



City of Homer

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Memorandum Agenda Changes/Supplemental Packet

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK 

DATE: FEBRUARY 10, 2014

SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

Memorandum 14-030, from City Clerk, Re: Quiet Creek Subdivision Preliminary Plat

Page 1

Lobbyist Reports

Page 25

CITY ATTORNEY REPORT

Memorandum from City Attorney, Re: Process for Levying Special Assessments

Page 41

RECOMMENDATION:

Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A



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Memorandum 14-030

TO: MAYOR WYTHER AND CITY COUNCIL
FROM: JO JOHNSON, MMC, CITY CLERK
DATE: FEBRUARY 6, 2014
SUBJECT: QUIET CREEK SUBDIVISION PRELIMINARY PLAT

Homer City Code 2.72.060 requires every decision or finding of the Homer Advisory Planning Commission to be directed to the City Council. Accordingly, the January 2, 2014 and January 15, 2014 Commission meeting minutes are included in this supplement to the City Council packet. Among other things, these minutes reflect the Commission's recommendation to the Kenai Peninsula Borough to approve the Quiet Creek Subdivision Preliminary Plat. Pursuant to HCC 2.72.030(b), the City Council has twenty days to disapprove of the preliminary plat. Currently, the preliminary plat is scheduled for review by the Borough Platting Committee on February 10, 2014 with a recommendation to postpone to February 24, 2014.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

Session 14-01, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on January 2, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, HIGHLAND, SLONE, STEAD, STROOZAS, VENUTI

ABSENT: SONNEBORN

STAFF: CITY PLANNER ABBOD
PLANNING TECHNICIAN ENGBRETSSEN
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Venuti called for a motion to approve the agenda.

SLONE/HIGHLAND SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

None

Reconsideration

Adoption of Consent Agenda

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

- A. Approval of Minutes of December 4, 2013 meeting
- B. Decision and Findings for Staff Report PL 13-85, CUP 13-13 Request for more than one building containing a permitted principle use, a residential duplex at 3850 Heath Street

Chair Venuti called for a motion to adopt the consent agenda.

HIGHLAND/SLONE SO MOVED.

There was no discussion.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

- A. Staff Report PL 14-01, City Planner's Report

City Planner Abboud reviewed his staff report.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 14-02, Draft Ordinance 14-XX Amending HCC 21.71.050(d) to allow a simple majority vote for approval of Conditional Use Permits

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing and there were no public comments.

BOS/HIGHLAND MOVED THAT THE PLANNING COMMISSION APPROVES THE DRAFT ORDINANCE AMENDING HOMER CITY CODE TO ALLOW A SIMPLE MAJORITY VOTE FOR THE APPROVAL OF CONDITIONAL USE PERMITS AND RECOMMENDS ADOPTION BY CITY COUNCIL.

There were comments in support of the draft ordinance noting that this change will improve the way the commission does business for the public and that staff does an exemplary job of reviewing and providing information for their review.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report PL 14-04, Draft Ordinance 14-XX Amending HCC 21.12.020 and 21.12.030 to allow one accessory dwelling unit as a permitted use on a lot served by city water and sewer

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing.

Ken Castner, city resident, asked for clarification regarding the process for water and sewer hookups relating to the accessory dwellings. City Planner Abboud explained that the accessory dwelling would be hooked up to water and sewer as required by Public Works and as outlined in code.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

BOS/HIGHLAND MOVED THAT THE PLANNING COMMISSION APPROVES THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.12.020 AND 21.12.030 TO ALLOW AN ACCESSORY DWELLING UNIT AS A PERMITTED USE AND RECOMMENDS ADOPTION BY CITY COUNCIL.

Commissioner Slone commented that it brings up a good point whether the accessory dwelling will be put on a separate meter. It would be a significant consideration with respect to the income the city derives of the water and sewer system. It isn't a major consideration relating to this action, but is something to think about. Another point is that we are doing some infilling based on infrastructure and additional usage of water and sewer would be beneficial to the city.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Plat Consideration

A. Staff Report PL 14-05, Barnett's South Slope Subdivision Quiet Creek Park Preliminary Plat

City Planner Abboud reviewed the Commission's role in plat consideration and the staff report that includes the following recommendations:

- Planning Commission recommends approval of the preliminary plat, with the following comments:
 1. Increase the size of lot 2 to meet the dimensional size requirement of 10,000 square feet. Elimination or reduction in size of Park A to meet this requirement is acceptable.
 2. A development agreement is required.
 3. The shared driveways shall meet fire department access requirements.
 4. The developer shall clarify with Public Works prior to final platting which creeks shown on the plat have a drainage easement and the width of the easements.
 5. Continue the 15 foot utility easement around the bulb of Sophie Court
 6. Work with the City of Homer and the Kenai Peninsula Borough address officer on Eg11 compliant street names
 7. During the first phase of construction, build Nelson Ave and Ronda Street from East End Road all the way to the intersection with South Slope Drive, and that portion of South Slope Drive within the subdivision.
 8. Construct fire hydrants as part of the subdivision.
 9. Dedicate the area shown as Park "A" as future right of way providing access to the south of the subdivision.
 10. A fire department accessible shared driveway provides reasonable access to lot 8, and Tract A, AA Mattox Sub 1958 Addn, in lieu of a full right of way dedication to these lots.

Chair Venuti asked Commissioners who visited the site prior to the meeting to report to the Commission.

Commissioner Slone commented that he visited the area and in general terms it remains a virgin area, probably the largest remaining in the City that is still suitable for development as a residential area. There is a variety of terrain in the area with a lot of undulations, and clearly defined water courses. He said his subjective evaluation was that it would be quite an engineering challenge to put in the roads and to maintain enough vegetation to suitably intercept water during peak times. It isn't that it can't be

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

done, as engineers are more knowledgeable with respect to that. On the other hand, people have had their time to utilize this open area, but they can't expect it to remain untouched unless someone wants to buy it and present it to the City as a park, and that isn't the situation right now. He appreciates both aspects of the property.

Commissioner Highland said she wandered the trails in the area as well and noted the deep gully on the east side, another gully on the west side, multiple swales, and creeks. She noted the past ACOE report said no streams and she found that there were definitely areas of running water. There were many areas of alders, which means it's wet. The lower area running above the high school is a large area that, to her, looks prone to sloughing. She also noted a lot of wildlife habitat, old growth spruce and birch, and it looks like something that will need really creative subdividing considering the challenging lay of the land. The density seems very high for the type of land that she walked on. It's also the only remaining high value wetlands in the whole Homer area. In looking at the map it's really substantial where the gullies come down and form the bluff. It certainly looks like one of these areas that's a natural sponge for the high school and Homer's streets. When you look at the lines on the paper it looks like a doable thing, but when you go onto the property, it's challenging.

Prior to opening the floor to public comment, Chair Venuti invited the applicants to offer further presentation. Mr. Neal and Mr. Bloom declined and floor was open to public comment.

Clyde Boyer, city resident, said he presented a letter outlining 10 items he thinks are important to be reviewed before considering approval of this. He is hopeful that Nelson Road going to the east is required before the subdivision is allowed to proceed. The west end is very wet and will be difficult to work over and hard to maintain once it is built. He questioned if the high school trails are on or off the property. Mr. Boyer commented that most subdivisions of this size in most communities are actively trying to make it a nice city and make a park somewhere that was not just in a marsh or gulley like these proposed parks are. He wonders if the emergency services can access the long, narrow, little driveways they are trying to get approved. The developer talks about rain gardens and he questions who is going to install and maintain them, and how effective will they be in such a wet area. Those are some of his main concerns about the project. He thinks they need to be addressed before the project is approved.

Ginny Espenshade, city resident west of the high school, commented that she appreciates the Commissioners who took the time to look at the property. She agrees that we expect the property to be developed. She submits that it's reasonable for them to expect it to be developed at a low density. She thinks they all have recognized that the code contradicts itself with the purpose of rural residential and the lot size requirements. That isn't obvious with this proposal, and we can't fix it. In 2005 the Planning Commission looked at the discrepancy, and the surveyor on this project now proposed a moratorium on developments this size in rural residential. That hasn't been done. She appreciates the Planner's comments about what the City can and can't do at this time, and asked what the public can do at this time. They aren't there when the subdivision agreement is developed; they can give comment to the ACOE, but there are a lot concerns. She urged the Commission to listen to their concerns and look at in the context of health and safety. She read excerpts from the media regarding the flooding in 2002 along East End Road and Pioneer Avenue. She urged the Commission to think about the storm water plan. Maybe it can't be required for all of rural residential but perhaps the size and density of this subdivision can impel them to do so here based on code section 21.75.030, the financial responsibility. This is a high risk project, and everyone recognizes an individual's right to develop property he owns, but who should assume the risk? She urged them to think of a way to hold this developer accountable if it's abandoned. The condominiums above have been repossessed and are

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

in foreclosure. The bank owns the land under the condos at Quiet Creek and several of the units. There is a record here and she urged them to look at the developer's record of accomplishments for developing in Homer.

Paul Gavenus, city resident, commented that code 21.28.020 says regulate and limit the density of population, prevent undue concentration of population and lessen congestion on streets and highways. It's in the code and the commission can do that. The Commission has a lot more power than they think because we have been through this and the Borough will listen to what the Commission says. 21.44.010 says provide an area for low density, and this isn't low density. The coastal management plan final consistency response said they would prefer a ten year, six hour storm to be what is used and the City of Homer accepts a ten year three hour storm. He encouraged them to use the ten year six hour since it is what the experts recommend. According to code Sophie Court is too long, he hasn't heard that addressed at all.

Mike McHone, non-resident, commented in support of the project. He disagrees with the complexity presented. He has done a lot of subdividing out East End Road where there are serious canyons and real swales that dwarf what is here as far as an engineering challenge. He urged moving the project forward. He is in favor of healthy communities, healthy growth, and of things being done well and right. Mr. McHone believes this project and the plans presented fall in into that category.

Clyde Boyer was permitted to use his last minute of time to make a final comment. He said the road that goes to the west to Anderson is going to be the shortest route to downtown, the hospital, and just about everything to the west. Elderberry and Mountain View are paved very narrow small subdivision roads. When they start putting 71 homes going west on those narrow roads it's going to make a very poor condition for the roads and the people who live there. If this is approved the developer or the city needs to widen the pavement area to handle the traffic.

Katherine George, city resident, lives near the northwest corner of the proposed development. She thanked the commissioners who walked the property and the Planning Department for answering questions about the project. She went to several different agencies to get information including Homer Soil and Water and related agencies. They provided her with a way to look at the property that showed what the drainage looks like and what the proposed road looks like. She provided the information to the Commission and hopes they were able to look at it. In regard to roads, it was said in 2005 and in December, that when dump trucks go over these roads, the houses shake. That is true even on Mountain View. The construction of the roads may not be the standard of road you want to have as a collector street, rather than a local street. She thanked the people who have come out to testify because it isn't an easy thing to do. She wants the Commission to know people really care about this and that their decision really matters.

Kate McNulty, city resident on Mt. View, said she has read the comments, listened to people and thinks they have raised very good points, especially considering the high school. It's in direct line of the drainage, and if there ever is a mudslide, that's what it will take out. Years of driving heavy equipment on roads that aren't built for this type of traffic has caused problems. They have drainage coming down that took out part of the road and it still hasn't been fixed. If she understands the map, the subdivision takes out all the cross country running and ski trails behind the high school. She noted the west third on the wetlands map is designated as discharge slope. She isn't sure what that means but it sounds like a lot of water running downhill. It's something to consider before you have someone out there tearing all the vegetation up, you have all that mud, and then decide it can't be developed after all.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

There were no further public comments and the floor was open to the applicants to comment.

Mr. Neal commented that when he came to Homer, there was no Mountain View, Elderberry, Kapingen, Rainbow Court, or Kallman neighborhood. It was all beautiful property. Unfortunately all over the world that's the way it is. Since he has come to Homer there's 100 million more Americans and each one wants a place to live and streets to drive on. What can we do? We can't stop people from making more people, and we can't go back to what we had, so all we have to do is go forward as best we can. Sure it's hard; this is beautiful property in the middle of Homer. There was beautiful property in Anchorage on C Street and 36th. There really isn't much choice. As the population increases, we have to plan Homer and build it the best we can. Their subdivision meets all the rules and while people have expressed their true concerns, they have jumped through those hoops. Mr. Neal explained they have hired professional engineers in this process, addressed storm water, utilities, and construction. It is a beautiful subdivision that has been planned out. It's not like they are ramming something through that is legal but wrong. He hopes they consider that and thanked them for their time.

Mr. Bloom added that there is experience with density and steep slope development and he has been a part of that. Those examples exist in our community and we can see in numerous places there is a way forward to do it right. That is what they are showing here. People's concerns are valid and he appreciates them for taking the time to voice them. They submitted the previous ACOE permit that shows the delineated areas, their storm water concerns, and so forth, which are the basis for the current design and the reason they set aside the areas they have. They have done a lot of things to make this as good as possible in relation to big open space. Mr. Bloom clarified that none of the high school trails they are using for the high school events are involved with this subdivision. The project includes adding new trails that connect those trails to the subdivision and beyond. They have made every attempt to make pedestrian access a high functional aspect of the access being developed here. On average the lot size is 180% over the minimum lot size. He encouraged them to look at the facts and the presentation and make the decision based on code and staff's recommendations.

Commissioner Highland asked if this could be done without filling any wetlands and also if they could reduce the density. She also addressed that she found in her research rain gardens are really pollution control more than actual absorption of storm waters. She further questioned the ACOE permit relating to the previous Quiet Creek plat regarding compensating for avoidable impacts to wetlands.

Mr. Bloom responded that as soon as you put a culvert in a stream or in a driveway, you have filled wetlands, so the answer is no.

Mr. Neal responded relating to density that anything is possible. He noted, however, that there were go lots the first time and it has already been reduced to 71 lots. In another set of talk, people worry about affordable housing. Mr. Neal said he knows they are concerned about the bluff and the hillside and as it is, there are big lots planned there that work around it and housing spaces are a small part of it. The bluff hasn't collapsed for as long as people have been around Homer and there isn't any reason it would collapse because there is a subdivision behind it. He doesn't agree that if people put houses back there, it would then contribute to a mudslide onto the high school property. He thinks it is easily possible to construct nice residences on the slope without collapsing the hillside.

Mr. Neal commented that defining rain gardens as being for pollution control is subjective. The City touts them heavily on their website. He believes in rain gardens where they are appropriate. In addition

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

to rain gardens there will also be some vegetated retention ponds where needed. There are a lot of techniques in planning these areas and relating to storm water. There is more storm water planning in the subdivision than might be in the whole town. They are giving something that hasn't been done before. Everything they are doing is something new and better.

In relation to the ACOE permit, Mr. Neal explained they will be required to get a new ACOE permit for this plat and will proceed as required by the the permit.

Commissioner Slone questioned the overall amount of property to be modified for the entire project and asked for a reasonable estimate. He also raised questions regarding the roads and their build out.

Mr. Bloom responded and said that he has no way of knowing what size of footprint a property owner will have. Some build houses that are 600 sf and others build a 2000 sf foot print. It is unproductive to try to make that kind of estimation.

Commissioner Slone made an attempt to figure the total acreage that would be permanently modified and suggested 15 acres and felt it was a reasonable assumption to use.

Mr. Bloom said the road improvements will be done sequentially. Mr. Neal commented that in 2005 they had Kallman as the exit and the room was filled with people who objected to that, so they purchased land and arranged to get out through Nelson and Ronda, which appeased the Kallman neighborhood and it seemed to be a better fix overall. There is a pedestrian access through Kallman now. Mr. Bloom noted a request for a dedication at the very entrance to the subdivision for a future right of way to the south, which they are in agreement with.

There was brief discussion regarding a one lane roundabout at the west end of the subdivision with Elderberry as a one-way in and Mountain View as a one-way out.

Commissioner Stead asked staff for their comments about the length of Sophie Court, the size of lot 55, and the curve radius on curve 11. Planning Technician Engebretsen commented to her understanding that it is an allowable distance. She can look at it again, some things like this an applicant can ask for an exception, and she doesn't see a compelling reason why they wouldn't say that section of the subdivision isn't okay. Regarding lot 55, Mr. Bloom said that it will be fixed with the right of way dedication. Planning Technician Engebretsen explained they spoke to Public Works about the curve radius and it's something that can be discussed as part of the road construction. She added that at this point, the plat recommendation is a conceptual recommendation of road layout, lot numbers, and such. How they are going to make the roads work comes much later in the process.

Commissioner Highland read from a Soil and Water Conservation District publication regarding the Quiet Creek discharge slope, its purpose relating to flood control, and high value moose habitat. She also touched on catch point watershed delineation. Mr. Neal said he was familiar with the soil and water conservation district document and while they can't follow every recommendation, they plan to as much as they can. They will be including culverts and stream crossings, and also dedicating stream areas to parks that protect moose habitat as best they can. Mr. Bloom responded relating to the catch point watershed delineation. He referenced her earlier comment regarding rain gardens being used for pollution control, which is true when they are handling asphalt, parking lots, and so forth. Another important aspect is that they do control flow. In their case they have flow through drainages going through the property that they are trying to minimize activity around as much as possible. They are also

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

trying to minimize point source flow into those drainages from the development not only using lot by lot scaling, but also other point retention areas. He noted at least 9 that are outside of the lot controls they will do. They are looking at it in a comprehensive way. An engineer is doing a complete storm water flow and design based on the City of Homer regulations for development. That will happen later, along with the engineering process. It isn't required but they are doing it in terms of their own consideration in an effort to do the best possible job with this project. He doesn't feel they can be faulted for trying to do the right thing in the best way possible, and then be told it isn't good enough because someone might not maintain a rain garden. We have to have some sort of positive approach that says by doing the right thing we are headed in the right direction and setting a good example to get to the right outcome.

Commissioner Highland continued to reference packet information relating to drainage as related to the western Kenai Peninsula soil map, and a letter from Francie Roberts questioning whose responsibility it is of unstated economic value when approving subdivisions. It seems the city has some responsibility when discussing these types of developments.

Commissioner Slone questioned the ACOE permit and the requirement of a Storm Water Pollution Prevention Plan (SWPPP). There was discussion clarifying what a SWPPP is and that it's a requirement addressed by the ACOE. It was further clarified that the engineered storm water plan the applicant is working on is something they are doing on their own.

BOS/STROOZAS MOVED TO APPROVE STAFF REPORT PL 14-05 BARNETT'S SOUTH SLOPE SUBDIVISION QUIET CREEK PARK PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS 1 THROUGH 10.

Commissioner Bos commented he thinks it's important to remember that we aren't redesigning the project. We certainly have input which we are putting together with a lot of great testimony from concerned folks. A plan has been made that will go to the Borough, but we need to make a decision on the plan that is before us.

Commissioner Slone noted that if the group has to consider the areas of public health, welfare, and safety. There are many concerns regarding drainage and the Commission needs to be satisfied those areas are being met.

Commissioner Stroozas referenced an earlier comment regarding their confidence in the staff in making recommendations to this Commission after their due diligence was properly handled. The staff has made recommendation that we approve this with a number of points that be added to make it a sound decision.

Commissioner Stead commented that this is not a legislative forum. We are doing a pass/fail on whether we want to allow this and whether it conforms to code as it is written today. If they feel there are things in code they want to change, they can do that, but we can't today. We also can't do it today, and expect the applicant to have met it. He commented about an incident in 1999 with a property owner up on the top of Anderson Street, dealing with a flood. Trees had come down off the bluff and flooded his property, causing him a huge problem. This property and the entire area is a discharge slope that is constantly having water problems. The applicants are trying to deal with it as best they can, as everyone else is. Yes, they will cause some more impervious surface, and yes they can debate what the

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

percentage will be, but he doesn't know they can necessarily say that the subdivision can't go forward based on personal feelings of whether or not they meet that requirement.

Commissioner Slone added he is attempting to explore possibilities and trying to quantify, qualify, and objectify it. At this point he isn't real happy they have enough information to do that based on his subjective feelings. He thinks there is a basis for it, but doesn't think they can objectify it and determine it tonight based on the information in front of them. He also noted Public Works Director Meyer's request at the last meeting to include a pedestrian trail between lots 15 and 16 coming off Kallman Street, and also a sewer and water access.

Chair Venuti commented that when you look back from the spit toward Homer it is easy to identify where the water courses come off the bluff. The Quiet Creek area isn't the only place where water comes off the bluff. Many of the city's roads didn't exist when he came to town and as subdivisions developed, none of the rules being placed on Quiet Creek were enforced back in that time. Living on a hillside comes with drainage problems and most of the homes in Homer are on hillsides. Drainage can be dealt with fairly easily in the hands of professionals. The ACOE has a history of producing good projects and he thinks the drainage can be dealt with. Another thing that comes to mind is that the research he reads indicates a growing number of people in all age ranges want to live closer to town. It's a challenge to find a really nice, buildable lot in Homer right now. We need to plan for the future growth in Homer. He understands people's resistance to change, but moving this forward is a good opportunity to accommodate growth and plan for it. This isn't the only wet area in Homer, and not all upslope development makes water problems for people down slope. His opinion is they need to forward this on to the Borough.

Commissioner Slone further commented that he doesn't doubt it's a good move for the city relating to lots available for people to live. His concern is with the potential problems downstream. Since he can't resolve that in his mind he will have to trust the ideas proposed by the applicant, the engineering professionals, and staff. He will probably go on with that. He does think the Commission has an obligation above and beyond just complying with statutes and ordinances. Point is well taken that we can't change the rules tonight, and since he can't say for certain that it will cause problems, he will have to support the statements of the applicants.

Staff noted that the recommendation from Public Works Director Meyer can be addressed later when working with the applicant to find a good trail location.

There was brief discussion for clarification of the Commission's role in making recommendations to the Borough relating to the plat.

Commissioner Highland expressed her opinion that they cannot ignore drainage issues. When she sees that the city has limited storm water control requirements she says bad on us and we need to improve that. She feels that with the comp plan being very clear on green infrastructure and needing the city to move forward on that in our zoning, we need to address it. Right now we would be having a different discussion if we had green infrastructure. City Planner Abboud touched briefly on ways and issues in moving toward this concept in the city's future and challenges in ways to address it city wide.

Commissioner Highland commented further that a troublesome point for her is ACOE doesn't take an accumulative look into their consideration, they do each project separately. When we talk about all the other subdivisions that have occurred prior to, in her opinion it doesn't mean we continue to do the

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

same thing. In looking at the map, that is the last open space wetlands in this entire area and is playing a very big part in flood control. With that in mind, she is very concerned about the density for that piece, because of the facts she has read. She expressed her desire for the Commission, as a body, to include in their recommendations a letter of concern regarding drainage issues, flood problems, wetlands, creeks, and gullies, as well as the unstated economic value of wetlands. We are the people who are here on the ground and it's our responsibility to do the best for the city, for the developers, for the future.

The Commission took a brief recess at 8:42 for Commissioner Highland to work with staff on drafting a recommendation. The meeting reconvened at 8:49

HIGHLAND/SLONE MOVED THAT THE PLANNING COMMISSION RECOGNIZES THERE ARE POTENTIAL DRAINAGE ISSUES, POTENTIAL FLOOD PROBLEMS, HIGH VALUE WETLANDS, MULTIPLE CREEKS AND GULLIES. THIS PLAT MAY NOT ADEQUATELY PROTECT LONG TERM INTERESTS BOTH ECONOMICALLY AND PHYSICALLY OF THE DOWN STREAM PROPERTIES.

Commissioner Stead commented he cannot, in good conscience, vote for something that puts the city in a potentially dangerous position as this amendment does.

Commissioner Slone disagreed in that the City is complying with its requirements as far as the ordinances are concerned. Any further ramifications are beyond the purview of the city. This is a comment by the sense of the Commission that there may be extenuating circumstance that would warrant more scrutiny by the Borough Planning Commission.

Commissioner Stead responded to Commissioner Highland's query of his concerns, that he wouldn't necessarily include this as a recommendation. He might go to the ACOE since they are the ones who would worry about it. He feels that the City assumes the liability for every piece of property down stream of Quiet Creek with the last sentence. The entire City of Homer is down slope drainage and we all have accepted that because we want to live here. There are a lot of people that do have drainage issues in town and he doesn't think we would want to give that to the Borough and say we recognize something special about this piece of property. It sounds to him like this is trying to say we don't want this subdivision but we can't stop it. It is a conflicted recommendation and he doesn't support.

Commissioner Highland noted her concerns again about the challenges that would be involved with developing the property because of the drainage issues, particularly after having walked the property.

VOTE: NO: BOS, STEAD, HIGHLAND, VENUTI, STROOZAS, SLONE

Motion failed.

Commissioner Highland stated she will not be supporting it because of the concerns she addressed relating to the letter, and because of its density.

Commissioner Slone commented in support of adoption.

VOTE: YES: STEAD, VENUTI, STROOZAS, SLONE, BOS
NO: HIGHLAND

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

Motion carried.

Pending Business

A. Staff Report PL 13-93, Resolution 13-xx amending HAPC Bylaws

City Planner Abboud reviewed the changes discussed in the worksession.

There was comment regarding removing unexcused with respect to vacancies.

SLONE/HIGHLAND MOVED TO REMOVE THE BOLD AND UNDERLINE ON PAGE 220.

There was brief discussion that Commissioner Bos travels regularly at the end of the year and will likely be absent for three consecutive meetings. The amendment would essentially remove him from the commission.

There was further discussion relating to keeping the three consecutive excused absences.

VOTE: NO: STEAD, SLONE, STROOZAS, BOS, HIGHLAND, VENUTI

Motion failed.

STEAD/BOS MOVED TO APPROVE STAFF REPORT PL 13-93 AMENDING THE BYLAWS AND POLICIES AND PROCEDURES FOR THE HOMER ADVISORY PLANNING COMMISSION.

There was brief discussion relating a grammatical error on page 222, bottom paragraph. City Planner Abboud said that staff would review the paragraph and re-write it.

VOTE: YES: SLONE, STEAD, STROOZAS, VENUTI, HIGHLAND, BOS

Motion carried.

New Business

Informational Materials

A. City Manager's Report from December 9, 2013 City Council Meeting

Comments of the Audience

Members of the audience may address the Commission on any subject. (3 minute time limit)

Ken Castner, city resident, commented that the SWPPP plans are very costly, noting Kachemak City's was \$350,000 of a \$2 million project cost. Relating to changes to the city code, Mr. Stead had commented we aren't going to make changes to the city code. Mr. Castner said he has been addressing to the City Council for years, two topics, finish Greatland and put in a storm water distribution system that makes sense. But you don't start storm water at the top, you start it at the bottom. It's just like tributaries feeding to a stream, then to a river, then to a concourse. We don't have adequate drainage

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

into Kachemak Bay off of this bench. When you look at that map you can see where it has sloughed off over the course of time. His building on Ben Walters flooded when impounded water up above the road discharged. But the City had nothing to say about it, it wasn't their fault, it was an act of God, sorry Mr. Castner, but not our problem. Mr. Castner said he French drained the entire property and hasn't had a problem since. Still, when you all take an action of approval, you have to take some ownership of it. It's not that we're doing the best we can according to code. If the code is no good, then change it and give us some relief. It's a bigger problem than Mr. Neal's project. Except for the center of town, we have a ditch by ditch solution to storm water. He would like to see the Commission start developing a comprehensive plan on dealing with it according to the Climate Action Plan. Mr. Castner explained a project he did in Kodiak that included differential vaults that were the size of this room to handle storm water. It isn't a secret as to how to handle it.

Ginny Espenshade said she forgot to thank the staff for getting all this information together and she appreciates that they went above and beyond to get it into the packet. She thanked the two who walked the property and isn't surprised they are the ones with the most concerns. From her legal background she commented that when you worry about putting something in writing that may raise liability, you should also worry if you are liable. She thinks there is a record now that includes science, cross section, and she urged them to reconsider and look at the 2005 plat approval process. Concerns were met with specific recommendations about runoff, traffic, and street design. They can support development that is safe in the interest of the whole community. Say fifty lots and she'll say sold. We aren't saying no development on the property, we are saying responsible, safe development that respects the neighboring properties and the entire community. The high school is a critical structure; it is a shelter for our area. People stayed at the high school when the Icicle fire happened. So you'll have slope failure, run off, floods, and it runs into the site where your supposedly sheltering people. She urged them to reconsider.

Katherine George commented that a bunch of them went to the Borough in 2005. Their comments didn't transfer over and she isn't sure that all the discussion that proceeded from the commission got transferred over. What did was the final decision and a staff report. Just so you know all the things they have said won't go before the Borough. It is a rubber stamp process. We can all go up and say the same things again, but what they listen to is what the Commission decided.

Paul Gavenus commented that the Commission has a lot more power than they think. They are advisory but, when making the recommendations, the Borough doesn't have to listen to it but at least you get your point of view to them. What the Commission says is very important and what you don't say is even more important because now, they think you had no concerns at all about this plat. If you go back and look at the old one and see a list of a dozen recommendations they made. The Borough didn't adhere to all of them but at least they were there to be considered.

Comments of Staff

Planning Technician Engebretsen commented that she appreciates the public getting their comments in timely for the packet. It is helpful having everything together to submit to the Borough, she doesn't know what the Borough Planning Commission gets, that is decided by their staff, but the City provides their information in one packet. The information can be provided to the public if they would like to request it.

Comments of the Commission

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 2, 2014

Commissioner Highland thanked everyone for their patience tonight. She would like to add to the agenda to talk about the climate action plan, storm water plan, and green infrastructure.

Commissioner Slone thanked the citizens who testified and provided letters. He echoes Roberta's comments about the storm water plan. We need to have a coherent, responsible plan.

Commissioner Bos agreed that information would be good to discuss in a worksession. He wished everyone a Happy New Year and it was good to hear their opinions.

Commissioner Stroozas wished all a Happy New Year. He acknowledged Roberta's good points and asked her to keep reminding them.

Commissioner Stead commented that the public comments didn't fall on deaf ears. He clarified his comment about changing code. He restated, they can't change code today and expect the applicant to change their plan and still approve or disapprove it. The people have an expectation that when they come in they know the rules, and we can't change the rules on them. That is the point he was making. We can change the code tomorrow and that is why he says their comments didn't fall on deaf ears. He supports and understands what they are saying. He wished everyone a Happy New Year and God bless.

Chair Venuti said it was an interesting meeting. Homer has changed and will continue to change. We have to embrace it and make it work. There are problems, and also solutions. He thanked the group for their work

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 9:35 p.m. The next regular meeting is scheduled for January 15, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 15, 2014

Session 14-02, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:30 p.m. on January 15, 2014 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, HIGHLAND, SLONE, STEAD, STROOZAS, VENUTI

ABSENT: SONNEBORN

STAFF: CITY PLANNER ABOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BOS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

Francie Roberts, city resident, commented in support of the reconsideration. There has been a large amount of material submitted to the Planning Commission, there are a lot of issues with the subdivision that have been presented, and it is worthy of reconsideration for further review.

Marianne Schlegelmilch, city resident, commented in support of the reconsideration based on the extensive amount of neighborhood involvement and opposition presented several years ago and currently presented this time.

Katherine George, city resident, commented in support of the reconsideration and encouraged them to take up storm water in more depth to see what can be done.

Gwen Neal, non-resident, commented in opposition to reconsideration noting that the project has been professionally designed, staff has recommended approval, it has been debated, it passed last meeting 5 to 1, and the project goes far beyond the city's requirements.

Reconsideration

A. Staff Report PL 14-05, Barnett's South Slope Subdivision Quite Creek Park Preliminary Plat
HIGHLAND/SLONE MOVED TO RECONSIDER STAFF REPORT PL 14-05 BARNETT SOUTH SLOPE
SUBDIVISION QUIET CREEK PRELIMINARY PLAT.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 15, 2014

Commissioner Slone commented in support of reconsideration. His reasons include the additional information that did not get to the Commission, for Commission Sonneborn to have an opportunity to weigh in, other unanswered questions in his mind relating to water drainage issues in relation to public health, safety, and welfare of downstream persons and property, goals in the Comprehensive Plan, and inadequacy of city code relating to storm water.

Commissioner Highland commented in support of reconsideration based in issues of relating to water, climate change, and the new information provided to the Commission.

VOTE: YES: HIGHLAND, SLONE
NO: BOS, STEAD, VENUTI, STROOZAS

Motion failed.

Adoption of Consent Agenda

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

A. Approval of Minutes of January 2, 2104 meeting

Chair Venuti called for a motion to adopt the consent agenda.

BOS/SLONE SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

A. Staff Report PL 14-03, City Planner's Report

City Planner Abboud reviewed his staff report.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report 14-06, CUP 2014-01, Request for more than one building containing a principle permitted use on a lot, 4-plex at 4165 Mattox Road

City Planner Abboud reviewed the staff report.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 15, 2014

Steven Rouse, Executive Director of Kenai Peninsula Housing Initiatives (KPHI), gave an overview of KPHI's accomplishments in developing low income, special needs, and senior housing in Homer and within the Borough. He referenced the aerial photo and reviewed the history of the buildings in place already. He explained how this second phase ties in; and also briefly addressed work that has been done on the KPHI properties to mitigate drainage in accordance with ACOE requirements. He also noted that he owns property down from this project that would be affected by run off instances.

Mr. Rouse explained that this project is to develop a 4-plex that is income restricted, meaning low income. They have received grant funding and architects and engineers are in place. Bill Nelson is the civil engineer on the project. Mr. Nelson has worked with the city and is familiar with their requirements relating to the storm water drainage plan, which KPHI has agreed to do, even though it is not required for the project. They are working to develop an exemplary project as they are held to higher standards than most due to their work with HUD and AHFC, and other agencies that look to make sure their properties are well maintained and safe.

Chair Venuti opened the public hearing.

David Lewis, city resident on Beluga Court, said he is not in favor of this project. He expressed concerns that the ditch referred to actually a stream that has flooded Aurora Court a number of times and while it hasn't affected his property, it has affected Mary Jane Shows property. He noted there are four buildings already on this small lot and has concerns about another paved area affecting runoff. This increases population on a road that only has one exit to East End Road, and he feels that the low income housing opportunities would be better spread out among the city.

There were no further comments and the public hearing was closed.

In response to question about flooding in the area delineated as a creek on the drawing, Mr. Rouse said the impact of these developments has not adversely impacted the runoff. He explained there has been no flooding, but there has been glaciation, as happens throughout the community. Glaciation isn't due to the development but from drainage from the upper area and follows along the road. Public Works has been made aware of the issue of ice buildup plugging the culvert underneath Aurora Court and to his understanding they are working to mitigate that. He reviewed the work they have done with settlement ponds and vegetation on the property to absorb most of the water on site.

In reference to the comments about low income housing, Mr. Rouse explained these units are reserved for people who earn 50% to 60% of the area median income based on family size. The people who live in these places are our neighbors who might work at the store or at McDonalds. He noted that the some of people who live at a larger multi-family project are people who lived at Haven House and now have a clean, quality, affordable multi-family home where they can be safe and raise their children. Mr. Rouse added that they have waited two years for this project because of the high cost of water in Homer, and needed to wait for natural gas to make it viable.

SLONE/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 14-06 CUP 14-01 FOR MORE THAN ONE BUILDING CONTAINING A PRINCIPLE PERMITTED USE ON A LOT AT 4165 MATTOX ROAD WITH STAFF RECOMMENDATIONS AND FINDINGS.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 15, 2014

Question was raised about a storm water plan for this project. City Planner Abboud explained that the project itself doesn't trigger a storm water plan and the applicant is choosing to do one on their own.

Discussion ensued regarding storm water and based on the requirements in the city code for this zoning district there isn't anything the Commission can do. Question was raised whether the applicant could consider using a pervious surface for the parking area instead of asphalt. City Planner Abboud noted this project has to meet ADA requirements and doesn't think pervious surfaces would accommodate that. Mr. Rouse was given an opportunity to comment and concurred with Mr. Abboud's response regarding ADA requirements. He reiterated that they have agreed to submit a storm water plan that is not required and the work they have already done to address the water over the years.

STEAD/BOS MOVED TO ADD CONDITION NUMBER 3 TO CUP 14-01 FOR A STORM WATER PLAN TO BE PREPARED FOR THIS PROJECT.

Mr. Stead explained the only reason he feels its justified is because the applicant has volunteered it, it isn't difficult to impose the condition, and this way it doesn't get lost.

VOTE: (Amendment) NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Commissioner Highland expressed her concern that this project may cause some problems with increased flooding during a big storm event.

VOTE: (Main motion as amended) YES: HIGHLAND, STEAD, VENUTI, STROOZAS, SLONE, BOS

Motion carried.

Plat Consideration

A. Staff Report PL 14-07 Mattox Subdivision 2014 Preliminary Plat

City Planner Abboud reviewed the staff report.

Steven Rouse, Executive Director of Kenai Peninsula Housing Initiatives (KPHI), commented the reason for the replat is to adjust the lot line to allow them better locate the structure on the lot.

Chair Venuti opened the floor for public comment and there were no public comments.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 14-07 AND APPROVE MATTOX SUBDIVISION 2014 PRELIMINARY PLAT WITH STAFF RECOMMENDATIONS.

There was brief comment that this action seems to accommodate the project.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Pending Business

- A. Staff Report PL 14-05, Barnett's South Slope Subdivision Quite Creek Park Preliminary Plat

Reconsideration failed.

New Business

- A. Staff Report PL 14-08, Comp Plan Amendment

City Planner Abboud reviewed the staff report relating to considerations for rezoning property in the Baycrest area.

The Commission discussed the current uses in the area and GC 1, commercial, and mixed use zoning. The group acknowledged that mixed use zoning in the Baycrest area would not be the same as East End Mixed Use and agreed that moving this to a worksession would be the best way to proceed at this point. That will give them some time to review the zones and and the comp plan for the area to be better prepared for the discussion.

Commissioner Highland commented about wanting to address storm water and green infrastructure soon, in a worksession. It was suggested she work with staff to fine tune some talking points to get things started.

Informational Materials

- A. US ACOE Public Notice for proposed DOT East End Road MP 3.75 to MP 5.5 Project

Comments of the Audience

Members of the audience may address the Commission on any subject. (3 minute time limit)

Ginny Espenshade, city resident, thanked Commissioner Slone and Highland for their work. She expressed her disappointment that reconsideration didn't pass, even if only to discuss the material that were left out of the original packet by Planning Staff. She feels there were other reasons too. At the last meeting there were comments about fairness to the applicants being able to know what to expect in the process. She asked they consider fairness to the public as to what they can expect from the process. If their job is simply to compare a plat with the code, a computer could do that, so why have a Planning Commission, and why solicit public comment. She questioned how two versions of this body came to such different conclusions about that plat just 8 years apart with the same code. She doesn't know the answer and they don't know what to expect. This could be a lot less contrary and a lot less adversarial if there was clarity about the Commission's discretion, and conditions on plat approvals. She recognized the developer said he was doing a storm water plan for Quiet Creek and wondered why the Commission didn't add that as a condition like they did on the Mattox conditional use.

Francie Roberts, city resident, thanked the Planning Commissioners for their work. She knows this Commission works hard and does a lot of difficult work. Throughout tonight's meeting she heard the word water mentioned more than any other. The issues were water and drainage in everything they considered. She is also surprised how little there is in code to deal with water issues. Relating to the CUP she looked at the creek adjacent and the drainage problems at this person's house. She is

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 15, 2014

concerned that maybe not all the information was there. She noted they were considering economics at their worksession and she she was surprised about that and thinks they should be thinking about storm water, water issues, and things about planning that are important to how we develop our city. She reminded them reconsideration doesn't mean they have to change their vote, but that they have to listen to the missing information and think about how things are done. Sometimes reconsideration can be confusing but it doesn't have to make you be a different person. She appreciated Commissioner Slone and Highland's comments about reconsideration and felt they were well thought out. She thinks the Planning Commission can add conditions to the staff report, that Quiet Creek warranted a few additions, and was disappointed they didn't do anything to make changes. She was intrigued while watching this body work tonight in that the City Planner included he considered a staff report from 2010, but didn't consider past information related to Quiet Creek.

Katherine George, city resident, encouraged the Commission to invite representatives from the Soil & Water Conservation District and the Natural Resource Conservation District as a first step to considering storm water. It was interesting that the Commission had more questions for CUP 2014-01 than for Quiet Creek. She thanked Commissioner Slone and Highland for their service on the commission, their research, questions, and consideration.

Comments of Staff

City Planner Abboud commented that they worked on a lot of items before, including water, drainage, and they will continue to do so. When the City decides they want to make regulations they can take up platting regulations if they want. They can make them have set asides and developmental regulations. CUP's are different than plats in the range of discretion. There are changes that can be made that involve regulating how people use their land, and regulate how they divide their land by adopting portions of code to allow that. There are also some ingrained issues with zoning requirements in general. Quiet Creek is in an interesting place in that it is zoned rural but is in an urban area. He said there are tools out there to address this, they are tough to do, it changes the way people do business, and tell them what they can't do with their lots. If we want to codify that we can. He hopes the people who are all over this are in support of that City wide, and not just for the last person to develop in a certain place. We are an infrastructure community, we are connected everywhere we go, and this should be approached as such.

Deputy City Clerk Jacobsen commented that she has worked with Planning Commissions over the last 9 ½ years and recognized this group is considerate to each other and to the public. They take time to listen to and consider what people say. She appreciates everyone in this group.

Comments of the Commission

Commissioner Highland reiterated adding discussion about green infrastructure in the Comp Plan and also storm water plans. She will work with staff to get things started for those discussions.

Commissioner Slone thanked the people who presented materials regarding Quiet Creek. He is motivated to work on storm water and water control issues in the near future as well.

Commission Bos had no comments.

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING MINUTES
JANUARY 15, 2014

Commissioner Stroozas said that many times this Commission has to deal with controversial issues. We don't live in a perfect world and the Commission tries to make decisions for the good of the whole based on how it affects the health, safety, and welfare of the community. Not everyone will agree on every point and they rely on the information they receive from public, applicants, and very heavily on the information from City staff. They do the best job with the information they are given, and then go forward. He thanked everyone for their comments.

Commissioner Stead agrees they need to work on rural residential as they failed to do it last year and make modifications whether it is lot size or green space. Looking at the storm and melt water management plan that is available, it also needs to be addressed. If we need to do something with platting regulations, it needs to be discussed as well. These changes need to be incorporated city wide and he thinks there should be a lot of comments coming from developers. He would like to hear from them, because these will become big issues in the future, as they are today. He doesn't want to go through this process again where the community is against the Commission. The only other thing he can say about this is that there is a 90 lot subdivision platted in Quiet Creek, and this is an improvement over that. We need to keep that in mind.

Chair Venuti referenced an article that was published in the Homer News regarding the reconsideration that quoted Commissioner Slone and an email from Commissioner Slone to him and the City Planner. Chair Venuti stated his concerns regarding Commissioner Slone violating the bylaws which say that no one individual member of this body should share his or her opinion on the ongoing affairs to the public, especially to the media, unless the majority of this Commission concurs. He said talking to the media about an ongoing issue is unfair to the applicant, politicizes an issue, and is a violation of section 5 of the Planning Commission bylaws. HCC 1.18.030 (h) states no city official shall use the implied office for the purposes of unduly influencing the decisions of other. Chair Venuti felt Commissioner Slone's actions were improper as they did not ask him to speak for the Commission. The Commission speaks for itself by making fair and impartial decisions.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:40 p.m. The next regular meeting is scheduled for January 15, 2014 at 6:30 p.m. in the City Hall Cowles Council Chambers.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

Jo Johnson

From: yuri morgan <yuri@gci.net>
Sent: Sunday, February 02, 2014 10:34 PM
To: Bob Painter; Bryan Hawkins; Carey Meyer; Ann Dixon; Jo Johnson; Katie Koester; Mark Robl; Regina Mauras; Rick Abboud; Walt Wrede; 'Barbara Howard'; Beauregard Burgess; 'Beth Wythe'; 'Bryan Zak'; 'David Lewis'; 'Francie Roberts'; Gus Van Dyke
Cc: 'Linda Anderson'
Subject: Legislative update
Attachments: COH_LBR_2-2-2014.pdf

City of Homer:

The Legislature has completed its second week of this 90-day session and week ahead promises more discussion on the state's challenging budget situation, the structure, risk and rewards of Alaska pipeline/LNG project, and funding and reforms to the state's education system. Attached for your review please find an updated report on the legislation we are tracking on your behalf, and below is a summary of the relevant bills scheduled for a hearing this week:

Please call Linda or me with questions or concerns regarding any Juneau-related topic.

yuri
907.388.8611

Linda
907.460.6767

H-L&C Mon 2/3 15:15	<u>HB 141</u>	Workers' Compensation Medical Fees	Sets the fee for medical treatment/serv of the state under the AK Worker requires a provider of medical treatr Act to submit bills for treatment/servi 180 days after the date treatment/servi the time for appealing an employer's bill.
H-CRA Tues 2/4 08:00	<u>HB 223</u>	Muni Tax Exemption: Military Facility Zones	Authorizes municipalities by ordinance exempt from taxation for up to 10 yea facility zone that creates or supports in educational or training opportunities be Requires ordinances adopted to inc requirements and a written application
H-CRA Tues 2/4 08:00	<u>HB 275</u>	Electronic Distribution of Reports/Notices	Allows municipalities to post tax foreclosure lists and redemption noti sites as an alternative to requiring pub Requires state agencies to produce rather than by print and requires stat posted on the state online public notice
H-FIN Tues 2/4 08:30	<u>HB 122</u>	Transportation Infrastructure Fund Appropriation	Appropriates \$2 billion from the transportation infrastructure fund, co amending the Alaska Constitution by 1/
H-FIN Tues 2/4 08:30	<u>HB 123</u>	Dedicated Transportation Fund/Public Transportation	Provides for a Transportation and Inf established in the amount of \$2 billion from the studded tire, vehicle rental, r as vehicle registration, drivers license a
H-FIN Tues 2/4 08:30	<u>HJR 10</u>	Const. Amend: Transportation Fund	Proposes amendments to the Const Alaska creating a transportation infrast
H-STA Thurs 2/6 08:00	<u>HB 274</u>	Hearings on Referenda	Requires Lt. Gov to hold at least t referendum in each judicial district at k election which a referendum is to appe
H-RES Fri 2/7 13:00	<u>HB 285</u>	Kachemak Bay Critical Habitat Area	Exempts the Homer Port and Harbor f

S-RES Fri 2/7 15:30

SB 138

Large Diameter Natural Gas Pipeline project

Expands AGDC, creates separate sub pipeline project fund to pursue state's e diameter natural gas pipeline inc liquifaction facilities. Authorizes DI negotiate contracts for project service gas projects subject to legisla confidentiality agreements and take delivered to the state as in-kind pa production taxes. Authorizes DNR C certain lease terms on existing oil and that commits gas to a natural gas committed from these leases to curr exchange, or disposal of gas taken in- royalty share. Changes tax levy on g; from a net tax to 10.5% of annual gross tax at 35% of net annual production how producers will pay monthly ta producers of modified leases to pay ga and directs revenue from gas sales to t

City of Homer

Hearing	Bill No.	Short Title	Prime Sponsor	Status	Status Date	Bill Summary
	<u>HB 28</u>	Fire and Emergency Medical Services	<u>Feige</u>	(S)L&C	3/18/13	Exempts solicitations or voluntary agreements to provide ambulance, emergency, or fire department services from regulation as insurance.
	<u>HB 32</u>	Lines of Business on Business License	<u>Costello</u>	(H)FIN	4/8/13	Allows one business license to cover multiple lines of business and provides for the reissuance of a business license to correct an error.
	<u>HB 35</u>	Home Heating Conversion Loans	<u>T. Wilson</u>	(H)FIN	2/13/13	Creates a low-interest loan program under AHFC for homeowners who improve or replace their home heating systems; loan terms: interest rate = 1%; term = 10 years; not subject to income limitations; loan amount = lesser of cost of materials and labor or \$15K.
	<u>HB 38</u>	In-State Use of Royalty Oil	<u>Kawasaki</u>	(H)RES	1/16/13	Allows the commissioner to consider the in-state use of royalty oil or gas when royalty is taken in kind and make the purchaser first offer the oil or gas for in-state purposes if economical.
	<u>HB 77</u>	Land Use/Disposals/Exchanges; Water Rights	<u>Governor</u>	(S)RLS	4/14/13	Gives the Commissioner the ability to issue a general permit for activity on state land; provides the Division more flexibility in its authority to exchange land; allows land and property to be purchased by contract vs payment up-front; provides Division to extend existing land/fideland leases; allows Division to renew an existing aquatic farm lease.
	<u>HB 106</u>	PERS Membership Payments to Retiree Organizations	<u>Kerttula</u>	(H)L&C	2/8/13	Allows union dues to be automatically deducted from a person's paycheck, provided that person gives authorization to do so.
	<u>HB 116</u>	PERS Credit for Military Service	<u>Millett</u>	(H)L&C	2/13/13	Allows a peace officer or firefighter who retires from PERS to apply up to 5 years of military service toward major medical insurance coverage.
	<u>HB 117</u>	Community Revenue Sharing	<u>Josephson</u>	(H)CRA	2/13/13	Increases the amount the legislature may appropriate to the community revenue sharing fund from \$60MM to \$90MM annually.

City of Homer

Hearing	Bill No.	Short Title	Prime Sponsor	Status	Status Date	Bill Summary
H-FIN Tues 2/4 08:30	<u>HB 118</u>	Appropriation: Community Revenue Sharing Fund	<u>Josephson</u>	(H)FIN	2/13/13	Appropriates \$90MM in general funds to the community revenue sharing fund.
H-FIN Tues 2/4 08:30	<u>HB 122</u>	Transportation Infrastructure Fund Appropriation	<u>P. Wilson</u>	(H)FIN	2/15/13	Appropriates \$2 billion from the general fund to the transportation infrastructure fund, contingent on AK voters amending the Alaska Constitution by 1/10/15.
H-FIN Tues 2/4 08:30	<u>HB 123</u>	Dedicated Transportation Fund/Public Transportation	<u>P. Wilson</u>	(H)FIN	3/20/13	Provides for a Transportation and Infrastructure Fund to be established in the amount of \$2 billion with additional funding from the studded tire, vehicle rental, motor fuel taxes as well as vehicle registration, drivers license and ID card fees.
	<u>HB 124</u>	Public Retiree Medical Benefits: Dependents	<u>Josephson</u>	(H)STA	2/15/13	Establishes the requirement that dependent coverage medical benefits provided to PERS/TRS retiree members may not be less than dependent coverage medical benefits provided to PERS/TRS active members.
	<u>HB 126</u>	Teachers and Public Employee Retirement Plans	<u>Kerftula</u>	(H)L&C	2/18/13	Creates new defined benefit tiers in the public employees retirement system and the teachers retirement system allowing the choice between a defined benefit or defined contribution system.
	<u>HB 140</u>	Notice for Regulation Adoption	<u>Reinbold</u>	(H)FIN	2/19/13	Relating to the information that must accompany certain notices provided for the proposed adoption, amendment or repeal of a regulation, including identification of federal law/order/decision/action, estimated costs to individuals, state agencies and municipalities in complying with proposed action.
H-L&C Mon 2/3 15:15	<u>HB 141</u>	Workers' Compensation Medical Fees	<u>(H)L&C</u>	(H)L&C	2/25/13	Sets the fee for medical treatment/services performed outside of the state under the AK Workers' Compensation Act; requires a provider of medical treatment/services under the Act to submit bills for treatment/services to employers within 180 days after the date treatment/services are rendered; limits the time for appealing an employer's denial or reduction of a bill.

City of Homer

Hearing	Bill No.	Short Title	Prime Sponsor	Status	Status Date	Bill Summary
	<u>HB 149</u>	Workers' Compensation for State Firefighters	<u>Ledoux</u>	(H)L&C	3/11/13	Makes firefighters employed by the municipality/state eligible for the presumption of coverage under workers' compensation for disability due to certain diseases.
	<u>HB 152</u>	PERS Termination Costs	<u>Thompson</u>	(H)L&C	3/4/13	Provides PERS employers the needed flexibility to operate and efficiently manage staffing levels; replaces the requirement for actuarially determined termination studies and related costs with termination costs determined by a formula using readily available data; establishes thresholds for categories of employers based on employer salary base level; maintains the 6/30/08 salary base "floor" as the minimum amount on which the 22% PERS employer contribution rate is applied.
	<u>HB 164</u>	Property Tax Exemption/Military Millett Widow(er)	<u>Millett</u>	(H)CRA	3/13/13	Authorizes municipalities to exempt from taxation by ordinance primary residences of residents who are at least 60 years of age and are the widow/widower of a person who was killed while in the US military service.
	<u>HB 174</u>	PERS Contributions by Municipalities	<u>(S)CRA</u>	(H)L&C	4/4/13	Exempts municipal employers whose communities' populations have decreased greater than 25% between 2000 and 2010 from having to pay annual PERS contributions based on the 6/30/2012 salary "floor".
	<u>HB 181</u>	Mining License Revenue; Revenue Sharing	<u>Foster</u>	(H)FIN	1/30/14	Requires the state to make available 50% of state mineral lease and royalty revenues to municipalities affected by mining. CS clarifies these payments are for mining on state tide and submerged land "within" a municipality and not "seaward" of a municipality.
	<u>HB 192</u>	Payment of Fishery Resource Landing Tax	<u>Millett</u>	(H)FIN	4/11/13	Changes the return and payment due date of Fishery Resource Landing Tax returns to 30 days after the Department publishes the statewide average price list; changes the timing of estimated tax payments needed to avoid estimated tax penalties.

City of Homer

Hearing	Bill No.	Short Title	Prime Sponsor	Status	Status	Date	Bill Summary
	<u>HB 193</u>	Municipal Taxation of Tobacco Products	<u>Pruitt</u>	(S)FIN		4/1/13	Allows a municipality to inspect tax returns or reports filed with the State; allows municipalities to enter into agreements with the state to jointly share administration of auditing and collection of tax on cigarettes.
H-CRA Tues 2/4 08:00	<u>HB 223</u>	Muni Tax Exemption: Military Facility Zones	<u>Thompson</u>	(H) C&RA		1/21/14	Authorizes municipalities by ordinance to exempt or partially exempt from taxation for up to 10 years property in a military facility zone that creates or supports industry, development, or educational or training opportunities beneficial to a facility. Requires ordinances adopted to include specific eligibility requirements and a written application for each exemption.
	<u>HB 227</u>	Paid Sick Leave	<u>Tarr</u>	(H) L&C		1/21/14	Requires employers not subject to collective bargaining agreements to provide a minimum of 1 hour of paid sick leave for every 40 hours worked; establishes conditions for use of sick leave and allows employees to recover damages if an employer is non-compliant. Applies to work performed after September 30, 2014.
	<u>HB 247</u>	Peace Officer/Firefighter Retirement	<u>Holmes</u>	(H) L&C		1/21/14	Establishes an advisory board to the ARM Board concerning retirement benefits for protective occupation employees. Establishes a new DB retirement plan for employees joining after 7/1/06; provides for adjustments to employee contribution rates; adjusts retirement benefits depending on years of service; provides stipends to employees for purchase of major medical insurance; allows protective occupation employees hired after 7/1/06 who are part of the DC plan to make a one time irrevocable decision to participate in the DB plan.

City of Homer

Hearing	Bill No.	Short Title	Prime Sponsor	Status	Status Date	Bill Summary
	<u>HB 264</u>	Solid Fuel Burning Heating Devices	<u>Isaacson</u>	(H)C&RA	1/21/14	Limits local air quality control programs by prohibiting the state or a municipality from banning the use of wood or coal as heat sources for interior buildings. Provides repeal date of December 31, 2023 or when the legislature determines the availability of sufficient alternative fuel sources.
H-CRA Tues 2/4 08:00	<u>HB 275</u>	Electronic Distribution of Reports/Notices	<u>Hawker</u>	(H) C&RA	1/24/14	Allows municipalities to post tax millage information, foreclosure lists and redemption notices on municipal web sites as an alternative to requiring publication in a newspaper. Requires state agencies to produce reports electronically rather than by print and requires state agency reports to be posted on the state online public notice system.

City of Homer

Hearing	Bill No.	Short Title	Prime Sponsor	Status	Date	Bill Summary
	<u>HB 277</u>	Gas Pipeline project; AGDC; Oil & Gas Production Tax	<u>RLS by GOV</u>	(H) RES	1/24/14	Expands AGDC, creates separate subsidiary and natural gas pipeline project fund to pursue state's equity position in a large diameter natural gas pipeline including treatment and liquifaction facilities. Authorizes DNR Commissioner to negotiate contracts for project services related to NS natural gas projects subject to legislative approval, enter confidentiality agreements and take custody of in-kind gas delivered to the state as in-kind payment for oil and gas production taxes. Authorizes DNR Commissioner to modify certain lease terms on existing oil and gas leases on property that commits gas to a natural gas project; subjects gas committed from these leases to current standards for sale, exchange, or disposal of gas taken in-kind by the State as its royalty share. Changes tax levy on gas produced after 2021 from a net tax to 10.5% of annual gross value while keeping oil tax at 35% of net annual production tax value and specifies how producers will pay monthly tax installments. Allows producers of modified leases to pay gas production tax in-kind and directs revenue from gas sales to the General fund.
	<u>HB 283</u>	Telephone Records and Electronic Data	<u>Kawasaki</u>	(H) C&RA	1/29/14	Prohibits municipalities from collecting or using electronic data or telephone records obtained without a search warrant. Prohibits state agencies from cooperating with federal agencies in collection or use of electronic data or telephone records without a search warrant.
H-RES Fri 2/7 13:00	<u>HB 285</u>	Kachemak Bay Critical Habitat Area	<u>Chenault</u>	(H) RES	1/29/14	Exempts the Homer Port and Harbor from the Kachemak Bay Critical Habitat Area (KBCHA)

City of Homer

Hearing	Bill No.	Short Title	Prime Sponsor	Status	Status Date	Bill Summary
	<u>HB 286</u>	Veterans' Retirement/Loans/Housing/ Employment	RLS by GOV	(H) MLV	1/29/14	Enables families to receive survivor benefits for deceased veterans eligible for PERS, TERS, JERS retirement plans by requiring employers to treat workers as if they were rehired the day before their death, thereby ensuring veterans are covered at the time of death. Extends preferential loan, housing and employment to broader range of veterans by expanding the definition of veteran to include veterans who served in the Gulf War and Iraq wars.
H-FIN Tues 2/4 08:30	<u>HJR 10</u>	Const. Amend: Transportation Fund	<u>P. Wilson</u>	(H)FIN	4/8/13	Proposes amendments to the Constitution of the State of Alaska creating a transportation infrastructure fund.
	<u>SB 30</u>	Teachers and Public Employee Retirement Plans	<u>Egan</u>	(S)STA	1/22/13	Creates new defined benefit tiers in the public employees retirement system and the teachers retirement system allowing the choice between a defined benefit or defined contribution system.
	<u>SB 35</u>	Workers Comp: Coll Bargaining/Mediation	<u>Egan</u>	(S)L&C	1/23/13	Authorizes employers and employees to mediate disputed workers' compensation claims and to negotiate a collective bargaining agreement that offers mediation and mandates arbitration of disputed workers' compensation claims by a hearing officer, and allows collective bargaining agreements to supersede certain provisions of the Alaska Workers' Compensation Act.
	<u>SB 48</u>	PERS Contributions by Municipalities	<u>D. Olson</u>	(S)FIN	4/8/13	Exempts municipal employers whose communities' populations have decreased greater than 25% between 2000 and 2010 from having to pay annual PERS contributions based on the 6/30/2012 salary "floor".
	<u>SB 68</u>	Mining License Revenue; Revenue Sharing	<u>D. Olson</u>	(S)CRA	2/27/13	Requires the state to make available 50% of state mineral lease and royalty revenues to municipalities affected by mining.

City of Homer

Hearing	Bill No.	Short Title	Prime Sponsor	Status	Status Date	Bill Summary
	<u>SB 71</u>	Payment of Fishery Resource Landing Tax	<u>Micciche</u>	(S)FIN	4/17/13	Changes the return and payment due date of Fishery Resource Landing Tax returns to 30 days after the Department publishes the statewide average price list; changes the timing of estimated tax payments needed to avoid estimated tax penalties.
	<u>SB 92</u>	Municipal Tax Credit For Tuition	<u>Coghill</u>	(S)EDC	3/29/13	Provides municipalities with the option of providing a property tax credit for private school tuition.
	<u>SB 116</u>	Service of Citations	<u>Egan</u>	(S) STA	1/22/14	Waives the requirement that service of a citation be done in person and allows the citation to be left on a vehicle or other property that is the subject of the violation. Does not apply to violations involving minor consuming or possession of alcohol.
	<u>SB 126</u>	Paid Sick Leave	<u>Wielechowski</u>	(S)L&C	1/22/14	Requires employers not subject to collective bargaining agreements to provide a minimum of 1 hour of paid sick leave for every 40 hours worked; establishes conditions for use of sick leave and allows employees to recover damages if an employer is non-compliant. Applies to work performed after September 30, 2014.
	<u>SB 134</u>	Muni Tax Exemption: Military Facility Zones	<u>Kelly</u>	(S)C&RA	1/24/14	Authorizes municipalities by ordinance to exempt or partially exempt from taxation for up to 10 years property in a military facility zone that creates or supports industry, development, or educational or training opportunities beneficial to a facility. Requires ordinances adopted to include specific eligibility requirements and a written application for each exemption.

City of Homer

Hearing	Bill No.	Short Title	Prime Sponsor	Status	Status Date	Bill Summary
S-RES Fri 2/7 15:30	SB 138	Large Diameter Natural Gas Pipeline project	RLS by GOV	(S) RES	1/24/14	Expands AGDC, creates separate subsidiary and equity position in a large diameter natural gas pipeline including treatment and liquifaction facilities. Authorizes DNR Commissioner to negotiate contracts for project services related to NS natural gas projects subject to legislative approval, enter confidentiality agreements and take custody of in-kind gas delivered to the state as in-kind payment for oil and gas production taxes. Authorizes DNR Commissioner to modify certain lease terms on existing oil and gas leases on property that commits gas to a natural gas project; subjects gas committed from these leases to current standards for sale, exchange, or disposal of gas taken in-kind by the State as its royalty share. Changes tax levy on gas produced after 2021 from a net tax to 10.5% of annual gross value while keeping oil tax at 35% of net annual production tax value and specifies how producers will pay monthly tax installments. Allows producers of modified leases to pay gas production tax in-kind and directs revenue from gas sales to the General fund.
	SB 142	Telephone Records and Electronic Data	Wielechowski	(S) C&RA	1/27/14	Prohibits municipalities from collecting or using electronic data or telephone records obtained without a search warrant. Prohibits state agencies from cooperating with federal agencies in collection or use of electronic data or telephone records without a search warrant.

City of Homer

Hearing		Prime Sponsor	Status	Date	Bill Summary
<u>SB 145</u>	<u>Veterans' Retirement/Loans/Housing/ Employment</u>	<u>Wfielechowski</u>	(S) HSS	1/29/14	Enables families to receive survivor benefits for deceased veterans eligible for PERS, TERS, JERS retirement plans by requiring employers to treat workers as if they were rehired the day before their death, thereby ensuring veterans are covered at the time of death. Extends preferential loan, housing and employment to broader range of veterans by expanding the definition of veteran to include veterans who served in the Gulf War and Iraq wars.
<u>SB 148</u>	<u>Kachemak Bay Critical Habitat Area</u>	<u>Micciche</u>	(S) RES	1/31/14	Exempts the Homer Port and Harbor from the Kachemak Bay Critical Habitat Area (KBCHA)
<u>SB 149</u>	<u>Hearings on Referenda</u>	(S) <u>JUD</u>	(S) JUD	1/31/14	Requires Lt. Gov to hold at least two public hearings on referendum in each judicial district at least 30 days before the election which a referendum is to appear on the ballot.

Jo Johnson

From: yuri morgan <yuri@gci.net>
Sent: Thursday, February 06, 2014 9:46 PM
To: Ann Dixon; Bob Painter; Bryan Hawkins; Carey Meyer; John Li; Katie Koester; Mark Robl; Rick Abboud; Walt Wrede; Barbara Howard; Beauregard Burgess; Mary (Beth) E. Wythe; Bryan Zak; David Lewis; Francie Roberts; Gus Van Dyke; Jo Johnson
Cc: 'Linda Anderson'
Subject: Legislative update
Attachments: COH_LBR_2-6-2014.pdf

City of Homer:

Attached please find an updated status report on all of the legislation we are tracking on your behalf, and below is a summary of relevant bills that have been scheduled for a hearing in the week ahead.

Please contact Linda (460-6767) or me (388.8611) with any questions or concerns.

Thanks!

H-RES Fri 2/7 13:00	<u>HB 285</u>	Kachemak Bay Critical Habitat Area	Exempts the Homer Port and Harbor from the Kachemak Bay Critical Habitat Area (KBCHA)
S-FIN Mon 2/10 09:00	<u>HB 193</u>	Municipal Taxation of Tobacco Products	Allows a municipality to inspect tax returns or reports filed with the State; allows municipalities to enter into agreements with the state to jointly share administration of auditing and collection of tax on cigarettes.
H-STA Tues 2/11 08:00	<u>HB 274</u>	Hearings on Referenda	Requires Lt. Gov to hold at least two public hearings on referendum in each judicial district at least 30 days before the election which a referendum is to appear on the ballot.
S-RES Mon, Wed, Fri 2/10, 2/12, 2/14 15:30	<u>SB 138</u>	Large Diameter Natural Gas Pipeline project	Expands AGDC, creates separate subsidiary and natural gas pipeline project fund to pursue state's equity position in a large diameter natural gas pipeline including treatment and liquifaction facilities. Authorizes DNR Commissioner to negotiate contracts for project services related to NS natural gas projects subject to legislative approval, enter confidentiality agreements and take custody of in-kind gas delivered to the state as in-kind payment for oil and gas production taxes. Authorizes DNR Commissioner to modify certain lease terms on existing oil and gas leases on property that commits gas to a natural gas project; subjects gas committed from these leases to current standards for sale, exchange, or disposal of gas taken in-kind by the State as its royalty share. Changes tax levy on gas produced after 2021 from a net tax to 10.5% of annual gross value while keeping oil tax at 35% of net annual production tax value and specifies how producers will pay monthly tax installments. Allows producers of modified leases to pay gas production tax in-kind and directs revenue from gas sales to the General fund.
H-MLV Tue, Thurs 2/11, 2/13 13:00	<u>HB 286</u>	Veterans' Retirement/Loans/Housing/ Employment	Enables families to receive survivor benefits for deceased veterans eligible for PERS, TERS, JERS retirement plans by requiring employers to treat workers as if they were rehired the day before their

death, thereby ensuring veterans are covered at the time of death. Extends preferential loan, housing and employment to broader range of veterans by expanding the definition of veteran to include veterans who served in the Gulf War and Iraq wars.

MEMORANDUM

FEB - 6 2014



TO: MAYOR AND COUNCIL MEMBERS
FROM: THOMAS F. KLINKNER
RE: PROCESS FOR LEVYING SPECIAL ASSESSMENTS
FILE NO.: 506,742.205
DATE: FEBRUARY 6, 2014

The purpose of this memorandum is to describe the process by which assessments in the City's Natural Gas Distribution Special Assessment District ("District") are proposed, approved and collected, including property owner notification and opportunities for property owners to object to the proposed assessments.

1. Preparation of Assessment Roll. The improvement construction is scheduled to be completed during the 2014 construction season. Upon the completion of the construction, when all costs of the improvement are known, the City will prepare an assessment roll including all properties benefited by the improvement, and submit it for Council approval (HCC 17.04.070). This probably will occur in the fourth quarter of 2014.

In preparing the assessment roll, the City will review each property that appeared on the preliminary assessment roll that accompanied the improvement plan that the Council adopted in 2012. In this review, the City will eliminate duplicate listings of benefited properties (which may occur, for example, if a property has multiple owners). The City also will review changes to the natural gas distribution system that were made in the course of construction to determine whether they result in additional properties receiving the benefit of the improvement, and to eliminate properties that are not benefited by the modified improvement. The assessment for each benefited property will be determined by dividing the total cost of the improvement by the total number of benefited properties, to yield a uniform assessment amount for all properties in the District. Any special circumstance that indicates a particular property assessed in a different manner will be reviewed on a case-by-case basis.

2. Council Review and Confirmation of Assessment Roll. After the assessment roll has been prepared, the Council will schedule a time to hear objections to the assessment roll. This hearing will occur not less than fifteen days after the City Clerk has sent notice of the hearing and assessment roll by certified mail to each record owner of an assessed property, and after the City Clerk has published notice of the hearing in a newspaper of general circulation in the City (HCC 17.04.040(d)). This will

be the time for any property owner who objects to an assessment to present the objection and the reasons for it to the Council. A property owner may not contest the validity of an assessment unless the property owner has filed with the City Clerk a written objection to the assessment roll before its confirmation (HCC 17.04.130(a); AS 29.46.120(a)). Only a property owner who objects in this manner may appeal the Council's decision on the objection to the Superior Court (HCC 17.04.130(b); AS 29.46.120(b)).

After the hearing, the Council will correct any errors or inequalities in the assessment roll, and confirm the assessment roll by resolution. The City Clerk shall record the resolution and confirmed assessment roll with the district recorder (HCC 17.04.080).

3. Revision of Assessments after Judicial Review. The decision of the Council on an objection may be appealed to the Superior Court within 30 days after the date of confirmation of the assessment roll. If no objection is filed or appeal taken within that time, the assessment procedure is considered valid in all respects (HCC 17.04.130(b); AS 29.46.120(b)).

The Council shall correct any deficiency in a special assessment found by a court within one year. The correction is subject to the same notice and hearing requirements as the initial assessment (HCC 17.04.120(a); AS 29.46.100(a)). Payments on the initial assessment are credited to the property upon reassessment. The reassessment becomes a charge upon the assessed property notwithstanding failure to comply with any provision of the assessment procedure (HCC 17.04.120(b); AS 29.46.100(b)).

4. Billing and Payment of Assessments. The resolution confirming the assessment roll will state the time or times when assessments or assessment installments are due, the amount of penalty on a delinquent payment and the rate of interest on the unpaid balance of an assessment (HCC 17.04.090(a)). Within 30 days after the Council sets the due date for assessment payments, the Finance Director mails a statement to the record owner of each assessed property identifying the property and stating the assessment amount, the payment due date and the amount of the penalty on a delinquent payment. Within five days after mailing the statements, the Finance Director shall publish notice of mailing the statements in a newspaper of general circulation in the City (HCC 17.04.090(b)). Property owners in the District will be given the option of paying assessments in one lump sum or in installments (HCC 17.04.090(a)). Lump sum payments may not be due sooner than 60 days after the assessments are levied (HCC 17.04.090(a)).

TFK/TFK

cc: Walt Wrede
Jo Johnson