



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum Agenda Changes/Supplemental Packet

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: JANUARY 11, 2016

SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

CONSENT AGENDA

Ordinance 16-03(S), An Ordinance of the City Council of Homer, Alaska, Amending Ordinance 13-03(S)(2) to State the Actual Principal Amount of, and Change the Payment Dates for, the Natural Gas Distribution Special Assessment Bond Authorized by Ordinance 13-02, and Authorizing an Amendment to the Loan Agreement Between the City and the Kenai Peninsula Borough Regarding the Bond. City Manager. Page 3

ANNOUNCEMENTS

Report from Councilmember Zak, Re: Alaska Housing Summit, January 6, 2016 Page 7

CITY MANAGER'S REPORT

Hickerson Memorial Cemetery - written public comments Page 15

CITY ATTORNEY REPORT

City Attorney Report – December 2015 Page 17

RECOMMENDATION:

Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 16-03(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING ORDINANCE 13-03(S)(2) TO STATE THE ACTUAL PRINCIPAL AMOUNT OF, AND CHANGE THE PAYMENT DATES FOR, THE NATURAL GAS DISTRIBUTION SPECIAL ASSESSMENT BOND AUTHORIZED BY ORDINANCE 13-02, AND AUTHORIZING AN AMENDMENT TO THE LOAN AGREEMENT BETWEEN THE CITY AND THE KENAI PENINSULA BOROUGH REGARDING THE BOND.

WHEREAS, By Ordinance 13-03(S)(2), adopted February 25, 2013, the City authorized the issuance of a Natural Gas Distribution Special Assessment Bond (“Bond”) in the principal amount of not to exceed \$12,700,000, and the execution and delivery of a Loan Agreement between the City and the Kenai Peninsula Borough (“Borough”) regarding the Bond; and

WHEREAS, All advances that will be made under the Loan Agreement have been made, the aggregate amount of such advances is \$12,359,388, and such amount may be documented by issuing a new bond to the Borough in exchange for the original Bond; and

WHEREAS, By Resolution 15-017, adopted March 23, 2015 the City confirmed the assessment roll for the Homer Natural Gas Distribution Special Assessment District (“District”); and

WHEREAS, Due to delays in the assessment process, the first assessment payments were due on September 1, 2015, and subsequent assessment installment payments will be due on July 1 of each year; and

WHEREAS, As of the September 1, 2015 assessment payment date, the City had made a payment of principal and interest on the Bond to the Borough from assessment payments received by the City as of that date; and

WHEREAS, To allow prompter payments under the Loan Agreement the due date for installment payments on the Bond should be changed from April 1 to September 1 commencing with the installment payment that is due in 2016.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

43

44

Section 1. Section 2 of Ordinance 13-03(S)(2) is amended to read as follows (added language is underlined; deleted language is stricken through):

45

46

47

For the purpose of providing the funds necessary to pay the costs of designing and constructing the Improvement, to pay interest on the Bond during the construction of the Improvement, the funding of the reserves required herein, and to pay all costs incidental thereto and to the issuance of the Bond, the City shall issue the Bond in a principal amount equal to the aggregate amount of the advances that the Registered Owner makes to the City for such purposes, **which is \$12,359,388** but not to exceed \$12,700,000.

48

49

50

Section 2. The second paragraph of Section 4 of Ordinance 13-03(S)(2) is amended to read as follows (added language is underlined; deleted language is stricken through):

51

52

The Bond shall bear interest from its date at a rate of Four Percent (4.0%) per annum, and shall be payable in two payments of interest only on the 1st days of April 2014 and 2015, **a payment of principal and interest that was received by the Borough as of the September 1, 2015 assessment due date,** and **nine** ~~ten~~ equal annual installments of principal and interest, commencing on the 1st day of ~~September~~ **September** April-2016 and continuing on **September** April-1 of each year thereafter, until **September** April-1, 2024~~5~~ when the remaining principal balance of the Bond, plus accrued interest, shall be due and payable. Interest will be computed on the basis of a 360-day year ~~consisting of twelve 30-day months.~~

53

54

55

Section 3. The first paragraph of the form of the bond in Section 7 of Ordinance 13-03(S)(2) is amended to read as follows (added language is underlined; deleted language is stricken through):

56

57

The City of Homer (the "City"), a municipal corporation of the State of Alaska, acknowledges itself indebted and for value received promises to pay (but only out of the sources mentioned herein) to the Registered Owner identified above, or its registered assigns, a principal amount equal to the aggregate amount of the advances that the Registered Owner makes to the City to pay the costs of designing and constructing the Improvement, to pay interest on the Bond during the construction of the Improvement, the funding of the reserves required herein, and to pay all costs incidental thereto and to the issuance of the Bond, **which is** but not to exceed Twelve Million **Three** Seven-Hundred **Fifty Nine** Thousand **Three Hundred Eighty Eight** Dollars (~~\$12,359,388~~12,700,000), together with accrued interest on the outstanding principal amount of this Bond at a rate of Four Percent (4.0%) per annum. This Bond is payable in two payments of interest only on the 1st days of April 2014 and 2015, **a payment of principal and interest that was received by the Borough as of the September 1, 2015 assessment due date,** and **nine** ~~ten~~ equal annual installments of principal and interest, commencing on the 1st day of ~~September~~ **September** April-2016 and continuing on **September** April-1 of each year thereafter, until **September** April-1, 2024~~5~~, when the remaining principal

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

85 balance of the Bond, plus accrued interest, shall be due and payable. Both principal of and
86 interest on this Bond shall be payable in any lawful money of the United States of America
87 which at the time of payment is legal tender for the payment of public and private debts.
88 Interest on this Bond shall be computed on the basis of a ~~360-day year consisting of twelve~~
89 ~~30-day months.~~ 365-day year. Installments of principal and interest on this Bond shall be
90 paid at the office of the Registered Owner in Soldotna, Alaska, or at the option of the
91 Registered Owner at the office of the Treasurer of the City in Homer, Alaska

92
93 Section 4. The third paragraph of the form of the bond in Section 7 of Ordinance 13-
94 03(S)(2) is amended to read as follows (added language is underlined; deleted language is
95 stricken through):

96
97 This Bond is issued pursuant to Chapter 46, Title 29 of the Alaska Statutes and
98 Ordinance 13-03(S) of the City duly and regularly adopted February 25, 2013, for the purpose
99 of providing funds to pay the costs of designing and constructing a natural gas distribution
100 system (the "Improvement") in the City of Homer Natural Gas Distribution Special
101 Assessment District, and is the single registered Bond entitled \$12,359,388~~12,700,000~~ City of
102 Homer Natural Gas Distribution Special Assessment Bond, 2013.

103
104 Section 5. The amended Bond shall be executed in the name of the City by the
105 signature of the Mayor, and its corporate seal shall be impressed or otherwise reproduced
106 thereon and attested by the signature of the City Clerk.

107
108 Section 6. The City Manager is hereby authorized to execute the Second Amendment
109 to Loan Agreement, in substantially the form presented at this meeting, but with such
110 changes, modifications, additions and deletions therein as she shall deem necessary,
111 desirable or appropriate, the execution thereof to constitute conclusive evidence of approval
112 of any and all changes, modifications, additions or deletions therein from the form and
113 content of said document now before this meeting. The City Manager also is hereby
114 authorized to deliver the amended Bond to the Kenai Peninsula Borough in exchange for the
115 original Bond.

116
117 Section 7. This Ordinance is not permanent in nature, and shall not be codified.

118
119 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
120 _____, 2016.

121
122 CITY OF HOMER

123
124 _____
125 MARY E. WYTHE, MAYOR

126 ATTEST:

127

128

129 _____
JO JOHNSON, MMC, CITY CLERK

130

131

132

133

134 YES:

135 NO:

136 ABSTAIN:

137 ABSENT:

138

139

140 First Reading:

141 Public Hearing:

142 Second Reading:

143 Effective Date:

144

145 Reviewed and approved as to form.

146

147 _____

148 Mary K. Koester, City Manager

149

150 Date: _____

151

152

153 Fiscal Note: NA

Thomas Klinkner, City Attorney

Date: _____

January 6, 2016

Traveled to and from Anchorage on Jan 6th

Governor Bill Walker and Lt. Governor Byron Mallott are hosting a Statewide Affordable Housing Summit on January 6th 2016, at the University of Alaska Anchorage. This event will take place from 8:30 a.m. to 5:00 p.m., at the Rasmuson Center.

The goal of this summit is to identify what the State of Alaska can do to help local communities address their housing needs, and to develop strategic solutions that can be put into practice across our great state. We look forward to an open dialogue for State officials, financiers, realtors, builders, rural housing authorities, municipal leaders, and advocacy groups to develop realistic goals and measurable outcomes related to Alaska's housing shortage.

Notes from: Innovative Funding and Financing Options for Housing Investments

Chris Perez – Problem – There is not enough financing to address the needs in Alaska, or there is a wide range of solutions. Or is there somewhere in between?

– Our job to give an actionable agenda to the State.

Rewritten: There is economic GAP between demand side and supply side of housing for individuals and developers.

- (1) Rents (or appraised value) are insufficient to recoup building costs and profit.
- (2) Awareness / Creativity / Innovation GAP / Culture
 - a. Tools
 - b. Policies / Best Practices
 - c. Products

Awareness – Building cost efficiency

LIDs – the whole Matt Valley with the GAS system is one LID

Growing Senior Population

O – Owner, R – Rental, D - Developer

Under Utilized Tools

Manufactured Home Program

O Sweat equity (USDA, etc)

R & D Multi-housing Tax Abatement

- Need consistency
- Expand and simplify

(O) IDA – down-payment costs, etc.

(O) Home Start (plus)

(D) LID / SID to perhaps be parcel specific, allow the builder to do it on his own

New (to AK) Tools

- Government Gifted Land – Community Land Trusts
- (O) Alternative housing / tiny homes
- (O) Coops (ROC, USA)
- (D) Several Land Programs – Governor gifted land, community land trust – rolling option
- (D) Gov./Private Agreements for Development
- (D) Inclusion zoning
- (O, R, D) Housing Trust Fund
- (O, R, D) 40 – Year Mortgage

Tools to Modify

- (O, R, D) Appraisal
- (O, D) Modify Programs to allow Tiny Homes, and new generation of
- (O) Mortgage Insurance is not allowed for mobile homes –
- (D) New market tax credit
- (D) TIF – clarification

Tax Structure

- Tax credits
- Expand Corp Tax credit to housing or other.

Appraisal on a multi family is a function of cash flow – Alaska Housing looks for 1.20 or 1.25

100K allowed 80K in expenses, 20K income

Problems:

1. Rents (or appraised value) are insufficient to recoup building costs.

2. Awareness / Creativity / Innovation GAP

Identify opportunities for existing financing.

We have a bucket of tools that are well known and successful, are we using those as effectively as possible, and are there other tools that could help us more effectively?

3. Demand SIDE / Economic GAP

Some of the comments:

Margaret – Juneau Economic Development Council

Historically low interest rate. I am not hearing there is not financing.

Ethan Burkowitz – What is the availability?

Dallas – What is the supply side, what is the demand side? 350 homeless in Juneau and there is no demand from them, as they cannot afford it. Demand requires means “Adam Smith” –

Michelle Weiss – President Alaska Mortgage Bankers Association. Radian Guaranty Mortgage Insurance Co.
Alaska, Hawaii and Guam – Alaska Mortgage Bankers
Average list price of 250K and income of 50K – Eight years to save up a down payment, 20 years to save up a 20% down payment.

Lisa M. VonBaugen Valdez: Rolling option, City reimbursed after the house is sold. The developer may never buy the land but somehow rolled into the transaction.

Steve Lauzier: UAA

Valdez – paying \$800 a month for energy

Builder from Fairbanks – how do we turn a profit?

Stormy Jarvis Oceanic Management Group– Property development and management in Anchorage. The young people do not want to buy; they want to be able to move to take a job.

Mim McConnell from Sitka – Sitka Community Land Trust non – profit. Land given by the Assembly and we also just received another chunk of land. We would not be able to have done without getting that land from the City. Asking for money would not work, but asking for land worked. We live in a City surrounded by Public land. We are also having conversations with Senator Stensenski about State land on Millersville land. Land is so expensive in Sitka. Average cost of a house in Sitka is \$350K and that is a fixer upper.

Greg Stuckie : US Department of Commerce affordable housing. Different groups. Without property site control I can't get
Cost to build in remote Alaska is 400K but it will only appraise for 250K

Sterling – the idea there is not enough financing is just nonsense to me. 1.8 Billion in Dividends taken out to put into the budget. One of the major problems is Dodd Frank, now appraisers are afraid for their license so they give you a low ball.

Jeff Daubert – Cook Inlet Housing Authority There is funding for those that have incomes. All of the programs are over subscribed at least two to one.

Greg Dunfield: - Federal program, rental housing is his expertise. Tax credit program Soft 2nd State Program has been curtailed. Trying to retool the pool of State Local Gap Money that can be leveraged into the Federal program.

Michael Fallon: Is a community funding development company. We are not seeing a lot of demand in Alaska. Thanks to Rasmussen we have money but not much demand.

Mike Strand – CFO of Alaska Housing. This is a cash flow problem. It is simply an economic problem.

Barbara Sheinberg – comment on infrastructure, it is a matter of home building. So, adding in the option of municipalities to add in a development tool. Long-term infrastructure development.

Mim McConnell - Inclusionary housing and zoning used successfully all over the United States.

Bryan Zak – affordable housing requires jobs, and good infrastructure

Federal Program – New market tax credit, State of California also has the low income tax credit program.

Jennifer Ernst – We also have to consider the cost of not doing some of these things. What is the downstream economic impact of not taking any action? In North Dakota they have a state housing trust fund, individuals contribute for tax abatement. The State of Alaska has this fund but it is only for education donations for corporations.

The old income tax was at 20% of the federal rate; the Governors new bill has a 6% rate with no credits so it is much different in shape.

Aaron: AHFC person also, mentioned 40-year mortgages.

Builder: Higher loan to value rates, longer terms, or cheaper materials. The days of everyone having 2.5 acres in Alaska are gone, so how do you do it? If you can get people into a 40-year mortgage it makes it affordable but most people only stay three to five years.

Stormy Jarvis: Commented about commercial funding as downtown is shut down at night.

Jan Miagashi with Alaska Housing: You can talk about them but you have to talk about them to your State Legislators.

Person: We need to make sure a tax credit off of my personal income tax is on the agenda. A State new market tax credit – we are not having these discussions in our state. This would also apply to infrastructure.

Attendees:

Chris Perez	Rasmussen Foundation
Jeff Judd	Cook Inlet Housing Authority
Craig Nolte	Federal Reserve Bank of San F.
Mitzi Barker	Rural Alaska Community Action Program
Lisa M. VonBargon	City of Valdez
Tamara Rowhoff	Alaska Housing Development Comp – Juneau
	Housing Commission
Aaron Welteton	WV Builders Inc. – Fairbanks
Bonnie Newman	Ketchikan Indian Community
Jennifer Ernst	Federal Home Loan Bank Des Moines
Sue Wolfe	Northrim Bank
Margaret O’Neal	Juneau Economic Development Council
Jessica Laine	Interior Alaska Building Association
Minn McConnell	Sitka Community Development Corp
Jim Sellers	Akeela Development Corp
Steve Gallagher	Governors Office
Jeff Tickle	Cook Inlet Lending Center
Patti Bolld	Wells Fargo Bank
Michael Carroll	Rural Community Assistance Corp
Barbara Sheinberg	Sheinberg Associates, Community Planning Firm
Dan Austin St.	Vincent de Paul Society Juneau
Greamy Dunfield	GMD Development
Kaileee Wallis	Alaska Business Monthly / public member
Ryan Colgan	Office of the Governor
Justin Crotty	Wells Fargo judith.1.crotty@wellsfargo.com
Jan Miyagishima	AHFC
Mike Srand	AHFC
Bryan Zak	City Council / City of Homer
Michelle Weiss	President Alaska Mortgage Bankers Association.
	Radian Guaranty Mortgage Insurance Company.

Notes from after lunch:

- Pre – D Acquisition Financing
 - Non Bank / Non=regulatory (CDFI?)
 - Blended Rate
- Soft Second to Developers – this was done away with
 - Blended rate down market
 - Small Concentrae / Condo Financing
- Expand / Uniform More buyer Education
 - Tie to mortgage rate
 - Premium buy-down
- State Go Gond
- LIHTC / Home Advocacy – National Housing Trust
- Title VI Loans

- Lending against future
- TIF /Revenue Bonds

Final out brief notes:

Group One -

1. What – Statewide building code

Consolidation of existing codes

Who would house this new code entity – AFHC

2. Design of an education process of why a statewide building code is important.

3. Changing AGs Action

If you implement the IRC it already says you have to have an advisory council.

1. Regional differences
2. Codes – fourplex and below – Residential
3. Statewide building codes commission –
4. International Residential Code – Family of codes written with residential building in mind.

Group Two – Department of Health and Human Services – Steve Ashman
Housing Homeless Veterans

1. Locating Homeless Veterans
2. Permanent support of housing
3. Ongoing cost of services for those Veterans

Three Primary Areas:

1. Capital for bricks and sticks: Homeless vets are very low income, unsubsidized debt is out of the question. Sources of funding might be HUD 184 loan guarantee program, USDA Rural Development 502 program, Land Trusts or the funding of Land Trusts.
2. Operations: We can look at the VA programs, but outreach and engagement is not typically funded here. Other methods – reinvesting dollars that we save elsewhere. Savings from emergency services (Proactive vs Reactive).
3. On-going rental subsidies for two, three, and five years – extremely important for the ongoing operations. About \$300 a month is what is allowed but fair market rent in Anchorage is about \$1,000 a month. Important that we get out of our silos to reinvest in the appropriate manner. State applications to mark off whether the individual is a Veteran. The first phone call we should make is to the Veterans association. Also, encourage that for private or third party insurance providers. A community in each community

as a veterans liaison, similar to the Veterans service officer. Work on legislation to expunge criminal backgrounds.

Group 3 – Senior Housing (Working from bottom up from the agenda)

1. The need for senior housing in the state. We wrote a problem statement but we realized it is really an opportunity statement. Alaska has the largest population of aging seniors. There are working seniors who contribute 633M, not to mention, the care giving and love so we need to capitalize on that and we want seniors to stay in Alaska.

Solutions to this fact: Two State Plans that we started with, one that was completed in July, survey for Alaska and we had a State Plan steering committee comprised of 36 members. Six goals in the State Plan – we took the strategies and we did a senior summit a couple of years ago in 2012, and we are going to follow up by having another in this State plan period. We also discussed renovation loans because most seniors want to age in place. So it is important to have renovation loans. Advocate for continuing development of appropriate senior housing and about the value of multiple design. We also addressed Altizmers.

We also developed some new strategies: Long term sustainable funding, so advocate for a housing trust fund and do this with our partners. And the governor this morning mentioned land. We also discussed a room mate finder (students, to house with seniors). This might be the development of an agreement with someone who can provide chores.

Help Alaskans learn that aging is a good thing, a lot better then the alternative. But, we also have to take some responsibilities for home modification and there is an application coming out in August.

Group 4 – Recidivism

Housing, Employment and support for recovery – how do we get all of the pieces working together to help citizens be successful in the community? Have a more organized pre and post release period. Have this coordinated with the community. They cannot come out and have to apply for Medicaide – those applications need to be pre-processed and filed. So when they come out they have a valid ID, are ready to receive SS, Medicaide, etc.

Services such as treatment services, and getting employers more comfortable. One thing discussed is “Ban the Box” (have you ever been convicted of a felony. Going through ready to rent training to get them prequalified for vouchers. All of this has to happen before they come out on the street.

Types of housing, transifional, permanent supportive housing, preventative housing. Landlord incentives such as indemnifying the land lord. Pugh foundation – justice reinvestment – more collaboration, more partners engaged, AFHC, department of Labor,

Group 5

Mark Gromic – Finance funding group and Chris Perez will do the other section.

We looked at three different things – tools (see day notes)

Three solutions for Home Ownership:

1. Expand the sweat equity model USDA and Habitat for Humanity
2. Within the next three months discuss how to expand these programs through the 502 program and to expand out to the rural areas Alaska Housing should figure out a way to include sweat equity and role this out in 18 months, and after that to the rest of Alaska.

The Second area of focus: Using underutilized programs in Alaska. Section 184 loan guarantee program, the federal home bank of Des Moines, home start program, community assistant loan programs are under utilized in Alaska.

Actions:

1. Working through Alaska Mortgage Bankers Association – represents all lenders in Alaska. Make sure that at the realtor level etc., people are aware (next 18 months).
2. Tiny house, accessory, floating homes,
 - a. To be more acceptable zoning, covenants, codes
 - b. Financing and appraisal issues
 - c. General market acceptance (what people are willing to pay for and what they are willing to accept).
3. Work with municipal leaders, RCAC, Federal Home loan bank to talk about financing and zoning. At the same time have the financing agencies look at their own policies. After the 18 month program, do a pilot project. As an aside on the issue of mobile homes, right now there is a rule out directing Fanie Mae to look at the financing of mobile homes.

Chris – as Mark said we broke into groups by topic area I am presenting the notes from the rental and development side of the house.

Need for structured financing. Explore the use of project based vouchers for the 4% housing tax credit program. State has two programs 9% and 4% which is not competitive tied to tax exempt bonding, which provides 30% of the required bonding for a project. Second, was to expand and simplify the tax abatement properties act, look for a way to expand and simplify these (Broad enabling code).

Third: Create a working group to explore a new state tax credit structure. Implementing a housing trust fund.

Dotti Harness

Subject: FW: Proposed Hickerson Cemetary Expansion

From: Jill Gann [<mailto:gann.jill@gmail.com>]

Sent: Monday, January 04, 2016 11:49 AM

To: Department Planning

Subject: Proposed Hickerson Cemetary Expansion

Dear Homer Planning Members,

I have some great concerns about the Proposed Hickerson Cemetary Expansion. My property is located right next to this and I just now became aware of the actual plans and found out that money has been approved for this plan. I do not like what I am seeing as the plan for this expansion and how they are talking about going forward with this plan.

The addition of 700 graves to this property which borders on mine has me wondering if anyone has bothered to think about what the outcome of this might be and what it could do to the properties that are below this. Not to mention the groundwater. What about the wells which are located below property. I have heard the plan is to clear the entire property when the work is planning on being done in stages. I am worried as to the impact this will have to my property and those nearby.

One would think the city would reach out to its neighbors and get their input prior to moving forward on a project of this dimension with the impact that could be done to adjacent properties. I would hope you would put a stop to this project immediately. I would hope that this is not the way the City of Homer does business.

I would like more information on the plans that are in place and when they are proposed to move forward I look forward to hearing from you.

Thank you for your assistance,

Sincerely

Jill M. Gann

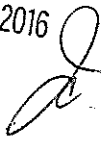
40881 Stacey Street

907-360-8932

P.O. Box 2994
Homer, AK 99603

January 7, 2016

Homer City Council
Homer, AK 99603

JAN - 8 2016


RE: Proposed Hickerson Memorial Cemetery Expansion

Dear Council Members:

Clean water, especially good, clean drinking water, is a critical resource in Homer, given our poor soils. Over the years, awareness of this resource's importance has been heightened by threats, such as proposed coalbed methane drilling in the community and the need to line our landfills and keep toxic substances, including electronic waste, out of the landfill.

Cemeteries have long been under the radar screen as possible sources of pollution to drinking water. Many articles document these threats, but most of us had no idea cemeteries could be toxic, just as we had no idea about the problem of electronics in landfills. Now that the issue has been brought to light, the City would be remiss to go forward with its plans to expand the cemetery without first studying this issue and devising ways to prevent any toxic materials from contaminating adjoining water resources.

I would request the city refrain from doing any work clearing the properties that were purchased for cemetery expansion because the necessary planning to prevent pollution of groundwater has yet to be done. There are some questions to consider as well:

Is this project truly something we need to spend nearly \$700,000 on right now given current budget constraints?

Do we know if the old cemetery has leached any heavy metals or other toxins into the environment?

Is the old model of individual coffin plots the best use of the land, given that many more people these days choose cremation? Spots for urn burial takes up less space.

What are the current best practices of cemeteries to prevent leaching of toxins into groundwater?

What liability would the City of Homer have down the road if a cleanup is needed?

I believe these questions and probably many others need to be answered before any work is done on this project. We cannot afford to contaminate limited water resources or incur big liabilities for future cleanups. There is time to do this right or maybe decide not to do this at all.

Sincerely,

Nina Faust

Nina Faust



Birch Horton Bittner & Cherot

a professional corporation

MEMORANDUM

**TO: MAYOR AND CITY COUNCIL MEMBERS
CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: CITY ATTORNEY REPORT FOR DECEMBER 2015

FILE NO.: 506,742.23

DATE: JANUARY 7, 2016

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

City Council. I attended the December 7 Council meeting.

City Manager. We researched the interpretation and enforceability of an agreement with the Homer Society of Natural History.

Marijuana Regulation. We continued our research regarding the regulation of marijuana businesses in the City for review by the Cannabis Commission. We drafted an ordinance to regulate the extraction of THC using hazardous substances.

Natural Gas Assessments. We advised the Finance Director regarding interest on assessments, and drafted a resolution to exclude an exempt parcel from the assessment district.

City Clerk. We continued work on drafting an ordinance amending City election procedures to address issues that arose in the recent regular and runoff elections.

Planning Department. We worked with the Borough Attorney's office to correct a deed to the City of tax-foreclosed property.

Parks & Recreation. I drafted a new version of an ordinance revising the City beach policy.

I will be available to answer questions regarding these matters at the January 11, 2016 Council meeting.