



City of Homer

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Homer City Council

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Memorandum 19-080

TO: Mayor Castner and Homer City Council
FROM: Councilmembers Lord & Stroozas
DATE: July 3, 2019
SUBJECT: July 10 Worksession Regarding Ordinance 19-23(S)

The purpose of this memo is to outline our conversation for the upcoming Title 14/17 worksession on July 10th. We propose the primary goal of that worksession will be to develop a working document that moves the conversation forward. That document will include:

1. Changes/updates agreed upon at the worksession that can be incorporated into a draft revision of Ord. 19-23(S)
2. Questions that need more discussion (during the worksession Council will task sponsors with collecting feedback and returning to the body with recommendations)
3. Items Council can agree to put in a parking lot for a later date (with timeline for addressing them separately from this ordinance)
4. Next steps and associated timelines

Title 14 Points of Conversation

During our June 24th Council worksession, our discussion focused on Title 14. Councilmembers and the Mayor raised a number of questions and flags that are outlined below (transcribed from the notes taken by Katie on the flip chart during our meeting). If you had a concern that was flagged, or one not listed below, please come to the worksession on July 10th prepared to flush out your concerns in more **detail. With Council's agreement, we will suggest a prioritized order for the discussion that starts us off with the biggest high-level questions and moves from there to the (hopefully) simpler ones.**

General Comments

- Extraterritorial equals water service in proposed Homer City Code.

- Councilmember Aderhold – Our service area is inclusive than extraterritorial. This does not include sewer.
- Councilmember Smith – RCA service area?

14.01 - Public Utility Systems-General Provisions

- Councilmember Smith – What constitutes rules and regulations? Where else in code do we designate this authority?
 - Attorney Wells – Admin can draft policy as directed in code (manuals, forms, permits).
- Industrial Waste is duplicative. Separate from commercial. HCC 14.090 to follow HCC 14.030.
- Councilmember Smith – Get rid of “sanitary system.” Use only 1 term. Use acronym.

14.04.100-Discharge of surface drainage into HSWS Illegal

- Mayor Castner – Keep more than surface drainage out. Better described in more detail below. Take out the word ‘surface.’

14.08.030 - Water connections and extensions

- Councilmember Smith – Define ‘surplus’ and ‘bulk’
 - ‘Surplus’ defined by PHCC 14.08.020, Lines 500 – 502 as being synonymous with ‘in excess of’
 - “Surplus water” means water that the City administration has determined, in its sole discretion, is in excess of the water needed to meet the consumption, sanitation, and fire protection needs within the boundaries of the City.
 - ‘Bulk’ defined by PHCC 14.08.020, Lines 482 – 484 as being synonymous with ‘cargo’
 - “Bulk water” means water purchased from the City and supplied to the customer by means of fire hydrant, tanker truck, or by any other means other than through a direct connection from a water main to the premises where the water is consumed.
- Mayor Castner – Line 502: “*protection needs within the boundaries of the City.*”

14.08.060 - Disconnection due to nonpayment

- Councilmember Erickson – Disconnection due to nonpayment
- Councilmember Smith – Freezing pipes. Include “from the stub out” to clarify (curb-stop)

Title 17 Proposed Points of Conversation

- Title 17 comments from June 24th worksession notes:
 - Councilmember Smith - Line 906 - **Benefited area:** “3. *The Public Works Director shall use the benefited area method in calculating the...*”
 - Councilmember Smith - HCC 17.02.100 – How gas impacts a subdivision

Sponsors Lord and Stroozas highlighted sections of Title 17 in Memorandum 19-058 that need further input by the Body:

PHCC 17.02.010 - Definitions

- This section 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. Discuss Benefited Area as preferred methodology for levying assessments

HCC/PHCC 17.02.100 - Subdivision after levy of assessments

- This section 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. Discuss proposed changes to how city policy deals with a property owner who subdivides including sunset date and fund reverting to HAWSP

HCC 17.04.190/PHCC 17.04.190 - Deferral of assessment payments for low income residents

- This section 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). Discuss expansion of eligible applicant pool for deferred assessments

HCC 17.04.200/PHCC 17.02.200 -Payment in lieu of assessment

- This section provides a clear process for properties outside an assessment district to join the district. Explain history of in lieu of assessment code and the rare need for this section of code via an example

Next Steps

Updates to Title 14 and 17 are massive and far reaching. Once the code has been updated, other policy documents will need to be created or updated. One way Council could tackle this

issue is to give Ordinance 19-23 an effective date of January 1, 2020, which would give time to work through the next steps.

As detailed in Attorney Wells' Memorandum 19-063, the next steps for this project include:

- a. Council adoption of permits for water and sewer system extension and connection and waste disposal (both commercial and industrial)
- b. Updating Fine Schedule to include penalties for non-compliance with sections of city code adopted in these chapters
- c. Updating Fee Schedule for permit application and appeal fees
- d. Updating the HART and HAWSP Policy Manual to reflect changes in SAD process (including conversation on how and when to re-open HAWSP for projects)