. Any liquids, gases, or solids that are noxious or malodorous or that either singly or in interaction with other substances would cause a public nuisance or hazard to life or health, or would prevent safe entry into the STW for its maintenance and repair.
10. Any substance that may cause the STW treatment residues, sludges, incinerator ash or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
11. Any heat or heat producing substances which when combined with other substances will inhibit biological activity in the STW.
12. Any substance that will cause the city to violate its NPDES permit, State disposal system standards, or receiving water quality standards.
13. Any fish cleaning and waste products, and fish processing wastewater .
14. Any wastewater in violation of a State of Alaska discharge limitation, including, but not limited to, "Solid Waste Management Regulations," 18 AAC 60; "Water Quality Standards," 18 AAC 70; and "Wastewater Disposal Regulations," 18 AAC 72.
15. Any wastewater in violation of a Federal Categorical Pretreatment Standard, or any other standard established by the City Manager.

14.05.230 MONITORING FACILITIES a. A SIU shall provide and operate at the SIU's own expense a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the STW. Each monitoring facility shall be situated on the SIU's premises, except where such a location would be impractical or cause undue hardship on the user, the City may authorize the facility to be constructed in the public street or sidewalk area provided that the facility is located so that it will not be obstructed by landscaping, parked vehicles, or other moveable or fixed objects.

b. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.

c. All monitoring facilities shall be constructed and

maintained in accordance with the Homer City Code, Title 13, Standard Construction Practices and the Uniform Plumbing code.

d. The City Manager may waive the requirements of this Section to provide and operate a monitoring facility upon formal request of the SIU if the City Manager determines that adequate inspection, sampling, and flow measurement of each industrial wastewater discharge can be conducted without a monitoring facility.

14.05.235 CONTROL MANHOLE a. A SIU who discharges or proposes to discharge industrial waste into the STW shall construct and maintain a control manhole to allow inspection, sampling and flow measurement of each industrial wastewater discharge to the STW.

b. Any other industrial user shall, at the request of the City Manager, construct and maintain a control manhole to allow inspection, screening, sampling and flow measurement of each industrial wastewater discharge to the STW.

c. Each control manhole must be located on the user's premises; except if the City Manager determines that such a location will be impractical or cause undue hardship on the user, it may allow the control manhole to be located off the user's premises provided that the control manhole is located so that the control manhole is readily accessible and will not be obstructed by landscaping, parked vehicles, or other obstructions. There shall be ample room in and near the control manhole to allow accurate sampling and preparation of samples for analysis. The user shall maintain the control manhole in a safe and proper operational condition. The control manhole shall be accessible at all times.

d. To assure that the control manhole is acceptable for use by the City, drawings and specifications for the control manhole shall be submitted to the City Manager for review and approval with the application for an IWAN or upon request of the City Manager.

e. The requirements of this section may be waived by the City upon formal request of the user if the City Manager determines that adequate inspection, sampling, and flow measurement, of each industrial wastewater discharge of the user can be conducted without a control manhole.

f. The City may have access to the control manhole for the purpose of inspection and sampling, including flow measurement, upon request, and without the need for a search warrant.

14.05.240 INSPECTION AND SAMPLING. a. The City is authorized to enter to inspect and take samples from the control manholes, monitoring facilities, and wastewater pretreatment facilities and to inspect and copy records of a SIU to determine compliance with the requirements of this Chapter. The SIU shall allow the City's representatives, upon exhibiting proper credentials and identification to enter upon the premises of the user at reasonable hours, for the purposes of inspection, sampling or inspection and copying of records. Reasonable hours include any time the SIU is

operating any process which results in the introduction of wastewater into the STW.

b. The City may set up on the SIU property such devices as are necessary to conduct sampling, inspection, compliance monitoring or metering operations.

14.05.245 DILUTION PROHIBITED. A user may not increase the use of potable or process water or, in any way, dilute or attempt to dilute a discharge as a substitute for treatment to achieve compliance with the limitations contained in this Section or with any other applicable standard, limitation, or regulation. The City Manager may impose mass limitations on users that are or may be using dilution to meet the requirements of this Section, or in other cases where the imposition of mass limitations is deemed appropriate by the City Manager.

14.05.250 ACCIDENTAL DISCHARGES AND SLUG LOADS. a. Each user shall provide adequate protection from the accidental discharge of prohibited or regulated materials or substances established by this Chapter. Any facilities or equipment necessary to prevent the accidental discharge of prohibited materials shall be provided and maintained at the user's expense.

b. Users shall notify the City Manager immediately upon the occurrence of an accidental discharge of substances prohibited by this Chapter or of any other discharge that could impair or interfere with the STW, including a slug load. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions taken. In addition, the user shall immediately notify the (ADEC) of the discharge.

c. Within 5 days following a discharge described in this section, the user shall submit to the City Manager a detailed written report describing the cause of the discharge or slug load and measures to be taken by the user to prevent similar future occurrences.

d. Such written notifications shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the STW; nor shall such notification relieve the user of any fines, civil penalties or other liabilities which may be imposed by this Section or any other applicable law.

e. The report required by this section shall be signed by a principal executive officer of the user, or his or her designee.

14.05.255 OPERATING UPSETS. a. A user who experiences an upset in operations that places the user in noncompliance with this Chapter shall inform the City Manager of the upset within 24 hours of becoming aware of the upset. A written follow-up report thereof shall be filed by the user with the City Manager within 5 days of notification. The report shall include:

1. A description of the upset, the cause thereof and the upset's impact on the user's compliance status;

2. Duration of noncompliance, including exact dates and time of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur;
3. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

b. A documented timely reported and verified bona fide operating upset shall, to the extent reported, be an affirmative defense to any criminal enforcement action brought by the City against the user for any noncompliance with the provisions of this Chapter which arises out of violations alleged to have occurred during the period of the upset.

ARTICLE 3 - RECORDS AND REPORTING

14.05.310 INDUSTRIAL WASTEWATER ACCEPTANCE NOTIFICATION.

a. The City Manager shall notify the SIU or proposed SIU of the City's acceptance of its application by issuing an Industrial Wastewater Acceptance Notification (IWAN). The IWAN shall contain such terms and conditions as the City Manager determines are necessary to achieve the purposes of this Chapter. Issuance of an IWAN constitutes authorization to connect to the STW. If the City Manager rejects the application, he shall notify the applicant in writing of the rejection of the application. The City Manager may require the user to submit additional information prior to accepting or rejecting the application. The City of Homer Department of Public Works will evaluate the application and data furnished by the user and may require additional information. Within 30 days after evaluation of a complete application for industrial wastewater acceptance, the City shall notify the applicant of the acceptance or the rejection of the application.

b. The IWAN shall include the following:

1. Fees and charges to be paid upon initial permit issuance;
2. Limits on the average and maximum wastewater constituents and characteristics regulated thereby;
3. Limits on average and maximum rate and on time of discharge and/or requirements for flow regulations and equalization.
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Compliance schedules;

6. Self-monitoring requirements;
7. Requirements for submission of any technical reports or discharge reports in addition to those prescribed by this Chapter.
8. Special conditions as the City may reasonably require under particular circumstances of a given discharge including sampling locations, frequency of sampling; number, types and standards for sampling and testing, reporting schedules, and City inspection and sampling;

c. The City reserves the right to amend an IWAN issued hereunder in order to assure compliance with applicable laws and regulations.

d. When a National Categorical Pretreatment Standard is promulgated, the City shall revise the IWAN of each user subject to such standard to assure compliance with such standard within the time frame prescribed by such standard. If the user has not previously submitted an application for an IWAN, the user shall submit an application for an IWAN to the City within one hundred eighty days after the effective date of the applicable National Categorical Pretreatment Standard or such shorter time as may be required to meet State or Federal requirements. A user for whom an IWAN is in effect shall submit to the City within one-hundred-eighty days after the promulgation of the applicable National Categorical Pretreatment Standard the information required by Section 14.05.220.

e. The City shall inform the IWAN holder of any proposed changes in its IWAN at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

f. The IWAN is issued to a specific user for a specific operation in a specific location and is not assignable to another user or transferable to another location; provided, the IWAN may be transferred to a successor to the use in a specific location with the prior written approval of the City.

g. An IWAN expires 5 years after the date of its issuance and may be amended, modified and revoked at any time as provided in this Chapter.

h. Each SIU shall be subject to issuance of a new IWAN with appropriate modifications if it changes the process or the wastewater characteristics. Any changes or new conditions in the IWAN shall include a reasonable time schedule for compliance.

14.05.315 REPORTING REQUIREMENTS - GENERAL. a. Initial compliance report. Within 90 days following the date of issuance of an IWAN to a SIU, or within 90 days following the deadline for compliance with an applicable national categorical pretreatment standard, the SIU shall submit to the City a report indicating the

nature and concentration of all prohibited or regulated substances contained in its discharge into the STW, and the average and maximum daily flow of wastewater into the STW in gallons. The report shall state whether applicable pretreatment standards or requirements are being met on a consistent basis and, if they are not, the report shall specify in conformity with Section 14.05.220(c) what additional operations and maintenance or pretreatment measures are necessary to bring the discharger into compliance with applicable pretreatment standards or requirements.

b. Biannual compliance report. A user to which an IWAN is issued shall submit to the City a biannual report. The report shall be filed two times a year, on or before January 31 and on or before July 31 of each year, and shall cover activities during the six months preceding the month in which the report is due. The report shall state the nature and concentration of discharged substances regulated by this Chapter. The report shall include a record of all daily flows during the reporting period. Flows shall be reported on the basis of actual measurement, however, where cost or feasibility considerations justify, the City may accept reports of average and maximum flows, estimated by verifiable techniques. The City Manager may for good cause shown, considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, authorize the submission of said reports for different periods of time.

c. Notice of substantial change in discharge. All users shall promptly notify the City in advance of any substantial change in the volume or character of the pollutants in their discharge.

d. Reports required by this section shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration of substances in the discharge, or production and mass where required by the City. The reports shall contain such additional information as is required by the user's IWAN, and shall be based on the self-monitoring requirements contained in the user's IWAN. Reports and statements shall be signed by an authorized representative of the discharger.

e. All sampling and analyses shall be performed in accordance with sampling and analytical procedures required by 43 CFR Section 403.12 or approved by the administrator of the U.S. Environmental Protection Agency or by the City Manager.

14.05.320 REPORTING REQUIREMENTS FOR INDUSTRIAL USERS SUBJECT TO FEDERAL CATEGORICAL PRETREATMENT STANDARDS. Upon the establishment by the EPA of a Federal Categorical Pretreatment Standard, all industrial users subject to the Federal Categorical Pretreatment Standard shall submit to the City such report as required under Federal regulations, 40 CFR, Section 403.12 within the time specified in that section. The City will process all required reports and will conduct follow-up on such reports as required.

14.05.325 RECORDS RETENTION. Each user subject to this Chapter shall retain and preserve for 3 years all records, including books, documents, memoranda, reports, correspondence and all summaries thereof, relating to its discharge, including all monitoring, sampling and chemical analyses made by or in behalf of the user in connection with its discharge. All records that pertain to matters that are the subject of administrative adjustment or any other enforcement or litigation actions brought by the City shall be retained and preserved by the user until all enforcement activities have concluded and the time for appeal has expired.

14.05.330 CONFIDENTIAL TREATMENT OF INFORMATION AND DATA. The user may request that information and data furnished to the City with respect to any proprietary process of the user be treated as a confidential submission. If the City determines that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user, it shall keep the information and data confidential and shall not disclose the information, except where release is otherwise required by law and except for release to a city, State or Federal agency with jurisdiction over the user's discharge for uses related to the user's compliance with city, State and Federal water pollution regulations. Otherwise, the information and data shall be available to the public or other governmental agency without restriction. Wastewater constituents and characteristics will not be recognized as confidential information.

14.05.335 FALSIFYING INFORMATION. No person may knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or falsely tamper with, or knowingly render inaccurate any monitoring device or method required under this Chapter.

ARTICLE 4 - ENFORCEMENT

14.05.410 EMERGENCY SUSPENSION OF SERVICE AND OF INDUSTRIAL WASTEWATER ACCEPTANCE a. Upon notice to the user and a reasonable opportunity for an informal hearing, the City [may] shall order the suspension of STW service to a user, or [may] shall withdraw the IWAN of a user when it appears to the City that an actual or threatened discharge:

1. Presents or threatens to present an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment; or

2. Interferes or threatens to interfere with the operation of the STW, or
3. Violates or threatens to violate any pretreatment limits imposed by this Chapter or by the IWAN.

b. A user notified of the City's suspension order shall immediately cease all discharges into the STW. If the discharger fails to comply with the suspension order, the City [may] shall commence judicial proceedings to compel the user's compliance with such order or to recover civil penalties. The City shall reinstate the IWAN and the STW service upon proof by the user of the elimination of the noncomplying discharge or conditions creating the threat that led to the suspension order.

14.05.415 TERMINATION OF TREATMENT SERVICES. a. A user may not:

1. Fail to report the wastewater constituents and characteristics of its discharge;
2. Fail to report significant changes in wastewater constituents or characteristics;
3. Refuse reasonable access pursuant to a search warrant or other court order to the user's premises by the City for the purpose of inspection, sampling or copying; or
4. Violate any other provisions of this Chapter, or any order of the City with respect thereto.

b. The City may terminate wastewater treatment service by shutting off the public water supply to any discharger who violates any of the foregoing prohibitions.

14.05.416 CITY OF HOMER; RIGHT OF ACCESS. If a user refuses to grant a right of entry, the City may seek a search warrant or order from the superior court compelling the user to submit to entry, inspection, sampling and copying.

14.05.420 NOTIFICATION OF VIOLATION; APPEAL. Whenever the City determines that a user has violated or threatens to violate the prohibitions of this Chapter or any permit, plan, or IWAN authorized or issued under this Chapter, the City shall cause to be served upon such user a written notice, either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within 15 days of the date of receipt of the notice, the user may respond personally or in writing by certified or registered mail, return receipt requested, to the City, advising of its position with respect to the allegations. The user shall be given the opportunity to meet with the City or respond to the alleged violations and to propose a plan

to correct the alleged violations. The City shall issue a written decision determining whether there is a violation and, if necessary, whether the proposed plan is acceptable.

14.05.425 SHOW CAUSE HEARING. If a violation of this Chapter is not corrected by administrative adjustment under Section 14.05.420, then the City Manager [may] shall order the user to show cause why service should not be terminated or other enforcement action, including imposition of a civil penalty, should not be taken. A written notice shall be served on the user by personal service, or by certified or registered mail, return receipt requested, specifying the time and place of the hearing to show cause. The notice of the hearing shall be served no less than 10 days before the hearing. Service may be made on any agent, officer or authorized representative of the discharger. After the hearing, the City Manager shall issue a written decision which may include appropriate orders with respect to the violations of the Chapter and may include a civil penalty in accordance with Section 14.05.435. The City Manager's decision constitutes final administrative action for purposes of judicial review.

14.05.430 ADMINISTRATIVE INTERPRETATION. Any person may request in writing an interpretation or ruling by the City on any matter covered by this Chapter and is entitled to a prompt written reply. In the event that such inquiry is by a user and deals with matters of performance or compliance with this Chapter for which enforcement activity is pending, receipt of a user's request shall not stay the enforcement activity.

14.05.435 CIVIL PENALTIES. A user who violates an order of the City or who fails to comply with any provision of this Chapter or a regulation, rule or permit of the City issued pursuant to this Chapter, shall be liable to the City of Homer for a civil penalty not-to-exceed one thousand dollars (\$1,000.00) per violation. Each day a violation continues constitutes a separate violation. Such penalties may be recovered by judicial actions or, to the extent permissible by State law, by administrative procedures.

14.05.440 CRIMINAL PENALTIES. A person who violates any requirement of this Chapter or any permit, IWAN or other authorization issued under this Chapter is guilty of a misdemeanor and shall be fined not more than (\$1,000.00) one thousand dollars per violation or imprisoned for 90 days or both. Each day a violation continues constitutes a separate violation.

14.05.445 RECOVERY OF COSTS INCURRED BY THE CITY. A user who violates any of the provisions of this Chapter, or who discharges or causes a discharge producing in interference with, deposit in, or obstruction of the STW, or who causes damage to or impairs the City's STW shall be liable to the City for any expense, loss or damage caused by such violation or discharge. The City shall bill the user for the cost incurred by the City for any cleaning, repair

or replacement work caused by the violation or discharge. Refusal to pay the assessed costs is a violation of this Chapter.

Chapter 14.08

WATER RULES AND REGULATIONS*

Sections:

14.08.010	Purpose.
14.08.020	Definitions.
14.08.030	Water connections and extensions.
14.08.035	Water connection and extension permit.
14.08.040	Private water systems--Connection permits--Fees.
14.08.050	Condition of service--Rule making authority.
14.08.060	Frozen pipes--City not liable.
14.08.070	Discontinuance of supply.
14.08.080	Schedule of rates--Rules and regulations.
14.08.090	Schedule of rates outside of the City limits.
14.08.091	Rates--Renters' and lessees' deposits.
14.08.100	Tanker truck and fire hydrant water sales rates.
14.08.110	Violation--Penalty.

14.08.010 Purpose. It is the intent of this chapter to establish rules and regulations for the operation of the Homer Water System, and to provide a means for obtaining funds for the operation, repair, maintenance, replacement and indebtedness payments from revenues produced by the system, and to provide a

14.08.020 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings set forth below:

a. "Water connection" means that part of the water system between the water main and the abutting property.

b. "Water extension" means that part of the water distribution system extending from the water connection into the premises served.

c. "Water main" means that part of the water distribution system intended to serve more than one water connection. (Ord. 87-28 §10, 1988; prior code §14-200.2).

14.08.030 Water connections and extensions. a. Water connections to the City water mains shall be installed only by a City-approved contractor and then only upon payment of fees as prescribed by the City.

b. No person shall install a water extension or connection without first obtaining a written permit from the City.

* Prior ordinance history: Ordinances 14-200.1, 76-15 and 77-1. schedule of water utility rates. (Prior code §14-200.1).

c. All work and materials must meet the standards and specifications as described in Title 13 of this code, and the State of Alaska Department of Labor Occupational Safety and Health Standards.

d. The customer requesting a new water connection or water extension shall provide all materials, labor and equipment for the excavation, connection and installation of the water line. (Ord. 87-28 §11, 1988).

14.08.035 Water connection and extension permit fee. a. The water connection and extension permit fee shall include all inspection and administrative costs. All other fees for meter lease, deposit, deferred services, in lieu of assessments and necessary right-of-way permits shall be in addition to the permit fee.

b. The water connection and extension permit fee shall be two hundred and fifty dollars. All water connections and extensions shall be inspected by the Public Works Department. The customer shall make arrangements with the Public Works Department at least twenty-four hours in advance for all required inspections.

c. All water shall be metered. Only one meter shall be issued to each lot except where the Public Works Director has given approval for installation of an additional water meter pursuant to §14.04.040(d). The one-time lease fee for a water meter shall be as follows:

<u>Size of Meter</u>	<u>Fee</u>
5/8"	\$ 68.00
3/4"	83.00
1"	115.00
1½"	400.00
2"	640.00

Lease fees for meters larger than two inches shall be determined by the Public Works Director (actual costs plus fifteen percent).

d. The customer shall pay for any necessary right-of-way permit fees. These fees are as follows:

	<u>City</u> <u>Right-of-Way</u>	<u>State</u> <u>Right-of-Way</u>
Minor	\$ 5.00	\$100.00
Major	25.00	450.00

Major City right-of-way permits involve the review of project plans and specifications. Additional permit fees may be charged at permit execution for special inspections or reviews.

e. The customer requesting a water connection or water extension which requires a deferred service or in lieu of assessment payment, shall pay a fee as determined by the Finance Department. (Ord. 87-28 §12, 1988).

14.08.040 Private water systems--Connection permits--Fees

a. No person shall construct any private water main which will be served directly or indirectly by the City water distribution system without first obtaining a written permit from the City under and outlining conditions prescribed by the City. The fee for such permits shall be as prescribed by the City.

b. No person shall install any water connection to any private water main which will be served directly or indirectly by the City water distribution system without first obtaining a written permit from the City under and outlining conditions prescribed by the City. The fee for such permit shall be as prescribed by the City.

c. No person shall install any water extension from a water connection of any private water main which will be served directly or indirectly by the City water distribution system without first obtaining a written permit from the City under outlining conditions prescribed by the City. The fee for such permit shall be as prescribed by the City. (Prior code §14-200.4).

14.08.050 Condition of service--Rule making authority.

a. No person shall be served directly or indirectly by the City water distribution system unless the person so served, or his authorized representative, has first entered into contract with the City for such services.

b. The collector of revenue for the City is empowered to discontinue water service for nonpayment of any utility service charges, connection fees and related charges.

c. The City Manager is empowered, subject to approval of the Council, to make such rules and regulations not in conflict with other provisions of this Code relative to water mains, connections, and extensions which will be served directly or indirectly by the City water distribution system or to water billings and collections as are necessary to protect public property, or the safety and health of the public, and no person shall fail to comply with any such rule or regulation. Billing procedures shall be established from time to time by such rules or regulations, and a copy of such billing procedure, together with current water utility rates, shall be available for public inspection during business hours at the City Hall offices. (Prior code §14-200.5).

14.08.060 Frozen pipes--City not liable. Customers will be responsible for all frozen water connections and extensions, and the City will not be responsible therefore. The City will maintain all water connections, except for damages resulting from freezing. (Prior code §14-200.6).

14.08.070 Discontinuance of supply. Water may at any time be shut off from water mains without notice for repairs, extensions or other necessary purposes. The City will not be liable to the customer for any loss or damage which may be caused

by failure of the City to deliver water. Whenever feasible the City shall give public notice of shutoffs, but shall not be bound to do so. (Prior code §14-200.7).

14.08.080 Schedule of rates--Rules and regulations.

a. The following schedule of rates shall be effective January 16, 1989. This schedule supersedes all previous water rate schedules. All water utility services shall be billed according to the following schedule. This schedule is for monthly water consumption and is in addition to any charges for connecting or disconnecting the service, installation of the service or any assessments for the improvements.

RATES FOR METERED WATER SERVICE

<u>Description</u>	<u>Residential</u>	<u>Commercial</u>	<u>Public Authority</u>	<u>Spit</u>
Commodity charge per 1,000 gal.	\$2.13	\$2.13	\$2.13	\$2.13
Service charge per month, meter size in inches:				
5/8	\$ 18.85	\$ 28.94	\$ 20.15	\$ 60.85
3/4	22.57	37.73	24.31	88.97
1	30.00	55.29	32.63	145.05
1-1/2	54.66	105.42	59.79	288.32
2	81.01	162.20	88.97	459.90
3	145.05	297.17	159.20	856.12
4	224.65	477.59	247.64	1,415.08
6	408.60	916.27	454.60	2,830.15

Service Establishment and Discontinuance

A charge of ten dollars shall be made for establishing and discontinuing water service. This fee shall be in addition to all other charges.

b. The City Manager shall enact and promulgate, with Council approval, all necessary rules and regulations and amendments thereto, which shall govern the sale, service and use of water by the City. Sufficient copies of such rules and regulations shall be filed with the City Clerk for public information purposes.

c. The City Manager shall have printed a sufficient number of copies of the water rate schedule approved and adopted by the City and the copies shall be available for public use upon demand at the office of the City Clerk. (Ord. 88-23 §1, 1988: Ord. 86-16 §1, 1986).

14.08.090 Schedule of rates outside of the City limits.

a. All rates and charges set forth in Section 14.08.080 shall apply to water service provided outside the City limits.

b. In addition to rates and charges set forth in Section 14.08.090(a), the following monthly surcharge shall be levied, based on meter size, to recover from outside-City ratepayers the water system costs of providing public fire suppression service:

<u>Meter Size</u> (inches)	<u>Monthly</u> <u>Surcharge</u>
5/8	\$ 8.45
3/4	9.26
1	10.94
1-1/2	20.21
2	28.49
3	50.49
4	75.73
6	109.43

(Ord 88-23 §2, 1988: Ord. 85-22 §2, 1985).

14.08.091 Rates--Renters' and lessees' deposits.

a. This schedule is for renters/lessees connecting to a service, and is in addition to all other charges:

<u>Meter Size</u> (inches)	<u>Deposits</u>	
	<u>Residential</u>	<u>Nonresidential</u>
5/8	\$ 75.00	\$ 220.00
3/4	80.00	230.00
1	90.00	250.00
1-1/2	115.00	310.00
2	150.00	370.00
3	220.00	525.00
4	310.00	730.00
6	520.00	1,225.00

b. The deposit will be according to meter size and description. The deposit will be refunded fourteen days after the date of disconnection or applied to the customers account if a balance is still due.

c. The above schedule of deposits required shall be effective March 22, 1985. (Ord. 85-22 §3, 1985).

14.08.100 Tanker truck and fire hydrant water sales

a. The following rates shall be effective July 16, 1985.

b. The minimum charge for each month shall be the same as

the service charge for five-eighths-inch metered water. The commodity charge per thousand gallons shall be consistent with the user's purpose and the current rate structure.

c. For tanker truck water sales, a two dollar-and-fifty-cent service charge shall be paid per tanker truck fill-up, except that there shall be no such charge for the first fill-up each month.

d. The schedule for meter deposits in Section 14.08.091, Rates--Renters' and Lessees' Deposits, shall apply to all metered fire hydrant connections. All charges under Section 14.08.090 also apply. For services in addition to connection and disconnection, the hourly service-call rates will apply. (Ord. 85-22 §4, 1985).

14.08.110 Violation--Penalty. The violation of any provision contained in this chapter shall be punished under Section 1.16.010. (Ord. 81-20 §1, 1981: prior code §14-200.11).

DATED THIS 24th DAY OF July 1990.

CITY OF HOMER

John P. Calhoun
JOHN P. CALHOUN, MAYOR

ATTEST:

Patti J. Whalin
PATTI J. WHALIN, CMC
CITY CLERK

Approved as to form and content:

C.E. Swackhammer
C.E. SWACKHAMMER
CITY MANAGER

Gordon J. Tans
GORDON J. TANS
CITY ATTORNEY

FIRST READING: 6/25/90
PUBLIC HEARING: 7/9/90
SECOND READING: 7/23/90
EFFECTIVE DATE: 7/24/90

CITY OF HOMER INDUSTRIAL WASTEWATER PRETREATMENT AND DISPOSAL MANUAL

INTRODUCTION

This manual provides the administrative rules and regulations governing the industrial pretreatment and discharge of sewage within the City of Homer, Alaska. This manual and any amendments to its provisions are approved via ordinance by City Council. The regulations and requirements contained within this manual are mandated by City of Homer law and must be complied with by Significant Industrial Users and facilities identified in this manual. This manual may be referred to as the Industrial Waste Manual.

Commented [HW1]: Ordinance 90-24(A) suggests there are reasons the City incorporated in-depth and complex industrial waste management provisions into the Homer City Code, which may include legal requirements with federal and/or state entities, the Clean Water Act. The Public Works Director is in the process of reviewing all relevant documents to confirm that the City has the authority to relocate its industrial waste management laws into a "Industrial Waste Manual" without jeopardizing funding or violating governing laws or policies. This manual should not be adopted or its provisions substantively revised until the City confirms the Manual meets these requirements.

Article I. General Provisions

- Section 1. Purpose.
- Section 2. Definitions.
- Section 3. Abbreviations.
- Section 4. Fees.

Article II. Industrial Facilities Operation

- Section 1. Wastewater pretreatment facilities.
- Section 2. IWAN required for significant industrial users.
- Section 3. Application for industrial wastewater acceptance.
- Section 4. Materials and substances prohibited in Sanitary System.
- Section 5. Monitoring facilities.
- Section 6. Control manhole.
- Section 7. Inspection and sampling.
- Section 8. Dilution prohibited.
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- Section 4. Notification of violation – Appeal.
- Section 5. Show cause hearing.
- Section 6. Administrative interpretation.
- Section 9. Recovery of costs incurred by the City.

Article I. General Provisions

Section 1. Purpose.

The purpose of this Manuals to:

- a. Identify users subject to pretreatment requirements;
- b. Prohibit the discharge into the City sewer treatment works (Sanitary System) of any substance that would prevent the City from satisfying limitations contained in its NPDES permit or that would otherwise violate Federal or State law;
- c. Prohibit the discharge into the Sanitary System of any substance which could, by its nature or quantity, damage the Sanitary System or its operation or jeopardize the safety or health of Sanitary System workers;
- d. Prevent the introduction of any substance into the City Sanitary System which will interfere with the operation of the Sanitary System or contaminate the resulting sludge;

e. Provide for regulation of direct and indirect contributors to the Sanitary System through the issuance of permits to certain nondomestic users of the Sanitary System and through enforcement of general requirements for all users; and

f. Establish monitoring and enforcement activities to ensure that these purposes are achieved.

Section 2. Definitions.

In this manual, unless otherwise provided, or the context otherwise requires, the following words and phrases shall have the meaning set forth below:

“Act” means the Federal Water Pollution Control Act and the Clean Water Act, Pub. L. No. 92-500, as amended, codified at 33U.S.C. 1251 et seq.

“Biochemical oxygen demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard procedure in five days at 20 degrees centigrade, expressed in milligrams per liter.

“City” means the City of Homer’s duly authorized agent or representative.

“City Manager” means the City Manager of the City of Homer or the person designated by the City Manager to administer this manual.

“Control manhole” means a manhole through which the total facility industrial wastewater flows, and which contains installed equipment for wastewater sampling and flow measurement.

“Cooling water” means the water discharged from any use such as air conditioning, cooling or refrigeration, or water to which the only pollutant added is heat.

“Discharge” means the direct or indirect introduction into the Sanitary System of pollutants from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act or under this manual. Holding tank waste introduced into the Sanitary System is a discharge.

“Industrial user” means an industrial or commercial establishment that introduces or causes the entry into the Sanitary System of nondomestic wastewaters having the characteristics of industrial wastes, or any other source of nondomestic pollutant introduced or discharged into the Sanitary System.

"Industrial wastes" means solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, or business process or from the development, recovery or processing of natural resources.

"Liquid-waste hauler (LWH)" means any person or business engaged in the activity of pumping, hauling, transporting and dumping of permitted wastes defined as septic tank pumpings, portable-toilet pumpings, food service grease traps, and sludge from domestic wastewater treatment plants and lagoons, at a public owned treatment works (POTW).

LWHs are herein classified as significant industrial users (SIUs), as determined by EPA, and are subject to the national pretreatment program (NPP) and must obtain an industrial wastewater acceptance notification (IWAN) from the City prior to disposal of permitted waste into the Sanitary System.

"Mass limitations" means limitations applied to a discharge which are relative to quantity rather than quality or concentration.

"National categorical pretreatment standards" means the standards established in any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Section 307(b) or (c) of the Act and which apply to a specific category of industrial users.

"NPDES permit" means a National Pollutant Discharge Elimination System permit issued to the Sanitary System pursuant to Section 402 of the Act.

"pH" means the logarithm of the reciprocal of hydrogen ion activity expressed in moles per liter.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal, marine and agricultural waste discharged into the Sanitary System, or any other substance discharged into the Sanitary System which, if discharged directly, would alter the chemical, physical, biological, or radiological integrity of the water.

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Sanitary System.

"Receiving waters" means those waters into which wastes are discharged.

"Sewage" means water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.

"Sewage treatment works" or "Sanitary System" means the sewage treatment plant of the City of Homer, and the sewers and conveyance appurtenances discharging to and from the sewage treatment plant.

"Significant industrial user" means an industrial user of the City wastewater disposal system who meets any one of the following criteria:

1. Is subject to or potentially subject to national pretreatment standards promulgated under Section 307(b) or (c) of the Act;
2. Has in its wastes any priority toxic pollutants listed in 40 CFR 401.15 or 40 CFR Part 403 or listed by the City Manager;
3. Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or regulations promulgated thereto;
4. Has a discharge flow of 10,000 gallons or more of wastewater per average work day;
5. Has a flow greater than five percent of the flow into the Sanitary System or of the design pollutant loading capacity of the Sanitary System; or
6. Is determined by the City Manager to have a significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the Sanitary System effluent quality, or air emissions generated by the Sanitary System.

“Slug load” means any substance released in a discharge at a rate or concentration which causes inhibition or disruption of the Sanitary System, its treatments, or its operation, or causes the Sanitary System to violate its NPDES permit.

“Stormwater” means any flow occurring during or following any form of natural precipitation and resulting therefrom.

“Suspended solids” means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.

“Toxic pollutant” means any pollutant or combination of pollutants listed as toxic by the Administrator of the Environmental Protection Agency under the provisions of Section 307 of the Act, 40 CFR 401.15, 40 CFR Part 403, or listed as toxic by the City Manager.

“Upset” means an exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with the standards adopted under this manual or established as part of the user’s IWAN, due to factors beyond the reasonable control of the user, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations thereof.

“User” means any person who contributes, causes or permits the contribution of wastewater into the Sanitary System. User includes industrial users and significant industrial users.

Section 3. Abbreviations.

AAC	Alaska Administrative Code
ADEC	Alaska Department of Environmental Conservation
CFR	Code of Federal Regulations
EPA	Environmental Protection Agency
IWAN	Industrial Wastewater Acceptance Notification
L	Liter

LWH	Liquid-Waste Hauler
Mg	Milligram
Mg/L	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
Ppm	Parts per million
SIC	Standard Industrial Classification
SIU	Significant Industrial User

Section 4. Fees.

The City Manager may establish a schedule of fees and charges for users, applications, interpretations, permits, inspections, release of information, and other actions of the City under this manual.

Article II. Industrial Facilities Operation

Section 1. Wastewater pretreatment facilities.

a. Users shall provide such wastewater pretreatment as is necessary to comply with this manual and shall achieve compliance within the time limitations specified by the City. Facilities and equipment necessary to pretreat wastewater to meet the provisions of this manual shall be provided, operated and maintained at the user's expense.

b. Detailed drawings and specifications showing the pretreatment facilities and operating procedures shall be submitted to the City for review and approval before commencement of discharge into the Sanitary System. The review and approval of such drawings, specifications and operating procedures will not relieve the user of responsibility for modifying the facility as necessary to meet the provisions of this manual.

c. Any changes in the pretreatment facilities or method of operation to be made after approval of the plans by the City must be reported to the City of Homer Department of Public Works for approval before the changes are made.

Section 2. IWAN required for significant industrial users.

No SIU may connect to or remain connected to the Sanitary System, or otherwise introduce or cause the entry of waste into the Sanitary System, without first obtaining an industrial wastewater acceptance notification (IWAN).

Section 3. Application for industrial wastewater acceptance.

a. All SIUs shall complete and file with the City an application for industrial wastewater acceptance. An existing SIU shall file an application within 30 days of notification by the City. A proposed new SIU shall file an application at least 90 days prior to connecting to the Sanitary System.

b. The application for industrial wastewater acceptance shall be made in writing on forms provided by the City and shall include:

1. The name, mailing address and physical location of the SIU facility including the names of the operator and owner;
2. The 2012 North American Industry Classification System (NAICS) number of the SIU;
3. A list of all environmental permits held by or for the SIU facility;
4. A description of each product produced by type, amount, process or processes and rate of production, and a description of the type and amount of chemicals and raw materials utilized in the process (average and maximum amounts per day);
5. Site plans, floor plans, mechanical and plumbing plans and details of the SIU facility showing all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;
6. A description of the SIU operations, including a description of activities, facilities and plant process on the premises, and a description of all materials which are or may be discharged into the Sanitary System and the time and duration of such discharges;

7. A description of the average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any, and time and duration of discharges;

8. A listing of existing and anticipated wastewater constituents and their characteristics, which shall include, but is not limited to, those substances identified in this manual or possessing characteristics identified in this manual, as determined by chemical and biological analyses performed by a laboratory certified by the ADEC;

9. A description of the nature, quantity and concentration of all pollutants or materials limited or prohibited by this manual, that are discharged or are anticipated to be discharged into the Sanitary System, together with a statement regarding whether or not compliance with this manual is being or will be achieved on a consistent basis and, if not, whether additional operation and maintenance activities or additional pretreatment is necessary for the SIU to comply with these rules.

c. Where additional pretreatment or additional operation and maintenance activities are necessary to comply with these rules, the SIU shall comply with the following requirements:

1. The SIU shall provide to the City, with its application, a plan containing the shortest schedule by which the user will provide such additional pretreatment and implement such additional operational and maintenance activities as are necessary to comply with these rules.

2. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of these rules including, but not limited to, dates relating to hiring an engineer registered in the State of Alaska, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and other acts necessary to achieve compliance with these rules.

3. The schedule is subject to the approval of the City Manager. Neither the entire schedule nor any step may exceed a reasonable time as determined by the City Manager and no single major step may exceed nine months.

4. No later than 14 days following each milestone date in the schedule and the final date for compliance, the SIU shall submit a progress report to the City including a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with that increment of progress, the reasons for delay, and the steps being taken by the SIU to return the construction to the approved schedule. In no event may more than nine months elapse between such progress reports to the City. Failure to adhere to the nine-month deadline will result in disconnection of sewer service.

d. The application and, where necessary, the schedule of additional pretreatment or operational and maintenance activities shall be signed by a principal executive officer of the SIU.

Section 4. Materials and substances prohibited in Sanitary System.

a. No user may discharge or cause to be discharged into the Sanitary System, except as authorized in an IWAN issued by the City, any wastewater containing concentrations of pollutants in excess of the following:

Pollutant	Limit (mg/L)
Arsenic	0.1
BOD	500
Cadmium	0.085
Chromium – Total	4.31
Chromium – Hexavalent	4.0
Copper	1.0
Cyanide	0.3
Lead	0.54
Mercury	0.002
Nickel	0.74
Silver	0.09
Suspended solids	500

Pollutant	Limit (mg/L)
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Zinc	2.78
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The limitations listed above apply to the total discharge from a user exclusive of sanitary wastewater. Wherever a discharger is subject to both a national categorical pretreatment standard and a local limit for a given pollutant, the more stringent shall apply.

b. No user may discharge or cause or permit to be discharged into the Sanitary System the following wastes or waters:

1. Any stormwater, surface water or runoff, groundwater, roof runoff, subsurface drainage, cooling water or other unpolluted water.
2. Any water or wastes which contain more than 100 ppm by weight of fat, oil or grease.
3. Any solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the Sanitary System, including, but not limited to, ashes, cinders, sand, mud, metal, feathers, glass, rags, wood, plastics, lime, slurry, lime residues, chemical residues, paint or ink residues or bulk solids. Particle size of any allowed substance is limited to one-half inch in any dimension.
4. Any liquids, solids or gases including, but not limited to, gasoline, diesel oil, oil, benzene, naphtha, fuel, mineral spirits or solvents that by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the operation of Sanitary System, or jeopardizing the safety of Sanitary System workers.
5. Any wastes or waters containing toxic or poisonous substances in quantities or concentrations determined by the City Manager to constitute a hazard to humans or animals, to interfere with any sewage treatment process, to create any hazard in the waters receiving discharge from the Sanitary System, or to exceed Federal categorical pretreatment standards.
6. Any wastes or waters having a pH lower than 5.0 or higher than 11.0 at any time, or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the Sanitary System.

7. Any waters containing quantities of radioactive substances in excess of limits for drinking water established by State and Federal regulations.
8. Any substance with objectionable color not removed by the Sanitary System, including, but not limited to, excess fly ash, dye wastes and vegetable tanning solutions.
9. Any liquids, gases, or solids that are noxious or malodorous or that either singly or in interaction with other substances would cause a public nuisance or hazard to life or health, or would prevent safe entry into the Sanitary System for its maintenance and repair.
10. Any substance that may cause the Sanitary System treatment residues, sludges, incinerator ash or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
11. Any heat or heat producing substances which, when combined with other substances, will inhibit biological activity in the Sanitary System.
12. Any substance that will cause the City to violate its NPDES permit, State disposal system standards, or receiving water quality standards.
13. Any fish cleaning and waste products, and fish processing wastewater.
14. Any wastewater in violation of a State of Alaska discharge limitation, including, but not limited to, "Solid Waste Management Regulations," 18 AAC 60; "Water Quality Standards," 18 AAC 70; and "Wastewater Disposal Regulations," 18 AAC 72.
15. Any wastewater in violation of a Federal categorical pretreatment standard, or any other standard established by the City Manager.

Section 5. Monitoring facilities.

a. A SIU shall provide and operate at the SIU's own expense a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the Sanitary System. Each monitoring facility shall be situated on the SIU's premises, except where such a location would be impractical or cause undue hardship on the user. The City may authorize the facility to

be constructed in the public street or sidewalk area; provided, that the facility is located so that it will not be obstructed by landscaping, parked vehicles, or other moveable or fixed objects.

b. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.

c. All monitoring facilities shall be constructed and maintained in accordance with HCC Title 13, Standard Construction Practices, and the Uniform Plumbing Code.

d. The City Manager may waive the requirements of this section to provide and operate a monitoring facility upon formal request of the SIU if the City Manager determines that adequate inspection, sampling, and flow measurement of each industrial wastewater discharge can be conducted without a monitoring facility.

Section 6. Control manhole.

a. A SIU who discharges or proposes to discharge industrial waste into the Sanitary System shall construct and maintain a control manhole to allow inspection, sampling and flow measurement of each industrial wastewater discharge to the Sanitary System.

b. Any other industrial user shall, at the request of the City Manager, construct and maintain a control manhole to allow inspection, screening, sampling and flow measurement of each industrial wastewater discharge to the Sanitary System.

c. Each control manhole must be located on the user's premises; except, if the City Manager determines that such a location will be impractical or cause undue hardship on the user, he may allow the control manhole to be located off the user's premises; provided, that the control manhole is located so that the control manhole is readily accessible and will not be obstructed by landscaping, parked vehicles, or other obstructions. There shall be ample room in and near the control manhole to allow accurate sampling and preparation of samples for analysis. The user shall maintain the control manhole in a safe and proper operational condition. The control manhole shall be accessible at all times.

d. To assure that the control manhole is acceptable for use by the City, drawings and specifications for the control manhole shall be submitted to the City Manager for review and approval with the application for an IWAN or upon request of the City Manager.

e. The requirements of this section may be waived by the City upon formal request of the user if the City Manager determines that adequate inspection, sampling, and flow measurement of each industrial wastewater discharge of the user can be conducted without a control manhole.

f. The City may have access to the control manhole for the purpose of inspection and sampling, including flow measurement, upon request and without the need for a search warrant.

Section 7. Inspection and sampling.

a. The City is authorized to enter to inspect and take samples from the control manholes, monitoring facilities, and wastewater pretreatment facilities and to inspect and copy records of a SIU to determine compliance with the requirements of this manual. The SIU shall allow the City's representatives, upon exhibiting proper credentials and identification, to enter upon the premises of the user at reasonable hours for the purposes of inspection, sampling or inspection and copying of records. Reasonable hours include any time the SIU is operating any process which results in the introduction of wastewater into the Sanitary System.

b. The City may set up on the SIU property such devices as are necessary to conduct sampling, inspection, compliance monitoring or metering operations.

Section 8. Dilution prohibited.

A user may not increase the use of potable or process water or in any way dilute or attempt to dilute a discharge as a substitute for treatment to achieve compliance with the limitations contained in this section or with any other applicable standard, limitation, or regulation. The City Manager may impose mass limitations on users that are or may be using dilution to meet the requirements of this section, or in other cases where the imposition of mass limitations is deemed appropriate by the City Manager.

Section 9. Accidental discharges and slug loads.

a. Each user shall provide adequate protection from the accidental discharge of prohibited or regulated materials or substances established by this manual. Any facilities or equipment

necessary to prevent the accidental discharge of prohibited materials shall be provided and maintained at the user's expense.

b. Users shall notify the City Manager immediately upon the occurrence of an accidental discharge of substances prohibited by this manual or of any other discharge that could impair or interfere with the Sanitary System, including a slug load. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions taken. In addition, the user shall immediately notify the ADEC of the discharge.

c. Within five days following a discharge described in this section, the user shall submit to the City Manager a detailed written report describing the cause of the discharge or slug load and measures to be taken by the user to prevent similar future occurrences.

d. Such written notifications shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the Sanitary System; nor shall such notification relieve the user of any fines, civil penalties or other liabilities which may be imposed by City ordinance or any other applicable law.

e. The report required by this section shall be signed by a principal executive officer of the user, or his or her designee.

Section 10. Operating upsets.

a. A user who experiences an upset in operations that places the user in noncompliance with this manual shall inform the City Manager of the upset within 24 hours of becoming aware of the upset. A written follow-up report thereof shall be filed by the user with the City Manager within five days of notification. The report shall include:

1. A description of the upset, the cause thereof and the upset's impact on the user's compliance status;
2. Duration of noncompliance, including exact dates and time of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur; and
3. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

b. A documented, timely reported and verified bona fide operating upset shall, to the extent reported, be an affirmative defense to any criminal enforcement action brought by the City against the user under HCC _____ for any noncompliance with the provisions of this manual which arises out of violations alleged to have occurred during the period of the upset.

Commented [AG2]: Will there continue to be criminal enforcement of this policy? If so, flagging this issue for future revision.

Commented [AG3]: Add citation later.

Article III. Records and Reporting

Section 1. Industrial wastewater acceptance notification.

a. The City Manager shall notify the SIU or proposed SIU of the City's acceptance of its application by issuing an industrial wastewater acceptance notification (IWAN). The IWAN shall contain such terms and conditions as the City Manager determines are necessary to achieve the purposes of this manual. Issuance of an IWAN constitutes authorization to connect to the Sanitary System. If the City Manager rejects the application, he shall notify the applicant in writing of the rejection of the application. The City Manager may require the user to submit additional information prior to accepting or rejecting the application. The City of Homer Department of Public Works will evaluate the application and data furnished by the user and may require additional information. Within 30 days after evaluation of a complete application for industrial wastewater acceptance, the City shall notify the applicant of the acceptance or the rejection of the application.

b. The IWAN shall include the following:

1. Fees and charges to be paid upon initial permit issuance;
2. Limits on the average and maximum wastewater constituents and characteristics regulated thereby;
3. Limits on average and maximum rate and on time of discharge and/or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Compliance schedules;
6. Self-monitoring requirements;

7. Requirements for submission of any technical reports or discharge reports in addition to those prescribed by this manual; and

8. Special conditions as the City may reasonably require under particular circumstances of a given discharge including sampling locations; frequency of sampling; number, types and standards for sampling and testing; reporting schedules; and City inspection and sampling.

c. The City reserves the right to amend an IWAN issued hereunder in order to assure compliance with applicable laws and regulations.

d. When a national categorical pretreatment standard is promulgated, the City shall revise the IWAN of each user subject to such standard to assure compliance with such standard within the time frame prescribed by such standard. If the user has not previously submitted an application for an IWAN, the user shall submit an application for an IWAN to the City within 180 days after the effective date of the applicable national categorical pretreatment standard or such shorter time as may be required to meet State or Federal requirements. A user for whom an IWAN is in effect shall submit to the City within 180 days after the promulgation of the applicable national categorical pretreatment standard the information required by HCC 14.05.220.

e. The City shall inform the IWAN holder of any proposed changes in its IWAN at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

f. The IWAN is issued to a specific user for a specific operation in a specific location and is not assignable to another user or transferable to another location; provided, the IWAN may be transferred to a successor to the use in a specific location with the prior written approval of the City.

g. An IWAN expires five years after the date of its issuance and may be amended, modified and revoked at any time as provided in this manual.

h. Each SIU shall be subject to issuance of a new IWAN with appropriate modifications if it changes the process or the wastewater characteristics. Any changes or new conditions in the IWAN shall include a reasonable time schedule for compliance.

Section 2. Reporting requirements – General.

a. Initial Compliance Report. Within 90 days following the date of issuance of an IWAN to a SIU, or within 90 days following the deadline for compliance with an applicable national categorical pretreatment standard, the SIU shall submit to the City a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge into the Sanitary System, and the average and maximum daily flow of wastewater into the Sanitary System in gallons. The report shall state whether applicable pretreatment standards or requirements are being met on a consistent basis and, if they are not, the report shall specify in conformity with HCC 14.05.220(c) what additional operations and maintenance or pretreatment measures are necessary to bring the discharger into compliance with applicable pretreatment standards or requirements.

b. Biannual Compliance Report. A user to which an IWAN is issued shall submit to the City a biannual report. The report shall be filed two times a year, on or before January 31st and on or before July 31st of each year, and shall cover activities during the six months preceding the month in which the report is due. The report shall state the nature and concentration of discharged substances regulated by this manual. The report shall include a record of all daily flows during the reporting period. Flows shall be reported on the basis of actual measurement; however, where cost or feasibility considerations justify, the City may accept reports of average and maximum flows, estimated by verifiable techniques. The City Manager may for good cause shown, considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, authorize the submission of said reports for different periods of time.

c. Notice of Substantial Change in Discharge. All users shall promptly notify the City in advance of any substantial change in the volume or character of the pollutants in their discharge.

d. Reports required by this section shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration of substances in the discharge, or production and mass where required by the City. The reports shall contain such additional information as is required by the user's IWAN, and shall be based on the self-monitoring requirements contained in the user's IWAN. Reports and statements shall be signed by an authorized representative of the discharger.

e. All sampling and analyses shall be performed in accordance with sampling and analytical procedures required by 43 CFR Section 403.12 or approved by the administrator of the U.S. Environmental Protection Agency or by the City Manager.

Section 3. Reporting requirements for industrial users subject to Federal categorical pretreatment standards.

Upon the establishment by the EPA of a Federal categorical pretreatment standard, all industrial users subject to the Federal categorical pretreatment standard shall submit to the City such report as required under Federal regulations, 40 CFR Section 403.12, within the time specified in that section. The City will process all required reports and will conduct follow-up on such reports as required.

Section 4. Records retention.

Each user subject to this manual shall retain and preserve for three years all records, including books, documents, memoranda, reports, correspondence and all summaries thereof, relating to its discharge, including all monitoring, sampling and chemical analyses made by or on behalf of the user in connection with its discharge. All records that pertain to matters that are the subject of administrative adjustment or any other enforcement or litigation actions brought by the City shall be retained and preserved by the user until all enforcement activities have concluded and the time for appeal has expired.

Section 5. Confidential treatment of information and data.

The user may request that information and data furnished to the City with respect to any proprietary process of the user be treated as a confidential submission. If the City determines that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user, it shall keep the information and data confidential and shall not disclose the information, except where release is otherwise required by law and except for release to a City, State or Federal agency with jurisdiction over the user's discharge for uses related to the user's compliance with City, State and Federal water pollution regulations. Otherwise, the information and data shall be available to the public or other governmental agency without restriction. Wastewater constituents and characteristics will not be recognized as confidential information.

Section 6. Falsifying information.

No person may knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this manual, or falsely tamper with, or knowingly render inaccurate, any monitoring device or method required under this manual.

Article IV. Enforcement

Section 1. Emergency suspension of service and of industrial wastewater acceptance.

a. Upon notice to the user and a reasonable opportunity for an informal hearing, the City shall order the suspension of Sanitary System service to a user, or shall withdraw the IWAN of a user when it appears to the City that an actual or threatened discharge:

1. Presents or threatens to present an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment; or
2. Interferes or threatens to interfere with the operation of the Sanitary System; or
3. Violates or threatens to violate any pretreatment limits imposed by this manual or by the IWAN.

b. A user notified of the City's suspension order shall immediately cease all discharges into the Sanitary System. If the discharger fails to comply with the suspension order, the City shall commence judicial proceedings to compel the user's compliance with such order or to recover civil penalties. The City shall reinstate the IWAN and the Sanitary System service upon proof by the user of the elimination of the noncomplying discharge or conditions creating the threat that led to the suspension order.

Section 2. Termination of treatment services.

a. A user may not:

1. Fail to report the wastewater constituents and characteristics of its discharge;
2. Fail to report significant changes in wastewater constituents or characteristics;
3. Refuse reasonable access pursuant to a search warrant or other court order to the user's premises by the City for the purpose of inspection, sampling or copying; or

4. Violate any other provisions of this manual or any order of the City with respect thereto.

b. The City may terminate wastewater treatment service by shutting off the public water supply to any discharger who violates any of the foregoing prohibitions.

Section 3. City of Homer – Right of access.

If a user refuses to grant a right of entry, the City may seek a search warrant or order from the Superior Court compelling the user to submit to entry, inspection, sampling and copying.

Section 4. Notification of violation – Appeal.

Whenever the City determines that a user has violated or threatens to violate the prohibitions of this manual or any permit, plan, or IWAN authorized or issued under this manual, the City shall cause to be served upon such user a written notice, either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within 15 days of the date of receipt of the notice, the user may respond personally or in writing by certified or registered mail, return receipt requested, to the City, advising of its position with respect to the allegations. The user shall be given the opportunity to meet with the City or respond to the alleged violations and to propose a plan to correct the alleged violations. The City shall issue a written decision determining whether there is a violation and, if necessary, whether the proposed plan is acceptable.

Section 5. Show cause hearing.

If a violation of this manual is not corrected by administrative adjustment under HCC 14.05.420, then the City Manager shall order the user to show cause why service should not be terminated or other enforcement action, including imposition of a civil penalty, should not be taken. A written notice shall be served on the user by personal service, or by certified or registered mail, return receipt requested, specifying the time and place of the hearing to show cause. The notice of the hearing shall be served no less than 10 days before the hearing. Service may be made on any agent, officer or authorized representative of the discharger. After the hearing, the City Manager shall issue a written decision which may include appropriate orders with respect to the violations of the manual and may include a civil penalty in accordance with HCC 14.05.435. The City Manager's decision constitutes final administrative action for purposes of judicial review.

Section 6. Administrative interpretation.

Commented [AG4]: This administrative process for handling violations may have to be in ordinance. Flagging this issue for future review.

Commented [HW5R4]: In the 9-12-19 Draft Manual submitted to Council, the penalties were relocated into the Code but, as Anmei recommends, the proper location and scope of the violation and penalty provisions should be revisited when the City has the resources to revise the Manual. Further, once an industrial user exists in Homer, we would recommend the City prioritize revisions of this Manual and corresponding Code provisions, if needed.

Commented [AG6]: See comment 4.

Commented [AG7]: See comment 4.

Any person may request in writing an interpretation or ruling by the City on any matter covered by this manual and is entitled to a prompt written reply. In the event that such inquiry is by a user and deals with matters of performance or compliance with this manual for which enforcement activity is pending, receipt of a user's request shall not stay the enforcement activity.

Section 7. Recovery of costs incurred by the City.

A user who violates any of the provisions of this manual, or who discharges or causes a discharge producing interference with, deposit in, or obstruction of the Sanitary System, or who causes damage to or impairs the City's Sanitary System, shall be liable to the City for any expense, loss or damage caused by such violation or discharge. The City shall bill the user for the cost incurred by the City for any cleaning, repair or replacement work caused by the violation or discharge.

Commented [AG8]: This section does not assess a "penalty," but merely asserts a right the City already has (to recover loss or damages) so I think it can stay in the policy. Deleting the language referring to violation.

WATER AND SEWER FINE SCHEDULE (excerpt from HCC 1.16.040)

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
HCC 14.04.050	Sewer extension or connection – Permit required	\$300.00
HCC 14.04.070	Destruction of private sewage disposal system after connection to City sewer system	\$300.00
HCC 14.04.090	Industrial waste disposal – Permit required Discharge of surface drainage into City sewer	\$300.00
<u>HCC 14.04.100</u>	<u>Discharge of drainage into Sanitary System prohibited</u>	<u>\$300.00</u>
HCC <u>14.08.040</u> 14.08.030	Water extension or connection – Permit required	\$300.00
HCC 14.08.040	Connection to private water system – Permit required	\$300.00
<u>HCC 14.08.075</u>	<u>Operation of valves, hydrants, curb stops – authorized persons only</u>	<u>\$300.00</u>
HCC 14.08.105	Resale of City water – Permit required	\$300.00
<u>HCC.14.08.170</u>	<u>Filling station – permit required</u>	<u>\$300.00</u>



City of Homer

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Memorandum

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: September 11, 2019
SUBJECT: HAWSP History and Finances

9.16.010(b) An additional consumer's sales tax in the amount of three-quarters percent is hereby levied by the City of Homer on all sales, rents and services within the City except as the same may be otherwise exempted by law, for the purpose of funding debt retirement of the sewer treatment plant improvements, and to the extent revenues from such tax exceed such debt retirement obligations, for the purpose of funding water and sewer systems.

The purpose of this memo is to guide Council in policy decisions regarding the HAWSP fund, HAWSP Policy Manual and the topic of reopening borrowing against the fund for water/sewer special assessment districts (SADs).

History of the HAWSP Fund

In 1987, voters approved a dedicated sales tax of .25% for debt retirement on improvements to the Sewer Treatment Plant in the amount of \$4.4M.

In 1991, the dedicated tax was increased to .75% to fund an additional \$6.8M in debt service associated with a \$20M Sewer Treatment Plant.

In 1999, Ordinance 99-14(S)(A) determined that the fund had accumulated significant revenue above and beyond debt service obligations for the Sewer Treatment Plant and asked the voters to allow the revenue to fund water and sewer systems in addition to the debt service and repeal the sunset clause that set the sales tax to expire in 2012.

On January 1st, 2011, the City of Homer changed the designation of the Utility Fund from an Enterprise Fund to a Special Revenue (governmental) Fund, citing that it was not a true revenue fund because sales tax dollars (HAWSP) were subsidizing the fund through the construction of infrastructure such as waterlines and major acquisitions.

History of Major Projects Funded Through HAWSP

1987 – Sewer Treatment Plant: \$4.4M

1999 – Sewer Treatment Plant \$6.8M

2008 – Water Treatment Plant \$8M

1998-2016 - \$14.5M borrowed for special assessment districts that are still open (\$6M of which is still owed)

Please note: These projects are funded through the Alaska Clean Water Fund at 1.5% interest.

More Recent History

In 2016 via Resolution 16-041(s-2)(A), City Council established a policy in the HART and HAWSP operating manuals to “state that expenditures under each program are subject to the availability of funds, after maintaining a debt-service coverage ratio of 1.25 or above.”

Later that year, Homer City Council approved Kachemak Drive Phase III and Eric Lane SADs, which placed an additional \$630,000 in debt on the fund, prompting City Council to suspend SADs in Resolution 16-074.

Calculating the debt service ratio as a snapshot in time may not be ideal because a completed large project with no revenue incorporated into the City’s financial statements would skew the ratio. A more accurate picture would be to calculate the ratio based on the previous year’s audit number. The table below has been generated with that information:

Debt Service Ratio Based on Previous Year’s Audit Number:	2016	2017	2018
Debt Service	\$1,036,468	\$1,021,347	\$1,043,690
Overhead fee	\$138,288	\$135,856	\$137,309
Total expenses	\$1,174,756	\$1,157,203	\$1,180,999
Sales Tax	\$1,275,554	\$1,307,539	\$1,244,495
Assessment Revenue	\$600,591	\$434,321	\$543,600
Total Revenue	\$1,876,145	\$1,741,860	\$1,788,095
Ratio Sales Tax Only+	1.23	1.28	1.19
Debt Service Ratio, all revenue vs all expenditures*	1.60	1.51	1.51

Other Metrics Council May Want to Look at for Health of Fund:

Ending HAWSP Fund Balance	(\$3,940,743)	(\$3,356,086)	(\$2,748,990)
Deferred assessments	\$3,865,756	\$4,244,415	\$3,773,816
Total Liabilities, Deferred Inflows of Resources and Fund Balances (Deficits)	(\$74,987)	\$888,329	\$1,024,826

+ Under City Code, revenues from such tax (3/4 of 1%) must *exceed debt retirement obligations* to permit funding water and sewer systems, which excludes assessment revenue.

*The definition of debt service coverage ratio is the ratio of operating income available to debt servicing for interest and principal payments

Understanding the Negative Position of HAWSP

HAWSP has run a negative fund balance since the utility fund transferred from an Enterprise Fund to a Special Revenue Fund. The 2010 budget reflects an \$11M adjustment to fund balance when moved to a Special Revenue Fund. As you know, an Enterprise Fund is a business fund and has to account for depreciation, long term debt, and such. The ending balance of HAWSP in 2017 (our most recent

audited numbers) was negative \$3,356,086. However, as you see in the next row in the “Other Metrics Council May Want to Look at for Health of Fund” table, the City of Homer is owed \$4,244,415 in deferred assessments – payments that property owners will make over the next 20 years. This projected revenue cannot be counted as income because it has not been realized. The last row indicates how much the fund would have in it if we collected the \$4,244,415, i.e. if we were able to collect on all the debt today. HAWSP operates as a debt service fund to the utility fund. Per the Governmental Accounting Standards Board (GASB), “debt service funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest. Debt service funds should be used to report resources if legally mandated. Financial resources that are being accumulated for principal and interest maturing in future years also should be reported in debt service funds.”

What is the best metric for the health of the fund?

Running a negative balance in the fund is a policy decision for Council. However, debt service ratio might not be the best tool to use to measure the health of the fund as your debt service fund. Debt service (explicitly defined) and fund balance combined may provide a more comprehensive snapshot of the fund as it measures both inflow of cash and deferred revenues. Another possibility would be to establish a maximum amount of debt service, or risk, the fund is willing to absorb.

Lifting the Moratorium on New Special Assessment Districts

Council needs to decide if the moratorium on new water and sewer SADs established in Resolution 16-074 should be lifted. If the moratorium is lifted, policy decisions such as how new projects are prioritized should be discussed by Council.

Resolution 16-074 directed the Homer Advisory Planning Commission to develop procedures for applying and lifting the debt service ratio. The Commission had significant conversation regarding HAWSP, including draft updates to the policy manual, which are included in your packet. However, the policy manual and final recommendations were never formally forwarded to Council for review, likely due to the same struggles with understanding the financing of the fund that Councilmembers have expressed. It is my hope that by walking Council through a couple of scenarios, combined with potentially bringing in our in-house audit counsel to discuss the funds, Council will feel comfortable enough with the mechanisms of HAWSP to make important policy decisions regarding its future.

Next Steps

Give staff feedback on outstanding questions regarding HAWSP to research. Schedule a follow-up work session (next available date is October 28). Discuss bringing in-house audit counsel to walk through the mechanism of the fund. Give staff input for potential revisions to HASWP Policy Manual.

Enc:
2017 audit pages for HAWSP
Resolution 16-041(s-2)(A)
Resolution 16-074

City of Homer, Alaska
Utility Special Revenue Fund
Combining Balance Sheet

<i>December 31, 2017</i>	Utility Operations	HAWSP Debt Service	Utility Capital Projects	Utility Reserves	Total Utility Fund
Assets					
Cash and investments	\$ 2,825,178	\$ (3,560,668)	\$ (1,006,073)	\$ 4,889,799	\$ 3,148,236
Receivables					
Accounts	258,646	-	-	-	258,646
Sales taxes	-	204,582	-	-	204,582
Assessments	-	4,244,415	-	-	4,244,415
State and Federal grants and loans	-	-	-	-	-
Due from other funds	-	-	-	-	-
Total Receivables	258,646	4,448,997	-	-	4,707,643
Inventory	400,169	-	-	-	400,169
Total Assets	\$ 3,483,993	\$ 888,329	\$ (1,006,073)	\$ 4,889,799	\$ 8,256,048
Liabilities					
Accounts payable	\$ 128,556	\$ -	\$ -	\$ 12,569	\$ 141,125
Accrued payroll and related liabilities	19,656	-	-	-	19,656
Customer deposits	43,963	-	-	-	43,963
Total Liabilities	192,175	-	-	12,569	204,744
Deferred Inflows of Resources					
Deferred assessments	-	4,244,415	-	-	4,244,415
Total Liabilities and Deferred Inflows of Resources	192,175	4,244,415	-	12,569	4,449,159
Fund Balances (Deficits)					
Nonspendable - inventory	400,169	-	-	-	400,169
Assigned - water and sewer	2,891,649	(3,356,086)	(1,006,073)	4,877,230	3,406,720
Total Fund Balances (Deficits)	3,291,818	(3,356,086)	(1,006,073)	4,877,230	3,806,889
Total Liabilities, Deferred Inflows of Resources and Fund Balances (Deficits)	\$ 3,483,993	\$ 888,329	\$ (1,006,073)	\$ 4,889,799	\$ 8,256,048

City of Homer, Alaska
Utility Special Revenue Fund
Combining Schedule of Revenues, Expenditures, and Changes in Fund Balances (Deficits)

<i>Year Ended December 31, 2017</i>	Utility Operations	HAWSP Debt Service	Utility Capital Projects	Utility Reserves	Total Utility Fund
Revenues					
Sales taxes	\$ -	\$ 1,307,539	\$ -	\$ -	\$ 1,307,539
Intergovernmental:					
Federal sources	-	-	6,441	-	6,441
State sources	35,599	-	25,531	-	61,130
Total intergovernmental	35,599	-	31,972	-	67,571
Charges for services:					
Water charges and connection fees	1,889,034	-	-	-	1,889,034
Sewer charges and connection fees	1,753,457	-	-	-	1,753,457
Total charges for services	3,642,491	-	-	-	3,642,491
Water and sewer special assessments	-	434,321	-	-	434,321
Investment income	11,833	-	-	-	11,833
Total Revenues	3,689,923	1,741,860	31,972	-	5,463,755
Expenditures					
Water:					
Pumping system	113,820	-	-	-	113,820
Treatment plant and operations testing	608,763	-	-	-	608,763
Distribution system and reservoir	354,070	-	-	-	354,070
Water meters	161,104	-	-	-	161,104
Water hydrants	197,791	-	-	-	197,791
Administration	422,359	135,856	-	-	558,215
Total water	1,857,907	135,856	-	-	1,993,763
Sewer:					
Pumping system	846,557	-	-	-	846,557
Collection system	230,854	-	-	-	230,854
Administration	389,226	-	-	-	389,226
Total sewer	1,466,637	-	-	-	1,466,637
Debt service:					
Principal	-	855,836	-	-	855,836
Interest	1,506	165,511	-	-	167,017
Total debt service	1,506	1,021,347	-	-	1,022,853
Capital outlay	-	-	832,738	125,912	958,650
Total Expenditures	3,326,050	1,157,203	832,738	125,912	5,441,903
Excess of Revenues Over (Under)					
Expenditures	363,873	584,657	(800,766)	(125,912)	21,852
Other Financing Sources (Uses)					
Eliminating transfers	(599,965)	-	-	599,965	-
Proceeds from issuance of long-term debt	-	-	162,900	-	162,900
Transfers in	180,955	-	-	-	180,955
Transfers out	-	-	-	(43,398)	(43,398)
Net Change in Fund Balances	(55,137)	584,657	(637,866)	430,655	322,309
Fund Balances (Deficits), beginning	3,346,955	(3,940,743)	(368,207)	4,446,575	3,484,580
Fund Balances (Deficits), ending	\$ 3,291,818	\$ (3,356,086)	\$ (1,006,073)	\$ 4,877,230	\$ 3,806,889

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 16-041(S-2)(A)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART) POLICY MANUAL TO CHANGE THE ALLOCATION OF COSTS FOR STREET RECONSTRUCTION AND NEW STREET CONSTRUCTION, AND THE BASIS FOR ASSESSING SUCH COSTS; AMENDING THE HART AND HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) POLICY MANUALS TO STATE THAT EXPENDITURES UNDER EACH PROGRAM IS SUBJECT TO THE AVAILABILITY OF FUNDS; REFERRING THE DEVELOPMENT OF A MATCHING GRANT PROGRAM FOR SMALL SCALE GREENWAY TRAILS TO THE PARKS AND RECREATION ADVISORY COMMISSION; AND REFERRING OTHER REVISIONS OF THE HART POLICY MANUAL TO THE HOMER ADVISORY PLANNING COMMISSION FOR ITS REVIEW AND RECOMMENDATIONS.

WHEREAS, It is in the best interest of the City and its residents to encourage the reconstruction of streets and the construction of new streets with funding from Homer Accelerated Roads and Trails Program (HART) funds; and

WHEREAS, Revising the formula for funding street reconstruction and new street construction from HART funds will provide a better incentive for property owners to participate in special assessment districts (SAD) for street reconstruction and new street construction; and

WHEREAS, Uniformity between HART and the Homer Accelerated Water and Sewer Program (HAWSP) with regard to the basis for allocating special assessments is desirable; and

WHEREAS, The HART Policy Manual is in need of updating and reorganization, and it would be appropriate to refer this matter to the Homer Advisory Planning Commission for its review and recommendations.

NOW, THEREFORE, BE IT RESOLVED that Paragraph III.A.1.j of the Homer Accelerated Roads and Trails Program (HART) Policy Manual is amended to read as follows (additions bold and underlined; deletions stricken through):

j. For special assessment districts initiated on or before May 10, 2016, property owner contribution through SAD process by paying \$30 per front foot for gravel and \$17 per front foot for paving cost of a residential standard street and the city pays all costs for

additional improvements deemed necessary. For special assessment districts initiated after May 10, 2016, property owner contribution through SAD process of 25% of project cost for street reconstruction or new street construction on an equal assessment per lot basis for cost of a residential standard street and the city pays all costs for additional improvements deemed necessary.

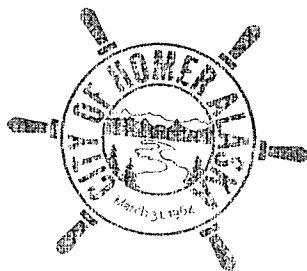
BE IT FURTHER RESOLVED that each of the Homer Accelerated Roads and Trails Program (HART) and Homer Accelerated Water and Sewer Program (HAWSP) Policy Manuals is amended to state that expenditures under each program are subject to the availability of funds, after maintaining a debt-service coverage ratio of 1.25 or above.

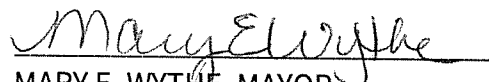
BE IT FURTHER RESOLVED that the Council refers to the Homer Advisory Planning Commission for its review and recommendations the subject of revising the HART Policy Manual to achieve the following goals: (i) update and improve the organization and readability of the HART Policy Manual; (ii) make policies in the HART Policy Manual as consistent as possible with the policies in the Homer Accelerated Water and Sewer Program (HAWSP) Policy Manual; and (iii) review project eligibility; (iv) provide for the funding of special assessment districts for sidewalks with HART funds; and (v) develop a matching grant program for small scale greenway trails.

BE IT FURTHER RESOLVED that the Council refers to the Parks and Recreation Advisory Commission for its review and recommendations the subject of revising the HART Policy Manual to develop a matching grant program for small scale greenway trails.

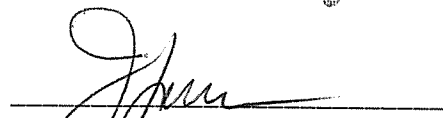
PASSED AND ADOPTED by the Homer City Council this 9th day of May, 2016.

CITY OF HOMER




MARY E. WYTHE, MAYOR

ATTEST:


JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 16-074

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
PLACING A MORATORIUM ON ALL NEW WATER OR SEWER
SPECIAL ASSESSMENT DISTRICTS UNTIL THE DEBT SERVICE
RATIO FOR THE HOMER ACCELERATED WATER AND SEWER FUND
IS ABOVE 1.25 AND DIRECTING THE HOMER ADVISORY PLANNING
COMMISSION TO DEVELOP PROCEDURES FOR APPLYING AND
LIFTING THE DEBT SERVICE RATIO RESTRICTIONS.

WHEREAS, The Homer Accelerated Water and Sewer (HAWSP) Fund is made up of a
combination of special assessment district (SAD) payments and a ¾% dedicated sales tax;
and

WHEREAS, The HAWSP Fund is used to pay the City's share of water and sewer
improvements and pay back low interest loans for improvements initiated through local
special assessment districts; and

WHEREAS, The HAWSP Fund has significant debt burden and Council is concerned
with the fund's ability to meet current and future debt obligations; and

WHEREAS, To address fiscal solvency concerns, Council instituted a minimum debt
service ratio of 1.25 in Resolution 16-041(S-2)(A) in order to initiate new special assessment
districts; and

WHEREAS, The recent approval of Kachemak Drive Phase III and Lillian Walli SADs
place the current debt service ratio below 1.25; and

WHEREAS, Procedures must be developed as to how the debt service ratio is applied,
when and how it is lifted, and what to do about requests for SADs that come forward during
the interim; and

WHEREAS, As an example, Mission Road attempted to initiate a new water special
assessment district recently that was denied because of the current debt service ratio and
should be first on the list when the moratorium on special assessment districts is lifted.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, places a
moratorium on all new water or sewer special assessment districts.

BE IT FURTHER RESOLVED that the City Council directs the Homer Advisory Planning Commission to develop a recommendation to Council on procedures for:

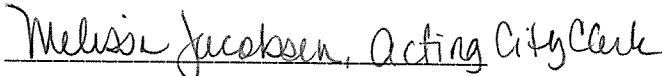
- How the City should apply the debt service ratio
- When the debt service ratio should be calculated
- When pending HAWSP projects should be inputted into the debt service ratio calculation
- A process for keeping track of and prioritizing special assessment district requests that occur while a moratorium on new districts is in effect
- A process for lifting and implementing a moratorium on water and sewer special assessment district projects

PASSED AND ADOPTED by the Homer City Council this 27th day of June, 2016.

CITY OF HOMER


MARY E. WYTHE, MAYOR

ATTEST:


JO JOHNSON, MMC, CITY CLERK



Fiscal Note: N/A

H. A. W. S. P. POLICY MANUAL

(Homer Accelerated Water and Sewer Program)

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- I. Purpose**
- II. Definitions**
- III. Qualifying Criteria**
- IV. Financing/Assessments**
- V. Special Provisions**
- VI. History**

I. PURPOSE

The purpose of the program is to provide a funding mechanism for improvements to the city's water and sanitary sewer systems. The intent of the program is to improve the health and welfare of the citizens of Homer by connecting residences and businesses to municipal water and sewer, thereby increasing the number of users on the system, increasing property values and improving the quality of life. The HAWSP program funding is provided by a voter approved dedicated sales tax, and assessments levied on benefited properties.

II. DEFINITIONS

- A. Debt Ratio. The debt service coverage ratio is a measure of the ability of the HART fund revenues to pay the annual debt expenses. HART revenues are generated by sales tax, and collection of assessment principle and interest payments due from benefitted properties. HART debts include general fund overhead costs, debt principle, and interest payments. The ratio is calculated as:

Debt Service Ratio = net income/debt and expense payments

- B. Homer Water and Sewer Master Plan - an adopted plan of the City that provides guidance on future improvements and expansions to the municipal water and wastewater facilities.

III. QUALIFYING CRITERIA

To be eligible for HAWSP funds, properties and projects must meet the qualifying criteria below:

A. Qualifying criteria for existing properties:

1. Original subdivision was prior to June 28, 1999 (research me/Revise – maybe state may not be used by private developers to pay for required improvements.)
2. Original subdivision was prior to annexation into the City.

B. Project Criteria. The following criteria may be considered for using HAWSP funds:

1. Homer Water and Sewer Master Plan inclusion or forwards a goal of that plan
2. Health and Safety
3. Correct deficiencies of existing systems
4. System wide basis versus local needs
5. Complete utility loop
6. Encourage economic development
7. Correct problems
8. Reduce maintenance costs
9. Property owner contribution through SAD process
10. Other factors deemed appropriate by the City Council

IV. FINANCING/ASSESSMENTS

1. Pursuant to Ordinance 99-14(S)(A) the program may utilize the sales tax revenue of the $\frac{3}{4}$ of 1% sales tax and shall be used for water and sewer system improvements.
2. The utility improvements will be financed on a combined pay as you go basis as well as possible sale of revenue or assessment bonds, future bond sales or even the need for a General Obligation Bond if so deemed necessary by the Homer City Council and as recommended by staff.
3. Interest, if any, generated from the program will remain with the program funds.
4. The City will attempt to obtain long term financing for up to twenty years for the private share of funding.
5. Abutting property owners will share the cost of water and sewer construction by paying the cost sharing specified in the fee schedule as adopted in the year the project or special assessment district was initiated.
6. The City will pay all costs for any additional improvements required when deemed necessary by the City.
7. Additional easements required will be paid by this program, at no additional cost to abutting property owners.

8. Expenditures under the HAWSP program are subject to the availability of funds, after maintaining a debt-service coverage ratio of 1.25 or above.

V. SPECIAL PROVISIONS

A. Policy Provisions

1. The criteria, debt service ratio and the fund balance for the HAWSP shall be reviewed annually by the Homer City Council.
2. Non-existing water and sewer improvement districts shall be encouraged whenever possible.
3. Whenever and wherever practical road improvements shall be done in conjunction with the water and/or sewer project, but not before.
4. When practical, the intent of the program is to eliminate non-conforming service lines.

B. Exemption Provisions

1. No parcel shall be double assessed nor shall be included in two like assessment districts.
2. The City Council may exempt lands from assessment if the land will not be developed due to a conservation easement, or if the land is owned by a conservation organization that holds the land for public purpose or for habitat protection.

VI. HISTORY

Resolution 99-53, Resolution 01-21, Resolution 03-80, Resolution 05-50(A), April 25, 2005
Resolution 16-041(S-2)(A), May 9, 2016

Ordinance 99-14(S)(A), Ordinance 02-48, December 10, 2002, Ordinance 12-15, April 10, 2012
Ordinance 16-20

H. A. W. S. P.

(Homer Accelerated Water Sewer Program)

POLICY MANUAL

Updated August 2012

HAWSP Original, June 22, 1999
Approved by Council via Resolution 99-53
June 28, 1999 Program Authorized

ERRATA

I. PURPOSE/INTENT – In General

II. QUALIFYING CRITERIA

1. Grandfather list updated, changes to Hillside Acres Sewer and Water and the Addition of West Lakeshore Drive Water and Sewer.
2. Resolution 03-80, deleted the methodology from Qualifying Criteria and placed more appropriately under Financing/Assessments.

III. FINANCING/ASSESSMENTS

1. Ordinance 99-14(S)(A), to use unexpended $\frac{3}{4}$ of 1% sales tax revenues not used for debt retirement for funding water and sewer systems.
2. Resolution 01-21, amended the assessment methodology.
3. Resolution 03-80, amended the interest and payment date.
4. Resolution 03-80, assessment methodology set at equal shares.
5. Ordinance 16-20, amended petition signatures required to record owners of real property that would bear not less than 50% of the assessed cost of the improvement.

IV. SPECIAL PROVISIONS, In Lieu of Agreements, Deferred Assessments

1. Ordinance 02-48, Subdividing. 17.04.095 and 17.04.180; **Ordinance 12-15 - 17.04.100** .
12. Added by Resolution 05-50, Exempting Certain Lands.

GENERAL STATEMENTS

H. A. W. S. P. POLICY MANUAL

TABLE OF CONTENTS

- I. Purpose/Intent – In General**
- II. Qualifying Criteria**
- III. Financing/Assessments**
- IV. Special Provisions**

I. PURPOSE/INTENT – IN GENERAL

1. The H.A.W.S.P. is a combined local funding source of unexpended dedicated sales tax and dedicated sales tax, once the sewer debt is paid, and assessments to upgrade approximately 500+ homes to City water and/or sewer service.
2. The intent of the program is to improve the health and welfare of the Citizens of Homer by connecting residences to City water and/or sewer, thereby increasing the number of users on the system, increasing property values and improving the quality of life.
3. All water and/or sewer connections, upgraded, projects will be to City standards.
4. When practical, the intent of the program is to preclude the destruction of existing water and/or sewer services and, where practical, to eliminate spaghetti lines.
5. The criteria for the H.A.W.S.P. shall be reviewed annually by the Homer City Council.
6. No new subdivisions, formed after June 28, 1999, shall be eligible for this program.
7. Every attempt shall be made to include lots immediately adjacent to the water/sewer main lines within the project limits or boundaries as defined by the Public Works Department.

II. QUALIFYING CRITERIA

The following water and/or sewer Assessment Districts, aka, LIDs or SADs are on the books: These LIDs/SADs should be grandfathered into the program and will receive priority consideration. These LIDs/SADs are listed in chronological order.

These projects have been reassessed, pursuant to Resolution 01-21 for a property owner share of 50%.

The City Council's regular meeting is scheduled for May 28, Memorial Day. The Council may change the meeting date to Tuesday, May 29th.

1. Harrington Heights – Water & Sewer, Public Hearing set for May 28/29/2001. Objection period ends July 27/28, 2001.

2. Mariner Village/Thorn Subdivision – Water & Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.
3. Thompson Drive – Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.
4. Forest Glen Subdivision/Forest Glen Drive – Water & Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.
5. Salt Water Drive – Water and Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.
6. East Road – portion – Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.
7. Hillside Acres Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.
8. Hillside Acres Water, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.
9. W. Lakeshore Drive Water and Sewer, Public Hearing set for May 28/29, 2001. Objection period ends July 27/28, 2001.

Amendments to the schedule can be accomplished only by Council action.

LIDs/SADs Assessment Districts formed after March 27, 2001 shall be assessed 75% property owner share of the project.

All projects will be authorized only after a public hearing to insure public participation in the process pursuant to HCC 17.

The following criteria may be considered for qualifying as a water and/or sewer project.

- a. Health and Safety;
- b. Correct deficiencies of existing systems;
- c. System wide basis versus local needs;

- d. Complete utility loop;
- e. Encourage economic development;
- f. Correct problems;
- g. Reduce maintenance cost;
- h. Build to city standards prior to acceptance;
- i. Property owner contribution through LID/SAD process by paying \$1,100 per half acre increments for water and sewer each. With the exclusion of those 7 projects on the preceding page.
- j. Other factors deemed appropriate by the City Council.

III. FINANCING/ASSESSMENTS

1. Pursuant to Ordinance 99-14(S)(A) the program may utilize the unexpended sales tax revenue dedicated to sewer debt. Upon satisfaction of the sewer debt the $\frac{3}{4}$ of 1% sales tax shall continue and shall be used for water and/or sewer system improvements. Approved by the voters October, 1999.
2. A $\frac{3}{4}$ of one percent (3/4%) dedicated sales tax can be expected to generate approximately \$750,000 annually. The unexpended portion is projected to be approximately \$300,000.
3. The utility improvements will be financed on a combined pay as you go basis as well as possible sale of revenue or assessment bonds, future bond sales or even the need for a General Obligation Bond if so deemed necessary by the Homer City Council and as recommended by staff.
4. The City will attempt to obtain long term financing for up to twenty years for the private share of funding.
5. Interest, if any, generated from the program will remain with the program funds.
6. Abutting property owners will share the cost of the utilities.
7. The City will pay all costs for any additional improvements required when deemed necessary by the City.

8. Assessment payment date, penalty and interest shall be set as soon as the project has been accepted by the Public Works Department.

Interest and Payment Due date will be set by Resolution of the City Council (Resolution 03-80, May 27, 2003).

9. Methodology: Approved by Resolution 02-21 on March 27, 2001. The nine LIDs/SADs Assessment Districts named herein, under Qualifying Criteria, shall be assessed 50% of the project. Districts formed after March 27, 2001 shall be assessed 75% of the project. Via Council action on April 28, 2003 assessment methodology for HAWSP LIDs/SADs Assessment Districts will be equal shares. (Resolution 03-80, May 27, 2003)

10. Expenditures under the HAWSP program are subject to the availability of funds, after maintaining a debt-service coverage ratio of 1.25 or above. (Resolution 16-041(S-2)(A), May 9, 2016)

IV. SPECIAL PROVISIONS

1. Non existing water and sewer improvement districts shall be encouraged whenever possible. District is defined as: lots immediately adjacent to the water/sewer main lines within the project limits/boundaries as defined by Public Works.

2. HCC 17.04.170 Water and sewer connections required. The owner of property in a water or sewer special assessment district that contains an occupied building shall connect to the improvement constructed in the district within one year after the date that the resolution confirming the assessment roll for the district becomes final. (Ordinance 87-30, 1988; revised Ordinance 12-15, 2012)

3. HCC 14.04.020(e), the City sewer is considered as not available to a structure when the nearest City sewer is located more than 200 feet from any point on the boundary of the lot or parcel of land on which the structure is located. Sewer connection will be required within one year of sewer becoming available. (Ordinance 94-17(A))

4. Additional easements required will be paid by this program, at no additional cost to abutting property owners.

5. No parcel shall be double assessed nor shall be included in two like assessment districts.

6. Whenever and wherever practical road improvements shall be done in conjunction with the water and/or sewer project, but not before.
7. HCC 17.04.190, Deferment of assessment payments for senior citizens.
8. HCC 17.04.200, “In lieu of assessment”—determination of amount—terms.
9. HCC 17.04.200 “In lieu of assessments”, not to prevent inclusion in of property in future district.
10. 17.04.100 Subdivision after levy of assessments. (a) Except as provided in subsection (b) of this section, upon the subdivision of a property assessed as a single parcel, the amount of the assessment shall be allocated among the resulting lots that benefit from the improvement on the same basis that the assessment originally was allocated. (b) Upon the subdivision of a property assessed as a single parcel in an assessment district where assessments were levied in an equal amount per parcel (i.e., without regard to parcel area, dimension or other characteristic), then no resulting parcel, other than the parcel that contains the original connection to the improvement for which the assessment was levied, may connect to the improvement until a subdivided property connection fee is paid for the parcel. (1) The amount of the connection fee shall be equal to the amount of the original assessment, adjusted up or down by a percentage equal to the change in the Consumer Price Index, All Urban Consumers (CPI-U) for Anchorage, Alaska from the end of the calendar year preceding the original assessment date to the end of the calendar year preceding the date the parcel is connected to the improvement. (2) If the original assessment was payable in installments the city may enter into a written agreement for the payment of the connection fee in installments on terms that are substantially the same as those authorized for the payment of the original assessment, secured by a deed of trust on the parcel. (3) Upon receiving connection fee payments, the city shall allocate such payments to each property assessed in the district in proportion to the amount originally assessed against the property, either by adjusting the original assessment amount or disbursing a payment to the record owner at the time of disbursement. (Ordinance 02-48, December 10, 2002; revised by Ordinance 12-15, April 10, 2012)
11. 17.04.110 Assessments to be liens. Assessments are liens upon the property assessed and are prior and paramount to all liens except those having priority under State law. They shall be enforced in the same manner as property tax liens. (Ordinance 12-15, April 10, 2012)
12. Certain Lands that will not be Developed due to Conservation Easements or Owned by Organizations that Conserve Land for Public Purpose and/or Habitat Protection from the Homer Accelerated Roads Program and the Homer Accelerated Water and Sewer Program Assessment District Assessments on a Case by Case Basis and that Each Program Shall be Amended to Include this Exemption under Special Provisions. (Resolution 05-50(A), April 25, 2005)

Session 16-11, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on July 20, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, BRADLEY, HIGHLAND, STEAD, STROOZAS, VENUTI

STAFF: CITY PLANNER ABBODD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BRADLEY SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

Reconsideration

Adoption of Consent Agenda

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

A. Approval of Minutes of June 15, 2016

Chair Stead called for a motion to adopt the consent agenda.

STROOZAS/HIGHLAND SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

A. Staff Report PL 16-36, City Planner's Report

City Planner Abboud reviewed his staff report.

Commissioner Venuti suggested there be a ribbon cutting ceremony on the new east/west corridor at Grubstake.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 16-37, Conditional Use Permit 16-03 Soccer Association of Homer

City Planner Abboud reviewed the staff report.

Daniel Zatz with the Soccer Association of Homer said he is here to answer questions the Commission might have about the project. He commented briefly they are working with the City and Borough to finalize the lease on the property and hope to begin excavation in August. Their goal is to have the structure up and ready to use by mid-October.

Chair Stead opened the public hearing. There were no comments so he closed the hearing and opened the floor to questions.

In response to questions Mr. Zatz explained the structure will have R25 insulation, be heated with forced air, and they are working to get the natural gas line brought in. They haven't completed their fundraising and have about \$120,000 to go, but they have enough to get started with the excavation, put up the building and floor, and maybe lighting. They hope to have the funding completed to finish up heat and bathrooms soon. Mr. Zatz reviewed some of the funding that has come in and said it's very heartwarming to see how many people in the community want to make this happen. He also responded that the building is less than 12,000 square feet because a larger size would trigger more requirements and raise the cost, but hopefully there can be a larger building in the future. The size will be suitable for other events besides sports, but the primary use will be sporting activities for all age groups. He thinks there will probably be time available for other uses that won't harm the building, and the hope is there will be something cool going on there at all times. They estimate the cost to be \$200 per day for the facility to be open and there will be a fee to play at the building to cover the daily costs.

VENUTI/BOS MOVED TO APPROVE CUP 16-03 AND STAFF REPORT PL 16-37 WITH FINDINGS 1-10 AND CONDITIONS 1-3.

Commissioners commented that this is an exciting project that will be a real asset to our community.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Staff Report PL 16-38 Towers and Tall Structures Ordinance

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing. There were no comments and the hearing was closed.

There were no questions from the Commission.

STROOZAS/VENUTI MOVED THAT THE PLANNING COMMISSION FORWARDS THE DRAFT ORDINANCE 16-XX REGARDING TOWERS AND TALL STRUCTURES TO THE CITY COUNCIL FOR PUBLIC HEARING AND ADOPTION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Plat Consideration

A. Staff Report PL 16-40, Commerce Park 2016 Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant presentation and no public comment.

Chair Stead asked if the flag had been modified on one of the drawings. City Planner Abboud explained the drawing on page 52 is the current configuration. On page 50 is the notice that went out showing the panhandle to the southwest and it was moved to the east.

BRADLEY/BOS MOVED TO APPROVE STAFF REPORT PL 16-40 AND THE COMMERCE PARK 2016 PRELIMINARY PLAT REPLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Pending Business

A. Staff Report PL 16-31, Comprehensive Plan Update Chapter 6 Parks & Recreation

City Planner reviewed the staff report.

Commissioner comments and questions included:

- The CUP they approved tonight for the indoor recreation facility helps move forward with goal 5 to offer year-round opportunities to the community.
- Line 25 on page 57 reads 4.73 FTE's are budgeted. Question was raised if 4.73 is correct.
 - City Planner Abboud noted that Parks and Recreation has their regular staff and seasonal hires. He will follow up and confirm the number.
- Question was raised if line 26 *There is also a desire to better coordinate all efforts through a combined parks and recreation program* is an appropriate comp plan statement or if it's editorializing.
 - City Planner Abboud explained that is a community and an internal conversation. If the demand is to grow the program then we need a structure to grow it. Currently Parks Maintenance is part of Public Works and Community Recreation is part of Administration. There would be benefit to a department that is all encompassing.
- Line 66 *Partner with other organizations to continue providing programs and facilities* is almost the same as line 48 *Expand and promote adopt a park program..*
 - Others didn't see it as the same and City Planner Abboud said generally they are similar and perhaps they could be expanded a little more for clarification.
- Line 50 number 3 in the in the implementation strategies to establish the park endowment fund and possibly partner with the Homer Foundation is a really good idea.

The Commission agreed overall that staff has done a great job and commended Rick and Julie for their work.

B. Staff Report 16-32, Homer Accelerated Water Sewer Program (HAWSP)

City Planner Abboud reviewed the staff report, highlighted areas of the HAWSP, and touched on the process for initiating a special assessment district. He explained the City Council directed the Commission to develop recommendations for HAWSP regarding:

- How the City should apply the debt service ratio;
- When the debt service ratio should be calculated;
- When pending HAWSP projects should be inputted into the debt service ratio calculation;
- A process for keeping track of and prioritizing special assessment district requests that occur while a moratorium on new districts is in effect;
- A process for lifting and implementing a moratorium on water and sewer special assessment district projects.

Commissioner Highland asked who is in charge of the program now and if this is causing people not to develop property in town. City Planner Abboud explained that several departments play a role in the process including the Clerk's office, Public Works, and Finance. He isn't sure if this prohibits anything because we aren't doing new subdivisions with the fund. However if someone has a bigger lot and the water and sewer lines are installed, they are able to subdivide in to smaller lots down to 10,000 square feet. In areas like Mission Road, there aren't a lot of customers, but if there were denser developments, it would increase the customer base.

Commissioner Highland commented the criteria listed at the bottom of page 81 need to be improved on and clarified.

City Planner Abboud suggested at some point they will need to come up with a staff recommendation that would include him, Public Works, Finance, and possibly some others to evaluate and determine when the debt service ratio should be calculated, and when to evaluate projects and get them in the system to keep the debt ratio going. A set of criteria could be established to rank the projects, and decide who would evaluate the projects. One part the Planning Commission could weigh in about is how it relates to the Comprehensive Plan because the future land use map shows areas we would like to see go more dense.

Commissioner Stroozas commented he's surprised this would come to the Planning Commission because it's more of an accounting issue. That aside, with the work they have done to protect the Bridge Creek Watershed area, now we should bring water and sewer in to those areas that don't have it and increase the density.

Commissioner Highland is also surprised this has been put before them. In her estimation, the departments this effects need to meet, because they have dealt with it. That group could come up with a recommendation and then we would try to put it into the comp plan. She could see the Commission playing that part.

Chair Stead commented having worked from a utilities perspective this is an odd way of doing business. He's used to cost causer/cost payer, not equal shares and once the debt is incurred by the city for the project, that debt should be re-allocated without a CPI because the debt already exists. He isn't sure it's their job to redefine how this program works; it's more of a finance and engineering collusion to figure it out.

The Commission agreed it would be a good idea to have a worksession with the Finance Director and Public Works Director.

City Planner Abboud reviewed some of the history of the program noting the initial cost to property owner was 50% of the project cost. Now it's becoming cost prohibitive to extend the system.

Chair Stead read from the plan that the intent is to improve health and welfare of the citizens by connecting residences to city water and/or sewer, thereby increasing the number of users on the system, increasing property values, and improving quality of life. Using the funds for maintaining the system doesn't increase the number of users or property values. He questions how using the funds to perform maintenance on the system meets the intent of the program.

There was discussion that using the program to help pay for the water treatment plant wasn't the right way to use the funds. It's a great system, but is too expensive and impacting the debt ratio.

New Business

A. 2017 Capital Improvement Plan Review

The Commission discussed briefly that they had discussed the Capital Improvement Plan during their worksession. All the Commissioners individually stated their top two CIP projects were the Ice Plant Upgrades and the Large Vessel Haul Out and Repair Facility.

STROOZAS/BOS MOVED THAT THE PLANNING COMMISSION ADOPT THE ICE PLANT PROJECT AND LARGE VESSEL HAUL OUT AS THEIR UNANIMOUS RECOMMENDATION TO THE CITY CITY COUNCIL.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Informational Materials

- A. City Manager's Report – June 22, 2016
- B. KPB Ordinance reducing the number of commissioners on the KPB Planning Commission

Comments of the Audience

Syverine Abrahamson commented that she's been a resident in the area for over 30 years. She heard there was a vacancy on the Commission and was here observing tonight to see if it's something she would be interested in. Her job is the coastal training program doing community collaborative planning and providing trainings and workshops. Her background is in geo-science, a lot of GIS and remote sensing and things like that. She grew up in the area, Homer is her home town, she works in the city and is very involved in some of the challenges the city will face like storm water management, coastal erosion, flooding, and transportation issues.

Comments of Staff

City Planner Abboud commented he will keep working on agendas along with all the other interesting things he gets to do. He's excited about the marijuana meeting; he has quite a memo for the meeting that includes an estimate of how much revenue the city would collect if we started some sort of retail taxation.

Deputy City Clerk Jacobsen commented about the upcoming candidacy filing period for City Council and Mayor.

Comments of the Commission

Commissioner Highland commented she heard on the radio about an eco-district. There is a town that made the whole town an eco-district which means they took in the environmental concerns of the whole city for every decision that got made. She'll be bringing it up again.

Commissioner Bradley thanked everyone. She thinks all the CIP projects are great and it's always interesting going through the selection process.

Commissioner Bos commented it was a good discussion about the CIP projects. He thinks they made the two right choices and he'll be waiting to find out what comes of their input.

Commissioner Venuti commented it was an interesting meeting. He commented about the Borough ordinance that was included in the informational material. He explained it reduces the membership of the Borough Planning Commission from 11 to 9 members. The Borough Planning Commission opposed it unanimously and the Cities of Seldovia, Soldotna, Kenai, and Seward presented resolutions in opposition. The change impacts Homer in that there would be one seat for a member from Homer or from Seldovia to represent both communities. He thinks it's important that we maintain representation from all parts of the Borough because each city has their own challenges specific to their communities. It will be discussed further at the Assembly meeting on Tuesday.

Tom Stroozas reported that Jorge is leaving the Chamber of Commerce in a few weeks and encouraged everyone who's worked with him to stop by and wish him well. They have found a replacement and he's encouraged that people in the community will like this person. Hopefully they will be able to come and start training with Jorge before he leaves.

Chair Stead said it was a good meeting and he's glad they dug into some of these things tonight. It was interesting to watch the discussion on the Capital Improvement Plan. We all have our pet projects, but agreed that there were better projects, and he appreciated that they came together in their choices.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:57 p.m. The next regular meeting is scheduled for August 3, 2016 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

Session 16-12, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on August 3, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS ABRAHAMSON, BOS, BRADLEY, HIGHLAND, STEAD, STROOZAS, VENUTI

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK JACOBSEN
PUBLIC WORKS DIRECTOR MEYER

Approval of Agenda

Chair Stead called for a motion to approve the agenda.

STROOZAS BRADLEY SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

Reconsideration

Adoption of Consent Agenda

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

- A. Approval of Minutes of July 20, 2016
- B. Decision and Findings for CUP 16-03

Chair Stead called for a motion to adopt the consent agenda.

STROOZAS/BOS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

A. Public Safety Building Update

Public Works Director Meyer commented on the Public Safety Building Committees work over the last two years that has included what to build, where to build it, what size and so forth. The Committee decided not to build the \$30 million combined police and fire complex, but appropriating \$1 million to extend the life of the current fire station and build a police station as phase I of the project. They have established a master plan on using the HERC site at the corner of Pioneer and the Sterling Highway. The police station will be built on the west side of the building and house essential services including dispatch, jails, and offices. The existing HERC building will be renovated to accommodate non-essential square footage. The city is using a design/build GC/CM process hiring the architect and contractor at the same time to work together on the design, cost estimates, and constructability. They cost estimate is at about \$12 million. Council has authorized a bond proposition be put to the voters in October asking the community to pay an additional sales tax until and authorize borrowing up to \$12 million for the project to cover the upfront capital costs to build. The Committee is still meeting with a focus of public involvement and educating the community about the project. They are working to find some champions for the project, not city officials, department heads or councilmembers, but community members who be perceived to have less potential conflict and more credible as to why this is really needed.

In response to questions Mr. Meyer explained non-essential services and space needs. Evidence storage makes up a large part of it; evidence required to be stored securely for long periods of time has increased dramatically. There is also a Sally port where offenders can be moved into the station through a secured area and taken to the processing area. There will also be bunks, a radio room, the gym will become an exercise and training area, and a firing range is proposed. He reiterated the offices, dispatch, and jails are the essential services provided for in the new section of the building. The definition the fire marshal has on essential and non-essential has a lot to do with determining locations for the services.

When people ask why they aren't using the existing department he explains that it isn't configured to be able to use it efficiently for a police department, it wasn't designed for that purpose.

Mr. Meyer said the preliminary design work is somewhere between conceptual and preliminary. The site plan shows the building footprint, parking, re-location of the skateboard park, and so forth. The floor plans for the first and second floors of the new building and for the existing HERC building have been developed. They have worked through heating, dealing with seismic loads, and so forth and they continue to discuss revolve around creating cost effective usable space of satisfactory quality. The goal is to get good value for the money being spent.

Relating to the overall cost, Mr. Meyer explained there is a requirement for the size of building we need to operate now and plan for future growth. They are consistently working on the cost and looking at ways to save on the expenses and get it below \$12 million if possible.

In closing Public Works Director Meyer said there will be more efforts with articles in the paper and outreach to community organizations as we move through the process.

Reports

A. Staff Report PL 16-41, City Planner's Report

City Planner Abboud reviewed his staff report in the packet.

There was no discussion.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 16-42, Vacation of a portion of Mission Road Right-of-Way and Road Easement

City Planner Abboud reviewed the staff report and referenced the laydown item explaining how the carport got into the setback. He noted in the staff report states that Planning does not support the vacation on the Mission Road right of way and Public Works opposes both the right of way and road easement vacation.

Kenton Bloom, city resident and licensed surveyor, commented on behalf of the applicant. He thinks the information provided does a good job of conveying the confusing history. He thinks it boils down to a question of how we handle things that don't fall inside the normal box. The contractor built in the wrong spot and is no longer in business so there is no way to get recourse from them. The current owner is trying to resolve the issues so he can have clear title. There is no validation within code to accept the current situation. He referenced the asbuilt and noted on the right side of the lot there is a 10 foot jog in the right of way that reduces what he thinks is a 45 foot wide road down to 35 feet and that entire road is on the north side of the right of way. When they went from the fog line to the garage door, there is an excess of 25 feet, so the road is quite a ways away from the garage; enough room for a full sized car to park on the landing and not be in the road. The garage is concrete and steel, so fundamentally we are at a place to try to find a way to vacate the minimum area around this building along with the dedication. Mr. Bloom noted there is no other dedication further down the line, just these couple of lots and the slope is very steep. They recommended 6 feet for the vacation to address the overhang that is pertinent to the building. What the applicant has there works, no one is adversely affected by what's happening there and it's a choice as a community to rally and say this isn't anything anyone really wants, but sometimes we have to help things get resolved so it works.

Chair Stead opened the public hearing. There was no public to comment and the hearing was closed.

There was brief discussion of how this relates to the platting action on tonight's agenda and how to keep these issues from happening in the future.

Question was raised about what happens to the road right of way as it goes to the east. Mr. Bloom responded there is no continuation of that extra strip farther to the east. The road becomes ten feet narrower as far as the dedicated right of way goes.

Public Works Director Meyer commented that the minimum road right of way that the city would expect to have to construct and maintain a road improvement is 60 feet. Normally that is 30 feet dedicated from a property on each side and currently there is 30 feet dedicated on the south side. To do a road improvement the city will need more right of way. The terrain is steep there so the expectation is there will be a need for slope easements that will move off the property. You can argue that an 80 foot right of way is better in that type of terrain to accommodate cut and fill slopes within the right of way. Public Works is sympathetic to the property owner, but if they give this up, the city will have to buy it back later.

There wasn't any confirmation whether this would keep the city from being able to install the water line, and Mr. Meyer addressed dealing with slopes in relation to rights of way, utility easements, and roadside ditches when curb and gutter aren't available. The city accepted Mission Road from the state so we are working with what we have now. Mr. Meyer said he has to look toward the future, not what happened before.

There were further comments from the Commission regarding ways to resolve this including the property owner purchasing a portion of an adjacent property, if the city will sell him the two and a half feet he needs so his garage will be on his property, or helping the applicant out and Public Works could find a way to make it work if and when the right of way is improved.

VENUTI/STROOZAS MOVED THAT THE PLANNING COMMISSION APPROVES THE VACATION OF A RIGHT OF WAY EASEMENT ALONG THE NORTHERN LOT LINE AT 1095 AND 1135 MISSION ROAD, LOT 2 AND LOT 3 SKYLINE VIEW SUBDIVISION LOT 20-B REPLAT.

Commissioner Venuti commented about his time as an inspector he's aware one project built over a setback. He thought when it happened it would be a cloud on the title but it wasn't a problem for the individual who bought the property to obtain financing. He also knows when you build you have to pay attention to the rules. He cited Kenai Peninsula Borough Code that rights of way which are utilized by a public utility or which should be logically required by a public utility shall not be vacated unless it can be demonstrated an equal or superior access is or will be available. He does not see that as the case here and it will be hard for him to support this.

Commissioner Highland commented that there are situations where the house can be put differently than what has been staked out. It gets hard for her in these situations to say where the buck stops.

Chair Stead commented it's interesting that it goes 50 feet in front of some lots and to the east and west it's 40 feet. The city is going to be purchasing right of way if they wish to improve this road for a majority of the area if they wish to go to 60 feet. He has a difficulty socializing these particular costs and putting them onto our population, but this might be one of those times when we should.

Further discussion ensued whether it needs to be clarified in the motion that this is an exception and not setting precedence. Chair Stead didn't think so because these come before the commission on a case by case basis. His reasoning is that it's simpler to grant this than it is for the property owner to have to move or modify the building, and it's unknown what burden it might put on the property owner if we don't grant this.

Commissioner Venuti reminded them that Public Works does not recommend this.

City Planner Abboud noted he received one phone call from a neighbor to the east stating no objection to this.

VOTE: YES: STEAD, HIGHLAND, ABRAHAMSON, STROOZAS, BRADLEY
NO: BOS, VENUTI

Motion carried.

Chair Stead called for a break at 7:53 p.m. and the meeting resumed at 7:56 p.m.

HIGHLAND/BRADLEY MOVED THAT THE PLANNING COMMISSION APPROVES THE VACATION OF A PORTION OF THE RIGHT OF WAY EASEMENT ALONG THE NORTHERN PORTION OF LOT 2 AND LOT 3 SKYLINE VIEW SUBDIVISION LOT 20-B REPLAT.

It was clarified for this action it's not the easement, it's the right of way.

City Planner Abboud commented this would bring the right of way to 43.5 feet. It's the boroughs rule to have a 60 foot right of way and it will be interesting to hear their opinion on us approving a reduction of an already inadequate right of way.

Commissioner Highland commented she thinks 10 feet makes a difference. In the days before annexation it goes down to less width of road to the east. City Planner Abboud commented the plat dates back to pre-statehood and it has a 40 foot right of way and reviewed the history of the area's platting to date.

Commissioner Bradley commented most of the section being considered is the driveway already.

There was further discussion about the location of the garage and confirmed the portion that is in the platted Mission Road.

HIGHLAND/BOS MOVED TO AMEND THE MOTION TO REMOVE THE WORD EASEMENT.

There was no discussion.

VOTE: (Amendment) NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was no further discussion on the main motion as amended.

VOTE: (Main motion as amended) YES: HIGHLAND, ABRAHAMSON, STROOZAS, BRADLEY
NO: STEAD, VENUTI, BOS

Motion carried.

Plat Consideration

A. Staff Report PL 16-44, Skyline View Subdivision 2016 Replat Preliminary Plat

City Planner Abboud reviewed the staff report.

Kenton Bloom, city resident and licensed surveyor, commented they provided the slope on a separate document and that most of the lot is over 20%. The only level spot on the property is the house site and it's about 40 feet below the road. The plat fundamentally corrects the lot line encroachment with the neighbors who have been entirely willing to rectify that. When they did the equivocation it turned out the land they received at the bottom was on uplands on their side of the drainage so it worked to their benefit as well.

There were no public comments or questions of the applicant.

BOS/HIGHLAND MOVED TO APPROVE STAFF REPORT PL 16-44 AND THE SKYLINE VIEW SUB. 2016 REPLAT PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: YES: STEAD, BRADLEY, STROOZAS, BOS, HIGHLAND, ABRAHAMSON
NO: VENUTI

Motion carried.

Pending Business

A. Staff Report 16-47, Homer Accelerated Water Sewer Program (HAWSP)

City Planner Abboud reviewed the staff report.

Commissioner Stroozas reiterated that he doesn't understand why this came to the commission.

Commissioner Abrahamson commented she understands this is an integrated problem between city departments and there are questions and solutions for Finance and Public Works, as well as Planning. It seems they may have been brought into this a little prematurely, or with less of an understanding of why the 1.25 service ratio is designated and if it's a set number. She would like clarification on the ratio before making decisions about how to implement it.

City Planner Abboud commented the 1.25 is what City Council decided on. We are slated to look at this and general policy matter, maybe not to find a solution to this condition that was created. He said the 1.25 is probably the highest conservative number a financial institution would see favorably when borrowing money. There are variables that can change the dynamics of the city revenue. He addressed some history on how the fund came to be.

Chair Stead commented the debt service coverage ratio is a target ratio. Council is asking how they should apply the debt service ratio of 1.25 and are looking for a process. The city has to be able to show revenue of 125% to cover their debt on HAWSP projects and we have to answer the question how we apply the debt service ratio. Since it's a financial ratio, he would recommend calculating a cost for a project, adding a small percentage for contingencies, and then giving the cost to the city finance to calculate the ratio. If it meets the 1.25 ratio then the project can be approved, but if not, the project is moved to the deferred list. Chair Stead added he doesn't think the city should use the HAWSP program to finance any of its maintenance or on going issues with the water and sewer services, it is strictly for assessment districts.

City Planner Abbound talked about the moratorium and said he has a hard time rectifying this. When the projects get submitted they have to go through the process to see if there is enough interest and if the district is adequate for support. After the first estimate we would know if it fits in with the debt ratio and amount of funds. He suggests setting a date to submit projects and the city evaluates them to see what rises to the top. The HAWSP manual has 8 things they can use to evaluate the projects and a benefit cost analysis is the first thing he would do.

Chair Stead said he prefers first come first serve because if you evaluate based on benefit, some projects may continue to be set aside if other better projects are submitted in each application period.

Commissioner Abrahamson thinks the focus should be on prioritizing or tracking the applications for special assessment districts rather than getting mired down in the financial mechanisms and debt service ratio. Those are things that are more for the finance department and council level.

The Commission briefly discussed the application fee and the notion of increasing it. It could encourage applicants to canvass their area to see if neighbors are interested in paying for the improvements before they apply for a special assessment district. They also touched on how to deal with the application fee if a project isn't selected during a specified time frame.

New Business

Informational Materials

A. City Manager's Report – July 25, 2016

Comments of the Audience

Comments of Staff

Comments of the Commission

Commissioner Stroozas commented that he questions the ordinance to reduce the senior property tax exemption over a period of several years. It will be grandfathered for those who turn 65 on January 1, 2018 then gradually phased out over several years. He has read that if you are going to

grant someone an exemption you have to give it to everyone in the same bracket, and he questions the constitutionality of phasing it out. He said Jorje's last day at the Chamber is Friday, the new membership coordinator is Emily Berg.

Commissioner Venuti welcomed Ms. Abrahamson to the Commission. It's good to get younger members because they are the future. He said the proposed reduction of Borough Planning Commission members was postponed at Tuesday night's Assembly meeting. Tonight's meeting was interesting and he thinks they are making some progress with the water and sewer. He thinks the decisions they made tonight about the Mission Road property were emotion. He voted no so he would be able to discuss it at the Borough level. He doesn't think making decisions based on emotion serves the public.

Commissioner Bos welcomed Ms. Abrahamson. He would like figure out a way to hold people more accountable. You can't just build a house anywhere. There are property lines and if you don't have the money to hire a surveyor to figure out where they are, then you probably don't have enough money to start a project. Sooner or later people who don't follow the rules need to be held accountable, or else we are going to go down this path for a long time.

Commissioner Abrahamson commended the planning department's efforts to establish the FEMA community rating system; she thinks it highlights the open space preservation qualities for the city; and also the plan to update the coastal erosion map as they will be useful in assessing coastal vulnerability and threats to infrastructure and future planning.

Commissioner Bradley said it's nice to see another young person on the Commission. She thinks the HAWSP discussions are progressing and starting to make more sense.

Commissioner Highland welcomed Ms. Abrahamson. She thinks we are to a place where people aren't just doing things helter skelter, but in the past they were. It will be a long time before things get where they are supposed to be and she doesn't think some will be able to, like the one today. It's always interesting when we make decisions that affect people.

Chair Stead welcomed Ms. Abrahamson. He commended them on a good job. The decisions tonight were probably was based on emotion, but he agrees there is a point where we have to fix problems that are existing when we kind of helped create them years ago by allowing someone to get that close to a property line. He looks forward to continuing to work on the water sewer program to help make it better for the city.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 9:20 p.m. The next regular meeting is scheduled for August 17, 2016 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

Session 16-13, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on September 7, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS ABRAHAMSON, BOS, BRADLEY, HIGHLAND, STEAD, STROOZAS, VENUTI

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

STROOZAS/VENUTI MOVED TO MODIFY THE AGENDA TO INCLUDE A PRESENTATION ON THE NEW PUBLIC SAFETY BUILDING PROPOSAL.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Chair Stead asked for a motion to approve the agenda as amended.

STROOZAS/HIGHLAND SO MOVED

There was no discussion

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

Reconsideration

Adoption of Consent Agenda

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

A. Approval of Minutes of August 3, 2016

Chair Stead called for a motion to adopt the consent agenda.

VENUTI/HIGHLAND SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

A. Ken Castner – Public Safety Building Update

Ken Castner, Chair of the Public Safety Building Review Committee, explained that the project was originally envisioned as a new public safety building that cost up to \$30 million. It has since been truncated and become a renovation of the exiting fire station, which is underway now, and a renovation of the HERC building to provide about 65% of the space needs for the police station. An annex will be added for the remaining space. He gave an overview of the history of the current police station. He thinks it's to the credit of people who work there that they don't complain about the conditions they have to work under. It's his job to talk about the need to replace the building they are in now and to give assurance the approach they are taking is the most economic and putting every square foot to good use and reduced to a bare minimum.

Mr. Castner continued that the Council passed an ordinance to bond up to \$12 million and the current estimate is somewhere around \$10 million. His hope is the bond proposition passes and council will have an opportunity to get new designs and achieve better cost estimates. He hopes the community finds it within them to do this because the need is not going to change and the committee has worked hard to do what we can with what we have, and to also look out to the future. He explained the repayment method of the bond with an extended seasonal sales tax.

There was brief discussion regarding the building size and policing needs for the department itself as well as for the community.

Reports

A. Staff Report PL 16-48, City Planner's Report

City Planner Abboud reviewed his staff report in the packet.

There was no discussion.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

VENUTI/BOS MOVED TO POSTPONE PUBLIC HEARINGS ON CUP 16-04, 16-05, AND 16-06 TO SEPTEMBER 14TH.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- A. Staff Report PL 16-46, CUP 16-04, HVFD Equipment Storage Facility-4060 Heath St.
- B. Staff Report PL 16-40, CUP 16-05, Amending CUP 15-04, at 5185 Slavin Drive
- C. Staff Report PL 16-41, CUP 16-06, Homer Medical Clinic Expansion

Plat Consideration

Pending Business

- A. Staff Report 16-47, Homer Accelerated Water Sewer Program (HAWSP)

City Planner Abboud reviewed the suggestions that the debt service ratio be calculated at budget time and applied at the beginning of each year.

Regarding the application fee and the moratorium it was suggested the city maintain a list as improvement projects are requested and if the moratorium is lifted then collect the application fee. Another suggestion was to implement a que fee; say \$100 to be on the list and \$900 when the project comes up.

The commission also discussed whether projects are done on a first come first serve basis or are evaluated based on a set of criteria to determine the merits of the project. A drawback of first come first served is that one large and costly project in the que could delay the moratorium being lifted for a longer period of time. Queuing up smaller less costly projects could keep a larger project from moving to the top of the list. Most agreed on the importance of the project being able to contribute to paying the cost of the system, or the most users per linear foot and promote. People who are waiting for their project to move to the top of the list won't appreciate being passed over. There is also the legality of selecting on project over another. They touched on pros and cons to both methods but did not reach a consensus on which method they would recommend.

They talked about annual financing reviews and when to calculate ratios. A quarterly review and reporting schedule to the City Manager and City Council would be a good time for the calculation to be made known, so they are aware.

ABRAHAMSON/HIGHLAND MOVED THAT THE COMMISSION RECOMMEND THAT THE FINANCE DEPARTMENT REPORT QUARTERLY TO THE CITY COUNCIL AND CITY MANAGER AND INCLUDE THE HAWSP DEBT SERVICE RATIO CALCULATION IN THAT QUARTERLY REPORT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

HIGHLAND/STROOZAS MOVED THAT WE INCREASE THE SAD APPLICATION FEE TO \$1000.

Question was raised if the fee is refundable.

VENUTI/STROOZAS MOVED TO AMEND THAT THE FEE IS NON REFUNDABLE.

There was discussion that the \$1000 fee be applied toward cost of the project.

Deputy City Clerk Jacobsen commented her understanding is the application fee is an administrative fee to process a property owner's application for an improvement district.

Commissioner Abrahamson commented the program provides for overhead like facilities and administration and questions if it might be double dipping if the project goes forward. City Planner Abboud said he could follow up and see how the application fee is applied and the commission discussed how the administrative fees could be accounted for.

Deputy City Clerk Jacobsen gave a brief overview of the what the City Clerk's office does including working with the applicant for the proposed district, working with public works to get a map of the boundaries, also preparing and mailing petitions to property owners via certified mail and scheduling and advertising public meetings and public hearings before the assessment district is approved.

VOTE: (Amendment) NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE: (Main motion as amended): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

New Business

A. Staff Report PL 16-51, Ordinance from the Cannabis Advisory Commission

City Planner Abboud reviewed the staff report. He commented that when doing a review for zoning compliance, he doesn't foresee anything that would impede meeting the 15 day timeline for review. If an application triggers a conditional use permit, it will be address in the appropriate timeframe for a CUP. He touched on the state's timeline and pointed out they have 60 days, and he hopes they will move the applications along.

There was brief discussion that the city would get half of the application fee that the state collects.

Chair Stead asked for a motion to schedule a public hearing on the draft ordinance at the September 21st meeting.

HIGHLAND/BRADLY SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. Staff Report PL 16-52, Recommendation for the number of commissioners on the Borough Planning Commission

City Planner Abboud commented the Commission had a good discussion about this at their worksession. It's implied there is a population formula that will determine who serves on the Borough Planning Commission; it's vague and can't be determined for certain who will serve.

Commissioner Venuti, Homer's representative on the Borough Planning Commission, commented the Borough has been out of compliance on this for nine years and it will be put off until 2020. His concern is eliminating any input from Seldovia or Anchor Point and while this group could oppose this proposal by the Borough Mayor, he thinks it's the councils place to make the recommendation to the borough.

HIGHLAND/BOS MOVED TO RECOMMEND TO CITY COUNCIL ON STAFF REPORT PL 16-52 THAT THE COMMISSION OPPOSES THE MAYOR'S SUBSTITUTE ORDINANCE 2016-25.

There was brief discussion that all of the cities should be specifically represented and that "at-large geographic region members" is vague.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Informational Materials

- A. City Manager's Report dates August 17, 2016

Comments of the Audience

Comments of Staff

There were no staff comments.

Comments of the Commission

Commissioner Stroozas said he will be absent for the 14th special meeting, will miss the worksession on the 21st, and will attend the regular meeting but may be arriving just past 6:30. He will be emceeing the Halibut Derby Award Ceremony that begins at 5:30.

Commissioner Venuti said seems like they got a lot done in a short meeting, it was interesting.

Commissioner Bos agreed it was a good meeting. He will not be at the meeting on the 14th.

Commissioner Abrahamson said she will be here on the 14th and absent on the 21st. She will be attending a coastal zone management conference with FEMA and NOAA and hopes to bring some interesting items back from that. She added the Kachemak Bay Research Reserve is hosting a workshop to explore community resilience in the face of climate challenges on October 4th and 5th. If anyone wants to attend they can contact her.

Commissioner Bradley said she will be here on the 14th and absent on the 21st for the Museum's Alaska and Historic Society Conference in Juneau. As museums are dedicated to telling the stories of our communities by the voices in our communities, she is glad they followed through on not supporting the Borough's ordinance. She feels all of our communities have equal voices that that need to be heard by the community members.

Commissioner Highland commented that she hopes people have been to the museum to see the Dean Family's exhibit, it's amazing. She added that she will have to recuse herself on the public hearing for the medical clinic on at the meeting on the 14th. She serves on the the Service Area Board and they have been discussing it regularly.

Chair Stead thought it was a fabulous meeting. There were a lot of thoughtful comments and he appreciates that.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 7:58 p.m. There is a Special Meeting scheduled for September 14, 2016. The next regular meeting is scheduled for September 21, 2016 at 6:30 p.m. A worksession will be held at 5:30 p.m. Meetings will be held in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



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TO: MAYOR ZAK AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABBOUD, CITY PLANNER
DATE: November 30, 2016
SUBJECT: HAWSP Recommendations

Introduction

The Planning Commission was asked to review the HAWSP and make recommendations regarding the application of a 1.25 debt service ratio.

Recommendation:

The Planning Commission has developed recommendations regarding the HAWSP policies in consideration of the following:

- How the City should apply the debt service ratio?
- When the debt service ratio should be calculated?
- When pending HAWSP projects should be inputted into the debt service ratio calculation?
- A process for keeping track of and prioritizing special assessment district requests that occur while a moratorium on new districts is in effect.
- A process for lifting and implementing a moratorium on water and sewer special assessment district projects.

These concerns are interrelated and the answers are dependent on thought of the entire process and are not easily broken down in response to each individual question. Staff Report PL16-47 contains the thought that the Commission supported. Specific recommendations include:

- The Finance Department should report the debt service ratio quarterly to the City Council and City Manager.
- Increase the application fee to \$1000.00.

1. How and when should the debt service be applied and calculated:

- Current fiscal experience should be used for calculations and application.
- It can be calculated at any time. It was recommended to provide quarterly updates and have some discussion at time of budget adoption. A moratorium may be lifted by the City Council at any time the debt ratio has room for a project.

2. The consideration for the input of projects.

- The projects are recommended to be considered on a first come basis. The City Clerk can take applications and track them.

3. Input of projects into the debt service ratio.

- Projects should be inputted into the ratio as soon as an estimate is available.

These policy guidelines are general in nature and all come with policy implications. The Commission feels that the City Council will need to have the latitude to evaluate the particular concerns that apply to the specific proposals they may see.

Policy implications.

1. A more detailed report of the effect of the various loan terms may allow the Council to plan better for the future.

While the recommendation is to make decisions based on the real-time debt service ratio, several elements of the figure could give a clearer picture of the future. The lion's share of our tax revenue is collected in the third quarter and drives the trend in collection experience, so it is useful to have the current figure. A breakdown of debt retirement would also be a useful planning tool. This program has generally been used to cover the financing of long-term debt. Projects started in 1998 may still be on the books. A table displaying the impact of debt retirement on the debt ratio would help in getting a better vision of the future of the fund.

2. The first come policy regarding project consideration has some concerns in particular scenarios.

Many think of the projects as citizen initiated SAD's, but the fund is also used for what some may think of as maintenance or general system upgrades (think water plant and tank, even Kachemak Drive Phase Three). There is a competition between these two different types of projects, which have priority? We should build a projected needs list for the maintenance and system upgrades that include at least a rough estimate. These needs with timeline should be part of the debt service ratio analysis.

A subcategory of the concern listed above is what I call the large verses small. We may have to wait a long time for the debt service ratio to accept a project of several million dollars; in the meantime, we may have requests for a project costing a hundred thousand. Should the fund sit idle, waiting to fund a large project that has a considerable impact on the debt service ratio and forego consideration of other smaller projects? I believe the answer is, 'it depends'. This is where a value judgement by the Council will be necessary.

It is very difficult to prescribe a particular policy procedure

3. Input into debt service ratio.

It can take up to four months to get results of petitions to show interest and developing a rough cost estimate. It would be best to consider a project 'encumbered' as soon as it is considered. An estimate should be inputted into the ratio when initially determining the probable lots to be served. It would only be withdrawn at the time that the project has become unfeasible.

Technical implications

1. We may need legal guidance to create the process to lift a moratorium. It could be accomplished many ways, including just following standards for project queueing in regards to acceptable debt service ratios. In consideration of the current and forecasted ratio, we may have a list of projects waiting for a favorable debt ratio.
2. We may want to declare our project list in order of priority. This might be done annually and would provide the debt service ratio goal needed in order to commence with a project.
3. A policy needs to be developed regarding the timing of the charge for initiating a project. If there is an unfavorable debt service ratio, a project might be on hold for some time. We could consider some sort of deposit to get it on the list and then an expectation of collecting the full amount prior to commencing a project.

Concerns with current understanding of policy and process.

Attachments

Draft Ordinance

H.A.R.T. POLICY MANUAL

(HOMER ACCELERATED ROADS AND TRAILS PROGRAM)

TABLE OF CONTENTS

- I. Purpose**
- II. Definitions**
- III. Road Qualifying and Project Criteria**
- IV. Trails Qualifying and Project Criteria**
- V. Financing and Assessments**
- VI. Utilities**
- VII. Special Provisions**
- VIII. History**

I. PURPOSE

The purpose of the HART program is to pay for reconstructing substandard city roads, upgrading existing roads, and constructing new streets and non-motorized trails. The intent of the program is to reduce maintenance costs, improve access, increase property values and improve the quality of life. State maintained roads are not part of this program. The program is funded by a voter approved dedicated sales tax, and assessments levied on adjacent benefited properties

II. DEFINITIONS

- A. Sidewalk- the term “sidewalk” means a pedestrian facility associated with a road and generally within a street right of way
- B. Trail – a pedestrian facility detached from a road, or not within a street right of way
- C. Fund Balance - is the ~~unreserved fund balance that is not allocated to pay the city portion of a project net position, or difference between assets and liabilities, of the fund~~
- D. HAPC – Homer ~~Advisory~~ Planning Commission
- E. Homer Non-Motorized Transportation and Trail Plan (HNMTTP) – a document that is an adopted part of the City of Homer Comprehensive Plan
- F. 2005 Homer Area Transportation Plan (Transportation Plan) – a document that is an adopted part of the City of Homer Comprehensive Plan

III. OAD QUALIFYING AND PROJECT CRITERIA

To be eligible for HART funds, roads and projects must meet the qualifying criteria below.

- A. Qualifying Criteria for Existing Roads. HART fund may be used on existing roads that meet one or more of the following criteria:

1. Road has been accepted for city maintenance.
 2. Right of way was dedicated prior to March 14, 1987 (Ord. 87-6(s)).
 3. Right of way was dedicated prior to being annexed into the City.
- B. Qualifying Criteria for New Roads. HART funds may be used for new roads when one or both of the following criteria are met:
1. The City owns the property wherein the road is to be constructed.
 2. The construction project benefits the entire City.
- C. Project Criteria. The following criteria may be considered for using HART funds:
1. Project is listed in the 2005 Homer Transportation Plan or furthers a stated goal of that plan.
 2. HART funds may be used in accordance with Title 11.04.05, to pay to the developer the cost difference between the required street and the proposed street.
 3. Improves life, safety and traffic flow.
 4. Corrects deficiencies of existing systems.
 5. Completes traffic circulation pattern.
 6. Encourages economic development.
 7. Corrects drainage problems.
 8. Reduces maintenance costs.
 9. Other factors deemed appropriate by the City Council.
- D. Use of HART funding for major repairs. HART funds may be used for major eligible road and drainage repairs that are beyond the scope of routine maintenance. The use of the SAD process and property owner participation is preferred. However there may be situations in which a section of road may be repaired to a reasonable level of service without the expense of a complete rebuild.
- E. Sidewalks. To use HART funds, projects must be mapped as either sidewalks, paved shoulders or separated pathways, or directly serve the special populations discussed in sections 3.1 and 3.2 of the HNMTTP. Effort will be made to find grants or non-city funding sources to match city construction funds, whenever possible.

IV. TRAILS QUALIFYING AND PROJECT SELECTION CRITERIA

To be eligible for funding, trails must be located within trail easements or within the boundaries of municipal lands that will be held in perpetuity for public use. The goal is to avoid building trails across lands that could become privatized and result in the loss of public access. An exception to this is the use of trail funds to construct short term trails within platted rights of way. Trails within rights of way should benefit the community circulation system and be low cost, since trails will likely become part of the road when the right of way is developed.

- A. New local non-motorized trails shall be prioritized according to the following:
 - 1. Project is listed in the HNMTTP or furthers a stated goal of that plan
 - 2. Solves a safety concern
 - 3. Creates connectivity to existing trail(s), completes pattern or provides access to a point of interest
 - 4. Protects an established trail
 - 5. Creates or improves a trailhead
 - 6. Has significant scenic or aesthetic value
 - 7. Existence or potential for contributing funds or volunteer efforts
 - 8. Property owner participation
- B. Trail Project Selection Criteria. The Homer ~~Advisory~~ Planning Commission and Parks Art, Recreation and Culture Advisory Commission will review the trail priority list during the bi-annual review of the HART. The list will be presented in a memorandum from staff, and will contain a mix of large and small projects. Generally it will include up to five trail projects that staff has reviewed and found ready for preliminary work. Trails on this list are planned for construction in the near term (one to three year timeframe). Staff will actively work to prepare those projects for construction.
- C. Volunteer Projects. Citizens may work with the City Administration to use HART funds to construct public trails.
- D. Developer Cost Sharing. When a developer builds a trail as part of a new subdivision, HART funds may be used to reimburse up to 25% of trail construction costs.

V. FINANCING and ASSESSMENTS

This program is funded by a dedicated sales tax of up to three quarters of one percent ($\frac{3}{4}\%$), and the collection of assessment payments due from completed projects. The tax will be collected for up to twenty years expiring December 31, 2027, as approved by voters. Roads are allocated 90% of the annual revenue, and trails are allocated 10%. Expenditures under the HART program are subject to the availability of funds.

1. Sidewalks shall be paid for out of road funds, and trails shall be paid for out of trail funds.
2. HART funds may be used to leverage outside funds for New Local Roads and Trails.
3. New local trails may be constructed using 100% program funds.
4. When additional right-of-way is required, acquisition costs will be paid by this program, at no additional cost to abutting property owners.
5. Interest, if any, generated from the program will remain with the program funds.
6. This program includes paving driveway aprons on contracts funded by HART.
7. Abutting property owners will share the cost of upgrading a street by paying the cost sharing specified in the fee schedule as adopted in the year the project or special assessment district was initiated.
8. Lots having a frontage on two parallel streets, or flag lots having a frontage on two perpendicular streets, are exempt from a double front footage assessment unless actually accessing the lot from both streets either prior to or after reconstruction and/or paving Deferred Assessment Agreement Required pursuant to HCC ~~17.04.180~~ 17.15.010.
9. The City will pay all costs for any additional improvements required when deemed necessary by the City.
10. Other improvements requested by the benefited property owners will be paid by those same property owners.
11. City share can apply to related utilities, sidewalks, street lighting, drainage, paving and/or reconstruction of roads identified on the road maintenance map.

VI. UTILITIES

1. Prior to street reconstruction, necessary related non-existing water and sewer improvements shall be encouraged whenever possible.
2. Water and Sewer utility extensions necessary to extend the utilities short distances beyond a construction area will be paid for by the program.
3. Water and sewer utility relocations directly caused by reconstruction will be paid for by HART funds.
4. Water and sewer utility upgrades necessary for future capacity that are done concurrently with reconstruction and/or paving will be paid for by the utility fund.
5. The City shall recover from the property owner the cost of construction of City-provided sewer and water service connections by including the cost of construction of such connections in the service connection fee established under HCC Chapters ~~14.13~~ 14.04 and 14.08. Costs will be recouped from benefiting property owners through deferred assessments. The Finance Department will maintain a listing of these ~~deferred~~ pending sewer and/or water service connection fees.
6. ~~7-~~ Whenever practical streetlights shall be included in the construction of new local roads and shall be paid by HART funds. Property owners participating in a road reconstruction and/or paving Special Assessment District may request

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streetlights. If the project is deemed feasible, the property owners shall be assessed for the installation of the streetlights on an equal share per parcel methodology. Property owner approval of the street light assessment shall follow the process in HCC ~~17.04~~ 17.02. Once constructed, the City will absorb the utility billing for the street light(s).

VII. SPECIAL PROVISIONS

1. The Homer ~~Advisory~~ Planning Commission shall review the criteria for the H.A.R.T. program ~~bi~~ annually, with recommendations reported to the Homer City Council. (Is this change reasonable?)
2. The City Council shall review the HART fund on an annual basis during the third quarter.
3. Pedestrian amenities shall be included in all new road projects unless exempted by the City Council.
4. Funds may be used to finance projects where property owners pay 100% of the costs. Subject to City Council approval.
5. The City Council may exempt lands from assessment if the land will not be developed due to a conservation easement, or if the land is owned by a conservation organization that holds the land for public purpose or for habitat protection.

VIII. HISTORY

Ordinance 85-14 07/01/85, Ordinance 94-16(A), Ordinance 02-08(A), 04/08/03, Ordinance 02-23(A), 06/10/02, Ordinance 06-42(S), Ordinance 12-15

Resolution 87-61(S), Resolution 88-47, Resolution 88-77(A), Resolution 91-48, Resolution 91-68, Resolution 94-50, Resolution 95-97, Resolution 96-73, Resolution 03-116, 08/25/03), Resolution 04-41(A), Resolution 05-50(A), Resolution 05-70, 06/13/05, Resolution 07-82, Resolution 16-041(S-2)(A), May 9, 2016, Resolution 17-038, April 24, 2017

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 4, 2017

Session 17-01, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on January 4, 2017 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS ARNOLD, BOS, BRADLEY, HIGHLAND, STEAD, VENUTI

ABSENT: ABRAHAMSON

STAFF: CITY PLANNER ABBOD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Stead asked for a motion to approve the agenda.

BRADLEY/HIGHLAND SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

There were no public comments.

Reconsideration

Adoption of Consent Agenda

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

A. Approval of Minutes of November 2, 2016

Chair Stead called for a motion to adopt the consent agenda.

BRADLEY/HIGHLAND SO MOVED

Commissioner Venuti noted that he is listed a present at the November meeting but was absent.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations Reports

- A. Staff Report PL 17-01, City Planner's Report

City Planner Abboud reviewed his staff report in the packet.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 17-04 Draft Ordinance Amending 21.95.060 and 21.95.070, Introduction of Amendments to Title 21

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing. There were no comments and the hearing was closed.

VENUTI/BRADLEY MOVED THAT THE COMMISSION APPROVES ORDINANCE 16-57 AND RECOMMENDS ADOPTION BY CITY COUNCIL.

There were comments that this is straight forward. The oversight and transparency it provides is a great opportunity to help the council and have more buy in from the city.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Plat Consideration

- A. Staff Report PL 17-02, DeGarmo Subdivision Three Preliminary Plat

City Planner Abboud reviewed the staff report.

Chair Stead opened the floor for comments.

Elizabeth Garvey asked questions about the process for plat approval and City Planner Abboud provided feedback on the city and borough process.

There was brief discussion clarifying that the reference to waste water disposal on the preliminary plat likely refers to an onsite septic for the existing structure. City Planner Abboud noted Public Works comments about requiring an installation agreement to provide water and sewer to the new lot.

Other comments were related to the natural gas line assessment and setbacks. City Planner Abboud was unsure if the new lot would be assessed. He clarified that the 40-foot setback from the bluff would need to be researched and addressed when the property owner applies for a zoning permit and that the 20 foot building setback is measured from the right-of-way.

HIGHLAND/BRADLEY MOVED TO APPROVE STAFF REPORT PL 17-02 AND THE DEGARMO SUBDIVISION THREE PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

It was noted that the staff report regarding this plat is labeled as PL 17-01 and should be corrected to 17-02.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 17-06 Barnett South Slope Subdivision Fell Addition Preliminary Plat

City Planner Abboud reviewed the staff report. He noted minor inconsistency with identifying Tasmania Court and will correct it as needed.

There was no applicant or public comment.

Question was raised regarding the 15-foot utility easement on both ends of the lot and vacating the one in the middle. City Planner Abboud replied it's necessary to provide access both on Shellfish and Tasmania. He didn't have any feedback on the middle one being vacated and Public Works didn't provide any comments in the staff report.

VENUTI/HIGHLAND MOVED TO APPROVE STAFF REPORT PL 17-06 AND THE SOUTH SLOPE SUBDIVISION FELL ADDITION PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Pending Business

New Business

A. Staff Report PL 17-03, HART Program Revisions

City Planner Abboud reviewed the staff report including recent HART projects and costs.

The Commission addressed the questions posed under staff comments and recommendations.

Discussion Question 3A Project eligibility: *If there is a bad section of road, should the city require the property owners use the SAD process, or could HART funds be used to do section repairs?*

Discussion Question 3B Project eligibility: *Should the HART manual provide direction on using HART funds for major road repairs, or should this be left for Council to decide on a case by case basis?*

City Planner Abboud gave a brief overview of the process for establishing a Special Assessment District (SAD) noting that a lot of times it's hard to get the neighborhood involved. He also explained a situation where HART funds were used along with property owner contributions to repair a section of road on Fireweed Avenue and Cottonwood Lane.

Comments included:

- One point against using HART funds for repairs is that there are always repairs needed. The program was put together to assist in the cost of upgrading roads.
- Using HART money for maintenance could be acceptable in instances where a repair is needed and a group of property owners contribute toward the maintenance as in the case of Cottonwood and Fireweed.
- If the City wants to use this fund for maintenance, then it needs to go back to the voters to restructure what's in place now.
- The City needs to be planning for maintenance and repair costs for city streets, not relying on the HART fund.

City Planner Abboud commented that according to public works, maintenance costs are similar whether it's a gravel or paved road. When new culverts need to be put in, re-crown a road and do that type of work it's more of a major repair. Some of these road issues came to the City when it annexed.

They continued the discussion of road maintenance and repairs and how they relate to the purpose of the HART fund. In general, they were not supportive of the routine use of these funds for major repairs.

STEAD/BOS MOVED THAT WE ASK CITY COUNCIL TO ADJUST THE HART POLICY TO ELIMINATE MAINTENANCE COSTS OR DEFINE A PORTION OF HART TO MAINTENANCE.

City Planner Abboud pointed out that it's not authorized to maintenance with the fund. It would have to be worded to ask the tax payers to consider it.

Chair Stead clarified that if the fund isn't for maintenance and they repair a road and bring it back to the same standard, they can't use HART funds. If they are going to upgrade or improve it, then they could.

They briefly reviewed some of the purposes in the HART policy.

VOTE: YES: VENUTI

NO: BOS, STEAD, HIGHLAND, ARNOLD, BRADLEY

Motion failed.

Commissioner Venuti noted section 3D. *Use of HART Funds* in the draft manual dated 12/30/16 in the packet.

VENUTI/HIGHLAND MOVED THAT SECTION 3D BE INCLUDED IN THE HART MANUAL.

Comments in opposition:

- It gives open ended maintenance and major project money being taken from the HART fund.
- It is unclear who decides what qualifies as major eligible road and drainage repair beyond the scope of routine maintenance.
- The language is very loose.
- This would need to go back to the voters to make changes.

A comment in support was that everyone pays into the the fund through sales tax and this would allow for taking care of all of the roads.

VOTE: YES: HIGHLAND, VENUTI

NO: STEAD, ARNOLD, BRADLEY, BOS

Motion failed.

ARNOLD/BOS MOVED TO RECOMMEND THAT NO HART FUNDS BE USED FOR MAINTENANCE, INCLUDING LARGE PROJECTS WITHOUT IT BEING TAKEN TO CITY COUNCIL.

Commissioner Arnold commented that will offer protection of misuse of the funds.

There was brief discussion that this encompasses repairs, and that maintenance has a questionable definition and should be clarified.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Recommend to Council Task 4 Sidewalks: “E. Sidewalks. To use HART funds, projects must be mapped as either sidewalks, paved shoulders or separated pathways, or directly serve the special populations discussed in sections 3.1 and 3.2 of the HNMTTP. Effort will be made to find grants or non-city funding sources to match city construction funds, whenever possible.”

HIGHLAND/BOS MOVED TO RECOMMEND TO COUNCIL TASK FOUR, SIDEWALKS.

Commissioner Highland likes that it gives options for sidewalks, paved shoulders, separated pathways and so on. Sidewalks are very costly so having other options is beneficial.

Question was raised if sidewalks would use the SAD process to use the HART fund. City Planner Abboud commented that trails don't go through a SAD and thought in most cases sidewalks would not. He can look into it to further clarify next time.

There was discussion regarding the Reber Trail that was built without asking property owners to contribute; also special populations like school children or senior citizens and the need to have a safe walking space around schools and senior centers. City Planner Abboud commented that the trail section is a separated pathway and a sidewalk is part of the road section.

There was comment that partial cost should go to property owners, otherwise the funds could get used up quickly if improvements are put in as they were on Bunnell.

Brief discussion ensued regarding cost sharing and grants for sidewalks projects.

City Planner Abboud said he could define this better for further discussion next time.

VOTE: YES: VENUTI

NO: STEAD, BRADLEY, ARNOLD, BOS, HIGHLAND.

Motion failed.

Task 5, trails grant program: *If the Commission agrees with the matching grant program, please make a motion and forward the recommendation to the City Council.*

City Planner Abboud noted that this applies to separated pathways and not sidewalks.

HIGHLAND/BRADLEY MOVED TO ACCEPT TASK 5 TRAILS GRANT PROGRAM.

There was brief comment in support of the matching grant program.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Chair Stead called for a break at 8:29 p.m. and the meeting resumed at 8:33 p.m.

- B. Staff Report PL 17-05, Review of HCC 21.46 Small Boat Harbor Overlay District and potential harbor over slope development locations

City Planner Abboud noted the Commission discussed this at their worksession and directed them to the questions posed under recommendations.

Discussion ensued regarding the sections of the overslope that could be available for development.

HIGHLAND/VENUTI MOVED TO RECOMMEND LOTS 88-2 THROUGH 88-4, LOT G8, LOTS 26-34, LOTS 14-17, AND LOTS BETWEEN RAMP 4&5.

There was brief discussion in support.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

City Planner Abboud explained the parking impact fee addresses the limited parking in the harbor area and compensates for the parking that is provided by the City.

HIGHLAND/BOS MOVED TO SUPPORT THE CONCEPT OF THE PARKING IMPACT FEE.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Arnold stated that his family business has the sanitation contract for the City, was recused from participating, and left the room.

City Planner Abboud explained this fee is to compensate the City for the use of dumpsters, rather than requiring the lessee provide their own.

HIGHLAND/BOS MOVED TO SUPPORT THE SANITATION IMPACT FEE.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Commissioner Arnold returned to the table.

The Commission reviewed the recommendations from the Port & Harbor Advisory Commission in providing lessees of property adjacent to the overslope first option to lease before submitting it for RFP.

HIGHLAND/BRADLEY MOVED THAT THE CITY SHOULD SEND OUT NOTIFICATIONS TO ALL LESSEES AND LAND OWNERS THAT HAVE ADJACENT UPLAND PROPERTY GIVING THEM THE FIRST OPPORTUNITY TO SUBMIT A LEASE/DEVELOPMENT PROPOSAL AND ADVERTISE AN RFP IF THEY DECLINE.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

The Commission reviewed the recommendations from the Port & Harbor Advisory Commission regarding revisions to the planning code. They discussed that the current code is reasonable relating to architectural standards and that it is reviewed through the CUP process.

VENUTI/HIGHLAND MOVED THAT THE COMMISSION SUPPORTS THE CURRENT PLANNING CODE AS IS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VENUTI/HIGHLAND MOVED THAT ALL OVERSLOPE LOTS BE AVAILABLE FOR INDIVIDUAL DEVELOPMENT AND SOME LOTS BE AVAILABLE FOR CITY DEVELOPMENT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Informational Materials

- A. City Manager's Report dates December 5, 2016
- B. KPB Notice of Action, Lake Street ROW Acquisition Preliminary Plat

Comments of the Audience

There were no audience comments.

Comments of Staff

There were no staff comments.

Comments of the Commission

Commissioner Highland commented she would still like the Commission to discuss aesthetics on an upcoming agenda.

Commissioner Bradley said she looks forward to reporting to City Council next week.

Commissioner Bos said it's nice to be back and welcomed Commissioner Arnold.

Commissioner Venuti said was an interesting meeting with spirited discussion. He wished everyone Happy New Year.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 4, 2017

Commissioner Arnold said it was a positive and thoughtful discussion. He thanked everyone for welcoming him.

Chair Stead said this was a great start for the new year and commended everyone for their work tonight.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 9:20 p.m. The next regular meeting is scheduled for January 18, 2017 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

MELISSA JACOBSEN, MMC, DEPUTY CITY CLERK

Approved: _____

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 1, 2017

Session 17-03, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on February 1, 2017 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS ABRAHAMSON, BOS, STEAD, VENUTI

ABSENT: ARNOLD, BRADLEY, HIGHLAND

STAFF: CITY PLANNER ABBOD
PUBLIC WORKS DIRECTOR MEYER
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Stead asked for a motion to approve the agenda.

VENUTI/BOS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

None

Reconsideration

Adoption of Consent Agenda

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

- A. Approval of Minutes of January 18, 2017
- B. Decisions and Findings for CUP 2017-01 to build 7 single-family rental cabins at 2080 Shannon Ln.
- C. Staff Report PL 17-09, Hickerson Memorial Cemetery Expansion

Chair Stead called for a motion to adopt the consent agenda.

VENUTI/BOS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

A. Staff Report PL 17-10, City Planner's Report

City Planner Abboud reviewed his staff report in the packet.

The group discussed temporary housing for homeless people, particularly the need for transitional housing, getting an estimate of the number of homeless, determining what support organizations there are such as the Food Pantry, Haven House, and Salvation Army, and connecting with KPHI to see where the gaps are for transitional housing in the community.

Commissioner Abrahamson agreed to attend the February 27th City Council meeting.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

Plat Consideration

Pending Business

A. Staff Report PL 17-11, Revision of HAWSP Manual

City Planner Abboud reviewed the staff report and reviewed the manual.

There was brief discussion regarding codifying conservation easement exemptions and circumstances where that could apply. Public Works Director Meyer participated in the discussion on double fronted properties.

Suggestions for the HAWSP Manual included:

1. Special Provisions being broken up into two parts, Policy Provisions and include provisions 1, 2, 4 and 5 and Exemption Provisions and include 3, 4, and 6.
2. Eliminate reference to case-by-case basis in number 6 and define what basis we have for including an exemption.
3. Improve the term spaghetti line and provide a clear definition of what it is.

B. Staff Report PL 17-12, Revision of HART Fund Manual

City Planner Abboud reviewed the staff report. The Commission discussed the questions in the staff report with the City Planner and Public Works Director. Commission suggestions are bulleted below.

1A. *If the Commission finds this too restrictive, please comment to staff.*

“E. Sidewalks. To use HART funds, projects must be mapped as either sidewalks, paved shoulders or separated pathways, or directly serve the special populations discussed in sections 3.1 and 3.2 of the HNMTP. Effort will be made to find grants or non-city funding sources to match city construction funds, whenever possible.”

- The language as presented is not too restrictive.
- When the HNMTP is reviewed, review this section again.

1B: *Sidewalk funding: Does the Commission want to recommend a dollar amount that benefitted properties would pay? Is it worth the effort? The Commission discussed that property owners should contribute to sidewalks. This raises a conundrum. Let's say the City caps the property owner cost of a sidewalk at \$1,500. If there is a SAD and the property owners vote against it due to cost, does that mean we won't build a sidewalk? Recall we're only building them in the places prioritized in the HNMTP, near schools, downtown, etc. These sidewalks are paid for by the larger community through sales tax, and the sidewalk routes benefit the larger community to some degree. Additionally, the SAD process is very time consuming and somewhat costly for the City. I think the cost sharing should be decided on an individual project basis. Commission thoughts? Is there a dollar amount you think the city should assess when a sidewalk is constructed?*

- Not in support of a capped fee.
- Cost share that is decided on an individual project basis, depending on grant availability benefits to the general citizenry, etc.

2. Additional Policy Considerations; comments to the City Council

a. *Debt Service Ratio. Consider eliminating this provision for HART. Currently, all HART projects are paid for by the fund balance – the City is not borrowing money for these projects. Additionally, this program ends in 10 years, unless extended by the voters. So it doesn't make sense to go in to debt for a project when the City has a fund balance to pay cash, and the repayment mechanism is going to expire. There should not be any debt service!*

2a Recommendation: *Eliminate the 1.25 debt service ratio in HART.*

- Eliminate the debt service ratio for HART, especially since the program ends in 10 years.

b. *If the HART fund goes back to the voters (to contribute to the general fund), consider revising the purpose of the program and better define when HART funds are used for capital projects (big maintenance projects). Also, consider eliminating the sunset provision.*

2b Recommendation: *Consider better defining HART to include major capital projects, and eliminating the sunset provision.*

No specific comments or recommendations were expressed.

3. Recommended code changes

a. *Staff recommends codifying the exemptions for conservation parcels. Are the parcels still part of the district, but the city pays the full assessment? Or does the rest of the SAD pay more because there is a conservation parcel (reduces the number of properties paying for the improvement)?*

3a: *Recommend codifying conservation easement exemptions and project payment mechanism*

The Commission had lengthy discussion about conservation easement exemptions and made no recommendation.

b. 3b: *Request legal review of 17.04.180(a) – is it still valid and current regulation? (Pertains to lots with double frontage).*

- There was agreement with requesting a legal review.

New Business

Informational Materials

A. City Manager's Report dates January 23, 2017

Comments of the Audience

None

Comments of Staff

None

Comments of the Commission

Commissioner Venuti said it was an interesting meeting and it was unfortunate the others were gone tonight. The storm water pollution and prevention refresher class is coming up on the 9th.

Commissioner Bos said it was a good meeting and this isn't his favorite stuff to work on as a commissioner. He looked at the cemetery information in the packet and liked but likes the questions in the laydown item and answers provided by Public Works.

Commissioner Abrahamson commented it's nice to be back. She mentioned the Woodard Creek Watershed plan is in it's final stages. There should be a final draft and presentation to the Commission.

Chair Stead said it was a worthwhile meeting with nice discussion.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 1, 2017

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:20 p.m. The next regular meeting is scheduled for February 15, 2017 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

MELISSA JACOBSEN, MMC, DEPUTY CITY CLERK

Approved: _____