



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Clerk

491 East Pioneer Avenue

Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

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## Agenda Changes/Supplemental Packet

TO: MAYOR LORD AND CITY COUNCIL  
FROM: RENEE KRAUSE, MMC, CITY CLERK  
DATE: JANUARY 13, 2025  
SUBJECT: SUPPLEMENTAL

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### WORKSESSION AGENDA

#### DISCUSSION TOPIC

- a. Memorandum CC-25-018 from City Manager re: Homer Accelerated Roads and Trails (HART) Fund Worksession Schedule

HART Policy Manual

**page 3**

Road Financial Plan – PREVIOUS (OLD) VERSION

**page 8**

Public Comment Received

**page 11**

### REGULAR MEETING AGENDA

#### CONSENT AGENDA

- a. Homer City Council Unapproved Special and Regular Meeting Minutes of November 12, 2024. City Clerk.

Unapproved Special Meeting Minutes for January 7, 2025

**page 13**

- b. Memorandum CC-25-003 from City Clerk re: Marijuana License Renewals, Premise Changes and Walkup/Drive Through Applications for Alaska Loven It, Cosmic Cannabis Company, Kachemak Cannabis Company and Uncle Herb's.

Memorandum from Police Chief re: Non-Objection for Uncle Herb's Renewal Application

**page 15**

Memorandum from City Planner re: Non-Objection for Uncle Herb's Renewal Application  
**page 16**

**ANNOUNCEMENTS/PRESENTATIONS/REPORTS**

- i. Incorrectly listed EDC Report should reflect AML Conference Reports

Email from Councilmember Erickson re: AML Conference Attendance Report **page 17**

**CITY MANAGER'S REPORT**

- a. City Manager's Report

Memorandum CC-25-022 from City Manager re: Supplement to the City Manager's Report  
**page 18**

**H.A.R.T. POLICY MANUAL**  
(HOMER ACCELERATED ROADS AND TRAILS PROGRAM)  
Adopted by Resolution 19-067

**TABLE OF CONTENTS**

- I. Purpose**
- II. Definitions**
- III. Road Qualifying and Project Criteria**
- IV. Trails Qualifying and Project Criteria**
- V. Financing and Assessments**
- VI. Utilities**
- VII. Special Provisions**
- VIII. History**

**I. PURPOSE**

The purpose of the HART program is to pay for reconstructing substandard city roads, upgrading existing roads, and constructing new streets and non-motorized trails. The intent of the program is to reduce maintenance costs, improve access, increase property values and improve the quality of life. State maintained roads are not part of this program. The program is funded by a voter approved dedicated sales tax, and assessments levied on adjacent benefited properties.

**II. DEFINITIONS**

- A. Sidewalk- the term “sidewalk” means a pedestrian facility associated with a road and generally within a street right of way.
- B. Trail – a pedestrian facility detached from a road, or not within a street right of way.
- C. Fund Balance - is the net position, or difference between assets and liabilities, of the fund.
- D. HPC– Homer Planning Commission.
- E. Homer Non-Motorized Transportation and Trail Plan (HNMTTP) – a document that is an adopted part of the City of Homer Comprehensive Plan.
- F. 2005 Homer Area Transportation Plan (Transportation Plan) – a document that is an adopted part of the City of Homer Comprehensive Plan.

**III. ROAD QUALIFYING AND PROJECT CRITERIA**

To be eligible for HART funds, roads and projects must meet the qualifying criteria below.

- A. Qualifying Criteria for Existing Roads. HART fund may be used on existing roads that meet one or more of the following criteria:

1. Road has been accepted for city maintenance.
  2. Right of way was dedicated prior to March 14, 1987 (Ord.87-6(s)).
  3. Right of way was dedicated prior to being annexed into the City.
- B. Qualifying Criteria for New Roads. HART funds may be used for new roads when one or both of the following criteria are met:
1. The City owns the property wherein the road is to be constructed.
  2. The construction project benefits the entire City.
- C. Project Criteria. The following criteria may be considered for using HART funds:
1. Project is listed in the 2005 Homer Transportation Plan or furthers a stated goal of that plan.
  2. HART funds may be used in accordance with Title 11.04.05, to pay to the developer the cost difference between the required street and the proposed street.
  3. Improves life, safety and traffic flow.
  4. Corrects deficiencies of existing systems.
  5. Completes traffic circulation pattern.
  6. Encourages economic development.
  7. Corrects drainage problems.
  8. Reduces maintenance costs.
  9. Other factors deemed appropriate by the City Council.
- D. Use of HART funding for major repairs. HART funds may be used for major eligible road and drainage repairs that are beyond the scope of routine maintenance. The use of the SAD process and property owner participation is preferred. However there may be situations in which a section of road may be repaired to a reasonable level of service without the expense of a complete rebuild.
- E. Sidewalks. To use HART funds, projects must be mapped as either sidewalks, paved shoulders or separated pathways, or directly serve the special populations discussed in sections 3.1 and 3.2 of the HNMTTP. Effort will be made to find grants or non-city funding sources to match city construction funds, whenever possible.

#### **IV. TRAILS QUALIFYING AND PROJECT SELECTION CRITERIA**

To be eligible for funding, trails must be located within trail easements or within the boundaries of municipal lands that will be held in perpetuity for public use. The goal is to avoid building trails across lands that could become privatized and result in the loss of public access. An exception to this is the use of trail funds to construct short term trails within platted rights of way. Trails within rights of way should benefit the community circulation system and be low cost, since trails will likely become part of the road when the right of way is developed.

- A. New local non-motorized trails shall be prioritized according to the following:
  - 1. Project is listed in the HNMTTP or furthers a stated goal of that plan
  - 2. Solves a safety concern
  - 3. Creates connectivity to existing trail(s), completes pattern or provides access to a point of interest
  - 4. Protects an established trail
  - 5. Creates or improves a trailhead
  - 6. Has significant scenic or aesthetic value
  - 7. Existence or potential for contributing funds or volunteer efforts
  - 8. Property owner participation
- B. Trail Project Selection Criteria. The Homer Planning Commission and Parks Art, Recreation and Culture Advisory Commission will review the trail priority list during the bi-annual review of the HART. The list will be presented in a memorandum from staff, and will contain a mix of large and small projects. Generally it will include up to five trail projects that staff has reviewed and found ready for preliminary work. Trails on this list are planned for construction in the near term (one to three year timeframe). Staff will actively work to prepare those projects for construction.
- C. Volunteer Projects. Citizens may work with the City Administration to use HART funds to construct public trails.
- D. Developer Cost Sharing. When a developer builds a trail as part of a new subdivision, HART funds may be used to reimburse up to 25% of trail construction costs.

#### **V. FINANCING and ASSESSMENTS**

This program is funded by a portion of dedicated sales tax of up to three quarters of one percent ( $\frac{3}{4}\%$ ) per HCC 3.05.017, and the collection of assessment payments due from completed projects. The tax will be collected for up to twenty years expiring December 31, 2027, as approved by voters. Roads are allocated 90% of the annual revenue, and trails are allocated 10%. Expenditures under the HART program are subject to the availability of funds.

1. Sidewalks shall be paid for out of road funds, and trails shall be paid for out of trail funds.
2. HART funds may be used to leverage outside funds for New Local Roads and Trails.
3. New local trails may be constructed using 100% program funds.
4. When additional right-of-way is required, acquisition costs will be paid by this program, at no additional cost to abutting property owners.
5. Interest, if any, generated from the program will remain with the program funds.
6. This program includes paving driveway aprons on contracts funded by HART.
7. Abutting property owners will share the cost of upgrading a street by paying the cost sharing specified in the fee schedule as adopted in the year the project or special assessment district (SAD) was initiated.
8. Lots having a frontage on two parallel streets, or flag lots having a frontage on two perpendicular streets, are exempt from a double front footage assessment unless actually accessing the lot from both streets either prior to or after reconstruction and/or paving Deferred Assessment Agreement Required pursuant to HCC 17.15.010.
9. In a Special Assessment District eligible for HART funding, the City is responsible for 75% and the property owner is responsible for 25% of the cost of the improvement.
10. The City will pay all costs for any additional improvements required when deemed necessary by the City.
11. Other improvements requested by the benefited property owners will be paid by those same property owners.
12. City share can apply to related utilities, sidewalks, street lighting, drainage, paving and/or reconstruction of roads identified on the road maintenance map.

## **VI. UTILITIES**

1. Prior to street reconstruction, necessary related non-existing water and sewer improvements shall be encouraged whenever possible.
2. Water and Sewer utility extensions necessary to extend the utilities short distances beyond a construction area will be paid for by the program.
3. Water and sewer utility relocations directly caused by reconstruction will be paid for by HART funds.
4. Water and sewer utility upgrades necessary for future capacity that are done concurrently with reconstruction and/or paving will be paid for by the utility fund.
5. The City shall recover from the property owner the cost of construction of City-provided sewer and water service connections by including the cost of construction of such connections in the service connection fee established under HCC Chapters 14.04 and 14.08. Costs will be recouped from benefiting property owners through pending assessments. The Finance Department will maintain a listing of these pending sewer and/or water service connection fees.
6. Whenever practical streetlights shall be included in the construction of new local

roads and shall be paid by HART funds. Property owners participating in a road reconstruction and/or paving Special Assessment District may request streetlights. If the project is deemed feasible, the property owners shall be assessed for the installation of the streetlights on an equal share per parcel methodology. Property owner approval of the street light assessment shall follow the process in HCC 17.02. Once constructed, the City will absorb the utility billing for the street light(s).

## **VII. SPECIAL PROVISIONS**

1. The Homer Planning Commission shall review the criteria for the H.A.R.T. program annually, with recommendations reported to the Homer City Council.
2. The City Council shall review the HART fund on an annual basis during the third quarter.
3. Pedestrian amenities shall be included in all new road projects unless exempted by the City Council.
4. Funds may be used to finance projects where property owners pay 100% of the costs. Subject to City Council approval.
5. The City Council may exempt lands from assessment if the land will not be developed due to a conservation easement, or if the land is owned by a conservation organization that holds the land for public purpose or for habitat protection.

## **VIII. HISTORY**

Ordinance 85-14 07/01/85, Ordinance 94-16(A), Ordinance 02-08(A), 04/08/03, Ordinance 02-23(A), 06/10/02, Ordinance 06-42(S), 08/15/06, Ordinance 12-15, 04/10/12, Ordinance 19-23(S-2)(A), 09/24/19

Resolution 87-61(S), 08/24/87, Resolution 88-47, 05/09/88, Resolution 88-77(A), 08/22/88, Resolution 91-48, 07/08/91, Resolution 91-68, 10/07/91, Resolution 94-50, 05/09/94, Resolution 95-97, 11/27/95, Resolution 96-73, 09/09/96, Resolution 03-116, 08/25/03, Resolution 04-41(A), 05/25/04, Resolution 05-50(A), 04/25/05, Resolution 05-70, 06/13/05, Resolution 07-82, 09/10/07, Resolution 16-041(S-2)(A), 05/09/16, Resolution 17-038, 04/20/17, Resolution 19-067, 09/23/19

## Old Version of Road Financial Plan

	Year A July 2020- June 2021	Year B June 2021 - July 2022 FY22	Year C July 2022 - June 2023 FY23	Year 1 - July 2023 - June 2024 FY24	Year 2 July 2024 - June 2025 FY25	Year 3 July 2025 - June 2026 FY26	Year 4 July 2026 - June 2027 FY27	Year 5 July 2027 - June 2028 FY 28	Beyond Year 5	
<b>Pavement Restoration Projects</b>										<b>LEGEND</b>
Bay Ave, B St & E St - Design		\$ 69,925								Shows years prior to current 5-year cycle.
Island View Court off Town Heights - Design			\$ 69,320							Projects in Green are Funded.
Heath Street - Design			\$ 140,472							Projects in Orange are complete or in progress.
Ohlson & W. Bunnell -Design - Road, storm drain & sidewalk			\$ 55,518							Shows needs projected beyond Year 5
Ohlson & W. Bunnell - Construction - Road, sidewalk & storm drain				\$ 1,300,000						
Heath Street, partial street - construction									\$ 1,300,000	
Bay Ave, B St & E St - Construction									\$ 850,000	
Island View Court off Town Heights - Design		\$ 69,320								
Island View Court off Town Heights - Construction									\$ 650,000	
Other Pavement Restoration Projects									\$ 2,000,000	
<b>Total Pavement Restoration Projects</b>		\$ 139,245.00	\$ 265,310	\$ 1,300,000	\$ -	\$ -	\$ -	\$ -	\$ 4,800,000	
<b>Total Road Base Reconstruction Projects</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,000,000	
<b>Dig out Frost Boil Projects</b>										
Eagle View Drive - Diamond Willow to Garden Park		\$ 47,155								
Sprucewood - near west entrance by Roger's Loop		\$ 7,048								
Eagle Place		\$ 94,597								
Sprucewood - 2200- 2240			\$ 80,614							
Crossman Ridge Road - Skyline to Gate			\$ 150,000							
Garden Park Road - at 1630										
Emerald Place - 135 LF										
Bay Vista Pl. and Bay Vista Court										
Fireweed Lane										
Fireweed Avenue										
<b>Total Dig Frost Boil Projects</b>	\$ -	\$ 148,800	\$ 230,614	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200,000	
<b>Add Gravel Projects</b>										
Dehel Ave (Done as part of Main St Sidewalk)		\$ 10,000								
Tasmania Court (Done as part of water & sewer projects)		\$ 25,000								
<b>Total Add Gravel Projects</b>	\$ -	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,000,000	



## Old Version of Road Financial Plan

<b>Sidewalk &amp; Projects</b>										
Main Street Sidewalk - design	\$ 110,700									
Main Street Sidewalk - construction		\$ 1,206,000								
W. Fairview Extension			\$ 110,000							
Lane Dividers for W. Fairview Extension				\$ 6,000						
Ben Walters Way Sidewalk - design			\$ 73,436							
Ben Walters Way Sidewalk - construction				\$ 1,700,000						
Svedlund Ave Sidewalk - design				\$ 56,339						
Svedlund Sidewalk - construction					\$ 607,000					
ADA Upgrades to existing sidewalks					\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 500,000	
Kachemak Way Sidewalk - design								\$ 75,000		
Kachemak Way Sidewalk - Construction									\$ 1,800,000	
Lower Main Street Sidewalk - design									\$ 100,000	
Lower Main Street Sidewalk - construction									\$ 2,100,000	
<b>Total Sidewalk Projects</b>	\$ 110,700	\$ 1,206,000	\$ 183,436	\$ 1,762,339	\$ 707,000	\$ 100,000	\$ 100,000	\$ 175,000	\$ 4,500,000	
<b>Storm Water Projects</b>										
Small Works Drainage program	\$ 110,000	\$ 25,000	\$ 50,000							
Horizon Court Landslide Repair	\$ 20,000									
Woodard Creek Culvert - design & construction	\$ 463,353									
Update to Drainage Master Plan	\$ 90,000									
Mt. Augustine Drainage Improvements - design	\$ 13,639	\$ 23,852								
Mt. Augustine Drainage Improvements - construction				\$ 155,509						
Iris Court design			\$ 6,000							
Iris Court construction					\$ 234,000					
Drainage Management Plan update			\$ 7,000							
On-call Kachemak Bay Conservation Society			\$ 25,000							
Green Infrastructure Research - not eligible for NOAA grant			\$ 15,892							
Kachemak Sponge Property acquisition - not eligible for NOAA grant					\$ 418,100					
Kachemak Sponge property appraisals aka Green Infrastructure Research - Appraisals			\$ 26,100	\$ 29,400						
Kachemak Sponge - construction of storm water works - SRF Loan Payment							\$ 125,000	\$ 125,000	\$ 2,000,000	
Beluga Slough Green Storm Water Project				\$ 125,900						

## Old Version of Road Financial Plan

Millikin/Fairview Culvert Replacement					\$ 60,000					
Hansen Avenue Sponge					\$ 300,000					
Bidarki Creek Green Stormwater System Design						\$ 75,000				
Bidarki Creek Green Stormwater System Construction - SRF Loan Payment								\$ 125,000	\$ 1,500,000	
Other storm drain improvements									\$ 3,000,000	
<b>Total Storm Water Projects</b>	\$ 696,992	\$ 48,852	\$ 129,992	\$ 310,809	\$ 1,012,100	\$ 75,000	\$ 125,000	\$ 250,000	\$ 6,500,000	
<b>Other Road-related Projects</b>										
Update to Design Criteria Manual - Road Share		\$ 15,000								
Road share of Ocean Drive SAD	\$ 52,606									
On-call Homer Soil & Water Conservation District				\$ 20,000						
CMMS - Road Share		\$ 23,333								
Design Criteria Manual - road share		\$ 4,145								
Transportation Plan			\$ 185,367							
Kachemak Way/Klondike Ave ROW Vacation				\$ 4,500						
Sand Storage Shelter				\$ 45,000						
PW Mechanics' Shop Design					\$ 50,000					
PW Mechanics' Shop Construction									\$ 15,000,000	
Fuel Island Replacement - Design					\$ 10,000					
Fuel Island Replacement - Construction						\$ 150,000				
<b>Total Other Road-related Projects</b>	\$ 52,606	\$ 42,478	\$ 185,367	\$ 69,500	\$ 60,000	\$ 150,000	0	0	\$ 15,000,000	
<b>TOTAL CAPITAL PROJECTS</b> (Per Ord 17-40(A) - minimum \$500K/year to be allocated to capital projects from HART Roads)	\$ 860,298	\$ 1,620,375	\$ 994,719	\$ 3,442,648	\$ 1,779,100	\$ 325,000	\$ 225,000	\$ 425,000	\$ 34,000,000	
<b>FLEET REPLACEMENTS</b>	\$ 416,000	\$ 609,999	\$ 31,666	\$ 51,667	\$ 655,000	\$ 115,000			\$ 770,000	
<b>EST. TRANSFER TO GENERAL FUND FOR OPERATIONS</b> (Covers Winter Roads, Gravel Roads & Paved Roads in PW Operating Fund)	\$ 800,000	\$ 807,065	\$ 866,100	\$ 1,169,889	\$ 1,187,628	\$ 1,180,000	\$ 1,185,000	\$ 1,190,000		
<b>TOTAL EXPEDITURES FROM HART FUND</b>	\$ 2,076,298	\$ 3,037,439	\$ 1,892,485	\$ 4,664,204	\$ 2,966,728	\$ 1,505,000	\$ 1,410,000	\$ 1,615,000		
<b>ESTIMATED REVENUES</b>	\$ 1,200,000	\$ 1,731,905	\$ 1,833,687	\$ 1,900,555	\$ 1,976,577	\$ 1,900,000	\$ 1,900,000	\$ 1,910,000		
<b>BALANCE</b>	\$ 6,746,078	\$ 6,564,392	\$ 6,049,068	\$ 3,285,419	\$ 2,295,268	\$ 2,690,268	\$ 3,180,268	\$ 3,475,268		

**From:** [Case](#)  
**To:** [Department Clerk](#)  
**Subject:** Written Testimony Submittal  
**Date:** Monday, January 13, 2025 8:46:08 AM

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Written Testimony for City Council Name: Pat Case  
Email: patcase57@outlook.com Phone: (907)399-3139  
Residency: City Resident City Council Meeting to  
Participate In: Worksession (if scheduled) Mon, 01/13  
Comments of the Audience - Citizens may comment  
on any topic. Written Testimony:

I wish to comment on the (HART) fund . I very much like the concept, to enable forward planning, and the ability to accumulate funds when needed . The greatest danger to this type of fund is undisciplined spending, that depletes the fund balance .

I am actually in favor of the Olsen Ln. project, as "Old Town" deserves a little love, but I wonder if there is utility funds available for water line replacement . what bothers me the most is the proposal to use HART funds to purchase land parcels, clearly not approved by the voters . The city manager has stated that Heath St. is next on the project list, and it is paramount that we have the funds to do this as soon

as possible, uncluding proposed crosswalks and  
elimination of the very dangerous corner at Hazel  
blvd. !!!

Thank You-- Pat Case

Electronic Signature: Pat Case Submitted on Monday,  
January 13, 2025 - 8:46am The results of this  
submission may be viewed at:

[https://www.cityofhomer-  
ak.gov/node/60081/submission/52786](https://www.cityofhomer-ak.gov/node/60081/submission/52786)

Session 25-01 a Special Meeting of the City Council of Homer, Alaska was called to order on Tuesday, January 7, 2025 by Mayor Lord at 5:31 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

**PRESENT:** COUNCILMEMBERS ERICKSON, HANSEN, DAVIS, ADERHOLD, VENUTI, PARSONS

**STAFF:** CITY MANAGER JACOBSEN  
CITY CLERK KRAUSE  
PORT DIRECTOR HAWKINS  
CHIEF TECHNOLOGY OFFICER JIRSA

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

ADERHOLD/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA**

**NEW BUSINESS**

- a. Pre-Legislative Session Discussion with Representative Sarah Vance

Memorandum CC-25-001 from Special Projects & Communications Coordinator as backup.

Mayor Lord introduced the item by reading of the title and provided an overview on the purpose of the meeting, which was a pre-legislative session discussion with Representative Sarah Vance and expressed her appreciation to Representative Vance for attending the first meeting of City Council for the new year, confirming that Representative Vance had received a copy of Memorandum CC-25-001. Ms. Lord stated that the memorandum was a compilation of existing legislative matters and the listing of capital improvement plan priority projects approved to date. Mayor Lord continued stating for the record that it provides an overview of municipal interest that Council has expressed so far that are of interest to the Legislature and invited Representative Vance to speak, providing an introduction if so desired and invited Councilmembers to present specific questions if any before Representative Vance proceeds to updates and what will be of use and interest to the City of Homer and City Council.

Representative Vance expressed her intent was to have an informal conversation on how City Council and she can work together on the priorities, ensuring that they are all on the same page as the legislative session starts. She provided an update on the following:

- being a member of the legislative seafood industry task force and will be meeting in Anchorage over the next couple of days;
- involved in discussion about the Municipal Harbor Grant Fund and increasing the fund to \$7.5 million and including it in the budget this year;

- what can the seafood task force do to assist coastal communities under the strain of decreasing revenues due to harvest numbers and the market;
- the development of the FY26 budget was going to be very tight with limited capital budget funding;
  - o The Governor's proposed budget is decreased by 15% with the operating budget decreased about 5% but is not a balanced budget
- Working through the next couple of years keeping the Harbor Expansion and Spit Erosion at the forefront
  - o Reminding everyone they connect with legislatively that they have this project and need since everyone loves coming to Homer and visiting the Homer Spit.
- New community/manage office staff hired who is very familiar with Homer, Felicia Weisser

Representative Vance responded to questions from Council on the following:

- Best times to visit Juneau during the legislative session
  - o Having a consistent voice throughout the municipalities that visit during the legislative session
  - o If City of Homer priorities are different from Alaska Municipal League (AML) then separate visits when convenient may be more productive.
- Library Funding
  - o Provided contacts for Ninilchik, Anchor Point and Seldovia for alternative funding source
- Spit Road Erosion
  - o Long term solutions required
  - o Support and involvement from multiple agencies
  - o Topic is scheduled for the Committee of the Whole meeting on January 13<sup>th</sup>
  - o Getting Representative Begich and his office involved

Mayor Lord, hearing no further questions from Council, stated that they will have a standing Legislative Report on the second meeting of each month which will allow Representative Vance and Senator Stevens to provide the City with an update. Council will have staff submit any new resolutions or statements of positions on situations happening at the State level that impact the city and request that Representative Vance and Senator Stevens reciprocate with any new developments from Juneau. Mayor Lord advised Representative Vance of a Request for Proposals that will be advertised very shortly for a Federal Lobbyist for the city.

#### **COMMENTS OF THE AUDIENCE**

#### **ADJOURNMENT**

Mayor Lord adjourned the meeting at 6:02 p.m. Next Regular Meeting is Monday, January 13, 2025 at 6:00 p.m. Committee of the Whole at 5:00 p.m. A Worksession at 3:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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RENEE KRAUSE, MMC, CITY CLERK

APPROVED: \_\_\_\_\_



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Police Department

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Homer, Alaska 99603

[police@cityofhomer-ak.gov](mailto:police@cityofhomer-ak.gov)

(p) 907-235-3150

(f) 907-235-3151

## Memorandum

TO: City Clerk  
FROM: Chief Robl  
DATE: January 10<sup>th</sup>, 2025  
SUBJECT: Marijuana License Renewal, Uncle Herb's

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The Police Department has no objection to the Marijuana License renewal listed below.

License Type: Retail Marijuana Store  
License #: 12866  
DBA Name: Uncle Herb's  
Service Location: 1213 Ocean Drive Unit 2, Homer, AK 99603  
Licensee: Eden Management Group, LLC  
Designated Licensee: Lloyd Stiassny  
Mailing Address: P.O. Box 90171 Anchorage, AK 99509



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
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[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### MEMORANDUM

TO: MAYOR LORD AND HOMER CITY COUNCIL  
THROUGH: MELISSA JACOBSEN, CITY MANAGER  
FROM: RYAN FOSTER, CITY PLANNER  
DATE: JANUARY 10, 2025  
SUBJECT: EDEN MANAGEMENT GROUP, LLC DBA UNCLE HERB'S  
MARIJUANA LICENSE RENEWAL APPLICATION FOR A  
RETAIL STORE

I have received and reviewed the marijuana license renewal application for Lloyd Stiassny of Uncle Herb's for Eden Management Group, LLC - a retail marijuana store. License number 12866, located at 1213 Ocean Drive Unit 2 Homer, AK 99603.

I have no objection to the marijuana license renewal application for a licensed retail marijuana store on zoning related issues.



**From:** [Shelly Erickson](#)  
**To:** [Renee Krause](#)  
**Subject:** AML  
**Date:** Friday, January 10, 2025 6:31:00 PM

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Every December I appreciate being a part of the AML convention. It is always good to get a good sense of the coming Alaska legislative session. It's helpful as we plan for the next budget cycle. It is also good to meet with people from other communities and hear of their stories and also the wisdom from their experiences. There were many state staff that spoke about their area of expertise. They were helpful and wanting to work with our cities to overcome the issues facing us.

I appreciated hearing from Senator Murkowski and Senator Sullivan. Their perspective looking at the federal level was informative and the uncertainty of the times we are in is interesting when we look for federal money.

Most of the sessions I went to were about the grants/federal money/dealing with grants etc.... While this past few years have been full of grant writing and money. It was discouraging when Homer was not on the list of grant awards even though we have applied for many. I actually came away overwhelmed by the issues that accompany grants. While we as a city depend on grants for our major projects, it is imperative that we plan well, manage grants well, have in place the match that makes it possible to get the grants secured.

I went to a session on the Fire Departments and the subject of Volunteers. It is important with the potential downturn in the economy, and lack of people, that we make sure our volunteer program is healthy.

My final session was on the situation of assessments and property tax.

Informative and it stressed the state statutes that govern those issues. It is important for people to communicate ASAP with the borough from the time of the initial assessment if they disagree and see what is in the statute of the state and the borough.

Sent from my iPad



# MEMORANDUM

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## Supplement to the City Manager's Report

**Item Type:** Informational Memorandum  
**Prepared For:** Mayor Lord and Homer City Council  
**Date:** January 13, 2025  
**From:** Melissa Jacobsen, City Manager

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In late November I emailed Council with a copy of a letter from Kachemak City Mayor Bill Fry regarding Kachemak City's pursuit of a reliable water source. The letter requests a response from the City on whether the City of Homer will work with Kachemak City going forward to be partners in water service. This letter came in after our packet deadline for our November 25, 2024 meeting, our last meeting of the year.

Homer City Code Title 14 and Alaska Statutes Title 29.35.020 provide information regarding extraterritorial jurisdiction. In addition, Resolution 04-42 related to the East End Road Water and Sewer improvement includes a resolve that the City of Homer affirms its position not to extend City water to non-City properties.

### Attachments:

Letter from Kachemak City Mayor  
HCC 14.01.010 & 020  
AS 29.35.020 Extraterritorial Jurisdiction  
Resolution 04-42





11/21/2024

Dear Melissa,

As you know, Kachemak City is exploring options for a reliable water source. Currently, Kachemak City residents get water by the least environmentally friendly and least economic method possible. That needs to change.

Our Engineers (KUNA) that are identifying a potential water source for Kachemak City are making progress with multiple sources. One of the obvious sources they have identified is Homer City Water. They have requested that we confirm that Homer water is unavailable to us before moving on to developing the next identified source.

I am making a request that your council make a determination on this matter now, because once we start drilling wells, it will be too late to reverse course.


The main water line already runs through our city. Selling water to Kachemak City is not a huge undertaking. In fact, Homer city water is already available to select Kachemak City residents. At stake are millions of dollars of State money that really do not need to be spent.

Please consider that we are partners in sewer service. Water and sewer are typically linked. Our citizens pay a rate of \$98.00 per household to the City of Homer— more than double what Homer residents pay for both sewer AND water service.

We are also partners in the fire service. Kachemak City just purchased a new \$750,000 fire truck that we will lease to the City of Homer for \$1 per year. We will also pay Homer one mil to maintain and operate the new fire truck.

We request an answer in writing by January 15, 2025 on whether the City of Homer will work with Kachemak City going forward to be partners in water service.

Thank you for submitting this to your council.

  
Bill Fry, Mayor  
Kachemak City  
907-299-1689 (cell)

**14.01.010 Water and sewer service area.**

No water or sewer service shall be provided beyond the boundaries of the City of Homer except as otherwise provided in this title or upon approval granted by City Council via ordinance. [Ord. 19-23(S-2)(A) § 4, 2019].

**14.01.020 City Manager rulemaking authority.**

a. The City Manager has authority to make administrative rules and regulations for the administration of City water and sewer services and construction, repair, operations, and maintenance of City water and sewer systems. Except as otherwise provided in this title, City Council shall approve via resolution all administrative rules and regulations or amendments to rules and regulations authorized under this title.

b. All administrative rules and regulations approved by Council shall be available for public inspection at the City Clerk's office, the Public Works Department, and on the City's website.

c. No person shall fail to comply with any administrative rule or regulation authorized under this title and approved by Council. [Ord. 19-23(S-2)(A) § 4, 2019].

administration of any function or power with a municipality, the state, or the United States;  
(14) to sue and be sued.

(15) provide facilities or services for the confinement and care of prisoners and enter into agreements with the state, another municipality, or any person relating to the confinement and care of prisoners.

(16) to receive grants from and contract with the Department of Public Safety under AS 18.65.670.

(17) to provide by ordinance for the creation, recording, and notice of a lien on real or personal property to secure payment of past due utility fees, costs incurred by the municipality in the abatement of an unsafe or dangerous building, and other fees and charges provided for by ordinance; except as otherwise provided by state law, when recorded, a municipal lien under this paragraph has priority over all other liens except

- (A) liens for property taxes, special assessments, and sales and use taxes;
- (B) liens that were perfected before the recording of the lien under this paragraph;
- (C) liens that, under state law, are prior, paramount, and superior to all other liens; and
- (D) mechanics' and materialmen's liens for which claims of lien under AS 34.35.070 or notices of right to lien under AS 34.35.064 have been recorded before the recording of the lien under this paragraph. (§ 10 ch 74 SLA 1985; am § 2 ch 15 SLA 1998; am § 5 ch 49 SLA 2009; am § 3, ch 9 SLA 2017)

**Effect of amendments.** The 2009 amendment, effective October 5, 2009, added item (16). The 1998 amendment, effective April 25, 1998, added item (15). The 2017 amendment added item (17).

#### **Sec. 29.35.015. Investment pools.**

A municipality may invest money in investment pools for public entities as authorized under AS 37.23 only if that municipality has obtained the consent of its governing body through an ordinance authorizing the participation. (§ 2 ch 66 SLA 1992)

#### **Sec. 29.35.020. Extraterritorial jurisdiction.**

(a) To the extent a municipality is otherwise authorized by law to exercise the power necessary to provide the facility or service, the municipality may provide facilities for the confinement and care of prisoners, parks, playgrounds, cemeteries, emergency medical services, solid and septic waste disposal, utility services, airports, streets (including ice roads), trails, transportation facilities, wharves, harbors and other marine facilities outside its boundaries and may regulate their use and operation to the extent that the jurisdiction in which they are located does not regulate them. A regulation adopted under this section must state that it applies outside the municipality.

(b) A municipality may adopt an ordinance to exercise a power authorized by this subsection and may enforce the ordinance outside its boundaries. Before a power authorized by this subsection may be exercised inside the boundaries of another municipality, the approval of the other municipality must be given by ordinance, and before a power authorized by this subsection may be exercised inside a village, as that term is defined by AS 46.08.900, the approval of the village must be given by resolution. A municipality intending to exercise its authority under this subsection shall act by ordinance, and may adopt an ordinance under this subsection to

- (1) protect its water supply and watershed; or

(2) contain, clean up, or prevent the release or threatened release of oil or a hazardous substance that may pose an imminent or substantial threat to persons, property, or natural resources within the municipality's boundaries; however, this paragraph does not authorize a municipality to enforce an ordinance outside its boundaries to regulate exploration, development, production, or transportation of oil, gas, or minerals in a manner inconsistent with the state's management of those resources, and enforcement of the ordinance must be consistent with a regional master plan prepared by the Department of Environmental Conservation under AS 46.04.210; in this paragraph, "natural resources" has the meaning given in AS 46.03.826.

(c) A municipality may enter into agreements with the United States Coast Guard, the United States Environmental Protection Agency, and other persons relating to development and enforcement of vessel traffic control and monitoring systems for oil barges and tank vessels carrying oil operating in or near the waters of the state.

(d) This section applies to home rule and general law municipalities.

(e) In this section, "village"

(1) means the area within a five-mile radius of the village post office or, if there is no post office, another site designated by the commissioner;

(2) does not include an area described in (1) of this subsection that is within a city or another village. (§ 10 ch 74 SLA 1985; am § 1 ch 191 SLA 1990; am §§ 2, 3 ch 83 SLA 1991; am § 3 ch 15 SLA 1998)

**Revisor's notes.** Subsection (c) was formerly subsection (d) and subsection (d) was formerly subsection (c). Relettered in 1991.

**Effect of amendments.** The 1998 amendment, effective April 25, 1998, inserted "facilities for the confinement and care of prisoners" in the first sentence in subsection (a). The 1991 amendment, effective June 28, 1991, rewrote subsection (b) and added subsection (e). The 1990 amendment, effective June 27, 1990, added subsection (c).

### **Sec. 29.35.030. Eminent domain.**

(a) Except as provided in (b) of this section, a municipality may, only within its boundaries, exercise the powers of eminent domain and declaration of taking in the performance of a power or function of the municipality under the procedures set out in AS 09.55.250 - 09.55.460. In the case of a second class city, the exercise of the power of eminent domain or declaration of taking must be by ordinance that is submitted to the voters at the next general election or at a special election called for that purpose. A majority of the votes on the question is required for approval of the ordinance. The power of eminent domain may not be exercised to acquire private property from a private person for the purpose of transferring title to the property to another private person for economic development, except as provided by AS 09.55.240(d)(1) - (6), and may not be exercised for purposes expressed in AS 09.55.240(e).

(b) This section applies to home rule and general law municipalities.

(c) In this section,

(1) "economic development" has the meaning given in AS 09.55.240;

(2) "private person" has the meaning given in AS 09.55.240. (§ 10 ch 74 SLA 1985; §§ 4, 5 ch 84 SLA 2006)

**Effect of amendments.** The 2006 amendment, effective October 3, 2006, added the exception at the beginning of subsection (a); added a new subsection (c) [now (b)] to prohibit eminent domain taking of private property for economic development with exceptions; and added a new subsection (d) defining economic development and private person.

CITY OF HOMER  
HOMER, ALASKA

PWD/City Clerk

RESOLUTION 04-42(A)

A RESOLUTION OF THE CITY COUNCIL DETERMINING, PURSUANT TO HOMER CITY CODE 17.04.030(D), THAT THE EAST END ROAD WATER AND SEWER IMPROVEMENTS ARE NEEDED AND AUTHORIZING THE CITY CLERK TO PROCEED WITH THE PETITIONING PROCESS FOR SAID IMPROVEMENTS.

WHEREAS, The City Council discussed Memorandum 04-09(S) during their Regular Meeting of January 12, 2004 and gave direction to the City Manager; and

WHEREAS, After review by the City Manager and Public Works Director they recommend that the Council proceed with the petitioning process; and

WHEREAS, The petition process will be conducted pursuant to Homer City Code (HCC) 17.04.030.

NOW, THEREFORE, BE IT RESOLVED by the City Council hereby determines, pursuant to HCC 17.04.030(d), that the East End Road Water and Sewer Improvements are needed and that the City Clerk is hereby authorized to proceed with the petitioning process for an East End Road Sewer Local Improvement District (LID) and an East End Road Water LID; and

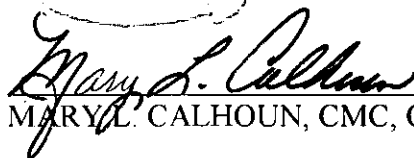
BE IT FURTHER RESOLVED that the City Clerk shall follow the petitioning process as outlined in HCC 17.04.030 and

**BE IT FURTHER RESOLVED that the City of Homer affirms its position not to extend City water to non City properties.**

PASSED AND ADOPTED by the City Council of Homer, Alaska this 10th day of May,

2004

ATTEST:

  
MARY L. CALHOUN, CMC, CITY CLERK

CITY OF HOMER

  
JACK CUSHING, MAYOR

Proposed Fiscal Note: Sewer - Total cost estimated is \$303,911.79; 75% = \$227,933.84; would be assessed against each of 11 parcels = \$20,721.26, twenty year payment plan at 2.5% interest. Water- Total cost estimated is \$334,719.27; 75% = \$251,039.45 would be assessed against each of 16 parcels = \$15,689.97, twenty year payment **24** at 2.5% interest.