



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

City of Homer Agenda

City Council Worksession
Tuesday, May 28, 2019 at 4:00 PM
Council Chambers

CALL TO ORDER, 4:00 P.M.

AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

DISCUSSION TOPIC(S)

- a. Ordinance 19-19**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 14.08, Water Rules and Regulations, by Adding a New Section 14.08.015, Water Service Area and Prohibiting the City of Homer to Provide Water Service Outside the City of Homer Unless Authorized by Ordinance. Aderhold. Recommended dates Introduction April 22, 2019, Postponed to May 28, 2019.

LEGISLATIVE UPDATE

COMMENTS OF THE AUDIENCE (3 minutes)

ADJOURNMENT NO LATER THAN 4:50 P.M.

Next Regular Meeting is Monday, June 10, 2019 at 6:00 p.m., Worksession at 4:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-19

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

Sponsor: Aderhold

1. City Council Regular Meeting April 22, 2019 Introduction
2. City Council Worksession and Regular Meeting May 28, 2019

1 CITY OF HOMER
2 HOMER, ALASKA

Aderhold

3
4 ORDINANCE 19-19

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

14
15 WHEREAS, It is in the interest of the City of Homer ("City") to prioritize providing City-
16 owned utilities to City residents and taxpayers; and

17
18 WHEREAS, The City has no authority to regulate the development or zoning of real
19 property outside the City's boundaries; and

20
21 WHEREAS, Properties outside City limits do not contribute to the costs of maintaining
22 and providing City-owned public utilities through property tax, public utility assessments or, in
23 the case of businesses, sales tax; and

24
25 WHEREAS, For these reasons the water service area of the City should not be expanded
26 outside City limits without careful and deliberate consideration by City Council via ordinance or
27 as otherwise required by law.

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

30
31 Section 1. The Homer City Council hereby amends Homer City Code 14.08, "Water
32 Rules and Regulations" by adding a new section HCC 14.08.015 entitled "Water Service Area":

33
34 14.08.015 Water Service Area

- 35
36 a. Except as otherwise required by law, the extension of water service outside City
37 boundaries is prohibited unless the extension is requested by the governing body of the
38 outside jurisdiction via ordinance. Water may not be extended outside City boundaries
39 unless approved by Council via ordinance or otherwise required by law.

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

57

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

59

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

62

63 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____,
64 2019.

65

66

67 CITY OF HOMER

68

69

70 _____

71 KEN CASTNER, MAYOR

72

73 ATTEST:

74

75

76 _____

77 MELISSA JACOBSEN, MMC, CITY CLERK

78

79 Introduction:

80 Public Hearing:

81 Second Reading:

82 Effective Date:

83

84 YES:

85 NO:

86 ABSTAIN:

87 ABSENT:

88

89 Reviewed and approved as to form:

90

91 _____

92 Katie Koester, City Manager

93

94 Date: _____

Holly Wells, City Attorney

Date: _____

From: [Deborah Cox](#)
To: [Mayor Email](#); [Caroline Venuti](#); [Rachel Lord](#); [Tom Stroozas](#); [Donna Aderhold](#); [Shelly Erickson](#); [Heath Smith](#)
Cc: [Department Clerk](#); [Department City Manager](#)
Subject: Ordinance 19-19
Date: Monday, April 22, 2019 9:13:56 PM

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Mayor, City Council Members, City Manager, and City Clerk,

First, I want to personally thank each of you for your dedicated service to the City of Homer.

I have followed the live broadcasts of the April 8 (Ordinance 19-09(s)) and April 22, 2019 City Council meetings, and would like to comment on the “Water Rules and Regulations” that are being discussed by the council and community members.

I support an open discussion (including community members) regarding Amending Homer City Code and it’s decisions to provide water service outside the City of Homer. I support Ordinance 19-19.

I want to thank Council Members who brought this matter to our attention, and continue to speak to the necessity of creating a fair ordinance, rather than make a “back-door one-time deal” with entities such as Kachemak City. I believe the City of Homer needs to make a consistent law regarding water rights. There are many residential and business owners who would like water, but have been told they need to be annexed into the city in order to get it.

I own *three* properties in the city of Homer. The first property that my husband and I purchased, had been recently annexed into the City of Homer (2003). We have paid taxes for City services (ie: water and sewer) for these 16 years **without having the services themselves**. I would like to propose that *we get the water we have paid 16 years for*, before Kachemak City gets it.

In addition, we paid Natural Gas assessments for our properties. Before we knew it, Kachemak City had natural gas too.

Before the City decides to give city water to folks in Kachemak City, or anywhere outside the city, the rules need to be clear. Water availability (capacity of the reservoir), as well as infrastructure are just a few of the things to be considered. **Therefore I support Ordinance 19-19.**

I feel it is high time that Kachemak City, as well as ALL those living outside of the city limits, start to pay their fair share for these services. If Kachemak City, or anyone outside city limits, wants water, sewer, natural gas, or other city services, let them be ANNEXED into the city, and pay the taxes that my family pays.

It is time for those outside city limits to start to pay their share for city services.

In closing, I again thank the Mayor and Council members for having a difficult conversation. I thank you for bringing this discussion to the table, and appreciate keeping the public informed.

Thank you,

Deb Curtis
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