



AGENDA ITEM REPORT

Ordinance 23-13, An Ordinance of the City Council of Homer, Alaska Updating the Assessment Owed from Lot 10-A-3, Bunnell's Subdivision No. 17 Replat, KPB Tax Parcel No. 175-133-52 and Amending the FY23 Capital Budget by Appropriating \$15,432.52 from the Homer Accelerated Roads and Trails (HART) Roads Fund to Pay the Remainder of this Assessment. Lord.

Item Type: Ordinance
Prepared For: City Council
Meeting Date: 13 Feb 2023
Sponsor: Rachel Lord, Council Member

Summary Statement:

Council Member Lord submitted Ordinance 23-13 for Council consideration. Historical information and a Memorandums from City Manager Dumouchel and Special Projects Coordinator Foster are included.

Recommendation:

Consider introduction of Ordinance 23-13 and public hearing on February 27, 2023.

Attachments:

[Ordinance 23-13](#)

[Memo from City Manager 020923](#)

[Financial Supplement](#)

[Reso 08-106\(A\) - Final Assessment Roll](#)

[Memo 08-142](#)

[Council Minutes 10-13-2008 - Final Assessment Roll approval](#)

**CITY OF HOMER
HOMER, ALASKA**

Lord

ORDINANCE 22-13

AN ORDINANCE OF THE CITY COUNCIL OF HOMER ALASKA
UPDATING THE ASSESSMENT OWED FROM LOT 10-A-3,
BUNNELL'S SUBDIVISION NO. 17 2018 REPLAT KPB TAX PARCEL
NO. 175-133-52 AND AMENDING THE FY 23 CAPITAL BUDGET BY
APPROPRIATING \$15,423.52 FROM THE HOMER ACCELERATED
ROADS AND TRAILS (HART) ROADS FUND TO PAY THE REMAINDER
OF THIS ASSESSMENT.

WHEREAS, In 2004 property owners began a special assessment district to construct and pave Spruceview Road; and

WHEREAS, This effort was successful and the road project was completed and a final assessment roll approved by the City Council on October 13, 2008 with a total of \$47/foot due from each property; and

WHEREAS, The Hansen's owned a parcel that was not at the time adjacent to Spruceview however they had engaged in conversations with City staff to be included in the assessment district with a partial and deferred assessment so they could gain access to a portion of their property at some indeterminate point in the future; and

WHEREAS, Memorandum 08-142 from City staff relating to this parcel (11-A) states: *Since Lot 11A is separated from Spruceview Avenue by a dedicated park, no assessment for Lot 11A should be levied at this time. If in the future access is provided across the park property to any portion of Lot 11A, an assessment would be due based on frontage of the lot being served.*; and

WHEREAS The City Council approved but did not set a timeline or other criteria for this "deferred assessment" in 2008 or at any point in the future beyond what is recorded in this memorandum; and

WHEREAS, In 2018 this property was subdivided into three parcels adjacent to Spruceview Rd. through a quitclaim deed from the City and negotiations for preserved lands to protect Woodard Creek; and

WHEREAS, None of the 2008 assessment has been paid to date and it is the final remaining assessment due in this district; and

42 WHEREAS, One of these three lots is now in a position to access Spruceview with 29.95
43 feet of road frontage; and

44 WHEREAS, The middle lot with 211.39 feet of road frontage is park-dedicated and now
45 owned by the City of Homer; and

46
47 WHEREAS, The corner lot has 99.43 feet of road frontage on Spruceview but is only
48 accessed via Bartlett at this time and has not accessed Spruceview nearly 15 years after the
49 assessment roll was finalized; and

50
51 WHEREAS, It is in the City's best interest to close out this assessment district in the
52 fairest and most equitable manner based on the known history and written record associated
53 with what was once Lot 11-A.

54
55 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

56
57 Section 1. The assessment from lot 10-A-3, Bunnell's Subdivision No. 17 2018 Replat is
58 hereby adjusted to reflect \$47 per foot based on the 29.95 feet of frontage of the lot being
59 served.

60
61 Section 2. The FY23 Capital budget is hereby amended by appropriating \$15,423.52
62 from the HART Road Fund to pay off the remaining 328.16' of frontage from this assessment as
63 follows:

64

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
160	HART Roads	\$15,423.52

67

68 Section 3. This is a general ordinance of a permanent nature, it amends the budget,
69 and it shall not be codified.

70
71 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA THIS ____ day of _____, 2023.

72
73 CITY OF HOMER

74
75
76
77 _____
78 KEN CASTNER, MAYOR

79 ATTEST:

80
81
82 _____
83 MELISSA JACOBSEN, MMC, CITY CLERK

84

85 YES:

86 NO:

87 ABSENT:

88 ABSTAIN:

89

90 First Reading:

91 Public Hearing:

92 Second Reading:

93 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council

FROM: Rob Dumouchel, City Manager

DATE: February 7, 2023

SUBJECT: Spruceview Assessment

Ordinance 23-13 sponsored by Councilmember Lord greatly reduces the amount of money owed on the final unpaid lot within the Spruceview and West Noview Road Reconstruction and Paving Assessment District. Staff does **not** support this ordinance.

Considerable staff time has been spent working with the subject property's agent. Staff, and the City Attorney, have reviewed the situation multiple times and the opinion has consistently been that the original \$16,831.17 shown as deferred in the assessment role (Resolution 08-106(A)), remains due to the City regardless of how the property owners have modified their parcel in the 19 years since the assessment district was created.

MARVIN L. & JUDITH K. HANSON P.O. BOX 490 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0860044 BUNNELL SUB 17 LOT 11-A 175-133-27	358.11'	\$53,700.00	\$16,831.17 *deferred due to access situation HCC 17.04.160
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The proposed ordinance contains a whereas clause which refers to a 2008 memo by the Public Works Director that makes a recommendation on how to charge an assessment for the subject parcel. This recommendation is not supported in the legislative history of the project as having been accepted for implementation by the Council.

The staff opinion is that the full \$16,831.17, which has been deferred interest free for almost 20 years, is due in full to the City. Additionally, paying off the majority of this assessment with HART funds is not an appropriate use of those funds. It would not be an appropriate use of any public funds. The subject parcel received a material benefit and is contractually obligated to repay the City.

Attached to this memo is an internal memo written by Special Projects Coordinator Ryan Foster which provides additional information regarding this case.

Staff Recommendation: Reject Ordinance 23-13



Memorandum

TO: Robert Dumouchel

FROM: Ryan Foster

DATE: November 16, 2022

SUBJECT: Parcel ID 175-133-52/ T 06S R 13W SEC 19 Seward Meridian HM 2020010 BUNNELL'S
SUBD NO 17 2018 REPLAT LOT 10-A-3

Regarding the Spruceview Avenue Road Construction and Paving Improvement/Assessment District, the deferred road assessment of \$16,831.17 is due at the transfer of the property, Lot 10-A-3. It was originally deferred in Resolution 04-76 due to access issues. The City now finds with the completion of the road, and the replat of the related parcels, that the road access to Spruceview is now clear and defined.

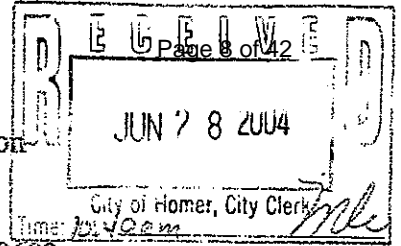
- The City paid its assessments on the original lots: 175-133-28 - \$17,009.30 and 175-133-29 - \$17,604.79. 175-133-26 was not originally assessed because it had no frontage. The other lot 175-133-27 was owned by the Hanson's.
- The Hanson's original request was to be included in this district because it had no road access on this side of the creek (rear third of the property inaccessible from Bartlett Street), but for it to be deferred until access was provided, which has now been fulfilled.
- When the City creates assessments, there is a voting process, and the projects costs are divided accordingly, the Hanson's agreed to this amount.

Many events have occurred over the past 18 years since the creation of the Special Assessment District for Spruceview Avenue in 2004, below is a brief timeline of key events:

- In a letter dated June 27, 2004, the Hanson's agree to be a part of the district, specifically, to gain access to the rear third of their property, "If we can secure access to this portion of our property, we would propose to replat the area west of Woodard Creek into one large tract of approximately one-half acre using the creek as an appropriate easterly boundary and incorporating covenants protecting the Woodard Creek drainage" (See letter attached).
- September 13, 2004: Creation of the Special Assessment District via Resolution 04-76 to construct Spruceview Avenue.
- March 25, 2005: Contract for design and construction awarded to William J. Nelson and Associates via Resolution 05-47.
- August 2018: Bunnell's Subdivision No.17 2018 Replat (see attached comparison maps). The Hanson property, Lot 11-A, and adjacent property Lot 10-A, is subdivided

into 4 parcels, resulting in lots 10 A-1, 10-A-2, 10 A-3, and Tract A. This subdivision creates lots 10 A-3 and Tract A with the required legal lot access provided by Spruceview Avenue, which was constructed by the September 13, 2004, Special Assessment District. Tract A was donated to the City of Homer, protecting the Woodard Creek drainage. The goals stated in the Hanson's letter dated June 27, 2004, have now been achieved. Page 7 of 42

- November 2022: The deferred road assessment amount of \$16,831.17 is the final payment required to close this special assessment district and is due upon transfer of Lot 10 A-3, the last of the Hanson owned properties to be transferred.



To: Ms. Mary L. Calhoun, City Clerk
Mr. Jack Cushing Mayor
Members of the City Council
City of Homer
491 East Pioneer Avenue
Homer, Alaska 99603-7624

From: Marvin L. Hanson
Judith K. Hanson
P.O. Box 490
Homer, Alaska 99603
(907) 235-5297

Date: June 27, 2004

Re: Spruceview Avenue Road Reconstruction and Paving
Improvement/Assessment District

We are the owners of Lot 11A, Bunnell's Subdivision No. 17 as listed on the assessment roll for the proposed Spruceview Avenue project. We are also the owners of Lot 10A, adjacent to the north, where we have resided for more than 25 years. We approve of this improvement district provided that we are able to negotiate access with the City of Homer.

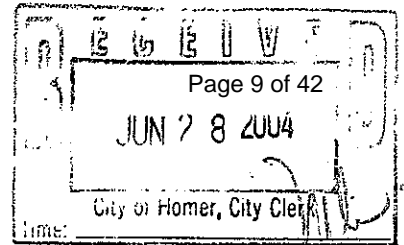
Our interest in access to Spruceview Avenue results from the fact that approximately one third of the area of our properties lies west of Woodard Creek, and is inaccessible from Bartlett Street unless a crossing is constructed across Woodard Creek. We wish to preserve the banks of the creek from any unnecessary crossing when other access is available through Spruceview Avenue that would have no environmental impact on Woodard Creek.

Since we have participated with the City on the related sewer and water LID as well as the spruce beetle kill removal project across our property and City lots 11A and 12A, we wish to participate in the final result of our common effort. We would propose to negotiate an access across the westerly 40' of Lot 11A, an area well away from the creek, and previously cleared of natural growth by the City's recent water and sewer LID. The 40' width would include the existing 15' water and sewer easement and 25' of useable width, and satisfies the minimum 40' requirement for "marginal access" roads serving three lots or less. The total area would be 1200 square feet, including the existing 15' wide water and sewer easement. By comparison, we donated 2546 square feet of easement to the City for the water and sewer LID, and in addition, provided our property as a staging area for both the LID and the previous beetle-kill removal.

If we can secure access to this portion of our property, we would propose to replat the area west of Woodard Creek into one large tract of approximately one-half acre using the creek as an appropriate easterly boundary and incorporating covenants protecting the Woodard Creek drainage. The result would be better land use and conservation practices.

We look forward to another cooperative effort with the City of Homer in negotiating a solution to allow our participation in this improvement District.

Sincerely,



CITY OF HOMER
PROPERTY OWNER'S STATEMENT OF
OBJECTION OR NONOBJECTION
TO LOCAL IMPROVEMENT/ASSESSMENT DISTRICT

LOCAL IMPROVEMENT/ASSESSMENT DISTRICT: Spruceview Avenue Road
Reconstruction and Paving Improvement/Assessment District. (the "Assessment District")

I/We have no objection to the Spruceview Avenue Road Reconstruction and Paving
Improvement/Assessment District, PROVIDED ACCESS IS NEGOTIATED

I/We object to the Spruceview Avenue Road Reconstruction and Paving
Improvement/Assessment District.

Reasons/Comments: SEE ATTACHED

I/we affirm that I/we am/are the owner(s) of the following lots in the Assessment District (give legal
description):

LOT 11A, BUNNELL'S SUBD. No. 17

PROPERTY OWNER'S PRINTED NAME: SIGNATURE and DATE:

MARVIN L. HANSON
JUDITH K. HANSON

[Signature] 6/27/04
(signature) (date)
[Signature] 6-27-04
(signature) (date)

NOTE: IF YOU HAVE MORE THAN ONE LOT PLEASE NOTE THIS ON THIS FORM
WHEN YOU RETURN IT. OBJECTIONS WILL APPLY ONLY TO THOSE LOTS
NAMED ON THIS FORM.

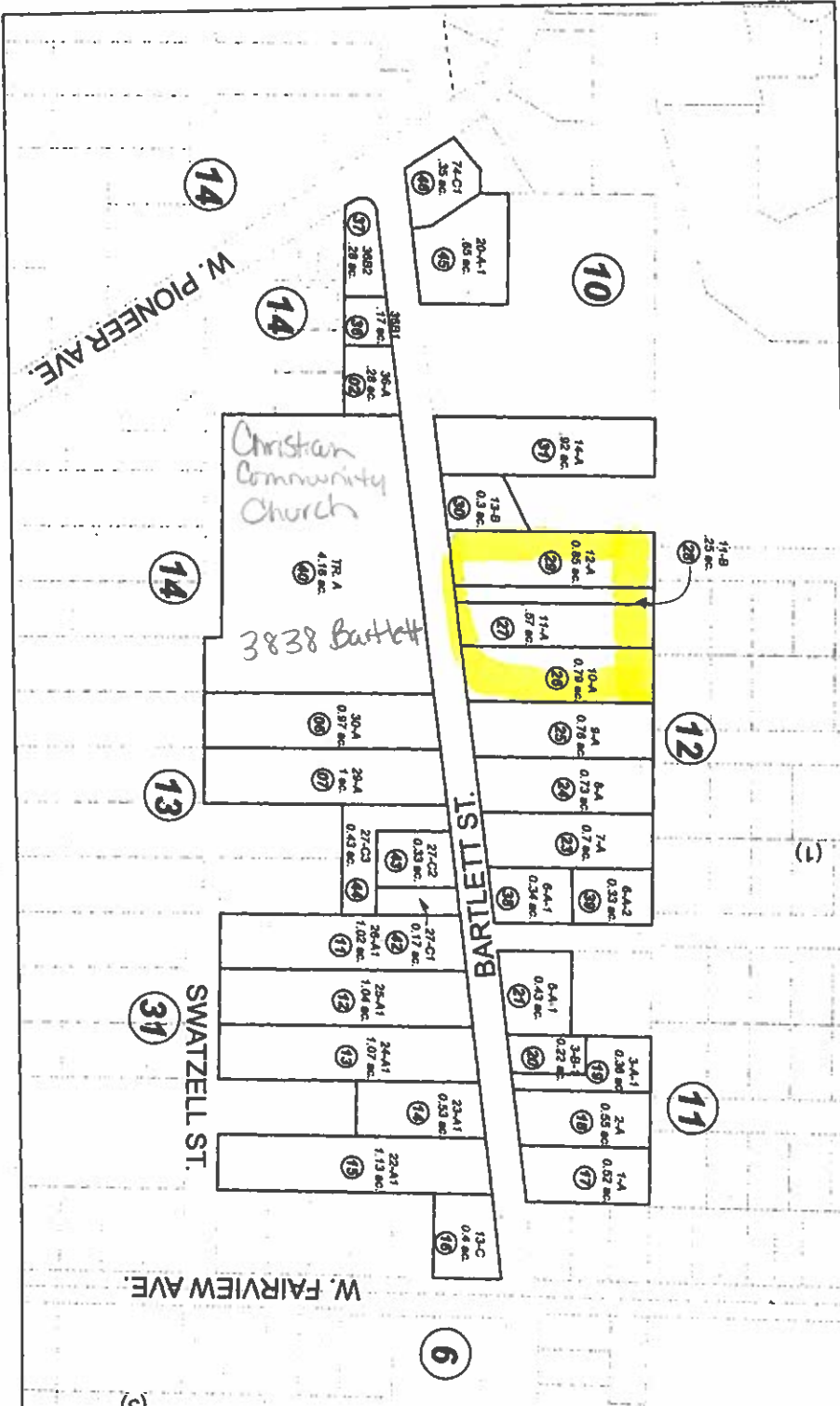
TO FILE AN OBJECTION USING THIS FORM, COMPLETE THE BLANKS AND RETURN
IT BY THE DEADLINE, AUGUST 27, 2004, STATED IN THE NOTICE OF RIGHT TO
OBJECT:

Mary L. Calhoun, City Clerk
City of Homer
491 E. Pioneer Avenue
Homer, Alaska 99603
Mlc



OCTOBER 11, 2007
For 2008 assessment roll
Date: Add: Remove:
33-35 45,46

Assessor's Map
Noted Precincts Borough



POR. SEC. 19, T06S, R13W, S.M.

175-133

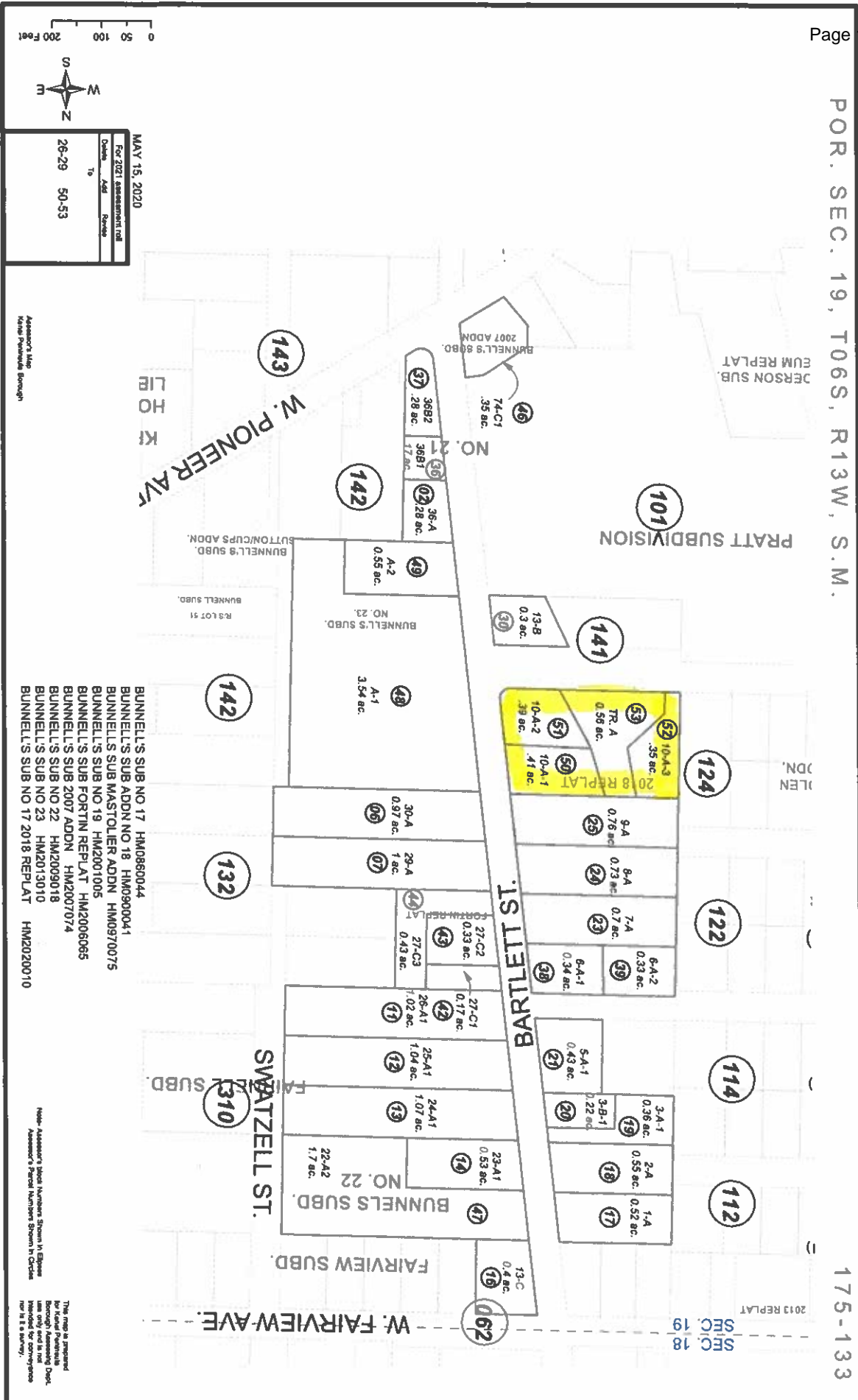
BUNNELL'S SUB NO 170HM080004
BUNNELL'S SUB ADDN NO 180HM0800041
BUNNELL'S SUB WASTOULER ADDN0870075
BUNNELL'S SUB NO 190HM2001005
BUNNELL'S SUB FORTIN REPLAT082008055
BUNNELL'S SUB 2007 ADDN HM2007074

Map Assessor's Map, Noted Precincts Borough, Assessor's Office

This map is prepared for Noted Precincts Borough, Assessor's Office, and is not to be used for any other purpose.

POR. SEC. 19, T06S, R13W, S.M.

175-133



MAY 15, 2020	
For 2021 assessment roll	
Date	Assessor
26-29	50-53

Assessor's Map
 Name: Pioneer Avenue
 Assessor's Map

- BUNNELL'S SUB NO 17 HM0860044
- BUNNELL'S SUB ADDN NO 18 HM0900041
- BUNNELL'S SUB MASTOLIER ADDN HM0970075
- BUNNELL'S SUB NO 19 HM2001005
- BUNNELL'S SUB FORTIN REPLAT HM2006065
- BUNNELL'S SUB 2007 ADDN HM2007074
- BUNNELL'S SUB NO 22 HM2009018
- BUNNELL'S SUB NO 23 HM2013010
- BUNNELL'S SUB NO 17 2018 REPLAT HM2020010

Note: Assessor's Map Numbers Shown in Edges
 Assessor's Parcel Numbers Shown in Circles
 The map is prepared
 by the Assessor's Office
 and is not intended for
 conveyance
 purposes (M.S. 175.01)

CITY OF HOMER
FINANCIAL SUPPLEMENT

PROJECT NAME	<u>Payoff Remaining Assessment</u>	DATE	<u>02/07/2023</u>
DEPARTMENT	<u>City Council</u>	SPONSOR	<u>Lord</u>
REQUESTED AMOUNT	<u>\$ 15,424</u>		

DESCRIPTION	It is in the City's best interest to close out this assessment district in the fairest and most equitable manner based on the known history and written record associated with what was once Lot 11-A.
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FUNDING SOURCE(S)	OPERATING	GF CARMA	GF FLEET CARMA	PORT RESERVES	WATER CARMA
	0%	0%	0%	0%	0%
	HAWSP	HART-ROADS	HART-TRAILS	PORT FLEET RESERVES	SEWER CARMA
	0%	100%	0%	0%	0%

FUNDING SOURCE 1: HART-ROADS	FUNDING SOURCE 2:	FUNDING SOURCE 3:
Current Balance <u>\$ 5,918,071</u>	Current Balance _____	Current Balance _____
Encumbered <u>\$ 3,810,014</u>	Encumbered _____	Encumbered _____
Requested Amount <u>\$ 15,424</u>	Requested Amount _____	Requested Amount _____
Other Items on Current Agenda <u>\$ 0</u>	Other Items on Current Agenda _____	Other Items on Current Agenda _____
Remaining Balance <u>\$ 2,092,634</u>	Remaining Balance _____	Remaining Balance _____
FUNDING SOURCE 4:	FUNDING SOURCE 5:	FUNDING SOURCE 6:
Current Balance _____	Current Balance _____	Current Balance _____
Encumbered _____	Encumbered _____	Encumbered _____
Requested Amount _____	Requested Amount _____	Requested Amount _____
Remaining Balance _____	Remaining Balance _____	Remaining Balance _____

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 08-106(A)

A RESOLUTION OF THE HOMER CITY COUNCIL CONFIRMING THE ASSESSMENT ROLL, ESTABLISHING DATES FOR PAYMENT OF SPECIAL ASSESSMENTS AND ESTABLISHING DELINQUENCY, PENALTY AND INTEREST PROVISIONS FOR THE SPRUCEVIEW AND WEST NOVIEV ROAD RECONSTRUCTION AND PAVING ASSESSMENT DISTRICT.

WHEREAS, In compliance with Chapter 17, Improvement District, of the Homer City Code, the Homer City Council created a Road Reconstruction and Paving Improvement District for Spruceview Avenue and West Noviev/South Mullikin/South Wright Streets; and

WHEREAS, Spruceview Avenue Road Reconstruction and Paving Improvement District was created via Resolution 04-50 on May 25, 2004, and West Noviev was created via Resolution 05-78 on July 25, 2005, both at the property owner share of assessments \$30 per front foot for reconstruction and \$17 per front foot for paving; and

WHEREAS, A public hearing was held on June 24, 2004 for Spruceview and a public hearing was held on August 22, 2005 for West Noviev to hear objections to the formation of such districts; and

WHEREAS, Resolution 04-76 was adopted by Council on September 13, 2004 for Spruceview and Resolution 05-107 was adopted by Council on October 24, 2005 for West Noviev authorizing the formation of the Spruceview and West Noviev Road Reconstruction and Paving Improvement Districts; and

WHEREAS, In the 2008 construction season improvements for Spruceview and West Noviev Road Reconstruction and Paving Improvement Districts were completed; and

WHEREAS, The Spruceview and West Noviev Road Reconstruction and Paving Improvement District, after completion, was accepted for City Maintenance and forwarded for final process and a public hearing date was set for April 28, 2008 via Resolution 08-32; and

WHEREAS, An assessment roll was prepared and a public hearing was held on April 28, 2008 and again on August 25, 2008 to hear objections for the purpose of making corrections to the final assessment roll; and

WHEREAS, All assessment per parcel corrections deemed necessary have been made; and

WHEREAS, The assessment roll as presented by the City Clerk and reviewed and corrected where necessary and attached hereto as Attachment A, is hereby confirmed as the official assessment roll for the Spruceview and West Noviev Road Reconstruction and Paving Improvement District and the Mayor and Clerk shall be directed to sign same.

NOW, THEREFORE, BE IT RESOLVED THAT ON OR BEFORE 5:00 p.m. on April 1, 2009, all assessments in the Spruceview and West Noview Road Reconstruction and Paving Assessment District shall become due and payable in full. All assessments not paid in full by this date shall be considered delinquent and in default and shall have added a penalty of ten percent (10%) which penalty and principal amount of the assessment shall both draw interest at a rate of one and one half percent (1.5%) 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

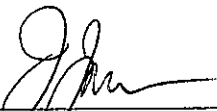
BE IT FURTHER RESOLVED that an optional ten (10) year payment plan is offered whereby the assessment may be paid in ten (10) equal yearly installments plus interest of one and one half percent (1.5%) on the unpaid balance of the assessment. The first such installment shall be due and payable without interest on or before 5:00 p.m. April 1, 2009 and each installment thereafter shall be due on or before April, of each year, plus interest on the unpaid balance of the assessment. If 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 will institute civil action for 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.

PASSED AND ADOPTED by the Homer City Council on this 13th day of October, 2008.

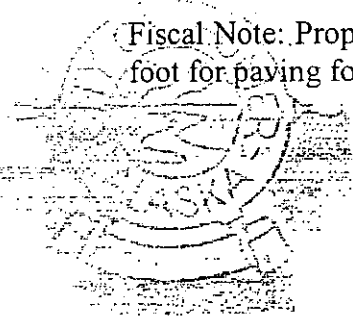
CITY OF HOMER


JAMES C. HORNADAY, MAYOR

ATTEST:


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: Property owners' share \$30 per front foot for road reconstruction and \$17 per front foot for paving for a total of \$316,705.45; \$1,148,442.55 paid by City.



FINAL ASSESSMENT ROLL

PROJECT NAME: Spruceview Avenue Road Reconstruction and Paving Improvement District

ACTUAL PROJECT COST: **\$1,040,288.00**

ABUTTING PROPERTY OWNERS ASSESSED \$30 PER FRONT FOOT FOR RECONSTRUCTION & \$17 PER FRONT FOOT FOR PAVING: **\$193,716.79**

HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART) SHARE: **\$846,571.21**

DATE: October 15, 2008

OWNER/ADDRESS	LEGAL DESCRIPTION PARCEL NO.	FRONT FOOTAGE	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY SHARE OF ASSESSMENT (Amount for Road and Paving)
JAMES V. HUNTER 1407 BAY AVENUE HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 9 BLK 3 175-123-09	135.2'	\$16,800.00	\$6,354.40
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 10 BLK 3 175-123-10	75'	\$16,800.00	\$3,525.00
DANIEL B. & CINDY S. WEATHERLY P.O. BOX 1018 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 11 BLK 3 175-123-11	75'	\$16,800.00	\$3,525.00
ALLAN & MARY ANNE COLEMAN P.O. BOX 102600 ANCHORAGE, AK 99510	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 12 BLK 3 175-123-12	75'	\$16,800.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 13 BLK 3 175-123-13	75'	\$16,800.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS 2004 ADDN LOT 14-A BLK 3 175-123-18	67'	\$14,700.00	\$3,149.00
MARSHA KORPI P.O. BOX 1033 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS 2004 ADDN LOT 15-A BLK 3 175-123-19	83'	\$86,700.00	\$3,901.00

DANIEL T. CORNELIUS 3855 WRIGHT STREET HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 16 BLK 3 175-123-16	135.2'	\$142,100.00	\$6,354.40
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 9 BLK 4 175-124-09	135.2'	\$18,900.00	\$6,354.40
TINA M. BAUGHER 209 W DIAMOND BLVD STE 4 ANCHORAGE, AK 99515	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 10 BLK 4 175-124-10	75'	\$91,600.00	\$3,525.00
LOU G. STEWART 344 NOVIEW AVENUE HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 11 BLK 4 175-124-11	75'	\$223,700.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 12 BLK 4 175-124-12	75'	\$16,800.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 13 BLK 4 175-124-13	75'	\$16,800.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 14 BLK 4 175-124-14	75'	\$16,800.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 15 BLK 4 175-124-15	75'	\$16,800.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 16 BLK 4 175-124-16	105.2'	\$20,300.00	\$4,994.40
KENAI PENINSULA BOROUGH 144 N. BINKLEY STREET SOLDOTNA, AK 99669	T6S R13W S19 SEWARD MERIDIAN HM2000022 HOMER SCHOOL SURVEY 1999 CITY ADDN TRACT 1 175-100-69	904.5'	\$17,320,800.00	\$42,511.50

HOMER SOCIETY OF NATURAL HISTORY INC. 3779 BARTLETT STREET HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM 2003088 ALFRED ANDERSON 2003 ADDN TRACT A 175-101-22	336.34'	\$327,600.00	\$15,807.98
MARVIN L. & JUDITH K. HANSON P.O. BOX 490 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0860044 BUNNELL SUB 17 LOT 11-A 175-133-27	358.11'	\$53,700.00	\$16,831.17 *deferred due to access situation HCC 17.04.160
CITY OF HOMER 491 E PIONEER AVENUE HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0860044 BUNNELL SUB 17 LOT 11-B 175-133-28	361.9'	\$30,900.00	\$17,009.30
	T6S R13W S19 SEWARD MERIDIAN HM0860044 BUNNELL SUB 17 LOT 12-A 175-133-29	374.57'	\$58,200.00	\$17,604.79
DAN GINGERICH 8750 LAFAYETTE PLAIN CITY ROAD PLAIN CITY, OH 43064	T6S R13W S19 SEWARD MERIDIAN HM0000049 BUNNELLS SUB LOT 13 PORTION THEREOF LYING WEST OF STREAM BED 175-141-22	225'	\$60,100.00	\$10,575.00
EDITH J. DAVIS 3817 BARTLETT STREET HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0860044 BUNNELL SUB 17 LOT 13-B 175-133-30	149.35'	\$157,700.00	\$7,019.45

* HCC 17.04.160 Agreement for deferred or corner lot assessment double frontage property. a. Through lots in an road reconstruction and/or paving improvement District, having a frontage on two parallel streets, or flag lots having a frontage on two perpendicular streets can be exempt from a double front foot assessment, when only one lot access exists. Corner lots are exempt from a double front footage assessment and the total assessment shall not exceed the longest side of the lot. Previous reconstruction assessments apply to reconstruction assessments and previous paving assessments apply to paving assessments. The owner(s) of property shall file a "Deferred Assessment Agreement" with the City, prior to the end of the filing period for objections to the district noted in Section 17.04.050 of this chapter. The agreement shall contain a statement that the lot in question fronts two streets; however, the property owner has only one access onto the lot and shall pay the assessment on which the access is located. At such time as another access is made then the property owner agrees to pay the assessed front footage on which the new access has been made. The agreement shall be recorded with the Homer District Recorder's office.

10/15/08 - jj

FINAL ASSESSMENT ROLL

PROJECT NAME: West Noview Avenue Road Reconstruction and Paving Improvement District

ACTUAL PROJECT COST: \$424,860.00

ABUTTING PROPERTY OWNERS ASSESSED \$30 PER FRONT FOOT FOR RECONSTRUCTION & \$17 PER FRONT FOOT FOR PAVING: \$122,988.66

HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART) SHARE: \$301,871.34

DATE: October 15, 2008

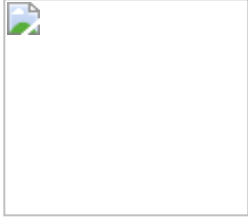
OWNER/ADDRESS	LEGAL DESCRIPTION PRACEL NO.	FRONT FOOTAGE	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY SHARE OF ASSESSMENT (Amount for Road and Paving)
MICHAEL F. & MARILYN V. HARRIGAN P.O. BOX 2254 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 16 BLK 2 175-121-09	135.2'	\$16,800.00	\$6,354.40
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 15 BLK 2 175-121-10	75'	\$16,800.00	\$3,525.00
SCOTT C. SPRAGUE 11001 HIDEAWAY TRL. ANCHORAGE, AK 99507	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 14 BLK 2 175-121-11	75'	\$16,800.00	\$3,525.00
IVAN A. & PAULINE E. BENSON P.O. BOX 81 ANCHOR POINT, AK 99556	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 13 BLK 2 175-121-12	75'	\$16,800.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 12 BLK 2 175-121-13	75'	\$16,800.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 11 BLK 2 175-121-14	75'	\$16,800.00	\$3,525.00
MICHAEL M. DISLER P.O. BOX 2976 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM2002065 HARRINGTON HEIGHTS DISLER ADDN LOT 9-A BLK 2 175-121-17	150'	\$44,200.00	\$7,050.00
CHARLES H. WEHNER & KARLENE FORE 6570 BUCHANAN LOOP ROAD TEXARKANA, TX 75501	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 9 BLK 1 175-122-09	135.2'	\$52,500.00	\$6,354.40

MICHAEL & LEDA DISLER P.O. BOX 2976 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 1 BLK 1 175-122-01	135.2'	\$171,200.00	\$6,354.40
HAROLD BILLUPS 475 SOUNDVIEW AVENUE HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 1 BLK 2 175-121-08	135.2'	\$257,800.00	\$6,354.40
DENNIS THAUTE 319 E BAYVIEW AVENUE HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 8 BLK 2 175-121-01	135.2'	\$38,100.00	\$6,354.40
KIRK OLSEN P.O. BOX 580 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM2003054 DAYBREEZE PARK LOT 1 BLK 1 175-103-08	125'	\$51,900.00	\$5,875.00
	T6S R13W S19 SEWARD MERIDIAN HM2003054 DAYBREEZE PARK LOT 26 BLK 1 175-103-34	163.45'	\$56,400.00	\$7,682.15
	T6S R13W S19 SEWARD MERIDIAN HM2003054 DAYBREEZE PARK LOT 27 BLK 1 175-103-35	163.45'	\$56,400.00	\$7,682.15
JON & CHARLENE SAUERBREY 40291 BOULDER PARK LANE SOLDOTNA, AK 99669	T6S R13W S19 SEWARD MERIDIAN HM2003054 DAYBREEZE PARK LOT 29 BLK 1 175-103-36	168.48'	\$57,700.00	\$7,918.56
JAMES V. HUNTER 1407 BAY AVENUE HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 9 BLK 3 175-123-09	135.2'	\$16,800.00	\$0.00 * Assessed on Spruceview in the amount of \$6,354.40 for 135.2' of front footage
THOMAS S. & MARIA DALE SMALL P.O. BOX 2083 FRIDAY HARBOR, WA 98251	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 6 BLK 3 175-123-03	75'	\$16,800.00	\$3,525.00
D. PAUL & JEANNETTE P. MORTON P.O. BOX 2963 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 8 BLK 3 175-123-01	135.2'	\$16,800.00	\$6,354.40
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 7 BLK 3 175-123-02	75'	\$16,800.00	\$3,525.00

AULIKKI KNIGHT P.O. BOX 507 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 5 BLK 3 175-123-04	75'	\$42,500.00	\$3,525.00
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 4 BLK 3 175-123-05	75'	\$70,500.00	\$3,525.00
MARSHA KORPI P.O. BOX 1033 HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 3 BLK 3 175-123-06	75'	\$126,900.00	\$3,525.00
KENNETH A. BERGMAN P.O. BOX 726 ANCHOR POINT, AK 99556	T6S R13W S19 SEWARD MERIDIAN HM2002066 HARRINGTON HEIGHTS BERGMAN ADDN LOT 1-A BLK 3 175-123-17	150'	\$108,500.00	\$7,050.00
DANIEL T. CORNELIUS 3855 WRIGHT STREET HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 16 BLK 3 175-123-16	135.2'	\$142,100.00	\$0.00 * Assessed on Spruceview in the amount of \$6,354.40 for 135.2' of fr ont footage
	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 9 BLK 4 175-124-09	135.2'	\$18,900.00	\$0.00 * Assessed on Spruceview in the amount of \$6,354.40 for 135.2' of fr ont footage
LOU G. STEWART 344 NOVIEW AVENUE HOMER, AK 99603	T6S R13W S19 SEWARD MERIDIAN HM0640626 HARRINGTON HEIGHTS SUB LOT 1 BLK 4 175-124-01	135.2'	\$16,800.00	\$6,354.40

* HCC 17.04.160 Agreement for deferred or corner lot assessment double frontage property. a. Through lots in an road reconstruction and/or paving improvement District, having a frontage on two parallel streets, or flag lots having a frontage on two perpendicular streets can be exempt from a double front foot assessment, when only one lot access exists. Corner lots are exempt from a double front footage assessment and the total assessment shall not exceed the longest side of the lot. Previous reconstruction assessments apply to reconstruction assessments and previous paving assessments apply to paving assessments. The owner(s) of property shall file a "Deferred Assessment Agreement" with the City, prior to the end of the filing period for objections to the district noted in Section 17.04.050 of this chapter. The agreement shall contain a statement that the lot in question fronts two streets; however, the property owner has only one access onto the lot and shall pay the assessment on which the access is located. At such time as another access is made then the property owner agrees to pay the assessed front footage on which the new access has been made. The agreement shall be recorded with the Homer District Recorder's office.

10/15/08 - jj



CITY OF HOMER

PUBLIC WORKS

3575 HEATH STREET HOMER, AK 99603

TELEPHONE (907)235-3170

FACSIMILE (907)235-3145

MEMORANDUM 08-142

TO: Walt Wrede, City Manager
FROM: Carey Meyer, Public Works Director
DATE: October 8, 2008
RE: **Spruceview/Noview Road LID Assessment Question
Lot 11A, KPB Parcel 175-133-27, Marvin and Judith Hanson**

When the Spruceview Road LID was created, the parcel was expected to be a corner lot located at the northwest corner of Spruceview Avenue and Bartlett Street. Today, this property does not technically abut the new Spruceview road project (it is separated by a strip of land dedicated as a City Park after the LID was created), no legal access from Spruceview currently exists across the park property. Access to Lot 11A is currently off of Bartlett.

Mr. Hanson's has approached the City regarding obtaining access across the park property on the west side of Woodard Creek to serve a proposed new lot. Mr. Hanson has indicated a willingness to pay some portion of the proposed Spruceview Road LID assessment if access is approved by the City. The City Council would need to approve any access across park property.

Recommendations: Since Lot 11A is separated from Spruceview Avenue by a dedicated park, no assessment for Lot 11A should be levied at this time. If in the future access is provided across the park property to any portion of Lot 11A, an assessment would be due based on frontage of the lot being served.

Session 08-28 a Regular Meeting of the Homer City Council was called to order on October 13, 2008 at 7:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: HEIMBUCH, HOWARD, NOVAK
(telephonic), ROBERTS, SHADLE
(telephonic), WYTHE

STAFF: CITY MANAGER WREDE
CITY CLERK
JOHNSON
CITY PLANNER ABOUD
PUBLIC WORKS DIRECTOR MEYER

ATTORNEY: CITY ATTORNEY KLINKNER

Councilmembers Novak and Shadle have requested telephonic participation.

By unanimous consent Council approved telephonic participation by Councilmembers Novak and Shadle.

Department Heads may be called upon from time to time to participate via teleconference.

AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

Agenda approved by consensus of the City Council with the following changes:
New Business - Bid Opening – Request for Proposals – Purchase City Property, Lot 2, Homer Public Library No. 2; *Resolutions* - Resolution 08-107(S), A Resolution of the City Council Certifying the Results of the City of Homer Regular City Election Held October 7, 2008 to Elect the Mayor and Three Council Members. City Clerk/Canvass Board; Resolution 08-109(S), A Resolution of the Homer City Council Expressing Support for a Full Time Adult Probation Officer in Homer and Requesting Funding for that Position in the FY 2010 Department of Corrections Operating Budget. Howard.

The agenda as amended was approved by consensus of the Council.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

RECONSIDERATION

None.

CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

A. Homer City Council unapproved meeting minutes of September 15, 2008 Special Meeting and September 22, 2008 Regular and Special Meetings. City Clerk.

Mayor Hornaday called for a motion for the adoption of the recommendations of the consent agenda as read.

HEIMBUCH/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS

A. Martha Madsen, News from Yelizovo, Russia

Martha Madsen, visiting from Yelizovo, noted the sister city relationship between Homer and Yelizovo in 2000. She read a letter from the Mayor of Yelizovo inviting our city to visit Yelizovo. In the last year the political structure has changed, they now have two mayors.

B. State Representative Paul Seaton

Representative Seaton provided a handout of testimony of Gene Bubay, senior vice president of SEMCO, owner of Enstar from the Special Session in Juneau. He testified there is an obligation to bring natural gas to Homer from the North Fork Unit, as there are 2,000 committed customers. He suggested a discussion with Armstrong and Enstar. Gas drilling has been going on in the North Fork Unit for some time. A second well has been drilled, and although there has been no public announcement, it is thought to be a successful field. Armstrong is to build an eight-mile gas line to Anchor Point and Enstar would bring it to Homer. Should Armstrong decide to build, Alaska Gas Inducement Authority said they could help with financing and contracting. Locally in Nikiski there is a huge LNG (Liquid Natural Gas) plant. Many businesses along the Talkeetna to Fairbanks route run on natural gas and get LNG. If Homer is interested in a stable source of energy we will meet with Enstar, Armstrong and Conocco Phillips. With LNG, cryogenic bottles could go to Seldovia, Nanwalek and Port Graham. We have been looking at gas as a stable source of energy for a long time.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Point of View by Nancy Lord, Library Advisory Board, “Survey being used to help plan future services at Homer library.”

Michael Hawfield, Library Advisory Board Chair, complimented Nancy Lord on the Point of View she wrote. He thanked Public Works for getting the painting hung in the library. He thanked Deputy City Clerk Krause for her help with the survey summary. The community is pleased with the library. In the survey there are lots of suggestions, but few complaints. Suggestions are to extend the hours of operation, additions to the collections and technological improvements. Comments included landscaping, parking, signage, drainage, and snow removal. He thanked everyone that applied to the survey.

B. Canvass Board Report, Jo Johnson, City Clerk

City Clerk Johnson reported the Canvass Board met on October 10th with the following final figures:

Mayor: Mike Heimbuch 457 votes, 39%; James Hornaday 630 votes, 53%; Write-in 92, 8%.

City Council 3-year term: Barbara Howard 780 votes, 66%; David Lewis 640 votes, 53%, Write-in 49, 4%.

City Council 2-year term: Bryan Zak 757 votes, 63%; Write-in 91 votes, 8%.

1,058 regular voters, 136 absentee voters, 10 special needs voters, 2 questioned voters for a total of 1,206 voters. Total registered voters are 4,270. Turnout was 28%.

PUBLIC HEARING(S)

A. **Ordinance 08-34**, An Ordinance of the City Council of Homer, Alaska, Appropriating Six Hundred Thousand Dollars (\$600,000) from the General Fund Reserves and Transferring Those Funds to the Permanent Fund. Wythe. Introduction July 28, 2008, Public Hearing October 13, 2008 and Second Reading October 27, 2008.

Leonard Wells, city resident, urged Council not to transfer money to the Permanent Fund as written. The Permanent Fund is supposed to be for unexpected revenues. The funds would be better used to fund depreciation or pay down loans. It would not be as objectionable if other funds become available to set up a fund. The money should be sent back to the taxpayers.

B. **Ordinance 08-35(A)**, An Ordinance of the City Council of Homer, Alaska, Appropriating Five Hundred Thousand Dollars (\$500,000) from the General Fund Reserves for the Purpose of Reducing Water and Sewer Bills for the Purposes of Reducing Water and Sewer Bills on a Temporary Basis. Mayor. Introduction July 28, 2008, Public Hearing and Second Reading October 13, 2008.

Leonard Wells, city resident, urged Council to pass the Ordinance 08-35(A) as it gets the money back to the people it was over-collected from.

Rich Fetterhoff, encouraged strong consideration of the ordinance. The rate increase action last spring was devastating to a lot of businesses. He has owned the Pioneer Inn for the last 20 years, Rate increases last spring added a \$2,000 tax on him. The enterprise system of running the water and sewer program is not working; it needs to be subsidized. Before giving money to other associations we have to get the basic functions working. Businesses are paying six to eight times what Kenai, Soldotna and Seward are paying.

Mayor Hornaday called for a motion for the adoption of Ordinance 08-35(A) by reading of title only for second and final reading.

ROBERTS/SHADLE - MOVED TO ADOPT.

Councilmember Roberts called for a point of order. Telephonic participants could not be heard in Council Chambers, although they were heard by KBBI.

City Clerk Johnson commented there would still be a quorum in the absence of the two councilmembers.

Mayor Hornaday called for a at 7:42 p.m. and reconvened the meeting at 7:50 p.m.

Telephone connection was re-established with Councilmembers Novak and Shadle.

Councilmember Shadle has seconded the motion to adopt.

Councilmember Shadle asked to be more specific about temporary basis and to see how the plan would work. Council briefly discussed the budget issues and those without water who may be subsidizing the program.

NOVAK/SHADLE - MOVED TO POSTPONE TO THE SECOND MEETING IN NOVEMBER.

There was no discussion.

VOTE: YES. SHADLE, NOVAK

VOTE: NO. ROBERTS, WYTHE, HOWARD, HEIMBUCH

Motion failed.

Councilmember Wythe noted there are 1,500 meters in the City, meaning less than half of the City's residents enjoy water and sewer service. She has a hard time asking people who contribute through sales tax for the infrastructure build-out to further subsidize the program. The object of the enterprise fund is those that use the services pay and those that don't use services are not unduly taxed.

Councilmember Heimbuch explained the users on the system are not responsible for rate increases. Water and sewer rates were raised last year and this year's budget suggests a 27% water raise across the board for some large users. Water, sewer, and other services are disproportional within the city. If we don't increase rates, money will have to be pulled from reserves or shortages reallocated through the general fund.

Councilmember Novak commented the ordinance and rate increase would cancel each other. It is likely the services will need subsidizing.

VOTE: YES. SHADLE, NOVAK

VOTE: NO. HEIMBUCH, ROBERTS, WYTHE, HOWARD

Councilmember Roberts called for a point of order if votes we cannot hear can be counted.

Mayor Hornaday ruled votes could be counted as they were heard on the radio.

Motion failed.

Councilmember Wythe called for a point of order to decide if we continue on with the phone session we cannot hear.

WYTHE/ROBERTS - MOVED TO DISCONNECT THE PHONE CONVERSATION BECAUSE WE HAVE NO WAY OF MAINTAINING IT IN A MANNER THAT ALLOWS BUSINESS TO CONDUCT.

Brief discussion ensued on councilmember's ability to participate when they are inaudible within council chambers.

ROBERTS/WYTHE – MOVED TO AMEND WHEN WE DISCONNECT THAT WE GIVE EXCUSED ABSENCES.

There was no discussion.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Discussion ensued on disconnecting participants. Asked if the doctrine of necessity presides, City Attorney Klinkner replied that it does not help in this situation.

Councilmember Shadle objected.

Councilmembers Shadle and Novak were disconnected at 8:03 p.m.

VOTE: (motion as amended, four remaining councilmembers) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. **Ordinance 08-46**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2008 Operating Budget by Authorizing the Transfer of \$27,445 from the General Fund to the Public Works Department for the Purchase of Caselle Software. City Manager. Introduction September 22, 2008, Public Hearing and Second Reading October 13, 2008.

Memorandum 08-135 from Planning Technician as backup.

Ordinance 08-46(S), An Ordinance of the City Council of Homer, Alaska, Amending the FY 2008 Operating Budget by Authorizing the Transfer of \$10,171.16 from the General Fund for the Purchase of Caselle Software. City Manager. Introduction September 22, 2008, Public Hearing and Second Reading October 13, 2008.

Leonard Wells, city resident, questioned the difference between Ordinance 46 and 46(S).

City Manager Wrede clarified the first ordinance had the wrong account numbers, with the remainder of the money found in existing budgets. Ordinance 08-46(S) provides for \$10,171.16 of new money; \$37,000 total cost.

Mayor Hornaday called for a motion to substitute Ordinance 08-46(S) for Ordinance 08-46.

WYTHE/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a motion for the adoption of Ordinance 08-46(S) by reading of title only for second and final reading.

WYTHE/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

D. **Ordinance 08-47**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Loan Increase in the Amount of \$3 Million Dollars from the Alaska Department of Environmental Conservation (DEC) for Construction of the New Water Treatment Plant. City Manager. Introduction September 22, 2008, Public Hearing and Second Reading October 13, 2008.

There was no public testimony.

Mayor Hornaday called for a motion for the adoption of Ordinance 08-47 by reading of title only for second and final reading.

HEIMBUCH/WYTHE – SO MOVED.

City Manager Wrede stated Council authorized an \$8M loan. The first \$5M was applied for as part of Phase I. The agreement with the lending institution concerned how much money we would get from grants. It turns out there is a need for authorization to borrow the money.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

A. **Ordinance 08-48**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Department of Military and Veterans Affairs, Alaska Division of Homeland Security and Emergency Management (DHS&EM) Grant, 2007-GE-H7-0025, State Grant Number: 07PSIC-GR3403707, in the Amount of \$135,618.00 for the Homer Volunteer Fire Department (HVFD) Public Safety Interoperable Communications. City Manager/Fire Chief. Recommended Dates: Introduction October 13, 2008, Public Hearing and Second Reading October 27, 2008.

Mayor Hornaday called for a motion for the adoption of Ordinance 08-48 for introduction and first reading by reading of title only.

WYTHE/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. **Ordinance 08-49**, An Ordinance Amending Homer City Code 9.04.046 to Exempt Certain Property Used Exclusively for Community Purposes from Property Taxation. Novak. Recommended Dates: Introduction October 13, 2008, Public Hearing and Second Reading October 27, 2008.

Mayor Hornaday called for a motion for the adoption of Ordinance 08-49 for introduction and first reading by reading of title only.

WYTHE/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

Items discussed were a lower deductible for Seawall insurance, a tour of the Water Treatment Plant and funding to implement the Climate Action Plan. Boiler issues at the West Elementary building, restrictions on what the property can be used for and property resale policies. The West Elementary property came from the federal government to the Borough, with a restriction on the deed to educational, public, or community services. City Manager Wrede was asked to report how the City could get around selling the property at less than the assessed value. Discussion ensued on destroying the building that is in disrepair. It was suggested state firefighters could use the site for a huge demonstration project. Asbestos is encapsulated in the building. As soon as the building is torn down there is an asbestos mitigation issue. The City would be far ahead if they could get rid of the building.

B. Question of the Week

COMMITTEE REPORT

- A. Comprehensive Plan Community Advisory Committee
- B. Public Arts Committee
- C. Transportation Advisory Committee
- D. Permanent Fund Committee
- E. Lease Committee

PENDING BUSINESS

A. **Ordinance 08-12(S)(A-2)**, An Ordinance of the City Council of the City of Homer, Alaska, Amending Homer City Code Title 21 (Zoning) Adding Chapter 21.56 to the Homer City Code Creating the Scenic Gateway Overlay District to Further Regulate Development Along the Sterling Highway from Rogers Loop on the Baycrest Hill to the Intersection of the Sterling Highway and Pioneer Avenue. City Manager/Planning. Introduction March 10, 2008, Postponed to October 13, 2008.)

HEIMBUCH/WYTHER – MOVED TO ADOPT.

WYTHER/ROBERTS – MOVED TO AMEND TO CHAPTER 21.43 ON CLERK'S ADVISOR AUTHORITY TO RENUMBER SECTIONS.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Heimbuch stated the ordinance is controversial and the new council should hear it.

HEIMBUCH/WYTHER – MOVED TO POSTPONE TO THE NEXT REGULARLY SCHEDULED MEETING.

Councilmember Wythe expressed support for the same four people to make the determination.

Both Councilmembers Novak and Shadle previously declared conflicts.

HEIMBUCH/WYTHE – MOVED TO WITHDRAW THE MOTION.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VOTE: (main motion as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. **Resolution 08-45(S)**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Preparing the 65% Final Design for the New City Hall/Town Square Plaza to the Firm of Jay-Brant General Contractors of Homer, Alaska in the Amount of \$63,465.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works. (Postponed from March 24, 2008.)

Mayor Hornaday called for a motion to postpone Resolution 08-45(S) indefinitely.

HEIMBUCH/ROBERTS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. **Resolution 08-46(S)**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract from Preparing the 65% Final Design for the New City Hall/Town Square Plaza to the Firm of ECI/Hyer of Anchorage, Alaska in the Amount of \$264,619.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works. (Postponed from March 24, 2008.)

Mayor Hornaday called for a motion to postpone indefinitely.

WYTHE/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. **Resolution 08-103**, A Resolution of the Homer City Council Exempting the Cottonwood Horse Park from all City Property Tax Meeting the Criteria of Kenai Peninsula Borough Code 5.12.100, Real Property Tax – Exemptions – Community Purpose Property – Conditions, Retroactive to January 1, 2008 and Authorizing the City Manager to Execute Any and All Associated Documents. Novak.

Per City Attorney the resolution is neither necessary nor sufficient for the proposed tax exemption.

WYTHE/HOWARD – MOVED TO POSTPONE INDEFINITELY.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

A. **Memorandum 08-136**, from City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1, 2, 3 and 4), Matters, the Immediate Knowledge of Which Would Clearly have an Adverse Effect Upon the Finances of the Government Unit; Subjects that Tend to Prejudice the Reputation and Character of Any Person, Provided the Person May Request a Public Discussion; Matters Which by Law, Municipal Charter, or Ordinances are Required to be Confidential; and Confidential Records, Matters Involving Consideration of Government Records, that by Law are Not Subject to Public Disclosure. (Confidential Special Audit Report.)

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 08-136.

WYTHE - SO MOVED.

Motion failed for lack of a second.

B. **Memorandum 08-139**, from City Clerk, Re: Travel Authorization for Mayor Hornaday and Councilmembers Lewis, Roberts and Zak Attendance at Alaska Municipal League 58th Annual Local Government Conference in Ketchikan, Alaska, November 10-14, 2008.

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 08-139.

WYTHE/HOWARD – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. **Memorandum 08-141**, from City Clerk, Re: Deferred Assessment for Breckenridge, Hillside Acres Water and Sewer Local Improvement District.

D.

Mayor Hornaday called for a motion for the approval of the recommendations of Memorandum 08-141.

HEIMBUCH/WYTHE - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Hornaday called for a recess at 8:29 p.m. and reconvened the meeting at 8:37 p.m.

D. **Bid Opening – Request for Proposals** – Purchase City Property, Lot 2, Homer Public Library No. 2.

One bid was received. Paul and Melinda Taylor submitted a proposal to trade three lots immediately adjacent to Hickerson Memorial Cemetery for Lot 2 of Homer Public Library and a number of lots at Lillian Walli estates.

City Manager Wrede stated the bid does not surprise him. The City is running out of space quickly at the Hickerson Memorial Cemetery. He has been negotiating with Mr.

Taylor to purchase the lots. The proposal is not consistent with the RFP, with no down payment included and does not comply with the minimum bid. Council may reject the bid or authorize him to negotiate a sale or trade per HCC 18.12.050.

WYTHE/HOWARD – MOVED TO FIND THE BID FROM PAUL AND MELINDA TAYLOR NON RESPONSIVE, HOWEVER WOULD LIKE TO DIRECT STAFF TO BRING FORWARD A RECOMMENDATION FOR THE COUNCIL TO CONSIDER AT OUR MEETING ON OCTOBER 20TH FOR LOT TRADE.

Councilmember Wythe commented she is interested in finding out about the lots by the cemetery. Lillian Walli Estates properties are land-locked; you cannot get road access. Moving forward with discussion there would need to be a resolution where the City is paying down the loan on the new library. Councilmember Roberts echoed her concern with a trade.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

A. **Resolution 08-105**, A Resolution of the City Council of Homer, Alaska, Requesting Enstar to Establish if There is Sufficient Interest from Anchor Point and Homer Residences and Business in Hooking up to a Natural Gas Line to Warrant Developing the Distribution System and that Enstar be Requested to Investigate a Joint Venture for Supplying Barge Delivered Compressed Natural Gas to the Other Communities of House District 35. Novak.

City Clerk Johnson stated Councilmember Novak previously expressed his intent to postpone until December 8, 2008. He had communication with Enstar who suggested the resolution be postponed until December or January.

WYTHE/ROBERTS – MOVED TO POSTPONE UNTIL DECEMBER 8, 2008.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Resolution 08-106, A Resolution of the Homer City Council Confirming the Assessment Roll, Establishing Dates for Payment of Special Assessments and Establishing Delinquency, Penalty and Interest Provisions for the Spruceview and West Noview Road Reconstruction and Paving Assessment District. City Clerk.

Memorandum 08-140 from Public Works Director as backup.

Memorandum 08-142 from Public Works Director as backup.

Memorandum 08-143 from Public Works Director as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 08-106 by reading of title only.

ROBERTS/HOWARD - SO MOVED.

ROBERTS/HOWARD - MOVED TO AMEND PAGE 322 TOP, THE NOW THEREFORE BE IT RESOLVED SHOULD SAY APRIL 1, 2009 AND THE FOURTH LINE IN THE NEXT PARAGRAPH SHOULD BE APRIL 1, 2009.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/HOWARD – MOVED TO AMEND THE ASSESSMENT ROLL FOR THE PRATT MUSEUM PARCEL #175-101-22 SHOULD BE A DEFERRED ASSESSMENT, EDITH DAVIS PARCEL #175-133-30 SHOULD BE ELIGIBLE FOR A DEFERRED ASSESSMENT AND HANSON PARCEL #175-133-27 SHOULD BE A DEFERRED ASSESSMENT.

City Attorney Klinkner commented on HCC 17.04.160. When only one of two streets front the assessment, the section does not apply for deferral of assessment as it is not a property susceptible to being charged twice.

ROBERTS/HOWARD - MOVED TO WITHDRAW THE MOTION.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/WYTHE – MOVED TO AMEND THE ASSESSMENT ROLL FOR PRATT MUSEUM PARCEL #175-101-22 TO BE A DEFERRED ASSESSMENT.

City Attorney Klinkner advised one side of the museum parcel fronts on Spruceview, another fronts on W. Pioneer Avenue that is not a part of the district. Authorization for a deferral of assessment can only be done when two parts are being improved. Code does not authorize a deferral.

VOTE: NO. UNANIMOUS.

Motion failed.

ROBERTS/WYTHE - MOVED TO AMEND THE ASSESSMENT ROLL TO ALLOW MARVIN AND JUDY HANSON PARCEL #175-133-27 FOR DEFERRED ASSESSMENT.

City Attorney Klinkner advised the parcel as platted will not be adjacent to the approved street, thus the deferral would be appropriate.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ROBERTS/WYTHE - MOVED TO AMEND THE ASSESSMENT ROLL FOR EDITH DAVIS, PARCEL #175-133-30 FOR A DEFERRED ASSESSMENT.

City Attorney Klinkner advised it is a corner lot on Spruceview and Bartlett. Bartlett is not being approved and is not eligible for a deferred assessment.

VOTE: NO. UNANIMOUS.

Motion failed.

Mrs. Davis is to be notified she may apply for a deferral under a different section.

VOTE: (main motion as amended) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. **Resolution 08-107**, A Resolution of the City Council Certifying the Results of the City of Homer Regular Election held October 7, 2008 to Elect the Mayor and Three Council Members. City Clerk.

Resolution 08-107(S), A Resolution of the City Council Certifying the Results of the City of Homer Regular City Election Held October 7, 2008 to Elect the Mayor and Three Council Members. City Clerk/Canvass Board.

Mayor Hornaday called for a motion for the adoption of Resolution 08-107(S) by reading of title only.

WYTHE/ROBERTS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. **Resolution 08-108**, A Resolution of the Homer City Council Adopting the 2009-2014 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2010. Mayor/City Council.

Memorandum 08-138 from Special Projects Coordinator as backup.

Mayor Hornaday called for a motion for the adoption of Resolution 08-108 by reading of title only.

WYTHE/ROBERTS – SO MOVED TO ADOPT.

Councilmember Howard stated her conflict of interest with the hospital and excused herself.

City Attorney Klinkner confirmed Mrs. Howard's service on the hospital board. If a project is added or deleted she should recuse from discussion on the project. There is no doctrine of necessity to continue business on Resolution 08-108.

WYTHE/ROBERTS – MOVED TO POSTPONE TO A SPECIAL MEETING ON OCT 20TH.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

E. **Resolution 08-109**, A Resolution of the Homer City Council in Support of a Full Time Adult Probation Officer in Homer. Howard.

Resolution 08-109(S), A Resolution of the Homer City Council Expressing Support for a Full Time Adult Probation Officer in Homer and Requesting Funding for that Position in the FY 2010 Department of Corrections Operating Budget. Howard.

Mayor Hornaday called for a motion for the adoption of Resolution 08-109(S) by reading of title only.

HOWARD/ROBERTS – SO MOVED.

Brief discussion ensued on the legislative request for a probation officer in Homer.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

E. **Resolution 08-110**, A Resolution of the City Council of Homer, Alaska, Authorizing an Application for Funding to the Alaska Energy Authority's Renewable Energy Grant Program for a Preconstruction Grant to Assess the Feasibility of Generating Power from Kachemak Bay Tidal Currents. City Manager.

Mayor Hornaday called for a motion for the adoption of Resolution 08-110 by reading of title only.

WYTHE/ROBERTS - SO MOVED.

Councilmember Wythe stated her employment with Homer Electric as the sole provider of utilities. She asked if it was a conflict of interest.

City Attorney Klinkner advised Councilmember Wythe had no conflict of interest.

There was no additional discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Leonard Wells, city resident, asked that Council consider the first comments of the public be moved to visitor, so they are separated. The audience would realize that is where they make speak. He differs with the councilmember who said 1,500 folks benefit from city water. There are 99% of 5,000 people that benefit from the system. You get water somehow unless you have a roof drainage system. Maybe all rates should be increased significantly. He commented on the request for executive session, asking that the subject be included. He asked about DOT talks with the City about Main Street, as mentioned at the last meeting. On deferment of property taxes, he doesn't know why the Pratt would not be allowed deferment. It means the rest of the property owners have to take up what they should be paying for.

COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner expressed his pleasure to be back in Homer. Attorney Holly Souzo provided a training session with the Planning Commission. They would be happy to share the training materials with the Council. There are three cases in litigation at the Superior Court level. All cases involve Frank Griswold, two standings to appeal to Board of Adjustment records and one for a records request. The three cases are expected to be closed at the end of November.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Wrede commented on the Department of Transportation follow-up in the Manager's Report. In discussions with DOT they talked about the Council's desire that a traffic light be placed at the Main Street and Sterling Highway intersection. DOT will provide figures for the light and a roundabout. He encouraged Council to keep DOT projects in the Capital Improvement Plan as it is one of the few ways for them to get money from the legislature.

COMMENTS OF THE MAYOR

Mayor Hornaday said he has been discussing capital projects with Walt Wrede and Anne Marie Holen. In the next two years there are very large capital projects. We tend to ask for small State amounts; he would recommend increased State lending as it is more possible than Federal funding.

COMMENTS OF THE CITY COUNCIL

Councilmember Wythe commented on Mr. Wells comments about water and sewer usage by people who are not on the system. There are a lot of citizens with wells and septic systems who should not be asked for tax dollars to supplement the system. They are asked to pay for their own system and would be asked to pay for one they don't benefit from. She appreciates the attorney here as there is immediate feedback on questions.

Councilmember Howard congratulated the Clerk's office for making the election a non-eventful event. She praised Finance Director Harville's budget document as a piece of artwork as it is well formatted and easy to read. She requested excusal from the October 27th meeting and telephonic participation for the November 10th meeting. She said goodbye to her good friend Mike Heimbuch and thanked him for his service.

Councilmember Heimbuch thanked everyone for a fun three years with amazing diversity. He thanked the voters for overwhelmingly passing a seasonal tax adjustment, although we will pay the price for it.

Councilmember Roberts responded to Mr. Wells regarding deferred tax assessments to certain people, the deferrals were for road reconstruction and paving districts instead of tax assessments. She is glad to see Martha Madsen from the Sister City and enjoyed hearing the updates.

ADJOURNMENT

There being no further business to come before the Council the meeting was adjourned at 9:17 p.m. by Mayor James C. Hornaday. The next Regular Meeting is scheduled for Monday, October 27, 2008 at 7:00 p.m. The next Committee of the Whole is scheduled for Monday, October 27, 2008 at 4:00 p.m. A Special Meeting is scheduled for Monday, October 20, 2008 at 7:00 p.m. All meetings scheduled to be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

JO JOHNSON, CMC, CITY CLERK

Approved: _____