



Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603
www.cityofhomer-ak.gov

City of Homer Agenda

City Council Regular Meeting
Monday, June 10, 2019 at 6:00 PM
City Hall Cowles Council Chambers

CALL TO ORDER, PLEDGE OF ALLEGIANCE

AGENDA APPROVAL (Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 2.08.040.)

MAYORAL PROCLAMATIONS AND RECOGNITIONS

- a. Recognition of Dr. Bell's Service to the Homer Volunteer Fire Department

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA (Items listed below will be enacted by one motion. If a separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- a. [Homer City Council Unapproved Meeting Minutes of May 28, 2019](#). City Clerk. Recommend adoption.
- b. Memorandum 19-067 from Mayor Re: Appointment of Annalynn Brown to the Economic Development Advisory Commission as Student Representative. Recommend approval.
- c. Memorandum 19-068 from City Clerk Re: Application for Restaurant Designation for Homer Spit Oyster Bar. Recommend approval.
- d. Ordinance 19-26, An Ordinance of the City Council of Homer, Alaska Adding Rural Residential Zoning District 21.12.060 Lighting Standards And Urban Residential Zoning District 21.14.060 Lighting Standards. Planning Commission. Recommended dates Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019
Memorandum 19-069 from City Planner as backup
- e. Ordinance 19-27, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 11.36, "Vegetation in Rights-of-Way" to amend HCC 11.36.020 And Add HCC 11.36.030 "Removal for Compliance-Public Works Director Discretion," to Permit Public Works Director to Authorize Removal of Vegetation to Bring Roads Constructed Prior to City Regulation into Compliance with City Laws

and Construction Procedures. Stroozas. Recommended dates Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

- f. Ordinance 19-28, An Ordinance of the City Council of Homer, Alaska, Authorizing the Expenditure in an Amount up to \$6,000 from the HART Funds for Construction of an ADA Accessible Trail on City of Homer Property and Kachemak Heritage Land Trust Property. Mayor. Recommended dates Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

Memorandum 19-070 from Deputy City Planner as backup

- g. Ordinance 19-29, An Ordinance of the City Council of Homer, Alaska, Authorizing the Expenditure in an Amount up to \$13,900 from the HART Funds for Construction of an ADA Accessible Trail on City of Homer Property and Kachemak Heritage Land Trust Property. Venuti. Recommended dates Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

Memorandum 19-071 from Parks Art Recreation and Culture Advisory Commission as backup

- h. Ordinance 19-30, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Commercial Vessel Passenger Tax Program Pass Through Grant from the Kenai Peninsula Borough for Calendar Year 2018 in the Amount of \$35,815 and a Commercial Vessel Passenger Tax Appropriation from the State of Alaska For \$35,815 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended Dates Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

- i. Resolution 19-039, A Resolution of the City Council of Homer, Alaska, Approving the Kenai Peninsula Borough School District Agreement for Joint Use of Equipment and Facilities for the Period July 1, 2019 through June 30, 2022, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.

- j. Resolution 19-040, A Resolution of the City Council of Home, Alaska Awarding the Contract for the Homer Volunteer Fire Department Firefighting Turn Out Gear to L.N. Curtis & Sons of Kent, Washington in the Amount of \$41,625.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend adoption.

Memorandum 19-074 from Interim Fire Chief as backup

VISITORS

- a. Homer Steps Up Challenge - Derotha Ferraro, South Peninsula Hospital Director of Public Relations and Marketing
- b. Economic Contribution of Bear Viewing to Southcentral Alaska - Dave Bachrach, Drew Hamilton, and Dave Aplin (10 minutes)

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

- a. Committee of the Whole Report
- b. Worksession Report
- c. Special Meeting Report
- d. Mayor's Report
 - [i.](#) Letter from AKDOT Re: Response Baycrest Sub.
 - [ii.](#) Alaska Marine Highway Survey Response
- e. Borough Report
- f. Library Advisory Board
- g. Homer Advisory Planning Commission
- h. Economic Development Advisory Commission
- i. Parks Art Recreation and Culture Advisory Commission
- j. Port and Harbor Advisory Commission
- k. Americans with Disabilities Act Compliance Committee

PUBLIC HEARING(S)

- [a.](#) Ordinance 19-19, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 14.08, "Water Rules and Regulations" to add HCC 14.08.015, "Water Service Area" and Prohibiting the City from Providing Water Service Outside the City of Homer Unless Authorized by Ordinance or Required by Law and Requiring the Adoption of Extraterritorial Public Utility Agreements by Resolution. Aderhold. Introduction April 22, 2019, Postponed to May 28, 2019, Public Hearing and Second Reading June 10, 2019.

Ordinance 19-19(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 14.08, "Water Rules and Regulations" to add HCC 14.08.015, "Water Service Area" and Permitting the City to Provide Water Service Outside the City of Homer so Long as the Property Served is Adjacent to a Water Main Installed to Serve City Property and Such Service is Required by Law or Authorized by Ordinance and Requiring a Council Approved Agreement Regulating Use, Operation, Installation, and Maintenance of Water Service on the Property. Aderhold.

Memorandum 19-072 from Councilmember Aderhold as backup

- [b.](#) Ordinance 19-23, 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. Lord/Stroozas. Introduction May 28, 2019, Worksession June 10, 2019. Public Hearing June 10, 2019, Public Hearing and Second Reading June 24, 2019.

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. Lord/Stroozas.

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

- c. Ordinance 19-24, An Ordinance of the City Council of Homer, Alaska, Amending the 2019 Operating Budget by Authorizing the Expenditure of an Additional \$16,100 from the Police Fleet Reserves for the Outfitting of Two New Police Vehicles and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Introduction May 28, 2019, Public Hearing and Second Reading June 10, 2019.

Memorandum 19-061 from Police Chief as backup

- d. Ordinance 19-25, An Ordinance of the City Council of Homer, Alaska, Approving the Sale of the Homer Public Library Lot Located at 3713 Main Street and Authorizing the City Manager to Execute the Appropriate Documents to Dispose of the Lot. Aderhold. Introduction May 28, 2019, Public Hearing and Second Reading June 10, 2019
- e. Resolution 19-036, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Water and Sewer Rates and Updating the Fee Schedule Accordingly. City Manager/Finance Director.

Resolution 19-036(S), A Resolution of the City Council of Homer, Alaska Alaska, ~~Amending Maintaining~~ the City of Homer Water and Sewer Rates and ~~Updating the Fee Schedule Accordingly~~ for 2020. Stroozas.

ORDINANCE(S)

CITY MANAGER'S REPORT

- [a.](#) City Manager's Report
- [b.](#) Bid Report - Informational Only

PENDING BUSINESS

NEW BUSINESS

- [a.](#) Memorandum 19-073 from Finance Director Approving the 2020 & 2021 Budget Schedule

RESOLUTIONS

- [a.](#) Resolution 19-042, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Replacement of the A-Frame PRV Station to a firm to be Announced in an Amount to be Disclosed, and Authorizing the City Clerk to Execute the Appropriate Documents. City Clerk.
- [b.](#) Resolution 19-042, A Resolution of the City Council of Homer, Alaska, Awarding the City Hall Roof Replacement Project to a Firm to be Announced in an Amount to be Disclosed and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

COMMENTS OF THE CITY MANAGER

COMMENTS OF THE MAYOR

COMMENTS OF THE CITY COUNCIL

ADJOURNMENT

Next Regular Meeting is Monday, June 24, 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 Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 19-14 a Regular Meeting of the Homer City Council was called to order on May 28, 2019 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: ADERHOLD, ERICKSON, LORD, SMITH, STROOZAS, VENUTI

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
INTERIM FIRE CHIEF PURCELL
CITY PLANNER ABOUD
CITY ATTORNEY WELLS

AGENDA APPROVAL (Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 2.08.040.)

The following changes were made: **PUBLIC HEARINGS** Amend item b. Ordinance 19-20(S) to be a subheading under Item A, instead of a separate agenda item and renumber the remaining items as b. and c.; **Ordinance 19-20(S)**, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating the Police Station General Obligation Bond Proceeds in the Amount of \$4,804,047 to the Police Station Fund and Amending the 2019 Capital Budget to Appropriate \$5,285,806 from the Police Station Fund to Complete the New Homer Police Station Project and Authorizing the City Manager to Execute All Appropriate Documents Necessary to Complete the Project Within the Approved Budget. City Manager/Public Works Director. Memorandum 19-065 from City Manager as backup and Memorandum 19-066 from Project Manager as backup; **ORDINANCES Ordinance 19-23**, 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. Lord/Stroozas. Current Homer City Code Title 14 Public Services and Title 17 Improvement Districts as backup and Current Homer City Code Title 1.16 General Penalty as backup; **Ordinance 19-25**, An Ordinance of the City Council of Homer, Alaska Approving the Sale of Homer Public Library Lot Located at 3713 Main Street and Authorizing the City Manager to Execute the Appropriate Documents to Dispose of the Lot. Aderhold. Historical Assessed Value for the Old Library Lot as backup and Soils Investigation Report.; **CITY MANAGERS REPORT** AML Open Letter to the Governor and Alaska State Legislature **RESOLUTIONS Resolution 19-036**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Water and Sewer Rates and Updating the Fee Schedule Accordingly. City Manager/Finance Director. Recommend Schedule for Public

Hearing on June 10, 2019. Understanding Homer's Water and Sewer Systems Diagram as backup and Water and Sewer Rate Model Presentation and Memorandum from Finance Director as backup.

LORD/VENUTI MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Sherry Stead, city resident, commented in support of Ordinance 19-25 explaining her business is interested in purchasing the City owned property identified in the ordinance if an appraisal comes in within their price range.

Karen Marks, city resident, commented in support of Ordinance 19-25. She supports infilling and Pioneer Avenue becoming a more robust economic engine for Homer. She understands maintaining land for the City's civic purposes but this lot may not be large enough to develop and have adequate parking for City purposes, and would be beneficial to have on the tax rolls.

Jack Cushing, city resident, commented in support of Ordinance 19-19 noting his prior comments and concerns about negative impacts to the City of providing water outside its boundaries. He urged business owners inside the City to watch this as it's a great start for the City.

Mark Speakman, Kachemak City resident and Kachemak City Council member, commented on his own behalf regarding Ordinance 19-19 and about the two cities history working together on other projects in the past and encouraged the Homer to provide water to the 16 lots that front the water line on East End Road.

Robert Archibald, city resident, commented in support of Ordinance 19-19 and thanked the City for the letter supporting Diamond Creek that is reference the City Manager's report.

Larry Slone, city resident, commented Ordinance 19-19 sharing his thoughts that it is too restrictive and makes it extremely difficult for individuals to be able to obtain water service. He commented in support of Ordinance 19-25 and suggested including a restriction that the property only be used for commercial and business purposes.

RECONSIDERATION

CONSENT AGENDA (Items listed below will be enacted by one motion. If a separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- a. Homer City Council unapproved Regular Meeting Minutes of May 13, 2019. City Clerk. Recommend adoption.
- b. **Memorandum 19-059** from Mayor Re: Appointment of Charles Barnwell to the Parks, Art, Recreation & Culture Advisory Commission and Reappointment of Franco Venuti to the Homer Advisory Planning Commission. Recommend approval.

Moved to New Business item b. Aderhold.

- c. **Memorandum 19-064**, Reappointment of Franco Venuti to the Kenai Peninsula Borough Planning Commission. Recommend approval.
- d. **Resolution 19-033**, A Resolution of the City Council of Homer, Alaska Awarding the Art Work Contracts for the New Homer Police Station Project to Rohleder Borges Architecture of Seattle, Washington, for the Sculpture, Together, Ascend In the Amount of \$26,800 and Austin Parkhill and David Pettibone of Homer, Alaska, for the Mural, Sandhill Cranes In Flight In the Amount of \$20,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend adoption.

Memorandum 19-062 from Art Selection Committee as backup.

- e. **Resolution 19-034**, A Resolution of the City Council of Homer, Alaska, Establishing the Mil Rate at 4.5 for 2019. City Manager. Recommend adoption.
- f. **Resolution 19-035**, A Resolution of the City Council of Homer, Alaska, Establishing a 2019 Mil Rate of 9.962541 Mils for the Ocean Drive Loop Special Service District. City Manager. Recommend adoption.

Item b. moved to New Business item b. Aderhold

ADERHOLD/ERICKSON MOVED TO APPROVE THE CONSENT AGENDA AS READ

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

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

a. Committee of the Whole Report

Councilmember Smith reported Council discussed Ordinance 19-23 on the re-write of title 14 and 17, there will be a number of meetings to consider this ordinance. They also heard a short report from Project Manager McNary on the police station project that we are moving along nicely.

b. Worksession Report

City Manager Koester reported there was a productive discussion by Council on Ordinance 19-19. They discussed the philosophical perspective and value of providing extra-territorial services, emphasized how the ordinance applies to all extra-territorial water service in the Homer area, and addressed possible changes that would provide a process for provide extra-territorial that members could support.

d. Mayor's Report

- i. Letter from the Alaska Municipal League to the Governor and the Alaska State Legislature

e. Borough Report

Assembly member Kelly Cooper reported there will be a joint worksession with municipalities on Tuesday June 5th to discuss an ordinance proposing a 12% bed tax. In this proposal is the Borough would split the tax with municipalities and the accommodations industry would not pay a sales tax. There is a Chamber forum scheduled Monday evening to discuss the bed tax and at the joint worksession. The ordinance will be postponed as options are considered, and it will go to voters in the fall if it passes. They aren't expecting a mil rate increase this year, she's co-sponsoring an ordinance to give the Assembly the authority to adjust the sales tax cap that's been in place since 1964. Borough foreclosure sales are on the docket for October 26th this year and notices have been sent to those affected. They've completed 2 days of budget worksessions and items of note include Kenai Peninsula Tourism and Marketing Council budget allocation was zeroed out by the Mayor and the Assembly voted to bring them back to \$100,000. They also voted to fund the Kenai Peninsula Economic Development District, Small Business Development, and the college. Their FY 2019 budget looks like it will end at \$600,000 in the black. FY 2020 shows a deficit of approximately \$2.1 million, including a potential loss of State revenue of \$3 million for school bond debt reimbursement and the fisheries tax, so that could change.

f. Library Advisory Board

Mark Massion, Library Advisory Board member, reported on the Library's Summer Reading Program that goes through July 31st and the schedule can be found on the Library's website.

He thanked Alaska Public Media, Center for Alaska Coastal Studies, Homer Food Pantry, National Center for Women and Information Technology, the Friends of the Homer Library, and others who bought rocket ships for their financial support of the program. He also shared that there will be free bags of non-perishable foods for teens and kids who are in need. The bags can be picked up on Wednesdays at the Homer Library from 10:00 a.m. to 6:00 p.m. and at the Bookmobile at Karen Hornaday Park on Thursdays from 4:30 to 6:00 p.m. May 30-June 27.

g. Homer Advisory Planning Commission

h. Economic Development Advisory Commission

Karin Marks, Economic Development Advisory Commission Chair, reported on the Commission's work with other commissions in covering areas from the Business Retention and Expansion Survey. Most recently they presented a memo to the Planning Commission outlining the EDC's request that they consider their amendments to to the sign code for large commercial buildings with multiple business tenants that came directly from the BRE survey. She hopes they'll get through the rest of the list, which includes zoning and permitting. It's been good to work with other commissions on bringing forth their ideas. They are also looking at strategic goals for the Commission. She reported there is still a vacancy that can be filled by a city resident or a non-city resident.

i. Parks Art Recreation and Culture Advisory Commission

Robert Archibald, Parks Art Recreation and Culture Advisory Commissioner, reported the Commission had a worksession where they visited Jack Gist Park and Bayview Park. There is a ballfield at Jack Gist that isn't within regulation limits that the Softball Association is working to bring into compliance so they can hold tournaments there. There is no water or electricity out there, but they're working with what they have. Parks Maintenance Coordinator Steffy reported on the erosion issues on the spit related to camping areas 1 and 2. The areas were filled with dredge spoils and is tent camping only now with no vehicles allowed as they will get stuck and have to pay to be towed out. Those areas provided 20% of the camping revenue for the City, and there is the potential loss of up to 60 campsites with the development of the Large Vessel Haul Out near Pier One. There are volunteer Camp Hosts this year at the Fishing Hole area and Karen Hornaday Park and he thanked the Girl Scouts and Deb Lowney for organizing the work on the Karen Hornaday Park trail. The Commission considered proposals for the rehabilitations to the Poopdeck Trail and ADA accessible parking, and thanked Student Representative Avram Salzman for his service to the Commission. They have an opening for a Student Representative now.

In response to a question regarding the Disc Golf area at Jack Gist Park, Mr. Archibald said they didn't walk the entire course but explained some of the course has been rearranged and they've limited hours in hopes of creating less of a nuisance for neighboring properties.

j. Port and Harbor Advisory Commission

Bob Hartley, Port and Harbor Advisory Commissioner, reported it's busy at the harbor. It's full with 229 vessels on the stall waiting list. At their last meeting the Commission primarily worked on tariff changes for smaller vessels, 36-50 feet in length, that are using barge ramp. This is the same facility larger vessels use and pay a tariff for, so in fairness the smaller vessels should have one as well, as they use the facility as much as four or five times a day. They are working toward an option that will work for these vessels. If there is any question on the need for a large vessel harbor, just go look at the harbor now. It's jammed full and we accommodate what we can, and if we had a facility for them we'd probably have more here. They have also discussed the seriousness of the erosion issue on the spit. There was a tremendous amount of damage this spring to the point where buildings are involved. The Commission urges Council to give all the support they can to secure a large vessel harbor here and to continue work with key entities to address the erosion issue on the spit.

k. Americans with Disabilities Act Compliance Committee

PUBLIC HEARING(S)

- a. **Ordinance 19-20**, An Ordinance of the City Council of Homer, Alaska, Amending the 2019 Capital Budget to Appropriate Funds in the Amount of \$5,328,306 from the Police Station Project Account for Completion of the New Homer Police Station Project. City Manager/Public Works Director. Introduction May 13, 2019, Public Hearing and Second Reading May 28, 2019

Memorandum 19-050 from Public Works Director as backup

Ordinance 19-20(S), An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating the Police Station General Obligation Bond Proceeds in the Amount of \$4,804,047 to the Police Station Fund and Amending the 2019 Capital Budget to Appropriate \$5,285,806 from the Police Station Fund to Complete the New Homer Police Station Project and Authorizing the City Manager to Execute All Appropriate Documents Necessary to Complete the Project Within the Approved Budget. City Manager/Public Works Director.

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

VENUTI/ADERHOLD MOVED TO ADOPT ORDINANCE 19-20 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

LORD/ADERHOLD MOVED TO SUBSTITUTE ORDINANCE 19-20(S) FOR 19-20.

There was no discussion on the motion to substitute.

VOTE (substitute): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no discussion on Ordinance 19-20(S)

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Ordinance 19-21**, An Ordinance of the City Council of Homer, Alaska, Amending the 2019 Operating Budget to Appropriate Funds in the Amount of \$104,000 from General Fund Fund Balance as a Mid-Year Budget Adjustment to Fund Additional Fire Department Personnel. Mayor. Introduction May 13, 2019, Public Hearing and Second Reading May 28, 2019

Mayor Castner opened the public hearing.

Larry Slone, city resident, commented this is a lot of money for six months and this adds two positions to the city rolls, so we'll be paying the full salary and benefits for the positions. He understood that there was a need to hire staff for training, but this isn't for training positions, both are for EMS positions.

There were no further comments and the hearing was closed.

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 19-21.

Councilmember Stroozas said he checked with his insurance agency, a fairly large national corporation, and ISO ratings don't have any correlation to what they use for premium evaluations. His agency bases their premiums on how many premiums are paid in the community, both for residential and commercial establishments they insure.

Councilmember Lord commented she understood the request from Chief Purcell as the need for high level leadership at the department, and this ordinance addresses that need. She sees anyone in the position providing periodic training as well as ongoing day to day training through oversight and leadership. She will support the ordinance as presented but shared concern with pulling from the general fund balance. She looks forward to discussing this and general fund policies as we move into budget.

Councilmember Smith shared his support with being fully staffed at the department but doesn't think there is a very good baseline to judge how the station could be run with proper leadership. He supports funding one position and wants to see what the new leadership is capable of before expanding further. He doesn't see an emergency with the ISO rating at this

time, and appreciated the interim Chief's morale concerns that he raised. He's excited to have the new Chief come in and find himself a good Assistant Chief.

SMITH/STROOZAS MOVED TO REDUCE THE APPROPRIATION TO \$43,100 AND REMOVE ANY REFERENCE TO AN EMS ASSISTANT CHIEF AND JUST FUND THE ESS POSITION.

Councilmember Lord asked if Chief Purcell could come up and speak to this. There was no objection.

Interim Chief Purcell explained he made those recommendations based on a very in-depth analysis of the Fire Department and he stands by the recommendations. He feels this is a key time to start moving the department in a positive direction and it will take these positions to address the two key functional areas, the first being ESS. The ESS position is designed to complete the 24 hour coverage for the best possible EMS response without going to a career department with full time crews, and to give support to the volunteers. The other area is subject matter expertise training and operational supervision. He does not believe its feasible today for one Assistant Chief to address these two fields. The issue of leadership is being strengthened with the selection of the new Fire Chief, but there is leadership and there is capacity. The department is lacking capacity in the EMS side or the fire side, but it's not functional to have one assistant chief who's trying to do two peoples jobs in two discrete areas of service. He reiterated that he stands by his recommendations, it was the most conservative approach he could take and get buy in from the City Manager. His strategy was to bring Council the minimum necessary to support the organization moving forward. He doesn't believe "wait and see" works given the capacity needed to meet the workload.

Councilmembers Lord, Aderhold, and Venuti commented they are in support of the Chief's recommendations and would not be supporting the amendment.

Councilmember Smith understands the Chief's argument but he struggles with not knowing the capacity when comparing the leadership we've had in the past and the potential with the new Chief. It may redefine the scope under which they hire an assistant chief, and what they are capable of doing before increasing the capacity.

VOTE (amendment): YES: SMITH, STROOZAS
NO: VENUTI, ADERHOLD, LORD, ERICKSON,

Motion failed.

Councilmember Erickson commented she understands Councilmember Smith's concerns and he raises a good point, but she recognizes the need to have the paid staff available to respond and work with the volunteers.

STROOZAS/ERICKSON MOVED TO AMEND LINE 18 TO READ THE ISO RATING MAY HAVE A DIRECT CORRELATION.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Smith reiterated his concerns about adding two positions in addition to the Assistant Chief, prior to bringing on the new Fire Chief and seeing what their capacity is first.

Mayor Castner noted that he was unable to find another funding source other than the fund balance. Hopefully we'll reconfigure how we identify funds to have a common fund for things like this.

VOTE (main motion): YES: ADERHOLD, LORD, VENUTI, STROOZAS, SMITH, ERICKSON

Motion carried.

- c. **Ordinance 19-22**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.05.030(b) to Change How Building Height is Measured within Areas of Special Flood Hazard. Smith/Erickson. Introduction May 13, 2019, Public Hearing and Second Reading May 28, 2019

Memorandum 19-053 from City Planner as backup

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

ERICKSON/VENUTI MOVED TO ADOPT ORDINANCE 19-22 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

CITY MANAGER'S REPORT

- a. City Manager's Report

City Manager shared some additions to her written report. She thanked Assembly member Cooper for announcing the Kenai Peninsula Borough joint worksession on Tuesday June 4th. She doesn't have an agenda but will be in touch once things are finalized. She reported there were two mandatory walk throughs scheduled with the HERC building RFP. Staff waited for

twenty minutes each time and no one showed up. She will be issuing an addendum that walk-throughs can be scheduled and staff will accommodate schedules as they can. She announced today is the last day to get steps in for the Homer Steps Up Challenge, and there will be an end of challenge party at the Farmers Market from 2:00 to 3:00 p.m.; there will be a worksession for training on the agenda management software and electronic packets on June 24th.; and she will confirm dates for a Pioneer Avenue Project open house.

In response to a questions, City Manager Koester commented regarding online sales tax and explained the Borough has mentioned they won't be able to portion out the online revenue from the in person sales revenue. It can be looked at by industry, but not by point of sale. It's a challenge because people want to know.

Regarding spit erosion she explained there are multiple things going on now addressing erosion that will require action by either the Council, DOT, or the Corps, and she isn't sure how they will all intersect at this time. Council action will have the ability bring the public and stakeholders together. For a long term solution we envision something as engaged in public as an update to the Spit Comprehensive Plan because we need to be talking about what the Spit looks like in 30 years, whether we rip-rapping the entire side of the Spit, if we're displacing City and private property when that happens, and the pros and cons of that.

In moving into the budget conversation she will prioritize addressing the fund balance policies and getting a handle on depreciation schedule as she and the Mayor work on the budget.

- b. Bid Report – Informational Only

ORDINANCE(S)

- a. **Ordinance 19-23**, 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. Lord/Stroozas. Recommended dates: Introduction May 28, 2019, Worksession June 10, 2019. Public Hearing June 10, 2019, Public Hearing and Second Reading June 24, 2019.

Memorandum 19-058 from Councilmembers Lord and Stroozas as backup

Memorandum 19-063 from City Attorney as backup

LORD/VENUTI MOVED TO INTRODUCE ORDINANCE 19-23 BY READING OF TITLE ONLY.

There was brief discussion they may need to have additional public hearing and extend the second reading date and addressing ways to bring forward amendments.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Ordinance 19-24**, An Ordinance of the City Council of Homer, Alaska, Amending the 2019 Capital Budget by Authorizing the Expenditure of an Additional \$16,100 from the Police Fleet Reserves for the Outfitting of Two New Police Vehicles and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Recommended dates: Introduction May 28, 2019, Public Hearing and Second Reading June 10, 2019.

Memorandum 19-061 from Police Chief as backup

LORD/VENUTI MOVED TO INTRODUCE ORDINANCE 19-24 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Ordinance 19-25**, An Ordinance of the City Council of Homer, Alaska Approving the Sale of Homer Public Library Lot Located at 3713 Main Street and Authorizing the City Manager to Execute the Appropriate Documents to Dispose of the Lot. Aderhold. Recommended dates: Introduction May 28, 2019, Public Hearing and Second Reading June 10, 2019.

VENUTI/ADERHOLD MOVED TO INTRODUCE ORDINANCE 19-25 BY READING OF TITLE ONLY.

Councilmember Smith commented he doesn't support selling the property. He spoke to Angie Newby, the city's contracted Real Estate Broker, who explained the City had two prime properties, the one where the police station is being built and this lot. It has utilities and central access and so has some potential future use for the City. He's not interested in moving it at this time and certainly not at a reduced rate.

Councilmember Lord generally isn't interested in liquidating publicly owned City property and agrees there isn't a need to sell for anything less than fair market value. She questions if this lot would meet the space needs for a city facility and accommodate parking because it's a fairly

small lot in that regard. She supports an appraisal to find out what the fair market value is, and then moving forward from there.

Councilmember Stroozas concurred with having an appraisal done and having more discussion after that. This evening Grace Ridge Brewery shared their interest in purchasing the lot and it would be a good addition to Pioneer Avenue, but not at a fire sale price.

Councilmember Erickson also agreed with the idea of having the appraisal and more discussion. She questioned if there is a need to put this out for an RFP. City Attorney Wells confirmed there are provisions that govern procurement and appropriate steps, and she believes those steps have been followed by the City in this case. If not, we'll need to go back to that process.

Mayor Castner commented the knoll on this lot is the high point on what he would call the City bench. As we look to the future as a smart city evolves you get into line of sight communication with antennas. He thinks it would be best to leave the highest knoll as is because there will be an immediate demand for additional antenna coverage for downtown Homer as we move into a smart city. He thinks we should wait and see what evolves before the knoll gets knocked down.

Councilmember Venuti doesn't agree with having a tower on the lot if that's what the Mayor was indicating. She supports selling the property and thinks development would instill a vibrancy to our downtown, which is needed. It would say we have a vision and faith we are growing as a community. If it were to be the brewery it would be good to see a year round local business expand.

Councilmember Smith noted in his discussion with Angie Newby there is no shortage of commercial land available for development, and this lot isn't pigeon holed as their only choice. There are lots on the newly developed Greatland Street and some on Main Street.

Further discussion ensued regarding the perplexity of prior conversations geared somewhat strongly toward selling the HERC site, which is a large valuable lot at the entrance to town, and that it's important to get parcels on the tax rolls, and the reasoning that this parcel is so valuable that it shouldn't be pushed into the private sector. It was pointed out that the HERC property was relegated to a Task Force for consideration and recommendation. This is a specific action on a specific lot. Additional comments suggested that the putting this back on the tax rolls wouldn't generate much revenue. They also discussed challenges and cost of leveling the lot.

Question was raised as to the justifying reason to need to hang on to this property. It was suggested it's a timing issue and it's important to keep options open, particularly related to

the status of the HERC and what needs might be after completion of the RFP process, and other transitions with moving the Police Department and Fire Department needs.

VOTE: YES: LORD, ADERHOLD, VENUTI
NO: ERICKSON, STROOZAS, SMITH

Mayor Caster voted yes to break the tie and allow it to go to public hearing.

Motion passed.

PENDING BUSINESS

- a. Ordinance 19-19**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 14.08, "Water Rules and Regulations" to add HCC 14.08.015, "Water Service Area" and Prohibiting the City from Providing Water Service Outside the City of Homer Unless Authorized by Ordinance or Required by Law and Requiring the Adoption of Extraterritorial Public Utility Agreements by Resolution. Aderhold. Introduction April 22, 2019, Postponed to May 28, 2019.

Mayor Castner announced the motion on the floor from April 22, 2019 as follows:

ADERHOLD/VENUTI MOVED TO INTRODUCE ORDINANCE 19-19 BY READING OF TITLE ONLY.

Councilmember Aderhold thanked Council for the good discussion at the worksession. If the Council votes to introduce she'll bring back a substitute that address issues they discuss and bring back a schedule for review by Planning , Port and Harbor, and Economic Development Commissions for evaluation.

VOTE: YES: ERICKSON, VENUTI, LORD, STROOZAS, ADERHOLD, SMITH

Motion carried.

ADERHOLD/STROOZAS MOVED TO COME BACK AT THE JUNE 10TH MEETING FOR A PUBLIC HEARING AND SECOND READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

- a. Memorandum 19-060 from City Clerk Re: Correcting appointment term in Memorandum 19-049

ADERHOLD/VENUTI MOVED TO APPROVE THE CORRECTED TERM FOR EDC COMMISSIONER DEBORAH BROWN TO EXPIRE APRIL 1, 2022.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. **Memorandum 19-059** from Mayor Re: Appointment of Charles Barnwell to the Parks, Art, Recreation & Culture Advisory Commission and Reappointment of Franco Venuti to the Homer Advisory Planning Commission.

ADERHOLD/LORD MOVED TO APPROVE THE RECOMMENDATION OF MEMORANDUM 19-059.

ADERHOLD/LORD MOVED TO AMEND THE MEMORANDUM TO REMOVE THE RE-APPOINTMENT OF FRANCO VENUTI TO THE PLANNING COMMISSION.

Councilmember Aderhold referenced a note from the Clerk that Mr. Venuti's re-appointment can be submitted again after his application is filed with the City Clerk's Office.

There was brief discussion with the Clerk that Mr. Venuti submitted his request for re-appointment to the Borough Planning Commission, which was approved on the consent agenda, but the Clerk's office has not requested or received his re- appointment request to the City's Planning Commission. Once it's received and approved a new memo will come back to Council for confirmation.

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.

Mayor Castner called for a recess at 8:05 p.m. and the meeting resumed at 8:15 p.m.

RESOLUTIONS

- a. **Resolution 19-036**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Water and Sewer Rates and Updating the Fee Schedule Accordingly. City Manager/Finance Director. Recommend Schedule for Public Hearing on June 10, 2019.

LORD/VENUTI MOVED TO ADOPT RESOLUTION 19-036 BY READING OF TITLE ONLY.

Councilmember Stroozas pointed out that the utility fund only lost \$9,800 for the year and this amendment raises the rates ten cents per 100 gallons of water. He doesn't agree there is a need to raise water rates this year.

Councilmember Lord asked Mayor Castner for his input as he was a member of the Committee that established the water/sewer rate model. She appreciates the model that they have inputs to, that has assumptions, and has been vetted by the community in a thorough way that we base our rates setting with. She isn't comfortable amending the outputs from the model as it works by incrementally tweaking the water rates both up and down over time.

Mayor Castner in looking at how the model is working, we're collecting more than we're spending. The model doesn't have a reserve/replacement component, but the Council has adopted one which takes a varying amount of money and puts it in reserves. The model was created to self-right and his inkling is not to go into doing a big change because he thinks it will self-right. But there is still the discussion about how we fund replacement and depreciation and how the dollars we bring in support replacement and maintenance.

Councilmember Aderhold shared her understanding that a decision made that this is a fund that is going to pay for itself. The water and sewer funds stay within the fund, don't go into the general fund.

City Manager Koester referenced the supplemental packet information that shows revenue versus operating expenditures. Page 108 excludes transfers to reserves to show the operation health of the fund, page 107 includes the budgeted transfer to reserves. She explained how they ran the model and established 15% transfer to reserves, and that there is a reserve component of maintaining water and sewer infrastructure that include things like vehicles, manhole covers, cleaning components for the sewer station, and so on. The numbers presented here are 2018 usage, with a 2019 budget and a 15% transfer to reserves using the exact same model. Last year it went down in sewer and up in water, 2018 usage was down which is likely why the model adjusted to an increase in both water and sewer. She appreciates the value of the model and maintaining the integrity of the model so she's not guessing each year, and emphasizes the need for some allocation to reserves.

In response to a query of how much is in the reserve and what the goal is, City Manager Koester explained the reserve has \$4.7 million for the water and sewer fund. We have a \$10 million water plant, a 30 year old sewer treatment plant, and 50 miles of pipe that are maintained

through the fund. It's about \$330,000 in average expenditures from the fund, with some things not taken care of that probably should be.

There was further discussion on both sides as to whether there is a need to adjust the rates this year.

ADERHOLD/VENUTI MOVED TO POSTPONE TO A PUBLIC HEARING ON JUNE 10TH.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Lord requested more information regarding the monthly billing analysis information on page 115 of the supplemental packet.

- b. Resolution 19-037**, A Resolution of the City Council of Homer, Alaska, Requesting the City Manager Issue a Request for Proposals for Real Estate Broker Services. Erickson.

ERICKSON/VENUTI MOVED TO ADOPT RESOLUTION 19-037 BY READING OF TITLE ONLY.

There was discussion that while there isn't a lot of city owned property to dispose of currently, it could be beneficial to continue to have Real Estate Broker services available for the City if needed. It was also suggested that it's helpful to put this out for RFP again to get an idea if others are interested in providing this service.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Resolution 19-038**, A Resolution of the City Council of Homer, Alaska, Requesting the City Manager Issue a Request for Proposals for General Counsel Legal Services for the City of Homer. Mayor.

STROOZAS/VENUTI MOVED TO ADOPT RESOLUTION 19-038 BY READING OF TITLE ONLY.

Councilmember Stroozas commented it's in the best interest of the City to routinely re-issue and RFP for professional services to ensure they are getting the best rates for the city.

There was brief discussion that the RFP would be similar to the last one that was advertised.

Councilmember Smith said he doesn't want the RFP to be too limiting in a sense that would disqualify some people off-hand because of certain criteria that may not favor one type of firm over another.

Councilmember Aderhold understands the need to re-evaluate to ensure the city is getting the best services they can but she has concern that there is a lot of outstanding litigation and things in the works so it gives her pause in thinking about how they would move forward with and what it would end up costing the City.

There were further comments supporting the notion that it's beneficial to re-evaluate to ensure the City is getting the best service.

VOTE: YES: SMITH, LORD, VENUTI, STROOZAS, ADERHOLD, ERICKSON

Motion carried.

COMMENTS OF THE AUDIENCE

Josh Garvey, city resident, encouraged Council to oppose the bed tax, and not to support the water and sewer rate increase.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells commented she'll be attending the AML internet sales tax meeting on June 6th, along with the City Manager and can report back to Council.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

COMMENTS OF THE MAYOR

Mayor Castner commented he will be meeting with the City Manager and others to discuss 5G. He's been reading a lot about smart cities and discovered we're way behind the curve and 5G is happening now across the US and the world. The FCC has taken a stance that 5G will be a national policy and determined what Homer can do, what we can charge, and what we can't say no to. Several Mayors have sued over the ruling and it's in the court of appeals now. We need to get ahead of this, understand what it means, and how the technology will be applied. He's looking forward to working on the next phases developing our new budget process, hopefully we can bring more light to these funds and fund balances.

COMMENTS OF THE CITY COUNCIL

Councilmember Erickson commented the Navy was supposed to be here Saturday but ended up not coming, but they had a group of Veterans who did the fish fry for the town for donations, she believes for Hospice. It was great to see everyone out there. Memorial Day weekend was

busy with two cruise ships and one of the best quotes was from a visitor who had just been to Japan, who said this place is way prettier.

Councilmember Lord commented her family is really excited for summer and the library Summer Reading program. The Book Mobile was at Paul Banks for the last day of school and the new art by Rachel Tussey that's on it is really cool. They watched the High School soccer regionals, it was great fun, and she said awesome job to all the students and thank you for playing because it's such a great community thing to experience. The Pony Club did horse rides at the Horse Park and they'll be doing a beginners riding clinic for ages 6-14. It was fun to go to the ceremonial ground breaking for the police station, it was great to see the police force there and she's excited for the new station.

Councilmember Smith said it was a rare treat to see Chief Robl in his uniform. He wished the Lady Mariners the best of luck at the State tournament. He thanked Josh for coming tonight. Something they didn't discuss is the new hotel with 30 rooms and those gallons of water will add up quickly. Something else that hasn't been addressed is that we have a water service area that's approved by the Regulatory Commission of Alaska. In 1994 it was amended to include the HEA lot that's in Kachemak City so we are compelled to honor that, so when we have members throwing around the fear factor about mega stores and potential impacts, the prime lot in Kachemak City has city water and sewer. As far as deterrent in order for us to consider what we should or shouldn't do, it's already there. Our nation is having a heated discussion about the value boundaries and he doesn't know how that plays in our town, but the friendly neighbor thing is worth some thought. He has a great deal of appreciation for those who serve and protect what this country stands for is humbling. He appreciated the opportunity to visit the USS Roosevelt, it's an experience he'll never forget.

Councilmember Venuti attended the Memorial Day service at Hickerson Memorial Cemetery. The flags were beautiful and a 5 piece Navy band was there and did a beautiful rendition of the Star Spangled Banner. She thought about all the volunteers from the American Legion, Elks, Veterans of the Foreign Wars, and the Emblem Club. The Veterans were holding the flags steady despite the winds that day. Our freedoms should never be taken lightly. She encouraged everyone listening, don't drive distracted, and put your phones down. You can really tell drivers who are looking down and distracted. She's read it's the number one cause of accidents now. Keep your mind on the road, she'd hate to see someone hurt in one of the intersections.

Councilmember Aderhold commented this was a great meeting, she appreciated digging into the issues tonight and the good discussion. She thanked the people who testify in person or by email, it's important for decision making. Pier One theater has started and she's amazed by quality of actors in community. She encourage people to get out and see at least one of the shows.

Councilmember Stroozas commented that the Homer Chamber of Commerce Jackpot Halibut Derby is underway and someone has already caught a tagged fish, so remember to get your derby ticket before going out. He was proud to be a visitor on the USS Roosevelt, it was an awesome experience. The Alaska State Elks Association hosts a youth camp every summer for two weeks at their camp in Palmer. It's free and includes transportation for youths 8-12 year olds. Girl's week is the last week in July and boy's week is the first week in August. Applications are due next week and people can call him or contact the Elks lodge for more information. It free, complements of all the Elks in Alaska, and remember Elks care and Elks share.

ADJOURN

There being no further business to come before the Council, Mayor Castner adjourned the meeting at 9:06 p.m. The next Regular Meeting is June 10, 2019 at 6:00 p.m., Worksession at 4:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved:_____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 19-067

TO: HOMER CITY COUNCIL
FROM: MAYOR CASTNER
DATE: JUNE 5, 2019
SUBJECT: APPOINTMENT OF ANNALYNN BROWN SERVE AS STUDENT
REPRESENTATIVE ON THE ECONOMIC DEVELOPMENT ADVISORY
COMMISSION

Annalynn Brown is appointed to serve as the Student Representative on the on the Economic Development Advisory Commission.

Recommendation: Confirm the appointment of Annalynn Brown to serve as the Student Representative on the on the Economic Development Advisory Commission.



CITY OF HOMER
APPLICATION TO SERVE ON ADVISORY BODY
COMMISSION, BOARD, COMMITTEE, TASK FORCE

CITY CLERK'S OFFICE
CITY OF HOMER
491 E. PIONEER AVE
HOMER, AK 99603
PH. 907-235-3130
FAX 907-235-3143
clerk@cityofhomer-ak.gov

The information below provides some basic background for the Mayor and Council
This information is public and will be included in the Council Information packet

Name: Annalynn Brown Date: 5/15/19

Physical Address: [Redacted]

Mailing Address: [Redacted]

Phone #: (907) [Redacted] * Work #: [Redacted]

Email Address: [Redacted] * primary contact number

The above information will be published in the City Directory and within the city web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council

Please indicate the advisory body that you are interested in serving on by marking with an X.
You may select more than one.

<input type="checkbox"/> ADVISORY PLANNING COMMISSION 1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM	<input checked="" type="checkbox"/> ECONOMIC DEVELOPMENT ADVISORY COMMISSION 2ND TUESDAY OF THE MONTH AT 6:00 PM
<input type="checkbox"/> PARKS ART RECREATION & CULTURE ADVISORY COMMISSION 3RD THURSDAY OF THE MONTH AT 5:30 PM	<input type="checkbox"/> CANNABIS ADVISORY COMMISSION 4TH THURSDAY OF THE MONTH AT 5:30 PM
<input type="checkbox"/> PORT & HARBOR ADVISORY COMMISSION 3RD WEDNESDAY OF THE MONTH OCT-APRIL AT 5:00 PM MAY - SEPT AT 6:00 PM	<input type="checkbox"/> LIBRARY ADVISORY BOARD 1ST TUESDAY OF THE MONTH AT 5:30 PM
<input type="checkbox"/>	<input checked="" type="checkbox"/> OTHER - PLEASE INDICATE <u>Student Commissioner for Economic Development Commission</u>
<input type="checkbox"/> CITY COUNCIL 2ND & 4TH MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 PM COMMITTEE OF THE WHOLE AT 5:00 PM REGULAR MEETING AT 6:00 PM	

I have been a resident of the city for 16 years. I have been a resident of the area for 16 years.

I am presently employed at _____

Please list any special training, education or background you may have which is related to your choice of advisory body.

I am a HHS student and have maintained a 3.96 GPA while participating in numerous extracurricular activities including sports, community service and summer jobs.

Have you ever served on a similar advisory body? If so please list when, where and how long:

Board member for Homer Mariner Softball Inc. (2018-2019)

Why are you interested in serving on the selected advisory body?

Interested in city government and small business

Please list any current memberships or organizations you belong to related to your selection(s):

National Honor Society member HHS

Please answer the following only if you are applying for the Advisory Planning Commission:
Have you ever developed real property other than a personal residence, if so briefly explain:

N/A

Please answer if you are applying for the Port & Harbor Advisory Commission:
Do you use the Homer Port and/or Harbor on a regular basis?

Yes No What is your primary use? Commercial Recreational

Please include any additional information that may assist the Mayor in his/her decision making:

Varsity softball team captain and 2018 Northern Lights Conference MVP, 10 years in the Homer Nutcracker Ballet, HHS dive team captain 2016-2017, I am a very hard and dedicated worker and I want to serve my community and local government.

When you have completed the application please review and return to the City Clerk's Office. You may also email this to clerk@cityofhomer-ak.gov or fax to 907-235-3143. Thank you for applying!



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 19-068

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: JUNE 5, 2019

SUBJECT: APPLICATION FOR RESTAURANT DESIGNATION FOR HOMER SPIT OYSTER BAR

We have been notified by the Alcohol Marijuana Control Office of a restaurant designation in the City of Homer for the following:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
5563	Homer Spit Oyster Bar	Restaurant/Eating Place – Public Convenience Seasonal	Suvi Mirja Bayly	3851 Homer Spit Road

RECOMMENDATION: Voice non objection and approval for the designation.

Fiscal Note: Revenues.



City of Homer

www.cityofhomer-ak.gov

Police Department


4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

(f) 907-235-3151/ 907-226-3009

Memorandum

TO: RENEE KRAUSE, MMC, DEPUTY CITY CLERK
FROM: MARK ROBL, CHIEF OF POLICE 
DATE: June 5, 2019
SUBJECT: Restaurant Designation Application for Homer Spit Oyster Bar

There is no objection to this liquor license renewal

License #: 5563
Doing Business as: Homer Spit Oyster Bar
License Type: Restaurant/Eating Place – Public Convenience Seasonal
Licensee: Suvi Mirja Bayly
Contact Person: Suvi Mirja Bayly (907)-885-5340
Service Location: 3851 Homer Spit Road Homer, AK 99603



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MARK ROBL, POLICE CHIEF

FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

DATE: MAY 31, 2019 Corrected JUNE 5, 2019

SUBJECT: RESTAURANT DESIGNATION APPLICATION FOR HOMER SPIT OYSTER BAR

The City Clerk's Office has been notified by the ABC Board of a Restaurant Designation Application within the City of Homer for the following business:

License Type:	Restaurant/Eating Place – Public Convenience Seasonal
License #:	5563
DBA Name:	Homer Spit Oyster Bar
Service Location:	3851 Homer Spit Road, Homer, AK 99603
Licensee:	Suvi Mirja Bayly
Contact Person:	Suvi Bayly, 907-885-5340

This matter is scheduled for the June 10, 2019 City Council Regular Meeting. Please respond in a memorandum to the City Clerk's Office with objections/non-objections to this liquor license renewal no later than **Tuesday, June 4, 2019**.

Thank you for your assistance.



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

What is this form?

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A detailed floor plan of the proposed designated and undesignated areas of the licensed business and a menu or expected menu listing the meals to be offered to patrons must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

Section 1 – Establishment Information

Enter information for licensed establishment.

Licensee:	Suvi Mirja Bayly				
License Type:	Restaurant/Eating Place -Public Convenience Seasonal	License Number:			
Doing Business As:	Homer Spit Oyster Bar				
Premises Address:	3851 Homer Spit Road				
City:	Homer	State:	AK	ZIP:	99603
Contact Name:	Suvi Bayly	Contact Phone:	907-885-5340		

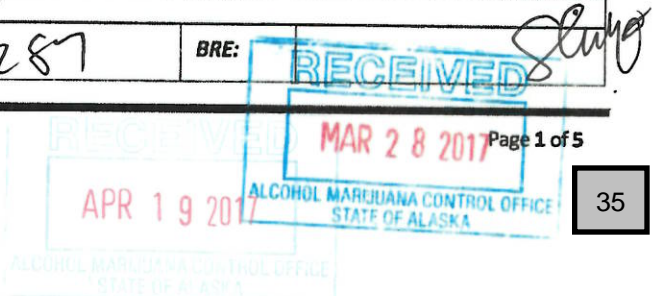
Section 2 – Type of Designation Requested

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

- Dining after standard closing hours: AS 04.16.010(c)
- Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
- Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- Employment for persons 16 or 17 years of age: AS 04.16.049(c)

NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY				
Issue Date:		Transaction #:	15287	BRE:





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 3 – Additional Information

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday

Hours: 11:00 am - 10:00 pm

Are any forms of entertainment offered or available within the licensed business or on the proposed designated portions of the premises?

Yes No

If "Yes", describe the entertainment offered or available:

[Empty text box for describing entertainment]

Food and beverage service offered or anticipated is:

table service buffet service counter service other

If "other", describe the manner of food and beverage service offered or anticipated:

Order and pick-up

Is an owner, manager, or assistant manager 21 years of age or older always present on the premises during business hours?

Yes No

Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the third page of this form.

I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the third page of this form that meet the requirements of this form.

Yes No





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 4 – Detailed Floor Plan

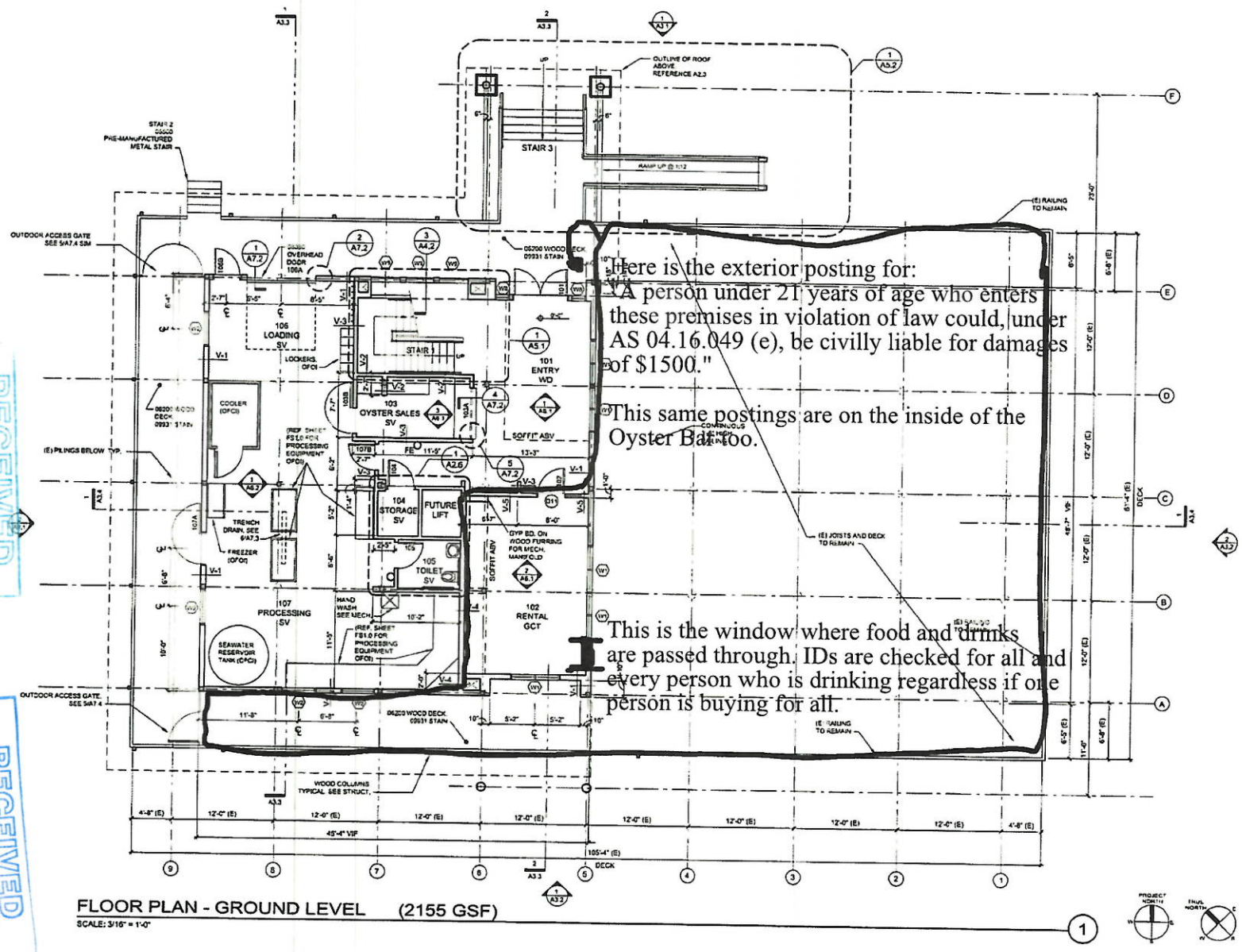
Provide a detailed floor plan that meets the requirements listed in Form AB-01 **and** clearly indicates the proposed designated and undesignated areas of the licensed business for purposes of this permit application.

Please view attached documents.



ALCOHOL, MARIJUANA CONTROL OFFICE
STATE OF ALASKA
RECEIVED
SEP 05 2017

ALCOHOL, MARIJUANA CONTROL OFFICE
STATE OF ALASKA
RECEIVED
MAY 21 2019



FLOOR PLAN - GROUND LEVEL (2155 GSF)
SCALE: 3/16" = 1'-0"

SHEET NOTES	
1.	ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN FEET AND INCHES. ACTUAL DIMENSIONS MAY VARY SLIGHTLY IN FIELD.
LEGEND	
VA	VERTICAL / HORIZONTAL
PH	ASSEMBLY REFERENCE G1.2
101	ROOM NUMBER
HALL	ROOM NAME
XXX	FLOOR FINISH
FLOOR FINISH SCHEDULE	
100	0254 WOOD FLOORING
101	0270 FLOOR APPLIED FLOORING
102	0271 1/2" X 1/2" X 1/2" VINYL
103	0280 CARPET
104	0282 RECYCLED RUBBER
105	0346 EPDM LUMULITE TOPPING

KSMA	KSMA MULTI PURPOSE SHELLFISH FACILITY
DATE: 04/10/2008	
PHASE 1	
DATE: APRIL 10, 2008	
SCALE: 3/16" = 1'-0"	
FLOOR PLAN - GROUND LEVEL A2.1	

This is the window for service for food and alcohol.
This is where the food and drinks are passed through.

RECEIVED
MAY 20 2019
ALCOHOL & TOBACCO SERVICE OFFICE
STATE OF ALASKA

OPEN

NO
SMOKING

RECEIVED
MAY 20 2019
ALCOHOL & TOBACCO SERVICE OFFICE
STATE OF ALASKA



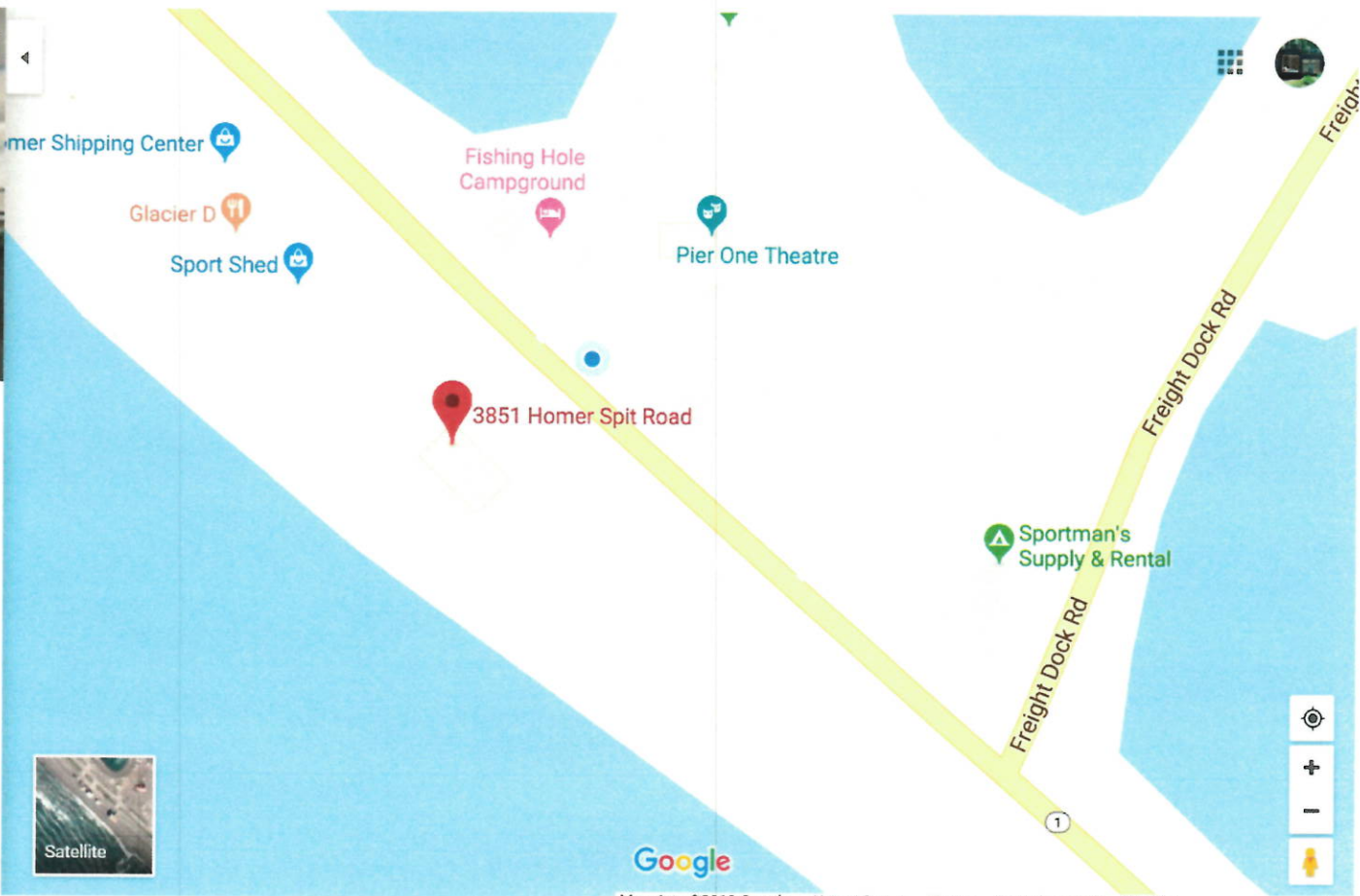
3851 Homer Spit Rd

Homer, AK 99603

- Directions
- Save
- Nearby
- Send to your phone
- Share

- Add a missing place
- Add your business
- Add a label

Photos



RECEIVED
MAY 17 2019
ALCOHOL AND DRUG CONTROL OFFICE
STATE OF ALASKA



Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 – Certifications and Approvals

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I have included with this form a detailed floor plan of the proposed designated and undesignated areas of the licensed business for purposes of this application. I understand that this diagram is different than my licensed premises diagram.



I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons.



I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.



I declare under penalty of perjury that this form, including all attachments and accompanying schedules and statements, is true, correct, and complete.

Suvi Bayly
Signature of licensee

Suvi Mirja Bayly

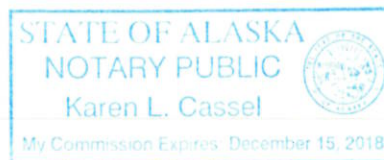
Printed name of licensee

Karen L. Cassel
Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 12/15/2018

Subscribed and sworn to before me this 24 day of MARCH, 2017.



Local Government Review (to be completed by an appropriate local government official):

Approved Disapproved

Signature of local government official

Date

Printed name of local government official

Title





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review:

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor

Enforcement Recommendations:

AMCO Director Review:

Approved Disapproved

Signature of AMCO Director

Printed name of AMCO Director

Date

Limitations:



HOMER SPIT OYSTER BAR

STARTERS

CHEESE STICKS / 7.00

Breaded mozzarella sticks

DIP DUO / 10.00

Japeno queso + salsa
served with warm tortilla chips

OYSTER DIP / 12.00

Grilled onions, creme fraiche,
melted with oysters served with
warm bread

OYSTERS

SINGLE OYSTER / 3.00

TWO'S A PAIR / 6.00

THREE'S A CROWD / 9.00

HALF IS MORE / 18.00

CHEAPER BY THE DOZEN / 24.00

GRILLED CHEESE

SINGLE CHEESE / 10.00

Ciabatta, Crème fraiche, Cheddar

DOUBLE CHEESE / 12.00

Ciabatta, Crème fraiche, Havarti & Mozzarella

TRIPLE CHEESE / 14.00

Ciabatta, Crème fraiche, Brie, Bleu, Mozzarella

SOUPS

OYSTER BISQUE / 10.00

Oysters, Oyster stock, Creme, Milk, Butter,
Kosher salt, Black pepper

OYSTER PHO / 12.00

Oysters, Oyster stock, Fish sauce, Rice noodles,
Green onions, Thai Basil/

OYSTER CIOPPINO / 16.00

Oysters, Clams, Mussels, Fish stock, tomato stock,
Onions, garlic, Kosher salt, Black pepper

SALADS

CLASSIC GREEN / 7.00

Mixed greens with classic vinaigrette

KALE & SPINACH / 12.00

Sweet pickles, Asian pears, with
Rice wine vinaigrette

MIGNONNETTES - 3 FOR 5

CLASSIC / 1.75

Red wine vinegar, Shallots, freshly ground Black pepper

PONZU / 1.75

Ponzu with a dash of lime

SWEET CHILI / 1.75

Sweet chili sauce, Rice vinegar, Shallots,
Kosher salt, freshly ground Black pepper

HERBES D'HOMÈRE / 1.75

Lavender, Rosemary, Oregano, Thyme, Rice vinegar,
Olive oil, Kosher salt, freshly ground Black pepper

BASIL VINAIGRETTE / 1.75

Fresh Basil, White wine vinegar, Olive oil, Kosher salt,
freshly ground Black pepper



ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-26

An Ordinance of the City Council of Homer, Alaska Adding Rural Residential Zoning District 21.12.060 Lighting Standards And Urban Residential Zoning District 21.14.060 Lighting Standards.

Sponsor: Planning Commission

1. City Council Regular Meeting June 10, 2019 Introduction

Memorandum 19-069 from City Planner as backup

1 CITY OF HOMER
2 HOMER, ALASKA

3 Planning

4 ORDINANCE 19-26
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 ADDING RURAL RESIDENTIAL ZONING DISTRICT 21.12.060
8 LIGHTING STANDARDS AND URBAN RESIDENTIAL ZONING
9 DISTRICT 21.14.060 LIGHTING STANDARDS.
10

11 WHEREAS, The 2018 Homer Comprehensive Plan objectives encourages high quality
12 site design and buildings; and
13

14 WHEREAS, The 2018 Homer Comprehensive Plan implementation table includes
15 developing specific policies regarding site development including standards for lighting; and
16

17 WHEREAS, Lighting standards are applicable in most zoning districts throughout the
18 City of Homer; and
19

20 WHEREAS, Lighting standards are a frequent condition of Conditional Use Permits in
21 the Rural and Residential Zoning Districts; and
22

23 WHEREAS, Lighting standards are not part of Homer Zoning Codes in the Rural and
24 Residential Zoning Districts; and
25

26 WHEREAS, The Homer Advisory Planning Commission supports the extension of
27 lighting standards in the Rural and Residential Zoning Districts; and
28

29 WHEREAS, The Homer Advisory Planning Commission has held a public hearing on the
30 proposed ordinance and moved with unanimous consent a recommendation to the Homer City
31 Council for adoption.
32

33 NOW THEREFORE, THE CITY OF HOMER ORDAINS:
34

35 Section 1. Homer City Code 21.12.060 is hereby adopted to read as follows:
36

37 **21.12.060 Lighting standards.**
38

39 **The level one lighting standards of HCC 21.59.030 apply to all developments in this district.**
40

41
42 Section 2: Homer City Code 21.14.060 is hereby adopted to read as follows:
43

44 **21.14.060 Lighting standards.**

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The level one lighting standards of HCC 21.59.030 apply to all developments in this district.

Section 3: This ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

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

Holly Wells, City Attorney

Date:_____

Date:_____



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MEMORANDUM 19-069

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABBOUD AICP, CITY PLANNER
DATE: MAY 1, 2019
SUBJECT: LIGHTING STANDARDS IN THE URBAN AND RESIDENTIAL ZONING DISTRICTS

Recently the Planning Commission was reviewing past CUP's for opportunities for reductions of CUP's. During this process, they noted that one of the most prevalent conditions listed regarded adherence to lighting standards. With most of the CUP's, this condition the condition was redundant, as most all districts with the exception of Rural Residential (UR) and Urban Residential (RR) already have applicable standards in existing code. The Planning Office included the condition to emphasize compliance because it was frequently overlooked in many of the developments approved with CUP's.

As the discussion about lighting standards ensued, the Commissioners thought that it would be beneficial to apply the lighting standards uniformly throughout the RR and UR districts and not to just to the subjects of CUP's.

It was moved and approved by unanimous consent that the Commission forward the draft ordinance to City Council for approval. This item was discussed at five meetings of the Planning Commission including a public hearing on the meeting of April 3, 2019.

Attachments

Staff reports & minutes from the following recent Planning Commission meetings:

- February 6, 2019
- February 20, 2019
- March 6, 2019
- March 20, 2019
- April 3, 2019

Bookmark Summary

February 6, 2019 Planning Commission Meeting

Minutes Excerpt

February 20, 2019 Planning Commission Meeting

SR 19-16 Review of CUPs

Minutes Excerpt

March 6, 2019 Planning Commission Meeting

SR 19-19 Review of CUPs

Minutes Excerpt

March 20, 2019 Planning Commission Meeting

SR 19-23 Review of CUPs

Draft Ordinance

Minutes excerpt

April 3, 2109 Planning Commission Meeting

SR 19-28 Lighting Standards for RR and UR

Draft Ordinance

Public Notice Advertisement

Minutes excerpt

- Preconstruction and Post Construction verifications

REPORTS

A. Staff Report 19-09, City Planner's Report

City Planner Abboud provided a summary of his report for the commission noting the following:

- A request from the City Council to review the regulatory requirements for flood elevations on the Homer Spit
- A future worksession on the Climate Action Plan
- A member on the Borough Transportation Steering Committee.

There were no questions or comments from the commission.

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 19-11, Review of Permitted and Conditionally Permitted Uses

City Planner Abboud reviewed the spreadsheet provided on the Conditional Use Permits issued since 2007 noting that they were categorized by conditions and district located. He further reviewed the list commenting that the majority were issued for "more than one" structures and second most used was "more than 8000 square feet".

City Planner Abboud suggested that the Commission could consider the impact and usefulness of a CUP under the various district when regulating for dimensional, open space, and buffer requirements or any other requirements. He was open to their input on identifying uses for additional study or consideration of elimination.

The Commission discussed or questioned the following items:

- Did any Conditional Use Permit for a "more than one" ever fail?
 - o There did not appear to be any permits failed by previous Commissions other than the two listed
- The requirement to address down lit lighting and the screened dumpster could be written into code so it would not need to be addressed on each application received.
 - o Lighting requirements are only addressed for commercial districts not in the residential districts
 - o Dumpster is normally triggered by multi-family or commercial projects
- Are existing buildings grandfathered in or how is that handled?
 - o Those situations are addressed by Homer City Code 21.59.010. Nuisances.
 - o Lighting issues require a cultural change and the ability to purchase the required fixtures such as shielded lighting fixtures



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Staff Report PL 19-16

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: February 20, 2019
SUBJECT: Review of “more than one” conditionally permitted uses

Introduction

After having a look at the various CUP's in consideration of district, multiple triggers, and conditions, I was asked to make a display of the various requirements and other regulation triggers throughout the districts. I have produced a spreadsheet that compares the requirements in relation to the districts.

Caution: This spreadsheet provides a good overview of the information, but is not exact. I have condensed some the information. For the most accurate display of information, please consult your code book.

Analysis

Recently the most popular CUP is for ‘more than one’ in the Rural Residential District. These are tempered with the requirement of 10,000sf per dwelling unit with the provision of public water and sewer. They also seem to gather the most attention at public hearings, especially in well-established subdivisions. If they were to subdivide, more money and land would have to be committed to infrastructure. In the end, many of the proposals (if they still made fiscal sense) could be developed with the deletion of a structure to make up for the land needed for road construction.

A side conversation ensued about the multiples in RR. We would be more responsive to goals of the climate action plan if we were to allow even more density. This leads us down the path of rezoning areas served by water and sewer to make that allowance. But, this is somewhat of a digression of the issue of cutting back on the amount of CUP's.

Considering the most common conditions placed on the ‘more than one's’, lighting and dumpster screening were the most cited. Again, I want to remind that the absence of other conditions may be driven by working with the office in the development of the application. That aside, my latest spreadsheet shows that in all districts except RR and UR are bound by lighting standards in code.

When the standards in code are compared with the suggestions/standards in the Community Design Manual (CDM), I fail to see much utility in the CDM version. We already cover the ground in most districts. Below is the relevant code and CDM language for comparison.

Dumpster screening is unique to CUP's. We could try to craft some code to make a requirement that might captures the areas of concern and add a lighting standard with them to cover the ground in RR and UR. My first thoughts are with the multi-units or multi-family dwellings on a lot. A multi-family by definition is 3 or more units. That way they don't apply to single family homes.

Lighting

Lighting requirement come from two sources, the Community Design Manual and city code. They differ somewhat. Code only prescribes the Design Manual Standards in the Town Center District, otherwise the Design Manual Standards are only applicable to CUP's in the districts indicated in the manual.

HCC 21.59, Off-Site Impacts

HCC 21.59.010(d), Heat and Glare. No activity shall produce objectionable heat or glare that unreasonably annoys or disturbs a person of ordinary sensibilities beyond the lot line of the site).

21.59.020 Lighting standards – General.

The intent of lighting standards is to reduce glare and light trespass and to improve the nighttime visual environment. Standards of varying levels may apply if made applicable by other provisions of the zoning code. [Ord. 08-29, 2008].

21.59.030 Lighting standards – Level one.

When level one lighting standards apply, the following are required:

a. Outside luminaires installed at a height of 15 feet or greater above grade in all new developments or replaced in existing developments shall be cut-off luminaires.

b. Up-lighting shall be installed so that it allows its direct illumination to fall only on the targeted building or sign.

c. No outside lighting shall be installed so as to cause light trespass or glare.

d. The height of any driveway or parking lot luminaire shall be a maximum of 28 feet above grade. All building-mounted luminaires shall have a maximum height of 15 feet above grade.

e. Prohibited lighting includes search lights and laser lights.

f. Exceptions to this section may be granted to the extent necessary in any of the following situations:

1. Where the City Planner has determined there are special requirements, such as historic decorative considerations, public monuments, or flag lighting; provided, however, that all such lighting shall be selected and installed to shield the lamp(s) from direct view to the greatest extent possible, and to minimize upward lighting, glare and light trespass.

- 2. In an urban area where there is high night-time pedestrian traffic and an engineer experienced in outdoor lighting has provided a written opinion satisfactory to the City Planner that for pedestrian safety reasons it necessary to permit the installation of semi-cutoff luminaires.*
- 3. Where a determination has been made by the Commission, after a public hearing process, that there is a compelling safety interest that cannot be adequately addressed by any other method.*

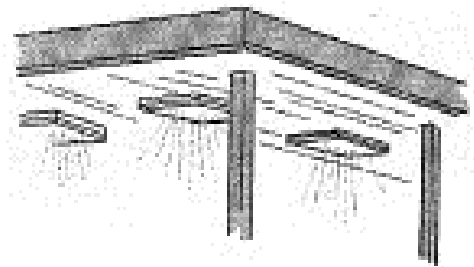
Community Design Manual

Building Lighting:

Lighting may be used to accent a building but shall not be used to denote a corporate or commercial image except on allowed signage. Lighting may be directed to a building but should generally not emanate from a building.

- 1. Avoid back-lit panels and awnings.** Translucent panels and awnings illuminated from behind are prohibited. This shall not exclude soft light being emitted from windows.
- 2. Keep light source hidden from public view.** Except for decorator lights with frosted lenses or which use clear bulbs (e.g., candelabra bulbs) light sources shall be concealed behind soffits, within recessed containers, behind shrubbery, etc.
- 3. Avoid bright lighting on outdoor surfaces of buildings.** Outdoor building lighting is limited to low levels except that more intense lighting is allowed at building entrances.
- 4. Avoid colored lighting on buildings.** Colored lighting is limited to temporary holiday lighting only.
- 5. Apply utility lighting sparingly.** Utility light fixtures which have an industrial or utilitarian appearance may be used for security lighting on buildings, but shall not be used in areas of concentrated lighting (e.g., service station canopies) unless the fixtures are not seen from public rights-of-way.

High intensity light sources may not be visible to the public. Fixture designs of an industrial or utility appearance shall be avoided.



6. Lighted accents, canopies, color bars, stripes or areas. Buildings with lighted accent areas are using this device to call attention to the business. These areas should be used sparingly and are counted as part of the allowed sign area.

OUTDOOR LIGHTING

Applicable Areas

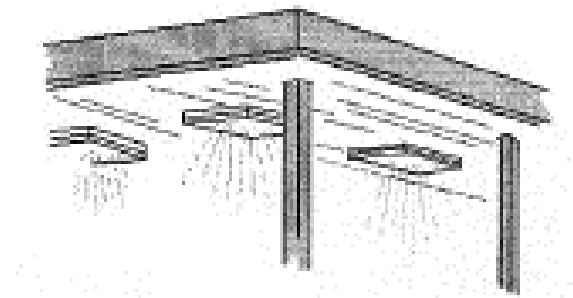
Within Areas Zoned CBD, RR, UR, RO, GBD, SGCOL and the portion of GC1 lying south of Beluga Lake:

All uses

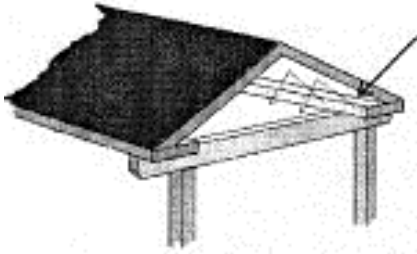
The primary purpose of outdoor lighting is to improve visibility and safety within outdoor spaces. However, light can also enhance a setting if the intensity and source of the light corresponds to the visual character of the surroundings.

- 1. Keep light source hidden from public view.** *Except for streetlights installed in rights-of-way, all light sources, whether on public or private property, shall be hidden or conform to light standards specified herein. Light sources (e.g., light bulbs) shall not be visible except on approved decorator lights. Sources of high intensity light, whether behind a lens or not, shall not be visible to the public.*

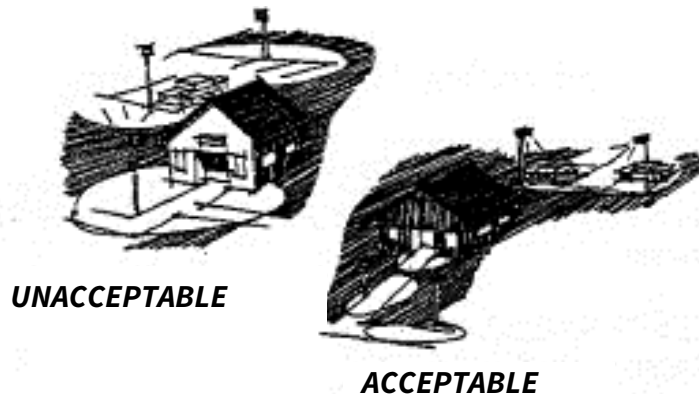
High intensity light sources may not be visible to the public. Fixture designs of an industrial or utility appearance shall be avoided.



Indirect lighting keeps light source hidden from the public's view. Recessed spot lighting may supplement indirect lighting where more direct lighting is desired.



2. **Use downward directional lighting.** All lights more than 7 feet above the ground shall be downward directional lighting.



3. **Avoid lighting large areas with a single source.** Large areas may be lit with a number of low intensity sources close to the area requiring illumination; illumination of a large area with a remote single source of light shall be avoided.
4. **Avoid excessive light throw.** Lighting shall not be cast beyond the premises and shall be limited to illumination of surfaces intended for pedestrians or vehicles. Illumination of landscaped areas shall be avoided unless lighting is part of the landscape design or the area is intended for recreational use.
5. **Choose approved outdoor light designs.** The following lighting types are approved:
- "Shoe box" style pole lamps to be approved as appropriate for district (downward directional).
 - Ornamental pole lamps - to be approved as appropriate in color and style for

district.

c. Bollard lights - to be approved as appropriate in color and style for district.

6. Avoid light fixture designs which have an industrial appearance. Designs of an industrial or utility appearance shall be avoided on all fixtures visible to the public, e.g., mercury vapor lights, cobra lights, etc.



NO!



NO!



NO!



YES!

Except for the "shoe-box" style light on the right (which is downward directional), these other lights are too industrial in their appearance and are designed for illuminating large areas with a single light source.

Finally

Creating the tables has been fairly intensive, but has helped to clarify the big picture. There are still some possible displays/tables that may clarify some of the issues we are looking at in regards to revising the CUP standards for structures greater than 8000sf. Please consider what you might want to look at in relation to the subject.

Note:

In the uses table, you will find that the CUP requirement for a structure containing more than 8000sf of building area (all buildings combined) is coupled with the requirement that the building area not be in excess of 30% of the lot area in RO and the commercial districts except MC and MI where 70% is acceptable.

Staff Recommendation

Discuss possible steps forward.

Attachments:

Development Requirements Table

Development Requirements Table

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	EEMU	MC	MI
Site plans											
level 1	X	X	X	X	X	X	X	X	X	X	X
level 2							X	X	X		X
Stormwater level 1											
>25,000 of new impervious	X	X	*								
>1 acre impervious	X	X	*								
>1,000cy of materials moved	X	X	*								
creates slope >3:1 that exceeds 10ft toe-top	X	X	*								
Stormwater level 2											
>60% impervious coverage of lot			*	X	X	X	X	X	X	X	X
>25,000 of new impervious			*	X	X	X	X	X	X	X	X
grading >1 acre			*	X	X	X	X	X	X	X	X
>10,000cy of grading materials			*	X	X	X	X	X	X	X	X
creates slope >3:1 that exceeds 10ft toe-top			*	X	X	X	X	X	X	X	X
Clearing or grading on >25% slope or w/i 10ft of wetland,water course, or water body			*	X	X	X	X	X	X	X	X
DAP level 2											
>10,000sf of clearing or grading			*	X	X	X	X	X	X	X	X
>5,000sf of additional impervious			*	X	X	X	X	X	X	X	X
>1,000cy of materials moved			*	X	X	X	X	X	X	X	X
creates slope >3:1 that exceeds 5ft toe-top			*	X	X	X	X	X	X	X	X
diversion of existing drainage course entry/exit			*	X	X	X	X	X	X	X	X
Clearing or grading on >20% slope or w/i 20ft of wetland,water course, or water body			*	X	X	X	X	X	X	X	X
Slope standards											
>15% slope	X	X	*	X		X	X	X	X	X	X
Dimensional requirements											
40-20-10k lot size dependent on water/sewer	X								X		
7500 minimum lot size			X*	X							
6,000 minimum lot size				X	X						X
20000 minimum lot size						X				X	
10000 minimum lot size							X	X			
<=75,000sf retail/wholesale					X		X*	X	X		
<=35,000sf retail/wholesale							X*				
<=25,000sf retail/wholesale										X	X
Multi-family requirements											
floor area not more than 4/10 the lot area	X	X	X	X		X					
open area, at lease 1.1 times total floor area	X	X	X	X		X					
Lighting standards											
level one, HCC21.59.030 design manual			X	X	X	X	X	X	X	X	X
					X						
Site development standards											
level 1	X	X	X*		X						
level 2			X*	X		X	X	X	X		
level 3										X	X
level 1 ROW access plan	X	X								X	
level 2 ROW access plan			*	X	X		X	X	X		X
level 3 ROW access plan						X					
traffic requirements			X	X	X	X	X	X	X	X	X
nuisance standards			X	X	X	X	X	X	X		X
architectural standards					X	X					
screening							X		X		

2. ADD A PLAT NOTE CONCERNING THE HOME LOCATED IN THE SECTION LINE EASEMENT. SAMPLE LANGUAGE COULD INCLUDE THE FOLLOWING STATEMENT: ACCEPTANCE OF THIS PLAT DOES NOT SIGNIFY ACCEPTANCE OF ANY NONCONFORMING STRUCTURES. THE BOROUGH CAN PROVIDE GUIDANCE ON THE WORDING

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report 19-16, Review of conditionally permitted uses

Chair Venuti read the title into the record and gave the floor to City Planner Abboud.

City Planner Abboud reviewed Staff Report 19-16 for the commission. He made the following points:

- The spreadsheets are wonderful tools, they are not exact, check the code book
- Asterisk represent a variation in conditions
- Gain and loss of requiring infrastructure versus letting owners build multiple dwellings along with platting
- Allowing more density would be responsive to the Climate Action Plan
 - o Would require rezoning areas served by water and sewer
 - o Digression on the issue of reducing conditional use permits
- Lighting standards and Dumpster Screenings changes to city code that would capture the necessity of those requirements
- Requirements to review the CDM is difficult since it wanders, inconsistency and requires some work
 - o Review of the lighting requirements between City Code and the CDM

Chair Venuti commented on property owner's installation of lighting fixtures that impact neighbors and they are not aware of how much the light may impact their neighbors.

City Planner Abboud responded that there is plenty to chase around on the situation with lights in Homer and they could try to address this but it is challenging since they are being directed to address other things.

Commissioner Smith inquired about mercury light fixtures owned by Home Electric Association is the same standard applied.

City Planner Abboud responded that he would divide everything up on property owners; they cannot rule on lighting in the right of ways. He would hope that those lights get replaced since they are inefficient and old. He stated that they could speak to HEA. Property owners are charged and it would be nice to see if they could usher in a change.



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Staff Report PL 19-19

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner AICP
DATE: March 6, 2019
SUBJECT: Review of “more than one” conditionally permitted uses

Introduction We created tables and have taken note of the districts, types of CUP’s, and conditions applied to those approved. Generally, we have found that most types of CUP’s benefit from the additional involvement of the public, Planning Commission, and the application process.

We have found that most CUP’s are unique and conditions and proposals may vary greatly. Additionally, many CUP’s have multiple ‘triggers’. Due to these facts, we find it unlikely that we could simply address an item or two that might make a significant dent in the amount of applications that are processed annually.

While we were taking an in-depth review of code, we have identified some opportunity to address some CUP scenarios in some specific districts.

Analysis The Commission asked for some language to address the standard conditions of lighting and dumpster screening that is commonly a condition of the popular ‘more than one’ CUP’s. My suggestion is for the development of code that addresses lighting standards in the UR and RR districts that apply to a lot that supports 3 or more dwelling units.

The lighting standards amendment fits into the code fairly well. We can add language to UR and RR,

21.1X.090 Lighting standards.

The level one lighting standards of HCC 21.59.030 apply to all developments that support 3 or more dwelling units on a lot.

Screening requirements for dumpsters is a bit more complicated and will require input from the attorneys. My concept involves adding language to 21.50.020, Site Development Standards. I believe we could add a subsections in level 1 and level 2 standards (we need both because the standards are not cumulative) or possibly, with attorney input, we could add a section labeled screening. An example is provided for discussion.

HCC 21.50.020 (e) Screening. All development activity shall conform to the following:

1. *The use of a dumpster is allowed when the dumpster is screened on 3 sides by a 6 foot tall fence.*

It may be useful to get some practical input on this item from someone experienced with servicing dumpsters. Perhaps some sort of situational concerns might be appropriate. An exception could be crafted for dumpsters that are not visible from the street. This also introduces a myriad number of nonconforming concerns of those currently not screening dumpsters.

Another idea is that we could add language to the multi-family requirements. In this scenario, the heavier commercial districts are not included and it would not reach nonresidential developments.

So far, this does not address the motivation for which the commission was tasked, consideration for CUP reduction. I plan to bring my spreadsheet to the meeting for display on the screen. When I sort the CUP information you can see the difficulty in any particular proposal to eliminate any significant amount of CUP's and perhaps that is our answer to reviewing the possible reduction in CUP's that we have experienced. We could head in a bit of a different direction in addressing some triggers that might encourage economic development or those that might be 'more business friendly'.

EEMU and MI permits 'more than one' which do not require a CUP until exceeding 8000/30% in EEMU and 8000/70% in MI. I would like to have a conversation about the prospect of permitting more than one structure in the commercial districts. It seems that eliminating this as a CUP requirement in GC2 is not very controversial. What is thought of the prospect for GC1 and then CBD? Are we willing to consider building areas greater than 8000 (remember this is not building square footage, but only refers to the footprint) and over 30% of the lot area. For a conversation starting point, I suggest considering 15,000 and 40%. Once a retail business is over 15,000, large retail standards are triggered (note: this is a separate subject that deserves a conversation).

Considerations for elimination of 'more than one' include application of the Design Manual (in general, another subject worthy of greater discussion) which is triggered in CBD by CUP's. This is not an issue in GC1 or GC2. I do believe that we would enhance Homer's business opportunities if 'more than one' is permitted and dimensional requirements are loosened.

Staff Recommendation

Discuss possible steps forward.

- Review the Planning and Zoning Section of the Climate Action Plan by the Planning Staff and provide comparison on what the plan has recommended and what action has been accomplished by the city.
- Postpone the proposed Medical District until after the Appeal Decision is finalized.

City Planner Abboud advised the Commission that if they pursued the requirement in the permitting process to have the applicant come before the Commission with regard to issues found upon site visits that this action falls in the realm of enforcement. If the applicant appeals that puts the Commission in a quagmire.

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 19-18, Zoning Permit Process

Chair Venuti introduce the item into the record by reading of the title.

City Planner Abboud summarized the report and provided some input on how the various items on the work list intermingled along with revision of forms, such as including questions on dealing with aspects of green infrastructure; the expenditure of staff time to review and explain these items with the applicants.

A discussion ensued on requiring asbuilts is easy; willingness to put green infrastructure in regulations then they have to figure out a way to get people to do what they should do; review work on previous projects for best practices.

This will be on the agenda for the next meeting and will try to have a visitor for the worksession.

B. Staff Report 19-19, Review of Permitted and Conditionally Permitted Uses

Chair Venuti Introduced the item by reading of the title into the record.

City Planner Abboud reviewed the staff report stating it summarized the work done so far. He commented on the following:

- Code changes for lighting requirements could be written by staff but that the dumpster screening regulations would need to go to the City Attorney for review and recommendation since it was not as straight forward.
- Dumpster regulations would bring up issues of non-conforming dumpsters.
- Does not address the Council's request to reduce the number of Conditional Use Permits.



City of Homer

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Planning

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Staff Report PL 19-23

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner AICP
DATE: March 20, 2019
SUBJECT: Review of “more than one” conditionally permitted uses

The Planning Commission suggested some recommendations at the last meeting in regards to conditional use permits. I have broken the recommendations from the Planning Commission into two separate items.

1. Because of the frequency of adding conditions for lighting standards in districts that currently do not address them in code, we have a draft code amendment adding the standards to lots that support 3 or more dwelling units in RR and UR.

This has been made into a separate ordinance to make it easier to segregate from the recommendations that may have an effect on the total amount of CUP application we process. What this really does is add the common condition found in CUP's located in the RR and UR districts to code. If adopted, you will not see this item as a CUP condition because it will be a requirement of code.

Staff Recommendation

Discuss and give consideration to move to a public hearing

2. Also requested was the elimination of the ‘more than one’ conditional uses in the commercial districts.

I have reviewed the commercial districts that have ‘more than one’ as a conditional use. The districts for consideration of replacing the now required CUP with a permitted use include CBD, GC1, GC2, and MI. In EEMU, CUP's are not currently required for ‘more than one’. I do not recommend a change of policy for the ‘more than one’ CUP in the Gateway Business District in consideration of the view shed concerns for the entry to town. The Commission may wish to discuss this.

When removing this item from the CUP list, other dimensional requirements may still trigger a CUP. Past experience might lead us to believe that few CUP's may be avoided, but it could trigger a demand for something that avoids the require extra review. Most ‘more than one’ CUP's also consist of more than 8,000 square feet of building area, which would

still be present in all the districts proposed to be amended. Another trigger found to commonly complement the 'more than one' pertains to the percentage of building area on the lot. CBD, GC1, GC2 require a CUP when the total building area is in excess of 30% of the lot area, MI is triggered when the total building area is in excess of 70%.

Staff Recommendation

Review the language of the proposed draft ordinance and make recommendations for revision and/or move to a public hearing.

Attachments

Draft ordinance 19-xx Lighting Standards

Draft ordinance 19-xx Permitted and Conditional Uses

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 19-xx

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
ADDING RURAL RESIDENTIAL ZONING DISTRICT 21.12.060
LIGHTING STANDARDS AND URBAN RESIDENTIAL ZONING
DISTRICT 21.14.060 LIGHTING STANDARDS.

WHEREAS,; and

WHEREAS,; and

WHEREAS,

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.12 Rural Residential District is amended to read as follows:

21.12.060 Lighting standards.

The level one lighting standards of HCC 21.59.030 apply to all developments that support three or more dwellings on single a lot in this district.

Section 2: Homer City Code 21.14, Urban Residential District, is amended to read as follows:

21.14.060 Lighting standards.

The level one lighting standards of HCC 21.59.030 apply to all developments that support three or more dwellings on single a lot in this district.

Section 5: This ordinance is of a permanent and general character and shall be included in the City Code.

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

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Holly Wells, City Attorney

Date:_____

Date:_____

BANKS/SMITH MOVED TO ADD CONDITION THREE THAT THE LEACH FIELD WILL BE AT LEAST 40 FEET FROM THE DEPICTED TOP OF BLUFF LINE.

There was no discussion.

VOTE. (Amendment). NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Further discussion ensued on the zoning area, uses permitted, language distinguishing a hotel such as the Aspen Suites project and this project. It was noted that this project falls under the rooming house definition. If one property owner in the zoning district is allowed then another should be allowed but there is a deeper discussion outside the CUP requirements that would be needed. Additional comments on the intent of the rural residential district and this project leaning to commercial but fits with what is going on in the immediate area.

VOTE. (Main). NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 19-23, Permitted and conditionally permitted uses

Chair Venuti introduced the item into the record by reading of the title.

City Planner Abboud summarized the report on the Lighting standards and provided some input from previous discussions and this was proposed as one condition that is typically addressed in most CUP's before the Commission. He then reviewed the "more than one" recommendation which was the second most reason for a CUP. He stated that removing this requirement still leaves other conditions that would trigger the CUP.

City Planner Abboud did not recommend changes in the Gateway Business District.

Commissioner Smith brought forward a lighting issue with the project on Robin Street and questioned if the Planning Department was aware of this issue.

City Planner Abboud is aware of that problem and has been assured by the property owner that they are getting the electrician to address those unshielded lights. He noted that it was not an option to leave as is and it will need to be addressed.

Comment and discussion ensued on a recommendation made at the March 6, 2019 commission meeting with regards to the "More than one structure" condition; having lighting standards

across the board including Rural Residential Districts; difficulties in enforcement of the regulations; quality of life issues on lighting; and Commercial districts should already be compliant.

Commissioner Bos asked how they are to amend this draft ordinance to be effective.

Commissioner Banks recommended deleting the words “that support three or more dwellings on a single lot” on lines 23-24 and lines 31-32 and take a wait and see approach.

Commissioner Smith agreed to a certain extent as there are some exceptions to allowing side broadcasting lights for driveways for example. He personally would not be able to back into his driveway in the winter without the aid of two 75 watt lights.

City Planner Abboud responded with the citation from city code about light trespass or glare. He stated that they could review the lighting standards and address certain things and commented on existing circumstances that may or may not meet standards.

Further discussion ensued on light trespass issues over safety issues; that the design manual criteria differs from city code requirements; and specific city code and exceptions.

Chair Venuti inquired if the commission was ready to make a motion.

BANKS/SMITH MOVED TO DELETE THE WORDS “THAT SUPPORT THREE OR MORE DWELLINGS ON A SINGLE LOT” ON LINES 23-24 AND 31-31 IN DRAFT ORDINANCE AND FORWARD TO PUBLIC HEARING.

Discussion ensued on how the ordinance would read.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti stated the next issue to address was the “more than one” to reduce the conditional use permits.

There was a brief discussion on previous discussion on the recommendations from the commission at the February 20 and March 6th meetings and that the removal of the “more than one” would not really reduce the number of permits issued significantly and that each CUP application is different and should be reviewed separately. Further comments made by Commissioners supported consensus that the Commission cannot see additional methods to reduce the number of conditional use permits.

BANKS/HIGHLAND MOVED THAT THE CITY PLANNER FORWARD A MEMORANDUM TO CITY COUNCIL THAT THE COMMISSION HAS DETERMINED AFTER INTENSIVE REVIEW THAT THERE IS

NO ADDITIONAL ACTIONS THAT CAN BE IMPLEMENTED TO REDUCE CONDITIONAL USE PERMIT APPLICATIONS.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti called for a recess at 7:47 p.m. at the request of the Commission. The meeting was called back to order at 7:52 p.m.

B. Staff Report 19-24, Climate Action Plan

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed his report for the commission. He noted that after his review it appeared that Green Infrastructure might contribute to the goals of the plan.

Commissioner Banks inquired how they should address the review, individually address each issue or after the City Planner reviewed in its entirety.

There was no response from the Commission.

City Planner Abboud proceeded to review the remainder of his report. He commented on the following:

- Reallocation of HART funds
- Non-motorized Transportation Trail Plan review with input from Public Works
- Complete Streets Designs
- Town Center Plan
- Evaluating Site Plans, Building Mass but no building inspections
- Building Codes and inspectors
- LEED is not practical for Alaska

A brief discussion was held on funding received recently that was thought to be because the City had the Climate Action Plan.

Further discussion and comment ensued on the following:

- The compilation submitted by the City Planner was a good starting point
- They could add items such as Green Infrastructure and use of Natural Gas
- Provide information and best management practices to developers related to Micro Green Infrastructure for managing stormwater drainage
- Building Codes and Inspection



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Staff Report PL 19-28

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner AICP
DATE: April 3, 2019
SUBJECT: Lighting standards for RR and UR

The Planning Commission moved to add lighting standards to the RR and UR districts and hold a public hearing. A motion was made to have the standards apply to all development in the districts instead of just addressing the multiple dwelling scenario as found as a common condition in CUP's.

After reviewing the motion and comparing it to the language found in the other districts, I suggest a motion to amend the language to keep it uniform with the language currently found in other districts. Recommended amendment in bold and underlined.

The level one lighting standards of HCC 21.59.030 apply to all development, uses, and structures in this zoning district.

Since the proposal deals with the application of an existing code provision, I have copied the standards below.

21.59.020 Lighting standards – General.

The intent of lighting standards is to reduce glare and light trespass and to improve the nighttime visual environment. Standards of varying levels may apply if made applicable by other provisions of the zoning code. [Ord. 08-29, 2008].

21.59.030 Lighting standards – Level one.

When level one lighting standards apply, the following are required:

a. Outside luminaires installed at a height of 15 feet or greater above grade in all new developments or replaced in existing developments shall be cut-off luminaires.

b. Up-lighting shall be installed so that it allows its direct illumination to fall only on the targeted building or sign.

c. No outside lighting shall be installed so as to cause light trespass or glare.

d. The height of any driveway or parking lot luminaire shall be a maximum of 28 feet above grade. All building-mounted luminaires shall have a maximum height of 15 feet above grade.

e. Prohibited lighting includes search lights and laser lights.

f. Exceptions to this section may be granted to the extent necessary in any of the following situations:

1. Where the City Planner has determined there are special requirements, such as historic decorative considerations, public monuments, or flag lighting; provided, however, that all such lighting shall be selected and installed to shield the lamp(s) from direct view to the greatest extent possible, and to minimize upward lighting, glare and light trespass.

2. In an urban area where there is high night-time pedestrian traffic and an engineer experienced in outdoor lighting has provided a written opinion satisfactory to the City Planner that for pedestrian safety reasons it necessary to permit the installation of semi-cutoff luminaires.

3. Where a determination has been made by the Commission, after a public hearing process, that there is a compelling safety interest that cannot be adequately addressed by any other method.

Per HCC 21.95.040, Planning Department review of code amendment, the proposed amendment may only be recommended for approval if it finds:

a. Is consistent with the Comprehensive Plan and will further specific goals and objectives of the plan.

The proposed amendment is found to support goals and objects of the comprehensive plan. It is consistent with Goal 3 of Chapter 4, *Encourage high quality buildings and site design that complements Homer's beautiful natural setting*. Specifically, it relates to Objective B implantation strategies, *Review site impacts of development*. This all leads to implementation

item 3-B-3, which calls upon the commission to *develop specific policies regarding site development including standards for landscaping, grading, lighting, view protection[s].*

b. Will be reasonable to implement and enforce.

The proposed amendment may be challenging to enforce, but should be reasonable once the public understands that they will be subject to the regulation.

c. Will promote the present and future public health, safety and welfare.

The proposed amendment will enhance public health, safety and welfare in that neighbors and the general public will not be subjected to undue glare off of private property.

d. Is consistent with the intent and wording of the other provisions of this title.

The proposal is consistent in intent, wording and other provision of title 21.

Staff Recommendation

Hold a public hearing and motion to amend. Schedule an additional public hearing if warranted or forward a recommendation to the City Council to adopt.

Attachments

Draft ordinance 19-xx Lighting Standards

1 CITY OF HOMER
2 HOMER, ALASKA

3 Planning

4 ORDINANCE 19-xx

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 ADDING RURAL RESIDENTIAL ZONING DISTRICT 21.12.060
8 LIGHTING STANDARDS AND URBAN RESIDENTIAL ZONING
9 DISTRICT 21.14.060 LIGHTING STANDARDS.

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11 WHEREAS,; and

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13 WHEREAS,; and

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15 WHEREAS,

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17 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

18
19 Section 1. Homer City Code 21.12.060 is hereby adopted to read as follows:

20
21 **21.12.060 Lighting standards.**

22
23 **The level one lighting standards of HCC 21.59.030 apply to all developments in this**
24 **district.**

25
26
27 Section 2: Homer City Code 21.14.060 is hereby adopted to read as follows:

28
29 **21.14.060 Lighting standards.**

30
31 **The level one lighting standards of HCC 21.59.030 apply to all developments in this**
32 **district.**

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35 Section 3: This ordinance is of a permanent and general character and shall be included in
36 the City Code.

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38 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ___ DAY OF _____,
39 2019.

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41 CITY OF HOMER

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KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Holly Wells, City Attorney

Date: _____

Date: _____

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, April 03, 2019 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

An Ordinance of the City Council of Homer, Alaska adding 21.12.060 Lighting Standards to the Rural Residential Zoning District and 21.14.060 Lighting Standards to the Urban Residential Zoning District.

Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

PLEASE PUBLISH ONCE

ACCOUNT 100.0130.5227

Deputy City Planner Engebretsen reviewed the City Planner's report and highlighted the following items:

- A request to rescind Ordinance 19-09, relating to the extension of water to Kachemak City
- An application for appointment has been received for the vacancy
- The Appeal decision is expected at any time.
- There will be a CUP on the next meeting's agenda which will take up most of staff time since the City Planner is out of the office through the next meeting.

There was a brief discussion on the hazard mapping.

PUBLIC HEARINGS

A. Staff Report 19-28, Ordinance 19-XX adding lighting standards to the Rural Residential and Urban Residential Zoning Districts

Chair Venuti introduced the item into the record by reading of the title.

Deputy City Planner Engebretsen reviewed the City Planner's request to amend the language in the proposed ordinance to reflect the recommended language in the Planner's memorandum.

BENTZ/HIGHLAND MOVED TO AMEND THE LANGUAGE TO REFLECT THE FOLLOWING:
THE LEVEL ONE LIGHTING STANDARDS OF HCC 21.59.030 APPLY TO ALL DEVELOPMENT, USES, AND STRUCTURES IN THIS ZONING DISTRICT.

Discussion ensued on the previous discussion entertained by the Commission at the previous meeting on light trespass, level one lighting applying to all zones, specific lighting standards in various districts, and clarification that the Commission is specifically addressing lighting standards in urban residential and residential districts.

Chair Venuti called for a recess at 6:41 p.m. to determine the decision made by the Commission at the March 20, 2019 meeting for elucidation. The meeting was called back to order at 6:45 p.m.

Chair Venuti reviewed the motion on the floor provided a synopsis of the decision from the previous meeting and inquired if there was any dissent to the motion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti opened the Public Hearing. Seeing no one present to provide testimony Chair Venuti closed the public hearing and opened the floor to questions from the Commission.

There was no additional discussion, comments or questions from the Commission.

Chair Venuti requested a motion.

BANKS/BOS MOVED TO FORWARD THE DRAFT ORDINANCE ON LIGHTING STANDARDS FOR RURAL RESIDENTIAL AND URBAN RESIDENTIAL TO CITY COUNCIL FOR ADOPTION.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 19-29, Building Height Maximum

Chair Venuti introduced the item into the record by reading of the title.

Deputy City Planner Engebretsen reviewed the three items of action that is requested of the Commission:
1. Approve the recommended amended language, *for buildings located within an area of special flood hazard, the vertical distance between grade and the Base Flood Elevation (BFE) plus two feet is excluded from the calculation of building height* and forward to Public Hearing.

Deputy City Planner Engebretsen explained that in further review of the existing city code that this recommendation would fit the broadest number of categories, it could be a future standard.

Commissioner Bentz questioned the typical vertical distance for applicable properties.

Deputy City Planner Engebretsen responded that it would be dependent on the location as the Spit, Beluga Lake or Old Town would be different. She noted that it addresses the request from Council and does not answer all the questions with Building Height issue and moving forward this would be one solution.

BOS/HIGHLAND MOVE TO AMEND HOMER CITY CODE CONCERNING BUILDING HEIGHT MEASUREMENT WITHIN A FLOOD AREA WITH LANGUAGE RECOMMENDED IN STAFF REPORT 19-29 AND MOVE TO A PUBLIC HEARING.

There was a discussion on possible issues with height, definition of grade, and nuances in city code. There was some concerns expressed by the Commission with creating more issues especially with a limitation of 35 feet and that this would address the difference in the height that due to flood issues you could not build.

Clarification was provided by Staff:

- that the recommendation was to address specific issues as requested;
- was not particularly time sensitive
- easier to address specific sections than the whole
- This change does not allow additional usable occupied space in the structure

Chair Venuti asked if there was any dissent to the motion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-27

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 11.36, "Vegetation in Rights-of-Way" to amend HCC 11.36.020 And Add HCC 11.36.030 "Removal for Compliance-Public Works Director Discretion," to Permit Public Works Director to Authorize Removal of Vegetation to Bring Roads Constructed Prior to City Regulation into Compliance with City Laws and Construction Procedures

Sponsor: Stroozas/Lord

1. City Council Regular Meeting June 10, 2019 Introduction

1 CITY OF HOMER
2 HOMER, ALASKA

Stroozas

3
4 ORDINANCE 19-27

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE CHAPTER 11.36, "VEGETATION IN
8 RIGHTS-OF-WAY" TO AMEND HCC 11.36.020 AND ADD HCC
9 11.36.030 "REMOVAL FOR COMPLIANCE-PUBLIC WORKS
10 DIRECTOR DISCRETION," TO PERMIT PUBLIC WORKS DIRECTOR
11 TO AUTHORIZE REMOVAL OF VEGETATION TO BRING ROADS
12 CONSTRUCTED PRIOR TO CITY REGULATION INTO COMPLIANCE
13 WITH CITY LAWS AND CONSTRUCTION PROCEDURES

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15 WHEREAS, in October 2016, the Homer City Council adopted Ordinance 16-51 clarifying
16 the City of Homer's right and obligation to maintain public rights-of-way; and

17
18 WHEREAS, there are a number of roads, especially in the annexed portion of the City,
19 that were not built to City standards and as such have offset center lines and narrow rights-of-
20 way, making maintenance difficult (especially snow removal/storage) and particularly
21 noticeable to adjoining property owners,

22
23 NOW THEREFORE, The City of Homer Ordains:

24
25 Section 1. Homer City Code Chapter 11.36, "Vegetation in Rights-of-Way, is amended
26 as follows:

27
28 Chapter 11.36

29
30 VEGETATION IN RIGHTS-OF-WAY

31
32 Sections:

33 11.36.010 Vegetation in rights-of-way.

34 11.36.020 Removal of vegetation in rights-of-way.

35 **11.36.030 Removal for compliance-Public works director discretion.**

36
37 11.36.010 Vegetation in rights-of-way.

38
39 All or any part of a tree, shrub or other vegetation that is located in, over or under a
40 public right-of-way in the city is subject to removal by the city as necessary for the reasonable
41 public use of the right-of-way, including without limitation removal as authorized in HCC
42 11.36.020, regardless of whether:

- 43
44 a. The vegetation existed in, over or under the right-of-way before the granting,
45 dedication or improvement of the right-of-way;
46 b. The vegetation was planted in the right-of-way by another person, including without
47 limitation an owner of property adjacent to the right-of-way; or
48 c. The vegetation originated on property adjacent to the right-of-way, to the extent that
49 limbs, branches or roots of the vegetation extend into, over or under the right-of-way.

50
51 11.36.020 Removal of vegetation in rights-of-way.

52
53 **Except as otherwise provided in this chapter,** ~~the~~ city manager may cause the
54 removal of all or any part of a tree, shrub or other vegetation that is located on, over or under
55 a public right-of-way if the city manager finds that the vegetation:

- 56
57 a. Obstructs or interferes with the use of the right-of-way by vehicular or pedestrian
58 traffic;
59 b. Obscures visibility to or from the right-of-way or otherwise constitutes a safety
60 hazard;
61 c. Interferes with the maintenance of the right-of-way, including without limitation
62 paving, grading, cleaning and snow removal;
63 d. Has the potential if not removed to damage pavement or other improvements in the
64 right-of-way;
65 e. Has the potential if not removed to damage or interfere with the operation of
66 overhead or underground public utility facilities in the right-of-way.

67
68 **11.36.030 Removal for compliance-public works director discretion**

69
70 **a. The public works director retains the sole discretion and authority to remove**
71 **or retain any part of a tree, shrub or other vegetation within three feet of a City-owned**
72 **right-of-way abutting a road acquired by the City after the road was constructed.**

73
74 **b. Notwithstanding subsection (a), the public works director shall only exercise**
75 **his or her authority under this section when he or she determines it is more likely than**
76 **not that the removal of all or part of a tree, shrub or other vegetation within the three**
77 **feet area will improve safety, allow for effective maintenance activities, or otherwise**
78 **make the road more compliant with City laws and procedures.**

79
80 Section 2. This ordinance shall take effect upon its adoption by the Homer City
81 Council.

82
83 Section 3. This ordinance is of a permanent and general character and shall be

[Bold and underlined added. Deleted language stricken through]

84 included in Homer City Code.

85

86 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2019.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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95 ATTEST:

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99 _____
MELISSA JACOBSEN, MMC, CITY CLERK

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101 Introduction:

102 Public Hearing:

103 Second Reading:

104 Effective Date:

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106 YES:

107 NO:

108 ABSTAIN:

109 ABSENT:

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111 Reviewed and approved as to form:

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114 _____
Katie Koester, City Manager

Holly Wells, City Attorney

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116 Date: _____

Date: _____

[Bold and underlined added. Deleted language stricken through]

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-28

An Ordinance of the City Council of Homer, Alaska, Authorizing the Expenditure in an Amount up to \$6,000 from the HART Funds for Construction of an ADA Accessible Trail on City of Homer Property and Kachemak Heritage Land Trust Property.

Sponsor: Venuti

1. City Council Regular Meeting June 10, 2019 Introduction

Memorandum 19-070 from Deputy City Planner as backup

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 Mayor

4 **ORDINANCE 19-28**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AUTHORIZING THE EXPENDITURE IN AN AMOUNT UP TO \$6,000
8 FROM THE HART FUNDS FOR CONSTRUCTION OF AN ADA
9 ACCESSIBLE TRAIL ON CITY OF HOMER PROPERTY AND
10 KACHEMAK HERITAGE LAND TRUST PROPERTY

11
12 WHEREAS, Kachemak Heritage Land Trust (KHLT) owns the 3.47-acre Poopdeck Platt
13 property at the end of Klondike Avenue in Homer (KPB Parcel 17719231); and

14
15 WHEREAS, Since 2013, KHLT has worked with the National Park Service Rivers, Trails,
16 Conservation Assistance Program, architects, State Parks, the City, Independent Living Center
17 and community members on a conceptual site plan for a community park on this property; and

18
19 WHEREAS, KHLT was awarded a Recreational Trails Grant to build an Americans with
20 Disabilities Act (ADA) accessible trail on KHLT land and on City of Homer land (KPB Parcel
21 17719231 and KPB Parcel 17719234) and plans to begin construction in late July; and

22
23 WHEREAS, The Parks, Art, Recreation and Culture Advisory Commission recommended
24 support of the project; and

25
26 WHEREAS, Homer City Council adopted Resolution 18-069 in support of the project,
27 pledging a match of 10% up to \$6,000.

28
29
30 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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32 Section 1. The FY 2019 Capital Budget is hereby amended by appropriating \$6,000 for
33 the construction of an ADA Accessible Trail on City of Homer Property and KHLT Property.

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<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
165 -0375	HART Trails	\$6,000

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37
38 Section 2. This is a budget amendment ordinance, is not permanent in nature, and
39 shall not be codified.

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42 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2019.

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CITY OF HOMER

KEN CASTNER, MAYOR

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

Holly Wells, City Attorney

Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121

(f) 907-235-3140

Memorandum 19-070

TO: Mayor Castner and the Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Julie Engebretsen, Deputy City Planner
DATE: May 23, 2019
SUBJECT: Poopdeck Trail Matching Funds Budget Amendment

Background

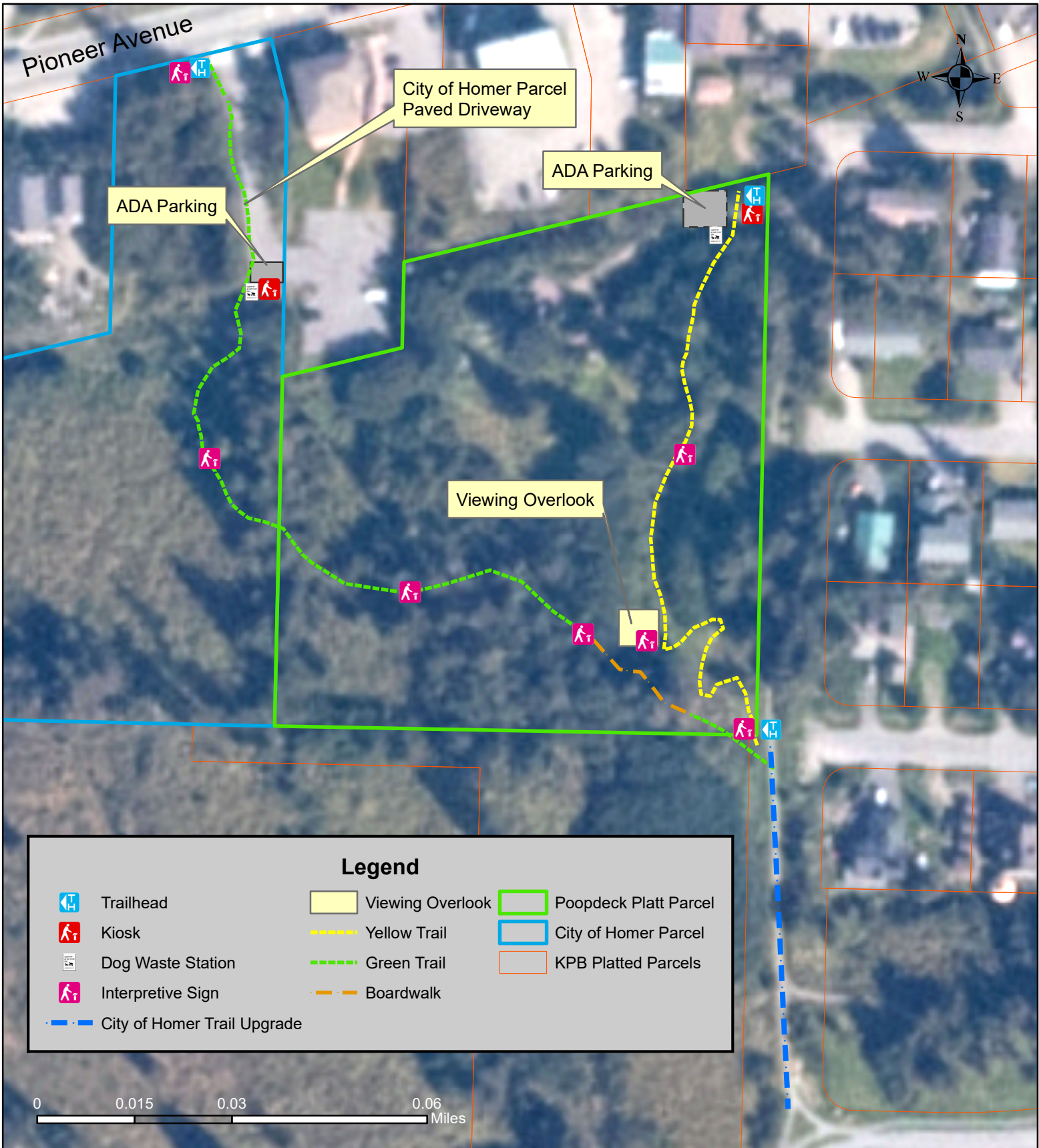
The Kachemak Heritage Land Trust (KHLT) has been awarded a grant to build a universally accessible trail between Pioneer Avenue, crossing City and KHLT properties, to the existing Poopdeck Trail. When KHLT was applying for the grant, Council adopted Resolution 18-069, which included a statement that the City would provide a 10% match up to \$6,000 for the project. Now that the grant has been awarded, and a budget ordinance is needed for the City to provide the pledged funds.

On the attached project map, this funding would provide a match for the green, yellow and orange trail segments.

Requested Action: Amend the 2019 Budget to authorize the expenditure of up to \$6,000 of HART Trails funds.

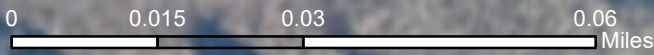
Attachments

1. Project Map
2. Resolution 18-069



Legend

	Trailhead		Viewing Overlook		Poopdeck Platt Parcel
	Kiosk		Yellow Trail		City of Homer Parcel
	Dog Waste Station		Green Trail		KPB Platted Parcels
	Interpretive Sign		Boardwalk		
	City of Homer Trail Upgrade				



315 Klondike Ave., Homer, AK 99603
 (907) 235-5263, www.KachemakLandTrust.org

Poopdeck Platt Community Trail Site Plan

NAD 1983 State Plane Alaska 4 FIPS 5004 Feet, Transverse Mercator. KPBL 2016 aerial imagery. Created 04/19/2019. The information depicted on this map is a graphical representation of best available sources. KHLT assumes no responsibility for any errors on this map.

NEW BUSINESS

A. KHLT Funding Request and Draft MOU

Chair Lowney introduced the item on the agenda and opened the floor for discussion.

LEWIS/SHARP MOVED TO RECOMMEND CITY COUNCIL SUPPORT THE DRAFT RESOLUTION, MEMORANDUM OF UNDERSTANDING AND BUDGET AMENDMENT FOR THE POOPDECK PLATT TRAIL PROJECT.

There was brief discussion and comments on how well the trail project was presented, long time in getting this project developed to the point, and enforces the support for a universally accessible city and the buy-in from many organizations.

Commissioner Lewis stated that he has a conflict due to his involvement when he was employed by the Independent Living Center.

Deputy City Planner Engebretsen explained and clarified the process that the Commission needed to follow.

Chair Lowney requested a motion.

ASHMUN/ARCHIBALD – MOVED THAT COMMISSIONER LEWIS HAS A CONFLICT OF INTEREST DUE TO HIS EMPLOYMENT.

There was a brief discussion on his past employment and possible future employment.

VOTE. NO. ASHMUN, ROEDL, WALLS, ARCHIBALD, LOWNEY, SHARP, FAIR.

Motion failed.

Commissioner Ashmun requested clarification on the motion identifying this as the Poopdeck Trail and it is going to be named something else

There was a brief discussion on amending the motion.

Chair Lowney called for the vote hearing no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Capital Improvement Plan (CIP) – Jenny Carroll Special Projects and Communications Coordinator

Special Projects & Communications Coordinator Carroll provided a brief synopsis of the new updates, projects and processes for the Capital Improvement Plan. She noted the projects that have been funded which opens a spot on the legislative priority list, noting that this provides an opportunity to move a project forward to number one, or add another project to the top five projects.

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 18-069

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE KACHEMAK HERITAGE LAND TRUST TO APPLY FOR A STATE OF ALASKA RECREATIONAL TRAIL PROJECT GRANT FOR THE CONSTRUCTION OF A TRAIL ACROSS CITY PROPERTY, ENTERING INTO A MEMORANDUM OF UNDERSTANDING REGARDING TRAIL CONSTRUCTION AND MAINTENANCE, PROVIDING A MATCH OF UP TO \$6,000 OR 10%, WHICHEVER IS LESS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, Kachemak Heritage Land Trust (KHLT) owns the 3.47-acre Poopdeck Platt property at the end of Klondike Avenue in Homer (KPB Parcel 17719231) which abuts City owned property (KPB Parcel 17719234); and

WHEREAS, The 2004 Homer Non-Motorized Transportation and Trail Plan describes the need to construct trails that are Americans with Disabilities Act (ADA) accessible; and

WHEREAS, The 2010 Homer Comprehensive Plan describes the need to improve access to parks, and encourages incentives to improve accessibility; and

WHEREAS, Since 2013 KHLT has worked with the National Park Service Rivers, Trails and Conservation Assistance Program, Architects, State Parks, the City, Independent Living Center and community members on a conceptual site plan for a community park on this property; and

WHEREAS, Resolution 17-075(A) resolved to continue to work towards becoming a city that is universally accessible to all; and

WHEREAS, Ordinance 18-29(A) authorized the expenditure of up to \$5,200 of HART Trail funds to pay for design and cost estimate work on a universally accessible trail through City and KHLT lands; and

WHEREAS, Estimated project costs are \$56,327 (*this number to change*), and the State of Alaska Recreation Trail Program requires a 10% match; and

WHEREAS, The HART Trails fund balance is in excess of \$500,000 and can provide the required match; and

WHEREAS, Use of HART Trails fund will leverage considerable funding for the trail; and

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WHEREAS, The construction of the trail will provide increased universal access within downtown Homer.


NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, authorizes the following:

1. KHLT may to apply for an Recreational Trail Project grant to include trail construction on City lands
2. The City agrees to retain the trail for a minimum of 5 years as required by the grant program.
3. If the grant is awarded, the City shall enter into a Memorandum of Understanding with KHLT for project management and maintenance of the trail and that the City Manager is authorized to execute the appropriate documents.
4. The City shall follow this resolution with a budget amendment ordinance to authorize the expenditure of up to \$6,000 or 10% of the project as required by the grant program.

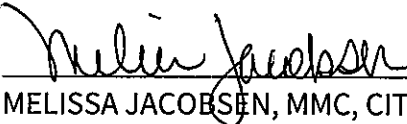
PASSED AND ADOPTED by the Homer City Council this 27th day of August, 2018.



CITY OF HOMER


DONNA ADERHOLD, MAYOR PRO TEMPORE

ATTEST:


MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: N/A

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-29

An Ordinance of the City Council of Homer, Alaska, Authorizing the Expenditure in an Amount up to \$13,900 from the HART Funds for Construction of an ADA Accessible Trail on City of Homer Property and Kachemak Heritage Land Trust Property.

Sponsor: Venuti

1. City Council Regular Meeting June 10, 2019 Introduction

Memorandum 19-071 from Parks Art Recreation and Culture Advisory Commission as backup

**CITY OF HOMER
HOMER, ALASKA**

Venuti

ORDINANCE 19-29

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AUTHORIZING THE EXPENDITURE IN AN AMOUNT UP TO \$13,900
FROM THE HART FUNDS FOR CONSTRUCTION OF AN ADA
ACCESSIBLE TRAIL ON CITY OF HOMER PROPERTY AND
KACHEMAK HERITAGE LAND TRUST PROPERTY

WHEREAS, Kachemak Heritage Land Trust (KHLT) owns the 3.47-acre Poopdeck Platt property at the end of Klondike Avenue in Homer (KPB Parcel 17719231); and

WHEREAS, KHLT was awarded a Recreational Trails Grant to build an Americans with Disabilities Act (ADA) accessible trail on KHLT land and on City of Homer land (KPB Parcel 17719231 and KPB Parcel 17719234) and plans to begin construction in late July; and

WHEREAS, The lower portion of Poopdeck Trail between Hazel Ave and Grubstake Ave is in need of trail tread maintenance; and

WHEREAS, An ADA parking space at the trailhead off of Pioneer Ave is a desirable and feasible amenity.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The FY 2019 Capital Budget is hereby amended by appropriating \$13,900 for the rehabilitation of the lower portion of Poopdeck Trail, and for the construction of an ADA parking area at the Pioneer Ave Trailhead.

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
165 -0375	HART Trails	\$13,900

Section 2. This is a budget amendment ordinance, is not permanent in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2019.

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CITY OF HOMER

KEN CASTNER, MAYOR

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

Holly Wells, City Attorney

Date: _____

Date: _____



MEMORANDUM 19-071

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION
DATE: JUNE 4, 2019
Subject: REQUEST FOR HART FUNDS FOR ADDITIONAL POOPDECK TRAIL WORK

Recommended Actions:

1. Council authorize \$6,200 for the rehabilitation of lower Poopdeck Trail
2. Council authorize up to \$7,700 for construction of an ADA parking space on city property for the trail

Background

In 2018, the Kachemak Heritage Land Trust applied for a grant to construct a trail from Pioneer Ave, across City and KHLT lands, connecting to Poopdeck Trail. KHLT was successful and was awarded the grant. The City committed to providing the 10% grant match, up to \$6,000. The budget amendment ordinance will be introduced at Council as a separate action. The Parks, Art, Recreation and Culture Advisory Commission reviewed and recommended approval of these expenditures at their May, 2019 meeting.

Lower Poopdeck Rehabilitation

In the scoping process for the new trail, staff noticed that the city trail on lower Poopdeck is in need of some rehabilitation. This is the section of trail from Hazel Avenue, up to about Grubstake Ave, where the KHLT trail will tie into the city trail. (See Map) Over time the fine material has washed away or been pushed down, leaving larger rocks that are not the best walking surface and present a challenge for ADA trail users. Some maintenance is needed to repair the trail tread. KHLT had their trail contractor provide an estimate for the work. The estimate came is at approximately \$5,283. A dog bag waste dispenser is also desirable for the project (\$200 materials and labor). The city generally adds a 15% contingency to any project, which would bring this amount up to \$6,200.

Requested action 1: City spend up to \$6,200 of HART Trail funds to lower Poopdeck Trail rehabilitation.

ADA Parking Space Estimate

KHLT received a quote for two ADA parking areas. One is on KHLT property and is not a city concern. The second parking area is on City land and would provide ADA access from Pioneer Ave. The quote for this work is \$5,200. Additional expenses include surveying, (\$800 estimate) ADA parking signage

(\$300) and striping (\$300, best guess). The city generally adds a 15% contingency to any project, which would bring this amount up to \$7,700.

Requested action 2: City spend up to \$7,700 of HART Trail funds to construct ADA parking on the north end of the trail.

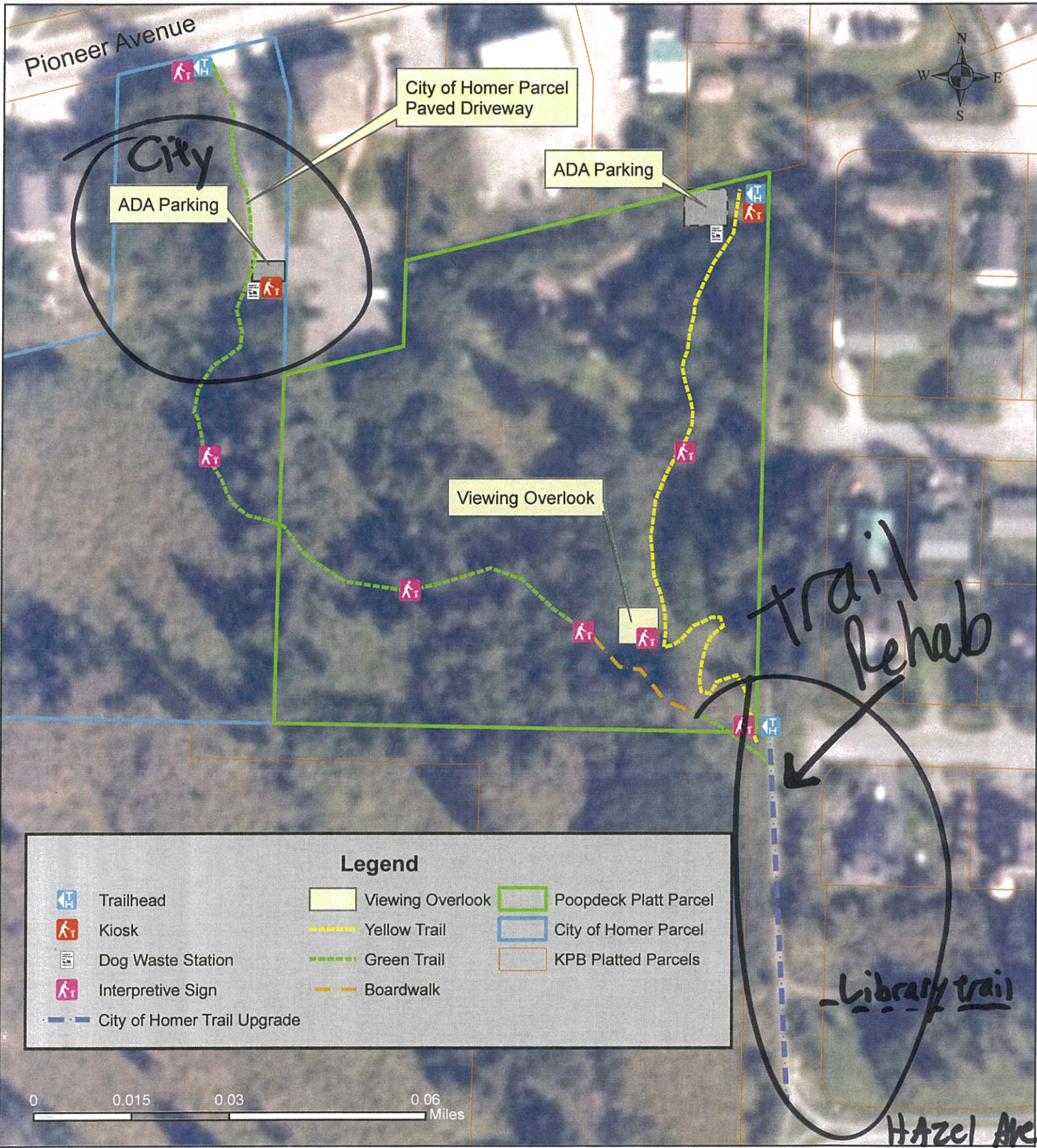
Attachment

4/19/2019 KHLT Site Plan

Poopdeck Rehabilitation cost estimate

ADA parking space cost estimate

PARCAC Minutes Excerpt



315 Klondike Ave., Homer, AK 99603
 (907) 235-5263, www.KachemakLandTrust.org

Poopdeck Platt Community Trail Site Plan

NAD 1983 State Plane Alaska 4 FIPS 5004 Feet,
 Transverse Mercator. KPB 2016 aerial imagery.
 Created 04/19/2019. The information depicted
 on this map is a graphical representation of best available sources.
 KHILT assumes no responsibility for any errors on this map.

Ptarmigan Ptrails, LLC
 PO BOX 649
 Port Orford, OR 97465 US
 907-841-0114



PTARMIGAN PTRAILS
 CONSULT :: DESIGN :: BUILD

ESTIMATE

ADDRESS

City of Homer
 Poopdeck Platt Project

ESTIMATE # 18_24

DATE 04/30/2019

DESCRIPTION	ITEM	QTY	RATE	AMOUNT
Hourly Labor	Operator 1	18	85.00	1,530.00
Hourly Labor	Operator 2	18	85.00	1,530.00
Materials	D1 Aggregate - 4" Depth	32.50	14.75	479.38
Materials	1/2" Minus Aggregate - 2" Depth	16	16.50	264.00
Trucking		5	100.00	500.00
Fuel		25	4.00	100.00
Excavator	Daily	1	300.00	300.00
Skid Steer Rental	Daily	1	325.00	325.00
Compactor Daily		1	75.00	75.00
Meals & Lodging		1	150.00	150.00

TOTAL

\$5,253.38

Accepted By

Accepted Date



East Road Services, Inc.

TROY A. JONES, PRESIDENT
33740 JONES DRIVE • HOMER, AK • 99603 • PHONE: (907)235-6574 •
FAX: (907)235-9072
OFFICE@EASTROADSERVICES.COM • WWW.EASTROADSERVICES.COM

Date: 4-25-2019

To: Joel Cooper
Kachemak Heritage

Bid Price

RE: ADA parking, Poopdeck Trail

This quote is for two parking areas to access the Poopdeck Trail in Homer.

#1 – Trail parking to access from Klondike Ave. as discussed with Joel Cooper during site visit on 4/25/2019. Parking area to be 16 ft. x 20 ft. This would include labor, materials, gravel, Typar, paving and equipment to clear the area and construct the parking area.

Total for quote #1 \$14,200.00

#2 – Trail parking to access from the Homer City lot as per site visit. Parking area constructed to 16 ft x 20 ft. This would include labor, materials, gravel, Typar, paving and equipment to construct the parking area.

Total for quote #2 \$ 5,200.00

These quotes do not include painting and striping of the pavement or survey.

This does not include any permitting.

This quote does not include tax. If you are tax exempt, please provide a copy of your certificate.

This quote is valid for 60 days from the above date. A non-refundable deposit of 30% (#1-\$4260.00 & #2 - \$1260.00) is required to schedule the work. Balance is due upon completion.

...
We accept 

A surcharge of 2.27% will be imposed on credit card transactions. This is not greater than our cost of acceptance. Debit and Prepaid cards are exempt.

Thank you for the opportunity,



Troy Jones
President

Read and Approved:

Date: _____

B. HART Trails Funding Request – Rehabilitation of Lower Poopdeck Trail

Chair Harrald introduced the item by reading of the title.

Deputy City Planner Engebretsen reviewed her report for the Commission and noted corrections to the amounts shown in her report.

Commissioner Lewis stated that he had a conflict on this subject.

LOWNEY/ARCHIBALD – MOVED THAT COMMISSIONER LEWIS HAS A CONFLICT OF INTEREST.

Commissioner Lewis declared his involvement working with the Independent Living Center on this project. He responded that he does not have any financial gain, no interest in ownership of the property and he is not an employee or board member for either organization.

VOTE. NO. ARCHIBALD, ROEDL, HARRALD, HARRALD, FAIR

Motion failed.

Chair Harrald requested clarification on staff request for two separate motions.

Deputy City Planner Engebretsen responded that separate motions would be preferred as she was not sure of City Council appetite to fund both items.

LEWIS/ARCHIBALD MOVED TO RECOMMEND CITY COUNCIL APPROVE THE EXPENDITURE OF UP TO \$6,200 FROM HART FUNDS TO REHABILITATE LOWER POOPDECK TRAIL.

A brief discussion ensued on the funds available and the condition of the trail and ADA compliance and where the funds will be used to improve the trail. It was noted that there was no intent to sell the property.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Harrald requested a motion for the ADA Parking Improvements for the trail.

LEWIS/LOWNEY MOVED TO RECOMMEND CITY COUNCIL APPROVE THE EXPENDITURE OF UP TO \$7,700 FROM HART FUNDS TO CONSTRUCT AN ADA COMPLIANT PARKING SPACE TO ACCESS POOPDECK TRAIL FROM PIONEER AVENUE.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS



ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-30

An Ordinance of the City Council Of Homer, Alaska, Accepting and Appropriating a Commercial Vessel Passenger Tax Program Pass Through Grant from the Kenai Peninsula Borough for Calendar Year 2018 in the Amount of \$35,815 and a Commercial Vessel Passenger Tax Appropriation from the State of Alaska For \$35,815 and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager

1. City Council Regular Meeting June 10, 2019 Introduction

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager

4 **ORDINANCE 19-30**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 ACCEPTING AND APPROPRIATING A COMMERCIAL VESSEL
8 PASSENGER TAX PROGRAM PASS THROUGH GRANT FROM THE
9 KENAI PENINSULA BOROUGH FOR CALENDAR YEAR 2018 IN THE
10 AMOUNT OF \$35,815 AND A COMMERCIAL VESSEL PASSENGER
11 TAX APPROPRIATION FROM THE STATE OF ALASKA FOR \$35,815
12 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE
13 APPROPRIATE DOCUMENTS.

14
15 WHEREAS, The State of Alaska collects revenues under the Commercial Vessel
16 Passenger Tax Program and remits proceeds to boroughs which contain ports where cruise
17 ships land; and

18
19 WHEREAS, The Kenai Peninsula Borough has received such funds for calendar year 2018
20 and decided to pass those revenues through to Homer and Seward; the communities where
21 cruise ships land and utilize local infrastructure and services; and

22
23 WHEREAS, The Borough Assembly adopted KPB Ordinance 2018-19-36 which
24 appropriated funds and authorized a pass through grant to the City of Homer in the amount of
25 \$35,815; and

26
27 WHEREAS, The City of Homer receives an annual appropriation directly from the state
28 of Alaska equal to the pass through funds from the borough and have committed these funds
29 to the same purpose.

30
31 WHEREAS, The grant funds must be used for port and harbor projects that benefit cruise
32 ship passengers and the City has proposed the use of the proceeds of this grant to replace the
33 bathroom at the top of Ramp 2.

34
35 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

36
37 Section 1. The Homer City Council hereby accepts and appropriates a Commercial
38 Vessel Passenger Tax Program pass through grant from the Kenai Peninsula Borough for the
39 calendar year 2018 in the amount of \$35,815 as follows:
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42

43 Revenue		
44 Account	Description:	Amount:
45 460-0927	KPB CVPT Pass Through Grant for 2018	\$35,815

46

47 Section 2. The Homer City Council hereby accepts and appropriates a Commercial
48 Vessel Passenger Tax appropriation from the State of Alaska for the calendar year 2018 in the
49 amount of \$35,815 as follows:

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51 Revenue		
52 Account	Description:	Amount:
53 460-0927	State of Alaska Appropriation	\$35,815

54

55 Section 3. The City Manager is authorized to execute the appropriate documents.

56

57 Section 4. This ordinance is a budget ordinance only, is not permanent, and shall not
58 be codified.

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61 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2019.

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64 CITY OF HOMER

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67 _____
KEN CASTNER, MAYOR

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69 ATTEST:

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72 _____
73 MELISSA JACOBSEN, MMC, CITY CLERK

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76 YES:

77 NO:

78 ABSTAIN:

79 ABSENT:

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81 First Reading:

82 Public Hearing:

83 Second Reading:

84 Effective Date:

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Reviewed and approved as to form:

Katie Koester, City Manager

Date:_____

Holly Wells, City Attorney

Date:_____



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

April 9, 2019

Honorable Mayor Charlie Pierce
Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK 99669

SUBJECT: 2018 Cruise Passenger Tax Receipts

Dear Mayor Pierce,

I am writing to confirm that the City of Homer wishes to receive the 2018 Commercial Vessel Passenger Tax receipts from the Borough. It is our understanding that you will be sponsoring an ordinance that would make the Borough's share of these tax receipts for vessel landings in Homer available to the City. The City appreciates that and understands that the amount to be passed through for calendar year 2018 is \$35,815.

The City of Homer recognizes that these funds must be used for port and harbor improvements that directly benefit cruise ship passengers. The City agrees to comply with the provisions contained in AS 43.52.200 – 43.52.295 and former SB 256 and HB 310. It is the City's intention to apply 2018 funds from the Borough and the State to reimburse the Port and Harbor Enterprise fund for the construction of Ramp 2 restroom.

This project was recently completed (see attached images). Located at the center of the retail area on the Homer Spit and at the launching point for many recreational day trips, Ramp 2 is heavily used by cruise ship passengers when they are in port.

Using the funds in this manner has been previously approved by the Borough and the State. The City of Homer greatly appreciates the opportunity to pool these funds to be able to make meaningful improvements for passengers and leverage funds. In this project, the City's Commercial Passenger Vessel Tax funds leveraged Federal Land and Water Conservation Fund dollars for a 1:1 match. If cruise ship traffic remains constant, the City expects to have reimbursed the Enterprise for the CPV portion of Ramp 2 restroom by 2021.

Thank you in advance for your time and consideration. Please do not hesitate to contact me if you have any questions.

Sincerely,

Katie Koester
City Manager

Enc: Ramp 2 Restroom Project Summary
Cc: Brenda Ahlberg, KPB Community and Fiscal Projects Manager

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager

4 RESOLUTION 19-039
5

6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 APPROVING THE KENAI PENINSULA BOROUGH SCHOOL
8 DISTRICT AGREEMENT FOR JOINT USE OF EQUIPMENT AND
9 FACILITIES FOR THE PERIOD JULY 1, 2019 THROUGH JUNE 30,
10 2022, AND AUTHORIZING THE CITY MANAGER TO EXECUTE
11 THE APPROPRIATE DOCUMENTS.
12

13 WHEREAS, The Kenai Peninsula School District and the City of Homer share common
14 goals to provide opportunities and activities for the physical, mental and cultural development
15 of the citizens of Homer through the City Community Recreation Program; and
16

17 WHEREAS, The benefits from limited financial resources can be maximized by the
18 District and the City working together to provide facilities and programs to achieve their
19 common goals; and
20

21 WHEREAS, The City and the District have agreed that the best way to maximize
22 resources and achieve common goals is for the City to offer year-round educational and
23 recreational programs for youth and adults through the Community Recreation Program and
24 for the District to provide use of District equipment and facilities; and
25

26 WHEREAS, The District and the City have agreed to a draft Agreement for Joint Use of
27 Equipment and Facilities for the period July 1, 2019 through June 30, 2022.
28

29 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
30 approves the Kenai Peninsula Borough School District Agreement for Joint Use of Equipment
31 and Facilities for the period July 1, 2019 through June 30, 2022, a copy of which is attached and
32 incorporated herein, and authorizes the City Manager to execute the appropriate documents.
33

34 PASSED AND ADOPTED by the Homer City Council this 10th day of June, 2019.
35

36 CITY OF HOMER
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39 _____
40 KEN CASTNER, MAYOR
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42 ATTEST:
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46 _____
MELISSA JACOBSEN, MMC, CITY CLERK

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48 Fiscal Note: Annual budgeted expenses \$6,000; the fee for custodial services and supplies.

**AGREEMENT FOR JOINT USE OF EQUIPMENT
AND FACILITIES AND SUMMER FIELDS SCHEDULING**

THIS AGREEMENT, made this 20th day of May, 2019, is between the Kenai Peninsula Borough School District, hereinafter referred to as “KPBSD” and the City of Homer, Alaska, hereinafter referred to as “CITY”.

WHEREAS, the KPBSD and the CITY share common goals to provide opportunities and activities for the physical, mental and cultural development of their respective client groups through the Community Recreation Program, and

WHEREAS, there is a need for scheduling school field use during the summer when school administrators may be unavailable, and

WHEREAS, the benefits from limited financial resources can be maximized by the KPBSD and the CITY working together to provide facilities and programs to achieve their common goals.

NOW, THEREFORE, WITNESSETH:

In consideration of the premises and agreements contained herein, the parties hereto agree as follows:

ARTICLE 1 – COMMUNITY RECREATION PROGRAM

- 1.1. CITY OF HOMER-COMMUNITY RECREATION PROGRAM.** The CITY agrees to provide year-round educational and recreational programs among children, youth, young adults and adults in various sports, special events, hobbies, educational and other recreational activities known as the Community Recreation Program. Recognizing that this program uses school buildings and equipment, the extent, content, and management of the program shall be decided by the CITY with guidance and advice provided by the KPBSD and the Homer Middle School and Homer High School principals. Use of Homer High and Homer Middle Schools and equipment for this program is subject to the advance approval of the appropriate KPBSD administrator(s) who are responsible for such buildings and equipment.
- 1.2. COMMUNITY RECREATION PROGRAM CONTENT.** This program is comprised of the following:
- a. Community Recreation Program classes; and
 - b. Scheduled gym activities such as basketball and volleyball; and
 - c. Periodic special events held in the school’s theater, such as film festivals and musical performances, etc. (limit 1 per semester).
- 1.3 PERSONNEL.** The CITY of Homer shall hire qualified personnel to organize, supervise, direct and implement the educational and recreational program services and help ensure building security. Such personnel shall be located in the schools (except when Homer Middle School is not in session – May through August). The Recreation Program Manager will work under the supervision of the City Manager, or his/her designee, and both the Program Manager and City Manager shall ensure that all activities of the Program Manager are done in cooperation with

the KPBSD and the Homer Middle School and Homer High School principals, and in accordance with the provisions of this agreement and school board policy. All personnel employed with the Community Recreation Program shall be employees, staff and volunteers of the City of Homer and the personnel regulations and evaluation procedures of the CITY shall apply. All Community Recreation employees, staff and volunteers shall complete an annual background check through the KPBSD background check system.

1.4. THE MANAGEMENT COMMITTEE. The KPBSD will form a Management Committee consisting of Homer Middle School and Homer High School principals and the Homer High School Athletic/Activities Director. The Management Committee will meet annually with the City Manager or his/her designee and the Recreation Program Manager. At annual meetings the CITY will submit for review by the Management Committee a written and oral narrative of the programs and activities conducted during the previous year and those planned for the future. The Program Manager will provide weekly communication with building administrators regarding programming schedules and related facility use topics. The KPBSD retains the right to review the proposed programs and activities and make suggestions concerning same, and to reject proposals that are inconsistent with KPBSD policies or applicable law related to the use of KPBSD facilities and equipment by the public. Reasonable progress reports shall be made by the Program Manager upon request in addition to the reports provided during the annual meetings.

1.5. USE OF FACILITIES. The KPBSD agrees to make its facilities at Homer Middle and Homer High Schools available for use by the Recreation Program subject to the terms and conditions of this agreement and applicable KPBSD policies. The KPBSD will be responsible for building and grounds maintenance, utilities to include water, sewer, electricity, and heating fuel, provided that the Recreation Manager shall promptly notify the KPBSD and building administrator of any damage done to KPBSD facilities by either the Recreation Program instructors or participants, or otherwise observed by the Coordinator.

Except as otherwise agreed herein, the KPBSD agrees to make the above mentioned public school facilities available for education/recreation program activities according to the stipulations of BP 1330, Use of School Facilities and Properties, with the provision that preference in the scheduling of them shall be given to the organized activities of the Kenai Peninsula Borough schools. For those activities requiring the use of the high school's swimming pool the building use form will be utilized and the appropriate fees assessed according to BP 1330 on a case by case basis. No later than April 30 of each contract year, the CITY agrees to pay to the KPBSD technical fees charged to the CITY for the use of the Mariner Theater and an annual fee of six thousand (\$6,000) dollars for custodial services and supplies that are used by the Recreation Program. Should a scheduling conflict arise, the appropriate principal shall give the Recreation Program Coordinator at least one week notice when possible. The Homer High School and Homer Middle School principals will consult with the Recreation Program Coordinator prior to booking private rentals within the facilities and fields (with the exception of the theater and pool) to avoid potential scheduling conflicts.

As circumstances allow, the KPBSD agrees to provide the Recreation Manager with office space, use of copier, and office supplies provided that the Manager may not use KPBSD office supplies other than those provided to the Manager by the KPBSD, or the copier for more than 150 copies per month, without first obtaining advance approval of the building administrator. The CITY shall promptly reimburse the KPBSD for any unauthorized costs incurred by the Coordinator.

The Recreation Manager, staff or volunteers will be responsible for building security when activities are held after hours or they are the sole occupants of the school. The Recreation Manager will not be responsible for security in areas where KPBSD events are concurrently running or activities of groups not associated with Community Recreation are being held.

The Recreation Manager is not authorized by this agreement, except summer activities otherwise specified in Article 2 or by amendment, to schedule any events or programs that are not part of the Recreation Program and is prohibited from using the KPBSD facilities, equipment, computer, copier, office space or supplies in any way to schedule any such events or programs. Further, the Coordinator and Recreation Program are not authorized to expand their program offerings in KPBSD facilities beyond the scope of the present status quo for the duration of this agreement without the written consent of all parties involved.

- 1.6. FISCAL AGENT.** The CITY shall act as the sole fiscal agent for the conduct of the Recreation Program Coordinator position in Homer.
- 1.7. HOLD HARMLESS.** The CITY shall hold harmless the KPBSD and its officers, directors and employees from and against any and all damages, losses, claims, lawsuits, or liability, including attorney's fees and costs, of every kind arising out of loss, damages, whether tangible or intangible, or injury, including death, to persons or property sustained by the KPBSD, its employees and its volunteers, or any or all of them, from any cause arising out of or in the course of or in connection with its negligent use of KPBSD facilities, equipment and supplies and the performance or negligent performance of both its obligations and those of the Coordinator under this agreement, subject to the appropriation and availability of funds.

The KPBSD shall hold harmless the CITY and its officers and employees from and against any and all damages, losses, claims, lawsuits, or liability, including attorney's fees and costs, of every kind arising out of loss, damage, or injury, including death, to persons or property sustained by the KPBSD, its employees and its volunteers, or any or all of them, from any cause arising out of or in the course of the KPBSD's performance or negligent performance of its obligations under this agreement, subject to the appropriation and availability of funds.

- 1.8. INSURANCE.** The KPBSD will maintain comprehensive general liability insurance for claims arising against the activities of the KPBSD pursuant to this agreement. The CITY will maintain comprehensive general liability insurance for claims arising against the CITY concerning the Recreation Program pursuant to this agreement. CITY must name KPBSD as an additional insured. KPBSD must name CITY as an additional insured.

- 1.9. EQUIPMENT.** The KPBSD has various equipment and supplies used in the conduct of its programs that may, upon request and approval, be made available to facilitate and support the provision of recreational and educational programs conducted under this agreement. It is understood by both the KPBSD and the CITY that equipment or supplies traditionally provided to the Recreation Program will continue to be made available. The CITY agrees to repair or replace any equipment that may be damaged while in their use or care.

ARTICLE 2 – SUMMER FIELD USE

- 2.1. SCHEDULING OF SUMMER FIELDS.** The CITY will schedule and issue facility use agreements in the summer months for the KPBSD.
- 2.2. SERVICES.** The CITY will provide personnel to schedule various group usages of the Homer High School and Homer Middle School fields within the City of Homer and issue related facility use agreements, waivers and perform incidental related tasks for dates where school is not in session in the months of May through August.
- 2.3. COMPENSATION.** The KPBSD will compensate Homer \$500.00 per summer for these summer scheduling services.
- 2.4. HOLD HARMLESS.** In recognition that the CITY is only providing scheduling services on behalf of the KPBSD and not administering any of the programs or persons that may be using the fields under a KPBSD facility use agreement the KPBSD, to the extent allowed by law and subject to appropriation, shall indemnify, hold harmless, and defend the CITY from and against any claims of, or liability for, any wrongful or negligent act, error, or omission of the KPBSD or any subcontractor with regards to summer use of the fields under a KPBSD facility use agreement. The KPBSD shall not be required to defend or indemnify the CITY for any claims of, or liability for, any wrongful or negligent act, error, or omission solely due to the independent negligence of the CITY. If there is a claim of, or liability for, the joint negligence of KPBSD and the independent negligence of the CITY, the indemnification and hold harmless obligation shall be apportioned on a comparative fault basis. Apportionment shall be determined upon final determination of percentage of fault. If any such determination is by settlement, the percentage of fault attributed to each party for purposes of this indemnification provision shall only be binding upon the parties included in the settlement agreement. “KPBSD” and the “CITY” as used in this article include the employees, agents, officers, directors, and other contractors who are directly responsible, respectively, to each.

ARTICLE 3 – GENERAL CLAUSES

- 3.1. TERM.** This Agreement is effective for a term commencing July 1, 2019 and ending on June 30, 2022, unless terminated earlier pursuant to Article 3.3 of this Agreement, or unless extended as hereinafter provided in Article 3.2.
- 3.2. RENEWAL.** This Agreement may be extended on a year-by-year basis by mutual written agreement of the parties.

- 3.3. **TERMINATION.** Either party may terminate this Agreement in whole or in part at any time without cause by giving written notice to the other party of such termination at least thirty (30) days before the effective date of such termination.
- 3.4. **AMENDMENT.** This Agreement may be amended only by a written document executed by the parties.
- 3.5. **AUTHORIZED AGENTS.** The individuals authorized to act as the agents on behalf of the parties to this agreement are:

KENAI PENINSULA BOROUGH SCHOOL DISTRICT
 Dave Jones, Assistant Superintendent
 148 North Binkley Street
 Soldotna, Alaska 99669
 (907) 714-8888

CITY OF HOMER
 Katie Koester, City Manager
 491 East Pioneer Avenue
 Homer, Alaska 99603
 (907) 235-8121

The parties do hereby set their hands and seals on the dates provided below.

 DAVE JONES

 KATIE KOESTER

STATE OF ALASKA)
) ss
 THIRD JUDICIAL DISTRICT)

STATE OF ALASKA)
) ss
 THIRD JUDICIAL DISTRICT)

SUBSCRIBED AND SWORN TO before me
 this ____ day of _____, 20 ____.

SUBSCRIBED AND SWORN TO before me
 this ____ day of _____, 20 ____.

 NOTARY PUBLIC
 My Commission Expires: _____

 NOTARY PUBLIC
 My Commission Expires: _____

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 19-040

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AWARDING THE CONTRACT FOR THE HOMER VOLUNTEER FIRE DEPARTMENT TURN OUT GEAR TO TO L.N. CURTIS & SONS, OF KENT, WASHINGTON, IN THE AMOUNT OF \$41,625.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Request for Proposals was advertised in the Homer News on May 16 and 23, 2019, sent to two in-state plans rooms, and posted on the City of Homer website; and

WHEREAS, Proposals were due on May 31, 2019 and two proposals were received; and

WHEREAS, The Review Committee reviewed the proposals received and determined that L.N. Curtiss & Sons of Kent, Washington, to be the lowest responsive proposal qualified to complete the work; and

WHEREAS, This award is not final until written notification is received by the firm from the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the Contract for the Homer Volunteer Fire Department Turn Out Gear to the firm of L.N. Curtis & Sons of Kent, Washington, in the amount of \$41,625.00, and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 10th day of June, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: Funding: Fire Reserves #156-0393 Expenditure: Safety Equipment #100-0151-5602



City of Homer

www.cityofhomer-ak.gov

Volunteer Fire Department

604 East Pioneer Ave
Homer, Alaska 99603

fire@cityofhomer-ak.gov

(p) 907-235-3155

(f) 907-235-3157

Memorandum 19-074

TO: KATIE KOESTER, CITY MANAGER

FROM: ROBERT PURCELL, INTERIM FIRE CHIEF

DATE: 06/05/2019

SUBJECT: AWARD OF FIRE GEAR BID TO L.N. CURTIS & SONS

After reviewing the responses to the Fire Gear RFP, L.N. Curtis & Sons was found to be the successful bidder to supply the Fire Department Firefighting with 15 sets of Turn-Out Gear in an Amount of \$41,625.00. The City Council has previously approved a withdrawal of \$39,500.00 from Fleet Reserves for this project. The balance will come from 0151-5602 Safety Equipment in the regular Fire department Budget which has adequate funding for the balance of \$2,125.00.

This fire gear is being purchased to provide the NFPA compliant gear to the new Firefighter-I class members who recently graduated from our most recent recruit class and to replace fire gear that is no longer serviceable.

Note: Gear that is no longer serviceable is worn by recruit class members during training to avoid wear and tear and extend the life of our serviceable gear.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 19-075

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: JUNE 5, 2019
SUBJECT: AWARD OF CONTRACT FOR HVFD TURNOUT GEAR

The request for proposals for Structural Firefighting Turnout Coats, Pants, Gloves and Hoods was issued May 10, 2019 in an effort to purchase and provide the NFPA compliant gear to the new Firefighter-I class members who recently graduated from our most recent recruit class and to replace fire gear that is no longer serviceable.

Proposals were submitted by L.N. Curtis and Sons of Kent, Washington and Municipal Emergency Services of Wasilla, Alaska.

Submittals were evaluated and scored by a review committee that consisted of Fire Chief Purcell, Assistant Chief Miotke, and Departmental Services Coordinator Arndt in accordance with the following criteria:

1. Cost – Percentage difference in cost between proposals - 25 points
2. Design, Fit and Ergonomic Comfort – 25 points
3. Design features or construction that exceed minimum NFPA standards or these specifications that are deemed by the HVFD to improve or enhance the safety or performance of the fire gear – 25 points
4. Ability to mix and match coats and pants to fit new male and/or female firefighters as gear is reissued to new personnel in the future – 10 points
5. Compatibility to mix and match with existing fire gear – 3 points
6. Service and Support – 12 points

Maximum Score

100 points

The selection committee reviewed and discussed the proposer's prior work experience and performance. Factors such as overall experience relative to the proposed contract, quality of work, cost control, and the ability to meet schedules were considered during the evaluation.

L.N. Curtis and Sons was found to be compliant, able to meet the specifications, and provide the necessary gear timely.

RECOMMENDATION: Adopt a Resolution awarding the contract for Structural Firefighting Turnout Coats, Pants, Gloves and Hoods to the firm of L.N. Curtis and Sons of Kent, Washington.

The Economic Contribution of Bear Viewing to Southcentral Alaska

Prepared by:

Taylor B. Young & Joseph Little
School of Management
University of Alaska Fairbanks
May 2019

Executive Summary

For Alaskans and tourists alike, the opportunity to view brown bears flourishing in their natural setting is something very special. Given the quality of habitat and vibrancy of local ecosystems, Southcentral Alaska is home to the largest concentration of brown bears found anywhere on earth. The regular presence of a large number of brown bears has influenced the development of permanent bear viewing sites within the McNeil River State Game Sanctuary, Katmai National Park & Preserve, and Lake Clark National Park & Preserve. Each year thousands of visitors come to the region during the peak summer season because of the quality of the bear viewing experience. To reach key bear viewing sites local businesses have been providing services, such as air/boat taxis, wildlife guides and lodging for over 40 years. Drawing on proprietary business data covering 2017, this report highlights the economic contribution of bear viewing service providers in Southcentral Alaska. The availability of high quality bear viewing opportunities serves as a strong foundation for the economic viability of local service providers operating in the region. **Some of the key findings include:**



- Bear viewing related service providers (air/boat taxis, guides, lodging) reported **\$34.5 million in sales**.
- Service providers paid approximately \$10 million in direct wages and benefits and hired 371 employees.
- Direct purchases by service providers and spending by households support approximately **\$36.3 million in economic production** in the region.
- Similarly, direct spending by service providers and households contributes approximately **\$19 million in value added** to the regional economy.
- Spending by service providers and households supports approximately **\$17.3 million in labor income** in the region, including \$10 million in direct wages and benefits.
- Spending by service providers and households supports **490 jobs** in the region, including 371 reported direct hires.



May 7, 2019



Ken Castner, Mayor
City of Homer
491 East Pioner Avenue
Homer, AK 99603

Dear Mayor Castner :


Thank you for writing to express your concern for the homeowners in Baycrest Subdivision. As you note in your letter dated April 11, 2019, the department has spent an extensive amount of engineering time, research, and evaluation over the past several years regarding this subject.

As you are aware, it has been determined the improvements to the Sterling Highway were engineered to correctly carry existing water flow, following its natural path, underneath the highway, so the ground does not become saturated and undermine the highway, conceivably cutting off local communities, as you fear. The department does not agree with previous antidotal conclusions and stands by its statements made in our last letter to you on February 25, 2019.

It is understandable that the City of Homer and the property owners in Baycrest Subdivision would like the state to take responsibility for the drainage issues occurring. However, after much investigation and evaluation by engineering and hydrological staff, there is no evidence that the project created additional water or caused the numerous drainage and saturation problems found in this area. It is also not within the department's jurisdiction to go outside the state's rights of way to assist in solving problems rightly the responsibility of developers who fail to install appropriate drainage facilities with their projects or prevent soil erosion by not striping the vegetation.

Although the department sympathizes with the homeowners affected, unless something changes in the future, there is no action the department is willing to take to modify the existing drainage structures.

Sincerely,


Wolfgang Junge, P.E.
Regional Director

cc: John MacKinnon, Commissioner, DOT&PF

AMHS Questions for Mayors

Date: May 21, 2019

From: Northern Economics

Please use this form to enter, edit, and store responses to questions. When you've completed your response, you can email this attachment back to Jeannette.Lee@norecon.com.

Questions for Mayors Regarding AMHS

Q	How do individuals and businesses in your community use the ferry? Please think about residents, visitors, businesses, schools, and other organizations.
A	Homer is a connection port for southcentral Alaska to the roadless communities of Seldovia, Kodiak, Port Lions, and Unalaska. Schools, fishermen, merchants and fishermen from inside and outside of those communities depend on AMHS to dependably move people, vehicles and freight. Kodiak is notorious for having long spells of weather that close down it airport – sometimes the ferry is the only way to get on or off the island.
Q	What would be an acceptable minimum level of ferry service to your community?
A	It would be an inconvenience to Homer residents – it would be a totally isolating experience for the roadless communities.
Q	What other changes do you believe could feasibly be made to AMHS that would increase the fiscal health of AMHS?
A	Port services was at one time contracted out but AMHS decided to take on the risk of hiring more state employees. I don't think it was a wise fiscal choice.
Q	Is it likely that other forms or providers of transportation services could respond to changes to AMHS service in your community, including passenger and cargo services? Please provide specific examples if you can.
A	There are several large landing craft and or tug and barge businesses that can fill in some of the transportation of coastal freight and construction support. There is no other maritime business I am aware of that moves passengers to and from Kodiak.
Q	Are there services and benefits that AMHS provides that are not replaceable by these other transportation services?
A	Passenger service. Dependable enclosed transportation of vehicles.
Q	Are there any surrounding communities not directly served by AMHS that rely significantly on access to AMHS through your community? Please indicate those communities and describe the role the ferry plays in those communities.
A	See first question, above.
Q	Who else in your community should we contact for additional information about the ferry's role?
A	I would suggest you contact Admiral Keith Bell in Juneau. He can give you a Kodiak military perspective. He still owns a home there.

Q Do you have any additional comments, questions, or ideas?

A The marine highway is a key component of the national transportation plan. The fact that it does not need to be sanded or plowed should justify some subsidy of the transportation method: AMHS.

Thank you for your participation!

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-19

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 14.08, "Water Rules and Regulations" to add HCC 14.08.015, "Water Service Area" and Prohibiting the City from Providing Water Service Outside the City of Homer Unless Authorized by Ordinance or Required by Law and Requiring the Adoption of Extraterritorial Public Utility Agreements by Resolution.

Sponsor: Aderhold

1. City Council Regular Meeting April 22, 2019 Introduction
2. City Council Worksession and Regular Meeting May 28, 2019
3. City Council Regular Meeting June 10, 2018 Public Hearing and Second Reading

Memorandum 19-072 from Councilmember Aderhold as backup

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

Aderhold

3
4 **ORDINANCE 19-19**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE TITLE 14.08, "WATER RULES AND
8 REGULATIONS" TO ADD HCC 14.08.015, "WATER SERVICE AREA"
9 AND PROHIBITING THE CITY FROM PROVIDING WATER SERVICE
10 OUTSIDE THE CITY OF HOMER UNLESS AUTHORIZED BY
11 ORDINANCE OR REQUIRED BY LAW AND REQUIRING THE
12 ADOPTION OF EXTRATERRITORIAL PUBLIC UTILITY AGREEMENTS
13 BY RESOLUTION.
14

15 WHEREAS, It is in the interest of the City of Homer ("City") to prioritize providing City-
16 owned utilities to City residents and taxpayers; and
17

18 WHEREAS, The City has no authority to regulate the development or zoning of real
19 property outside the City's boundaries; and
20

21 WHEREAS, Properties outside City limits do not contribute to the costs of maintaining
22 and providing City-owned public utilities through property tax, public utility assessments or,
23 in the case of businesses, sales tax; and
24

25 WHEREAS, For these reasons the water service area of the City should not be expanded
26 outside City limits without careful and deliberate consideration by City Council via ordinance
27 or as otherwise required by law.
28

29 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
30

31 Section 1. The Homer City Council hereby amends Homer City Code 14.08, "Water Rules
32 and Regulations" by adding a new section HCC 14.08.015 entitled "Water Service Area":
33

34 14.08.015 Water Service Area
35

- 36 a. Except as otherwise required by law, the extension of water service outside City
37 boundaries is prohibited unless the extension is requested by the governing body of the
38 outside jurisdiction via ordinance. Water may not be extended outside City boundaries
39 unless approved by Council via ordinance or otherwise required by law.
40

- 41 b. All agreements for water service outside City boundaries must be approved by Council
42 via resolution. The resolution must:
 - 43 1. Identify the property to be serviced and its location;
 - 44 2. Identify the essential terms and conditions of the agreement between the
45 property owner and the City;
 - 46 3. Specify the cost of extending water service to the identified property; and
 - 47 4. Affirm the extension of water services under this section is lawful, in the City's
48 best interest, and in furtherance of public health and welfare within the City.
- 49
- 50 c. Water may not be extended outside City limits until the City amends its certificate of
51 public convenience and necessity to include the extended service area if required by
52 state law.
- 53
- 54 d. Except as provided in this title or upon approval granted by Council via ordinance,
55 persons outside City limits will be treated the same as persons inside City limits with
56 regard to permitting fees and water rates.

57
58 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

59
60 Section 3. This ordinance is of a permanent and general character and shall be included
61 in Homer City Code.

62
63 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2019.

64
65
66 CITY OF HOMER

67
68
69 _____
70 KEN CASTNER, MAYOR

71
72 ATTEST:

73
74
75 _____
76 MELISSA JACOBSEN, MMC, CITY CLERK

77
78 Introduction:
79 Public Hearing:
80 Second Reading:
81 Effective Date:
82

- 83 YES:
- 84 NO:
- 85 ABSTAIN:
- 86 ABSENT:
- 87
- 88 Reviewed and approved as to form:

89 _____
90 _____

91 Katie Koester, City Manager

92

93 Date: _____

Holly Wells, City Attorney

Date: _____

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

Aderhold

3
4 **ORDINANCE 19-19(S)**
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE TITLE 14.08, "WATER RULES AND
8 REGULATIONS" TO ADD HCC 14.08.015, "WATER SERVICE AREA"
9 AND PERMITTING THE CITY TO PROVIDE WATER SERVICE
10 OUTSIDE THE CITY OF HOMER SO LONG AS THE PROPERTY
11 SERVED IS ADJACENT TO A WATER MAIN INSTALLED TO SERVE
12 CITY PROPERTY AND SUCH SERVICE IS REQUIRED BY LAW OR
13 AUTHORIZED BY ORDINANCE AND REQUIRING A COUNCIL
14 APPROVED AGREEMENT REGULATING USE, OPERATION,
15 INSTALLATION, AND MAINTENANCE OF WATER SERVICE ON THE
16 PROPERTY.
17

18 WHEREAS, It is in the interest of the City of Homer ("City") to prioritize providing City-
19 owned utilities to City residents and taxpayers; and
20

21 WHEREAS, The City has no authority to regulate the development or zoning of real
22 property outside the City's boundaries; and
23

24 WHEREAS, Properties outside City limits do not contribute to the costs of maintaining
25 and providing City-owned public utilities through property tax, public utility assessments or,
26 in the case of businesses, sales tax; and
27

28 WHEREAS, For these reasons the water service area of the City should not be expanded
29 outside City limits without careful and deliberate consideration by City Council via ordinance
30 or as otherwise required by law.
31

32 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
33

34 Section 1. The Homer City Council hereby amends Homer City Code 14.08, "Water Rules
35 and Regulations" by adding a new section HCC 14.08.015 entitled "Water Service Area":
36

37 14.08.015 Water Service Area
38

- 39 a. Except as otherwise required by law, the City may only extend City-owned water service
40 outside City boundaries when the extension is requested by the governing body of the
41 outside jurisdiction via ordinance and the extension is approved by Council via

42 ordinance and in full compliance with this Section. The ordinance approved by Council
43 must:

- 44
- 45 1. Identify the location of the property or properties to be serviced;
 - 46 2. Identify and incorporate by reference any applicable agreements between the
47 City and the jurisdiction in which the property is or properties are located;
 - 48 3. Identify essential terms and conditions of the agreement that must be included
49 in any agreement between the property owner, the City, and/or the jurisdiction
50 in which the property is or properties are located;
 - 51 4. Specify the cost of extending water service to the identified property and the
52 required cost allocation method for the property or properties;
 - 53 5. Affirm that the cost allocation method and the amount paid by the property
54 owner and/or the jurisdiction where the property is located includes the full
55 costs and fees of the extension and does not disadvantage property owners
56 within the City; and
 - 57 6. Affirm the extension of water services under this section is lawful, in the City's
58 best interest, and in furtherance of public health and welfare within the City.

59

60 b. Notwithstanding the other provisions of this Section, after [**insert effective date of this**
61 **ordinance**], the City-owned Water System may only be extended to properties outside
62 City boundaries adjacent to a water main that serves property within the City.

63

64 c. If an outside jurisdiction agrees to undertake, in whole or part, any financial,
65 managerial or operational role in the extension, operation or use of the Water System,
66 this agreement must be approved by Council via resolution.

67

68 d. Before City-owned water service may be extended outside its borders under this
69 Section, Council must approve an Extraterritorial Water System Agreement between
70 the City and the owner of extraterritorial property receiving City-owned water service.

71

72 e. The essential terms of the Extraterritorial Water System Agreement must:

- 73
- 74 1. Identify the location of the property, the intended and existing use of the
75 property, and the reason for requesting the extension of City-owned property to
76 the property;
 - 77 2. Specify the amount of the extension, the cost allocation of any costs and fees
78 associated with the extension and the specific terms of any payment method for
79 the property;
 - 80 3. Incorporate all City laws, policies, and procedures governing the extension,
81 installation, operation, and maintenance of the City-owned Water System;

- 82 4. Incorporate any applicable agreements between the City and the jurisdiction in
83 which the property is located; and
84 5. Require the property owner to consent to and confirm that the City has full
85 authority to regulate any use of the property that has or may have an impact on
86 the City-owned Water System.
87
88 f. Water may not be extended outside City limits until the City amends its certificate of
89 public convenience and necessity to include the extended service area, if required by
90 state law.
91
92 g. Except as provided in this title or upon approval granted by Council via ordinance and
93 permitted by law, persons outside City limits will be treated the same as persons inside
94 City limits with regard to permitting fees and water rates.

95
96 Section 2. This ordinance shall take effect upon its adoption by the Homer City Council.

97
98 Section 3. This ordinance is of a permanent and general character and shall be included
99 in Homer City Code.

100
101 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2019.

102
103
104 CITY OF HOMER

105
106
107 _____
108 KEN CASTNER, MAYOR

109
110 ATTEST:

111
112
113 _____
114 MELISSA JACOBSEN, MMC, CITY CLERK

115
116 Introduction:
117 Public Hearing:
118 Second Reading:
119 Effective Date:

120
121 YES:
122 NO:
123 ABSTAIN:

124 ABSENT:
125
126 Reviewed and approved as to form:
127
128 _____
129 Katie Koester, City Manager
130
131 Date: _____

Holly Wells, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Homer City Council

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-3130

(f) 907-235-3143

Memorandum 19-072

TO: MAYOR CASTNER AND CITY COUNCIL MEMBERS
FROM: COUNCIL MEMBER ADERHOLD
DATE: JUNE 5, 2019
SUBJECT: ORDINANCE 19-19(S)

Thank you for a productive worksession during our May 28, 2019 meeting to discuss extraterritorial utilities, piped water in particular. During the worksession and our regular meeting we also received valuable input from residents of Homer and Kachemak City, including a letter from the Mayor of Kachemak City regarding interest in piped water to lots that front Homer's water main on East End Road. Ordinance 19-19(S) was prepared in response to city council discussion and public testimony. The intent of the ordinance is to lay out a framework for providing extraterritorial piped water to certain properties that front an existing main while maintaining controls that protect Homer businesses that are subject to property and sales tax rates that differ from those outside the City and that are required to comply with City of Homer zoning restrictions.

I request that following the scheduled public hearing on Ordinance 19-19(S) at our June 10, 2019 regular city council meeting, city council send Ordinance 19-19(S) to the Planning, Economic Development, and Port and Harbor commissions for evaluation. The intent of commission review would be as follows:

- Evaluate the ordinance from a planning perspective to ensure the ordinance is as consistent with planning code and maintains the City's control within the context of extraterritorial utilities (Planning Commission)
- Evaluate how extraterritorial piped water may affect businesses within Homer and how negative impacts to business could be minimized
- Assess the potential for businesses to move outside of Homer to take advantage of lower tax rates and lack of zoning
- Evaluate the risk of a water intensive business, such as fish processing, to locate outside city limits and compete with similar port and harbor related businesses including but not limited to City of Homer leased businesses (Port and Harbor Commission)
- Recommend changes to the language of the ordinance
- Provide any additional recommendations to city council based on review

Input from commissions should be completed by August 21st to be considered at the August 26th Council meeting.

Recommended Motion: Postpone Ordinance 19-19(S) to the August 26, 2019 City Council meeting and refer it to the Port and Harbor, Economic Development, and Planning commissions.

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-23

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 Public Hearing

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

1 CITY OF HOMER
2 HOMER, ALASKA

Lord/Stroozas

3
4 ORDINANCE 19-23
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 REPEALING AND REENACTING HOMER CITY CODE TITLE 14 TO
8 BE ENTITLED "HOMER PUBLIC UTILITY SYSTEMS" AND
9 HOMER CITY CODE TITLE 17 TO BE ENTITLED "PUBLIC
10 ASSESSMENTS" TO: 1) CONSOLIDATE WATER AND SEWER
11 SYSTEM REGULATIONS AND RATES; 2) UPDATE DEFINITIONS
12 AND COMMON TERMS, AND 3) CREATE UNIFORMITY
13 BETWEEN SERVICE AND ASSESSMENT PRACTICES AND
14 REPEALING HOMER CITY CODE CHAPTERS 9.08, 13.24 AND
15 13.28 TO RELOCATE UTILITY CONSTRUCTION PRACTICES AND
16 FEES FROM HOMER CITY CODE 13.24 AND HOMER CITY CODE
17 13.28 INTO TITLES 14 AND 17 AND MOVE HOMER CITY CODE
18 9.08 TO HOMER CITY CODE 17.03 AND UPDATE ASSESSMENT
19 LIEN ENFORCEMENT PROVISIONS TO INCORPORATE STATE
20 LAW REQUIREMENTS.

21
22 WHEREAS, The Homer City Code currently requires property owners to connect to the
23 Homer Sanitary Wastewater and Sewage System and the Homer Public Water System and
24 regulates construction, installation, and use of these systems; and

25
26 WHEREAS, The regulatory, assessment, and fee provisions regarding Homer's public
27 utilities are located in various sections throughout the Code; and

28
29 WHEREAS, The laws governing Homer's public utilities have not been recently updated
30 to reflect the City's growth, progress, and needs; and

31
32 WHEREAS, The Code contains technical construction and installation requirements
33 that are best addressed via permit criteria rather than provisions in the Code; and

34
35 WHEREAS, It is in the City's and the public's best interest to identify assessments and
36 procedures arising from public utilities and capital improvements in the same title and ensure
37 all assessment procedures are clear, consistent, and easily understood; and

38
39 WHEREAS, Certain fees and assessments were addressed in Titles 9, 13, and 14 while
40 others were in Title 17.

41
42 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

43
44 Section 1: Chapter 13.24 entitled "Sanitary Systems" is hereby repealed.

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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 to 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

88 and the current utility rates adopted by Council shall be available for public inspection at the
89 City Clerk's office, the Public Works Department, and on the City's website.

90

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

93

94 14.01.030 Immunity for discretionary acts.

95

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

104

105 14.01.040 Violation.

106

107 a. The penalty for violating a provision of this title is the fine listed in the fine schedule in HCC
108 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in
109 court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless
110 another penalty is specifically provided.

111

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

116

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

121

122 14.01.045 Violation-Right of appeal.

123

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

126

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

130

1. Name and address of the owner of the property issued the citation;

- 131 2. A copy of the notice being appealed;
132 3. A statement of the grounds for appeal that must include detailed and specific
133 allegations of error and references to applicable provisions of the Code or other law.

134
135 c. The City Manager may appoint a hearing officer or City official, other than the Public Works
136 Director, to act as the decision maker in an appeal under this section.

137
138 d. An appeal before the City Manager or his or her designee shall be heard within 30 days from
139 the day the appeal is filed. The person against whom the violation is assessed shall be given an
140 opportunity to be heard at a public hearing and shall have an opportunity to make an oral
141 argument and present evidence.

142
143 e. The City Manager or his or her designee shall issue a final written decision with his or her
144 findings no more than 30 days after the hearing.

145
146 14.01.050 Bond or cash deposit

147
148 a. Every person, firm or corporate entity carrying on the business of construction and
149 connecting to City sewer and/or water within the City may be required to deposit a bond or
150 cash deposit in favor of the City in an amount and under such conditions deemed appropriate
151 by the City Manager or his or her designee to cover damages of any kind resulting from that
152 person's, firm's or entity's operations. All such sewer or water construction and connections
153 shall be completed in a good and workmanlike manner in accordance with the specifications
154 required by the City. The bond or cash deposit shall be further conditioned that the principal
155 shall repair any damage done to the public sewer or water system on account of such work and
156 shall return the surface of the ground, street, road, building, facility, right-of-way or easement
157 to its original condition insofar as possible and in accordance with the requirements of the City.

158
159 b. Every person, firm or corporate entity carrying on the business of construction and
160 connecting to City sewer and/or water within the City must be approved in writing by the
161 Public Works Director. The Public Works Director shall approve a person, firm or corporate
162 entity under this section so long as he, she or it:

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

170
171 14.01.060 State contractor required.

172

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

176

177 14.01.070 Utility permits-Appeal procedure.

178

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

182

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

187 1. Name and address of the permit applicant;

188 2. A copy of the order or decision being appealed;

189 3. A statement of the grounds for appeal that must include detailed and specific
190 allegations of error and references to applicable provisions of the Code or other law.

191

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

194

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

198

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

201

202 14.01.080 Utility permit appeals- Superior Court

203

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

207

208 14.01.090 Water and sewer rate schedule

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

212

213 b. The City will allow, upon approval of a written application and payment of fee established by
214 the City Council, a second water usage meter to measure the flow of City water that is not

215 discharged to the Sanitary System. This second meter will be read monthly and sewer charges
216 will be credited monthly.

217

218

CHAPTER 14.04

219

HOMER SANITARY WASTEWATER AND SEWAGE SYSTEM

220

221 Sections:

222 14.04.010 Purpose.

223 14.04.015 Definitions.

224 14.04.020 Connection – Required.

225 14.04.030 Industrial Waste.

226 14.04.050 Sewer service connections and extensions.

227 14.04.055 Sewer connection and extension permit fee.

228 14.04.060 Disposition of revenue.

229 14.04.070 Destruction of private sewage disposal systems.

230 14.04.080 Sewage or waste disposal permit.

231 14.04.090 Discharge of surface drainage into public sewer.

232 14.04.140 Operation of water valves, fire hydrants and curb stops.

233 14.04.150 Water meter installation.

234 14.04.160 Backflow and cross-connection prevention.

235

236 14.04.010 Purpose.

237

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

244

245 14.04.015 Definitions.

246

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

249

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

251

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

256

257 "Domestic sewage" means waste containing human or animal excretion, other than industrial
258 waste.

259
260 "Dwelling" or "dwelling unit" means any building or portion thereof which contains living
261 facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than
262 one family.

263
264 "Industrial plant" means a plant or works producing waste material, other than domestic
265 sewage.

266
267 "Industrial waste" means liquid or solids contained within a liquid, other than domestic
268 sewage.

269
270 "Multiple-family dwelling" means a building or portion thereof designed for occupancy by two
271 or more families living independently in separate dwelling units which may or may not share
272 common entrances and/or other spaces.

273
274 "On-site sewer connection line" means the part of the sewer connection line located on the
275 property being serviced by that line.

276
277 "Off-site sewer connection line" means the part of the sewer connection line located in a public
278 easement or right-of-way.

279
280 "Premises" means a lot, parcel of land, building or establishment.

281
282 "Sewage" means a combination of liquid- or water-carried human waste conducted away from
283 residences, business buildings and institutions, which is known as domestic sewage, together
284 with the liquid- or water-carried waste resulting from a manufacturing process employed in
285 industrial establishments, including the washing, cleaning or drain water from such process or
286 establishment, which is known as industrial waste.

287
288 "Sewer connection line" means a line or pipe carrying sewage from a premises to a sewer main.

289
290 "Sewer extension" means an extension of the sewer main.

291
292 "Spaghetti line" means a pipe or line connecting to a sewer main that is not directly adjacent
293 to the lot being serviced by the line or pipe.

294
295 14.04.018 Service connection charges.

296
297 A person applying for sewer service to property not previously connected to the Sanitary
298 System shall pay a sewer connection charge, which shall include engineering costs of
299 inspecting and/or installing the on-site sewer connection line and permit application fees and

300 costs. The amount of the sewer connection charge and the costs included in that charge shall
301 be published annually on the City website and a newspaper of general circulation.

302

303 14.04.020 Connection – Required.

304

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

308

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

311

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

315

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

319

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

329

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

332

333 14.04.030 Industrial Waste.

334

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

338

339 14.04.050 Sewer service connections and extension permits.

340

341 a. No person shall install a sewer extension or a sewer connection line without first obtaining a
342 sewer connection permit from the City. Permit applications may be obtained from the Public

343 Works Department, the City Clerk's office, and/or the City's website. Permit fees must be paid
344 at the time the application is submitted. The sewer connection and extension permit fee shall
345 include all inspection and administrative costs. All other fees for deferred services, in lieu of
346 assessments and necessary right-of-way permits shall be in addition to the permit fee.

347

348 b. A property owner installing a sewer connection or extension which requires a deferred
349 assessment payment or in lieu of assessment payment, shall pay the assessment prior to
350 issuance of the connection or extension permit.

351

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

354

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

357

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

362

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

366

367 14.04.070 Destruction/Abandonment of private sewage disposal systems.

368

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

371

372 14.04.080 Commercial waste disposal permit.

373

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

378

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

382

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

384 1. The Public Works Director reasonably believes, and the property attests that the type
385 of waste reported by the property owner will not damage the Sanitary System; and

386 2. The sewer pipeline has sufficient capacity to dispose of the disclosed wastes.

387
388 d. The Public Works Director or his designee may revoke, modify or impose conditions upon a
389 disposal permit if he or she finds, in his or her sole discretion, that revocation, conditions or
390 modifications to the permit are required to prevent or stop damage to the Sanitary System.
391 Except when immediate action is necessary to protect the Sanitary System and prevent
392 immediate harm to public health and sanitation, the Public Works Director shall provide notice
393 to the property owner at least 30 days before revoking or modifying a disposal permit.

394

395 14.04.090 Industrial waste disposal permit.

396

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

400 1. Is subject to or potentially subject to national pretreatment standards promulgated
401 under Section 307(b) or (c) of the Clean Water Act;

402 2. Has in its wastes any priority toxic pollutants listed in 40 CFR 401.15 or 40 CFR Part
403 403 or listed by the Public Works Director;

404 3. Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Clean
405 Water Act or regulations promulgated thereto;

406 4. Has a discharge flow of 10,000 gallons or more of wastewater per average work day;

407 5. Has a flow greater than five percent of the flow into the STW or of the design
408 pollutant loading capacity of the STW; or

409 6. Is determined by the Public Works Director to have a significant impact or potential
410 for significant impact, either singly or in combination with other contributing industries,
411 on the wastewater treatment system, the quality of sludge, the STW effluent quality, or
412 air emissions generated by the STW.

413

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

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

419 1. The applicant and the sewage generated on the property subject to the permit
420 complies with the City of Homer Industrial Pretreatment and Discharge Policies as
421 adopted by Council; and

422 2. The sewer pipeline has sufficient capacity to dispose of the disclosed wastes.

423

424 d. The Public Works Director or his designee may revoke, modify or impose conditions upon an
425 industrial waste disposal permit if he or she finds, in his or her sole discretion, revocation,
426 conditions or modifications to the permit are required to prevent or stop damage to the
427 Sanitary System. Except when immediate action is necessary to protect the Sanitary System
428 and prevent immediate harm to public health and sanitation, the Public Works Director shall

429 provide notice to the property owner at least 30 days before revoking or modifying a disposal
430 permit.

431

432 14.04.100 Discharge of surface drainage into HSWS Illegal.

433

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

441

442

CHAPTER 14.08

443

HOMER PUBLIC WATER SYSTEM

444

Sections:

445

14.08.010 Purpose.

446

14.08.020 Definitions.

447

14.08.030 Water connections and extensions.

448

14.08.037 Water meters.

449

14.08.040 Private water systems – Connection permits – Fees.

450

14.08.050 Condition of service – Rule making authority.

451

14.08.055 Rule making authority.

452

14.08.060 Frozen pipes – City not liable.

453

14.08.070 Discontinuance of supply.

454

14.08.072 Priority use of water.

455

14.08.074 Surplus water – Sale.

456

14.08.076 Water shortage or emergency declaration.

457

14.08.077 Water shortage or emergency – Interruption of sale of surplus water –

458

Other measures.

459

14.08.078 Water shortage or emergency – Appeal.

460

14.08.079 Immunity for discretionary acts.

461

14.08.080 Schedule of rates – Rules and regulations.

462

14.08.090 Schedule of rates outside of the City limits.

463

14.08.091 Service deposits.

464

14.08.100 Bulk water sales.

465

14.08.105 Resale of water.

466

14.08.110 Permit for resale of water.

467

14.08.120 Permit for water filling station.

468

469

14.08.010 Purpose.

470

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

475

476 14.08.020 Definitions.

477

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

480

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

484

485 "Bulk water customer" means a person who purchases bulk water from the City.

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

490

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

495

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

498

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

502

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

506

507 "Off-site water connection line" means the part of the sewer connection line located in a public
508 easement or right-of-way.

509

510 "On-site water connection line" means the part of the water connection line located on the
511 property being serviced by that line.

512

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

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“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 connections and extension permit.

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

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

560
561 c. The Public Works Director or his or her designee may revoke, modify or impose conditions
562 upon a Water System permit if he or she finds, in his or her sole discretion, that revocation,
563 conditions or modifications to the permit are required to prevent or stop damage to the Water
564 System. Except when immediate action is necessary to protect the Water System and prevent
565 immediate harm to public health and sanitation, the Public Works Director shall provide notice
566 to the property owner at least 30 days before revoking or modifying a Water System permit.

567
568 d. Installation of a Water System connection or extension of a water main must meet the
569 standards and specification in the permit application, the Homer City Code, and any applicable
570 state or federal law or regulations, including but not limited to State of Alaska Department of
571 Labor Occupational Safety and Health requirements.

572
573 e. A property owner installing an on-site water connection line or extending a water main is
574 solely responsible for all costs and liability associated with or arising from the excavation,
575 connection, and installation of the on-site water line or water main extension.

576
577 14.08.060 Disconnection due to nonpayment.

578
579 The City may discontinue water service for nonpayment of any utility service charges,
580 connection fees and related charges. The City shall provide notice to a Water System user at
581 least 30 days before discontinuing water service due to nonpayment.

582
583 14.08.070 Frozen pipes – City not liable.

584
585 Customers will be solely responsible for all on-property frozen water connections and
586 extensions.

587
588 14.08.080 Discontinuance of water.

589
590 Water may at any time be shut off from water mains without notice for repairs, extensions or
591 other necessary purposes. The City will not be liable to the customer for any loss or damage
592 caused by disruptions in water service.

593
594 14.08.090 Priority use of water.

595
596 The first priority of use of the water produced by the Water System is to provide for human
597 consumption, sanitation, and fire protection needs of water consumers within the boundaries
598 of the City of Homer.

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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.

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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.

14.08.140 Water Rate Schedule

- a. Water utility services shall be billed according to a schedule reviewed, revised, and adopted by City Council via resolution annually.
- b. Copies of the rate schedule shall be available at the City Clerk’s office and the Public Works Department. The schedule may also be available on the City’s website.

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.

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

686
687 b. The meter deposit will be returned when the meter is returned undamaged.

688
689 c. If a bulk water customer purchases a meter from the City for measuring the quantity of
690 water purchased it shall be exempt from the monthly meter service charge. It is the
691 responsibility of the bulk water customer to maintain that meter so the City can accurately
692 determine the amount of water being purchased. In the event the meter fails, the customer
693 must repair or replace the meter at its sole expense. The City may at any time test the meter
694 for accuracy and reject a repaired meter that it is not accurate.

695
696 14.08.170 Water filling station permit.

697
698 a. No person shall establish or operate a water filling station to obtain water from the Water
699 System unless that person has a water filling station permit issued by the City.

700
701 b. A person shall apply for a water filling station permit on a form provided by the City. The
702 permit application is available at the City Clerk's office, the Public Works Department, and may
703 be available on the City's website. The permit fee must be submitted with the application.

704
705 c. The water filling station permit criteria shall be included in the permit application and any
706 conditions and terms of the permit shall be included on the face of the permit. Water filling
707 station permit terms and conditions may include, but are not be limited to, uniform or site-
708 specific flow rate restrictions, storage tank requirements, and other provisions required by the
709 Public Works Department to minimize adverse effects on the Water System and promote its
710 efficient operation.

711

712 CHAPTER 14.50
713 UTILITY DISTRIBUTION FACILITIES

714 Sections:

715 14.50.010 Definitions.

716 14.50.020 Underground installation of cable extensions.

717 14.50.030 Enforcement of this chapter.

718

719 14.50.010 Definitions.

720

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

724

725 "Cable" includes cables and wires of all descriptions.

726

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

732
733 "Public utility" includes all public utilities, whether or not subject to regulation by the
734 Regulatory Commission of Alaska.

735
736 "Telecommunications" means the transmission and reception of messages, images,
737 impressions, pictures, data, and signals by means of electricity, electromagnetic waves, and
738 any other kind of energy, force variations, or impulses, whether conveyed by cable, wire,
739 radiated through space, or transmitted through other media within a specified area or between
740 designated points.

741
742 14.50.020 Underground installation of cable extensions.

743
744 After October 24, 2006, all public utility cable facilities, including, but not limited to, electric
745 power, telephone, and telecommunications cables constructed or installed for the purpose of
746 providing utility service to any land not served before that date by overhead cable facilities,
747 shall be installed underground, and no cables or supporting poles shall be constructed or
748 installed above ground for such purpose, unless the utility obtains an approved exception
749 pursuant to HCC 22.10.055(e) or (f).

750 14.50.030 Enforcement of this chapter.

751
752 a. In addition to penalties and remedies set forth in this title, no permit may be issued to install
753 a utility line on City property or in a City-owned or controlled easement or right-of-way in
754 violation of this chapter.

755
756 Section 8: Title 17 entitled "Improvement Districts" is hereby repealed and reenacted to
757 read as follows:

758
759 TITLE 17
760 PUBLIC ASSESSMENTS

- 761 Chapters:
- 762 17.01 General Provisions
 - 763 17.02 Special Assessment Districts
 - 764 17.03 Enforcement of Public Assessments
 - 765 17.05 Homer Public Water System Assessment Fund
 - 766 17.10 Water and Sewer Zone Connection Assessments
 - 767 17.15 Water and Sewer Individual Connection Assessments
 - 768 17.15 Public Utility and improvement short-term financing
 - 769 17.20 Developer Reimbursement Plans

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CHAPTER 17.01
GENERAL PROVISIONS

Sections:

- 17.01.010 Definitions.
- 17.01.020 Purpose.
- 17.01.030 Authority.
- 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.

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

814

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

818

819 17.01.020 Purpose of title.

820

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

824

825 17.01.030 Assessment authority.

826

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

830

831 CHAPTER 17.02

832 SPECIAL ASSESSMENT DISTRICTS

833

834 Sections:

835 17.02.030 Purpose of and authority for special assessment district.

836 17.02.040 Initiation of a special assessment district.

837 17.02.050 Creation of a special assessment district.

838 17.02.060 Contract – Approval of increased costs.

839 17.02.070 Special assessment roll.

840 17.02.080 Certification of assessment roll.

841 17.02.090 Payment.

842 17.02.100 Subdivision after levy of assessments.

843 17.02.120 Reassessment.

844 17.02.130 Objection and appeal.

845 17.02.140 Interim financing.

846 17.02.150 Special assessment bonds.

847 17.02.160 Time limit for special assessment districts.

848 17.02.170 Water and sewer connections required.

849 17.02.180 Road improvement assessments for lots with two street frontages.

850 17.02.190 Deferment of assessment payments for low income residents.

851 17.02.200 Payment in lieu of assessment.

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853 17.02.030 Purpose and authority for special assessment districts.

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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 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 benefited 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

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

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

900 G. Preliminary assessment roll for the proposed district.

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

903

904 17.02.050 Creation of a special assessment district.

905

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

911

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

921

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

928

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

932

933 17.02.060 Contract – Approval of increased costs.

934

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

939

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

945
946 c. If the City receives written objections from record owners collectively bearing one-half or
947 more of the cost of the improvement, the City may not contract to construct the improvement
948 unless it can do so at an amount not more than 15 percent above the estimated cost of
949 construction identified in the improvement plan. The City may still impose an assessment or
950 levy taxes on the district for the costs of developing the improvement plan so long as the
951 record owners approved the initiation of the district and the improvement plan.

952
953 17.02.070 Assessment roll.

954
955 a. After completion of the improvement, the City shall assess costs of the improvement and
956 prepare an assessment roll stating for each property in the special assessment district the
957 name and address of the record owner, Kenai Peninsula Borough parcel number, the legal
958 description of the property, the amount assessed against the property, and the assessed value
959 of the property as determined by the Borough Assessor.

960
961 b. Council shall certify the assessment roll by resolution.

962
963 c. Prior to certifying the assessment roll, Council shall hold a hearing. All record owners in the
964 proposed district will have an opportunity to raise objections to the assessment roll at the
965 hearing. At least 15 days before the hearing, the City Clerk shall send written notice of the
966 hearing on the certification of the assessment roll by certified mail to each record owner
967 appearing on the assessment roll and publish notice of the hearing in a newspaper of general
968 circulation in the City.

969
970 17.02.080 Certification of assessment roll.

971
972 After the hearing the Council shall correct any errors or inequalities in the assessment roll. If an
973 assessment is increased, a new hearing shall be set and notice published, except that a new
974 hearing and notice is not required if all record owners of property subject to the increased
975 assessment consent in writing to the increase. Objection to the increased assessment shall be
976 limited to record owners of properties whose assessments were increased. When the
977 assessment roll is corrected, the Council shall confirm the assessment roll by resolution. The
978 City Clerk shall record the resolution and confirmed assessment roll with the District Recorder.

979
980 17.02.090 Payment.

981

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

986
987 b. Within 30 days after fixing the time when payment of the assessments is due, the Finance
988 Director shall mail a statement to the record owner of each assessed property identifying the
989 property and stating the assessment amount, the payment due date, and the amount of the
990 penalty on a delinquent payment. Within five days after mailing the statements, the Finance
991 Director shall publish notice of mailing the statements in a newspaper of general circulation in
992 the City.

993
994 17.02.100 Subdivision after levy of assessments.

995
996 a. Except as otherwise provided in this section, upon subdivision of a parcel located in an
997 assessment district where the assessment was apportioned equally between parcels, a
998 "subdivided property connection fee" shall be paid before a lot created by subdivision, and not
999 included in the original assessment, may be connected to the improvement for which the
1000 original assessment was levied.

1001 1. The amount of the "subdivided property connection fee" shall be equal to the
1002 amount of the original assessment adjusted by the increase in the number of parcels.

1003
1004 2. If the original assessment was payable in installments the City may enter into a
1005 written agreement for the payment of the connection fee in installments on terms that
1006 are substantially the same as those authorized for the payment of the original
1007 assessment, secured by a deed of trust on the parcel.

1008
1009 b. Upon the subdivision of a property assessed as a single parcel in an assessment district for
1010 natural gas distribution improvements where assessments were levied in an equal amount per
1011 parcel (i.e., without regard to parcel area, dimension or other characteristic), the assessment
1012 levied on the property that is to be subdivided shall be paid in full before the recording of the
1013 final plat. No parcel that results from the subdivision shall be subject to assessment for the
1014 improvements, but shall be charged for connecting to the improvements in accordance with
1015 the tariff of the public utility that provides natural gas service to the parcel.

1016
1017 c. Subdivisions of lots included in the original assessment shall only incur the "subdivided
1018 property connection fee" when the subdivision of the lot occurs on or before the date the total
1019 assessment for the district is paid in full.

1020
1021 d. All subdivided property connection fees collected under this section shall be deposited in the
1022 Homer Accelerated Water Sewer Program fund.

1023
1024 17.02.120 Reassessment.

1025

1026 a. Council shall within one year correct any deficiency in a special assessment found by a court,
1027 under the procedure for certification of the assessment roll in HCC 17.02.

1028

1029 b. Payments on the initial assessment are credited to the property upon reassessment. The
1030 reassessment becomes a charge upon the property notwithstanding failure to comply with any
1031 provision of the assessment procedure.

1032

1033 17.02.130 Objection and appeal.

1034

1035 a. An assessment may only be contested by a person who filed a written objection to the
1036 assessment roll before its certification. Council's decision regarding an objection to the
1037 assessment roll is final and may be appealed to the Superior Court within 30 days after the
1038 date of certification of the assessment roll.

1039

1040 b. If no objection is filed or appeal taken within the time provided in this section, the
1041 assessment procedure shall be considered regular and valid in all respects.

1042

1043 17.02.140 Interim financing.

1044

1045 a. Council may provide by resolution or ordinance for the issuance of notes to pay the costs of
1046 an improvement from the special assessments for that improvement. The notes shall bear
1047 interest at a rate or rates authorized by the resolution or ordinance, and shall be redeemed
1048 either in cash or bonds for the improvement project.

1049

1050 b. Notes issued against assessments shall be claims against the assessments that are prior and
1051 superior to a right, lien or claim of a surety on the bond given to the City to secure the
1052 performance of the contract for construction of the improvement, or to secure the payment of
1053 persons who have performed work or furnished materials under the contract.

1054

1055 c. The Finance Director may accept notes against special assessments on conditions prescribed
1056 by the Council in payment of:

1057

1. Assessments against which the notes were issued in order of priority;

1058

2. Judgments rendered against property owners who have become delinquent in the
1059 payment of assessments; and

1060

3. Certificates of purchase when property has been sold under execution or at tax sale
1061 for failure to pay the assessments.

1062

1063 17.02.150 Special assessment bonds.

1064

1065 a. Council by ordinance may authorize the issuance and sale of special assessment bonds to
1066 pay all or part of the cost of an improvement in a special assessment district. The principal and
1067 interest of the bonds shall be payable solely from the special assessments levied against

1068 property in the district. The assessment shall constitute a sinking fund for the payment of
1069 principal and interest on the bonds. The benefited property may be pledged by the Council to
1070 secure payment of the bonds.

1071
1072 b. On default in a payment due on a special assessment bond, a bondholder may enforce
1073 payment of principal, interest, and costs of collection in a civil action in the same manner and
1074 with the same effect as actions for the foreclosure of mortgages on real property. Foreclosure
1075 shall be against all property on which assessments are in default. The period for redemption is
1076 the same as for a mortgage foreclosure on real property.

1077
1078 c. Before the Council may issue special assessment bonds, it shall establish a guarantee fund
1079 and appropriate to the fund annually a sum adequate to cover a deficiency in meeting
1080 payments of principal and interest on bonds if the reason for the deficiency is nonpayment of
1081 assessments when due. Money received from actions taken against property for nonpayment
1082 of assessments shall be credited to the guarantee fund.

1083
1084 17.02.160 Time limit for special assessment districts.

1085
1086 a. If five or more years elapse between the creation of a special assessment district and the City
1087 contracting for construction of the improvement, the City may not enter into the contract
1088 unless the Council by resolution extends the period for entering into the contract by not more
1089 than an additional five years.

1090
1091 b. Before the Council acts on a resolution under subsection (a) of this section, the City Clerk
1092 shall mail notice of the resolution to each current record owner of property listed on the
1093 preliminary assessment roll that the City will not contract for construction of the improvement
1094 in the district unless the resolution is adopted. The notice also shall include an updated copy of
1095 the preliminary assessment roll.

1096
1097 17.02.170 Water and sewer connections required.

1098
1099 Except as otherwise provided in Title 14, the owner of property in a water or sewer special
1100 assessment district that contains an occupied building shall connect to the improvement
1101 constructed in the district within three years after the date that the resolution confirming the
1102 assessment roll for the district becomes final.

1103
1104 17.02.180 Road improvement assessments for lots with two street frontages.

1105
1106 a. The record owner of a through lot or flag lot may obtain a deferment of the part of an
1107 assessment for road improvements that is based on frontage on a road to which the lot does
1108 not have access. To obtain the deferment, the owner shall enter into a deferred assessment
1109 agreement with the City before the end of the period for filing objections to the district under
1110 HCC 17.01.050. The agreement shall provide that the lot has frontage on two streets, to only

1111 one of which the lot has access; that the lot owner shall pay the part of the assessment that is
1112 based on frontage on the street to which the lot has access; and that the owner shall pay the
1113 part of the assessment that is based on the other street frontage when the lot acquires access
1114 to the street from that frontage. The agreement shall be recorded with the District Recorder's
1115 office.

1116
1117 b. The assessment for road improvements against a corner lot shall be based only on the
1118 longer of the lot's road frontages.

1119
1120 17.02.190 Hardship Deferrals.

1121
1122 a. Assessment payments, including payments of assessments levied in the City of Homer
1123 Natural Gas Distribution Special Assessment District created by Ordinance 13-02, but
1124 excluding other assessment payments for the infrastructure of a privately owned utility, may
1125 be deferred under the provisions of this section. A person may obtain a deferment of
1126 assessment payments under this section if the person:

- 1127 1. Has an annual family income that is less than 200% of the current U.S. Health and
1128 Human Services Poverty Guidelines for Alaska;
1129 2. Is the record owner of the assessed property, and permanently resides in a single-
1130 family dwelling on the property; and
1131 3. Is not determined by the City, after notice and hearing, to have been conveyed the
1132 property primarily for the purpose of obtaining the deferment.

1133
1134 b. A person seeking deferment of an assessment payment shall file a written application with
1135 the Finance Director supported by documentation showing that the applicant meets the
1136 criteria in subsection (a) of this section. A person requesting an assessment payment
1137 deferment the first year the assessment is levied must file an application for deferment with
1138 the City no more than 15 days after receiving the initial assessment. A person requesting an
1139 assessment payment deferment under this section in any year after the first year must file an
1140 application for deferment no later than April 15th of the year for which the deferment is
1141 sought. A person must file an application each year for which deferment is sought and shall be
1142 required to prove eligibility for deferment as of January 1st of each year for which a deferment
1143 is requested. Within the same year the City for good cause shown may waive the claimant's
1144 failure to make timely application and approve the application as if timely filed.

1145
1146 c. A person who receives an assessment payment deferment shall execute a deed of trust on
1147 the property subject to assessment, together with a promissory note payable to the City on
1148 demand, to secure the eventual payment of the deferred payment.

1149
1150 d. A deferred assessment payment shall be immediately due and payable upon the earlier to
1151 occur of the following events:

- 1152 1. The sale or lease of the assessed property; or

1153 2. The death of both the deferred assessment applicant and the applicant's surviving
1154 spouse, if any.

1155
1156 17.02.200 In lieu of assessment.

1157
1158 a. A payment in lieu of assessment may be available to record owners outside of a special
1159 assessment district who want to connect to the improvement funded by a special assessment
1160 district and are willing to pay the full and actual costs of extending the benefit of the
1161 improvement onto their property and the parcel's pro-rated share of the assessed
1162 improvement. The Public Works Director retains authority to deny a request for extension of
1163 an improvement under this section.

1164
1165 b. A payment in lieu of assessment shall be paid in accordance with written terms agreed upon
1166 by the City and the record owner of the property for which the payment in lieu of assessment is
1167 being made.

1168
1169 c. Property on which an "in lieu of assessment" has been levied in accordance with subsection
1170 (a) of this section nonetheless may be included in a special assessment district for the same
1171 service in the future date, and will be assessed in that district. An amount not exceeding the
1172 lesser of (1) the amount of "in lieu of assessment" paid for the property and (2) the amount of
1173 the assessment levied on the property in the future special assessment district shall be a credit
1174 against the amount of the assessment levied on the property in the future special assessment
1175 district.

1176
1177 CHAPTER 17.03
1178 ENFORCEMENT OF PUBLIC ASSESSMENTS

1179 Sections:
1180 17.03.010 Delinquent assessment payments-enforcement.
1181 17.03.020 Priority of lien.

1182
1183 17.03.010 Delinquent assessment payments-enforcement.

1184
1185 a. Assessments under this title and any interest or penalties on these assessments are liens on
1186 the property assessed.

1187
1188 b. Foreclosure of assessment liens shall be in accordance with the procedures required for
1189 foreclosure of property tax liens under Alaska Statute.

1190
1191 17.03.020 Priority of Lien.

1192
1193 a. Assessments under this title and any interest or penalties on these assessments are liens on
1194 the property assessed and are prior and paramount to all liens except municipal tax liens.

1195 Assessment liens may be enforced as provided in this Code and AS 29.45.320-29.45.470 for
1196 enforcement of property tax liens.

1197
1198 b. Assessment liens run with the land, and that portion of the assessment under the
1199 assessment contract that has not yet become due is not eliminated by foreclosure of a
1200 property tax lien.

1201
1202 CHAPTER 17.18
1203 DEVELOPER REIMBURSEMENT PROGRAM

1204 Sections:

- 1205 17.18.010 Purpose.
- 1206 17.18.020 Definitions.
- 1207 17.18.030 Developer Requested Special Assessment District
- 1208 17.18.040 Developer Incentive and Reimbursement Program

1209
1210 17.18.010 Purpose.

1211
1212 It is the intent of this chapter to provide incentive through reimbursement and access to the
1213 City's special assessment district process and procedures to developers expanding access to
1214 public utilities and capital improvements within the boundaries of the City.

1215
1216 17.18.020 Definitions.

1217
1218 In this chapter, unless otherwise provided, or the context otherwise requires, the following
1219 words and phrases shall have the meaning set forth below:

1220
1221 "Benefiting property" means one or more parcel(s) of real property which are adjacent to, will
1222 benefit from, or are likely to require connection to a Municipal Improvement.

1223
1224 "Cost of Construction" means the developer's actual direct cost of constructing a Municipal
1225 Improvement.

1226
1227 "Developer" means an owner of real property who is developing his, her, or its real property.

1228 "Developer Reimbursement Agreement" means a written contract between the City, as
1229 approved by the Council, and one or more developers, which provides for reimbursement of a
1230 portion of the Costs of Construction of a Municipal Improvement by a developer, and the
1231 method for assessing the pro rata share of the Costs of Construction of a Municipal
1232 Improvement to Benefitted Property.

1233
1234 "Municipal Improvement" means water, sewer, electrical, and/or storm water systems or other
1235 capital improvements which have been designed and constructed according to City standards,
1236 approved by the City, accepted by the City, and provide potential benefits and/or service to
1237 Benefitted Property.

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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.

1281
1282 c. The City accepts no liability to collect any Pro Rata Payment from the owners of Benefitted
1283 Property, or in the event of non-payment, to pursue enforcement for non-payment of any Pro
1284 Rata Payment, or to disconnect or remove any Benefitted Property from the Municipal
1285 Improvement for non-payment of a Pro Rata Payment. The City assumes no liability or
1286 responsibility regarding the enforceability of any Reimbursement Agreement, or the
1287 developer’s ability to seek a Pro Rata Payment. To the extent permitted by law, enforcement
1288 matters relating in any way to a Pro Rata Payment, or recovery or reimbursement of any Costs
1289 of Construction, shall be the sole responsibility of the private developer.

1290
1291 Section 9: This ordinance is of a permanent and general character and shall be included
1292 in the Homer City Code.

1293
1294 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ____ DAY OF _____,
1295 2019.

1296
1297 CITY OF HOMER

1298
1299
1300 _____
1301 KEN CASTNER, MAYOR

1302 ATTEST:

1303
1304 _____
1305 MELISSA JACOBSEN, MMC, CITY CLERK

1306
1307
1308 YES:

1309 NO:

1310 ABSTAIN:

1311 ABSENT:

1312
1313 First Reading:

1314 Public Hearing:

1315 Second Reading:

1316 Effective Date:

1317
1318
1319 Reviewed and approved as to form:

1320
1321 _____
1322 Katie Koester, City Manager

1320
1321 _____
1322 Holly Wells, City Attorney

1324 Date: _____
1325

Date: _____

**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:

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

44

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

46

47 Section 3: Chapter 9.08 entitled “Enforcement of Local Improvement District

48 Assessments” is hereby repealed.

49

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

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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

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

89
90 b. No person shall fail to comply with any rule or regulation adopted under the authority of
91 this section.

92
93 14.01.030 Immunity for discretionary acts.

94
95 An action for damages may not be brought against the City, or any of its agents, officers,
96 contractors or employees, for a claim based on the exercise or failure to exercise any
97 discretionary function or duty granted in this title, whether or not the discretion was abused,
98 including, without limitation, the exercise of discretion to restrict, interrupt, decrease, or
99 terminate the sale of water to bulk water customers, resellers, or others for export or
100 consumption outside the certificated service area or the discontinuance of water or sewer
101 services. Nothing in this section shall be construed to limit any defenses or immunities
102 available under AS 09.65.070 or any other provision of law.

103
104 14.01.040 Violation-Penalty.

105
106 a. The penalty for violating a provision of this title is the fine listed in the fine schedule in HCC
107 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in
108 court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless
109 another penalty is specifically provided.

110
111 b. The City shall provide notice of a violation via certified return receipt U.S. mail to the owner
112 of the property on which the violation is occurring. This notice shall include the name of the
113 property owner, the location of the violation, the Code provisions violated, and the action
114 necessary to correct the violation.

115
116 c. Before assessing penalties under this section, the City shall provide written notice of
117 penalty to the property owner via certified return receipt U.S. mail and personal delivery.
118 This notice shall include all the information required in subsection (b), the date from which
119 penalties incur, and notice of the right to appeal to the City Manager.

120
121 14.01.045 Violation-Right of appeal.

122
123 a. The finding of a violation and assessment of a penalty within 30 days from the date the
124 notice of penalty was postmarked.

125

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

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

133
134 c. The City Manager may appoint a hearing officer or City official, other than the Public Works
135 Director, to act as the decision maker in an appeal under this section.

136
137 d. An appeal before the City Manager or his or her designee shall be heard within 30 days
138 from the day the appeal is filed. The person against whom the violation is assessed shall be
139 given an opportunity to be heard at a public hearing and shall have an opportunity to make
140 an oral argument and present evidence.

141
142 e. The City Manager or his or her designee shall issue a final written decision with his or her
143 findings no more than 30 days after the hearing.

144
145 14.01.050 Bond or cash deposit

146
147 a. Every person, firm or corporate entity carrying on the business of construction and
148 connecting to City sewer and/or water within the City may be required to deposit a bond or
149 cash deposit in favor of the City in an amount and under such conditions deemed appropriate
150 by the City Manager or his or her designee to cover damages of any kind resulting from that
151 person's, firm's or entity's operations. All such sewer or water construction and connections
152 shall be completed in a good and workmanlike manner in accordance with the specifications
153 required by the City. The bond or cash deposit shall be further conditioned that the principal
154 shall repair any damage done to the public sewer or water system on account of such work
155 and shall return the surface of the ground, street, road, building, facility, right-of-way or
156 easement to its original condition insofar as possible and in accordance with the
157 requirements of the City.

158
159 b. Every person, firm or corporate entity carrying on the business of construction and
160 connecting to City sewer and/or water within the City must be approved in writing by the
161 Public Works Director. The Public Works Director shall approve a person, firm or corporate
162 entity under this section so long as he, she or it:

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

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

170

171 14.01.060 State contractor required.

172

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

176

177 14.01.070 Utility permits-Appeal procedure.

178

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

182

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

187 1. Name and address of the permit applicant;

188 2. A copy of the order or decision being appealed;

189 3. A statement of the grounds for appeal that must include detailed and specific
190 allegations of error and references to applicable provisions of the Code or other law.

191

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

194

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

199

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

202

203 14.01.080 Utility permit appeals- Superior Court

204

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

208

209 14.01.090 Water and sewer rate schedule

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

213
214 b. The City will allow, upon approval of a written application and payment of fee established
215 by the City Council, a second water usage meter to measure the flow of City water that is not
216 discharged to the Sanitary System. This second meter will be read monthly and sewer
217 charges will be credited monthly.

218
219 CHAPTER 14.04
220 HOMER SANITARY WASTEWATER AND SEWAGE SYSTEM

221
222 Sections:

- 223 14.04.010 Purpose.
- 224 14.04.015 Definitions.
- 225 14.04.018 Service connection charges.
- 226 14.04.020 Connection – Required.
- 227 14.04.030 Industrial waste.
- 228 14.04.050 Sewer service connection and extension permit.
- 229 14.04.055 Sewer connection and extension permit fee.
- 230 14.04.060 Disposition of revenue.
- 231 14.04.070 Destruction/abandonment of private sewage disposal systems.
- 232 14.04.080 Commercial waste disposal permit.
- 233 14.04.090 Industrial waste disposal permit.
- 234 14.04.100 Discharge of surface drainage into HSWS illegal.

235
236 14.04.010 Purpose.

237
238 It is the intent of this chapter to establish rules and regulations for the operation and
239 installation of the Homer Sanitary Wastewater and Sewage System, which may be called the
240 “HSWS” or the “Sanitary System” throughout this chapter. It is the goal of the City of Homer
241 for all wastewater and sewage within City boundaries to be connected to the HSWS, ensuring
242 proper wastewater and sewage management throughout the City. This Code should be
243 interpreted in furtherance of that goal.

244
245 14.04.015 Definitions.

246
247 For the purposes of this chapter, the following words and phrases shall have the meanings
248 set forth below:

249
250 “ADEC” means the State of Alaska Department of Environmental Conservation.

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

256
257 “Domestic sewage” means waste containing human or animal excretion, other than
258 industrial waste.

259
260 “Dwelling” or “dwelling unit” means any building or portion thereof which contains living
261 facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than
262 one family.

263
264 “Industrial plant” means a plant or works producing waste material, other than domestic
265 sewage.

266
267 “Industrial waste” means liquid or solids contained within a liquid, other than domestic
268 sewage.

269
270 “Multiple-family dwelling” means a building or portion thereof designed for occupancy by
271 two or more families living independently in separate dwelling units which may or may not
272 share common entrances and/or other spaces.

273
274 “On-site sewer connection line” means the part of the sewer connection line located on the
275 property being serviced by that line.

276
277 “Off-site sewer connection line” means the part of the sewer connection line located in a
278 public easement or right-of-way.

279
280 “Premises” means a lot, parcel of land, building or establishment.

281
282 “Sewage” means a combination of liquid- or water-carried human waste conducted away
283 from residences, business buildings and institutions, which is known as domestic sewage,
284 together with the liquid- or water-carried waste resulting from a manufacturing process
285 employed in industrial establishments, including the washing, cleaning or drain water from
286 such process or establishment, which is known as industrial waste.

287
288 “Sewer connection line” means a line or pipe carrying sewage from a premises to a sewer
289 main.

290
291 “Sewer extension” means an extension of the sewer main.
292

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

295

296 14.04.018 Service connection charges.

297

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

303

304 14.04.020 Connection – Required.

305

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

309

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

312

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

316

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

320

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

330

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

333

334 14.04.030 Industrial Waste.

335
336 The City shall adopt industrial pretreatment discharge and waste disposal procedures and
337 regulations. These procedures and regulations and any amendments to them must be
338 approved by Council via ordinance.

339
340 14.04.050 Sewer service connection and extension permit.

341
342 a. No person shall install a sewer extension or a sewer connection line without first obtaining
343 a sewer connection permit from the City. Permit applications may be obtained from the
344 Public Works Department, the City Clerk's office, and/or the City's website. Permit fees must
345 be paid at the time the application is submitted. The sewer connection and extension permit
346 fee shall include all inspection and administrative costs. All other fees for delayed or deferred
347 services, in lieu of assessments and necessary right-of-way permits shall be in addition to the
348 permit fee.

349
350 b. A property owner installing a sewer connection or extension which qualifies for a deferred
351 assessment payment or makes a payment in lieu of assessment, shall pay the assessment
352 prior to issuance of the connection or extension permit.

353
354 c. The sewer connection permit criteria shall be identified in the permit application obtained
355 from the Public Works Office.

356
357 d. All work and materials must meet the standards and specifications as described in the
358 permit application, Homer City Code, the Uniform Building Code, and ADEC.

359
360 e. Property owners connecting to the Sanitary System shall provide and pay for all materials,
361 labor, and equipment for the excavation, connection and installation of the sewer line and
362 shall be responsible for any liability, damages or costs arising from installation, excavation,
363 and connection.

364
365 f. All sewer connections and extensions shall be inspected by the Public Works Department
366 before the connection is used. The customer shall make arrangements with the Public Works
367 Department at least 24 hours in advance for all required inspections.

368
369 14.04.070 Destruction/Abandonment of private sewage disposal systems.

370
371 All septic tanks, cesspools, privies, or sewage holding tank/vaults shall be removed, filled or
372 destroyed in full compliance with Conservation requirements and the Uniform Plumbing
373 Code.

374
375 14.04.080 Commercial waste disposal permit.

376

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

381
382 b. The waste disposal permit application shall be available at the Public Works Office and
383 may be available on the City's website. The permit fee must be paid at the time the
384 application is submitted. The criteria for the permit shall be included in the application.

385
386 c. The Public Works Director shall issue a commercial waste disposal permit so long as:
387 1. The Public Works Director reasonably believes, and the property attests that the
388 type of waste reported by the property owner will not damage the Sanitary System;
389 and
390 2. The sewer pipeline has sufficient capacity to dispose of the disclosed wastes.

391
392 d. The Public Works Director or his designee may revoke, modify or impose conditions upon a
393 disposal permit if he or she finds, in his or her sole discretion, that revocation, conditions or
394 modifications to the permit are required to prevent or stop damage to the Sanitary System.
395 Except when immediate action is necessary to protect the Sanitary System and prevent
396 immediate harm to public health and sanitation, the Public Works Director shall provide
397 notice to the property owner at least 30 days before revoking or modifying a disposal permit.

398
399 14.04.090 Industrial waste disposal permit.

400
401 a. All significant industrial users must obtain an industrial waste disposal permit from the
402 City. A significant industrial user means an industrial user of the System who meets any one
403 of the following criteria:

- 404 1. Is subject to or potentially subject to national pretreatment standards promulgated
405 under Section 307(b) or (c) of the Clean Water Act;
406 2. Has in its wastes any priority toxic pollutants listed in 40 CFR 401.15 or 40 CFR Part
407 403 or listed by the Public Works Director;
408 3. Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Clean
409 Water Act or regulations promulgated thereto;
410 4. Has a discharge flow of 10,000 gallons or more of wastewater per average work day;
411 5. Has a flow greater than five percent of the flow into the HSWS or of the design
412 pollutant loading capacity of the HSWS; or
413 6. Is determined by the Public Works Director to have a significant impact or potential
414 for significant impact, either singly or in combination with other contributing
415 industries, on the wastewater treatment system, the quality of sludge, the HSWS
416 effluent quality, or air emissions generated by the HSWS.

417

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

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

424 1. The applicant and the sewage generated on the property subject to the permit
425 complies with the City of Homer Industrial Pretreatment and Discharge Policies as
426 adopted by Council; and

427 2. The sewer pipeline has sufficient capacity to dispose of the disclosed wastes.

428
429 d. The Public Works Director or his designee may revoke, modify or impose conditions upon
430 an industrial waste disposal permit if he or she finds, in his or her sole discretion, revocation,
431 conditions or modifications to the permit are required to prevent or stop damage to the
432 Sanitary System. Except when immediate action is necessary to protect the Sanitary System
433 and prevent immediate harm to public health and sanitation, the Public Works Director shall
434 provide notice to the property owner at least 30 days before revoking or modifying a disposal
435 permit.

436
437 14.04.100 Discharge of surface drainage into HSWS Illegal.

438
439 No connections shall be made to any public sewer or any premises for the purpose of
440 directing or diverting any storm water or any surface or underground drainage into the
441 sewer, and no person shall discharge into any public sewer or house lateral any leader pipe
442 from a roof, surface drain, underground drain or any solid or liquid waste other than the
443 sewage composed of the ordinary liquid wastes of residences, business buildings and
444 institutions from baths, toilets, laundries, wash tubs, sinks and floor drains. Connections of
445 surface or groundwater to the sanitary sewer are considered illegal.

446
447 CHAPTER 14.08
448 HOMER PUBLIC WATER SYSTEM

449 Sections:

- 450 14.08.010 Purpose.
- 451 14.08.020 Definitions.
- 452 14.08.030 Water connections and extensions.
- 453 14.08.037 Water meters.
- 454 14.08.040 Water meter installation.
- 455 14.08.050 Water connection and extension permit.
- 456 14.08.060 Disconnection due to nonpayment.
- 457 14.08.070 Frozen pipes – City not liable.
- 458 14.08.080 Discontinuance of water.
- 459 14.08.090 Priority use of water.

- 460 14.08.100 Surplus water – Sale.
- 461 14.08.110 Water shortage or emergency declaration.
- 462 14.08.120 Water shortage or emergency – Interruption of sale of surplus water –
- 463 Other measures.
- 464 14.08.130 Water shortage or emergency – Appeal.
- 465 14.08.150 Service deposits.
- 466 14.08.160 Bulk water sales.
- 467 14.08.170 Water filling station permit.
- 468
- 469 14.08.010 Purpose.
- 470

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

476

477 14.08.020 Definitions.

478

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

481

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

485

486 “Bulk water customer” means a person who purchases bulk water from the City.
487 A “directly adjacent” water main either (1) extends the entire length of the frontage of the lot
488 along a public easement or right-of-way; or (2) extends at least 10 feet into the easement or
489 right-of-way adjacent to the lot and the Public Works Director has determined that at no time
490 will the water main be extended to serve additional lots.

491

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

496

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

499

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

503

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

507

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

510

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

513

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

515

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

518

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

520

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

523

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

526

527 14.08.030 Operation of water valves, fire hydrants and curb stops.

528

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

530

531 14.08.040 Water meter installation.

532

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

538

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

542

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

546

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

551

552 14.08.050 Water connection and extension permit.

553

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

556

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

561

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

569

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

574

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

578

579 14.08.060 Disconnection due to nonpayment.

580

581 The City may discontinue water service for nonpayment of any utility service charges,
582 connection fees and related charges. The City shall provide notice to a Water System user at
583 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.

626 14.08.120 Water shortage or emergency – Interruption of sale of surplus water – Other
627 measures.

628

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

634

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

639

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

645

646 14.08.130 Water shortage or emergency – Appeal.

647

648 Any person aggrieved by a City Council declaration of a water shortage or water emergency
649 under HCC 14.08.110, or by any action taken by the City in response to such a declaration,
650 may appeal the declaration or action to the Superior Court. The appeal must be filed within
651 30 days from the date the declaration was adopted or action taken. The declaration or action
652 of the City shall not be reversed except on the ground that such declaration or action was
653 fraudulent, arbitrary, or capricious.

654

655 14.08.150 Service deposits.

656

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

659

660 b. Deposits and any accrued interest shall be refunded:

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

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

668
669 c. Waiving of Deposits. If a customer has had utility service with the City within the last two
670 years and paid their City utility payments on time, the Finance Department may waive the
671 deposit requirement under this section.

672
673 d. Landlord Agreement. An owner/customer who requests an automatic continuance of
674 utility service between renters may enter into a landlord agreement with the City for this
675 purpose. This request should be directed to the Finance Department.

676
677 14.08.160 Bulk water sales.

678
679 a. Bulk water sales rates shall be established by City Council via resolution. The schedule for
680 service fees shall apply to all bulk water service requests.

681
682 b. The meter deposit will be returned when the meter is returned undamaged.

683
684 c. If a bulk water customer purchases a meter from the City for measuring the quantity of
685 water purchased it shall be exempt from the monthly meter service charge. It is the
686 responsibility of the bulk water customer to maintain that meter so the City can accurately
687 determine the amount of water being purchased. In the event the meter fails, the customer
688 must repair or replace the meter at its sole expense. The City may at any time test the meter
689 for accuracy and reject a repaired meter that it is not accurate.

690
691 14.08.170 Water filling station permit.

692
693 a. No person shall establish or operate a water filling station to obtain water from the Water
694 System unless that person has a water filling station permit issued by the City.

695
696 b. A person shall apply for a water filling station permit on a form provided by the City. The
697 permit application is available at the City Clerk's office, the Public Works Department, and
698 may be available on the City's website. The permit fee must be submitted with the
699 application.

700
701 c. The water filling station permit criteria shall be included in the permit application and any
702 conditions and terms of the permit shall be included on the face of the permit. Water filling
703 station permit terms and conditions may include, but are not be limited to, uniform or site-
704 specific flow rate restrictions, storage tank requirements, and other provisions required by
705 the Public Works Department to minimize adverse effects on the Water System and promote
706 its efficient operation.

707
708 CHAPTER 14.50
709 UTILITY DISTRIBUTION FACILITIES

710 Sections:

711 14.50.010 Definitions.

712 14.50.020 Underground installation of cable extensions.

713 14.50.030 Enforcement of this chapter.

714

715 14.50.010 Definitions.

716

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

720

721 “Cable” includes cables and wires of all descriptions.

722

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

725

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

731

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

734

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

740

741 14.50.020 Underground installation of cable extensions.

742

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

749

750 14.50.030 Enforcement of this chapter.

751

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

755

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

758

759

TITLE 17
PUBLIC ASSESSMENTS

760

761 Chapters:

762 17.01 General Provisions

763 17.02 Special Assessment Districts

764 17.03 Enforcement of Public Assessments

765 17.05 Homer Public Water System Assessment Fund

766 17.10 Water and Sewer Zone Connection Assessments

767 17.15 Water and Sewer Individual Connection Assessments

768 17.15 Public Utility and improvement short-term financing

769 17.20 Developer Reimbursement Plans

770

771

CHAPTER 17.01
GENERAL PROVISIONS

772

773 Sections:

774 17.01.010 Definitions.

775 17.01.020 Purpose.

776 17.01.030 Assessment authority.

777 17.01.010 Definitions.

778

779 17.01.010 Definitions.

780

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

783

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

791

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

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

797
798 “Developable land” means land that, in the discretion of the Public Works Director, can be
799 reasonably developed for uses permitted within the property’s zoning district.

800
801 “District” means a special assessment district created under this chapter unless otherwise
802 specified.

803
804 “Improvement” means a capital improvement, including without limitation streets,
805 sidewalks, alleys and bridges; street lighting; drainage and flood control facilities; sanitary
806 sewage collection and treatment facilities; water supply and distribution facilities; natural
807 gas distribution facilities; and parks, playgrounds, public squares and open space.

808
809 “Public Works Director” means the Public Works Director or his or her designee. If the Public
810 Works Director position is not filled or temporarily empty, the City Manager or his or her
811 designee will serve as the “Public Works Director” for purposes of this Title.

812
813 “Special Assessment Application Fee” means the fee charged for the processing of the special
814 assessment district application. The fee is approved annually by Council in the resolution
815 adopting the City fee schedule.

816
817 “Record owner” means the person in whose name real property is listed on the property tax
818 roll prepared by the Kenai Peninsula Borough and thus the record owner of that real property
819 for purposes of this Title.

820
821 17.01.020 Purpose.

822
823 a. The purpose of this title is to identify the assessments the City may charge for acquiring,
824 installing or constructing capital improvements and utility systems that benefit real property
825 within City boundaries.

826
827 17.01.030 Assessment authority.

828
829 The City may assess all or part of the cost of a capital improvement against real property
830 benefited by the improvement, whether the property is privately or governmentally owned,
831 including real property that is exempt from taxation.

832
833 CHAPTER 17.02
834 SPECIAL ASSESSMENT DISTRICTS

835

836 Sections:

837

838 17.02.030 Purpose and authority for special assessment districts.

839 17.02.040 Initiation of a special assessment district.

840 17.02.050 Creation of a special assessment district.

841 17.02.060 Contract – Approval of increased costs.

842 17.02.070 Special assessment roll.

843 17.02.080 Certification of assessment roll.

844 17.02.090 Payment.

845 17.02.100 Subdivision after levy of assessments.

846 17.02.120 Reassessment.

847 17.02.130 Objection and appeal.

848 17.02.140 Interim financing.

849 17.02.150 Special assessment bonds.

850 17.02.160 Time limit for special assessment districts.

851 17.02.170 Water and sewer connections required.

852 ~~17.02.180 Road improvement assessments for lots with two street frontages.~~ **[This section**
853 **was clarified and moved to a new Chapter, HCC 17.15. The original language of the**
854 **section has been edited in HCC 17.15 to permit review of the changes.]**

855 17.02.190 Hardship deferrals.

856 17.02.200 Payment in lieu of assessment.

857

858 17.02.030 Purpose and authority for special assessment districts.

859

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

864

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

869

870 17.02.040 Initiation of special assessment district.

871

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

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

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

879
880 b. Special assessment petition applications are available from the Clerk's office. A benefited
881 property owner proposing a special assessment district by petition must file with the Clerk a
882 complete special assessment petition application no more than 60 days after the notice of
883 assessment is issued to record owners. The Clerk shall approve all properly and timely
884 submitted applications within 10 days of the date on which the application is filed. The Clerk
885 shall notify the petition sponsor in writing that the petition has been approved, prepare the
886 petition, and distribute it by certified mail to all record owners of property in the proposed
887 district no more than 30 days after the petition application is approved.

888
889 c. Upon adoption of a resolution initiating a special assessment district, or the filing of a
890 sufficient petition with the Clerk, the City Clerk shall:

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

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

- 897 A. The boundaries of the proposed district
- 898 B. The design of the proposed improvement
- 899 C. A cost estimate for the improvement
- 900 D. The assessment allocation method used to calculate the amount owed by
- 901 each record owner in the proposed district
- 902 E. The percentage of the improvement cost to be assessed against properties
- 903 in the district
- 904 F. The time period over which assessments will be financed, and
- 905 G. Preliminary assessment roll for the proposed district.

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

908
909 17.02.050 Creation of a special assessment district.

910
911 a. Upon completion of an improvement plan under this chapter, the City Clerk shall set a time
912 for a public hearing on the necessity of the improvement and proposed improvement plan.
913 Notice of the hearing shall be published at least twice in a newspaper of general circulation in
914 the City, and mailed via certified mail to every record owner of real property in the proposed
915 district not less than 60 days before the hearing.

916

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

926
927 c. At the noticed date and time, Council shall hold a public hearing and shall adopt a
928 resolution approving the assessment if Council finds, via resolution, that the improvement is
929 necessary and benefits the properties that will be assessed. Council must also approve the
930 proposed improvement plan. The resolution shall contain a description of the improvement,
931 the estimated cost of the improvement, the percentage of the cost to be assessed against the
932 properties in the district, and a description of the properties to be assessed.

933
934 d. If record owners of all real property in the proposed assessment district waive in writing
935 the notice, protest period and public hearing required under this section, the question of
936 creating the district may be submitted to Council without such notice, protest period or
937 public hearing.

938
939 17.02.060 Contract – Approval of increased costs.

940
941 a. After a special assessment district has been created, the City shall contract for the
942 construction of the improvement. If the City will own the improvement, it shall solicit bids for
943 construction of the improvement. If the City will not own the improvement, it shall contract
944 with the owner of the improvement to provide for its construction.

945
946 b. If the cost of constructing the improvement will exceed 15 percent of the estimated cost of
947 construction identified in the improvement plan, the City shall not contract for the
948 construction of the improvement without first notifying all record owners in the district via
949 certified mail of the increased cost and providing record owners in the proposed district 30
950 days to object to the increase.

951
952 c. If the City receives written objections from record owners collectively bearing one-half or
953 more of the cost of the improvement, the City may not contract to construct the
954 improvement unless it can do so at an amount not more than 15 percent above the estimated
955 cost of construction identified in the improvement plan. The City may still impose an
956 assessment or levy taxes on the district for the costs of developing the improvement plan so
957 long as the record owners approved the initiation of the district and the improvement plan.

958

959 17.02.070 Special assessment roll.

960

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

966

967 b. Council shall certify the assessment roll by resolution.

968

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

975

976 17.02.080 Certification of assessment roll.

977

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

986

987 17.02.090 Payment.

988

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

993

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

1000

1001 17.02.100 Subdivision after levy of assessments.

1002

1003 a. Except as otherwise provided in this section or required by a governing tariff, a “subdivided
1004 property connection fee” shall be paid before subdivided lots may be connected to an
1005 improvement for which the original assessment was levied.

1006

1007 b. The “subdivided property connection fee” shall only be required when the original
1008 assessment on the pre-subdivided lot was apportioned equally between parcels and was not
1009 apportioned based upon lot size or area.

1010

1011 c. The amount of the “subdivided property connection fee” shall be equal to the
1012 amount of the original assessment adjusted by the increase in the number of parcels.

1013

1014 d. If the original assessment was payable in installments the City may enter into a
1015 written agreement for the payment of the connection fee in installments on terms that
1016 are substantially the same as those authorized for the payment of the original assessment,
1017 secured by a deed of trust on the parcel.

1018

1019 e. Upon the subdivision of a property assessed as a single parcel in an assessment district for
1020 natural gas distribution improvements where assessments were levied in an equal amount
1021 per parcel (i.e., without regard to parcel area, dimension or other characteristic), the
1022 assessment levied on the property that is to be subdivided shall be paid in full before the
1023 recording of the final plat. No parcel that results from the subdivision shall be subject to
1024 assessment for the improvements, but shall be charged for connecting to the improvements
1025 in accordance with the tariff of the public utility that provides natural gas service to the
1026 parcel.

1027

1028 f. Subdivisions of lots included in the original assessment shall only incur the “subdivided
1029 property connection fee” when the subdivision of the lot occurs on or before the date the
1030 total assessment for the district is paid in full.

1031

1032 g. All subdivided property connection fees collected under this section shall be deposited in
1033 the Homer Accelerated Water Sewer Program fund.

1034

1035 17.02.120 Reassessment.

1036

1037 a. Council shall within one year correct any deficiency in a special assessment found by a
1038 court, under the procedure for certification of the assessment roll in HCC 17.02.

1039

1040 b. Payments on the initial assessment are credited to the property upon reassessment. The
1041 reassessment becomes a charge upon the property notwithstanding failure to comply with
1042 any provision of the assessment procedure.

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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

1085 with the same effect as actions for the foreclosure of mortgages on real property. Foreclosure
1086 shall be against all property on which assessments are in default. The period for redemption
1087 is the same as for a mortgage foreclosure on real property.

1088
1089 c. Before the Council may issue special assessment bonds, it shall establish a guarantee fund
1090 and appropriate to the fund annually a sum adequate to cover a deficiency in meeting
1091 payments of principal and interest on bonds if the reason for the deficiency is nonpayment of
1092 assessments when due. Money received from actions taken against property for nonpayment
1093 of assessments shall be credited to the guarantee fund.

1094
1095 17.02.160 Time limit for special assessment districts.

1096
1097 a. If five or more years elapse between the creation of a special assessment district and the
1098 City contracting for construction of the improvement, the City may not enter into the contract
1099 unless the Council by resolution extends the period for entering into the contract by not more
1100 than an additional five years.

1101
1102 b. Before the Council acts on a resolution under subsection (a) of this section, the City Clerk
1103 shall mail notice of the resolution to each current record owner of property listed on the
1104 preliminary assessment roll that the City will not contract for construction of the
1105 improvement in the district unless the resolution is adopted. The notice also shall include an
1106 updated copy of the preliminary assessment roll.

1107
1108 17.02.170 Water and sewer connections required.

1109
1110 Except as otherwise provided in Title 14, the owner of property in a water or sewer special
1111 assessment district that contains an occupied building shall connect to the improvement
1112 constructed in the district within three years after the date that the resolution confirming the
1113 assessment roll for the district becomes final.

1114
1115 17.02.190 Hardship Deferrals.

1116
1117 a. A person may obtain a deferment of assessment payments under this section if the person:
1118 1. Has an annual family income that is less than 200% of the current U.S. Health and
1119 Human Services Poverty Guidelines for Alaska;
1120 2. Is the record owner of the assessed property, and permanently resides in a single-
1121 family dwelling on the property; and
1122 3. Is not determined by the City, after notice and hearing, to have been conveyed the
1123 property primarily for the purpose of obtaining the deferment.

1124
1125 b. A person seeking deferment of an assessment payment shall file a written application with
1126 the Finance Director supported by documentation showing that the applicant meets the

1127 criteria in subsection (a) of this section. A person requesting an assessment payment
1128 deferment the first year the assessment is levied must file an application for deferment with
1129 the City no more than 15 days after receiving the initial assessment. A person requesting an
1130 assessment payment deferment under this section in any year after the first year must file an
1131 application for deferment no later than April 15th of the year for which the deferment is
1132 sought. A person must file an application each year for which deferment is sought and shall
1133 be required to prove eligibility for deferment as of January 1st of each year for which a
1134 deferment is requested. Within the same year the City for good cause shown may waive the
1135 claimant's failure to make timely application and approve the application as if timely filed.

1136
1137 c. A person who receives an assessment payment deferment shall execute a deed of trust on
1138 the property subject to assessment, together with a promissory note payable to the City on
1139 demand, to secure the eventual payment of the deferred payment.

1140
1141 d. A deferred assessment payment shall be immediately due and payable upon the earlier to
1142 occur of the following events:

- 1143 1. The sale or lease of the assessed property; or
1144 2. The death of both the deferred assessment applicant and the applicant's surviving
1145 spouse, if any.

1146
1147 e. Except for assessments imposed upon the Natural Gas Assessment District, hardship
1148 deferrals are not available from assessment payments for the infrastructure of a privately
1149 owned utility.

1150
1151 17.02.200 Payment in lieu of assessment.

1152
1153 a. A payment in lieu of assessment may be available to owners of property outside a special
1154 assessment district who want to connect to the improvement funded by a special assessment
1155 district. In order to qualify for connection to an improvement under this section, the record
1156 owner of the property and the City shall enter into a written agreement. The record owner
1157 shall agree in writing to:

- 1158
1159 1. Pay the full and actual costs of extending the benefit of the improvement onto their
1160 property; and
1161 2. Pay in full the property's pro-rated share of the assessed improvement.

1162
1163 b. The Public Works Director retains authority to deny a request for extension of an
1164 improvement under this section.

1165
1166 c. A payment in lieu of assessment must be paid in an equal or shorter period than the term of
1167 the original assessment.

1168

1169 d. Property accessing an improvement under this section may be included in a special
1170 assessment district for the same service created in the future. If a property is included in an
1171 assessment district under this subsection, the property will receive a credit towards the total
1172 assessment equal to (1) the amount of the “in lieu of assessment” already paid for the
1173 property or(2) the amount of the assessment levied on the property in the future special
1174 assessment district, whichever amount is less.

1175 CHAPTER 17.03

1176 ENFORCEMENT OF PUBLIC ASSESSMENTS

1177 Sections:

1178 17.03.010 Delinquent assessment payments-enforcement.

1179 17.03.020 Priority of lien.

1180

1181 17.03.010 Delinquent assessment payments-enforcement.

1182

1183 a. Assessments under this title and any interest or penalties on these assessments are liens
1184 on the property assessed.

1185

1186 b. Foreclosure of assessment liens shall be in accordance with the procedures required for
1187 foreclosure of property tax liens under Alaska Statute.

1188

1189 17.03.020 Priority of Lien.

1190

1191 a. Assessments under this title and any interest or penalties on these assessments are liens
1192 on the property assessed and are prior and paramount to all liens except municipal tax liens.
1193 Assessment liens may be enforced as provided in this Code and AS 29.45.320-29.45.470 for
1194 enforcement of property tax liens.

1195

1196 b. Assessment liens run with the land, and that portion of the assessment under the
1197 assessment contract that has not yet become due is not eliminated by foreclosure of a
1198 property tax lien.

1199

1200 CHAPTER 17.15

1201 ROAD IMPROVEMENT ASSESSMENTS

1202

1203 Sections

1204 17.15.010 Partial payment for inaccessible frontage road.

1205 17.15.020 Corner lot assessment.

1206

1207 17.15.010 Partial payment for inaccessible frontage road.

1208

1209 a. The record owner of a through lot or flag lot may delay payment of the part of an
1210 assessment for road improvements that is based on frontage on a road to which the lot does

1211 not yet have access. To delay payment under this section, the owner shall enter into a
1212 delayed payment agreement with the City before the end of the period for filing objections to
1213 the district under HCC 17.01.050.

1214

1215 b. A delayed payment agreement shall include provisions confirming:

1216 1. The lot fronts two streets but only has access to one of those streets;

1217

1218 2. The lot owner agrees to pay the part of the assessment based on frontage on
1219 the street to which the lot has access; and

1220 3. When and if the lot acquires access to the other street the property fronts, the
1221 owner agrees to the remaining part of the assessment.

1222

1223 c. A delayed payment agreement shall be recorded with the District Recorder's office.

1224

1225 17.15.010 Corner lot assessment.

1226

1227 The assessment for road improvements against a corner lot shall be based only on the longer
1228 of the lot's road frontages.

1229

1230

1231 CHAPTER 17.18

1232 DEVELOPER REIMBURSEMENT PROGRAM

1233 Sections:

1234 17.18.010 Purpose.

1235 17.18.020 Definitions.

1236 17.18.030 Developer Requested Special Assessment District

1237 17.18.040 Developer Incentive and Reimbursement Program

1238

1239 17.18.010 Purpose.

1240

1241 It is the intent of this chapter to provide incentive through reimbursement and access to the
1242 City's special assessment district process and procedures to developers expanding access to
1243 public utilities and capital improvements within the boundaries of the City.

1244

1245 17.18.020 Definitions.

1246

1247 In this chapter, unless otherwise provided, or the context otherwise requires, the following
1248 words and phrases shall have the meaning set forth below:

1249

1250 "Benefiting property" means one or more parcel(s) of real property which are adjacent to,
1251 will benefit from, or are likely to require connection to a Municipal Improvement.

1252

1253 “Cost of Construction” means the developer’s actual direct cost of constructing a Municipal
1254 Improvement.

1255
1256 “Developer” means an owner of real property who is developing his, her, or its real property.

1257 “Developer Reimbursement Agreement” means a written contract between the City, as
1258 approved by the Council, and one or more developers, which provides for reimbursement of a
1259 portion of the Costs of Construction of a Municipal Improvement by a developer, and the
1260 method for assessing the pro rata share of the Costs of Construction of a Municipal
1261 Improvement to Benefitted Property.

1262
1263 “Municipal Improvement” means water, sewer, electrical, and/or storm water systems or
1264 other capital improvements which have been designed and constructed according to City
1265 standards, approved by the City, accepted by the City, and provide potential benefits and/or
1266 service to Benefitted Property.

1267
1268 17.18.030 Developer Requested Special Assessment District.

1269
1270 a. A developer may request a Resolution of the Council approving a special assessment
1271 district in connection with the construction of a Municipal Improvement as set forth in HCC
1272 17.02.040.

1273
1274 b. A request for special assessment district initiated by a developer shall be filed on the
1275 Special Assessment District Resolution Request Form, which is available from the City Clerk’s
1276 Office.

1277
1278 c. The developer’s request must include all information required by the Special Assessment
1279 District Resolution Request Form, including, without limitation, a description of the
1280 boundaries of the district requested and the Municipal Improvement the developer intends to
1281 construct or extend, a cost estimate for the improvements to be constructed, the proposed
1282 method used to calculate the amount claimed by each record owner of Benefitted Property in
1283 the proposed district, the percentage of the improvement cost to be assessed to Benefitted
1284 Properties within the district, and the percentage of the improvement cost to be assessed to
1285 the developer’s property and/or project.

1286
1287 d. Upon adoption of a Resolution of Council finding there is a necessity for the special
1288 assessment district identified by the developer in the developer’s application and the
1289 initiation of the special assessment district process under this chapter, a Developer
1290 Reimbursement Agreement must also be presented to Council for approval. This agreement
1291 must include the terms and conditions of the improvement plan and the proposed
1292 construction and installation terms by the Contractor.

1293
1294 17.18.040 Developer Incentive and Reimbursement Program.

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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

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YES:
NO:
ABSTAIN:
ABSENT:
First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form:

Katie Koester, City Manager

Date: _____

Holly Wells, City Attorney

Date: _____



Memorandum 19-058

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: COUNCIL MEMBERS LORD AND STROOZAS
DATE: MAY 22, 2019
SUBJECT: REWRITE OF HOMER CITY CODE TITLE 14 AND TITLE 17

Ordinance 19-23 provides a major overhaul of our City Code regarding water and sewer public utilities and special assessment districts. The legal memo outlines the major changes, encompassing both the proposed structural and policy changes. We have reserved June 11, 2019 at 4:00 p.m. for a worksession on this Ordinance, and we propose at least two public hearings to ensure time for both the public and Council to review and digest these proposed changes.

This is a huge undertaking, and we want to highlight several proposed **policy changes for the Council's** attention:

- Proposed Homer City Code (PHCC) 14.01. While also providing a critical consolidation of general **provisions for Homer's water and sewer utilities, this section also includes basic language that is a skeleton of Ordinance 19-19 (14.04.010)**. We understand these are moving simultaneously, and suggest that the language be maintained in this Ordinance as a place-holder while 19-19 moves through the public process. As this Ordinance will likely take substantially longer to move, an amendment can be made to replace the language on Page 2, Lines 24-26 as appropriate. Note that this Ordinance also proposes deleting HCC 14.04.115
- Homer City Code (HCC)/PHCC 14.04.02 (Page 4 of the legal memo)
- HCC 14.30 deleted, revised and moved to PHCC 17.18. Pulls the developer reimbursement program in line with the special assessment district process and provides clarity on City responsibility (Page 7 of the legal memo)
- PHCC 17.02.010 Provides definitions for benefited area and developable land, providing a clear alternative to equal area assessments and maintaining flexibility in establishing the assessment method for a district.
- HCC/PHCC 17.02.100 is a revision of the subdivision after levy of assessment section of current code which you may recall from Ordinance 18.18 (failed). This proposal clarifies the calculation of the connection fee, and provides for a sunset date equal to the financing terms for the original assessment.
- HCC 17.04.190/PHCC 17.04.190 increases the qualifying income to 200% instead of 125% to be consistent with surrounding communities on the Kenai Peninsula. This would mean a family of four making less than \$64,380 would be able to qualify for a hardship deferral (vs. the current guideline of 125% or \$40,237).

- HCC 17.04.200/PHCC 17.02.200 Provides a clear process for properties outside an assessment district to join the district. See the accompanying diagram.
Future work, following on the heels of this Ordinance, will include updates to HCC 11.38 (the developer reimbursement program for roads), the HAWSP/HART policy manuals, the fee schedule, and a review of the penalty schedule (a copy of our current schedule is included in this packet for your reference).
Similar to the legal memo provided by BHBC, this does not encompass all of the substantive changes in the Ordinance. However, it does highlight significant points that we believe the Council should review and discuss at a minimum, and we look forward to the conversation.

MEMORANDUM 19-063

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

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: MAY 22, 2019

Introduction

In early 2018 City Council Member Lord and City administration requested a review of the public utility provisions in the Homer City Code and City practices and procedures regarding public utilities to ensure they were up to date, clear, and consistent. As a result of the substantive review, Ordinance 19-23 proposes substantial changes to the Code's public utility provisions to address the current inconsistencies and outdated procedures enumerated in the Code. The purpose of this memorandum is to provide a blueprint to Council and the public regarding the revisions proposed in Ordinance 19-23. This ordinance was designed to accomplish several goals:

1. Place all Homer City Code provisions that require property owners to pay for public utilities or improvements into one area in the Code so property owners know what to expect.
2. Create clear public utility and improvement assessment procedures that can be consistently applied and anticipated by property owners and future purchasers and investors.
3. Ensure that local laws reflect local practice, obligations, and needs.

To this end, this memorandum provides a summary of the proposed substantial changes and the reasons for these changes. It includes tables specifically enumerating most of the changes made to ensure Council focuses on these changes during its consideration of the Ordinance. Of course, in light of the significant changes, this memo should be supplemented with public hearings and Council work sessions to ensure that all of the changes, and the effects of these changes, are understood.

The Reasons Behind the Rewrite

In order to understand the proposed changes, it is helpful to understand the current relevant titles of the Code.

Current Title 14

Currently, Title 14 entitled “Public Services” regulates both the water and sewer systems within the City but has separate sections governing both. While many of the processes related to management of the Homer sewer and water systems are the same, the Code provisions were adopted and apply to each system separately. Additional provisions were adopted or changed sporadically over the last 50 years, with enactment in the late 1960s and the latest amendment in 2013.¹ As a result of the disjointed evolution of HCC Title 14, utility users must be familiar with Code provisions in different Code locations in order to understand their obligations. The inclusion of water and sewer management provisions in multiple Code titles increases the potential for unintended violations of the City Code and leads to frustration among those attempting to comply with local law.

The most substantial changes to Title 14 involve:

1) consolidating common terms and provisions that apply to all Homer’s public utility systems into a single “general provisions” section;

2) integrating Code provisions from Title 13, namely Chapters 13.24 and 13.28, governing the management of the public utility systems into Title 14 so individuals connecting into the systems and users of the system have one place in the Code to look for all the relevant regulations;

3) removing conflicting or inconsistent terminology and requirements in order to ensure that the laws governing the systems are user-friendly; and

4) consolidating the permit and appeals procedures to the greatest extent possible to encourage compliance and ensure the public knows its rights, remedies, and responsibilities.

¹ See Ordinance 13-30(A), which amended HCC 14.08.080 and 14.04.040 to adopt the respective water and sewer rate schedules annually via resolution. Ordinance 90-24(A) repealed and reenacted HCC 14.04, 14.05, and 14.08 to add the industrial wastewater treatment regulations required by the Environmental Protection Agency and the Clean Water Act and to create a mechanism to bill fish processors separately for their water since they use large amounts of water but that water does not enter the City sewer system.

The Ordinance also removes the highly technical and lengthy industrial pretreatment and sewage system regulations in HCC Chapter 14.05 and places them in procedures and regulations approved by Council. To this end, Council will have a resolution approving the industrial waste management policy manual and the proposed manual before it for review in June. The removal of the industrial waste management provisions from the Code and the placement of these requirements into a policy manual prevents the average user of City utilities from being confused or misdirected by the industrial waste requirements.

Current Title 17

Unlike HCC Title 14, HCC Title 17, entitled “Improvement Districts,” has been recently updated and the current special assessment procedure provides a fairly straightforward, albeit in-depth, process for creating a special assessment district. However, additional provisions regarding assessment for public utilities are located in Title 14 and in other areas of the Code. Exceptions to the assessment districts or programs such as the developer reimbursement program are codified in separate titles or, in some cases, by agreement. This inconsistency in process does not provide for a user-friendly assessment process.

The Ordinance consolidates all public assessment processes in Title 17 and incorporates the developer reimbursement program into the special assessment district procedure. The assessment procedures were also changed to adopt a presumed “benefited area” method of assessment while preserving the ability for different methodologies to be used when more appropriate in a particular district. The proposed Title requires a subdividing lot owner to pay the subdivision connection fee in assessment districts where the assessment was equally apportioned between the existing lots but it limits imposition of the assessment fee on subdivided lots to those created before the original assessment amount is paid in full.

Given the unique terrain in Homer, affording flexibility in the assessment methodology provides the City more options to ensure fair and tailored cost distribution in a given district. The Ordinance also directs the Public Works Director rather than Council, to review and approve hardship deferral requests, which provides greater confidentiality to those seeking such a deferment.

Other Relevant Current Code Provisions: HCC 9.08, 11.30, 13.24, AND 13.28

In addition to Title 14 and 17, it is also helpful to examine HCC 9.08, 11.30, 13.24, and 13.28. While these provisions are being repealed, the content of these provisions has been updated and incorporated into the proposed provisions in the Ordinance.

Chapter 9.08 entitled “Enforcement of Local Improvement District Assessments” was codified in the late 1960s. It appears that these provisions properly reflect the process for collecting delinquent assessments under Alaska Statutes. However, Alaska statutes are ever changing and HCC 9.08 does not ensure that the City’s lien enforcement

procedure will change with the statutory requirements. Accordingly, HCC 9.08 was repealed and the identification of delinquent assessment payments as liens and the incorporation of the state process for enforcing and foreclosing on such liens using the property tax procedure was incorporated into HCC 17.03. This ensures that all the provisions regarding public assessments are in one title and easy to locate.

Similarly, HCC Chapter 13.24 entitled “Sanitary Systems” and HCC 13.28 entitled “Water Systems” were both relocated to ensure a user-friendly Code. These provisions were also adopted decades ago as part of a City project to update its construction design manual. The focus of the Council at the time of adoption was to ensure uniform construction practices within City right-of-ways. However, the interplay between the construction practice requirements with management and operation of City water and sewer systems was not anticipated. As a result, many of the definitions and expectations are inconsistent or disjointed. To this end, the Ordinance removes these provisions from the “Standard Construction Practices” title and places them in the respective sections governing the water and sewer systems. The Ordinance also removes many of the specific technical requirements addressed in HCC 13.24 and 13.28 and places those in a permit application process. The permit applications will be presented to Council for review and approval alongside the industrial waste management manual referenced above.

While the majority of Code provisions governing public projects and assessments have been addressed in the Ordinance, HCC 11.30 entitled “Street Extension Cost Reimbursement Plan,” which addresses reimbursement of developers for road projects that benefit adjacent property owners, has not. Although I recommend Council eventually review and update Chapter 11.30 and relocate it if warranted, a review of the road improvement practices will require pointed and independent consideration by Council and the administration and would be difficult to do alongside the Title 14 revisions. For now, Title 11 governs construction of streets, sidewalks, and driveways and thus a developer intending to construct a road will likely turn to Title 11 before beginning road construction and will be aware of the reimbursement program detailed in HCC 11.30. Consequently, HCC 11.30 has not been revised or relocated at this time.

Understanding the Proposed Changes

While the above provides an overview of the most substantial changes in the Ordinance, the following tables present a more detailed summary of the differences between the governing law in this area and the Code provisions proposed in the Ordinance. The first table shows the differences between existing Code Title 14 and Title 14 as proposed in the Ordinance. The second table shows the differences between existing Code Title 17 and Title 17 as proposed in the Ordinance. For ease of reference, the current code is referred to as HCC but proposed sections are identified as PHCC.

Table 1: Title 14 Comparison

Current HCC Title 14	The Ordinance
No Chapter 14.01	PHCC 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. PHCC 14.01.045 provides the process for setting both water and sewer rate schedules.
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.
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.

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. 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 14.01.070 "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 14.01.080 "Utility Permit Appeals-Superior Court."
HCC 14.04.115 "Extraterritorial services"	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 "City manager rulemaking authority."
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 14.04.090 "Industrial waste disposal permit requirements." HCC 14.05 incorporated through a separate policy and procedure manual adopted and/or revised by Council via resolution.
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 boundaries and limitations were incorporated into PHCC 14.01.010.
HCC 14.08.030 "Water connections and extensions"	PHCC 14.08.030 "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 "Water meter installations" incorporates the core components of HCC 13.28.050. The more specific criteria regarding water meter installation are now placed in "Water Meter Installation Instructions" adopted by the Public Works Director and approved by Council.
HCC 14.08.037 "Water meters"	Removed.
HCC 14.08.050 "Water connections and extensions."	PHCC 14.08.050 "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 14.008.090 "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 14.08105 "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 14.01.065 "Permit suspension, revocation"; PHCC 14.01.070 "Utility permits-Appeal procedure"; and PHCC 14.01.080 "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.
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HCC Chapter 14.16 "Sewer Contractors State Registration"	Moved to PHCC 14.01.060 "State contractor required" and applied to all City public utility systems.
HCC Chapter 14.20 "Sewer Contractors Bond"	Moved to PHCC 14.01.050 "State contractor required" and applied to all contractors installing, constructing, maintaining or repairing public utility systems.
HCC Chapter 14.30 "Water and Sewer Extension Cost Reimbursement Plan"	Moved to PHCC Chapter 17.18 "Developer Reimbursement Plan." This new chapter applies to all developers expanding access to public utilities and capital improvements within the City. The new chapter provides a clear procedure by which a developer may trigger a special assessment district process by requesting a resolution from Council. A developer agreement must be submitted with all the terms of the district and the utility or capital improvement installation proposed by the developer and it must be approved by Council. Once an approved agreement is in place and the special assessment district process complete, the City will transfer payments to the developer within 90 days of receipt of those payments. The Code clarifies, however, that the City is not required to collect payments and has no liability to the developer if it does not do so. This is necessary given the fluctuation in municipal resources necessary for enforcement.

Table 2: Title 17 Comparison

Title 17	The Ordinance
<p>HCC Title 17 “Improvement Districts” Chapters 17.04 Special Assessment Districts 17.08 Repealed 17.16 Assessment Fund</p>	<p>PHCC Title 17 “Public Assessments.” Changed title to reflect greater scope. PHCC 17 Chapters 17.01 General Provisions HCC 17.14 moved to PHCC 17.02 “Special Assessment Districts” PHCC 17.03 “Enforcement of Public Assessments” added. HCC 17.16 “Assessment fund” moved and renamed to 17.05 Homer Public Water System Assessment Fund 17.15 Water and Sewer Connection Assessments 17.20 Developer Reimbursement Plans</p>
<p>No Title definition section.</p>	<p>PHCC 17.01.010 “Definitions” provides a definition of “benefited area method” that identifies a method of assessment by which each parcel’s share of an assessment is determined, 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 allocating a portion of the cost of the assessment to each parcel based on that parcel’s square footage of the land benefitted by the improvement. This definition gives the Public Works Director discretion to calculate and apply the benefited area method. This method was proposed because it balances flexibility with oversight. While the Public Works Director uses his discretion, his methodology will be subject to review by Council in the special assessment district process under PHCC 17.02.</p> <p>A definition is also added for “developable land,” which also provides the Public Works Director discretion to determine what property can be reasonably developed for uses permitted within the property’s zoning district to ensure the most accurate proportion of an assessment. Definitions for “Public Works Director” and “Special Assessment Application Fee” were also added.</p>

<p>HCC Chapter 17.02 “Special Assessment Districts” HCC 17.04.040 “Initiation of district.”</p>	<p>PHCC 17.02.040 “Initiation of district” revised to permit a special assessment district to be requested by a developer through a written request form to Council for resolution. This permits a developer to trigger the assessment district process but ensures that all assessments and the obligations that accompany them follow the same notice and hearing procedures. The petition process was not substantially changed but the language was simplified and the contents of the petition required by the Clerk were removed. The Clerk’s petition forms will include that information as a matter of course and under State law. Referral of all proposed districts now go to the Public Works Director rather than the City Manager in order to reflect longstanding practice.</p>
<p>HCC 9.08 “Enforcement of Local Improvement District Assessments” repealed</p>	<p>HPCC 17.03 “Enforcement of Public Assessments” incorporates the essential and current provisions from HCC 9.08. PHCC 17.03.010 declares that assessments create a lien and requires that foreclosure of an assessment lien be done in accordance with the procedures required under Alaska Statute for property taxes, as required by State law. PHCC 17.03.020 acknowledges that a lien under Title 17 has priority.</p>

<p>HCC 17.02.050 “Creation of district.”</p>	<p>Moved to PHCC 17.02.050 “Creation of a special assessment district.” No substantial changes, just clarification of language.</p>
<p>HCC 17.04.060 “Approval of increased costs.”</p>	<p>Moved to PHCC 17.02.060 without substantial changes to the requirements but significant changes to clarify the language.</p>
<p>HCC 17.04.070 “Assessment roll.”</p>	<p>Moved to PHCC 17.02.070 and language simplified.</p>
<p>HCC 17.04.100 “Subdivision after levy of assessments.”</p>	<p>Moved to PHCC 17.02.100 and limited to property that is assessed by a method other than the benefited area method. The connection fee is identified as the amount of the original assessment adjusted by the increase in the number of parcels but does not require an adjustment for CPI. It removes the allocation of assessment amounts among property owners because of the difficulty of administering this provision and limits the duty to pay a subdivided property connection fee to lot subdivisions that occur before the original assessment has been paid in full.</p>
<p>HCC 17.04.170 “Water and sewer connection required.”</p>	<p>Moved to PHCC 17.02.170. The time for connection for water and sewer assessments was extended from one to three years.</p>

<p>HCC 17.04.190 “Deferment of assessment payments for low income residents”</p>	<p>Moved and renamed to PHCC 17.02.190 “Hardship deferrals.” Increased the qualifying income to 200% instead of just 125% of U.S. Poverty Guidelines for Alaska. Under this change, more people will qualify for a hardship deferral but the percentage used mirrors that adopted by the Kenai Peninsula Borough for other deferral and exemption programs. Removed the application to a person with “life tenancy” as the record owner bears the payment obligation. Removed the requirement that a deferral be approved by Council and changed the submission of the applications to the Finance Director rather than Council to protect confidentiality of the deferral process.</p>
<p>HCC 17.04.200 “In lieu of assessment”</p>	<p>Moved to PHCC 17.02.200 “Payment in lieu of assessment.” Payments in lieu of assessment were substantially changed to provide a clear process for parcel owners outside an assessment district to request to join a district. The terms require a written request that may or may not be granted by the Public Works Director and only allow an outside parcel owner to participate if he, she or it pays all costs for extending the improvement onto their property and the pro-rated share of the improvement for which the assessment district was formed.</p>
<p>No HCC 17.18</p>	<p>Added PHCC 17.18 “Developer Reimbursement Plan,” which applies to all developers expanding access to public utilities and capital improvements within the City. It provides a clear procedure by which a developer may trigger a special assessment district process by requesting a resolution from Council. A developer agreement must be submitted with all the terms of the district and the utility or capital improvement installation proposed by the developer and it must be approved by Council. Once an approved agreement is in place and the special assessment district process complete, the City will transfer payments to the developer within 90 days of receipt of those payments. The Code clarifies, however, that the City is not required to collect payments and has no liability to the developer if it does not do so. This is necessary given the fluctuation in municipal resources necessary for enforcement</p>

What Comes Next?

Upon introduction of the Ordinance, the sponsors and the administration will begin preparing several documents that are necessary to complete the revisions proposed in the Ordinance. These documents include:

- 1) The industrial waste management policy manual and a proposed resolution approving the manual;
- 2) Permit applications for the following permits:
 - A. Sewer System extension and connection permit
 - B. Water System extension and connection permit
 - C. Waste Disposal permit
 - D. Water filling station permit
 - E. Commercial waste disposal permit
 - F. Industrial waste disposal permit
- 3) An ordinance updating HCC 1.16.040 "Disposition of scheduled offenses-Fine schedule."
- 4) A resolution updating the City fee schedule to include the permit application and appeal fees imposed under Titles 14 and 17.
- 5) A resolution updating HART and HAWSP manuals and the accompanying updated manuals.

Finally, in addition to the documents identified above, the City administration and Council will need to educate the public regarding the substantial changes to the water and sewer system management and public assessment processes.

Conclusion

While this memorandum attempts to identify the changes between existing Code and the Ordinance, the Ordinance presents significant changes to the structure of the City's process that is not easily captured in a memo. For this reason, I have also attached copies of the current HCC Chapters 9.08, 13.24, and 13.28 and Titles 14 and 17 for easy comparison and reference. In addition, I am prepared to walk Council and the public through the changes in a presentation and any other medium that Council deems helpful.

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ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-24

An Ordinance of the City Council of Homer, Alaska, Amending the 2019 Operating Budget by Authorizing the Expenditure of an Additional \$16,100 from the Police Fleet Reserves for the Outfitting of Two New Police Vehicles and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager/Police Chief

1. City Council Regular Meeting May 28, 2019 Introduction

Memorandum 19-061 from Chief Robl as backup

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/Police Chief

4 ORDINANCE 19-24
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE 2019 CAPITAL BUDGET BY AUTHORIZING THE
8 EXPENDITURE OF AN ADDITIONAL \$16,100 FROM THE POLICE
9 FLEET RESERVES FOR THE OUTFITTING OF TWO NEW POLICE
10 VEHICLES AND AUTHORIZING THE CITY MANAGER TO
11 EXECUTE THE APPROPRIATE DOCUMENTS.

12
13 WHEREAS, The City Council approved the expenditure of \$88,000 to purchase and
14 outfit two new police vehicles in the 2019 budget process; and

15
16 WHEREAS, A computation error was discovered and the cost of properly equipping
17 only one vehicle was included in the total included in the 2019 budget; and

18
19 WHEREAS, The purchase price for two new police vehicles was slightly higher than
20 anticipated; and

21
22 WHEREAS, In order to purchase and fully equip the two new police vehicles the
23 additional funding is required.

24
25 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

26
27 Section 1. The Homer City Council hereby amends the FY 2019 Capital Budget to
28 appropriate \$16,100 from the Police Fleet Reserves for the outfitting of two new police
29 vehicles.

30
31 Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
152-0382	Police Fleet Reserves	\$16,100

32
33
34
35 Section 2. This is a budget amendment ordinance, is temporary in nature, and shall not
36 be codified.

37
38 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 28th day of May, 2019.

39
40 CITY OF HOMER

41
42
43 _____
44 KEN CASTNER, MAYOR

45 ATTEST:

46

47 _____

48 MELISSA JACOBSEN, MMC, CITY CLERK

49

50

51 YES:

52 NO:

53 ABSTAIN:

54 ABSENT:

55

56 Introduction:

57 Public Hearing:

58 Second Reading:

59 Effective Date:

60

61

62 Reviewed and approved as to form:

63

64 _____

65 Katie Koester, City Manager

66

67 Date: _____

68

Holly Wells, Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

(f) 907-235-3151

Memorandum 19-061

TO: KATIE KOESTER, CITY MANAGER
FROM: MARK ROBL, CHIEF OF POLICE
DATE: MAY 16, 2019
SUBJECT: NEW VEHICLE OUTFITTING

\$88,000 was approved in the 2019 budget process for the purchase and equipping two new four wheel drive police vehicles. I made a mistake while preparing this budget request and added in the cost of equipping one of the vehicles instead of both of them. The cost for the two new vehicles also came in slightly higher than last year at approximately \$77,000. The cost for outfitting each unit through Alaska Safety is \$13,550.

I request an appropriation from our fleet reserve account in the amount of \$16,100 and purchase approval to Alaska Safety for \$27,100 to complete the outfitting of these new vehicles so they can be put in service. Alaska Safety is the only firm in Alaska currently outfitting police special service vehicles.

Fiscal Note: Expenditure; 152-0382-5902, \$16,100

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-25

An Ordinance of the City Council of Homer, Alaska, Approving the Sale of the Homer Public Library Lot Located at 3713 Main Street and Authorizing the City Manager to Execute the Appropriate Documents to Dispose of the Lot.

Sponsor: Aderhold

1. City Council Regular Meeting May 28, 2019 Introduction
Soils Investigation Report
2. City Council Regular Meeting June 10, 2019 Public Hearing and Second Reading
Soils Investigation Report

CITY OF HOMER
HOMER, ALASKA

Aderhold

ORDINANCE 19-25

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
APPROVING THE SALE OF THE HOMER PUBLIC LIBRARY LOT
LOCATED AT 3713 MAIN STREET AND AUTHORIZING THE CITY
MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS TO
DISPOSE OF THE LOT.

WHEREAS, HCC 18.12.020 provides that real property that is no longer required for public purpose may be sold; and

WHEREAS, no public purpose exists for T 6S R 13W SEC 19 Seward Meridian HM 2008016 HOMER PUBLIC LIBRARY NO 2 LOT 2, also known as 3713 Main Street and Kenai Peninsula Borough Parcel Number 17514416, and it is in the best interest of the City of Homer to sell the property and put it back on the tax rolls; and

WHEREAS, HCC 18.12.030 requires an appraisal of property valued at more than \$50,000 by the Kenai Peninsula Borough's most recent assessment; and

WHEREAS, The 2019 City of Homer Land Allocation Plan designated the Homer Public Library Lot located at 3713 Main Street as available for sale; and

WHEREAS, In 2016 the City of Homer listed the lot for sale with Homer Real Estate for \$225,000; and

WHEREAS, In 2018 the City of Homer decided not to relist the property due to a lack of interest; and

WHEREAS, Since the property was removed from the market there has been recent interest expressed by a local business for purchasing the property.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby appropriates \$2,500 from the Land Reserves account for the purposes of obtaining a commercial appraisal.

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
150-0392-4901	Land Reserves Surplus Properties	\$2,500 net proceeds

43 Section 2. The City Council of Homer, Alaska, authorizes the City Manager to prepare a
44 fair market value, sealed competitive bid sale of the Homer Public Library Lot located at 3713
45 Main Street.

46
47 Section 3. The City Council of Homer, Alaska, authorizes the City Manager to list the
48 Homer Public Library Lot located at 3713 Main Street in a fair market value over the counter
49 sale if the Homer Public Library Lot located at 3713 Main Street is not sold by sealed
50 competitive bid.

51
52 Section 4. This is a budget amendment ordinance, is temporary in nature, and shall not
53 be codified.

54
55 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____,
56 2019.

57
58 CITY OF HOMER

59
60 _____
61 KEN CASTNER, MAYOR

62
63 ATTEST:

64
65 _____
66 MELISSA JACOBSEN, MMC, CITY CLERK

67
68 Introduction:
69 Public Hearing:
70 Second Reading:
71 Effective Date:

72
73 YES:
74 NO:
75 ABSTAIN:
76 ABSENT:

77
78 Reviewed and approved as to form:

79
80 _____
81 Katie Koester, City Manager

80 _____
81 Holly Wells, Attorney

82
83 Date: _____

82
83 Date: _____

CHAPTER 18.12
DISPOSAL OF REAL PROPERTY

Sections:

- 18.12.010 Powers.
- 18.12.020 Real property disposal procedure.
- 18.12.030 Appraisal.
- 18.12.040 Disposal for fair market value.
- 18.12.050 Exempted disposals of real property.
- 18.12.060 Easements, rights-of-way and other public areas.
- 18.12.070 Proceeds of sale of foreclosed properties.
- 18.12.010 Powers.

The City has the power to sell, donate, exchange or make other dispositions of real property or interests in real property, subject to the requirements in this chapter. [Ord. 15-28(A) § 1, 2015].

18.12.020 Real property disposal procedure.

a. A proposal to dispose of real property owned by the City may be initiated by the City Manager or the Council, or in response to a request received from any person.

b. The disposal of real property shall be authorized by ordinance. The ordinance shall include a finding that the property is no longer required for a public use, and shall include such terms and conditions of the disposal as the Council shall determine. For property that the City acquired through foreclosure, the ordinance shall include the information and be adopted under the procedure required by HCC 18.06.042.

c. Notice of any proposed disposal of real property shall be posted on the City's website for at least two consecutive weeks before the ordinance authorizing the transaction is considered by the City Council in final reading, in addition to any other notice required by the Alaska Statutes.

d. Real property shall be sold at public auction or by an invitation for competitive sealed bids or proposals, except when the Council finds it is advantageous to the City to sell real property by another method, including without limitation lotteries, over-the-counter sales or sole source negotiations.

e. The City Manager shall conduct and close the disposal in accordance with the terms of the authorizing ordinance, including executing all necessary documents. The City Manager may execute a deed for real property sold by the City only upon receipt of full payment, or a satisfactory financing agreement, and compliance with all terms and conditions of the conveyance. Conveyance shall be quitclaim deed. [Ord. 15-28(A) § 1, 2015].

18.12.030 Appraisal.

Before disposing of any real property whose most recent assessment by the Kenai Peninsula Borough is greater than \$50,000, the City shall obtain an appraisal of the fair market value or the property from a competent independent appraiser, performed not more than 12 months before the date of the disposal; provided, that no appraisal is required in any of the following situations:

- a. The property is being sold at public auction, by competitive sealed bid, or some other form of competitive bid or proposal process open to the public;
- b. The property is being conveyed in a transaction authorized by HCC 18.12.050;
- c. The Council has authorized the disposal of the property for less than fair market value in accordance with HCC 18.12.040; or
- d. The Council has determined that the fair market value of the property can be reasonably determined through other means. [Ord. 15-28(A) § 1, 2015].

18.12.040 Disposal for fair market value.

The sale price for a disposal of real property shall not be less than fair market value unless the Council finds in the ordinance authorizing the transaction that a lower price would be in the best interest of the City. [Ord. 15-28(A) § 1, 2015].

18.12.050 Exempted disposals of real property.

The City may dispose of real property without complying with the provisions of HCC 18.12.020(c) and (d), and HCC 18.12.040, to any of the following:

- a. The United States, the State of Alaska, a political subdivision of the State, or an agency of any of these entities.
- b. A public utility for use in providing a public utility service.
- c. An organization that the United States Internal Revenue Service recognizes as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, to be used solely for the organization's exempt purpose.
- d. The owner or owners of contiguous property, of a parcel that contains an area less than the minimum required for improvement under applicable zoning or that cannot reasonably be improved without violating setback or yard requirements because of its shape or topography. [Ord. 15-28(A) § 1, 2015].

18.12.060 Easements, rights-of-way and other public areas.

- a. The City may reserve from any conveyance of real property any easement or right-of-way that the Council finds to be required for existing or future public purposes. The effect of any such reservation shall be considered in determining the fair market value of the property.
- b. The vacation of streets, alleys or other public areas, and the disposition of title to the vacated area, is governed by Chapter 20.70 KPBC. [Ord. 15-28(A) § 1, 2015].

18.12.070 Proceeds of sale of foreclosed properties.

a. Subject to subsection (b) of this section, the proceeds of a sale of foreclosed real property shall be applied first to the cost of collection with the remainder divided between the Kenai Peninsula Borough and the City in proportion to the respective municipal taxes and assessments against the property at the time of foreclosure.

b. The former record owner is entitled to the proceeds of a sale of foreclosed real property that has been held by the City for less than 10 years after the close of the redemption period and never designated to be retained for a public purpose pursuant to HCC 18.06.042, in excess of the sum of the following:

1. The amount of unpaid taxes and assessments.
2. The amount equal to taxes and assessments that would have been levied after foreclosure if the property had continued in private ownership.
3. Penalty, interest, and costs to the Kenai Peninsula Borough and City of foreclosing and selling the property.
4. Costs to the Borough and City of maintaining and managing the property that exceed amounts received by the Borough and City for use of the property.

c. If the former record owner is entitled to a portion of the proceeds of sale under subsection (b) of this section, the City shall provide the former record owner with written notice of the amount of the excess and the manner in which to submit a claim therefor. The notice is sufficient if mailed to the former record owner at the owner's last address of record. The City shall remit the excess to the former record owner on presentation of a proper claim, provided that a claim that is not filed until after six months from the date of sale is forever barred. [Ord. 15-28(A) § 1, 2015].

Soils Investigation
Lot 2, Homer Public Library No.2
3713 Main Street, Homer Alaska 99603



John Deere 410 accessing the site

Completed by:
Homer Public Works Department
Carey Meyer, P.E.
City Engineer

Introduction and Project Understanding: The City Council requested that the Homer Public Works Department determine the type of soils that existing at the subject property in an attempt to understand their implications to site development and land value.

On April 17, 2019, Public Works mobilized a John Deere 410 backhoe to the site and completed one excavation to better understand the material that composed the mound near the center of the property. The property is relatively steep, densely vegetated, with mature spruce trees and mature alders. See attached aerial photo. The terrain and the density of vegetation limited access to much of the property. The investigation was limited to a single test hole to minimize cost, removal of vegetation, and ground disturbance.

There is evidence that the mound has previously been used as a material borrow site; the excavation into the north side of the hill is still evident.

The attached map shows the steepness of the property, two foot elevation contours, and the location of the completed test hole.

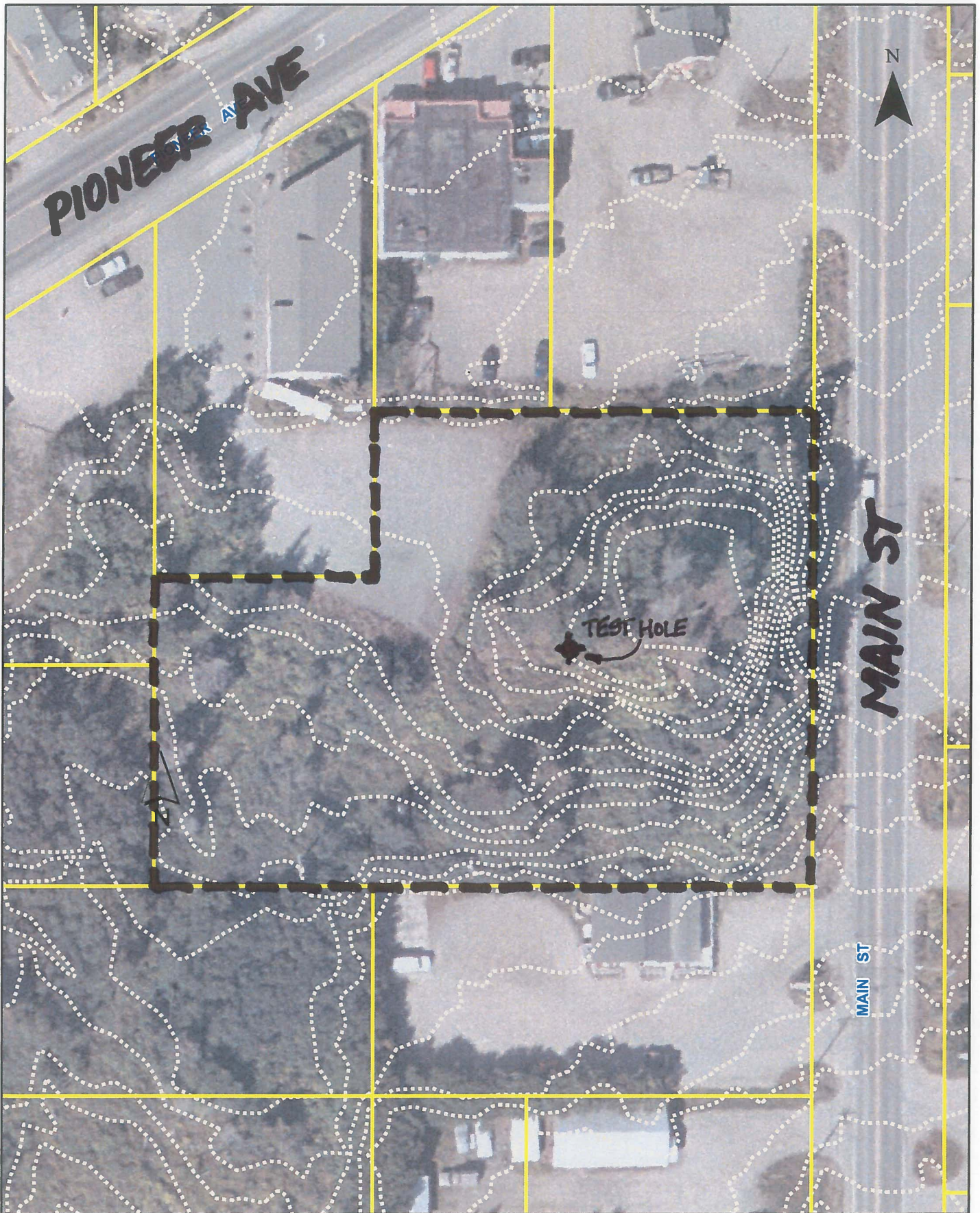
Field Investigation Results: A test hole was completed to a depth of 15 feet. See photos attached. No ground water was encountered. Subsurface soil conditions encountered at the site consisted of surface organics with roots (first 18") and a dark brown loamy soil (second 18").

Below this, to a depth of 9 feet was a dense brown, slightly plastic loamy soil with 6" – 8" diameter cobbles (less than 10% by volume, mostly round and durable, but some fractured easily).

Below 9 feet, a gray dense silt, moderately plastic, with some gravel was encountered. The gravel fractured easily. Excavation stopped at 15 feet; no groundwater was encountered. There was evidence of some thin sand layers.

Conclusion: Based on anecdotal evidence from contractors excavating on adjacent lots, there was some expectation that the mound in the center of the subject parcel consisted of classified gravel that could be used as structural fill. Based on the results of the test hole, that does not seem to be the case.

Surface organics, could be re-utilized on-site as topsoil. The soils encountered below the surface organics could be used to fill and flatten the site, but would not be suitable as structural fill. The soils encountered below 9 feet, if undisturbed, appeared able to support residential/light commercial conventional foundation footings.



PIONEER AVE

N

MAIN ST

MAIN ST

TEST HOLE

1 inch = 60 feet



Shallow soil profile – surface organics



Material from 3' to 9' deep



Material from 9' to 15' -

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Finance Director

5 RESOLUTION 19-036

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE CITY OF HOMER WATER AND SEWER RATES AND
9 UPDATING THE HOMER FEE SCHEDULE ACCORDINGLY.

10
11 WHEREAS, Water and sewer utility services shall be reviewed annually and shall take
12 effect as of the first billing cycle in January; and

13
14 WHEREAS, Based on a the water sewer rate model prepared by the Water Sewer Rate
15 Task Force and adopted by the Homer City Council in Resolution 13-048(S-2)(A-3) adjustments
16 to the rates are recommended and warranted to reflect the true cost of water and sewer
17 services; and

18
19 WHEREAS, City Council adopted Ordinance 19-09(S) authorizing the enactment of a
20 4.85% of total charges charged to every water customer outside of City limits in lieu of City of
21 Homer Sales Tax.

22
23 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, that the
24 water and sewer fees be amended and the Homer Fee Schedule be updated as follows:

25
26 WATER AND SEWER FEES:

27 Public Works - 235-3170

28 City Hall - 235-8121

29 Billing - 235-8121 x 2240

30
31 (The following fees have been set by the following legislative enactment HCC Title 14, new fees
32 set forth in Ordinance 19-09(S), 16-063(S-2), Resolution 14-060, Ordinance 13-30(A),
33 Resolution 15-074A-2), 13-048 (S-2)(A-3), Ordinance 11-43, Resolution 11-094(S), Resolution 11-
34 062(A), Resolution 09-47(S)(A), Resolution 09-48(S)(A), Resolution 07-119 (A), Resolution 07-
35 120(A), Ordinance 06-62(A), Resolution 06-04, Resolution 05-125, Resolution 05-122, Resolution
36 05-121(A), Resolution 05-09, Resolution 04-95, Resolution 04-94(S)(A), Resolution 03-159,
37 Resolution 02-80, Resolution 01-80(A), Resolution 00-123, Resolution 00-34, Ordinance 00-02,
38 Ordinance 97-17(A), amending the rates set forth in Ordinance 97-5(S)(A), with amendments
39 by Ordinance 97-7, Ordinance 97-13 and Ordinance 97-14).
40

41 A 15% admin. fee will be assessed for replacement parts for water/sewer services, functions,
42 pressure reducing valves, sewer saddles, any Public Works Department stock item for resale to
43 public.

44

45 Establishing service includes a one-time disconnect - \$75

46 Service calls, inspections, repairs not to exceed one hour - \$25 per employee plus equipment
47 and materials.

48

49 Service calls, inspections and repairs during normal operating hours in excess of one hour
50 labor: actual labor costs by City plus equipment and materials.

51

52 Service calls, inspections and repairs after normal operating hours or on weekends/holidays:
53 \$50 minimum plus equipment and materials or actual cost incurred by City, whichever is
54 greater.

55

56 WATER FEES:

57

58 A 4.85% of total charges charged to every customer outside of city limits in lieu of city
59 sales tax will be applied to those water accounts outside city limits.

60

61 Water Connection Fee

62 Single Family \$300

63 Multi-Family/Commercial \$375

64

65 Customer classification definitions for determining water connection and extension permit
66 fees:

67

68 Single Family Residential – A unit providing housing for one household; with less than 25% of
69 the building area used for business or commercial purposes.

70

71 Multi-Family Residential- A building or lot occupied by more than one household: contained
72 within one building or several building within one complex. Examples of multi-family units
73 includes duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and
74 multiple structures on one lot (where units are normally rented or occupied for longer than
75 one month at a time). Examples of units not considered as multi-family include hotels, motels,
76 **B&B's seasonal rooms/cabins (where units are routinely rented or occupied for less than one**
77 **month at a time.)**

78

79 Commercial - Any user not defined as Residential.

80

81 Water Rate Schedule.

82 All water utility services shall be billed according to the following schedule. This schedule is
 83 for monthly water service and is in addition to any charges for connecting or disconnecting the
 84 service, installation of the service or any assessment of the improvements.

Rates	Water Table III	
	Monthly Service	Usage Charge/Gallon
Customer Classification		
Lift-Station Customer	\$ 13.00	\$0.0132 <u>\$0.0142</u>
Non-Lift-Station Customer	\$ 13.00	\$0.0132 <u>\$0.0142</u>
Multi-units (additional per unit)	\$ 5.00	
Bulk Water	\$ 13.00	\$0.0172 <u>\$0.0182</u>

85
 86 Customer classification definitions for determining water rates:

87
 88 Bulk Water Customers: The bulk water customers are the resellers of water or water users who
 89 purchase water from the water plant directly and are not in the metered water distribution
 90 system.

91
 92 Non-Bulk Customers: All customers who receive water from the metered water distribution
 93 system.

94
 95 Multi-Units: An additional \$5 monthly charge shall apply to each of the units of a building or lot
 96 occupied by more than one household or commercial entity contained within one building or
 97 several buildings within one complex. Examples of multi-family units include duplexes, four-
 98 plexes and up, apartments, condominiums, co-housing projects, and multiple structures on
 99 one lot (where units are normally rented or occupied for longer than one month at a time).
 100 Examples of units not considered as multi-family include hotels, motels, and B&B's seasonal
 101 rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

102
 103 This fee applies to all multi-unit structures defined in the sewer section of this for apartments,
 104 rental units or multi-unit buildings where each unit would have one or more restrooms and are
 105 intended to be rented on a monthly basis where there is only one meter installed, excluding a
 106 rental building restroom used for shared or public use.

107
 108 Meter Size Deposits.

<u>Size (inches)</u>	<u>Residential Users</u>	<u>Nonresidential Users</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

110

111 \$750 meter deposit shall apply to metered fire hydrant connections. The deposit will be
112 returned when the meter is returned undamaged. This deposit may be waived upon the
113 recommendation of the Public Works Superintendent.

114

115 If a bulk water customer purchases a meter from the City for measuring the quantity of water
116 purchased, it shall be exempt from the monthly meter service charge. It is the responsibility
117 of the bulk water customer to maintain that meter so the City can accurately determine the
118 amount of water being purchased. In the event the meter fails, it is the bulk water customer's
119 responsibility, at its expense, to repair it or purchase a replacement meter from the City. The
120 City may at any time test the meter for accuracy.

121

122 SEWER FEES:

123

124 Sewer Connection and Extension Permit Fee

125 Single Family \$255

126 Multi-Family/Commercial \$330

127

128 Customer classification definitions for determining sewer connection and extension permit
129 fees:

130

131 Single Family Residential – A unit providing housing for one household; with less than 25% of
132 the building area used for business or commercial purposes.

133

134 Multi-Family Residential- A building or lot occupied by more than one household: contained
135 within one building or several building within one complex. Examples of multi-family units
136 includes duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and
137 multiple structures on one lot (where units are normally rented or occupied for longer than
138 one month at a time). Examples of units not considered as multi-family include hotels, motels,
139 B&B's seasonal rooms/cabins (where units are routinely rented or occupied for less than one
140 month at a time.)

141

142 Commercial - Any user not defined as Residential.

143

144 Sewer Rate Schedule.

145

146 All sewer utility services shall be billed according to the following schedule (Table I, II). This
 147 schedule is for monthly sewer services and is in addition to any charges for connecting or
 148 disconnecting the service, installation of the service or any assessment of the improvements.

Rates Table I

Customer Classification	Sewer	
	Monthly Service	Usage Charge/Gallon
Lift-Station Customer		\$0.0224 <u>\$0.0244</u>
Non-Lift-Station Customer		\$0.0145 <u>\$0.0166</u>
Multi-units (additional per unit)	\$5.00	N/A

149

Rates Table II

Sewer ONLY Customers	Sewer	
	Fees/Rate/Usage	Per Customer Per Month
Lift-Station Customer	\$0.0224 <u>\$0.0244</u> /Gal	\$67.20 <u>\$73.20</u>
Non-Lift-Station Customer	\$0.0145 <u>\$0.0166</u> /Gal	\$43.50 <u>\$49.80</u>
Monthly Service	\$5.00/customer/mo.	\$5.00 (Kachemak City customers will be exempt from \$5 monthly service fee. Kachemak City will be billed a \$5 monthly service fee to cover all Kachemak City sewer customers.)
Pumping Fee (If Applicable)	\$6.75 <u>\$6.25</u> /customer/mo.	\$6.75 <u>\$6.25</u>
Assumption: Avg. Sewer Usage	3000 Gal/Mo.	

150

151 Customer classification definitions for determining sewer rates:

152

153 Lift Station Zone Customer: There are eleven sewage lift/pump stations that are used for
154 pumping wastewater or sewage from areas with lower elevation than the treatment plant.
155 Customers who are located in these areas shall be charged additional fees for the cost added
156 to the services (see Table I & II).

157

158 Non-Lift Station Zone Customer: Customers who are located in the zone that do not need
159 lift/pump station services.

160

161 Sewer System Dischargers (Sewer ONLY customers): Customers who use sewer service only
162 shall be charged a monthly fee of \$5 plus sewer usage fee based on assessed volume of 3,000
163 gallons per month multiplied by the applicable sewage rate (see Table II). Kachemak City Local
164 Improvement District (LID) members have contributed to the initial cost of the sewer treatment
165 plant and the collection system. For Kachemak City LID dischargers connected within the LID,
166 the City of Homer shall bill Kachemak City in one single bill at the Lift-Station Zone Rate of
167 ~~\$73.95 (\$67.20 + \$6.75)~~ \$79.45 (~~\$73.20 + \$6.25~~) per month per customer. Kachemak City shall
168 be billed a \$5 monthly service charge to cover all Kachemak City sewer customers and shall be
169 responsible for payment to the City of Homer.

170

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

175

176 The City will allow, upon approval by Public Works and a permit from the Public Works
177 Department, a second water usage meter – called a seasonal sewer meter – for each customer
178 that desires to measure the flow of City water that is not discharged to the sewer system during
179 the summer growing season, June 15 through September 15. Rates noted above do not apply.

180

181 Seasonal Sewer Meter Fee is \$251.75.

182

183 PASSED AND ADOPTED by the Homer City Council on this 10th day of June, 2019.

184

185

CITY OF HOMER

186

187

188

KEN CASTNER, MAYOR

189

190

191

192

193 ATTEST:

194

195 _____

196 MELISSA JACOBSEN, MMC, CITY CLERK

197

198 Fiscal Note: Revenue amounts defined in FY2020 budget.

1 CITY OF HOMER
2 HOMER, ALASKA

Stroozas

3
4 RESOLUTION 19-036(S)
5

6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING **MAINTAINING** THE CITY OF HOMER WATER AND
8 SEWER RATES ~~AND UPDATING THE HOMER FEE SCHEDULE~~
9 ACCORDINGLY FOR 2020.
10

11 WHEREAS, Water and sewer utility services shall be reviewed annually and shall take
12 effect as of the first billing cycle in January; and
13

14 ~~WHEREAS, Based on a the water sewer rate model prepared by the Water Sewer Rate~~
15 ~~Task Force and adopted by the Homer City Council in Resolution 13-048(S-2)(A-3) adjustments~~
16 ~~to the rates are recommended and warranted to reflect the true cost of water and sewer~~
17 ~~services; and~~
18

19 **WHEREAS, The Homer City Council reviewed the current rate model and concluded**
20 **that based on the health of the combined water and sewer reserve balance no rate**
21 **increases are justified or necessary for 2020; and**
22

23 WHEREAS, City Council adopted Ordinance 19-09(S) authorizing the enactment of a
24 4.85% of total charges charged to every water customer outside of City limits in lieu of City of
25 Homer Sales Tax.
26

27 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, that the
28 water and sewer fees be ~~amended and the Homer Fee Schedule be updated as follows:~~ **be**
29 **maintained at the current rates for 2020.**
30

31 PASSED AND ADOPTED by the Homer City Council on this 10th day of June, 2019.
32

33 CITY OF HOMER
34

35 _____
36 KEN CASTNER, MAYOR
37

38 ATTEST:
39

40 _____
41 MELISSA JACOBSEN, MMC, CITY CLERK
42

43 Fiscal Note: Revenue amounts defined in FY2020 budget.

Revenues & Expenses - Utility Fund

	<u>FY 18 Budget</u>	<u>FY 18 Actual</u> ¹	<u>FY 19 Budget</u>
Water			
Meter Sales	1,900,570	1,851,709	1,959,352
Other Revenue	45,169	86,762	56,949
Hydrant Transfer	92,222	92,222	100,350
Water Fund - Total Revenue	2,037,962	2,030,693	2,116,651
Salaries, Wages & Benefits ²	904,776	937,022	936,692
Maintenance & Operations ³	979,105	951,802	1,033,645
Transfers to:			
Reserves	136,214	136,214	119,252
Other	17,867	17,867	27,062
Water Fund - Total Expenses	2,037,962	2,042,906	2,116,651
Revenues over Expenses	-	(12,212)	-
Sewer			
Meter Sales	1,754,415	1,755,264	1,681,475
Other Revenue	43,266	44,648	40,539
Sewer Fund - Total Revenue	1,797,681	1,799,912	1,722,014
Salaries, Wages & Benefits ²	741,884	751,280	765,138
Maintenance & Operations ³	735,599	726,095	768,805
Transfers to:			
Reserves	294,667	294,667	155,164
Other	25,531	25,531	32,907
Sewer Fund - Total Expenses	1,797,681	1,797,574	1,722,014
Revenues over Expenses	0	2,338	(0)
Utility Fund Total	0	(9,874)	(0)

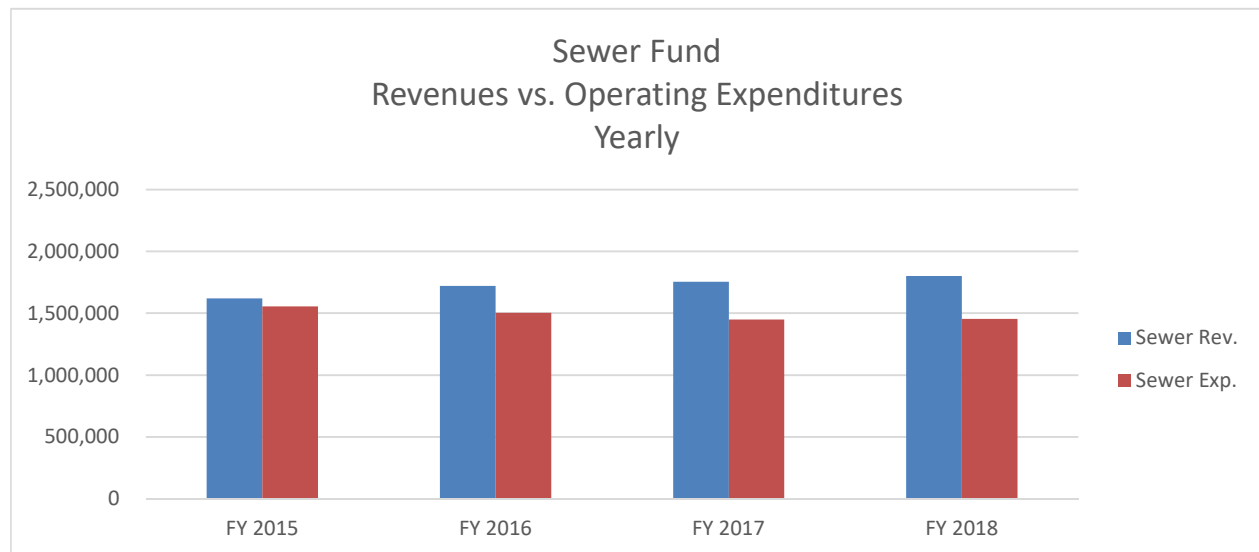
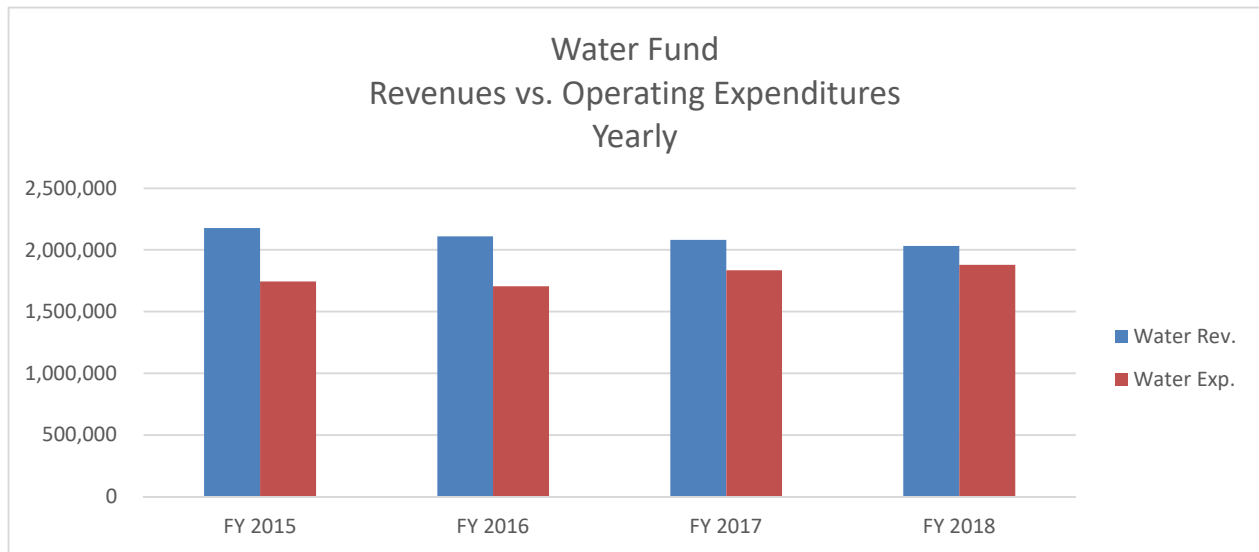
¹ Unaudited (Independent Audit will be finalized by the end of July, 2019)

² Includes leave cash out

³ Includes GF admin fees (overhead costs)

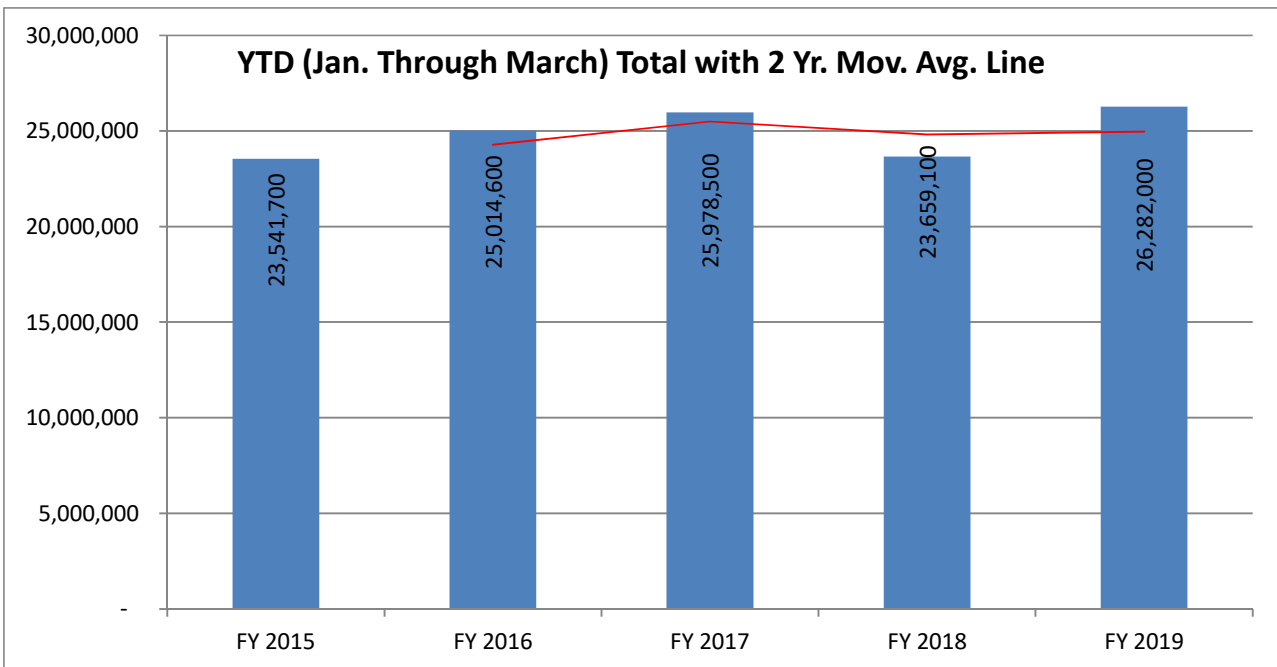
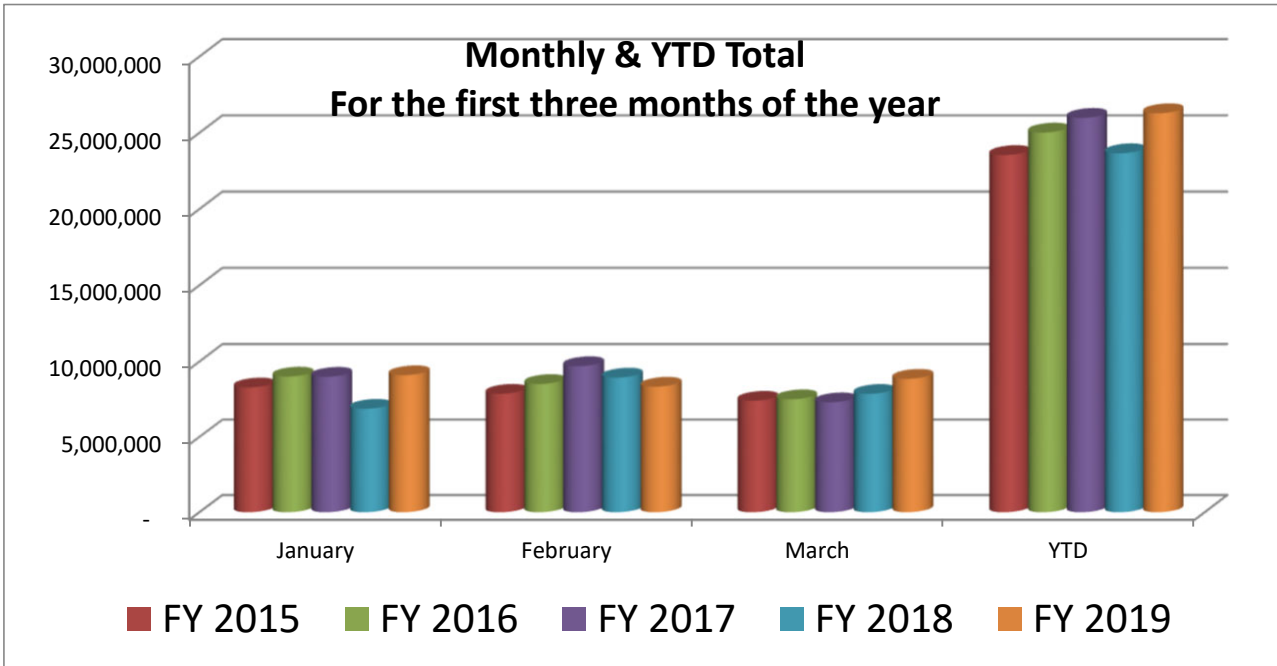
Yearly Comparison: Revenues vs. Expenditures (Unaudited)

	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>
Water Fund Revenues	2,178,018	2,108,835	2,081,823	2,030,693
Water Fund Expenditures (excluding transfer to reserves)	1,744,744	1,704,623	1,835,757	1,878,531
Water: Revenues over (Under) Expenditures	433,273	404,212	246,067	152,162
Sewer Fund Revenues	1,618,595	1,719,555	1,753,457	1,799,912
Sewer Fund Expenditures (excluding transfer to reserves)	1,555,044	1,503,397	1,447,921	1,455,047
Sewer: Revenues over (Under) Expenditures	63,550	216,158	305,536	344,864
Water & Sewer: Total Revenues Over (Under) Expenditures	496,824	620,370	551,602	497,026



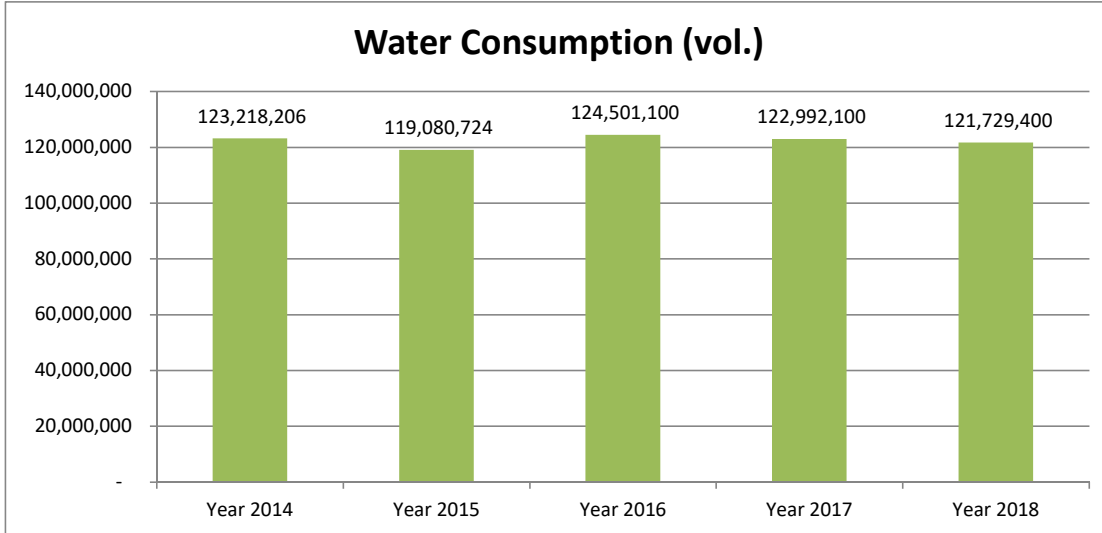
Water Consumption (Gallons)

<u>Yr.\Mo.</u>	<u>January</u>	<u>February</u>	<u>March</u>	<u>YTD</u>
FY 2015	8,280,300	7,862,200	7,399,200	23,541,700
FY 2016	9,005,200	8,511,100	7,498,300	25,014,600
FY 2017	8,991,000	9,692,600	7,294,900	25,978,500
FY 2018	6,868,000	8,937,000	7,854,100	23,659,100
FY 2019	9,094,800	8,332,000	8,855,200	26,282,000

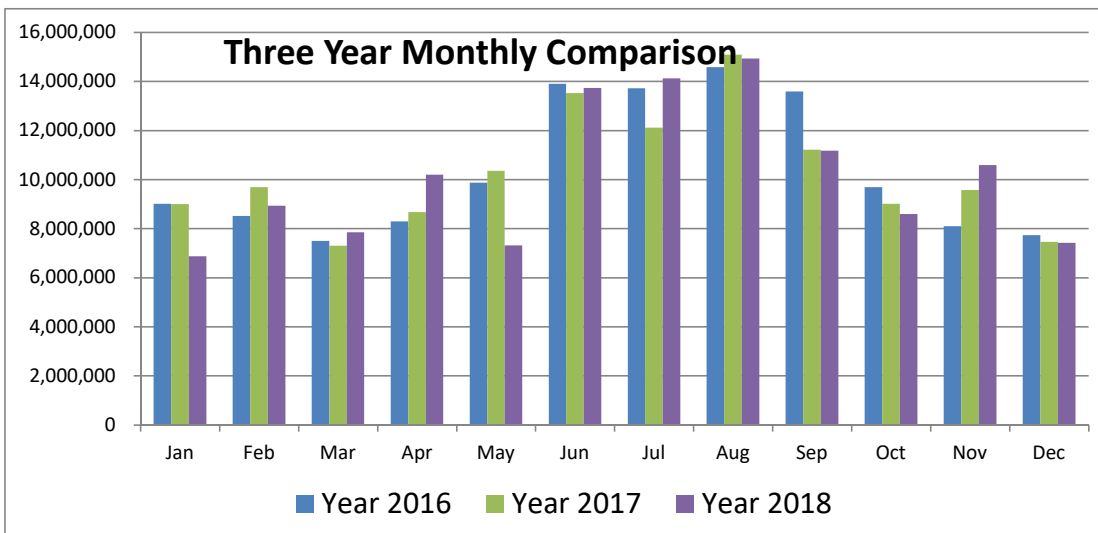


Water Consumption

By Year	<u>Year 2014</u>	<u>Year 2015</u>	<u>Year 2016</u>	<u>Year 2017</u>	<u>Year 2018</u>
Water (vol.)	125,926,274	132,291,300	131,119,200	133,502,000	132,695,300
Operational Adj.	(2,708,068)	(13,210,576)	(6,618,100)	(10,509,900)	(10,965,900)
Water (vol.) after adj.	123,218,206	119,080,724	124,501,100	122,992,100	121,729,400

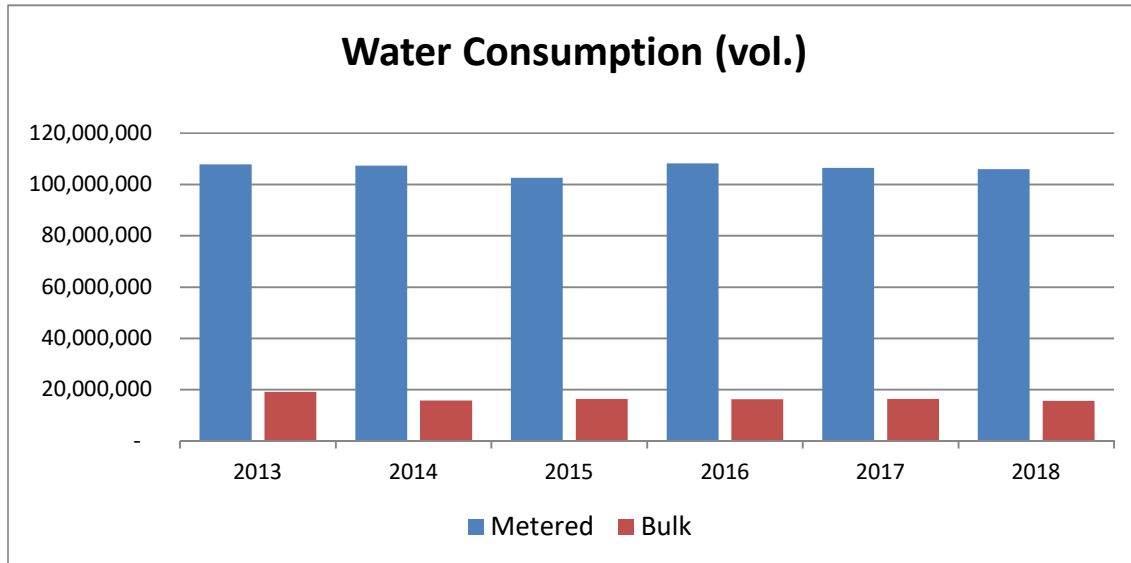


<u>Month\Year</u>	<u>Year 2016</u>	<u>Year 2017</u>	<u>Year 2018</u>
Jan	9,005,200	8,991,000	6,868,000
Feb	8,511,100	9,692,600	8,937,000
Mar	7,498,300	7,294,900	7,854,100
Apr	8,293,400	8,675,000	10,193,800
May	9,876,500	10,350,500	7,316,900
Jun	13,904,500	13,528,300	13,734,900
Jul	13,719,400	12,119,600	14,120,300
Aug	14,581,400	15,091,400	14,931,500
Sep	13,589,000	11,213,400	11,169,500
Oct	9,693,400	9,010,900	8,587,200
Nov	8,097,300	9,569,500	10,593,700
Dec	7,731,600	7,455,000	7,422,500
	<u>124,501,100</u>	<u>122,992,100</u>	<u>121,729,400</u>
	4.6%	-1.2%	-1.0%



	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Metered	107,875,885	107,403,206	102,688,524	108,248,600	106,566,800	106,018,000
Bulk	19,129,600	15,815,000	16,392,200	16,252,500	16,425,300	15,711,400
Total Consumption*	127,005,485	123,218,206	119,080,724	124,501,100	122,992,100	121,729,400
Bulk as % of Total Volume	15.06%	12.83%	13.77%	13.05%	13.35%	12.91%

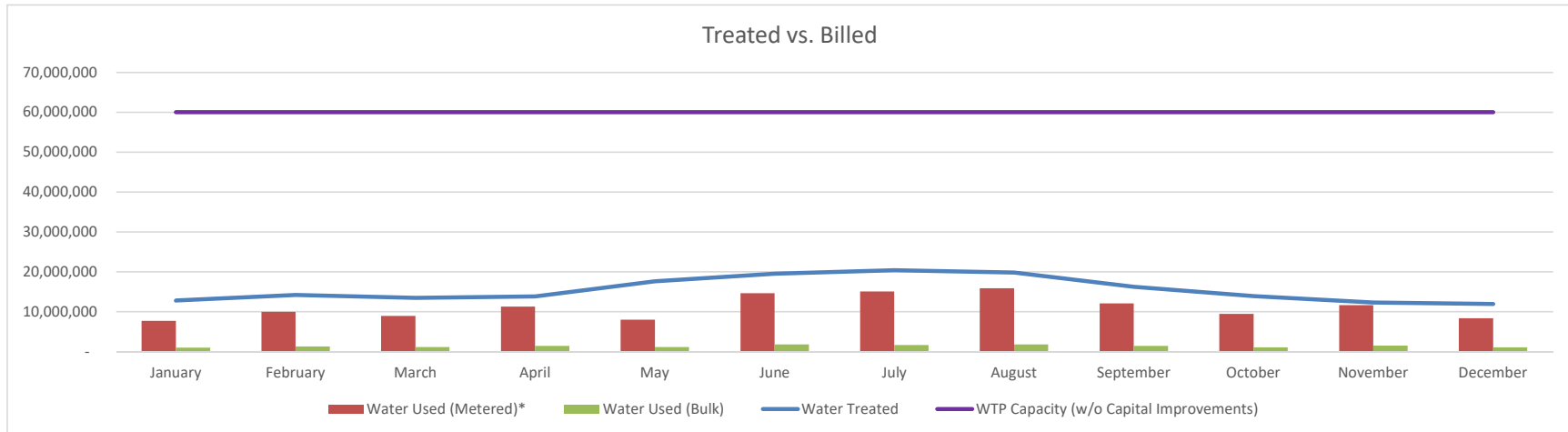
*Includes Operational Adjustment



Water Analysis
Gallons Treated vs. Billed

	January	February	March	April	May	June	July	August	September	October	November	December
Water Treated	12,785,000	14,124,000	13,409,000	13,814,000	17,612,000	19,495,000	20,421,000	19,771,000	16,202,000	13,857,000	12,263,000	11,942,000
Water Used (Metered)*	7,667,200	9,928,100	8,897,200	11,244,400	7,970,400	14,629,050	15,014,450	15,825,650	12,063,650	9,442,200	11,570,300	8,287,100
Water Used (Bulk)	979,500	1,223,900	1,091,500	1,378,600	1,071,700	1,789,100	1,588,900	1,732,400	1,357,100	1,022,600	1,438,800	1,037,300

*Includes Sewer Treatment Plant



	January	February	March	April	May	June	July	August	September	October	November	December
Unmetered Water Usage*	5,117,800	4,195,900	4,511,800	2,569,600	9,641,600	4,865,950	5,406,550	3,945,350	4,138,350	4,414,800	692,700	3,654,900

*Includes flushing for compliance sampling, annual maintenance, freeze protection, Water Treatment Plant operations, Sewer Treatment Plant operations, and odor control.

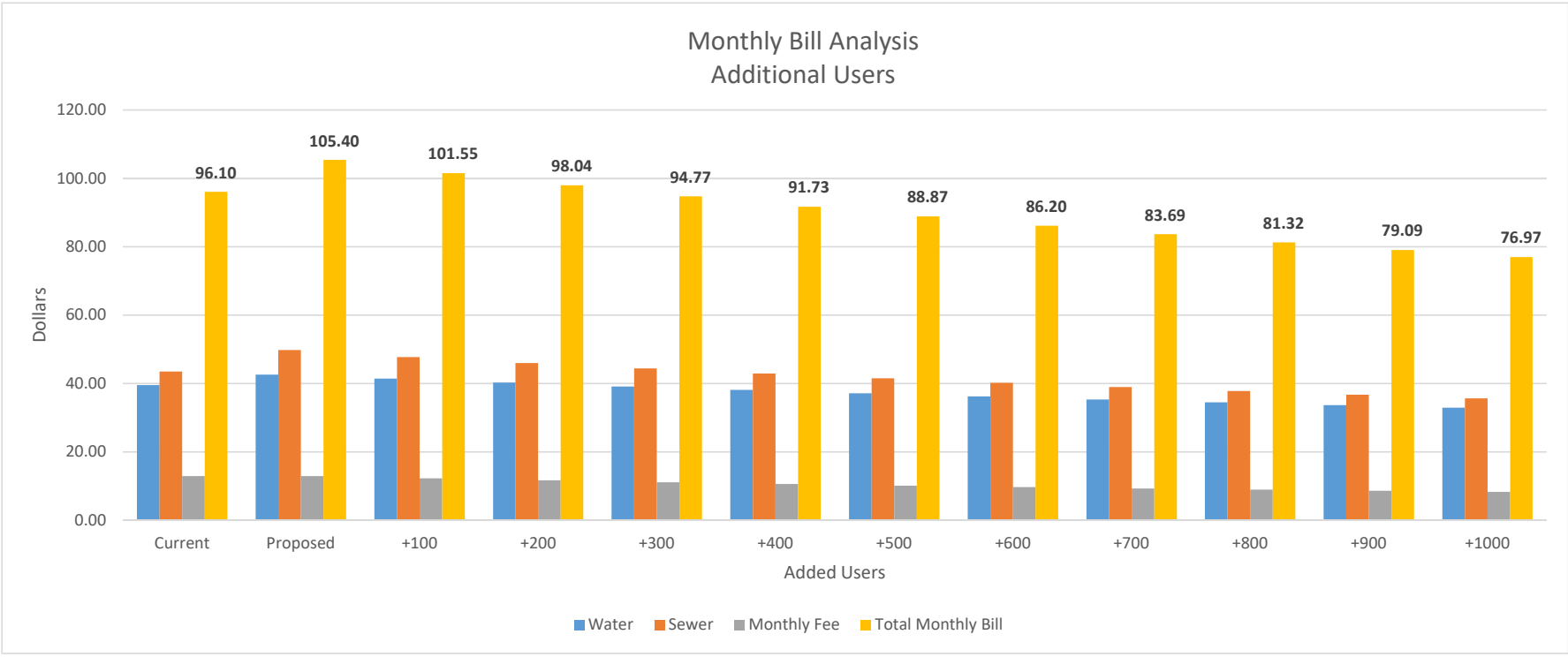
City of Homer
Water and Sewer Rates Comparison
Presented May 13, 2019

Water Rates	Current	Proposed	Variance
Monthly Service Fee (all users)	\$ 13.00	\$ 13.00	\$ -
Additional Monthly Fee per Unit for Multi-Units	\$ 5.00	\$ 5.00	\$ -
Per Gallon Rate (Residential & Commercial)	\$ 0.0132	\$ 0.0142	\$ 0.0010
Rate per 100 Gallons	\$ 1.32	\$ 1.42	\$ 0.10
Per Gallon Rate (Bulk)	\$ 0.0172	\$ 0.0182	\$ 0.0010
Rate per 100 Gallons - Bulk	\$ 1.72	\$ 1.82	\$ 0.10
Sewer Rates for Water Customers			
	Current	Proposed	Variance
Monthly Service Fee (all users)	\$ -	\$ -	\$ -
Additional Monthly Fee per Unit for Multi-Units	\$ 5.00	\$ 5.00	\$ -
Per Gallon Rate Regular (Residential & Commercial)	\$ 0.0145	\$ 0.0166	\$ 0.0021
Rate per 100 Gallons - Non Lift	\$ 1.45	\$ 1.66	\$ 0.21
Per Gallon Rate Lift Station (Residential & Commercial)	\$ 0.0224	\$ 0.0244	\$ 0.0020
Rate per 100 Gallons - Lift Station	\$ 2.24	\$ 2.44	\$ 0.20
Water and Sewer Rates Combined			
	Current	Proposed	Variance
Combined Costs Water/Sewer Regular	\$ 0.0277	\$ 0.0308	\$ 0.0031
Rate per 100 Gallons - Non Lift	\$ 2.77	\$ 3.08	\$ 0.3100
Combined Costs Water/Sewer Lift Station	\$ 0.0356	\$ 0.0386	\$ 0.0030
Rate per 100 Gallons - Lift Station	\$ 3.56	\$ 3.86	\$ 0.3000
Sewer Rates for Sewer ONLY Customers (3,000 Gallons/Month of Sewage Applied)			
	Current	Proposed	Variance
Monthly Service Fee (all users)	\$ 5.00	\$ 5.00	\$ -
Additional Monthly Fee per Unit for Multi-Units	\$ 5.00	\$ 5.00	\$ -
Monthly Fee for Septic Pumping Services	\$ 6.75	\$ 6.25	\$ (0.50)
Per Gallon Rate Regular (Residential & Commercial)	\$ 0.0145	\$ 0.0166	\$ 0.00
Rate per 3,000 Gallons - Non Lift	\$ 43.50	\$ 49.80	\$ 6.30
Per Gallon Rate Lift Station (Residential & Commercial)	\$ 0.0224	\$ 0.0244	\$ 0.00
Rate per 3,000 Gallons - Lift Station	\$ 67.20	\$ 73.20	\$ 6.00

City of Homer
Water and Sewer Rates Comparison
Presented May 13, 2019

		Average Volume		High Volume		Lift-Station (Year-Round)	
		City Hall		Library		Port & Harbor - Maintenance	
		Existing	New Rate	Existing	New Rate	Existing	New Rate
Consumption		3900	3900	9800	9800	1500	1500
Water Rate		0.0132	0.0142	0.0132	0.0142	0.0132	0.0142
Sewer Rate		0.0145	0.0166	0.0145	0.0166	0.0224	0.0244
<u>Charges:</u>							
Water		51.48	55.38	129.36	139.16	19.8	21.3
Sewer		56.55	64.74	142.1	162.68	33.6	36.6
Service		13	13	13	13	13	13
Total Bill		\$ 121.03	\$ 133.12	\$ 284.46	\$ 314.84	\$ 66.40	\$ 70.90
Impact			\$ 12.09		\$ 30.38		\$ 4.50

**City of Homer
Water and Sewer Rate Worksession**



- Parameters/Assumptions:
- A user is defined with an average usage of 3,000 gallons per month
 - # of current meters (as of 3/31/19 billing) is 1,786
 - # of meters 5 years ago (as of 3/31/14 billing) is 1,616



Memorandum

TO: Mayor Castner and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Elizabeth Walton, Finance Director
DATE: May 8, 2019
SUBJECT: Water and Sewer Rate Model

The purpose of this memo is to provide an overview of the model used to generate the water and sewer rates.

Introduction:

The basic principles and assumptions of this model were developed by the most recent Water and Sewer Task Force. The purpose of this model is to generate a utility rate that is a product of budget assumptions and the backing out of fixed fee components. The intent was to provide the City with a mechanism that connected the water and sewer rates to the actual costs to maintain the infrastructure.

The format of the rate model has changed from the one the Water and Sewer Task Force generated, but the basic principles and assumptions remain the same. These changes were made to more accurately reflect the City's budget structure.

Water Rate Model:

This model generates a rate based on water revenues and consumption.

Revenues

The total revenue required is pulled directly out of the current year's budget (as we set the rates for Water and Sewer prior to the finalization of the next year's budget). To be more transparent with the budgeting of the transfer to reserves, the transfer has been backed out of the revenue amount and is now listed in its own line on this model.

The reserve requirement is currently set at 15% of the total revenue required. This percentage was derived by conversations with the Water and Sewer Superintendent, our three year average transfer and by industry standard research. The City has to work diligently towards maintaining the extensive water and sewer infrastructure. The infrastructure is aging and the City needs to be prepared for upcoming maintenance expenses.

The model backs out three fixed fee components. The first fixed fee is related to the overhead costs assigned to the fund. These costs cover a portion of the administrative costs associated

with the processing of utility payments. This fee is backed out because the Monthly Fee amount is used to cover such expenses. The second fee is Hydrant Rents and it is related to the costs associated with maintaining the water hydrants. This cost is budgeted at 10% of total water revenue required and the costs are shared 50/50 between the General Fund and the Water/Sewer Fund. The final fixed fee references Bulk Water Sales. This amount is determined by applying the bulk surcharge (0.004/gallon) to the prior year total gallons consumed by bulk users. This is backed out because these expenses are captured by the separate rate for bulk users.

Consumption

The water consumption line is determined by prior years gross meters water sales (in gallons). The water usage at the Sewer Treatment Plant has been backed out of this figure, as it has been determined to be an operational cost. The model rounds up to the nearest million for ease of reporting.

Rates

The water rates are broken into three categories. The commodity rate (per gallon) is generated by dividing the total revenue required by the estimated water sales. This ensures that the whole population of water users are contributing to an equal share of costs. The bulk rate (per gallon) is applying a surcharge of 0.004 per gallon to the set commodity rate. The monthly fees is determined by dividing the budgeted administrative costs by the current number of water meters. As of the March 2019 billing, there were a total of 1,786 meters.

Sewer Rate Model:

This model generates a rate based on sewer revenues and usage.

Revenues

The total revenue required is pulled directly out of the current year’s budget (as we set the rates for Water and Sewer prior to the finalization of the next year’s budget). To be more transparent with the budgeting of the transfer to reserves, the transfer has been backed out of the revenue amount and is now listed in its own line on this model.

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The model backs out four fixed fee components. The first fixed fee is related to costs associated with the lift station. These costs are pulled straight from the current budget and have a built in inflation cost of 2%. These costs are backed out because the users on the lift station bear the complete costs associated with maintaining this infrastructure. The second fixed fee is the pumping fee for Kachemak City users. The City RFP’s the pumping contract every three years and the costs of the contract is divided up amongst the number of users in this LID. As of March 2019 billing, there are currently 142 users. The contract was awarded last year and with the added users this year the monthly rate is proposed to be reduced from \$6.75/month to \$6.25/month. The third fixed fee is the dumping station fee and that comes directly from the previous year’s budget. This fee has been determined to be an operational

cost and, as such the fee is not forwarded along to customers. The final fixed cost is a set rate assigned to only multi-units and Kachemak City meters. This is an additional fee charged to help offset added costs associated with maintaining such infrastructure.

Usage

The sewer usage is determined by the by the number of gallons actually billed for in the prior fiscal year. The model rounds up to the nearest million for ease of reporting.

Rates

The sewer rate is broken into two categories (non-lift and lift station). The non-lift rate is generated by dividing the total revenue required by the projected billable volume for non-lift. The lift station rate is generated by dividing the total revenue required by the projected billable volume for only the lift zone.

Recommendation:

Review the model and approve the rates set forth.

Rate Calculations

WATER Rate Model	
Revenues	
2019 Total Revenue Required - Water	\$ 1,887,755
15% Reserve Requirement	283,163
Deduct Portion Collected through Service Fee	(278,902)
Hydrant Rents (10% of Total)	(94,388)
Surplus Water Sales (Bulk) surcharge only	(62,846)
Revenue Required for Commodity Rate Calculation	\$ 1,734,783
Water Consumption (Gallons)	
Total Estimated Water Sales	122,000,000
Water Rates:	
Commodity Rate (per gal)	\$ 0.0142
Bulk Rate (per gal)	\$ 0.0182
Monthly Fees	\$ 13
Consumption Additional Information:	
FY18 Gross Meters Water Sales (Gallons)	121,729,400
SEWER Rate Model	
Revenues	
2019 Total Operating Revenue Required - Sewer	\$ 1,566,850
15% Reserve Requirement	235,028
Lift Stations Costs	(203,197)
Pumping Fee	(10,650)
Dumping Station Fees	(3,507)
Multi-Units and K-city (\$5/unit/mo.)	(60,780)
Revenue Required for Commodity Rate Calculation	\$ 1,523,743
Sewer Usage (Gallons)	
Projected Billable Volume	66,000,000
Projected Billable Volume - Lift Zone Only	26,000,000
Total Projected Billable Volume	92,000,000
Sewer Rate	
Non-Lift Station Rate	\$ 0.0166
Lift Station Rate	\$ 0.0244
Lift Station Additional Information:	
FY 18 Actually Billed Gallons (Lift-Station Zone Only)	25,859,600

City of Homer
Water and Sewer Rate Study

WATER			
Descriptions	Units	Rate	Projected Revenue - for FY 2019
Total Metered Water Sales	122,000,000		
Bulk Water Sales	16,000,000	\$ 0.0182	\$ 291,513
Metered Water Sales (excluding Bulk)	106,000,000	\$ 0.0142	\$ 1,507,271
Service Charges	1,786	\$ 13.00	\$ 278,616
Hydrant Rents			\$ 94,388
Total Projected Revenue			\$ 2,171,787
FY 2019 Projected Water Budget			\$ 2,170,918
			\$ 869

SEWER			
Descriptions	Units	Rate	Projected Revenue - for FY 2019
Projected Total Billable Sewage Discharge (Gal.)	92,000,000		
Billable Volume from Lift-Station Zone (Gal.)	26,000,000	\$ 0.0244	\$ 633,820
Billable Volume from Non-Lift-Station Zone (Gal.)	66,000,000	\$ 0.0166	\$ 1,093,120
Multi-Units (Including K-city)	1,013	\$ 5.00	\$ 60,780
Kachemak City pumping charges	142	\$ 6.25	\$ 10,650
Dumping Station Fees			\$ 3,507
Total Projected Sewer Revenue			\$ 1,801,878
FY 2019 Projected Sewer Budget			\$ 1,801,878
			0



Memorandum

TO: Mayor Castner and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Elizabeth Walton, Finance Director
DATE: May 8, 2019
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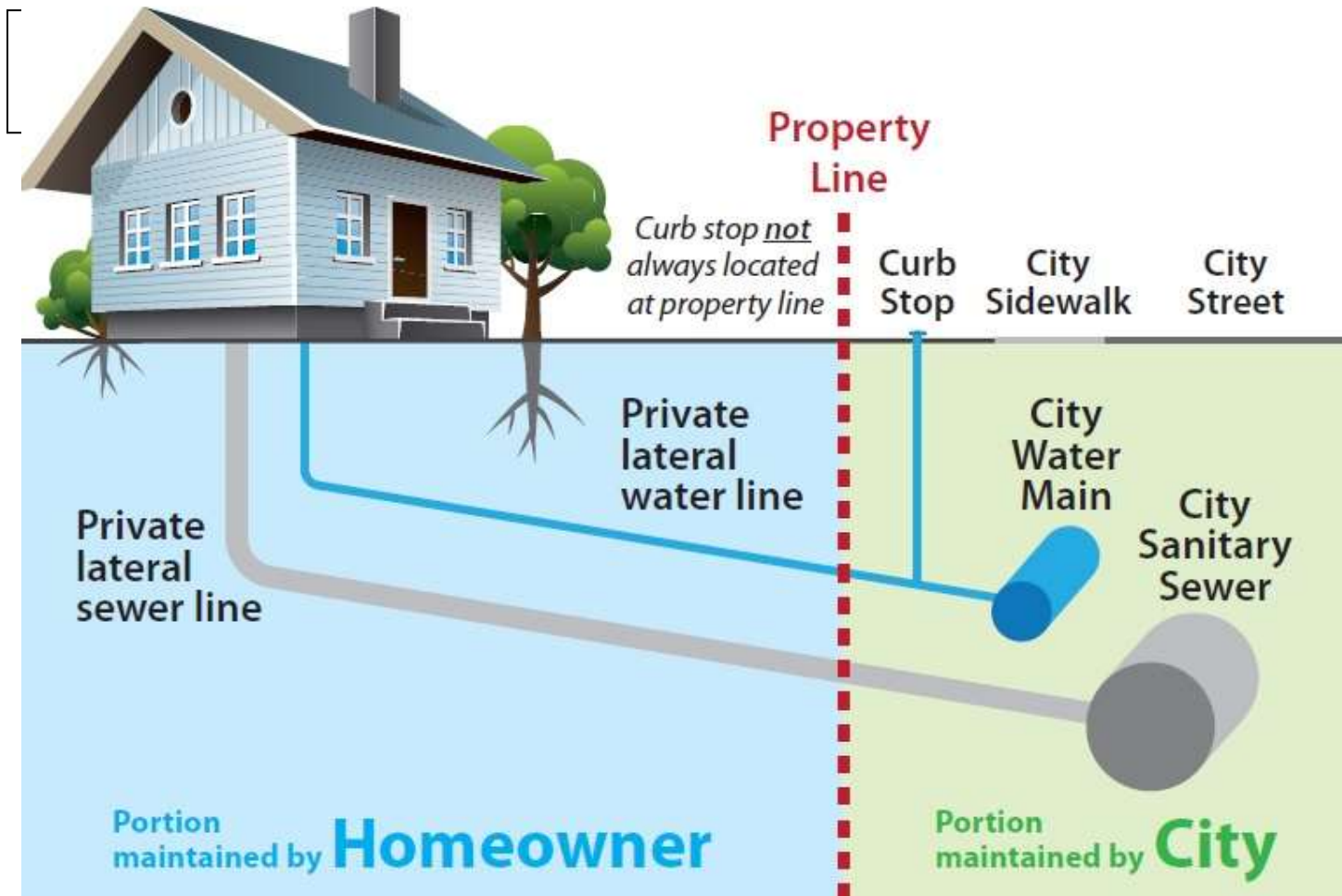
Rates

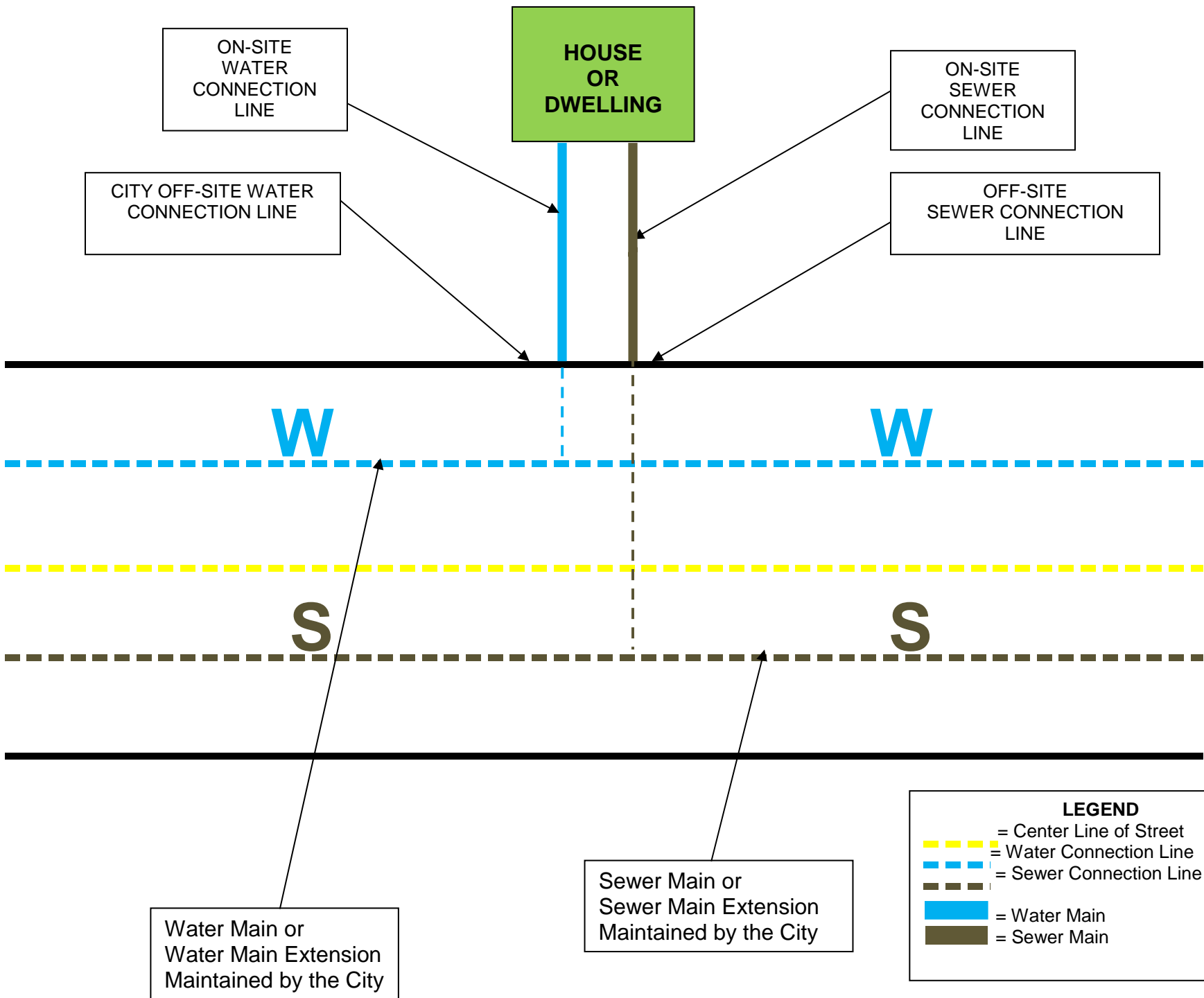
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Recommendation:

Review the model and approve the rates set forth.

**UNDERSTANDING
HOMER'S
WATER AND SEWER
SYSTEMS:
DIAGRAMS**







City of Homer

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Office of the City Manager

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(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council

FROM: Katie Koester, City Manager

DATE: June 5, 2019

SUBJECT: June 10 City Manager's Report

Vessel Assist

On May 26, the Homer Port and Harbor responded to a vessel in distress call. Four individuals were clinging to the bottom of an overturned 17' skiff; luckily one was able to place a 911 call with a cell phone. 911 Dispatch called the Troopers who then called Homer Harbor because they were not able to make a timely response. Coast Guard put out a PanPan notice on Channel 16 VHF to which three other small boats responded to. Dispatch was able to help with a location of the vessel by pinging the cell phone's signal, which helped narrow the area for the search to a location approximately 3 miles north of the Homer Spit.

Harbor Officer II Mike Lowe responded after going through proper incident protocol and contacting his Supervisor, Deputy Harbormaster Clarke. A second harbor officer (Rick Borland) was arriving to begin his shift and was able to provide shore support, communications, and response coordination while Harbor Officer Lowe was responding to the incident. Officer Lowe departed the harbor at 2200 and was the second vessel to arrive on scene. One person was removed from the overturned vessel by the landing craft that had responded. Officer Lowe recovered the other three from the water, who were clinging to the bottom of the overturned skiff. Officer Lowe then transferred the patients from his boat to a Good Samaritan fishing vessel where they could be taken into the cabin. While en route to the harbor, the landing craft lost power and the decision was made to transfer the patient to the fishing vessel. Once the patient was transferred Officer Lowe put a line on the landing craft and towed it the remaining two miles back to the safety of Homer Harbor. The fishing vessel transported the 4 patients to the load and launch ramp where they were met by HVFD EMS services.

This incident highlights the need for maritime response in Kachemak Bay waters and is by no means a new conversation. Harbor staff have been in communications with United State Coast Guard (USCG) to review the incident. I am hoping to continue the conversation with USCG, Troopers, and other government and nongovernment agencies to be able to provide a coordinated approach to afterhours search and rescue responses in Kachemak Bay. Goals include both a short term and term plan for community response of equipment and personnel on standby when the next call goes out. This is especially paramount during peak times, such as Memorial Day weekend when this incident occurred.

Exemption to Underground Utilities

GCI initiated a project to extend fiber optic cable from the center of town up the bluff to their cell phone tower on Skyline Drive. This improvement is expected to significantly improve cell phone service to the community. All work was successfully completed underground, except for a portion of the cable extension running up the steep portion of the bluff face in a utility easement above Anderson Street. GCI's contractor attempted to bore the last 600 foot section. The boring equipment hit refusal. GCI requested an exemption from the Homer City Code requirement that all new cable be placed underground. Public Works suggested that they try again. The Contractor tried twice more (along two different alignments) to bore this section and failed. As stated in the letter granting an exemption, HCC 22.10.55(e)(10) gives the City Manager the authority to grant an exemption if good cause can be shown. In this case, since it was not practical to construct the cable extension underground, an exemption was granted to allow overhead installation between two existing power poles carrying HEA transmission lines.

Homer Steps it UP

The community walking challenge Homer Steps Up! 2019 has come to an end. This community wide steps challenge (organized by the South Peninsula Hospital Health and Wellness Department) promotes wellness by encouraging participants to get out and walk more every day. The challenge, and its weekly and end-of-challenge awards, provide a fun incentive for everyone to get more active. This year, community participants surpassed the cumulative goal of 100 million steps together in the month of May – together we reached over 110 million steps! The City of Homer Team won the Large Team challenge with a score of 311,756. Mayor Castner accepted the trophy on behalf of the City at the Farmers market on May 29th. Fifty-four team members accumulated a total of 16,835,327 steps! The M&M&M's, a team of staff and families from Paul Banks Elementary School, won the Small Team Challenge with a score of 347,125 (actual total steps of 3,818,374 between 11 members). Thank you to all the teams who participated, and everyone who participated as an individual stepper – hope to see you out stepping again next year!

Peninsula City Manager Meeting

On Friday, May 31, the City of Homer hosted the Peninsula City Managers and Kenai Peninsula Economic Development District for our quarterly Peninsula Manager meeting. Unfortunately I was in quarantine and had to call in, but lots of valuable ground was covered. Some of the topics included what each community is doing with taxes, cost shifting to municipalities, borough wide tourism marketing, and health insurance. We discussed the Borough approach to the online taxes and the potential impact for municipalities. I also got some good leads on a new federal port and harbor grant and we shared tips on negotiating with providers for both health insurance and general liability insurance. The date of the next Industry Outlook Forum was announced, which will be in Seward on January 8th – so save the date for that important Peninsula wide event.



Aspen Hotel Grand Opening

On Thursday, May 30th, the Aspen Hotel held a ribbon cutting to announce the opening of its doors for the 2019 summer season. The hotel has 73 rooms and can accommodate 45 people in an onsite meeting room. Mayor Castner was asked to say a few words; he welcomed the new business to town and applauded them for their engagement in the community including dedicating the lower portion of the lot to a public trail.

Certified Property Tax Values for 2019

Attached are the certified values of property in City limits. As a reminder, the tax rolls don't provide us with the amount of money received in property tax collection. Instead, these numbers illustrate the total property value that is to be assessed. Property Tax (Taxable Value) increased 3.42% between 2018 and 2019.

How we budget property taxes:

- We utilize a statistical regression model that currently incorporates seven years of historical data. We calculate a line of best fit using the least squares method. The closer the r-squared value is to 1 the better the line fits with the data and gives us confidence in the budgeted figure. For 2019, the r-squared was 0.89. The assessing model for the Kenai Peninsula Borough changed drastically in 2017 and we are now starting to see trends level out. As we move into the future, this statistical model should bring our r-squared value closer to 1 (in 2017 it was 0.97), and thus giving us a more accurate budgeted property tax value.

Sales Tax First Quarter Data

Attached is the first quarter sales tax data for the Borough. Taxable sales have increased roughly 7.53% between the first quarter of 2019 and 2018 for the City of Homer. Most sectors that conduct business within the City experienced an increase in taxable sales. The most notable increases include Agriculture/Forestry, Rental Commercial Property, Water Guiding, Manufacturing, Transportation and Warehouse, and Retail Trade. In specific, the retail trade industry saw an increase in taxable sales of approximately 10.82% between the first quarter of 2019 and 2018.

KPB Online Sales Tax Pre-Meeting

Peninsula Municipal Staff met with Kenai Peninsula Borough Mayor Piecere and his administration to discuss online sales tax collection in advance of the state wide meeting on June 6th. As one of the largest collectors of sales tax in the State, the Borough will have a lot to say on the topic. The June 6th meeting will hopefully generate consensus on definitions and begin discussions on governance structure. Juneau is the other large volume sales taxing entity in the state, so determining how the two municipalities align will be very important. Definitions I will be watching include food/prepared food, point of delivery, and nexus. Scenarios that illustrate how complex defining some of these terms become include how do you tax online streaming services? Is the point of sale considered the Post Office box the item is shipped to or the residential address? How do you deal with the broad reach of zip codes in Alaska where many communities can have the same zip code (answer: expensive mapping). To put some context to the conversation, the consultant AML has hired to work on this project, Larry Persily, estimates the State of Alaska's 100 plus taxable jurisdictions are leaving an average of \$20 million on the table in sales tax revenue.

In addition to coming up with alignment on a state wide basis, the Borough will need to amend their sales tax code to facilitate the collection of online sales tax. Because we adopt the Borough's code by reference, it will be important for the City of Homer to understand these changes.

Joint Worksession with KPB Assembly and Peninsula Municipalities

I won't go into too much detail as all Councilmembers were able to attend the joint worksession between the city councils and managers of Kenai, Soldotna, Seward, Homer and the Assembly regarding KPB Ordinances 2019-09 and 2019-11 regarding putting a 12% bed tax before the voters and allowing the Assembly to set the sales tax cap, respectively. Kenai and Soldotna both had resolutions supporting putting the bed tax before voters. Assembly members requested formal input from the Homer and Seward City Councils as neither body had taken up the question and proposed postponing final vote on the ordinance. The Borough also discussed an amendment to the budget (which was funded later that evening) to hire a firm to audit borough vacation rentals to ensure proper sales tax collection. There was discussion on whether to request that member municipalities contribute to this cost (a \$50,000 annual expenditure borough wide). It was a fruitful conversation and it is always good to remind the central peninsula that Homer is paying attention. I am pleased that so many members were able to make it and appreciate them taking the time out of their busy schedules to do so.

Seafarers Memorial Parking

Attached is a memo from Harbormaster Hawkins updating the Council on the Seafarers memorial parking project. Please let me know if you have any follow up questions; this project will be before the Planning Commission next month for a CUP and I want you to have the information you need to respond to questions from the public. The timeframe for the project has changed with the immediate need for the use of the available dredge materials to combat erosion damage on the Spit.

Seawall Mil Rate

At the May 28, 2019 City Council meeting, the question was raised on how the mil rate for the Ocean Drive Loop Special Service Area was established. In a 2013 memo, former City Manager Walt Wrede shared that the 2012 mil rate for the Ocean Drive Loop Special Service Area was set at 9.6283 in order to establish a healthy balance for the fund. This rate however was only able to generate two-thirds of what was anticipated due to factors like senior exemption and the removal of what was then the McNamara property from the Service Area. It was for these reasons Council increased the mil rate to 9.962541 in 2013, which

21 HOMER ODLSA

20 Homer	4.50
21 Homer ODLSA	9.9625
50 Borough	4.70
52 So. Hospital	2.30
	21.4625

has remained at to this day. The State of Alaska’s Assistant State Assessor Joseph Cassie said there is a 30 mil cap for a service area. Currently, the Service Area (known as TAG21 by the Borough’s Assessor Office) is at 21.4625, leaving the City with the option to increase the rate. However, if a bond was issued to the Service Area, the mil rate could be

set as high as the City and property owners agree to as authorized by *Alaska Statute 29.45.100*. The coastal engineer’s report and analysis of the Seawall will be finalized hopefully by the end of this month. This report will detail preventative maintenance work to extend the life of the Seawall.

Enc:

- June Employee Anniversaries
- 2019 Certified Values Property Taxes
- 2019 First Quarter KPB Taxable Sales
- 2019 First Quarter KPB Taxable Sales by Line of Business
- Letter to GCI RE:HCC 22.10.55(e)(10)
- Memo from Harbormaster Hawkins
- Seafarers Memorial Parking CIP page
- Seafarers Memorial Parking Footprint Image
- Seafarers Memorial Parking Site Plan
- Memo on Seawall Mil Rate from City Manager Wrede
- KPB Mil Rates



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: MAYOR CASTNER AND CITY COUNCIL
FROM: Katie Koester
DATE: June 10, 2019
SUBJECT: June Employee Anniversaries

I would like to take the time to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

Levi Stradling,	Public Works	17	Years
Melissa Jacobsen,	Clerks	15	Years
Mike Illg,	Admin	13	Years
Rachel Tussey,	Clerks	8	Years
Manfred Kirchner,	Public Works	7	Years
Mike Szocinski,	Public Works	7	Years
Brandon Moyer,	Public Works	3	Years
Jessica Poling,	Police	2	Years
Jessica Roper,	Police	1	Year



Assessing Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2230 • (907) 714-2393 Fax

Charlie Pierce
Borough Mayor

May 28, 2019

Ms. Katie Koester, City Manager
City of Homer
491 East Pioneer Avenue
Homer, AK 99603

RE: 2019 Certified Main Roll Property Values

Dear Ms. Koester,

Following are the 2019 certified main roll taxable values for the **City of Homer (TAG 20)** as of May 28, 2019:

	Assessed	Taxable
REAL PROPERTY	\$ 1,299,073,100	\$ 744,715,500
OIL & GAS PROPERTY	\$ -0-	\$ -0-
PERSONAL PROPERTY	\$ 47,328,455	\$ 40,353,274
TOTAL 2019 CERTIFIED MAIN ROLL VALUE	\$ 1,346,401,555	\$ 785,068,774

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Melanie Aeschliman
Director of Assessing



Assessing Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2230 • (907) 714-2393 Fax

Charlie Pierce
Borough Mayor

May 28, 2019

Ms. Katie Koester, City Manager
City of Homer
491 East Pioneer Avenue
Homer, AK 99603

RE: 2019 Certified Main Roll Property Values

Dear Ms. Koester,

Following are the 2019 certified main roll taxable values for the **City of Homer ODL (TAG 21)** as of May 28, 2019:

	Assessed	Taxable
REAL PROPERTY	\$ 3,604,600	\$ 3,016,500
OIL & GAS PROPERTY	\$ -0-	\$ -0-
PERSONAL PROPERTY	\$ -0-	\$ -0-
TOTAL 2019 CERTIFIED MAIN ROLL VALUE	\$ 3,604,600	\$ 3,016,500

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Melanie Aeschliman
Director of Assessing

Kenai Peninsula Borough

SUMMARY BY JURISDICTION

Period Range: 1st QTR 1/31/2019 to 3/31/2019

	<u>1st</u> Quarter	<u>2nd</u> Quarter	<u>Taxable</u> <u>3rd</u> Quarter	<u>4th</u> Quarter	<u>Totals</u>
	Year 2019				
Seldovia	\$830,808	\$0	\$0	\$0	\$830,808
Homer	\$30,290,138	\$0	\$0	\$0	\$30,290,138
Kenai	\$50,823,559	\$0	\$0	\$0	\$50,823,559
Seward	\$13,900,292	\$0	\$0	\$0	\$13,900,292
Soldotna	\$51,451,509	\$0	\$0	\$0	\$51,451,509
Borough	\$182,998,159	\$0	\$0	\$0	\$182,998,159

	<u>1st</u> Quarter	<u>2nd</u> Quarter	<u>3rd</u> Quarter	<u>4th</u> Quarter	<u>Totals</u>
Seldovia	\$1,347,885	\$0	\$0	\$0	\$1,347,885
Homer	\$83,194,333	\$0	\$0	\$0	\$83,194,333
Kenai	\$117,682,969	\$0	\$0	\$0	\$117,682,969
Seward	\$35,062,045	\$0	\$0	\$0	\$35,062,045
Soldotna	\$96,524,278	\$0	\$0	\$0	\$96,524,278
Borough	\$722,545,271	\$0	\$0	\$0	\$722,545,271

City of Homer

Taxable Sales by Line of Business

For the Period January 1 - March 31

	Δ 19-18	2019	2018	2017	2016
ADMINISTRATIVE, WASTE MAN	(18,532)	136,996	155,528	207,412	214,519
AGRICULTURE, FORESTRY, FI	606,538	640,248	33,710	14,600	4,143
ARTS AND ENTERTAINMENT	4,188	253,475	249,287	249,016	253,949
CONSTRUCTION CONTRACTING	17,706	333,640	315,934	484,978	372,572
EDUCATIONAL SERVICES	(3,371)	58,316	61,687	71,272	66,901
FINANCE AND INSURANCE	890	28,275	27,385	19,204	15,710
GUIDING	108,306	187,753	79,447	36,497	104,823
HEALTH CARE AND SOCIAL AS	(1,932)	78,958	80,890	77,243	45,037
HOTEL/MOTEL/BED & BREAKFA	52,861	1,543,084	1,490,223	1,532,096	1,789,574
INFORMATION	11,871	984,852	972,981	1,020,993	1,127,408
MANUFACTURING	32,060	281,903	249,843	225,385	237,863
PROFESSIONAL, SCIENTIFIC	(42,083)	648,929	691,012	698,422	654,874
PUBLIC ADMINISTRATION	13,912	829,928	816,016	1,100,933	644,546
RENTAL COMMERCIAL PROPERT	127,315	196,565	69,250	58,558	42,061
RENTAL NON-RESIDENTAL PRO	(6,006)	138,064	144,070	128,347	128,148
RENTAL OF SELF-STORAGE &	(15,146)	217,415	232,561	201,259	249,716
RENTAL PERSONAL PROPERTY	(7,655)	141,046	148,701	138,081	132,816
RENTAL RESIDENTAL PROPERT	(69,139)	1,077,295	1,146,434	1,035,396	1,020,110
RESTAURANT/BAR	78,176	3,179,549	3,101,373	2,787,404	3,145,686
RETAIL TRADE	1,381,564	14,151,272	12,769,708	12,505,192	12,275,910
SERVICES	(145,017)	1,749,725	1,894,742	1,799,351	1,675,348
TELECOMMUNICATIONS	(48,630)	401,613	450,243	409,187	387,875
TRANSPORTATION AND WAREHO	19,237	196,800	177,563	190,285	141,573
UTILITIES	58,024	2,503,521	2,445,497	2,322,217	2,070,114
WHOLESALE TRADE	(29,073)	296,494	325,567	262,379	231,382
OTHER	(4,295)	34,422	38,717	33,666	33,232
Total	2,121,769	30,290,138	28,168,369	27,609,373	27,065,890



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

June 3, 2019

Rebecca Colton
Manager, Statewide OPS Construction
General Communication Inc.
3541 Greatland Street
Homer, AK 99603

RE: Request for Exemption - Homer Underground Ordinance

Ms. Colton;

As the City Manager's designee in this matter, this letter is to document that the City of Homer is granting an exemption to the underground ordinance that requires all new cable to be installed underground, as requested in your letter of May 29, 2019. This exemption applies only to the specific situation/location described in the request. Any exemptions for other locations will need to be requested separately.

This exemption will allow for the cable in question to be routed overhead on existing poles (approximately 600 LF) as allowed for under HCC 22.10.55(e)(10) – "Exceptions to the requirement of this section that utility cable facilities be placed underground may be approved by City Manager or designee for good cause shown including, but not limited to, the following:

10. Future users of existing pole lines when the host utility is overhead; provided, however, the future user must agree to vacate the pole line when the host utility vacates the pole line".

Please respond in writing that you agree to vacate the pole line when the host utility vacates the pole line. This exemption becomes effective upon the City's receipt of this vacation agreement statement.

We appreciate the effort your company has made to make every reasonable attempt to install the cable in question underground. Your laudable efforts weighed heavily in our decision.

Yours Very Truly;

CITY OF HOMER

Carey S. Meyer, P.E., MPA
Public Works Director



Memorandum

TO: HOMER CITY COUNCIL
THRU: KATIE KOESTER, CITY MANAGER
FROM: BRYAN HAWKINS, PORT DIRECTOR / HARBORMASTER
DATE: JUNE 4 2019
SUBJECT: MEMORANDIUM ON SEAFARER'S MEMORIAL PARKING LOT PROJECT

This memo is to provide background and current information regarding the Seafarer's Memorial Parking Lot expansion project. The Port Commission discussed and recommended this expansion in July of 2013. Staff wrote the CIP and council approved the project in November of 2013 and dedicated HART funding for engineering. Staff has been working on and off on the design for this project, and after further input from the Port and Harbor Commission in 2016 and the firm hired for the engineering scope of this project, we now have 95% plans for the improvement.

Project Goals and Requirements:

- **Goals-** The goals listed for the Port and Harbor Advisory Commission , when considering this project, are to create as much parking space in the ramp 1-3 area as possible, to set up a fee collection system to help pay back the expense of construction, and to create safer pedestrian walkways and traffic patterns.
- **Permits-** The land is City owned and is designated as conservation land, requiring a CUP in order to change the use of the property, and will include public recreation areas, beach access and green corridors. An Army Corps of Engineers permit will also be required for this improvement.
- **Materials-** The current plan includes utilizing fill material from our annual dredging program for leveling and site fill for the project. At this time, working with the Army Corps of Engineers, we are using any created dredging material on a separate beach re-nourishment project that will help protect the Homer Spit from storm damage due to erosion. As beach nourishment, and protection of current assets, takes precedent to this expansion project I am unsure when we will have product available, but I'm confident that once all permitting and construction ready plans are in hand we'll find a source of suitable materials. There are other concurrent projects that have potential to generate the needed material (e.g. harbor entrance and fishing lagoon maintenance dredging and future harbor expansion).
- **Grant Requirements-** A requirement of the Ramp 2 restroom project, in order to take advantage of the land water conservation funding grant, is to provide access to the beach. This access is included in the Seafarer's memorial parking lot expansion and will be built in between the East end of the Hillstrand boardwalk and the parking lot. This will be an improved gravel ADA Pathway to the beach.
- **Future Fund Allocation/Use Requirements-** We designed the lot to both maximize the number of spaces and safe traffic patterns while using those spaces. Designating off street entry and exit points into the lot and turning the entire square footage into off street parking brings great safety benefits to the area by eliminating the diagonal parking where motorists have to back out onto the highway. As much of this property is in

AK Department of Transportation Right of Way (ROW) the Tora agreement we have with the State applies, which means any funds generated from fees will have to be used for parking improvements.

Questions Posed:

The current plan creates 195 parking spaces in a congested high traffic area, with the addition of ADA access to the public beach/recreation area, green corridors and the current memorial park. Current use of this area is 7 day free parking, with an allowed use of longer term parking with the purchase of a long term parking pass. General planned use for the lot after improvements is a fee lot with short term turn over.

The question moving forward is how will these parking spaces be used? If all 195 spaces were to be turned into short term fee parking at the \$5 per day rate, numbers based on current paid parking and annual generated income from those spaces gives us a general estimate of approximately 12 years for payback on investment for the improvement project. However, when considering not just congestion and traffic patterns, but the possible needs of surrounding businesses, the City Enterprise, the boat owners, public recreation use, and tourism, designating the whole parking lot as a single type of use may not be the proper solution. With weight given to all these different use types, again, the question for the future is: how do we want to use these spaces?

Recommendation:

Informational Only.



Seafarers Memorial Parking Expansion

Project Description & Benefit: This project would use materials from dredging the harbor to build up a parking lot between Seafarers Memorial and the east end of the nearby boardwalk complex. The additional parking will be a welcome improvement as it is often hard to find parking during peak summer months on this section of the Spit. The project has the added benefit of replenishing the beaches on the east side of the Spit and protecting infrastructure from erosion. The material will be placed on the beaches as part of the Army Corps of Engineers' dredging/disposal operations. Funding is needed to supplement hauling costs, compact material, cap with gravel and pave the lot. A Corps permit will be needed to accomplish this work.

Plans & Progress: The City has appropriated \$15,000 for the Homer Area Roads and Trails (HART) fund for preliminary engineering design and permitting. 95% of engineering design work was completed in 2015. A phased approach to construction will be used.

Total Project Cost: \$635,000

Schedule:

2017: Design and Permitting at 95% complete: \$8,000

2019: Dredged Material Placement by Corps: In kind

2020: Install drainage, riprap protection, paving/stripping and all parking lot delineation: \$627,000

Priority Level: 1



This project would fill in, level and pave the grassy area pictured above between the Seafarer's Memorial and the nearby boardwalk.










Public Works Dept. May 16, 2019

Disclaimer:
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.



Legend

-  Stormdrain_Outfall
-  Parcels
-  Project_Boundary
-  Rip_Rap
-  Landscaped_Area
-  Paving_Footprint
-  Existing_Vegetation



Seafarer's Memorial

Seafarer's Memorial Paving Project Footprint

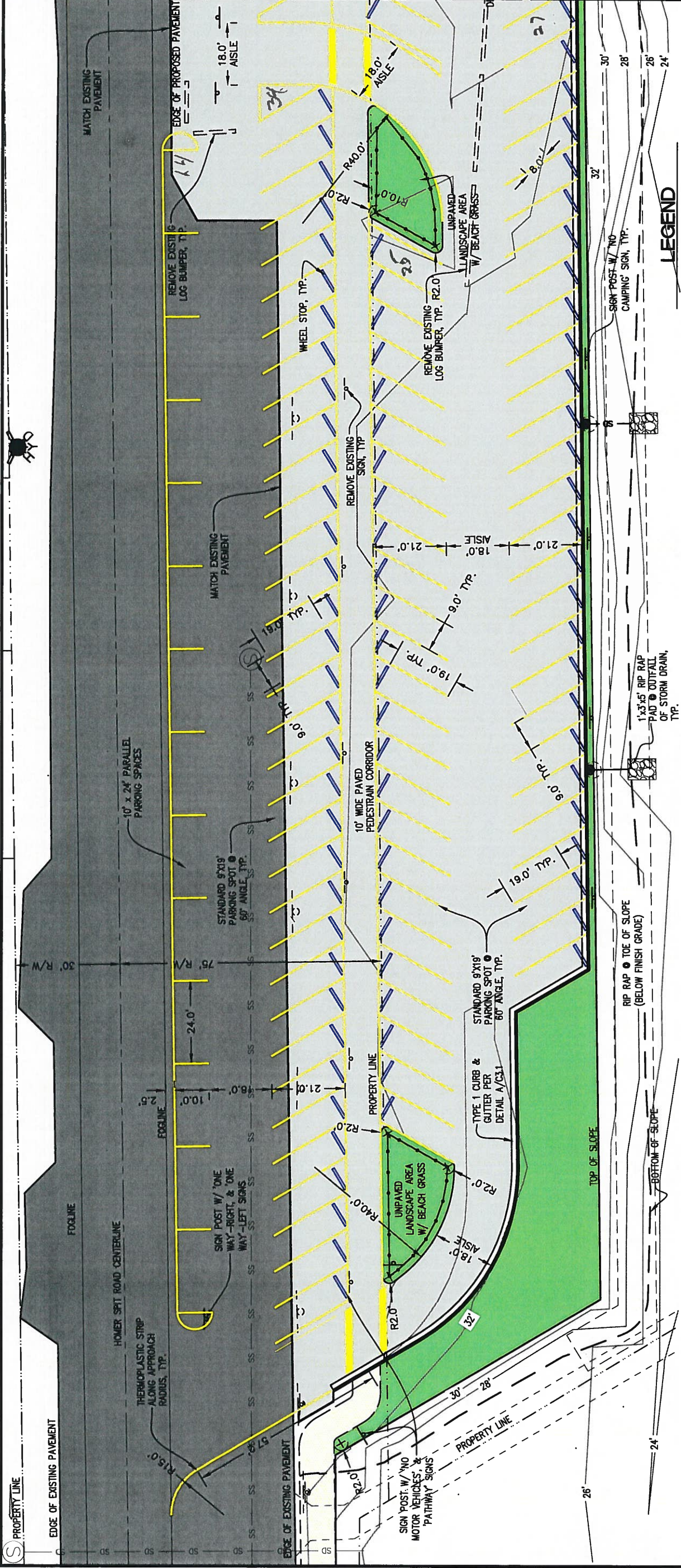
NO.	REVISION	DATE

CONSULTING ENGINEERS
STRUCTURAL/DIVIL
 155 BIDARKA ST
 KENAI, AK 99611
 TEL. (907) 283-3583
 NELSONENGINEER@ALASKA.NET

ENGINEERING
NELSON
 TEL. (907) 283-3583
 155 BIDARKA ST
 KENAI, AK 99611
 NELSONENGINEER@ALASKA.NET

SEAFARER'S MEMORIAL PARKING LOT
 CITY OF HOMER, AK
 CIVIL SITE PLAN (LEFT) - OPTION #2

PROJECT NO. 1445
 DRAWN BY: ZSR
 CHECKED BY: WJN
 DATE: 08/08/18
 SCALES: NOTED
 HORIZ. NOTED
 VERT. NOTED
 SHEET **C11**
 3 OF 11

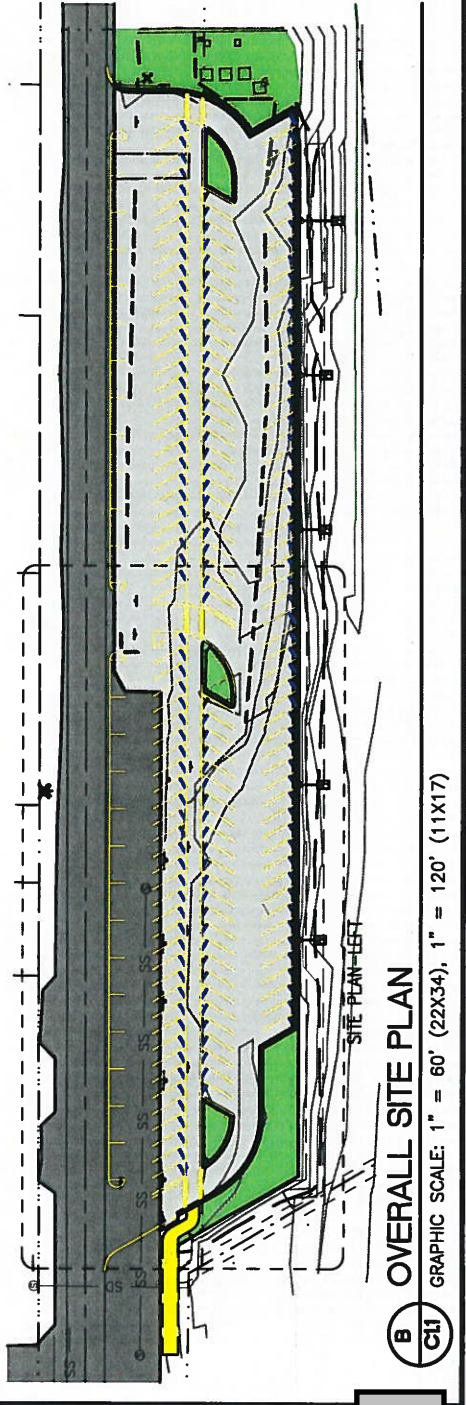
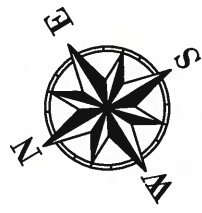


LEGEND

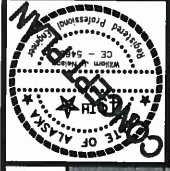
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[Symbol]	CONCRETE	
[Symbol]	RIP RAP	
[Symbol]	GRAVEL PATH	
[Symbol]	BUILDING/STRUCTURE LINE	
[Symbol]	DRAINAGE SWALE	
[Symbol]	EASEMENT	
[Symbol]	EDGE OF PAVEMENT	
[Symbol]	PROPERTY LINE	
[Symbol]	UTILITY - OVERHEAD ELECTRIC	
[Symbol]	UTILITY - UNDERGROUND ELECTRIC	
[Symbol]	UTILITY - UNDERGROUND TELEPHONE	
[Symbol]	UTILITY - SEWER LINE	
[Symbol]	UTILITY - STORM DRAIN	
[Symbol]	UTILITY - WATER LINE	
[Symbol]	CATCH BASIN/MANHOLE	
[Symbol]	TRAFFIC SIGN	
[Symbol]	ELECTRIC METER	
[Symbol]	FENCE	
[Symbol]	FIRE HYDRANT	

- GENERAL NOTES**
1. THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE EXACT LOCATION OF ALL SITE FEATURES. IF THE CONTRACTOR ENCOUNTERED CONDITIONS OTHER THAN THOSE SHOWN ON THE PLANS, HE SHALL IMMEDIATELY CONTACT THE ENGINEER FOR DIRECTIONS.
 2. ALL CONSTRUCTION METHODS AND MATERIALS USED FOR THIS PROJECT SHALL CONFORM CITY OF HOMER STANDARD CONSTRUCTION SPECIFICATIONS, 2011 EDITION.
 3. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE. ACTUAL DEPTH, NUMBER AND LOCATION UNKNOWN. BURIED UTILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATION, IDENTIFYING, AND WORKING AROUND ALL UTILITIES WITHIN THE PROJECT LIMITS AT NO ADDITIONAL COST TO THE OWNER. CALL FOR LOCATES PRIOR TO EXCAVATION.
 4. ALL PARKING SPACE LINES TO BE PAINTED AND ALL LANE LINES TO BE THERMOPLASTIC STRIPPING.
 5. NORTHING AND EASTING FOR ALL LAYOUT POINTS ARE LISTED ON PAGE C1.3.
 6. ALL BENCHES AND PICNIC TABLES SHALL BE PROVIDED AND INSTALLED BY THE CITY OF HOMER.

A CIVIL SITE PLAN - LEFT - OPTION #2
 GRAPHIC SCALE: 1" = 15' (22X34), 1" = 30' (11X17)



B OVERALL SITE PLAN
 GRAPHIC SCALE: 1" = 60' (22X34), 1" = 120' (11X17)

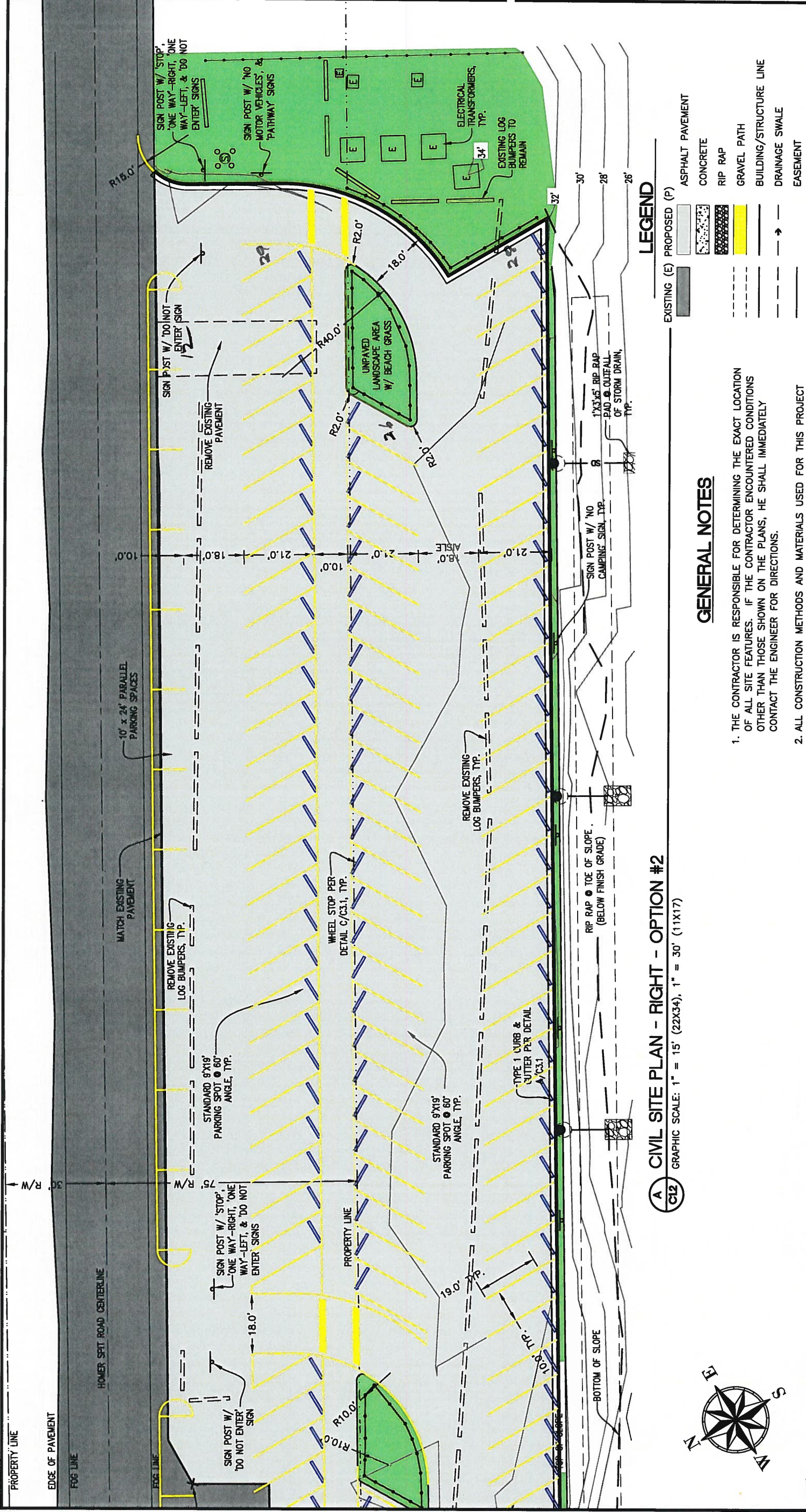


NO.	REVISION	DATE

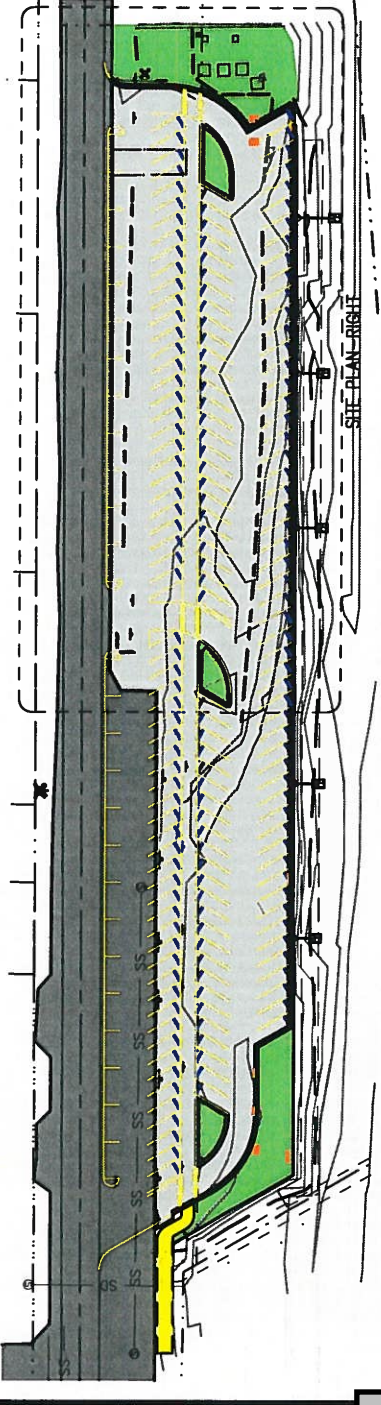
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 155 BIDARKA ST
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SEAFARER'S MEMORIAL PARKING LOT
 CITY OF HOMER, AK
 CIVIL SITE PLAN (RIGHT) - OPTION #2

PROJECT NO. 1445
 DRAWN BY: ZSR
 CHECKED BY: WJN
 DATE: 08/08/18
 SCALES: NOTED
 HORIZ. NOTED
 VERT. NOTED
 SHEET **C1.2**
 4 OF 11



A CIVIL SITE PLAN - RIGHT - OPTION #2
 GRAPHIC SCALE: 1" = 15' (22X34), 1" = 30' (11X17)



GENERAL NOTES

1. THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE EXACT LOCATION OF ALL SITE FEATURES. IF THE CONTRACTOR ENCOUNTERED CONDITIONS OTHER THAN THOSE SHOWN ON THE PLANS, HE SHALL IMMEDIATELY CONTACT THE ENGINEER FOR DIRECTIONS.
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LEGEND

EXISTING (E)	PROPOSED (P)	DESCRIPTION
[Pattern]	[Pattern]	ASPHALT PAVEMENT
[Pattern]	[Pattern]	CONCRETE
[Pattern]	[Pattern]	RIP RAP
[Pattern]	[Pattern]	GRAVEL PATH
[Pattern]	[Pattern]	BUILDING/STRUCTURE LINE
[Pattern]	[Pattern]	DRAINAGE SWALE
[Pattern]	[Pattern]	EASEMENT
[Pattern]	[Pattern]	EDGE OF PAVEMENT
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[Pattern]	[Pattern]	UTILITY - OVERHEAD ELECTRIC
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[Pattern]	[Pattern]	UTILITY - STORM DRAIN
[Pattern]	[Pattern]	UTILITY - WATER LINE
[Pattern]	[Pattern]	CATCH BASIN/MANHOLE
[Pattern]	[Pattern]	TRAFFIC SIGN
[Pattern]	[Pattern]	ELECTRIC METER
[Pattern]	[Pattern]	FENCE
[Pattern]	[Pattern]	FIRE HYDRANT

Memorandum 13-072

TO: Mayor Wythe and Homer City Council

FROM: Walt Wrede

DATE: May 28, 2013

SUBJECT: 2013 Mil Rate / Ocean Drive Loop Special Service District

Ordinance 11-49(S) created the Ocean Drive Loop Special Service District (ODLSSD). HCC 15.10.020 provides that the Mil Rate for a Special Service District shall be set pursuant to Section 9.04.040 of the City Code. HCC 9.04.040 establishes that the Mil Rate must be adopted no later than June 15 of each year. Resolution 12-051(A) set the 2012 MIL Rate for the ODLSSD at 9.6283. The Mil Rate for 2012 was set at 9.6283 because the Special Service District beginning Fund Balance was zero and a healthy balance needed to be established. The City attempted to raise \$30,000 from property taxes based upon prior seawall repair experience. Unfortunately, this Mil rate only raised \$19,166.82 in 2012, in part, because the City did not fully account for the impact of senior exemptions. So, at the time this memorandum was drafted, the Fund Balance in the ODLSSD maintenance and repair account at the close of 2012 was \$19,166.82. This account contains only the property tax revenues collected. In addition, the City has established a Seawall Depreciation Account to which the Council has made regular transfers. The 2013 budget year transfer of \$10,000 has already been made. The Depreciation Reserve presently has a total balance of \$30,639.58. So, at this point in time, there is \$49,806.40 available for seawall maintenance and repair.

This was a very good year for the seawall. We survived the storm season with little or no damage. The wall is in good shape and at this point, no repairs are anticipated this summer. Given this situation, property owners have asked if the Council would consider lowering the Mil rate this year. I would not recommend doing so, at least not substantially.

There are several factors that enter into this recommendation. First, we were lucky this year that the wall sustained no damage. We cannot assume this will be the “new normal.” Experience has shown us that particularly bad storms can result in damage that easily exceeds the amount of funds currently available. It would be wise and prudent to continue to build the fund balance. Second, the Finance Department made another exhaustive search to see if insurance could be obtained for the wall. The result was disappointing once again. Only one company would even discuss insuring it and all they would provide was “catastrophic” insurance related to things like earthquakes and tidal waves. Even then, the premiums and deductibles were unacceptably high. In short, there is no insurance in place,

another reason to have a healthy fund balance. Third, the Mil Rate established last year only generated about two thirds of what was anticipated. We must fully account for the senior exemption and also for the fact that the Council removed the McNamara property from the ODLSSD last year. The recommended Mil Rate (9.962541) is expected to generate about \$25,000 after adjustments are made for exemptions and deletion of the McNamara property.

RECOMMENDATION: Adopt Resolution 13-049 and set the ODLSSD Mil rate at 9.962541.

From: Caissie, Joseph A (CED) <joseph.caissie@alaska.gov>

Sent: Tuesday, January 22, 2019 4:28 PM

To: Rachel Friedlander <rfriedlander@ci.homer.ak.us>

Cc: McGee, Marty (CED) <marty.mcgee@alaska.gov>

Subject: Tax cap limitation

Hi Ray! Your question a month or so ago was the beginning of a series of issues we were dealing with that involved us here at OSA checking on the tax cap, and how it's calculated. It's a complicated set of statutes and regulations with a lot of sort-of illogical interpretations that are nonetheless correct by dint of them being what people have always done. So I'm going to clarify what we said to you earlier this January, since my understanding of it has changed since then:

- Basically, the limitation on a tax jurisdiction is that it ***in general*** has to have uniform tax rates. Of course, you can have a special district within that jurisdiction with a higher rate, as long as that rate is justified by providing an extra service.
- The other limit is that the sum of those layers of taxes (borough, muni, special service area) ***in general*** cannot be more than 30 mills (AS 29.45.090). The exception to ***that*** is that if there's a tax to pay off bonded debt, it can be as high as you want (AS 29.45.100).
- The 20 mill limitation on oil and gas property might be ***effectively*** true, but it isn't in statute—and having oil and gas property somewhere in the Kenai Peninsula Borough doesn't stop Homer, or a service area within Homer, from having a mill rate up to 30 (or more, with bonded debt).

Let me know if you have any questions on this or anything else!

Joseph Caissie

Assistant State Assessor

Joseph.caissie@alaska.gov

907-269-4565

TAF	TAG	
	10 SELDOVIA	
10	Seldovia	7.50
11	Seldovia RSA	0.75
50	Borough	4.70
		12.95
	11 SELDOVIA RSA	
11	Seldovia RSA	0.75
50	Borough	4.70
67	Road Maint.	1.40
		6.85
	20 HOMER	
20	Homer	4.50
50	Borough	4.70
52	So. Hospital	2.30
		11.50
	21 HOMER ODLA	
20	Homer	4.50
21	Homer ODLA	9.9625
50	Borough	4.70
52	So. Hospital	2.30
		21.4625
	30 KENAI	
30	Kenai	4.35
50	Borough	4.70
51	Cent. Hosp.	0.01
		9.06
	40 SEWARD	
40	Seward	3.84
43	Sew/Bear Cr. Flood	0.75
50	Borough	4.70
		9.29
	41 SEWARD SPECIAL	
41	Seward Special	3.84
43	Sew/Bear Cr. Flood	0.75
50	Borough	4.70
		9.29
	43 SEWARD-BEAR CREEK FLOOD SA	
43	Sew/Bear Cr Flood	0.75
50	Borough	4.70
67	Road Maint.	1.40
		6.85
	52 SOUTH HOSPITAL	
52	So. Hospital	2.30
50	Borough	4.70
		7.00
	53 NIKISKI FIRE	
53	Nikiski Fire	2.70
50	Borough	4.70
51	Cent. Hosp.	0.01
54	No. Pen Rec.	1.00
67	Road Maint.	1.40
		9.81
	54 N. PENINSULA RECREATION	
54	No.Pen.Rec.	1.00
50	Borough	4.70
51	Cent. Hosp.	0.01
58	Cent.Emer.Ser.	2.85
67	Road Maint.	1.40
		9.96

TAF	TAG	
	55 NIKISKI SENIOR	
55	Nikiski Sen.	0.20
50	Borough	4.70
51	Cent. Hosp.	0.01
53	Nikiski Fire	2.70
54	No. Pen Rec.	1.00
67	Road Maint.	1.40
		10.01
	57 BEAR CREEK FIRE	
57	Bear Creek Fire	3.25
43	Sew/Bear Cr. Flood	0.75
50	Borough	4.70
67	Road Maint.	1.40
		10.10
	58 CENTRAL EMERGENCY SERVICES	
58	Cent. Emer.Ser.	2.85
50	Borough	4.70
51	Cent. Hosp.	0.01
67	Road Maint.	1.40
		8.96
	61 CENTRAL HOSPITAL WEST	
50	Borough	4.70
51	Cent. Hosp.	0.01
67	Road Maint.	1.40
		6.11
	63 CENTRAL HOSPITAL EAST	
50	Borough	4.70
51	Cent. Hosp.	0.01
64	Cent. Pen. EMS	1.00
67	Road Maint.	1.40
		7.11
	64 CENTRAL PEN. EMERGENCY MEDICAL	
64	Cent Pen. EMS	1.00
50	Borough	4.70
52	South Hosp.	2.30
67	Road Maint.	1.40
		9.40
	65 SOUTH HOSPITAL/ROADS	
50	Borough	4.70
52	South Hosp.	2.30
67	Road Maint.	1.40
		8.40
	67 KPB ROAD MAINTENANCE	
50	Borough	4.70
67	Road Maint.	1.40
		6.10

TAF	TAG	
	68 ANCHOR POINT FIRE/EMERGENCY	
68	Fire/Emergency	2.75
50	Borough	4.70
52	South Hosp.	2.30
67	Road Maint.	1.40
		11.15
	70 SOLDOTNA	
70	Soldotna	0.50
50	Borough	4.70
51	Cent. Hosp.	0.01
58	Cent. Emer. Ser.	2.85
		8.06
	80 KACHEMAK*	
80	Kachemak	1.00
50	Borough	4.70
52	South Hosp.	2.30
		8.00
	81 KACHEMAK EMERGENCY SERV.	
81	Kachemak EMS	2.60
50	Borough	4.70
52	South Hosp.	2.30
67	Road Maint.	1.40
		11.00
	50K Borough TAF's and Homer 20K	
	All other City TAF mills do not apply	
	EMS VOLUNTEER 10,000 EXEMPTION	
	ALL BOROUGH TAF's	
	HOMER (20) & SEWARD (40)	
	*Kachemak City TAG 80-No tax on personal property/boats/aircraft	
	100,000 PERSONAL EXEMPTION	
	ALL BOROUGH TAF's	
	HOMER (20) & SOLDOTNA (70)	
	AIRCRAFT TAX:	
	FLAT TAX FOR ALL BOROUGH TAF'S,	
	SELDOVIA (10) & SOLDOTNA (70)	
	Borough Flat Portion + City Flat Portion	
	TAG'S 20,40 & 41	
	Full value X TAF Millrate	
	Plus (+) Borough Flat Portion	
	BOAT TAX:	
	FLAT TAX FOR ALL BOROUGH TAF'S	
	HOMER(20),SOLDOTNA(70),SELDOVIA(10)	
	Borough Flat Portion + City Flat Portion	
	TAG'S 40 & 41 (Seward)	
	Full value X TAF Millrate PLUS (+)	
	Borough Flat Portion	
	TAG 30 Class 1 & 2 Exempt and	
	Class 3-7 Full value X TAF Millrate	
	PLUS (+) Borough Flat Portion	
	Senior Exemptions:	
	Borough 300,000 exempt unless Variable	
	10,20,30,40,41,70,80 upto 150,000 exempt	
	over is Taxed at City TAF Rate	
	Disability Tax Credit	
	TAF 30 Kenai \$250.00	
	Borough TAF'S \$500.00	

*TAF= Tax Authority Fund
*TAG = Tax Authority Group



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MAYOR CASTNER AND CITY COUNCIL
FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK
DATE: JUNE 5, 2019
SUBJECT: BID REPORT – INFORMATIONAL ONLY

REQUEST FOR PROPOSALS MANAGEMENT, LEASE, AND RENOVATION OF THE HOMER EDUCATION AND RECREATION COMPLEX (HERC) 1

The City of Homer, Alaska is requesting proposals from qualified organizations to lease, manage, and renovate the Homer Education and Recreation Complex (HERC) 1. Proposers must also accommodate the City's recreational activities currently occurring at the Complex. Grounds maintenance and management, including the skate park and plowing/sanding of both the upper and lower parking lot during the term of the lease, are negotiable.

There is a **mandatory pre-proposal meeting and ground tour** scheduled on **May 15, 2019 from 2:00 p.m. – 4:00 p.m. or May 22, 2019 from 2:00 – 4:00 p.m.** The meetings will be held at the HERC1 building located at 450 Sterling Hwy, Homer, Alaska, 99603, enter at the Woodside Avenue entrance.

Sealed proposals shall be received at the office of the City Clerk **no later than 4:00 p.m. Monday, June 24, 2019**. The time of receipt will be determined by the City Clerk's time stamp. Proposals must be sent to: City of Homer – City Clerk's Office, ATTN: HERC1 RFP, 491 East Pioneer Avenue, Homer, Alaska 99603. Electronic and faxed proposals are not accepted. Proposals received after the time fixed for the receipt of the proposals shall not be considered.

NOTICE OF SALE FOR A VESSEL

Notice is hereby given that the **North Pacific, a 98' Martinolich commercial vessel, Coast Guard Documentation # 511698**, located in the Homer Small Boat Harbor on JJ float below the Harbormaster's office in Homer, Alaska, will be sold by the City of Homer to the highest bidder as is, together with equipment, gear, furniture, apparel, fixtures, tackle, machinery, anchors and all appurtenances. The last known owner is North Pacific Gold, 1805 N. Carson St. #3, Carson City, NV 89701 or Box 1036, Walnut Grove, CA 95690 .

A bidder's packet and bidding instructions are available at Homer City Hall, Office of the City Clerk, 491 E. Pioneer Avenue, Homer, AK 99603, phone (907) 235-3130. Sealed bids will be received at the office of the City Clerk until **2:00 p.m., June 10**, at which time they will be opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. Bidders are required to be on the City's plan holder's list for their bid to be considered. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms are available online at <http://www.cityofhomer-ak.gov/rfps>

The sale will be to the highest bidder. Payments must be made in cash, certified check or cashier's check. There is a minimum acceptable bid of **\$15,000.00**. The City of Homer reserves the right to reject all bids. The City will require the winning bidder to sign a Supplemental Moorage Agreement with conditions. Further information is available by contacting the Homer Harbormaster's office.



City of Homer

www.cityofhomer-ak.gov

Finance Department

491 East Pioneer Avenue

Homer, Alaska 99603

finance@cityofhomer-ak.gov

(p) 907-235-8121

(f) 907-235-3140

Memorandum 19-073

TO: Mayor Castner and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Elizabeth Walton, Finance Director
DATE: June 5, 2019
SUBJECT: 2020 & 2021 Proposed Budget Schedule

Included is the 2020 & 2021 Proposed Budget Development Schedule.

Recommendation:

Review, amend as desired, and approve the 2020 & 2021 Budget Schedule.

Enc:

Budget schedule for 2020 & 2021

City of Homer
Proposed Budget Development Schedule for FY 2020 & 2021

Dates	Time	Event
6/10/2019	6:00 PM	Budget Development Schedule approved by Council
7/22/2019		Submit to departments, budget work sheets including salary and fringe benefit costs
8/12/2019	5:00 PM	Committee of the Whole, Council to discuss budget priorities for the coming year
	6:00 PM	Regular Meeting, Public Hearing - public input on budget priorities for the coming year
8/26/2019		Departmental Draft Budget and narratives to Finance
9/9/2019	5:00 PM	During Committee of the Whole, Council to discuss Revenue Sources for General Fund
9/9/2019		Compile data and return copy to departments for review
9/9 - 9/20/2019	Weeks Of	City Manager - Budget Review with Finance Director and Department Heads
9/23/2019		Preliminary budget assumptions to Council.
10/14/2019		City Manager's Budget (Proposed Budget) to Council
	5:00 PM	Committee of the Whole, Council to discuss budget
	6:00 PM	Regular Meeting - Public Hearing
10/28/2019	5:00 PM	Committee of the Whole, Council to discuss budget
	6:00 PM	Regular Meeting - to introduce Budget Ordinance and Fee/Tariff Resolutions
11/25/2019	5:00 PM	Committee of the Whole, Council to discuss budget
	6:00 PM	Regular Meeting - Public Hearing
12/9/2019	6:00 PM	Regular Meeting - Public Hearing & FY 2020/21 Budget Adoption

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 19-041

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AWARDING THE CONTRACT FOR THE REPLACEMENT OF THE A-
FRAME PRV STATION TO A FIRM TO BE ANNOUNCED IN AN
AMOUNT TO BE DISCLOSED AND AUTHORIZING THE CITY
MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was
advertised in the Homer News on April 25 and May 2, 2019, the Peninsula Clarion on April 27,
2019, sent to two in-state plans rooms, and posted on the City of Homer website; and

WHEREAS, Bids were due June 6, 2019 and _____ bids were received; and

WHEREAS, _____ of _____, _____, was found to be the
lowest responsive bidder; and

WHEREAS, This award is not final until written notification is received by the firm from
the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the
Contract for the Replacement of the A-Frame PRV Replacement to the firm of
_____ of _____, _____, in the amount of \$_____, and
authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 10th day of June, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: Funding: ADEC MMG#40909 Alaska State Revolving Fund Loan #409301 & HAWSP
Expenditure: Project #215-0004

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 19-042

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AWARDING THE CONTRACT FOR THE CITY HALL ROOF
REPLACEMENT TO A FIRM TO BE ANNOUNCED IN AN AMOUNT TO
BE DISCLOSED AND AUTHORIZING THE CITY MANAGER TO
EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was
advertised in the Homer News on May 16 and 23, 2019, the Anchorage Daily News on May 19,
2019, sent to two in-state plans rooms, and posted on the City of Homer website; and

WHEREAS, Bids were due June 6, 2019 and _____ bids were received; and

WHEREAS, _____ of _____, _____, was found to be the
lowest responsive bidder; and

WHEREAS, This award is not final until written notification is received by the firm from
the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the
Contract for the City Hall Roof Replacement to the firm of _____ of
_____, _____, in the amount of \$_____, and authorizes the City Manager to
execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 10th day of June, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: Project #156-0384

