

CITY OF HOMER
HOMER, ALASKA

City Manager/
Finance Director

ORDINANCE 24-22

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) DRINKING WATER FUND LOAN IN THE
AMOUNT OF \$184,578 FOR THE TASMANIA COURT WATER
IMPROVEMENT PROJECT.

WHEREAS, Resolution 21-042 authorized the City Manager to apply for a loan from the
Alaska Department of Environmental Conservation (ADEC) Drinking Water Fund; and

WHEREAS, The City of Homer was awarded the loan and the City Manager signed a
loan agreement (No. 409331-S) totaling \$277,090 for 20 years; and

WHEREAS, Resolution 23-108 certified the final assessment roll for the Tasmania Court
Water 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 Drinking Water Fund Loan for Tasmania Court Water
Improvements in the amount of \$184,578 as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
215	ADEC Drinking Water Fund Loan – Tasmania Court Water Improvements	\$184,578

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 10th day of June, 2024.

CITY OF HOMER



KEN CASTNER, MAYOR

ATTEST:



RENEE KRAUSE, MMC, ACTING CITY CLERK

YES: 

NO: 

ABSTAIN: 

ABSENT: 

Introduction: 5/13/24

Public Hearing: 6/10/24 & 5/28/24

Second Reading: 6/10/24

Effective Date: 6/11/24



**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.

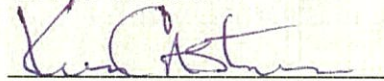
NOW, THEREFORE, BE IT RESOLVED that on or before 5:00 p.m. on February 1, 2024 all assessments in the Tasmania Court Water and Sewer Special Assessment District shall become due and payable in full. All assessments not paid in full by this date shall be considered delinquent and in default and shall 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

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

BE IT FURTHER RESOLVED that an optional twenty (20) year payment plan for the water and sewer assessments is offered whereby the assessments may be paid in equal yearly installments plus interest of one and one half percent (1.5%) per annum 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. February 1, 2024 and each installment thereafter shall be due on or before February 1 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 principle amount of the assessment shall be in default and shall be immediately due and payable. The entire outstanding assessment principle (including the annual installment) shall have added a penalty of ten and one half percent (10.5%) on the outstanding principle. The principle shall draw an additional interest at the rate of ten and one half percent (10.5%) 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.

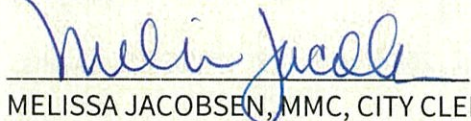
PASSED AND ADOPTED by the Homer City Council on this 9th day of October, 2023.

CITY OF HOMER



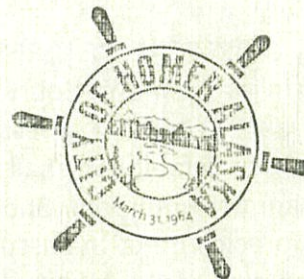
KEN CASTNER, MAYOR

ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK

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.



**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 21-042

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA AUTHORIZING THE CITY MANAGER TO APPLY FOR A LOAN FROM THE STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION, ALASKA DRINKING WATER FUND, IN AN AMOUNT NOT TO EXCEED \$277,090 TO FINANCE COSTS OF THE TASMANIA COURT WATER IMPROVEMENT PROJECT AND SUPERSEDING THE AMOUNT AUTHORIZED BY RESOLUTION 20-105.

WHEREAS, The City Council created the Tasmania Court Water Improvement Special Assessment District (SAD); and

WHEREAS, Council adopted Resolution 20-105 which authorized the City Manager to apply for an Alaska Department of Environmental Conservation, Alaska Drinking Water Fund Loan in the amount of \$216,681 for the project; and

WHEREAS, the following actions have been taken relating to funding:

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|----|----------|---|------------|
| a. | 4-29-20 | Staff generated an estimate for the Total Project Costs for the water district as it was originally proposed | \$277,090. |
| b. | 10-26-20 | Resolution 20-105 Council approved application for ADEC loan in the amount of | \$216,681 |
| c. | 3-22-21 | Resolution 21-023 Council distributed the Principal Forgiveness subsidy to Tasmania Ct Water SAD in the amount of | \$122,822 |
| d. | 5-27-21 | Staff filed Loan Application for Prop. Owner Share of SAD in the amount of | \$207,817 |

WHEREAS, The ADEC advised that in order to receive the maximum amount of the Principal Forgiveness subsidy, which has been allocated to this project (\$122,822) we need to show a Loan Application amount of \$277,090; and

WHEREAS, The Council needs to pass a new resolution authorizing a loan application amount of \$277,090 to receive the maximum benefit of the Principal Forgiveness subsidy; and

WHEREAS, The net effect of the Principal Forgiveness subsidy is that the updated Total Project Costs, to be shared between the City and the property owners, is \$199,852.

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44 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer Alaska hereby the
45 City Manager to apply for a State of Alaska Department of Environmental Conservation loan,
46 in an amount not to exceed \$277,090 from its Alaska Drinking Water Fund for purposes of
47 paying the Total Project Costs in the Tasmania Court Water SAD and superseding the amount
48 authorized by Resolution 20-105.

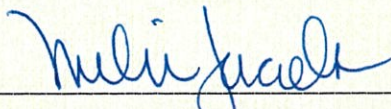
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50 PASSED AND ADOPTED by the City Council of Homer, ALASKA, this 14th day of June,
51 2021.

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53 CITY OF HOMER

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57 KEN CASTNER, MAYOR
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59 ATTEST:

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63 MELISSA JACOBSEN, MMC, CITY CLERK





City of Homer

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Public Works

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Homer, AK 99603

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(p) 907- 235-3170

(f) 907-235-3145

Memorandum 21-098

TO: Mayor Castner and City Council
Through: Robert Dumouchel, City Manager
FROM: Janette Keiser, PE, Director of Public Works/Acting City Engineer
DATE: May 31, 2021
SUBJECT: Tasmania Court Water Project

Issue: The Tasmania Court Water Project is in limbo pending the outcome of the Tasmania Court Sewer Special Assessment District. This notwithstanding, we submitted a loan application to the AK Department of Environmental Conservation for the water project to stay on the list for the Principal Forgiveness subsidy. In the course of the loan application process, the ADEC brought to our attention that some of the numbers needed to be reconciled. The purpose of this Memoranda is to explain the issue and recommend a solution.

Background:

The Tasmania Court water main extension project includes installation of 930 of 8" HDPE pipe, two fire hydrants and 11 water service stub-outs. Multiple design adjustments have been made to address property owner concerns and add the "betterment" of a 12" water main to serve a future water storage tank in the neighborhood. These design adjustments have caused the cost estimates to fluctuate over time.

While the design progressed, we sought seeking various authorizations from Council, for funding and approval to submit an ADEC Loan Application as well as submitted documentation to the ADEC. During this process, I got confused and made a mistake.

Here's what happened:

4-29-20 Staff generated an estimate for the Total Project Costs for the water district as it was originally proposed - \$277,090. Later revisions to the design concept reduced the estimate of Total Project Costs to \$234,105.

9-28-20 Resolution 20-83. Council acknowledged the sufficiency of the SAD and approved funds from HAWSP in the amount of \$234,105.

10-26-20 Resolution 20-105 Council authorized staff to pursue an ADEC loan in the amount of \$216,681. This would have been enough to cover the 75% of the estimated project costs attributed to the property owners, with some contingency. At this time, we had not yet considered the benefit of adding the 12" water main to the project so the estimated Total Project Cost did not include the estimated cost of this element.

3-8-21 Ordinance 21-11 Council approved the 12-inch water main "betterment" & appropriated funds from HAWSP in the amount of \$88,569.
(This brought the new estimated Total Project Costs to $\$234,105 + \$88,569 = \$322,674$.)

3-22-21 Resolution 21-023 Council distributed Principal Forgiveness subsidy to Tasmania Court Water SAD in the amount of \$122,822, to be applied to the property owners' share and the City's share of the water project.
(The adjusted estimated Total Project Costs = $\$322,674 - \$122,822 = \$199,852$.)

5-27-21 Staff filed a Loan Application with the ADEC for \$207,817, which represented the property owners' share of the water project, based on the original estimated Total Project Cost of \$277,090, rather than the updated \$234,105. (The value of the Principal Forgiveness subsidy was not taken into consideration because we haven't received a commitment letter yet. This will come further along in the loan application process.)

5-28-21 The ADEC advised that in order to receive the maximum amount of the Principal Forgiveness subsidy, which has been allocated to this project (\$122,822), our loan amount would need to be for the Total Project Cost of \$277,090. Further, the Council would need to pass a new action authorizing this amount.

If the City were to obtain a loan for \$277,090, the value of the loan proceeds would be approximately 86% of the estimated Total Project Costs, rather than the 75% we had originally planned. There would be no penalty for early payoff of the City's share.

Recommendation: That Council pass a Resolution authorizing the City Manager to apply for a State of Alaska Department of Environmental Conservation loan, in an amount not to exceed \$277,090 from its Alaska Drinking Water Fund for purposes of paying the Project costs in the Tasmania Court Water SAD.

City Manager/
Public Works Director

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
AUTHORIZING THE CITY MANAGER TO APPLY FOR A LOAN FROM
THE STATE OF ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION, ALASKA DRINKING WATER FUND, IN AN
AMOUNT NOT TO EXCEED \$469,874, TO FINANCE COSTS OF THE
ALDER LANE AND TASMANIA COURT WATER IMPROVEMENT
PROJECTS.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska Authorizes the City Manager to apply for a State of Alaska Department of Environmental Conservation loan, in an amount not to exceed \$469,874, from its Alaska Drinking Water Fund for purposes of paying Project costs in the Alder Lane SAD and Tasmania Court SAD.

Recitals to this resolution are hereby incorporated into this resolution as if fully set forth herein.

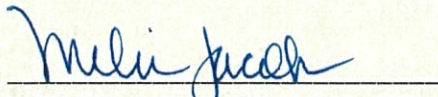
Terms not otherwise defined in this resolution shall have the meanings set forth in the recitals to this resolution.

PASSED AND ADOPTED by the Homer City Council this 26th day of October, 2020.

CITY OF HOMER


KEN CASTNER, MAYOR

ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: HAWSP

