

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Finance Director

ORDINANCE 24-07

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE FY24 CAPITAL BUDGET BY ACCEPTING AND APPROPRIATING AN ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION (ADEC) CLEAN WATER FUND LOAN IN THE AMOUNT OF \$228,704.19 FOR THE TASMANIA COURT SEWER IMPROVEMENT PROJECT.

WHEREAS, Resolution 21-045(A) authorized the City Manager to apply for a loan from the Alaska Department of Environmental Conservation (ADEC) Clean Water Fund; and

WHEREAS, The City of Homer was awarded the loan and the City Manager signed a loan agreement (No. 409341) totaling \$287,692 for 20 years; and

WHEREAS, Resolution 23-108 certified the final assessment roll for the Tasmania Court Sewer Special Assessment District (SAD); and

WHEREAS, The City submitted a disbursement request to ADEC and those funds have been received.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY24 Capital Budget by accepting and appropriating an ADEC Clean Water Fund Loan for Tasmania Court Sewer Improvements in the amount of \$228,704.19 as follows:

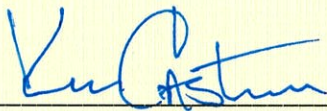
<u>Fund</u>	<u>Description</u>	<u>Amount</u>
215-0011	ADEC Clean Water Fund Loan – Tasmania Court Sewer Improvements	\$228,704.19

Section 2. This is a budget amendment ordinance, is temporary in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 12 day of February, 2024.

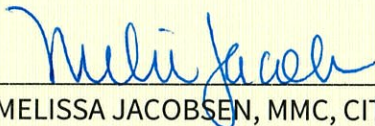
CITY OF HOMER

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KEN CASTNER, MAYOR

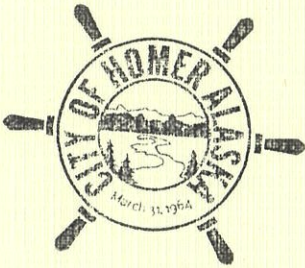
ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK

YES: 5
NO: 0
ABSTAIN: 0
ABSENT: 1

Introduction: Jan 22, 2024
Public Hearing: Feb 12, 2024
Second Reading: Feb 12, 2024
Effective Date: Feb 13, 2024



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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

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RESOLUTION 21-045(A)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA ACKNOWLEDGING THE SUFFICIENCY OF THE TASMANIA COURT SEWER IMPROVEMENT SPECIAL ASSESSMENT DISTRICT, APPROVING THE IMPROVEMENT PLAN, ESTIMATED COST OF IMPROVEMENT AND ASSESSMENT METHODOLOGY, AUTHORIZING THE CITY MANAGER TO APPLY FOR A LOAN FROM THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION CLEAN WATER FUND TO FINANCE THE PROJECT, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A SOLE-SOURCE CONTRACT WITH BISHOP ENGINEERING FOR THE DESIGN OF THE SEWER PROJECT.

WHEREAS, A petition was initiated by Homer City Council within Tasmania Court to form a sewer improvement special assessment district (SAD) by Resolution 21-091(A); and

WHEREAS, Pursuant to HCC 17.02.050 (b) if owners of real property that would bear 50 percent or more of the assessed cost of the improvement file timely written objections, the Council may not proceed with the improvement unless it revises the improvement plan to reduce the assessed cost to less than 50% of the assessed cost of the improvement; and

WHEREAS, The Tasmania Court Sewer SAD is made up of the same boundary as the Tasmania Court Water SAD that was approved by Resolution 20-083; and

WHEREAS, The estimated cost of the sewer improvements is \$287,692 with property owners paying 75% (\$215,769) and the Homer Accelerated Water and Sewer Program (HAWSP) paying 25% (\$71,923) of the costs;

WHEREAS, The deadline to receive written objections was May 23, 2021 and five written objection(s) were received, which equaled more than 50% of the property owners in the district; and

WHEREAS, The value of the proposed assessments related to these objecting property owners estimated was \$98,075 (5 times \$19,615), which is 34% of the estimated cost of the sewer project; and

WHEREAS, A Public Hearing was held on May 24, 2021; and

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WHEREAS, Council postponed action on May 24th at the request of Public Works in Memorandum 21-085 to allow time for a neighborhood meeting to inform property owners of an Alaska Department of Environmental Conservation Principal Forgiveness subsidy that creates a savings in the Tasmania Court Water SAD thereby reducing the overall cost to property owners for water and sewer improvements; and

WHEREAS, A neighborhood meeting was held on June 3rd and property owners were advised they have until June 13th to consider the new information and provide written withdrawal of their objections; and

WHEREAS, As of June 7, 2021, three property owners have withdrawn their objections, reducing the objections to properties representing 14% of the proposed costs; and

WHEREAS, Council finds the petition bears sufficient support and that the water sewer improvement is necessary and to the benefit the following eleven properties that shall be included in the Tasmania Court Sewer Improvement Special Assessment District:

Legal Description	Record Owner	Estimated Assessment
Barnett's South Slope Sub. Lot 2 Block 2	Evans	\$20,200
Barnett's South Slope Sub. Lot 2 Block 2	Evans	\$20,200
Crandall Addn. No. 2 Lot 5-A-1	Crandall	\$20,200
Crandall Addn. No. 2 Lot 6-A-1	Crandall	\$20,200
Barnett's South Slope Sub. Lot 11 Block 1	Sjostedt	\$20,200
Barnett's South Slope Sub. Lot 12 Block 1	Marley	\$20,200
Barnett's South Slope Sub. Lot 13 Block 1	Marley	\$20,200
Barnett's South Slope Sub. Lot 14 Block 1	O'Neill	\$20,200
Barnett's South Slope Sub. Lot 15 Block 1	Fell	\$20,200
Fell Addn Lot 16-A	Fell	\$20,200
Barnett's South Slope Sub. Lot 17 Block 1	Sumption	\$20,200


WHEREAS, The eleven properties will be assessed through an equal share methodology as identified in the table above.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska does hereby:

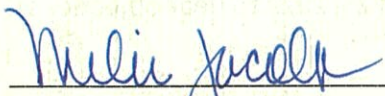
1. Acknowledge the sufficiency of the Tasmania Court Sewer SAD; and

- 84 2. Approve the proposed Improvement Plan, estimated cost of the improvements
85 of \$287,692, and the Equal Share methodology for computing assessment; and
86
- 87 3. Authorize the City Manager to apply for a loan, not to exceed \$287,692, from the
88 Alaska Department of Environmental Conservation Clean Water fund to finance
89 the project;
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- 91 4. Authorize the City Manager to initiate a sole source contract in the amount of
92 \$11,700, for the design of the sewer project to Bishop Engineering, which
93 performed the design work for the water portion of the project and is in the best
94 position to expedite the sewer design work so the sewer project can be built at
95 the same time as the water project.
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97 PASSED AND ADOPTED by the Homer City Council this 14th day of June, 2021.

100 CITY OF HOMER
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103 KEN CASTNER, MAYOR
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107 ATTEST:

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110 MELISSA JACOBSEN, MMC, CITY CLERK
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112 Fiscal Note: N/A
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**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 23-108

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 TASMANIA COURT WATER AND SEWER IMPROVEMENT SPECIAL ASSESSMENT DISTRICT

WHEREAS, In compliance with Homer City Code Chapter 17, Improvement Districts, the Homer City Council created the Tasmania Court Water Assessment Roll on September 28, 2020 with Resolution 20-083 and the Tasmania Court Sewer Special Assessment District on June 14, 2021 with Resolution 21-045(A); and

WHEREAS, The Notice of Public Hearing and Notice of Right to Object dated August 21, 2023 was mailed to property owners in the district advising that written objections must be filed with the City Clerk no later than September 11, 2023; and

WHEREAS, A second Notice of Public Hearing and Right to Object dated September 12, 2023 was mailed to property owners advising a page was omitted from the original notice and that written objections must be filed with the City Clerk no later than September 25, 2023; and

WHEREAS, Public Hearings were held on September 11 and 25, 2023 to hear objections to the final assessment roll; and

WHEREAS, One objection was filed on September 7, 2023 by Bryan and Ginny Evans; and

WHEREAS, The final assessment roll as presented by the City Clerk is attached hereto as Attachment A, is hereby confirmed as the official assessment roll for the Tasmania Court Water and Sewer Special Assessment Districts 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 February 1, 2024 all assessments in the Tasmania Court Water and Sewer Special 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 the rate of ten and one half percent (10.5%) 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

45 penalties and shall be reimbursed from the proceeds of foreclosure sale of the assessed real
46 property.

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48 BE IT FURTHER RESOLVED that an optional twenty (20) year payment plan for the water
49 and sewer assessments is offered whereby the assessments may be paid in equal yearly
50 installments plus interest of one and one half percent (1.5%) per annum on the unpaid balance
51 of the assessment. The first such installment shall be due and payable without interest on or
52 before 5:00 p.m. February 1, 2024 and each installment thereafter shall be due on or before
53 February 1 of each year, plus interest on the unpaid balance of the assessment. If any annual
54 installment payment is not received when due, the entire outstanding principle amount of the
55 assessment shall be in default and shall be immediately due and payable. The entire
56 outstanding assessment principle (including the annual installment) shall have added a
57 penalty of ten and one half percent (10.5%) on the outstanding principle. The principle shall
58 draw an additional interest at the rate of ten and one half percent (10.5%) per annum until
59 paid. Should default occur, the City will institute civil action for foreclosure of the assessment
60 lien. Foreclosure shall be against all property on which assessments are in default. All costs
61 including collection and legal fees resulting from such action shall be added and incorporated
62 into the assessed amount due plus interest and penalties, and shall be reimbursed from the
63 proceeds of foreclosure sale of the assessed real property.

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65 PASSED AND ADOPTED by the Homer City Council on this 9th day of October, 2023.

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CITY OF HOMER



KEN CASTNER, MAYOR

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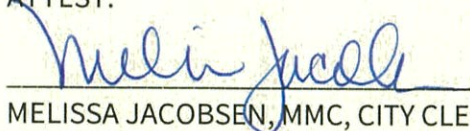
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71 ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

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Fiscal Note: Total design and construction project costs are \$246,104.43 for water improvement and \$304,938.97 for sewer improvement. Assessment methodology is equal shares and the cost per parcel is \$16,779.85 for water and \$20,791.29 sewer.

