

Session 17-09 a Special Meeting of the Homer City Council was called to order on April 24, 2017 at 2:00 p.m. by Mayor Bryan Zak at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: ADERHOLD, ERICKSON, LEWIS, REYNOLDS, SMITH, STROOZAS

STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON
CITY ATTORNEY WELLS
FINANCE DIRECTOR WALTON

AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

Mayor Zak called for a motion for the approval of the agenda.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. Appeal to the Board of Adjustment

Appeal of Penalty on Delinquent Assessment Payment for the Homer Natural Gas Special Assessment District.

William Stovell, Parcel Nos. 17932003 and 17932004, appeared before the Board of Adjustment. He was working on environmental cleanup in Attu at the time the statement was mailed and became due. His finances are on cruise control when he is working. Upon realizing the payment was missed, he paid it as soon as he got home. The year before he paid the assessments timely.

LEWIS/STROOZAS - MOVED TO WAIVE THE LATE FEES.

The Board of Adjustment ruled that the penalties be waived on the basis of:

Proof that the property owner was unable to make the payment on time because of an extreme non-financial personal hardship. This could include a serious illness or death of the property owner or an immediate family member that reasonably prevented making the payment on time. Furthermore, the waiver is a one-time event.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Dan Gardner, Parcel No. 17903073, appeared before the Board of Adjustment. He never received a bill. He paid it because he took the initiative to check with Finance to see if an assessment was due. He should not owe a late fee for something that he never received a bill for. It was a Borough error; the City did their part.

REYNOLDS/LEWIS - MOVED TO WAIVE MR. GARDNER'S LATE FEES.

The Board of Adjustment ruled that the penalties be waived on the basis of:

A clerical error by the Kenai Peninsula Borough contributed substantially to the late payment. For the purpose of this procedure, a clerical error is a mistake made by City personnel that resulted in the failure of the City to correctly and timely notify the property owner of the due date for the delinquent assessment payment, or to correctly credit a timely assessment payment to the property owner's account. Examples of a clerical error include, but are not limited to:

Application of a timely payment to the wrong account. Failing to send the property owner timely notice of the payment due date. Sending the property owner notice of the payment due date using a name or address other than the name and addresses of the property owner that currently appear on the Kenai Peninsula Borough property tax roll.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Steven and Nikki Rich, Parcel No. 17369008, appeared before the Board of Adjustment. Steven was a partner in the property ownership and the statement was mailed to the partner's address instead of him. He wrote three letters to Finance and was told to wait to make the

assessment payment each time. Once he was told the assessment was not paid, he paid it immediately.

The Board of Adjustment ruled that the penalties be waived on the basis of:
Proof that the property owner was unable to make the payment on time because of an extreme non-financial personal hardship. This could include a serious illness or death of the property owner or an immediate family member that reasonably prevented making the payment on time.

LEWIS/REYNOLDS – MOVED TO WAIVE THE PENALTIES.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Guy and June Morgan, Parcel No. 17508211, provided a letter but did not appear before the Board of Adjustment.

The Board of Adjustment ruled that the penalties be waived on the basis of:
Proof that the property owner was unable to make the payment on time because of an extreme non-financial personal hardship. This could include a serious illness or death of the property owner or an immediate family member that reasonably prevented making the payment on time.

ADERHOLD/LEWIS – MOVED TO WAIVE THE PENALTIES BASED ON OTHER CIRCUMSTANCES DEEMED RELEVANT THAT INTERFERE TO MAKE A PAYMENT (NO NOTIFICATION 2 YEARS IN A ROW).

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Sarah Vance, city resident, suggested email notification. If there is a way to sign up for e-billing, notification could be tracked and bills would not get lost in the mail as easily.

ADJOURNMENT

There being no further business to come before the Council, Mayor Zak adjourned the meeting at 2:40 p.m. The next Regular Meeting is Monday, May 8, 2017 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, MMC, CITY CLERK

Approved: _____