



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

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Memorandum

Agenda Changes/Supplemental Packet

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: JUNE 15, 2015

SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

CONSENT AGENDA

Resolution 15-047(S) – A Resolution of the City Council of Homer, Alaska Changing the Dates for Payment of Assessments for the Homer Natural Gas Distribution Special Assessment District.

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VISITORS

Alaska Command and US Pacific Fleet to the council and public about Exercise Northern Edge 10 minute presentation added; Friends of the Library , Library Western Lot Improvements moved to Commission Reports

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CITY ATTORNEY REPORT

City Attorney Report June 11, 2015

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**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 15-047(S)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
CHANGING DATES FOR PAYMENT OF ASSESSMENTS FOR THE
HOMER NATURAL GAS DISTRIBUTION SPECIAL ASSESSMENT
DISTRICT.

WHEREAS, Due to start-up issues the issuance of bills for assessments in the Homer Natural Gas Distribution Special Assessment District has been delayed; and

WHEREAS, Because of this delay, the due date for assessment payments must be changed to comply with Title 17 of the Homer City Code; and

WHEREAS, Due to litigation regarding the assessment of condominium units in the Homer Natural Gas Distribution Special Assessment District, the due date for assessment payments for condominium units must be deferred.

NOW, THEREFORE, BE IT RESOLVED that on or before 5:00 p.m. on September 1, 2015, all assessments in the Homer Natural Gas Distribution Special Assessment District, except for assessments of condominium units, shall become due and payable in full. An optional ten (10) year payment plan is offered whereby the assessment, except for assessments of condominium units, may be paid in ten (10) equal yearly installments of principal, plus interest of four percent (4%) per annum on the unpaid balance of the assessment. The first such installment shall be due and payable on or before 5:00 p.m. September 1, 2015, with interest accrued from July 1, 2015 to the due date, and each installment thereafter shall be due on or before July 1st of each year. The outstanding balance of an assessment, plus accrued interest, may be prepaid at any time. If payment in full of any annual installment payment is not received when due, the entire outstanding principal amount of the assessment shall be in default and shall be immediately due and payable. The entire outstanding assessment principal (including the annual installment) shall have added a penalty of ten percent (10%) on the outstanding principal. The principal and penalty shall draw interest at the rate of fifteen percent (15%) per annum until paid. Should default occur, the City of Homer will institute a civil action for a foreclosure of the assessment lien. Foreclosure shall be against all property on which assessments are in default. All costs, including collection and legal fees resulting from such action, shall be added and incorporated into the assessed amount due plus interest and penalties and shall be reimbursed from the proceeds of foreclosure sale of the assessed real property; and

42 BE IT FURTHER RESOLVED that the due date for assessment payments for
43 condominium units shall be deferred to a later date to be determined by subsequent Council
44 resolution.

45
46 PASSED AND ADOPTED by the Homer City Council on this 15th day of June, 2015.

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48 CITY OF HOMER

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52 _____
53 MARY E. WYTHE, MAYOR

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56 _____
57 JO JOHNSON, MMC, CITY CLERK

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59 Fiscal Note: N/A

1 CITY OF HOMER
2 HOMER, ALASKA

City Manager

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4 RESOLUTION 15-____

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6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 CHANGING DATES FOR PAYMENT OF ASSESSMENTS FOR THE
8 HOMER NATURAL GAS DISTRIBUTION SPECIAL ASSESSMENT
9 DISTRICT.

10
11 WHEREAS, due to start-up issues the issuance of bills for assessments in the Homer
12 Natural Gas Distribution Special Assessment District has been delayed; and

13
14 WHEREAS, because of this delay, the due date for assessment payments must be
15 changed to comply with Title 17 of the Homer City Code; and

16
17 WHEREAS, due to litigation regarding the assessment of condominium units in the
18 Homer Natural Gas Distribution Special Assessment District, the due date for assessment
19 payments for condominium units must be deferred.

20
21 NOW, THEREFORE, BE IT RESOLVED, that on or before 5:00 p.m. on September 1, 2015,
22 all assessments in the Homer Natural Gas Distribution Special Assessment District, except for
23 assessments of condominium units, shall become due and payable in full. ~~All assessments~~
24 ~~not paid in full by this date shall be considered delinquent and in default and shall have~~
25 ~~added a penalty of ten percent (10%) which penalty and principal amount of the assessment~~
26 ~~shall both draw interest at a rate of three percent (3%) per annum until paid. Should default~~
27 ~~occur, the City of Homer will institute a civil action for a foreclosure of the assessment lien.~~
28 ~~Foreclosure shall be against all property on which assessments are in default. All costs~~
29 ~~including collection and legal fees resulting from such action, shall be added and~~
30 ~~incorporated into the assessed amount due plus interest and penalties and shall be~~
31 ~~reimbursed from the proceeds of foreclosure sale of the assessed real property; and~~

32
33 ~~BE IT FURTHER RESOLVED that an~~ optional ten (10) year payment plan is offered
34 whereby the assessment, except for assessments of condominium units, may be paid in ten
35 (10) equal yearly installments of principal, plus interest of four percent (4%) per annum on
36 the unpaid balance of the assessment. The first such installment shall be due and payable on
37 or before 5:00 p.m. September 1, 2015, with interest accrued from July 1, 2015 to the due
38 date, and each installment thereafter shall be due on or before ~~September~~ July 1st of each
39 year. ~~The outstanding balance of an assessment, plus accrued interest, may be prepaid at~~
40 any time. If payment in full of any annual installment payment is not received when due, the
41 entire outstanding principal amount of the assessment shall be in default and shall be
42 immediately due and payable. The entire outstanding assessment principal (including the

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43 annual installment) shall have added a penalty of ten percent (10%) on the outstanding
44 principal. The principal and penalty shall draw interest at the rate of fifteen percent (15%)
45 per annum until paid. Should default occur, the City of Homer will institute a civil action for a
46 foreclosure of the assessment lien. Foreclosure shall be against all property on which
47 assessments are in default. All costs, including collection and legal fees resulting from such
48 action, shall be added and incorporated into the assessed amount due plus interest and
49 penalties and shall be reimbursed from the proceeds of foreclosure sale of the assessed real
50 property; and

51
52 BE IT FURTHER RESOLVED that the due date for assessment payments for
53 condominium units shall be deferred to a later date to be determined by subsequent Council
54 resolution.

55
56 PASSED AND ADOPTED by the Homer City Council on this ____ day of June 2015.

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58 CITY OF HOMER

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62 _____
63 MARY E. WYTHE, MAYOR

64 ATTEST:
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66 _____
67 JO JOHNSON, MMC, CITY CLERK

68
69 Fiscal Note: N/A



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Memorandum

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: JUNE 15, 2015

SUBJECT: AGENDA CHANGE REGARDING FRIENDS OF THE HOMER LIBRARY REPORT AND
REPORT ON EXERCISE ALASKA NORTHERN EDGE

A 10 minute presentation by the Alaska Command and US Pacific Fleet to the council and public about Exercise Northern Edge was scheduled after the final agenda was printed.

In an effort to accommodate the change, this presentation will become Visitors item C. and the Friend of the Homer Library, Library Western Lot Improvements will move to Commission reports 7. B. 1. Library Advisory Board.

MEMORANDUM

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: THOMAS F. KLINKNER

RE: CITY ATTORNEY REPORT FOR MAY 2015

**CLIENT: CITY OF HOMER
506,742.23**

DATE: JUNE 11, 2015

The following summarizes our activities as City Attorney during the month of May 2015.

City Council. I attended the May 26, 2015, City Council meeting. Holly Wells and Katie Davies continued their research on marijuana regulation. I advised the Council regarding a potential conflict of interest in consideration of an ordinance authorizing a bed tax.

City Manager. I worked with the City Manager and the Kenai Peninsula Borough on modifications to the Borough's loan to the City for the natural gas distribution system, to accommodate the reassessment of condominiums and other potential adjustments to the assessment roll.

Planning Department. I continued to work with the Planning Department on revisions to the ordinance regulating telecommunications towers. I advised the Planning Department regarding revisions to the City's beach policy.

Auction Block Company v. City of Homer. Holly Wells presented the City's position to the Ninth Circuit in the appeal in this case, and the Ninth Circuit issued its decision affirming the Federal Maritime Commission's dismissal of Auction Block's complaint for lack of subject matter jurisdiction.

Castner v. City of Homer. The Alaska Supreme Court denied the City's petition for review of the Superior Court's order invalidating the City's method for assessing condominiums in the Homer Natural Gas Distribution Special Assessment District, and I have been advising the City regarding compliance with the Superior Court's order.

Griswold v. City of Homer. Holly Wells began work on the defense of this Superior Court appeal from the Board of Adjustment's approval of a conditional use permit for construction within a setback area.

Holly Wells will be available to answer questions regarding these matters at the June 29, 2015, Council meeting.

cc: Katie Koester
Jo Johnson